

Note

**HaskoningDHV UK Ltd.
Industry & Buildings**

To: Stakeholders
From: Jamie Gardiner
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Subject: Carlingford In-Lough Placement Site: First Public Event Q&A

Warrenpoint Port Authority held its first public consultation event on their proposed Carlingford In-Lough placement site on 15th October 2018 at Warrenpoint Town Hall. A summary of the questions raised and responses to these are provided below.

Dredge and Disposal Activities		
No	Question	Response
1	<p>Why does the port need to consider placing dredged material in the mouth of the lough at all?</p> <p>Is this just an exercise for the port to make more profit?</p>	<p>The increase in the requirement for dredging at the port is due to environmental changes, notably the increase in the frequency and ferocity of the winter storms. These storms cause a significant amount of sediment to accumulate within the port's berths. The port has a duty to keep the berths and channel dredged to a certain depth to provide a safe environment for visiting vessels and crew as well as allowing the port to remain operational.</p> <p>The port is seeing an increase in the need to dredge and dispose of this material in order to keep the berths available and safe to use. This and the increasing cost of the dredging itself, means that this activity continues to have a large financial impact on the port and this is expected to increase over time.</p> <p>The port is therefore looking at options to reduce the cost of this activity to ensure it remains a competitive business.</p> <p>As a Trust port, any profit that the port makes is invested back into the business, allowing it to grow and continue to support local employment and businesses.</p>
2	How much will the port save by using the new site?	Use of the proposed placement site would provide a saving of around 15% of the minor (maintenance) dredging costs. Indirectly there will also be a saving on fuel which will contribute to reducing the Port's carbon footprint.
3	From which direction is the extra silt materializing?	Most of the silt accumulating in the Port is washed in with the tide, with a smaller amount from the Newry River.
4	How is the current dredging at the port monitored?	As required by DAERA (the marine licencing authority), the sediments to be dredged are tested for several contaminants each time the port renews their maintenance dredge licence. The results of the chemical analyses are submitted to DAERA along with the application to ensure that the sediments are suitable for disposal at sea.

Dredge and Disposal Activities		
No	Question	Response
5	<p>What is the location of the current disposal site in the Irish Sea?</p> <p>What ongoing environmental monitoring is undertaken at the current disposal site, and at what frequency?</p>	<p>The current disposal site is a 0.25nm radius area centring around the coordinates 53° 57.8'N and 05° 56.5'W. This is 26km from the port and 11km outside the lough.</p> <p>The port is required to undertake an annual bathymetric survey and video survey of the disposal site in order to monitor the settlement of sediment.</p>
6	<p>Why is the dredging activity not being assessed?</p>	<p>The dredging activity is already licenced by DAERA. However, the material being placed at the proposed site will be appropriately tested to understand the potential effects of its placement on the surrounding environment. This includes the standard suite of contaminants required to be analysed for offshore disposal. In addition, it is proposed that <i>Escherichia coli</i> be tested for, given the proximity of shellfish beds and bathing waters to the proposed disposal site.</p> <p>The list of contaminants that will be analysed for will be agreed with DAERA.</p> <p>The potential impact of the release of any contaminants on the marine environment will be assessed within the Characterisation Report.</p>
7	<p>How did the port decide on the proposed placement site?</p> <p>Have you considered a placement site further outside of the lough but not as far as the current site?</p>	<p>A site selection options study was undertaken in 2016, as presented in the EIA screening report (July 2016). This study considered the following:</p> <ul style="list-style-type: none"> • Distance to dredging sites • Bathymetry and navigational safety • Designated sites for nature conservation • Aquaculture sites • Third party sites (e.g. marinas) <p>As a result of the options study, two potential placement sites were identified that met the port's requirements in terms of bathymetry and navigational safety. One was located in the centre of the lough and one at the mouth. Of these, the location at the mouth of the lough was identified as the preferred</p>

Dredge and Disposal Activities		
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		location, given its proximity away from the majority of the aquaculture sites, designated sites for nature conservation and away from the navigational channel.
8	There is a potential location approximately 600m south east of the proposed location. Why was this discounted?	The currents at this location are too fast to safely place material.
9	Has any engineering solutions been considered to avoid the need to dredge, such as a deep-water jetty into the lough?	Any engineering solution to avoid the need for dredging, such as a deep-water jetty, is considered to result in more significant environmental impacts when compared to the existing situation. These potentially include habitat loss, loss of aquaculture sites and changes in currents and sediment patterns.
10	Has the port looked at potential beneficial use schemes for the material?	The port has investigated options for beneficial use of the dredged material. As part of the application for the maintenance dredge licence, a Best Practicable Environmental Option report is produced, which is reviewed by DAERA. The last report was produced in 2015. The Port is due to update this document to support the next maintenance dredge licence application. The 2015 report has been uploaded onto the Port's website.
11	What were the dates of the previous three dredges conducted at the port?	<p><u>2-4th June 2018</u> Minor campaign within the deep-water pocket and its slopes 24,296m³ of material dredged and disposed of.</p> <p><u>6th June to 11th July 2017</u> All areas of the inner harbour and approach channel dredged 393,006m³ of material dredged and disposed of.</p> <p><u>10-21st June 2016</u> Minor campaign within the deep-water pocket and its slopes 49,782m³ of material dredged and disposed of.</p>

Dredge and Disposal Activities		
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		It should be noted that the proposed placement site would only be used for the minor campaigns.
12	What benefits does the dredging plan provide to the Carlingford Lough community?	The continuing operation and success of the port is highly beneficial to the local community as a large employer, significant contributor to the regional economy, and support of community projects. In addition, the dredging provides safe berthing and access to other users of the lough, supporting tourism and local businesses.

Characterisation Study		
No	Question	Response
13	<p>Why are you not doing an Environmental Impact Assessment (EIA)? Will not doing an EIA result in a less robust assessment?</p> <p>What metrics are you using to determine what is a 'negative' impact to the environment?</p>	<p>The placement of dredged material is not an EIA Development as defined by the EIA Directive (2011/92/EU, as amended by Directive 2014/52/EU). As such, this activity sits outside of this legislation and a formal EIA is not required to support an application for a marine licence. This was confirmed through the screening exercise that was undertaken.</p> <p>The process that we are following is identical to that of an EIA, in that an environmental scoping exercise was carried out to determine the studies and investigations required to support a marine licence. Potential impacts will be assessed using the same methodology as that used in EIAs, considering sensitivity of receptor and magnitude of effect, and also taking account of spatial extent, duration (long, medium or short term), frequency and reversibility of the effect. We will also be looking at cumulative effects with other plans and projects.</p> <p>Our assessment is therefore as robust as an EIA.</p>
14	Will the placement of material at the proposed site not just destroy all the marine environment in the area?	<p>The placement of material at the proposed site will have an effect on the marine environment. The Characterisation Study will investigate the potential effects which will be fully understood upon completion of the Study, which will be made available for all to review.</p> <p>What we are currently doing is working out how significant the potential effects could be using numerical modelling (to predict increases in sediment in the water, how much sediment will land and stay on the</p>

Characterisation Study		
No	Question	Response
	<p>Research should be undertaken on the impact of mechanical noise and of the placement of material on fish and other wildlife in the area.</p>	<p>seabed and where the sediment would end up) and by carrying out a number of surveys and investigations to inform our assessments. We are also considering different placement amounts to see what could be acceptable in environmental terms.</p> <p>The potential impacts of the entire placement activity (including the transporting of the material between the port and the placement site and the placement of the material) will be assessed by the Characterisation Study.</p> <p>There is a large volume of existing information on the potential effects of mechanical noise and placement of material on fish and marine life. This will be used to inform the assessments and further research is not considered necessary.</p> <p>Should unacceptable environmental impacts be predicted, an application for a marine licence will not be made.</p>
15	<p>Will the placement of material cause a build-up of silt on Cranfield Beach?</p> <p>Where will the sediment go?</p>	<p>The placement of dredged material does not change the natural movement of sediment. Fine sediment, which is proposed to be placed, will only build up where it naturally already does. The currents at Cranfield Beach are too strong for fine sediment to settle, which is why the beach is sandy. This will not change should fine material be placed at the proposed site.</p> <p>Modelling is being undertaken to predict how the material will behave once placed. This includes how long the sediment would remain in the water and where it travels to; it will also predict the depth of the sediment deposited. The model is being run for a 12-month period so that we can understand the potential effects of placing material at the site on an annual basis.</p>
16	<p>As part of your characterisation study, what assessments are planned to confirm that diving conditions will be retained at their current state to ensure the safety of</p>	<p>The proposed placement of material would take place over three to four days, once a year. Given this short period, it is considered that with good communication with the local dive groups, that the placement of material can be done when diving is not taking place.</p>

Characterisation Study		
No	Question	Response
	ongoing diving and search and rescue training activity in these two areas?	
17	Will the repeated placement of material at the proposed site fill up the hole that is currently there, affecting the area's ecology and future use of the site for placement?	<p>It is anticipated that the proposed site would act as a dispersive site; that is the material placed would be removed by the currents ensuring that the depth of the site is maintained.</p> <p>We have carried out a survey to measure the speed and direction of the currents at the proposed site and the information gained will be used to calibrate the numerical model. This will improve the accuracy of the model's findings. The model will predict the volume of material expected to remain at the site and will be run for a period of 12 months so that the effect of repeated placements at the disposal site can be predicted.</p>
18	Should a licence be granted, how would the port ensure that any placement did not have a detrimental effect on the marine environment and adjacent beaches.	<p>In the event that a licence was applied for and granted, the licence would include conditions to monitor the placement of material. The type of conditions that would be applied include:</p> <ul style="list-style-type: none"> • Monitoring of the sediment plume resulting from the placement activity; and, • Monitoring of the deposition of material at specific locations within the lough, including the placement site itself and surrounding sensitive receptors such as aquaculture sites, designated sites for nature conservation, beaches and other users (such as marinas and ports). <p>This monitoring would look to validate the assessments that were undertaken as part of the Characterisation Study. Should the monitoring identify that the behaviour of the material is significantly different to that assessed, placement would cease and further assessment work undertaken.</p>
19	Who is completing the Characterisation Study and what is their expertise?	<p>The Characterisation Study is being undertaken by Royal HaskoningDHV. They are a leading marine consultancy that specialises in the assessment of port related development and associated activities. This includes extensive experience in the assessment of dredging and disposal operations, including site characterisation studies, including recently at Inner Gabbard for Harwich Haven Port Authority. Their experience also includes the development and management of long term monitoring programmes to understand the long-term effects of the disposal of dredged material. They also have a wealth of experience in the assessment and management of contaminated sediments.</p>

Characterisation Study		
No	Question	Response
		<p>In addition, survey work will be undertaken by AQUAFAC, an environmental consultancy specialising in monitoring and managing resources in marine, freshwater and terrestrial environments. They are very familiar with, and have a comprehensive understanding of, the marine environment, including the shellfish beds, of Carlingford Lough.</p> <p>The methodologies for all the surveys proposed for this project will be submitted to DAERA to ensure that they agree that the approach is appropriate for the Characterisation Study.</p>
20	Did the port have to look at what way other ports/jurisdictions/ countries have dealt with this issue and if so what were the findings?	No; however, the study is being led by experienced consultants that have led similar studies within the UK and overseas.
21	Who will carry out financial impact studies on local businesses?	A high-level assessment will be undertaken to determine the potential impact on local businesses, using the findings of the modelling and surveys. Should it be concluded that a local business(s) would be significantly affected, an application for a marine licence will not be made. As such, a detailed economic impact assessment is not being undertaken.
22	Would it be prudent for local businesses to seek their own legal and financial assessment, and who would pay for this?	It would be up to the local business to decide whether they feel an independent assessment is required and this would be at their own expense.
23	What would be the impact of the surge from the Seatruck vessel on the dredged material whilst it is in the water	The passage of the freight ferry would only keep the silt in suspension for a very short while longer than should the vessel not be present, but this would be insignificant compared to the natural process of suspension forced by tidal currents and waves. The passage of the ferry causes a single bow wave, whereas the natural process creates many more waves than that, and so the of a ferry effect would be insignificant.

Characterisation Study		
No	Question	Response
	column? Would this not bring the silt in quicker?	The effect of the ferry is also only localised to its route and the wave emanating from that.
24	What is the timeline for the project?	<p>The indicative timeline is presented below. Whilst it is hoped that these dates will be adhered to, there is the potential for the dates to change depending of the findings of the surveys and assessments.</p> <p>Initial data gathering – to be completed in Q4 2018 Surveys and Assessments – to be carried out in Q2 – Q3 of 2019 Analysis and Reporting – Q3 – Q4 2019 Second pre-application event – Q4 2019 WHA decision to submit application – Q4 2019 If yes submit application Q4 2019</p>

Stakeholder Engagement		
No	Question	Answer
25	How will the port ensure that the characterisation study will be undertaken in a transparent way?	<p>To ensure transparency, all documents and reports relating to the placement of material within the lough will be made available on the port's website, with hard copies available in Warrenpoint Library. This includes those reports produced prior to the commencement of the Characterisation Study, Q&A from the consultation events as well as all reports produced as part of the Characterisation Study.</p> <p>Prior to the second pre-application event, reports will be made available at least four weeks beforehand to allow for a proper review by stakeholders, so that they can come to the event informed and raise any questions they may have.</p> <p>The port will publish a press release each time a document is added to the website and an email will also be sent to all the contacts that have been collated through the consultation exercise.</p>

Stakeholder Engagement		
No	Question	Answer
26	Why were some stakeholders excluded from the stakeholder events?	There was and is no intention of excluding any stakeholders for the pre-application engagements. One of the aims of the initial events is confirm the stakeholders that need to be included during the pre-application stage. We will use the information gained during these events to ensure that all stakeholders that wish to be consulted are included in all future events.
27	The email address assigned to the project is enormously long and deliberately off-putting. Please comment as to why this has happened.	The email address was determined by an automated system that could not be changed before the event. The issue has now been resolved and a shorter, more appropriate address will be used for future events.
28	Can you provide a list of all newspaper publications in the Republic of Ireland where full details of the Public pre-application event was advertised?	<p>The public pre-application event was not advertised in the Republic of Ireland (RoI); however, the event was repeatedly advertised by the Port on their website and posted on social media (including Facebook, Linked in and twitter), which is available in the Republic of Ireland, and cross boundary organisations, such as the Lough's Agency, and RoI stakeholders were invited. The newspapers that the event was advertised in are also circulated in the RoI. In addition, the press release announcing the consultation event was also issued to media outlets in RoI prior to the event taking place.</p> <p>All future events will be advertised in relevant newspapers within The Republic of Ireland.</p>

Licencing and Legislation		
No	Question	Response
29	Why have you not applied for a marine licence already?	<p>Using the information gained from the surveys and the findings of the assessments, the port will make a decision on whether they feel it is appropriate to submit an application for a marine licence. As such, the decision on whether to apply for a marine licence has not yet been made.</p> <p>A marine licence cannot be applied for until we have produced all the necessary information required to fully understand the potential effects on the marine environment. This information is needed to support the marine licence application, otherwise the application will not be accepted.</p>

Licencing and Legislation		
No	Question	Response
		We are currently at the pre-application stage of the process, where we carry out pre-application engagement, with DAERA, stakeholders and the public, and produce all required information to support a licence application.
30	When will you apply for a Marine Licence?	Should the port decide to make an application for a marine licence this would be submitted in Q4 2019. This decision will be preceded by a further pre-application event to present the findings of the surveys and studies and the overall conclusions of the Characterisation Study.
31	Who will make the ultimate judgement?	Should the port decide to make an application for a marine licence to DAERA, it will be DAERA's decision (supported by consultation with all stakeholders) whether to grant a licence.
32	What timeline can we expect the licence application process to take?	Details on the application process can be found on DAERA's Website in their 'Overview and Process' guidance note for marine licence applications. There is no statutory timeframe for a licence application to allow for flexibility in the process. Once the application has been fully submitted, DAERA will send the application out to consultation, and manage this process. The consultation period is 28 days. Overall DAERA aim to have the application processed within four months.
33	Which branch would deal with the application and consultation once an application has been made? Will the results of this consultation be available for all to see in sufficient time to allow appeals/queries to be raised?	The Marine Strategy and Licensing Branch of DAERA would manage consultation once an application has been made. Queries on the application need to be made when consultation is sought. Once a decision has been made on the marine licence application, there is a set period of up to three months when appeals from third parties can be made.
34	There are substantial mussel and oyster fishing interests in Carlingford Lough on both sides of the border. How would their interests be protected under N. Ireland law	Carlingford Lough is a designated Shellfish Protected Area. It was designated as such under the EU Shellfish Waters Directive (2006/113/EC), which has now been subsumed within the EU Water Framework Directive. All Shellfish Waters are now Water Framework Directive Protected Areas, for the protection of economically significant aquatic species. The Water Framework Directive establishes a legal framework for the protection, improvement and sustainable use of the water environment.

Licencing and Legislation		
No	Question	Response
	and international law, especially under the unknowns of Brexit negotiation outcomes?	The Water Framework Directive has been given legal effect in Irish law through the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003) and Northern Irish law through the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017. Through the Repeal Bill it is understood that all existing EU legislation will be copied across into domestic UK law to ensure a smooth transition on the day after Brexit and as such these Regulations will remain in force following March 2019.
35	As part of the Espoo Convention treaty how are you planning to consult with the applicable stakeholders and authorities in the Republic of Ireland to progress legally with this plan?	<p>The Espoo (EIA) Convention applies only to EIA projects that are listed under Appendix I to the Convention. As this project is not an EIA project this Convention does not apply.</p> <p>However, transboundary effects and consultation with the Republic of Ireland have, and continue to be, part of the pre-application process.</p> <p>As part of the Screening and Scoping process, undertaken in 2016 and 2017, government departments and stakeholders from the Republic of Ireland were consulted by DAERA.</p> <p>In addition, Republic of Ireland stakeholders are included as part of the pre-application engagements that inform the Characterisation Study.</p> <p>Should it be decided to make an application for a marine licence to DAERA, DAERA will again consult with the Republic of Ireland.</p>
36	<p>If the application is successful when would the port start using the proposed placement site?</p> <p>If an application is not make, what will the port do then?</p>	<p>If it is decided to make an application for a marine licence to DAERA and this is successful, the port would look to use the new site for the following minor maintenance dredging campaign. However, it should be noted that the initial use of the site would act as a trial placement that would be monitored according to the licence conditions. Only once the monitoring results have been assessed and DAERA is content that the placement of material is as the Characterisation Report predicted, would the site continued to be used.</p> <p>Should it be decided not to make an application, the Port will continue to use the existing licenced sea site.</p>

Licencing and Legislation		
No	Question	Response
37	Why are you just considering Northern Irish legislation and not European as well?	<p>We are considering all relevant legislation. This includes the following EU Directives: EIA Directive (as described above the proposed scheme sits outside of this legislation)</p> <ul style="list-style-type: none"> • Water Framework Directive • Waste Framework Directive (placement of material at sea is governed by this directive) • Bathing Waters Directive • Shellfish Water Directive <p>In addition, the placement of material at sea is governed by the OSPAR Convention.</p> <p>The requirements of the above legislation will be considered by the Characterisation Study.</p>
38	What legislation other than the WHA 2002 legislation do you adhere to? Is the port obligated under Part 4 or all the Marine and Coastal Access Act 2009?	<p>The port adheres to all legislation that it is required to do so, including that listed above.</p> <p>The main governing legislation under which Warrenpoint Port operates is the Harbours Act (Northern Ireland) 1970, the Warrenpoint Harbour Authority Order 1971, the Harbours (Northern Ireland) Order 2002 and the Warrenpoint Harbour Authority Order (Northern Ireland) 2002. Under this legislation it is the duty of the designated Harbour Authority to take account of the Code of Practice as issued by the Department for Infrastructure. The current Code of Practice was issued in November 2003 and updated in May 2008.</p> <p>Not all of the Marine and Coastal Access Act 2009 applies to the port. For example, Parts 1 and 2 relate to the setting up of a Marine Management Organisation that, to date, has only been done in England. Part 3 relates to marine planning, where we have the emerging Northern Ireland marine plan currently being consulted on.</p> <p>Part 4 relates to marine licencing and whilst the port, as a statutory harbour authority, has certain powers under Section 75, still is required to adhere to. This includes the requirement of a marine licence for its major dredging campaigns, capital construction works and, as is the case here, the offshore placement of dredged material.</p>

Licencing and Legislation

No	Question	Response
39	Is the Port a NI body or a UK body?	The port is an NI body.