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Dumping at Sea Permit

Application Guidance Note

Environmental Protection Agency

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Tracking Amendments to Draft Guidance Note

Version No.	Date	Amendment since previous version	Reason
V.1	07/09/2010	N/A	
V.2	15/08/2012	Amendments to Sections A.2, A.5, A.6, A.8, B, C, D, E, F and G.	To accurately reflect the requirements of the Habitats Regulations 2011 (S.I. No. 477 of 2011), the Dumping at Sea (Fees) Regulations 2012 (S.I. No. 270 of 2012), a new Excel form for submission of sediment chemistry results and various other formatting changes.
V.3	01/01/2014	Amendments to Sections A.4, A.7, B.2, C.1, D, E, F.1 and H.	To reflect changes to the citation of the Dumping at Sea Acts, the repeal of the Salmonid and Shellfish Regulations, the requirement for Marine Mammal Risk Assessment (MMRA) and various other formatting changes.
V.4	10/11/2015	Amendments to Section B	To reflect EPA-RPII merger and correct numbering in section B.
V.5	26/07/2018	Amendments to Sections 1,2, A, B, C, D, E, F, G and H.	To update legislative citations, include requirement for MMRA pre-consultation with NPWS (Section F.1), plus various other minor formatting changes.
V.6	16/05/2019	Amendments to Sections F.1 and G.3 and addition of new Annex 3 (NMS criteria for assessing requests).	To update guidance in relation to archaeological assessment and monitoring and streamline consultation with the National Monuments Service, DCHG.
V.7	20/04/2020	Amendments to Sections 1.2 and B.1.	To include reference to updated guidelines by the Marine Institute on the assessment of dredged material in Irish waters.

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ABOUT THESE GUIDANCE NOTES

This guidance note has been prepared to assist applicants in the preparation of an application for a Dumping at Sea Permit. This document does not purport to be and should not be considered a legal interpretation of the provisions and requirements of the Dumping at Sea Act 1996 as amended.

While every effort has been made to ensure the accuracy of the material contained in this document, the EPA assumes no responsibility and gives no guarantees, undertakings or warranties concerning the accuracy, completeness or up-to-date nature of the information provided herein and does not accept any liability whatsoever arising from any errors or omissions.

Should there be any contradiction between the information requirements set out in the application form and any clarifying explanation contained in this guidance note, then the requirements in the application form should take precedence.

Copies of EU Directives and regulations referred to in this document can be downloaded from the website of Eur-Lex (portal to European Union law) at <http://europa.eu/eu-law/> .

Copies of Irish statutory enactments referred to herein can be obtained from the Government Publications Sales Office, Molesworth Street, Dublin 2, Ireland, and on the Irish Statute Book website at www.irishstatutebook.ie.

Further dumping at sea documents such as the Permit Application Form and copies of permits can be found on the Licensing and Permitting pages of the EPA website at www.epa.ie.

ABBREVIATIONS

AA	Appropriate Assessment
Agency	Environmental Protection Agency
CZMD	Coastal Zone Management Division
DCHG	Department of Culture, Heritage and the Gaeltacht
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EPA	Environmental Protection Agency
NIS	Natura Impact Statement
OSPAR	Convention for the Protection of the Marine Environment in the North-East Atlantic
WGS84	World Geodetic System 84

1. DUMPING AT SEA

1.1 INTRODUCTION

Prior to 15th February 2010, dumping at sea was regulated under the Dumping at Sea Act 1996 as amended. The Coastal Zone Management Division (CZMD) of the Department of Agriculture, Fisheries and Food was charged with implementing the provisions of this Act, i.e., permitting and enforcement of dumping at sea operations. The Foreshore and Dumping at Sea (Amendment) Act, 2009, transferred the responsibilities for controlling dumping at sea from the CZMD to the EPA. All permit applications are now processed by the Environmental Licensing Programme of the Agency.

The purpose of a Dumping at Sea permit is to regulate the dumping of material at sea. The Dumping at Sea Act 1996 as amended provides for the implementation of the requirements of international Conventions regulating the disposal of dredged materials at sea: the London Convention of 1972 (including the 1996 Protocol) and the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic), adopted in 1992. The aforementioned Act prohibits the dumping at sea of a substance or material unless permitted by the Agency.

Disposing of a substance or material at sea without a permit, or contravening the conditions of a Dumping at Sea permit, are offences under the Dumping at Sea Act 1996 as amended. Offenders are liable upon conviction to a fine or imprisonment or both.

The permitting process is a quasi-judicial process, the detail of which is set out in the Dumping at Sea Act 1996 as amended. All applicants are advised to familiarise themselves with these statutory provisions when applying for a permit.

1.2 OVERVIEW

In accordance with the requirements of the Dumping at Sea Act 1996 as amended, the Agency must consider the following before deciding to grant or refuse a permit for the dumping of a substance or material at sea:

- The criteria governing the granting of a permit for dumping which are set out in the *First Schedule* to the Act, and
- The exceptions to the prohibition on dumping as contained in the extracts from Annex II to the OSPAR Convention, as set out in *Part 1* of the *Second Schedule* to the Act, and

- The exceptions to the prohibition on dumping as set out in *Part 2* of the *Second Schedule* and permitted under Annex III to the OSPAR Convention, and
- Any submissions or observations made to the Agency by a third party in relation to an application, and any comments made by an applicant in response to third party submissions or observations.

The Agency must also consult with the Minister for Communications, Climate Action and Environment, the Minister for Housing, Planning and Local Government, the Minister for Business, Enterprise and Innovation, the Minister for Agriculture, Food and the Marine, and such other Minister of the Government as the Agency considers necessary before granting, or refusing to grant, a permit.

Section 5(2) of the Act permits the Agency to request such information as it may consider necessary for the purposes of carrying out its functions in relation to assessing applications to dump at sea. The permit application form sets out the information which the Agency considers necessary to accurately assess the predicted impact of the proposed loading and dumping operations on the marine environment and preventing interference with legitimate uses of the sea.

It is strongly recommended that all potential applicants become familiar with the following guidance documents, and any other guidance offered on the Agency website www.epa.ie, before completing a Dumping at Sea permit application form:

- Guidelines for the Management of Dredged Material (OSPAR, 2009)¹
- Sampling of Dredged Material. Guidelines for the sampling and analysis of dredged material intended for disposal at sea (IMO, 2005)²
- Guidelines for the Assessment of Dredge Material for Disposal in Irish Waters (Marine Institute, 2006)³
- Addendum to 2006 Guidelines for the Assessment of Dredged material in Irish Waters (Marine Institute, 2019)⁴

¹ OSPAR, 2009. OSPAR Guidelines for the Management of Dredged Material (Reference number: 2009/4). OSPAR Commission, London.

² IMO, 2005. Sampling of Dredged Material. Guidelines for the sampling and analysis of dredged material intended for disposal at sea. (IMO Publication 1537E). International Maritime Organisation, London.

³ Cronin, M., McGovern, E., McMahon, T. & Boelens, R., "Guidelines for the Assessment of Dredge Material for Disposal in Irish Waters", Marine Environment and Health Series No. 24, Marine Institute 2006. Available at: <http://www.epa.ie/licensing/watwaste/dumping/>.

⁴ Marine Institute, 2019. "Addendum to 2006 Guidelines for the Assessment of Dredged material in Irish Waters (Cronin *et al*)". Available at: <http://www.epa.ie/licensing/watwaste/dumping/>.

2. PERMIT APPLICATION PROCEDURES

2.1 BEFORE MAKING AN APPLICATION

The procedure for submitting an application for a dumping at sea permit is available on the EPA website: www.epa.ie. The Agency's procedures for processing permit applications are also available on the website. The determining of a permit application can be complex and additional environmental information may be requested by the Agency in support of an application. **Pre-application consultation with the EPA is strongly recommended before a formal submission is made, in order to minimise delays and ensure that all relevant information is submitted.**

2.2 COMPILING AN APPLICATION

An application for a permit must be submitted on the appropriate form (available from EPA offices and at www.epa.ie), together with any relevant supporting documentation as attachments. The instructions outlined below must be strictly adhered to.

2.2.1 Content of the Application

The application form is divided into a number of sections. When completing the application form:

- (1) **Wherever possible, use the space provided on the application form to answer all questions** (unless directed otherwise). Provide supporting information as attachments.
- (2) Information should be supplied as tables and diagrams, where possible. Reference numbers (A, B, C etc.) should be used to denote individual loading areas and dumping sites. These should be simple, logical and traceable throughout the application. Please refer to Sections C and G of this note for requirements on labelling of sampling and monitoring points.
- (3) Consistent units of measurement must be used throughout the application form.
 - Water depths should be referenced to Malin Ordnance Datum (OD Malin)
 - Coordinates should be Latitude/Longitude WGS84 datum.
- (4) All sections in the Dumping at Sea permit application form may not be relevant to every proposed operation. However, the applicant should carefully read through the entire form and provide all relevant information. **All questions must be answered.** If a question is

considered 'not applicable', this should be stated in full. The use of abbreviations (e.g. N.A.) or dashes should be avoided.

- (5) A signed cover letter must accompany both the completed application form and any accompanying documentation. The letter(s) must contain a declaration that the content of the electronic files on the accompanying CD-ROM (see Section 2.2.4) is a true copy of the original application form.
- (6) Any EIAR should be produced in accordance with the EPA's "*Draft Guidelines on the Information to be Contained in Environmental Impact Assessment Reports*", available to download for free from www.epa.ie

2.2.2 Structure of the Application

- (1) All parts of the application form must be completed in full and sequential page numbers assigned.
- (2) A Table of Contents, including page numbers, must be provided for all parts of the application form and EIAR (including a separate Table of Contents for Attachments for both of these documents). All subsequent requested information and any unsolicited additional information must also include a Table of Contents with details of page numbers, including a separate Table of Contents for Attachments.
- (3) The numbering of attachments, maps, drawings and photographs must be as follows:
 - Each attachment must be numbered to correspond with the relevant section of the application form/EIAR/Additional Information e.g.:
 - Attachment A.1 (*relates to Section A.1. of the application form*)
 - Attachment B.1 (*relates to Section B.1. of the application form*)
 - Attachment B.2 etc.
 - All maps and charts must be numbered uniquely in numerical sequence (starting at 1) throughout the application (i.e., Map 1, Map 2, Chart 1, Chart 2, etc.).
 - All drawings must be numbered uniquely in numerical sequence (starting at 1) throughout the application (i.e., Drawing 1, Drawing 2, etc.).
 - All photographs must be numbered uniquely in numerical sequence (starting at 1) throughout the application (i.e., Photograph 1, Photograph 2, etc.).

- (4) Sections in the main body of the EIAR (if applicable) must be numbered numerically (e.g., Section 1, Section 2, etc.) and page numbers assigned.
- (5) The checklist in Annex 2 of the application form must be completed by the applicant.

2.2.3 Application in Hardcopy Format

The hardcopy of the application must meet the following requirements:

- (1) No pages larger than A3 size. This includes maps, charts, drawings and plans, all of which must be scaled appropriately to ensure they are clearly legible. Documents larger than A3 size may be returned by the EPA for re-submission in a smaller size. In exceptional circumstances, where A3 is considered inadequate, a larger size may be requested by the EPA.
- (2) Duplex (double-sided) printing if possible.
- (3) No spiral-bound or glue-bound documents. No staples to be used – substitute with paperclips/bulldog clips if necessary.
- (4) All ring-binders must be 2-punch binders (i.e., no 4-punch binders).
- (5) Promotional materials should not be included.

2.2.4 Application in Electronic Format

In addition to hardcopy format, the application must be submitted to the EPA on a CD-ROM or other format agreed with the Agency (see Section 2.4 for the number of copies required) in accordance with the following instructions:

- (1) It is **very important** that the electronic files submitted on CD-ROM or other agreed format follow the same sequence as the hardcopy submitted.
- (2) File(s) must be in **PDF** Formatted Text and Graphics (also known as PDF Normal) and 'read-only' (i.e., the content cannot be edited).
- (3) As a general guideline, the PDF file(s) should be no larger than **10MB** each in size.

- (4) **Optical Character Recognition (OCR)** needs to be performed on all scanned files (excluding maps, charts, plans and drawings) before submission to the EPA. Scanned documents must also be saved in PDF format.
- (5) The CD-ROM disc or other agreed hardware **and** case must be labelled with the applicant's name, address and with the date of submission.
- (6) The main body of the application form (including cover letter and cover page) must be contained in one PDF file, where possible. If the contents of the file exceed 10MB, the file should be split at a logical section break in the application form e.g. Parts A–D in one file, Parts E–H in a separate file.
- (7) The main body of the EIAR (if applicable) must be contained in one PDF file, where possible. If the contents of the file exceed 10MB, the file should be split at a logical section break in the EIAR.
- (8) The Attachments Table of Contents must be contained in one PDF file.
- (9) The Attachments should be contained in one PDF file, up to a maximum file size of 10MB. Where the Attachments file exceeds 10MB in size, the file should be split at a logical break in the Attachments (e.g. Attachments 1–5 in one file, Attachments 6–12 in a separate file). Note that all files must be recorded in the Attachments Table of Contents.
- (10) Include the Material Analysis Reporting Form in **Excel format** on the CD-ROM.
- (11) The files must be named according to a standard naming convention. Details are provided below:

File Contents	File Name
Application Form Parts A–H (including cover letter and cover page)	Application Form.pdf
<i>If file is larger than 10MB:</i> <i>Split the file at a logical section break in the application form e.g. Parts A–D in one file, Parts E–H in another file. Label disc and case accordingly.</i>	Application Form A–D.pdf Application Form E–H.pdf <i>Etc.</i>
Attachments Table of Contents	Attachments Table of Contents.pdf

<p>Attachments</p> <p>If file is larger than 10MB: <i>Split the file at a logical section break in the Attachment e.g. Attachments 1–5 in one file, Attachments 6–12 in another file. Label disc and case accordingly.</i></p>	<p>Attachments 1–6.pdf</p> <p>Attachments 1–5.pdf Attachments 6–12.pdf</p> <p><i>Etc.</i></p>
<p>Maps/Charts/Drawings should be included as attachments, in the same sequence as in the hardcopy format.</p> <p>Maps with a large file size should be saved as separate PDF files.</p>	<p>Attachment 3.pdf Attachment 4.pdf <i>Etc.</i></p>
<p>EIAR</p> <p>If file is larger than 10MB: <i>Split the file at a logical section break in the EIAR e.g. Sections 1–10 in one file, Sections 11–20 in another file. Update Table of Contents accordingly.</i></p>	<p>EIAR.pdf</p> <p>EIAR Sections 1–10.pdf EIAR Sections 11–20.pdf</p> <p><i>Etc.</i></p>
<p>EIAR Attachments Table of Contents</p>	<p>EIAR Attachments Table of Contents.pdf</p>
<p>EIAR Attachments</p> <p>If file is larger than 10MB: <i>Split the file at a logical section break in the EIAR e.g. Sections 1–6 in one file, Sections 7–12 in another file. Update Table of Contents accordingly.</i></p>	<p>EIAR Attachments.pdf</p> <p>EIAR Attachments 1–6.pdf EIAR Attachments 7–12.pdf</p> <p><i>Etc.</i></p>
<p>Further information requested by the Agency</p> <p>If file is larger than 10MB: <i>Split the file at a logical section break and rename the files accordingly.</i></p>	<p>Further Info. X Reply Dated X.pdf</p>
<p>Unsolicited Additional Information</p> <p>If file is larger than 10MB: <i>Split the file at a logical section break and rename the files accordingly.</i></p>	<p>Additional Information Dated X.pdf</p>
<p>Unsolicited Additional Information Attachments Table of Contents</p>	<p>Additional Information Dated X Attachments Table of Contents.pdf</p>
<p>Unsolicited Additional Information Attachments</p> <p>If file is larger than 10MB: <i>Split the file at a logical section break and rename the files accordingly</i></p>	<p>Additional Information Dated X Attachments A–C.pdf</p> <p><i>Etc.</i></p>
<p>Material Analysis Reporting Form</p> <p>In Excel format.</p>	<p>Material Analysis Reporting Form.xls</p>

2.3 PROVISION OF ELECTRONIC LOCATIONAL INFORMATION

Applicants are required to submit geo-referenced digital drawing files (e.g., ESRI Shapefile or MapInfo Tab) with the application, showing the following in Longitude and Latitude (WGS84 datum; in degrees and decimal minutes):

- Extent and boundary of Loading Area(s) (see Section D.2 of the Application Form)
- Location of the Dumping Site(s) (Section E.2(II))
- Monitoring points (see Sections F.2).

Acceptable file formats include ESRI Shapefile, MapInfo Tab or others upon agreement. These data should be submitted to the EPA on a separate CD-ROM.

2.4 COPIES REQUIRED

The number of copies required of the application form in both hardcopy and electronic format is specified below:

COPIES REQUIRED:

Application Form and Additional Information	Hardcopy	Electronic
All applications:	1 signed original + 1 copy	2 copies of all files in electronic searchable PDF format (OCR'd) on CD-ROM or other format agreed with the Agency.
EIAR (if applicable)	Hardcopy	Electronic
All applications:	1 signed original + 1 copy	2 copies in electronic searchable PDF format (OCR'd) on CD-ROM or other format agreed with the Agency.
Requested/Additional Information	Hardcopy	Electronic
All applications:	1 signed original + 1 copy	2 copies in electronic searchable PDF format (OCR'd) on CD-ROM or other format agreed with the Agency.
Electronic Locational Information	Hardcopy	Electronic
Geo-referenced digital drawing files and tabular	Not Required.	These data should be provided to the Agency on a

data templates:		separate CD-ROM or other format agreed with the Agency containing sections B.1, B.2, B.3, B.4, B.5, C.1, D.2, E.3 and F.2.
Material Analysis Reporting Form	Hardcopy	Electronic
All applications:	1 signed original + 1 copy	1 copy in Excel format on CD-ROM

2.5 FOLLOWING SUBMISSION OF AN APPLICATION

Within twenty-one days after the date of submission of the application, the applicant must publish in a local newspaper a notice of application in accordance with Section 5A of the Dumping at Sea Act 1996 as amended (see section A.4 of this guidance note for details).

A person may make written submissions or observations to the Agency in relation to any application, within –

- in the case of proposed loading/dumping, over a period of not more than 12 months, for the maintenance of navigable depths, 21 days, or
- in any other case, 1 month

after the date on which a notice of application has been published in a newspaper circulating in the local area.

A copy of all submissions or observations shall be sent to the applicant within 10 days of the expiration of the period within which such submissions may be made.

The Agency will not consider an application until the submission period detailed above has expired, and, at a minimum, 21 days after a copy of all submissions or observations have been sent to the applicant for comment. The Agency may consider the application sooner if it receives a response from the applicant less than 21 days after such submissions or observations have been forwarded to the applicant.

3. GUIDANCE ON APPLICATION FORM

The following is the information required to be submitted with an application for a Dumping at Sea Permit. The requirements must be dealt with in full. Section headings refer to those used in the application form. All answers must, where possible or unless otherwise directed, be given in the spaces provided.

SECTION A – GENERAL

A.1 Applicant's Details

As part of the application process, the name, address, CRO number and contact details of the applicant organisation must be provided. The name and address of a nominated contact person must also be provided in Section A.1 – this person may be a company employee or a suitably qualified external consultant. It must be noted that all correspondence and communications will be conducted through the nominated contact person.

A.2 Relevant Planning Authority and/or Public Authority

Where applicable, the most recent Planning Permission(s) with which the operations are associated should also be enclosed, including all conditions applicable to the site, a copy of the planning inspector's report(s), and any EIAR submitted as part of the planning application. If an application for planning permission pertaining to the operations to which this application relates is currently under consideration by a planning authority, outline details of the application should be submitted, including application file number, the date the application was submitted, a brief summary of the operation and, where an EIAR is required, copies of any such EIAR. Where planning permission / an EIA is not required for the development, explain why not and provide correspondence from the relevant planning authority confirming that planning permission / an EIA is not required.

Where applicable, provide a copy of any screening for Appropriate Assessment report and Natura Impact Statement (NIS) that was prepared for consideration by any planning/public authority as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended in relation to the activity. Where a determination that an Appropriate Assessment is required has been made by any planning/public authority in relation to the activity, a copy of that determination and any screening report and NIS, and any supplemental information furnished in relation to any such report or statement, which has been provided to the planning/public authority for the purposes of the Appropriate Assessment, shall be included in **Attachment A.2.**

A.3 Other Authorities

A.3 (i) Shannon Free Airport Development Company (SFADCo)

Provide details of any operations located within the Shannon Free Airport Development Company (SFADCo) area.

A.3 (ii) Health Service Executive Region

Provide the name and address of the Health Service Executive Region(s) in whose functional area the loading and dumping take place or are proposed to take place.

A.3 (iii) Harbour Authority/Local Authority

Provide the name and address of the relevant harbour authority/local authority in whose functional area the loading and dumping operations take place or are proposed to take place. Where these operations take place in separate functional areas, provide the details of all relevant harbour/local authorities. Include copies of all correspondence as **Attachment A.3 (iii)**.

A.4 Newspaper Advertisement

Within twenty-one days after the date of submission of an application, the applicant must publish a notice of application in a newspaper circulating in the area adjacent to the site of the proposed dumping. Where loading is proposed of any material intended for dumping in the maritime area, the notice must also be published in a newspaper circulating in the area adjacent to the site of the proposed loading. If the operations are taking place in an estuary, a notice must be published in newspapers circulating on both sides of the estuary. If no newspaper is circulating in those areas, the notice must be published in a national newspaper in order to bring the proposal to the attention of persons who may be affected in the areas.

Such a notice must contain the following information:

- a sketch map showing the location of the proposed site or sites and the approximate distance therefrom to a specified place on the mainland, and
- brief details of the commencement and duration of the proposed activity, and
- characteristics, composition and the approximate amounts of any substance or material involved and the method of the proposed loading as the case may be, and
- the location where any relevant documentation in relation to the proposal may be inspected or a copy thereof may be obtained at a reasonable cost.

The original page of the newspaper in which the advertisement was placed must be submitted to the Agency within 21 days after the advertisement has been published.

A.5 Fees

State the appropriate fees applying to the proposed operation in accordance with the Dumping at Sea (Fees) Regulations 2012 (S.I. No. 270 of 2012), as follows:

Quantities to be dumped (tonnes, wet weight)	Application Fee
0 – 9,999	€2,000
10,000 – 49,999	€3,500
50,000 – 99,999	€7,000
100,000 – 499,999	€12,000
500,000 – 999,999	€14,000
1,000,000 +	€18,000

Indicate in Section A.5 if the fee has been included as part of the application. An application will not be deemed to be valid without the inclusion of the appropriate fee.

A.6 Foreshore Act Licence/Lease

A lease/licence under the Foreshore Act 1933 as amended may be required to carry out loading or reclamation works on State owned foreshores. Provide a copy of the most recent foreshore lease/licence issued under the Foreshore Act 1933 as amended in relation to loading or dumping operations, including a copy of all conditions attached to the lease/licence and any monitoring returns for the previous 12-month period, if applicable.

If an application for a Foreshore Act lease/licence pertaining to the operations to which this application relates is currently under consideration by the Minister, outline details of the application should be submitted, including application file number, the date the application was submitted and a brief summary of the operation. Full copies of the application form may be required at a later date if the Agency determines that the information contained within may be of significance to the technical assessment of the dumping at sea permit application.

Where an Environmental Impact Assessment (EIA) is required in relation to the proposed dredging operations, copies of any Environmental Impact Assessment Report (EIAR) prepared as part of the foreshore lease/licence application should be provided. Where an EIA is not required for the proposed project, explain why not and provide correspondence from the relevant Foreshore Licensing Authority confirming that an EIA is not required.

A.7 Current / Previous Permits

If the applicant currently holds, or has previously held, a permit(s) under the Dumping at Sea Act 1996 as amended, a copy of the permit(s) must be submitted as **Attachment A.7**.

A.8 Summary of Activities

Provide a short description (1-2 sentences) of the proposed activities, including the maximum tonnage of material proposed to be dumped and the location of the proposed loading area(s) and dumping site(s), with reference to a specified place on the mainland. It is not necessary to provide coordinates for the loading area(s) and dumping site(s) in this section; a description will suffice.

SECTION B – MATERIAL ANALYSIS

All sampling points from which the material or substance for disposal has been analysed must be identified on an appropriately scaled map/drawing (no larger than A3). The numbering/labelling sequence for the sampling points must be logical, simple, and sequential. The following or similar convention should be observed when labelling the sampling points:

- L1-1, L1-2...etc.

The naming convention should be such that there are no spaces between letters or words. Results of the National Seabed Survey should be included, where available.

B.1 Sediment chemistry results

The results of sediment chemistry analysis **must** be submitted in Excel format using the Dumping at Sea Material Analysis Reporting Form⁵, available to download from the EPA website www.epa.ie. This Excel form should be submitted as **Attachment B.1(I)**.

The sampling requirements for satisfactory dredge material assessment are set out in Technical Annex 1 of the OSPAR Guidelines for the Management of Dredged Material. This details the tiered approach to material testing and provides guidance on the development of a sampling regime appropriate to each individual site, including the appropriate frequency at which the sediment should be re-tested. The primary physical, chemical and biological parameters to be analysed are listed, along with additional parameters which must be analysed in certain circumstances.

It should be noted that although only physical and chemical properties are listed in the Material Analysis Reporting Form, if the potential impacts of the material to be dumped cannot be adequately assessed on the basis of the physical and chemical characterisation, biological measurements should be carried out. The use of toxicity bioassays or biomarkers should be considered if any doubt exists about the potential for the material to be dumped to cause a deleterious effect on the receiving environment. This approach is consistent with the precautionary principle, as specified in Article 2 of the OSPAR Convention, 1992.

Using Table B.1 of the Application Form, applicants should compare their sampling results with the upper and lower action levels set out in the *Guidelines for the Assessment of Dredge Material for Disposal in Irish*

⁵ This information will be made publicly available on the EPA's Envision Map Viewer following the Agency's determination of the permit application.

Waters published by the Marine Institute in 2006 and the Addendum published in 2019. Any exceedances of the lower or upper action levels should be highlighted in Table B.1. Following this assessment, applicants should decide on the need for further sampling and analysis according to the approach outlined in Section 1 of those guidelines.

B.2 Characteristics and composition of the substance or material for disposal

The *First Schedule* to the Dumping at Sea Act 1996 as amended, sets out the criteria which the Agency must consider in deciding whether to grant or refuse a permit for dumping material at sea. This schedule is further subdivided into the following headings:

- characteristics and composition of the substance or material,
- characteristics of dumping site and method of deposit, and
- general considerations and conditions.

The criteria contained within the *First Schedule* were taken from the London Convention, adopted in 1972, which laid out the criteria as the minimum requirements to be considered for granting a permit to dispose of material at sea. Applicants must address all items listed in the application form and provide a comprehensive assessment of each criterion.

As part of this assessment, applicants should consult with relevant authorities such as the Marine Institute, the National Parks and Wildlife Services (NPWS) and so forth.

With regards to radioactivity, applicants are advised to consult with the Agency at an early stage to determine whether radiological analysis of the material proposed to be dumped at sea is required.

The Agency will not grant a permit unless it is satisfied that all criteria have been adequately addressed and that the material to be dumped will not have a deleterious effect on the receiving environment.

SECTION C – ALTERNATIVES TO DUMPING AT SEA

C.1 Alternative Measures

In accordance with Section 5(2) of the Dumping at Sea Act 1996 as amended the dumping of substances or material at sea is only acceptable when the Agency is satisfied that there is no suitable alternative means of disposal. The First Schedule states that the Agency must take into consideration the practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the substance or material less harmful for dumping at sea. Applicants must demonstrate that all alternative means of land-based disposal and/or beneficial reuse of the material have been investigated prior to applying for a dumping at sea permit. The applicant shall also demonstrate that all necessary steps have been taken to minimise the quantity of material to be dumped or to render the material less harmful for dumping at sea. Details of such investigations must be submitted as **Attachment C.1**.

SECTION D – LOADING OPERATIONS

Note: this section should only be completed where it is proposed to load a substance or material onto a vessel or aircraft for subsequent dumping at sea. Where no loading is proposed (e.g. in the case of plough dredging, water injection dredging or side-cast dredging), this section should be left blank and all information on the proposed operations should be provided in Section E: Dumping Operations⁶.

D.1 Purpose of the loading operation

Provide details on the purpose of the loading operation, any associated parent projects and any previous works conducted at the loading areas.

D.2 Loading Area(s)

Provide the coordinates for the corners of the loading area(s) and in Longitude and Latitude (WGS84 datum; in degrees and decimal minutes) and a suitably scaled Admiralty Chart showing the outline of the area(s) from which loading of material is to occur.

Where a number of different loading areas are proposed, a numbering/labelling sequence for the individual loading areas must be applied. This system should be logical, simple, and sequential.

The following or similar convention should be observed when labelling the loading areas:

- L1, L2,etc.

D.3 Details of the loading operation⁷

Where it is proposed to load material onto a vessel or aircraft for subsequent dumping at sea, comprehensive details on the nature of the loading operations shall be submitted in this section. These shall include:

- The proposed date of commencement and duration of the loading operations;
- Location of the loading area(s);
- Method of loading of the substance or material;
- Total quantities to be loaded, per day/week/month.

⁶ Plough dredging, water injection dredging, side-cast dredging and other such dredging techniques are included in the definition of "dumping" in the Dumping at Sea Act 1996 as amended. These activities are therefore considered to be dumping activities and require a Dumping at Sea Permit.

⁷ Note: temporary storage of material on land may require a permit or licence under the Waste Management Act 1996 as amended.

SECTION E – DUMPING OPERATIONS

Note: Plough dredging, water injection dredging, side-cast dredging and other such dredging techniques are included in the definition of “dumping” in the Dumping at Sea Act 1996 as amended. These activities are therefore considered to be dumping activities and require a Dumping at Sea Permit.

E.1 Dumping Site Selection

Information in relation to the proposed dumping site(s) should be collated from current sampling and research, any previous monitoring regimes, or from previous permits relating to the dumping site. Indicate the reason(s) for selecting the dumping site(s) and provide details of other potential dumping sites considered. Provide details of the location of the dumping site(s) in relation to any of the following, as relevant:

- Areas of natural beauty or significant cultural or historical importance,
- Spawning, recruitment and nursery areas;
- Sport and commercial fishing areas;
- Aquaculture;
- Amenity areas;
- Exploitable resources, e.g., aggregate;
- Shipping lanes;
- Ship wrecks;
- Areas of specific scientific or biological importance, and;
- Engineering uses of the sea such as undersea cables, pipes, etc.

E.2 General Information

E.2 (I) Provide a description of the characteristics of the dumping site(s), based on investigations carried out as part of this or previous permit applications.

If the dumping site(s) has been used previously, provide details of tonnages dumped, duration of dumping and any investigations into the impact of the dumping operations on the environment at the dumping site(s). Also, provide details of any previous Dumping at Sea permits relating to the dumping site(s), if applicable.

The distance of the dumping site(s) from the shore should be calculated as accurately as possible. For this purpose, the shoreline shall be considered as the baseline specified in the Maritime Jurisdiction Acts, 1959 to 1988.

Details of water depths at the dumping site (depths referenced to OD Malin) should be submitted. If a profile of the sea bed, including depths, is available, this too should be submitted. Appropriately sized Admiralty

Charts or scale drawings may be submitted as attachments in support of the raw data.

Information on the sediment characteristics, seabed habitats and current/flow/tidal regime at the dumping site(s) should be provided.

E.2 (II) Provide the coordinates, and in Longitude and Latitude (WGS84 datum (in degrees and decimal minutes) for the corners of the dumping site(s), and a suitably scaled Admiralty Chart showing the outline of the dumping site(s).

If dumping is to occur at more than one dumping site, coordinates and supplemental charts should be submitted as attachments.

A numbering/labelling sequence for the individual dumping sites must be applied. This system should be logical, simple, and sequential. The following or similar convention should be observed when labelling the dumping sites:

- Dumping Site A, Dumping Site Betc.

E.3 Details of the dumping operation

The applicant must provide details of the proposed method of dumping, quantities to be dumped and rate of disposal. The applicant should outline how the proposed method of dumping, quantity of material and rate of disposal will ensure even distribution of the material and protect the dumping site(s) from excessive dumping.

SECTION F – IMPACT ON THE RECEIVING ENVIRONMENT

Note: The extent of the information required in this section is dependent on the nature and magnitude of the proposed loading and dumping operations and should be discussed in advance with the EPA.

F.1 Assessment of Impact on the Environment

Information on the predicted impacts of the loading and dumping operations should be provided with reference to the following criteria, taken from the *First Schedule* to the Dumping at Sea Act 1996 as amended:

- Initial dilution to be achieved by proposed method of release;
- Methods of packaging and containment, if any;
- Dispersal, horizontal transport and vertical mixing characteristics;
- Existence and impact of current and/or previous dumping in the area (including accumulative effects);
- Sea bottom characteristics, including topography, geochemical and geological characteristics and benthic micro-fauna & macro-fauna;
- Water characteristics (e.g., temperature, pH, salinity, oxygen indices of pollution-dissolved oxygen (DO), nitrate, nitrite, ammonia, phosphate and suspended matter);
- Interference with shipping, fishing, recreation, mineral extraction, desalination, fish spawning and nursery habitats, areas of special scientific importance, areas of natural or archaeological heritage importance, biological diversity (including diversity within species, between species, and of ecosystems) and other legitimate use of the sea.

The Agency is required to consult with the Minister for Communications, Climate Action and Environment, the Minister for Housing, Planning and Local Government, the Minister for Business, Enterprise and Innovation, the Minister for Agriculture, Food and the Marine, and such other Minister of the Government as the Agency considers necessary before granting, or refusing to grant, a permit. During this consultation, these Ministers may request that certain surveys be carried out on the loading area(s) and/or dumping site(s). These may be archaeological assessment, chemical analysis, radiological analysis, benthic studies, hydrodynamic/sediment transport modelling, or in some cases an EIAR (the scope of which should be agreed with the Agency prior to completion).

With specific reference to the potential requirement for **archaeological assessment**, applicants should note the following, as recommended by the National Monuments Service, Department of Culture, Heritage and the Gaeltacht (DCHG):

1. Maintenance projects: Any areas proposed for loading and/or dumping and not previously subject to an Underwater Archaeological Impact Assessment (UAIA) should be subject to such assessment.
2. Capital projects: Should be subject to an **Underwater Archaeological Impact Assessment (UAIA)**.
3. When the applicant feels a UAIA is not required, they should provide a reasoned response (please refer to Section F, DAS Application Form and complete NMS Form 1).
4. The UAIA referred to in paragraphs 1 and 2 above shall be carried out in advance of submitting an application for a Dumping at Sea permit.
5. A suitably qualified and suitably experienced archaeologist should undertake the UAIA. The archaeologist should have a proven record in carrying out UAIA for DAS projects.
6. The archaeologist should advise the applicant accordingly with regard to archaeological licence requirements. Licence applications are made by the archaeologist to the Licensing Section, National Monuments Service, DCHG, Custom House, Dublin 1. Please see www.archaeology.ie
7. If further recommendations by DCHG are required, these may be included as conditions in any permit granted. Such recommendations may include: further underwater assessment (e.g. archaeological dive inspections where potential archaeology has been identified), or archaeological monitoring of the loading and/or dumping activity (please refer to Section G below).

The determination of the likely effect on a European Site should be carried out in consultation with the National Parks and Wildlife Service. Any correspondence from the National Parks and Wildlife Service in relation to the European Site, i.e., correspondence in relation to the extent of the designated area, the rationale for such a designation and details of the flora and fauna protected, shall be provided as part of the application documentation.

- All applications must include a **screening for Appropriate Assessment** to assess whether the activity, either individually or in combination with other plans or projects, is likely to have a significant effect on a European Site(s), in view of best scientific knowledge and the conservation objectives of the site(s).
- Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, **provide a**

Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended.

- Where, based on the screening, it is considered that an Appropriate Assessment is not required, **provide a reasoned response**.
- You are advised to refer to the document '*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*', issued by the Department of the Environment, Heritage and Local Government. This document is available at: www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf.
- All applications must include a **Marine Mammal Risk Assessment** (MMRA), completed by a suitably qualified marine ecologist, evaluating the risk to marine mammals from the proposed activities. The risk assessment should be completed in accordance with the approach outlined in *Guidance to Manage Risk to Marine Mammals from Man-made Sound Sources in Irish Waters* published in January 2014 by the Department of Heritage, Culture and the Gaeltacht. Applicants are required to consult with the National Parks and Wildlife Service (NPWS), via the Development Applications Unit (see contact details below), in relation to the preparation and completion of the MMRA, submit copies of any recommendations received from the NPWS and clearly show how these have been incorporated into the assessment.

All relevant development applications should be sent to electronically to manager.dau@chg.gov.ie, or if electronic referral is not possible, by post to:

*The Manager,
Development Applications Unit,
Department of Culture, Heritage and the Gaeltacht
Newtown Road
Wexford.*

This section should include details of any other designations under any Council Directive or Regulations that apply in relation to the loading area(s) and dumping site(s), including but not limited to:

- The Bathing Water Directive 76/160/EEC,
- The Water Framework Directive 2000/60/EC

The assessment should indicate whether or not the loading and dumping of the substance or material, the loading and dumping methods employed, or other factors associated with such operations are likely to have a significant effect on a designated site.

The assessment of the impact on the receiving environment should include details on how the loading and dumping operations will be

managed to ensure that they will comply with, or will not result in the contravention of:

- The Water Framework Directive 2000/60/EC,
- The Marine Strategy Framework Directive 2008/56/EC,
- The Priority Substances Directive 2008/105/EC.

Information should also be provided on the impact of the proposed loading and dumping operations on any environmental media other than that into which the dumping will occur.

Any sampling points analysed at the loading area(s) and/or dumping site(s), either as part of this application or previous monitoring programmes, are to be identified (in Longitude and Latitude, WGS84 datum; degrees and decimal minutes) and included on appropriately scaled Admiralty Charts. The numbering/labelling sequence for the sampling points must be logical, simple, and sequential and the naming convention should be such that there are no spaces between letters or words. The following (or similar) convention should be observed when labelling the sampling points at the dumping site:

- D1-1...D1-2...etc.

If sampling of the loading area(s) or dumping site(s) has been conducted as part of an EIAR which has also been submitted with the application form, reference to the appropriate table(s) of results in the EIAR shall be sufficient in this case. Results of the National Seabed Survey should be included, where available.

For the evaluation of dispersal/sediment transport characteristics, the following should be taken into account:

- Water depths (maximum, minimum & mean) (depths referenced to OD Malin);
- Water stratification in various seasons and weather conditions;
- Tidal period, orientation of tidal ellipse, velocities of major and minor axis;
- Mean surface drift (net); direction and velocity;
- Mean bottom drift (net); direction and velocity; and
- Wind and wave characteristics.

SECTION G – MONITORING

Note: The requirement for monitoring during and after the loading and dumping operations is dependent on the nature and magnitude of the proposed loading and dumping operations and should be discussed in advance with the EPA.

G.1 Monitoring Programme

Proposed programmes for environmental monitoring at both the loading area(s) and dumping site(s) should be submitted as part of the

application. In this section, applicants are required to submit details of the monitoring proposed to be conducted during and after the loading and dumping operations.

In determining the monitoring programme to be carried out, applicants should consider the nature, frequency and duration of dumping operations and, where relevant, the effects of intermittent dumping on the receiving environment. Applicants should also refer to the OSPAR Guidelines for the Management of Dredge Material (listed in Section 1.2 of this guidance note) when developing the proposed monitoring programme.

If the application being made is for a multi-annual permit, OSPAR guidelines on the appropriate frequency of sampling and analysis of dredged material intended for dumping at sea should be adhered to. Sediment parameters that may need to be monitored include those listed in Annex 1 of the Application Form, and should be selected by the applicant based on the results of historical monitoring, pre-application sampling results, and the results of any investigations or assessments conducted as part of this application.

The Agency may require bathymetric surveys of the loading area(s) and/or dumping site(s) to be conducted following completion of the loading and dumping operations. Other surveys that may be required to be conducted include turbidity/suspended solids and macroinvertebrate fauna. Applicants should include details of any such proposed surveys in this section.

Reference should be made to the proposed location of monitoring points, sampling methods, analytical and quality control procedures, including equipment calibration, equipment maintenance and data recording/reporting procedures to be carried out in order to ensure accurate and reliable monitoring. Details of any accreditation or certification of analysis should be included.

All proposed monitoring points are to be identified and located on an appropriately scaled drawing (no larger than A3). The numbering/labelling sequence for these points must be logical, simple and sequential. The following (or similar) convention should be observed when labelling the proposed monitoring points:

- L1-1...L1-2...etc. located at loading site;
- D1-1...D1-2...etc. located at dumping site.

The naming convention should be such that there are no spaces between letters or words.

G.2 Tabular Data on Monitoring Points

Applicants should submit the following information for each proposed monitoring point:

PT_CD	WGS84 datum	
	Latitude (e.g. 52°39.470' N)	Longitude (e.g. 08°38.636' W)
Point Code (Referencing system outlined in guidance note)		

An individual record (i.e., row) is required for each monitoring point. Acceptable file formats include Excel, Access or other upon agreement with the Agency.

G.3 Archaeological Monitoring

Where areas are considered to be of archaeological potential, where there is known underwater cultural heritage or where an area has not previously been the subject of archaeological monitoring (including maintenance projects), then DCHG may require that it be subject to archaeological monitoring during the loading and/or dumping activity. This would take the following format:

1. A suitably qualified (licence eligible) and suitably experienced archaeologist should undertake the archaeological monitoring. The archaeologist should have a proven record in carrying out archaeological monitoring for DAS projects.
2. The archaeologist should advise the applicant accordingly with regard to archaeological licence requirements. Licence applications are made by the archaeologist to the Licensing Section, National Monuments Service, DCHG, Custom House, Dublin 1. Please see www.archaeology.ie
3. The monitoring archaeologist should be in a position to view directly the loading/dumping works and thus be in a position to have works suspended in an area where potential underwater cultural heritage has been identified and until the archaeology has been resolved. NMS can advise accordingly in this event.
4. Sufficient archaeological personnel should be engaged to cover all loading and/or dumping activities.
5. The National Monuments Service (NMS) can advise the applicant on the archaeological monitoring. During the course of the monitoring, subject to agreement with NMS, scaling down or cessation of archaeological monitoring can be considered. The applicant/permit holder should provide a reasoned response when making this request (refer to DAS Application Form Section F and complete NMS Form 2).

6. The criteria used for the assessment by the National Monuments Service of requests submitted by applicants/permits holders are provided in Annex 3 of this Application Guidance Note.

SECTION H – DECLARATION

At least one copy of the application must be signed under Section H by the authorised person*.

* This should be the name of a person nominated by the applicant for the purposes of the application. This person may be a company employee or a suitably qualified external consultant.

ANNEX 1: TABLES

Using Table B.1 in Annex 1, applicants should compare their sampling results with the upper and lower action levels set out in the *Guidelines for the Assessment of Dredge Material for Disposal in Irish Waters* published by the Marine Institute. Any exceedances of the lower or upper action levels should be highlighted in Table B.1. Following this assessment, applicants should decide on the need for further sampling and analysis according to the approach outlined in Section 1 of the aforementioned guidelines.

ANNEX 2: APPLICATION CHECKLIST

The Application Checklist is not a statutory obligation and is only intended as an aid to applicants to ensure the application form is completed in full before being submitted to the Agency. It also serves to expedite the administrative processing of applications by Agency personnel.

ANNEX 3: NMS CRITERIA FOR ASSESSING REQUESTS

Criteria for assessing requests received from EPA Dumping at Sea permit applicants/permit holders:

- **To note:** The National Monuments Service reserves the right to request archaeological mitigation for future dumping at sea applications.

1. Archaeological considerations

1a. Archaeological potential of area that is to be the focus of the loading and/or dumping activities (based on sources such as: NMS records; WIID; Topographical files of the NMI; previous AIAs or UAIAs undertaken in the area; local relevant cultural source information, etc.):

- High
- Medium
- Low

1b. Details of previous archaeological monitoring undertaken in area or adjacent areas (including the loading zone and dumping zone).

- Name of Archaeological Consultant:
- Archaeological Excavation Licence number:

1c. Results, including quality of previous archaeological monitoring undertaken.

2. Other survey results

2a. e.g. Geophysical survey results (type, dates, extent, specifications).

3. Extent of previous works

3a. Extent of previous loading and/or dumping at sea works (not including historic dredging, see below):

4. Changes in nature and extent of area

4a. Other environmental influences (e.g. weather events, etc.):

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5. Other mitigating circumstances

5a. Any other mitigating circumstance to inform consideration as to whether archaeological monitoring should be scaled down or suspended for the current programme of loading and/or dumping activities as applied for/as per DAS permit granted?

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5b. Any other mitigating circumstance to inform whether archaeological monitoring is required at all for the current programme of loading and dumping activities as applied for/as per DAS permit granted?

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5c. Any mitigating circumstance to inform consideration of the need for continuation of archaeological monitoring of the current programme of loading and dumping activities?

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5d. Any mitigating circumstance to support the requirement for archaeological monitoring of the current programme of loading and dumping activities?

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6. NMS Archaeological decision on requests received from applicants for Dumping at Sea Permit.

Tick	Decision
<input type="checkbox"/>	Archaeological monitoring to continue full-time
<input type="checkbox"/>	Archaeological monitoring can be scaled down*
<input type="checkbox"/>	Archaeological monitoring is not required

Legend:

NMS	National Monuments Service (Department of Culture, Heritage & the Gaeltacht).
EPA	Environmental Protection Agency
AIA	Archaeological Impact Assessment (e.g. as part of an Environmental Impact Assessment, etc.)
NMI	National Museum of Ireland
WIID	Wreck Inventory of Ireland Database (held by NMS)
UAIA	Underwater Archaeological Impact Assessment
DAS	Dumping at Sea
*	Scaling down of archaeological monitoring shall be agreed between the National Monuments Service and the applicant.
Historic dredging	This refers to dredging undertaken in antiquity (e.g. 18 th & 19 th centuries and into the early 20 th century).

