



EPA Guidance on Requests for Alterations to a Dumping at Sea Permit

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Introduction

This guidance relates to Dumping at Sea permits in accordance with the Dumping at Sea Act, 1996, as amended.

This guidance is not exhaustive and does not preclude permit holders from selecting any particular option. This document may be subject to change due to any future amendments in relevant legislation or due to the introduction of relevant new legislation.

It aims to assist permit holders in managing proposed alterations to Dumping at Sea permits. Where this guidance document does not enable the permit holder to determine how a particular request for alteration should be accommodated they should consult with an Enforcement Inspector for further assistance.

Categories of Alterations

This guidance aims to bring about efficiencies in processing requests for alterations. It also seeks to ensure transparency with regard to the legal requirements underpinning decision making, and in so doing enable permit holders to engage with the EPA in a timely and efficient manner.

Currently there are three mechanisms available for regularising an alteration request as follows:

- (i) a letter of agreement (LoA),
- (ii) an amendment, or
- (iii) a new permit application.

A LoA can only be used to accommodate minor changes under the existing conditions of a Dumping at Sea permit. In general, alterations which are managed under a letter of agreement or by way of an amendment are regarded as insubstantial. The specific nature of individual requests will be taken into account by the EPA. Please note that the EPA may, in considering any request for an alteration, take other matters into account and may decide that a new permit application may be required even when it appears that the proposed alteration is insubstantial.

This guidance is designed to assist permit holders to consider the environmental significance of the proposed alteration and to understand and select the most appropriate mechanism to deal with their request, thereby reducing the administrative burden and improve efficiencies. Explanatory notes are provided to give some background to the questions posed and to explain how the answers given may influence the outcome.

By way of further explanation it may be useful to understand that the questions in this guidance have been formulated having regard to the following legal instruments:

1. [Dumping at Sea Act 1996, as amended](#)
2. [Dumping at Sea \(Fees\) Regulations 2012 \(S.I. No. 270 of 2012\)](#)
3. [European Communities \(Birds and Natural Habitats\) Regulations 2011 and 2013](#)

This guidance does not consider the nature and circumstances of amendments or reviews initiated by the EPA. These decisions are therefore outside the scope of this guidance.

The Dumping at Sea permit [application form](#) and [guidance note](#) provide further guidance on the requirements set out below and are key reference documents. The information

provided at the time of permitting and as varied by the conditions of the Dumping at Sea permit is the reference to be used in answering the questions which follow in the "*Screening Questions and Option Selection*" section of this guidance note.

Requesting an Alteration to a permit

The dumping at sea alteration process requires supporting information to be submitted which should be prepared in advance.

Permit Holders are required to provide information to support a request for (1) a Letter of Agreement or (2) an amendment or (3) new permit application, as follows:

1. Letter of Agreement

The permit holder should submit an assessment of the proposed changes demonstrating how compliance will be achieved with the existing permit conditions. This information is to be submitted by way of a licensee return on www.edenireland.ie.

2. Amendment/New Permit application

- for a permit amendment or new permit application, an appropriate assessment screening report will be required to be submitted;
- an alteration that involves a change to the boundary of the loading and/or dumping sites will require the submission of a new map defining the proposed revised boundary of the loading and/or dumping sites;
- in the case of a new permit application, the permit holder must complete the dumping at sea permit application form available on the EPA website (www.epa.ie) and follow the application process.

Where possible, permit holders should group all insubstantial amendment requests, relating to a Dumping at Sea permit, into a single request, rather than submitting multiple amendment requests.

Screening Questions and Option Selection

	Category	Defining Parameter
1	New Permit Application	
	<p>A positive answer to any of these questions indicates that a new Dumping at Sea permit application is likely to be required</p>	<p><i>Does the proposed alteration:</i></p> <ol style="list-style-type: none"> 1. Cause an alteration to the boundary of the loading site or the dump site that would or is likely to cause a breach of relevant environmental quality standards? 2. Result in amendments to activities listed in the dumping at sea permit which will, or are likely to cause a breach of environmental quality standards? 3. Introduce a new loading site or new dump site? 4. Cause an increase in the tonnages, above those specified in <i>Schedule A: Limitations</i>? 5. Does the change alter the commencement date or the duration of the proposed activity? 6. Propose material with different characteristics and/or composition? 7. Alter the method of the proposed dredging or dumping? 8. Require the preparation of a Natura Impact Statement (NIS) for consideration by any planning/public authority and is likely to cause a breach of relevant environmental quality standards^{1 & 2}? 9. Require the Agency to conduct an Appropriate Assessment (AA) (on foot of screening for AA)¹?
2	Amendment	
	<p>Where the answer is negative to all of the previous questions, a positive answer to one or more of these questions indicates that an amendment may be required.</p>	<p><i>Does the proposed alteration:</i></p> <ol style="list-style-type: none"> 1. Require a change to a condition or schedule of the Dumping at Sea Permit?
3	Letter of Agreement (LoA) under specific permit Condition	
	<p>Where the answer is negative to all of the previous questions, a positive answer to this question indicates a LoA may be required.</p>	<p>Can the proposed change be accommodated and controlled under the existing permit conditions and limitations?</p>

Explanatory Notes

- 1) A screening for Appropriate Assessment report must be completed prior to answering this question. Refer to the *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, published in 2009 & revised in 2010 by the DECLG, for guidance. An Appropriate Assessment requires *inter alia* public participation and this can only be carried out under the permit application.

- 2) Proposed alteration(s) that require the preparation of an NIS by the planning or other public authority indicates that the change may require the EPA to conduct an Appropriate Assessment. An Appropriate Assessment requires *inter alia* public participation and this can only be carried out under the permit application process. Refer to the *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, published in 2009 & revised in 2010 by the DECLG, for guidance.