



An tÚdarás Rialála Limistéir Mhulri
Maritime Area Regulatory Authority

Obtaining a Licence to Carry Out Specified Maritime Usages in the Maritime Area under the Maritime Area Planning Act 2021

Applicant Technical Guidance Note

Please note - Process Guidance, regarding making a licence application, is available [here](#).

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Tracking Amendments to Technical Guidance Note

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3	25/01/2024	GIS files	Update
4	21/02/2024	In-combination/cumulative effects	Update
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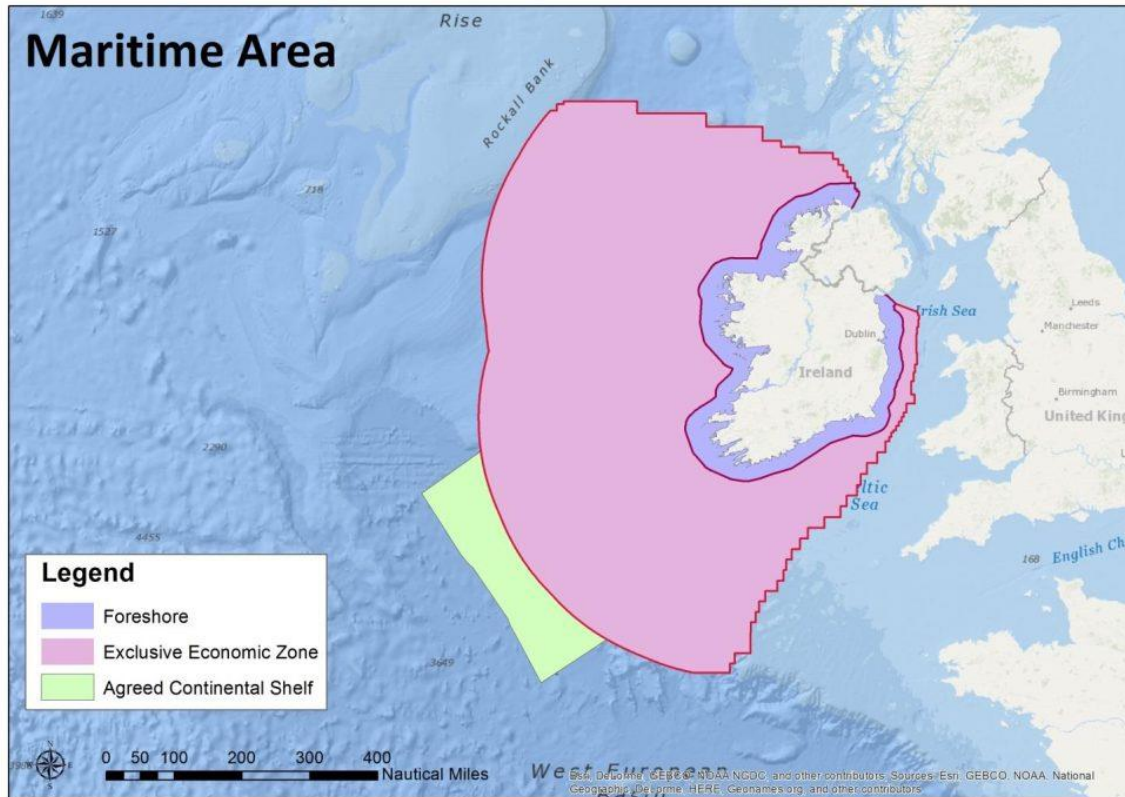
ABOUT THESE GUIDANCE NOTES

This guidance is issued to support an applicant in preparing a valid Licence application for a Maritime Usage. It is important to note that the content of the application and supporting documentation is for the applicant to determine in conjunction with their own suitably qualified expert advisers and, where necessary, following consultation with the relevant responsible government department and agencies.

ABBREVIATIONS

AA	Appropriate Assessment
AIMU	Assessment of Impact on the Maritime Usage
CBS	Chief Boundary Surveyor
EIA	Environmental Impact Statement
HWM	High Water Mark
ITM	Irish Transvers Mercator
MAC	Maritime Area Consent
MAPA	Maritime Area Planning Act 2021
MARA	Maritime Area Regulatory Authority
MHLGH	Minister for Housing Local Government and Heritage
MSP	Marine Spatial Planning
NIS	Natura Impact Statement
ORE	Off Shore Renewable Energy
SEA	Strategic Environmental Impact Assessment
SISAA	Supporting Information for Screening for Appropriate Assessment

Mapping



Maritime Area

The limit of the Maritime Area at its landward extent is defined by the High Water line of ordinary or medium tides which is the HWM as defined by the CBS. This is normally the HWM as shown on the OSI Historic 1888-1913 25 Inch mapping, or occasionally as shown on the 6 Inch mapping with modern updates defined by the CBS through Maritime Boundary Orders. A digitised representation of the HWM as defined by the CBS is available [here](#), but this is always subject to confirmation from the original source.

Proposed Licence Area

The Licence Area should be shown clearly on a map titled "Proposed Licence Area Map" and numbered sequentially if more than one map is required. The licence area should be outlined red and labelled "Area A, XXha", XX being the area in hectares (m² or km² if more appropriate). If more than one area is shown they should be labelled similarly and in alphabetic order. For geo-referencing purposes labelled coordinate intersects should be shown **in all four corners** of the map. The map should preferably be at A3 size at an appropriate and suitable scale to accurately describe the area. Where possible, the map should include at least one townland or place name to enable the location to be reasonably determined by a person viewing the map. The map should be prepared by a suitably qualified person and should have standard details such as name and qualification of the person who prepared it, drawing number, revision, date, projection and MARA file reference if available.

Projections for Mapping

For applications entirely within the nearshore (up to 3NM from the HWM) applicants have the option of submitting the map(s) in Irish Transvers Mercator (ITM) or ETRS1989 UTM Zone 28N, 29N or 30N as relevant. For all applications in the Outer Maritime Area (beyond 3NM) the map(s) shall be in ETRS1989 UTM Zone 28N, 29N or 30N as relevant. For ITM the coordinate intersects shall be Easting and Northing in Meters (whole numbers) and for ETRS 1989 the Grid Coordinate Intersects shall be in the relevant coordinate system Easting and Northing in Meters (whole numbers).

Background Mapping

For applications entirely within the nearshore applicants can use an OSI map where the HWM shown is confirmed by the applicant to be the same as the HWM as defined by the CBS or where the HWM is not contiguous, adjacent or relevant to Licence area. For all applications in the Outer Maritime Area the appropriate navigation chart should be used as the background mapping.

Where a navigation chart or similar is used as the background mapping due to the scale of the map the boundary adjoining or abutting the HWM is not clearly defined the following note should be clearly displayed on the licence map “Where the licence area adjoins or abuts the land the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the licence area.”

The coordinates of the vertices of the licence area should not be shown on the Licence map. The proposed structures, activity or development should not be shown on the Licence map.

GIS data files with Maritime Usage Licence applications.

Please submit Maritime Usage Licence Area polygon in Shapefile format. For applications entirely within the nearshore (up to 3NM from the HWM) the coordinate reference system can Irish Transverse Mercator (ITM) (EPSG:2157) or ETRS 1989 (EPSG:4258). For applications in the Outer Maritime Area the co-ordinate reference system shall be ETRS 1989 (EPSG:4258) or ETRS1989 UTM Zone 28N (EPSG:25828), 29N (EPSG:25829) or 30N (EPSG:25830) as relevant. The Shapefile’s filename shall be the File Reference Number as assigned by MARA i.e. LIC#####. The polygon shall have an attribute with the same the File Reference Number (Attribute Field: File_R_N) and each polygon should have an Attribute Field: “Site_ID” and be referenced alphabetically A, B, C etc. Single are Polygons require the “Site_ID” field also with Site ID “A”. Maritime Usage Licences are for areas only i.e. Licence areas for linear or point features must be buffered to create a polygon to match the Maritime Usages footprint. For Maritime Usage Licence applications with multiple areas a single shapefile with a polygon for each area should be submitted.

Vector Check List

- File Name: LIC##### as assigned by MARA.
- File Format: Shapefile format please submit .shp, .shx, .dbf and .prj
- Feature Type: polygons
- Coordinate System: ITM or ETRS 1989 Relevant ETRS1989 UTM Zone projection for nearshore and ETRS 1989/ Relevant ETRS1989 UTM Zone projection for Outer Maritime Area
- Attribute Field: “File_R_N” e.g. LIC##### as assigned by MARA.
- Attribute Field: “Site_Ref” e.g A, B, C etc.

Submission Format

The Maritime Usage Licence area(s) shapefile and associated files should be submitted in a single zip file name GIS_File_ LIC##### zip again LIC##### being the File Reference Number as assigned by MARA.

Drawings Describing the Maritime Usage

Drawings of the usage including Site Layouts, Plans, Elevations and Sections as required in order to fully define and describe the usage and its location relative to and within the licence area should be submitted with the application. These should be preferably on A3 to appropriate scales. Elevations and sections should show principle and significant levels to O.D. Malin and MHWS, MHW, MLW, MLWS and Chart Datum if relevant.

Programme of Works (can be included in AIMU Report – see below)

A programme of works for the usage which details as a minimum the start dates, end dates and duration of each of the significant element of the usage should be included.

Habitats Directive

The MAPA designates MARA as the competent authority for the purposes of Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 and AA. Under the Habitats Directive, it is the Competent Authority's responsibility to complete the Screening for Appropriate Assessment (AA).

Supporting Information for Screening for Appropriate Assessment

To support this, the MARA requires the applicant to submit a **SISAA Report** which includes all supporting information necessary for the MARA to reach a Screening for AA Determination. The SISAA Report should have the format and content of a formal Screening for Appropriate Assessment Report right up to and including the applicant's own conclusion/determination in relation to screening but it must be clearly titled Supporting Information for Screening for Appropriate Assessment Report.

The SISAA Report should be completed to meet the requirements of the Habitats Directive, EU and National guidance documents, transposing legislation and relevant domestic and European case law.

In-combination/cumulative effects

In relation to in-combination/cumulative effects:

The cumulative effects provision applies to the following plan/project types:

- Projects that are completed,
- Projects approved but uncompleted,
- Proposed projects, (projects applied for and under consideration but not approved by the relevant consenting authority or projects known to MARA),
- Plans that are completed,
- Plans approved but uncompleted,
- Proposed plans,
- Proposals in adopted plans,
- Proposals in finalised draft plans formally published or submitted for consultation or adoption

As per European guidance it is recommended that plans and projects that are not yet proposed do not generally have to be taken into account in the assessment of in-combination effects, even if they are part of an overarching masterplan. The exception is where the project is considered to be functionally interdependent with the development before the competent authority. An example of this is a site investigation for a proposed offshore windfarm which has received a MAC. The consideration of in-combination effects is not restricted to similar project/plan types covering the same sector of activity (e.g. a series of offshore wind farms). All types of plans or projects that could, in-combination with the project under consideration, have a significant effect, should be taken into account.

Although already completed plans and projects are themselves excluded from the assessment requirements of Article 6(3), it is still important to take them into consideration when assessing the effects of the current plan or project in order to determine whether there are any potential cumulative effects arising from the current project in combination with other completed plans and projects.

Using professional and scientific judgement, the key steps for assessing cumulative effects are as follows:

1. Defining the Cumulative Effects Spatial Scope (CESS)
2. Defining the Cumulative Effects Temporal Scope (CETS)
3. Impact identification
4. Pathway identification
5. Prediction
6. Identification of Plans or Projects that could act in combination
7. Screening Stage Cumulative Effects Assessment conclusion
8. Managing cumulative impacts - to be carried out as part of Stage 2 AA process

Natura Impact Statement

An NIS should be submitted where it is determined by the Competent Authority (MARA) that Stage 2 AA is required. The Applicant will have to prepare an NIS on foot of the MARA's Screening for AA Report and Screening for AA Determination. If the Applicant has already determined to their satisfaction that in all likelihood Stage 2 AA will be required, and have prepared an NIS in anticipation of being requested to do so, they may submit it at initial application stage. However, the applicant should be aware that they will be subsequently notified of the MARA's determination in relation to Screening for AA and they may be required to review/amend their NIS on foot of the MARA's Screening for AA Determination.

Risk Assessment for Annex IV Species

Under Article 12 of the Habitats Directive, Annex IV species are protected wherever they occur. If they occur within the Zone of Influence of the plan or project, a risk assessment of the effects of the project on the Annex IV species must be completed. Where man-made noise is induced to the marine environment a risk assessment for all cetaceans is required. Official guidelines and codes of practice can be found [here](#).

This Risk Assessment is not part of the Article 6.3 Appropriate Assessment process. However, where Harbour Porpoise and/or Bottlenose Dolphin are Annex II species in SACs which are within the Zone of Influence of the plan or project they must be assessed under Article 6.3 as well as within the Risk Assessment for Annex IV Species.

The EC (Birds and Natural Habitats) Regulations 2011-2021 provide strict protection for all of the Irish species listed on Annex IV of the EU's Habitats Directive. It does this by prohibiting certain activities which could impact on the conservation status of those species. Those activities may only be permitted by way of a derogation licence. It should be noted that the Minister of Housing, Local Government and Heritage can only issue such derogation licences in very limited circumstances. Any person thinking of applying for a derogation licence, on foot of their Risk Assessment for Annex IV Species, under these regulations should first read the document entitled "Guidance on the Strict Protection of Certain Animal and Plant Species" which details the strict protection measures around certain animal and plant species in Ireland under the EU Habitats Directive.

Environmental Impact Assessment Directive

The MARA cannot issue a licence to a maritime usage for which an EIA is required. If an EIA is required, an applicant must apply for a MAC. Guidelines on the application criteria and forms for a MAC are available [here](#).

Assessment of Impact on the Maritime Usage Report

To ensure MARA can fully assess all potential impacts of the proposed maritime usage, all applicants are required to submit the AIMU Report in support of their application. The AIMU report must contain an analysis of the likely effects (positive and negative), of a proposed usage.

Chapters of the AIMU Report must include, but not necessarily be limited to:-

- Introduction
- Project Description (including Construction, Operation, Maintenance and Decommissioning)
- Need & Alternatives
- Planning & Development (including Statement of consistency with the National Marine Planning Framework)
- Land & Soils
- Water
- Biodiversity
- Fisheries and Aquaculture
- Air Quality
- Noise & Vibration
- Landscape/Seascape
- Traffic & Transport (including navigation)
- Cultural Heritage (including underwater archaeology)

- Population & Human Health
- Major Accidents & Disasters
- Climate
- Waste
- Material Assets
- Interactions
- Summary of Mitigations
- Consideration and Reasoned Conclusions in relation to the:
 - EIA Directive (not of a class)
 - WFD Directive
 - MSFD Directive

It should be noted that the scale and complexity of the AIMU should reflect the scale and complexity of the project. Where one of the above chapters is not relevant to the proposed maritime usage the applicant should still include this chapter in the report format with a short paragraph stating why the chapter is not considered relevant in this instance.