

<b>Proposal to issue a maritime usage licence to Shannon Foynes Port Company</b>	
<b>To</b>	Dr. Karen Creed, Director of Consenting
<b>From</b>	Joanne Staunton, Licensing Analyst
<b>Date</b>	11 October 2024
<b>Applicant name and address</b>	Shannon Foynes Port Company, Mill House, Foynes, Co. Limerick, V94 R232
<b>Licence reference number</b>	LIC230014
<b>Application Date</b>	16 November 2023
<b>Date Minded to Determine Notice issued</b>	20 September 2024
<b>Date supplementary material received from applicant</b>	02 October 2024

## Contents

<b>Section 1: Decision Sought</b> .....	2
<b>Section 2: Background</b> .....	2
<b>Section 3: Supplementary material and requested amendments</b> .....	2
<b>3.1 General Condition 28 – Reef Habitat Protection</b> .....	2
<b>Section 4: Recommendation for Approval</b> .....	3

### Section 1: Decision Sought

Approval is sought for the issuance of a maritime usage licence to Shannon Foynes Port Company ('the applicant'), following the consideration of supplementary material submitted by the applicant in accordance with Section 119(6)(b)(ii) of the Maritime Area Planning Act 2021 ('the Act').

### Section 2: Background

The applicant submitted a maritime usage licence application to MARA on 16 November 2023 in accordance with Section 117 of the Act, for marine environmental surveys for the purposes of site investigation. MARA issued a Minded to Determine Notice (Tab 1) and a Proposed Licence (Tab 2), with conditions, to the applicant on 20 September 2024. The applicant was advised that MARA was minded to grant the licence, subject to conditions. The Minded to Determine Notice provided reasons for the conditions contained in the proposed licence. In accordance with Section 119(6)(b)(ii) of the Act, the applicant was given a specified period (of 21 days to 11 October 2024) within which supplementary material could be provided in view of the reasons for the conditions, for further consideration by MARA.

The applicant submitted a response (Tab 3) on 02 October 2024 with supplementary information setting out their reasons for a requested amendment to one of the specific conditions (specific condition 28) in the proposed licence. The licensing unit forwarded the applicant's response to MARA's Marine Advisors for comment. On 09 October 2024 the licensing unit received a report from the Senior Marine Advisor (Tab 4) responding to the applicant's amendment request on the specific condition.

### Section 3: Supplementary material and requested amendments

The applicant requested one change to specific condition 28 in the proposed licence. The licensing response to the amendment request takes into account the recommendation of MARA's Senior Marine Advisor. The applicant's response and the advice from the Senior Marine Advisor are briefly detailed in this section, however please refer to the full responses for further expansion on the issues.

#### 3.1 General Condition 28 – Reef Habitat Protection

The applicant has proposed the rewording of specific condition 28 and they note that given the nature of the works on the seabed, mapping the distribution of reef habitat prior to the commencement of borehole activity would allow a more informed determination of suitable borehole locations. The applicant states that this would also be a better use of resources as it would remove the requirement to have at least one reef specialist on board the survey vessel/drilling rig for a period of four months.

#### **Condition in proposed licence:**

##### 28. Reef Habitat Protection

No borehole activity shall take place in Reef habitat (EU Annex 1 habitat code 1170). All borehole activity shall be undertaken under the direct supervision of a suitably qualified person or persons with

appropriate geophysical and/or benthic ecology experience in identifying Reef habitat, who shall be present on the survey vessel/drill rig during borehole activity and who shall be empowered to halt such borehole activity where necessary to protect Reef habitat.

**Applicant's requested amendment:**

**28. Reef Habitat Protection**

- i. No borehole activity shall take place in Reef Habitat (EU Annex 1 habitat code 1170).
- ii. The Holder shall review the outputs of the geophysical surveys to identify any areas of reef habitat; and no environmental, ecological or metocean survey equipment will be deployed onto identified reef habitat.
- iii. The Holder shall undertake an extensive underwater visual survey (i.e., undertaken by divers, drop-down video (DDV) or remotely operated vehicle (ROV)) within the licence area, prior to undertaking the geotechnical and benthic survey. Reef habitats will be mapped and where present, the geotechnical sampling locations shall be micro sited away from the reef habitat and benthic sampling locations shall be sampled by video survey only.
- iv. All jack-up operations associated with geotechnical surveys shall be positioned to avoid any identified reef features.

**Senior Marine Advisor Recommendation**


The Senior Marine Advisor considered the applicant's request and noted that the clear intent of the condition is to protect reef habitat and that an appropriately qualified person is required to be on board the vessel. This appropriately qualified person relates to a person with geophysical and/or benthic ecology experience. The Senior Marine Advisor recommended no change to the condition from the proposed licence.

**Licensing response:** I recommend adapting the recommendation of the Senior Marine Advisor and making no change to specific condition 28 in the final licence.

**Section 4: Recommendation for Approval**

I am seeking your approval not to amend the above condition in the Licence from the Proposed Licence.

I am seeking your determination on the grant of the Licence (Tab 5).

  
Joanne Staunton  
Licensing Analyst

Maritime Area Regulatory Authority

**Annex 1 – List of Tabs to this Submission**

- **Tab 01** – Minded to Determine Notice
- **Tab 02** – Proposed Licence
- **Tab 03** – Response from Applicant to Minded to Determine Notice
- **Tab 04** – Senior Marine Advisor Report
- **Tab 05** – Licence