



An tÚdarás Rialála Limistéir Mhulrí  
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

Version No.	Date	Amendment	Reason
1	22/09/2023	N/A	
2	10/09/2024	Map and GIS files	Update
3	10/09/2024	GIS files	Update
4	21/02/2024	In-combination/cumulative effects	Update
5	29/02/2024	In-combination/cumulative effects	Update
6	26/03/2024	Species Foraging Ranges	Update
7	10/10/2024	Updated URL links within GIS & mapping section	Update
8	25/04/2025	Refer to MARA Technical Mapping Guidance	Update

### 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
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

## Maritime Area, Mapping and GIS Data Deliverables

Details on the maritime area delineation, mapping and GIS Data deliverables are detailed in the *MARA Technical Guidance Notes for MAC/MUL Applications in the Maritime Area under the Maritime Area Planning Act 2021*, on the MARA website.

### [MARA Technical Mapping Guidance](#)

## 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

### Species Foraging Ranges

1. Foraging ranges for Harbour and Grey Seals have been updated following 2022 research (Carter et al, 2022)\* and we now include Harbour Seal Natura 2000 sites within 273km and Grey Seal sites within 448km of the Maritime Usage Licence Area using the Source Pathway Receptor approach.
2. All Harbour Porpoise and Bottlenose Dolphin sites should be included as per the updated [2023 JNCC Cetacean Management Unit Boundaries](#)

\* Carter MID, Boehme L, Cronin MA, Duck CD, Grecian WJ, Hastie GD, Jessopp M, Matthiopoulos J, McConnell BJ, Miller DL, Morris CD, Moss SEW, Thompson D, Thompson PM and Russell DJF (2022) Sympatric Seals, Satellite Tracking and Protected Areas: Habitat-Based Distribution Estimates for Conservation and Management. Front. Mar. Sci. 9:875869. doi: 10.3389/fmars.2022.875869

### 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.