

Assessment, Research and Data Unit

Maritime Usage Licence Assessment Report

To:	Maritime Authorisations Unit	From:	Philip Newell, Senior Marine Advisor
Date	03 th June 2025	Maritime Usage Licence Application No:	MUL240035
Approved by:	John Evans, Director of ARD Unit		
Applicant:	Gas Networks Ireland, Gasworks Road, Co. Cork		
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	<i>Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.</i>		
Location of proposed Maritime Usage:	Within Cork Harbour, west of Roches Point and extending to the northwest of Corkbeg Island		
Licence application received:	6 th September 2024		
Stage 2 Appropriate Assessment required:	Stage 2 AA not required. Screening determination published 22/01/2025	Natura Impact Statement received:	Not Applicable
Environmental Impact Assessment considered:	Not required (considered 2 nd December 2024)		
Request for further information:	22 nd November 2024		
Responses to requests for information received:	28 th November 2024		
Public consultation:	Public body consultation only		
No. of submissions received:	Six received from public bodies		

Background

Gas Networks Ireland (the applicant) submitted a licence application to MARA on the 6th of September 2024, to undertake marine environmental surveys at a location within Cork Harbour to the west of Roaches Point and extending to the northwest of Corkbeg Island.

Project description

Gas Networks Ireland (GNI), are completing surveys to finalise the proposal for Ireland's Strategic Gas Emergency Reserve. The results of these surveys will be used as part of the site selection process, as well as providing baseline data to inform any future planning applications.

The proposed maritime usage is for the deployment and retrieval of both Static Acoustic Monitoring devices (SAMs) and Acoustic Doppler Current Profilers (ADCPs) within the proposed maritime usage area detailed in Figure 1. It should be noted that all locations shown are indicative and may be subject to a degree of change onsite. Each moored device is likely to consist of:

- two mooring weights (circa 20 kg each)
- an acoustic release system
- one or two hydrophones (SAM devices) / one ADCP
- multiple subsurface buoys.

Devices will be deployed, maintained in-situ, and recovered from a singular vessel. Devices will be retrieved using an acoustic release, eliminating the requirement for a surface buoy during deployment.

Moored devices will be recovered every three to four months for maintenance and redeployments for at least one year, up to two years. In their response to a further information request issued by MARA on 22/11/2024, the applicant has confirmed that they may redeploy the devices at varying locations within the proposed licence area during the term of the licence.

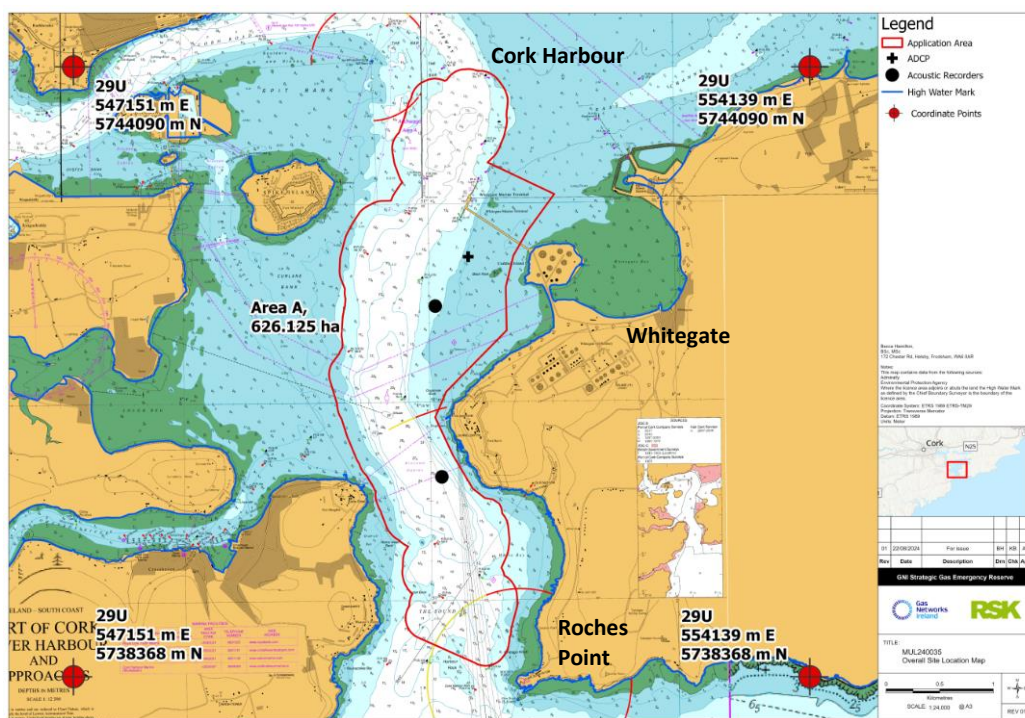


Figure 1 – Proposed Maritime Usage Area and Indicative Deployment Locations

National Policy and EU Directives

In undertaking the assessment of this licence application MARA had regard to the requirements of Section 121(2) of the Maritime Area Planning Act, 2021, as amended, which sets out the marine policy and legislation to which regard must be had in considering a licence application.

National Marine Planning Framework (NMPF)

The proposal by GNI to undertake surveys to assist in the delivery of Ireland's Strategic Gas Emergency Reserve aligns with Natural Gas Storage Policy 1 of the NMPF below: -

Subject to assessments required for the protection of the environment, and only where in keeping with the outcome of the review of the security of energy supply of Ireland's electricity and natural gas systems (which is being carried out by Department of the Environment, Climate and Communications), natural gas storage proposals should be supported.

Considering the above, and the information submitted by the applicant in their supporting AIMU document, I am satisfied the proposed works align with at least one, and do not act significantly against any other, objective within the NMPF.

National Biodiversity Action Plan (NBAP)

[Ireland's 4th National Biodiversity Action Plan](#) sets the national biodiversity agenda for the period 2023-2030. The objectives of the NBAP focus on the conservation and restoration of biodiversity. Objective 2 of the NBAP is to meet urgent conservation and restoration needs. Part of its focus is to elevate efforts to tackle invasive alien species. It is recommended that a condition be included in the licence, if granted, to address the potential risks from invasive alien species.

Birds and Habitats Directives (79/409/EC and 92/43/EEC)

MARA published an Appropriate Assessment Screening Determination on 22nd January 2025 which concluded that it can be **excluded**, on the basis of objective scientific information, that the proposed project, either individually or in combination with other plans or projects, will have a significant effect on a European site. Having considered the legal framework applicable to Appropriate Assessment, the proposed maritime usage by GNI to conduct marine surveys in Cork Harbour will not require Stage 2 Appropriate Assessment.

The applicant has submitted an Annex IV risk assessment with their licence application. Specifically, the risk assessment addressed marine mammal activity in the vicinity of the proposed maritime usage and the potential impacts on marine mammals with respect to the effects of collision risk and visual and acoustic disturbance.

With respect to deployment, maintenance, and retrieval activities, the risk assessment states that, considering current vessel activity levels in Cork Harbour, the addition of a single vessel will not have any significant effect. Therefore, potential impacts on Annex IV species as a result of vessel operations is considered very low.

The risk assessment further states that deployed the moorings will be non-invasive. SAM devices will not generate any sound or vibrations. The ADCP devices do produce some lower frequency sounds that are within the hearing range of high frequency marine mammal species, such as harbour porpoise.

The proposed ADCP device installation will be temporary in nature and will emit a narrow sound beam (typically a few degrees in width) with a typical echo intensity profile of 80 dB (+/- 1.5dB). As such, the possibility for impacts on protected species from underwater noise associated with survey equipment can be excluded from further consideration. The moorings will be sub-surface, with an acoustic release, resulting in no surface buoy or rising line, which will minimise risk of entanglement within the water column for any protected species. There is no potential for impacts on marine mammals or other protected species from the devices while deployed.

The risk assessment concluded that due to the small scale and temporary nature of the proposed maritime usage, the project will not result in any disturbance, injury, or mortality of Annex IV species, nor will it cause deterioration or destruction of any breeding or resting sites.

I am satisfied with the conclusion of the risk assessment, that there is no risk to the relevant Annex IV species.

Water Framework Directive (2000/60/EC)

The Water Framework Directive (WFD) requires EU member states to protect and improve water quality in all waters to achieve at least Good Status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The proposed maritime usage will take place in the *Cork Harbour* and *Outer Cork Harbour* waterbodies. Both the *Cork Harbour* and *Outer Cork Harbour* waterbodies were classified as having Moderate status in the most recent [Water Quality in Ireland 2016-2021](#) assessment. This included an assessment of ecological status, physicochemical elements and hydro morphological elements. Both waterbodies are classified as 'at risk' of failing to meeting the objectives of the WFD by 2027. Due to the scale and nature of the proposed maritime usage, it is not expected that the proposed maritime usage will have any impact on the waterbody classifications of any of these waterbodies.

Marine Strategy Framework Directive (2008/56/EC)

The Marine Strategy Framework Directive (MSFD) sets the framework for European marine environmental policy. It aims to achieve Good Environmental Status (GES) for all marine waters in Europe and protect the resource base for marine related economic and social activities. The 2024 draft assessment under Article 8 of the MFSD¹ states that GES has not been achieved for sea-floor integrity, marine litter and biodiversity.

Table 1: Assessment of MFSD descriptors in relation to this maritime usage licence application.

MFSD Descriptor	Good Environmental Status achieved ²	Assessment
Biological diversity	Partially achieved	The applicant submitted an Annex IV risk assessment and a marine mammal risk assessment as part of the licence application. These reports assessed the impacts of the proposed activity.
Non-indigenous species	Yes	To ensure that the maritime usage activity does not result in the unintended introduction of non-indigenous species, the licence will include a condition relating to the

¹ [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024.](#)

² As per [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024](#)

		control of invasive species on the hulls and in ballast water of the relevant vessels.
Population of commercial fish/shellfish	Partially achieved	The proposed maritime usage will not result in either incidental bycatch or a significant disturbance to population size of commercially exploited stocks. There are two licensed aquaculture sites located to the northeast of the proposed survey works. Atlantic Shellfish Ltd T05-002OFO for blue mussel and T05-522B for pacific oyster. Considering the location, scale and nature of the proposed maritime usage there will be no impact upon existing licensed aquaculture operations.
Marine food webs	Unclear	The balance and diversity in marine food webs will not be impacted as a result of the proposed activity.
Eutrophication	Yes	The proposed activity does not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving good environmental status.
Sea floor integrity	No	The project involves minimal interaction with the sea floor. Given the small-scale nature of the proposed survey works, no potential for significant impact was identified by the applicant.
Alteration of hydrographical conditions	Yes	The proposed maritime usage does not have the potential to cause any hydrographical changes. Therefore, the proposed maritime usage will not impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	The licence will require inclusion of a condition relating to preparation of an oil pollution emergency plan to mitigate for any accidental introduction of contaminants to the marine environment.
Contaminants in fish/seafood for human consumption	Yes	The proposed maritime usage activity will not result in the introduction of contaminants in fish or seafood and therefore, will not impact on the GES status of this descriptor.
Marine Litter	No	The proposed maritime usage will not result in the introduction of marine litter to the marine environment, and thus will not impact on the achievement of GES status of this descriptor.
Introduction of energy including underwater noise	Yes	The impacts of underwater noise introduced as a result of the proposed maritime activity were assessed in the appropriate assessment screening report associated with this licence application and were also considered within the Annex IV Risk Assessment.

Environmental Impact Assessment Directive (2014/52/EU)

MARA had regard to Schedules 5 and 7 of the Planning and Development Regulations 2001 in considering the necessity to carry out screening for environmental impact assessment. It was concluded that the project does not fall within the scope of the EIA Directive and therefore screening for environmental impact assessment is not required in this instance.

Climate Action and Low Carbon Development Act, 2015

Section 15(1) of the Climate Action and Low Carbon Development Act requires relevant bodies, including MARA, to perform their functions in so far as practicable in a manner consistent with the governance framework set out therein. The Act sets legally binding targets for the reduction of greenhouse gases by 2030 and net-zero emissions by 2050.

Considering the temporary and short-term nature of the proposed maritime usage, no significant increases in carbon emission are expected and no potential for indirect effects on climate change.

Consideration of Other Maritime Users

I have undertaken an assessment in relation to estate management. There is one overlap with a foreshore licence with respect to the Conoco Phillips (now Irving Oil) Whitegate Refinery terminal (FS004073). There does not appear to be any other significant conflicts in terms of estate management in relation to other existing consents or MAC/MUL applications on hand. The maritime usage activity, if granted, will be on a non-exclusive basis and a condition to that effect should be included in any licence which may issue. Notwithstanding this, it is recommended that a specific condition prohibiting interference with third party property is included in the licence. It is further recommended that a condition is included in the licence requiring the Holder to engage with the Port of Cork Company, as the relevant port authority, prior to commencing the proposed maritime usage to ensure there is no disruption to port operations in Cork Harbour including the Whitegate Refinery berth.

Site visit

A site visit was not undertaken as part of the assessment of this application. The proposed survey works are trivial in nature, and considering the scale and location of the works alone I am satisfied that the usage if permitted will not significantly injure the public use of, access to or enjoyment of the maritime area in question.

Public and Public Body Consultation

Public consultation was not undertaken on this application as screening for appropriate assessment, by MARA, under regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011), determined that stage 2 appropriate assessment was not required in this instance.

MARA engaged in a non-statutory consultation seeking observations from relevant public bodies in respect of the proposed maritime usage. Six (6) submissions were received from relevant public bodies. The submissions received are summarised below. The issues raised in the submissions are noted and addressed as part of this marine advisor report where relevant.

Submission 1: Marine Survey Office (MSO)

Submission summary

<p>The MSO stated that they have no objection to the granting of a licence in respect of the proposed maritime usage. They noted the need for consideration for safe navigation, publication of a marine notice, conformity with Irish certification standards for vessels, the provision of data to the UK Hydrographic Office, the need for any marking and lighting required for moored instruments to be carried out in consultation with the MSO and Commissioner of Irish Lights. In addition, the MSO recommended that the licensee engage in advance consultations with the Port of Cork, Irvine Oil Refinery, local fishers and recreational organisations. The MSO also requested that the applicant publish a local notice to mariners through the Port of Cork.</p>

MARA response:

MARA notes the issues raised by the MSO. Conditions are included as standard in Marine Usage Licences in respect of the requirement to publish marine notices and the need for vessels to conform with the requirements of Irish certification standards. In addition, MARA is required to have regard to the rights of the public or any class of the public over the foreshore in relation to navigation – this requirement has been incorporated into the overall assessment of the licence application. It is recommended that conditions be included in the licence, if granted, which will require the holder to engage in consultations with the relevant port authority, Port of Cork in advance of undertaking the permitted maritime usage.

Submission 2: Water, Energy and Business Support Programme, Office of Environmental Sustainability, Environmental Protection Agency

Submission summary

The EPA submission notes that no dumping at sea is proposed as part of the proposed maritime usage. The Agency further advises that in considering and deciding on the Maritime Usage Licence application, that the proposed activity should not result in a contravention of the Water Framework Directive 2000/60/EC, Habitats Directive 92/43/EEC, Birds Directive 2009/147/EC, Marine Strategy Framework Directive 2008/56/EC, Bathing Water Directive 73/160/EEC or Environmental Liabilities Directive 2004/35/EC.

MARA response:

MARA notes the submission from the EPA. The MAP Act sets out the matters to which MARA must have regard to when considering an application for marine usage in accordance with Schedule 7 of the MAP Act.

Submission 3: Commissioner for Irish Lights

Submission summary

Irish Lights note that the physical dimensions of the ADCP units, in particular their height above the seabed which impacts on available water depth, have not been provided as part of this application. Irish Lights notes that in the event that the available depth of water is reduced by more than 5% by reference to chart datum, then a surface marking buoy may be required, and such buoyage would need a consent from Irish Lights under the Merchant Shipping Act prior to being established, altered or disestablished. If buoyage is required, then as an Aid to Navigation any buoyage must be coloured and marked as per IALA (The International Organization for Marine Aids to Navigation) Standards. Furthermore, their submission notes the need for the appropriate assessment carried out for the purposes of the MUL application to include consideration of the potential impact of the deployment of any surface marking buoys and associated moorings.

MARA response:

MARA notes the submission and the concerns raised by Irish Lights. It should be noted that the Commissioner for Irish Lights is responsible for issuing Statutory Consents in relation to aids to navigation. The onus is on the applicant to ensure that all the required statutory authorisations are in place, for the proposed marine usage to go ahead. The assessment of the deployment of buoys must be undertaken by the Commissioner for Irish Lights as part of the assessment of their statutory consent process. It is recommended that a condition be included in the licence, if granted, stating that the MUL does not negate the responsibility of the applicant to ensure they have all the necessary consents to undertake the proposed activity. Additionally, it is recommended that a condition is included in any licence which may issue that the applicant consults with the

Port of Cork Company in advance of commencing the permitted maritime usage to ensure that any potential for disruption to port operations is managed.

Submission 4: Department of Agriculture, Food and the Marine (DAFM).

Submission summary

DAFM state that the evaluation of the proposed maritime usage must consider commercial fishing in the context of both the MAP Act and the National Marine Planning Framework. It stated that the principle of maximising co-existence with other maritime users must be considered in this context.

DAFM welcomes that a notice to mariners will be issued prior to any activities and that ongoing stakeholder engagements will take place for the duration of any activities outlined in the application.

DAFM seeks confirmation that a Fisheries Liaison Officer (FLO) will be appointed to liaise with all the relevant sea going and foreshore users in advance of any marine survey operations. All relevant fishing organisations should receive any applicable Marine Notice/s and be made aware of any proposed site survey and investigation works at the earliest opportunity to ensure the optimum coordination of activities and to limit potential disturbances to fishing activities to the greatest extent possible.

The Marine Institute note in their attached response that the operation and recovery of the survey devices should not have any adverse impact on the seafood sector however, Cork harbour Special Protection Area 004030 is located close by to the proposed survey area and so considerations of potential impact would need to be incorporated into planning.

Marine Engineering Division (MED) DAFM stated they have no objection to the proposed activity as detailed in the application documentation and are satisfied that Aquaculture sites have been considered by the applicant and the potential impact on aquaculture is considered not to be significant.

MARA Response:

MARA notes the content of the submission from DAFM. It also notes the additional submission from the MI. In relation to promoting maximisation of co-existence with other maritime users, MARA is required, under the MAP Act to have regard to the obligations in respect of the public over the foreshore in relation to navigation and fishing. In this respect the principle of maximising co-existence with other maritime users is incorporated into this licence assessment. The licence, if granted, will also implement this in the form of conditions relating to not damaging fishing gear, publishing marine notices and coordinating activities with the respective harbour master. DAFM has further requested confirmation that a Fisheries Liaison Officer (FLO) will be appointed by the applicant. The works are trivial in nature and will not have any impact on fishing activities. The appointment of an FLO is not warranted for a proposed maritime usage of this scale and nature.

Submission 5: Inland Fisheries Ireland (IFI)

Submission summary

IFI noted an apparent inconsistency between the Application Submission (including Overall Site Location Map) and the AA Screening with the application indicating 1x ADCP and 2x SAM devices for deployment and the AA Screening documentation stating 1x SAM and 2x ADCP and request clarification.

IFI state that they do not have any issues with the proposed MUL application as the temporary nature of the operation and small footprint should not have a negative effect on the proposed locations. The AA screening has noted that there is no impact on neighbouring SAC's (3) or SPA's (4).

It is noted in the application that a notice will be issued to mariners in advance of any marine activities. Is it worth noting that local users should be informed of the proposed buoy locations and new locations if/when moved. This harbour is widely used for sea angling trips which may overlap with this study site.

MARA Response:

MARA notes the content of the submission from IFI. The application is for 1 x ADCP and 2 x SAM devices. In relation to the impact on local users, including sea anglers, the works are trivial in nature and will not have any impact on fishing activities. The licence, if granted, will also implement this in the form of conditions relating to not damaging fishing gear, publishing marine notices and coordinating activities with the respective harbour master.

Submission 6: Port of Cork Company.

Submission summary

The Port of Cork Company requested that the applicant consult with them prior to works commencing to discuss various items including but not limited to:

- The timing and sequencing of works.
- Navigational safety controls including possible AtoN (Aids to Navigation / buoys) on the monitoring equipment.
- Communication to leisure users via a Notice to Mariners.
- Consultation with local fishermen.
- Port of Cork Company MUL240042 application.

MARA Response:

MARA notes the content of the submission from the Port of Cork Company. A specific condition will be included in the licence which will require the holder to engage in consultations with the Port of Cork in advance of undertaking the permitted maritime usage.

Recommendation

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to Gas Networks Ireland for the purposes of undertaking marine environmental surveys within Cork Harbour, subject to the conditions in Appendix 1.



Philip Newell

Senior Marine Advisor

Appendix 1:

Recommended term of licence for inclusion in the Particulars Schedule:

1. Recommended Term of licence to be 2.5 years from date of commencement.

Recommended conditions for inclusion in *Appendix 2: Specific Conditions of the Marine Usage Licence*, if granted.

20. The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted in support of the application for this Licence.

Reason: To clarify the scope of the licence.

21. This licence is for the purposes of licensing under the Act and nothing in this licence shall be construed as negating the Holder's statutory obligations or requirements under any other Law.

Reason: To clarify the scope of the licence.

22. The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

23. The Holder shall not damage or interfere with any third party's property, infrastructure or fishing gear while conducting the Permitted Maritime Usage.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

24. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with the Port of Cork Company to plan and schedule the Permitted Maritime Usage in order that any potential disruption to port operations is managed.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

25. The Holder shall ensure that all vessels engaged in this Permitted Maritime Usage conform to Irish Certification standards for vessels, as required by the Marine Survey Office.

Reason: To ensure the orderly undertaking of the proposed maritime usage

26. The Holder shall keep the following documents together and available for inspection by the Grantor:

- i) a copy of the licence related to this Permitted Maritime Usage;
- ii) all correspondence with the Grantor;
- iii) up to date drawings, plans and maps relating to the Permitted Maritime Usage;
- iv) such records and/or photographs required to demonstrate compliance by the Holder with the Specific Conditions;
- v) marine positional log to demonstrate compliance with the terms of the licence, including ensuring that the activity occurs within the licensed area; and,
- vi) any elements of the licence application and associated documentation referenced in this licence.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

27. Accidental events: The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:
- i) Information on the location and detail of spill response resources on-board;
 - ii) Information on crew training in relation to oil pollution response;
 - iii) How crew will interface with other site investigation operators, where applicable.

Reason: To ensure the protection of the marine environment.

28. The Holder shall take all reasonable practical measures to ensure that all vessels used in the Permitted Maritime Usage are free of invasive marine species on their hulls and in their ballast water.

Reason: To ensure the protection of the marine environment.