

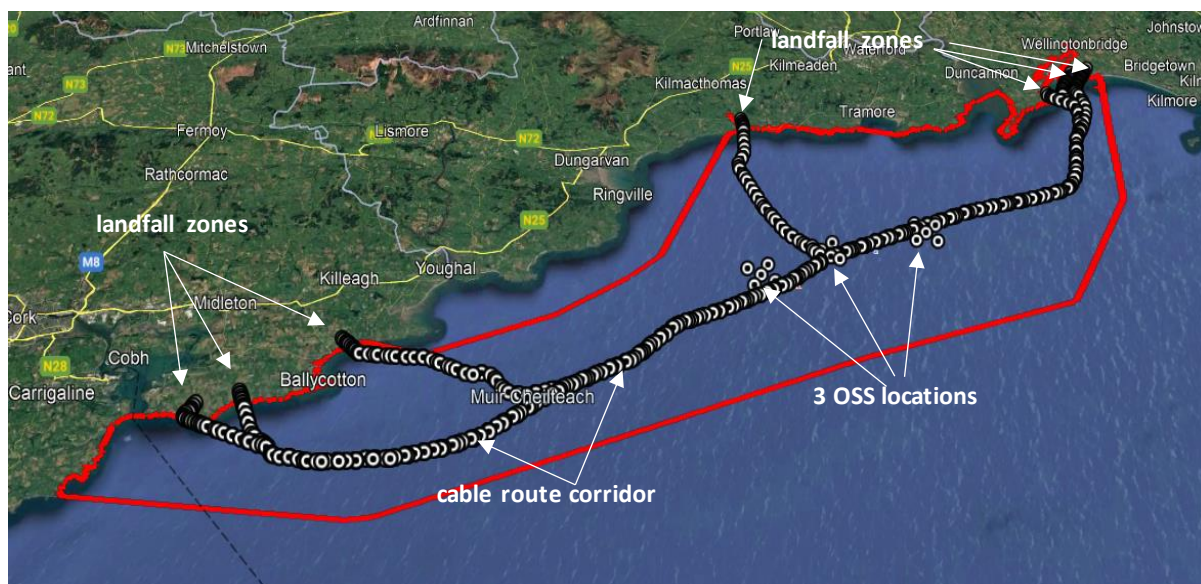
<b>Assessment, Research and Data Unit</b> <b>Maritime Usage Licence Assessment Report</b>			
<b>To:</b>	Maritime Authorisations Unit	<b>From:</b>	Dr. Alison McCarthy & Dr. Ciar O'Toole Senior Marine Advisors
<b>Date</b>	09/07/2025	<b>Maritime Usage Licence Application No:</b>	MUL240036
<b>Approved by:</b>		John Evans, Director of ARD Unit	
<b>Applicant name and address:</b>		EirGrid, 160 Shelbourne Road, Ballsbridge, Dublin 4	
<b>Type of maritime usage activity in accordance with Schedule 7 of the Maritime Area Planning (MAP) Act 2021:</b>		<i>(3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.</i>	
<b>Location of proposed Maritime Usage:</b>		The south coast of Ireland and within the South Coast Designated Maritime Area Plan	
<b>Licence application received:</b>		11/11/2024	
<b>Request for further information under Section 117(3):</b>		29/11/2024, 24/01/2025, 11/04/2025	
<b>Response to requests for information received:</b>		03/12/2024, 27/01/2025, 15/04/2025	
<b>Senior Marine Advisor (Engineer) consulted:</b>		Edwin Mooney	
<b>Environmental Impact Assessment (EIA) considered:</b>		EIA not required (EIA consideration Form dated 18/03/2025)	
<b>Stage 2 Appropriate Assessment Required</b>		Yes	<b>Section 117(6)(a) notice requesting Natura Impact Statement issued:</b> 06/05/2025
<b>Natura Impact Statement received:</b>		09/05/2025	
<b>Public consultation:</b>		20/05/2025 to 23/06/2025	
<b>Submissions from the public received:</b>		Four	<b>Comments from public bodies received:</b> Seven

## Table of Contents

1. Background.....	3
2. Description of the Proposed Maritime Usage .....	4
3. National Policy and EU Directives.....	6
3.1 National Marine Planning Framework (NMPF) .....	6
3.2 National Biodiversity Action Plan (NBAP) .....	7
3.3 Climate Action and Low Carbon Development Act 2025 ('the Climate Act') .....	8
3.4 Birds and Habitats Directives (79/409/EC and 92/43/EEC) .....	8
3.5 Water Framework Directive (2000/60/EC) .....	9
3.6 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive) .....	14
3.7 Marine Strategy Framework Directive (2008/56/EC) .....	14
4. Consideration of other maritime users .....	17
5. Site visit.....	18
6. Public consultation .....	18
6.1 Public submissions .....	18
6.2 Public body submissions .....	25
Appendix 1 – Recommended Conditions.....	33

## 1. Background

EirGrid (the applicant) applied to the Maritime Area Regulatory Authority (MARA) for a maritime usage licence on 11/11/2024 under the Maritime Area Planning Act 2021 as amended (the MAP Act) to undertake marine environmental surveys for the purposes of site investigation to inform the engineering design and environmental assessments for two proposed offshore substations (OSS) and potential offshore transmission cable corridors from the OSS towards seven potential landfall zones. This maritime usage activity falls under Schedule 7(3) of the MAP Act ‘*Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000*’. The two proposed OSS will be located in Area A (Tonn Nua) as identified in the South Coast Designated Maritime Area Plan for Offshore Renewable Energy (SC-DMAP)<sup>1</sup>. The potential landfall zones are in coastal areas in counties Cork, Waterford and Wexford. The site investigation activities are integral to the delivery of offshore renewable energy projects within the SC-DMAP and are required as part EirGrid’s Powering Up Offshore South Coast project.



**Figure 1:** The MUL application area is shown in red and the areas in which the site investigation activities are proposed are shown as white and black circles. The potential landfall locations are also indicated.

The MUL application area, referred to by the applicant as the Area of Interest (AoI), is shown on Figure 1. It covers an area of 2,333 km<sup>2</sup> from the high-water mark (HWM) of coastal areas out into the Celtic Sea<sup>2</sup>. The area extends offshore to approximately 34 km from the coastline at its furthest distance and water depths range from 0–70 m. The MUL application area is almost entirely within the SC-DMAP. The western extent of the area is at Ringroe in Co. Cork and extends eastwards to Cullenstown in Co. Wexford. As described in the application, the

<sup>1</sup> [The South Coast Designated Maritime Area Plan for Offshore Renewable Energy \(SC-DMAP\).](#)

<sup>2</sup> Area defined according to ETRS\_1989\_UTM Zone 29N

site investigation activities will be confined to a much smaller area within the overall MUL application area, covering three potential locations in which the two OSS will be located, the potential cable route corridors and the seven potential landfall zones, as shown on Figure 1. The width of the cable survey corridor is 1000 m. Table 1 details the locations of the seven proposed landfall zones.

**Table 1:** Locations and site characteristics of the seven proposed landfall zones.

Proposed Landfall Zone	Location
Landfall zone A	Ballintra West, Ballintra East, Inch, Lahard, Co. Cork
Landfall zone B	Ballybrangan, Ballycroneen West, Ballyrobin South, Co. Cork
Landfall zone C	Garryvoe Lower, Ballybutler, Ballycrenane, Co. Cork
Landfall zone D	Templeyvrick, Ballynasissala, Bunmahon, Ballynagigla, Knockmahon, Co. Waterford
Landfall zone E	Ramstown, Carvinvan, Co. Wexford
Landfall zone F	Bannow Bay, Co. Wexford
Landfall zone G	Haggard, Blackhall, Ballymadder, Co. Wexford

## 2. Description of the Proposed Maritime Usage

The proposed maritime usage activities, or site investigation activities, are detailed on Table 2. The applicant has applied for a five-year licence duration during which the proposed activities will take place over a phased basis. Geophysical surveys will be sequential with geotechnical surveys, as the results of the first will inform the latter. The remaining surveys could take place at any time during the licence period, though the applicant notes that it is intended to complete the majority of the works in the first two years. The landfall surveys will be during daylight hours and subject to tidal conditions. Vessel details are not yet available, but the applicant has noted that on a precautionary basis a maximum of eight surveys vessels could be operating at any one time.

**Table 2:** Summary of the marine site investigation activities, the associated survey areas within the Aol, estimated timeframe and the maximum quantity of samples.

Proposed maritime usage activities & survey area	Estimated timeframe for activities & maximum Quantity (where relevant)
<b>Coastal geophysical surveys</b> (land-based, below the High-Water Mark (HWM)). At seven potential landfall zones. <ul style="list-style-type: none"> <li>Ground penetrating radar and/or seismic refraction</li> <li>Topographical surveys including Unmanned Aircraft Systems (UAS), Global Positioning Systems (GPS) and Global Navigation Satellite Systems (GNSS) devices</li> </ul>	To take place at time during licence period  n/a
<b>Marine geophysical surveys</b> (undertaken from survey vessel(s)) Focussed on potential landfall zones, cable corridors and Tonn Nua area	To take place at time during licence period but ideally over first 2 yrs.

<ul style="list-style-type: none"> <li>• Multi Beam Echosounder (MBES)</li> <li>• Sub-bottom profiler (SBP) including Ultra-High Resolution Seismic (UHRs) survey</li> <li>• Side Scan Sonar (SSS) – using Ultra-short baseline (USBL) positioning</li> <li>• Magnetometer – using USBL positioning</li> </ul>	n/a
<p><b>Coastal geotechnical surveys</b> (undertaken on land below the HWM) At seven potential landfall zones.</p> <ul style="list-style-type: none"> <li>• Trial pit investigations, 2 m depth, up to 2 m<sup>2</sup> area, manual excavation or with mechanical backhoe, up to 6 trial pits at each landfall zone, trial pits will be excavated during a single tidal cycle.</li> </ul>	<p>To take place at time during licence period but ideally over first 2 yrs.</p> <p>42</p>
<p><b>Marine geotechnical surveys</b> (undertaken from survey vessel(s) or jack-up barge towed by tugboat, or vehicle-mounted drilling spread when required. Focussed in potential cable corridors, potential OSS locations, and potential landfall zones.</p> <ul style="list-style-type: none"> <li>• Subtidal grab sampling (same campaign as included under environmental surveys) (0.1 m<sup>2</sup> grab, 0.5 m depth)</li> <li>• Vibrocore testing (~6 m depth, 75–120 mm diameter)</li> <li>• Borehole investigations (including downhole Cone Penetration Testing (CPT) and sampling (up to 100 m depth at OSS locations and up to 15 m depth at cable corridor and landfall zones). Drilling head outside diameter of 250 mm.</li> <li>• Shallow CPT (~6 m depth)</li> <li>• Deep Drive CPT (~15 m depth)</li> </ul>	<p>To take place at time during licence period but ideally over first 2 yrs.</p> <p>420 276</p> <p>21 inshore 8 OSS locations 276 16</p>
<p><b>Metocean and marine mammal acoustic device deployment</b> (deployed by vessel and moored to seabed). At potential OSS locations.</p> <ul style="list-style-type: none"> <li>• Metocean buoy</li> <li>• Acoustic Doppler Current Profiler (ADCP)</li> <li>• Marine Mammal Static Acoustic Monitoring (SAM)</li> </ul>	<p>Deployed for approx. 1 year. To take place at any time during licence period</p> <p>2 3 16 locations (4 SAMS in 4 areas)</p>
<p><b>Coastal environmental surveys</b> (land-based below the HWM). At potential landfall zones, cable corridor or OSS locations.</p> <ul style="list-style-type: none"> <li>• Ecological walkover surveys (habitats, bat activity and roost assessment, mammal surveys including otter)</li> <li>• Ornithological vantage point surveys</li> <li>• Marine mammal vantage point surveys</li> <li>• Intertidal core sampling (0.01m<sup>2</sup> core size)</li> </ul>	<p>To take place at any time during licence period apart from core sampling ideally in first 2 yrs.</p> <p>n/a n/a n/a 126 cores</p>
<p><b>Marine environmental surveys</b> (undertaken from survey vessel(s)). At potential landfall zones, cable corridor or OSS locations.</p> <ul style="list-style-type: none"> <li>• Drop down video (DDV) and/or Remotely Operated Vehicle (ROV) surveys</li> <li>• Grab sampling (same campaign as under the marine geotechnical surveys)</li> </ul>	<p>To take place at any time during licence period</p> <p>n/a 420 (subtidal)</p>

<ul style="list-style-type: none"> <li>• Ornithological surveys (boat-based)</li> <li>• Marine mammal surveys (boat-based) including passive acoustic monitoring (PAM)</li> <li>• Water sampling (for conductivity, temperature and depth)</li> </ul>	n/a monthly surveys for 2 yrs  n/a
<p><b>Archaeological surveys.</b> At potential landfall zones, OSS areas, and cable corridor and Tonn Nua area.</p> <ul style="list-style-type: none"> <li>• Intertidal survey</li> <li>• Coastal and marine geophysical surveys (same campaign as described under coastal and marine geophysical surveys)</li> <li>• Sampling</li> <li>• Dive survey</li> <li>• Wade survey</li> <li>• Monitoring</li> </ul>	To take place at time during licence period but ideally over first 2 yrs.     n/a
<p><b>Noise surveys.</b> At potential landfall zones.</p> <ul style="list-style-type: none"> <li>• Unattended and attended monitoring stations</li> </ul>	To take place at any time during licence period Up to 5 locations at each landfall zone
<p><b>Shipping and navigation survey.</b> Within entire site location area.</p> <ul style="list-style-type: none"> <li>• Shore based visual surveys or vessel surveys (potentially in tandem with other surveys)</li> </ul>	To take place at any time during licence period n/a
<p><b>Unmanned aircraft systems (UAS)/drone surveys.</b> At potential landfall zones.</p>	To take place at any time during licence period n/a
<p><b>Aerial surveys</b> (birds and marine mammals). Within entire site location area.</p>	To take place at any time during licence period n/a

### 3. National Policy and EU Directives

Section 121(2) of the MAP Act sets out the marine policy and legislation to which MARA must have regard to in considering a MUL application, as discussed in this section.

#### 3.1 National Marine Planning Framework (NMPF)

The proposal to undertake marine environmental surveys for the purposes of site investigation in the SC-DMA is consistent with the policies of the NMPF and other wider policies, which are discussed within Section 3.4 of the SC-DMA<sup>3</sup>. The proposed activities also fit with the NMPF objective to develop the offshore electricity transmission system and connections between the offshore and onshore electricity grids.

The proposed activities will contribute to the NMPF policy in all three groupings of overarching marine planning policies: Environmental, Economic and Social. A number of

<sup>3</sup> [The South Coast Designated Maritime Area Plan for Offshore Renewable Energy \(SC-DMA\)](#).



environmental policies detailed in the NMPF are covered Sections 3.2–3.7 of this report, including, but not limited to, the National Biodiversity Action Plan (NBAP), the Birds and Habitat Directives, the Water Framework Directive, the Marine Strategy Framework Directive and Climate Change.

This MUL application aligns with area-specific policies within the NMPF contained within Chapter 13, Energy – Offshore Renewables and Chapter 15, Energy – Transmission. Chapter 16 Fisheries and the policies detailed within are also relevant given the potential overlap with fishing activities during the proposed activities. This is further discussed in Section 3.8 of the NMPF, Other Users. Chapters 7 and 23 of the NMDF, Social and Tourism, are also relevant to this assessment, given the landfall location proposed by the applicant and the potential overlap in uses between the proposed maritime usage activity and recreational users and tourists at the landfall site in particular (see Section 4 of this report for consideration of other maritime users).

The NMPF includes a policy on heritage assets (Heritage Assets Policy 1). The policy supports the conservation of the historic environment and heritage assets both along the coast and in the underwater environment. The aim of the policy is to ensure that proposals in the marine environment do not have a detrimental impact on marine and coastal heritage assets. The applicant submitted an Assessment of Impact of the Maritime Usage (AIMU) report as part of the MUL application. The AIMU report outlined the potential impacts on underwater archaeological or cultural heritage as a result of the proposed activities. It is recommended that a condition be included in the licence, if granted, requiring the holder to consult with the National Monuments Service prior to the commencement of the activities and to comply with all of their requirements in relation to underwater cultural heritage. In addition, it is recommended that geophysical surveys should take place in advance of geotechnical surveys to ensure that any archaeological features that may be present on the seabed are identified in advance and that significant effects are avoided.

### 3.2 National Biodiversity Action Plan (NBAP)

Ireland's 4th National Biodiversity Action Plan<sup>4</sup> 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 as a result of the survey activities. Sections 3.4, 3.5 and 3.7 of this report also address the Habitats and Birds Directives, WFD and MSFD and recommend conditions to avoid biodiversity impacts from the proposed activities.

---

<sup>4</sup> [4<sup>th</sup> Biodiversity Action Plan 2023–2030. Government of Ireland.](#)

### 3.3 Climate Action and Low Carbon Development Act 2025 ('the Climate Act')

The Climate Action Plan 2025<sup>5</sup> notes the progress on actions in the development framework for offshore energy in the marine environment. Pertaining to this it is noted that the SC-DMAP has been published and it identifies four areas off the south coast that are considered suitable for future offshore renewable energy. This MUL application is required to support the delivery of offshore transmission cable routes from Area A of the SC-DMAP, called Tonn Nua, to potential landfall zones. The application is in line with the development framework for offshore energy as set out in the Climate Action Plan 2025. The application is critical in supporting Ireland's targets for offshore wind (at least 5 GW from offshore wind) as identified in the Climate Action Plan. Considering the temporary and short-term nature of the proposed activities, no significant increases in carbon emissions are expected to be produced.

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

MARA issued an Appropriate Assessment (AA) Screening Determination on 06/05/2025 which concluded that the proposed site investigation activities will require Stage 2 AA as it could not 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 European sites.

MARA undertook an AA in respect to the proposed site investigation activities, considering the documents submitted by the applicant, the observations received on foot of the public consultation and the public body consultation on the application along with the marine advisor's own assessment (see AA Report and Determination which accompanies this report). The AA concluded, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed activities (either individually or in combination with any other plans or projects) will not adversely affect the integrity of any European sites, in view of the sites' conservation objectives, subject to the implementation of mitigation measures. The AA report specifies the mitigation measures that must be included as conditions in the licence, if granted. These conditions are also included in Appendix 1 of this report.

Articles 12 and 13 of the Habitats Directive impose obligations on Member States to establish a system of strict protection for animal and plant species listed on Annex IV of the Directive. The applicant submitted a Risk Assessment for Annex IV Species in support of their MUL application. The risk assessment considered the scope of the proposed site investigation activities, the relevant Annex IV species (bats, otters, cetaceans and turtles) and the potential impacts of the activities on those species. The Risk Assessment for Annex IV Species concluded that the proposed activities comply with the system of strict protection, considering that mitigation measures for underwater noise, in accordance with national guidance will be

---

<sup>5</sup> [Climate Action Plan 2025. Government of Ireland.](#)



adhered to for marine geophysical and geotechnical surveys. It is recommended that any licence granted must include a condition requiring the applicant to adhere to the national guidance for underwater noise and marine mammals (see recommended conditions – Appendix 1).

The applicant submitted an application to the National Parks and Wildlife Service (NPWS) for a derogation licence for the proposed activities, under the (Birds and Natural Habitats) Regulations 2011 as amended. On 10/06/2025 a derogation licence was granted to the applicant by the Minister for Housing, Local Government and Heritage stating that the action authorised by the derogation would not be detrimental to the maintenance of the population of whale, dolphin, turtle or porpoise at favourable conservation status in their natural range. The derogation licence also included requirements to carry out the mitigation measures for underwater noise in accordance with the national guidance. The derogation licence was granted from 10/06/2025 to 31/12/2025 inclusive. A condition will be required in any MUL granted for the proposed activities, stating that the licence does not negate the holders statutory obligations or requirements under any other law. Therefore, the holder will have to ensure that any further licence requirements from the NPWS in relation to Annex IV species are obtained as required.

### 3.5 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 ecological status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. There are six WFD coastal waterbodies within the MUL application area, as detailed in Table 3. As noted, the site investigation activities will take place within a much smaller area within the MUL application area (see Figure 1). Table 3 shows the proposed activities within each of the waterbodies. The status of coastal waterbodies is based on the assessment of biological quality elements (phytoplankton, benthic invertebrates, macroalgae, angiosperms) as well as supporting chemical (specific pollutants), physico-chemical (e.g. temperature, salinity, nutrients) and hydromorphological quality elements.

The applicant has noted all vessels used for the activities will adhere to international and national legislation for the prevention of pollution from ships. The applicant also notes that machinery and vehicles operating in the intertidal area will be fuelled on hard-standing areas and at least 10 m from drainage networks and will have spill kits available. Given this, it is unlikely that spillages of harmful materials from the survey activities (e.g. fuel, oil or wastewater) will occur. There will be no nutrient emissions from the activities or changes to temperature and salinity of the receiving waters. Considering this, and the limited scale and duration of the activities, there will be no deterioration in the chemical and physico-chemical quality elements of the waterbodies. It is recommended to include a condition in any licence granted to ensure that the holder conforms to the appropriate certification standards for preventing pollution from vessels, as required by the Marine Survey Office (see Appendix 1 –

recommended conditions). It is also recommended that a condition should be included in any licence granted to ensure the holder is prepared for any accidental oil pollution events by having a response plan in place, as well as a condition ensuring the activities in the intertidal area are carried out as proposed by the applicant (the ‘plans and particulars’) see Appendix 1.

In terms of the biological quality elements, the intrusive geotechnical activities (grab sampling, vibrocore testing, borehole drilling, use of a jack-up barge) have the potential to directly damage benthic invertebrates in soft substrates or macroalgae growing on hard substrates. The status of benthic invertebrates has not been monitored or assigned in any of the waterbodies shown on Table 3, apart from Outer Cork Harbour where it has been assigned as ‘moderate’. Table 3 shows the broad habitat types and available information on the benthic community complexes in the areas of the waterbodies in which geotechnical activities are proposed. The applicant has noted that in advance of geotechnical activities that drop down video surveys will be undertaken to confirm the substrate type and so that hard substrates and biogenic reef habitats (with associated macroalgae) can be avoided, thus avoiding direct damage to those habitats. The benthic invertebrates from the soft substrate habitats will be directly impacted by the activities. However, the soft substrate habitats and species described from the areas of the proposed activities generally have a high resilience and low sensitivity to penetration or disturbance of the substratum subsurface<sup>6</sup>. Many of the characteristic species are mobile and can recolonise affected areas relatively quickly. Given this, and as the footprint of the geotechnical activities is relatively small, it is not expected that the status of the benthic invertebrates in any of the waterbodies will be negatively impacted. As hard substrates and biogenic reefs will be avoided, the macroalgae will be avoided and as there will be no nutrient input the phytoplankton and angiosperms will not be altered. Therefore, it is not expected that the biological quality elements of any of the waterbodies will be impacted.

It is recommended to include a condition requiring the holder to undertake all geophysical surveys in advance of geotechnical activities so that hard substrates and biogenic reef habitats will be avoided. It is also recommended to include a condition requiring the holder to undertake drop down video surveys in advance of the geotechnical surveys to avoid hard substrate and reef habitats (see Appendix 1)

With regard to the hydromorphological conditions of the waterbodies, the intrusive sampling activities, including the use of jack up barge, could lead to an increase in suspended sediments in the water column, sediment deposition on the surrounding seabed and indentations in the seabed surface levels. However, the intrusive survey activities will take place mainly on sands

---

<sup>6</sup> [The Marine Life Information Network](#).

and coarse sediments, which are subject to high current flows along the south coast of Ireland and thus the surface sediments will return to background conditions relatively quickly following completion of the activities and suspended sediments will quickly dissipate. The hydromorphological conditions of the waterbodies on Table 3 are not expected to be impacted by the activities.

Given the recommended conditions as detailed in Appendix 1, there is not expected to be a deterioration in the ecological status of any of the waterbodies in the MUL application area as a result of the proposed activities.

**Table 3:** Information on the Water Framework Directive (WFD) waterbodies located within the MUL application area from the reporting period 2016–2021, including status, risk and significant pressures for the at-risk waterbodies<sup>7</sup>.

Waterbody name & code	Waterbody type	Ecological status & Risk*	WFD significant pressures	Proposed activities within waterbody	Broad benthic habitats in areas where activities are proposed <sup>8</sup>
Bannow Bay IE_SE_090_0000	coastal	Moderate & at risk	nutrients & agriculture	A small number of geotechnical samples may be taken from the southern edge of this waterbody.	The habitat in this area is mudflats and sandflats not covered by seawater at low tide, comprised in the southern edge of the waterbody of 'fine sands with <i>Pygospio elegans</i> and <i>Corophium volutator</i> community complex'.
Eastern Celtic Sea (HAs 13; 17) IE_SE_050_0000	coastal	High & not at risk	n/a	Four of the proposed landfall zones (zones E, F and G) in Co. Wexford and one in Co. Waterford, zone D) and part of the proposed route corridor are within the waterbody.	Hard substrates: circalittoral and infralittoral <sup>9</sup> rock and biogenic reef. Characterised by the NPWS for Hook Head SAC (which overlaps with this waterbody in the vicinity of the three landing areas off Co. Wexford) as 'exposed to moderately exposed intertidal reef community complex' and 'echinoderm and sponge dominated community complex'. Soft substrates: infralittoral and circalittoral sand, muddy sand and coarse sediment. Characterised by NPWS at Hook Head SAC as large shallow inlets and bays with 'sand with <i>Chaetozone christiei</i> and <i>Tellina</i> sp. community' and 'coarse sediment with <i>Pisida longicornis</i> and epibenthic fauna community complex'.

<sup>7</sup> From [www.catchments.ie](http://www.catchments.ie)

<sup>8</sup> Benthic habitat information sources: [Ireland's Marine Atlas](#), [NPWS European sites data](#) and [Ecological Sensitivity Analysis of the Celtic Sea](#) report

<sup>9</sup> The circalittoral is the subzone of the rocky sublittoral below that sublittoral area dominated by algae which is the infralittoral.

					In the area around the landfall zone in Co. Waterford, sands and muddy sands dominate, with <i>Amphiura</i> and <i>Chamelea</i> communities.
Waterford Harbour IE_SE_100_0000	coastal	Moderate & at risk	nutrients, agriculture & urban run-off	No site investigation activities within this waterbody. Waterbody is approx. 10 km from closest landfall area.	Mostly circalittoral fine sand or muddy sand with patches of circalittoral coarse sediment and rock and biogenic reef.
Ballycotton Bay IE_SW_040_0000	coastal	Good & not at risk	n/a	One landfall zone in Co. Cork (zone C, Garryvoe Lower, Ballybutler, Ballycrenane) and part of the cable route corridor is within this waterbody.	Mixture of hard substrates: infralittoral and circalittoral rock and biogenic reef and soft substrates: patches of circalittoral fine sand or muddy sand. Inter-tidal sand and mudflats closer to shore (predominantly firm sands).
Western Celtic Sea (HAs 18;19;20) IE_SW_010_0000	coastal	High & not at risk	n/a	One landfall area in Co. Cork (zone B, Ballycroneen) and a small part of cable route corridor is within this waterbody.	Dominated by hard substrates: infralittoral and circalittoral rock and biogenic reef.
Outer Cork Harbour IE_SW_050_0000	coastal	Moderate & at risk	nutrients & agriculture	One landfall area (zone A, Inch. Co. Cork) and small part of cable route corridor within this waterbody.	Mixture of hard substrates: circalittoral and infralittoral rock and biogenic reef and soft substrates: circalittoral fine sand or muddy sand.

\*At risk means at risk of not achieving good status by 2027; not at risk means no risk in maintaining current status.

### 3.6 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive)

MARA carried out a preliminary screening of the proposed activities having considered Schedules 5 and 7 of the Planning and Development Regulations 2001 ('PDR'). A 'Consideration of EIA Form' was issued by MARA on 18/03/2025 and it was concluded that the project does not fall within the scope of the EIA Directive and therefore an environmental impact assessment is not required. The conclusion was reached as the proposed activities are not listed on Part 1 of Schedule 5 of the PDR. In addition, the proposed activities are not listed on Part 2 of Schedule 5 of the PDR, in relation to projects with specific thresholds above which require EIA and below which require consideration of the criteria listed in Schedule 7 of the PDR (i.e. characteristics and location of proposed development and characteristics of potential impacts).

### 3.7 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 MSFD<sup>10</sup> states that GES has not been achieved for sea-floor integrity, marine litter and biodiversity. Table 4 provides an assessment of the impacts of the proposed activities on the MSFD descriptors relevant to this application.

**Table 4:** Assessment of impact of proposed activities on MSFD descriptors

<b>MFSD Descriptor</b>	<b>Good Environmental Status achieved<sup>11</sup></b>	<b>Assessment</b>
Biological diversity	Partially achieved	As discussed in Section 3.4, MARA has undertaken an AA in respect to the proposed site investigation activities. Mitigation measures have been included in the AA Report and Determination and also included in Appendix 1 of this report, which address potential impacts on biological diversity (including protected habitats and species). It is recommended to include these in any licence granted to mitigate impacts on biological diversity.
Non-indigenous species	Yes	To ensure that the proposed activities will not result in the unintended introduction of non-indigenous species, it is recommended that a condition be included in the licence, if granted, relating to the control of invasive species.
Population of commercial fish/shellfish	Partially achieved	This descriptor is assessed as incidental bycatch and commercial fisheries and shellfish (fish mortality rate, spawning stock biomass and age and size distribution).

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

<sup>11</sup> As per [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024](#)



		<p>The MUL application area lies within known spawning and nursery grounds for a number of commercial fisheries, primarily cod, herring and whiting. The proposed geophysical and geotechnical boat-based survey activities may cause disturbance to important stocks during spawning periods. It is recommended that a condition be included in the licence, if granted, restricting the holder from carrying out these types of works during the main spawning periods, primarily between November and March annually.</p> <p>It is not expected that the proposed activities will result in either incidental bycatch or a significant disturbance to populations of commercially exploited stocks. Some disturbance is expected to pelagic and demersal species but has been assessed as short-term and non-significant. It is recommended that a condition be included in the licence, if granted, requiring the applicant to appoint a fisheries liaison officer to engage with the fishing community prior to and during the survey activities.</p> <p>There are a number of licensed aquaculture sites (17 in total, for oysters, clams and blue mussels) within the proposed MUL application area, along with three classified shellfish growing areas. Given the location of the proposed landfall zones to the licenced aquaculture sites and shellfish growing areas, the proposed activities at these landfall zones and their approaches, none of these are such that they can impact on licenced aquaculture sites or shellfish growing areas, either within or adjacent to the proposed MUL application area.</p> <p>It is not expected that the proposed activities will impact on aquaculture or shellfish growing areas.</p>
Marine food webs	Unclear	The balance and diversity in marine food webs is not expected to be impacted as a result of the proposed activity. Impacts on habitats and associated prey species and community complexes have been assessed in the AA Report and Determination which accompanies this report and in Section 3.5 of this report in relation to WFD.
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 GES. See Section 3.5 on the WFD for further discussion on water quality.
Sea floor integrity	No	The benthic environment being sampled as part of this proposed activities will experience temporary disturbance

		due to some of the methods proposed. See Section 3.5 on the WFD for further discussion on potential benthic impacts. Overall, it is not expected that the activities will negatively impact on the GES status of this descriptor.
Alteration of hydrographical conditions	Yes	The proposed activities will not significantly alter the hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) in either the inshore or offshore areas to be surveyed. There will be no impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	The licence, if granted, 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. See Section 3.5 on the WFD for further discussion on this topic. Overall, however, given the nature and duration of the activities proposed, and the conditions recommended to mitigate against impacts on water quality, it is not expected that the activities will negatively impact on the GES status of this descriptor.
Contaminants in fish/seafood for human consumption	Yes	Due to the proposed MUL activity locations relative to licensed aquaculture sites and designated shellfish areas, along with the nature and duration of the activities proposed, the proposed MUL 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 activities 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	<p>The impacts of underwater noise introduced as a result of the proposed activities are assessed in the AA Report and Determination accompanying this report. It is recommended that a condition relating to management of underwater noise disturbance be included in the licence if granted (see Appendix 1).</p> <p>In order to inform the data collected as part of MSFD requirements, it is recommended that the holder should provide details of all acoustic surveys to the Marine Environment Section of the relevant government department in the reporting format of the OSPAR Impulsive Noise Registry (see Appendix 1).</p>

### 3.8 South Coast Designated Maritime Area Plan for Offshore Renewables (SC-DMAP)

Published in October 2024, the South Coast DMAP represents the first sub-national, forward maritime spatial plan for Offshore Renewable Energy in Ireland. The preparation of the SC-

DMAF took place pursuant to the legislative provisions of the MAP Act and is consistent with the NMPF. One of the main priorities of the SC-DMAF is the establishment of an integrated network of offshore and onshore electricity transmission infrastructure, which this proposed MUL application is directly related to. Therefore, this proposed MUL activity fits within the overarching policy aims of the SC-DMAF.

#### **4. Consideration of other maritime users**

MARA has had regard to the rights of other users as set out in Section 3 (3)(b) of the MAP Act. As discussed in Section 3.1 above, the NMPF requires that the potential impact of proposed activities avoid, minimise and mitigate potential impacts on other users and conditions have been recommended in Appendix 1 in this regard.

A Senior Marine Advisor from MARA with engineering expertise was consulted as part of this assessment. The Marine Advisor noted that the maritime usage activity, if granted, will be on a non-exclusive basis and together with the nature of the proposed activities, any licence granted should not significantly conflict with any existing and proposed consents or ownerships. The Marine Advisor noted that it is the duty of the applicant to ensure all necessary permissions (including those related to property ownership) are obtained. It was also recommended to include a condition in any licence granted to ensure that there is no damage to any third party's property, infrastructure or fishing gear during the course of the activities. The Marine Advisor also recommended conditions in relation to adherence to the plans and particulars submitted with the application, ensuring public access arrangements are maintained and putting in the necessary precautions to safeguard the public. I recommend including all of these in any licence granted – see Appendix 1.

Potential impacts on commercial fishers have also been assessed. Data from larger vessels suggests there will be some, but limited, overlap with the proposed site investigation activities and fishing activities. There is more likely to be overlap between the proposed site investigation activities and smaller vessels, particularly those carrying out potting activities for crustacean species. A recent report by BIM<sup>12</sup> found that the majority of fishing activity of small inshore fishing vessels (less than 12 m) is close to the coast and that the Tonn Nua site is also used frequently by smaller vessels. This report found the activity was mainly static pot fisheries, among other fishing activities. Some short-term disturbance and possible temporary removal of potting equipment is likely during the vessel-based portion of the proposed activities, particularly during the activities on the approaches to the landfall sites. The appointment of a Fisheries Liaison Officer to inform and engage with local fishers is expected to minimise possible disruption to fishing activities in the area, and it is recommended this be added as a condition to any licence granted.

---

<sup>12</sup> <https://bim.ie/wp-content/uploads/2025/01/Final-participatory-mapping-report-1.pdf>

Although the proposed activities are short term and temporary in nature, a number of conditions are recommended to be included in the licence, if granted, to address impacts on navigation, fishing and other users of the licenced area, both commercial and recreational (see Appendix 1).

## 5. Site visit

Site visits to the seven landfall zones were undertaken by two Senior Marine Advisors on 15/04/2025 and 19/05/2025.

## 6. Public consultation

A public consultation was undertaken between 20/05/2025 to 23/06/2025, under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and under section 117(6)(b) of the MAP Act. Four submissions were received from members of the public. MARA also invited observations on the MUL application from relevant public bodies and seven responses were received. The following tables summarise the submissions received, with the response of the Marine Advisors included below each submission summary. The MARA website should be consulted to view the full details of the submissions.

### 6.1 Public submissions

Submission summary
<p>A submission was received by MARA on 23/06/2025 from member of the public objecting to the granting of the licence. The submission included a number of documents including folios, letters, extracts from legislation, a newspaper article and a hunting licence.</p> <p>The following points were asserted by the submitter:</p> <ul style="list-style-type: none"> <li>• That he is the owner of fishing rights, sporting rights, a several fisheries and an owner of lands registered under the Registration of Title Act 1964</li> <li>• That EirGrid does not have consent from him to apply to MARA for this licence on his registered lands.</li> <li>• That MARA can grant a licence on state owned foreshore but not on privately owned foreshore without obtaining consent. If MARA grants the licence, it should be made clear on the licence that his private foreshore lands are not included within any licence granted.</li> <li>• That MARA is obliged to uphold Section 99 of the MAP Act in regards private foreshore lands.</li> <li>• That any licence granted should ensure no harmful effects on fisheries, fish spawning areas, habitats and species affecting his property rights.</li> </ul>

MARA response:

MARA has reviewed and had regard to the points raised in this submission and the documents included.

Section 99 of the MAP Act, in relation to privately owned parts of the maritime area, applies to applications for Maritime Area Consents (MAC) and does not apply to Maritime Usage Licence (MUL) applications.

MARA has assessed the impacts of the proposed activities on fisheries and fish spawning areas (see Sections 3.7 and 4 of this report). MARA has had regard to the state's obligations under the Birds and Habitats Directives (79/409/EC and 92/43/EEC), the Water Framework Directive (2000/60/EC) and the Marine Strategy Framework Directive (2008/56/EC) – see Sections 3.4–3.7 of this report. Mitigation measures have been recommended (see Appendix 1 of this report) to ensure that there will be no adverse impacts on habitats and species.

**Submission summary – Blue Ireland Coalition CLG and Blue Horizon CLG**

Submissions were received by MARA on 23/06/2025 from Blue Ireland Coalition CLG and Blue Horizon CLG. As points raised in both submissions are of a similar nature, these have been grouped into similar themes and addressed together.

The following points have been raised:

Environmental Impact Assessment (EIA)

- That MARA has improperly excluded the requirement for EIA and should reevaluate it. MARA has applied a formalistic classification or unduly narrow interpretation of the relevant law and has misinterpreted the exemption from deep drilling.
- That MARA has not considered the best scientific knowledge in the field, the public interest and the presence or absence of likely significant effects on sites of community importance or other protected sites.
- That it is not the developer's classification of activity that determines EIA necessity but the nature, scale, and environmental sensitivity of the receiving area.
- That the proposed activities are not standalone activities but preparatory phases of a large-scale development that will have wide-ranging implications and must be considered in a holistic manner.

Appropriate assessment (AA) and AA screening:

- That the finding of MARA's AA screening determination is in direct contradiction to MARA's EIA Consideration Form.

- That the applicant's NIS and Supporting Information for Screening for Appropriate Assessment (SISAA) appear to perform a superficial screening, do not address Annex IV species, do not demonstrate that site-specific conservation objectives (SSCOs) have been systematically reviewed and no compensatory measures are proposed.
- That the NIS does not adequately assess habitat deterioration or loss, turbidity, sediment plumes, or cumulative disturbance effects on these forage prey species and the mitigation measures are vague and left to the future discretion of the developer.
- That there is inadequate assessment of temporal and in-combination effects and a corresponding failure to meet MSFD obligations. MARA's decision fails to adequately address in-combination effects and does not demonstrate a holistic assessment.
- That there is an inadequate assessment of reef and Annex I habitat.

#### Annex IV species:

- That the applicant's NIS, SISAA and MUL application have not adequately addressed Annex IV species.
- That the 2014 NPWS underwater noise guidance is compromised by the outdated and not fit for purpose.
- That the findings of an Irish Whale and Dolphin review in 2013 highlighted the lack of spatial protections for areas of known cetacean use and which remain largely undesignated. The application area overlaps Important Marine Mammal Areas (IMMAs) and likely future Marine Protected Areas (MPAs).
- That the impacts of cetacean prey species have not been addressed including fish spawning and nursery grounds.
- That a derogation licence was issued by the NPWS which was not made available at the time of public consultation which is procedurally unfair as regards public consultation.

#### Birds

- That the application excludes Important Bird Areas (IBAs) and does not adequately assess displacement of seabirds, habitat/prey loss, barrier effects or long-term impacts on breeding.

It is also asserted that MARA must acknowledge the absence of a valid Marine Spatial Plan for this area and demonstrate how compliance with the MSFD, the WFD will be met as well as the SEA Directive. There is no marine spatial plan for this area which undermines MARA's capacity to ensure the necessary level of scrutiny over in-combination impacts.

That there has been inadequate public participation and transparency



That EirGrid is a state enterprise and MARA's assessment cannot be objective or independent.

#### Marine Advisor's response

MARA notes and has had regard to the issues raised by Blue Ireland Coalition CLG and Blue Horizon CLG in their submissions. MARA has carried out an independent assessment of the application which included consultation with relevant public bodies. In accordance with Section 121(2) of the MAP Act, MARA has had regard to the state's obligations under the Birds and Habitats Directives (79/409/EC and 92/43/EEC), the Water Framework Directive (2000/60/EC), the Marine Strategy Framework Directive (2008/56/EC) and the EIA Directive (2014/52/EU) – see Sections 3.4–3.7 of this report. Mitigation measures have been recommended (see Appendix 1) to ensure that there will be no adverse impacts on habitats and species as a result of the proposed activities.

#### EIA

Having considered the nature of the proposed maritime usages MARA first considered if the usages are of a type listed as a project for which an EIA is required under Annex I and II of the EIA Directive, as transposed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). It was concluded that none of the proposed maritime usages and associated activities were of a type listed in Schedule 5 and therefore detailed consideration of the likely significant effects of the proposed usages was not necessary or indeed required under the EIA Directive.

In reaching this conclusion MARA has specifically considered the nature of the proposed borehole investigations in light of paragraph 2(e) of Schedule 5 Part 2. This paragraph lists project types related to the "Extractive Industry" and paragraph (e) specifies deep drilling as a project which may require an EIA where it is likely to have a significant effect on the environment. However, Paragraph 2(e) of the 2001 Regulations, following paragraph 2(d) of Annex II of the EIA Directive, expressly excludes drilling "for investigating the stability of the soil". As this is the purpose of the proposed borehole investigations MARA are satisfied that such activity does not therefore constitute a project for which an EIA is required and no further consideration of the likely significant effects of the proposed maritime usages is warranted in order to conclude our screening for EIA.

While the maritime usage licence application before MARA is seeking consent for usages and activities which are aimed at facilitating the design of the future transmission infrastructure required for a renewable energy project, consent is not (nor indeed could it be) sought, nor will MARA's decision on this application permit the construction of, such infrastructure. The project therefore for the purpose of the EIA screening associated with this application is the specific maritime usages and it is not required or appropriate for MARA to consider the wider future project. As held by the Supreme Court in *Concerned Residents of Trescon and*

Clondoolusk v An Bord Pleanála [2024] IESC 28, it will be for the consenting authority for the proposed future infrastructure development to ensure that the impacts associated with the proposed maritime usages are assessed in combination with the wider project when conducting an EIA for that project.

In relation to Case C-531/13, Kornhuber and Others, MARA notes that the case concerned exploratory drilling for natural gas and the judgment did not address the express exclusion in paragraph 2(d) of Annex II in respect of drilling for investigating the stability of the soil. MARA does not consider that the case can be applied to the application under consideration.

#### Appropriate assessment (AA) screening and AA

MARA is the competent authority for undertaking AA Screening and AA of MUL applications in accordance with Section 112 of the MAP Act. The applicant's SISAA and NIS provide information which informs MARA's assessment. MARA screened the application for AA, as required under the Habitats Directive and the Birds and Natural Habitats Regulations 2011 as amended. This is a separate process to the statutory requirements relating to the EIA Directive. The AA screening report and determination published on 01/05/2025 identified likely or possible effects of the proposed activities on European sites, alone or in-combination with other plans or projects, and in view of the sites' conservation objectives and determined that an AA was required. The methodology applied in the applicant's SISAA report followed European Commission (EC) and national guidance. Compensatory measures are not relevant and cannot be considered at AA screening (or in AA).

The applicant's NIS provided an assessment of the potential impacts identified in view of the site-specific conservation objectives of those European sites. MARA's AA Report and Determination (see AA Report and Determination which accompanies this report), included a systematic review of the SSCO's of each site and independently determined that there would be no adverse impacts on those European sites, subject to the implementation of a range of mitigation measures. The AA Report and Determination includes an assessment of the in-combination effects of plans or projects which by their nature have the potential to act in-combination with the proposed activities. The impacts on Reef and other Annex I habitats from suspended sediments have been assessed in the AA Report and Determination as well as the impact on prey species. Conditions (or mitigation measures) are included in both the AA and Appendix 1 of this MUL Assessment report to avoid adverse impacts which the holder must comply with.

#### Annex IV species

Annex IV species are addressed in Section 3.4 of this report. The applicant submitted a Risk Assessment for Annex IV Species, separate to the SISAA and NIS reports. MARA consider that the Risk Assessment for Annex IV Species was carried out in accordance with EU and national guidance. The condition recommended in Appendix 1 of this MUL Assessment Report in

relation to underwater noise impacts on marine mammals specifies that the most up-to-date national guidance must be adhered to by the licence holder. Appendix 1 of this report also includes a specific condition in relation to in-combination impacts of underwater noise from other projects. The impacts on prey species have been addressed in the applicant's NIS and has been assessed by MARA as part of the AA Report and Determination. While Marine Protected Areas or IMMAs have not been legislated for in Ireland, MARA's AA Report and Determination includes an assessment of the impacts of the proposed activities on cetacean species protected as part of Special Areas of Conservation under EU and Irish legislation, as statutorily required. A condition has been recommended in Appendix 1 of this report in relation to a closed period from 1<sup>st</sup> November to 31<sup>st</sup> March each annually to protect fish spawning. The NPWS derogation process is outside of the scope of this application and associated public consultation.

### Birds

MARA has assessed the impacts of the proposed activities on birds protected as Special Conservation Interests of a number of European sites as part of the AA process, as statutorily required (see AA Report and Determination which accompanies this report). Conditions are included in Appendix 1 to prevent impacts on overwintering and breeding seabirds as well as to avoid impacts on habitats and bird prey species.

The South Coast Designated Maritime Area Plan (SC-DMAP)<sup>13</sup> is Ireland's first marine spatial plan for Offshore Renewable Energy. The location and nature of the site investigation activities proposed under this application have been designed to align with the details of the SC-DMAP. The SC-DMAP was approved by the Oireachtas in October 2024 having undergone a strategic environmental assessment. MARA have had regard to the SC-DMAP and associated SEA.

In relation to public participation and transparency, MARA considers that the application has satisfied the requirements for public participation as set out in the Maritime Area Planning Act (as amended).

<b>Submission summary – South East Regional Inshore Fisheries Forum (SE RIFF)</b>
---

A submission was received on 23/06/2025 from the SE RIFF raising their concerns regarding the potential impact of the proposed activities on the inshore fishing fleet.
---

- |  |
|--|
| <ul style="list-style-type: none"> <li>• They expressed concern regarding moving static gear for extended periods of time, citing an example relating to a recent interconnector project.</li> </ul> |
|--|

<sup>13</sup> [The South Coast Designated Maritime Area Plan for Offshore Renewable Energy \(SC-DMAP\).](#)

- Concerns were also raised regarding the proposed MUL activity and specific geophysical and geotechnical equipment proposed to be used, stating fishermen had previously heard of reported adverse effects which they potentially attributed to the use of these pieces of equipment.
- Potential construction and operational impacts were also raised as a concern
- Information on local inshore fishing activity was provided and the position was stated that they felt that ORE activity should occur outside the 12 nautical mile (nm) limit.
- Referred to a project purportedly carried out by BIM in 2024 which showed fishing activity, particularly potting activity, within the 12nm limit in the area under consideration for this proposed MUL activity.
- They raise concerns regarding the omission of some fishing ports and harbours from the applicants proposed MUL application area (or Area of Interest per the applicant's documents).
- They dispute the applicant's assertion that pot fishing effort was low in certain areas within the proposed MUL area and that with best practice and mitigation, impact on fisheries and aquaculture will be reduced to non-significant levels.
- They raise concerns regarding the potential impacts they feel are possible on commercial fishing activity.
- They request full and timely consultation with fishers and other parties involved in the seafood industry and state that independent evaluation of the potential impacts on commercial fisheries is required.

#### Marine Advisor's Response:

MARA welcomes the submissions and notes the issues and concerns raised by the SE RIFF.

- Regarding the moving of static gear, while this may be required on a short-term basis, due to the temporary nature of the vessel-based part of the proposed activities, there is no possibility of long-term relocation disturbance as a result of the proposed activities. The cited example for longer-term disturbance refers to the construction phase of a particular type of development, rather than the site exploration phase which is under consideration here.
- MARA acknowledges the concerns raised regarding potential impacts of acoustic and vibrational disturbance on commercial invertebrate species, primarily crustaceans and whelks. However, research has shown no definitive findings in relation to this topic and submissions from the Marine Institute do not raise this as a concern. It is considered that the conditions recommended in this report, shown in Appendix 1, will mitigate for any potential disturbance to fish and crustacean species.
- As mentioned above, the proposed maritime usage activity is for site investigations only, therefore, construction and operational impacts fall outside the scope of this assessment.

- Regarding the comment regarding their opinion that ORE activity should occur outside the 12 nautical mile (nm) limit, policy decisions relating to locations of ORE activity are outside of MARA's remit.
- In reference to a BIM mapping project, MARA notes this project report, published in January 2025<sup>14</sup>, was also mentioned in the BIM submission. It would appear the report data was presented to EirGrid at a date after the submission of the licence application to MARA. MARA has included the information provided within this BIM report as part of their assessment of the proposed maritime usage application, along with the wider point made regarding the level of fishing activity that is ongoing in the proposed maritime usage area. This is discussed in Section 4 of this report.
- Regarding the issue about the inclusion or otherwise of fishery harbours within the applicants proposed maritime usage area (or Area of Interest in the applicant's documents)' MARA would like to clarify that the inclusion or exclusion of these harbours in the proposed maritime usage area and associated application documents does not impact the assessment of fisheries impact in the area for this proposed maritime usage activity.
- The last number of points raised are discussed earlier in the response to the submission and are issues that have been considered as part of this maritime usage assessment. MARA is the relevant body to carry out an independent assessment of the proposed MUL application.
- The applicant has fulfilled their statutory requirements under the MAP Act as regards public consultation.

## 6.2 Public body submissions

### **Submission summary – Marine Survey Office (MSO), Department of Transport**

A submission was received on 30/05/2025 from the MSO, which states they have no objection to the proposed maritime usage activity from a navigational safety perspective. The MSO recommended conditions to be applied to the licence if granted, which relate to:

- Navigational safety,
- The need for vessels to be suitably certified,
- The requirement for a marine notice to be issued,
- The requirement for Navtex broadcasts,
- The need to liaise with the MSO and Commissioner for Irish Lights (CIL) regarding the marking and lighting of any moored instruments or barges, and
- The particulars of information to be provided to the UK Hydrographic Office (UKHO).

### Marine Advisor's Response:

<sup>14</sup> <https://bim.ie/wp-content/uploads/2025/01/Final-participatory-mapping-report-1.pdf>

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, the need for vessels to conform with the requirements of Irish certification standards and to provide information to the UKHO where relevant. 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 and navigational safety – this requirement has been incorporated into our overall assessment of the licence application and a specific condition added to the licence relating to these issues will form part of any licence granted.

<b>Submission summary – Commissioner of Irish Lights (CIL)</b>
--

<p>A submission was received on 11/06/2025 from the CIL which states they have no concerns relating to the proposed MUL activity from a safety of navigation perspective.</p> <p>The submission raises two points, one relating to the need for a Statutory Consent from CIL for marking and lighting of possible structures in the maritime area and one relating to Appropriate Assessment.</p>
---

Marine Advisor's Response:

MARA notes the submission, and the points raised by Irish Lights. It should be noted that the requirement for statutory consents in respect of the deployment of buoys lies with the Commissioner for Irish Lights. The onus is on the applicant to ensure that all the required statutory consents are in place in order for the proposed marine usage activity to go ahead. 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. All aspects of the proposed application submitted to MARA have been considered as part of the AA Report and Determination.

<b>Submission summary – Department of Agriculture, Food and the Marine (DAFM)</b>
---

<p>A submission was received on 23/06/2025 from DAFM.</p> <ul style="list-style-type: none"> <li>• It highlights the importance of sea-fishing and aquaculture as established activities in the proposed maritime usage area. They reference the importance of this type of food production, which forms part of the Government's Food Vision 2030 policy document.</li> <li>• They consider there will be activities coincidental with fishing operations in the area over the duration of the proposed Maritime Usage Licence, including those for crab, lobster and scallop.</li> <li>• The submission requests that proper consideration of potential impacts on these fisheries, particularly potting activities, are taken into account when assessing the MUL application. It refers to a BIM study which shows "extensive inshore fishing operations within the South Coast DMAP". The submission also highlights the importance of consultation with local stakeholders through a Fisheries Liaison Officer (FLO).</li> </ul>
--



- The submission goes on to summarise comments and observations from the Marine Institute (MI), Bord Iascaigh Mhara (BIM) and the Sea Fisheries Protection Agency (SFPA) which are made in more detail in these agencies' separate submissions. These agency submissions are considered under the relevant separate headings below.
- Overall, DAFM recognises the applicants stated aim to minimise potential disruption and asks that this proposed maritime usage application, and the aim of minimum disruption is considered under the requirements of the NMPF. They also acknowledge again the importance of an FLO to engage with relevant stakeholders and highlight the importance of the additional submissions from their agencies listed above.

#### Marine Advisor's Response:

MARA notes the content of the submission from DAFM, with additional comments from the Marine Institute, BIM and the SFPA referenced in their submission. MARA has fully considered these separate submissions under their individual headings below. The importance of fishing and aquaculture in the proposed MUL area and the potential impacts of this proposed maritime usage application has been assessed under Sections 3 and 4 above and MARA has used the 2025 BIM inshore fisheries mapping report as part of its assessment. It is recommended that the inclusion of a FLO be added as a condition to any licence granted.

#### **Submission summary – Marine Institute (MI)**

A submission was received on 23/06/2025 from MI which raised points relating to:

- The location of fishery harbours in the region.
- The existence of 17 licenced aquaculture sites within the proposed MUL area for blue mussel, manila clam and Pacific oyster.
- The proximity of other licenced aquaculture sites: adjacent to the proposed MUL area in Waterford Harbour, 8 km away approx. in Dungarvan Harbour and 6km from the proposed MUL area in Cork Harbour. They also mention two aquaculture sites to the north of the MUL area.
- The MI agrees with the applicant's assessment that the proposed MUL activities will have no impact on existing aquaculture sites.
- They continue to assess the potential impacts of the proposed MUL activity, finding that most aspects of the works are relatively routine and are not a major concern. A potential risk they identify relates to underwater noise created by multibeam/side-scan sonar/sub-bottom profiling/Seismic and geophysical activities like sediment coring and possible impacts on spawning grounds.
- They recommend that previous similar surveys carried out in the area be identified and the data used where possible to minimise duplication.
- They also discuss considering cumulative effects of this type of work in a broader sense
- They recommend the use of a Fisheries Liaison Officer to minimise impacts on commercial fisheries

- They find the impacts on fish species likely to be minimal due to the short survey period and surveying practices.
- They advise that acoustic surveys avoid spawning periods to minimise impacts.

Marine Advisor's Response:

MARA notes the content of the submission from the MI. Possible interaction with fisheries and spawning areas is considered in Section 3.7 of this report and proposed conditions relating to this are included in Appendix 1. Particularly in reference to the points raised by the MI, it is recommended to include a condition relating to the inclusion of a FLO and a restriction on spawning times to any licence granted. MARA notes also the MI's point regarding cumulative effects and agrees with the point regarding further work on cumulative effects across the ecosystem as a whole. A condition is recommended to be included in the licence if granted to address the duplication of survey effort in the licensed area. The AA report accompanying this report also considers in-combination impacts for relevant habitats and species.

**Submission summary – Bord Iascaigh Mhara (BIM)**

A submission was received on 23/06/2025 from BIM which states:

- That there is an overlap of the proposed MUL area with inshore fishing activity, mostly static gear for a range of shellfish species
- Their opinion that the proposed MUL activities are likely to cause some level of disruption to these activities, including potentially requiring gears to be moved during surveying.
- A concern regarding potential impacts on catch rates in these fisheries.
- Regarding aquaculture, they raise concerns relating to the overlap with the proposed MUL area (red line boundary) and existing aquaculture sites.
- They raise three requests related to the approaches to the landfall locations that have landfall in Co. Wexford as well as a similar concern for Waterford Harbour relating to timing of activities and the tidal cycle and also in relation to plans dealing with accidental spills.

Marine Advisor's Response:

MARA notes the content of the submission from BIM, and their concern regarding the potential need to move static gear during surveying. While this is potentially correct, any disturbance will be short term given the nature of the works being carried out. If a licence is granted, it is recommended that a FLO will be included as a condition to liaise with local fishers and other stakeholders. Therefore, any impacts due to movement of gear and potential knock-on impacts on catch rates will be minimised. While the proposed maritime usage area goes right up to the high-water mark along the coast, this does not reflect potential activity in these areas, particularly the Bannow Bay or Waterford Estuary areas. Regarding the

requests made re activities in proximity to aquaculture sites, MARA refers BIM to the MI's comments on same. Section 3.5 on the Water Framework Directive in this report assesses the sedimentation levels and finds no risk of significant levels of sediment being generated due to the planned activities, either close to landfall sites or offshore. Regarding accidental events, it is recommended that a condition relating to this is included as a condition of any licence granted, see Appendix 1 for details.

#### **Submission summary – Sea Fisheries Protection Authority (SFPA)**

A submission was received on 23/06/2025 from SFPA, which, while it discusses a “foreshore licence”, is in relation to MUL240036. It is divided into sections on fisheries, shellfish growing areas and seafood safety:

- *Fisheries:* They outline the known fishing activities as well as spawning areas and timings in the proposed MUL area.
- They express a belief that the proposed MUL activities could disrupt the existing crustacean and demersal fisheries through benthic disturbances.
- They state that the effort map provided by the applicant in relation to potting activities is not accurate as the small vessels typically involved in this activity don't transmit tracking data, which is what is used primarily to create fishing effort maps.
- *Shellfish Growing Areas:* They outline the overlaps between the proposed MUL area and designated shellfish growing areas, which are: Harrylock Bay located in the approaches to Waterford Harbour, classified for clams, and Bannow Bay and Ballyteigue Bay, classified for oysters.
- They state their opinion that some of the proposed activities could negatively impact on the microbiological quality of the bivalves in these classified areas.
- *Seafood safety:* It is believed by SFPA, that benthic disturbances from the proposed MUL activities conducted close by or adjacent to classified bivalve mollusc production areas could pose a deleterious effect on the microbiological and quality of both Oysters and Clams.
- They also state the possibility of chemical contamination from an unspecified source in the sediment being agitated and resuspended within the water column.

#### **Marine Advisor's Response:**

MARA notes the content of the submission from SFPA, and the issues raised within. In relation to possible temporary disturbance to fisheries, this has been considered as part of this assessment in Sections 3 and 4 above. The MI has also submitted their opinion on the lack of long-term impact on fisheries as a result of these activities, given suitable mitigation measures. The comment in relation to accuracy of the applicant's fishing effort map is also noted, and MARA is aware of and has considered the more recent work published by BIM on fishing effort in this area in relation to smaller vessels.

Shellfish safety and seafood safety are also discussed in this submission. As regards shellfish growing areas, none of the sites highlighted are in close proximity to the proposed landfill sites. Section 3.5 considers sedimentation impacts for all activities and the proposed impacts. These are considered to be non-significant in close proximity to the activity, therefore, MARA has no concerns given the distance from the proposed maritime usage activities to the designated shellfish growing areas. It is not considered there is a risk to shellfish growing areas in relation to any of the seafood safety issues listed in the SFPA submission. Additionally, it should be noted the Ballyteigue Bay is not within the proposed MUL area and while the proposed MUL area goes right up to the high-water mark along the coast, this does not necessarily reflect potential MUL activity in these areas.

#### **Submission summary – Department of Housing, Local Government and Heritage (DHLGH)**

A submission was received on 17/06/2025 from the Development Applications Unit (DAU) of DHLGH containing inputs relating to Nature Conservation and Underwater Archaeology.

- *Nature Conservation:* The National Parks and Wildlife Service suggests a number of conditions to be included in any licence issued which are:
  1. All mitigation measures outlined in Chapter 6 of the Natura Impact Statement to be implemented in full,
  2. All survey personnel must be appropriately trained in ecological mitigation protocols.
  3. High-disturbance activities (e.g. seismic surveys, intertidal sampling) must avoid sensitive periods for: Overwintering waterbirds (October–March) and Breeding seabirds (April–July)
  4. Marine Mammal Observers and Passive Acoustic Monitoring must be deployed during all relevant operations, in line with NPWS 2014 Guidance.
  5. Soft-start procedures and a 500 metres exclusion zone must be applied for high-intensity acoustic surveys.
- Post-survey reports to be submitted to the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage (offshore@npws.gov.ie) within 3 months of the completion of the activity.
- *Underwater Archaeology:* Provides recommendations and a number of suggested conditions in relation to Underwater Archaeology to be applied to the proposed Licence if granted

#### Marine Advisor's Response:

MARA notes the content of the submission from the DAU of DHLGH containing inputs relating to Nature Conservation and Underwater Archaeology. In terms of nature conservation, MARA has included these factors in their assessment. This is reflected in the proposed conditions in

Appendix 1 of this report, which would form part of any licence granted. The submission also contains a detailed list of requirements for mitigating impacts on underwater archaeology. It is recommended that any licence granted should include a condition to consult with, and comply with the requirements of, the National Monuments Service prior to commencing the proposed maritime usage.

### **Recommendation**

Having considered the information submitted in support of the application, we recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to EirGrid, 160 Shelbourne Road, Ballsbridge, Dublin 4, for the purposes of undertaking marine environmental surveys, subject to the conditions in Appendix 1.



**Dr Alison McCarthy**

Senior Marine Advisor

09/07/2025



**Dr Ciar O'Toole**

Senior Marine Advisor

09/07/2025



## Appendix 1 – Recommended Conditions

### Recommended term of licence for inclusion in the *Particulars Schedule*:

1. Recommended Term of licence to be 5 years from date of commencement.

**Reason:** To ensure the orderly administration of licensed maritime usages in the maritime area.

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

1. 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 this licence and ensure protection of the marine environment.

2. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage, National Monuments Service, located at G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0, and comply with all applicable requirements set forth by the Unit.

**Reason:** To ensure protection of maritime heritage.

3. 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. This Marine Notice shall include details of the Licence Holder, and the Licence Number as granted by MARA.

**Reason:** To ensure safe navigation.

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

**Reason:** To minimise impact on other users of the marine environment.

5. During the course of the intertidal trial pit operations the Holder shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public. The Holder shall retain photographic

evidence of all such arrangements made and precautions taken during the course of the works.

**Reason:** To minimise impact on other users of the intertidal area and ensure the orderly undertaking of the proposed maritime usage.

6. 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 protection of the marine environment.

7. The Holder shall demonstrate all reasonable practical measures are taken 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 and that all vehicles and equipment used in the intertidal portion of the Permitted Maritime Usage are free of invasive marine species.

**Reason:** To ensure protection of the marine environment.

#### 8. Marine Mammals

- (i) The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage. The Holder shall ensure the marine mammal observer(s) shall satisfy the requirements of the most up to date national guidance. During the activity the Holder shall comply with the directions of the marine mammal observer(s).
- (ii) The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with the most up to date national guidance.
- (iii) The Holder shall, within 30 days of the completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to [offshore@npws.gov.ie](mailto:offshore@npws.gov.ie) and [compliance@mara.gov.ie](mailto:compliance@mara.gov.ie)
- (iv) The Holder shall publish the report and recording and data forms on their website within 60 days of completion of the Permitted Maritime Usage unless otherwise agreed with the Grantor.

**Reason:** To ensure protection of the marine environment and protected species.

#### 9. Birds

The Holder shall not undertake geotechnical and geophysical surveys as follows:

- i) within 1 km of the Mid-Waterford Coast SPA, the Keeragh Islands SPA, and Landfall zones E, F, and G during the period April to July,
- ii) within 1 km of the Ballycotton Bay SPA during the period October to March.

**Reason:** To ensure protection of the marine environment and protected species.

10. Landfall site/Intertidal

- (i) The Holder shall ensure that an ecologist will be on site during all intertidal surveys carried out as part of this Permitted Maritime Usage in order to minimise disturbance and ensure site integrity is maintained.
- (ii) Access to the intertidal areas shall be exclusively through existing access routes.
- (iii) The Permitted Maritime Usage shall not result in disturbance or damage to sea cliffs and reef habitat and these areas shall be avoided by machinery and personnel.
- (iv) Any temporary access arrangements or structures that are put in place to allow machinery access to the shore area, shall be prepared or installed in consultation with the ecologist to ensure minimal disturbance and ensure site integrity. The site should be fully reinstated post works.

**Reason:** To ensure protection of the intertidal environment and protected species and habitats.

11. In-combination effects

- (i) Prior to the commencement of the Permitted Maritime Usage, the Holder shall coordinate with other authorisation holders carrying out geophysical, seismic and geotechnical activities within a 10 km radius of the Licensed Area.
- (ii) Where a vessel-to-vessel distance of greater than 10 km cannot be maintained with respect to geophysical, seismic and geotechnical activities, the Holder shall co-ordinate with other authorisation holders to prevent temporal overlap of the activities. Where the Holder can submit evidence that there is a vessel-to-vessel distance of greater than 10 km, no temporal co-ordination of activities is required.
- (iii) Where the Holder becomes aware of temporal overlap that cannot be resolved within the prescribed distance, the Holder shall notify the Grantor who shall determine the timing of activities.
- (iv) Records of all engagements held, and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.

**Reason:** To ensure protection of the marine environment and protected species and habitats.

12. On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at <https://ukhodataupload.admiralty.co.uk/> or sdr@UKHO.gov.uk and the

INFOMAR program at [support@geodata.gov.ie](mailto:support@geodata.gov.ie) with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

**Reason:** To ensure the safety of navigation at sea and the protection of the marine environment through availability of monitoring data.

13. The Holder, upon completion of the Permitted Maritime Usage, shall submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage at [marine.env@housing.gov.ie](mailto:marine.env@housing.gov.ie). This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.

**Reason:** To ensure protection of the marine environment through availability of monitoring data.

14. 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 provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.

15. Fisheries Liaison Officer

At least two weeks prior to commencement and for the duration of the Permitted Maritime Usage, the Holder shall engage a Fisheries Liaison Officer to consult with and fully inform relevant fishers in order that interactions with ongoing fishing activities in the area are minimised during the course of the Permitted Maritime Usage.

**Reason:** To minimise impact on other users of the marine environment.

16. While conducting the Permitted Maritime Usage the Holder shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing.

**Reason:** To minimise impact on other users of the marine environment.

17. Fish spawning and nursery grounds

The Holder shall not undertake the geotechnical and geophysical vessel-based portions of the Permitted Maritime Usage between 1<sup>st</sup> November and 31<sup>st</sup> March annually, to ensure least disturbance to known fish spawning along the survey route.

**Reason:** To ensure protection of the marine environment.

18. The Holder shall plan for the Permitted Maritime Usage to be carried out at a time and in a manner which ensures that geophysical surveys are undertaken in advance of all geotechnical works to avoid potential significant adverse effects on underwater cultural heritage and reef habitats.

**Reason:** To ensure protection of maritime heritage and protected habitats.

19. Reef Habitat Protection

- i. No geotechnical activities shall take place in Reef habitat (EU Annex 1 habitat code 1170).
- ii. Prior to the commencement of the geotechnical activities a drop-down video shall be deployed, and imagery shall be recorded and retained, at each sampling location to ensure reef habitat is avoided in the course of such geotechnical activities.

**Reason:** To ensure the protection of the marine environment and protected habitats.

20. The Holder shall consider any publicly available survey data, and usage of same where appropriate and feasible to do so, in order to avoid duplication of survey activity in the Licensed Area.

**Reason:** To ensure the protection of the marine environment