

02/10/2025

Our Ref: 20952/rc/rc021025

Maritime Area Regulatory Agency
2nd Floor,
Menapia House,
Drinagh Business Park,
Drinagh,
Wexford,
Y35RF29.

RE: UISCE EIREANN

MARITIME USAGE LICENCE APPLICATION REFERENCE: MUL230015

Dear Ms O'Toole,

We refer to your correspondence dated 04/09/2025 regarding the above-referenced Maritime Usage Licence application. We note the request for additional information under Section 117(3) of the Maritime Area Planning Act 2021 and have provided a respond to each of the points raised below.

1. Relevant Usage under Schedule 7

Under Schedule 7 of the Maritime Planning Act 2021 as amended, the proposed activities fall under Schedule 7(3) - Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.

2. Tide Gauges

4no. tide gauges are proposed as part of the overall survey campaign in or around the following locations;

- Kinsale Harbour in the vicinity of Pier Road/R600 in Kinsale, to capture tidal flushing behaviour within the Bandon River estuary and Kinsale Harbour.
- Courtmacsherry Pier.
- The southern part of Clonakilty Harbour to capture the flushing of this estuary, if a suitable location can be found – Possibly at Ring Pier or one of the quays at South Ring, all located on Ring Channel to the east of Clonakilty Harbour.
- A location within Glandore Harbour – either at Glandore on the north shore, or Keelbeg or Unionhall on the south shore.
- Baltimore, to capture levels in the outer part of the Ilen River estuary and in the general vicinity of the shellfish waters in the western part of the study area.

Pressure-based tide gauges are proposed for installation. These shall be mounted on existing harbour infrastructure.

Given the passive nature of the instruments, and in accordance with MARA Circular MP01/2025, this element of the survey campaign can be considered to be not included in the application of the definition of maritime usage and not considered relevant under the MUL application.

3. Final ADCP Locations

Final locations would be subject to confirmation during the deployment process when predeployment checks are undertaken to ensure sites can be accessed safely and will allow for effective data capture (e.g. for fixed ADCPs, ensure there are no local conditions which would cause frame to drag or tip over). Given the dynamic nature of the environments, this is necessary, however it would be envisioned that final locations would be within the immediate vicinity.

4. Acoustic Recovery Pinger

The acoustic pinger (operating range of 5kHz to 30kHz) shall be remotely activated in the event of failure of the acoustic release. The pinger shall be activated only when the vessel is at the deployment location, and will cease activation upon recovery (expected to be no greater than 1 hour).

To address any potential impact on Annex IV species, activation of the pinger shall only be undertaken under the following conditions (and in accordance with The National Parks and Wildlife Service Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters)

1. A qualified and experienced marine mammal observer (MMO) shall be appointed to monitor for marine mammals and to log all relevant events using standardised data forms.
2. Unless information specific to the location and/or plan/project is otherwise available to inform the mitigation process (e.g., specific sound propagation and/or attenuation data) and a distance modification has been agreed with the Regulatory Authority, acoustic surveying using the above equipment shall not commence if marine mammals are detected within a 500m radial distance of the sound source intended for use, i.e., within the Monitored Zone.
3. Sound-producing activities shall only commence in daylight hours where effective visual monitoring, as performed and determined by the MMO, has been achieved. Where effective visual monitoring, as determined by the MMO, is not possible the sound-producing activities shall be postponed unless effective visual monitoring is possible.
4. An agreed and clear on-site communication signal must be used between the MMO and the Works Superintendent as to whether the relevant activity may or may not proceed. It shall only proceed on positive confirmation with the MMO.
5. In waters up to 200m deep, the MMO shall conduct pre-start-up constant effort monitoring at least 30 minutes before the sound-producing activity is due to commence. Sound-producing activity shall not commence until at least 30 minutes have elapsed with no marine mammals detected within the Monitored Zone by the MMO.

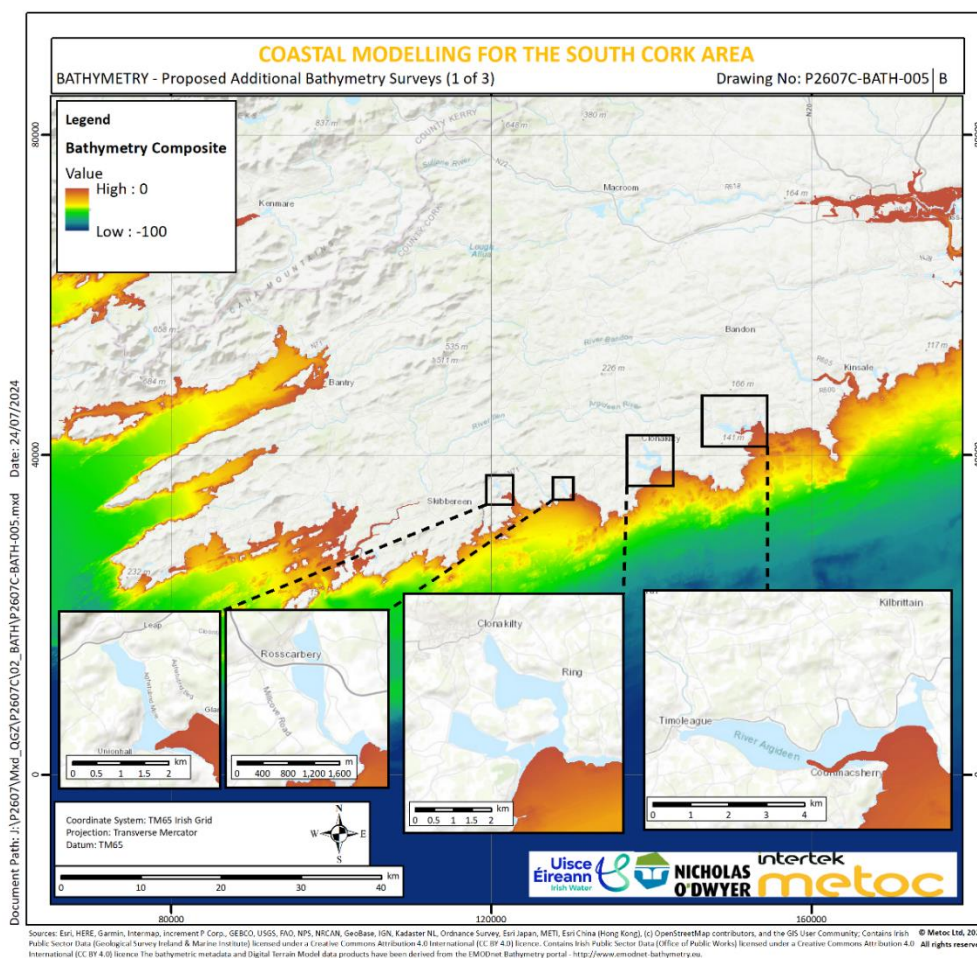
5. Bathymetric Methods

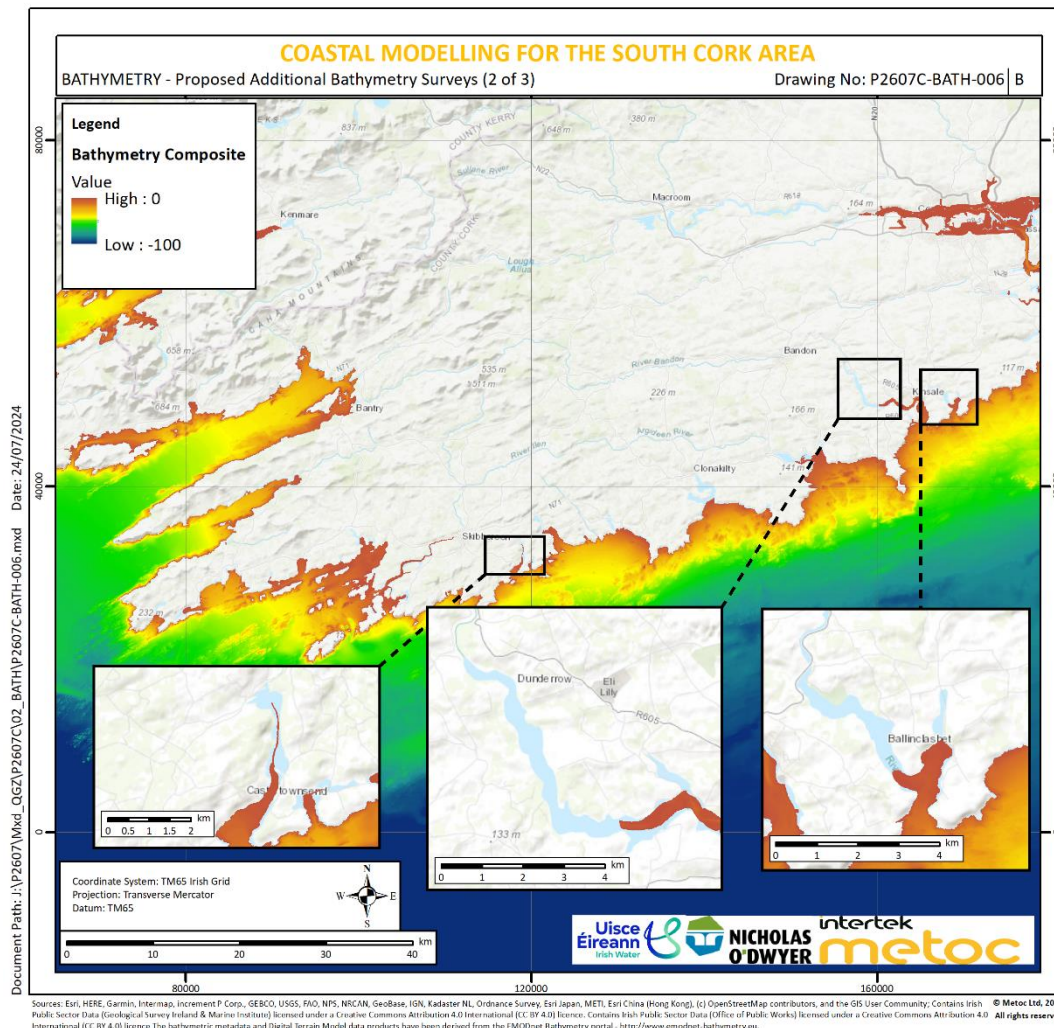
Bathymetric surveying may be required in intertidal areas where no existing valid data was found to be available. Refer to the figures appended to this response for likely locations. The precise areas which will be subject to vessel-based surveying vs other methods will be determined upon mobilisation. Reference to all means of data collection to be adopted was included in the application to provide context and illustrate that all efforts are being made to minimise vessel based surveying.

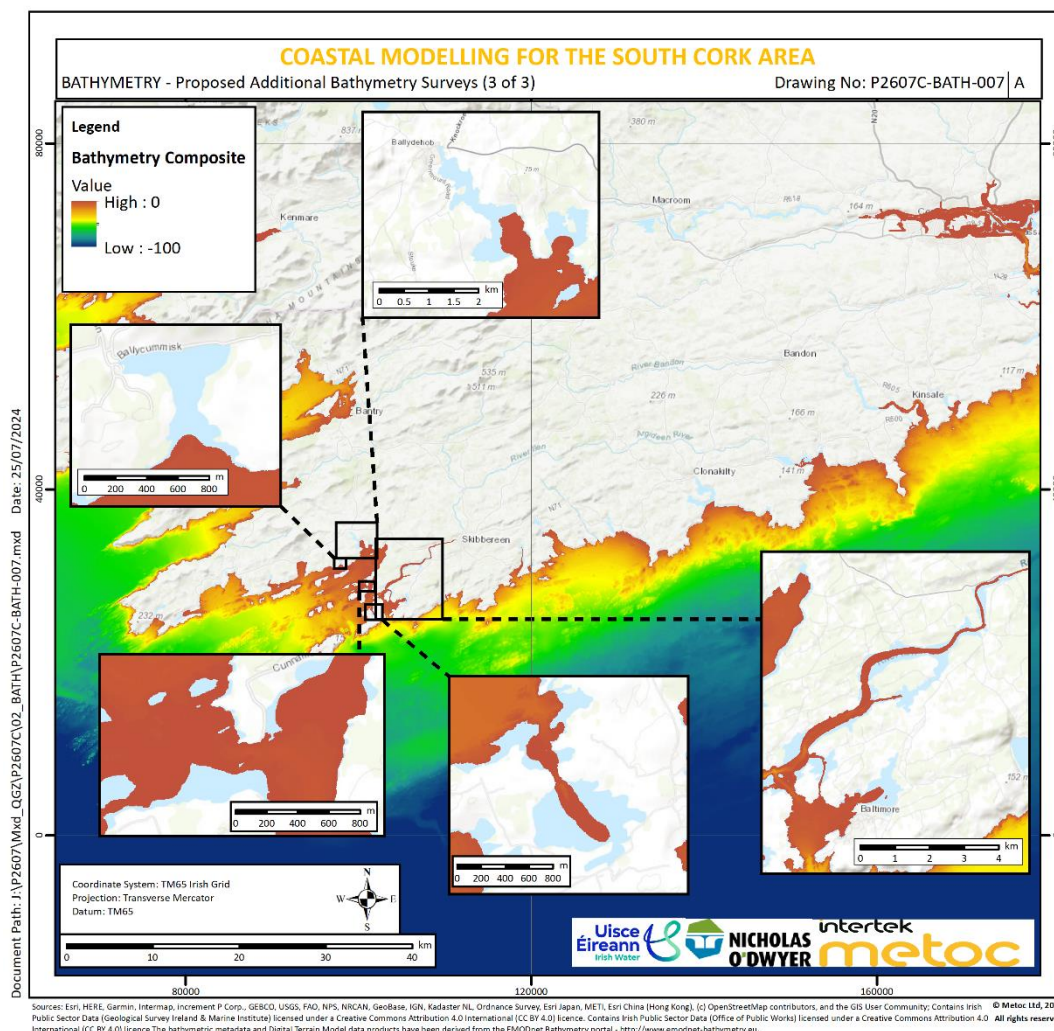
GPS Rover surveys will be limited to terrestrial sites not on the foreshore, and therefore not considered relevant under the MUL application. Uisce Éireann note that in line with the definition of the "Maritime Area" as set out in the Maritime Area Planning Act 2021 and the "Foreshore" as set out in the Planning and Development and Foreshore (Amendment) Act 2022, GPS rover survey activities are taking place outside the Maritime Area. Reference to this activity has been included in documentation as it forms part of the overall study monitoring campaign, however Uisce Éireann is not seeking consent for this activity from MARA.

It is envisioned that LiDAR surveying will be undertaken across all areas where bathymetric data has been identified as possibly required. Uisce Éireann note that in line with the definition of the "Maritime Area" as set out in the Maritime Area Planning Act 2021 and the "Foreshore" as set out in the Planning and Development and Foreshore (Amendment) Act 2022, LiDAR survey activities are taking place outside the Maritime Area. These activities have been included in documentation as they form part of the overall study monitoring campaign, however Uisce Éireann is not seeking consent for these LiDAR activities from MARA.

Uisce Éireann consider LiDAR and GPS rover surveys to be passive and observational in nature in line with MARA Circular MP01/2025.







6. Vessel-Based Bathymetry

Vessel-based surveying will be conducted sequentially with no areas to be surveyed via vessel based methods concurrently.

7. CETS

The SISAA has been revised with the temporal extent of the CETS expanded to 5 years.

8. Annex IV Risk Assessment

Uisce Eireann can confirm that an application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended is not required given that Annex IV populations will not suffer loss and that there will be no deterioration to their breeding or resting places, and as such these works are compliant with Regulation 51 and 52 (see findings set out in the submitted Annex IV Species Risk Assessment and Natura Impact Statement).

This approach aligns with the four-stage process set out in the National Parks & Wildlife Service Guidance on the Strict Protection of Certain Animal and Plant Species under the

Habitats Directive in Ireland (2021), namely Stage 3 - Examination of Impacts and Satisfactory Alternatives, which states: If a suitable alternative is found which ensures that the local population does not suffer loss and that there is no deterioration to the breeding or resting places, then the works are compliant with Regulation 51 and 52. The inclusion of NPWS (2014) mitigation guidelines in the project design, which primarily involves the employment of an MMO, are to ensure no harbour porpoise or dolphins occur within an agreed mitigation zone during the start of multibeam and single beam surveys. This will result in no significant impacts on cetaceans and marine turtles.

9. GIS Standardisation

The proposed MUL Maps and MUL230015 GIS Shapefiles have been updated to ensure that the GIS shapefile represents the multiple areas included in the footprint of the maritime area that the MUL will occupy below the HWM as defined by the CBS, excluding all islands.

- a. Additional polygon areas have been removed and all islands and all terrestrial land has been excluded. MUL240015 Shapefile has been updated to include all areas. An attributed polygon is included for each area and have been named sequentially.
- b. The Proposed MUL Map has been titled accordingly
- c. MUL Areas have been recalculated and the application form updated to reflect changes to area calculations.

Yours faithfully,



Robbie Clarke
for NICHOLAS O'DWYER LTD.
on behalf of Client (Uisce Éireann)