

Assessment, Research and Data Unit

Maritime Usage Licence Assessment Report

To:	Maritime Authorisations Unit	From:	Dr Ciar O'Toole Senior Marine Advisor
Date	29/09/2025	Maritime Usage Licence Application No:	MUL240023
Approved for issue by:	John Evans Director of ARD Unit		
Applicant:	Irish Rail, Engineering & New Works Building, Inchicore, Dublin 8.		
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	<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 in Support of the East Coast Rail Infrastructure Protection Projects.</i>		
Location of proposed Maritime Usage:	Various sites along coast of Co.'s Dublin and Wicklow		
Licence application received:	15/07/2024		
Request for further information (RFI) under Section 117(6)a:	06/02/2025		
Response to RFI received:	21/03/2025		
Environmental Impact Assessment (EIA) screening:	EIA not required (EIA consideration Form dated 23/01/2025)		
Stage 2 Appropriate Assessment required:	Yes	Natura Impact Statement received:	21/03/2025
Public consultation:	10/07/2025 to 15/08/2025		
Submissions from the public received:	One	Comments from public bodies received:	Seven

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1. Background

Iarnród Éireann (IÉ) are proposing to conduct geotechnical, geophysical, ecological and marine archaeological site investigations to inform the East Coast Railway Infrastructure Protection Project (ECRIPP) required to defend long sections of the Dublin to Rosslare coastal rail line from coastal erosion and flooding. The proposed survey works are planned across four site locations along the Dublin and Wicklow coasts.

The proposed survey works, across four site locations along the Dublin and Wicklow coasts (Figure 1, Area's A-D), will include upper foreshore intertidal and sub tidal works (Table 1). The activities have been assessed as potentially occurring at any time of year. Table 2 shows the predicted noise levels for the relevant subtidal survey activities.

Table 1: Proposed marine environmental surveys and the estimated duration of activities, across all sites, unless otherwise stated.

Proposed activity	Estimated duration
Geotechnical surveys – borehole surveys, trial pits, cone penetration tests, sediment sampling	Across the first 12 months, only in Area A
Geophysical– seismic refraction tomography and multichannel analysis of surface waves (land-based), multibeam echo sounder (boat based)	Across the first 12 months, only in Area A
Benthic surveys – intertidal transects, subtidal day grabs	Multiple occasions across proposed licence period
Ecological surveys- breeding birds, bat surveys, day grabs, drop down camera surveys	Multiple occasions across proposed licence period
Metal detector surveys	Multiple occasions across proposed licence period

The applicant has stated that the geophysical and geotechnical works will occur in the first 12 months of receiving the licence and that the other works listed in Table 1 will occur multiple times over the licence duration. The applicant has requested a licence duration of 10 years.

There are four distinct areas of the proposed maritime usage licence, as shown in Figure 1; A: Merrion Gates to Dun Laoghaire, B: Dalkey Tunnel to Killiney South, C: Bray Head to Greystone North Beach and D: Greystones South to Wicklow. These sites are comprised of a number of marine habitats. These habitats include mudflats and sandflats not covered by seawater at low tide, annual vegetation of drift lines, salicornia and other annuals colonising mud and sand, embryonic shifting dunes, European dry heaths, reefs, vegetated sea cliffs of the Atlantic and Baltic coasts, perennial vegetation of stony banks, Atlantic salt meadows, Mediterranean salt meadows, calcareous fens and alkaline fens.

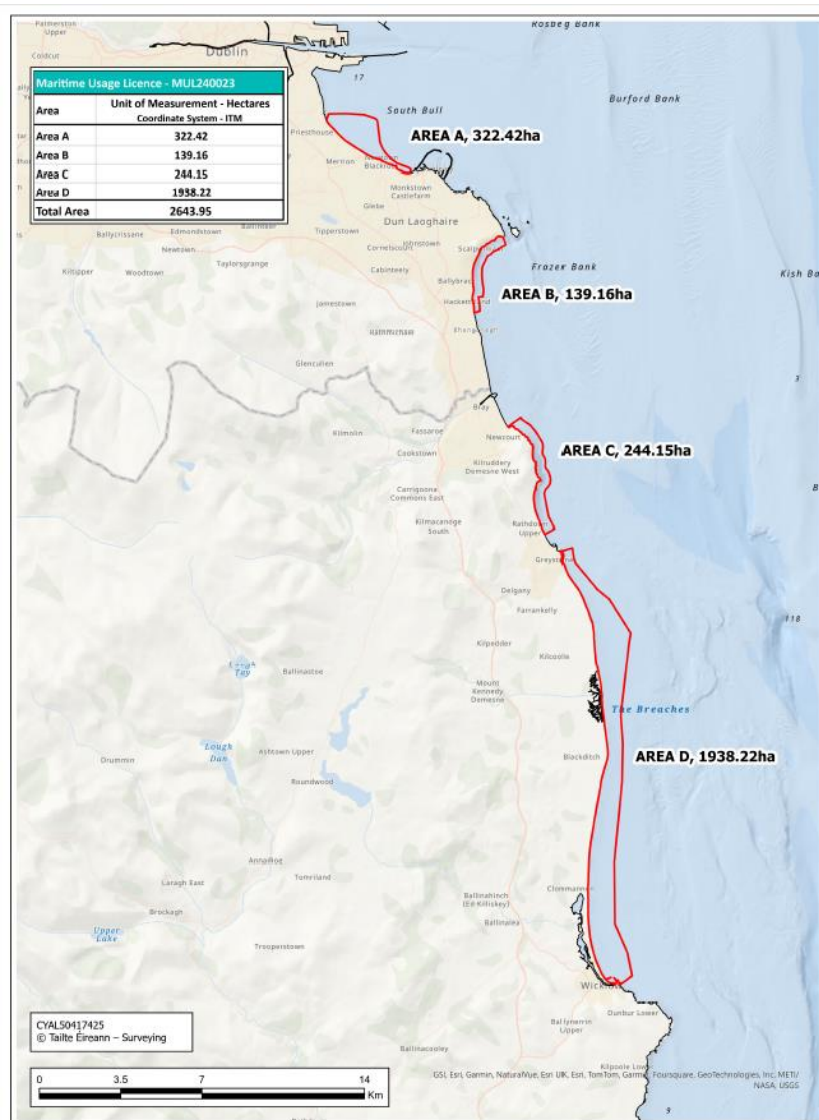


Figure 1: Proposed Maritime usage licence Areas A to D.

2. National Policy and EU Directives

In undertaking the assessment of this licence application MARA had regard to the requirements of Section 6(8), the Marine Policy Planning Statement, and Section 121(2) of the Maritime Area Planning Act, 2021, as amended, which sets out the marine policy and legislation to which regard must be had in considering a licence application.

2.1 National Marine Planning Framework (NMPF)

A number of environmental policies detailed in the NMPF are covered in other sections of this report, including, but not limited to, the National Biodiversity Action Plan (NBAP), the Birds and Habitat Directives, the Water Framework Directive, and the Marine Strategy Framework Directive (MSFD). The proposal to undertake site investigations in support of the East Coast Rail Infrastructure Protection Projects is consistent with the broader context of Marine spatial planning and the impacts of climate change, and more specifically, Chapter 6 Economy whose objectives include maintaining and developing relevant infrastructure.

2.2 National Biodiversity Action Plan (NBAP)

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

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

MARA published an Appropriate Assessment (AA) Screening Determination on 5 February 2025 which concluded that it could not exclude, on the basis of objective scientific information, that the proposed project, either individually or in-combination with other plans or projects, will have a significant effect on a European site(s).

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, and consideration of the potential impacts on some of the relevant Annex IV species in the proposed maritime usage area (bats and cetaceans). It also includes consideration of pinnipeds, that are not Annex IV species, but excludes otter, that are. In preparation of this report, I have carried out an assessment of potential impacts on otter in the proposed maritime area and it is determined that no mitigation is required as the timing and location of the proposed maritime usage activities is unlikely to overlap with the timing and location of otter habitat use, given their range and crepuscular nature.

Notwithstanding the highlighted issues, I agree with the conclusions and suggested mitigations of the Risk Assessment. 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 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).

Regarding the need to apply for a Regulation 54 Derogation Licence for Annex IV species from the National Parks and Wildlife Service (NPWS) for this proposed Maritime Usage Activity, the applicant carried out their own assessment following the most recent [NPWS guidance](#). They concluded that a Derogation Licence in relation to Annex IV species was not required for this proposed maritime usage.

2.4 Water Framework Directive (2000/60/EC)

The Water Framework Directive (WFD) requires EU member states to protect and improve water quality in all waters to achieve at least Good Status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The proposed activity will take place in the Dublin Bay, Irish Sea Dublin (HA09) and Southwestern Irish Sea (HA10) waterbodies. The Dublin Bay and Irish Sea Dublin waterbodies were classified as having Good status in the most recent Water Quality in Ireland 2016-2021 assessment – this included an assessment of ecological status, physicochemical elements and hydro morphological elements. The Southwestern Irish Sea was classified as High in the same assessment cycle. Furthermore, the three waterbodies are classed as not at risk of failing to meet the objectives of the WFD by 2027. Given the location of these activities, including most geotechnical activities occurring in the upper intertidal, there is minimal potential for water quality impacts due to this proposed maritime usage. It is not expected that the proposed maritime usage will have any impact on the existing Good or High status of the waterbodies listed above.

2.5 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 MSFD¹ states that GES has not been achieved for sea-floor integrity, marine litter and biodiversity.

TABLE 2: ASSESSMENT OF MSFD DESCRIPTORS IN RELATION TO THIS MARITIME USAGE LICENCE APPLICATION.

MSFD Descriptor	Good Environmental Status achieved ²	Assessment
Biological diversity	Partially achieved	The applicant submitted an Annex IV risk assessment and a marine mammal risk assessment as part of the licence application. These reports assessed the impacts of the proposed activity, and there will be no impact subject to the mitigation measures outlined in Appendix 1
Non-indigenous species	Yes	To ensure that the proposed maritime usage activity does not result in the unintended introduction of non-indigenous species, it is recommended that a condition be included in the proposed Maritime Usage licence, if granted, relating to the control of invasive species in the hulls and ballast water of the relevant vessels and equipment and vehicles used in the intertidal.
Population of commercial fish/shellfish	Partially achieved	Aquaculture/Fisheries Orders: There are no aquaculture sites or fishery order areas in the vicinity of the proposed maritime usage. Commercial Fisheries: There are some fishing activities in the proposed maritime usage areas. This topic is considered further in Section 2.8.2
Marine food webs	Unclear	The balance and diversity in marine food webs will not be impacted as a result of the proposed activity.
Eutrophication	Yes	The proposed activity does not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving good environmental status.
Sea floor integrity	No	The benthic environment being sampled as part of this site investigation will experience temporary disturbance due to some of the methods proposed. It is not expected that the Proposed Maritime Usage will impact on the GES status of this descriptor.

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

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

Alteration of hydrographical conditions	Yes	The proposed maritime usage will not significantly alter the hydrographical conditions in the benthic area to be surveyed. It is not expected that the Proposed Maritime Usage will impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	The proposed Maritime Usage licence will require inclusion of a condition relating to preparation of an oil pollution emergency plan in the case of an oil spill to mitigate for any accidental introduction of contaminants to the marine environment. There are no other pathways identified where the proposed maritime usage could negatively impact contaminant concentrations in the survey area.
Contaminants in fish/seafood for human consumption	Yes	The proposed maritime usage activity will not result in the introduction of contaminants in fish or seafood and therefore, will not impact on the GES status of this descriptor.
Marine Litter	No	The proposed 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	The impacts of underwater noise introduced as a result of the proposed maritime usage activity are assessed in the appropriate assessment and the Annex IV Risk Assessment associated with this proposed Maritime Usage application. It is recommended that a condition relating to marine mammals and the management of underwater noise disturbance be included in the licence, if granted.

2.6 Environmental Impact Assessment Directive (2014/52/EU)

MARA carried out EIA Screening of the MUL applying, having regard to Schedules 5 and 7 of the Planning and Development Regulations 2001. 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.

2.7 Climate Action and Low Carbon Development Act, 2015

Section 15(1) of the Climate Action and Low Carbon Development Act requires relevant bodies, including MARA, to perform their functions in so far as practicable in a manner consistent with the governance framework set out therein. The Act sets legally binding targets for the reduction of greenhouse gases by 2030 and net-zero emissions by 2050. Considering the temporary and short-term nature of the proposed maritime usage, no significant increases in carbon emission are expected and no potential for indirect effects on climate change.

2.8 Consideration of Other Users

MARA had regard to the rights of other users as set out in Section 3,3(b) of the MAP Act 2021. Although the proposed maritime usage activity is short term and temporary in nature, a number of conditions will be included in any Maritime Usage licence granted to cover the requirements regarding navigation, fishing and other users of the licenced area, both commercial and recreational.

2.8.1 Aquaculture

There are no aquaculture sites or fishery order areas in the vicinity of the proposed maritime usage area. The nearest aquaculture sites are approx. 80 kms to the north in Carlingford Lough or approx. 27kms to the south at Clogga Strand, Co Wicklow. These sites are outside of the possible areas of impact of the proposed maritime usage activities. There are no fishery protection areas in the area.

2.8.2 Commercial Fisheries

There are two fishing harbours in proximity to the proposed maritime usage area, Dun Laoghaire and Wicklow. The main fishing in the area is dredging for seed mussel and pot fishing for whelks. There is also some pot fishing for crab and lobster and some trammel net fishing known to occur in the area. The proposed maritime usage area does not overlap with the Nephrops fishery. Given the short-term nature of the activities across the licence period and their predicted ecological impact, it is not thought the proposed maritime usage activity will have a significant impact on local fisheries. However, there may be some short-term disturbance, especially during the bathymetric surveys. Therefore, it is recommended that a Fisheries Liaison Officer be appointed to the project as a condition of any licence granted.

There are known spawning and nursery areas for commercial fishery species which overlap with the proposed maritime usage area, such as those for whiting, cod, haddock, mackerel and horse mackerel. However, given the small size of the proposed maritime usage areas, the short-term nature of the activities across the licence period and their predicted impact, it is not expected these will have a negative impact on spawning or nursery areas.

2.8.3 Recreational Users

There is a high level of recreational use of the area, both in the intertidal and maritime area. The intertidal area is used by recreational users year-round and there is also significant recreational fishing and boating activity in the area. Due to the short-term nature of the work in the intertidal area, any disturbance to the general public should be limited to a maximum of 4-5 days, and considering the scale and nature of the works, a beach closure should not be necessary. However, during the course of the intertidal operations the applicant should ensure that existing public access arrangements are maintained, where possible, and all

necessary precautions are put in place to protect the public. It is proposed to include this as a licence condition if the maritime usage activity is granted.

It is proposed that any licence granted will include a condition to issue a marine notice when undergoing the boat-based portion of the proposed maritime activity, which would inform all users in the vicinity.

2.8.4 Site visit

A site visit was undertaken on 25 July 2024 to Sites labelled as Areas A-D in the applicant's documents. All sites are accessible to the public.

2.8.5 Public consultation

A 30-day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations (2011, as amended) and under section 117(6)(b) of the Maritime Area Planning Act (2021, as amended), commencing on 10/07/2025 and running until 15/08/2025. One submission was received from a member of the public. The issues raised in the submissions are noted and addressed as part of this marine advisor report and also as part of the Appropriate Assessment, where relevant.

Public Consultation Submission 1: Joint Submission from Blue Ireland Alliance CLG, Killiney Bay Community Council and Coastal Concern Alliance

Submission summary

The three organisations listed submitted a joint submission to object to the proposed maritime usage application. They feel the activities applied for are misclassified and that the EIA consideration form completed by MARA is incorrect.

The submission raises a number of issues and concerns around the documents the applicant submitted to MARA for assessment. These include specific portions of the SISAA and NIS reports.

The submission also raises concerns relating to the enforcement abilities of MARA and the NPWS.

MARAs response:

MARA notes the issues raised by the three organisations. The application under assessment is for initial site investigations and surveys to support an application for a larger proposed project, which will also require its own assessment. Therefore, this is not a case of project splitting but a separate set of survey works to inform a larger future project, as provided for under activity 3 of Schedule 7 of the Maritime Area Planning Act 2021 (as amended)". In relation to the EIA consideration form issued by MARA on 23 January 2025, the proposed drillings are both considered shallow in nature and are also for the purpose of determining soil stability. Therefore, having regard to Paragraph 2(e) of Part 2 of Schedule 5, of the

Planning and Development Regulations, 2001 (as amended) MARA has ruled out the need for an EIA in this case³.

MARA has regard to the documents supplied by the applicant but carries out its own assessment of the proposed maritime usage activity, as recorded in this report and in the accompanying AA report and determination. Additionally, the submission seems to have misread the applicants' documents as suggesting intrusive intertidal geophysical and geotechnical surveys are proposed to occur at all sites across the full proposed licence period. In actuality, they are proposed to occur once in Area A only, as detailed in MARA's reports. MARA actively carries out enforcement of licence conditions for MUL licences. MARA is not in a position to comment on the enforcement abilities of the NPWS.

2.8.6 Public body consultation

At the same time as the public consultation, MARA also invited observations on the proposed Maritime Usage Licence application from relevant public bodies. Seven observations were received from these bodies. The following table summarises the submissions received. The MARA website should be consulted for details of the full submissions. The issues raised in the submissions are noted and addressed as part of this marine advisor report and also as part of the Appropriate Assessment, where relevant.

Public Body Submission 1: Dublin Port

Submission summary
<i>A brief submission was received from Dublin Port Company with the two points reproduced below:</i> <i>1. Area A is in Dublin Bay near Blackrock / Monkstown beach. This area is within the statutory jurisdiction of Dublin Port Company. No surveying, sampling or any other marine operation should take place before there is detailed engagement with DPC.</i> <i>2. Eirgrid are also seeking a MUL for the cable that has to run from Booterstown across to the Poolbeg Peninsula. It will be in or near the same location.</i>

MARAs response:

MARA notes the issues raised by the Dublin Port Company. Regarding point 1, a condition will be included in any licence granted that will require the applicant to engage with Dublin Port Company before commencing any works in Area A. Regarding point 2, the application, MUL240010, has been considered under the in-combination section of the accompanying AA report. That application is under assessment, and should a licence be granted to Eirgrid for

³ <https://op.europa.eu/en/publication-detail/-/publication/e7f9c73c-86ba-11ef-a67d-01aa75ed71a1>

their proposed activity, the activities under the licence which is the subject of this report will be taken into consideration.

Public Body Submission 2: Marine Survey Office, Department of Transport

Submission summary
<i>Recommends conditions to be applied to the licence if granted, which relate to: navigation 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 CIL regarding the marking and lighting of any moored instruments and the particulars of information to be provided to the UK Hydrographic Office.</i>

MARAs response:

MARA notes the issues raised by the MSO. Conditions are included as standard in Marine Usage Licences in respect of the requirement to publish marine notices, provision of information to other bodies where required and the need for vessels to conform with the requirements of Irish certification standards. In addition, MARA is required to have regard to the rights of the public or any class of the public over the foreshore in relation to navigation – this requirement has been incorporated into 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.

Public Body Submission 3: Irish Lights

Submission summary
<i>Has no concerns relating to the proposed maritime usage activity. Raises one point relating to the marking and lighting of possible structures in the maritime area</i>

MARAs 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

Public Body Submission 4: Geological Survey Ireland (GSI)

Submission summary
<i>GSI highlights some possibly relevant data sources for the applicant and raises the issue of potential overlap with County Geological Sites (CGS), which are sites which were assessed but not currently selected as National Heritage Areas. They have no specific</i>

designations but are included in County Development Plan. GSI also requested a copy of all reports detailing the site investigations carried out if they go ahead.

MARAs response:

MARA notes the submission from the GSI. An assessment has been carried out of the potential for overlap with the proposed maritime usage activity and CGS. The listed sites provided by the GSI have been reviewed by MARA and it is considered that there is no potential for damage to the CGS sites listed due to the proposed maritime usage activity. MARA will include a condition in any licence granted to oblige the holder to forward all relevant data to the GSI as requested.

Public Body Submission 5: Development Applications Unit (DAU), Department of Housing, Local Government and Heritage

Submission summary

The DAU made a submission on behalf of the National Parks and Wildlife Service (NPWS) and the Underwater Archeological Unit (UAU)

- 1. NPWS – The NPWS had no objections to the proposed maritime usage, as long as suitable mitigation is applied, as outlined in the applicants NIS. The NPWS requests submission of a post-survey report should a licence be granted.*
- 2. The UAU provides a list of recommendations and a number of suggested conditions to be applied to the proposed Licence if granted. It states it broadly concurs with the mitigations suggested in the applicants' submissions.*

MARAs response:

MARA notes the submission of the NPWS. Any licence granted to the applicant for the proposed maritime usage will include a condition requiring them to adhere to the plans and particulars of their submitted application documents, which includes their NIS. MARA is not statutorily in a position to request the applicant to prepare a report for NPWS. MARA actively carries out enforcement of licence conditions for MUL licences.

MARA notes the submission of the UAU. As stated above, any licence issued to the applicant for the proposed maritime usage will require they adhere to the plans and particulars of their submitted application documents. It is recommended that the licence include a condition to consult with, and comply with the requirements of, the National Monuments Service prior to commencing the proposed maritime usage.

Public Body Submission 6: Marine Institute (MI)

Submission summary

The MI submission notes two fishing harbours are close to the proposed MUL area, and it overlaps with known spawning grounds although the effects are expected to be minor

given the work being undertaken. Commercial fishing for a number of species occurs in the area. The MI found that the short operation time and mobility of fish and cetaceans should result in limited effect.

MARAs response:

MARA notes the Marine Institute's submission. The possible interaction with fisheries is considered in Section 2.8.2 of this report and in the recommended licence conditions in Appendix 1. 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. The AA report accompanying this report also considers in-combination impacts for relevant habitats and species.

Public Body Submission 7: Department of Agriculture, Food and the Marine (DAFM)

Submission summary

Considers there will be activities coincidental with fishing operations in the area over the duration of the licence, includes comments and observations from the Marine Institute which are discussed in Public Body Submission 6 above. DAFM request a Fisheries Liaison Officer (FLO) be appointed.

MARAs response:

MARA notes the content of the submission from DAFM, with additional comments from the Marine Institute. The point regarding the use of a FLO is considered in Section 2.8.2 above, and in the mitigation measures in Appendix 1.

3. Recommendation

While the applicant has requested 10 years of a licence term and the assessment carried out by MARA has been considered on that basis, they have failed to provide reasoning for the need for such a long licence term, given that the project is to inform a future application for works that are already in the initial planning stages. Given this, and allowing for delays, it is proposed that MARA grant a licence for a six-year period.

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to Irish Rail, Engineering & New Works Building, Inchicore, Dublin 8 for Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000, in Support of the East Coast Rail Infrastructure Protection Projects, subject to the conditions in Appendix 1.



Dr Ciar O'Toole

Senior Marine Advisor

29/09/2025

Appendix 1 – Recommended Conditions

Recommended term of licence for inclusion in the Particulars Schedule:

1. Recommended Term of licence to be 6 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.*

17. 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.

18. 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.

19. 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.

20. The Holder shall not damage or interfere with any third party's property while carrying out the Permitted Maritime Usage.

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

21. At least two weeks prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Dublin Port Company to plan and schedule the Permitted Maritime Usage in order that any potential disruption to port operations is managed.

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

22. During the course of the intertidal 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.

23. 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.

24. 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 Permitted Maritime Usage are free of invasive marine species.

Reason: To ensure protection of the marine environment.

25. 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 and 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.

26. Birds

The Holder shall not undertake the Permitted Maritime Usage as follows:

- (i) The Holder shall not undertake the Permitted Maritime Usage (with the exception of bird count surveys) between 1st December and 1st March annually, to ensure least disturbance to known bird overwintering areas.
- (ii) The Holder shall not undertake the Permitted Maritime Usage in the site identified as "Area D" between 30th April and 1st August annually to ensure least disturbance to known bird nesting areas

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

27. 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) Disturbance of dune habitat and drift lines and vegetation 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.

28. In-combination effects

- (i) Prior to the commencement of the Permitted Maritime Usage, the Holder shall coordinate with other authorisation holders carrying out geophysical, 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.

- 29. 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 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.

- 30. The Holder shall, as soon as practicable and no later than three months upon completion of the borehole survey works, submit all borehole survey data undertaken in accordance with this Permitted Maritime Usage to the Geological Survey of Ireland (GSI) of the Department of Climate, Energy and the Environment at GeologicalMappingInfo@gsi.ie and in the format requested by the GSI.

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

- 31. 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. 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.

32. 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.

33. 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.

34. 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.

35. 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 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.

36. 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