

24th June 2026

Maritime Usage Licensing,
Maritime Area Regulatory Authority ('MARA'),
2nd Floor, Menapia House,
Drinagh Business Park,
Wexford, Y35RF29.

MARA Ref: LIC230013

By Email

Re: Supplementary Information in Response to Specific Conditions of the Proposed Licence

Dear Sir / Madam,

The Port of Waterford Company ('PoW') wishes to submit the below supplementary information in response to the Minded to Determine Notice issued in respect to the Maritime Usage Licence ('MUL') Application (MUL Ref: LIC230013), dated 29th May 2026.

Following a review of the conditions outlined in the proposed licence, PoW wish to provide supplementary information to amend Specific Condition 19 and remove Specific Conditions, 21 and 28 from the MUL for the marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000, which falls under Schedule 7 of the Maritime Area Planning ('MAP') Act 2021.

Specific Condition 19, as outlined in the Proposed Licence, is reproduced below:

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 or relevant Port Authority. This Marine Notice shall include details of the Licence Holder and the Licence Number as granted by MARA.

Reason: To ensure safe navigation

PoW is the statutory authority with responsibility for the management and conservancy of the harbour. Local Notices to Mariners are issued by the Harbour Master in accordance with the Port's Bye-laws (Pilotage Exempted), pursuant to the Harbours Act 1996. As the proposed operations occur entirely within Port Limits, the publication of a local Notice to Mariners is sufficient to ensure the safety of navigation. Local Notices to Mariners are published on the Port's website and distributed to various stakeholders in the estuary including local fishers, local authorities and the Fisheries Harbour Centre in Dunmore East.

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ARNA CHLÁRÚ IN ÉIRINN FAOI DHLITEANAS TEORANTA UIMH. 299445, UIMH. CBL IE8299445H.

DIRECTORS:
J. TREACY (CHAIRMAN), D. SINNOTT, L. DUFF, N. DUNLEAVY, T. ENRIGHT, K. GRANT, K. HENNESSY, M. WALSH, PORT OF WATERFORD COMPANY TRADING AS "PORT OF WATERFORD" IS A DESIGNATED
ACTIVITY COMPANY, REGISTERED OFFICE: MARINE POINT, BELVIEW, WATERFORD, REGISTERED IN IRELAND WITH LIMITED LIABILITY NO. 299445, VAT NO. IE8299445H.

PoW therefore requests that Specific Condition 19 be amended to:

“The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a local Notice to Mariners. This Notice shall include details of the Licence Holder and the Licence Number as granted by MARA.

Specific Condition 21, as outlined in the Proposed Licence, is reproduced below:

21. *Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Port of Waterford 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.*

PoW requests that Specific Condition 21 be removed on the basis that the PoW Company will be the Licence Holder, rendering the proposed Specific Condition redundant.

Specific Condition 28, as outlined in the Proposed Licence, is reproduced below:

28. Fish spawning and nursery grounds

- (i) *The Holder shall not undertake the Permitted Maritime Usage between 1st November and 31st January annually, to ensure least disturbance to known fish spawning along the survey route.*

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

PoW requests that Specific Condition 28 be removed on the basis that there is no scientific evidence outlined in the submissions submitted on this application nor in the documentation prepared by MARA that would support this condition.

Following a review of the MUL Assessment Report prepared by MARA, it is understood that Specific Condition 28 was included based on a submission by the Sea Fisheries Protection Authority ('SFPA') dated 5th November 2026. The submission by the SFPA stated that the proposed site investigations should take place outside of November to January to avoid spawning stock of commercially important species, including sprat, herring, cod and turbot, which migrate into the estuary during tidal patterns for spawning and release planktonic eggs. However, no scientific evidence or supporting documentation accompanied the SFPA's submission.

Detailed assessments were undertaken on fish populations within Waterford Estuary as part of the Assessment of Impacts on the Maritime Usage Report ('AIMU') and the Stage 2: Appropriate Assessment – Natura Impact Statement ('NIS') issued with the application.

The Waterford Estuary supports a diverse assemblage of fish species, including those that are commercially fished, those designated under the Lower River Suir Special Area of Conservation ('SAC') (Site Code: 002137) and the River Barrow and River Nore SAC (Site Code: 002162), and resident and migratory fish populations.

The AIMU submitted in support of the site investigation application assessed finfish, annex II fish species and commercial fishers. With regard to fish species, the AIMU stated:

“In addition, drilling will not be carried out at night. This will leave significant downtime for migratory fish to pass the Site, should species be migrating through the area and most species tend to migrate at night. Furthermore, there will be downtime between the drilling of individual boreholes, coreholes and dynamic probes which will also provide an opportunity for fish to pass the Site, and the proposed works will not result in any physical impediment / barrier to passage through the estuary for any migratory fish species.

It should be noted that fish species in the area are likely already exposed to anthropogenic noise sources in the area due to port activities and it is not anticipated that the additional noise generated from the proposed works will significantly contribute to this. Based on this and the expected noise level from the drilling equipment it is not expected that there will be significant impacts on fish species as a result of the proposed works.

Furthermore, water mitigation measures that will be implemented as part of the proposed works (see Section 5.2.3), which will ensure no impacts occur to fish as a result of water quality impairment.

Therefore, within this context and given the short duration and temporary nature of the works, it is considered that there will be no significant effects on fish.”

In addition, with regard to commercial fisheries, the AIMU stated:

“The Site is not located within any commercial fishing areas. Furthermore, given the nature of the Site is not considered a viable sport fishing or commercial fisheries area.”

It is considered that any impact pathway capable of affecting commercially important migratory fish species would also be relevant to the designated migratory fish species for which these SACs are designated. Accordingly, the assessment of potential effects on the designated fish populations of the SACs is also representative of potential effects on commercially important migratory fish species. Therefore, the conclusions of the NIS that the proposed site investigation works will not result in adverse effects on the designated fish species similarly support the conclusion that significant effects on commercial fish species are not anticipated.

Moreover, following an updated review of the ‘Species Spawning and Nursery Areas’ published by the Marine Institute and revised on the 12th January 2024¹, there are no known spawning areas, spawning grounds, nursery areas or spawning beds for hake, mackerel, horse mackerel, Atlantic cod, herring, haddock, megrim, blue whiting, black belly angler monkfish, white belly angler monkfish and whiting within the proposed site investigation nor within 5km of the proposed site investigation area. In addition, no evidence was provided for any spawning areas, spawning grounds, nursery areas or spawning beds for sprat or turbot.

¹ Marine Institute. (2024, 09 04). Species Spawning and Nursery Areas. Retrieved from <https://data.gov.ie/dataset/species-spawning-and-nursery-areas>

Additionally, the MUL Assessment Report prepared by MARA stated the following with regard to migratory / diadromous fish species:

"A number of migratory fish species are QIs of both the Lower River Suir SAC and the River Barrow and River Nore SAC. However, given the short term, small scale and day time nature of the proposed activity, along with the type of geotechnical activity proposed, it is not expected that the proposed maritime usage will have a significant negative impact on any migratory fish species. The soft-start, or ramp up procedure, which must be undertaken in relation to avoiding marine mammal disturbance will further minimise any impacts on fish."

In addition, MARA has stated that the reason for Specific Condition 28 is *"To ensure protection of the marine environment."* However, the SPFA is the regulator for Ireland's sea-fisheries and seafood sector and their submission concerns a potential commercial impact, not an environmental one. Whereas the National Parks and Wildlife Service ('NPWS') is responsible for the protection and conservation of Ireland's natural heritage and biodiversity. The NPWS submitted a submission on the site investigation application, dated 11th November 2025, that stated:

"On the basis of the Nature Impact Statement (NIS), and subject to full implementation of all stated mitigation and monitoring measures, the National Parks and Wildlife Service advises that the proposed geotechnical investigation is not likely to adversely affect the integrity of the Lower River Suir Special Area of Conservation (Site Code: 002137) or the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), alone or in combination with other plans or projects."

The NPWS has concluded that the proposed works will not result in impacts on the designated fish populations within the Waterford Estuary, including migratory fish species. Given that the potential impact pathways assessed for the designated fish species are equally applicable to non-designated fish species, it is also considered that no impacts on non-designated fish populations are likely to arise. Furthermore, as the statutory authority responsible for the protection and conservation of Ireland's biodiversity and natural heritage, the NPWS's conclusions regarding the absence of impacts on the receiving marine environment should be afforded significant weight in MARA's consideration of this matter.

Furthermore, as noted above, the SPFA has not provided any evidence or information to substantiate its position that seasonal restrictions are required. In contrast, the application is supported by robust and detailed assessments, the conclusions of which are endorsed by both the NPWS and MARA's Senior Marine Advisor in the MUL Assessment Report. Accordingly, PoW requests that Specific Condition 28 be removed from the Marine Usage Licence, as there is no evidence to indicate that the proposed site investigation works, when undertaken in accordance with the mitigation measures set out in the plans and particulars submitted in support of the application, together with Specific Conditions 25 and 27, will result in impacts on fish populations or the marine environment.

Yours sincerely,



Captain Ian Moriarty
Deputy Harbour Master