

Maritime Usage Licensing and Planning Advisory Directorate

Maritime Usage Licence Assessment Report

To:	John Evans, Director	From:	Dr Ciar O’Toole Senior Marine Advisor	
Date:	29/05/2026	Maritime Usage Licence Application No:	LIC230013	
Applicant:		Port of Waterford Company, 3 rd Floor Marine Point, Belview Port, Slieverue, Waterford		
Licence application received:		18/12/2023		
Types of maritime usage activities in accordance with Schedule 7 of the Maritime Area Planning Act 2021:		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.		
Location of proposed maritime usages:		Geotechnical investigation for possible quay extension in the River Suir at the Port of Waterford, Belview, Co. Kilkenny		
Environmental Impact Assessment (EIA) Screening		EIA not required (EIA Screening Consideration Form dated 02/08/2024)		
1 st request for additional information (RAI) issued:		08/11/2023	Response to 1 st RAI received	21/11/2023
2 nd RAI issued:		31/07/2024	Response to 2 nd RAI received	31/07/2024
3 rd RAI issued:		12/09/2025	Response to 3 rd RAI received	06/10/2025
Notice requesting Natura Impact Statement (NIS) issued:		N/A	NIS received:	18/12/2023
Public body consultation:		13/10/2025	Observations from public bodies received:	Seven
Notice issued to applicant to commence Public Consultation		07/08/2024		
Public consultation:		16/12/2025 to 24/01/2026	Submissions from the public received:	One

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1. Background

The Port of Waterford Company (the applicant) has applied to the Maritime Area Regulatory Authority (MARA) for a Maritime Usage Licence (MUL) to undertake marine environmental surveys for the purposes of site investigation, falling under Schedule 7(3) of the Maritime Area Planning Act 2021 as amended (the MAP Act). The site investigation will consist of 10 boreholes and 10 coreholes, associated sampling and testing at the Port of Waterford, Bellview, Co. Kilkenny. The applicant has also submitted an application to An Coimisiún Pleanála for ACP ref. A10-323575 at the same site to carry out a pier extension in support of ORE development.

2. Location and Description of the Proposed Maritime Usage

The proposed site investigation activities are shown on Table 1, along with the estimated duration of the activities. The applicant notes the surveys will take approximately 3 weeks in total to complete and the proposed MUL area is shown in Figure 1. The applicant has requested a 9-week licence duration; however, MARA proposes granting a two-year licence to allow for scheduling and tendering of vessels and equipment. Additionally, owing to uncertainty as to when the works will take place, this assessment addresses ecological scenarios that may take place at any given time in one calendar year.

Table 1. The details of the proposed site investigation activities along with the estimated duration.

Proposed maritime usage activities	Estimated duration
10 x Boreholes of approx. 200mm in diameter will be undertaken using a cable percussive drilling rig up to 30m depth	3 weeks
10 x Coreholes will be undertaken to remove a length of rock 2-4 meters in length and 150-200mm in diameter using a diamond drill and drill rig	3 weeks
Standard penetration testing	3 weeks
Jack up barge to support drilling rigs	3 weeks

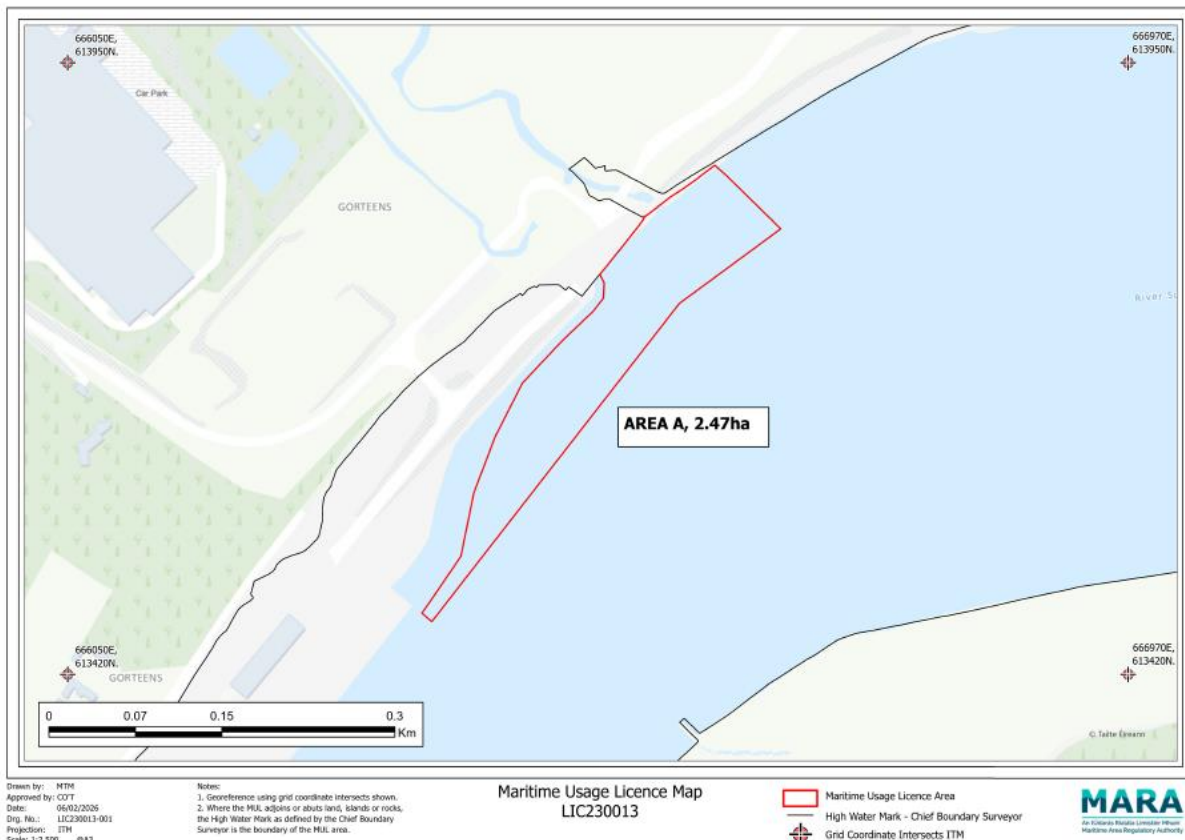


Figure 1 showing the location of the proposed maritime usage activity in the River Suir catchment.

2.1 Brief description of the site characteristics

The proposed Marine Usage Licence area is 2.48 hectares in size. This area is located within the area adjacent to the active Port of Waterford and within the Lower Suir Estuary. The Luffany river and the River Suir converge adjacent to the site boundary. The estuary converges with the River Barrow 1.5km north of the Port to form the Barrow Suir Nore Estuary. This watercourse then flows south into Waterford Harbour and then the Eastern Celtic Sea a further 20km downstream. The majority of the area is consistently covered by estuarine waters; however, areas of mudflats and stonewalls/rock are located within the northern section of the proposed Marine Usage Licence area. Benthic habitat in this area consists of muddy estuarine community complex, fine sand, mud and rock.

3. Assessment

In assessing a MUL application, MARA must have regard to Section 6(8) of the Marine Planning Policy Statement (MPPS) and the legislation and policy set out in Section 121(2) of the MAP Act, as discussed in this section.

3.1 National Marine Planning Framework (NMPF)

The MPPS outlines the government's overarching vision, policies, and principles for managing the country's maritime area. MARA must have regard to NMPF, which sets the framework for implementing the forward planning component of our marine planning system as set out in the MPPS. The proposed maritime usage activities are associated with the development of future port infrastructure, in particular ORE infrastructure. The NMPF supports the development of ORE in Ireland as a driver to significantly reduce greenhouse gas emissions in line with national and EU Policy (ORE sectoral policy, Chapter 13). The application is also in line with the Ports, Harbours and Shipping sectoral policy (Chapter 18) with an objective of sustainable development of the ports sector and provision of adequate capacity to meet present and future demand and to adapt to the consequences of climate change.

Underwater cultural heritage

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. It is recommended that a condition be included in the licence, requiring the holder to consult with the Underwater Archaeology Unit of the Department of Housing, Local Government and Heritage prior to the commencement of the activities and to comply with their requirements in relation to underwater cultural heritage.

3.2 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive)

MARA carried out a screening for EIA of the proposed maritime usage having considered Schedules 5 and 7 of the Planning and Development Regulations 2001. An EIA Screening Form was issued by MARA on 02/08/2024 and it was concluded that the activities do not fall within the scope of the EIA Directive and therefore an EIA is not required.

3.3 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 as a result of the survey activities. Sections 3.5–3.8 of this report also address the Habitats and Birds Directives, WFD and MSFD and recommend conditions to minimise impacts on biodiversity from the proposed activities.

3.4 Climate Action and Low Carbon Development Act 2015, as amended

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended (the ‘Climate 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. This application aligns with the Climate Action Plan in supporting potential ORE facilities in the port. Considering the temporary and short-term nature of the proposed site investigation activities, no significant increases in carbon emissions are expected to be produced.

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. The ecological 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 MUL application area is within the Lower Suir Estuary WFD transitional waterbody. The status of transitional and coastal waterbodies is based on the assessment of biological quality elements (fish, phytoplankton, benthic invertebrates, macroalgae, angiosperms) as well as supporting chemical (specific pollutants), physico chemical (e.g. temperature, salinity, nutrients) and hydromorphological quality elements.

Table 2: Water Framework Directive waterbodies in relation to the MUL application area from the reporting period 2019–2024, including status, risk and significant pressures for the at-risk waterbodies¹.

Waterbody name & code	Waterbody type	Ecological status & Risk*	WFD significant pressures	Proposed activities within waterbody
Lower Suir Estuary (Little Island to Cheekpoint)	Transitional	Moderate (At Risk)	Nutrients and pressure from agriculture and urban wastewater run-off.	All proposed activities

¹ From www.catchments.ie

Barrow-Suir-Nore Estuary	Transitional	Moderate (At Risk)	Nutrients and pressure from agriculture and urban wastewater run-off.	1.5 km north of proposed activities
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*At risk means at risk of not achieving good status by 2027; not at risk means no risk in maintaining current status.

The proposed site investigation activities are not expected to significantly impact on the hydromorphological conditions in the WFD waterbody. The footprint of the boreholes and coreholes are relatively small (approximately 200mm respectively maximum). The boreholes once completed, will collapse naturally and will return to normal levels with tidal and riverine movements, and it is expected the corehole areas will fill with sediment also. The benthic communities in the proposed maritime usage area are muddy estuarine community complex, fine sand and rock. Only small quantities of suspended sediments are expected to be released from these geotechnical surveys.

The site investigation activities are not expected to impact on Dissolved Oxygen levels in any of the waterbodies or on physico-quality elements. There is expected to be some disturbance to benthic invertebrates from the geotechnical surveys, however it is likely that benthic species would recolonise the majority of the disturbed seabed relatively quickly. Given the nature and scale of the activities in relation to the waterbodies, the overall status of invertebrates will not be impacted. In order to ensure no impacts on water quality from the site investigations, a condition is recommended to be included in the licence if granted requiring an oil pollution response plan to be in place prior to the commencement of the activities.

Given the temporary and short-term nature of the activities, there is not expected to be a deterioration in the ecological status of any WFD waterbody as a result of the proposed activities.

3.6 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. Ireland's 2024 assessment² under Article 8 of the MFSD sets out the status of the 11 qualitative descriptors that describe the state of the marine environment.

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

The proposed MUL area is located entirely within transitional waters, namely the Barrow-Suir-Nore Estuary, therefore lying outside the spatial extent of Ireland's MFSD assessment area. Accordingly, assessment against MFSD descriptors is not applicable to the proposed maritime usage.

3.7 Annex IV species

Articles 12 and 13 of the Habitats Directive (92/43/EC) 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 an Annex IV Species Risk Assessment in support of their MUL application. The risk assessment considered the scope of the proposed site investigation activities, the relevant Annex IV species (dolphins, whales, porpoise, marine turtles, otters and bats) and the potential impacts of the activities on those species. The Annex IV Species Risk Assessment concluded that Annex IV bat species, leatherback turtle, and otter are not likely to be impacted due to location and nature of the activities. The assessment noted that some Annex IV cetacean species (including Bottlenose dolphin, minke and fin whale) may be disturbed from underwater noise from the geotechnical activities. The assessment concluded that potential disturbance impacts would be localised and short-term, and that mitigation in the form of marine mammal observers would be required to minimise impact. MARA agrees with the conclusions of the Annex IV risk assessment. Any licence granted shall include a condition requiring the applicant to engage a marine mammal observer for all geotechnical activities, adhering to the national guidance for underwater noise and marine mammals.

The applicant has stated that a derogation licence from the National Parks and Wildlife Service (NPWS) under the (Birds and Natural Habitats) Regulations 2011 as amended, is not required for the proposed maritime usage activity.

3.8 Appropriate Assessment

The Habitats Directive (92/43/EC) and the Birds Directive (2009/147/EC) are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended (the Regulations) and by Part XAB of the Planning and Development Act 2000. The application was subject to screening for appropriate assessment (AA) by MARA in accordance with the Regulations. MARA made an Appropriate Assessment (AA) Screening Determination on 02/08/2024 which concluded that the proposed maritime usage 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

Forty-two European Sites were screened in for appropriate assessment by MARA. These included 39 Special Area of Conservations (SAC) and three Special Protection Areas (SPA). These European sites, their Qualifying Interests (QIs) also referred to as Special Conservation Interests (SCIs) for the SPA sites and likely or potential source of impact as a result of the

proposed maritime usages are given in Appendix 1. The applicant submitted a Natura Impact Statement (NIS) in support of the application, dated 18/12/2023.

3.8.1 Assessment of Likely/Potential Impacts on European Sites

The potential impacts on European sites and their QIs in view of the sites' conservation objectives are summarised as physical disturbance and habitat loss, increased suspended solids concentrations underwater noise disturbance. This section discusses those impacts individually. Any mitigation measures recommended on foot of the assessment in this section are included in Section 3.8.3- Mitigation Measures.

Physical Disturbance and Habitat Loss

The proposed maritime usage has the potential to cause temporary physical disturbance to habitats and permanent habitat loss in the case of boreholes within the Lower River Suir SAC. However, there are no Annex I habitats in the MUL application area, and the habitats that will be disturbed (muddy estuarine community complex) are not QIs of the SAC and the disturbance has already been considered in Section 3.5 above. Therefore, no mitigation is required.

Underwater noise disturbance and displacement

Birds

The potential for underwater noise from the activities to cause a significant disturbance to birds was identified at the AA screening stage. The impact of underwater noise disturbance on birds is not greatly understood, though some studies have shown behavioural responses in some diving bird species (on Cormorants, Guillemots and Lesser scaup) which spend comparatively longer periods of time underwater than other birds. Flushing disturbance can be expected to displace diving seabirds from close proximity to the survey vessels and underwater equipment, thereby limiting their exposure to the highest sound pressures generated. The likelihood of these birds being in the vicinity of the noise generating activities (during drilling activities) is low, due to the surface activity associated with such operations disturbing the birds prior to commencement of the underwater noise.

Given the temporary nature of the proposed activities, the mobile nature of the birds and their temporary displacement due to flushing, as well as the existing levels of background noise in this location, underwater noise would be very unlikely to have a significant effect on diving seabird populations from those SPAs with bird species as listed in Appendix 1.

Marine Mammals

Harbour Porpoise and Bottlenose Dolphin

The appropriate assessment screening report and determination issued by MARA identified the potential for underwater sound sources from survey activities to be at a level and duration

that would cause a significant negative impact on marine mammals. It is possible that individuals may forage within Waterford Estuary. In terms of the conservation objectives of both European sites, the relevant target for marine mammals is that underwater noise would not be at a level that would result in a significant negative impact on their populations.

Marine mammals depend on sound for a wide range of functions including navigation, perception of their environment, communication, prey identification and capture, and the detection of predators. The production of underwater noise from the proposed site investigation activities could interfere with these functions by inducing permanent auditory injury (or Permanent Threshold Shift) at very close range or temporary hearing impairment (or Temporary Threshold Shift – TTS) and disturbance at further distances from the noise source. The frequency of noise produced by the drilling activities (described on Table 1) is within the hearing ranges of Harbour porpoise (200 Hz–180 kHz) and Bottlenose dolphin (150 Hz–160 kHz). Section 3.8.3 details the mitigation measures which must be undertaken during drilling activities to mitigate any potential risk to Harbour porpoise and Bottlenose dolphin. Marine Mammal Observers must be employed for all drilling surveys and the current national guidance³ on underwater noise must be adhered to. The current guidance includes the provision of a 30-minute soft start, or ramp-up procedure prior to commencement of the surveys and a monitored zone around the survey vessels. No surveys can commence if a marine mammal is detected within the monitored zone. Taking into account these mitigation measures (see Section 3.8.3) then there will not be significant adverse impacts on marine mammal populations.

Grey seal and Harbour seal

The frequency of noise emitted by the rotary core drilling plant is within the hearing range of Grey seal and Harbour seal (75 Hz–75 kHz). Both of these pinniped species could experience PTS from the acoustic sub-bottom profiler if they were present in the immediate vicinity of the activity. The rotary core drilling plant could cause a TTS and a behavioral response in both species in the immediate vicinity of the activities. However, the noise is expected to attenuate rapidly from the source and to reduce to background levels at 500 m. Within this range behavioural changes may occur.

The area provides foraging opportunities for both species. In terms of conservation objectives, there is the possibility that seals linked with the SACs shown in Appendix 1, which are foraging in the immediate vicinity of the proposed activities might be temporally impacted by disturbance from underwater noise. It is not likely that the noise produced by the activities will interfere with breeding or moulting behaviour of either species that might use the area,

³ [NPWS 2014.](#)

given the levels of noise present in the area from shipping activities within Belview Port. Mitigation is required in order to avoid disturbance impacts on Grey and Harbour seals, as set out in Section 3.8.3 of this report.

Otter

Otter are known to forage in the area and have been recorded in the immediate vicinity. The impacts of underwater noise on otter are currently poorly understood. However, given the short term, day time nature of the activities and the expected habituation of otters in the locality to anthropogenic disturbance, along with their crepuscular life history, it is not expected that there will be a significant impact on otter populations as a result of the proposed maritime usage. Therefore, no mitigation is required.

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.

Increased Suspended Sediment Concentrations

Of concern regarding potential impacts of water quality are potential impacts on migratory fish species in the estuary which are listed as QIs for both the Lower River Suir SAC and the nearby River Barrow and Nore SAC, which may be negatively impacted while moving past the proposed maritime usage.

The applicant proposes to utilise a variety of survey equipment, survey vessels and a jack-up barge. The drilling activities as well as the use of a jack-up barge could increase suspended sediments in the water column. This could in turn lead to some sediment deposition on nearby habitats. In relation to suspended sediments and sediment deposition, the footprint of the boreholes and coreholes is relatively small (approximately 200mm). Only minimal quantities of suspended sediments are expected to be released from these geotechnical surveys and from positioning of the jack-up barge. The seabed in the MUL application area is expected to resettle quickly and to not dissipate widely.

The activities are also short term in nature, occurring over a period of three weeks, and during daylight hours only. Considering this, it is not expected that water quality deterioration will occur from the proposed activities. Therefore, no mitigation is required regarding potential impacts on migratory fish species.

3.8.2 Assessment of In-combination effects

The potential impacts of the proposed maritime usage activities must be considered individually and also in combination with other plans or projects. All types of plans or projects that could, in combination with this application, have a significant effect, have been considered. This in-combination assessment has been undertaken using professional and scientific judgement and is assessed primarily in terms of potential spatial and temporal impacts. Table 3 below outlines those activities which are considered to have the potential to act in combination with the proposed maritime usage.

The spatial scope of the in-combination assessment is based on the maximum distance of underwater noise generated by the drilling equipment, and the Effective Deterrence Range⁴ of Harbour porpoise which is most sensitive to underwater noise. This is a distance of 3km. The temporal scope of the in-combination assessment is based on the period over which the activities are proposed, which is two years in this case.

Table 3 showing activities that have the potential to act in combination with other plans or projects

Impacts	Possible Significance of Impacts (duration, magnitude etc.)
Physical disturbance and habitat loss	There is the potential for increased physical disturbance and habitat loss if other relevant projects were to take place at the same time.
Increased suspended solids concentrations	There is potential for increased suspended sediment concentrations in the water column where there is temporal or spatial overlap with other relevant projects.
Disturbance from underwater noise	There is the potential for increased underwater noise disturbance effects if other projects, capable of producing underwater noise, were to take place at the same time.

Identification of Plans or Projects that could act in combination

A search was carried out on 26/05/2026 of relevant databases (including EPA, Foreshore, MARA, planning authorities) for other plans and projects with characteristics that may cause in-combination effects with the proposed site investigation activities, on the QIs of the

⁴ Effective Deterrence Range – the radius of a circular area assumed to be disturbed

European sites identified in Appendix 1. The projects shown on Table 4 have temporal and spatial overlap with the proposed maritime usage area

Table 4 Potential sources of impact that could act in combination with the application

Application reference	Project description	Approximate distance from MUL area (Km)	Project Status
S0012-05	Dredging of accumulated sediments to maintain navigation areas	Within MUL area	Granted
LIC230025	Port of Waterford Company MUL Dredging	Within MUL area	Granted
MUL250022	Uisce Eireann Waterford WWTP	Approx 1 km	Applied
OA10.323575	An Coimisiún Pleanála - Planning application for development of port facilities	Within MUL area	Under assessment – application submitted
HA93.303274	An Coimisiún Pleanála - Planning permission for River Suir Sustainable Transport Bridge.	Within the MUL area	Granted

The following plans related to the development of the maritime environment were also identified:

- The Climate Action Plan 2023.
 - River Basin Management Plan (RBMP).
 - Designated Maritime Area Plans (DMAPs)
- Port of Waterford master Plan 2020 -2044

These plans promote sustainable development in the maritime environment and particularly Ireland's Climate Action Plan's renewable electricity target of 80% of energy generated from renewable electricity sources by 2030.

In-Combination Effects Assessment conclusion

Projects have been identified which include four activities in close proximity to the MUL application area. There is potential for likely significant in-combination effects on the conservation objectives of the Natura 2000 sites addressed in this appropriate assessment and identified in Appendix 1, where impacts from the proposed maritime usage could interact

synergistically with other plans and projects, to create adverse effects on the integrity of the Natura 2000 sites. Based on insufficient clarity on when some of the projects highlighted above will be carried out, and using the precautionary principle, there is potential for these projects to have potential in-combination effects should there be temporal overlap with the proposed maritime usage activity.

It is not possible to exclude the possibility of likely significant in-combination effects on the conservation objectives of the Natura 2000 sites considered in this assessment as a result of this proposed maritime usage and the projects identified. Therefore, it is recommended that suitable mitigation for the possibility of likely significant in-combination effects be included in the Maritime Usage Licence, if granted.

3.8.3 Mitigation measures

Mitigation measures for those impacts identified in Section 3.8.1 and 3.8.2 are detailed below. These mitigation measures are included as conditions 24 and 25 of the Proposed Licence.

Physical disturbance and habitat loss

No specific mitigation required

Increased suspended solids concentrations

No specific mitigation required

Disturbance due to Underwater Noise

Mitigation is required to ensure no disturbance to marine mammals due to underwater noise, including Harbour porpoise, Bottlenose dolphin, Grey seal and Harbour seal. This is as follows:

- (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.

In-combination mitigation

Mitigation is required to ensure no significant impacts of in combination impacts in relation to underwater noise, physical disturbance and increased sedimentation. This is as follows:

- (i) Prior to the commencement (time frame can be added if required) of the Permitted Maritime Usage, the Holder shall coordinate with other authorisation holders carrying out geophysical, seismic and geotechnical activities within a 6 km radius of the Licensed Area.
- (ii) Where a vessel to vessel distance of greater than 6 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 6 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.

3.8.4 Residual effects

This assessment has identified likely/potential significant impacts on European Sites and their conservation interests in Section 3.8.3 and recommends mitigation measures as conditions in the Proposed Licence. It is considered that the mitigation measures described and their implementation through licence conditions will remove, or reduce to imperceptible levels, all negative impacts and that residual effects will not arise.

3.8.5 Assessment of Transboundary effects

The mitigation measures proposed as part of this appropriate assessment will mitigate against any transboundary effects on other European sites.

3.8.6 Appropriate assessment conclusion

The appropriate assessment screening process identified potential significant impacts due to physical disturbance and habitat loss, underwater noise and increased sedimentation. Likely

significant impacts from the proposed maritime usage activities could not be ruled out, beyond reasonable scientific doubt, without mitigation. The potential for in-combination effects from the proposed maritime usage activities with other plans and projects could not be ruled out, beyond reasonable scientific doubt, without mitigation

Mitigation measures were identified to ensure that impacts on European sites and their QIs and SCIs do not occur. Therefore, with adherence to the mitigation measures specified in Section 3.8.3 and in view of best scientific knowledge, and of the sites' conservation objectives, the project, individually, or in-combination with other plans or projects, will not have adverse effects on European sites.

The appropriate assessment determination is included in Section 9.

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. The NMPF also requires that the potential impact of proposed activities avoid, minimise and mitigate potential impacts on other users. Conditions are recommended to be included in the licence if granted to ensure minimal disruption to other users including publication of a marine notice and notification of the port authority before commencing activities.

5. Site visit

No site visit was undertaken due to the short term and small-scale nature of the proposed maritime usage.

6. Public body consultation

Observations on the MUL application were invited from relevant public bodies to ensure that MARA takes account of all other relevant maritime usages and interests in the application area. Seven responses were received. The following tables summarise the observations from public bodies with a response given below each submission summary. The MARA website should be consulted to view the full details of the observations received.

1. Observations summary – Commissioner for Irish Lights (CIL)
Observations were received from CIL stating no objection to the granting of the licence from a safety of navigation perspective. It was noted that should any requirement arise for marine aids to navigation, a Statutory Consent would be required from CIL. It was noted

that any AA conducted as part of the assessment of the MUL application should include the deployment of surface marking buoys and associated moorings.

MARA Response:

MARA notes the observations of CIL. The onus is on the applicant to ensure that all the required statutory consents are in place prior to the commencement of the proposed activities. All MULs granted include a standard condition stating that the MUL, if granted, does not negate the Holder's statutory obligations or requirements under any other law. All aspects of the proposed application submitted to MARA have been considered as part of the AA Report and Determination.

2. Observations summary – Department of Housing, Local Government and Heritage

Observations were received from the Development Applications Unit of DHLGH combining submissions relating to nature conservation and underwater archeology. The National Parks and Wildlife Service (NPWS) of DHLGH noted that the works are small-scale, short-term and within the existing industrial port environment. On the basis of the (NIS), and subject to full implementation of all stated mitigation and monitoring measures, NPWS stated their opinion 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. NPWS requested two specific conditions be added to any licence granted: That the licence or consent conditions explicitly require adherence to all mitigation commitments in the NIS. And that any deviation from the described methodology or any extension in duration or intensity of works should be referred back to NPWS.

The DAU also notes that the MUL application area has a high potential for Underwater Cultural Heritage including protected wrecks and submerged paleolandscapes. The DAU provide details on the various legislative provisions and national policies for the protection of archaeological heritage including wrecks, objects and monuments. The DAU provides a suite of recommended conditions to be included in the licence to align with the statutory obligations and policy objectives including the provision of a Project Archaeologist, the undertaking of geophysical surveys prior to geotechnical surveys, the licensing of geophysical and dive surveys by the DHLGH and submission of relevant results and reports to the DHLGH.

MARA response:

MARA notes the content of the submission from the DHLGH and agrees fully with the comments of the NPWS. Any licence granted will include a condition that requires the

applicant to adhere to their submitted plans and procedures and any amendments to the planned activities will require a material amendment from MARA, which would involve an additional round of public body consultation.

Section 3.1 of this report deals with underwater cultural heritage. Conditions will be included in any proposed licence requiring the holder to consult with the Underwater Archaeology Unit of DHLGH prior to the commencement of the activities and to comply with all applicable requirements set forth by the Unit.

3. Observations summary – Geological Survey of Ireland

Observations were received from the GSI which recommended the use of various GSI datasets in conducting EIAR, SEA, planning and scoping processes for developments, plans and policies.

MARA response:

MARA notes the observations of the GSI and the availability of datasets. It is recommended to include a condition in any licence granted to require the holder to submit details of the borehole survey data to the GSI upon completion of those surveys.

4. Observations summary – Department of Agriculture, Food and the Marine

A submission was received from the Marine Divisions of DAFM with observations provided by the Marine Institute (MI), Bord Iascaigh Mhara the Sea-Fisheries Protection Authority (SFPA) and the Marine Divisions of DAFM. The Marine Institute, SFPA and BIM also provided separate observations. The summarised issues provided in this submission from the various agencies are as follows: MI raised concerns regarding dredging activities and turbidity. BIM refers to an EIAR which was not provided but does ask that care be taken regarding water quality. SFPA notes concerns regarding the spawning times of some fish species in the estuary.

DAFM requests local fishers be informed of the commencement of the works and also refers to MARA's responsibilities under the NMPF. DAFM also asks that if impacts on traditional fishing grounds are identified, consultation with local stakeholders will be undertaken prior to and throughout the works and a Fisheries Liaison Officer (FLO) be appointed.

MARA response:

MARA notes the submission from DAFM and discusses the separate agency submissions under their own headings below. In regards fishing grounds, there is no predicted overlap. Additionally, a condition requiring the issuing of a marine notice will be included in any licence issued.

In relation to the summarised MI response given, MARA notes that no dredging works are planned as part of the proposed maritime usage activity. Water quality as raised by BIM has been considered in Section 3.5 of this report and the SFPAs concerns regarding spawning times are discussed in MARA response 5 below.

5. Observations summary – Sea Fisheries Protection Authority

Observations were received from the SFPAs regarding important timings for spawning fish in the estuary, primarily between November-January annually. They do not expect there will be any impact on nearby shellfish production areas or on seafood safety in the local environment.

MARA response:

MARA notes the observations of the SFPAs. It is proposed to include a condition in any licence granted which prohibits the activities occurring between 1st November and 31st January annually to avoid peak spawning time for commercially important stocks.

6. Observations summary – Marine Institute (MI)

Observations were received from the Marine Institute who stated their opinion that overall, they would not expect any notable impacts from the proposed operations on sea fisheries or aquaculture. This submission does not appear to match the summarised comments attributed to the MI in the DAFM submission

MARA response:

MARA notes the submission from the Marine Institute.

7. Observations summary – Bord Iascaigh Mhara

Observations were received on two occasions from BIM regarding this application. Observation 1 raised concerns regarding water quality issues resulting from the proposed works and requests the use of marine notices. Observation 2 is a duplication of the first observation submitted.

MARA response:

MARA notes both responses from BIM. In the first and second submission, MARA notes the reference to concerns regarding water quality. However, MARA also notes reference to an EIAR document which was not supplied and reference to activities which are not part of the

proposed maritime usage. It is noted that any licence issued will include a condition requiring the use of marine notices regarding the proposed activities.

7. Public consultation

A public consultation was undertaken between 16/12/2025 and 24/01/2026, under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and under section 117(6)(b) of the MAP Act. One submission was received. The following table summarise the submission, with a response given below. The MARA website should be consulted to view the full details of the submission received.

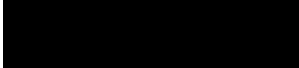
1. Submission summary – A member of the public
The submission consisted of a letter and copies of previous submissions sent to the EPA and An Coimisiún Pleanála (ACP) in reference to other proposed developments, being ACP OA10-323575 and EPA S0012-05. The submission requested that a number of state agencies including MARA refer what the submitter referred to as “relaxed planning and licencing (sic) to the Minister, High court, European court and Attorney general” regarding a number of issues the submitter raised.

MARA Response:

MARA notes the submission from the member of the public. However, this public consultation was in reference to the proposed maritime usage only, so no comment can be made here regarding applications to other agencies or bodies. This MUL assessment has been undertaken having regard to the criteria set out in the Maritime Area Planning Act 2021, as amended.

8. Recommendation

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to Port of Waterford Company, Belview Port, Co. Kilkenny for the purposes of 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. subject to the conditions in the Proposed Licence and for a duration of two years:

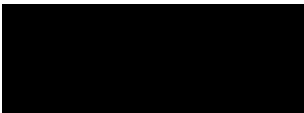
Signed:	
Prepared by:	<u>Dr Ciar O'Toole</u> Senior Marine Advisor/Marine Analyst
<u>Date:</u>	<u>29/05/2026</u>

9. Appropriate Assessment Determination

Having considered:

- the application information submitted by the applicant.
- observations received further to public body consultation
- submissions received further to public consultation and
- this *Maritime Usage Licence Assessment Report*,

together with my own assessment, it can be concluded, and I determine, for the purposes of Article 6(3) of the Habitats Directive (92/43/EEC) and Regulation 42(11) of the European Communities (Birds and Natural Habitats Regulations) 2011 that the proposal to carry out **Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000 at Port of Waterford, Belview Port, Co. Kilkenny (LIC230013)** (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 the mitigation measures specified in the foregoing **Section 3.8 – Appropriate Assessment**. These mitigation measures are included in the Proposed Licence and must be incorporated into any consent that may be granted in respect of the respective maritime usage licence application.

Signed:	
Approved and determined by:	John Evans Director of Maritime Usage Licensing
Date:	29/05/2026

Appendix 1

European sites and qualifying interests which were screened in for appropriate assessment along with potential source of impact and site-specific conservation objectives⁵.

European Site & site code	Approx. distance from MUL application area (km)	Qualifying Interests	Potential source of impact	Site-specific conservation objectives
Lower River Suir SAC [Site code IE002137]	Within site boundary	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twaite Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	Yes -possible short-term temporal disturbance	NPWS (2017) Conservation Objectives: Lower River Suir SAC 002137. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
River Barrow and River Nore SAC [Site code IE002162]	1.1	<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twaite Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	Yes -possible short-term temporal disturbance	NPWS (2025) Conservation Objectives: River Barrow and River Nore SAC 002162. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

⁵ The UK sites included in the MARA AA screening dated 02/08/2024 are not included in this assessment as the UK is no longer subject to the Birds and Habitats Directive.

Hook Head SAC [Site code IE000764]	19.5	<i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2025) Conservation Objectives: Hook Head SAC 000764. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Saltee Islands SAC [Site code IE000707]	38.2	<i>Halichoerus grypus</i> (Grey Seal) [1364]	Yes –possible disturbance from underwater noise	NPWS (2011) Conservation Objectives: Saltee Islands SAC 000707 and Saltee Islands SPA 004002. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Carnsore Point SAC [Site code IE002269]	60	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2024) Conservation Objectives: Carnsore Point SAC 002269. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Slaney River Valley SAC [Site code IE 000781]	90	<i>Phoca vitulina</i> (Harbour Seal) [1365]	Yes –possible disturbance from underwater noise	NPWS (2011) Conservation Objectives: Slaney River Valley SAC 000781. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Kenmare River SAC [002158]	132	<i>Phoca vitulina</i> (Harbour Seal) [1365] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2026) Conservation Objectives: Kenmare River SAC 002158. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Roaringwater Bay and Islands SAC [Site code IE000101]	210	<i>Halichoerus grypus</i> (Grey Seal) [1364] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2011) Conservation Objectives: Roaringwater Bay and Islands SAC 000101. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Lambay Island SAC [IE000204]	215	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351] <i>Halichoerus grypus</i> (Grey Seal) [1364] <i>Phoca vitulina</i> (Harbour Seal) [1365]	Yes –possible disturbance from underwater noise	NPWS (2024) Conservation Objectives: Lambay Island SAC 000204. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Glengarriff Harbour and Woodland SAC [Site code IE000090]	280	<i>Phoca vitulina</i> (Harbour Seal) [1365]	Yes –possible disturbance from underwater noise	NPWS (2015) Conservation Objectives: Glengarriff Harbour and Woodland SAC 000090. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Codling Fault Zone SAC [003015]	>100	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2025) Conservation Objectives: Codling Fault Zone SAC 003015. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.

Blasket Islands SAC [002172]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2014) Conservation Objectives: Blasket Islands SAC 002172. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Belgica Mound Province SAC [002327]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2025) Conservation Objectives: Belgica Mound Province SAC 002327. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Inishmore Island SAC [000213]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2024) Conservation Objectives: Inishmore Island SAC 000213. Version 2. NPWS, Department of Arts, Heritage & Gaeltacht.
Kilkieran Bay and Islands SAC [002111]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2026) Conservation Objectives: Kilkieran Bay and Islands SAC 002111. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
West Connacht Coast SAC [002998]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2025) Conservation Objectives: West Connacht Coast SAC 002998. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.

Rockabill to Dalkey SAC [IE003000]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2013) Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Bunduff Lough and Machair/Trawalua/Mullaghmore SAC [000625]	>200	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Yes –possible disturbance from underwater noise	NPWS (2015) Conservation Objectives: Bunduff Lough and Machair/Trawalua/Mullaghmore SAC 000625. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
French SACs screened in for <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] for disturbance from underwater noise. No site specific conservation objectives available so using NPWS (2025) Conservation Objectives: Hook Head SAC 000764. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht. Sites are at least 400 km from the MUL application area.				
- Récifs et landes de la Hague SAC [Site code FR2500084] - Anse de Vauville SAC [Site code FR2502019] - Banc et récifs de Surtainville SAC [Site code FR2502018] - Estuaire de la Rance SAC [Site code FR5300061] - Baie de Lancieux, Baie de l'Arguenon, Archipel de Saint Malo et Dinard SAC [Site code FR5300012] - Cap d'Erquy-Cap Fréhel SAC [Site code FR5300011] - Nord Bretagne DH SAC [Site code FR2502022] - Baie de Morlaix SAC [Site code FR5300015] - Côtes de Crozon SAC [Site code FR5302006] - Rivière Leguer, forêts de Beffou, Coat an Noz et Coat an Hay SAC [Site code FR5300008]		- Chausey SAC [Site code FR2500079] - Baie du Mont Saint-Michel SAC [Site code FR2500077] - Tregor Goëlo SAC [Site code FR5310070] - Côte de Granit rose-Sept-Iles SAC [Site code FR5300009] - Abers - Côte des legends SAC [Site code FR5300017] - Baie de Saint-Brieuc SAC [Site code FR5300066] - Ouessant-Molène SAC [Site code FR5300018] - Mers Celtiques – Talus du golfe de Gascogne SAC [Site code FR5302015] - Estuaire de la Rance SAC [Site code FR5300061] - Récifs du talus du golfe de Gascogne SAC [Site code FR5302016] - Chaussée de Sein SAC [Site code FR5302007]		

SPAs				
Seas off Wexford SPA [IE004237]	14	Red-throated Diver (<i>Gavia stellata</i>) [A001] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	Yes – possible disturbance & displacement by underwater noise	NPWS (2024) Conservation Objectives: Seas off Wexford SPA 004237. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Mid-Waterford Coast SPA [IE004030]	16.5	Cormorant (<i>Phalacrocorax carbo</i>) [A017]	Yes – possible disturbance & displacement by underwater noise	NPWS (2024) Conservation Objectives: Mid-Waterford Coast SPA 004193. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage
Saltee Islands SPA [IE004002]	31.5	Fulmar (<i>Fulmarus glacialis</i>) [A009] Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	Yes – possible disturbance & displacement by underwater noise	NPWS (2011) Conservation Objectives: Saltee Islands SAC 000707 and Saltee Islands SPA 004002. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.