

Maritime Usage Licensing and Planning Advisory Directorate Response to Supplementary Material on a Minded to Determination			
To:	John Evans, Director	From:	Dr. Micheál Mac Monagail Marine Analyst
Date:	29/06/2026	Maritime Usage Licence Application No:	LIC230013
MUL Applicant Name:	The Port of Waterford Company.		
MUL Applicant Registered Address:	Third floor, Marine Point, Belview Port, Slieverue, Waterford.		
Licence application received:	18/12/2023	Supplementary material received:	24/06/2026
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	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 Usage:	Port of Waterford, Belview Co. Kilkenny.		

Introduction:

The Maritime Area Regulatory Authority (MARA) issued a Minded to Determine Notice and a proposed Maritime Usage Licence (MUL) to the Port of Waterford Company (the applicant) on 29/05/2026. The MUL application is for 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 applicant was advised in the Notice that MARA was minded to grant the MUL, subject to conditions.

The applicant submitted a response with supplementary information setting out their reasons for requested amendments to three of the conditions in the proposed MUL. This report addresses the supplementary material submitted based on a review of the application documentation as well as MARA's assessment reports.

1. Specific Condition 19

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

Applicant's response:

The applicant states that, as the Port of Waterford Company is the statutory authority responsible for the management of the harbour, the Harbour Master can issue a Local Notice to Mariners for activities occurring within the port's limits. The PoW company suggest that this approach is sufficient to ensure navigational safety, being consistent with existing practices. The Applicant requests Specific Condition 19 to be amended to read "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.

MARA's Response:

The reason for this condition is to ensure safe navigation. Given the rationale outlined by the Applicant and considering that the proposed MUL activities occur wholly within the statutory port limits of the Port of Waterford Company, it is reasonable for PoW company to request

that a Local Notice to Mariners be issued by the Harbour Master to ensure navigational safety. This approach is also consistent with the Ports current established notification procedures.

Recommendation:

Amend Specific condition 19 to reflect more closely the navigational practices established in the PoW, to be stated as ““The Holder shall, a minimum 14 days prior to the commencement of any portion 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””.

2. Specific Condition 21

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.

Applicant’s response:

The Applicant states that, as the Port of Waterford Company will be the Holder of the Licence, that the requirement to consult with the Port of Waterford Company itself prior to commencement of the permitted MUL is unnecessary and that Condition 21 is redundant. The PoW company request that this condition be removed.

MARA’s Response:

The reason for this condition is to ensure the orderly undertaking of the permitted maritime usage. Given the rationale outlined by the Applicant, it is considered that either removing or retaining the condition would not materially affect the purpose of the condition. While the point raised by the Applicant is Acknowledged, this is a standard condition included in all licences and the issues raised by the Applicant do not warrant its removal.

Recommendation:

Retain Specific Condition 21 as originally drafted.

3. Specific Condition 28

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.

Applicant's response:

The Applicant requests removing Specific Condition 28 on the basis that there is no scientific evidence, either in MARAs assessment or from Sea Fisheries Protection Authority (SFPA) to support a seasonal restriction on SI activities between 1st November and 31st January. The Applicant notes that their submitted AIMU and NIS assessed the potential disturbance to fish populations, and concluded that the short-term, localised and daytime nature of the proposed MUL would not result in likely significant impacts. The Applicant highlights the NPWS conclusion that the proposed SI activities will not adversely impact fish populations.

MARA's Response:

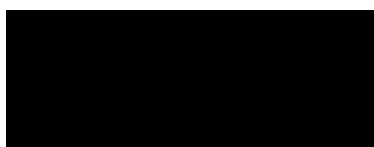
The reason for this condition is to ensure the protection of the marine environment, specifically fish spawning grounds. MARA acknowledges the Applicants concern regarding the scientific basis for the proposed seasonal restriction. While limited site-specific empirical evidence was provided by SFPA in support of the seasonal restriction, MARA notes that the suggestion restriction aligns with the precautionary principle, having regard to the potential for disturbance of commercially important spawning grounds within the estuary and wider nearshore area. MARA acknowledge that local SFPA officers retain significant detailed knowledge of fisheries activity and species distribution within the Waterford estuary. This local knowledge plays a crucial role in the management of fisheries, particularly where empirical data are missing, or does not provide a full picture of the receiving environment.

MARA notes that the NPWS submission relates primarily to conserving the integrity of European Sites, rather than a detailed assessment of fish spawning activity. MARA have reviewed available MI spawning and nursery datasets which indicate that the proposed MUL area does not overlap mapped spawning and nursery grounds. MARA have also reviewed MI Groundfish Survey data, which indicates the presence of sprat in offshore waters beyond the harbour entrance; however, it should be acknowledged that these surveys provide limited coverage of shallow inshore and estuarine areas and likely do not capture the full distribution of sprat in the area.

While no empirical turbot dataset was identified by MARA, the absence of records should not be interpreted as confirmation of absence, particularly given the comments of the SFPA. Considering the sensitivity of spawning fish, the limited availability of inshore fisheries data, and the potentially disruptive, albeit temporary, nature of the proposed SI activities, MARA considers that the condition should remain.

Recommendation:

Retain Specific Condition 28.



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