

<b>Maritime Usage Licensing and Planning Advisory Directorate</b>			
<b>Maritime Usage Licence Assessment Report</b>			
<b>To:</b>	John Evans, Director	<b>From:</b>	Ross Fitzgerald, Marine Analyst
<b>Date:</b>	10/03/2026	<b>Maritime Usage Licence Application No:</b>	MUL230015
<b>Applicant:</b>	Uisce Éireann, Colvill House, 24-26 Talbot St, Dublin 1, D01 NP86		
<b>Licence application received:</b>	28/11/2024		
<b>Types of maritime usage activities in accordance with Schedule 7 of the Maritime Area Planning Act 2021:</b>	3. Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000		
<b>Location of proposed maritime usages:</b>	South Cork Coast		
<b>Environmental Impact Assessment (EIA) Screening</b>	EIA not required (EIA Screening Form dated 07/10/2025)		
<b>1<sup>st</sup> request for additional information (RAI) issued:</b>	04/09/2025	Response to 1 <sup>st</sup> RAI received	02/10/2026
<b>Notice requesting Natura Impact Statement (NIS) issued:</b>	19/11/2025	<b>NIS received:</b>	17/12/2025
<b>Public body consultation:</b>	14/10/2025 – 13/11/2025	<b>Observations from public bodies received:</b>	Six
<b>Public consultation:</b>	30/01/2026 – 02/03/2026	<b>Submissions from the public received:</b>	None

**Contents**

<b>1.</b>	<b>Background .....</b>	<b>3</b>
<b>2.</b>	<b>Location and Description of the Proposed Maritime Usage .....</b>	<b>3</b>
2.1	Brief description of the site characteristics.....	3
<b>3.</b>	<b>Assessment .....</b>	<b>6</b>
3.1	National Marine Planning Framework (NMPF).....	6
3.2	Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive).....	7
3.3	National Biodiversity Action Plan (NBAP) .....	7
3.4	Climate Action and Low Carbon Development Act 2015, as amended.....	7
3.5	Water Framework Directive (2000/60/EC).....	7
3.6	Marine Strategy Framework Directive (2008/56/EC).....	9
3.7	Annex IV species .....	11
3.8	Appropriate Assessment.....	11
3.8.1	Assessment of Likely/Potential Impacts on European Sites .....	12
3.8.1.1	Visual and above water noise disturbance and displacement.....	12
3.8.1.2	Underwater noise disturbance and displacement .....	13
3.8.2	Assessment of In-combination effects .....	14
3.8.3	Mitigation measures .....	16
3.8.3.1	Birds .....	16
3.8.4	Residual effects.....	17
3.8.5	Assessment of Transboundary effects .....	17
3.8.6	Appropriate assessment conclusion .....	17
<b>4.</b>	<b>Consideration of other maritime users.....</b>	<b>18</b>
<b>5.</b>	<b>Site visit.....</b>	<b>18</b>
<b>6.</b>	<b>Public body consultation .....</b>	<b>18</b>
<b>7.</b>	<b>Public consultation .....</b>	<b>22</b>
<b>8.</b>	<b>Recommendation.....</b>	<b>23</b>
<b>9.</b>	<b>Approval and AA Determination .....</b>	<b>23</b>
	<b>Appendix 1.....</b>	<b>24</b>

## **1. Background**

Uisce Éireann (the applicant) wish to conduct a strategic modelling study of water currents along a section of the South Cork coast. 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 (the MAP Act). The proposed maritime usage is required to support the design and consenting of wastewater infrastructure.

## **2. Location and Description of the Proposed Maritime Usage**

Table 1 outlines details of the proposed maritime usage and the timeframes involved. The proposed maritime usage requires the deployment of static Acoustic Doppler Current Profilers (ADCPs) within the proposed licence area (see figure 1) to provide the required modelling data. Ancillary instruments, to collect salinity and temperature data, may also be contained within the trawl resistant frames in which the ADCPs will be deployed. The proposed maritime usage also includes vessel-based assessments of water currents and bathymetry using a combination of vessel mounted ADCPs and single-beam and multibeam sonar. The applicant has applied for a licence duration of five years to allow for weather interruptions and potential delays in procurement of survey equipment.

### 2.1 Brief description of the site characteristics

The proposed maritime usage spans a large geographical area from Roaringwater Bay to Roberts Head, overlapping several Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). INFOMAR survey mapping indicates that a mosaic of different sediment types are recorded for this area. These include shallow sublittoral sand, shallow sublittoral mixed sediment, shallow sublittoral coarse sediment, shallow sublittoral mud and shallow sublittoral rock and biogenic reef. The applicant has provided a summary of the ecology of the proposed licence area in Section 5 of the Supporting Information for Screening for Appropriate Assessment Report.

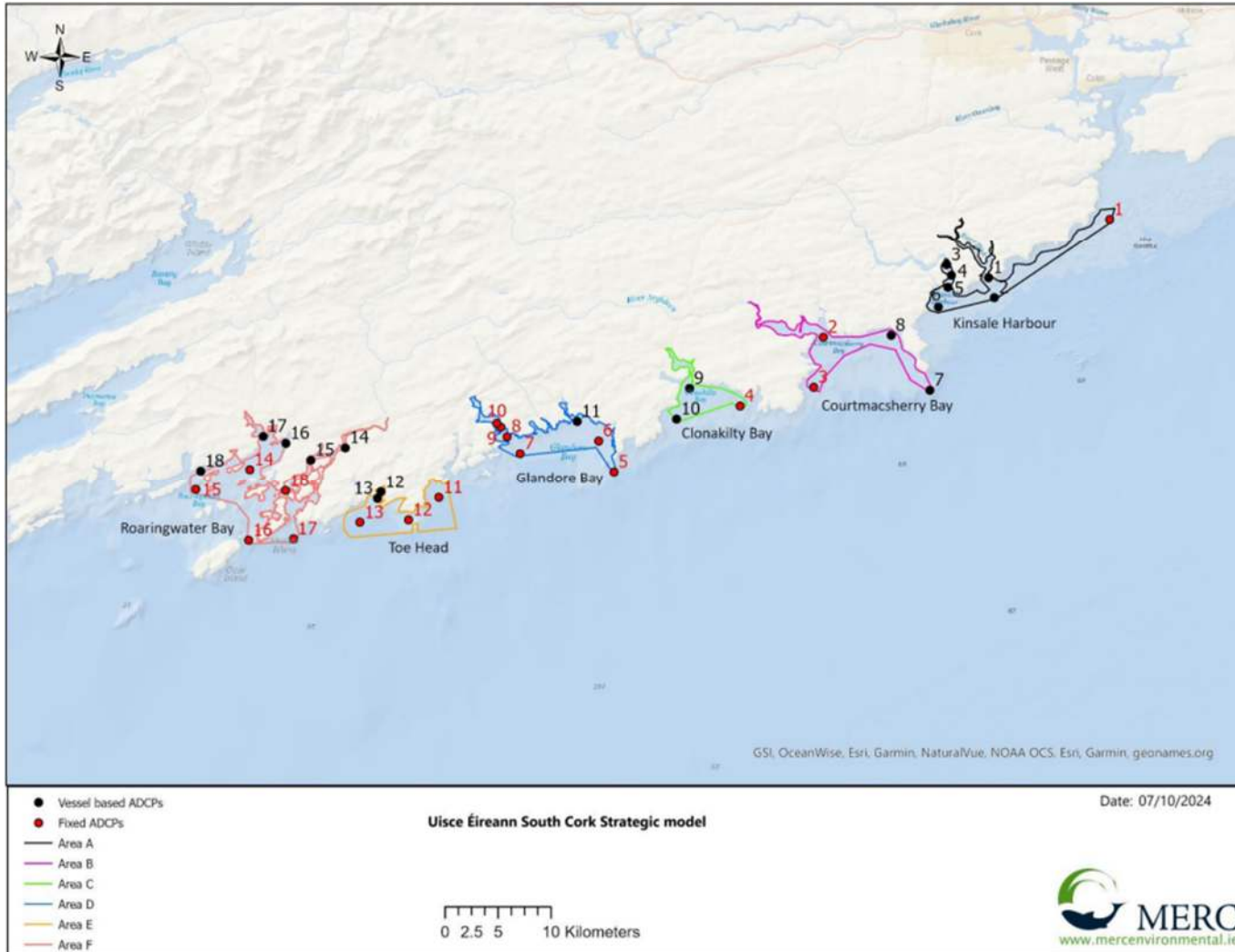


Figure 1 – Overview of the proposed maritime usage area which comprises six discrete areas (A to F).

Table 1 – Summary of activities under the proposed maritime usage

Proposed maritime usage activities <sup>1</sup>	Estimated timeframe for activities & maximum quantity (where relevant)
<p>Geophysical surveys (to be carried out in the areas highlighted in Figure 1)</p> <ul style="list-style-type: none"> <li>Surveying of bathymetry may require a combination of methods including Multibeam and single beam echosounders</li> </ul>	<p>To take place at any time during the licence period</p>
<p>Metocean device deployment</p> <ul style="list-style-type: none"> <li>Fixed Acoustic Doppler Current Profiler (ADCP) surveys will be conducted using a Nortek Acoustic Wave and Current profiler (600 KHz or 1 Mhz unit, or equivalent) deployed on seabed mounted frames. ADCP frames will be equipped with a recovery line attached to a small rigid buoy that is held in place by an acoustic release, which releases the buoy once triggered by a deck unit</li> <li>Vessel mounted ADCP (VMADCP) surveys will be conducted using a 600kHz Teledyne RD Instruments Workhouse monitor ADCP (or similar) to an aluminium pole that will be mounted to the side of a vessel. Measurements will be taken periodically at set stations as part of a transect which is repeatedly transversed over a tidal cycle, or taken continuously as the vessel remains on station over a tidal cycle</li> <li>Concurrently with the VMADCP surveys, Conductivity, Temperature and Depth (CTD) and Dissolved Oxygen (DO) surveys will take place from the vessel. This will involve deploying a Sonde at set intervals for the duration of the tidal survey at each VMADCP location</li> </ul>	<p>18 no. deployed (see Figure 1) for 32 days</p> <p>18 no. deployed (see Figure 1) for 13 hours of surveying on one spring and one neap tide</p> <p>Periodically over 13 hours of surveying on one spring and one neap tide</p>
<p>Water quality sampling</p> <ul style="list-style-type: none"> <li>To be undertaken concurrently with the VMADCP surveys. Samples will be taken from the surface layer of the water column via bucket and telescopic arm, and collected and stored for subsequent analyses</li> </ul>	<p>Periodically over 13 hours of surveying on one spring and one neap tide</p>

<sup>1</sup> The application supporting documents also included some additional activities not within the maritime area as defined in the MAP Act (LiDAR and GPS Rover surveys) or subsequently excluded from the application by the applicant in accordance with MARA Circular MP01/2025 (installation of 4no. tide gauges). These are not considered as part of this MUL application.

### **3. Assessment**

#### 3.1 National Marine Planning Framework (NMPF)

The Marine Planning Policy Statement (MPPS) outlines the government's overarching vision, policies, and principles for managing the country's maritime area. The National Marine Planning Framework (NMPF) sets the framework for implementing the forward planning component of our marine planning system as set out in the MPPS.

The applicant has, as part of the Assessment of Impacts of the Maritime Usage report submitted in support of this application, identified and confirmed the relevant marine planning policies which apply to the proposed maritime usage.

A number of environmental policies detailed in the NMPF are covered below 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 (WFD), and the Marine Strategy Framework Directive (MSFD).

Regarding the Key Sectoral Policies of the NMPF, the proposed maritime usage is consistent with Chapter 24 – Wastewater Treatment and Disposal and the policies within it. The objectives of this policy are to bring and maintain public water and wastewater services to acceptable international benchmarks and to support communities and sustainable development in coastal areas through the provision of resilient water services. The proposed maritime usage is directly linked to providing improved water quality and ensuring that economic and social development is not impeded. The proposed maritime usage therefore demonstrates compliance and consistency with sectoral policies for wastewater treatment and disposal.

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. The applicant carried out a review of historic wrecks in support of the application, indicating a number of historic wrecks within the proposed MUL area. The applicant has stated that the proposed maritime usage will have limited interaction with the seabed and ADCP deployment will not be located over any recorded historic wreck site. It is recommended to include a condition in the Proposed Licence to ensure that the proposed maritime usage, if granted, will be carried out in accordance with those plans and particulars submitted with the application. In addition, a condition is recommended in the Proposed 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 proposed maritime usage 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 07/10/2025 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<sup>2</sup> 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 proposed maritime usage. Sections 3.5 – 3.8 of this report also address the WFD, MFSD and the Habitats and Birds Directives (including Annex IV species) and recommend conditions to minimise biodiversity impacts from the proposed maritime usage.

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

Section 15(1) of the Climate Action and Low Carbon Development Act, as amended, 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.

### 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

---

<sup>2</sup> [Ireland's 4th National Biodiversity Action Plan 2023-2030](#)

hydromorphological quality elements. The proposed maritime usage will take place in a number of waterbodies, as outlined in Table 2.

Table 2 – Information on the Water Framework Directive (WFD) waterbodies located within the MUL application area from the reporting period 2019–2024, including status, risk and significant pressures for the at-risk waterbodies<sup>3</sup>.

Waterbody	Waterbody Type	Water Quality in Ireland 2019-2024 Assessment <sup>4</sup>	WFD Status <sup>5</sup>	WFD Significant Pressures and Issues
Western Celtic Sea	Coastal	High	Not at risk	N/A
Oysterhaven	Transitional	Moderate	At Risk	Nutrients, agriculture
Kinsale Harbour	Coastal	Good	Not at risk	N/A
Lower Bandon Estuary	Transitional	Poor	At Risk	Nutrients, organic, agriculture
Courtmacsherry Bay	Coastal	Moderate	Review	N/A
Argideen Estuary	Transitional	Moderate	At Risk	Nutrients, organic, agriculture, urban wastewater
Clonakilty Bay	Coastal	Moderate	Review	N/A
Clonakilty Harbour	Transitional	Moderate	At Risk	Nutrients, organic, agriculture
Rosscarbery Bay	Coastal	Moderate	Review	N/A
Glandore Harbour	Transitional	Moderate	Review	N/A
Roaringwater Bay	Coastal	Good	Not at Risk	N/A
Ilen Estuary	Transitional	Poor	At Risk	Nutrients, organic, urban runoff, agriculture, urban wastewater

While a number of the waterbodies in the proposed licence area are considered to be of poor quality and/or at risk, the proposed maritime usage is of a type that is not likely to cause significant pollution, impacts on hydromorphology or biological quality elements. Given the recommended conditions as detailed in the Proposed Licence, including vessels conforming to Irish Certification Standards and having an oil pollution emergency plan in place, there is not expected to be a deterioration in the ecological status of any WFD waterbody as a result of the proposed maritime usage.

<sup>3</sup> From [www.catchments.ie](http://www.catchments.ie)

<sup>4</sup> This included an assessment of ecological status, physicochemical elements and hydro morphological elements: [Water Quality in Ireland 2019-2024](#)

<sup>5</sup> “At risk” means at risk of not achieving good status by 2027; “Not at risk” means no risk in maintaining current status, “Review” means waterbodies have insufficient information to determine the risk, or have had measures implemented but some additional monitoring is required to confirm that the expected improvements have been achieved

### 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 assessment under Article 8 of the MSFD<sup>6</sup> sets out the status of the 11 qualitative descriptors that describe the state of the marine environment and the pressures it faces. Table 3 sets out the current status of each of the descriptors and provides an assessment of the impacts of the proposed maritime usage on the descriptors relevant to this application.

Table 3: Assessment of impact of proposed maritime usage on MSFD descriptors

<b>MSFD Descriptor</b>	<b>Good Environmental Status (GES) achieved</b>	<b>Assessment</b>
Biological diversity	Partially achieved	As discussed in Section 3.8 below, MARA has undertaken an Appropriate Assessment (AA) in respect of the proposed maritime usage. Mitigation measures, which address potential impacts on biological diversity (including protected species), have been included in Section 3.8.3 of this report and included as conditions in the Proposed Licence.
Non-indigenous species	Yes	To ensure that the proposed maritime usage does not result in the unintended introduction of non-indigenous species, the Proposed Licence, if granted, includes a condition relating to the control of invasive species.
Population of commercial fish/shellfish	Partially achieved	There are a number of licensed aquaculture sites and Fisheries Orders within the proposed licence area. The applicant has provided indicative locations for ADCP deployment and has confirmed by a Request for Additional Information that these are likely to be close to the final locations. A notice to mariners will be published in advance of any ADCP deployment. The applicant has stated that geophysical surveys will, by necessity, avoid the aquaculture licence areas within Kinsale Harbour and Roaringwater Bay. The proposed maritime usage will not impact on this descriptor, which relates to population size of commercially exploited stocks.
Marine food webs	Unclear	The balance and diversity in marine food webs is not expected be impacted as a result of the proposed maritime usage. Impacts on protected species have been assessed in the AA.

<sup>6</sup> [Ireland's Marine Strategy Part 1: Article 8, 9 and 10 report 2024.](#)

Eutrophication	Yes	The proposed maritime usage does not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving GES.
Sea floor integrity	No	Given the small scale and temporary nature of any ADCP installations, it is not expected that the proposed maritime usage will negatively impact on the GES status of this descriptor.
Alteration of hydrographical conditions	Yes	The proposed maritime usage will not alter the hydrographical conditions in the proposed maritime usage area.
Concentrations of contaminants	Yes	The Proposed Licence includes a condition relating to preparation of an oil pollution emergency plan to mitigate for any accidental introduction of contaminants to the marine environment. Given the nature and duration of the proposed maritime usage, it is not expected that the maritime usage will negatively impact on the GES status of this descriptor.
Contaminants in fish/seafood for human consumption	Yes	The proposed maritime usage will not result in the introduction of contaminants in fish or seafood.
Marine Litter	No	The proposed maritime usage 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. The Proposed Licence includes a condition ensuring that all equipment is removed by the holder and the licensed area is restored to the condition it was prior to the commencement of the activities.
Introduction of energy including underwater noise	Yes	<p>The impacts of underwater noise introduced as a result of the proposed maritime usage are assessed in Sections 3.7 and 3.8 of this report. A condition relating to management of underwater noise disturbance is included in the Proposed Licence.</p> <p>In order to inform the data collected as part of MSFD requirements, it is recommended that the holder should provide details of all acoustic surveys to the Marine Environment Section of the relevant government department in the reporting format of the OSPAR Impulsive Noise Registry.</p>

### 3.7 Annex IV species

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 and in line with national guidance on underwater noise<sup>7</sup>. The risk assessment considered the scope of the proposed maritime usage, the relevant Annex IV species (cetaceans, otters, marine turtles, bats) and the potential impacts of the proposed maritime usage on those species. The Risk Assessment for Annex IV Species concluded that the proposed maritime usage complies 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 surveys. The Proposed Licence recommends a condition requiring the applicant to adhere to the national guidance for underwater noise and marine mammals.

The applicant has stated that a derogation is not required from the Minister for Housing, Local Government and Heritage, for the proposed maritime usage under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

### 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 19/11/2025 which concluded that the proposed maritime usage 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.

Nine European Sites were screened in for appropriate assessment by MARA. These included four Special Areas of Conservation (SAC) and five 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

---

<sup>7</sup> [Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters. Department of Housing, Local Government and Heritage, 2014](#)

proposed maritime usages are given in Appendix 1. The applicant submitted a Natura Impact Statement (NIS) in support of the application, dated 17/12/2025.

### 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: above water noise and visual disturbance and displacement and underwater noise disturbance and displacement. 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 and are included in the Proposed Licence.

#### 3.8.1.1 Visual and above water noise disturbance and displacement

##### *Birds*

MARAs Appropriate Assessment Screening Determination identified the potential for survey activities to generate visual and above water noise that could cause significant, short term, temporary disturbance and displacement of wintering waterbirds foraging in intertidal areas.

The proposed maritime usage area overlaps a number of important SPAs designated for wintering waterfowl, with several supporting nationally and internationally important populations. Wintering waterbirds may be disturbed due to vessel presence close to their intertidal foraging areas during bathymetry and VMADCP survey operations.

For SPAs where the information is available, the NPWS consider walking (including with dogs) to be the main cause of disturbance to waterbirds. Vessel noise and movements relating to the proposed maritime usage will not be significantly above background levels experienced in each of the SPAs screened in for above water noise and visual disturbance and displacement. Any noise and visual disturbance caused to birds in the intertidal part of these SPAs would be short-term and would not cause a significant decrease in the range, timing and intensity of use of areas by the SCI bird species. However, given that the NPWS state that the significance of the impact that results from even a short-term displacement should not be underestimated, it is recommended that vessel-based surveys should not be carried out within 50 metres of the low water mark of the Courtmacsherry Bay and Clonakilty Bay SPAs between the months of September to March. In order to avoid impact on the breeding seabird SPAs, survey vessels will be required remain >500 m distance from significant clusters of seabirds actively diving and/or fishing (see Section 3.8.3).

Taking into account the short-term, temporary nature of the proposed maritime usage and the mitigation outlined above, there will be no significant impact from above water noise and

visual disturbance and displacement on the conservation objectives, or bird populations, of those SPAs screened in for above water noise and visual disturbance and displacement from the proposed maritime usage.

#### *Otter*

MARAs Appropriate Assessment Screening Determination identified the potential for survey activities to generate visual and above water noise that could cause significant, short term, temporary disturbance and displacement of otters in Roaringwater Bay and Islands SAC that might be foraging or commuting in coastal waters where survey activity is taking place.

Otters are highly mobile and can move quickly away from external disturbance. In addition, otters in this area are likely to show some adaptation to increased noise levels, and in this context the increase in noise levels is unlikely to have a significant impact.

Given the temporary nature and low intensity of the proposed activities, it is not likely that above water noise and visual impacts will cause significant disturbance and displacement on any otters from Roaringwater Bay and Islands SAC.

#### 3.8.1.2 Underwater noise disturbance and displacement

#### *Birds*

The potential for underwater noise from bathymetry survey activities to cause significant, short term, temporary disturbance and displacement 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 diving birds (e.g. Cormorants, Guillemots and Lesser scaup). These species spend comparatively longer periods of time underwater than other birds. Flushing disturbance can be expected to displace diving seabirds in 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 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 displacement due to flushing, underwater noise will not have a significant effect on diving seabird populations from those SPAs screened in for underwater noise disturbance and displacement.

### *Marine Mammals*

The appropriate assessment screening report and determination issued by MARA identified the potential for underwater noise from bathymetry survey activities (Single-beam Echosounder (SBES) and Multibeam Echosounder (MBES)) to cause significant, short term, temporary disturbance and displacement of marine mammals in overlapping and nearby SACs.

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 bathymetry activities could interfere with these functions by inducing permanent auditory injury (or Permanent Threshold Shift (PTS)) at very close range or temporary hearing impairment (or Temporary Threshold Shift (TTS)) and disturbance at further distances from the noise source. The applicant states that the proposed MBES and SBES equipment to be used may be operating in the range of 300 to 500 KHz and as such are outside of the upper functional hearing limits of Harbour porpoise, Bottlenose dolphin, Grey seal and Harbour Seal. In addition, MBES and SBES will only be conducted in the intertidal area. In this case the fan of insonification will be very narrow and will dissipate within about 200m to levels below those documented to lead to TTS, or indeed behavioural changes within all marine mammal functional groups. Taking these factors into account underwater noise will not have a significant effect on marine mammal populations. This is in line with recent guidance from the UK's Joint Nature Conservation Committee.<sup>8</sup>

#### 3.8.2 Assessment of In-combination effects

The potential impacts of the proposed maritime usage 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 4 below outlines those activities which are considered to have the potential to act in-combination with the proposed maritime usage.

Visual and above water noise disturbance impacts are considered to have the widest spatial reach. The Cumulative Effects Spatial Scope (CESS) of the in-combination assessment was defined at appropriate assessment as the extent of the proposed maritime usage area. The Cumulative Effects Temporal Scope (CETS) of the in-combination assessment is based on the

---

<sup>8</sup> [JNCC Report 803](#).

period over which the activities are proposed. The applicant has applied for a five-year licence duration and thus CETS is five years.

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

Potential Impacts	Possible significance of Potential impacts (duration, magnitude, etc.)
Disturbance from underwater noise	Potential for sound sources from bathymetry surveys to be at a level and duration that could cause short term, temporary disturbance of marine mammals and diving birds
Visual and above water noise disturbance	Potential for visual and above water noise disturbance from survey vessel activity to be at a level and duration that could cause short term, temporary disturbance of otter and wintering waterbirds

#### Prediction:

The magnitude and extent of identified likely cumulative effects have been predicted below.

##### *Above water noise and visual disturbance and displacement*

There is the potential for increased visual and above water noise disturbance and displacement if other relevant projects were to take place at the same time.

##### *Disturbance and displacement from underwater noise*

There is the potential for increased underwater noise disturbance effects if other relevant projects, capable of producing similar underwater noise sources, were to take place at the same time.

#### Identification of Plans or Projects that could act in combination

A search was carried out on 04/03/2026 of relevant databases (including EPA, An Coimisiún Pleanála, Foreshore Unit, MARA, planning authorities) for other plans and projects with characteristics that may cause in-combination effects with the proposed maritime usage, on the QIs of the European sites identified in Appendix 1. The projects shown on Table 5 are within the CESS and CETS of the proposed maritime usage.

**Table 5:** Projects identified with the potential to have in-combination effects given the nature and location of the activities

Application Ref.	Project description	Distance from proposed MUL area (km)	Project Status
MUL230039	UCC – marine survey activities	Overlap	Determined
MUL230031	Amazon MCS Ireland Ltd. – marine survey activities	Overlap	Determined
MUL240036	Eirgrid – marine survey activities	Overlap	Determined

The following plans were identified as having the potential to result in in-combination effects:

- The Climate Action Plan 2024
- Water Action Plan 2024
- Cork County Development Plan 2022-2028
- Uisce Éireann Regional Water Resources Plan – South West
- South Coast Designated Maritime Area Plan 2024

These plans promote sustainable development and integrated management planning in the maritime environment. It is unlikely that any of these plans will result in a negative in-combination effect on the conservation objectives of the identified European sites.

#### In-Combination Effects Assessment conclusion

Given the temporary duration and nature of the proposed activities, and the mobile nature of birds and marine mammals, significant in-combination effects between this project, the projects in Table 4 and plans listed above on the conservation objectives of European sites taken into consideration in this report can be excluded for disturbance and displacement from underwater noise.

It is not possible to exclude the possibility of likely significant in-combination effects on the conservation objectives of the European sites considered in this assessment as a result of this proposed maritime usage and the projects identified in Table 5 in relation to above water noise and visual disturbance and displacement of wintering waterbirds. However, the mitigation proposed in Section 3.8.3.1 will also ensure that there are no significant in-combination effects. Therefore, no specific in-combination mitigation is required.

#### 3.8.3 Mitigation measures

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

##### 3.8.3.1 Birds

###### *Visual and above water noise disturbance*

- (i) To avoid disturbance to foraging wintering waterbirds, geophysical surveys should not be carried out within within 50 metres of the low water mark of the Courtmacsherry Bay SPA and the Clonakilty Bay SPA during the period September to March. Appropriate records must be retained by the Holder.

- (ii) Where the Holder observes significant clusters of birds, actively fishing and/or diving, within 500m of the survey vessel, in carrying out the Permitted Maritime Usage, the survey route shall be altered to maintain a 500m buffer from the birds. Appropriate records must be retained by the Holder.

#### 3.8.4 Residual effects

This assessment has identified likely/potential significant impacts on European Sites and their conservation interests in Section 3.8 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 likely/potential significant impacts due to above water noise and visual disturbance and displacement and underwater noise disturbance and displacement. Likely significant impacts from the proposed marine usage could not be ruled out, beyond reasonable scientific doubt, without mitigation. The potential for in-combination effects from the proposed maritime usage with other plans and projects could not be ruled out, beyond reasonable scientific doubt, without mitigation.

Mitigation measures were identified as part of the AA 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. Potential impacts on commercial fishers and recreational users of the maritime area have been assessed. There will be very minimal disturbance to recreational users.

There is the potential for overlap between the proposed maritime usage and a number of commercial fisheries and licensed aquaculture sites. Inshore pot fishing occurs along the West Cork coastline targeting lobster, crab and shrimp. In addition, some bottom otter trawling and gill netting (for mixed species of demersal fish) and pelagic trawling occurs within and around the proposed maritime usage area. Regarding aquaculture, the proposed maritime usage overlaps several licensed sites, particularly in Roaringwater Bay and Kinsale Harbour.

In order to ensure fishers and other vessel users are notified of the proposed maritime usage, a condition is included in the Proposed Licence in respect of the requirement to publish a marine notice via the Marine Safety Division of the Department of Transport, prior to the commencement of the proposed maritime usage. Conditions are also included ensuring that the holder does not interfere with any fishing gear or obstruct fishing vessels, or damage or interfere with any third party's property and to appoint a Fisheries Liaison Officer.

#### **5. Site visit**

A site visit was not undertaken for this application.

#### **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. Six responses were received (An Bord Iascaigh Mhara submitted twice, however the observations were identical). 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 – Marine Survey Office**

A submission was received on 21/10/2025 from the MSO, which states they have no objection to the proposed maritime usage from a navigational safety perspective. The MSO state that licence Area A (see Figure 1) is located within the approaches to Kinsale Port, noting that survey vessels must comply with International Regulations for the Prevention of Collisions at Sea at all times. For licence Area B, they note the overlap with MUL230039 and the presence of two submarine cables within this area.

The MSO recommended conditions to be applied to the licence if granted, which relate to:

1. The need for vessels to be suitably certified
2. Navigational safety
3. The requirement for a marine notice to be issued
4. The requirement for *Navtex* and radio broadcast warnings
5. The need to liaise with the MSO and Commissioner for Irish Lights (CIL) regarding the marking and lighting of any moored instruments
6. The particulars of information to be provided to the UK Hydrographic Office (UKHO)

MARA 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, the need for vessels to conform with the requirements of Irish certification standards and to provide information to the UKHO, where relevant. 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 and navigational safety – this requirement has been incorporated into MARA’s overall assessment of the licence application.

**2. Observations summary – Department of Agriculture, Food and the Marine (DAFM)**

A submission was received on 13/11/2025 from DAFM, which along with its own comments, summarises comments and observations from the Marine Institute and Bord Iascaigh Mhara. These are made in more detail in these agencies’ separate submissions and are considered under the relevant separate headings in this section of the report.

DAFM notes that pot fishing occurs within the subtidal areas of all the proposed licence areas and dredge fisheries occur within sections of areas A (surf clam) and B (surf clam and cockle). DAFM recommends relevant local fishing organisations should be included on the provision of any Notices to Mariners and the appointment of a Fisheries Liaison Officer (FLO).

DAFM also notes that any evaluation of potential impacts on commercial sea fishing activities needs to be given consideration within the context of the requirements of the Maritime Area Planning Act and the National Marine Planning Framework.

MARA response:

MARA notes the issues raised by DAFM and consider any disturbances to be short term given the nature of the works being carried out. Regarding notification of local fishers and other stakeholders, it is recommended that a condition relating to this is included as a condition of any licence granted. Conditions are included as standard in Marine Usage Licences in respect of accidental events and the need for licence holders not to interfere with any fishing gear or obstruct fishers, or fishing vessel activities.

The importance of fishing in the proposed maritime usage area and the potential impacts of this proposed maritime usage application have been assessed under Sections 3 and 4 above. The inclusion of an FLO is a condition in the Proposed Licence.

**3. Observations summary – Bord Iascaigh Mhara (BIM)**

A submission was received on 13/11/2025 from BIM noting the potential for the proposed maritime usage to cause disturbance to fishing, and accidental entanglement with static fishing gear.

Regarding aquaculture, BIM note the need for the applicant to be cognisant of the presence of structures such as rope mussel longlines and oyster trestles and navigational poles close to oyster licenced sites which will not be navigable directly above them even on high tides.

Where applicable, BIM recommend timely notification of fishers and aquaculture operators through:

1. Direct contact using the Irish Fleet Register
2. Marine Notices
3. The relevant Producer Organisations
4. The relevant harbour port offices and local authority offices
5. Local and industry media

MARA response:

MARA notes the issues raised by BIM and consider any disturbances to be short term given the nature of the works being carried out. Regarding notification of local fishers and other stakeholders, a condition requiring a marine notice has been included in the Proposed

Licence. Conditions are included as standard in Marine Usage Licences in respect of accidental events and the need for licence holders not to interfere with any fishing gear or obstruct fishers, or fishing vessel activities. The inclusion of an FLO is a condition in the Proposed Licence.

**4. Observations summary – Marine Institute (MI)**

A submission was received on 13/11/2025 from the MI, noting that while the proposed maritime usage does coincide with fishing areas, fish stocks and aquaculture activities, it should not substantially interfere with these. The MI recommends that the necessary notices to mariners / fishing vessels be made. The MI also highlights the overlaps between the proposed maritime usage area and several fish spawning and nursery grounds and note the potential for cumulative impacts between the proposed maritime usage and other surveys activities.

MARA response:

MARA notes the issues raised by the MI and agree that any disturbances will be short term, given the nature of the works being carried out. Regarding notification of mariners and fishers, a condition relating to this is included as a condition of the Proposed Licence. Conditions are included as standard in Marine Usage Licences in respect of accidental events and the need for licence holders not to interfere with any fishing gear or obstruct fishers, or fishing vessel activities. The inclusion of an FLO is a condition in the Proposed Licence.

Given the short term of the proposed maritime usage and the nature of the works being carried out, MARA considers that it will not have any significant impacts on any overlapping fish spawning or nursery areas. Regarding potential cumulative effects, a condition has been included in the Proposed Licence to address the duplication of survey effort in the proposed maritime usage area. Section 3.8.2 of this report also considers in-combination impacts for relevant habitats and species.

**5. Observations summary – Geological Survey Ireland (GSI)**

A submission was received on 15/10/2025 from GSI recommend the use of their various data sets when conducting the EIAR, SEA, planning and scoping processes for any developments, plans and policies.

MARA response:

MARA notes the comments from GSI, however the proposed maritime usage is for Schedule 7(3) site investigations only, and EIAR, SEA and planning are not applicable.

**6. Observations summary – Commissioners of Irish Lights (CIL)**

A submission was received on 13/11/2025 from CIL stating they have no objection to the granting of a licence for the proposed maritime usage from a safety of navigation perspective. CIL note:

- 1) Any surface marking buoys required to mark ADCPs should follow the IALA maritime buoyage system.
- 2) Any such IALA Special Mark buoys will require a Statutory Consent from Irish Lights under the Merchant Shipping Act.
- 3) Any Appropriate Assessment activity conducted as part of this MUL licensing process should include the impact of the deployment of surface marking buoys and associated moorings, which may be required as part of the proposed maritime usage.

MARA response:

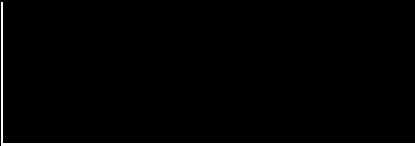
MARA notes the submission, and the points raised by Irish Lights. It should be noted that the requirement for statutory consents in respect of the deployment of buoys lies with the Commissioner for Irish Lights. The onus is on the applicant to ensure that all the required statutory consents are in place in order for the proposed maritime usage to proceed. All aspects of the proposed application submitted to MARA have been considered as part of the Appropriate Assessment and Determination.

**7. Public consultation**

A public consultation was undertaken between 30/01/2026 and 02/03/2026, under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and under section 117(6)(b) of the MAP Act. No submissions were received from members of the public.


## 8. Recommendation

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence of five years duration, in accordance with Section 119 of the MAP Act, be granted to **Uisce Éireann, Colvill House, 24-26 Talbot St, Dublin 1, D01 NP86** for the purposes of 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.

Signed:	
Prepared by:	Ross Fitzgerald Marine Analyst
Date:	13-03-2026

## 9. Approval and AA Determination

Having considered this report, the documents submitted by the applicant the observations received on foot of the public consultation and public body consultation on the application, along with my own assessment, it can be concluded, and I determine, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposal to carry out **marine environmental surveys for the purposes of site investigation, falling under Schedule 7(3) of the Maritime Area Planning Act 2021 (MUL230015)** (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 Section 3.8 – Appropriate Assessment, which have been included in the Proposed Licence which must be incorporated into any consent that may be granted in respect of the respective maritime usage licence application.

Signed:	
Approved and determined by:	<b>John Evans</b> Director of Maritime Usage Licensing
Date:	<b>13/03/2026</b>

## Appendix 1

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

European site & site code	Distance from proposed MUL area (km)	List of Qualifying Interests	Connections (Source-pathway-receptor)	European Site Screened in	Site-specific conservation objectives
<b>SACs</b>					
Roaringwater Bay and Islands SAC [000101]	Within MUL Area	<p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351] <i>Halichoerus grypus</i> (Grey Seal) [1364]</p> <hr style="border-top: 1px dashed black;"/> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities</p> <hr style="border-top: 1px dashed black;"/> <p>Yes - possible visual and above water noise disturbance and displacement from survey vessel activity</p>	Yes	<p><a href="#">NPWS (2011)</a> Conservation Objectives: Roaringwater Bay and Islands SAC [000101]. Version 2.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>
Glengarriff Harbour and Woodland SAC [000090]	10-25km	<i>Phoca vitulina</i> (Harbour Seal) [1365]	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities		<p><a href="#">NPWS (2015)</a> Conservation Objectives: Glengarriff Harbour and Woodland SAC [000090]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>

Kenmare River SAC [002158]	10-25km	<b><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</b> <b><i>Phoca vitulina</i> (Harbour Seal) [1365]</b>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities	Yes	<a href="#">NPWS (2013)</a> Conservation Objectives: Kenmare River SAC [002158]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.	
Blasket Islands SAC [002172]	50-100km	<b><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</b>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities	Yes	<a href="#">NPWS (2014)</a> Conservation Objectives: Wicklow Reef SAC 002274. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.	
<b>SPAs</b>						
Sovereign Islands SPA [004124]	Within Area	MUL	<b><i>Cormorant (Phalacrocorax carbo) [A017]</i></b>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities	Yes	<a href="#">NPWS (2025)</a> Conservation Objectives. Sovereign Islands SPA [004124]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Old Head of Kinsale SPA [004021]	Within Area	MUL	<b><i>Guillemot (Uria aalge) [A199]</i></b>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities	Yes	<a href="#">NPWS (2025)</a> Conservation Objectives. Old Head of Kinsale SPA [004021]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

		<b>Kittiwake (<i>Rissa tridactyla</i>) [A188]</b>	Yes - Possible visual and above water noise disturbance and displacement from survey vessel activity			
Courtmacsherry Bay SPA [004219]	Within Area	MUL	<p><b>Great Northern Diver (<i>Gavia immer</i>) [A003]</b>  <b>Shelduck (<i>Tadorna tadorna</i>) [A048]</b>  <b>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</b>  <b>Wetland and Waterbirds [A999]</b></p> <p><b>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</b>  <b>Lapwing (<i>Vanellus vanellus</i>) [A142]</b>  <b>Dunlin (<i>Calidris alpina</i>) [A149]</b>  <b>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</b>  <b>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</b>  <b>Curlew (<i>Numenius arquata</i>) [A160]</b>  <b>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</b>  <b>Common Gull (<i>Larus canus</i>) [A182]</b>  <b>Wigeon (<i>Mareca penelope</i>) [A855]</b></p>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities. Possible visual and above water noise disturbance and displacement from survey vessel activity	Yes	<a href="#">NPWS (2014)</a> Conservation Objectives. Courtmacsherry Bay SPA [004219]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Clonakilty Bay SPA [004081]	Within Area	MUL	<b>Shelduck (<i>Tadorna tadorna</i>) [A048]</b> <b>Wetland and Waterbirds [A999]</b>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities. Possible visual and above water noise disturbance and displacement from survey vessel activity	Yes	<a href="#">NPWS (2014)</a> Conservation Objectives. Seven Heads SPA [004191]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
			<b>Dunlin (<i>Calidris alpina</i>) [A149]</b> <b>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</b> <b>Curlew (<i>Numenius arquata</i>) [A160]</b>	Yes - possible visual and above water noise disturbance and displacement from survey vessel activity		
Cork Harbour SPA [004030]	<5km		<b>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</b> <b>Wetland and Waterbirds [A999]</b>	Yes – possible disturbance and displacement from underwater noise from bathymetry survey activities	Yes	<a href="#">NPWS (2014)</a> Conservation Objectives. Cork Harbour SPA [004030]. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht