

Maritime Usage Licensing and Planning Advisory Directorate			
Response to Supplementary Material on a Minded to Determination			
To:	John Evans, Director	From:	Dr. Ciar O'Toole, Senior Marine Advisor
Date:	19/02/2026	Maritime Usage Licence Application No:	LIC230025
Applicant:	Port of Waterford Company		
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):		<p>1. Dredging (including dredging involving the use of a device to remove any material, whether or not suspended in water, from one part of the seabed to another part of the seabed) other than –</p> <p>(a) dredging carried out to create a new harbour, berth or waterway, or to deepen existing facilities in order to allow access for larger ships, or dredging ancillary to development authorised under the Act of 2000, whether or not it involves the removal of any material from the sea or seabed.</p> <p>6. The deposit of any substance or object, either in the sea or on or under the seabed, from –</p> <p>(a) a vehicle, vessel (including a craft capable of travelling on, in or under water, whether or not self-propelled), boat, aircraft or marine structure (other than a pipeline),</p> <p>(b) a container floating in the sea, or</p> <p>(c) a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.</p>	
Location of proposed Maritime Usage		The Middle Suir Estuary, Lower Suir Estuary, Barrow-Suir Nore Estuary and Waterford Harbour for deposit at a designated dumpsite off Hook Head.	

The Maritime Area Regulatory Authority (MARA) issued a Minded to Determine Notice and a proposed Maritime Usage Licence (MUL) to Port of Waterford Company (the applicant) on 30/01/2026. The MUL application is for maintenance dredging and deposit of material under Schedule 7 of the Maritime Area Planning Act 2021 (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 a number of the Specific Conditions in the proposed MUL dated 9 February 2026. This report addresses the supplementary material submitted based on a review of the application documentation, as well as MARA’s assessment reports.

1. Licence Type:

The applicant requested that consideration be given to removing the Licence type relating to Schedule 7(3) of the Maritime Area Planning Act 2021 (MAP Act), that is, Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.

Applicant comments: The applicant requests this part of the licence be removed as they do not think the licence application relates to either marine environmental surveys for the purpose of site investigations or in support of an application under Part XXI of the Act of 2000.

MARA response: I agree that the proposed maritime usage activity does not appear to fall in the category of Schedule 7(3) as quoted above. It should be noted the applicant did not request a Licence under Schedule 7(3) of the MAP Act 2021 and that bathymetry surveys carried out prior to dredging have been assessed as part of the MUL application. The applicant applied for a licence in relation to maintenance dredging, which by its nature also requires the licensing of the deposit of dredged material, and therefore MARA are limited to assessing and issuing licences under these licence types as defined in Schedule 7 of the MAP Act 2021.

Recommendation:

Reference to Licence Type Schedule 7(3) of the MAP Act 2001, “Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.” be removed from the Licence

2. General Condition 10: OBLIGATIONS OF THE LICENCE HOLDER ON TERMINATION OR EXPIRY OF THE LICENCE

At the expiration or termination of the Licence, the Holder shall remove all plant, machinery, equipment or any other thing used in connection with the Permitted Maritime Usage from the Licensed Area (or if applicable from any other part of the maritime area) and restore the Licensed Area (and if applicable any other part of the maritime area) to the condition it was prior to the commencement of the Permitted Maritime Usage to the satisfaction of the Grantor.

Reason: To set out the legal position and obligations of the Holder on termination of the licence.

Applicant comments: They raise the point that this condition does not seem to be suitable for a maintenance dredging licence, given the nature of the activities licensed.

MARA response: This is a standard condition included in all licences to ensure the Holder understands their obligations and I do not feel the issues raised warrant removal of the condition in this case.

Recommendation:

No change to Condition 10

3. Specific Condition 19:

The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport. This Marine Notice shall include details of the Licence Holder and the Licence Number as granted by MARA.

Reason: To ensure safe navigation

Applicant comments: The applicant states that it is more suitable for the local harbour master to issue a Local Notice to Mariners in this case, given the location of the activity entirely within Waterford Harbour. They also note this will align with their current Dumping at Sea permit.

MARA response: The reason for this condition is to ensure safe navigation. Given the reasons outlined by the applicant and the location of the activity, it seems reasonable that a Local Notice to Mariners in place of a Marine Notice will ensure safe navigation in this case and it aligns with the most recent Dumping at Sea permit issued by the EPA.

Recommendation:

Amend Specific Condition 19 to better ensure safe navigation, as follows:

“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.”

4. **Specific Condition 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 comments: The applicant states that this condition is redundant given that the holder of the licence is the Port of Waterford Company.

MARA response: The reason for this condition is to ensure the orderly undertaking of the maritime usage. Given the reasons outlined by the applicant, it is my opinion that either removing the condition or leaving it in place will not affect the reason for the condition, therefore no change is required. While I understand the point raised by the applicant, this is a standard condition included in all licences and I do not feel the issues raised warrant removal of the condition.

Recommendation:

No change to Specific Condition 21

5. **Specific Condition 25:** In-combination effects

(i) Prior to the commencement 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.

Applicant comments: The applicant contends that any other body carrying out similar work will have to first obtain permission from the Harbour Master for the Port of Waterford. They also contend this condition is no longer necessary if the licence type relating to Schedule 7(3) is removed as they have requested. Finally, they state the condition as currently drafted would suggest that such notification is required for all licensed activities, not solely bathymetric activities.

MARA response: The basis of this condition is for MARA to be able to ensure such geophysical, seismic and geotechnical activities which have been deemed able to cause a potential disturbance do not occur too closely together, not the relevant Harbour Master, therefore the applicant's argument does not hold. However, their point relating to specificity of the condition is valid and I am suggesting a change to remedy this point, by adding text to (i) to read: "Prior to the commencement of any geophysical, seismic and geotechnical activities carried out as part 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."

Recommendation:

Specific Condition 25 is to be amended to read:

"In-combination effects

(i) Prior to the commencement of any geophysical, seismic and geotechnical activities carried out as part 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."

6. Specific Condition 28: Accidental events

The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:

- (i) Information on the location and detail of spill response resources on-board;
- (ii) Information on crew training in relation to oil pollution response;
- (iii) How crew will interface with other site investigation operators, where applicable.

Reason: To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.

Applicant comments: The applicant states that the condition is unnecessary given the size of the vessels in use and the relevant MARPOL regulations that cover vessels of this size. However, they do not provide details of all vessels in use or alternatives that may be used in cases of mechanical issues etc.

MARA response: Having reviewed the information provided by the applicant relating to vessel size, and with concerns regarding the possibility of other vessels being used, I suggest rewording the condition by adjusting the first sentence to read “The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels, where applicable.”

Recommendation:

Specific Condition 28 to be re-worded to read:

The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels where applicable. This plan should specify:

- (i) Information on the location and detail of spill response resources on-board;
- (ii) Information on crew training in relation to oil pollution response;
- (iii) How crew will interface with other site investigation operators, where applicable.

7. Specific Condition 29:

While conducting the Permitted Maritime Usage the Holder shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing.

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

Applicant comments: The applicant feels this condition is unnecessary given the proposed location of the Maritime Usage, the type of usage planned and that it would be in contravention of Port of Waterford byelaws regarding navigational safety and suitable use of navigational channels.

MARA response: I agree with the applicant in this case, given the locations and the type of activity being undertaken, this specific condition does not seem necessary for this licence.

Recommendation:

Remove Specific Condition 29.

8. Specific Condition 32 (i) and (ii): Turbidity and Suspended Solids Monitoring

(i) The Holder shall undertake monitoring of turbidity and suspended solids during the course of each dredging campaign, and for seven days before and after the dredging campaigns. The monitoring shall be undertaken in accordance with the *“Waterford Estuary: Plough Assessment (November 2017)”* submitted with the licence application.

(ii) The Holder shall undertake the monitoring of turbidity and suspended solids as follows:

Parameter	Analysis Method	Frequency
Turbidity	Alarmed turbidity sensor deployed on a moored buoy.	Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.
Suspended Solids	Standard method*	A sufficient number of samples shall be taken during each campaign to establish the relationship between turbidity and suspended solids.

*A National, European or internationally recognized procedure e.g. I.S. EN, ISO, CEN, BS or equivalent.

(iii) The Holder shall undertake monitoring of turbidity and suspended solids at the following locations:

Sample site	Longitude (W)*	Latitude (N)*

Cheekpoint	-6.979132	52.265662
Buoy		

*Coordinates in WGS84

(iv) Where the suspended solids exceed the predicted values in the “*Waterford Estuary: Plough Assessment (November 2017)*”, the Holder shall put in place measures to avoid recurrence of the exceedance, where the exceedance is a consequence of the Permitted Maritime Usage.

(v) The Holder shall retain a record of all data generated from the monitoring and have it available for inspection by the Grantor.

Reason: To ensure protection of the marine environment.

Applicant comments: The applicant requests that the requirement for measuring suspended solids during each campaign is removed, with particular reference to parts (i) and(ii) of this condition. This is on the basis that water quality monitoring has been undertaken for many years at the proposed location, and the site-specific relationship is understood. They state this has been specified for use in the Dumping at Sea Permit, Schedule C.1.2 and ensures the protection of the marine environment.

MARA response: MARA has included this condition to ensure that the established water quality parameters are not breached at this location and therefore this condition is deemed a requirement.

Recommendation:

No change to Specific Condition 39

9. Specific Condition 30:

Specific Condition 33 (iii) as referred in the applicant’s submission does not match any part of the text of Specific Condition 33 in the draft licence for this Maritime Usage and appears instead to refer to Specific Condition 30 (iii). Therefore, Specific Condition 30 (iii) has been assessed here.

Condition 30 (iii)

The Holder shall ensure that material dredged by trailing suction hopper dredger or other mechanical dredging is passed through grid screens no larger than 30cm to minimise the

amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.

Reason: to ensure protection of the marine environment.

Applicant comments: The applicant proposes to remove reference to “other mechanical dredging” as they state mechanical dredging equipment (buckets/grabs) do not generally have grid screens to segregate man-made debris. Therefore, it is proposed to remove this measure from this particular dredging method as it will not ensure the protection of the marine environment. They also state the proposed amendment would bring the clause in line with the Dumping at Sea Permit granted in relation to the works, specifically Condition 2.10.2.

MARA response: I agree with the applicant’s proposal and reasoning and with the suggestion to bring the text in line with that of the most recent EPA Dumping at Sea Permit for this site.

Recommendation:

Amend Specific Condition 30 (iii) to read “The Holder shall ensure that material dredged by trailing suction hopper dredger is passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.”

10. Specific Condition 38:

Overflow of material from dredging vessels shall not be permitted at any time.

Reason: To ensure the protection of the marine environment.

Applicant comments: The applicant requests amendment of this condition to state “Overflow of material from dredging vessels shall not be permitted at any time, unless otherwise agreed by the Grantor “to align with the most recent EPA Dumping at Sea permit.

MARA response: This condition as stated was specifically requested by the IFI in both their submissions to MARA regarding this application, therefore I do not recommend amending it as suggested.

Recommendation:

No change to Specific Condition 38

11. Specific Condition 40:

The Permitted Maritime Usage shall be undertaken during daytime only.

Reason: To ensure the protection of the marine environment.

Applicant comments: The applicant states that it is long-established custom and practice that dredging operations take place 24hours a day, seven days a week. They state this routine has always been undertaken in the Port of Waterford, and every port in Ireland. They also state it would be extremely inefficient and commercially detrimental to the Port if this clause remained as is. Such a restriction has not been requested by any stakeholder and the reasoning for its inclusion has not been demonstrated, according to the applicant. The PoW fervently requests that dredging works can proceed 24/7 as has always been the case historically. It is noted that the Dumping at Sea Permit has no such restriction.

MARA response: A number of assertions in the statement by the applicant do not appear to be correct. The IFI in their second submission specifically requested this condition for the Cheekpoint sites, and the most recent EPA Dumping at Sea Permit issued on 5 February 2026 has as a condition stating: “During the period 1 March to 30 June annually, plough dredging activities at Cheekpoint, including Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access, must be carried out during daylight hours only.” I therefore suggest amending the licence to match the EPA Permit and to fit with the recommendations of the IFI.

Recommendation:

Condition 40 be amended to read “During the period 1 March to 30 June annually, plough dredging activities at Cheekpoint, including Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access, must be carried out during daylight hours only.”

12. Specific Condition 41:

- (i) Plough dredging at Cheekpoint Lower shall be undertaken during spring tide periods only throughout the year
- (ii) Plough dredging shall be undertaken during the daytime only

Reason: To ensure the protection of the marine environment.

Applicant comments:

Specific Condition 41 (i): The applicant requests that Specific Condition 41 (i) be amended to match what is in the most recent EPA Dumping at Sea Permit which states “Plough dredging at Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access shall be undertaken during spring tide periods only throughout the year”.

Specific Condition 41 (ii): The applicant requests this part of the condition be removed, for the reasons outlined in relation to Specific Condition 40 above.

MARA response:

Specific Condition 41 (i): I agree that Condition 41 (i) be amended to match that in the most recent EPA Dumping at Seas Permit, to ensure clarity relating to this condition.

Specific Condition 41 (ii): As this issue has been dealt with in Specific Condition 40 above, this part of the condition should be deleted.

Recommendation:

Specific Condition 41 (i) to be amended to ““Plough dredging at Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access shall be undertaken during spring tide periods only throughout the year” and Specific Condition 41 (ii) to be deleted.



Dr Ciar O’Toole
Senior Marine Advisor
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