

Maritime Usage Licensing and Planning Advisory Directorate			
Response to Supplementary Material on a Minded to Determination			
To:	John Evans, Director	From:	Dr. Alison McCarthy, Senior Marine Advisor
Date:	18/02/2026	Maritime Usage Licence Application No:	MUL230034
Licence application received:	30/05/2024	Supplementary material received:	12/02/2026
Applicant:	Codling Wind Park Limited, Trintech Building, 2 nd Floor, South County Business Park, Leopardstown, Dublin		
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	<i>(3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.</i>		
Location of proposed Maritime Usage:	The Irish Sea off the coast of counties Dublin and Wicklow. The proposed licence area also includes two smaller areas for a potential operation and maintenance base (Wicklow Harbour) and an area for a potential onshore substation (northern shore of Poolbeg Peninsula, Dublin).		

Introduction:

The Maritime Area Regulatory Authority (MARA) issued a Minded to Determine Notice and a proposed Maritime Usage Licence (MUL) to Codling Wind Park Limited (the applicant) on 23/01/2026. The MUL application is for marine environmental surveys for the purposes of site investigation, falling under Schedule 7 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 six of the Specific 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 20

The Holder shall not damage or interfere with any third party's property while carrying out the Permitted Maritime Usage.

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

Applicant's response:

The applicant has requested that the condition should be amended to state that '*The Holder shall take reasonable care not to damage or interfere with any third party's property while carrying out the Permitted Maritime Usage*'. The applicant states that every effort will be made to avoid such interaction but there may be instances where it cannot be avoided for instance if fishing gear is not well marked. In addition, the applicant requests adding the following to the condition:

If unintentional damage or interference does arise, the Holder shall notify MARA compliance team within 24 hours of becoming aware.

MARA's Response:

This condition is included as a Specific Condition across all similar MULs and the reason is to minimise impact on other users of the marine environment. It is implied that the Holder will take reasonable care not to knowingly damage or interfere with any third party's property while conducting the maritime usage. Condition 14 of the proposed MUL reinforces this condition and states that '*the Holder shall exercise this Licence in such a manner as to cause no damage or injury to the Licensed Area, any occupants of the Licenced Area and any other part of the maritime area affected by the Permitted Maritime Usage*'.

Condition 6 of the Proposed MUL specifies that the Holder must notify the Grantor (MARA) if they become aware that the Permitted Maritime Usage does not comply with any of the conditions. Thus, the addition of the suggested extra sentence is not required.

Recommendation:

No change to Specific Condition 20.

2. Specific Condition 26

Birds

- (i) The Holder shall not undertake geotechnical and geophysical surveys within the South Dublin Bay and River Tolka SPA and The Murrough SPA during the period October to March.*
- (ii) The Holder shall not undertake geotechnical and geophysical surveys within the South Dublin Bay and River Tolka SPA, during the period July to September between the hours of 18:00 and 08:00.*
- (iii) The Holder shall not undertake geotechnical and geophysical surveys within Areas B & C of the Licensed Area, or within 200m of the tern pontoons located in Dublin Port during the period of April to August inclusive.*

Reason: To ensure protection of the marine environment and protected species.

Applicant's response:

The applicant has requested that MARA provides a reasoning for the inclusion of Areas B & C in part (iii) of this condition.

MARA's Response:

This condition was included in the proposed MUL as it is a mitigation measure specified in MARA's Appropriate Assessment (AA) Report and Determination. The mitigation was included in the AA to minimise visual disturbance and above water noise disturbance to breeding tern species which are Special Conservation Interest species in the South Dublin Bay and River Tolka Estuary SPA (site code: 004024).

Recommendation:

No change was requested or is proposed to Specific Condition 26.

3. Specific Condition 29

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 10 km radius of the Licensed Area.*
- (ii) *Where a vessel to vessel distance of greater than 10 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 10 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's response:

The applicant requests that the vessel to vessel distance of 10 km should be amended to 6 km based on a report published in 2025 by the UK's Joint Nature Conservation Committee (JNCC), report 803, titled '*Updated Effective Deterrent Ranges (EDRs) for assessing the significance of noise disturbance in harbour porpoise Special Areas of Conservation*'. In that report, the radius around an underwater noise source in which harbour porpoise are expected to be disturbed has been reduced from 5 km to 3 km from previous JNCC guidance. The 3 km distance would apply to the geophysical survey equipment applied for under this application including multi and single beam echosounders, sub bottom profiler (SBP) and ultra-short baseline positioning systems (USBL).

MARA's Response:

The applicant has correctly identified that reduced EDRs from 5 km to 3 km have been recommended in the 2025 JNCC report 803 in relation to the SBP and USBL. However, the applicant has also applied to use ultra high resolution seismic (UHRS) surveys (boomer or sparker systems). The JNCC report 803 does not mention UHRS however in JNCC's report 798¹,

¹ JNCC Report 798. Evidence review of harbour porpoise disturbance ranges in the context of the assessment and management of impulsive noise in Special Areas of Conservation: unexploded ordnance clearance, explosives for decommissioning, seismic (airgun) survey, sub-bottom profilers, ultra-short baseline acoustic positioning, acoustic deterrent devices, multi-beam echosounders, and military sonar

also published in 2025, it is recommended that high-resolution seismic sources (e.g. boomers and sparkers) approximately align with mini-airguns of $\leq 12 \text{ in}^3$ and that a precautionary EDR of between 1–5 km is considered appropriate.

It is therefore recommended to make no change to the condition and that a vessel to vessel distance of 10 km should apply.

Recommendation:

No change to Specific Condition 29

4. Specific Condition 34

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's response:

The applicant has requested that the condition should be amended to state that '*The Holder shall take reasonable care not to interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing*'. The applicant states that every effort will be made to avoid such interaction but there may be instances where it cannot be avoided for instance if fishing gear is not well marked. In addition, the applicant requests adding the following to the condition:

If unintentional damage or interference does arise, the Holder shall notify MARA compliance team within 24 hours of becoming aware.

The applicant also notes that Condition 20 in relation to third party property and Condition 33 in relation to the appointment of a Fisheries Liaison Officer are already in the proposed MUL and should be sufficient to manage interactions with the fishing industry.

MARA's Response:

This condition is included as a Specific Condition across all similar MULs, and the reason is to minimise impact on other users of the marine environment including fishers. It is implied that the Holder will take reasonable care not to knowingly interfere with fishing gear or obstruct fishers while conducting the maritime usage. Condition 14 of the proposed MUL reinforces this condition and states that '*the Holder shall exercise this Licence in such a manner as to cause no damage or injury to the Licensed Area, any occupants of the Licenced Area and any other part of the maritime area affected by the Permitted Maritime Usage*'.

Condition 6 of the proposed MUL specifies that the Holder must notify the Grantor (MARA) if they become aware that the Permitted Maritime Usage does not comply with any of the conditions. Thus, the addition of the suggested extra sentence is not required.

Recommendation:

No change to Specific Condition 34.

5 Specific Condition 36

The Holder shall time the Permitted Maritime Usage to ensure that geophysical surveys are undertaken in advance of all geotechnical works to ensure potential significant effects on underwater cultural heritage and reef habitats are avoided.

Reason: To ensure protection of maritime heritage.

Applicant's response:

The applicant requests that another sentence be added to the condition to note that the 'condition shall not be interpreted as requiring the unnecessary repetition of geophysical surveys where adequate, up-to-date survey data is already available'.

MARA's Response:

It is not considered necessary to amend this condition as it relates to the scheduling and planning of the Permitted Maritime Usage, or site investigation activities, to ensure that geophysical surveys are undertaken prior to geotechnical surveys so that information can be obtained on the seabed conditions prior to any intrusive geotechnical activities taking place. If up-to-date and adequate geophysical survey data has already been gathered for a particular area, that data can be utilised and this would be still be in line with the condition as worded. Condition 38 of the proposed MUL refers to the use of existing data where feasible to do so in order to avoid duplication of survey activity in the Licensed Area.

Recommendation:

No change to Specific Condition 36.

6. Specific Condition 39

The Holder shall, as soon as practicable and no later than three months upon completion of the borehole survey works, submit all borehole survey data undertaken in accordance with this Permitted Maritime Usage to the Geological Survey of Ireland (GSI) of the Department of

Climate, Energy and the Environment at GeologicalMappingInfo@gsi.ie and in the format requested by the GSI.

Reason: *To ensure protection of the marine environment through availability of monitoring data.*

Applicant's response:

The applicant has requested that the condition be amended to state that *'the Holder shall, as soon as practicable and no later than three months following completion of the reporting and analysis of the borehole survey works, unless otherwise agreed with the Geological Survey of Ireland, submit all borehole survey data undertaken in accordance with this Permitted Paritime Usage to the Geological Survey of Ireland (GSI) at GeologicalMappingInfo@gsi.ie and in the format requested by the GSI'*. The applicants notes that in practice the reporting and lab analysis of borehole samples takes place following completion of the on-site works and significant time is needed for analysis. The lab sampling can take three months.

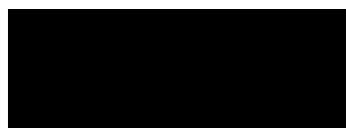
MARA's response:

The request to amend the condition is reasonable given the practicalities involved in sampling, lab testing and reporting of borehole samples.

Recommendation:

Amend Specific Condition 39 as follows:

The Holder shall, as soon as practicable and no later than three months following completion of the reporting and analysis of the borehole survey works, unless otherwise agreed with the Geological Survey of Ireland, submit all borehole survey data undertaken in accordance with this Permitted Maritime Usage to the Geological Survey of Ireland (GSI) at GeologicalMappingInfo@gsi.ie and in the format requested by the GSI.



Dr Alison McCarthy

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