

## Assessment, Research and Data Unit

### Maritime Usage Licence Assessment Report

<b>To:</b>	Maritime Authorisations Unit	<b>From:</b>	Suzanne Wylde, Senior Marine Advisor
<b>Date</b>	20 <sup>th</sup> January 2026	<b>Maritime Usage Licence Application No:</b>	MUL230034
<b>Approved for issue by:</b>	John Evans, Director of ARD Unit		
<b>Applicant:</b>	Codling Wind Park Limited, Trintech Building, 2 <sup>nd</sup> Floor, South County Business Park, Leopardstown, Dublin		
<b>Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):</b>	<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>		
<b>Location of proposed Maritime Usage:</b>	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).		
<b>Licence application received:</b>	30 <sup>th</sup> May 2024		
<b>Request for additional information:</b>	19 <sup>th</sup> June 2024; 9 <sup>th</sup> September 2024; 24 <sup>th</sup> October 2024; 7 <sup>th</sup> March 2025; 6 <sup>th</sup> May 2025; 3 <sup>rd</sup> October 2025		
<b>Responses to requests for additional information received:</b>	20 <sup>th</sup> June 2024; 3 <sup>rd</sup> October 2024; 6 <sup>th</sup> November 2024; 14 <sup>th</sup> March 2025; 2 <sup>nd</sup> October 2025; 22 <sup>nd</sup> October 2025		
<b>Environmental Impact Assessment considered:</b>	Not required (considered 12 <sup>th</sup> September 2024)		
<b>Stage 2 Appropriate Assessment required:</b>	Yes	<b>Natura Impact Statement received:</b>	2 <sup>nd</sup> October 2025
<b>Public Body Consultation:</b>	6 <sup>th</sup> October 2025 (30 days)		
<b>Observations received from public bodies:</b>	Observations were received from seven (7 no.) public bodies.		
<b>Public consultation:</b>	19 <sup>th</sup> November 2025 – 22 <sup>nd</sup> December 2025		
<b>No. of submissions received:</b>	Six (6 no.) submissions received from the public.		

## 1. Background

Codling Wind Park Limited (CWP) (the applicant) has applied to MARA for a licence to undertake marine environmental surveys for the purposes of site investigation in order to gather data. The data gathered from the proposed maritime usage activity will further inform the design of the CWP project (i.e. the development of an offshore wind farm). The licence application was received by MARA on 30<sup>th</sup> May 2024.

The applicant was granted two foreshore consents under the Foreshore Acts (FS007056, FS007045). All of the foreshore licences relate to marine environmental surveys. The foreshore licence with reference FS007045 was surrendered in December 2024.

The foreshore licence with reference FS007056 was granted by Minister for Housing, Local Government and Heritage in May 2023 for a term of five years. The licence permits site investigations and surveys off counties Dublin and Wicklow. While the areas of the foreshore licence and the proposed maritime usage overlap in parts, they are not the same. There is no legislative requirement for this licence to be surrendered in order for MARA to grant the application the subject of this licence assessment.

The applicant has also submitted a development application to An Coimisiún Pleanála (ACP) for the construction, operation and decommissioning of an offshore wind farm consisting of a generating station with wind turbine generators in the Irish Sea, approximately 13-22 km off the County Wicklow coast. Offshore and onshore transmission infrastructure will connect the generating station to the shore and to the Irish national grid at Poolbeg, Dublin 4. The application was lodged with ACP on 6<sup>th</sup> September 2024.

## 2. Description of Proposed Maritime Usage

The proposed Marine Usage Licence area takes up an expanse of 476km<sup>2</sup>, primarily in the Irish Sea. The proposed licence area also includes three smaller areas for a potential operation and maintenance base in Wicklow Harbour (Area D) and two areas for a potential onshore substation on the northern shore of Poolbeg Peninsula, Dublin (Areas B & C) (Figure 1).

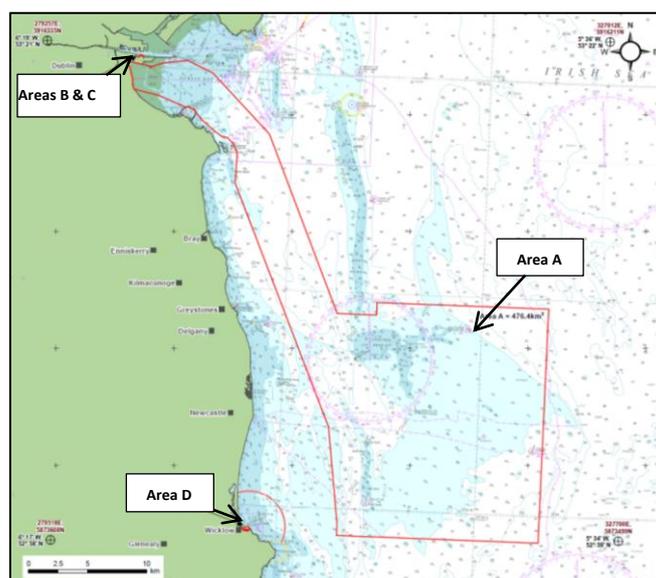


Figure 1: Map showing Areas A, B, C and D proposed Marine Usage Licence Areas.

The applicant has applied for a licence duration of five years. Proposed marine environmental surveys and their estimated duration are summarised in Table 1 below. Given the maximum proposed duration of the activities is 36 months, it is recommended that a licence be granted for a period of three (3) years, in line with the intent of the MAP Act that licences be granted for the purposes of activities that will be undertaken for relatively short periods of time.

Table 1: Proposed marine environmental surveys and the estimated duration.

<b>Proposed activity</b>	<b>Estimated duration</b>
Metocean Surveys – floating LiDAR, wave buoys or metocean buoys and acoustic Doppler current profilers	12 – 36 months (fixed in location)
Geotechnical surveys – boreholes, cone penetration tests, vibrocores and trial pits	2 – 8 months (multiple times – max 3 days per survey)
Geophysical and unexploded ordnance surveys – side scan sonar, multibeam echo-sounder, magnetometers, sub-bottom profiler, high resolution acoustic seismic surveys (e.g. sparkers).	4 – 6 months (multiple times – 10-90 days each)
Fish and shellfish surveys – potting and trawl surveys	2 months (May – September)
Benthic and intertidal surveys – grab samples and ecological intertidal walkover survey and epi-benthic trawls	3 - 6 weeks
Marine Mammal passive acoustic monitoring	12 -36 months (fixed)
Intertidal archaeology walkover survey	Periodically once a year for the 5 years

### **3. National Policy and EU Directives**

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

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

The MPPS outlines the government's overarching vision, policies, and principles for managing the country's maritime area. The NMPF sets the framework for implementing the forward planning component of our marine planning system as set out in the MPPS. The NMPF supports the development of ORE in Ireland as a driver to significantly reduce greenhouse gas emissions in line with national and EU Policy (ORE sectoral policy, Chapter 13).

#### *Underwater cultural heritage*

The NMPF includes a policy on heritage assets (Heritage Assets Policy 1). The policy supports the conservation of the historic environment and heritage assets both along the coast and in the underwater environment. The aim of the policy is to ensure that proposals in the marine environment do not have a detrimental impact on marine and coastal heritage assets. The applicant states in the application that there are a number of sites which have been identified within the proposed licence area through previous surveys as having the potential to be of archaeological importance. These identified sites will be considered and avoided during intrusive geotechnical survey activities. It is recommended that a condition be included in the licence, if granted, requiring geophysical surveys to be undertaken in advance of geotechnical surveys to identify any features of archaeological interest in advance. In addition, it is recommended that a condition be included in the licence, if granted, requiring the holder to

consult with the National Monuments Service prior to the commencement of the activities and to comply with their requirements in relation to underwater cultural heritage.

### 3.2 National Biodiversity Action Plan (NBAP)

[Ireland's 4<sup>th</sup> National Biodiversity Action Plan](#) sets the national biodiversity agenda for the period 2023-2030. The objectives of the NBAP focus on the conservation and restoration of biodiversity. Objective 2 of the NBAP is to meet urgent conservation and restoration needs. Part of its focus is to elevate efforts to tackle invasive alien species. It is recommended that a condition be included in the licence, if granted, to address the potential risks from invasive alien species.

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

Section 15(1) of the Climate Action and Low Carbon Development Act requires relevant bodies, including MARA, to perform their functions in so far as practicable in a manner consistent with the governance framework set out therein. 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 emissions are expected and no potential for indirect effects on climate change.

### 3.4 Birds and Habitats Directives (79/409/EC and 92/43/EEC)

MARA made an Appropriate Assessment Screening Determination on 6<sup>th</sup> May 2025 which concluded that it could not exclude, on the basis of objective scientific information, that the proposed maritime usage, either individually or in-combination with other plans or projects, will have a significant effect on a European site(s).

MARA undertook an Appropriate Assessment in respect of this proposed maritime usage. Having considered the documents submitted by the applicant, the observations received on foot of the public consultation on the application, the appropriate assessment concluded, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed maritime usage (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. The appropriate assessment specifies mitigations that must be included as conditions in a licence that may be granted in respect of this Maritime Usage Licence application. These conditions are also included in Appendix 1 of this report.

The applicant submitted an Annex IV risk assessment as part of their licence application. The risk assessment considered the scope of the proposed maritime usage activity, relevant Annex IV species (cetaceans, turtles, otters and bats) and the potential impacts of the proposed maritime usage activity on the relevant Annex IV species. The assessment also addressed potential impacts on non-Annex IV species including pinnipeds and basking sharks. I am satisfied with the conclusion of the risk assessment, that there is no risk to the relevant Annex IV species, subject to implementation of mitigation measures. The mitigation measures recommended to be included as conditions for the proposed licence, if granted, will address any potential impacts. These include a requirement that the holder of the licence appoint marine mammal observers and to adhere to relevant national guidance for underwater noise,

ensuring the integrity of the sites are maintained and fully reinstated upon completion of the proposed maritime usage.

The Annex IV Risk Assessment concluded that a derogation licence from the National Parks and Wildlife Service under the Birds and Natural Habitats Regulations, 2011, is not required for the proposed maritime usage.

### 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 Status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The proposed activity will take place in the following WFD waterbodies: Irish Sea (Dublin and Southwestern Irish Sea to Killiney Bay), Dublin Bay, Wicklow Harbour (waterbody name is Broad Lough) and the Liffey Estuary Lower. Table 2 outlines the classifications of the waterbodies on foot of the most recent WFD assessment from [www.Catchments.ie](http://www.Catchments.ie) as published by the Environmental Protection Agency. This included an assessment of ecological status, physicochemical elements and hydro morphological elements. It is not expected that the proposed maritime usage will impact on the waterbody classifications of any of these waterbodies.

Table 2: WFD waterbody status based on information from [www.catchments.ie](http://www.catchments.ie).

<b>Waterbody</b>	<b>Waterbody type</b>	<b>WFD Status<sup>1</sup></b>
Liffey Estuary Lower	Transitional	Moderate (At risk) <sup>2</sup>
Broad Lough	Transitional	Moderate (At risk)
Southwestern Irish Sea – Killiney Bay	Coastal	High (Not at risk)
Irish Sea Dublin	Coastal	Good (Not at risk)
Dublin Bay	Coastal	Good (Not at risk)

The proposed marine environmental surveys will have no permanent impact on the hydro-morphological conditions of any of the WFD waterbodies in Table 2. The proposed surveys are unlikely to result in permanent change in the depth variation or to the structure and substrate of the seabed.

The natural background turbidity levels in the Western Irish Sea are typically higher due to strong tidal current which can result in the resuspension of material from relatively shallow waters. Only minimal quantities of suspended sediments are expected to be released from the proposed geotechnical surveys both in the intertidal areas and further offshore. Furthermore, walkover surveys in the intertidal areas will not impact on the integrity of the structure of the intertidal of the intertidal zone.

It is recommended that conditions be included in the licence, if granted, requiring the applicant to adopt measures to avoid water quality impacts from the proposed maritime usage. These include the requirement for an ecologist to be onsite for the duration of intertidal activities to minimise disturbance and ensure the site integrity is maintained. It is

<sup>1</sup> [www.catchments.ie](http://www.catchments.ie)

<sup>2</sup> Review status includes whether the water body is/is not at risk of achieving the objectives of the WFD by 2027 or under review if additional information is needed to determine their status before resources and more targeted measures are initiated or the measures have been undertaken, e.g. a wastewater treatment plant upgrade, but the outcome hasn't yet been measured/monitored

recommended to include a condition ensuring the holder of the licence if granted carries out the maritime usage in line with the plans and particulars submitted with the application. A condition is also recommended to ensure the drill arisings are collected and disposed of in accordance with the relevant waste legislation. It is recommended to include a condition in any licence granted to ensure that the holder conforms to the appropriate certification standards for preventing pollution from vessels, as required by the Marine Survey Office (MSO) and that the holder is prepared for any accidental oil pollution event by having a response plan in place. Given these measures, as listed in Appendix 1, there will be no negative impact on the supporting chemical status or biological quality elements of any of the WFD waterbodies.

Given the recommended conditions as detailed in Appendix 1, there is not expected to be a deterioration in the status of any WFD waterbody as a result of the proposed marine environmental surveys.

### 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. The 2024 assessment under Article 8 of the MSFD<sup>3</sup> states that GES has not been achieved for sea-floor integrity, marine litter and biodiversity.

*Table 2: Assessment of MSFD descriptors in relation to this maritime usage licence application.*

<b>MSFD Descriptor</b>	<b>Good Environmental Status achieved<sup>4</sup></b>	<b>Assessment</b>
Biological diversity	Partially achieved	The applicant submitted an Annex IV risk assessment as part of the licence application. The report assessed the impacts of the proposed maritime usage and is discussed in this report under Section 3.4 Birds and Habitats Directive.
Non-indigenous species	Yes	To ensure that the maritime usage activity does not result in the unintended introduction of non-indigenous species, it is recommended to include a condition relating to the control of invasive species in the hulls and ballast water of the relevant vessels.
Population of commercial fish/shellfish	Partially achieved	<p>There are no licensed fisheries or aquaculture sites within the vicinity of the proposed maritime usage.</p> <p>The main commercial fishing activity that overlaps with the proposed maritime usage area targets whelk with pots. Creel fishing for crab and lobster occur to a lesser extent within the vicinity of the proposed maritime usage. Seed mussel grounds are located inshore between the proposed maritime usage area and to the south of the area towards Wexford.</p> <p>The proposed maritime usage area will pass through known spawning and nursery grounds for a number of commercial fisheries, including cod, haddock and whiting. It is not expected that the proposed maritime usage will result in either incidental bycatch or a significant disturbance to population size of commercially exploited stocks. While there</p>

<sup>3</sup> [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024.](#)

<sup>4</sup> As per [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024](#)

		is potential for habitat disturbance due to increased suspended solids, this is not expected to be significant. It is recommended that the licence, if granted, includes a condition requiring the suitable management of any arisings for boreholes. It is also recommended that a condition be included in the licence, if granted, requiring the applicant to appoint a fisheries liaison officer to engage with the fishing community during the proposed maritime usage. In addition, it is recommended that the licence include conditions relating to issuing marine notices within appropriate timeframes and the protection of fishing gear during surveys.
Marine food webs	Unclear	The balance and diversity in marine food webs will not be impacted as a result of the proposed activity.
Eutrophication	Yes	The proposed activity does not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving good environmental status.
Sea floor integrity	Partially achieved	The benthic environment being sampled as part of this proposed maritime usage will experience temporary disturbance due to some of the methods proposed. However, there will be no temporary or permanent loss of seabed as a result of the proposed maritime usage. Any effects on the seabed will be temporary, minimal and recoverable, given the dynamic nature of the environment.
Alteration of hydrographical conditions	Yes	The proposed maritime usage will not significantly alter the hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) in either the inshore or offshore areas to be surveyed. Therefore, the proposed maritime usage will not impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	The licence will require inclusion of a condition relating to preparation of an oil pollution emergency plan to mitigate for any accidental introduction of contaminants to the marine environment.
Contaminants in fish/seafood for human consumption	Yes	The proposed maritime usage activity 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 licence, if granted, will include a general condition requiring the holder to remove all plant and equipment associated with the activities and to restore the licensed area to its original condition.
Introduction of energy including underwater noise	Yes	<p>The impacts of underwater noise introduced as a result of the proposed maritime activity are assessed in the appropriate assessment associated with this licence application and were also considered within the Annex IV Risk Assessment. It is recommended that a condition relating to marine mammals and the management of underwater noise disturbance be included in the licence, if granted.</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 (see Appendix 1).</p>

### 3.7 Environmental Impact Assessment Directive (2014/52/EU)

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 Consideration Form was issued by MARA on 12<sup>th</sup> September 2024 and it was concluded that the activities do not fall within the scope of the EIA Directive and therefore an EIA is not required.

#### **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. As discussed in Section 3.6 above, the dominant commercial fishing activity relates to whelk potting. To minimise impacts with fisheries, it is recommended to include conditions in the licence, if granted, to ensure that the holder does not damage or interfere with any third party's property or interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing. In addition, a Fisheries Liaison Officer is recommended to be engaged prior to the commencement of the proposed site investigation.

The inshore waters in the proposed maritime usage area are used for recreational angling and recreational craft. Furthermore, the intertidal surveys have the potential to further disrupt recreational users. It is recommended that conditions be included in the licence, if granted, relating to the publication of a marine notice and ensuring existing public access is maintained.

The area (Area B) relating to the proposed substation location is located within Dublin Port. It is recommended that a condition be included in the licence, if granted, requiring the applicant to engage with Dublin Port to ensure port operations are not disrupted.

It is also recommended that a condition be included in the licence, if granted, requiring the applicant to appoint a community liaison officer for the purposes of ensuring relevant stakeholders are consulted, and fully informed, to avoid or minimise any adverse interactions between the proposed maritime usage and any other activities or operations in the relevant part of the maritime area.

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

A site visit to the proposed location of the potential substation in Poolbeg, Dublin was undertaken on 27<sup>th</sup> February 2025 and to the proposed location of the maintenance base in Wicklow Port on 30<sup>th</sup> July 2025. The visits involved a site walk over of the location of the potential substation, the potential operation and maintenance base, identified areas of proposed survey works and took account of other maritime users in the vicinity of the proposed maritime usages in the nearshore areas.

#### **6. Consultation with Public Bodies**

Having consideration for the National Marine Policy Framework and the strategic priorities of MARA, observations on the proposed maritime usage licence application were invited from relevant public bodies as part of the assessment of the licence application. Seven (7 no.) observations were received from these bodies. The following table summarises the submissions received. The MARA website should be consulted for details of the full

submissions. The issues raised in the submissions are noted and addressed as part of this marine advisor report and also as part of the Appropriate Assessment, where relevant.

Public Body Submission 1: Inland Fisheries Ireland (IFI)

Submission summary
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IFI requests that a condition be included in the foreshore licence to require the use of soft-start and ramp-up procedures for any sound generating works undertaken, to reduce the impact on fish species. The submission also notes the mitigation efforts that will be undertaken to ensure no pollution event can affect the qualifying interest fish species and requests that these measures also be included as a condition in the licence.
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Finally, the IFI note that there is a lack of information on the distribution of diadromous species (sea trout and shad) and their movements in the Irish Sea. The submission states that it would be beneficial for any fishing surveys undertaken to identify shad and sea trout.
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MARAs response:

MARA notes that the submission refers to including conditions in a foreshore licence. The consultation with IFI was from MARA in respect of a Marine Usage Licence, not a foreshore licence.

The impacts associated with underwater noise are addressed both in relation to the Marine Strategy Framework Directive and within the Appropriate Assessment in relation to marine mammals and seabirds. Suitable conditions have been recommended to be included in the licence to mitigate for any potential impacts associated with underwater noise on marine mammals. This condition will ensure that soft-starts or ramp up procedures are implemented which will minimise any impacts on fish.

With regard to the impacts of pollution events, it is a standard approach for MARA to include a condition in all maritime usage licences relating to accidental events, the requirement for oil pollution emergency plans on board survey vessels and also the requirement for vessels to conform to Irish certification standards as required by the Marine Survey Office.

Public Body Submission 2: Department of Agriculture, Food and the Marine

Submission summary
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The submission refers to the requirements for felling licences relating to forestry.
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MARAs response:

MARA notes the submission but considers the content submitted in error.

Public Body Submission 3: Commissioners for Irish Lights (CIL)

Submission summary
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The submission states that CIL have no objection to the granting of the MUL from a navigation perspective. The submission also notes the requirements associated with
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statutory consents. CIL state that any appropriate assessment undertaken should include the impact of the deployment of surface marking buoys and associated moorings.

MARAs response:

MARA notes the submission. The Commissioner for Irish Lights is responsible for issuing Statutory Consents in relation to aids to navigation and the onus is on the applicant to ensure that all the required statutory authorisations are in place, for the proposed marine usage to go ahead. The assessment of the deployment of buoys must be undertaken by the Commissioner for Irish Lights as part of the assessment of their statutory consent process. It is recommended that a condition be included in the licence, if granted, stating that the MUL does not negate the responsibility of applicant to ensure they have all the necessary consents to undertake the proposed activity.

Public Body Submission 4: Department of Housing, Local Government and Heritage

Submission summary

The submission included observations from both the National Parks and Wildlife Service (NPWS) and the National Monuments Service (NMS)

NPWS stated in the submission that it is satisfied that the predicted pressures from the proposed pressures from the survey activities are temporary, spatially limited, and reversible, provided that strict mitigation and environmental management measures are implemented. The NPWS recommended that conditions be included in the licence relating to adherence to national underwater noise guidance, use of soft-start procedures, marine mammal observers, compliance with MARPOL and no discharge of pollutants at sea.

The NMS provided detailed context for the Wreck Inventory of Ireland Database, the legislation for the protection of wrecks over 100 years, Record of Monuments and Places and the Frameworks and Principles for the Protection of the Archaeological Heritage. The NMS also noted the reference to protecting archaeological heritage in the National Marine Planning Framework. The NMS requested that conditions be included in the licence relating to a project archaeologist, requirements for licensing geophysical and dive surveys under the National Monuments Acts, undertaking geophysical surveys in advance of geotechnical surveys, underwater archaeological impact assessment report and protocols for archaeological discoveries.

MARAs response:

MARA notes the information submitted and the concerns raised by the NPWS and NMS.

Many of the conditions recommended by the NPWS relate to the management of underwater noise. The impacts associated with underwater noise are considered and assessed in the appropriate assessment associated with the licence application and also in relation to the descriptor for underwater noise under the Marine Strategy Framework Directive (Section 3.6 of this report).

The responsibility for the implementation of the MARPOL Convention in Ireland lies with the Department of Transport. However, as stated above, it is a standard approach for MARA to include a condition in all maritime usage licences relating to accidental events, the requirement for oil pollution emergency plans on board survey vessels and also the requirement for vessels to conform to Irish certification standards as required by the Marine Survey Office.

The submission includes a detailed list of requirements for mitigating impacts on underwater archaeology. Underwater cultural heritage is addressed in detail in relation to MARA's requirement to have regard to the National Marine Planning Framework under Section 3.1 of this report and recommends suitable conditions to be included in the licence within MARA's legislative remit.

**Public Body Submission 5: Marine Survey Office (MSO)**

**Submission summary**

The MSO noted no objection to the granting of a licence in respect of the proposed maritime usage. They noted the location of the proposed maritime usage within high density shipping as well as active commercial fishing and recreational traffic, the presence of underwater cables, the need for consideration for safe navigation, publication of a marine notice, conformity with Irish certification standards for vessels and the provision of data to the UK Hydrographic Office. In addition, the MSO also noted the need for any marking and lighting required for moored instruments to be carried out in consultation with the MSO and Commissioner of Irish Lights.

**MARA's 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 and the need for vessels to conform with the requirements of Irish certification standards. 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 – this requirement has been incorporated into our overall assessment of the licence application.

**Public Body Submission 6: Bord Iascaigh Mhara (BIM)**

**Submission summary**

The submission notes reference in the AIMU report associated with the MUL application to seed mussel grounds located between the proposed array area and the coastline around Wexford Bay and Wicklow. BIM stated that while there is some overlap with historical seed mussel beds, those beds date back from the early 2000s. Recent surveys did not indicate any suitable seed mussel settlements in this particular area.

**MARA's response:**

MARA notes the submission and information provided relating to the seed mussel beds. It is recommended that a condition be included in the licence, if granted, requiring the applicant to appoint a fisheries liaison officer to engage with the fishing community during the proposed activity.

Public Body Submission 7: Dun Laoghaire Rathdown County Council (DLRCC)

Submission summary

DLRCC submitted two admiralty chart excerpts showing both the harbour limits and the approach channel to Dun Laoghaire Harbour. DLRCC requested that where survey activity is to be undertaken within the harbour limits or along the approach, this be coordinated with the Dun Laoghaire Harbour Master to ensure navigational safety.

MARAs response:

MARA notes the submission and also the overlap in the proposed maritime usage area, the harbour limits and the approach to the harbour in Dun Laoghaire. Conditions are included as standard in Marine Usage Licences in respect of the requirement to publish marine notices and also to requiring the holder to consult with the relevant port/harbour authority in order that any potential disruption to harbour operations is managed.

**7. Public consultation**

A 30-day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations (2011, as amended) and under section 117(6)(b) of the MAP Act commencing on 19<sup>th</sup> November 2025. Six submissions (6 no.) were received from members of the public. The following table summarises the submissions received. One submission was in support of the proposed maritime usage; the other five submissions were objecting to the granting of a maritime usage licence. The issues raised in the submissions are summarised below, along with MARAs response. The issues raised in the submissions are noted and addressed as part of this marine advisor report and also as part of the Appropriate Assessment, where relevant. The MARA website should be referred to for details of the full submissions.

- *Appropriate Assessment screening*

The submissions repeatedly referred to the information submitted by the applicant in the Supporting Information for Screening for Appropriate Assessment (SISAA) and the dissatisfaction with the approach to appropriate assessment screening.

MARAs Response:

MARA, as the competent authority for undertaking appropriate assessment for the purposes of maritime usage licences, made an appropriate assessment screening determination on 6<sup>th</sup> May 2025. While the determination was informed by the information in the SISAA report, the determination was made, by MARA, based on the best available scientific information. A Stage 2 Appropriate Assessment was subsequently undertaken by MARA. The AA concluded that with adherence to mitigation measures, as specified by MARA, 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.

- *Environmental Impact Assessment screening*

The submissions raised the issue that the EIA screening undertaken was not sufficient and failed to show the workings of the conclusion. It is stated in one submission that the Marine Usage Licence constitutes development consent for the purposes of the EIA Directive. The issue of the shallow depth of the boreholes is also raised in several submissions and the

lack of preciseness of the locations of the proposed boreholes. The absence of adherence to the requirements of the Strategic Environmental Assessment Directive is also raised.

MARAs response:

MARA considered if the nature of the proposed maritime usages are of a type listed as a project for which an EIA is required under Annex I and II of the EIA Directive, as transposed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). It was concluded that none of the proposed maritime usages and associated activities were of a type listed in Schedule 5 and therefore detailed consideration of the likely significant effects of the proposed usages was not necessary or indeed required under the EIA Directive.

In reaching this conclusion MARA has specifically considered the nature of the proposed borehole investigations in light of paragraph 2(e) of Schedule 5 Part 2. This paragraph lists project types related to the "Extractive Industry" and paragraph (e) specifies deep drilling as a project which may require an EIA where it is likely to have a significant effect on the environment. However, Paragraph 2(e) of the 2001 Regulations, following paragraph 2(d) of Annex II of the EIA Directive, expressly excludes drilling "for investigating the stability of the soil". As this is the purpose of the proposed borehole investigations MARA is satisfied that such activity does not therefore constitute a project for which an EIA is required and no further consideration of the likely significant effects of the proposed maritime usages is warranted in order to conclude our screening for EIA.

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) relates to the systematic evaluation of the likely significant environmental effects of implementing a plan or programme. MARA is not required to consider the requirements of the SEA Directive for the purposes of assessing maritime usage licences.

- *Lack of consideration of cumulative/in-combination effects of surveys at the EIA screening stage*

The submissions stated that the surveys proposed as part of this licence application form part of a long running and intensive sequence of marine investigations associated with multiple offshore renewable energy projects in the region. The submissions raise that the cumulative contribution to disturbance, noise exposure, seabed modification and displacement pressure must be assessed.

MARAs response:

While the issue of in-combination effects is raised in the context of EIA screening, MARA has considered the proposed maritime usage alone, and in-combination with other plans and projects as part of the Stage 2 Appropriate Assessment. This is discussed in detail within the Appropriate Assessment report and suitable mitigation measures are required, and recommended for inclusion as conditions of the licence, on foot of this assessment. It is also recommended that a condition be included in the licence, if granted, requiring the use of publicly available data where possible.

- *Requirement for a derogation licence*

The submissions raised that the applicant fails to adhere to the requirements for strict protection, the absence of a derogation licence and substantial comments on a potential derogation licence.

MARAs response:

The responsibility for granting a derogation under Regulation 54 of the Birds and Habitats Regulations sits with the National Parks and Wildlife Service. The applicant stated in their application that they do not require a derogation from the NPWS. The licence, if granted, will include a condition stating that the licence does not negate the Holders statutory obligations or requirements under any other law.

The applicant submitted an Annex IV risk assessment in support of the licence application. This has been discussed in detail under Section 3 National Policy and EU Directives, with appropriate conditions recommended for inclusion in the licence on foot of MARAs assessment.

- *Lack of engagement with fishing community*

The submissions noted that there has been a lack of engagement with the fishing community with regard to the proposed maritime usage, despite repeated requests for engagement.

MARA response:

There is no legal obligation requiring the applicant to undertake formal engagement with the fishing community prior to submitting a licence application to MARA. The impacts of the proposed maritime usage on the fishing community have been considered as part of the assessment of this licence application. It is recommended to include a number of conditions in the licence relating to ensuring transparency of the proposed maritime usage and protection of fishing gear. These include the requirement to publish marine notices in a timely manner, the appointment of a fisheries liaison officer and a requirement not to interfere with fishing gear or obstruct any fishers or vessels engaged in fishing.

- *Importance of fishing grounds on Codling bank*

The ineffectiveness of mitigation of impact on commercial fisheries is repeatedly raised by the submitters. In particular, the submissions raise dissatisfaction at the mitigation measures proposed within the NIS submitted by the applicant to minimise or mitigate the impacts on the fishing industry. The importance of the area within the proposed maritime usage for the purposes of fishing for lobster, brown crab, velvet crab, shrimp, fish and whelk is raised.

MARA response:

The impacts on the commercial fisheries are considered under *Section 3.6 Marine Strategy Framework Directive* of this report. The submission from Bord Iascaigh Mhara in respect of this licence application noted that recent surveys did not indicate suitable mussel seed beds within the proposed licence area. While the commercial fishing species referred to above are not subject to protection under the Habitats Directive, conditions are recommended to be included in the licence, if granted, that will ensure protection of fishing gear and engagement with the fishing community, as referred to above.

- *Site suitability for construction of an offshore windfarm*  
Several submissions raised concerns over the site selection for the proposed offshore windfarm and the inappropriateness of the site for such a development.

MARA response:

The suitability of a site for the purposes of developing an offshore windfarm is not within the remit of assessment of this licence application, rather a subject for assessment under the development application currently under consideration with An Coimisiún Pleanála.

- *Failure to appropriately consider the requirements of the SEA Directive, Marine Spatial Planning Directive, Public Participation Directive, Climate Action and Low Carbon Development Act, European Convention of Human Rights, National Marine Planning Framework and Designated Marine Area Plans.*

MARA response:

The legislative requirements to which MARA must consider are set out in the MAP Act and have been considered and addressed under *Section 3 National Policy and EU Directives* of this report. The adoption of the South Coast Designated Maritime Area Plan (DMAP) gives effect to the decision of the Government that all post-Phase One ORE developments in Ireland will be located within maritime areas identified for ORE development through the establishment of DMAPs. The proposal to develop an ORE development by the applicant is considered a Phase One ORE development and as such subject to the previous developer led policy approach of the government.

- *The duration of the proposed maritime usage*  
The applicant has applied for a licence duration of five years. The submissions note that the application also refers to works as short duration and the proposed undertaking of multi-activity programmes over prolonged periods, typically up to five years.

MARA response:

The preface to the MAP Act sets out the intention that maritime usage licences will be for maritime usages that are minor or intended to be undertaken for relatively short periods of time. The requested duration for the licence application was 5 years. However, based on the proposed duration of activities, it is recommended (*Section 2. Description of Proposed Maritime Usage*) that a licence for 3 years be granted.

- *Failure to publish all documentation*  
One submission raised that the full response to a request for additional information had not been uploaded to MARAs website, restricting the transparency of the application process. A further aspect of the transparency of the process related to the absence of access to the outputs from previous surveys.

MARA response:

The response to the request for additional information received on 19<sup>th</sup> June 2024 relates to Geographic Information Systems (GIS) shapefiles that were attached to an email. The information relates to GIS information required to generate the map of the proposed

maritime area and is reproduced in the form of the [MARA map](#)<sup>5</sup> available on MARAs website. There is no requirement, as part of this licence assessment process, to publish outputs from previous surveys.

- *MARAs lack of access to technical expertise*  
One submission stated that MARA does not have access to the requisite expertise when discharging duties under the EIA and Habitats Directives.

MARA response:

The assessment of licence applications is undertaken in MARA by the staff of the Assessment, Research and Data Unit, a specialist unit with appropriate expertise in environmental assessment.

- *Independent report from Aster Environmental Consultants Ltd*  
Several submissions also had a report prepared by Aster Environmental Consultants Ltd appended. The report concluded that the NIS submitted by the applicant, in support of the MUL application, fails to comply with Article 6(3) of the Habitats Directive. Furthermore, the report concluded that the NIS underestimates duration and cumulative disturbance, ignores trophic and spawning effects, relies on outdated and non-compliant marine mammal guidance, fails to quantify acoustic or population impacts and admits the need for a derogation, confirming disturbance will occur.

MARA response:

The report critiqued the NIS submitted by the applicant in support of the licence application. The purpose of the NIS is to inform the appropriate assessment undertaken by the competent authority, in this case MARA. The appropriate assessment has been undertaken by MARA, using the best available scientific information and the expertise of the competent authority. The appropriate assessment includes the implementation of mitigation measures, that must be included in the licence as conditions, to ensure the proposed maritime usage will not adversely affect the integrity of any European sites, in view of the conservation objectives of those sites.

**Recommendation**

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to Codling Wind Park Limited, Trintech Building, 2<sup>nd</sup> Floor, South County Business Park, Leopardstown, Dublin 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 Appendix 1.



**Suzanne Wylde**

Senior Marine Advisor

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<sup>5</sup> [MARA MAP - MARA - Maritime Area Regulatory Authority](#)

## Appendix 1: Recommended Conditions

### Recommended term of licence for inclusion in the *Particulars Schedule*:

Recommended Term of licence to be 3 years from the date of commencement.

**Reason:** To ensure the orderly administration of licensed maritime usages in the maritime area.

### Recommended conditions for inclusion in *Appendix 2: Specific Conditions of the Marine Usage Licence, if granted*.

1. The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted in support of the application for this Licence.

Reason: To clarify the scope of this licence and ensure protection of the marine environment.

2. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage, National Monuments Service, located at G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0, and comply with all applicable requirements set forth by the Unit.

Reason: To ensure protection of maritime heritage.

3. 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.

4. 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.

5. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with **Dublin Port Company and/or Dun Laoghaire Rathdown County Council and/or Wicklow County Council, as relevant**, 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.

6. During the course of the intertidal operations the Holder shall use all reasonable efforts to ensure that existing public access arrangements are maintained, and all necessary precautions are put in place to protect the public. The Holder shall retain photographic evidence of all such arrangements made and precautions taken during the course of the works.

Reason: To minimise impact on other users of the intertidal area and ensure the orderly undertaking of the permitted maritime usage.

7. The Holder shall ensure that all vessels engaged in this Permitted Maritime Usage conform to Irish Certification standards for vessels, as required by the Marine Survey Office.

Reason: To ensure protection of the marine environment.

8. The Holder shall demonstrate all reasonable practical measures are taken to ensure that all vessels used in the Permitted Maritime Usage are free of invasive marine species on their hulls and in their ballast water and that all vehicles and equipment used in the Permitted Maritime Usage are free of invasive marine species.

Reason: To ensure protection of the marine environment.

9. Marine Mammals

- (i) The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage. The Holder shall ensure the marine mammal observer(s) shall satisfy the requirements of the most up to date national guidance. During the activity the Holder shall comply with the directions of the marine mammal observer(s).
- (ii) The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with the most up to date national guidance.
- (iii) The Holder shall, within 30 days of the completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to [offshore@npws.gov.ie](mailto:offshore@npws.gov.ie) and [compliance@mara.gov.ie](mailto:compliance@mara.gov.ie)
- (iv) The Holder shall publish the report and recording and data forms on their website within 60 days of completion of the Permitted Maritime Usage unless otherwise agreed with the Grantor.

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

**10. Birds**

- (i) The Holder shall not undertake geotechnical and geophysical surveys within the South Dublin Bay and River Tolka SPA and The Murrrough 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.

**11. Reef Habitat Protection**

- (i) No geotechnical activities shall take place in Reef habitat (EU Annex 1 habitat code 1170) in the Rockabill to Dalkey Island SAC and in the Wicklow Reef SAC.
- (ii) Prior to the commencement of the geotechnical activities in the Rockabill to Dalkey Island SAC and in the Wicklow Reef SAC, a drop-down video shall be deployed, and imagery shall be recorded and retained, at each sampling location to ensure reef habitat is avoided in the course of such geotechnical activities.

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

**12. Landfall site/Intertidal**

- (i) The Holder shall ensure that an ecologist will be on site during all intertidal surveys carried out as part of this Permitted Maritime Usage in order to minimise disturbance and ensure site integrity is maintained.
- (ii) Access to the intertidal area shall be exclusively through existing access routes.
- (iii) Disturbance of dune habitat and vegetation shall be avoided by machinery and personnel.
- (iv) Any temporary access arrangements or structures that are put in place to allow machinery access to the shore area, shall be prepared or installed in consultation with the ecologist. The site should be fully reinstated post works.
- (v) Silt protection measures shall be put in place if deemed necessary by the ecologist.

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

**13. 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 **10km** radius of the Licensed Area.
- (ii) Where a vessel to vessel distance of greater than **10km** 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 **10km**, 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.

- 14.** On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at <https://ukhodataupload.admiralty.co.uk/> or [sdr@UKHO.gov.uk](mailto:sdr@UKHO.gov.uk) and the INFOMAR program at [support@geodata.gov.ie](mailto:support@geodata.gov.ie) with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

Reason: To ensure the safety of navigation at sea and the protection of the marine environment through availability of monitoring data.

- 15.** The Holder, upon completion of the Permitted Maritime Usage, shall submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Climate, Energy and the Environment at [marine.env@housing.gov.ie](mailto:marine.env@housing.gov.ie). This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.

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

**16.** 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.

**17. Fisheries Liaison Officer**

The Holder shall appoint a Fisheries Liaison Officer, at least two weeks prior to the commencement and for the duration of the Permitted Maritime Usage, to consult with the Sea Fisheries Protection Authority and relevant fishers groups in order to ensure that appropriate actions are taken to avoid or minimise any adverse interactions between the Permitted Maritime Usage and any ongoing fishing activities in the Licensed Area.

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

**18.** 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.

**19. Community Liaison Officer**

The Holder shall appoint a Community Liaison Officer, at least two weeks prior to the commencement and for the duration of the Permitted Maritime Usage, who may be consulted by relevant stakeholders in order to ensure that appropriate actions are taken to avoid or minimise any adverse interactions between the Permitted Maritime Usage and any other activities or operations, not including fishing activities, in the Licensed Area.

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

**20.** 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.

**21.** The Holder shall take all practicable efforts to ensure that any arisings from boring and drilling activities are collected and are stored and disposed of in accordance with the relevant National and European waste legislation and protocols as may be amended from time to time.

Reason: To ensure the protection of the marine environment.

**22.** The Holder shall consider any publicly available survey data, and usage of same where appropriate and feasible to do so, in order to avoid duplication of survey activity in the Licensed Area.

Reason: To ensure protection of the marine environment.

- 23.** 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](mailto:GeologicalMappingInfo@gsi.ie) and in the format requested by the GSI.

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