

Maritime Usage Licensing and Planning Advisory Directorate

Maritime Usage Licence Assessment Report

To:	John Evans, Director	From:	Dr. Micheál Mac Monagail Marine Analyst Dr Ciar O'Toole Senior Marine Advisor	
Date	14/05/2026	Maritime Usage Licence Application No:	MUL230038	
Applicant:	Uisce Éireann, Colvill House, 24-26 Talbot Street, Dublin 1			
Licence application received:	24/01/2025			
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	3. Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.			
Location of proposed Maritime Usage:	Marine surveys within Ballyness Bay, Falcarragh, Co. Donegal			
Environmental Impact Assessment (EIA) Screening	Not required (EIA Screening Form dated 21/08/2025)			
Request for additional information (RAI) under Section 117(6)a:	31/03/2025; 10/04/2025; 21/08/2025; 10/10/2025; 13/11/2025			
Response to RAI received:	07/04/2025; 16/04/2025; 04/09/2025; 29/10/2025; 30/01/2026			
Environmental Impact Assessment (EIA) screening:	Not required (EIA Screening Form dated 21/08/2025)			
Notice requesting Natura Impact Statement (NIS) issued:	13/11/2025	Natura Impact Statement received:	30/01/2026	
Public body consultation:	13/10/2025 to 12/11/2025	Observations from public bodies received:	Ten	
Public consultation:	Request for public consultation sent to applicant 11/02/2026, public consultation occurred 05/03/2026 to 07/04/2026	Submissions from the public received:	None	

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1. Background

Uisce Éireann (UÉ, the applicant) has applied to the Maritime Area Regulatory Authority (MARA) for a Maritime Usage Licence (MUL) to undertake marine environmental surveys for the purposes of site investigation, falling under Schedule 7(3) of the Maritime Area Planning Act 2021 as amended (the MAP Act). The proposed maritime usage activities are required to inform water quality models supporting UÉ 's capital delivery programme to improve wastewater treatment.

A number of documents were submitted by the applicant, Uisce Éireann, as part of their application for a Maritime Usage Licence (MUL). The relevant documents submitted by the applicant include the MUL application form dated 12/12/2024, and the Natura Impact Statement (NIS) report submitted to MARA on 30/01/2026.

2. Location and Description of the Proposed Maritime Usage

The activities have been assessed as potentially occurring at any time of year. Table 1 outlines the proposed marine environmental surveys and timescales. The applicant has requested a licence duration of five years.

Table 1 - Proposed marine environmental surveys and the estimated duration of activities, across all sites, unless otherwise stated.

Proposed activity	Estimated duration
Installation of 1 no. weather station to aid in the validation of data	12 months
Installation of 5 no. tidal gauges	12 months
Installation of 4 no. current meters with vertical profiles and conductivity, temperature, and depth (CTD) device	Approx 35 days
Installation of 3 no. river flow and stage gauges	12 months
Deployment of an aerial drone to conduct a Light Detection and Ranging (LiDAR) survey to establish bathymetry of the licence area	
Deployment of Multi Beam Echo Sounder (MBES) via boat	1 occasion
Deployment of an autonomous ARC Boat	Approx. 35 days
Deployment of hydro-drone to conduct dye and microbial tracing survey to understand dispersion pattern of effluent and to aid conceptual model calibration and verification processes under different conditions	Up to 3 occasions
Water quality sampling within the bay and rivers	12 months
Maintenance of the tidal and flow gauges, and 1no. weather station	As required throughout 12-month period
Decommissioning/removal of all surveying equipment at the end of the survey period.	1 occasion

Note: the application also included the proposed aerial drone surveys however these are outside of the scope of this application as they are not within the maritime area as defined in the MAP Act.

2.1 Brief description of the site characteristics

The proposed Maritime Usage Licence area covers approximately 56.9 km² and extends along the northern coast of Donegal from the townland of Meenaclady in the west across Ballyness Bay to Pollaguill at the eastern extent of the proposed licence area (Figure 1). Ballyness Bay is a sheltered tidal inlet on the north-west coast of Donegal, near *Gort a' Choirce* and *An Fál Carrach*. The bay forms a large, shallow estuarine complex characterised by extensive intertidal sandflats and mudflats exposed at low tide. Substrates are predominately sand and mud overlying pelitic geology, with smaller areas of limestone and quartzite. The proposed MUL area spans two water bodies: Ballyness Bay and the Northwestern Atlantic Seaboard, with water depths ranging from the intertidal zone to approximately 25m below chart datum. The surrounding coastline comprises rocky headlands, sheltered coves and significant dune systems, with the offshore islands of Inishbofin, Inishdooney and Inishbeg located to the north-west. The proposed MUL application area overlaps qualifying interests within the Ballyness Bay SAC, Horn Head and Rinclevan SAC, and Gweedore Bay and Islands SAC.

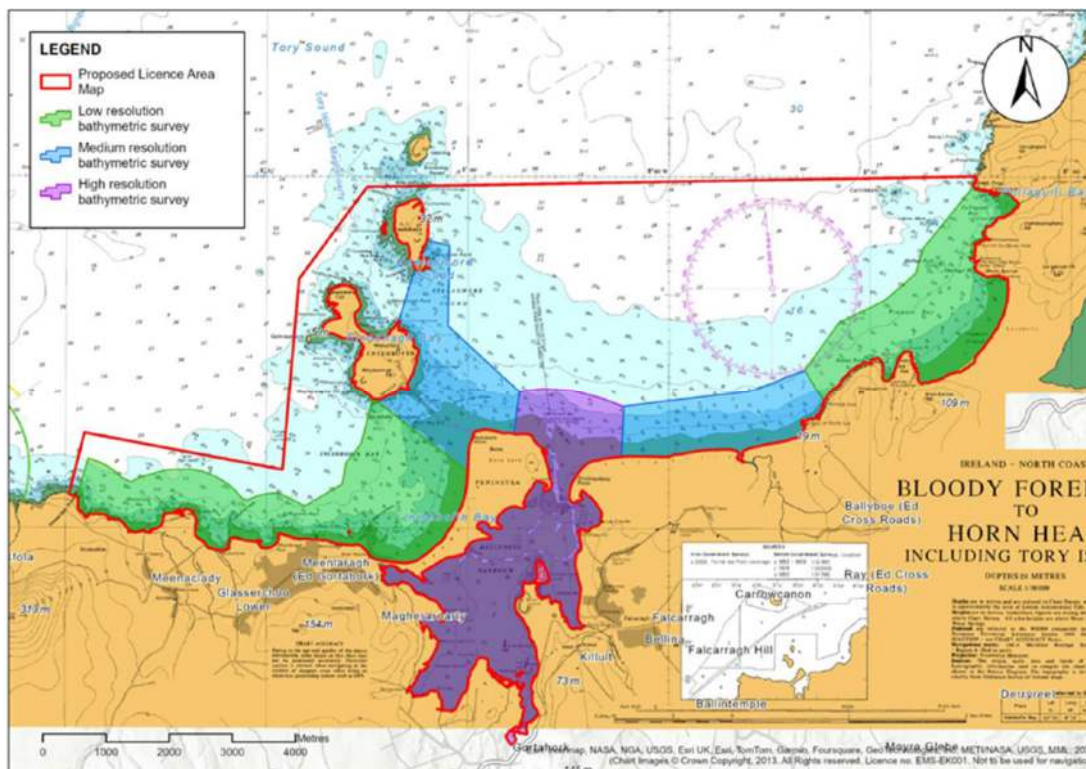


Figure 1: Proposed Maritime Usage Area; Ballyness Bay, Donegal, and surrounds.

3. Assessment

In undertaking the assessment of this licence application MARA had regard to the requirements of Section 6(8), the Marine Policy Planning Statement (MPPS), and Section

121(2) of the Maritime Area Planning Act, 2021, as amended, which sets out the marine policy and legislation to which regard must be had in considering a licence application.

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. MARA must have regard to NMPF, which sets the framework for implementing the forward planning component of our marine planning system as set out in the MPPS. The NMPF comprises overarching marine planning policies structured under three high level objectives – Environmental – Ocean Health, Economic – Thriving Maritime Economy and Social – Engagement with the Sea – as well as sector-specific policies. A number of environmental policies detailed in the NMPF are covered in other sections of this report, including, but not limited to, the National Biodiversity Action Plan (NBAP), the Birds and Habitat Directives, the Water Framework Directive, and the Marine Strategy Framework Directive (MSFD).

The proposal By Uisce Éireann to undertake site investigations to inform water quality models supporting their capital delivery programme to improve wastewater treatment, is consistent with the broader context of Marine spatial planning, specifically:

Environmental – Ocean Health: The NMPF requires that proposals protect and, where possible, enhance marine ecosystem health. The proposed maritime usage is temporary and non-intrusive in nature and not expected to result in significant impacts on marine habitats and species.

Environmental – Water Quality: The NMPF water quality policies seek to prevent deterioration in water quality, including waters of designated shellfish areas. The proposed maritime usage is not expected to result in discharges or disturbance that would significantly affect water quality.

Economic – Thriving Maritime Economy: The NMPF supports the provision of infrastructure that helps sustainable economic development in coastal areas. The proposed maritime usage would inform the design and delivery of wastewater infrastructure essential in supporting the future development of coastal communities.

Social – Engagement with the Sea - Heritage Assets: The NMPF requires proposals to avoid or minimise impacts on marine cultural heritage assets. No significant impacts to cultural heritage are anticipated.

In addition, the proposal aligns with relevant sector-specific policies of the NMPF relating to wastewater treatment and disposal, which seek to:

- To bring and maintain public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting, through increased wastewater treatment based on best available techniques, with a focus on, inter alia, ensuring full compliance with the Urban Wastewater Treatment Directive and wastewater licensing requirements.
- To support communities and sustainable development in coastal areas through the provision of resilient water services, now and into the future.

The proposed site investigations are necessary to support the future delivery of such infrastructure and are therefore consistent with these policy objectives.

3.2 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive)

MARA carried out a screening for EIA of the proposed maritime usage having considered Schedules 5 and 7 of the Planning and Development Regulations 2001. An EIA Screening Form was issued by MARA on 21/08/2025 and it was concluded that the activities do not fall within the scope of the EIA Directive and therefore an EIA is not required.

3.3 National Biodiversity Action Plan (NBAP)

Ireland's 4th National Biodiversity Action Plan sets the national biodiversity agenda for the period 2023–2030. The objectives of the NBAP focus on the conservation and restoration of biodiversity. Objective 2 of the NBAP is to meet urgent conservation and restoration needs. Part of its focus is to elevate efforts to tackle invasive alien species. It is recommended that a condition be included in the licence, if granted, to address the potential risks from invasive alien species as a result of the survey activities. Sections 3.5–3.8 of this report also address the Habitats and Birds Directives, WFD and MSFD and recommend conditions to minimise impacts on biodiversity from the proposed activities.

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

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended (the 'Climate 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 nature of the proposed activities, no significant increases in carbon emissions are expected to be produced.

3.5 Water Framework Directive (2000/60/EC)

The Water Framework Directive (WFD) requires EU member states to protect and improve water quality in all waters to achieve at least good ecological status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The ecological status of coastal waterbodies is based on the assessment of biological quality elements (phytoplankton, benthic invertebrates, macroalgae, angiosperms) as well as supporting

chemical (specific pollutants), physico-chemical (e.g. temperature, salinity, nutrients) and hydromorphological quality elements. The proposed activity will take place across two coastal water bodies, Ballyness Bay and Northwestern Atlantic Seaboard, and no transitional water bodies (Table 2).

Table 2: Water Framework Directive waterbodies in relation to the MUL application area from the reporting period 2019–2024, including status, risk and significant pressures for the at-risk waterbodies¹.

Waterbody name & code	Waterbody type	Ecological status & Risk*	WFD significant pressures	Proposed activities within waterbody
Ballyness Bay	Coastal	High & Not at risk	Nutrients & agriculture	The SI activities will primarily take place in this waterbody.
Northwestern Atlantic Seaboard	Coastal	High & Not at risk	Nutrients & agriculture	Some activities will take place in this waterbody.

*At risk means at risk of not achieving good status by 2027; not at risk means no risk in maintaining current status.

The proposed MUL activities consist primarily of vessel-based bathymetric and environmental monitoring, with limited, low impact works in the intertidal zone. Given the small scale and short duration of the proposed maritime usage activities, there is not expected to be a deterioration in the ecological status of any WFD waterbody as a result of the proposed activities. To minimise any residual risk to water quality, standard conditions are recommended to be included in the licence, if granted, including compliance with Irish vessel certification standards and the implementation of an oil spill emergency response plan.

The applicant has stated that dye tracing will be carried out with Rhodamine WT below the maximum allowable concentration quality standard of >910 µg/L (derived from the literature) and that Rhodamine WT is not listed as a priority or hazardous substance under the European Communities Environmental Objectives (Surface Waters) Regulations, the WFD or OSPAR, and as such, no statutory environmental quality standard applies to its use. The applicant has also stated that once released into surface waters, Rhodamine WT is subject to photolytic degradation, with rate coefficients in natural sunlight ranging from approximately 0.0316–0.0477 day⁻¹, corresponding to a half-life of 1–3 weeks (depending on season and latitude). Furthermore, the applicant states that the dye’s high-water solubility and low lipophilicity

¹ From www.catchments.ie

mean that it does not readily partition into sediments or organisms, and any visual dye plume is expected to be temporary and locally confined, dissipating with tidal mixing.

3.6 Marine Strategy Framework Directive (2008/56/EC)

The Marine Strategy Framework Directive (MSFD) sets the framework for European marine environmental policy. It aims to achieve Good Environmental Status (GES) for all marine waters in Europe and protect the resource base for marine related economic and social activities. Ireland’s 2024 assessment² under Article 8 of the MFSD sets out the status of the 11 qualitative descriptors that describe the state of the marine environment. Table 3 sets out the status of the relevant descriptors and assesses the potential impacts of the proposed activities.

Table 3: Assessment of impact of proposed activities on MSFD descriptors

MFSD Descriptor	Good Environmental Status achieved	Assessment
Biological diversity	Partially achieved	MARA has undertaken an Appropriate Assessment (AA) in respect to the proposed maritime usage (see Section 3.8). Mitigation measures have been identified and are recommended to be included in the Proposed Licence, which address potential impacts on biological diversity (including protected habitats and species).
Non-indigenous species	Yes	To ensure that the proposed maritime usage activity does not result in the unintended introduction of non-indigenous species, it is recommended that a condition be included in the proposed Maritime Usage licence, if granted, relating to the control of invasive species in the hulls and ballast water of the relevant vessels and equipment and vehicles used in the intertidal area.
Population of commercial fish/shellfish	Partially achieved	<u>Aquaculture/Fisheries Orders</u> : There are no active licenced aquaculture sites in the vicinity of the proposed maritime usage. There are applications under assessment by the Department of Agriculture, Fisheries and the Marine for a number of aquaculture sites within Ballyness Bay. It is not considered the

² [Ireland's Marine Strategy Part 1: Article 8, 9 and 10 report 2024.](#)

		planned MUL activities will negatively impact on future aquaculture activities in the bay. <u>Commercial Fisheries</u> : There are some fishing activities in the proposed maritime usage areas. This topic is considered further in Section 4.
Marine food webs	Unclear	The balance and diversity in marine food webs are not expected be impacted as a result of the proposed activity.
Eutrophication	Yes	The proposed maritime usage does not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving GES.
Sea-floor integrity	Partially achieved	The seabed habitat in the MUL application area will experience some small temporary disturbance due to some proposed activities. However, most of the proposed maritime usage activities are primarily non-intrusive and are not expected to result in disturbance to sea floor integrity. It is not expected that the activities will negatively impact on the GES status of this descriptor.
Alteration of hydrographical conditions	Yes	The proposed activities will not alter the hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) in the MUL application area. There will be no impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	The proposed Maritime Usage licence will require inclusion of a condition relating to preparation of an oil pollution emergency plan in the case of an oil spill to mitigate for any accidental introduction of contaminants to the marine environment. There are no other pathways identified where the proposed maritime usage could negatively impact contaminant concentrations in the survey area.
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 and therefore, will not impact on the GES status of this descriptor.
Marine Litter	No	The proposed maritime usage/activities will not result in the introduction of marine litter to the marine environment and thus will not impact on the

		achievement of GES status of this descriptor. The Proposed Licence includes 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	The impacts of underwater noise introduced as a result of the proposed maritime usage activity are assessed in the appropriate assessment and the Annex IV Risk Assessment associated with this proposed Maritime Usage application. It was determined no mitigations were required relating to marine mammals and the management of underwater noise disturbance.

3.7 Annex IV species

Articles 12 and 13 of the Habitats Directive (92/43/EC) impose obligations on Member States to establish a system of strict protection for animal and plant species listed on Annex IV of the Directive. The applicant submitted a Risk Assessment for Annex IV Species in support of their MUL application. The risk assessment considered the scope of the proposed site investigation activities, and consideration of the potential impacts on some of the relevant Annex IV species in the proposed maritime usage area. The conclusions of the Risk Assessment for Annex IV species submitted by the Applicant are supported by current evidence. Updated JNCC guidance (JNCC, 2025) confirms that MBES/SBS do not produce underwater noise at levels associated with risk to cetaceans and therefore does not warrant mitigation. As such, no conditions relating to underwater noise or marine mammals are required. The Applicant considers Collision Risk from the deployment of vessels in the area to be considered extremely unlikely due to the low speed at which the survey vessels will be operating, therefore they are assessed to not have any significant impact on the species included in this report; MARA would agree with this assertion.

In preparation of this report, I have carried out an assessment of potential impacts on otter in the proposed maritime area. Otter may also be sensitive to visual disturbance from human presence and vessel activity, particularly where activity occurs close to shorelines, river mouths or intertidal areas (e.g. Tullaghobegly, Glenna and Owenawillin rivers). However, otters are generally tolerant of routine human activity and vessel movements, with significant behavioural responses typically associated with sudden, close-range or irregular disturbances rather than low-intensity vessel activity (Chanin, 2003). Considering the limited duration and low intensity of the proposed vessel surveys, the availability of extensive alternative habitat

along the coastline, and the mobile nature of the species, no potential negative disturbance to otter is expected.

The applicant has stated that a derogation licence from the National Parks and Wildlife Service (NPWS) under the (Birds and Natural Habitats) Regulations 2011 as amended, is not required for the proposed maritime usage.

3.8 Appropriate Assessment

The Habitats Directive (92/43/EC) and the Birds Directive (2009/147/EC) are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended (the Regulations) and by Part XAB of the Planning and Development Act 2000. The application was subject to screening for appropriate assessment (AA) by MARA in accordance with the Regulations. MARA made an Appropriate Assessment (AA) Screening Determination on 12/11/2025 which concluded that the proposed maritime usage will require Stage 2 AA as it could not be excluded, on the basis of objective scientific information, that the proposed project, either individually or in-combination with other plans or projects, will have a significant effect on European sites. Following MARA's screening determination, the applicant submitted a Natura Impact Statement, submitted to MARA on 30/01/2026. The applicant undertook a period of public consultation on the application and the NIS from 05/03/2026 to 07/04/2026. MARA also consulted with relevant public bodies, receiving submissions from nine. These submissions are detailed in Section Six.

Eleven European Sites were screened in for appropriate assessment by MARA as part of MARA's Appropriate Assessment screening determination dated 12/11/2025. These included five Special Area of Conservation (SAC) and six Special Protection Area (SPA). These European sites, their Qualifying Interests (QIs) also referred to as Special Conservation Interests (SCIs) for the SPA site and likely or potential source of impact as a result of the proposed maritime usages are given in Appendix 1.

3.8.1 Assessment of Likely/Potential Impacts on European Sites

Potential impacts have been identified for several Qualifying Interests and Special Conservation Interests at a number of SAC and SPA sites (Appendix 1), and this section considers those impacts on an individual basis. The Appropriate Assessment screening report and determination issued by MARA identified that visual disturbance, above-water sound sources associated with survey activities, and potential barriers to connectivity could occur at a level and duration capable of resulting in significant negative effects on certain Qualifying Interests, particularly seals and bird species, at several European sites. Any mitigation measures recommended on foot of this assessment are set out in Section 3.8.5 – Mitigation Measures.

Site Investigation activities will occur in both the subtidal and intertidal area. As the proposed works do not involve significant interaction with the seabed, with the installation of environmental monitoring equipment unlikely to cause significant impacts to Annex I habitats, no Annex I habitats have been screened in.

The impacts that have been identified that have the potential to cause significant impacts on European sites and their designated species or habitats are:

- i) Temporary visual and above water disturbance to seal and otter
- ii) Temporary visual and above water disturbance to birds
- iii) Temporary barrier to connectivity and recruitment?

Temporary visual and above-water noise disturbance to seal and otter

The proposed marine usage will involve vessel and ARC Boat-based activities, which have the potential to cause temporary visual and above-water noise disturbance to marine mammals associated with nearby European sites. Horn Head and Rinclevan SAC was screened in due to the potential for disturbance from vessel and ARC Boat operations affecting Grey seal, a qualifying interest of the site (Appendix 1). Grey seal, Harbour seal and otter associated with neighbouring European sites, namely Slieve Tooney/Tormore Island/Loughros Beg Bay SAC, Cloghernagore Bog and Glenveagh National Park SAC and Rutland Island and Sound SAC, may also forage within the MUL area and could exhibit short-term behavioural responses to human activity on the shore or from vessels.

Grey seal and Harbour seal are visually alert (Southall et al. 2007) and rely on sound for communication and social interaction (Pozo Galván et al. 2024). The presence and movement of survey vessels associated with shore-based activities may result in short-term flushing from haul-out sites, temporary avoidance behaviour, or changes in movement and foraging behaviour (Ruiz-Mar et al. 2022). Both seal species are also sensitive to airborne noise, particularly during resting, moulting and pupping periods when animals are hauled out and more vulnerable to disturbance (Andersen et al., 2012). However, such responses are typically localised and reversible, with animals expected to resume normal behaviour once disturbance ceases.

While temporary behavioural disturbance cannot be entirely ruled out, particularly where survey activities occur near suitable foraging areas, the risk of significant disturbance is low. There are no known seal-haul out sites in close proximity to the MUL area, with the nearest grey seal haul out sites located approximately 3.5 km from the Horn Head and Rinclevan SAC boundary. Given this separation distance, together with the low level, short duration and localised nature of vessel and ARC Boat activities, significant disturbance to Grey or Harbour seal is not predicted as a result of the proposed MUL activity and therefore no mitigation is required.

Otter may also be sensitive to visual disturbance from human presence and vessel activity, particularly where activity occurs close to shorelines, river mouths or intertidal areas (e.g. Tullaghobegly, Glenna and Owenawillin rivers). However, otters are generally tolerant of routine human activity and vessel movements, with significant behavioural responses typically associated with sudden, close-range or irregular disturbances rather than low-intensity vessel activity (Chanin, 2003). Considering the limited duration and low intensity of the proposed vessel surveys, the availability of extensive alternative habitat along the coastline, and the mobile nature of the species, no significant disturbance to otter is expected.

Temporary visual and above-water noise disturbance to birds

Six SPAs were screened in for Appropriate Assessment (Appendix 1) as they support breeding and foraging birds that may be sensitive to visual and above-water noise disturbance throughout the year. Vessel and ARC Boat survey activities may cause temporary disturbance to birds, including short-term flushing or displacement, particularly where activities occur close to nesting, foraging, intertidal or coastal habitats within or adjacent to the proposed MUL area.

Several bird species listed as Special Conservation Interests (SCIs) may be affected at different times of the year, depending on breeding and foraging activity. Disturbance arising from vessel presence and intertidal survey work may result in behavioural responses in seabirds, including temporary displacement from nests (Chatwin et al. 2013), interruption of foraging activity (Cianchetti-Benedetti et al. 2018), and reduced paternal attendances at nests or even nest abandonment during breeding season (Carey, 2010). Non-breeding and overwintering birds are unlikely to be disturbed to a significant level by the vessel and intertidal activities in the proposed maritime usage.

Vessel movements and intertidal works associated with the proposed maritime usage may result in temporary flushing or short-term displacement of birds if undertaken in proximity to nesting sites. Potential effects are therefore considered in relation to nesting seabirds listed as SCIs within SPAs that overlap with the proposed MUL area, as shown in Appendix 1. Although the proposed maritime usage is temporary and localised, short-term disturbance (e.g. temporary flushing or displacement) could occur if works take place close to nesting areas. Mitigation measures are therefore required to minimise visual and above water noise disturbance and to protect SCI breeding and nesting populations of Corncrake, Common Gull, Lesser Black-backed gull, Arctic tern, Cormorant and Shag.

It is proposed that a suitably qualified ecologist be present during all intertidal survey works to minimise disturbance and ensure site integrity is maintained. Full mitigation measures are outlined in Section 3.8.5 – Mitigation Measures.

Temporary barrier to connectivity and recruitment disruption

Cloghernagore Bog and Glenveagh National Park SAC were screened in due to the presence of Freshwater Pearl Mussel and Atlantic Salmon as Qualifying Interests. Both species depend on unimpeded hydrological connectivity (Baldan et al. 2021) and stable freshwater conditions (Denic et al. 2015) to support upstream and downstream salmon movement, juvenile recruitment and specifically for Pearl Mussel, host-gill interactions with juvenile salmon.

The proposed Maritime Usage Licence activities involve the installation of river flow and water-level gauges and short-term human presence on shore. It will also include the use of dye tracing, as discussed in section 3.5 above. The proposed activities will not impede salmon movement, alter freshwater conditions, or interfere with the juvenile salmonid phase required for Pearl Mussel recruitment. On that basis, no significant risk to connectivity or recruitment is anticipated for these QIs, and no mitigation measures are proposed.

3.8.2 Assessment of In-combination effects

The potential impacts of the proposed maritime usage must be considered individually and also in combination with other plans or projects. All types of plans or projects that could, in combination with this application, have a significant effect have been considered. This in-combination assessment has been undertaken using professional and scientific judgement and is assessed primarily in terms of potential spatial and temporal impacts. Table 5 below outlines those activities which are considered to have the potential to act in combination with the proposed maritime usage.

The spatial scope of the in-combination assessment is based on the proposed MUL red line area provided in the applicant’s map (Figure 1) because the impacts of the proposed usages will not impact beyond the scope of the red line boundary. The temporal scope of the in-combination assessment is based on the period over which the activities are proposed, which in this case is five years.

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

Potential impacts	Potential Cumulative Pathway
Temporary visual and above water noise disturbance to seals and otters	A potential pathway exists via increased vessel activity, airborne noise and human presence, with cumulative effects possible where such activities overlap spatially and temporally with other above-water noise-generating or vessel-based activities. These effects may lead to repeated disturbance, displacement or altered behaviour for seals and otters.
Temporary visual and above water noise disturbance to birds	A potential pathway exists via visual disturbance, airborne noise and increased human presence, with cumulative effects possible where survey activities spatially and temporally overlap with other coastal or marine

	activities. Such overlap may result in repeated disturbance, flushing or temporary displacement of breeding, roosting or foraging birds.
Barrier to connectivity	A potential pathway exists where overlapping activities could in combination temporarily affect hydrological connectivity or disturb key life-cycle processes of Atlantic salmon and Freshwater Pearl Mussel.

Identification of Plans or Projects that could act in combination.

A search was carried out on 06/05/2026 of relevant databases for other plans and projects with characteristics that may cause in-combination effects with the proposed site investigation activities, on the QIs of the European sites identified on Appendix 1. Table 5 shows possible activities that could act in combination.

Application Ref.	Project description	Approx. distance from MUL application area (km)	Project Status
T12/516A, T12/515A, T12/502A, T12/500A, T12/441C, T12/441A, T12/409B, T12/409A, T12/407B,	Aquaculture licence applications for pacific oyster and clam culture within Ballyness Bay.	Overlapping	Applied for

The aquaculture licences applied for in Ballyness Bay are for activities that are not likely to act in-combination with any the proposed MUL activities. Therefore, it is unlikely that any of these projects will result in negative in-combination effects on the conservation objectives of the identified European sites.

In addition, the in-combination assessment considers the potential cumulative impacts from projects in the geographical area surrounding the proposed MUL application area. The following plans, related to the development of the maritime environment were also identified:

- The Climate Action Plan 2025
- National Marine Planning Framework,
- The National Development Plan 2021–2030,
- Donegal County Council Development Plan 2024-2030
- Water Action Plan 2024
- Uisce Éireann Regional Water Resources Plan – North-West – 2023

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

In-Combination Effects Assessment conclusion

No plans or projects have been identified which are likely to result in in-combination effects.

3.8.3 Mitigation measures

Mitigation measures for those impacts identified in Section 3.8.1 and 3.8.2 are detailed below. These mitigation measures are included as conditions of the Proposed Licence.

Temporary visual and above water disturbance to seal and otter:

No mitigation is required

Temporary visual and above water disturbance to birds:

Mitigation is required to minimise potential visual and above water noise disturbance to nesting bird species within European sites. It is recommended that the following conditions be included in any Maritime Usage Licence:

“The Holder shall ensure that an ecologist will be on site during all intertidal surveys carried out as part of this Permitted Maritime Usage between April and September in order to minimise disturbance to nesting Corncrake, Common Gull, Lesser Black-backed gull, Arctic tern, Cormorant and Shag by machinery and personnel and ensure site integrity is maintained.”

Temporary barrier to connectivity and recruitment

No mitigation is required

In-combination impacts

No mitigation is required.

3.8.4 Residual effects

This assessment has identified likely/potential significant impacts on European Sites and their conservation interests and recommends mitigation measures as conditions in the Proposed Licence. It is considered that the mitigation measures described and their implementation through licence conditions will remove, or reduce to imperceptible levels, all negative impacts and that residual effects will not arise.

3.8.5 Assessment of Transboundary effects

The mitigation measures proposed as part of this appropriate assessment will mitigate against any transboundary effects on other European sites.

3.8.6 Appropriate assessment conclusion

The appropriate assessment screening process identified potential significant impacts due to temporary visual and above water disturbance to seal and otter, temporary visual and above water disturbance to birds and temporary barrier to connectivity and recruitment of diadromous fish. These have been further assessed in the preceding parts of section 3.8. Likely significant impacts from all parts of the proposed maritime usage could not be ruled out, beyond reasonable scientific doubt, without mitigation. Mitigation measures were identified to ensure that impacts on European sites and their QIs and SCIs do not occur. Therefore, with adherence to the mitigation measures specified in Section 3.8.3 and in view of best scientific knowledge, and of the sites' conservation objectives, the project, individually, or in-combination with other plans or projects, will not have adverse effects on European sites.

The potential for in-combination effects from the proposed maritime usages with other plans and projects could be ruled out, as no relevant plans or projects were identified.

The Appropriate Assessment determination is included in Section 9 of this report.

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. Both commercial and recreational users of the proposed MUL area were considered.

Commercial fishing activity within and adjacent to the proposed Maritime Usage Area (Ballyness Bay and surrounds) includes pot fishing (using a creel) for lobster and crab, which directly overlaps the MUL area, and small-scale periwinkle harvesting within the intertidal area. Line fishing for pollack and mackerel occurs approximately 1.7km outside the red line boundary. Inshore nets fishing for crayfish occurs >13km outside the MUL area. No bottom trawling or dredging takes place within the area. The proposed MUL area also overlaps several commercially important fish nursery and spawning grounds. Whiting, Cod, Atlantic herring, Horse Mackerel and Mackerel all use the proposed MUL area as nursery grounds, while spawning ground of Whiting also overlap. Spawning or nursery grounds for Haddock, Blue Whiting, Nephrops, Monk fish, Megrim, and Hake do not occur in the vicinity of the MUL area.

Ballyness Bay and the surrounding area experience generally low levels of recreational use across the maritime area. The most significant marine traffic within the MUL area is associated with the Tory Island ferry service operating from Meenlaragh Pier, with passenger

vessel activity averaging approximately 104 routes per sq. km² per month. Other vessel traffic is limited, with fishing vessels averaging up to 11 routes per sq. km² per month and minimal cargo, tanker or commercial traffic recorded. The presence of a survey vessel and ARC Boat is not expected to adversely affect recreational sailing, fishing, or beach use. Given the intensity of ferry traffic, it is recommended that any licence granted include a condition requiring the issuance of a Marine Notice during vessel-based operations to inform other marine users.

Aquaculture licences for culture of Pacific oyster are currently under assessment by DAFM for a number of aquaculture sites within Ballyness Bay. It is not considered the planned MUL activities will negatively impact on future aquaculture activities in the bay.

Recreational use is higher within and adjacent to the proposed MUL area in the intertidal zone, which is used year-round by beachgoers. Two Blue Flag beaches are located within the MUL area at Magheraroarty and Drumnatinny. As part of the proposed SI, the Applicant will release a non-toxic Rhodamine dye into the maritime area. While the dye is nontoxic and will not adversely affect the marine environment, its temporary presence may result in short term aesthetic effects for members of the public and other marine users. However, given the limited nature of intertidal works and the low survey footprint, no significant disturbance to the general public is anticipated.

Given the short-term nature of the activities across the licence period and their predicted ecological impact, it is not thought the proposed Maritime Usage Activity will have a significant impact on local fisheries, recreational users or fish spawning grounds.

5 Site visit

A site visit to the MUL area was undertaken on 8th December 2025. A site walkover was conducted which included the intertidal area of Magheraroarty, Ballyness and Falcarragh. Locations of river and tide gauges were inspected during the visit.

6 Public body consultation

Observations on the MUL application were invited from relevant public bodies to ensure that MARA takes account of all other relevant maritime usages and interests in the application area. Nine responses were received. The following tables summarise the observations from public bodies with a response given below each submission summary. The MARA website should be consulted to view the full details of the observations received

1. Observations summary – Department of Agriculture, Food and the Marine (DAFM)
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DAFM emphasise the importance of recognising and protecting the long-established sea-fishing and aquaculture sectors when assessing proposed marine survey works. DAFM highlight the need for early and ongoing engagement with fishers and other stakeholders to prevent conflict and minimise disruption. DAFM notes that VMS data may not be fully capture inshore fishing activity. The AIMU report indicates no negative impact on aquaculture of fishery sites, however notices to Mariners and fishers would be appropriate in DAFM’s opinion. DAFM also requests that a Fisheries Liaison Officer will be appointed. The Submission from DAFM also included submissions from the Marine Institute and BIM, discussed in Submissions 2 and 3 below.

MARA Response:

MARA notes the submission from DAFM. If a licence is granted, it will include standard conditions to promote coexistence with fishing interests, including the publication of marine notices, and avoiding damage of third-party property.

2. Observations summary – Marine Institute (MI)

The MI noted that the proposed survey works overlap with or is adjacent to several marine/coastal SACs and SPAs, and that aquaculture licences are present within the area. They state that in their opinion, survey works are not expected to significantly affect fish stocks, fishing or aquaculture activities. They request that appropriate Notices to Mariners are issued. The area includes a key spawning ground and nursery grounds for commercially important species such as cod, herring, horse mackerel, mackerel and whiting. There is, however, potential for cumulative impacts with other survey activities occurring nearby or within similar timeframes.

MARA response:

MARA notes the observations of the Marine Institute. The proposed survey activities are not anticipated to result in significant interference with fishing activities. MARA notes the comment regarding the potential for cumulative effects should other survey activities occur concurrently. This has been taken into consideration as part of MARA’s assessment. If a licence is granted, a standard condition requiring the publication of marine notices will be issued.

3. Observations summary – Bord Iascaigh Mhara (BIM)

BIM stated that their key fisheries concern is the risk of survey vessels disturbing fishing activity or becoming entangled with static fishing gear, as issue that has occurred previously. They stated that to avoid such conflicts, early and continuous engagement with fishers and other stakeholders is essential.

MARA response:

MARA notes the observations of BIM. The proposed survey activities are not anticipated to result in significant interference with fishing activities. If a licence is granted, a standard condition requiring the publication of marine notices will be issued.

4. Observations summary – Inland Fisheries Ireland (IFI)

IFI requests clarification on how long the dye will remain in the water after the 13-hour test. They ask that the general public be informed in advance, as sightings may generate queries. IFI also request that the local office be notified at least 5 days before the dye surveys begin so that they can prepare for any public reports.

MARA response:

MARA notes the submission of the IFI. According to information provided by the applicant and further clarifications received by MARA via RAI from the applicant on 04/09/2026, the dye will not remain visible or detectable past a maximum of 24-48 hours. If a licence is granted, a standard condition requiring the publication of marine notices will be issued.

5. Observations summary – Commissioner for Irish Lights

Irish Lights has no safety-of-navigation objections to the licence. However, if any marine aids to navigation are required, statutory consent from Irish Lights will be needed. Any AA should also consider potential impacts from deploying surface marking buoys and associated moorings.

MARA response:

MARA notes the submission and the points raised by Irish Lights. The onus is on the applicant to ensure that all the required statutory consents are in place in order for the proposed marine usage activity to go ahead. It is recommended that a condition be included in the licence, if granted, stating that the MUL does not negate the responsibility of the applicant to ensure they have all the necessary consents to undertake the proposed activity.

6. Observations summary –Department of Transport, Marine Survey office (MSO)

The MSO states that it has no objection to the proposed maritime usage activity from a navigational safety perspective. The MSO recommended that, if a licence is granted, conditions should address navigational safety, vessel certification, the publication of marine notices, Navtex broadcasts, liaison with the MSO and the Commissioners of Irish Lights regarding the marking and lighting of any moored instruments, and the provision of relevant information to the UK Hydrographic Office.

MARA response:

MARA notes the observations and recommendations of the MSO. Conditions relating to the publication of marine notices, vessel certification, and the provision of information to the UKHO are standard requirements in the issuing of MULs. Additional conditions are recommended requiring consultation with the MSO, and liaison with the relevant harbour Master in advance of activities to ensure navigational safety. The licence will also require that

the Holder comply with any authorisations required by the Commissioners of Irish Lights in relation to moored instruments and ensure that no third-party property is interfered with or damaged during the permitted maritime usage activities.

7. Observations summary – Development Applications Unit (DAU), Department of Housing, Local Government and Heritage (National Monuments Service and National Parks and Wildlife Service)

Nature Conservation: NPWS suggests the inclusion of three conditions in any proposed licence: Retrieval of all equipment upon completion of surveys, Compliance with Marine Mammal Observer protocol during any vessel-based work as appropriate, Adherence to MARPOL requirements and pollution prevention procedures. They also refer to the applicants’ requirements under Regulation 54 of the EU Birds and Habitats Regulations.

Underwater Archaeology: The DAU provide several recommendations and several suggested conditions in relation to Underwater Archaeology. The DAU specifically note that MUL area is proximal to several internationally significant wrecks.

MARA response:

MARA notes the content of the submission from the DAU of DHLGH containing inputs relating to Nature Conservation and Underwater Archaeology. In terms of nature conservation, MARA has included these factors in their assessment. The submission also contains a detailed list of requirements for mitigating impacts on underwater archaeology. It is recommended that any licence granted should include a condition to consult with, and comply with the requirements of, the National Monuments Service prior to commencing the proposed maritime usage.

8. Observations summary – Geological Survey of Ireland

The Geological Survey Ireland (GSI) has recommended using various data sets when conducting the EIAR, SEA, planning and scoping processes for developments, plans and policies.

MARA response:

MARA acknowledges the submission received from GSI.

9. Observations summary – Donegal County Council

Donegal County Council planning authority has no observations to make in relation to this Maritime Usage Licence. No objection to the proposed survey which will be beneficial in selecting an outfall location for an upgraded Falcarragh wastewater treatment plant.

MARA response:

MARA acknowledges the submission received from Donegal County Council.


7 Public consultation

A public consultation was undertaken between 05/03/2026 to 07/04/2026 under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and under section 117(6)(b) of the MAP Act. No submissions were received.

8 Recommendation

The applicant has requested a five-year licence term to carry out marine environmental surveys. This duration has been sought to allow flexibility owing to the dynamic nature of the natural environment in which the applicant will operate. This time period represents a “window of consent” and is not indicative of the frequency or duration of the survey activities themselves, which are typically in the order of week, as shown in Table 1 of this report. Given this, it is recommended that MARA grants a licence for a five-year period.

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 Uisce Éireann, 1 Foley Street, Dublin 1, ***for Marine environmental surveys within Ballyness Bay, Falcarragh, Co. Donegal for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000***, subject to the recommended conditions in the Proposed Licence.

Signed:	
Prepared by:	<u>Dr Ciar O’Toole</u> Senior Marine Advisor
Date:	14/05/2026

9 Appropriate Assessment Determination

Having considered this report, the documents submitted by Uisce Éireann, Colvill House, 24-26 Talbot St, Dublin 1, the observations received on foot of the public consultation on the application, along with my own assessment, it can be concluded, and I determine, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the **proposal to undertake *Marine environmental surveys within Ballyness Bay, Falcarragh, Co. Donegal for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000***, either individually or in combination with any other plans or projects), will not adversely affect the integrity of any European sites, in view of the sites’ conservation objectives, subject to the implementation of the mitigation measures specified in Section 4.6 Mitigation Measures adopted and outlined above, which must be included as conditions to any consent that may be granted in respect of the respective maritime usage licence application.

Signature and Date of Decision Maker	 <hr/> John Evans Director of Maritime Usage Licensing 18/05/2026
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Appendix 1

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

European Site Code	Distance from the MUL area (km)	List of Qualifying Interests	Potential source of impact	Site specific conservation objective
Horn Head and Rinclevan SAC (Site Code IE000147)	Within site boundary	<i>Halichoerus grypus</i> (Grey Seal) [1364]	Disturbance from visual and above water noise	NPWS (2024) Conservation Objectives: Horn Head and Rinclevan SAC 000147. Version 2.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Gweedore Bay and Islands SAC (Site Code IE001141)	~2km	<i>Lutra lutra</i> (Otter) [1355]	Disturbance from visual and above water noise	NPWS (2015) Conservation Objectives: Gweedore Bay and Islands SAC 001141. Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Slieve Tooley/Tormore Island/Loughros Beg Bay SAC (Site Code IE000190)	~50km	<i>Halichoerus grypus</i> (Grey Seal) [1364]	Disturbance from above water noise	NPWS (2015) Conservation Objectives: Slieve Tooley/Tormore Island/Loughros Beg Bay SAC 000190 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Cloghernagore Bog and Glenveagh National Park SAC (Site Code IE002047)	~7km	<i>Lutra lutra</i> (Otter) [1355] <i>Salmo salar</i> (Salmon) [1106] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	i) Disturbance from above water noise ii) Possible temporary barrier to connectivity iii) recruitment disruption	NPWS (2017) Conservation Objectives: Cloghernagore Bog and Glenveagh National Park SAC 002047 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Rutland Island and Sound SAC (Site Code IE002283)	~22km	<i>Phoca vitulina</i> (Harbour Seal) [1365]	Disturbance from above water noise	NPWS (2013) Conservation Objectives: Rutland Island and Sound SAC 002283 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Falcarragh to Meenlaragh SPA (Site Code IE004149)	Within site boundary	Corncrake (<i>Crex crex</i>) [A122]	Disturbance from visual and above water noise	NPWS (2024) Conservation Objectives: Falcarragh to Meenlaragh SPA 004149 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Inishbofin, Inishdooney and Inishbeg SPA (Site Code IE004083)	Within site boundary	Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Arctic Tern (<i>Sterna paradisaea</i>) [A194]	Disturbance from visual and above water noise	NPWS (2025) Conservation Objectives: Inishbofin, Inishdooney and Inishbeg SPA 004083 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht
Horn Head to Fanad Head SPA (Site Code IE004194)	Within site boundary	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018]	Disturbance from visual and above water noise	NPWS (2025) Conservation Objectives: Horn Head to Fanad Head SPA 004194 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Greens Isle SPA (Site Code IE004082)	~19km	Common Gull (<i>Larus canus</i>) [A182]	Disturbance from visual and above water noise	NPWS (2025) Conservation Objectives: Greens Isle SPA 004082 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
West Donegal Coast SPA (Site Code IE004150)	~6km	Herring Gull (<i>Larus argentatus</i>) [A184] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018]	Disturbance from visual and above water noise	NPWS (2025) Conservation Objectives: West Donegal Coast SPA 004150 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
West Donegal Islands SPA (Site Code IE004230)	~6km	Common Gull (<i>Larus canus</i>) [A182] Herring Gull (<i>Larus argentatus</i>) [A184] Shag (<i>Phalacrocorax aristotelis</i>) [A018]	Disturbance from visual and above water noise	NPWS (2025) Conservation Objectives: West Donegal Islands SPA 004230 Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.