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John Evans
Director of Maritime Usage Licensing
Maritime Area Regulatory Authority
2nd Floor,
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Y35 RF29

13 August 2026

Re: Bremore Port Maritime Usage Licence – Submission in Response to Mind to Grant Decision (Conditions 26 and 27)

Dear Mr Evans,

Bremore Ireland Port (Bremore) welcomes MARA's intention to grant a maritime usage licence for the undertaking of site investigations to inform the design and EIA for Bremore Port and is grateful for the consideration given to the application and supporting environmental assessments. We appreciate this opportunity to provide a submission on the conditions attached to the licence. We have concerns in respect of just two proposed conditions, Conditions 26 and 27, relating to birds and the undertaking of geophysical and geotechnical survey activities.

This submission has been prepared in response to the Mind to Grant Decision to set out our significant concerns in relation to these two conditions and the basis upon which Bremore respectfully requests that they be reconsidered prior to finalisation of the MUL.

Bremore has taken legal advice from A&L Goodbody LLP and recognises MARA's powers under the Maritime Area Planning Act 2021, specifically section 120 and Schedule 8 to attach conditions to a Maritime Usage Licence. In particular we note that MARA may impose such conditions as it considers necessary and appropriate in the particular circumstances of a licence holder.

While Bremore does not dispute MARA's jurisdiction to impose environmental protection conditions in principle, the only basis for inclusion of Conditions 26 and 27 can be that MARA considers these to be both necessary and appropriate.

Bremore's concern is that Conditions 26 and 27, as currently drafted, are not necessary and appropriate in the circumstances of the proposed survey campaign as is detailed in this submission and briefly below. Bremore therefore request that MARA revise Condition 26 in a manner such as suggested in this submission and remove Condition 27 entirely.

As is detailed in the rest of this submission:

1. In relation to Condition 26, Bremore supports the underlying environmental objective of minimising disturbance to birds and, for that reason, does not seek its removal. However, Bremore considers that the condition is presently too vague and subjective to be applied consistently or enforced with certainty. In particular, the condition relies on the undefined concept of "significant clusters" of birds and does not provide an objective basis on which the Holder can determine when the condition is triggered. As a condition of a statutory licence, compliance must be capable of being assessed against a sufficiently clear and objective standard. Breach of a licence condition may expose the Holder to enforcement action, injunctive relief sought by MARA or other interested parties and potentially criminal sanction. In those circumstances, the Holder is entitled to know with reasonable certainty what conduct is required in order to comply. For this reason we have suggested revised wording which we believe upholds the condition's intended objective while also providing the required operational clarity and ensures the workability of the condition.
2. In relation to Condition 27, Bremore has been unable to identify a project-specific or scientific basis demonstrating why the condition is necessary or appropriate in the circumstances. As explained further below, the project-specific assessments did not identify a basis for imposing a blanket prohibition on geophysical and geotechnical surveys within 1 km of the River Nanny Estuary and Shore SPA between October and February. Bremore therefore respectfully requests that Condition 27 be removed.

The technical basis for these positions is set out in the Gavin & Doherty Geosolutions Ltd (GDG) report attached to and forming part of this submission, which included an independent ecological review of these two conditions, having regard to the project-specific environmental assessments, the relevant conservation objectives and the available scientific literature relating to bird disturbance associated with vessel activity.

An outline of the characteristics of the site investigation activities and features of the receiving environment as they pertain to the proposed conditions are listed below with a full and comprehensive assessment of each subject provided within this submission. All regulatory and literature resources used to support the submission are provided in the Technical Review of Ornithological Minded to Grant Conditions (Conditions 26 and 27) which accompanies the submission.

Issues addressed in this submission relevant to Condition 26 and Condition 27:

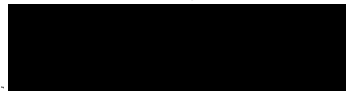
- Condition 26 – Project-specific assessment and mitigation for seabird disturbance arising from vessel-based survey activity.
- Condition 26 – Species-specific responses to vessel disturbance and the limitations of a universal 500 m separation distance.
- Condition 26 – Vessel behaviour, speed and predictability as determinants of seabird behavioural response.
- Condition 26 – Practical implementation, including the meaning of “significant clusters”, survey-line constraints and objective record keeping.
- Condition 26 – Duration and temporary nature of disturbance, and the case for proportionate, evidence-based mitigation.
- Condition 26 – Illustrative revised wording that retains the intended environmental protection while improving operational practicability.
- Condition 27 – Project-specific NIS findings on vessel presence, airborne noise and the identified disturbance pathways for the River Nanny Estuary and Shore SPA.
- Condition 27 – Species-specific ecology and the scientific basis, or lack thereof, for a universal 1 km seasonal restriction.
- Condition 27 – Proportionality and necessity of the October-to-February exclusion in light of the proposed survey methods and available evidence.
- Condition 27 – Request to remove Condition 27 because the project-specific assessment and scientific evidence do not establish an ecological basis for the proposed exclusion.

The spatial relationship between the Maritime Usage Licence (MUL) Application Area, the Potential Development Area and the surrounding Special Protection Areas (SPAs) considered within this submission is shown in Figure 1.

We thank MARA for the opportunity to consider and provide a submission and look forward to receiving the MUL.

If there are any queries arising out of this submission we would be pleased to address them prior to MARA’s decision issuing.

Yours sincerely



Paul Fleming

Chief Executive – Drogheda Port Company
On behalf of Bremore Ireland Port

Incl. Technical Review of Ornithological Minded to Grant Conditions (Conditions 26 and 27)