

Maritime Usage Licensing and Planning Advisory Directorate Response to Supplementary Material on a Minded to Determination			
To:	John Evans, Director	From:	Dr. Alison McCarthy Senior Marine Advisor
Date:	21/08/2026	Maritime Usage Licence Application No:	MUL240011
MUL Applicant Name:	Bremore Ireland Port Designated Activity Company		
MUL Applicant Registered Address:	Harbourville, Mornington Road, Co. Meath, Meath, A92 Y207.		
Licence application received:	12/08/2024	Supplementary material received:	13/08/2026
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:	Maritime area adjacent to the townland of Barnageeragh in County Dublin to Callystown in County Louth.		

Introduction:

The Maritime Area Regulatory Authority (MARA) issued a Minded to Determine Notice and a proposed Maritime Usage Licence (MUL) to Bremore Ireland Port Designated Activity Company (the applicant) on 23/07/2026. The MUL application is for 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 applicant was advised in the Notice that MARA was minded to part grant the MUL, subject to conditions.

The applicant submitted a response with supplementary information setting out their reasons for requested changes to two of the conditions in the Proposed MUL, namely Specific Conditions 26 and 27. The supplementary material submitted by the applicant included a letter and a report entitled '*Technical Review of Ornithological Minded to Grant Conditions (Conditions 26 & 27)*'. The applicant's supplementary material is summarised below however the MARA website should be consulted to view the full details of the material submitted.

This report assesses the supplementary material submitted also having regard to the application documentation as well as MARA's assessment reports.

1. Specific Condition 26 of Proposed MUL

Birds

Where the Holder observes significant clusters of birds, actively fishing and/or diving, within 500m of the survey vessel, in carrying out the Permitted Maritime Usage, the survey route shall be altered to maintain a 500m buffer from the birds. Appropriate records must be retained by the Holder.

Reason: *To ensure protection of the marine environment.*

Applicant's response:

The applicant is concerned that Condition 26 is not necessary and appropriate. The applicant supports the objective of minimising disturbance to birds but considers that the condition is too vague and subjective to be applied or enforced with certainty. The concept of '*significant clusters*' is undefined. Any breach of such a condition could expose the Holder to enforcement action and therefore the Holder should understand with reasonable certainty what conduct is required in order to comply. The applicant does not believe that Condition 26 considers the known factors influencing seabird disturbance; species sensitivity, behavioural state, flock size, vessel class and vessel predictability. The applicant has provided suggested alternative wording as follows which they believe upholds the intended objective of the condition, while also providing the required operational clarity of the condition:

The Holder shall plan and undertake vessel operations so as to minimise unnecessary disturbance to birds, having regard to prevailing environmental conditions, navigational safety, operational requirements and other environmental mitigation measures.

Where reasonably practicable, survey vessels shall maintain a steady speed and predictable course during survey operations. Deliberate approaches towards large or persistent aggregations of birds shall be avoided where this can reasonably be achieved without compromising survey objectives, navigational safety or other agreed environmental mitigation measures.

The MMO or ECoW shall record observations of bird aggregations considered to warrant avoidance measures, together with any reasonable avoidance measures implemented. These observations shall be included within the post-survey environmental report.

MARA's Response:

The concerns raised by the applicant in relation to Condition 26 and the lack of clarity regarding 'significant clusters' and the variability of species-specific sensitivities are noted by MARA.

Condition 26 was recommended by the Marine Analyst as part of the Appropriate Assessment, undertaken by MARA in accordance with Part 5 of the European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011). The condition was recommended to mitigate against potential disturbance impacts on seabirds which are Special Conservation Interests (SCIs) of the North-West Irish Sea SPA [site code: 004236]. The recommended condition was precautionary in nature and considered the conservation objectives targets of the SCI species, that the intensity, frequency, timing and duration of disturbances across the SPA site, which could increase energy expenditure, do not impact on species populations and spatial distribution. The recommended condition also reflected proposed mitigation in the applicant's Natura Impact Statement (NIS), submitted with the application. The NIS mitigation proposed to minimise disturbance to seabirds, rafting and foraging within the North-West Irish Sea SPA and included the following relating to Marine Mammal Observers (MMO) with ornithological experience:

'The MMO onboard the survey vessel(s) will have suitable ornithological competence to identify rafting and actively foraging seabirds. Where significant aggregations of seabirds are observed in the vicinity of survey operations, vessel activity will be adapted, where practicable, to reduce close approach and minimise repeated disturbance'.

The NIS mitigation proposed by the applicant referred to 'significant aggregations' which does not appear materially different to the 'significant clusters' in Condition 26. The

suggested alternative wording to Condition 26 now provided by the applicant implies that avoidance of persistent aggregations of birds will only be undertaken by the Holder when the ‘survey objectives will not be compromised’ and only ‘where reasonably practicable’. This suggested wording provides less certainty in what conduct is required in order to comply than MARA’s recommended condition, which included a specified buffer distance. By placing greater weight on the survey objectives, this suggested wording does not adequately avoid impacts on the conservation objectives of the SPA. Therefore, I do not recommend adapting the proposed wording provided by the applicant.

MARA’s website provides guidance and Seabirds Standardised Data Forms which will should be reviewed by the applicant prior to undertaking the surveys.

Recommendation:

No change to Specific Condition 26.

2. Specific Condition 27 of Proposed MUL

Birds

The Holder shall not undertake geotechnical and geophysical surveys as follows:

i) within 1 km of the River Nanny SPA and the Shore SPA during the period October to February annually.

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

Applicant’s response:

The applicant is unable to identify a project-specific or scientific basis demonstrating why the condition is necessary or appropriate. 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 and Shore SPA between October and February. The applicant requests that Condition 27 be removed.

MARA’s Response:

Condition 27 was recommended by the Marine Analyst as part of the Appropriate Assessment undertaken by MARA. It was identified that the River Nanny Estuary and Shore SPA [site code: 004158] lies approximately 140 m from the main areas in which the survey effort will be focussed, including geophysical and geotechnical surveys. This SPA has been designated as it supports nationally important numbers of wintering waterbirds. Condition 27 was recommended in order to mitigate against airborne noise and visual disturbance to the birds from the survey activities.

In relation to this SPA, the applicant’s NIS noted that ‘temporary and localised disturbance of wintering SCI species in proximity to survey personnel cannot be excluded, particularly during

the overwintering period'. The NIS proposed mitigation to address disturbance impacts including the provision of an ecologist with ornithological expertise to be present during intertidal surveys during the wintering period, to monitor and control impacts on wintering waterbirds. The intent of the recommended Condition 27 was to provide greater certainty in the mitigation to avoid adverse impacts, by imposing a buffer distance from the SPA. To remove this condition would undermine the Appropriate Assessment and the avoidance of adverse impacts on the SPA.

It has been noted however that there is a clerical error in Condition 27 which refers to the '*River Nanny SPA and the Shore SPA*' instead of the '*River Nanny Estuary and Shore SPA*'. It is recommended to amend the condition to correct this error.

Recommendation:

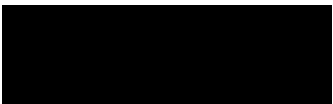
Correct the error in the wording of Condition 27 as follows:

Birds:

The Holder shall not undertake geotechnical and geophysical surveys as follows:

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Dr. Alison McCarthy

Senior Marine Advisor

Maritime Usage Licensing and Planning Advisory Directorate