

**From:** Elizabeth Davidson <secretary.wildirelanddefence@gmail.com>  
**Sent:** Sunday 21 December 2025 13:42  
**To:** MARA Licence  
**Subject:** Foreshore Licence Application Reference Number: MUL240033

**Categories:** Joanne

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To: MARA at [licence@mara.gov.ie](mailto:licence@mara.gov.ie)

From: Wild Ireland Defence CLG at [secretary.wildirelanddefence@gmail.com](mailto:secretary.wildirelanddefence@gmail.com)

Date: 21/12/2025

Re: Foreshore Licence Application Reference Number: **MUL240033**

Applicant: Uisce Éireann

To whom it concerns,

Wild Ireland Defence CLG submits the following observations regarding Foreshore Licence Application MUL240033 - 'To conduct surveys to support a strategic modelling study of water currents within Galway Bay and the exposed coast extending northwest to Roundstone, County Galway and southwest to Loop Head Lighthouse, County Clare'.

## EU Environmental Impact Assessment (EIA)

### 1. Competent Authority

The legal competency of the MARA to make a determination pursuant to assessment under the EU EIA Directive, is unclear and/or absent. If the latter is correct, the EIA conclusion pursuant to this directive made by the MARA is *Ultra Vires*.

### 2. Pre-screening Screening

Without prejudice to the above, the assessment conducted by the MARA "to determine whether Environmental Impact Assessment (EIA) is required ..." is contrary to the requirements of the EIA Directive. The box-ticking exercise supporting the "EIA Screening Conclusion" determining that an EIA is not required, fails to meet the lawful screening requirements mandated under Annex III of the EIA Directive.

Compliance: Nature and Environmental Protection Directives

3. The growing triple planetary crisis now impacts our marine waters (<https://marine.copernicus.eu/press/press-releases/every-part-ocean-now-affected-triple-planetary-crisis-reveals-ninth-copernicus> ). It is requested that the MARA, on

*behalf of the public*, engages the required expertise to ensure the proposed activity is assessed in a manner *fully* consistent with the State's obligations under *all relevant* EU nature and environmental protection directives (e.g., Birds, Habitats, Water Framework, Marine Strategy Framework, and Environmental Impact Assessment Directives).

#### Appropriate Assessment (AA) Screening

4. The purported AA Screening document ('Appropriate Assessment Screening and Determination Report' dated 29/10/25) is vague and incomplete, contains lacunae, factual errors, internal inconsistencies and lacks objective scientific evidence. These flaws undermine the reliability of the screening analysis *and* subsequent stage two assessment. These screening flaws i) obscure the scope and basis of screening; ii) risk under-identification of relevant European Sites and Qualifying Interests (QIs); and iii) prejudice effective public participation, making it difficult to understand the proposed activity, what impacts were assessed, and what objective basis and scientific data support conclusions made.

Details of the proposed activity are insufficient to support the Appropriate Assessment process. The broad geographic description given without a clear, activity-specific activity footprint is vague and imprecise. The AA Screening report refers to 26 ADCP sites and bathymetric survey areas, however, these are not consolidated to give the precise spatial footprint of each survey component.

A complete, precise list of the effects of possible impacts of the proposed activity is absent. The extent of possible effects of the activity is unknown. Thus, the basis, objective or otherwise, upon which a referenced Zone of Influence (Zol) is based, is absent. Furthermore, the extent to which the Zol limits AA Screening assessment is unknown.

The AA Screening document includes several errors which undermine the AA process conducted. Such errors include: i) incomplete lists of the Qualifying Interests (QIs) of European Sites included in screening, e.g., the list of Slyne Head Peninsula SAC (002074) QIs is incomplete; ii) incorrect Conservation Objectives (COs) cited for European Sites, e.g., Slyne Head Islands SAC (000328); iii) lack of site-specific conservation objectives (SSCOs) cited for QIs in European Sites, e.g., no COs are listed for *Tursiops truncatus* (Common Bottlenose Dolphin) [1349] in Slyne Head Peninsula SAC (002074); iv) miscoding of QI species, e.g., the NPWS associates code [1355] as that representing the Otter (*Lutra lutra*). However, the MARA screening for the Kilkieran Bay and Islands SAC (002111) site, miscodes the Otter, and appears to have screened a different species (code [1365]), rather than the Otter [1355].

Cetacean screening-out is of particular concern. This relies on an overly broad frequency-only assertion. The report states that underwater noise from MBES/SBES/ADCP is high frequency (>200kHz) and "*outside the range that causes disturbance to cetacean QI species*" and therefore will not result in impacts. This conclusion is presented in the absence of: i) objective evidence, ii) consideration of behavioural response variability, masking, or cumulative exposure, and iii) linkage to the conservation objectives of the specific sites/species potentially affected.

Collision risk is listed as an effect impacting only one mammal species. No objective basis or scientific data is provided to justify excluding the impact this effect may have on other QI species within the Natura network.

No objective basis is provided to justify why disturbance to bird species is screened out. The report rules out bird SPA impacts due to “*limited scope and duration*”, yet the MUL is for five years and contemplates approximately 60 days of 13-hour survey operations, with vessel activity and potential disturbance across extensive coastline and near multiple SPAs. The report does not demonstrate how disturbance/displacement risk is excluded in view of temporal sensitivity and/or spatial sensitivity.

Seabed interaction pathways are inadequately addressed. Anchoring and dynamic positioning are listed however, remain unassessed in screening. The screening report states notes that “*vessel launch, transit, anchoring and dynamic positioning*” will occur, yet seabed disturbance is assessed only in a limited manner for ADCP footprint and remains unassessed for anchoring.

ADCP footprint characterised as ‘small’, however, this assessment is given without parameters. The screening report states that ADCP impacts on benthic habitats would be “*small in size and of temporary duration*” but provides no parameters regarding: anchoring/mooring configuration, chain sweep radius, retrieval disturbance, substrate sensitivity, or potential repetition over the 5-year term sought. In the absence of these details, the screening-out conclusion is inadequately supported by objective information and up to date scientific data.

In-combination assessment methodology is stated, however appears not to have been applied. Stepwise cumulative methodology is listed but the analysis remains conclusory. The screening report describes an 8-step approach, then largely provides a list of projects, and finally concludes it is “*not possible to rule out*” in-combination impacts *with some* activities. However, these projects remain unidentified. There is no clear pathway-based analysis linking the listed projects to specific effects and receptors. Furthermore, the listed plans/programmes and projects considered is incomplete, e.g., the Galway County Development Plan, the Clare County Development Plan, the Galway City Development Plan, the National Development Plan, the Uisce Éireann Regional Resource, or Strategy plans. Logically, the above screening errors extend to Stage II of Appropriate Assessment.

Considering the above (non-exhaustive) errors and lacunae, it is submitted that the purported AA Screening *fails* to meet the established legal thresholds regarding the implications of the proposed activity on the conservation objectives of impacted Natura sites. The legal standard to be satisfied is stated at paragraphs 47- 49 of the opinion of Advocate General Sharpston in CJEU Case C-258/11, fully implemented into Irish law by Finlay Geoghean J. in *Kelly v An Bord Pleanála* [2014] IEHC 400 (25 July 2014). The fatal flaws in AA Screening follow through to Stage II of the AA. Consequently, the Natura Impact Statements submitted fail to meet established legal requirements capable of supporting a statutory AA determination which would permit the granting of consent.

5. It is unclear why the risk assessment conducted is spatially limited excluding the full range of protected species.

#### Water Quality

6. The impact of the proposed activity on the status of water quality appears to have been unassessed.

#### Conclusion

In line with the precautionary principle, it is submitted the legal standards required to grant consent to the proposed activity remain absent. Thus, the application referenced number MUL240033 must be refused.

Yours faithfully,

Elizabeth Davidson

Secretary, Wild Ireland Defence CLG.

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