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Joanne Staunton
Maritime Usage Licensing Team
Maritime Area Regulatory Authority
2nd Floor Meapia Housse
Drinagh Business Park
Drinagh
Wexford
Y35RF29

RE: Maritime Usage Licence Application Reference: MUL250013

21st November 2025

Dear Ms. Staunton,

Further to my letter of 17/10/25 please note a response to Question 3.

Question 3

With reference to the strict protection of species listed under Annex IV of the Habitats Directive (92/43/EEC), confirm if you are required to apply for a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. If yes, provide details of the application submitted, including the NPWS application reference number or derogation number, where a derogation has been issued.

Response

Uisce Éireann can confirm that an application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended is not required given that Annex IV populations will not suffer loss and that there will be no deterioration to their breeding or resting places, and as such these works are compliant with Regulation 51 and 52 (see findings set out in the submitted Annex IV Species Risk Assessment and Natura Impact Statement).

This approach aligns with the four-stage “Decision-making process” process set out in the National Parks & Wildlife Service Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland (2021), namely Stage 3 - Examination of Impacts and Satisfactory Alternatives, which states:

Stiúrthóirí / Directors: Jerry Grant (Cathaoirleach / Chairperson), Niall Gleeson (POF / CEO), Gerard Britchfield, Douglas Millican, Michael Nolan, Patricia King, Eileen Maher, Cathy Mannion, Michael Walsh.

Oifig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86
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'If a suitable alternative is found which ensures that the local population does not suffer loss and that there is no deterioration to the breeding or resting places, then the works are compliant with Regulation 51 and 52'.

The inclusion of NPWS (2014) mitigation guidelines in the project design, which primarily involves the employment of a Marine Mammal Observer (MMO) will be deployed to confirm the absence of protected species within the agreed exclusion zones during the start of multibeam and single beam surveys. These measures will ensure that the activities carried out pose no significant risk to cetaceans and marine turtles. This approach is set out in Stage 3 of the Strict Protection of Animal Species - Guidance for Public Authorities, NPWS guidance document which states *"If mitigation is capable of reducing those impacts to the point where there will be no harmful effect, then a derogation will not be necessary"*.

Please also find attached an updated Annex IV Risk Assessment.

Should you have any queries on the above please do not hesitate to contact Debbie Holden (debbie.holden@water.ie or foreshore@water.ie).

Yours faithfully,

Olwyn James

Senior Planning, Land & Utilities Manager

ojames@water.ie or 087 6284510