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Maritime Area Regulatory Authority
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Email: licence@mara.gov.ie

Our Ref: [REDACTED]
Your Ref: LIC230014MA

28 August 2026

Our client: [REDACTED]

Applicant Authority: **Shannon Foynes Port Company**
RE: **Application for licence to undertake additional marine site investigation works in two extra areas to those licenced in MUL LIC230014**

Dear Colleagues,

We refer to our abovenamed client, for whom we act in connection with an application by Shannon Foynes Port Company (the “**Applicant**”) to amend an existing marine usage licence bearing number LIC230014 (the “**Licence**”) (the “**Application**”).

This letter sets out our client’s objections in this regard.

1. BACKGROUND

- 1.1. We act for [REDACTED] who is the owner of approximately 70 hectares of land on Foynes Island, Co, Limerick (the “**Lands**”).
- 1.2. On or around 30 July 2026, the Applicant published a notice in local Limerick newspapers, stating that it had applied to MARA for a maritime usage licence under Section 117 of the Maritime Area Planning Act 2021 (the “**Notice**”).
- 1.3. The Notice stated that the Applicant intends to carry out additional marine site investigations works in two extra areas to those already allowed for under the Licence.
- 1.4. Our client has several concerns about this Application, which we set out in this letter.

2. PROCEDURAL OBJECTION

- 2.1. The Application is being made pursuant to Section 117 of the Maritime Area Planning Act 2021 (the “**Act**”).
- 2.2. That provision of the Act requires that where an appropriate assessment for the purposes of the European Communities (Birds and Natural Habitats) Regulations 2011 is required, then an applicant is required to give notice to the public that such an application has been made to MARA and provide a copy of that application, as well as an accompanying Natura Impact Statement (the “**NIS**”) for inspection. An applicant is also required to inform members of the public that they may make submissions in writing on such a licence application and the NIS to MARA, for a period of not less than 30 days from the date of publication of the relevant notice.
- 2.3. We consider that the Applicant has failed to meet the requirements of the Act in this regard.
- 2.4. The Notice specifies that the last date for receipt of an objection by MARA is 30 August 2026, by either post or email. This date falls on a Sunday, when it would be impossible for a postal objection to be received by MARA. Therefore, the Notice is contrary to and inconsistent with the statutory process, contrary to fair procedures, and contrary to natural or constitutional justice.
- 2.5. Part of the facility afforded to the public is to lodge a submission within the requisite statutory period. This facility is not available to our client, having regard to the truncation of the period within which an objection can be made. Therefore, any decision by MARA on foot of the Notice would be invalid and *ultra vires*.

3. SUBSTANTIVE OBJECTION

- 3.1. In documents which accompany the Application, the Applicant sets out the surveys which it proposes to carry out, should the amendment to the Licence be granted by MARA. This entails:
 - 3.1.1. standard methods of non-invasive acoustic based sensing, including the gathering of side scan sonar, sub-bottom profiler and magnetometer data;
 - 3.1.2. standard methods of geotechnical investigation including deep boreholes (30-45m deep), shallow boreholes (5-10m deep) and vibrocores;
 - 3.1.3. sedimental, environmental and surface grab sampling; and

3.1.4. operation and manoeuvring of typical jack-up barge, survey vessels and floating pontoon equipment.

3.2. Furthermore, it states that the geotechnical investigations are due to commence at the start of 2027 but are dependent on consent for a “Deepwater Berth Development” on Foynes Island.

3.3. The Application is accompanied by a report entitled “*Assessments of Impacts of the Maritime Usage Report*”, dated July 2025 (the “**AIMU**”). In the AIMU, the Deepwater Berth Development on Foynes Island is more particularly described. This states that the development would include construction of a deepwater port on Foynes Island, associated bridge and road infrastructure, and construction of a 700m open quay and reclamation of land (the “**Project**”).

3.4. Prematurity

3.4.1. Our client is aware of the Project through correspondence with the Applicant, and through notices published by the Applicant. He has been informed that the Applicant intends to compulsorily acquire a significant portion of the Lands to progress the Project, by virtue of its compulsory purchase powers under Section 16 of the Harbours Act 1996. We understand that the Applicant has yet to lodge an application in respect of the Project generally.

3.4.2. Therefore, at present, the Project is merely a proposed development and not one that has been approved by any competent authority; either the planning authority at the first instance, or An Coimisiún Pleanála (the “**Commission**”) on appeal. It is therefore premature and unwarranted for the Applicant to carry out investigation works for a scheme that may or may not proceed, and in any event, has not even been the subject of an application to the Commission for permission to proceed.

3.4.3. Our client has made submissions to the Commission in this regard. We respectfully submit that that process ought to conclude, before MARA would consider acceding to the Application for further disruptive and potentially unnecessary investigations.

3.5. Disruption

3.5.1. The works being proposed by the Applicant as part of the Application have the potential to be incredibly disruptive to our client’s enjoyment of the Lands.

3.5.2. The activities being proposed include undersea drilling up to 45m deep. This is significantly deeper than the boreholes envisaged by the current Licence. According to clause 1.1 of the AIMU, these depths are not finalised and are subject to change, thereby potentially increasing the depth and associated disruption caused by possible vibrations and noise etc.

3.5.3. The Application also envisages the use of additional equipment and vessels for the purposes of its activities, which has the potential to greatly impact our client's enjoyment of his Lands.

3.5.4. In circumstances where, as set out at clause 3.4, the activities proposed by the Application are premature, we submit that this disruption would present an unwarranted interference with our client's enjoyment of the Lands.

3.6. Failure to consider alternatives

3.6.1. At clause 3.1 of the AIMU, it states that consideration of alternatives was not required because the proposed activity / works of the existing Licence has not changed due to the additional areas contemplated by the Application.

3.6.2. This is not correct, as the depths of boreholes contemplated by the Application are clearly deeper than those conducted under the current Licence. This has the potential to increase negative effects associated with undersea boreholes, including noise pollution and disruption to undersea wildlife in the area.

3.7. Failure to update in line with changes to area

3.7.1. The AIMU refers heavily to the mitigation measures and activities contemplated by the current Licence. This reliance is fundamentally flawed.

3.7.2. The addition of two areas for surveys under the Application introduces potentially different risks and the need for alternative mitigation measures. For instance, the new areas for activity which are envisaged by the Application are likely to subject members of the public to the negative effects of these activities, including our client.

3.7.3. We submit that as part of the Application, prior to granting of any amendment to the Licence, the Applicant should be required to conduct updated studies on the potential effects of its proposed activity, including on our client as a nearby resident.

4. CONCLUSION

4.1. For the reasons set out above, we consider that the Application is fundamentally flawed.

4.2. The Application is premature in circumstances where the reasons for the proposed activities i.e. the Project, has not yet been the subject of an application or approval from the appropriate authorities. The carrying out of invasive and potentially highly disruptive works in such circumstances is premature and unwarranted.

4.3. Furthermore, the Applicant has failed to appropriately consider the impact of the proposed activity on the new areas, as well as the impact of greater

undersea boring activity. This includes the impact of the proposed activity on wildlife and nearby residents, including our client. These changes represent substantial changes to the activities envisioned by the Licence and require greater analysis by the Applicant and MARA.

- 4.4. We suggest, as a minimum, that MARA would require additional consideration to be given to the potential effects of proposed activity in the new areas contemplated under the Application and that appropriate mitigation measures to be proposed. This should be conducted prior to any amendment to the existing Licence being granted by MARA.
- 4.5. We trust this sets out our client's concerns in sufficient detail. We would be happy to make further submissions in due course, should MARA consider this of assistance.

Yours faithfully,

Sent by email so bears no signature

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