



The Bates Partnership
Dredging, Harbour & Offshore Consultants

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Maritime Usage Licensing,
Maritime Area Regulatory Authority (MARA),
2nd Floor, Menapia House,
Drinagh Business Park,
Wexford, Y35RF29.

02nd July 2026
Our Ref:651/CMS/20260702

Dear Sir/Madam,

Re: MUL230026 – Minded to Determination Response

On behalf of the Wicklow County Council (WCC), and in response to your Minded to Determine Notice and Proposed Licence with regard to the above application, please find herein the WCC's response and supplementary information on a number of the proposed Conditions.

WCC makes these proposals in good faith.

Yours sincerely,



Colm Sheehan
The Bates Partnership

Cc: Mary Cahill, Senior Executive Engineer, Wicklow County Council
Ashley Dillon Toth, Executive Engineer, Wicklow County Council

Attachment:

Annex A – WCC's Proposed Amendments to Maritime Usage Licence

Annex A – WCC’s Proposed Amendments to Maritime Usage Licence

Item	Condition As Is	Proposed Condition	Reasoning
1	Particulars Schedule Permitted Maritime Usage under Schedule 7 of the Maritime Area Planning Act 2021: (3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.	It is proposed that this activity be deleted.	Pursuant to Section 11 of the Harbours Act 1996, WCC undertakes regular bathymetric surveys for the purposes of management, control and operation of its navigation channels. Such surveys are non-intrusive, limited in scale and are not undertaken for either 1) for the purposes of scientific discovery or research or 2) for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000. Such surveys are not discretionary but are an essential operational safety function that have been undertaken regularly in every port, harbour and marina in Ireland for decades without the requirement of a licence. The legislation of the Marine Planning Act (Schedule 7) does not appear to change this standpoint. Furthermore, the inclusion of the activity whilst at the same time limiting it to the Licence Area defined in Appendix 1 of the proposed licence would prevent the surveying of parts of the channel currently not subject to maintenance dredging. Such a limitation would create a regulatory restriction on the WCC's ability to undertake its statutory duties. It is also noted that MUL230029, issued to the Department of Defence and LIC230004, issued to Aughinish Alumina Ltd, have no such activity associated with them, even though such bathymetric surveys are a fundamental part of any dredging project. Furthermore, LIC230004 includes Condition 30 that requires the provision of survey data to the UKHO and therefore the expectation that survey will be undertaken. Similarly, it is also noted that MUL LIC230025, recently issued to the Port of Waterford, also did not have this requirement for this associated activity. On this basis, it is proposed that the activity is removed as it does not fall under the requirements of a MUL.

Item	Condition As Is	Proposed Condition	Reasoning
2	Condition 19 The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport. This Marine Notice shall include details of the Licence Holder and the Licence Number as granted by MARA.	Condition 19 The Holder shall, a minimum 14 days prior to the commencement of dredging or ploughing activities, arrange for the publication of a local Notice to Mariners by the Harbour Master. This local Notice to Mariners shall include details of the Licence Holder and the Licence Number as granted by MARA.	WCC is the statutory authority with responsibility for the management and conservancy of the harbour. Local Notices to Mariners are issued by the Harbour Master in accordance with the Port regulations and legal requirements. As the proposed operations occur entirely within Port Limits, the publication of a local Notice to Mariners is deemed sufficient with regard to ensuring the safety of navigation.
3	Condition 26 The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels.	It is proposed that this Condition in its entirety be deleted.	Under MARPOL Annex I, Regulation 37, oil pollution emergency plans are not required on any vessel (excluding oil tankers) under 400 gross tonnage. The survey vessel used will likely be in the order of approximately 12m long by 4m wide with a gross tonnage of less than 20GT. Therefore, the Condition is not an appropriate control to ensure the protection of the marine environment. The vessel will be fully certified, conforming to Irish Certification standards, as per Condition 22, without carrying an oil pollution emergency plan. In line with the proposed change to the Particulars Schedule regarding the inclusion of minor bathymetric navigation surveys, it is proposed that this Condition be deleted.

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4	Condition 27 (iii) The Holder shall ensure that material dredged by trailing suction hopper dredger or other mechanical dredging is passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.	Condition 27 (iii) The Holder shall ensure that material dredged by trailing suction hopper dredger is passed through grid screens no larger than 30cm, unless otherwise agreed by the Grantor, to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.	Mechanical dredging equipment (buckets/grabs) generally does not have grid screens to segregate man-made debris. Therefore, it is proposed to remove this measure from this particular dredging method, as it will not ensure the protection of the marine environment.																											
5	Condition 32 Quantities of dredge spoil associated with the Permitted Maritime Usage (i) The maximum quantities associated with the Permitted Maritime Usage shall not exceed the following: <table><tr><th>Location</th><th>Associated activity</th><th>Maximum Total Quantity (tonnes, wet weight)</th></tr><tr><td>Licensed Area A</td><td>Dredging</td><td>810,000</td></tr><tr><td>Licensed Area B</td><td>Deposit</td><td>562,500</td></tr></table> <table><tr><th>Location</th><th>Associated activity</th><th>Maximum Annual Quantity (tonnes, wet weight)</th></tr><tr><td>Licensed Area A</td><td>Dredging</td><td>221,250</td></tr><tr><td>Licensed Area B</td><td>Deposit</td><td>157,500</td></tr></table> Reason: To ensure protection of the marine environment.	Location	Associated activity	Maximum Total Quantity (tonnes, wet weight)	Licensed Area A	Dredging	810,000	Licensed Area B	Deposit	562,500	Location	Associated activity	Maximum Annual Quantity (tonnes, wet weight)	Licensed Area A	Dredging	221,250	Licensed Area B	Deposit	157,500	Condition 32 Quantities of dredge spoil associated with the Permitted Maritime Usage (i) The maximum quantities associated with the Permitted Maritime Usage shall not exceed the following: <table><tr><th>Location</th><th>Associated activity</th><th>Maximum Annual Quantity (tonnes, wet weight)</th></tr><tr><td>Licensed Area A</td><td>Dredging</td><td>810,000</td></tr><tr><td>Licensed Area B</td><td>Deposit</td><td>810,000</td></tr></table> Reason: To ensure protection of the marine environment.	Location	Associated activity	Maximum Annual Quantity (tonnes, wet weight)	Licensed Area A	Dredging	810,000	Licensed Area B	Deposit	810,000	The table is unclear with respect to the activities mentioned. E.g. no dredging shall be undertaken in Licensed Area B. Also, the logic of lesser volumes deposited compared that which is dredged is unclear.
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6	Condition 34 Overflow of material from dredging vessels shall not be permitted at any time. Reason: To ensure protection of the marine environment.	Condition 34 Delete	The dispersion modelling provided for WID dredging was provided on the basis that it provided the worst-case scenario with respect to sediment dispersal. WID is an effectively continuous disturbance and dispersal of the sediment when active. Per our previous RFI letter response (Response 1, ref: 09th June 2025, 651/CMS/20250709): <i>“Water Injection Dredging (WID) has the highest potential dispersion characteristics from the harbour area, it was selected as the dredging option to be modelled and assessed as the worst-case scenario. The assessments undertaken, and provided in the application, have found WID to be acceptable environmentally. On this basis, as the dispersion characteristics of all other potential dredging methods (Trailing Suction Hopper Dredging, Mechanical Dredging and Ploughing) are lower, modelling of these dredging methods would add no added value to the application as the results/impacts would be less than that modelled for WID.”</i> Therefore, given the above, we propose that Condition 34 should be removed, or limited to a period of 4 hours.