From: [redacted]
Sent: Saturday 24 October 2026 17:12
To: MARA Licence;[redacted]
Subject: Fwd: Mul260006 Cregg Beach Lahinch Co Clare

Categories: Filed to eDocs

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Dear Sir or Madam,

I am making this submission about the proposed survey works at Cregg Beach. I have farmed in the area for all my life and my land is between the Ballymacraven river and the Moy River, known on official maps as the Clooneyogan North River, which reaches the sea at Cregg Beach.

Otters are primarily nocturnal and shy, so they can be difficult to spot. I have seen them on many occassion near bridges along riverbanks or around the coast at dawn and dusk. I have often seen otters swimming down from the Ballymacraven River towards the Moy River and on towards Cregg Beach. I do not have photographs, as they move so quickly but I would be happy to show an officer from MARA or the National Parks and Wildlife Service where I have seen them.

I am concerned that the applicant's assessment does not properly account for otters using the river and shore at Cregg. The *Risk Assessment for Annex IV Species*(Attachment 4.4, page 15) says that the most recent evidence of otter activity in the Liscannor Bay area dates from 2010. I refute this as I have seen them on occasion in this current year 2026. My own sightings show that otters are still present in this area. The description of their presence as "sporadic" does not reflect what I have seen.

I can find nothing in the report to show that the Moy River or the shore at Cregg was walked and checked for otters, holts, couches or other signs of use. The report nevertheless concludes that there are no holts, couches or other resting or breeding sites within or beside the survey footprints. The Moy River is not named in the report. In my view, that conclusion cannot be relied on without a proper survey of the river and shore.

The applicant's documents give different accounts of otter activity

The Annex IV report states that otters "frequently utilise rocky shorelines and intertidal zones within Liscannor Bay, especially during dawn and dusk periods" (page 15). The revised Natura Impact Statement (August 2026) says only that otters "may occur sporadically along the wider west Clare coastline". It also says

that the surveys are “confined to subtidal and offshore environments, with no survey along established otter resting or breeding sites” (page 50).

That description does not account for the proposed works at Cregg. The Natura Impact Statement includes “Intertidal trial pits and dynamic sampling/probing using a tracked mini rig” at Cregg Beach (section 2.2). The applicant’s response to MARA of 26 June 2026 describes trial pits up to four metres deep, dug by excavator (page 7).

Night work is allowed at times when otters may be active

The applicant identifies dawn and dusk as times when otters are active. However, its mitigation measures (section 6, page 33) state: “Once intrusive survey works have commenced, operations may continue at night or during poor visibility”.

The only observer proposed is a marine mammal observer watching for dolphins from a survey vessel or jack-up barge. No specific protection is proposed for otters on the shore or in the river. An observer cannot properly watch for otters in the dark.

The need for a Regulation 54 licence has not been settled

The otter is listed in Annex IV(a) of the Habitats Directive, as the applicant accepts. Article 12(1) requires strict protection for these species within their natural range, including protection against deliberate disturbance and the deterioration or destruction of breeding sites or resting places.

This protection does not depend on whether a location is a Special Area of Conservation. The applicant’s point that the nearest SAC with otter as a qualifying interest is more than 45 kilometres away does not answer the issue. Article 12(1)(d) also does not make protection conditional on the damage being deliberate.

In Ireland, derogation licences for works affecting otters are granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011. On 8 April 2026, the Department of Housing, Local Government and Heritage told MARA that “there may be a requirement for Regulation 54 consent”.

The applicant’s report concludes that “a derogation licence under Regulation 54 is not required” (page 34). That conclusion appears to rely on the desk study and the finding that there are no holts. I can find no later advice from the National Parks and Wildlife Service resolving this question.

What I ask MARA to do

I ask MARA to refuse the licence for the proposed works at Cregg Beach. If MARA nonetheless decides to grant it, I ask it to:

1. Require a survey by a qualified ecologist of the Moy River (Clooneyogan North River) and the shore at Cregg, including searches for otters, holts, couches and signs of use. The results should be published before any decision is made on the works at Cregg.

2. Seek advice from the National Parks and Wildlife Service, in light of the survey, on whether a Regulation 54 licence is required.
3. Require a qualified ecologist to set a suitable buffer around any holt or couch found, keeping machinery, trial pits, boreholes, access routes and spoil outside it.

4. Prohibit work on the shore and at the river mouth between dusk and dawn, and prohibit floodlighting of the shore and river at night.
5. Require an ecologist to check the river mouth and shore immediately before work starts each day, and stop work if an otter is seen nearby.

6. Keep all machinery, pits and spoil out of the river channel and off its banks.

The otters are still here, whatever the 2010 records say. I ask MARA to ensure they are properly looked for before any machinery goes onto the shore.

I also support the submission made by the Calluragh Cregg Lahinch Wastewater Action Group.

Yours faithfully,

[redacted]

Please confirm receipt of my submission and my request for Mara not to Grant the licence.

References

- AQUAFACT, *Risk Assessment for Annex IV Species* (Attachment 4.4), pages 15, 32, 33 and 34: https://maritimeregulator.ie/wp-content/uploads/2026/02/Attachment-4.4-Risk-Assessment-for-Annex-IV-Species-Report-1.pdf

- AQUAFACT, revised SISAA and Natura Impact Statement, August 2026, section 2.2 and page 50: https://maritimeregulator.ie/wp-content/uploads/2026/02/MUL260006-Attachment-4.3-SISAA-Updated.pdf
- Uisce Éireann (Mott MacDonald), response to MARA's request for further information, 26 June 2026, page 7: https://maritimeregulator.ie/wp-content/uploads/2026/02/MARA_RFAI_-*Response_Letter-MUL260006-*_20260626.pdf

- Department of Housing, Local Government and Heritage, observation, 8 April 2026, page 3: https://maritimeregulator.ie/wp-content/uploads/2026/02/MUL260006-DHLGH_redacted.pdf
    - National Biodiversity Data Centre, otter records for the area from Callura to Cregg: three records, last dated 20 September 2010 (*Atlas of Mammals in Ireland 2010–2015*).

- Council Directive 92/43/EEC (Habitats Directive), Article 12(1) and Annex IV; European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), Regulation 54.