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Oct 22nd 2026

To: licence@mara.gov.ie

Maritime Area Regulatory Authority, Menapia House, Drinagh, Wexford, Y35 RF29

Submission on MUL260006: the licence sought is larger than the one assessed

Dear Sir or Madam,

I live about a mile from Cregg Beach. When we were young, we crossed the fields to get there. My favourite memories are of Sunday picnics on the beach, a glorious time when we all had time, exploring the rocks for sea grass, periwinkles and carrageen. Time moves on, and I too am open to progress. I fully agree that Lahinch and Ennistymon need a new treatment plant, but not by pushing nature aside to get there. Whenever I have applied for a licence or permission, I have had to meet every requirement before a decision was made. Having read the application documents myself, I do not understand why this application, on a shore as precious as Cregg, should be held to a lower standard.

The licence Uisce Éireann is now asking for is larger and different from the one its Natura Impact Statement assesses, and from the one some public bodies were consulted on. Before granting anything, MARA needs to be certain about the works it would actually permit. I understand that, under Article 6(3) of the Habitats Directive, a licence affecting a European site can only be granted where no reasonable scientific doubt remains (Waddenzee, C-127/02). That certainty can only attach to works that have actually been assessed. The Court of Justice has also held that the assessment must identify all the habitats and species for which a site is protected, and must examine effects on habitats and species outside the site where those effects could affect its conservation objectives (Holohan v An Bord Pleanála, C-461/17). On the published record, I do not think that standard can be met.

1. The applicant's own documents disagree on whether the protected estuary is affected

The applicant's statement of consistency with the 4th National Biodiversity Action Plan (Attachment 4.10) refers to "the Inagh River Estuary Special Area of Conservation which overlaps the survey footprint."

The revised Natura Impact Statement screens out the habitats of that same site on the basis that the surveys "are restricted to offshore, subtidal, and upstream freshwater areas" (Table 2-6, page 36), although section 2.2 describes "Intertidal trial pits and dynamic sampling/probing using a tracked mini rig" at Cregg Beach (page 20).

Both statements cannot be right. MARA's screening, which lists this site at 0 km and screens it out with the words "No significant S-P-R", should not rely on either until they are reconciled. The Inagh River Estuary SAC is part of the EU's Natura 2000 network. Its protection should not depend on which of the applicant's two descriptions is correct.

2. The January assessment recognised the disturbance at Cregg. The August version removed it

The original Natura Impact Statement (Revision 3, January 2026) carried physical disturbance through to Stage 2 "on a precautionary basis". Its section 3.2.2 stated that "Specific intertidal investigations such as trial pits and dynamic probing in the Cregg Beach landfall area, using mini-excavators and tracked mini rigs, will similarly cause localised physical disturbance", that "Such physical impacts may affect benthic communities, particularly in areas supporting sensitive

or slow-recovering species", and that their potential to affect nearby European sites "must be carefully assessed" (page 64). It also committed to best-practice measures, including "minimising unnecessary seabed contact" (page 65).

The revised Natura Impact Statement (Revision 4, August 2026) contains no Stage 2 assessment of physical disturbance. Its Stage 2 covers noise and vibration only. Its screening now states that benthic habitats are "expected to recover rapidly" (section 2.4.3), and the best-practice commitment no longer appears. I can find no explanation for these changes in the revised document or in the applicant's covering letter of 3 September 2026.

A survey by marine ecologist Aisha O'Connor in October 2026 has since mapped honeycomb worm (Sabellaria alveolata) reef, an Annex I habitat (Reefs, 1170), at 60 locations along the shore at Cregg. This is exactly the kind of sensitive, slow-recovering habitat the January version warned about. The assessment MARA is now relying on is less cautious about the shore than the one it replaced, although nothing has changed on the shore except that more is now known about it.

3. The works have grown since the assessment was written

In its response of 26 June 2026, the applicant raised the licence maximums to "up to 20 no. CPTs" and "up to 20 no. VCs" (page 7). The revised Natura Impact Statement, issued in August 2026, still assesses up to 10 cone penetration tests and up to 15 vibrocores (Table 2-1, page 21).

The revised Natura Impact Statement states that "The proposed survey involves a single vessel" (page 24). The same June response describes a jack-up platform, "an attendant vessel (tug)" to manoeuvre it into position, a crew transfer RIB and a workboat (pages 9 and 12). Boreholes are to run for 24 to 36 hours each, with 24-hour working assumed (Table 2-1).

The assessment therefore describes a smaller operation than the licence would allow.

4. A protection that was promised is missing

The applicant's statement of consistency with the National Marine Planning Framework (Attachment 4.1) states, for underwater noise: "Softstart procedures, MMOs, and PAM will ensure noise remains below levels that could cause" harm. PAM is passive acoustic monitoring.

The mitigation measures in the Annex IV species report (section 6, page 33) do not include passive acoustic monitoring. The same section states that "Once intrusive survey works have commenced, operations may continue at night or during poor visibility". A marine mammal observer cannot see animals in the dark. Dolphins, porpoises and otters are strictly protected under Article 12 of the Habitats Directive, wherever they occur, so the measures relied on to protect them should be the ones actually proposed.

5. The advice on the file relates to an earlier stage

The only nature conservation advice on the file is from the Department of Housing, Local Government and Heritage, dated 8 April 2026. It records that the screening document concluded "the project can be screened out at Stage 1 of the Appropriate Assessment process", and states: "NPWS supports this conclusion." MARA has since decided that a Stage 2 appropriate assessment is required, and I can find no published advice from NPWS on the revised Natura Impact Statement. The same letter states that "there may be a requirement for Regulation 54 consent under the EU Birds and Natural Habitats Regulations", and I can find no later document that addresses this.

Irish Lights responded on 3 April 2026, before the jack-up platform and 24-hour drilling were described. Its letter states: "Any subsequent alteration of the activity should be notified to Irish Lights and will be subject to a new assessment." I can find no record that this was done.

6. MARA has agreed in advance to further changes

In its letter of 19 May 2026, MARA told the applicant: "Reasonable refinement of survey lines, points and routes within the licenced area (if granted) would be permissible". Survey locations are still described as indicative. If locations and equipment can change after the licence is granted, the works actually carried out could differ from those assessed. The assessment would then be completed after the decision rather than before it.

7. A more recent loggerhead turtle record

The applicant's Annex IV Species Risk Assessment gives the most recent validated loggerhead turtle (Caretta caretta) record it used as 23 November 2023, with the closest occurrence "offshore near Loop Head, southwest of Liscannor Bay" (Table 3-7, page 22; page 21). A National Biodiversity Data Centre species search over a custom area from Callura to Cregg returns a more recent record, dated 5 July 2025, from the Explore Your Shore dataset. The export does not give the precise location of that record, so I do not claim it proves occurrence within the survey footprint. It does show that the applicant's assessment missed a more recent record, in the wider area, of a species protected under Annexes II and IV of the Habitats Directive.

What I ask MARA to do

1. Reconcile the applicant's statement that the Inagh River Estuary SAC "overlaps the survey footprint" with the Natura Impact Statement, and give reasons specific to that site for any screening conclusion.

2. Explain why the Stage 2 assessment of physical disturbance, including at Cregg Beach, and the best-practice commitments were removed from the Natura Impact Statement. Require physical disturbance of the shore at Cregg to be assessed, taking account of the reef mapped there.

3. Before deciding, require a single, consolidated description of every activity, quantity, vessel and working pattern the licence would permit, and a revised Natura Impact Statement that assesses all of it, including 20 cone penetration tests, 20 vibrocores, the jack-up platform and its support vessels, and 24-hour working over the full licence period. If the assessment is revised to cover the larger works, I ask that the public be given an opportunity to comment on it. The public can only take part meaningfully if what is published describes what would actually be licensed, which is the spirit of the Aarhus Convention, to which Ireland and the EU are parties.

4. Explain why passive acoustic monitoring, promised in Attachment 4.1, is missing from the mitigation measures, and why intrusive work would be allowed to continue at night or in poor visibility, when a marine mammal observer cannot see.

5. Seek NPWS's advice on the revised Natura Impact Statement and on the Regulation 54 question before determining the application, and confirm that Irish Lights and the Marine Survey Office have been told of the jack-up platform and 24-hour working.

6. Obtain and examine the underlying NBDC Explore Your Shore loggerhead turtle record dated 5 July 2025, establish its precise location and circumstances, and require the applicant to update its Annex IV Species Risk Assessment to address that record before determining the application.

7. Because these matters remain unresolved on the record, I respectfully ask MARA to refuse the licence. Where the scientific evidence does not remove all reasonable doubt, refusal is the only outcome the law allows, and these gaps cannot be made good by conditions attached to a licence.

I support proper wastewater treatment for Lahinch and Ennistymon. But Uisce Éireann is asking for a licence for more than it has shown to be safe. MARA should not license what has not been assessed. I raise these points so that MARA's decision is complete and sound on its face, which is in everyone's interest, including the applicant's.

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

Yours faithfully,



References

Uisce Éireann (Mott MacDonald), response to MARA's request for further information, 26 June 2026, pages 7 to 12. maritimeregulator.ie/wp-content/uploads/2026/02/MARA_RFAI_-_Response_Letter_-_MUL260006_-_20260626.pdf

AQUAFACT, SISAA and NIS, Revision 3, January 2026, sections 3.2.2 to 3.2.2.4, pages 64 and 65. maritimeregulator.ie/wp-content/uploads/2026/02/Attachment-4.3-SISAA-and-NIS-1-1-1.pdf

AQUAFACT, revised SISAA and NIS, Revision 4, August 2026, sections 2.2, 2.4.1, 2.4.3 and 3, Tables 2-1 and 2-6. maritimeregulator.ie/wp-content/uploads/2026/02/MUL260006-Attachment-4.3-SISAA-Updated.pdf

Applicant's covering letter for the revised NIS, 3 September 2026. maritimeregulator.ie/wp-content/uploads/2026/02/MARA-Revised-NIS-Response-Letter-MUL260006.pdf

Attachment 4.10, Consistency with 4th NBAP. maritimeregulator.ie/wp-content/uploads/2026/02/Attachment-4.10-Consistency-with-4th-NBAP.pdf

Attachment 4.1, Consistency with NMPF, Table 4.1.1 (Underwater Noise 1). maritimeregulator.ie/wp-content/uploads/2026/02/Attachment-4.1-Consistency-with-NMPF.pdf

Attachment 4.4, Risk Assessment for Annex IV Species, section 6. maritimeregulator.ie/wp-content/uploads/2026/02/Attachment-4.4-Risk-Assessment-for-Annex-IV-Species-Report-1.pdf

AQUAFACT (APEM Group), Risk Assessment for Annex IV Species Report (Attachment 4.4), section 3.6 and Table 3-7, pages 21 and 22.

Aisha O'Connor, Ecology Services & Consulting, Sabellaria alveolata (Honeycomb) Reef Survey at Cregg Beach, Co. Clare, 22 October 2026.

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MARA, Appropriate Assessment Screening and Determination Report, 7 August 2026 (Table 2). maritimeregulator.ie/wp-content/uploads/2026/02/MUL260006_Uisce-Eireann_Appropriate-Assessment-Screening-and-Determination-Report_APPR_redacted.pdf

Department of Housing, Local Government and Heritage, observation, 8 April 2026, pages 2 and 3. maritimeregulator.ie/wp-content/uploads/2026/02/MUL260006-DHLGH_redacted.pdf

Irish Lights, response, 3 April 2026. maritimeregulator.ie/wp-content/uploads/2026/02/Irish_Lights_response_MUL260006.pdf

MARA, letter to the applicant, 19 May 2026. maritimeregulator.ie/wp-content/uploads/2026/02/Response-from-Mara-19.05-1.pdf

Council Directive 92/43/EEC (Habitats Directive), Articles 6(3) and 12. Aarhus Convention (1998).
Waddenzee (C-127/02); Holohan v An Bord Pleanála (C-461/17).