

8th September 2026

Maritime Area Regulatory Authority,
2nd Floor, Menapia House,
Drinagh Business Park,
Drinagh, Wexford,
Y35 RF29

MOR Environmental Ref: E2068

Re: MUL LIC230013 – Request for Amendment to Specific Condition 28 – Attachment 2.2 - Details of Material Amendment Proposed to the Existing MUL

1 Introduction

The Port of Waterford Company ('POW') is seeking a material amendment to MUL LIC230013. MUL LIC230013 allows for proposed marine environmental surveys for the purposes of site investigation, or in support of an application under Part XXI of the Act of 2000, for the proposed extension of port facilities to support Offshore Renewable Energy ('ORE') development and ancillary works at Port of Waterford, Belview, Co. Kilkenny.

The proposed amendment seeks (only) to remove Specific Condition 28 from the MUL to the proposed marine environmental surveys for the purposes of site investigation, or in support of an application under Part XXI of the Act of 2000, to take place between 1st November and 31st January.

Specific Condition 28 applies a seasonal restriction to when the proposed works can take place and is currently set out in MUL LIC230013 as follows:

"28. Fish spawning and nursery grounds

(i) The Holder shall not undertake the Permitted Maritime Usage between 1st November and 31st January annually, to ensure least disturbance to known fish spawning along the survey route.

Reason: To ensure protection of the marine environment"

The Port of Waterford Company is seeking to remove Specific Condition 28 only and is not proposing any material changes to the proposed Maritime Usage. The proposed amendment does not involve any change to:

- The nature or extent of the permitted maritime usage;
- The survey methodologies or equipment;
- The location or duration of activities;
- The mitigation measures previously assessed; or,

- The project description was previously considered within the existing assessment framework for MUL LIC230013.

The Project Description submitted as part of the MUL LIC230013 application, therefore, remains unchanged, as there is no proposed change to the location, duration or specific activities to be carried out.

2 Specific Condition 28 - Background

As outlined in Section 6, page 19, of the Maritime Usage Licence Assessment Report, dated 29th May 2026, the inclusion of Specific Condition 28 was based on a submission issued by the Sea Fisheries Protection Authority ('SFPA'). The submission by the SFPA makes specific reference to schools of spawning stocks of sprat, herring, cod and turbot that have the potential to move through the estuary. The SFPA sought a seasonal restriction on when these site investigation works could take place without providing any supporting scientific evidence.

MARA issued the Minded to Determine Notice on the 29th May 2026, which included the proposed licence and conditions, including Specific Condition 28. POW provided supplementary information on the 24th June 2026 in relation to Specific Conditions 19, 21 and 28.

MARA issued a response to the supplementary information on the 29th June 2026 in relation to Specific Condition 28 stated:

"The reason for this condition is to ensure the protection of the marine environment, specifically fish spawning grounds. MARA acknowledges the Applicants concern regarding the scientific basis for the proposed seasonal restriction. While limited site-specific empirical evidence was provided by SFPA in support of the seasonal restriction, MARA notes that the suggestion restriction aligns with the precautionary principle, having regard to the potential for disturbance of commercially important spawning grounds within the estuary and wider nearshore area. MARA acknowledge that local SFPA officers retain significant detailed knowledge of fisheries activity and species distribution within the Waterford estuary. This local knowledge plays a crucial role in the management of fisheries, particularly where empirical data are missing, or does not provide a full picture of the receiving environment.

MARA notes that the NPWS submission relates primarily to conserving the integrity of European Sites, rather than a detailed assessment of fish spawning activity. MARA have reviewed available MI spawning and nursery datasets which indicate that the proposed MUL area does not overlap mapped spawning and nursery grounds. MARA have also reviewed MI Groundfish Survey data, which indicates the presence of sprat in offshore waters beyond the harbour entrance; however, it should be acknowledged that these surveys provide limited coverage of shallow inshore and estuarine areas and likely do not capture the full distribution of sprat in the area.

While no empirical turbot dataset was identified by MARA, the absence of records should not be interpreted as confirmation of absence, particularly given the comments of the SFPA. Considering the sensitivity of spawning fish, the limited availability of inshore fisheries data, and the potentially disruptive, albeit temporary, nature of the proposed SI activities, MARA considers that the condition should remain."

MARA issued the Final Licence LIC230013 on the 30th June 2026.

Given the serious ramifications that Specific Condition 28 has for POW both in regard to the immediate ORE project but also potentially for future Port Operations, it would be considered that MARA did not allow sufficient time between receipt of the Port's submission on the 24th and issuing a final licence on 30th June, i.e. three working days, to fully consider whether the necessary scientific evidence was in place to support their decision.

3 Rationale for Material Amendment

It is the expert opinion of Malone O'Regan Environmental ('MOR Environmental') that the restriction appears to have been imposed without any proper scientific basis, and in circumstances where the submitted environmental reports (the Assessment of Impacts of the Maritime Usage ['AIMU'] and Natura Impact Statement ['NIS']) assessed the potential disturbance to fish populations, and concluded that the short-term, localised and daytime nature of the proposed SI activities would not result in likely significant impacts.

We also wish to validly note that the National Park and Wildlife Service ('NPWS') concluded that the proposed SI activities would not adversely impact fish populations.

MARA appears to have placed undue weighting on the position of the SFPA despite that body having had limited prior engagement with POW, and without properly considering the practical and environmental assessment evidence before it. MARA's reports do not include any analysis of the evidentiary basis for the inclusion of such a condition and do not explain how MARA assessed this requirement in the context of the environmental assessments provided by POW, the supplementary information issued in response to the Minded to Determination, and the NPWS conclusions.

Notwithstanding the information that had already been submitted to MARA, POW commissioned, in support of this amendment application, a detailed fisheries assessment on sprat, herring, cod and turbot within Waterford Estuary by a recognised expert consultant, namely, Dr Martin O'Farrell of Aztec Management Consultants. This assessment has been submitted with this application. Dr Martin O'Farrell has over 40 years' experience, with extensive knowledge of fish species in estuaries in general and in Waterford Harbour in particular. As part of his assessment, Dr Martin O'Farrell undertook informal engagement with SFPA to gain an understanding of their position and to share his extensive knowledge of species distribution and spawning grounds within the estuary, some of which is not publicly available.

Dr Martin O'Farrell's assessment concluded that the proposed works, if carried out between November and January, will fall outside many commercial fish spawning periods, and the works will take place outside the known spawning areas for commercial fish species. Therefore, there will be no potential effects associated with habitat loss, barriers to movement, underwater noise or water quality impairment that would materially alter the viability of these fish populations should the works be carried out between November and January. As such, there is absolutely no scientific basis for any temporal restriction on the proposed works.

The misguided seasonal restrictions imposed by Specific Condition 28 on the proposed works could create a dangerous precedent, thereby having serious ramifications for both ongoing port-related activities and future developments at the Belview Port. We respectfully consider that neither SFPA nor MARA fully considered such consequential effects.

The Port of Waterford's position is that Specific Condition 28 should be removed in line with best scientific knowledge.

Further details are contained in '*Aztec Management Consultants response to alteration recommendation to the period of Permitted Maritime Usage as outlined in Specific Condition 28 in Maritime Usage Licence LIC230013*' report, submitted with this amendment application.

The proposed amendment seeks to ensure that any restrictions on the Port of Waterford Company's marine surveys are aligned with the latest and best available scientific evidence, and to ensure efficient coordination of marine survey activities with ongoing port activities and vessel movements in the vicinity of the Belview Port.

4 Specific Amendment Sought

The proposed amendment seeks (only) to remove Specific Condition 28 from the MUL LIC230013.

~~“28. Fish spawning and nursery grounds~~

~~(i) The Holder shall not undertake the Permitted Maritime Usage between 1st November and 31st January annually, to ensure least disturbance to known fish spawning along the survey route.~~

~~Reason: To ensure protection of the marine environment”~~