Maritime Usage Licensing and Planning Advisory Directorate Maritime Usage Licence (Material Amendment) Assessment Report					
To:	John Evans, Director	**From:**		Maria O Connell Marine Analyst	
Date:	27/10/2026	**Maritime Usage Licence Application No:**		LIC230013MA	
Applicant:		Port of Waterford Company, 3rd Floor Marine Point, Belview Port, Slieverue, Waterford			
Material Amendment application received:		09/09/2026			
Types of maritime usage activities		*Material amendment to LIC230012 granted for 7 (3). Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.* *The material amendment relates to the removal of Condition 28 of LIC230013, which is a temporal restrictive condition on site investigations.*			
Location of proposed material amendment:		River Suir at the Port of Waterford, Belview, Co. Kilkenny			
Environmental Impact Assessment (EIA) Screening		EIA not required (EIA Screening Consideration Form dated 16/10/2026)			
Appropriate Assessment (AA) Screening		AA screening report and determination dated 16/10/2026 - Stage 2 AA not required.			
Public body consultation:		14/09/2026 – 14/10/2026	**Observations from public bodies received:**	Five	

Contents

1. Background 3

2. Location and description of the proposed maritime usage 3

2.1 Brief description of the site characteristics 4

3. Assessment 5

3.1 National Marine Planning Framework (NMPF) 5

3.2 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive) 5

3.3 National Biodiversity Action Plan (NBAP) 5

3.4 Climate Action and Low Carbon Development Act 2015, as amended 6

3.5 Water Framework Directive (2000/60/EC) 6

3.6 Marine Strategy Framework Directive (2008/56/EC) 6

3.7 Annex IV species 7

3.8 Appropriate Assessment 7

3.9 Assessment of Material Amendment submissions 7

4. Consideration of other maritime users 8

5. Site visit 8

6. Public body consultation 9

7. Recommendation 11

8. Approval 11

1. Background

The Port of Waterford Company DAC (the applicant) has applied to the Maritime Area Regulatory Authority (MARA) for a Material Amendment to Maritime Usage Licence (LIC230013) in accordance with Section 125 of the MAP Act. Licence LIC230013 was granted to the Port of Waterford on 30/06/2026 to undertake marine site investigations for the purposes of site investigation, falling under Schedule 7(3) of the Maritime Area Planning Act 2021 (the MAP Act). The objective of the proposed maritime usage is to undertake investigations to support the design of a proposed 250m Offshore Renewable Energy (ORE) quay extension in the River Suir at the Port of Waterford, Belview, Co. Kilkenny.

The material amendment requested by the applicant is for the removal of Specific Condition 28 of Licence LIC230013 in relation to fish spawning and nursery grounds which states: "(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".*

Condition 28 of LIC230013 arose from MARA's analysis of the original application on foot of observations received from the Sea Fisheries Protection Authority in relation to concerns regarding the impact of noise from the site investigations during spawning periods for commercially important fish stocks.

2. Location and description of the proposed maritime usage

The proposed site investigation activities are shown on Table 1, along with the estimated duration of the activities. The applicant notes the surveys will take approximately 3 weeks in total to complete, and the area licensed under LIC230013 is shown in Figure 1. MARA granted a licence of two years on the 30/06/2026.

Table 1. The details of the proposed site investigation activities

Proposed maritime usage activities	**Estimated duration**
10 x Boreholes of approx. 200mm in diameter will be undertaken using a cable percussive drilling rig up to 30m depth	3 weeks
10 x Cores will be undertaken to remove a length of rock 2-4 meters in length and 150-200mm in diameter using a diamond drill and drill rig	
Standard penetration testing	
Jack up barge to support drilling rigs	

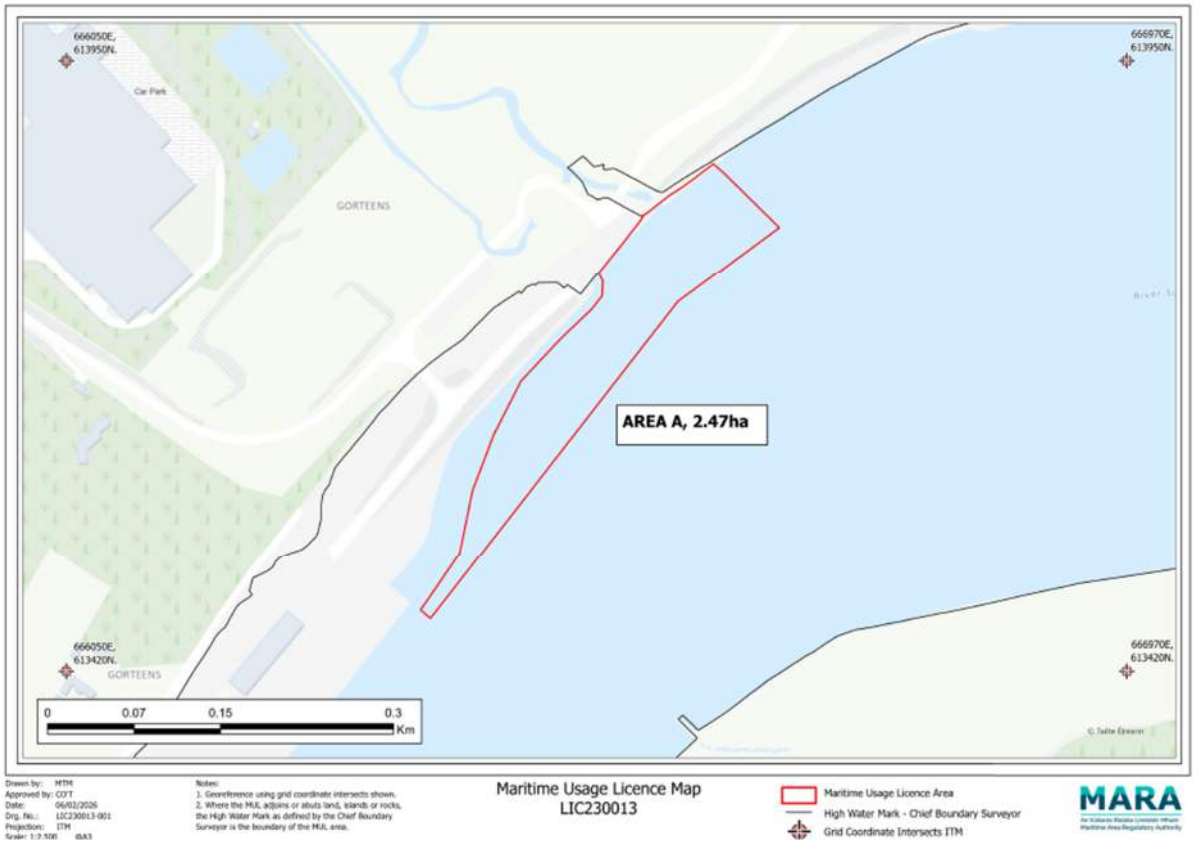


Figure 1 Location of LIC230013MA

2.1 Brief description of the site characteristics

The licensed area is 2.47 hectares and is located below the high watermark [1] in the Suir Estuary, as depicted in Figure 1. The site is adjacent to the Port of Waterford which is a busy commercial port. The River Luffany discharges into the River Suir Estuary via the licensed area, and the estuary converges with the River Barrow approximately 1.5km north of the Port to form the Barrow Suir Nore Estuary. This watercourse then flows south into Waterford Harbour and on to the Eastern Celtic Sea a further 20km downstream.

Broadscale seabed habitat mapping indicates the licensed area consists primarily of infralittoral coarse sediment and sand consistent with estuarine waterbodies. The site is located within the Lower River Suir SAC, which flows into the River Barrow and River Nore SAC downstream. The hinterland consists of port infrastructure, agricultural land, commercial buildings and transport networks.

[1] https://data-osi.opendata.arcgis.com/datasets/osi::-high-water-mark-national-water-marks-ungeneralised-2026

3. Assessment

In assessing this material amendment application, MARA must have regard to the criteria specified in the MAP Act, as discussed in this section. Additionally, in this case MARA also had regard to the assessments carried out in relation to the granting of LIC230013, see the MUL report dated 29/05/2026 and the Appropriate Assessment (AA) report dated 02/08/2024. Updates to the assessments undertaken in relation to LIC230013MA (this application) as well as MARA's AA Screening report in relation to this application (dated 16/10/2026) were also taken into consideration.

3.1 National Marine Planning Framework (NMPF)

MARA must have regard to the Marine Planning Policy Statement (MPPS) which outlines the government's overarching vision, policies, and principles for managing the country's maritime area. MARA must also have regard to the NMPF, which sets the framework for implementing the forward planning component of our marine planning system as set out in the MPPS. The proposed maritime usage activities are associated with the development of future port infrastructure, in particular ORE infrastructure. The proposed material amendment (this application) will not impact on policies of the NMPF.

3.2 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive)

MARA carried out a screening for EIA of the proposed maritime usage having considered Schedules 5 and 7 of the Planning and Development Regulations 2001. An EIA Screening Form was issued by MARA on 16/10/2026 and it was concluded that the material amendment does not fall within the scope of the EIA Directive and therefore an EIA is not required.

3.3 National Biodiversity Action Plan (NBAP)

Ireland's 4th National Biodiversity Action Plan sets the national biodiversity agenda for the period 2023–2030. The objectives of the NBAP focus on the conservation and restoration of biodiversity. Objective 2 of the NBAP is to meet urgent conservation and restoration needs. Part of its focus is to elevate efforts to tackle invasive alien species. A condition of the original licence was included to address the potential risks from invasive alien species as a result of the proposed maritime usage. Sections 3.5–3.8 of the MUL report in relation to LIC230013 also address the Habitats and Birds Directives, WFD and MSFD and recommended licence conditions which were incorporated into LIC230013. It is not expected that the proposed material amendment will impact on the biodiversity of the licenced area.

3.4 Climate Action and Low Carbon Development Act 2015, as amended

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended (the 'Climate Act') requires relevant bodies, including MARA, to perform their functions in so far as practicable in a manner consistent with the governance framework set out therein. The Act sets legally binding targets for the reduction of greenhouse gases by 2030 and net-zero emissions by 2050. Considering the nature of the proposed material amendment, no increases in carbon emission and no potential for indirect effects on climate change are expected.

3.5 Water Framework Directive (2000/60/EC)

The Water Framework Directive (WFD) requires EU member states to protect and improve water quality in all waters to achieve at least good ecological status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The ecological status of coastal and transitional waterbodies is based on the assessment of biological quality elements (phytoplankton, benthic invertebrates, macroalgae, angiosperms) as well as chemical (specific pollutants), physico-chemical (e.g. temperature, salinity, nutrients) and hydromorphological quality elements. The licenced area is within the Lower Suir Estuary (WFD -transitional waterbody). It is not expected that the proposed material amendment will impact on the waterbody classifications of any of these waterbodies.

Table 2: Water Framework Directive waterbodies in relation to the MUL application area from the reporting period 2019–2024, including status, risk and significant pressures for the at-risk waterbodies.

Waterbody name & code	Waterbody type	Ecological status & Risk*	WFD significant pressures	Proposed activities
Lower Suir Estuary (Little Island to Cheekpoint)	**Transitional**	Moderate (At Risk)	Nutrients and pressure from agriculture and urban wastewater run-off.	All proposed activities
Barrow-Suir-Nore Estuary	**Transitional**	Moderate (At Risk)	Nutrients and pressure from agriculture and urban wastewater run-off.	1.5 km north of proposed activities

*At risk means at risk of not achieving good status by 2027; not at risk means no risk in maintaining current status.

3.6 Marine Strategy Framework Directive (2008/56/EC)

The licensed area of LIC230013 is located entirely within transitional waters, namely the River Suir estuary, therefore lying outside the spatial extent of Ireland's MFSD assessment area.

Accordingly, assessment against MFSD descriptors is not applicable to the proposed material amendment to the licensed maritime usage.

3.7 Annex IV species

Articles 12 and 13 of the Habitats Directive (92/43/EC) impose obligations on Member States to establish a system of strict protection for animal and plant species listed on Annex IV of the Directive. The applicant undertook an Annex IV risk assessment as part of their licence application for LIC230013 which was accepted by MARA. It is not expected that the proposed material amendment will result in any impacts on Annex IV species.

3.8 Appropriate Assessment

The Habitats Directive (92/43/EC) and the Birds Directive (2009/147/EC) are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended (the Regulations) and by Part XAB of the Planning and Development Act 2000. The application was subject to screening for appropriate assessment (AA) by MARA in accordance with the Regulations. MARA made an AA Screening Determination on 16/10/2026 which concluded that the proposed material amendment will not require Stage 2 AA as it could be excluded, on the basis of objective scientific information, that the proposed material amendment, either individually or in-combination with other plans or projects, will have not have a significant effect on European sites.

3.9 Assessment of Material Amendment submissions

Condition 28 of LIC230013 was included to minimise potential disruption to commercial fish species via acoustic impacts to spawning grounds based on a submission from the Sea Fisheries Protection Agency (SFPA) and makes reference to spawning stocks of European Sprat (*Sprattus sprattus*), Herring (*Clupea harengus*), Cod (*Gadus morhua*) and Turbot (*Psetta maxima*) (formerly *Scophthalmus maxim)* specifically. The applicant submitted a report prepared on their behalf by Aztec Management Consultants in support of this material amendment application, which requests the removal of Condition 28, as it found there are no potential impacts on fish spawning areas for the fish species in question.

MARA has reviewed this report and agrees with its general findings that the proposed material amendment to the maritime usage licence will not have significant impacts on fish spawning, and therefore the population of the fish species identified. The consultant's report concludes that there will be no meaningful habitat loss, barriers to fish movement, underwater noise impacts, or water quality deterioration from the site investigations that could affect the viability of fish populations. MARA concurs with these findings.

As part of the assessment, MARA has also reviewed submissions made via the public body consultations for this material amendment. The Marine Institute (MI) response outlines that while the available data does not demonstrate that spawning occurs at the site of the

proposed material amendment**,** a herring spawning ground has been identified 6.2km downstream of the site. However, they state that *"…the proposed drilling activities are* unlikely *to cause significant disturbance at that distance"*. Additionally, MI highlight that it is unlikely that these species use estuarine areas as significant spawning habitat. The Sea Fisheries Protection Agency (SFPA) response to the public body consultation for this proposed material amendment did not make reference to any impacts on spawning fish or related habitats that may arise as a result of the proposed material amendment. MARA notes the SFPA submission did outline that further to a review of the scientific report provided by applicant that it was not envisaged that the project would present possible implications for the SFPA in relation to controls or non-compliance issues at this time.

The MI also outline difficulties in assessing the impact of mobile sediment arising from the drilling activities on herring eggs, or early life stages. MARA has reviewed the site investigation activities in terms of scale, duration and intensity of activities and is satisfied that the distance between the identified spawning areas and the licenced area, the small scale (10 boreholes and 10 cores) and confined operations (within 2.47ha affecting approx. 0.6m2), as well as the limited duration of site investigations (3 weeks) significantly minimises this risk factor, to such a level that it can be ruled out as a potential impact.

Therefore, having reviewed all associated and available documentation and submissions, MARA finds that Condition 28 of LIC230013 can be removed without any significant impact on the spawning grounds of any fish species assessed in this report.

4. Consideration of other maritime users

MARA has had regard to the rights of other users as set out in Section 3 (3)(b) of the MAP Act. The NMPF also requires that the potential impact of proposed activities avoid, minimise and mitigate potential impacts on other users. The existing licence has provided for conditions to address impacts on other users. The proposed MA is not expected to impact further on other users of the maritime area.

5. Site visit

No site visit was undertaken due to the nature of the proposed material amendment to the maritime usage.

6. Public body consultation

Observations on the proposed material amendment were invited from relevant public bodies to ensure that MARA takes account of all other relevant maritime usages and interests in the application area. Five responses were received. The following tables summarise the observations from public bodies with a response given below each submission summary. The MARA website should be consulted to view the full details of the observations received.

1. Observations summary – Sea Fisheries Protection Authority (SFPA)
The SFPA have outlined that in reviewing the scientific report provided by the external environmental consultancy, it is not envisaged at this time that this project will present possible implications for the SFPA in conducting official controls or possible non-compliance issues. The submission also outlines that potential impacts are considered to have negligible impact on adjacent shellfish production areas and the project will not have any impact on seafood safety in the local environment.

MARA response: MARA acknowledges the submission from the SFPA in relation to this proposed material amendment. MARA notes that the submission does not refer specifically to potential impacts on spawning grounds in the response to the public body consultation for this proposed material amendment.

2. Observations summary – Marine Institute (MI)
The MI submission outlines that while they have no sampling data inside Waterford Harbour that can confirm whether the species mentioned in the SFPA observations (sprat, herring, cod, turbot) spawn near the site, the MI have identified a herring spawning grounds 6.2km downstream and detail that the wider estuary may support aggregations of mature herring and juvenile cod. However, this submission outlines that available evidence suggests that the specified species are unlikely to use estuarine areas as significant spawning habitat and that the impacts of acoustics from the site investigations are unlikely to cause significant disturbance at that distance. This submission outlines some uncertainty regarding potential impacts from sediment mobility and difficulties in assessment, based on the information currently available.

MARA response: MARA acknowledges the submission from the MI in relation to this proposed material amendment. In response to the uncertainty proposed regarding sediment mobility, MARA are satisfied that given the small scale and short duration of the site investigations, the impacts on fish spawning and related habitats from such activities will be low.

3. Observations summary – Department of Agriculture, Food and the Marine (DAFM)
To inform the DAFM response, observations of the MI and SFPA were requested and are summarised above. In addition, DAFM emphasize that the sea-fishing and aquaculture sectors are to be given a high priority as the proposed site investigation works are being evaluated.

MARA response: MARA notes the submission from DAFM in relation to this proposed material amendment as well those of the MI and the SFPA, as addressed above. MARA can confirm that impacts on sea fishing and aquaculture sectors were evaluated in the assessment of this application.

4. Observations summary – Dept of Transport Marine Survey Office (MSO)
Nil response to request for observation related to material amendment was submitted by the MSO.

MARA response: MARA notes the nil submission from the MSO in relation to this proposed material amendment.

5. Observations summary – Commissioners for Irish Lights (IL)
The submission from IL outlines no objection to the application for a material amendment. The reason being that proposed amendment relates to matters that fall outside Irish Lights' statutory remit for the provision of marine aids to navigation.

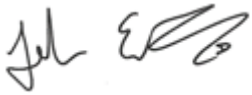
MARA Response: MARA notes the submission from Irish Lights in relation to this material amendment.

7. Recommendation

Having considered the information submitted in support of a material amendment under section 125 of the MAP Act, 2021 the original application for MUL230023, the updated information submitted via this application LIC230013MA and information submitted as part of public body consultation and as well as my own assessment, I recommend that a material amendment to MUL230013 be granted, removing Specific Condition 28 (i) which states: "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.

Signed:	
Prepared by:	Maria O Connell, Marine Analyst
Date:	27/10/2026

8. Approval

Signed:	
Approved and determined by:	Director of Maritime Usage Licensing
Date:	28/10/2026