

F.A.O Siobhan Murphy,
Consenting Unit,
MARA,
Newtown Road,
Wexford.

28/11/2023

Re: Maritime Usage Licence (MUL) application for the deployment of 5no. passive acoustic monitoring devices for a period of up to 3 years at 5 locations within the Irish and Celtic Seas.

Applicant: University College Cork

Site Location: 5nr 7Ha licence areas at the locations detailed on the maps accompanying the application.

Supporting information considered:

- Completed Application Form
- Application Drawings and Maps
- AIMU Report
- SISAA Report
- Annex IV Risk Assessment Report

Project Overview and Background

UCC are seeking a Maritime Usage Licence (MUL) for the temporary deployment of 5no. passive acoustic monitoring devices to describe the seasonal and diurnal occurrence of cetaceans in the Irish and Celtic Seas. The work is being carried out as part of a larger multidisciplinary research project called CETUS. The CETUS project: Cetacean, Elasmobranch, Turtle, and Seabird distribution modelling platform will provide scientific data that can be used to support the sustainable development of offshore renewable energy and is funded by Sustainable Energy Authority of Ireland (SEAI).

The design of the mooring set-up is a sub-surface system hydrophone deployment, with no surface buoy. To support the hydrophone, the mooring will consist of an ARC Acoustic release system, a mooring chain and a 15kg Bruce type anchor. On a specific surface acoustic signal, the rising line contained within the rope canister in the acoustic release technology, is released, and the equipment raises to the surface to be collected. In addition to the three floats supporting the rope canister on the ARC acoustic release system, there will be two subsurface trawl floats, to keep the mooring in upright position. The height of the mooring set up, from the seabed to the top of the upper trawl float, will be up to 5m maximum, and up to one meter in diameter.

The moorings will be recovered every 3-4 months for maintenance and redeployment. The aim of these deployments is to use this passive, low impact, monitoring methodology to record sounds from whales, dolphins and porpoises across all seasons for at least one year, up to three years.

Coastal Processes

The proposed temporary deployments will have no impact on existing coastal processes.

Site Inspection, Existing Use and Activities

As the proposed deployments are in an offshore maritime area, I did not carry out an inspection of the deployment sites. As this proposed maritime usage has no landfall element, and considering the nature of the works and its location, there will be no impact on any nearshore intertidal amenity areas.

Site Consent and Application History

The proposed licence area overlaps with the following foreshore consents/applications:-

FS007048 – Energia Renewables ROI Ltd, Application for an ORE Site Investigation Foreshore Licence.

FS006788 – Hibernian Wind Power, Application for an ORE Site Investigation Foreshore Licence.

As the hydrophone installations will be temporarily deployed at discrete locations within the proposed licence area they are highly unlikely to affect any SI works which may be the subject of other maritime area consent applications.

All maritime area is presumed state owned unless proven otherwise. There are no known or established claims of private ownership within the proposed licence areas. Therefore the maritime area the subject of this application is currently presumed state owned and the proposed deployments do not conflict with the existing overlapping and adjacent consents or applications nor does it significantly injure the public use of, access to and enjoyment of the maritime area in question.

In their application the applicant has denoted the licence areas as being five areas of 0.78Ha each. This was incorrectly based on the area of the red line itself rather than the area enclosed by the red line. Having correctly quantified the areas outlined in red, it appears that the actual areas required are 5 x 7.0Ha. Therefore the total size of the maritime area, which is the subject of the application, is **35 ha**.

From an engineering perspective, considering a deployment in this water depth, this larger footprint is appropriate to ensure that the hydrophones are deployed and retained within the licenced area(s).

Sea Fishing and Aquaculture

Considering the scale and nature of the proposed maritime usage, there is no potential for negative effects on the spawning and nursery grounds of commercial fish and shellfish species due once deployed. The deployment and recovery operations have limited potential to affect legitimate fishers operating in the vicinity of the deployment locations, notwithstanding the licensee should engage with the local fishing community to ensure appropriate mitigation is in place and that clear and comprehensive notification/communication is provided prior to any works.

There are no aquaculture sites in proximity to the proposed deployment areas and therefore no impact is envisaged.

Navigation

As the proposed hydrophones will be a sub-surface deployment, below the draft of normal vessels, there will be no impact on navigation. The deployment and recovery operations will have limited

potential to impact vessel movements. To mitigate any risk the licensee shall arrange for the publication of a Marine Notice through the Maritime Safety Policy Division of the MSO.

Water Framework Directive (WFD)

Section 121 Part 2b(ii) of the MAP Act requires MARA to have regard to the Water Framework Directive when considering a licence application. Council Directive 2000/60/EC (the Water Framework Directive WFD) on establishing a framework for community action in the field of water policy was adopted by all member states in October 2000. Since 2000, the WFD has been the main law for water protection in Europe. It applies to inland, transitional and coastal surface waters as well as groundwaters. It ensures an integrated approach to water management, respecting the integrity of whole ecosystems, including by regulating individual pollutants and setting corresponding regulatory standards. It is based on a river basin district approach to make sure that neighbouring countries cooperate to manage the rivers and other bodies of water they share.

The key objectives of the WFD are set out in Article 4. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. The WFD is the primary legislation, which is supported by the Groundwater Directive, and other directives targeting the quality of surface waters.

The WFD applies to inland, transitional and coastal surface waters out to one nautical mile. As the proposed hydrophone deployment locations are offshore (beyond 1NM), no further consideration of the WFD is required for this application.

National Marine Planning Framework (NMPF)

The NMPF is a national plan for Ireland's maritime area. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area and provides a coherent framework in which those sectoral policies and objectives can be realised. All decisions on individual applications determined under the MAP Act, must secure and be consistent with the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process. NMPF objectives are supported by specific policies that articulate factors that can form part of objective consideration.

Having reviewed and assessed the information on file for this application to conduct a marine environmental survey for non-commercial research purposes against the objectives of the NMPF, I am satisfied the proposed works are consistent with the objectives of the NMPF. In particular the proposed usage will assist with Biodiversity Policy 1 of the NMPF in understanding migration and natural habitat connectivity for cetaceans.

Licence Term

The moorings will be deployed for at least one year and potentially up to three years. The applicant has requested a three year term for the licence, from an engineering and estate management perspective I have no objection to the granting of a three year licence in this instance.

Assessment & Conclusion

The maritime area which is the subject of this application is state owned, there are no significant conflicts with existing leases, licences, MACs, MULs or applications on hand.

The works if completed as proposed will not have significant adverse impacts on the public use of, access to and enjoyment of the maritime area, to navigation or to sea fishing or aquaculture. The works are in alignment with Biodiversity Policy 1 of the NMPF.

Recommendation

I have no objection to the granting of a Maritime Usage Licence under Section 119 of the MAP Act for this application subject to the following conditions;

1. The licensee shall use that part of the maritime area as shown lined red on the attached drawing titled: *Maritime Usage Licence Map 1 of 2 LIC23006 Dated: 24/11/2023 dwg no. MUL230006-001, Rev A and Maritime Usage Licence Map 2 of 2 LIC23006 Dated: 24/11/2023 dwg no. MUL230006-002, Rev A*, the subject matter of this licence, for the purposes as outlined in the application and for no other purposes whatsoever.
Reason: In the interest of clarity.
2. The licensee shall notify the MARA 14 days in advance of the commencement the deployment of the monitoring devices. This notification shall include an up to date Programme of Works for the completion of the project.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
3. The works shall be located and completed in accordance with documents and drawings submitted by the licensee to the MARA.
Reason: In the interest of clarity.
4. In advance of any deployment operations the licensee shall consult and comply with the requirements of the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage.
Reason: To ensure the continued preservation of objects of archaeological interest.
5. The Licensee shall, through consultation and agreement with the Department of Transport, Marine Survey Office and Commissioners of Irish Lights, arrange for the publication of a Marine Notice through the Maritime Safety Policy Division. Navtext and radio broadcast warnings frequency to be agreed in advance with the Irish Coast Guard.
Reason: In the interest of navigational safety.
6. All vessels to be used in connection with the proposed deployment and recovery operations shall have appropriate certification from the Marine Survey Office.
Reason: In the interest of navigational safety.
7. The Licensee shall consult with relevant local fishing groups and charter boat skippers in order that interactions with ongoing fishing/angling activities in the area are minimised during the course of the deployment and recovery operations.
Reason: To minimise disruption of other legitimate users of the maritime area and to ensure the orderly undertaking of the proposed maritime usage.
8. While conducting the maritime usage the Licensee shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing.
Reason: To protect the right to fish.
9. The Licence shall be for a maximum duration of 3 years from the date of issue.
Reason: To ensure the orderly administration of licenced usages in the maritime area.
10. The licensee shall ensure that all survey equipment is removed from the maritime area at the end of the licence term.
Reason: To ensure the proper management and protection of the maritime area.

11. The licensee shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.

Reason: To ensure the orderly undertaking of the proposed maritime usage.



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