

Proposal to issue a Minded to Determination Notice and Proposed Licence with respect of a Maritime Usage Licence application from Aughinish Alumina Ltd (AAL).	
To	Dr Karen Creed, Director of Maritime Authorisations
From	Joanne Staunton, Licensing Caseworker
Reviewed by	Jacinta Ponzi, Head of MUL Unit
Date	21/03/2025
Application Date	17/11/2023
Applicant name and address	Aughinish Alumina Ltd, Aughinish Island, Askeaton, Co. Limerick, V94V8F
Licence reference number	LIC230004

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Section 1: Decision Sought

Approval is sought for the issuance of a notice to Aughinish Alumina Ltd informing them that the Maritime Area Regulatory Authority (MARA) is minded to grant a Maritime Usage Licence with respect to their application and the reasons why MARA is so minded. This notice is required under Section 119(6)(b) of the Maritime Area Planning Act 2021 as amended.

Section 2: The Application

This application from Aughinish Alumina Ltd ('the applicant') is for a Maritime Usage Licence for maintenance dredging at four sites around the Aughinish Alumina Ltd. jetty and the deposit of dredge material at a dump site off Foynes Island in the Shannon Estuary, Co. Limerick. The activity falls under Schedule 7(1) and Schedule 7(6) of the Maritime Area Planning Act 2021.

The application licence map is shown on **Tab 01**. An application form was submitted to MARA on 17/11/2023 with 10 supporting documents, as follows:

- Application Form for a Maritime Usage Licence
- Maritime Usage Licence Map
- Supporting information for Screening for Appropriate Assessment (SISAA) Report
- Natura Impact Statement Report
- Assessment of Impact of Maritime Usage Report (AIMU)
- Risk Assessment for Annex IV Species Report
- Archaeological Impact Report
- Dredge Modelling Report
- Benthic Assessment Report
- Marine Mammal Risk Assessment (MMRA)

On 06/12/2023, MARA requested that the header title on the SISAA, Annex IV, NIS and AIMU reports be amended from 'Dumping at Sea Application' to 'Maritime Usage Licence Application'. The report headings were amended and submitted to MARA on 07/12/2023.

Following advice from MARA's Senior Marine Advisor, a Section 117(3) notice for further information and a Section 117(6)(a) notice requesting an updated Natura Impact (NIS) was issued to the applicant on 04/10/2024.

The applicant submitted a response on 09/10/2024 to the Section 117(3) notice for further information.

The applicant submitted an updated NIS (*Natura Impact Statement – Proposed Maintenance Dredging, Aughinish, Co. Limerick*) on 01/11/2024 further to the Section 117(6)(a) notice requesting an updated Natura Impact (NIS).

A further Section 117(3) notice was issued on the 11/12/2024 seeking clarification on tonnages included in the Dredge Modelling Report. The applicant submitted a response (*Dredge Modelling Report – Proposed Maintenance Dredging, Aughinish, Co. Limerick*) on 23/12/2024.

Section 3: Assessment

3.1 Consideration of requirement for Environmental Impact Assessment (EIA)

The Marine Advisor issued an EIA Consideration Form to the Licensing Unit on 12/09/2024. The form concluded that after having regard to Schedules 5 and 7 of the Planning and Development Regulations 2001, it is not necessary to carry out a screening for environmental impact assessment (EIA) in respect of the proposed maritime usage.

3.2 Screening for Appropriate Assessment Determination


On 03/10/2024 following screening by MARA under regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011), a determination was made that the proposed maritime usage referred to above required an appropriate assessment. An Appropriate Assessment Screening Report and Determination (**Tab 02**) and a public notice of the appropriate assessment screening determination were published on the MARA website on 04/10/2024. (**Tab 03**)

A notice under Section 117(6)(a) was issued to the applicant on 04/10/2024 requiring the applicant to revise the Natura Impact Statement (NIS) submitted with the application. The revised NIS was submitted on 01/11/2024.

3.3 Public Consultation and submissions

A public consultation in accordance with Section 117(6)(b) of the Act was held between 17/01/2025 and 17/02/2025. The applicant published notices advertising the public consultation in the local newspaper, Limerick Weekly Observer on 15/01/2025 and the Clare Champion on 17/01/2025 and national newspaper, the Irish Examiner on 17/01/2025. A notice of public consultation was published on the MARA website on 15/01/2025.

One submission from the public was received and this was considered by MARA’s Marine Advisors (ARD team) when completing the appropriate assessment.

Submissions Received		
Submission 1		Objects in part.

3.4 Public Body Observations

During the period of the public consultation, MARA sought observations from a number of public bodies, listed below.

Relevant Public Bodies Consulted	
Bord Iascaigh Mhara	Inland Fisheries Ireland
Clare Co. Council	Limerick Co. Council
Commissioner for Irish Lights	Marine Institute
Department of Agriculture Food and the Marine	National Monuments Service
Department of Environment, Climate and Communications	National Parks and Wildlife Service (Foreshore/dredging)
Department of Transport (Marine Survey Office)	Sea Fisheries Protection Authority
Environmental Protection Agency	Shannon Foynes Port Harbour Authority
Geological Survey of Ireland	

Nine observations were submitted from the public bodies contacted. The observations have been considered by the ARD Marine Advisors as part of their Final Environmental Report and/or Appropriate Assessment. The observations are briefly summarised in the below table.

Submissions Received		
Submission 1	██████████ Marine Survey Office, Department of Transport.	In support of the proposed licence with observations.
Submission 2	██████████, Water, Energy and Business Support Programme, EPA.	Advises the proposed activity should not result in a contravention of various EU directives. An active Dumping at Sea permit application is currently under consideration by the EPA.
Submission 3	██████████ Licensing and Policy Advice, Marine Institute.	Unlikely to have any immediate impact, however, proposed monitoring identified in Section 8 of Appendix 8 – AIMU should be implemented in full. Also attached MI observations to EPA Dumping at Sea application.
Submission 4	██████████, Ecological Monitoring and Assessment Unit, EPA.	Confirmation of area analysed in the Lower Shannon Estuary using the HQI which looks at 13 different metrics.
Submission 5	██████████ Navigation Services Manager, Irish Lights.	If turbidity buoys are required to monitor water quality pre or post dredging operations taking place, the Local Lighthouse Authority (in this case Shannon Foynes Port company) will need to apply to Irish Lights for Statutory Consent prior to any aid to navigation being deployed.
Submission 6	██████████ Development Applications Unit, Department of Housing, Local Government and Heritage.	A series of points is included regarding archaeological monitoring, underwater cultural heritage materials and a Construction Environment Management Plan (CEMP).
Submission 7	██████████, Department of Agriculture, Food and Marine	DAFM requests early and ongoing consultation with the fishing industry to

		ensure minimum impacts on the seafood industry.
Submission 8	██████████ Inland Fisheries Ireland	Lack of attention paid to the resident and migratory fish species and NIS is dismissive of the stress element imposed on fish due to noise and vibration.
Submission 9	National Parks and Wildlife Service	Makes reference to “Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters – 2014”.

A document showing the consolidated submissions can be found at **Tab 04**.

3.5 Appropriate Assessment Determination

MARA’s Marine Advisor (ARD Unit) conducted an appropriate assessment of the maritime usage activities on 18/03/2025 and issued an appropriate assessment report and determination to the licensing unit on 19/03/2025 (**Tab 05**). The appropriate assessment determination was signed by the Director of the ARD Unit.

The appropriate assessment determination stated:

“Having considered this report, the documents submitted by Aughinish Alumina Ltd, the observations received on foot of the public consultation on the application, along with my own assessment, it can be concluded, and I determine, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposal by Aughinish Alumina to carry out maintenance dredging at four sites and deposit of dredge material at a site off Foynes Island at Aughinish Alumina Jetty, Shannon Estuary, Co. Limerick (either individually or in combination with any other plans or projects), will not adversely affect the integrity of any European sites, in view of the sites’ conservation objectives, subject to the implementation of the mitigation measures specified in section 4.5 Mitigation Measures adopted and outlined above, which must be included as conditions to any consent that may be granted in respect of the respective maritime usage licence application.”

Section 4.5 of the appropriate assessment report includes 5 mitigation measures which the Marine Advisor has noted must be included as conditions in the proposed licence. These are shown in Section 6 of this report.

In accordance with Section 117(7)(b) of the Act, MARA must comply with the determination of the appropriate assessment when determining the licence application. All of the mitigation measures in the appropriate assessment have been included in the proposed licence.

Section 4 Reports

4.1 Assessment, Research and Data Unit Maritime Usage Licence Assessment Report

A Final Assessment, Research and Data Unit Maritime Usage Licence Assessment Report (**Tab 06**) was completed by the Marine Advisor (ARD Unit) and issued to the Licensing Unit on 19/03/2025. The Final report took into account the following:

- i) National Marine Planning Framework (NMPF)
- ii) National Biodiversity Action Plan (NBAP)
- iii) Birds and Habitats Directives (79/409/EC and 92/43/EEC)
- iv) Water Framework Directive (2000/60/EC)

- v) Benthic assessment
- vi) Dispersion of dredge sediment
- vii) Hydro-morphology
- viii) Marine Strategy Framework Directive (2008/56/EC)
- ix) Environmental Impact Assessment Directive (2014/52/EU)
- x) Climate Action and Low Carbon Development Act, 2015
- xi) Estate Management
- xii) Site Visit

The Final Report also took account of the Assessment of Impacts of the Maritime Usage (AIMU) Report submitted with the application.

The Final Report addressed the public body consultation responses and the submissions from the public received during the public consultation. The report included 17 No. conditions (see Section 6 of this report) which includes 1 amended condition and 5 new conditions. These conditions are included in Section 4.5 of the appropriate assessment report.

Furthermore, the Marine Advisor recommends including the following new definitions in the Licence under Section 1 for Dredging activities:

“Dumping” as defined within the meaning of the Dumping at Sea Act, 1996

“Solid waste” any persistent, manufactured or processed solid material or items discarded, disposed of or abandoned in the marine and coastal environment, as defined in the OSPAR Guidelines for the Management of Dredged Material at Sea.

4.4 Licence conditions

All specific conditions that were recommended in the Appropriate Assessment Report and Determination, the Final Assessment, Research and Data Unit Maritime Usage Licence Assessment Report are listed in Section 6 below. The reasons for the conditions as recommended by the Marine Advisors are also shown in Section 6.

Section 5 Licensing Unit Conclusion and Recommendation

It is considered that the applicant has complied with all of the requirements of Section 117 of the Act (*Application for grant of a licence*). It is recommended to issue a Minded to Notice to the applicant to inform them that MARA is minded to grant the licence, subject to the conditions of the proposed licence. It is recommended to allow the applicant 21 days from the date of issue of the Minded To Notice to submit supplementary material in relation to the reasons for the conditions as per Section 119(6)(b) of the Act.

Signed:



Joanne Staunton
Licensing Caseworker
Licence Unit

Section 6 Specific conditions as recommended in the Final Assessment, Research and Data Unit Maritime Usage Licence Assessment Report (which includes the appropriate assessment mitigation measures/conditions).

20. The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted in support of the application for this Licence.
Reason: To clarify the scope of the licence.
21. This licence is for the purposes of licensing under the Act and nothing in this licence shall be construed as negating the Holder's statutory obligations or requirements under any other Law.
Reason: To clarify the scope of the licence.
22. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult and comply with the requirements of the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage, National Monuments Service, G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
23. The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
24. The Holder shall not damage or interfere with any third party's property, infrastructure or fishing gear while conducting the Permitted Maritime Usage.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
25. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Shannon Foynes Port Company to plan and schedule the Permitted Maritime Usage in order that any potential disruption to port operations is managed.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
26. The Holder shall ensure that all vessels engaged in this Permitted Maritime Usage conform to Irish Certification standards for vessels, as required by the Marine Survey Office.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
27. **Amended Condition:**
Marine Mammals
i) The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage. The Holder shall ensure the marine mammal observer(s) shall satisfy the requirements of National Parks and Wildlife Service guidance. During

the activity the Holder shall comply with the directions of the marine mammal observer(s).

- ii) The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with National Parks and Wildlife guidance.
- iii) The Holder shall, within 30 days of completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to offshore@npws.gov.ie and compliance@mara.gov.ie.
- iv) The Holder shall publish the report and recording and data forms on their website within 60 days of completion of the Permitted Maritime Usage unless otherwise agreed with the Grantor.

Reason: To ensure the protection of the marine environment.

28. The Holder shall keep the following documents together and available for inspection by the Grantor:

- i) a copy of the licence related to this Permitted Maritime Usage;
- ii) all correspondence with the Grantor;
- iii) up to date drawings, plans and maps relating to the Permitted Maritime Usage;
- iv) such records and/or photographs required to demonstrate compliance by the Holder with the Specific Conditions;
- v) marine positional log to demonstrate compliance with the terms of the licence, including ensuring that the activity occurs within the licensed area; and,
- vi) any elements of the licence application and associated documentation referenced in this licence.

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

29. Accidental events

The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:

- i) Information on the location and detail of spill response resources on-board;
- ii) Information on crew training in relation to oil pollution response;
- iii) How crew will interface with other site investigation operators, where applicable.

Reason: To ensure the protection of the marine environment.

30. On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at bathysurveys@ukho.gov.uk with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

Reason: To ensure protection of the marine environment through availability of monitoring data.

31. The Holder shall take all reasonable practical measures to ensure that all vessels used in the Permitted Maritime Usage are free of invasive marine species on their hulls and in their ballast water.

Reason: To ensure the protection of the marine environment.

32. **New Condition:**

Marine Litter

- i) The Holder shall take all practicable efforts to remove any solid waste collected during the maritime usage activity and returned to shore.
- ii) The Holder shall take all practicable efforts to remove floating material collected during the maritime usage activity and returned to shore.
- iii) The Holder shall ensure that material dredged by trailing suction hopper dredger or other mechanical dredging is passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.
- iv) Disposal or recovery of solid waste shall only take place in accordance with the conditions of this licence and in accordance with the appropriate National and European legislation and protocols.

Reason: To ensure the protection of the marine environment.

33. New Condition:

The Holder shall ensure that the Permitted Maritime Usage does not take place concurrently with other authorised dredging or deposit (or dumping) campaigns in the Lower Shannon Estuary, unless otherwise agreed by the Grantor.

Reason: To ensure the protection of the marine environment.

34. New Condition:

Quantities of dredge spoil associated with the Permitted Maritime Usage
 The tonnages associated with the Permitted Maritime Usage shall not exceed the following:

Location	Associated activity	Maximum Quantity (wet tonnes) per 21 day campaign
Area A, B, C, D	Dredging	64,462

Location	Associated activity	Maximum Annual Quantity (wet tonnes)
Area E	Deposit	53,846

35. New Condition:

Turbidity and Suspended Solids Monitoring

- i) The Holder shall undertake monitoring of turbidity and suspended solids during the course of each dredging campaign, and for seven days before and after the dredging campaigns. The monitoring shall be undertaken in accordance with the “Dredge Modelling Report” submitted with the licence application.
- ii) The Holder shall undertake the monitoring of turbidity and suspended solids as follows:

Parameter	Analysis Method	Frequency
Turbidity	Alarmed turbidity sensor deployed on a moored buoy.	Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.
Suspended Solids	Standard method*	A sufficient number of samples shall be taken during each campaign to establish

		the relationship between turbidity and suspended solids.
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*A National, European or internationally recognized procedure e.g. I.S. EN, ISO, CEN, BS or equivalent.

- iii) The Holder shall undertake monitoring of turbidity and suspended solids at the following locations:

Sample site	Longitude (W)*	Latitude (N)*
Downstream	-9.0067	52.646316
Upstream	-9.0448	52.641066

*Coordinates in WGS84

- iv) Where the suspended solids exceed the predicted values in the “*Dredge Modelling Report*”, the Holder shall put in place measures to avoid recurrence of the exceedance, where the exceedance is a consequence of the Permitted Maritime Usage.
- v) The Holder shall retain a record of all data generated from the monitoring and have it available for inspection by the Grantor.

Reason: To ensure the protection of the marine environment.

36. New Condition:

The parameters, analysis method or frequency of the monitoring, as set out in the “*Turbidity and Suspended Solids Monitoring*” condition may be amended with the agreement of the Grantor following evaluation of the monitoring results.

Reason: To ensure the protection of the marine environment.

Annex 1 – List of Tabs to this Submission

- **Tab 01 - Maritime Usage Licence Map.**
- **Tab 02 - Screening for Appropriate Assessment Report.**
- **Tab 03 - Screening for Appropriate Assessment Determination.**
- **Tab 04 - Consolidated submissions and Observations.**
- **Tab 05 - Appropriate Assessment Report and Determination.**
- **Tab 06 – Final Assessment, Research and Data Unit Maritime Usage Licence Assessment Report**
- **Include proposed licence**
- **Include proposed minded to notice**
- **Include proposed minded to notice cover letter**