

From: [MARA Consultation](#)
To: [Marine](#); [Marine Observations](#)
Subject: Planning Ref: OA10.323575 - Port of Waterford
Date: Thursday 16 October 2025 09:11:19
Attachments: [image001.png](#)
[MARA Submission POW OA10 323575.pdf](#)

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Good Morning,

I refer to the above and attach herewith submission on behalf of The Maritime Area Regulatory Authority (MARA).

I would be obliged if you would acknowledge receipt of same.

Kind Regards,

Jennifer.

Jennifer O' Connor
Analyst
Assessment, Research and Data

☎ 053 – 910 5756 ✉ jennifer.oconnor@mara.gov.ie

An tÚdarás Rialála Limistéir Mhuirí (MARA)
Maritime Area Regulatory Authority

**An Dara Urlár, Teach Menapia, Páirc Gnó Dhraighní,
Draighneach, Loch Garman, Y35RF29.**

2nd Floor, Menapia House, Drinagh Business Park,
Drinagh, Wexford, Y35RF29.



Marine/Climate Section
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
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marineobs@pleanala.ie

Date: 16th October 2025

An Coimisiún Pleanála Case Reference: OA10.323575

RE: Direct Application to An Coimisiún Pleanála in respect of an application under section 291 of the Planning and Development Act 2000, as amended in respect of Port facilities comprising a c. 250m wharf extension to support Offshore Renewable Energy ('ORE') development and general port development, land reclamation, ancillary works and biodiversity enhancement area (gross site area c. 8ha), partly on land and partly in the nearshore area of the coastal planning authority (Kilkenny County Council) at Port of Waterford, Belview, Co. Kilkenny.

Dear Sir/Madam,

We acknowledge receipt of the notice from Malone O'Regan Consulting Engineers on behalf of the applicant **Port of Waterford**, dated 8th September 2025, in relation to an Application to An Coimisiún Pleanála, under Section 291 of the Planning and Development Act (2000, as amended) for development at Port of Waterford, Belview, Co. Kilkenny.

The Maritime Area Regulatory Authority (MARA) welcomes the opportunity to submit our views on the planning application at this stage of the process. MARA is a prescribed body for the purposes of Chapter III of Part XXI as set out in Schedule 1 of the Planning and Development (Maritime Development) Regulations, 2023. In accordance with Section 291 of the Planning and Development Act (2000, as amended) our comments will focus on:

- i. the implications of the proposed development for maritime spatial planning,
- ii. the implications of the proposed development for proper planning and sustainable development, and,
- iii. the likely effects on the environment or any European site of the proposed development.

MARA's functions extend to the entire maritime area, from high water of ordinary tides to the outer limit of the continental shelf, encompassing the State's territorial seas and Exclusive Economic Zone. Our comments relate only to development within the maritime

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area. Furthermore, our comments should not be interpreted as inferring any aspect of assessment of the planning application.

The onshore infrastructure (terrestrial) area of the project above the high-water mark (HWM) is not within MARA's functions and therefore MARA's comments included herein should not be interpreted to refer to any element of the project above the HWM.

MARA supports delivery of projects of strategic importance (including offshore renewable energy, cabling and telecoms projects, ports development, drainage projects, sewerage schemes etc.), facilitating Ireland to harness significant benefits from realising a low-carbon economy, ensuring energy security, and presenting new opportunities for economic growth in accordance with the principles of proper planning and sustainable development of the maritime area. MARA supports the sustainable development of the ports sector in accordance with the overarching policies of the National Marine Planning Framework (NMPF) and specifically the policies contained in Chapter 18 relating to 'Ports, Harbours and Shipping'. Ports can support the growth of other marine activities such as offshore renewable energy through the provision of support services and facilities including for import and export of equipment and for vessels supporting the industry.

This submission comprises of this cover letter outlining the key messages from MARA and an appendix of detailed comments on relevant aspects of the development application.

Key Messages of this Submission

1) Maritime Usage Licence (MUL)

MARA has a MUL application on hand in the same area which is directly overlapping the area of the planning permission submitted to An Coimisiún Pleanála. The MARA application, MUL230013, is for a number of boreholes to be carried out under Schedule 7 (3) of the MAP Act and this proposed maritime usage activity requires Stage 2 Appropriate Assessment.

The applicant received a S.117 (b) notice requiring them to publish a Public Notice on a Public consultation from MARA on 07/08/2024, which they are yet to action. To date the application has not commenced the public consultation period as requested.

2) Compliance and Enforcement

MARA has statutory responsibility for ensuring compliance with a development permission granted in respect of the maritime usage the subject of the relevant maritime area consent. It is important to make the distinction that MARA is not a development consent authority, and therefore, does not have remit for the assessment and evaluation of matters in relation to the development consent application. Any conditions included in the development consent for future agreement, that may require planning and

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environmental assessment, should be referred back to An Coimisiún Pleanála, as the relevant consent authority, for agreement.

3) An Coimisiún Pleanála – MARA handover

MARA is happy to engage with An Coimisiún Pleanála to develop a standardised approach to provide for a complete transfer of information and enable MARA to fulfil its compliance and enforcement function. This approach should consider for example; documents that should transfer, a method for transfer of documents, date/time permissions given and published online, and method of communication to MARA when a new planning permission issues.

4) Monitoring and Operation

Where development consent requires monitoring to be undertaken, at both the construction and operational phases of the development, it is important that such monitoring is adaptive in nature to allow for mitigation of issues identified during the course of the monitoring.

5) Decommissioning and Rehabilitation

In accordance with Section 96 of the Maritime Area Planning Act 2021, the holder of a MAC shall, before expiration (if any) of the MAC, rehabilitate that part of the maritime area subject of the MAC, and any other part of the maritime area, adversely affected by the maritime usage the subject of the MAC. An Coimisiún Pleanála should be cognisant, in their assessment of any future decommissioning plan, of the long-term implications to the State of leaving structures or materials in situ. The management of the States maritime area is the responsibility for MARA.

If you have any queries or require further information in relation to this submission, please contact Niamh Lennon in the Assessment, Research and Data Unit in MARA directly.

I would be grateful if receipt of this submission, could be formally acknowledged by email to the following consultation@mara.gov.ie .

Yours sincerely,



Niamh Lennon
Senior Marine Planning Advisor
Assessment, Research and Data Unit

APPENDIX A
Detailed comments on An Coimisiún Pleanála Case Ref: OA10.323575

1) The Maritime Usage Licence (MUL)

MARA has a MUL application on hand in the same area which is directly overlapping the area of the planning permission submitted to ACP. The MARA application, MUL230013, is for a number of boreholes to be carried out under Schedule 7 (3) of the MAP Act and this proposed maritime usage activity requires Stage 2 Appropriate Assessment.

The applicant received a S.117 (b) notice requiring them to publish a Public Notice on a Public consultation from MARA on 07/08/2024, which they are yet to action. To date the application has not commenced the public consultation period as requested.

Relevant Maritime consents:

To assist in the cumulative assessment of the proposed development, the following links to Maritime Area Consents, Maritime Usage Licences and Foreshore Act Consents may be of relevance for consideration by An Coimisiún Pleanála.

MAC Applications:

[Applications Received - MARA - The Maritime Regulator](#)
[Applications Determined - MARA - The Maritime Regulator](#)

Maritime Usage Licences:

[Applications - MARA - The Maritime Regulator](#)
[Applications Determined - MARA - The Maritime Regulator](#)

Foreshore:

[Foreshore Applications - MARA - The Maritime Regulator](#)

Foreshore:

[gov - Foreshore Notices \(www.gov.ie\)](http://gov.ie)

The GIS Data Download section of the MARA website has been updated with a Web Feature Service (WFS) for newly 'Determined' applications in ESRI Shapefile format:
<https://www.maritimeregulator.ie/knowledge-centre/data-downloads/>

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2) Compliance and Enforcement

MARA notes Section 293(7)(m) of the Planning and Development Act (2000, as amended) here with regards to conditions requiring the applicant to submit such information as may be specified by An Coimisiún Pleanála, to;

- (i) The Maritime Area Regulatory Authority
- (ii) such coastal planning authority as may be specified by An Coimisiún Pleanála, or
- (iii) any such other public body as may be specified by An Coimisiún Pleanála, prior to commencement of the development concerned.

As MARA is not a development consent authority, the inclusion of conditions requiring MARA's agreement need to be carefully considered in this context. For the purposes of such Section 291 planning applications in the maritime area, the planning consent function and responsibility for carrying out Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) of applications rests with An Coimisiún Pleanála.

Enforcement:

The enforcement function of MARA lies within the maritime area only and does not extend to above the HWM. The Coastal Planning Authority has the enforcement function of any particulars relating to Section 291 permitted development above the HWM.

It is important that all conditions are clearly worded in such fashion to ensure they are reasonable, relevant, enforceable and not onerous. The wording of conditions should be clear and precise so that any potential breach of that condition may be easily identified, and appropriate enforcement action may be taken by MARA.

3) An Coimisiún Pleanála – MARA handover

As previously mentioned, MARA has a statutory responsibility for ensuring compliance with relevant planning permissions. In the event of a grant of development permission by An Coimisiún Pleanála, MARA would envisage a standardised approach to enable the official transfer of all relevant decision documents in a timely manner. It is also preferable for all planning particulars to be published and maintained on An Coimisiún Pleanála's website indefinitely to ensure open access to the information.

4) Monitoring and operation

Mitigation & Monitoring Schedule:

In the interests of clarity and in the event of a grant of permission, there is merit in requiring the preparation of a 'Mitigation Schedule' and 'Monitoring Programme', which could be agreed with An Coimisiún Pleanála. Copies of this agreed 'Mitigation Schedule'

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and 'Monitoring Programme', should be copied to MARA, as part of the aforementioned file handover. It would be useful for, all monitoring data collected to be made publicly available by the developer, to support and inform future plans and projects. The monitoring schedule should be mindful of the need for the monitoring to be reactive and adaptive given the nature of the development and the likely advances in knowledge over its lifetime. The monitoring schedule should also clearly distinguish between monitoring required at the construction phase of the project and the operation phase of the project.

Operation and maintenance phase:

The assessment of the development should include for the monitoring of the construction, operational and maintenance activities where relevant, within the spatial extent of the MAC area, over the full term of the project.

5) Decommissioning and Rehabilitation

In accordance with Section 96 of the Maritime Area Planning Act 2021, the holder of a MAC shall before expiration (if any) of the MAC, rehabilitate that part of the maritime area subject of the MAC, and any other part of the maritime area, adversely affected by the maritime usage the subject of the MAC.

In the assessment of the application An Coimisiún Pleanála should consider rehabilitation of the maritime area which must result in a 'Rehabilitation Schedule', which will then be appended to the MAC. The decision to allow any installation, structure, or parts thereof, to remain on the seabed should, consider the following matters;

- Any potential effect on the safety of surface or subsurface navigation, or of other uses of the maritime area;
- The rate of deterioration of the material and its present and possible future effect on the marine environment;
- The potential effect on the marine environment, including living resources;
- The risk that the material will shift from its position at some future time;
- The costs, technical feasibility, and risks of injury to personnel associated with removal of the installation or structure; and
- The determination of a new use or other reasonable justification for allowing the installation of structure or parts thereof to remain on the seabed.

In accordance with Condition 5.1 of the MAC and Section 75(5) the application for development permission shall have attached to it a Rehabilitation schedule (within the meaning of Section 95, which means the schedule referred to in Section 96(4)). This schedule should set out particulars of how the applicant, if granted, will discharge the obligation under *Section 96 (1)*, including particulars of the following:

- (a) the proposed programme of rehabilitation;
- (b) the proposed date, or the occurrence of the event, on which the programme will start to be implemented and (if no ongoing maintenance is required by the programme) the proposed date on which the programme will have been fully implemented;
- (c) the estimated costs of the programme;

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(d) the expected timelines for applying for and obtaining the other authorisations referred to in *subsection (3)* required in order to enable the applicant to discharge that obligation.

In consideration of the 'Rehabilitation Schedule', and to ensure a full and comprehensive assessment, An Coimisiún Pleanála are minded to consider the options outlined in Section 96(2) of the Maritime Area Planning Act 2021;

- the decommissioning of infrastructure;
- the full removal of all infrastructure;
- the partial removal of infrastructure;
- the re-use of infrastructure for the same or another purpose;
- the burying or encasing of infrastructure;
- the removal of any deposited or waste material.

Of note also is Section 97 of the Maritime Area Planning Act 2021, which provides for MARA to require the holder of a MAC to make an application under Section 86, where the rehabilitation schedule or planning rehabilitation schedule, as the case may be, is no longer appropriate;

due to—

- (a) technological developments relating to the rehabilitation of marine environments,*
- (b) changes in what is accepted as best practice relating to the rehabilitation of marine environments,*
- (c) submissions or recommendations made to the MARA by interested parties, organisations and other bodies concerned with the rehabilitation of marine environments,*
or
- (d) any combination of matters falling within any of paragraphs (a) to (c),*
the rehabilitation schedule or planning rehabilitation schedule, as the case may be, is no longer appropriate.

End

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