

**16 May 2025**

**To:** Licensing Unit,  
Maritime Area Regulatory Authority (MARA)

**Re:** FS007497 / MUL240045 – Seabed Sanctuary – Request for Procedural Clarification and Continuation Under Transitional Provisions

Dear MARA Licensing Team,

We are writing on behalf of the Seabed Sanctuary Collective to respectfully request urgent clarification and reconsideration of procedural steps being requested in relation to our accepted Maritime Usage Licence application (FS007497, now MUL240045).

As clearly confirmed in your letter dated 4 October 2024, and in the Department of Environment, Climate and Communications' (DECC) letter of 2 October 2024, our foreshore application was accepted by MARA for treatment under Section 1E(5A) of the Foreshore Act, as amended. This provision permits MARA, at its discretion and subject to receiving sufficient information, to treat a Foreshore application as an application under the Maritime Area Planning Act 2021.

Your letter explicitly confirmed:

“MARA will treat your Foreshore Application... as an application for a Maritime Usage Licence within the meaning of the Maritime Area Planning Act (MAP) Act 2021.”

This statutory treatment is neither speculative nor conditional. Once MARA accepted the transfer and deemed the file complete, the application must be treated with all necessary modifications under the MAP Act regime.

Despite this formal acceptance, we were recently advised that the project may now require:

- A planning determination or exemption from Cork County Council (which has since been refused);
- A separate application for a Maritime Area Consent (MAC) prior to any further progression of the MUL.

We must respectfully state that this is procedurally and legally inconsistent. Nowhere in Section 1E(5A) is it stated that acceptance under the transitional clause is subject to subsequent confirmation of exemption from planning or MAC eligibility. The transitional clause allows MARA to apply the MAP Act as if the application were received under that Act, provided the information submitted is sufficient, which MARA and DECC have already confirmed.

Further, to require the withdrawal of the application or the beginning of an entirely new consent pathway:

- Undermines the purpose and legal certainty of the transitional provisions, which exist precisely to avoid disruption to valid and complete foreshore applications during legislative transition;
- Applies new procedural requirements retrospectively, despite formal acceptance under the previous framework and without any statutory basis to reopen or relitigate that acceptance;
- Imposes an unreasonable administrative and financial burden on a small, volunteer-driven initiative that has already fulfilled all application obligations in good faith under the process then in force.

As you know, the Seabed Sanctuary project has undergone a comprehensive Appropriate Assessment Screening, which concluded no likely significant effects on the conservation objectives of any SAC site. The ecological report, location details, and technical deployment information were all submitted under the Foreshore application and deemed acceptable under transitional review.

We therefore respectfully request that MARA:

1. Reaffirm our application MUL240045 is proceeding as a valid and active Maritime Usage Licence application under Section 1E(5A);
2. Cease any requirement for pre-planning determination or MAC application as a precondition to progression;
3. Provide a clear timeline and next steps for MARA's assessment process in line with MAP Act provisions.

Our collective and volunteer-driven project has been deeply affected by this prolonged uncertainty and shifting procedural expectations. We have acted in good faith and complied fully with the information and statutory processes made available to us. We trust MARA will uphold its legal commitments and facilitate a fair, timely and proportionate regulatory process.

Yours sincerely,

Christine Gaughran  
On behalf of the Seabed Sanctuary Collective  
Email: seabed.art@gmail.com  
Website: seabedsanctuary.org