

Minded to determine notice and reasons for proposed licence conditions

To: Aughinish Alumina Ltd., Aughinish Island, Askeaton, Co. Limerick.

Re: To undertake maintenance dredging at four sites around the Aughinish Alumina Ltd. deep water jetty and deposit of dredge material at a dump site off Foynes Island in the Shannon Estuary, Co. Limerick. - Ref LIC230004

Date: 21/03/2025

By Electronic mail only

Dear [REDACTED]

I refer to your application to the Maritime Area Regulatory Authority (MARA) for the above licence. Pursuant to section 119(6)(b) of the Maritime Area Planning Act 2021 ("the Act"), MARA hereby gives notice to Aughinish Alumina Ltd. that it is minded to grant the above licence with conditions. The reasons for the proposed licence conditions are set out below. A copy of the proposed licence which MARA is minded to grant to the applicant is enclosed which should be read in conjunction with this notice.

The applicant may provide supplementary material in view of the reasons set out in this notice only, which MARA will consider before making a final determination on the licence application. Any supplementary material must be furnished to MARA at licence@mara.gov.ie by the **11/04/2025** at the latest. MARA will not accept any supplementary material after this date.

For the avoidance of doubt, no decision to grant the licence shall be considered to have been made until MARA makes a final determination on the licence application.

Yours faithfully,



Dr. Karen Creed

Director of Maritime Authorisations.

Proposed conditions to be attached to the Licence:

The Particulars Schedule

TERM

Reason: To ensure the orderly administration of licensed maritime usages in the maritime area.

Condition 4

COMMENCEMENT OF THE PERMITTED MARITIME USAGE

Reason: To ensure the proper management of the maritime area.

Condition 5

COMPLIANCE WITH THE LICENCE AND THE ACT

Reason: To ensure that the Holder carries out the Permitted Maritime Usage in accordance with the licence and the Act.

Condition 6

SPECIFIC CONDITIONS

Reason: To provide for the attachment of conditions to the licence which the Grantor considers necessary and appropriate to the particular circumstances of the licence granted to the Holder.

Condition 7

CHANGE IN CIRCUMSTANCES

Reason: To ensure the Grantor is informed of any material change of circumstances within the meaning of Section 136 of the Act.

Condition 8

INDEMNITY

Reason: For the necessary protection of the Grantor in light of possible risks arising from the Permitted Maritime Usage.

Condition 9

INSURANCE

Reason: To ensure that there is sufficient insurance cover for the Holder to undertake the Permitted Maritime Usage.

Condition 10

TERMINATION OR EXPIRY OF THE LICENCE

Reason: To set out the legal position and obligations of the Holder on termination of the licence.

Condition 11

FORCE MAJEURE

Reason: To clarify the events that excuse non-performance of the Holder's obligations under the licence.

Condition 12

INSPECTIONS

Reason: To ensure the Grantor can evaluate compliance of the Holder with its obligations under the licence and the Act.

Condition 13

EXERCISE OF RIGHTS

Reason: To clarify the manner in which the Holder must exercise the rights granted under the licence.

Condition 14

NOTICES

Reason: To set out the manner in which notices must be served by the Holder upon the Grantor under the licence.

Condition 15

AMENDMENTS TO THE LICENCE

Reason: To state for the avoidance of doubt that any amendment to the licence must be undertaken in accordance with section 125 of the Act.

Condition 16

SURRENDER OF THE LICENCE

Reason: To state for the avoidance of doubt that any application to surrender the licence must be undertaken in accordance with sections 126 and 127 of the Act.

Condition 17

AUTOMATIC TERMINATION

Reason: To state for the avoidance of doubt that the licence will automatically terminate on the occurrence of any of the events provided for in section 144(1) of the Act.

Condition 18

TERMINATION FOR BREACH

Reason: To state for the avoidance of doubt that the Grantor may terminate the licence for breach in accordance with section 144A of the Act.

Condition 19

GOVERNING LAW AND JURISDICTION

Reason: To clarify that the Holder must submit to the exclusive jurisdiction of the Irish Courts in respect of any dispute and the provisions of this licence shall be construed in accordance with the laws of Ireland.

SPECIFIC 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. 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. 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. 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. 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. Turbidity and Suspended Solids Monitoring

- 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.
- 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.

*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. 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.