



Assessment, Research and Data Unit			
<b>To:</b>	Maritime Authorisation Unit	<b>From:</b>	Dr Ciar O'Toole Senior Marine Advisor
<b>Permitted Maritime      Usage Licence Application:</b>	MUL230024		
<b>Applicant:</b>	Deep Sea Fibre Networks Ltd.		
<b>Date</b>	08 May 2025		
<b>Title:</b>	Response to Supplementary Material submitted by the applicant on Minded to Determination and Reasons for the Conditions		

Written by:	Dr Ciar O'Toole	Senior Marine Advisor, ARD	08/05/2025
Reviewed by:	Dr Alison McCarthy	Senior Marine Advisor, ARD	09/05/2025
Approved by:	John Evans	Director, ARD	13/05/2025
Issued by:	Dr Ciar O'Toole	Senior Marine Advisor, ARD	13/05/2025

**Introduction:**

I have considered the issues raised by the applicant on 2 May 2025 in their submission on the Minded to Determination Notice issued by MARA on 11 April 2025. This report sets out the amendment requested by the applicant in relation to Specific Condition 37 (i) in Appendix 2 of the Proposed Licence only and the recommendations from the Assessment, Research and Data (ARD) Unit following a technical examination of the submission.

**Specific Condition 37:**

- (i) The Holder shall not undertake the Permitted Maritime Usage between 1st August and 31st December annually, to ensure least disturbance to known fish spawning along the survey route.

**Reason:** To ensure the protection of the marine environment.

**Applicant's response:**

The applicant has requested that Specific Condition 37 (i) as quoted above be removed from the licence. They felt the reason given for proposed licence Specific Condition 37 "*To ensure the protection of the marine environment*" was not justified, although the applicant made clear they had no issue with Specific Condition 37. (ii) which restricts activities in the Aran fishing grounds for Nephrops.

The applicant provided supplementary information relating to this in the form of a report which visualised known spawning areas based on Marine Institute data and provided detail on the broadcast spawning method used by the fish species under consideration. The applicant argued that, as the known spawning areas do not cover the entire survey route and the marine survey is along a narrow corridor within the relevant area, the low impact, short-term and transient nature of the operations did not warrant such a condition.

**MARA Response:**

Having reviewed the applicants licence application documents, their response to the Minded To notice, Marine Institute's submission on the application relating to MUL230024, and the reported data in the 2024 Stock Book (Marine Institute, 2004, <https://oar.marine.ie/handle/10793/1995> ), I have determined there was an error in the dates proposed in the original condition, and therefore Specific Condition 37 (i) should be amended for the Maritime Usage Licence MUL230024.

Specific Condition 37 (i) refers to spawning areas, and a review of the available data shows that all commercial fish stocks which were assessed and known to have spawning grounds which overlap with the proposed survey route (with the exception of Nephrops (*Nephrops norvegicus*) and cod (*Gadus morhua*)) have mostly adequate levels of spawning stock biomass and juvenile recruitment. This means they are likely to continue to be viable as an exploited stock in the region. Cod do not have any known spawning grounds along the proposed survey route. Nephrops is dealt with in Specific Condition 37 (ii), which will remain as it currently appears in the Proposed Licence.

However, marine fish populations are known to be under pressure from a number of factors, commercial exploitation by fishing being only one. It is therefore appropriate to put some restriction on survey periods, if possible, in order to ensure that the exploited stocks (and their wider populations) remain viable. This was MARA's initial intention when drafting condition 37 (i). However, comparison with the applicant's own Assessment of Impact of the Maritime Usage (AIMU) Report and further review by MARA on foot of the applicant's response to the Minded to Notification indicates an error by MARA in the dates given in Specific Condition 37 (i).

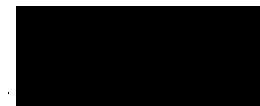
On page 25 of the applicant's AIMU report dated 17 April 2024 Section 8.3 discusses spawning grounds and states:

8.3 Most of these grounds and areas concerning these species span large areas and locations that make the area through which the survey is proposed to be not of specific importance to the respective species. However, there is potential for minor disturbances to some species relating to the timing of the survey impacting with spawning periods which can be mitigated. The risk of insignificant short-term disturbance to known fish spawning areas through which the proposed routes pass is highest from February to June. Therefore, the time frames for which the proposed survey routes would least impact known fish spawning activities are July – January.

Given the identified error, the nature of the proposed Maritime Usage activity, the requirements under the Marine Strategy Framework Directive (MSFD), and the applicants own suggested course of action in their AIMU report dated 17 April 2024, it is my opinion that an amendment of the time period given in Specific Condition 37 (i), to match that suggested in the applicants own AIMU report is the correct course of action.

**Recommendation:**

I recommend amending the Specific Condition 37 (i) in Maritime Usage Licence MUL230024 to read: "The Holder shall not undertake the Permitted Maritime Usage between 1st February and 30th June annually, to ensure least disturbance to known fish spawning along the survey route."



**Dr Ciar O'Toole**

Senior Marine Advisor

Assessment, Research and Data Unit

08/05/2025