

Assessment, Research and Data Unit Maritime Usage Licence Assessment Report

To:	Maritime Authorisations Unit	From:	Suzanne Wylde, Senior Marine Advisor
Date	2 nd April 2025	Maritime Usage Licence Application No:	MUL230024
Approved by	John Evans, Director of ARD Unit		
Applicant:	Deep Sea Fibre Networks, 15 The Seapoint Building, Clontarf, Dublin 3		
Type of maritime usage activity in accordance with Schedule 7 of the Maritime Area Planning (MAP) Act, 2021:	<i>(3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.</i>		
Location of proposed Maritime Usage:	The site investigations will run from Ballyloughane Strand in Galway Bay, prior to traversing Galway Bay from a south westerly direction through the Irish maritime area		
Licence application received:	19 th April 2024		
Request for further information under S. 117(3) of MAP Act, 2021:	16 th October 2024, 15 th November 2024		
Responses to requests for information received:	11 th November 2024, 18 th November 2024		
Environmental Impact Assessment considered:	Not required (considered 4 th October 2024)		
Stage 2 Appropriate Assessment required:	Yes		
Request to prepare an NIS in accordance with S. 117(6)(a) of MAP Act, 2021	16 th October 2024		
NIS Submitted:	11 th November 2024		
Public consultation:	24 th January – 24 th February 2025		
No. of submissions received:	Nine (Six from public bodies and three from members of the public)		

Background

Deep Sea Fibre Networks Ltd (the applicant) have applied to MARA for a licence to undertake marine environmental surveys for the purposes of site investigation surveys to inform the feasibility of constructing a new subsea telecoms cable system. They submitted their licence application on 19th April 2024. The applicant submitted a Natura Impact Statement with their licence application in support of this appropriate assessment.

The applicant has stated in their application that the proposed works will take 8 weeks to complete and will be undertaken over a six-month period, currently scheduled for April – September 2025. A licence period of 2 years is recommended to allow for bad weather hampering completion of the proposed project.

Description of the Proposed Maritime Usage

It is proposed that the cable will have landfall at Ballyloughane Strand in Galway Bay, prior to traversing Galway Bay from a south westerly direction through the Irish maritime area (Figures 1 & 2). The survey corridor will be approximately 710km in length covering an area of 36,0085 hectares.

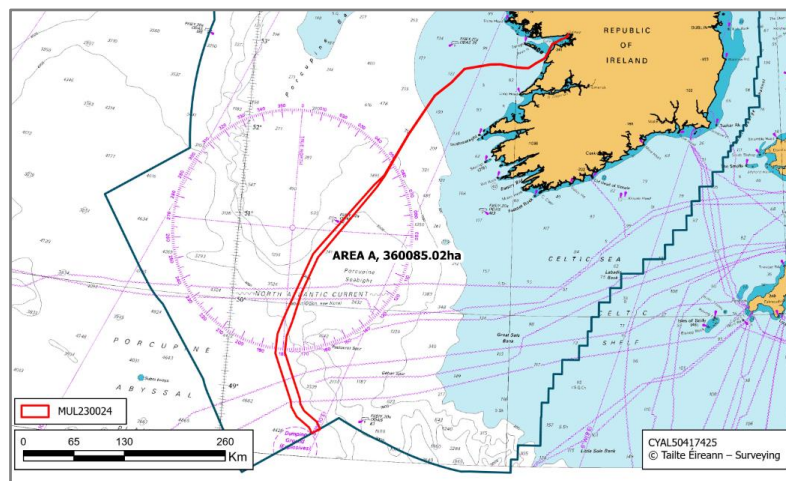


Figure 1: Proposed maritime usage area shown in red from Galway Bay to the Continental Shelf.

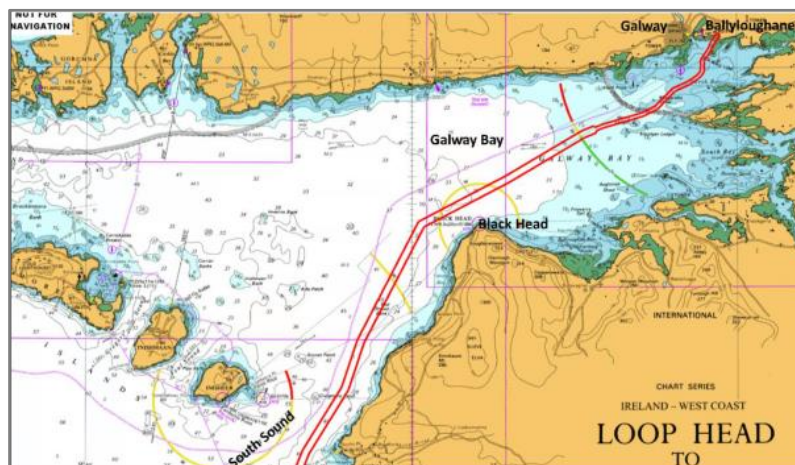


Figure 2: Proposed route to landfall, shown in red, to Ballyloughane Strand, Co. Galway.

The applicant proposes to undertake beach surveys at the proposed landfall location and inshore (water depths from 0m to 15m) and offshore (water depths of >15m to >1,500m) marine surveys.

The beach landfall surveys will comprise non-intrusive topographic, geophysical and walk over surveys. Site investigations will also be undertaken at the proposed landfall location. These will include three trial pits, a maximum of 20 bar probes between the high-water mark and 3m of water depth.

Geophysical surveys will be undertaken using multibeam echosounder (MBES), side scan sonar, marine magnetometer and sub-bottom profile equipment. These will be carried out either from small craft or unmanned survey vessels in the inshore marine environment or from a primary survey vessel in the offshore marine environment.

Offshore site investigations will include cone penetration tests, grab samples and gravity cores or vibrocores.

National Policy and EU Directives

In undertaking the assessment of this licence application MARA had regard to the requirements of Section 121(2) of the Maritime Area Planning Act, 2021, as amended, which sets out the marine policy and legislation to which regard must be had in considering an application for a maritime usage.

National Marine Planning Framework (NMPF)

The proposal to undertake site investigation surveys to inform the feasibility of constructing a new subsea telecoms cable system is consistent with the Telecommunications Policies 1 & 2 of the NMPF relating to guaranteeing existing and future international telecommunications connectivity and providing evidence for integrated approaches to development and activity to minimise impacts on the marine environment.

The NMPF also includes a policy on heritage assets (Heritage Assets Policy 1). The policy supports the conservation of the historic environment and heritage assets both along the coast and in the underwater environment. The aim of the policy is to ensure that proposals in the marine environment do not have a detrimental impact on marine and coastal heritage assets. The applicant submitted an Underwater Archaeological Impact Assessment as part of their licence application. The assessment considered the scope of the works proposed and consisted of a desktop to consider the relevant information to inform the underwater archaeological potential of the cable route within Ireland's territorial waters up to and including the highwater mark. The report recommended mitigation measures to ensure protection of underwater cultural heritage but noted that the ultimate decision rests with the National Monuments Service. It is recommended that a condition be included in the licence, if granted, requiring the applicant to consult and comply with the requirements of the National Monuments Service.

National Biodiversity Action Plan (NBAP)

[Ireland's 4th National Biodiversity Action Plan](#) sets the national biodiversity agenda for the period 2023-2030. The objectives of the NBAP focus on the conservation and

restoration of biodiversity. Objective 2 of the NBAP is to meet urgent conservation and restoration needs. Part of its focus is to elevate efforts to tackle invasive alien species. It is recommended that a condition be included in the licence, if granted, to address the potential risks from invasive alien species.

Birds and Habitats Directives (79/409/EC and 92/43/EEC)

MARA published an Appropriate Assessment Screening Determination on 17th December 2024 which concluded that it could not exclude, on the basis of objective scientific information, that the proposed project, either individually or in-combination with other plans or projects, will have a significant effect on a European site(s).

MARA undertook an Appropriate Assessment in respect to this project. Having considered the documents submitted by the applicant, the observations received on foot of the public consultation on the application, the appropriate assessment concluded, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed maritime usage (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. The appropriate assessment specifies mitigations that must be included as conditions in a licence that may be granted in respect of this Maritime Usage Licence application.

The applicant undertook an Annex IV risk assessment as part of their licence application. The risk assessment considered the scope of the proposed maritime usage activity, relevant Annex IV species (cetaceans, turtles and otter) and the potential impacts of the proposed maritime usage activity on the relevant Annex IV species. I am satisfied with the conclusion of the risk assessment, that there is no risk to the relevant Annex IV species, subject to implementation of mitigation measures. The mitigation measures recommended to be included as conditions for the proposed licence, if granted, will address any potential impacts. These include a requirement to adhere to relevant national guidance for underwater noise, ensuring the integrity of the sites are maintained and fully reinstated upon completion of the proposed maritime usage.

Water Framework Directive (2000/60/EC)

The Water Framework Directive (WFD) requires EU member states to protect and improve water quality in all waters to achieve at least Good Status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The majority of the proposed maritime usage is planned for outside of the WFD waters.

The area of the proposed landfall and the route to the proposed landfall location runs through the Corrib Estuary, Inner and Outer Galway Bay and the Aran Islands, Galway Bay, Connemara waterbody. Table 1 outlines the classifications of the waterbodies on foot of the most recent WFD assessment from the www.Catchments.ie. This included an assessment of ecological status, physicochemical elements and hydro morphological elements. It is not expected that the proposed maritime usage will impact on the waterbody classifications of any of these waterbodies.

Table 1: WFD waterbody status based on information from www.catchments.ie.

Waterbody	Waterbody type	WFD Status ¹
Corrib Estuary	Transitional	Moderate (Review) ²
Inner Galway Bay North	Coastal	Good (Not at risk)
Outer Galway Bay	Coastal	High (Not at risk)
Aran Island, Galway Bay, Connemara	Coastal	High (Review)

Marine Strategy Framework Directive (2008/56/EC)

The Marine Strategy Framework Directive (MSFD) sets the framework for European marine environmental policy. It aims to achieve Good Environmental Status (GES) for all marine waters in Europe and protect the resource base for marine related economic and social activities. The 2024 draft assessment under Article 8 of the MFSD³ states that GES has not been achieved for sea-floor integrity, marine litter and biodiversity.

Table 2: Assessment of MFSD descriptors in relation to this maritime usage licence application.

MFSD Descriptor	Good Environmental Status achieved ⁴	Assessment
Biological diversity	Partially achieved	The applicant submitted an Annex IV risk assessment and a marine mammal risk assessment as part of the licence application. These reports assessed the impacts of the proposed activity.
Non-indigenous species	Yes	To ensure that the maritime usage activity does not result in the unintended introduction of non-indigenous species, the licence will include a condition relating to the control of invasive species during the proposed maritime usage.
Population of commercial fish/shellfish	Partially achieved	This descriptor is assessed as incidental bycatch and commercial fisheries and shellfish (fish mortality rate, spawning stock biomass and age and size distribution). The proposed maritime usage area will pass through known spawning and nursery grounds for a number of commercial fisheries, as well as prawn grounds and through the range of wild Atlantic salmon. It is not expected that the proposed maritime usage will result in either incidental bycatch or a significant disturbance to population size of commercially exploited stocks. However, from a precautionary principal, it is recommended that suitable mitigation measures be included in the licence, if granted, to ensure relevant spawning and nursing grounds are avoided at specific times of year to minimise potential disruption to commercial fisheries. It is also recommended that a condition be included in the licence, if granted, requiring the applicant to appoint a fisheries liaison officer to engage with the fishing community during the proposed activity.

¹ www.catchments.ie

² Review status includes whether the water body is/is not at risk of achieving the objectives of the WFD by 2027 or under review if additional information is needed to determine their status before resources and more targeted measures are initiated or the measures have been undertaken, e.g. a wastewater treatment plant upgrade, but the outcome hasn't yet been measured/monitored

³ [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024.](#)

⁴ As per [Ireland's Draft Marine Strategy Part 1: Article 8, 9 and 10 report 2024](#)

		There are several Fisheries Orders that apply in relation to European flat oysters in Galway Bay. In addition, there is a number of licensed aquaculture sites (oysters and mussels) within Galway Bay, to the south of the proposed landfall site at Ballyloughane Strand, the closest being 5km to the south. It is not expected that the proposed maritime usage will impact on aquaculture in these areas.
Marine food webs	Unclear	The balance and diversity in marine food webs will not be impacted as a result of the proposed activity.
Eutrophication	Yes	The proposed activity does not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving good environmental status.
Sea floor integrity	No	The benthic environment being sampled as part of this proposed maritime usage will experience temporary disturbance due to some of the methods proposed. The appropriate assessment associated with this licence application considered habitat disturbance in both the offshore and the intertidal environments.
Alteration of hydrographical conditions	Yes	The proposed maritime usage will not significantly alter the hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) in either the inshore or offshore areas to be surveyed. Therefore, the proposed maritime usage will not impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	The licence will require inclusion of a condition relating to preparation of an oil pollution emergency plan to mitigate for any accidental introduction of contaminants to the marine environment.
Contaminants in fish/seafood for human consumption	Yes	The proposed maritime usage activity will not result in the introduction of contaminants in fish or seafood and therefore, will not impact on the GES status of this descriptor.
Marine Litter	No	The proposed maritime usage will not result in the introduction of marine litter to the marine environment, and thus will not impact on the achievement of GES status of this descriptor.
Introduction of energy including underwater noise	Yes	The impacts of underwater noise introduced as a result of the proposed maritime activity are assessed in the appropriate assessment associated with this licence application and were also considered within the Annex IV Risk Assessment. It is recommended that a condition relating to marine mammals and the management of underwater noise disturbance be included in the licence, if granted.

Environmental Impact Assessment Directive (2014/52/EU)

MARA had regard to Schedules 5 and 7 of the Planning and Development Regulations 2001 in considering the necessity to carry out screening for environmental impact assessment. It was concluded that the project does not fall within the scope of the EIA Directive and therefore an environmental impact assessment is not required.

Climate Action and Low Carbon Development Act, 2015

Section 15(1) of the Climate Action and Low Carbon Development Act requires relevant bodies, including MARA, to perform their functions in so far as practicable in a manner consistent with the governance framework set out therein. The Act sets

legally binding targets for the reduction of greenhouse gases by 2030 and net-zero emissions by 2050. Considering the temporary and short-term nature of the proposed maritime usage, no significant increases in carbon emission are expected and no potential for indirect effects on climate change.

Consideration of other maritime users

I have consulted with the Marine Advisor Engineering within the ARD unit, who considered other maritime usages being undertaken in the same part of the maritime area. The proposed maritime usage area overlaps with one existing marine area consent for Fuinneamh Sceirde Teoranta (MARA ref: 2022-MAC-007) and one marine usage licence area (Amazon MCS Ireland Ltd (MARA ref: 230031). The proposed maritime usage area also overlaps with a number of existing and applied foreshore consents and applications. However, the Marine Advisor Engineering advised that there are no conflicts associated with any of these overlaps.

The Marine Advisor Engineering recommended that conditions be included in the licence, if granted, in respect of granting a licence on a non-exclusive basis, maintaining public access, where possible, and also avoiding damage being caused to third party property.

Site visit

A site visit to Ballyloughane Strand in Galway was undertaken by the Marine Engineer on 9th October 2024. The site visit took in the pedestrian promenade and the access road to the beach, considering the proposed landfall element of the site investigations.

Public consultation

A 30-day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations (2011) and under section 117(6)(b) of the Maritime Area Planning Act (2021), commencing on 24th January 2025. Three (3 no.) submissions were received on foot of the public consultation.

Submission 1: A Member of the Public, Co. Cork

Submission Summary

The submission provided a detailed submission as a review of the licence application documents including the works methodology, the Natura Impact Statement, the risk assessment for annex IV species and the screening for appropriate assessment.

In respect of the works methodology, the submission notes the proposed use of both multi beam echosounders (MBES) and parametric sub-bottom profilers, as well as cone penetration testing (CPT). The submission notes that the MBES has the potential to be used in a wider area than that specified in the licence application. In relation to the cone penetration testing, the submission notes the frequencies and source levels for drilling seems unlikely to match that of CPT.

The submission states that the NIS does not consider deepwater coral SACs and therefore the assessment is incomplete.

The detail in relation to the Annex IV risk assessment raised questions about the “*acceptable range*” for noise levels with reference to the literature, speed limits to be applied to vessels in transit to and from port, the appointment of multiple marine mammal observers and the scenarios presented in the NPWS guidelines for managing underwater noise and marine mammals. The submission also notes the need to consider deep diving species and the potential for considering passive acoustic monitoring.

Finally, the submission states that “*there is no consideration of offshore deep water coral SACs ...*” in the AA screening.

MARA response:

MARA notes the submission from Mr Lyne. The licence, if granted, will specify the area within which the proposed maritime usage can be undertaken.

The AA screening considered several protected sites that include reefs as a qualifying interest. Reefs were screened out based on the Source-Pathway-Receptor model. The reefs will not be impacted by the proposed maritime usage.

The assessment of the proposed maritime usage recommends the inclusion of a condition relating to the management of underwater noise and its effects on marine mammals. Specifically, it is recommended that a condition be included relating to adherence to the most up to date national guidance for the management of underwater noise in the marine environment. This includes the requirement to appoint a marine mammal observer.

Submission 2: The Galway Bay Inshore Fishermen's Association (GBIFA)

Submission Summary

The submission outlined the role of the GBIFA in identifying and resolving pressures on fisheries in the area. GBIFA note the predominant fishery activity in the proposed maritime usage area, within Galway Bay, to be static pot fishing. This is a year-round activity. The submission recognises the importance of the work in relation to communication networks and also the importance of the marine habitat in the area. GBIFA raised the concern that they have not been contacted by a fisheries liaison officer.

MARA response:

MARA notes the concerns raised by GDIFA. It is recommended that the licence, if granted, include a condition requiring the appointment of a fisheries liaison officer. Furthermore, it is recommended conditions be included to ensure that the proposed maritime usage activity does not damage or interfere with fishing gear and that the holder publish a marine notice.

Submission 3: Irish Whale and Dolphin Group (IWDG)

Submission summary

The IWDG made a detailed submission relating to the content of the Annex IV risk assessment, the supporting information for screening assessment, the scope of works, the applications form and the NIS.

The IWDG notes the reference in the application form to the roles and responsibilities of an MMO/ecologist including that the MMO will ensure there is no disturbance to seal/cetacean populations as a result of the proposed maritime usage and also that the ecologist will be responsible for inspecting vessels for pollution sources.

The submission notes that the licence application does not specify how NPWS guidance would apply if an unmanned survey vessel is deployed with geophysical equipment. With regards to sub bottom profilers, the submission notes that this equipment should be treated in the same way as seismic air guns. IWDG also queries the purpose of the ultra-short baseline subsea positioning in the context of the proposed maritime usage.

The submission quotes the licence application states “...*generally obtaining higher resolution data, the geophysical equipment such as MBES and SSS⁵ is generally operated more towards the higher end of the frequency range where possible.*” However, IWDG state that “*MBES will be operated at lower frequencies in deeper water.*” The submission states that the survey will be operating at depths greater than 1500m for over 350km and the MBES system proposed for this work, a 12kHz device, is at the lower and potentially most dangerous end of the frequency range. This is within the range of hearing for marine mammals.

The submission references a mass-stranding event which resulted in the fatalities of melon-headed whales in Madagascar. The submission requests that additional

⁵ Side scan sonar

measures be included in the licence, or agreed with the applicant, to ensure the protection of deep-diving species. These measures include that the pre-watch periods for marine mammals be extended to 60 minutes and to include a mitigation zone of 1000m.

IWDG highlight that the qualifying interests for a number of SACs were updated in March 2024 to include harbour porpoise and bottlenose dolphin.

MARA Response:

MARA notes the detailed submission from the IWDG. Many of the deficiencies identified in the submission have been incorporated into the assessment of the proposed maritime usage. The additional SACs and qualifying interests, per the update from NPWS in March 2024, have been considered in the appropriate assessment.

The specific reference in the submission to the stranding of melon-headed whales, which is a tropical species, relates to an incident in tropical coastal waters, in which a number of factors were determined to have been instrumental. The assessment of the proposed maritime usage has taken account of local species and the spatial relationships of operations relative to local topographical features. The assessment of the proposed maritime usage recommends the inclusion of a condition relating to the management of underwater noise and its effects on marine mammals. Specifically, it is recommended that a condition be included relating to adherence to the most up to date national guidance for the management of underwater noise. This includes the requirement to appoint a marine mammal observer.

It is recommended that a condition is included in the licence for an ecologist to be onsite to oversee the proposed maritime usage at the proposed landfall site. It is also recommended that conditions are included in the licence, if granted, to ensure vessels comply with national certification standards and also that suitable provisions are in place to address accidental events, including oil spillages.

Consultation with public bodies

MARA also invited observations on the licence application from relevant public bodies. Six (6 no.) observations were received from these bodies. The key issues raised in these submissions are summarised below.

Public Body Submission 1: Marine Survey Office (MSO), Department of Transport

Submission Summary

The MSO noted no objection to the granting of a licence in respect of the proposed maritime usage. They noted the need for consideration for safe navigation, publication of a marine notice, conformity with Irish certification standards for vessels and the provision of data to the UK Hydrographic Office. In addition, the MSO also noted the need for any marking and lighting required for moored instruments to be carried out in consultation with the MSO and Commissioner of Irish Lights.

MARA response:

MARA notes the issues raised by the MSO. Conditions are included as standard in Marine Usage Licences in respect of the requirement to publish marine notices and the need for vessels to conform with the requirements of Irish certification standards. In addition, MARA is required to have regard to the rights of the public or any class of the public over the foreshore in relation to navigation – this requirement has been incorporated into our overall assessment of the licence application.

Public Body Submission 2: Development Applications Unit, Department of Housing, Local Government and Heritage.

Submission Summary

The submission from the DHGLH covers both underwater archaeology and the Natura Impact Statement.

Underwater Archaeology

The submission notes that the licence application was accompanied by an underwater archaeological impact assessment report and that the report concluded that “...*there is a high potential for archaeological remains for the general area of the cable corridor*”. The submission then references the legislation and framework around the protection of wrecks and underwater monuments. The submission also references the policies and objectives in both the draft National Planning Framework and the National Marine Planning Framework with respect to protecting archaeological heritage.

The submission includes an extensive list of “*requirements of the National Monuments Service to assist MARA (and the project proponents) to align the project with statutory obligations and policy objectives for the protection of the States underwater cultural heritage*”. These include implementing all recommendations and mitigation measures specified in relation to archaeology in the *Underwater Archaeological Impact Assessment Report*, appointment of a project archaeologist, provision of results of site investigation works to a qualified geoarchaeologist, furnishing an archaeological report to MARA and the National Monuments Service and agreeing a Protocol for Archaeological Discoveries with the National Monuments Service. The submission also requests that a condition be included in the licence to require geophysical surveys to be undertaken in advance of geotechnical work to ensure all potential significant effects on underwater cultural heritage are avoided.

Natura Impact Statement

The DHLGH note that the “...*proposed works are to facilitate the fibre optic cable lay between Galway, Ireland and Iceland...*” has been considered in the NIS. The submission states that DHLGH concur with the conclusion of the NIS.

MARA response:

MARA notes the information submitted and the concerns raised by the National Monuments Service. The submission includes a detailed list of requirements for mitigating impacts on underwater archaeology. It is recommended that the licence include a condition to consult with, and comply with the requirements of, the National Monuments Service prior to commencing the proposed maritime usage.

In addition, it is recommended that a condition be included in the licence requiring the holder to undertake the geophysical surveys before any geotechnical works.

It should be noted that the application under consideration does not relate to facilitating a cable lay between Ireland and Iceland. The proposed maritime usage activity relates to site investigations for the feasibility of constructing a new subsea telecoms cable system linking Ireland from a landfall at Galway to landfalls in France, Spain and Portugal.

Public Body Submission 3: Climate Action Unit, Sea Fisheries Administration Division, Department of Agriculture, Food and the Marine (DAFM).

Submission Summary

The submission from DAFM was a co-ordinated submission including input from the Marine Institute and Bord Iascaigh Mhara.

The submission highlights the “*seafood sectors socio-economic reliance on the surrounding coastline and this should be fully recognised and factored into surveys or site investigation plans, in order to avoid, minimise and mitigate adverse impacts on the seafood sector.*” DAFM note the potential for both inshore and offshore fisheries to be impacted by the proposed maritime usage. The submission acknowledges the proposals in the licence application to liaise with fishers in advance of commencing activity and to avoid undertaking proposed maritime usage activities within spawning periods.

DAFM also note the applicants aim to promote co-existence and minimise potential disruption to commercial fishing activities in the area. The potential impacts of the proposed maritime usage on commercial sea fishing need to be considered in the context of the NMPF and the principles of the NMPF of avoiding, minimising or mitigating impacts on existing activities should be followed.

Bord Iascaigh Mhara (BIM)

BIM note that the predominant fishery in Galway Bay and along the coast of Co. Clare is potting, primarily shrimp, lobster, brown crab and velvet crab. BIM also note that there is minimal impact on the aquaculture or native oyster fisheries orders in Galway Bay area.

Marine Institute (MI)

The MI provided a detailed submission including a summary of the proposed maritime usage activity, overlaps between the proposed maritime usage area and spawning and nursery grounds for specific fish species and overlaps between the proposed maritime usage area specific fishing areas. The submission included overlay maps showing the proposed maritime usage area relative to spawning and nursery grounds for selected commercial fish species, by-catch species, fishing effort by gear and inshore fishing vessels by gear.

MARA response:

MARA notes the detailed submission received from DAFM, BIM and the MI.

In relation to recognising the socio-economic importance of the seafood sector, MARA is required, under the MAP Act to have regard to the obligations in respect

of the public over the foreshore in relation to navigation and fishing. In this respect, the principle of maximising co-existence with other maritime users is incorporated into this licence assessment. The licence, if granted, will also implement this in the form of conditions relating to not damaging fishing gear, publishing marine notices and coordinating activities with the respective harbour master.

This assessment has considered the impacts of the proposed maritime usage activity on the marine environment and has had regard to the NMPF and the states obligations under the Marine Strategy Framework Directive. It is recommended that the licence, if granted includes conditions restricting the proposed maritime usage to be undertaken during relevant spawning periods. It is also recommended that the applicant engages a fisheries liaison officer to consult with the fishing industry and that a marine notice be published 14 days prior to the commencement of the activity.

Public Body Submission 4: Strategy Development and Business Management Division, Department of Environment, Climate and Communications (DECC).

Submission summary

DECC reiterates its understanding of the purpose of the proposed maritime usage to provide high speed strategic international telecommunications connectivity. The submission notes Irelands status as being amongst the leading EU Member States in terms of the uptake and use of digital technologies. It notes the strong policy position of DECC to “*encourage and boost investment in Ireland’s national and international subsea telecoms connectivity.*” DECC further notes that the strategic importance of implementing new, and enhancing existing high quality, secure and reliable connectivity to global telecommunication networks is reinforced across several Government publications including the NMPF and the Climate Action Plan. DECC considers the proposed maritime usage to be in line with the departmental policy position in relation to encouraging high-capacity international telecommunications connectivity.

MARA Response:

MARA notes the submission from DECC and the support for the project overall. As part of the consideration of the licence application MARA has had regard to both the NMPF and the Climate Action Plan, as noted earlier in this report.

Public Body Submission 5: Water, Energy and Business Support Programme, Office of Environmental Sustainability, Environmental Protection Agency.

Submission summary

The EPA notes that the licence application does not relate to dumping at sea and specifies when a dumping at sea permit is required. The EPA advised that considering and deciding on the MUL application does not result in a contravention of the Water Framework Directive, Habitats Directive, Birds Directive, Marine Strategy Framework Directive, Bathing Water Directive or Environmental Liabilities Directive.

MARA’s response:

MARA notes the submission from the EPA. The MAP Act sets out the matters to which MARA must have regard to when considering an application for marine usage in accordance with Schedule 7 of the MAP Act.

Public Body Submission 6: Sea Fisheries Protection Authority

Submission summary

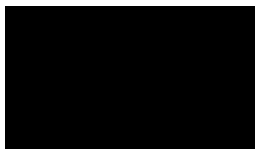
The SFPA stated that they “do not envisage any particular difficulties regarding possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise, or any possible impacts on food safety”. The SFPA also noted that if there is a future licence application related to the maritime usage, there could be “significant observations forthcoming”.

MARA response:

MARA notes the submission from the SFPA.

Recommendation

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to Deep Sea Fibre Networks Ltd, 15 The Seapoint Building, Clontarf, Dublin 3, for the purposes of undertaking marine environmental surveys, subject to the conditions in Appendix 1.



Suzanne Wylde

Senior Marine Advisor

Appendix 1:

Recommended term of licence for inclusion in the *Particulars Schedule*:

1. Recommended Term of licence to be 2 years from date of commencement.

Recommended conditions for inclusion in *Appendix 2: Specific Conditions of the Marine Usage Licence*, if granted.

2. 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: In the interest of clarity.

3. 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: In the interest of clarity.

4. 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.

5. 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.

6. 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.

7. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Port of Galway 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.

8. During the course of the intertidal operations, the Holder shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to safeguard the public. The Holder shall retain photographic evidence of all such arrangements made and precautions taken during the course of the works.

Reason: To ensure the protection of the marine environment.

9. 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.

10. The Holder shall demonstrate all reasonable practical measures are taken 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 and that all vehicles and equipment used in the intertidal portion of the Permitted Maritime Usage are free of invasive marine species.

Reason: To ensure the protection of the marine environment.

11. In-combination effects

- i) Prior to the commencement of the Permitted Maritime Usage, the Holder shall coordinate with other authorisation holders carrying out geophysical, seismic and geotechnical activities within a 10 km radius of the site boundary.
- ii) Where a vessel to vessel distance of greater than 10 km cannot be maintained with respect to geophysical, seismic and geotechnical activities, the Holder shall co-ordinate with other authorisation holders to prevent temporal overlap of the activities. Where the Holder can submit evidence that there is a vessel to vessel distance of greater than 10 km, no temporal co-ordination of activities is required.
- iii) Where the Holder becomes aware of temporal overlap that cannot be resolved within the prescribed distance, the Holder shall notify the Grantor who shall determine the timing of activities.
- iv) Records of all engagements held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.

Reason: To ensure the protection of the marine environment.

12. 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

13. The Holder, upon completion of the Permitted Maritime Activity, shall submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage at marine.env@housing.gov.ie. This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.

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

13. Documentation

- 13.1 The Holder shall keep the following documents (if applicable) together and available for inspection by the Grantor:
- i) a copy of the licence related to the Permitted Maritime Usage;
 - ii) all correspondence with the Grantor;
 - iii) up-to-date drawings, plans, and maps relating to the Permitted Maritime Usage;
 - iv) documents and photographs as requested by the Grantor from time to time;
 - v) the marine positional log; and
 - vi) any elements of the licence application and associated documentation referenced in this licence.
- 13.2 In addition, the Grantor may, by notice in writing, require the Holder to provide such additional information as the Grantor considers necessary in relation to any matters arising out of or in connection with this Licence. The Holder shall provide the requested information within the period specified in the notice.

14. 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.

15. Fisheries Liaison Officer

Prior to commencement, and for the duration, of the Permitted Maritime Usage the Holder shall employ a Fisheries Liaison Officer to consult with and fully inform relevant fishers in order that interactions with ongoing fishing activities in the area are minimised during the course of the Permitted Maritime Usage.

Reason: To ensure the protection of the marine environment.

16. 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 the most up to date national 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 the most up to date national 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 protection of the marine environment.

17. Landfall site/Intertidal

- i) The Holder shall ensure that an ecologist will be on site during all terrestrial/intertidal surveys carried out as part of this Permitted Maritime Activity in order to minimise disturbance and ensure site integrity is maintained.
- ii) Access to the intertidal area shall be exclusively through existing access routes.
- iii) Any temporary access arrangements or structures that are put in place to allow machinery access to the shore area, shall be prepared or installed in consultation with the ecologist. The site should be fully reinstated post works.

Reason: To ensure the protection of the marine environment.

New Condition

Fish spawning and nursery grounds

- 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.
- ii. The Holder shall not undertake the Permitted Maritime Usage within the known Aran grounds for *Nephrops* species between 1st August and 30th September annually.

Reason: To ensure the protection of the marine environment.

New Condition

The Holder shall time the Permitted Maritime Usage to ensure that geophysical surveys are undertaken in advance of all geotechnical works to ensure potential significant effects on underwater cultural heritage are avoided.

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