

1. Maritime Usage Licence – “Minded To” Determination Case Worker Report	
To	Laura Brien, Chief Executive Officer
From	Paula O'Toole, Licensing Caseworker
Reviewed by	Jacinta Ponzi, Head of MUL Unit
Date	14/05/2025
Maritime Usage Licence Application:	
Applicant Name	Deep Sea Fibre Networks Ltd
Applicant Address	15 The Seapoint Building, Clontarf, Dublin 3, D03 E240
Application Received	19/04/2024
MUL Reference Number	MUL230024
Decision sought	<p>Approval sought for issuance of notice to the Applicant in accordance with Section 119(6)(b) of the Maritime Area Planning Act 2021, to inform that:</p> <p>The Maritime Area Regulatory Authority (MARA) is minded to GRANT a Maritime Usage Licence in respect of their application and the reasons why MARA is so minded.</p> <p>Supplementary material submitted by the Applicant in accordance with Section 119(6)(b) of the Maritime Area Planning Act 2021 on 02/05/2025 was considered by MARA.</p>
Description of works	Marine environmental surveys for the purposes of site investigation surveys to inform the feasibility of a new PISCES subsea telecoms cable system from a landfall at Ballyloughane County Galway traversing the Irish Maritime Area to the southwest of Ireland.
Schedule 7 activity	3 Marine environmental survey (site investigation)
Additional section 7 activity (if applicable)	Choose an item.
Documents submitted with application	<input checked="" type="checkbox"/> Application Form <input checked="" type="checkbox"/> Maritime Usage Map <input checked="" type="checkbox"/> Supporting Information for Screening for Appropriate Assessment (SISAA) Report <input checked="" type="checkbox"/> Natura Impact Statement (NIS) Report <input checked="" type="checkbox"/> Assessment of Impact of Maritime Usage Report (AIMU) <input checked="" type="checkbox"/> Risk Assessment for Annex IV Species Report <input checked="" type="checkbox"/> Other: Underwater Archaeological Impact Assessment Schedule of Works Works Methodology
Section 117(3) notice issued: Request for Further Information -RFI	<input checked="" type="checkbox"/> YES: Date(s) of RFI(s) issued: 16/10/2024 & 15/11/2024 Date(s) Received: 11/11/2024 & 18/11/2024 Document(s) Received: Revised Application Form & Site Layout Map. Revised GIS Files <input type="checkbox"/> Not required

Assessment, Research & Data (ARD) Assessment:	
Consideration of Screening for EIA: Section 117(5)(a)	<input checked="" type="checkbox"/> Screening for EIA: NOT REQUIRED <input type="checkbox"/> Screening for EIA: REQUIRED Date of Report: 04/10/2024 Signed by: Suzanne Wylde
Screening for Appropriate Assessment: Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011)	<input checked="" type="checkbox"/> Screened IN <input type="checkbox"/> Screened OUT Date of AA Screening Report & Determination: 10/10/2024 Signed by: Suzanne Wylde
If <i>SCREENED IN</i>: Was NIS/updated NIS requested in accordance with Section 117(6)(a)?	<input type="checkbox"/> YES: New NIS requested <input checked="" type="checkbox"/> YES: Updated NIS requested Date Requested: 16/10/2024 Date Received: 11/11/2024 <input type="checkbox"/> NO: Not Required
AA Screening Report and Determination published on MARA website:	Date: 17/12/2024
Public Consultation – relevant where SCREENED IN	
Date of public consultation: Section 117(6)(b)	Date starts: 24/01/2025 Date ends: 24/02/2025
Local Newspaper Name	Galway City Tribune
Local Newspaper Publication Date	24/01/2025
National Newspaper Name	Irish Examiner
National Newspaper Publication Date	24/01/2025
Date public consultation published on MARA website	24/01/2025
Submissions from public received?	<input checked="" type="checkbox"/> YES: Number received (3) <input type="checkbox"/> NO

Referral to Notified Consultees, as directed by Assessment, Research & Data (ARD) Team:	
<input checked="" type="checkbox"/> Bord Iascaigh Mhara <input checked="" type="checkbox"/> Commissioners of Irish Lights <input checked="" type="checkbox"/> Department of Agriculture, Food & the Marine <input checked="" type="checkbox"/> Dept. of Environment, Climate & Communications <input checked="" type="checkbox"/> Dept. of Housing, Local Government & Heritage <input checked="" type="checkbox"/> Dept. of Transport - Marine Survey Office <input checked="" type="checkbox"/> Environmental Protection Agency <input checked="" type="checkbox"/> Geological Survey of Ireland <input checked="" type="checkbox"/> Health and Safety Authority <input checked="" type="checkbox"/> Inland Fisheries Ireland <input checked="" type="checkbox"/> Marine Institute <input checked="" type="checkbox"/> National Monuments Service <input checked="" type="checkbox"/> National Parks and Wildlife Service <input checked="" type="checkbox"/> Relevant Local Authority <input checked="" type="checkbox"/> Relevant Harbour Authority <input checked="" type="checkbox"/> The Sea Fisheries Protection Authority <input type="checkbox"/> Other:	
Observations from notified consultees received?	<input checked="" type="checkbox"/> YES: Number received 6 <input type="checkbox"/> NO
Appropriate Assessment Determination (relevant where SCREENED IN)	
AA Report & Determination	Date of final report: 08/04/2025
Determination Approved by Director of ARD Unit	<input checked="" type="checkbox"/> Yes
ARD MUL Assessment Report:	
Final ARD MUL Assessment Report <i>includes environmental & engineering reports</i>	Date of final report: 02/04/2025 Signed by: Suzanne Wylde, Senior Marine Advisor
Public Submissions taken into account in Final ARD MUL Assessment Report:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Notified Consultees Responses taken into account in Final ARD MUL Assessment Report:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

<p>Upon completion of the Appropriate Assessment Determination the following specific conditions and reasons for conditions are DETERMINED by Assessment, Research and Data Unit:</p>
<p>Landfall site/Intertidal</p> <p>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.</p> <p>ii) Access to the intertidal area shall be exclusively through existing access routes.</p> <p>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.</p>
<p>Marine Mammals</p> <p>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).</p> <p>ii) The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with the most up to date national guidance.</p> <p>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.</p> <p>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</p>
<p>Accidental events</p> <p>The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:</p> <p>i) Information on the location and detail of spill response resources on-board;</p> <p>ii) Information on crew training in relation to oil pollution response;</p> <p>iii) How crew will interface with other site investigation operators, where applicable.</p>
<p>In-combination effects</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Documentation</p> <p>The Holder shall keep the following documents (if applicable) together and available for inspection by the Grantor:</p> <p>i) a copy of the licence related to the Permitted Maritime Usage;</p> <p>ii) all correspondence with the Grantor;</p>

<p>iii) up-to-date drawings, plans, and maps relating to the Permitted Maritime Usage;</p> <p>iv) documents and photographs as requested by the Grantor from time to time;</p> <p>v) the marine positional log; and</p> <p>vi) any elements of the licence application and associated documentation referenced in this licence.</p> <p>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.</p>
<p>Upon completion of the <i>ARD MUL Assessment Report</i> the following conditions and reasons for conditions are RECOMMENDED by Assessment Research and Data Unit:</p>
<p>1. Recommended Term of licence to be 2 years from date of commencement.</p> <p>No reason provided</p>
<p>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.</p> <p>Reason: In the interest of clarity.</p>
<p>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.</p> <p>Reason: In the interest of clarity.</p>
<p>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.</p> <p>Reason: To ensure the orderly undertaking of the proposed maritime usage.</p>
<p>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.</p> <p>Reason: To ensure the orderly undertaking of the proposed maritime usage.</p>
<p>6. The Holder shall not damage or interfere with any third party's property, infrastructure or fishing gear while conducting the Permitted Maritime Usage.</p> <p>Reason: To ensure the orderly undertaking of the proposed maritime usage.</p>
<p>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.</p> <p>Reason: To ensure the orderly undertaking of the proposed maritime usage.</p>
<p>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.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>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.</p> <p>Reason: To ensure the orderly undertaking of the proposed maritime usage.</p>
<p>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.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>11. In-combination effects</p>

<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>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.</p> <p>Reason: To ensure protection of the marine environment through availability of monitoring data</p>
<p>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.</p> <p>Reason: To ensure protection of the marine environment through availability of monitoring data</p>
<p>14. Documentation</p> <p>The Holder shall keep the following documents (if applicable) together and available for inspection by the Grantor:</p> <p>i) a copy of the licence related to the Permitted Maritime Usage;</p> <p>ii) all correspondence with the Grantor;</p> <p>iii) up-to-date drawings, plans, and maps relating to the Permitted Maritime Usage;</p> <p>iv) documents and photographs as requested by the Grantor from time to time;</p> <p>v) the marine positional log; and</p> <p>vi) any elements of the licence application and associated documentation referenced in this licence.</p> <p>14.1 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.</p>
<p>15. Accidental events</p> <p>The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:</p> <p>i. Information on the location and detail of spill response resources on-board;</p> <p>ii. Information on crew training in relation to oil pollution response;</p> <p>iii. How crew will interface with other site investigation operators, where applicable.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>16. Fisheries Liaison Officer</p> <p>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.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>17. Marine Mammals</p>

<p>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).</p> <p>ii) The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with the most up to date national guidance.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure protection of the marine environment.</p>
<p>18. Landfall site/Intertidal</p> <p>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.</p> <p>ii) Access to the intertidal area shall be exclusively through existing access routes.</p> <p>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.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>19. Fish spawning and nursery grounds</p> <p>i. 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.</p> <p>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.</p> <p>Reason: To ensure the protection of the marine environment.</p>
<p>20. 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.</p> <p>Reason: To ensure the orderly undertaking of the proposed maritime usage.</p>

Minded to Determination of Licence Application:	
Case Worker Recommendation	<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> PART GRANT <input type="checkbox"/> REFUSE
Period Specified to Applicant for submission of supplementary material in relation to the reasons for conditions: Section 119(6)(b)	<input checked="" type="checkbox"/> 21 days <input type="checkbox"/> Other:

Supplementary Material (if applicable):	
Supplementary material received from applicant (if applicable)	Date received: 02/05/2025 Applicant requests that: <i>With respect to Specific Condition 37 of the Proposed Licence which deals with Fish spawning and nursery grounds we request that sub-clause 37. i) be removed from the Licence. The sub-clause is as follows; 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.</i>
Supplementary material forwarded to ARD	02/05/2025

Details of Supplementary Information and Recommendation from Assessment, Research & Data (ARD) Team:	
Reason and associated Condition	Applicant comment: <i>With respect to Specific Condition 37 of the Proposed Licence which deals with Fish spawning and nursery grounds we request that sub-clause 37. i) be removed from the Licence. The sub-clause is as follows; 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.</i> <i>We do not accept that the reason given for proposed licence Specific Condition 37 "To ensure the protection of the marine environment", justifies such an onerous restriction over the entire survey corridor traversing the Irish Maritime Area.</i>

	<p>ARD recommendation:</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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".</i></p>
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Signed by (Caseworker)

Paula O'Toole

Date

14/05/2025

Annex 1 – List of Accompanying Documents:		
Tab 01	Screening for AA Report & Determination	<input checked="" type="checkbox"/>
Tab 02	Appropriate Assessment Report and Determination	<input checked="" type="checkbox"/>
Tab 03	ARD MUL Assessment Report	<input checked="" type="checkbox"/>
Tab 04	Supplementary Material	<input checked="" type="checkbox"/>
Tab 05	ARD Response to Supplementary Material	<input checked="" type="checkbox"/>
Tab 06	Proposed Licence	<input checked="" type="checkbox"/>
Tab 07	Proposed Minded to Notice	<input checked="" type="checkbox"/>
Tab 08	Proposed Minded to Notice Cover Letter	<input checked="" type="checkbox"/>