

Reasons for proposed conditions to be attached to the Maritime Area Consent- MAC20230027¹

1. The Particulars Schedule

TERM

Reason: The Term is considered having regard to the typical life cycle of the Permitted Maritime Usage, the management of State resources and the assessment of all or any effects of the Permitted Maritime Usage.

2. Condition 3.7

GRANT OF CONSENT

Reason: In the interest of clarity

3. The Particulars Schedule and Condition 4

REQUIREMENT FOR DEVELOPMENT PERMISSION

Reason: to ensure the application for Development Permission is submitted within a reasonable timescale in order to assist in the effective management of State resources.

4. Condition 5

COMPLIANCE WITH DEVELOPMENT PERMISSION

Reason: to ensure the proper management and protection of the maritime area.

5. The Particulars Schedule and Condition 7

LEVY

Reason: to comply with section 92(1) of the Act and specify details concerning the Levy that shall be paid to the Grantor by the Holder for the occupation of the Consent Area for the purpose of undertaking the Permitted Maritime Usage.

¹ Being those conditions that fall within one or more than one of the types of conditions specified in Part 1 of Schedule 6 of the Act

6. Condition 8

OUTGOINGS

Reason: to ensure the Holder is responsible for discharging all costs associated with the Permitted Maritime Usage which are properly an expense of the Permitted Maritime Usage and are not covered by the Levy.

7. Condition 9

PUBLIC ENGAGEMENT PLAN

Reason: to enable the Grantor to request the Holder to communicate information that that the Grantor deems relevant to the public.

8. Condition 11

COLLATERAL

Reason: to ensure the Grant of this Consent is personal to the Holder that has been deemed a fit and proper person pursuant to the criteria set out in Schedule 2 of the Act.

9. Condition 13

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.

10. Condition 14

INDEMNITY

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

11. Condition 15

INSURANCE

Reason: to mitigate against risk to the Grantor and the State in the event of insolvency or incapacity on the part of the Holder where Insurable Risks occur.

12. Condition 16

INSPECTIONS AND INVESTIGATIONS

Reason: to ensure the Grantor can evaluate compliance of the Holder with its obligations under this Consent and the Act.

12. Condition 17

ENFORCEMENT

Reason to ensure any breaches of this consent or of the Act may be remedied.

13. Condition 18

REHABILITATION

Reason: to ensure the Consent Area is rehabilitated in an appropriate and acceptable manner in accordance with the Act and this Consent and all applicable Development Permissions.

14. Condition 19

REHABILITATION FINANCIAL PROVISION

Reason: to mitigate the risk of the Holder not being in the position to discharge their duties with regard to Rehabilitation.

15. Condition 25

JOINT AND SEVERAL OBLIGATIONS

Reason: to clarify that where there is more than one Holder that obligations under the MAC are joint and several.

16. Condition 26

FORCE MAJEURE

Reason: to clarify the events that excuse non-performance of obligations in this Consent.

17. Condition 27

EXERCISE OF RIGHTS

Reason: to clarify the manner in which the rights granted under the Consent shall be exercised by the Holder.

18. Condition 29

RELATIONSHIP OF THE PARTIES

Reason: to clarify the legal relationship of the Grantor and Holder.

19. Condition 30

SEVERANCE

Reason: to clarify the impact of any condition of this Consent being declared invalid, unenforceable or illegal by the Courts in Ireland and to ensure the remainder of the conditions in this Consent remain in full force and effect.

20. Condition 31

GOVERNING LAW AND JURISDICTION

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