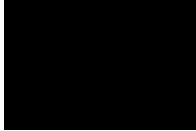


Minded to determine notice and reasons for proposed licence conditions

To: Dublin City Council



12/06/2025

Re: To conduct marine environmental survey and ground investigation works to inform the design of proposed Point Bridge and Tom Clarke Widening Project in Dublin City. **Ref LIC230007**

By Electronic mail only

Dear Sirs,

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 Dublin City Council 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 03/07/2025 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,

A handwritten signature in blue ink that reads "Karen Creed".

Dr. Karen Creed

Director of Maritime Authorisations.

Proposed conditions to be attached to the Licence:

The Particulars Schedule

1. 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

DOCUMENTATION

Reason: To provide appropriate controls on the maritime usage activity to ensure protection of the marine environment.

Condition 14

EXERCISE OF RIGHTS

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

Condition 15

NOTICES

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

Condition 16

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 17

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 18

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 19

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 20

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

Condition 21

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 this licence and ensure protection of the marine environment.

Condition 22

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

Condition 23

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 protection of maritime heritage.

Condition 24

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. This Marine Notice shall include details of the Licence Holder and the Licence Number as granted by MARA.

Reason: To ensure safe navigation in the maritime area

Condition 25

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 minimise impact on other users of the marine environment.

Condition 26

Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Dublin 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.

Condition 27

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 protection of the marine environment.

Condition 28

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 are free of invasive marine species.

Reason: To ensure the protection of the marine environment.

Condition 29

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 and protected species.

Condition 30

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 Licensed Area.
- 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 protection of the marine environment and protected species.

Condition 31

On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at <https://ukhodataupload.admiralty.co.uk/> or sdr@UKHO.gov.uk and the INFOMAR program at support@geodata.gov.ie with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

Reason: To ensure the safety of navigation at sea through the availability of accurate navigational data.

Condition 32

The Holder, upon completion of the Permitted Maritime Activity, shall submit details of all acoustic surveys undertaken in accordance with this licence to the Marine Environment Section, Department of Housing, Local Government and Heritage at marine.env@housing.gov.ie, or to the relevant government department. 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

Condition 33

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 provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.

Condition 34

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 protection of maritime heritage.

Condition 35

The Holder shall take all practicable efforts to ensure that any arisings from boring and drilling activities are collected and are stored and disposed of in accordance with the relevant National and European waste legislation and protocols as may be amended from time to time.

Reason: To ensure the protection of the marine environment.