

Minded to determine notice and reasons for proposed licence conditions

To: EirGrid plc
The Oval
160 Shelbourne Road
Ballsbridge
Dublin 4

09/07/2025

Re: Maritime Area Planning Act 2021 - Application for a Maritime Usage Licence (MUL)
Reference: MUL240036

To undertake marine site investigation works to inform the engineering design and environmental assessments for two offshore substations in the Tonn Nua Area A (as identified in the South Coast Designated Maritime Area Plan), potential offshore transmission cable corridors, approaches to seven potential landfall zones, and seven landfall zones.

By Email to: [REDACTED]

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 EirGrid plc 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 **30/07/2025** 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,



Dr. Karen Creed
Director of Maritime Authorisations.

Proposed conditions to be attached to the Licence:

The Particulars Schedule

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.

GOVERNING LAW AND JURISDICTION

Condition 20

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.

Condition 21

Reason: To clarify the scope of this licence.

SPECIFIC CONDITIONS

22. 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.

23. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage, National Monuments Service, located at G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0, and comply with all applicable requirements set forth by the Unit.

Reason: To ensure protection of maritime heritage.

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.

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.

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

Reason: To minimise impact on other users of the intertidal area and ensure the orderly undertaking of the proposed maritime usage.

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.

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 in the intertidal portion of the Permitted Maritime Usage are free of invasive marine species.

Reason: To ensure protection of the marine environment.

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.

30. Birds

The Holder shall not undertake geotechnical and geophysical surveys as follows:

- i) within 1 km of the Mid-Waterford Coast SPA and the Keeragh Islands SPA, and Landfall zones E, F and G during the period April to July,
- ii) within 1 km of the Ballycotton Bay SPA during the period October to March.

Reason: To ensure protection of the marine environment and protected species.

31. Landfall site/Intertidal

- i) The Holder shall ensure that an ecologist will be on site during all intertidal surveys carried out as part of this Permitted Maritime Usage in order to minimise disturbance and ensure site integrity is maintained.
- ii) Access to the intertidal areas shall be exclusively through existing access routes.
- iii) The Permitted Maritime Usage shall not result in disturbance or damage to sea cliffs and reef habitat and these areas shall be avoided by machinery and personnel.
- iv) 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 to ensure minimal disturbance and ensure site integrity. The site should be fully reinstated post works.

Reason: To ensure protection of the intertidal environment and protected species and habitats.

32. 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 and habitats.

33. 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 and the protection of the marine environment through availability of monitoring data.

34. The Holder, upon completion of the Permitted Maritime Usage, 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.

35. 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.

36. Fisheries Liaison Officer

At least two weeks prior to commencement and for the duration of the Permitted Maritime Usage, the Holder shall engage 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 minimise impact on other users of the marine environment.

37. While conducting the Permitted Maritime Usage the Holder shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing.

Reason: To minimise impact on other users of the marine environment.

38. Fish spawning and nursery grounds

The Holder shall not undertake the geotechnical and geophysical boat-based portions of the Permitted Maritime Usage between 1st November and 31st March annually, to ensure least disturbance to known fish spawning along the survey route.

Reason: To ensure protection of the marine environment.

39. The Holder shall plan for the Permitted Maritime Usage to be carried out at a time and in a manner which ensures that geophysical surveys are undertaken in advance of all geotechnical works to avoid potential significant adverse effects on underwater cultural heritage and reef habitats.

Reason: To ensure protection of maritime heritage and protected habitats.

40. Reef Habitat Protection

- i) No geotechnical activities shall take place in Reef habitat (EU Annex 1 habitat code 1170).
- ii) Prior to the commencement of the geotechnical activities a drop-down video shall be deployed, and imagery shall be recorded and retained, at each sampling location to ensure reef habitat is avoided in the course of such geotechnical activities.

Reason: To ensure the protection of the marine environment and protected habitats.

41. The Holder shall consider any publicly available survey data, and usage of same where appropriate and feasible to do so, in order to avoid duplication of survey activity in the Licensed Area.

Reason: To ensure the protection of the marine environment