

<b>Maritime Usage Licence – Determination Case Worker Report</b>	
To	John Evans, Director of Maritime Usage Licence and Planning Advisory Directorate
From	Joanne Staunton, Licensing Caseworker
Reviewed by	Martina Monaghan, Licensing Manager
Date	07/04/2026
<b>Maritime Usage Licence Application:</b>	
Applicant Name	Uisce Éireann
Applicant Address	Uisce Éireann, Colvill House, 24-26 Talbot Street, Dublin 1
MUL Reference Number	MUL230015
Decision sought	Approval sought for issuance of a maritime usage licence to this Applicant.  <input checked="" type="checkbox"/> Following consideration of supplementary material submitted by the applicant in accordance with Section 119(6)(b) of the Maritime Area Planning Act 2021 as amended, <b>or</b>  <input type="checkbox"/> NO supplementary material submitted
<i>Minded to Determine Notice Issued</i>	13/03/2026
Period Specified to Applicant in <i>Minded to Determine Notice</i>	<input checked="" type="checkbox"/> 21 days <input type="checkbox"/> Other:
<b>Supplementary Information (if applicable):</b>	
Supplementary material received from applicant (if applicable)	Date received: 31/03/2026  <i>Supplementary material originally received on 30/03/2026 however the applicant requested to resubmit an updated version which was received on 31/03/2026</i>
Supplementary material forward to Assessment	31/03/2026
<b>Details of Supplementary Information and Recommendation from Assessment Team</b>	
Reason and associated Condition	<u>Applicant comment</u> : National Monuments Service – Specific Condition 18 Appendix 2 Specific Condition 18 states:

	<p><i>“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... ..and comply with all applicable requirements set forth by the Unit “</i></p> <p>While Uisce Éireann are committed to preservation of Ireland’s Underwater Cultural Heritage, we note that there was no Public Observation or Submission made by the National Monuments Service on this application and that the proposed activities which are the subject of this Maritime Usage Licence Application are non-invasive in nature and unlikely to have any interaction with Underwater Cultural Heritage as noted in Section 11 of the AIMU report and acknowledged in the MUL Assessment Report.</p> <p>Based on the above, Uisce Éireann request that this Specific Condition is removed from this Licence.</p> <p><u>Assessment Response:</u> This is a standard condition included in all licences to ensure the Holder understands their obligations and I do not feel the issues raised warrant removal of the condition in this case. The National Monuments Service are responsible for regulating activities in respect of protected wrecks and underwater archaeological objects under the National Monuments Acts 1930-2014 and the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 has responsibility regarding whether or not an activity will have an interaction with or impact on underwater cultural heritage. The applicant’s attention is drawn to Condition 3.4 of the proposed licence which states that “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><b>Recommendation: No change to Specific Condition 18, Underwater Heritage</b></p>
<p>Reason and associated Condition</p>	<p>Applicant comment: Insurance - Clause 9</p> <p>Regarding Clause 9 (i): It is our understanding that this Clause relates to contract works insurance for the project works, and giving joint names cover to the Grantor under this cover. We can confirm there is a joint names provision to include the Grantor under Uisce Éireann’s Annual OCIP’s Contract Works section covering the works. We would appreciate clarification of this point.</p> <p>Regarding Clause 9 (ii): Please note that employers liability cover will be provided by the Uisce Éireann contractor carrying out the marine survey works.</p> <p>Please confirm that this is agreed</p>

	<p><u>Assessment Response:</u> Condition 9(i) of the draft MUL is a standard condition in Maritime Usage Licences. In addition, Uisce Éireann has not requested a change or provided any supplementary material to support a consideration of a change to this condition. As per Section 119(6)(b)(ii) of the Act, MARA may only consider supplementary material made in view of the reasons only. Accordingly, no further consideration can be given by MARA in regard to the above.</p> <p>Condition 9(ii) of the draft MUL is a standard condition in Maritime Usage Licences. In addition, Uisce Éireann has not requested a change or provided any supplementary material to support a consideration of a change to this condition. As per Section 119(6)(b)(ii) of the Act, MARA may only consider supplementary material made in view of the reasons only. Accordingly, no further consideration can be given by MARA in regard to the above.</p> <p><b>Recommendation: No change to Condition 9 Insurance</b></p>
<p>Reason and associated Condition</p>	<p><u>Applicant comment:</u> Marine Mammals – Specific Condition 24 The text for Specific Condition 24 states “<i>The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage</i>” There is some ambiguity as to the interpretation of this text with respect to the scope of the Marine Mammal Observer (MMO) as this text could be interpreted as requiring the Holder to employ an MMO to oversee all aspects of the maritime usage, including those outside of the mitigations proposed in the NIS accompanying the application.</p> <p>The NIS submitted by Uisce Éireann identified the specific activities requiring an MMO based on the NPWS Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters.</p> <p>Uisce Éireann requests that the text in this Specific Condition is clarified to state the Holder is required to appoint an MMO to oversee the specific activities which for which an MMO was proposed in the NIS, rather than to oversee the entire Maritime Usage.</p> <p><u>Assessment Response:</u> MARA can confirm that an MMO is only required for geophysical and geotechnical survey activities where acoustic sources are deployed and MMO oversight is standard practise in line with national guidance. The current form of this national guidance is NPWS Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (2014). Other environmental survey activities that do not involve an acoustic noise source and are not specified in the current national guidance do not require an MMO to oversee these activities. MARA will not be amending this text as the condition already has reference to the current national guidance in part (ii) of the condition and this reflects the recommended mitigations of MARA’s Appropriate Assessment.</p>

<p>Reason and associated Condition</p>	<p><b>Recommendation: No change to Specific Condition 24 Marine Mammals</b></p> <p>Applicant comment: Fisheries – Specific Condition 31 The text for Specific Condition 31 states: <i>‘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.’</i></p> <p>Uisce Éireann has significant concerns with the high bar set in this condition that the Licence Holder “shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing”. This is a significant change from the obligation in the previous Foreshore Licences which only required that the Holder shall take reasonable care not to interfere with any fishing gear. Uisce Éireann requests that MARA review and amend this condition so that it aligns with previous Foreshore Licences and refers to “taking reasonable care”, which required the Holder shall take reasonable care not to interfere with any fishing gear.</p> <p><u>Assessment Response:</u> MARA acknowledges Condition 31 may be overly onerous as it is currently worded in the draft licence for MUL230015. MARA has therefore reviewed the condition and decided that, in the interests of regulatory simplification, this condition was no longer required. It was found that the intent of existing Conditions 14 and 20 of the current licence cover the issues raised in Condition 31, therefore, it was deemed unnecessary.</p> <p><b>Recommendation: Remove Specific Condition 31</b></p>
<p><b>Case Worker Response following supplementary information (in addition to ASSESSMENT recommendation):</b></p>	
<p>Condition or schedule</p>	<p>Caseworker response: Specific Condition 31 has been removed from the Final Licence.</p>

<p><b>Determination of Licence Application:</b></p>	
<p>Caseworker Recommendation</p>	<p><input checked="" type="checkbox"/> GRANT <input type="checkbox"/> PART GRANT <input type="checkbox"/> REFUSE</p>

**Signed by (Caseworker)**      **Joanne Staunton**

**Date**      **07/04/2026**

Annex 1 – List of Accompanying Documents:	
Supplementary Material	<input checked="" type="checkbox"/>
Assessment Response To Supplementary Material	<input checked="" type="checkbox"/>
Final Licence	<input checked="" type="checkbox"/>
Final Licence Letter	<input checked="" type="checkbox"/>