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17th April 2026

RE: 'Minded to Determine Notice' MUL240012 – Donegal & Sligo Bay Coastal Areas
By email to: licence@mara.gov.ie

Dear John,

In accordance with 81(7)(b) of the Maritime Area Planning Act 2021, as amended MARA issued Uisce Éireann notification of a 'Minded to Determine Notice' along with a copy of the Final MUL Assessment Report to undertake marine environmental surveys for the purposes of a strategic modelling study of the Donegal & Sligo Bay Coastal Areas (Ref. MUL240012).

We note the conditions and reasons and that we have been afforded an opportunity to provide supplementary material in relation to the reasons for further consideration before MARA makes a final determination on the application for the maritime usage licence.

Please note the following supplementary information:

1. Insurance - Clause 9

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.

Regarding Clause 9 (ii): Please note that employers liability cover will be provided by the Uisce Éireann contractor carrying out the marine survey works. Please confirm that this is agreed.

2. OSPAR Impulsive Noise Registry – Specific Condition 27

Specific Condition 27 requires:

“The Holder shall, within 30 days of the completion of each geophysical and geotechnical survey... submit details of these surveys to Marine Environment... in the reporting format of the OSPAR Impulsive Noise registry.”

Uisce Éireann fully supports transparent reporting obligations within the marine environment. However, in the context of this application, we wish to highlight the following:

- Uisce Éireann understands that the purpose of the OSPAR Registry is to catalogue impulsive sources (e.g. impact piling, seismic airguns, explosions, large-scale shipping), none of which form part of the MUL240012 survey methodology as noted in the AIMU report and the MARA Assessment Report.
- The MARA Assessment Report acknowledges that the low underwater noise from proposed non-invasive activities and vessel size used are not expected to cause any significant impacts. Given the small scale, short duration of surveys, the retention of this condition as is would introduce a reporting obligation that is not proportionate to the activities under this licence.

Considering the above, Uisce Éireann requests that Specific Condition 26 be modified to exclude the 30-day request from the final licence, thus supporting alignment with similar condition previously issued for MUL250013 and MUL240026 applications.

3. Fisheries – Specific Condition 29

The text for Specific Condition 29 states:

“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.”

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. Additionally, the absolute wording is inconsistent with the approach taken in Specific Clause 23, which requests “The holder shall demonstrate all reasonable practical measures are taken”, thereby adopting a reasonableness-based standard rather than an unconditional prohibition.

Uisce Éireann requests that MARA review and amend this condition so that it aligns with both the Specific Condition 23 and previous Foreshore Licencing precedent by reverting to a “taking reasonable care” standard, which required the Holder shall take reasonable care not to interfere with any fishing gear.

Uisce Éireann are grateful for the opportunity to provide you with supplementary information. Should you have any queries on the above please do not hesitate to contact Robbie Clarke rclarke@nodwyer.com, foreshore@water.ie or myself.

Yours faithfully,

Ronan Kane
Environmental Modelling Manager
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