

<b>Maritime Usage Licensing and Planning Advisory Directorate</b>			
<b>Response to Supplementary Material on a Minded to Determination</b>			
<b>To:</b>	John Evans, Director	<b>From:</b>	Dr Ciar O'Toole, Senior Marine Advisor Martina Monaghan, Maritime Usage Licensing
<b>Date:</b>	02/04/2026	<b>Maritime Usage Licence Application No:</b>	MUL240026
<b>Applicant:</b>	Uisce Eireann, Colvill House, 24-26 Talbot Street, Dublin 1		
<b>Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):</b>	3. Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000		
<b>Location of proposed Maritime Usage</b>	South Cork Coast		

The Maritime Area Regulatory Authority (MARA) issued a Minded to Determine Notice and a proposed Maritime Usage Licence (MUL) to Uisce Eireann (the applicant) on 13/03/2026. The MUL application is for Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000 under Schedule 7 of the Maritime Area Planning Act 2021 (the MAP Act). The applicant was advised in the notice that MARA was minded to grant the MUL, subject to conditions.

The applicant submitted a response on 31/03/2026 with supplementary information setting out their reasons for requested amendments to a number of the Specific Conditions in the proposed MUL. This report addresses the supplementary material submitted based on a review of the application documentation, as well as MARA's assessment reports.

**1. Specific Condition 18 - National Monuments Service:**

*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.*

Applicant comments: The applicant requests this condition be removed. They deem it unnecessary as they consider the proposed MUL activities are unlikely to have any interaction with Underwater Cultural Heritage.

MARA response: 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."*

**Recommendation:**

**No change to Specific Condition 18, Underwater Heritage**

**2. Insurance - Clause 9**

*Without prejudice to the Holder's liability to indemnify the Grantor, the Holder shall:*

*(i) effect and keep in force a public liability insurance policy of indemnity in the joint names of the Grantor and the Holder in an insurance office licensed to operate in the State Territory with a limit of € 6,500,000.00 (six million five hundred thousand euro) in respect of any one claim or a series of claims arising out of a single occurrence for any damage, loss or injury which may occur to any property (not being the property of the Grantor or the Holder) or to any person by or arising out of the admission of any person to the Licensed Area, and to extend such policy so that the Grantor is indemnified by the insurers in the same manner as the Holder;*

*(ii) effect and keep in force an employer's liability insurance policy of indemnity in the name of the Holder in an insurance office licensed to operate in the State Territory with a limit of €13,000,000.00 (thirteen million euro) for any one claim or a series of claims arising out of a single occurrence and to extend such policy so that the Grantor is indemnified by the insurers*

*in the same manner as the Holder in respect of all actions, costs, proceedings, losses, damages, or claims for personal injuries by employees of the Holder. This policy should include an indemnity to principles clause with a specific indemnity to the Grantor;*

Applicant comments: The applicant understands that Condition (Clause in the applicant's submission) 9(i) relates to contract works insurance for the project works, and giving joint names cover to the Grantor under this cover. They confirm there is a joint names provision to include the Grantor under Uisce Éireann's Annual OCIP's Contract Works section covering the works. They also note that regarding Condition 9(ii), employers' liability cover will be provided by the Uisce Éireann contractor carrying out the marine survey works. They request confirmation that these provisions are suitable.

MARA response:

Condition 9(i) of the proposed 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.

Condition 9(ii) of the proposed 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.

**Recommendation:**

**No change to Condition 9 Insurance**

**3. Specific Condition 24 – 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 the completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to [offshore@npws.gov.ie](mailto:offshore@npws.gov.ie) and [compliance@mara.gov.ie](mailto: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.*

Applicant comments: The applicant found some ambiguity in this condition regarding the scope of the Marine Mammal Observer (MMO). They requested the text be clarified to state the Holder is required to appoint an MMO to oversee the specific survey activities proposed in the NIS, rather than to oversee the entire Maritime Usage.

MARA response:

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*. 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.

**Recommendation:**

**No change to Specific Condition 24 Marine Mammals**

**4. Specific Condition 31:**

*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.*

Applicant comments: Uisce Éireann raises concerns with the use of “shall not” in this condition and state that previous foreshore licences refers to “taking reasonable care” instead. Uisce Éireann requests that the text from the previous foreshore licences is used instead.

MARA response: MARA acknowledges Condition 31 may be overly onerous as it is currently worded in the draft licence for MUL240026. 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.

**Recommendation:**

**Remove Specific Condition 31**



Dr Ciar O'Toole  
Senior Marine Advisor

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