

Mr. John Evans
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31st March 2026

RE: 'Minded to Determine Notice' MUL240026 – South East Coast
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 South East Coast of Ireland (Ref. MUL240026).

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. National Monuments Service – Specific Condition 18

Appendix 2 Specific Condition 18 states:

*“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 “*

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.

Based on the above, Uisce Éireann request that this Specific Condition is removed from this Licence.

2. 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.

3. Marine Mammals – Specific Condition 24

The text for Specific Condition 24 states

“The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage”

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.

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*.

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.

4. Fisheries – Specific Condition 31

The text for Specific Condition 31 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. 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.

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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