

Maritime Usage Licence – Determination Case Worker Report	
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
Maritime Usage Licence Application:	
Applicant Name	Uisce Éireann
Applicant Address	Uisce Éireann, Colvill House, 24-26 Talbot Street, Mountjoy, Dublin
MUL Reference Number	MUL250013
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, or <input type="checkbox"/> NO supplementary material submitted
<i>Minded to Determine Notice Issued</i>	16/03/2026
Period Specified to Applicant in <i>Minded to Determine Notice</i>	<input checked="" type="checkbox"/> 21 days <input type="checkbox"/> Other:
Supplementary Information (if applicable):	
Supplementary material received from applicant (if applicable)	Date received: 31/03/2026 <i>The Applicant previously submitted SM on the 27/03/2026 however they requested to resubmit an updated version which was received on 31/03/2026</i>
Supplementary material forwarded to ARD	31/03/2026
Details of Supplementary Information and Recommendation from Assessment Team:	
Reason and associated Condition	<u>Applicant comment:</u> 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

	<p>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 (i): Please note that employers liability cover will be provided by the Uisce Éireann contractor carrying out the works for the construction phase. Please confirm that this is agreed.</p> <p><u>Assessment Response:</u> 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.</p> <p>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.</p> <p><u>Recommendation:</u> No change to Condition 9 - Insurance</p>
<p>Reason and associated Condition</p>	<p><u>Applicant comment:</u> National Monuments Service – Specific Condition 18 Appendix 2 Specific Condition 18 states: <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>We note that there was no Public Observation or Submissions made by National Monument Service on this application.</p> <p><u>Assessment Response:</u> Specific Condition 18 of the draft MUL is a standard condition in Maritime Usage Licences. The lack of observations from the NMS in relation to this application do not negate the need for the Applicant to consult with the Underwater Archaeology Unit of DHLGH to ensure protection of maritime heritage. However, 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>Recommendation: No change to Specific Condition 18 - Underwater Heritage</p>
<p>Reason and associated Condition</p>	<p><u>Applicant comment:</u> Marine Mammals – Specific Condition 23 The text for Specific Condition 23 states “<i>The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage</i>”</p> <p>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 Natura Impact Statement (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 as set out in the NIS, rather than 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>Recommendation: No change to Specific Condition - 23 Marine Mammals</p>
<p>Reason and associated Condition</p>	<p><u>Applicant comment:</u> In-Combination Effects – Specific Condition 26 The text for Specific Condition 26 states:</p> <p><i>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 3 km radius of the Licensed Area.</i></p> <p><i>ii) Where a vessel to vessel distance of greater than 6 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 6 km, no temporal co-ordination of activities is required.</i></p>

	<p>We note that MARA refer to a requirement to coordinate with other authorisation holders within a 3km radius (26(i)) but the remainder of the condition refers to a 6km radius. We presume that one of these distances is a typo and ask that it be amended.</p> <p>Uisce Éireann notes that Specific Condition 22 allows for a more practical approach and we request that a similar approach is applied under Condition 26.</p> <p><u>Assessment Response:</u> The 3km radius mentioned in part (i) should read 6km.</p> <p>Recommendation: Amend Specific Condition 26(i) to read: “...within a 6km radius of the Licensed Area.”</p>
<p>Reason and associated Condition</p>	<p><u>Applicant comment:</u> Fisheries – Specific Condition 30 The text for Specific Condition 30 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. Following internal review, MARA has decided, in the interests of regulatory simplification, that this condition is 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 35, therefore, it was deemed unnecessary.</p> <p><u>Recommendation:</u> Delete Specific Condition 30</p>
<p>Case Worker Response following supplementary information (in addition to Assessment’s recommendation):</p>	
<p>Condition or schedule</p>	<p>Caseworker response: Specific Condition 26(i) has been amended from 3 Km to 6Km; and Specific Condition 30 has been removed from the Licence.</p>

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

Signed by (Caseworker) **Joanne Staunton**

Date **07/04/2026**

Annex 1 – List of Accompanying Documents:	
Supplementary Information	<input checked="" type="checkbox"/>
Marine Advisor Response Report	<input checked="" type="checkbox"/>
Final Licence	<input checked="" type="checkbox"/>
Final Licence Letter	<input checked="" type="checkbox"/>