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RE: Greater Dublin Drainage Scheme 'Minded to Determine Notice' MUL250013
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 site investigation to inform and support the Greater Dublin Drainage project. (Ref. MUL250013).

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 (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.

2. 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 “*

We note that there was no Public Observation or Submissions made by National Monument Service on this application.

3. Marine Mammals – Specific Condition 23

The text for Specific Condition 23 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 Natura Impact Statement (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 as set out in the NIS, rather than the entire Maritime Usage.

4. In-Combination Effects – Specific Condition 26

The text for Specific Condition 26 states:

- 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.*
- 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.*

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.

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.

5. Fisheries – Specific Condition 30

The text for Specific Condition 30 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.

We 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 Debbie Holden (debbie.holden@water.ie or foreshore@water.ie).

Yours faithfully,

Olwyn James

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