

Minded to determine notice and reasons for proposed licence conditions

To: Deep Sea Fibre Networks Ltd., 15 The Seapoint Building, Clontarf, Dublin 3, D03 E240

Ref: MUL230024:

Maritime Area Planning Act 2021 - Application for a Maritime Usage Licence to undertake marine environmental surveys for the purposes of site investigation surveys to inform the feasibility of a new PISCES subsea telecoms cable system from a landfall at Ballyloughane County Galway traversing the Irish Maritime Area to the southwest of Ireland.

15/05/2025

By Electronic mail only [REDACTED]

Dear Mr McMahon,

I refer to your application to the Maritime Area Regulatory Authority (MARA) for the above licence. Pursuant to section 119(6)(b) of the Maritime Area Planning Act 2021 ("the Act"), MARA hereby gives notice to Deep Sea Fibre Networks Ltd. that it is minded to grant the above licence with conditions.

Please note that MARA has considered the supplementary material submitted by you on 02/05/2025. A copy of the response by the Assessment, Research and Data (ARD) Unit to this supplementary material is attached for your information.

A copy of the proposed licence which MARA is minded to grant to the applicant is enclosed which should be read in conjunction with this notice. The reasons for the proposed licence conditions are set out below.

The applicant may provide supplementary material in view of the reasons set out in this notice only, which MARA will consider before making a final determination on the licence application. Any supplementary material must be furnished to MARA at licence@mara.gov.ie by the **05/06/2025** at the latest. MARA will not accept any supplementary material after this date.

For the avoidance of doubt, no decision to grant the licence shall be considered to have been made until MARA makes a final determination on the licence application.

Yours faithfully,



Laura Brien (CEO)
Chief Executive Officer

Proposed conditions to be attached to the Licence:

The Particulars Schedule

TERM

Reason: To ensure the orderly administration of licensed maritime usages in the maritime area.

Condition 4

COMMENCEMENT OF THE PERMITTED MARITIME USAGE

Reason: To ensure the proper management of the maritime area.

Condition 5

COMPLIANCE WITH THE LICENCE AND THE ACT

Reason: To ensure that the Holder carries out the Permitted Maritime Usage in accordance with the licence and the Act.

Condition 6

SPECIFIC CONDITIONS

Reason: To provide for the attachment of conditions to the licence which the Grantor considers necessary and appropriate to the particular circumstances of the licence granted to the Holder.

Condition 7

CHANGE IN CIRCUMSTANCES

Reason: To ensure the Grantor is informed of any material change of circumstances within the meaning of Section 136 of the Act.

Condition 8

INDEMNITY

Reason: For the necessary protection of the Grantor in light of possible risks arising from the Permitted Maritime Usage.

Condition 9

INSURANCE

Reason: To ensure that there is sufficient insurance cover for the Holder to undertake the Permitted Maritime Usage.

Condition 10

TERMINATION OR EXPIRY OF THE LICENCE

Reason: To set out the legal position and obligations of the Holder on termination of the licence.

Condition 11

FORCE MAJEURE

Reason: To clarify the events that excuse non-performance of the Holder's obligations under the licence.

Condition 12

INSPECTIONS

Reason: To ensure the Grantor can evaluate compliance of the Holder with its obligations under the licence and the Act.

Condition 13

DOCUMENTATION

Reason: To provide appropriate controls on the maritime usage activity to ensure protection of the marine environment.

Condition 14

EXERCISE OF RIGHTS

Reason: To clarify the manner in which the Holder must exercise the rights granted under the licence.

Condition 15

NOTICES

Reason: To set out the manner in which notices must be served by the Holder upon the Grantor under the licence.

Condition 16

AMENDMENTS TO THE LICENCE

Reason: To state for the avoidance of doubt that any amendment to the licence must be undertaken in accordance with section 125 of the Act.

Condition 17

SURRENDER OF THE LICENCE

Reason: To state for the avoidance of doubt that any application to surrender the licence must be undertaken in accordance with sections 126 and 127 of the Act.

Condition 18

AUTOMATIC TERMINATION

Reason: To state for the avoidance of doubt that the licence will automatically terminate on the occurrence of any of the events provided for in section 144(1) of the Act.

Condition 19

TERMINATION FOR BREACH

Reason: To state for the avoidance of doubt that the Grantor may terminate the licence for breach in accordance with section 144A of the Act.

Condition 20

GOVERNING LAW AND JURISDICTION

Reason: To clarify that the Holder must submit to the exclusive jurisdiction of the Irish Courts in respect of any dispute and the provisions of this licence shall be construed in accordance with the laws of Ireland.

SPECIFIC CONDITIONS

Condition 21

The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted in support of the application for this Licence.

Reason: In the interest of clarity.

Condition 22

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.

Reason: In the interest of clarity.

Condition 23

Prior to the commencement of the Permitted Maritime Usage the Holder shall consult and comply with the requirements of the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage, National Monuments Service, G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

Condition 24

The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

Condition 25

The Holder shall not damage or interfere with any third party's property, infrastructure or fishing gear while conducting the Permitted Maritime Usage.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

Condition 26

Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Port of Galway to plan and schedule the Permitted Maritime Usage in order that any potential disruption to port operations is managed.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

Condition 27

During the course of the intertidal operations, the Holder shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to safeguard the public. The Holder shall retain photographic evidence of all such arrangements made and precautions taken during the course of the works.

Reason: To ensure the protection of the marine environment.

Condition 28

The Holder shall ensure that all vessels engaged in this Permitted Maritime Usage conform to Irish Certification standards for vessels, as required by the Marine Survey Office.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

Condition 29

The Holder shall demonstrate all reasonable practical measures are taken to ensure that all vessels used in the Permitted Maritime Usage are free of invasive marine species on their hulls and in their ballast water and that all vehicles and equipment used in the intertidal portion of the Permitted Maritime Usage are free of invasive marine species.

Reason: To ensure the protection of the marine environment.

Condition 30

In-combination effects

- 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 10 km radius of the site boundary.

- ii) Where a vessel to vessel distance of greater than 10 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 10 km, no temporal co-ordination of activities is required.
- iii) Where the Holder becomes aware of temporal overlap that cannot be resolved within the prescribed distance, the Holder shall notify the Grantor who shall determine the timing of activities.
- iv) Records of all engagements held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.

Reason: To ensure the protection of the marine environment.

Condition 31

On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at bathysurveys@ukho.gov.uk with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

Reason: To ensure protection of the marine environment through availability of monitoring data

Condition 32

The Holder, upon completion of the Permitted Maritime Activity, shall submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage at marine.env@housing.gov.ie. This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.

Reason: To ensure protection of the marine environment through availability of monitoring data

Condition 33

Accidental events

The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:

- i) Information on the location and detail of spill response resources on-board;
- ii) Information on crew training in relation to oil pollution response;

- iii) How crew will interface with other site investigation operators, where applicable.

Reason: To ensure the protection of the marine environment.

Condition 34

Fisheries Liaison Officer

Prior to commencement, and for the duration, of the Permitted Maritime Usage the Holder shall employ a Fisheries Liaison Officer to consult with and fully inform relevant fishers in order that interactions with ongoing fishing activities in the area are minimised during the course of the Permitted Maritime Usage.

Reason: To ensure the protection of the marine environment.

Condition 35

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 completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to offshore@npws.gov.ie and 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.

Reason: To ensure protection of the marine environment.

Condition 36

Landfall site/Intertidal

- i) The Holder shall ensure that an ecologist will be on site during all terrestrial/intertidal surveys carried out as part of this Permitted Maritime Activity in order to minimise disturbance and ensure site integrity is maintained.
- ii) Access to the intertidal area shall be exclusively through existing access routes.

iii) Any temporary access arrangements or structures that are put in place to allow machinery access to the shore area, shall be prepared or installed in consultation with the ecologist. The site should be fully reinstated post works.

Reason: To ensure the protection of the marine environment.

Condition 37

Fish spawning and nursery grounds

- i) The Holder shall not undertake the Permitted Maritime Usage between 1st February and 30th June annually, to ensure least disturbance to known fish spawning along the survey route.
- ii) The Holder shall not undertake the Permitted Maritime Usage within the known Aran grounds for Nephrops species between 1st August and 30th September annually.

Reason: To ensure the protection of the marine environment.

Condition 38

The Holder shall time the Permitted Maritime Usage to ensure that geophysical surveys are undertaken in advance of all geotechnical works to ensure potential significant effects on underwater cultural heritage are avoided.

Reason: To ensure the orderly undertaking of the proposed maritime usage.