

Cork City Council

Cork Docklands North and South Quays Maritime Usage Licence application

Attachment 4.8 Consistency of the proposed Maritime Usage with the Irish State's obligations under the UN Convention on the Law of the Sea and the Maritime Jurisdiction Act

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List of Acronyms/ Glossary

EEZ	Exclusive Economic Zone
MJA	Maritime Jurisdiction Act (2021)
MSFD	Marine Strategy Framework Directive
MUL	Maritime Usage Licence
UNCLOS	United Nations Convention on the Law of the Sea
WFD	Water Framework Directive

1. Legislative Background

Ireland, as a Member State of the European Union and a signatory to the United Nations Convention on the Law of the Sea (UNCLOS), has binding obligations to manage activities within its maritime area in a manner consistent with the protection and sustainable use of marine resources. These international obligations are given domestic effect through the Maritime Jurisdiction Act 2021, which sets out the spatial limits of Ireland's maritime zones and provides a legal framework for the exercise of State rights and responsibilities within them.

UNCLOS establishes the sovereign rights and jurisdiction of coastal States within their maritime zones, including territorial sea and exclusive economic zone (EEZ), as well as imposing obligations to protect and preserve the marine environment (Part XII). Specifically, Articles 192–194 of UNCLOS require States to take measures to prevent, reduce and control pollution of the marine environment arising from any source including land-based and sea-based activities, including pollution from exploration or exploitation of the natural resources of the seabed and subsoil and from other devices operating in the marine environment. Article 214 (enforcement with respect to pollution from seabed activities) further obliges States to enforce such measures with respect to seabed activities undertaken under their jurisdiction.

2. Compliance of the Proposed Maritime Usage with UNCLOS & MJA

The proposed maritime usage (as detailed in Attachment 3.1 Description of the Proposed Maritime Usage) must be carried out in accordance with these UNCLOS principles and Ireland's domestic framework, ensuring that all operations are environmentally responsible and legally compliant. Specifically, the Proposed Maritime Usage will:

- Avoid unnecessary seabed disturbance.
- Prevent the release of contaminants into the marine environment.
- Ensure all waste material is handled and disposed of appropriately onshore.
- Be conducted using small-scale survey methods that are fully consistent with Ireland's obligations under UNCLOS and relevant international instruments, including MARPOL.

The Maritime Jurisdiction Act consolidates and modernises Ireland's maritime boundaries, delineating the territorial sea (12 nautical miles), contiguous zone (24 nautical miles), exclusive economic zone (200 nautical miles), and continental shelf rights. It provides the domestic legal framework through which Ireland fulfils its obligations under UNCLOS, including those related to environmental protection, sustainable development, and the orderly management of marine activities.

The proposed MUL area is situated within the internal waters of the State, landward of the baseline from which maritime zones are measured. Consequently, the proposed activities at the North and South Quays fall wholly within Ireland's sovereign territory, where the State exercises full jurisdiction. The survey's design, regulatory oversight, and operational controls ensure consistency with Ireland's obligations under UNCLOS and the Maritime Jurisdiction Act, demonstrating the proposed activities are responsible, sustainable and in compliance with international law.

The proposed maritime usage, comprising environmental, archaeological and structural surveys at the South Quays and structural surveys at the North Quays is temporary, local in scale, non-polluting, and does not generate long-term disturbance. The proposed Maritime Usage involves limited, temporary sediment disturbance and seabed interaction associated with riverbed and intertidal grab samples at the South Quays, and with diver-led inspection of the quay wall toe, scour assessment, and sonar or echo sounding surveys at the North Quays. Intrusive investigation of structural elements, including concrete coring or chipping, is confined to quay walls and suspended slabs, and does not entail extraction of natural resources from the seabed or subsoil. Any waste produced including arisings, concrete debris, core spoil, and cutting water generated during intrusive investigation works will be contained and disposed of in accordance with applicable waste management regulations. These controls ensure that no significant pollution of the marine environment arises from the surveys and that activities undertaken within the State's internal waters remain fully consistent with Ireland's obligations under UNCLOS Articles 192 (General obligation to protect and preserve the marine environment), 193 (Sovereign right of States to exploit their natural resources), 194 (Measures to prevent, reduce, and control pollution of the marine environment), and 214 (Monitoring of the risks or effects of pollution) and with the domestic framework provided by the Maritime Jurisdiction Act.

Further to this, the surveys are non-extractive and do not involve exploration or exploitation of natural resources and will not affect Ireland's exercise of sovereign rights over marine resources within its maritime zones. All activities are confined to the State's internal waters and will not create any transboundary effects or interfere with navigation rights or other legitimate uses of the sea. Detailed compliance assessments under the Water Framework Directive (Attachment 4.5) and the Marine Strategy Framework Directive (Attachment 4.6) have been included within this Maritime Usage

Licence application and demonstrate that the proposed site investigation surveys do not cause deterioration in environmental status or conflict with the objectives of the relevant River Basin Management Plans.