

Marina Quarter Ltd

Marine Environmental Surveys for Haggardstown and Marshes Upper Large- scale Residential Development

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 Abbreviations

Abbreviation	Full Form
UNCLOS	United Nations Convention on the Law of the Sea
EEZ	Exclusive Economic Zone
MJA	Maritime Jurisdiction Act 2021
MARPOL	International Convention for the Prevention of Pollution from Ships

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.

Articles 204–206 further require States, as far as practicable, to monitor the risks or effects of pollution, report the results of such monitoring and assess the potential effects of planned activities under their jurisdiction or control where there are reasonable grounds for believing that such activities may cause substantial pollution or significant and harmful changes to the marine environment.

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

The proposed marine environmental surveys are regulated 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, consistent with the general obligation to protect and preserve the marine environment under UNCLOS Article 192
- Prevent, reduce and control the risk of pollution from survey vessels, equipment and sampling activities, consistent with UNCLOS Article 194.

- Support environmental monitoring, reporting and assessment through the collection and reporting of baseline marine ecological data, consistent with UNCLOS Articles 204–206
- Use non-intrusive visual survey methods, including DDV and/or ROV, where appropriate, consistent with UNCLOS Articles 192 and 240.
- Limit intrusive sampling to small-scale benthic faunal and sediment grab sampling required for baseline characterisation, consistent with UNCLOS Articles 192, 194 and 240.
- Prevent the release of contaminants into the marine environment, consistent with UNCLOS Articles 192 and 194.
- Ensure all waste material is handled and disposed of appropriately onshore, consistent with UNCLOS Articles 194, 195 and 210.
- Be undertaken by suitably experienced personnel, with responsibility for compliance with applicable licence conditions, environmental controls and health and safety requirements, consistent with UNCLOS Article 263
- Be conducted using small-scale survey methods that are consistent with Ireland’s obligations under UNCLOS Articles 192, 194 and 240.

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 survey area is situated within the internal waters of the State, landward of the baseline from which maritime zones are measured. Consequently, the activities 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 that the proposed activities are responsible, sustainable and in compliance with international law.