

DATED THE 15<sup>th</sup> DAY OF February 2024

THE MARITIME AREA REGULATORY AUTHORITY

**“the Licensor”**

One Part

AND

RWE RENEWABLES IRELAND LIMITED

**“the Licensee”**

Other Part

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DEED OF VARIATION

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## DEED OF VARIATION

THIS DEED OF VARIATION made the 15<sup>th</sup> day of February 2024

**BETWEEN: THE MARITIME AREA REGULATORY AUTHORITY** of Menapia House, Drinagh Business Park, Drinagh Wexford (hereinafter called “the Licensor”) of the One Part; and

**RWE RENEWABLES IRELAND LIMITED** of Unit 5, Desart House, Lower New Street, Kilkenny, R95 H488 (hereinafter called “the Licensee”) of the Other Part.

### RECITALS:-

- a) This Deed of Variation is a supplemental instrument supplemental to the Licence hereinafter referred to;
- b) By a licence, reference number FS007188, (hereinafter called “the Licence”) dated the 13<sup>th</sup> day of January 2023 and made between The Minister for Housing, Local Government and Heritage of the One Part and the Licensee of the Other Part (together “the Parties”), the Licensee was granted a licence to enter onto, use and occupy the Licensed Area for the Licensed Term subject to the payment of the Licence Fee and to the observance and performance of the conditions set out therein;
- c) Pursuant to section 43(1)(i) of the Maritime Area Planning Act 2021, as commenced on the 17<sup>th</sup> day of July 2023, the Licensor assumed the undertaking of all administrative responsibility for foreshore authorisations, including the Licence, including performing functions under or in relation to such authorisations as if the authorisations had been granted by the Licensor;
- d) Pursuant to the Direction and Order of Mr. Justice Humphreys on the 13<sup>th</sup> day of July 2023 as amended on 11<sup>th</sup> day of December 2023 pursuant to Order 28 Rule 11 of the Rules of the Superior Courts (the “Order of Mandamus”) in the matter of IVAN TOOLE AND GOLDEN VENTURE FISHING LIMITED (APPLICANTS) AND THE MINISTER FOR HOUSING, LOCAL GOVERNMENT AND HERITAGE (RESPONDENT) AND RWE RENEWABLES IRELAND LIMITED, THE MINISTER FOR AGRICULTURE, FOOD AND THE MARINE (NOTICE PARTIES) Judicial Review 2023 No 407 JR (the “Proceedings”), to which the Licensor was joined pursuant to the Direction and Order of Mr. Justice Humphreys on the 20<sup>th</sup> day of November 2023, the High Court ordered that an amendment pursuant to para. 8.2 of the Licence be put in place.
- e) Pursuant to the Direction and Order of Mr. Justice Humphreys on the 31<sup>st</sup> day of October 2023, the High Court ordered that the Licensee’s final proposed wording of the amended licence condition, dated the 26<sup>th</sup> day of July 2023, complies with the Order of Mandamus already made. The Licensee’s final

proposed wording dated the 26<sup>th</sup> day of July 2023, as set out in paragraph 24 of the judgment in the Proceedings of Mr. Justice Humphreys dated 31 October 2023, is set out below.

- f) In accordance with the terms of the Licence the Parties have agreed to vary the terms of the Licence in accordance with this Deed of Variation in the manner hereinafter appearing.

## **INTERPRETATION**

Terms used but not defined in this Deed of Variation shall have the meaning given to them in the Licence.

## **OPERATIVE PROVISIONS**

**NOW THIS DEED WITNESSETH** that in consideration of the obligations and covenants on the Parties contained in the Licence it is hereby mutually agreed as follows:-

**With effect from the date hereof:**


1. The original wording of condition 31.13 of the Licence shall be removed and deleted from the Licence;  
and
2. The following wording shall be substituted in its place as condition 31.13 in the Licence:

*“In the interests of mitigating possible in-combination environmental effects, the Licensee shall coordinate with other licence holders that overlap with the survey area to ensure that no temporal overlap between two or more projects occurs in respect of activities that are capable of having in-combination environmental effects. Where necessary, the Maritime Area Regulatory Authority will determine the timing of such activities to ensure that there is no temporal overlap.”*

3. That save as modified by this Deed of Variation the Licence shall continue in full force and shall operate from the date of this Deed of Variation as though the deletion and amendment made by this Deed of Variation was incorporated in the Licence.
4. In all other respects the Parties confirm the Licence.
5. This Deed of Variation may be executed in any number of counterparts by the parties on separate counterparts and each such counterpart shall constitute an original and all the counterparts together shall constitute one and the same Deed of Variation.

**IN WITNESS** whereof the parties hereto have executed this Deed of Variation the day and year first herein **WRITTEN**

GIVEN UNDER THE OFFICIAL  
SEAL OF THE MARITIME AREA  
REGULATORY AUTHORITY  
AND DELIVERED AS A DEED:-

  
*[Handwritten Signature]*

SIGNATURE:

ADDRESS:

OCCUPATION:

*BOARD CHAIR MARA*

*Laura Brien*

SIGNATURE:

ADDRESS: *MARA, 2<sup>nd</sup> Floor Menapia House*

OCCUPATION: *CEO*

*Drinagh Business Park  
Drinagh  
Wexford  
Y35RF29.*

GIVEN UNDER THE COMMON  
SEAL OF RWE RENEWABLES  
IRELAND LIMITED  
AND DELIVERED AS A DEED:-

CATHAL HENNESSY  
Director



CLIONA O'SULLIVAN  
Director

