

**Reasons for the conditions attached to the Licence LIC230008 pursuant to Section 119(3) of the Act.**

1. The Particulars Schedule

**TERM**

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

2. Condition 4

**COMMENCEMENT OF THE PERMITTED MARITIME USAGE**

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

3. 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.

4. 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.

5. 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.

6. Condition 8

**INDEMNITY**

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

7. Condition 9

**INSURANCE**

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

8. 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.

9. Condition 11

**FORCE MAJEURE**

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

10. Condition 12

**INSPECTIONS**

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

11. Condition 13

**EXERCISE OF RIGHTS**

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

12. Condition 14

**NOTICES**

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

13. Condition 15

**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.

14. Condition 16

**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.

15. Condition 17

**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.

16. Condition 18

**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.

17. Condition 19

**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**

- 20.** 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 continued preservation of objects of archaeological interest.
- 21.** Prior to the commencement of the Permitted Maritime Usage the Holder shall, through consultation and agreement, arrange for the publication of a Marine Notice with the Department of Transport's Marine Survey Office and/or any other relevant authority with responsibility for navigation and safety in that part of the maritime area. Associated Navtext and Radio Navigational Warnings shall be agreed with the Irish Coast Guard.  
Reason: In the interest of navigational safety.
- 22.** On completion of the Permitted Maritime Usage, the Holder shall submit to MARA a statement from a Chartered Engineer confirming that works are completed in accordance with the documents submitted and the Maritime Area has been restored to its natural condition.  
Reason: In the interest of orderly administration of the maritime area.
- 23.** Prior to the commencement of the Permitted Maritime Usage, the Holder shall engage with other relevant authorisation holders for the maritime area the subject of this licence, including but not limited to the following;
- a. The holder of Oyster Fishery Order Site id: T08/004BOFO,
  - b. The holder of Foreshore Licence File reference: FS005791 for Submarine Power Cable,
- to plan and schedule the Permitted Maritime Usage to ensure any disruption, if any, to the other relevant authorisation holders is managed appropriately. Records of all engagements and consultations held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.  
Reason: In the interest of orderly administration of the maritime area and to ensure the protection of existing infrastructure.
- 24.** This licence is for the purposes of licensing under the Act and nothing in this licence shall be construed as negating the Holders statutory obligations or requirements under any other enactments or regulations.  
Reason: To clarify the scope of this licence.
- 25.** The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted by the Holder in support of the application for this Licence.  
Reason: In the interest of clarity and to ensure the protection of the marine environment.

**26.** 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 protection of the marine environment.

**27.** The Holder shall ensure that all vessels used in this Permitted Maritime Usage are free of invasive marine species on their hulls and in their ballast water.

Reason: To ensure the protection of the marine environment.

**28.** The holder shall give consideration to and carry out early consultation with the operators of the Killimer-Tarbert ferry to ensure there is no disruption to the operation of the ferry route.

Reason: To ensure safe navigation in the Shannon estuary.

**29. Marine Mammals**

i. The Holder shall appoint a marine mammal observer for the purposes of overseeing the activity. The Holder shall ensure the marine mammal observer shall satisfy the requirements of National Parks and Wildlife Service guidance.

ii. The Holder shall implement risk control and mitigation measures for marine mammals in accordance with National Parks and Wildlife guidance.

iii. All reporting shall be forwarded to [offshore@npws.gov.ie](mailto:offshore@npws.gov.ie)

Reason: To ensure protection of the marine environment

**30. Reef Habitat**

i. The Holder shall review the outputs of the geophysical surveys to identify any areas of reef habitat; and no environmental, ecological or metocean survey equipment will be deployed onto identified reef habitat.

ii. The Holder shall undertake a visual survey (i.e., undertaken by divers, autonomous underwater vehicle (UAV) or remotely operated vehicle (ROV)) at each survey location, prior to undertaking the geotechnical and benthic survey. If reef habitats are present, geotechnical sampling locations shall be micro sited away from the reef habitat and benthic sampling locations shall be sampled by video survey only.

iii. All jack-up operations associated with geotechnical surveys, or placement of moorings for metocean devices (ADCPs) shall be positioned to avoid any identified reef features.

Reason: To ensure the protection of the marine environment.

**31. 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 10km 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 coordinate 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 10km, 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

- 32.** On completion of the Permitted Maritime Usage the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at [hdc@hdc.hydro.gov.uk](mailto:hdc@hdc.hydro.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.

- 33.** The Holder is required to submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage (DHLGH) at [marine.env@housing.gov.ie](mailto:marine.env@housing.gov.ie) in a format to be agreed with the Marine Environment Section of DHLGH.

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

- 34.** The Holder shall keep the following documents together and available for inspection by the Grantor:

- i. a copy of the licence related to this Permitted Maritime Usage;
- ii. all correspondence with the Grantor;
- iii. up to date drawings, plans and maps relating to the Permitted Maritime Usage;
- iv. such records and/or photographs required to demonstrate compliance by the Holder with the Specific Conditions;
- v. marine positional log; and,
- vi. any elements of the licence application and associated documentation referenced in this licence.

Reason: To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.

- 35.** 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 provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.