

<b>Assessment, Research and Data Unit</b>			
<b>To:</b>	Maritime Authorisation Unit	<b>From:</b>	████████████████████
<b>Permitted Maritime Usage Licence Application:</b>	LIC230008		
<b>Applicant:</b>	Electricity Supply Board		
<b>Title:</b>	Response to Applicant's Comments on Minded to Determination		

The Marine Advisor in the ARD Team, has considered the issues raised in the submission by the applicant, dated 9<sup>th</sup> of August 2024, in response to MARA's Minded to Determination letter. This report sets out the requested amendments to the Specific Conditions in Appendix 2 of the proposed licence only and the recommendations from the ARD unit following a technical examination of the applicant's submission.

For the avoidance of doubt, this report does not address proposed amendments by the applicant to the following sections of the Minded to Determination which are considered outside the competence of ARD:-

- 9. Insurance
- 13. Exercise of Rights

**Specific Condition # 21**

*Prior to the commencement of the Permitted Maritime Usage the Holder shall, through consultation and agreement with the Department of Transport, Marine Survey Office and Commissioners of Irish Lights, arrange for the publication of a Marine Notice through the Maritime Safety Policy Division. Navtext and radio broadcast warnings frequency to be agreed with the Irish Coast Guard.*

**ESB minded to submission:**

*The ESB have stated in their submission that "This condition appears to be more applicable to projects located further offshore. ESB are of the understanding that all marine activities from Kerry Head to Loop Head and Limerick City fall under the statutory jurisdiction of Shannon Foynes Port Company (SFPC). Can MARA clarify if marine notices should be agreed with and issued through SFPC instead of the Department of Transport."*

**MARA Response:** It is recommended that Condition 21 is amended to include other relevant authorities with jurisdiction for navigational safety in certain parts of the maritime area.

**Recommendation:-**

Amend Condition 21 as follows:

*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*

**Specific Condition # 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.*

**ESB minded to submission:**

The ESB have stated in their submission that “Given the nature of the works on the seabed and the potential for wide interpretation of this condition, new wording is proposed: The following alternative wording is proposed: 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 original profile, where reasonable to do so..”

**MARA Response:** In granting Maritime Usage Licences, MARA accepts that the sea bed may be somewhat altered at the end of the permitted maritime usage and this is reflected in the usage of the term “natural condition” as distinct from “original condition”. Notwithstanding this MARA requires that all plant, machinery and equipment are removed from the seabed in their entirety, and the seabed is restored within reason. ARD unit considers the suggested wording “where reasonable to do so” to be subjective and open to interpretation in relation to the removal of gear and equipment from the seabed. ARD Unit recommends that the wording of Condition 22 therefore remains unchanged.

**Recommendation:** No change

**Specific Condition # 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 at [marine.env@housing.gov.ie](mailto:marine.env@housing.gov.ie). This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.*

**ESB minded to submission:**

The ESB have requested in their submission that “For the removal of doubt. Can MARA include a draft template for the OSPAR reporting format in the final licence to ensure compliance with Condition 33”

**MARA Response:** The Marine Environment Section of the Department of Housing Local Government and Heritage are best positioned to advise on the format required in relation to the submission of data for inclusion in the OSPAR Impulsive Noise Registry.

**Recommendation:**

*Amend Condition 33 as follows:*

*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.*