



Site Investigation Licence under Section 3 of the Foreshore Act, 1933

The Minister for Housing, Planning, Community and Local Government, in exercise of the powers conferred on him by Section 3 (3) of the Foreshore Act, 1933 (No. 12 of 1933) and in consideration of the sum of the licence fee in recognition of the rights and interests of the State in the foreshore concerned, hereby authorises America Europe Connect Ltd. (hereinafter referred to as "the Licensee"), to use and occupy that part of the foreshore, delineated on drawing 1294-101 and 1294-102, at Ross Beach and Enniscrone Beach, Killala Bay, Co Mayo, for the purpose of site investigation works.

The Licence is granted on the condition that:

1. The Licensee shall use that part of the foreshore at Location the subject area of this licence, for the purposes as outlined in the application and for no other purpose whatsoever.
2. The site investigation works shall be carried out within the area on drawings 1294-101 and 1294-102, annexed hereto.
3. The site investigation works shall be conducted in accordance with the application submitted to, and approved by, the Minister.
4. The Licensee shall at all times during the continuance of this Licence ensure that the site investigation works are conducted in a manner that is to the satisfaction of the Minister and that it will not be injurious to navigation, the adjacent lands or the public interest.
5. The Licensee shall ensure that the minimum area of foreshore necessary for the site investigation works is utilised, so as to reduce the impact of the proposed works/activity.
6. The Licensee shall schedule the works so as to minimise disruption and inconvenience for other users of the foreshore.
7. The Licensee shall ensure that on completion of the site investigations all non-commercially sensitive environmental data collected shall be provided to the Marine Institute, in a standard format to be specified by the Marine Institute and within a reasonable timeframe to be agreed with the Marine Institute. The Marine Institute will, on request, make this data available to individuals and organizations, in line with its data policy.
8. The Licensee shall notify the UK Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN, UK of the location and nature of the development for updating of nautical charts and other nautical publications.
9. The Licensee shall pay to the Minister the sum of [REDACTED] on the signing hereof.

10. The Licensee shall indemnify and keep indemnified the State and the Minister, their officers, agents and employees against all actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the said works or in the exercise of the permission hereby granted.
11. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee notice in writing and upon determination of such notice the Licence and permission hereby granted shall be deemed to be revoked and withdrawn without any liability for the payment of compensation by the Minister to the Licensee.
12. The Licensee shall, if so required by the Minister after receipt of such notice, or on the termination of this Licence from any other cause, at its own expense remove any or all equipment in connection with the said works to the satisfaction of the Minister, and if the Licensee refuses or fails to do so the Minister may cause the said equipment to be removed and shall be entitled to be paid by and to recover from the Licensee as a civil debt due to the State, all costs and expenses incurred by him in connection with such removal.
13. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained the Minister may forthwith terminate this Licence without prior notice to the Licensee.
14. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at its last known address.
15. Disclaimer and Waiver:
 - a. The Licensee acknowledges, accepts and agrees that the grant of this licence does not give rise on the part of the Licensee to any expectation whatsoever for, right or entitlement to a grant of a foreshore lease to the Licensee by the Minister in respect of all, or any part of the licensed area (or any other area) for the benefit of the Licensee.
 - b. The Licensee further acknowledges, accepts and agrees that no such expectation on the part of the Licensee for, right or entitlement to the grant of a foreshore lease in respect of all, or any part of the licensed area, exists in, or arises from the granting of the licence, whether or not the licence itself is complied with by the Licensee during the term granted, or terminated by the Minister for any reason during its term, or surrendered, or otherwise terminated by the Licensee during the term granted.
 - c. The Minister shall have no obligation, or duty of any nature or kind to the Licensee whatsoever, nor shall same exist or arise, or be deemed to exist or arise on the grant of the licence, or during the term of the licence, or on the termination of the licence, to grant or demise a foreshore lease to the Licensee in respect of all or any part of the licensed area (or any other area) under the applicable foreshore legislation in the State.
 - d. In the event that any such right or expectation to a grant of a foreshore lease in respect of all, or any part of the licensed exists or arises as a result of the grant of the licence, which is denied by the Minister, the Licensee hereby fully waives,

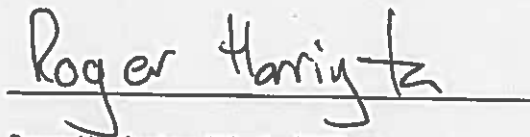
extinguishes and relinquishes any such right or entitlement to the grant of a foreshore lease to the Minister and surrenders any right to claim or seek any such grant.

And on specific condition that:-

1. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Licensee shall notify the Department of Housing, Planning, Community and Local Government at least 14 days in advance of the commencement of the works on the foreshore.
3. In order to ensure the preservation of underwater archaeological sites and features the Licensee shall engage the services of a suitably qualified archaeologist to monitor all seabed disturbance works. The archaeologist shall be licensed under the National Monuments Acts 1930-2004.
4. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Licensee shall be advised by the National Monuments Service of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs with regard to any necessary mitigating action (e.g. preservation *in situ*, dive and/or geophysical survey or excavation). The licensee shall facilitate the archaeologist in recording any material found.
5. The National Monuments Service of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be furnished with a report describing the results of the monitoring.
6. The Licensee shall arrange the publication of a Marine Notice through the Maritime Safety Directorate giving general description of operations and approximate dates of commencement and completion of the works.
7. The Licensee shall furnish the names/registered number of all vessels involved in the operation to the Marine Survey Office in Dublin to ensure compliance with respect to Irish Load line and other relevant vessel certification.
8. During the course of the near shore survey operations works the Licensee shall ensure that where relevant:
 - a. all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
 - b. existing public access arrangements to the general foreshore area are not impeded by any plant or materials used in connection with the marine survey ,and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc. to the satisfaction of the Department of the Housing, Planning, Community and Local Government;
 - c. procedures are adopted to ensure that the survey operations and any works associated therewith are not injurious to fishing, navigation, adjacent lands or the public interest;

9. The Licensee shall be fully compliant with the requirements set out in the NPWS (2014) "Guidance to Manage the Risk to Marine Mammals from Man-made Sound sources in Irish Waters".
10. The shall ensure that all mitigation measures set out in the Natura Impact Statement, prepared by ALTEMAR Consultants , dated 11th March 2016 are implemented in full.
11. On completion of the works the licensee shall ensure that all equipment and materials are removed and the foreshore is reinstated to its original condition.

Dated this 10th day of January, 2017



Roger Harrington, Principal Officer

Department of Housing, Planning, Community and Local Government.

A person authorised under Section 3(3) of the Foreshore Act 1933.