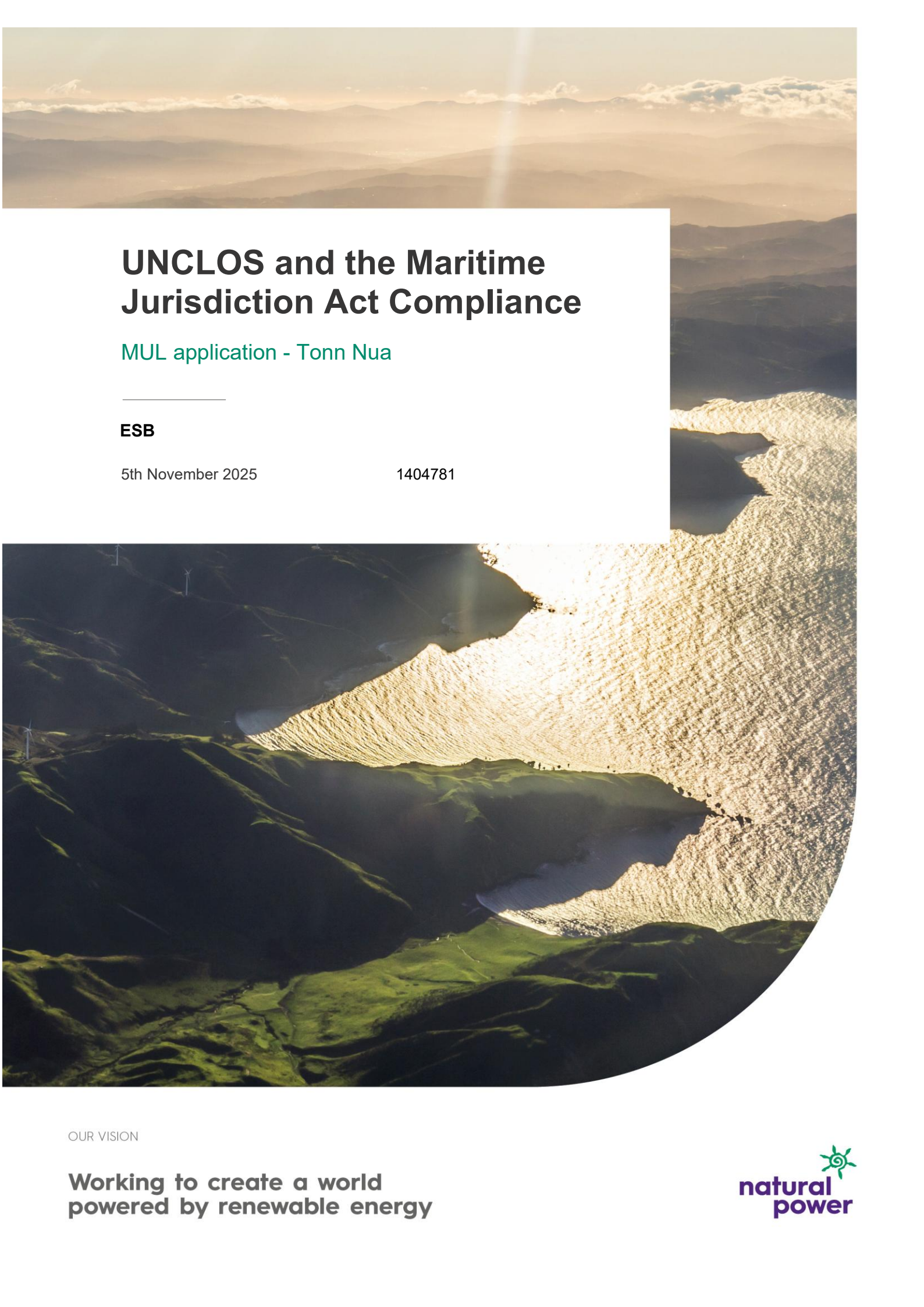




UNCLOS and the Maritime Jurisdiction Act Compliance

MUL application - Tonn Nua

ESB

5th November 2025

1404781

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Document history

Author

Checked

Approved

Emily Lowe

Lesley Jamieson

Stuart McCallum

Client Details

Client Name

Address

ESB

One Dublin Airport Central, Dublin Airport Cloghran, Co. Dublin, K67XF72

Issue	Date	Revision Details
Final	05/11/2025	Final draft

Local Office:

First Floor
Suite 202, Q House,
76 Furze Road,
Sandyford
Dublin 18, D18 V1K5
Tel: +353 (0) 169 713 44

Registered Office:

First Floor
Suite 202, Q House,
76 Furze Road,
Sandyford
Dublin 18, D18 V1K5

Registered Co Number 522742

VAT No IE 319 4275 IH

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Glossary

Term	Definition
Appropriate Assessment (AA)	A process required under the EU Habitats Directive to assess the potential effects of a project on Natura 2000 sites.
Continental Shelf	The extended perimeter of each continent, which is covered by shallow seas, over which a coastal state has rights to explore and exploit natural resources.
Exclusive Economic Zone (EEZ)	A sea zone prescribed by UNCLOS, extending up to 200 nautical miles from the coast, where a coastal state has sovereign rights for exploring and exploiting marine resources.
Innocent Passage	The right of foreign vessels to navigate through a state's territorial waters, provided it is not prejudicial to the peace, good order, or security of the coastal state.
International Regulations for Preventing Collisions at Sea (COLREGs)	A set of navigational rules adopted internationally to prevent ship collisions.
Marine Environment	The oceans, seas, and coastal areas, including their physical, chemical, geological, and biological components.
Maritime Area Regulatory Authority (MARA)	The Irish authority responsible for the regulation and licensing of activities in the maritime area.
Mitigation Measures	Actions designed to avoid, reduce, or offset environmental impacts of proposed works.
Natura Impact Statement (NIS)	A detailed report that assesses the implications of a project on Natura 2000 sites, to inform the Appropriate Assessment process.
Site Investigation (SI) Works	Surveys and studies carried out to gather information about a site's physical, environmental, and ecological conditions.
Submarine Cables and Pipelines	Infrastructure laid on or under the seabed to carry communications, electricity, or other resources.
Water Framework Directive (WFD)	An EU directive establishing a framework for protecting and enhancing inland surface waters, groundwater, transitional waters, and coastal waters.

Abbreviations and Acronyms

Abbreviation or Acronym	Meaning
AA	Appropriate Assessment
COLREGs	International Regulations for Preventing Collisions at Sea
EEZ	Exclusive Economic Zone
MARA	Maritime Area Regulatory Authority
MUL	Marine Usage Licence
NIS	Natura Impact Statement
SI	Site Investigation
SISAA	Supporting Information to Support Appropriate Assessment
UNCLOS	United Nations Convention on the Law of the Sea
WFD	Water Framework Directive

1. Introduction

This statement addresses the consistency of the proposed site investigation (SI) works at the Tonn Nua site with Ireland's obligations under the United Nations Convention on the Law of the Sea (UNCLOS) and the Maritime Jurisdiction Act 2021, as required under Question 4.8 of the MARA Guidance Note for Applicants (August 2025).

2. Consistency with UNCLOS

The SI works will be undertaken within the Irish maritime area, in compliance with the rights and duties set out under UNCLOS. In particular:

- The works will be conducted with due regard to the rights and freedoms of other States, including the right of innocent passage through Ireland's territorial sea and the freedom of navigation within the exclusive economic zone and continental shelf.
- All vessels involved in the SI works will adhere to the International Regulations for Preventing Collisions at Sea (COLREGs) and standard maritime navigation and safety requirements.
- The works are of a temporary and localised nature and will not interfere with the rights of other States to lay or maintain submarine cables or pipelines.

3. Protection of the Marine Environment

In accordance with Articles 192 and 194 of UNCLOS, Ireland has a general obligation to protect and preserve the marine environment. The SI works are consistent with this obligation because:

- The activities are temporary, small-scale, and proportionate.
- A suite of embedded mitigation measures (see Section 5 of Attachment 4.0 Marine Planning and Environmental Considerations document) will ensure that risks of pollution or disturbance are avoided or minimised.
- Further detail on species- and habitat-specific mitigation is set out in the Supporting Information to Support Appropriate Assessment (SISAA) Screening Report (Attachment 4.3.1), Natura Impact Statement (NIS) (Attachment 4.3.2), Annex IV Species Risk Assessment (Attachment 4.4), and Compliance with Objectives of the Water Framework Directive (WFD) (Attachment 4.5).

These assessments confirm that the SI works will not result in adverse effects on the integrity (AEoSI) of any European site and will not give rise to significant effects on the marine environment, either alone or in combination with other plans or projects. On this basis, the SI works are fully consistent with Ireland's obligations under Articles 192 and 194 of UNCLOS to protect and preserve the marine environment.

4. Consistency with the Maritime Jurisdiction Act 2021

The Maritime Jurisdiction Act 2021 gives effect to Ireland's maritime entitlements under UNCLOS. The proposed SI works are consistent with the Act as they:

- Take place lawfully within Ireland's territorial sea and exclusive economic zone, under licence from MARA.
- Respect the requirement that activities be conducted with due regard to the rights and freedoms of other States.
- Incorporate measures to ensure protection of the marine environment, in line with Ireland's jurisdictional responsibilities and national implementing legislation.

5. Conclusion

The proposed SI works are fully consistent with Ireland's obligations under UNCLOS and the Maritime Jurisdiction Act 2021. They will be undertaken in compliance with international navigation rules, will not interfere with the rights and freedoms of other States, and will not compromise Ireland's duty to protect and preserve the marine environment. Supporting detail is provided in Section 5 of Attachment 4.0 Marine Planning and Environmental Considerations document and in Attachments 4.3.1, 4.3.2, 4.4 and 4.5.



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