



Licence Ref: MUL250019

(Please quote in all related correspondence)

7 January 2026

Maritime Area Regulatory Authority
2nd Floor
Menapia House
Drinagh Business Park
Drinagh
Wexford
Y35RF29

Via: licence@mara.gov.ie

Referral under Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011

Re: Maritime usage licence application for the proposed site investigation works which are activities required to characterise the physical, biological, and environmental conditions of Maritime Area A - Tonn Nua. The data collected will underpin project design, environmental assessment, and consenting, for any future offshore wind development within Maritime Area A – Tonn Nua at South Waterford - Maritime Area A – Tonn Nua, Waterford.

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I refer to correspondence on 3 December 2025 received in connection with the above.

Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

The National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage has reviewed the application for a Maritime Usage Licence (MUL) for site investigation works at the proposed Tonn Nua offshore wind development area, including the accompanying Natura Impact Statement (NIS) prepared in support of Appropriate



Assessment. The National Parks and Wildlife Service has no objection in principle to the proposed site investigation works from a nature conservation perspective but recommends the following be attached as a condition of consent if granted:

1. All marine mammal mitigation measures described in the NIS are implemented in full and in accordance with current or updated national guidance.
2. Survey timing, methodologies and locations remain consistent with those assessed in the NIS, with any material changes subject to further ecological review.
3. Post-survey reporting on mitigation implementation and marine mammal observations are submitted to the regulatory authority.

It is recommended that the applicant note that there may be a requirement for Regulation 54 consent under the EU Birds and Natural Habitats Regulations. Guidance on this process are available here: <https://www.npws.ie/sites/default/files/files/Applications-for-Regulation-54-Derogations-for-Annex-IV-species-Guidance-for-Applicants.pdf>.

Underwater Archaeology

The submission documents, including the Archaeological Heritage section of the *Marine Planning and Environmental Considerations* (ESB November 2025) have been reviewed by the National Monuments Service of the Department of Housing, Local Government and Heritage. The National Monuments Service's statutory regulatory role, on behalf of the Minister for Housing, Local Government and Heritage, is the protection and preservation of archaeological heritage, including underwater cultural heritage (UCH) in Ireland and its territorial waters. The National Monuments Service advises, through the planning process, on how best to achieve this.

In light of the below observations, the following recommendations of the National Monuments Service are provided to assist the Maritime Area Regulatory Authority (and the project proponents) to ensure the proposed marine surveys and geotechnical investigations will align with statutory obligations and policy objectives for the protection of the State's UCH.

The Department recommend the following conditions are attached to the Maritime Usage Licence under the Maritime Area Planning Act 2021, should the MUL be granted:



1. Project Archaeologist

A suitably qualified and experienced underwater archaeologist shall be appointed to advise on all archaeological aspects of the project. The archaeologist shall have a track record in the interpretation of marine geophysical data for archaeological purposes.

2. Geophysical Surveys

- a) The geophysical surveys shall be licensed under the National Monuments Acts 1930-2014. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required. Licence applications, accompanied by Method Statements, shall be sent for vetting to the National Monuments Service of the Department of Housing, Local Government and Heritage. Please note that approvals take three-four weeks to issue. Geophysical survey of all areas where geotechnical works are proposed is required.
- b) At a minimum, geophysical surveys shall include side scan, sonar, magnetometer and multibeam echo sounder. The project archaeologist shall advise on targeting of surveys for identification of previously recorded and potential wreck locations, archaeological objects underwater, recorded monuments, potential submerged palaeolandscapes and other underwater archaeological features and areas of potential within the Maritime Usage Licence Area.
- c) Should any dive surveys be required in connection with proposed geophysical surveys these shall be licensed (Section 3 1987 National Monuments Act). Any dive survey shall be accompanied by a handheld metal detection survey which shall also be licensed (Section 2 1987 National Monuments Act).
- d) The geophysical surveys shall be carried out in advance of all geotechnical works, and in advance of the deployment of metocean monitoring equipment, to ensure all potential impacts to the underwater cultural heritage are avoided.

3. Underwater Archaeological Impact Assessment (Geotechnical Works)

An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the National Monuments Service for review and approval at least four weeks prior to the geotechnical works taking place. The UAIA shall include the following:

- a. Results of geophysical survey data sets assessment and archaeological interpretation by a suitably qualified and experienced maritime archaeologist, to ensure that any proposed geotechnical works do not negatively impact on locations where there is known or potential underwater cultural heritage.
- b. Results of archaeological intertidal assessment by way of walkover and drone survey and licensed metal detection survey, of all areas (if any) proposed for site investigation works in the foreshore/intertidal area. A Dive Survey Licence (Section 3 1987 National



Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for foreshore/intertidal survey.

- c. Once all geophysical and intertidal surveys and archaeological interpretations have been completed, the full information shall be compiled into a final UAIA report and submitted to the National Monuments Service for review and approval, prior to undertaking any geotechnical works. The UAIA report shall contain a detailed Archaeological Impact Statement that addresses all identified or potential impacts on underwater cultural heritage and also makes recommendations on measures to avoid (through the institution of Archaeological Exclusion Zones) or, where necessary, mitigate (by archaeological dive surveys/archaeological test excavations/archaeological geophysical surveys/archaeological monitoring/preservation by record or any other means as recommended by the National Monuments Service) all potential/identified significant effects on underwater cultural heritage. Where submerged palaeolandscape deposits are identified/suspected the report shall recommend a strategy for their further investigation by way of targeted geotechnical and geoarchaeological investigation. The Developer shall be prepared to be advised by the National Monuments Service in this regard or in regard to any subsequent recommendations that may issue. No geotechnical works shall be undertaken until approval in writing from the National Monuments Service has been received by the Developer.

4. Archaeological Assessment Geotechnical Works

Following the completion of all geotechnical works, the Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to site investigation cores and physical samples for archaeological and geoarchaeological review by a qualified geoarchaeologist. Where suitable samples are identified, for example of submerged palaeolandscape deposits, they shall be subject to geoarchaeological analysis, scientific dating and palaeoenvironmental analysis. The National Monuments Service shall be furnished with a final archaeological report describing the results of the works.

5. Protocol For Archaeological Discoveries

A Protocol for Archaeological Discoveries shall be agreed at least four weeks in advance of the commencement of geotechnical works with the National Monuments Service of the Department of Housing, Local Government and Heritage.

Observations on Licence Application MUL250019

It is noted that the applicant seeks a MUL to undertake a programme of offshore site investigation works at the proposed Tonn Nua offshore wind development area, located off



the coast of County Waterford within Maritime Area A of the South Coast Designated Maritime Area Plan (South Coast-DMAP). Proposed investigations include:

- Geophysical surveys (e.g. multibeam echosounder, side-scan sonar, sub-bottom profiling/UHRS, magnetometer) to map seabed and shallow sub-seabed conditions;
- Geotechnical surveys, including cone penetration testing, boreholes, vibrocores and sediment sampling, to characterise seabed engineering properties;
- Metocean surveys, involving deployment of temporary ADCPs, wave buoys and floating LiDAR to collect wind, wave and current data over periods of up to 12–36 months;
- Environmental and ecological baseline surveys, including benthic sampling, static acoustic monitoring for cetaceans, and ornithological and marine mammal surveys.

It is noted that the MUL application area includes and is proximal to protected wrecks that are included in the Wreck Inventory of Ireland Database (WIID). The WIID is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100 years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the marine area under consideration here. The MUL application area contains protected wrecks whose locations have been identified and these are mapped on the National Monuments Service's Wreck Viewer. It is further noted that the proposed development area is situated proximal to Recorded Monuments that are subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930-2014. The proposed licence area and its environs also contain previously identified submerged palaeolandscapes and there is therefore high potential for further related materials therein.

Statutory Protections Archaeological Heritage

Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects or the potential location of such a wreck or archaeological object(s), can also be protected under Section 3 of the 1987 (Amendment) Act. Diving on, surveying of, damage to or removal of anything from wrecks over 100 years old, underwater archaeological objects or areas subject to Underwater Heritage Orders must only be done under licence (section 3



National Monuments (Amendment) Act 1987). Note “Surveying” as referred to above may extend to remote sensing equipment. Any digging or excavating for archaeological purposes (whether or not on a known archaeological site and including underwater) requires a licence (section 26 National Monuments Act 1930). Use of a detection device to search for archaeological objects requires a consent, as does possession of such a device on a monument protected under the National Monuments Acts or within an area subject to an Underwater Heritage Order (see Section 2 National Monuments (Amendment) Act 1987). The term ‘archaeological object’ is defined in the National Monuments Act 1930 to 2014 and has a broad meaning in terms of type and age of objects. The Record of Monuments and Places established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1994 also contains entries for archaeological monuments that are afforded statutory protections within the environs of the proposed survey areas.

The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, see section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

It should be also noted that the *National Planning Framework* states that ‘the protection of archaeological heritage is recognised as a core component to achieving sustainable development’¹ and the *National Marine Planning Framework*² includes the statement that:

‘Proposals should consider the potential impact of their application on heritage assets from the earliest stages of project development, taking into account the potential risk of damage to, or degradation of, assets. Expert advice will be required at all stages to inform the development of the proposals. Such proposals may include plans to avoid locations where heritage assets may be located, or to minimise compromise or harm through the use of less invasive construction techniques. Proposals should consider evidence for the level of significance of a heritage asset, including information and advice from relevant regulators and advisors, and on how they are managed. This applies to both identified heritage assets and the potential for such assets to be discovered during development or activity.’ (National Marine Planning Framework, 89).

¹ <https://cdn.npf.ie/wp-content/uploads/National-Planning-Framework-First-Revision-April-2025-1.pdf>

² <https://assets.gov.ie/139100/f0984c45-5d63-4378-ab65-d7e8c3c34016.pdf>



Should you require any further information or clarification on any of the above submission please do not hesitate to contact this Department

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A handwritten signature in dark ink, appearing to read 'Amy Thornton', is written over a faint, light-colored signature line.

Amy Thornton
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Administration