

Maritime Usage Licensing and Planning Advisory Directorate (MULPA)			
Maritime Usage Licence Assessment Report			
To:	John Evans, Director	From:	Dr. Alison McCarthy Senior Marine Advisor
Date:	14/04/2026	Maritime Usage Licence Application No:	MUL250019
Applicant:	Helvick Head Offshore Wind Designated Activity Company, 27 Fitzwilliam Street Lower, Dublin 2, D02 KT92.		
Licence application received:	07/11/2025		
Types of maritime usage activities in accordance with Schedule 7 of the Maritime Area Planning Act 2021:	(3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.		
Location of proposed maritime usages:	Within and adjacent to Maritime Area A - Tonn Nua of the South Coast Designated Maritime Area Plan (SC-DMAP), 11 km south of Co. Waterford coastline.		
Environmental Impact Assessment (EIA) Screening	EIA not required		
1st request for additional information (RAI) issued:	19/12/2025	Response to 1 st RAI received	22/01/2026
2nd RAI issued:	30/01/2026	Response to 2 nd RAI received	06/02/2026
Notice requesting Natura Impact Statement (NIS) issued:	n/a	NIS received:	07/11/2025
Public body consultation:	Commenced 03/12/2025	Observations from public bodies received:	Seven
Public consultation:	24/02/2026 to 30/03/2026	Submissions from the public received:	Three

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1. Background

Helvick Head Offshore Wind Designated Activity Company (the applicant) has applied to the Maritime Area Regulatory Authority (MARA) for a Maritime Usage Licence (MUL) to undertake marine environmental surveys for the purposes of site investigation, falling under Schedule 7(3) of the Maritime Area Planning Act 2021 (the MAP Act). The proposed maritime usage (the site investigation activities) is required to characterise the physical, biological, and environmental conditions of Maritime Area A, which is named Tonn Nua, of the South-Coast Designated Maritime Area Plan¹ (SC-DMAP). The data collected will be used to inform project design, environmental assessment and consenting, for potential future offshore wind development within Maritime Area A.

The SC-DMAP for offshore renewable energy represents the first sub-national, forward maritime spatial plan for ORE in Ireland. The SC-DMAP identifies four Maritime Areas within the wider geographical area, which is the subject of the Plan, and within which proposed future deployments of ORE may proceed for further project level assessment. Maritime Area A has been identified for the first proposed Offshore Renewable Energy (ORE) development to take place within the SC-DMAP area.

An application for a Maritime Area Consent (MAC) was received by MARA on 12/12/2025 (ref. MAC250047) from the applicant, to occupy Maritime Area A for the purpose of developing an offshore wind farm and associated energy infrastructure. The MAC application was granted with conditions, on 26/03/2026.

2. Location and Description of the Proposed Maritime Usage

The MUL application area is located approximately 11 km south of the Co. Waterford coastline and covers an area of 464 km². This includes the full extent of Maritime Area A (306 km²), as well as a 1 nautical mile buffer around it, required to facilitate line turns of geophysical survey vessels. The applicant proposes to undertake a range of site investigation activities, as shown on Table 1, which will be carried out on a phased basis. A 5-year MUL duration has been applied for, to account for weather conditions and contractor availability. However, the applicant estimates that the majority of the activity will take place in 2026 and 2027.

Brief description of the site characteristics

The benthic broad habitat type in the MUL application area is largely circalittoral coarse sediment and sand with small patches of rock and other hard substrata and small areas in which the substrate has not yet been classified². Water depths are approximately 50–70 m.

¹[South Coast Designated Maritime Area Plan](#)

² [Ireland's Marine Atlas](#).

Table 1 Proposed site investigation activities.

<p>Geophysical surveys (estimated duration and timing: 2–5 months in Q2/Q3 2026/2027)</p>
<ul style="list-style-type: none"> • Multi-beam Echosounder (MBES) • Sub-bottom profiler – Pinger/Chirper (SBP) • Ultra High Resolution Seismic – boomer/sparker (UHRS) • Side Scan Sonar (SSS) • Magnetometer • Ultrashort Baseline (USBL) acoustic positioning system • Visual surveys using drop down video or Remotely Operated Vehicle (ROV) <p>Survey vessels (15–100 m length) will be used. Proposed to use Remotely Operated Towed Vehicle (ROTV), Unmanned (or uncrewed) Surface Vehicles (USVs) and Autonomous Surface Vehicles (ASVs) for elements of the activities.</p>
<p>Geotechnical surveys (estimated duration and timing: 2–5 months in Q2/Q3 2026/2027)</p>
<ul style="list-style-type: none"> • Cone Penetration Testing (10–40 No.) Up to 44 mm diameter, to depths of up to 70m • Boreholes (5–15 No.) up to 102 mm diameter, to depths of up to 70 m • Down the Hole testing within the boreholes • Cone Penetration Testing and/or Pressuremeter Testing. Up to 102 mm diameter, to depths of up to 70 m • Vibrocores or Piston cores (30–60 No.), up to 106 mm diameter, to depths of 6 m • Thermal Conductivity Testing • Lab testing of recovered samples <p>Survey vessels (50–90 m length)</p>
<p>Environmental/ecological & archaeological surveys (estimated duration and timing: 12–24 months in 2026/2027)</p>
<ul style="list-style-type: none"> • Benthic sampling (Hamon grab, box corer, Day or Van Veen grab 0.1 m²) with video and camera surveys (100 No. stations) • Static acoustic monitoring (SAM) (2-6 No.) • Archaeological surveys (using the data acquired from geophysical surveys) • Water sampling & analysis (eDNA) for fish and shellfish, • Ornithology surveys, from survey vessel, or from onshore locations* • Marine mammal surveys from survey vessel* • Shipping and navigation surveys from a vessel
<p>Metocean Surveys (estimated duration and timing: 12–36 months in 2026/2027)</p>
<ul style="list-style-type: none"> • Acoustic Doppler Current Profilers (1–4 No.) 1.8 m wide x 0.6 m high 300 kg • Wave Buoys (1-3 No.) • Floating Lidar System (FLS) (1-2 No.) or USV and/or Autonomous Floating Platforms (1–2 No.) <p>Vessels to tow and/or lift and deploy equipment. USV and/or Autonomous Floating Platforms may be use for equipment deployment and recovery. Crew transfer vessels may be used to operate USVs.</p>

*aerial surveys for marine mammals and birds are proposed but these are outside of the scope of this application as they are not within the maritime area as defined in the MAP Act.

3. Assessment

In assessing a MUL application, MARA must have regard to Section 6(8) of the Marine Planning Policy Statement (MPPS) and the legislation and policy set out in Section 121(2) of the MAP Act, as discussed in this section.

3.1 National Marine Planning Framework (NMPF)

The MPPS outlines the government's overarching vision, policies, and principles for managing the country's maritime area. MARA must have regard to the NMPF, which sets the framework for implementing the forward planning component of our marine planning system as set out in the MPPS. The applicant submitted a supporting document in relation to the compliance of the application with the objectives of the NMPF. With specific mitigation, as set out in this report, the Ocean Health policies will be adhered to. The application is in line with Sectoral Policy 13 – Offshore Renewable Energy. The proposed activities are required to gather baseline data to inform the design, consenting and delivery of offshore wind infrastructure which, if consented, will support the Government's renewable energy targets. The application is in line with the plan-led approach to consenting and ORE development.

Underwater Cultural Heritage.

The NMPF includes a policy on Heritage Assets, which supports the conservation of the historic environment and heritage assets both along the coast and in the underwater environment. The policy notes that proposals not specifically contributing to enhancing cultural heritage assets must demonstrate that they avoid, minimise or mitigate against harm to heritage assets. The applicant notes that they will undertake a review of national databases and wreck records, implement exclusion zones around confirmed or potential heritage assets and will report on underwater archaeology in line with guidance from the National Monuments Service (NMS). The applicant also notes that archaeological surveys will be undertaken by a suitably qualified archaeologist, and these surveys will be incorporated into the geophysical surveys (using the magnetometer and SSS), using the data collected from these campaigns.

A condition is recommended to be included in the licence, if granted, requiring the holder to consult with the NMS prior to the commencement of the site investigation activities and to comply with their requirements in relation to underwater cultural heritage (see Proposed Licence) (PL). The surveys should be planned and scheduled so that geophysical surveys take place in advance of geotechnical surveys, to avoid impacts on underwater cultural heritage (see recommended condition in PL). See also Section 7 for observations received on this application from the NMS.

3.2 South-Coast Designated Maritime Area Plan

This assessment has had regard to the policy objectives detailed in the SC-DMAP including policy objectives for overarching environmental protection, biodiversity, water quality,

marine litter, underwater noise and co-existence. The SC-DMAP sets out that data obtained pursuant to a licence in Maritime Area A should be made available to be added to a shared data repository. This is also in line with the provisions of Section 128 of the MAP Act. A condition is recommended to be included in the PL, if granted, on sharing data.

3.3 Environmental Impact Assessment Directive (2014/52/EU) (EIA Directive)

MARA carried out a screening for EIA of the proposed site investigation activities having considered Schedules 5 and 7 of the Planning and Development Regulations 2001. An EIA Screening Form was issued by MARA on 08/01/2026³ and it was concluded that the activities do not fall within the scope of the EIA Directive and therefore an EIA is not required.

3.4 National Biodiversity Action Plan (NBAP)

Ireland's 4th National Biodiversity Action Plan sets the national biodiversity agenda for the period 2023–2030. The objectives of the NBAP focus on the conservation and restoration of biodiversity. Objective 2 of the NBAP is to meet urgent conservation and restoration needs. Part of its focus is to elevate efforts to tackle invasive alien species. A condition is recommended to be included in the licence, if granted (see PL) to address the potential risks from invasive alien species as a result of the survey activities. Sections 3.5–3.9 of this report also address the Habitats and Birds Directives, WFD and MSFD and recommend conditions to minimise impacts on biodiversity from the proposed activities.

3.5 Climate Action and Low Carbon Development Act 2015, as amended ('Climate Act')

Section 15(1) of the Climate Act requires relevant bodies, including MARA, to perform their functions in so far as practicable in a manner consistent with the governance framework set out therein. The proposed activities will contribute to the furtherance of the national climate objective as set out in the Climate Act. The application is in line with the Climate Action Plan 2025⁴ and will contribute to meeting the national targets for offshore wind of 5 GW by 2030 as set out in that Plan. Considering the temporary nature of the proposed site investigation activities, no significant carbon emissions are expected to be produced from the activities.

3.6 Water Framework Directive (2000/60/EC)

The Water Framework Directive (WFD) requires EU member states to protect and improve water quality in all waters to achieve at least good ecological status in inland surface waters, transitional waters, coastal waters and groundwater by 2027, at the latest. The ecological status of coastal waterbodies is based on the assessment of biological quality elements (phytoplankton, benthic invertebrates, macroalgae, angiosperms) as well as supporting

³ EIA Screening Form incorrectly dated 08/01/2025 however decision was made on 08/01/2026.

⁴ [Climate Action Plan 2025. Government of Ireland.](#)

chemical (specific pollutants), physico-chemical (e.g. temperature, salinity, nutrients) and hydromorphological quality elements.

A small portion (<4 km²) of the MUL application area lies within the Eastern Celtic Sea (HAs 13; 17) WFD coastal waterbody (Code IE_SE_050_0000). This waterbody has been classed as ‘High’ status and ‘Not at Risk’⁵ of not maintaining that status. There will be minimal site investigation activities within this WFD waterbody (approximately 1–2 No. boreholes and grab samples as well as some geophysical surveys). Thus, there will be no impact on hydromorphology, biological quality elements or physico-chemical parameters in this waterbody. In terms of water quality and supporting chemical quality elements, the applicant notes that borehole drilling will employ either clean water or benign polymer drilling fluids. A number of conditions are recommended to be included in the licence, if granted, to prevent any water quality deterioration, including ensuring the applicant has an oil pollution response plan in place and ensuring that all vessels used conform to Irish Certification Standards as required by the Marine Survey Office (see PL). In addition, the applicant states that a number of other measures will be taken onboard vessels, including the use of bunded fuel storage and placement of drip trays under equipment and that all contractors will operate under certified quality and environmental management systems. A condition is recommended to be included in the licence, if granted, to ensure the activities are carried out in accordance with the plans and particulars submitted with the application.

Given the recommended conditions as detailed in the PL, there is not expected to be a deterioration in the ecological status of any WFD waterbody as a result of the proposed activities.

3.7 Marine Strategy Framework Directive (2008/56/EC)

The Marine Strategy Framework Directive (MSFD) sets the framework for European marine environmental policy. It aims to achieve Good Environmental Status (GES) for all marine waters in Europe and protect the resource base for marine related economic and social activities. Ireland’s 2024 assessment⁶ under Article 8 of the MFSD sets out the status of the 11 qualitative descriptors that describe the state of the marine environment. Table 2 sets out the status of the relevant descriptors and assesses the potential impacts of the proposed activities.

⁵ Reporting period 2019–2024. From www.catchments.ie

⁶ [Ireland’s Marine Strategy Part 1: Article 8, 9 and 10 report 2024.](#)

Table 2: Assessment of impact of the proposed activities on MSFD descriptors

MFSD Descriptor	Good Environmental Status achieved	Assessment
Biological diversity	Partially achieved	MARA has undertaken an Appropriate Assessment (AA) in respect to the proposed site investigation activities (see Section 3.9). Biodiversity is also discussed in Section 3.4 of this report. Mitigation measures have been identified and recommended for inclusion in the PL, if granted, which address potential impacts on biological diversity (including protected habitats and species).
Non-indigenous species	Yes	To ensure that the proposed activities will not result in the unintended introduction of non-indigenous species, a condition is recommended to be included in the licence, if granted, relating to the control of invasive species.
Population of commercial fish/shellfish	Partially achieved	<p>This assessment of GES is based on whether stocks are being fished at or below the maximum sustainable yield (MSY) and whether spawning stock biomass is above the level that can produce MSY.</p> <p>The MUL application area lies within large-scale spawning and nursery grounds for a number of commercial fish species, including cod, herring, whiting and haddock. The applicant estimates that the geophysical and geotechnical activities will take place during the Q2 or Q3 period, taking 2–5 months to complete. Given this time period avoids the peak spawning period for commercial fish in the wider area and given the nature and duration of the proposed activities, and the scale of the site in relation to these spawning and nursery areas, there is not expected to be an impact on this descriptor from the proposed activities. See also Section 7 Public Body Consultation of this report for public body responses regarding fish and shellfish.</p> <p>Licensed aquaculture sites are not at risk from the proposed activities due to the offshore location of the MUL application area and the scale and nature of the activities.</p> <p>Section 3.9 of this report, Appropriate Assessment, includes a mitigation measure which is included as a condition in the PL in relation to marine mammals. The holder will be required to implement soft-start (or ramp up) procedures, in line with national guidance on underwater noise and marine mammals. This will minimise the risk of acoustic disturbance to fish and shellfish in the MUL application area. The sound source is initiated at the lowest practicable power level and gradually increased in a controlled manner over a defined period, allowing fish to detect the initial low-level noise and move away before full operational output is reached.</p>

Marine food webs	Unclear	The balance and diversity in marine food webs is not expected be impacted as a result of the proposed activity. Impacts on habitats, species and water quality are assessed in this report with appropriate mitigation, as licence conditions, recommended.
Eutrophication	Yes	The proposed site investigation activities will not involve the addition of nutrients to the marine environment and as such will not impact this descriptor achieving GES.
Sea-floor integrity	Partially achieved	It is not expected that the activities will negatively impact on the GES status of this descriptor given the small footprint of the geotechnical activities (the diameters of the geotechnical equipment proposed range from 44–102 mm). Soft seabed substrates are expected to return to normal levels relatively quickly.
Alteration of hydrographical conditions	Yes	The proposed activities will not alter the hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) in the MUL application area. There will be no impact on the GES status of this descriptor.
Concentrations of contaminants	Yes	GES has been largely achieved for concentrations of most contaminants in seawater, sediments and biota in Irish coastal and marine waters. The proposed activities will not introduce contaminants into the receiving environment - see discussion in Section 3.6 on water quality of this report.
Contaminants in fish/seafood for human consumption	Yes	Section 3.6 of this report includes an assessment of potential impact on water quality from the proposed activities. The proposed site investigation activities will not result in the introduction of contaminants in fish or seafood and therefore, will not impact on the GES status of this descriptor. The MUL application area is approximately 11 km offshore and not in the vicinity of licensed aquaculture sites.
Marine Litter	No	The proposed activities will not result in the introduction of marine litter to the marine environment and thus will not impact on the achievement of GES status of this descriptor. The PL includes general condition requiring the holder to remove all plant and equipment associated with the activities and to restore the licensed area to its original condition.
Introduction of energy including underwater noise	Yes	In order to inform the data collected as part of MSFD requirements, a condition is recommended to be included in the licence, if granted, requiring the holder to provide details of all geophysical and geotechnical surveys to the Marine Environment Section of the Department of Climate, Energy and the Environment in the reporting format of the OSPAR Impulsive Noise Registry.

3.8 Annex IV species

Articles 12 and 13 of the Habitats Directive impose obligations on Member States to establish a system of strict protection for animal and plant species listed on Annex IV of the Directive. The applicant submitted an Annex IV Risk Assessment in support of the application. The risk assessment considered the occurrence of the relevant Annex IV species (cetaceans and marine turtles) in the Celtic Sea. The assessment discussed the potential impacts of the proposed activities on those species, resulting from increased anthropogenic noise from geotechnical and geophysical activities and the potential for collision with survey vessels. The risk assessment applied the results of underwater noise modelling undertaken by EirGrid in 2025 and the Marine Institute in 2023 on the impact of underwater noise from geophysical and geotechnical surveys in the SC-DMAP area, to the proposed activities.

The most commonly occurring cetacean species found in the Celtic Sea include Minke whale, Bottlenose dolphin, Common dolphin, Risso's dolphin and Harbour porpoise. Of the geophysical survey methods proposed, the applicant has identified that the SBP (pinger/chirper), the UHRS (sparker), the USBL, the boreholes and vibrocores have the potential to cause auditory injury (at very close range), temporary threshold shift, or disturbance to marine mammals.

The risk assessment concluded that there will be no impact on the populations of those Annex IV species, provided that specific mitigation measures for underwater noise, broadly following national guidance, will be adhered to for the specific geophysical and geotechnical surveys identified by the applicant. It should be noted that the current national guidance⁷ also applies to the MBES, SSS and SBP and requires pre-survey monitoring during daylight hours to ensure effective visual monitoring. Thus, a Marine Mammal Observer (MMO) will be required onboard survey vessels and surveys cannot commence if marine mammals are detected within a specified monitored zone. Ramp-up, or soft-start procedures will also be employed.

Collision risk will be negligible given the survey vessels will be stationary or travelling at a low speed and marine mammals will be able to avoid vessels. However, the applicant proposes watches for marine turtles when the vessels are in transit and moving at greater speeds as they are less agile than the smaller cetacean species.

To avoid impacts on Annex IV species, a condition is recommended to be included in the licence, if granted, requiring the applicant to adhere to the national guidance for underwater noise and marine mammals (see PL). A condition is also recommended to be included in the

⁷ [NPWS 2014. Guidance to Manage the Risks to Marine Mammals from Man-made Sound Sources in Irish Waters.](#)

licence, if granted, with respect to avoiding in-combination impacts of the surveys with other similar surveys in the vicinity (see Section 3.9 of this report).

The applicant has assessed the requirement for a derogation licence from the National Parks and Wildlife Service (NPWS) under the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, in accordance with NPWS 2025 guidance⁸. The applicant states that a derogation is not required for the proposed site investigation activities. The onus is on the holder of the licence, if granted, to ensure all necessary authorisations are obtained. Condition 3.4 of the PL specifies that the licence does not negate the holder's statutory obligations under any other law.

3.9 Appropriate Assessment

The Habitats Directive (92/43/EC) and the Birds Directive (2009/147/EC) are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended (the Regulations) and by Part XAB of the Planning and Development Act 2000. The application was subject to screening for appropriate assessment (AA) by MARA in accordance with the Regulations. MARA made an Appropriate Assessment (AA) Screening Determination on 08/02/2026 which concluded that the proposed site investigation activities will require Stage 2 AA as it could not be excluded, on the basis of objective scientific information, that the proposed project, either individually or in-combination with other plans or projects, will have a significant effect on European sites.

Nine European Sites were screened in for appropriate assessment by MARA. These included 5 Special Areas of Conservation (SACs) and 4 Special Protection Areas (SPAs). These European sites, their Qualifying Interests (QIs) also referred to as Special Conservation Interests (SCIs) for the SPA sites and likely or potential source of impact as a result of the proposed maritime usages are given in Appendix 1. The potential source of impact identified at the screening stage and possible significance of those impacts on the Qualifying Interests (QIs) are summarised in Table 3. The applicant submitted a Natura Impact Statement (NIS) in support of the application, dated 05/11/2025.

⁸ [NPWS, 2025. Applications for Regulation 54 Derogations for Annex IV species. Guidance for Applicants.](#)

Table 3: Potential direct and indirect impacts on the Qualifying Interests of European sites identified at screening stage and possible significance of those impacts.

Potential Impacts	Possible significance of Potential impacts (duration, magnitude, etc.)
Underwater noise disturbance, displacement or harm	Potential for sound sources from survey activities to be at a level and duration that would cause a significant negative impact on marine mammals and seabirds.
Disturbance and displacement from above water noise and vessel activity	Potential for survey activities generating noise, vibration, artificial lighting and increased human presence or vessel activity to be at an intensity and duration that would cause significant disturbance to bird populations.

3.9.1 Assessment of Likely/Potential Impacts on European Sites

Underwater noise disturbance, displacement or harm – Marine mammals

Five SACs were screened in due to the potential for underwater noise to have a significant impact on marine mammal species (by disturbance, displacement or harm), namely Bottlenose dolphin, Harbour porpoise and Grey seal, which are QI species for those sites (see Appendix 1). The closest of these is Hook Head SAC, which is approximately 2 km northeast of the MUL application area. The other SACs are > 20 km from the MUL application area, however those marine mammals may forage or travel within the area and may be indirectly impacted. In terms of the conservation objectives for those SACs listed in Appendix 1, the relevant target for marine mammals is that human activities should occur at levels that do not adversely affect their populations.

Marine mammals depend on sound for a wide range of functions including navigation, perception of their environment, communication, prey identification and capture, and the detection of predators. The production of underwater noise from the proposed site investigation activities could interfere with these functions by inducing permanent auditory injury (or Permanent Threshold Shift) at close range or temporary hearing impairment (or Temporary Threshold Shift – TTS) at further distances from the noise source. Based on the operating frequencies and sound pressure levels provided by the applicant for each of the geophysical and geotechnical survey techniques, the SBP (pinger/chirper), the UHRS (sparker), the USBL, borehole drilling and vibrocore surveys could all lead to PTS at very close range, and TTS at greater distances. The applicant notes that behavioural disturbance could also occur at distances up to 5 km from the noise source, in line with 2020 JNCC guidance⁹ on

⁹ [JNCC, 2020](#)

the conservative Effective Deterrence Range (EDR) for Harbour porpoise, which is the most sensitive to noise disturbance from geophysical surveys. This guidance has subsequently been revised¹⁰ and for the surveys proposed as part of this application the applicable EDR is up to 3 km.

In light of the above, mitigation measures are required in order to minimise adverse impacts on marine mammals and avoid impacting their populations from the SACs listed in Appendix 1. The applicant proposes to appoint Marine Mammal Observers (MMO) to oversee the SBP, UHRS (sparker), USBL and borehole drilling surveys. However, the current national guidance¹¹ on underwater noise and marine mammals should be followed and required as a condition in the licence, if granted. Therefore, an MMO would also be required for other survey activities including the MBES, SSS and SBP (pinger) surveys. The national guidance includes the provision of a 30-minute soft start, or ramp-up procedure when utilising the proposed survey equipment. The applicant notes that a 500 m monitored zone will be applied for all surveys. However, a 1,000 m monitored zone should be applied where the sparker system is being used in the UHRS surveys, in accordance with the national guidance⁸. No surveys can commence if a marine mammal is detected within the monitored zone.

Taking into account these proposed mitigation measures (see PL) there will not be significant adverse impacts on marine mammals, at an individual or population level. The proposed activities will not result in a deterioration of key resources (e.g. water quality or feeding opportunities) of marine mammals given that the surveys will be temporary and in light of the conditions recommended throughout this report (see Sections 3.6 on WFD and 3.7 on MSFD).

Underwater noise disturbance, displacement or harm – Birds

Two SPA sites were screened in for potential impacts of underwater noise on seabird species that use diving (e.g. Gannets, Terns, Shearwaters, Cormorants) and surface water scavenging behaviors (e.g. Gulls, Fulmars) to catch their prey. Of these, the Seas Off Wexford cSPA is 50 m from the MUL application area. The Saltee Islands SPA is 25 km to the east, however the MUL application area is within the foraging range of breeding seabirds from that site. Diving birds can be sensitive to disturbance from underwater noise and fatalities can occur at close distance. Disturbance could have a significant impact if the underwater noise was at an intensity, frequency and duration that affected bird populations at those SPAs.

¹⁰ [JNCC, 2025](#)

¹¹ [NPWS 2014. Guidance to Manage the Risks to Marine Mammals from Man-made Sound Sources in Irish Waters.](#)

However, the survey activities will be temporary in nature and the likelihood of high numbers of diving seabirds being in the vicinity of a noise generating operation is low due to the surface activity associated with such operations disturbing the birds prior to commencement of the underwater noise. In addition, the mitigation required for underwater noise impacts on marine mammals which will involve a ramp up or slow start is expected to alert diving birds to the activity so they can move to another area. Given the temporary nature of the proposed activities and the mobile nature of the birds, underwater noise would be unlikely to have a significant effect on diving seabird populations from those SPAs with diving bird species.

Above water noise and visual disturbance

Four SPA sites were screened in for the potential for above water noise and visual disturbance to impact on foraging seabirds. The MUL application area does not overlap with any SPA sites. As noted, the Seas off Wexford cSPA is 50 m from the area. The other three SPA sites are 10 km or more from the area. The impact of disturbance from vessels differs among seabird species with species such as Red-throated diver and Guillemot demonstrated to be more sensitive than gulls and terns. The vessels associated with the proposed site investigations will be travelling at a relatively low speed during the surveys or may be static at times, which is expected to reduce the impact of flushing disturbance. Given the scale of the MUL application area (462 km²), the low number of vessels involved and the relatively low speed at which they will be travelling, there is a very low likelihood that the surveys will significantly impact on the conservation objective target of availability of suitable habitat area for foraging seabirds.

However, as a precautionary measure, a condition is recommended to be included in the licence, if granted, to require the Holder to avoid significant clusters of feeding seabirds by maintaining a 500 m buffer from the birds (see PL).

3.9.2 Assessment of In-combination effects

The potential impacts of the proposed activities must be considered individually and also in combination with other plans or projects. All types of plans or projects that could, in combination with this application, have a significant effect, have been considered (see Table 4). This in-combination assessment has been undertaken using professional and scientific judgement.

The spatial scope of the cumulative effects assessment is 3 km and is based on the Effective Deterrence Range¹² of Harbour porpoise (recognised as the marine mammal most sensitive to underwater noise) from the geophysical surveys proposed. The temporal scope is 5 years and is based on the period over which the activities are proposed.

¹² [JNCC, Report 803, 2025](#). Effective Deterrence Range is the radius of a circular area assumed to be disturbed

Table 4 Potential sources of impact that could act in-combination with the application

Impact	Potential Cumulative Pathway
Underwater noise disturbance, displacement or harm	Pathway possible via sound travelling through water with impacts possible within 3 km and where there is temporal overlap with other underwater noise producing projects.
Disturbance and displacement from above water noise and vessel activity	Pathway possible via light and sound travelling through air with impacts possible where there is spatial and temporal overlap with other visual and above water noise producing projects.

Prediction:

The magnitude and extent of identified likely cumulative effects have been predicted below.

- *Above water noise and visual disturbance and displacement*
There is the potential for increased visual and above water noise disturbance on birds if other sound generating projects were to spatially and temporarily overlap.
- *Disturbance, displacement or harm from underwater noise*
There is the potential for increased underwater noise disturbance effects if other relevant projects, capable of producing similar underwater noise sources, were to take place at the same time.

Identification of Plans or Projects that could act in combination

A search was carried out on 31/03/2026 of relevant databases (including EPA, Foreshore, MARA, planning authorities) for other plans and projects with characteristics that may cause in-combination effects with the proposed site investigations, on the QIs of the European sites identified in Appendix 1. The projects shown on Table 5 are within the CESS and CETS of the proposed site investigations.

The following plans were identified as having the potential to result in in-combination effects.

- River Basin Management Plan,
- National Marine Planning Framework,
- The National Development Plan 2021–2030,
- South Coast Designated Maritime Area Plan (SC-DMAP),
- The Port of Waterford Masterplan 2020–2040, and
- The Port of Cork Masterplan 2050, and
- The Climate Action Plan 2025.

Table 5: Projects identified with the potential to have in-combination effects given the nature and location of the activities

Application Ref.	Project description	Distance from proposed MUL area (km)	Status
MUL240036	EirGrid - Marine environmental surveys for the purposes of site investigation covering a 2,333 km ² area including seven landfall zones.	overlap	Granted
MUL240026	Uisce Eireann - Marine environmental surveys for the purposes of site investigation	< 2	Granted
FS007436	Voyage Offshore Array Ltd.- Foreshore licence application for site investigations	overlap	Applied
FS006982	Energia - Foreshore licence for site investigations	overlap	Granted
FS007318	RWE Renewables - Foreshore licence for site investigations	overlap	Applied
FS007621	Pearla Offshore Wind Ltd. - Foreshore licence for site investigations	overlap	Applied

In-Combination Effects Assessment conclusion

The plans identified are not expected to have in-combination effects as, in general, they promote the sustainable development of the maritime area as well as the protection of water quality. The projects listed on Table 5 include other site investigation activities in close proximity to the MUL application area. Mitigation is required as a licence condition to avoid in-combination effects from underwater noise as a result of those projects as set out in Section 3.9.3.

3.9.3 Mitigation measures

Mitigation measures for those impacts identified in Sections 3.9.1 and 3.9.2 are detailed below. These mitigation measures are included as conditions in the PL.

Above water noise and visual disturbance

Where the Holder observes significant clusters of birds, actively fishing and/or diving, within 500m of the survey vessel, in carrying out the Permitted Maritime Usage, the survey route shall be altered to maintain a 500m buffer from the birds. Appropriate records must be retained by the Holder.

Underwater noise - Marine Mammals

- (i) The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage. The Holder shall ensure the marine mammal observer(s) shall satisfy the requirements of the most up to date national guidance. During the activity the Holder shall comply with the directions of the marine mammal observer(s).
- (ii) The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with the most up to date national guidance.
- (iii) The Holder shall, within 30 days of completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to offshore@npws.gov.ie and compliance@mara.gov.ie
- (iv) The Holder shall publish the report and recording and data forms on their website within 60 days of completion of the Permitted Maritime Usage unless otherwise agreed with the Grantor.

Mitigation for 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 6 km radius of the Licensed Area.
- (ii) Where a vessel-to-vessel distance of greater than 6 km cannot be maintained with respect to geophysical, seismic and geotechnical activities, the Holder shall co-ordinate 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 6 km, 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.

In order to minimise the level and intensity of survey activities the Holder of the licence if granted should consider the use of existing data where feasible to do so. It is recommended that any licence granted should include the following condition:

The Holder shall consider any publicly available survey data, and usage of same where appropriate and feasible to do so, in order to avoid duplication of survey activity in the Licensed Area.

3.9.4 Residual effects

This assessment has identified likely/potential significant impacts on European Sites and their conservation interests in Section 3.9.1 and recommends mitigation measures as conditions in the PL. It is considered that the mitigation measures described and their implementation through licence conditions will remove, or reduce to imperceptible levels, all negative impacts and that residual effects will not arise.

3.9.5 Assessment of Transboundary effects

The mitigation measures proposed as part of this appropriate assessment will mitigate against any transboundary effects on other European sites.

3.9.6 Appropriate assessment conclusion

The AA screening process identified likely/potential significant impacts due to underwater noise and above water noise and visual impacts. Likely significant impacts from the proposed activities could not be ruled out, beyond reasonable scientific doubt, without mitigation. The potential for in-combination effects from the proposed activities with other plans and projects could not be ruled out, beyond reasonable scientific doubt, without mitigation. Mitigation measures were identified to ensure that impacts on European sites and their QIs and SCIs do not occur. Therefore, with adherence to the mitigation measures specified in Section 3.9.3 and in view of best scientific knowledge, and of the sites' conservation objectives, the project, individually, or in-combination with other plans or projects, will not have adverse effects on European sites.

The appropriate assessment determination is included in Section 9.

4. Consideration of other maritime users

MARA has had regard to the rights of other users as set out in Section 3 (3)(b) of the MAP Act. It should be noted that the SC-DMAP was prepared using an ecosystem-based approach in the identification of the most appropriate maritime areas for future ORE projects, having regard to other users and maritime activities such as commercial fisheries as well as environment and biodiversity. Commercial fisheries (vessels >12 m) operating in the area of

the MUL application, include bottom trawling, dredging, gillnetting, seine and beam trawling for species including cod, monkfish, haddock, hake, lemon sole, pollack, rays and whiting. For vessels <12 m the most common fisheries are for brown crab (pot fishing) and demersal trawling (haddock, monkfish, nephrops, plaice) and to a lesser extent lobster (pot fishing), gill nets (black pollack, hake, plaice, pollack, turbot), whelk (pot fishing) and tangle nets (crayfish, monkfish, plaice, spider crab and turbot)¹³. Owing to the offshore location of the MUL application area there are no licensed aquaculture sites in the vicinity.

In order to minimise disruption to fisheries, a condition is recommended in any licence granted requiring the appointment of a Fisheries Liaison Officer (FLO) to consult with the Sea Fisheries Protection Authority and relevant fishers groups. A condition is recommended to be included in the licence, if granted, requiring the holder to not interfere with third party property. It is also recommended to include a condition requiring consultation with the relevant port companies and harbour masters along the south coast in advance of the commencement of the activities. The holder of the licence, if granted will be required to submit the final bathymetric data to the United Kingdom Hydrographic Office (UKHO) and to the GSI/Marine Institute's INFOMAR Programme, so that the appropriate navigational charts can be updated (see PL).

The survey activities may impact on other commercial vessels or recreational users. To minimise disruption on any other such users of the MUL application area, a community liaison officer is also required. A condition is recommended to be included in any licence granted regarding the publication of a marine notice to notify other users in advance of the activities.

5. Site visit

No site visit was undertaken due to the offshore location of the application.

¹³ Data from [BIM's 2025 participatory mapping project](#).

6. Public body consultation

Observations on the MUL application were invited from relevant public bodies to ensure that MARA takes account of all other relevant maritime usages and interests in the application area. Seven responses were received. The following tables summarise the observations from public bodies with a response given below each submission summary. The MARA website should be consulted to view the full details of the observations received.

1. Observations summary – Commissioner of Irish Lights (CIL)
<p>A submission was received on 05/12/2025 from the CIL, as follows:</p> <ul style="list-style-type: none"> • CIL has no objection to the granting of the licence from a safety of navigation perspective. • Before any marine aid to navigation, such as a floating LiDAR buoy, Waverider buoy or buoy marking an ADCP is established, a statutory consent will be required from Irish Lights under the Merchant Shipping Act. • The Appropriate Assessment conducted as part of the MUL licensing process should include the impact of the deployment of surface marking buoys and associated moorings, which may be required as part of the project.

MARA Response:

MARA notes the observations of CIL. The onus is on the applicant to ensure that all the required statutory consents are in place prior to the commencement of the activities. A condition is included in the PL stating that the MUL does not negate the Holder’s statutory obligations or requirements under any other Law. All aspects of the proposed application submitted to MARA have been considered as part of the AA.

2. Observations summary – Marine Survey Office (MSO)
<p>Observations were received on 08/12/2025 from the MSO, which states they have no objection to the proposed maritime usage activity from a navigational safety perspective. The MSO recommended conditions to be applied to the licence if granted, which relate to:</p> <ul style="list-style-type: none"> • The requirement for marine notices to be issued; • Maintaining navigational safety during the on-site activity; • The requirement for Navtex broadcasts in agreement with the Irish Coast Guard; • The need for vessels to be suitably certified; • The particulars of information to be provided to the UK Hydrographic Office (UKHO); • The need to liaise with the MSO and Commissioner for Irish Lights (CIL) regarding the marking and lighting of any moored instruments and the use of Autonomous Floating Platforms;

- The holder of the licence if granted must be aware of their obligations under the International Regulations for the Prevention of Collisions at Sea, and
- Stakeholder engagement should occur particularly as the site is in close proximity to established shipping lanes providing access to the Ports of Waterford and New Ross and the fishery harbours of Dunmore East and Passage East.

MARA response:

MARA notes the observations of the MSO. The applicant notes in their ‘*Marine and Environmental Planning Report*’ submitted with the application, that navigational safety will be managed through the issue of Notices to Mariners in advance of all works. A condition has been recommended in the licence, if granted, requiring the publication of a marine notice in consultation with the MSO and a condition to ensure all vessels conform to Irish Certification Standards as required by the MSO. In relation to navigational safety, the applicant has stated that standard embedded measures will be applied across all campaigns in the proposed site investigations in compliance with the International Regulations for Preventing Collisions at Sea (COLREGS) and the Irish Coast Guard guidance. The licence, if granted, requires the Holder to consult with the relevant port companies and harbour masters along the south coast prior to the commencement of activities.

With regard to the requirements of the MSO and CIL regarding marking and lighting of moored instruments and the use of Autonomous Floating Platforms, Unmanned (or uncrewed) Surface Vehicles and Autonomous Surface Vehicles, the onus will be on the Holder to ensure they obtain all necessary authorisations. It is recommended that a condition be included in any licence issued stating the licence does not negate the Holder’s statutory obligations under any other law. A condition is recommended in any licence granted with regard to the submission of bathymetric data to the UKHO. The applicant notes that a Fisheries Liaison Officer (FLO) will be engaged throughout the process to coordinate with local fishing interests. The requirement for an FLO will be specified as a condition of any licence granted. It is also recommended that a condition is included requiring the appointment of a Community Liaison Officer.

3. Observations summary – Development Applications Unit, Department of Housing, Local Government and Heritage (DHLGH)

Both the National Parks and Wildlife Service (NPWS) and the National Monuments Service (NMS) of DHLGH submitted observations on the application on 07/01/2026.

NPWS

The NPWS had no objection in principle to the proposed works from a nature conservation perspective but recommended that conditions should be included in the licence, if granted, as follows:

- Implementation of the marine mammal mitigation described in the NIS, in accordance with national guidance.
- Ensuring that any survey timings, methodologies and locations remain consistent with those assessed in the NIS and any material changes should be subject to further ecological review.
- Post-survey reporting on mitigation implementation in respect of marine mammals to be submitted to the regulatory authority.
- They stated also that the applicant should note that there may be a requirement for a Regulation 54 consent under the EU Birds and Habitats Regulations. Guidance is available on the NPWS website.

NMS

The NMS recommended a number of conditions to be attached to the MUL to ensure the protection of underwater cultural heritage, including:

- the applicant should appoint an experienced underwater archaeologist to advise on all aspects of the project;
- the applicant should obtain all statutory authorisations required for archaeological surveys under the National Monuments Acts 1930–2014 such as a licence for geophysical surveys, dive surveys and a detection device consent;
- the geophysical surveys should be undertaken in advance of the geotechnical surveys to ensure all potential impacts on underwater cultural heritage are avoided;
- the applicant should submit an Underwater Archaeological Impact Assessment (UAIA) to the NMS for review and approval at least four weeks prior to the geotechnical works taking place. The contents to be included in the UAIA were detailed. A final archaeological report should also be provided to the NMS.
- The protocol for archaeological discoveries should be agreed with the NMS

The NMS noted that there are protected wrecks in the MUL application area, available to view on the NMS wreck viewer. They state that wrecks over 100 years old are protected under the National Monuments Acts. Additionally, they state that there are Recorded Monuments, also protected under the National Monuments Acts, proximal to the MUL application area and highlight that all archaeological objects, irrespective of age, and wrecks less than 100 years old can be protected under that Act. Diving, surveying or removal of anything from wrecks over 100 years old must only be carried out with a licence under the Act.

Marine Advisor Response:

The observations submitted by the NPWS and the NMS are noted.

NPWS

The conditions recommended by the NPWS have been recommended to be included in any licence granted including the obligation to have a marine mammal observer(s) to oversee the activities and to implement the mitigation and control measures set out in the most up to date national guidance. This condition also requires the Holder to submit a report on the monitoring to MARA and to the NPWS. Condition 17 of the PL makes it clear that the activities can only be carried out as per the ‘plans and particulars’ submitted with the application. With regard to the requirement for a Regulation 54 consent (derogation licence from the NPWS), the applicant has stated that it is not required. Condition 3.4 of the PL further makes it clear that the MUL does not negate the Holders statutory obligations under any other Law.

NMS

The NMS observations included requirements for intertidal surveys, however activities in the intertidal area are not proposed by the applicant. A number of conditions have been included in the PL in relation to the protection of underwater cultural heritage. The Holder must consult with the NMS prior to the commencement of the activities and comply with all of their requirements (condition 18 of the PL). Condition 3.4 of the PL further makes it clear that the MUL does not negate the Holders statutory obligations under any other Law. Condition 32 ensures that the surveys are planned so that geophysical surveys are undertaken in advance of geotechnical surveys, so that potential effects on underwater cultural heritage are avoided.

4. Observations summary – Geological Survey of Ireland (GSI)

Observations were received on 16/12/2025 from the GSI which recommended the use of numerous GSI datasets when conducting EIAR, SEA, planning and scoping processes for developments, plans and policies. The GSI also noted the availability of INFOMAR data such as bathymetry, backscatter, sediment classification, shipwrecks and survey metadata which can be downloaded free of charge. The GSI also noted that data from the ObSERVE Programme is also available with information on aerial and acoustic surveys on marine megafauna, including cetaceans, seabirds and other protected species.

MARA response:

MARA notes the observations of the GSI and the availability of datasets. It is noted that the applicant has made use of the ObSERVE Programme data in compiling the Annex IV Risk Assessment.

5. Observations summary – Bord Iascaigh Mhara (BIM)

Observations were received from BIM on 09/01/2026. BIM noted that they had updated their Wexford and Waterford participatory mapping dataset. BIM included a 2025 report describing the fleet-wide fishing activity of vessels <12 m along the south coast of Ireland. A link was provided to the aggregated spatial data.

MARA response:

MARA notes the observations of BIM. Data from the 2025 report has been referred to in Section 4 of this report in the consideration of other maritime users.

6. Observations summary – Department of Agriculture, Food and the Marine (DAFM)

Observations were received from DAFM on 07/01/2026 with comments from the Marine Institute (MI), Bord Iascaigh Mhara (BIM) and the Marine Divisions of DAFM. The main points are summarised as follows:

- The seafood sector is the main source of employment in rural and coastal areas which must be factored into the development of ORE projects.
- There is a risk of entanglement of static fishing gear (buoy lines from strings of pots) from the geophysical and geotechnical surveys.
- There is an overlap with inshore fishing activities and the Tonn Nua site especially with brown crab and whelk fisheries. Vibrations from borehole drilling may lead to localised reductions in catch rates for brown crab and whelk during the survey period.
- While there is information in BIM’s participatory mapping project on vessels < 12 m, that seasonal usage of the site is not included in that report. If surveys were carried out in Q2 it would reduce interactions with the brown crab fishery. Whelk fisheries could be affected regardless of the proposed survey period.
- The cumulative effect of multiple surveys could result in extended disruptions to fishing activities and the project team should refer to the Seafood/ORE codes of best practice for fisheries engagement. The appointment of an FLO is welcome.
- Data is available on the commercial fisheries (vessels >12 m) typically operating in the Tonn Nua site and it is lower than the other SC-DMAP sites. The fishery includes bottom trawling, scallop dredging, gillnets, seine and beam trawling.
- The BIM 2025 Participatory Mapping Report was included as an Appendix to the observations.

MARA response:

MARA notes the observations of the DAFM and has had regard to the fisheries data provided during the assessment process. The applicant proposes to undertake the geotechnical and geophysical activities in Q2 and Q3 of 2026 and 2027 thus reducing interactions with the

brown crab fishery. With regard to entanglement, the applicant states that standard navigational safety requirements as required by CIL will be adhered to with regards to the positioning, mooring, marking, and lighting of all equipment deployed. To manage interactions with commercial fisheries, the appointment of an FLO is recommended. The publication of a marine notice in line with MSO requirements is also required as well as consultation with relevant port authorities and harbour masters along the south coast. In addition, soft-start procedures will be implemented for geophysical and geotechnical surveys which will reduce the risk of acoustic disturbance to fish and shellfish.

7. Observations summary – Sea Fisheries Protection Authority (SFPA)

Observations were received on 19/01/2026 from the SFPA, as follows:

- Commercial fisheries for ecologically sensitive species occur in the Tonn Nua site including for Atlantic cod, whiting, sprat and herring and it is an important area for migratory mackerel (summer), foraging bluefin tuna (autumn/winter), anglerfish nursing ground, herring/sprat spawning (winter) and basking shark feeding (summer months).
- The SFPA note that the surveys are scheduled for Q2 and Q3 which is outside the traditional spawning months associated for other commercial species such as cod (and other gadoids), herring and sprat.
- The offshore location of the site minimises potential negative impacts on movement of fish into and out of coastal estuarine habitats.
- The projected short duration and episodic nature of the proposed activities will have negligible impact on local fish populations.
- The survey activities may result in a temporary spatial shift in fishing activity and a resulting impact on fisheries control.
- Wild caught shellfish fisheries in the wider area include whelk, shrimp, brown crab and lobster.
- There are aquaculture sites in inshore coastal areas at Dungarvan, Tramore, Youghal, Waterford estuary and the potential impact on those could be sediment disturbance from the site investigations including disturbance of chemically trapped residues from historical heavy industry discharged material though the risk is considered to be low.

MARA response:

MARA notes the observations and fishery information provided by the SFPA. Section 4 of this report includes a consideration of other users including commercial fisheries. It is unlikely that short-term suspended sediments arising from the geotechnical surveys would release chemicals into the environment. The area is approximately 11 km from the coastline and from

industrial areas. The WFD ecological status of the Eastern Celtic Sea waterbody has been classed as ‘high’ and Good Environmental Status (GES) has been largely achieved for concentrations of most contaminants in seawater, sediments and biota in Irish coastal and marine waters.

7. Public consultation

Public consultation was undertaken from 24/02/2026 to 30/03/2026 under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and under section 117(6)(b) of the MAP Act. Submissions were received on 30/03/2026 from Blue Ireland Coalition CLG, Blue Horizon CLG and Wild Ireland Defence CLG. The issues raised in the three submissions are similar and thus have been summarised and addressed together in this report. However, the MARA website should be consulted to view the full details of the submissions received.

Summary of submissions received from:

1. **Blue Ireland Coalition CLG;**
2. **Blue Horizon CLG, and**
3. **Wild Ireland Defence CLG.**

The main points raised by Blue Ireland Coalition CLG, Blue Horizon CLG and Wild Ireland Defence CLG in their submissions have been summarised by MARA and are set out as follows:

South-Coast DMAP

- The SC-DMAP was determined without applying an ecosystem-based system of Maritime Spatial Planning (MSP) to the process, in breach of Directive 2014/89/EU.

Annex IV risk assessment & strict protection

- The MUL area lies within the Celtic Sea Important Marine Mammal Area (IMMA) and this is not meaningfully integrated into the applicants Annex IV risk assessment.
- The applicant’s assessment of underwater noise is fundamentally deficient and renders the assessment incapable of supporting lawful conclusions. It relies on a generic rather than a site-specific assessment and does not use best available scientific evidence.
- MARA must re-examine the need for a derogation under Regulation 54 (Article 16) and granting the MUL is legally precluded in the absence of a derogation licence.

EIA Screening

- No proper EIA Screening was undertaken by MARA. The MUL site investigations are functionally inseparable from the offshore wind farm development and therefore this is unlawful project splitting.
- The EIA Screening determination does not apply Schedule 7 of the Planning and Development Regulations 2001, as amended which is contrary to settled jurisprudence of the Court of Justice. It is legally incoherent that it was concluded that a Stage 2 AA was then required.

Natura Impact Statement and Appropriate Assessment

- The applicant's NIS does not correctly apply the requirements of Articles 6(2) and 6(3) of the Habitats Directive and it should be re-examined by MARA. The applicant's assessment of ornithological impacts is not adequate, is not based on site-specific evidence and does not adequately assess in-combination impacts. The NIS does not provide precise and definitive findings capable of removing reasonable scientific doubt.
- The NIS does not address Important Bird Areas along the south coast. Impact pathways and cumulative effects are not adequately addressed in relation to seabirds.
- The NIS relies on unproven mitigation, does not contain noise modelling, cumulative analysis or definitive findings.
- MARA must ensure that all aspects of proposed works are compliant with Article 6 before granting any such works.
- MARA must confirm whether an Article 6(2) assessment was conducted, explain the adequacy of the Article 6(3) noise assessment and clarify how the EIA Screening aligns with the Article 6 findings.

The Water Framework Directive (WFD)

The WFD assessment submitted by the applicant is fundamentally deficient in both its methodology and its conclusions and it cannot lawfully support the grant of consent.

MARA Response:

MARA notes the issues raised by Blue Ireland Coalition CLG, Blue Horizon CLG and Wild Ireland Defence CLG and has given due consideration and regard to those matters.

The following are MARA's responses to the main points raised in the said submissions:

SC-DMAP

The process of designating the SC-DMAP is outside of the scope of this application, however the policies and objectives of the SC-DMAP were reviewed as part of this assessment. It is noted that Section 3.4 of the SC-DMAP¹⁴ describes that the ecosystem-based approach was applied in the identification of the most suitable areas for future ORE projects and that it was prepared in accordance with the provisions of the MAP Act and the NMPF.

Natura Impact Statement, Appropriate Assessment & Annex IV risk assessment

With regard to the adequacy of the information provided by the applicant in their Annex IV risk assessment, Natura Impact Statement and assessment of impact on WFD waterbodies, MARA has carried out an independent assessment of the application which included consultation with relevant public bodies. In accordance with Section 121(2) of the MAP Act, MARA has had regard to the state's obligations under the Birds and Habitats Directives (79/409/EC and 92/43/EEC), the Water Framework Directive (2000/60/EC), the Marine Strategy Framework Directive (2008/56/EC) and the EIA Directive (2014/52/EU), as well as the National Biodiversity Action Plan (see Sections 3.3–3.9 of this report).

MARA is the competent authority for undertaking AA Screening and AA of MUL applications in accordance with Section 112 of the MAP Act. The applicant's SISAA and NIS provide information which informs MARA's assessment. Impacts on the integrity of European sites, in view of the conservation objectives of those sites, have been assessed in Section 3.9 – Appropriate Assessment of this report, which has been undertaken in line with European Commission guidance. Mitigation measures have been recommended to be included, as conditions, in any licence granted to ensure that there will be no adverse impacts on habitats and species, either alone or in combination with other plans or projects, as a result of the proposed activities. Mitigation measures are in line with national guidance on the impacts of underwater noise on marine mammals as well as recently updated guidance from the UK's Joint Nature Conservation Committee on marine mammal disturbance.

Strict protection and Annex IV species

With regard to strict protection, the applicant was requested by MARA to provide information as to whether or not a derogation licence, under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, was required, and if so, to provide the application reference number to the National Parks and Wildlife Service (NPWS) to MARA. The NPWS grants derogations on behalf of the Minister. The applicant responded that having

¹⁴[South Coast Designated Maritime Area Plan](#)

assessed the NPWS guidance¹⁵ on strict protection, that a derogation licence was not required. The MUL, if granted, does not negate the Holder's statutory obligations under any other law.

EIA Screening


Having considered the nature of the proposed activities MARA first considered if the activities are of a type listed as a project for which an EIA is required under Annex I and II of the EIA Directive, as transposed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). It was concluded that none of the proposed activities were of a type listed in Schedule 5 and therefore detailed consideration of the likely significant effects of the proposed usages was not necessary or indeed required under the EIA Directive.

While the maritime usage licence application before MARA is seeking consent for activities which are aimed at collecting data to inform project design, environmental assessment and consenting, for potential future offshore wind development within Maritime Area A, consent is not (nor indeed could it be) sought, nor will MARA's decision on this application permit the construction of, such infrastructure. The project therefore for the purpose of the EIA screening associated with this application is the specific maritime usage (site investigation activities) and it is not required or appropriate for MARA to consider the wider future project. As held by the Supreme Court in *Concerned Residents of Trescon and Clondoolusk v An Bord Pleanála* [2024] IESC 28, it will be for the consenting authority for the proposed future infrastructure development to ensure that the impacts associated with the proposed maritime usages are assessed in combination with the wider project when conducting an EIA for that project.

¹⁵ [NPWS, 2025. Applications for Regulation 54 Derogations for Annex IV species. Guidance for Applicants.](#)


8. Recommendation

Having considered the information submitted in support of the application, I recommend that a Maritime Usage Licence in accordance with Section 119 of the Maritime Area Planning Act, 2021, as amended, be granted to Helvick Head Offshore Wind Designated Activity Company for the purposes of *Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000*, subject to the recommended conditions in the Proposed Licence.

Signed:	
Prepared by:	Dr. Alison McCarthy, Senior Marine Advisor
Date:	14/04/2026

9. Approval and AA Determination

Having considered this report, the documents submitted by the Helvick Head Offshore Wind Designated Activity Company, the observations received on foot of the public consultation and public body consultation on the application, along with my own assessment, it can be concluded, and I determine, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposal to undertake *Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000* (MUL250019) within and adjacent to Maritime Area A of the SC-DMAP either individually or in combination with any other plans or projects), will not adversely affect the integrity of any European sites, in view of the sites' conservation objectives, subject to the implementation of the mitigation measures specified in Section 3.9 – Appropriate Assessment, which must be incorporated into any consent that may be granted in respect of the maritime usage licence application.

Signed:	
Approved and determined by:	John Evans Director of Maritime Usage Licensing
Date:	17/04/2026

Appendix 1

European sites and qualifying interests which were screened in for appropriate assessment along with potential source of impact and site-specific conservation objectives.

European Site & site code	Approx. distance from MUL application area (km)	List of Qualifying Interests (for SACs)	Potential source of impact	Site-specific conservation objectives
SACs				
Hook Head SAC [000764]	2	<i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Potential for underwater noise disturbance, displacement or harm from survey activities.	NPWS (2025) Conservation Objectives: Hook Head SAC 000764. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Saltee Islands SAC [000707]	20	<i>Halichoerus grypus</i> (Grey Seal) [1364]	Potential for underwater noise disturbance, displacement or harm from survey activities.	NPWS (2011) Conservation Objectives: Saltee Islands SAC 000707 and Saltee Islands SPA 004002. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Carnsore Point SAC [002269]	39	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Potential for underwater noise disturbance, displacement or harm from survey activities.	NPWS (2024) Conservation Objectives: Carnsore Point SAC 002269. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Blackwater Bank SAC [002953]	55	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Potential for underwater noise disturbance, displacement or harm from survey activities.	NPWS (2024) Conservation Objectives: Blackwater Bank SAC 002953. Version 3. National Parks and Wildlife Service,

				Department of Housing, Local Government and Heritage.
Roaringwater Bay and Islands SAC [000101]	140	<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Potential for underwater noise disturbance, displacement or harm from survey activities.	NPWS (2011) Conservation Objectives: Roaringwater Bay and Islands SAC 000101. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
SPAs				
Seas off Wexford SPA [004237]	0.05	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Mediterranean Gull (<i>Larus melanocephalus</i>) [A176] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Roseate Tern (<i>Sterna dougalli</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Little Tern (<i>Sterna albifrons</i>) [A195] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]</p>	<p>Disturbance and displacement from underwater noise from survey activities. Disturbance and displacement from above water noise and vessel activity from survey activities.</p>	<p>NPWS (2024) Conservation Objectives: Seas off Wexford SPA 004237. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>

Mid-Waterford Coast SPA [004193]	10	Herring Gull (<i>Larus argentatus</i>) [A184]	Disturbance and displacement from above water noise and vessel activity from survey activities.	NPWS (2024) Conservation Objectives: Mid-Waterford Coast SPA 004193. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Helvick Head to Ballyquin SPA [004192]	10	Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188]	Disturbance and displacement from above water noise and vessel activity from survey activities.	NPWS (2025) Conservation objectives: Helvick Head to Ballyquin SPA [004192]. Version 1. Department of Housing, Local Government and Heritage.
Saltee Islands SPA [0040002]	25	Fulmar (<i>Fulmarus glacialis</i>) [A009] Gannet (<i>Morus bassanus</i>) [A016] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	Disturbance and displacement from underwater noise from survey activities. Disturbance and displacement from above water noise and vessel activity from survey activities.	NPWS (2011) Conservation Objectives: Saltee Islands SAC 000707 and Saltee Islands SPA 004002. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.