An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Licence Ref: MUL260051
(Please quote in all related correspondence)

19 August 2026

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

Via: licence@mara.gov.ie

Re: Maritime usage licence application for site investigations of the offshore wind farm area and the offshore cable corridor to investigate the stability of the soil (seabed sediments) for the detailed design of foundations, wind turbines and the offshore substation and the detailed routeing of cables within the offshore wind farm area and the offshore cable corridor in Co Louth.

A chara

I refer to correspondence on 22 July 2026 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 applicant proposes to undertake a suite of geophysical, geotechnical and environmental marine surveys within the offshore wind farm array area and offshore cable corridor off Dundalk Bay, Co. Louth. The works are required to inform detailed foundation design, turbine and offshore substation siting, and cable routeing. The application includes multibeam echosounder, side-scan sonar, magnetometer, sub-bottom profiling (single and multi-source), ultra-high-resolution seismic, rotary core boreholes, cone penetration tests, vibrocores/gravity cores, and associated vessel activity. Environmental baseline data on benthos, marine mammals and avifauna will also be collected.

Potential Impact Pathways

Based on the ecological sensitivities of the western Irish Sea and the scale of the proposed site investigation surveys, the following potential impact pathways have been identified:

- **Above-Water Disturbance:** Visual presence, vessel traffic, equipment noise, and lighting signatures causing disturbance and displacement.
- **Acoustic Disturbance (Subsea Noise):** High-amplitude emissions from geophysical profiling and geotechnical drilling introducing risks of Auditory Injury, Temporary Threshold Shift (TTS), or behavioural displacement.
- **Vessel and Equipment Collision:** Risk of injury or mortality from physical contact between survey hulls/towed arrays and marine mammals or rafting seabirds.
- **Sediment Resuspension and Siltation:** Localized increases in Suspended Sediment Concentrations causing minor siltation and smothering (from seabed-intrusive sampling) resulting in reduced prey detectability and resuspension of potential contaminants.

Impacts on Birds

Having regard to the potential impact pathways and based on the information presented in the Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS), there is potential for effects on the Qualifying Interests and Conservation Objectives of nearby Special Protection Areas (SPA), including Rockabill SPA (Site Code: 004014), North-west Irish Sea SPA (Site Code: 004236) and Dundalk Bay SPA (Site Code: 004026).

For marine birds associated with these SPAs, the principal impact pathways arising from the proposed site investigation activities are considered to be disturbance and displacement, temporary reductions in foraging habitat quality, and changes in prey availability resulting from increased turbidity and seabed disturbance.

In particular, there is potential for disturbance, displacement and temporary reductions in prey availability for overwintering bird populations associated with the North-west Irish Sea SPA and Dundalk Bay SPA, particularly Red-throated Diver and Common Scoter. These species are recognised as being sensitive to increased vessel activity, underwater noise, habitat disturbance and reductions in foraging efficiency caused by elevated suspended sediment concentrations.

Although the proposed works are temporary, they will result in increased vessel movements and localised increases in turbidity during the operational period. Accordingly, a seasonal restriction preventing disruptive activities during the principal overwintering period is considered an appropriate mitigation measure. Restricting works to the period May to August (inclusive) would substantially reduce the potential for significant effects on Red-throated Diver, Common Scoter and other overwintering waterbird species.

Impacts on Marine Mammals

Having regard to the potential impact pathways and based on the information presented in the AA screening, the NIS, the Risk Assessment for Annex IV Species, and the Subsea Noise Technical Report, there is potential for effects on the Qualifying Interests and Conservation Objectives of nearby Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000)

Passive Acoustic Monitoring (PAM)

A standard mitigation measure used when animals are present during noise-producing activities is to suspend the activity and wait to recommence until they are determined to have left the area. PAM is used primarily as a cetacean detection and localization tool to supplement visual monitoring. However, it possesses inherent operational weaknesses; for example, a common behavioural response of animals exposed to vessel noise is to significantly alter or cease their vocal production rates, which complicates the interpretation of PAM data. PAM only detects individuals that are actively vocalizing within the exact detection capability of the equipment and cannot reliably be assumed to detect all marine mammals in the area. While the use of PAM in Ireland is broadly encouraged as a risk-free tool for monitoring certain cetacean species, it is insufficient as the primary or sole monitoring/mitigation approach for risk management purposes and must always be paired with a dedicated visual Marine Mammal Observer (MMO) protocol.

The applicant's site investigation documents propose using a standard 500-metre mitigation zone for Harbour Porpoise during acoustic profiling and borehole drilling. Relying on PAM as a standalone measure within this zone is insufficient because high-frequency vocalization changes in porpoises and acoustic detection range limitations create a risk of failing to log silent animals, rendering a standalone acoustic pre-start delay strategy unreliable.

Acoustic Deterrent Devices (ADD) for Cetaceans

Acoustic Deterrent Devices are a *potential* measure to mitigate the risk of auditory injury to marine mammals during noise producing activities which produce high risk, such as seismic profiling/rotary drilling. Their objective is to deter animals from entering hazardous zones, within which auditory injury (TTS/Permanent Threshold Shift) may occur. However, while ADDs can mitigate auditory injury risks by deterring marine mammals from hazardous zones, they also cause significant habitat displacement and behavioural disturbance. It is essential to balance the risk of additional behavioural disturbance against the risk of acoustic injury, particularly for high-frequency sensitive species like the harbour porpoise. The specific frequencies, source levels, duty cycles, and device types need to be tailored to the target

species and local acoustic environment, accounting for the combined disturbance effects of ADD deployment alongside ongoing drilling and vessel thruster noise.

Noise Abatement Systems

Noise abatement systems reduce underwater sound propagation, complementing the operational protocols, such as Marine Mammal Observers and soft-start procedures, as outlined in NPWS (2014) guidance. For high-amplitude geophysical seismic profiling (such as sparker or boomer configurations), it is essential to ensure that any utilized noise attenuation or engineering controls are fully verified, industry-standard methods to guarantee sound levels are minimized in accordance with the modern injury thresholds.

Post Consent Monitoring for Marine Mammals

In relation to the applicant's proposed post-consent marine mammal monitoring plan, it is advised that the MMO and PAM need to be independent and dedicated, and engaged solely in effectively monitoring the relevant mitigation zones to avoid observer fatigue. Given the importance of these waters for Harbour porpoise, and the sensitivity of this species, it is recommended that the monitoring plan would specify that the dedicated MMO and PAM monitoring remain on continuous watch.

Regulation 54 Derogation

Given the potential for underwater noise and vessel presence during proposed activities to cause localized disturbance to Annex IV cetacean species, a Regulation 54 Derogation may be required. https://www.npws.ie/sites/default/files/files/Applications-for-Regulation-54-Derogations-for-Annex-IV-species-Guidance-for-Applicants-V2.pdf

Consent Conditions

If granted, permit conditions may include, but are not restricted to, the following requirements:

- **Seasonal Restrictions**: Strict operational closures to protect vulnerable overwintering bird populations.
- **Acoustic Management**: Mandated ADD tailoring, ADD disturbance assessments, and formal verification/validation of active Noise Abatement Systems.
- **Marine Mammal Monitoring**: Enforcement of an independent and dedicated MMO and PAM protocol on continuous watch, with a strict prohibition on sole reliance on PAM for mitigation zones.

Underwater Archaeology

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 in Ireland and its territorial waters. The Department advises, through the planning process, on how best to achieve this.

Recommendations

In light of the below observations, the following recommendations of the Department 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 underwater cultural heritage.

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

1. Project Archaeologist

A suitably qualified and experienced marine 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) Geophysical surveys shall be carried out in advance of all geotechnical works to ensure all identified/potential impacts on underwater cultural heritage are avoided. Geophysical survey of all areas where geotechnical works are proposed is required.

b) 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 approval to the Department.

c) At a minimum, geophysical surveys shall include side scan, sonar, magnetometer and mutibeam 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, submerged palaeolandscapes and other underwater archaeological features and areas of potential within the MUL area.

d) 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).

3. Underwater Archaeological Impact Assessment (Geotechnical Works)

An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the Department 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 marine 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 have been completed, the results shall be compiled into a final UAIA report and submitted to the Department 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 Department) 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 Department in regard to any subsequent recommendations that may issue. No geotechnical works shall be undertaken until approval from the Department in writing to proceed 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, where warranted, to geoarchaeological analysis, scientific dating and palaeoenvironmental analysis. The Department 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 Department.

Observations on Licence Application MUL260051

It is noted that the applicant seeks a MUL to undertake a programme of offshore site investigation works at the proposed Oriel offshore wind development area, located off Dundalk Bay, Co. Louth. Proposed investigations include geophysical, geotechnical and environmental marine surveys within the offshore wind farm array area and offshore cable corridor. The works are required to inform detailed foundation design, turbine and offshore substation siting, and cable routing. The application includes multibeam echosounder, side scan sonar, magnetometer, sub bottom profiling (single and multi-source), ultra high-resolution seismic, rotary core boreholes, cone penetration tests, vibrocores/gravity cores, and associated vessel activity.

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 MUL application area contains protected wrecks whose locations have been identified, and these are mapped on the National Monuments Service's Wreck Viewer. The WIID is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100 years old are protected by Section 3 of the National Monuments (Amendment) Act, 1987. Over 18,000 wrecks have been recorded to date in the WIID, 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 WIID 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. 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, 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 also be 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

[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

and the potential for such assets to be discovered during development or activity.' (National Marine Planning Framework, 89).

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

You are requested to send any further communications to this Department's Development Applications Unit (DAU) fem.dau@npws.gov.ie, or to the following address:

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Is mise, le meas



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