



Licence Ref: LIC230014MA  
(Please quote in all related correspondence)

28<sup>th</sup> November 2025

Maritime Area Regulatory Authority  
2<sup>nd</sup> Floor  
Menapia House  
Drinagh Business Park  
Drinagh  
Wexford  
Y35RF29

Via email: [licence@mara.gov.ie](mailto:licence@mara.gov.ie)

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

**Re: Maritime usage licence application for proposed amendments which involve additional Marine Site Investigation works in two extra areas to those licenced in MUL (LIC230014)**

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I refer to correspondence received in connection with the above. Outlined below are heritage related observations/recommendations of the Department co-ordinated by the Development Applications Unit under the stated heading(s).

**Nature Conservation**

It is noted that the proposed works are temporary, small-scale, and reversible, and no permanent structures are proposed. On the basis of the information presented and subject to the full and effective implementation of the mitigation measures outlined within the NIS, NPWS is satisfied that the proposed additional marine SI works will not adversely affect the integrity of the Lower River Shannon SAC or the River Shannon and River Fergus Estuaries SPA, alone or in combination with other plans or projects, in view of their conservation objectives. NPWS recommends that all mitigating measures outlined in the NIS are implemented in full.

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



### **Underwater Archaeology**

The National Monuments Service of the Department of Housing, Local Government and Heritage have reviewed the MUL application documents. The National Monuments Service statutory regulatory role, on behalf of the Minister for Housing, Local Government and Heritage, is the protection and preservation of archaeological heritage, including underwater cultural heritage (UCH), in Ireland and its territorial waters. The National Monuments Service advises, through the planning process, on how best to achieve this.

### **National Monuments Service Recommendations**

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

**CONDITIONS:** It is recommended that the following CONDITIONS are attached to the Maritime Usage Licence under the Maritime Area Planning Act 2021, should the MUL (amendments) be granted:

#### **1. Project Archaeologist**

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

#### **2. Geophysical Surveys**

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

#### **3. Underwater Archaeological Impact Assessment (Geotechnical Works)**



An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the National Monuments Service for review and approval at least four weeks prior to the geotechnical works taking place. The UAIA shall augment any previous screening/desk study assessment(s) and shall include the following:

- a. Results of geophysical survey data sets assessment and archaeological interpretation by a suitably qualified and experienced maritime archaeologist, to ensure that any proposed geotechnical works do not negatively impact on locations where there is known or potential underwater cultural heritage.
- b. Results of archaeological intertidal assessment by way of walkover and drone survey and licenced metal detection survey, of all areas proposed for SI works in the foreshore/intertidal area. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for foreshore/intertidal survey.
- c. Once all geophysical and intertidal surveys and archaeological interpretations have been completed, the full information shall be compiled into a final UAIA report and submitted to the National Monuments Service for review and approval, prior to undertaking any geotechnical works. The UAIA Report shall contain a detailed Archaeological Impact Statement that addresses all identified or potential impacts on underwater cultural heritage and also makes recommendations on measures to avoid (through the institution of Archaeological Exclusion Zones) or, where necessary, mitigate (by archaeological dive surveys/archaeological test excavations/archaeological geophysical surveys/archaeological monitoring/preservation by record or any other means as recommended by the National Monuments Service) all potential/identified significant effects on underwater cultural heritage. The Developer shall be prepared to be advised by the National Monuments Service in this regard or in regard to any subsequent recommendations that may issue. No geotechnical works shall be undertaken until approval in writing from the National Monuments Service has been received by the Developer.

#### **4. Archaeological Assessment Geotechnical Works**

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

#### **5. Protocol For Archaeological Discoveries**

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

#### **Observations on LIC230014MA application**



The Maritime usage licence application includes for proposed amendments which involve additional Marine Site Investigation works in two extra areas to those licenced in MUL (LIC230014), resulting in an increase in the footprint of the licensed works. It is intended to perform both geophysical and geotechnical marine-based site investigations and grab samples to inform the option appraisal and design of the deepwater quay and improved mooring facilities at the existing Foynes Yacht Club, south of Foynes Island as part of possible community gain for the main project.

#### **National Monuments Service Wreck Inventory of Ireland Database (WIID)**

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), previously identified palaeolandscape deposits and Recorded Monuments. The WIID is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the marine area under consideration here.

#### **Statutory Protection Underwater Cultural 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, 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 (RMP), established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1994 also contains entries for archaeological monuments that are afforded statutory protections within the environs of the proposed survey areas.

The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, see section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature



of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

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

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

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

You are requested to send any further communications to this Department’s Development Applications Unit (DAU) at [FEM.dau@npws.gov.ie](mailto:FEM.dau@npws.gov.ie), or to the following address:

The Manager  
Development Applications Unit (DAU)  
Government Offices  
Newtown Road  
Wexford  
Y35 AP90

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

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



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Simon Dolan  
Development Applications Unit  
Administration