

From: Housing Fem Dau
Sent: Monday 24 February 2025 15:02
To: MARA Licence
Subject: MUL230024 Maritime Usage Licence at a landfall at Ballyloughane County Galway traversing the Irish Maritime Area to the south west of Ireland.

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Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit of the Department of Housing, Local Government and Heritage under the stated headings.

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Underwater Archaeology

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The Maritime Usage Licence application encompasses proposed geophysical survey and site investigations for a proposed Marine Survey and Site Investigations for a cable route for the PISCES subsea telecoms cable system from a landfall at Ballyloughane County Galway traversing the Irish Maritime Area to the south west of Ireland. The application is accompanied by an Underwater Archaeological Impact Assessment (UAIA) report (Mizen Archaeology, December 2023). The report contains an overview of recorded terrestrial and underwater archaeological and cultural heritage assets within the Application Area and concludes that 'there is a high potential for archaeological remains for the general area of the cable corridor. Immediately onshore are RMPs and RPS sites which are sited to ensure control of the harbour and a focus on the sea. New discoveries on the foreshore at Ballyloughan in recent times following survey for storm damage also provides tangible evidence for archaeological features. The shipwreck records held by the National Monuments Service are voluminous for the coast of Galway; there are 51 wrecks with known locations listed within c. 5 kilometres of the proposed cable route survey corridor, with six wrecks within the corridor'. 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. Underwater Cultural Heritage also encompasses a broad range of marine heritage, including submerged palaeolandscapes, the protection of which is provided for in legal codes. The Wreck Inventory of Ireland Database (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. Archaeological monuments that are underwater and/or in the intertidal zone are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. 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 also the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

The draft *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 unable to contribute to the protection of the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference, avoid, minimise, or mitigate harm to the significance of heritage assets. If it is not possible, to avoid, minimise or mitigate harm, then the public benefits for proceeding with the proposal must outweigh the harm to the significance of the heritage assets. 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).

In light of the above, the following requirements of the National Monuments Service of the Department of Housing, Local Government and Heritage are provided to assist MARA (and the project proponents) to align the project with statutory obligations and policy objectives for the protection of the State’s underwater cultural heritage. The Department recommend the following conditions be attached to the Maritime Usage Licence under the Maritime Area Planning Act 2021 should it be granted:

1. All recommendations and mitigation measures in relation to archaeology and cultural heritage as set out in the Underwater Archaeological Impact Assessment report shall be implemented in full, except as may otherwise be required and as outlined below in order to comply with the conditions of this Order. Compliance with this condition shall require a formal statement in writing from the National Monuments Service to the Marine Area Regulatory Authority that all mitigation measures have been implemented and approved.
2. A suitably qualified and experienced Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, site investigation activities and maintenance.
3. To ensure all potential significant effects on underwater cultural heritage are avoided, geophysical surveys shall be carried out in advance of all geotechnical works. Geophysical surveys of all areas where geotechnical works are proposed shall be undertaken; at a minimum geophysical surveys

shall include side scan sonar, sub bottom profiler, magnetometer and multibeam echo sounder. The project archaeologist shall advise on targeting and specifications 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.

All 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 National Monuments Service. Please note that approvals take a minimum of three-four weeks to issue. 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). All archaeological diving shall comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019. Once all geophysical 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 the undertaking of any geotechnical works. The UAIA report shall contain a detailed Archaeological Impact Statement that addresses all identified or potential significant effects on underwater cultural heritage from the proposed geotechnical investigations. The report shall also make 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. Compliance with this condition requires a formal statement in writing approving the UAIA report, from the National Monuments Service to the Marine Area Regulatory Authority.

4. 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 potential submerged palaeolandscape deposits or other anthropogenic materials, or materials of geoarchaeological interest are identified, they shall be subject to geoarchaeological and palaeoenvironmental analysis and scientific dating, in agreement with the National Monuments Service and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the National Monuments Service shall be furnished with a final archaeological report describing the results of the works. Compliance with this condition requires a formal statement in writing, from the National Monuments Service to the Marine Area Regulatory Authority approving the geoarchaeological report.
5. 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.

Nature Conservation

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The proposed works to facilitate the fibre optic cable lay between Galway, Ireland and Iceland has been evaluated by a Natura Impact Statement. The conclusion of the Natura Impact Statement document is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity. The Department of Housing, Local Government and Heritage concur with this conclusion provided the stated mitigation is undertaken.

Warm regards,

Amy Thornton
Clerical Officer

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Aonad na nIarratas ar Fhorbairt
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[1] <https://www.npf.ie/wp-content/uploads/Draft-First-Revision-to-the-National-Planning-Framework-July-2024.pdf>

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