



**Licence Ref:** MUL230026

(Please quote in all related correspondence)

24 February 2026

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

**Re:** Maritime usage licence application to undertake maintenance dredging within Wicklow Port.

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I refer to correspondence on 27 January 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.

### **Underwater Archaeology**

The application documents, including the submitted desk-study Underwater Archaeological Impact Assessment (UAIA) report *Underwater Archaeology Impact Assessment for Maintenance Dredging in Wicklow Harbour* (Archaeological Management Solutions, February 2024), have been reviewed by the National Monuments Service of the Department of Housing, Local Government and Heritage. It is noted that the the 'desk-top study has confirmed that there is one (1) known recorded wreck (W11326) within the proposed dredging areas, although this is likely to relate to the remains of the Schooner Sarah



purported to be located underneath a boulder breakwater adjacent to the South Quay outside the dredge area. There is a further one (1) known recorded wreck for which there is locational information from the Wreck Viewer/Wreck Inventory of Ireland Database (WIID) identified within 500 metres of the proposed dredging areas, while the UK Hydrographic Office database lists one (1) wreck or obstruction in the same area. The WIID records a further 25 wrecks with Wicklow Harbour, Wicklow, Wicklow Town or the Black Castle as a recorded place of loss, with no specific locational information'. Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation that protects 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. It is the overarching policy of this Department, as outlined in the document *Frameworks and Principles for the Protection of the Archaeological Heritage*, to preserve in situ archaeological materials, including those found underwater and, if identified they may require the institution of exclusion zones and buffers to facilitate their protection in the course of the proposed works. In addition, the proposed dredge area is situated proximal to the Recorded Monuments WI025-012---- Historic Town and WI025-013---- castle-Anglo Norman Masonry Castle, as defined in the Record of Monuments and Places. These monuments are subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930-2014. WI025-013---- castle-Anglo Norman Masonry Castle is subject to a preservation order made under the National Monuments Acts 1930 to 2014 (PO no. 113/1940).

The UAIA notes that 'There is one potential direct impact arising from the proposed maintenance dredging predicted on the recorded location of W11326, as recorded on the Wreck Viewer/WIID. The remains of the Schooner Sarah are believed to be covered by boulders on the south quay outside the dredge area, and it is possible that this wreck represents the loss recorded as W11326. Although this cannot be confirmed at present, in keeping with the precautionary principle, a potential direct impact on archaeological material must be considered until evidence proves to the contrary. The magnitude is considered to be medium (if wreck material is located in the dredge area in the vicinity of W11326) and the significance of effect is moderate'.

National heritage policy, as set out in *Frameworks and Principles for the Protection of the Archaeological Heritage* states 'there should always be a presumption in favour of avoiding developmental impacts on the archaeological heritage' and, given the archaeological sensitivity of the application area, this core principle should be proactively enshrined within the design process. 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).

The National Monuments Service concur with the recommendations for mitigation as set out in Section 6 of the submitted UAIA report *Underwater Archaeology Impact Assessment for Maintenance Dredging in Wicklow Harbour* (Archaeological Management Solutions, February 2024) and the following recommendations of the National Monuments Service are provided to assist the Maritime Area Regulatory Authority to ensure the proposed works, should they receive consent, 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:

#### **UAIA Mitigation**

1. All recommendations and mitigation measures in relation to underwater and terrestrial archaeology as set out in the report *Underwater Archaeology Impact Assessment for Maintenance Dredging in Wicklow Harbour* (Archaeological Management Solutions, February 2024) shall be implemented in full.

#### **Project Archaeologist**

2. A Project Archaeologist shall be appointed to oversee and advise on all archaeological aspects of the Project, including detailed design, construction activities and maintenance.

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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>



### **Archaeological Exclusion Zones**

3. All shipwrecks/vessels protected by the National Monuments Acts 1930-2014 within the MUL licence area, including the recorded location of W11326, regardless of whether they have been located or not, and geophysical survey anomalies of archaeological potential, shall be protected by the implementation of Archaeological Exclusion Zones. No construction activities shall be permitted within any Archaeological Exclusion Zones until formally agreed in writing with the National Monuments Service.

### **Archaeological Monitoring (Underwater)**

4. Archaeological monitoring shall be undertaken as follows:
  - a. The services of a suitably qualified and experienced, to the satisfaction of the National Monuments Service, maritime archaeologist shall be engaged to carry out full-time onboard archaeological monitoring of all construction activities that impact on the intertidal/foreshore, seabed and/or on areas of potential for underwater cultural heritage.
  - b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the National Monuments Service, maritime archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
  - c. A Finds Retrieval Strategy shall be implemented and agreed with the National Monuments Service, as part of the archaeological licence application. This shall include for the systematic spreading of all dredge material at a suitable repository to facilitate hand-searching and metal detection for finds retrieval to be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). Where submerged paleolandscape deposits are identified they shall be subject to systematic sampling for, where warranted, further paleoenvironmental and geoarchaeological analysis. All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. The Finds Retrieval Strategy shall address the likely post-excavation requirements for finds from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project. Post-excavation analysis shall form part of the ongoing archaeological works on site, informed by a post-excavation strategy included in the methodology as submitted by the licence-eligible archaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound.



- d.** Sufficient, suitably experienced and qualified, to the satisfaction of the National Monuments Service, maritime archaeologists shall be in place to ensure continuous archaeological monitoring works, including 24-hour onboard archaeological monitoring of construction activities, as required. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licensed (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licensed (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.
- e.** In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates onboard direct archaeological monitoring of all construction activities that impact on the seabed/intertidal zone and/or on underwater cultural heritage, and provides the former with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.
- f.** Should suspected/verified underwater cultural heritage materials, including wrecks, paleolandscape materials, archaeological features or sites and/or archaeological objects, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the National Monuments Service and other statutory authorities, as required.
- g.** The Developer shall undertake any ensuing mitigating action as is required by the National Monuments Service. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ by the institution of permanent Archaeological Exclusion Zones. Mitigation may also include underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys (geophysical, remotely operated vehicle), underwater



archaeological test-excavations, underwater archaeological excavations ('preservation by record'), stabilisation works and/or archaeological monitoring, or any combination of the above or any other mitigation measures as may be recommended by the National Monuments Service. No construction activities shall recommence within the Archaeological Exclusion Zone until formally agreed in writing with the National Monuments Service. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the National Monuments Service. All resulting and associated archaeological costs shall be borne by the Developer.

- h.** The Consenting Authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, paleoenvironmental analysis, geoarchaeological analysis and conservation of archaeological objects, as required by the National Monuments Service and the National Museum of Ireland, with all resulting and associated archaeological costs to be borne by the Developer.

#### **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.

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](mailto:fem.dau@npws.gov.ie), or to the following address:

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