



Licence Ref: MUL230038

(Please quote in all related correspondence)

12 November 2025

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

Via: licence@mara.gov.ie

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

Re: Maritime usage licence application for marine surveys within Ballyness Bay, Falcarragh to inform the outfall discharge location for a proposed upgrade to Falcarragh Water Treatment Plant (WWTP) Co. Donegal.

A chara

I refer to correspondence on 13 October 2025 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 National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage notes the proposed works are temporary, non-invasive data-collection surveys to inform hydrodynamic and water-quality modelling for the future design of the Falcarragh WWTP outfall. The proposal includes meteorological, tidal, and current monitoring, LiDAR and MBES bathymetric mapping, and dye-dispersion surveys using Rhodamine WT. No cumulative or in-combination effects are anticipated. The National Parks and Wildlife Service recommends the following conditions are attached to the consent:



1. Retrieval of all equipment upon completion of surveys.
2. Compliance with Marine Mammal Observer protocol during any vessel-based work as appropriate.
3. Adherence to MARPOL requirements and pollution prevention procedures.

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 Maritime Usage Licence (MUL) application documents, including further information submissions. 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 (UCH), in Ireland and its territorial waters. The National Monuments Service advises, through the planning process, on how best to achieve this.

In light of the below observations, the following recommendations of the National Monuments Service are provided to assist the Maritime Area Regulatory Authority (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.

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

1. Underwater Archaeological Impact Assessment (UAIA):
 - a. To ensure all potential significant effects on UCH are identified in order to ensure they can be avoided.
 - b. The UAIA to be carried out by a suitably qualified and experienced underwater archaeologist, under licence as approved by the National Monuments Service.



- c.** On completion, a UAIA Report with defined recommendations shall be submitted to the National Monuments Service for review and further consideration/recommendations prior to the commencement of any Survey Project works.
- 2.** The UAIA shall include the results of the following:

 - a)** A Desk Based Assessment that addresses the recorded and potential underwater cultural heritage (including historic wrecks, archaeological objects underwater and on land, archaeological monuments included in the Record of Monuments and Places and the Sites and Monuments Record, maritime built heritage structures and submerged palaeolandscapes, where relevant) of the MUL application area, to include a full inventory and mapping of all identified sites.
 - b)** Archaeological review of geophysical survey results. 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 of the Department of Housing, Local Government and Heritage. Please note that approvals take a minimum of three-four weeks to issue.
 - c)** An Archaeological Impact Statement that addresses all and any likely significant effects on identified and/or potential UCH from the proposed project, including the precise locations of all instruments that have the potential to impact on the seabed/areas of known/potential underwater cultural heritage.
 - d)** Include clear mapped overviews of the proposed location of moorings, etc., relevant to known and potential areas of UCH.
 - e)** Recommendations on measures to avoid any direct or indirect likely significant effects on identified and potential underwater cultural heritage. This may include suggested exclusion zones.
 - f)** Where required, underwater archaeological dive inspections to inform on the proposed locations of mooring blocks, etc. relevant to known or potential UCH.
 - g)** Where identified impacts are unavoidable, a mitigation strategy shall be included as recommended results of the UAIA.



3. The MUL Licensee 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 works shall be undertaken until formal approval to proceed has been received by the MUL Licensee in writing from the National Monuments Service.
4. A Protocol for Archaeological Discoveries shall be agreed at least four weeks in advance of the commencement of all project works with the National Monuments Service.

Observations on MUL2300338 application

The Maritime Usage Licence application encompasses proposed survey works to support the development of hydrodynamic and dye tracing surveys within Ballyness Bay, Co Donegal to inform the outfall discharge location for a proposed upgrade to Falcarragh WWTP. Bed mounted current meters will be deployed including near-bed Temperature and Salinity sensors. Tide gauges will be installed, attached to an existing fixed structure where possible. If a tide gauge does need to be placed on the bed it will be placed in a housing that is weighted or anchored. Water quality sampling will be completed by equipment mounted on buoys or via a remotely controlled boat access (ARCBoat). An automatic sampler may be deployed to collect water samples or samples may be taken manually depending on available access. No permanent works, survey equipment will be in place for a temporary period only, removed after completion of the survey.

It is noted that the MUL application area includes and is proximal to a significant assemblage of protected wrecks, (e.g. the steamship W07653), archaeological objects underwater, recorded monuments and maritime built heritage.

The Wreck Inventory of Ireland Database 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.

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.

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 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.

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 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:

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>



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