



Licence Ref: MUL240012

(Please quote in all related correspondence)

11 November 2025

Maritime Area Regulatory Authority
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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 the proposed works that will gather information on water currents, bathymetry and ancillary data on temperature, conductivity and salinity within Donegal Bay, Sligo Bay and their adjoining waters.

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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 a strategic modelling study of water currents within Donegal Bay, Sligo Bay, Killala Bay and their adjoining waters. The proposal includes tidal and current monitoring, LiDAR and SB/MBES for bathymetric mapping. No cumulative or in-combination effects are anticipated. The National Parks and Wildlife Service recommends the following conditions are attached to the consent:



- Retrieval of all equipment upon completion of surveys.
- Compliance with Marine Mammal Observer protocol during any vessel-based work as appropriate.
- 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 applicant currently holds a Foreshore Licence (FS007553) for the deployment of up to twenty-three (23) fixed ADCPs. However, it did not include the proposed vessel-based ADCP monitoring, bathymetry of intertidal areas and deployment of tidal gauges. Therefore, the applicant is applying for a Maritime Usage Licence (MUL) to cover the rest of the works. The proposed works to be covered under this MUL are deployment of a maximum of thirteen (13) vessel mounted ADCPs; conductivity, temperature and depth (CTD) measurements; bathymetric surveys of the intertidal areas using either single-beam, multibeam and LiDAR, or a combination of these technologies; deployment of tidal gauges.

It is noted that the MUL application area includes and is proximal to a significant assemblage of protected wrecks, including the internationally significant Armada wrecks (La Lavia, La Juliana, and the Santa Maria de Visón) at Streedagh, Co Sligo, which have been the subject of extensive archaeological research, 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. 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 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’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

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>



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 observations, the following recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage 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 Underwater Cultural Heritage (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. 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. 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.
- 3.** The Licensee shall consult with the National Monuments Service at least eight weeks prior to any proposed surveys or other works at Streedagh, Co. Sligo.
- 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.

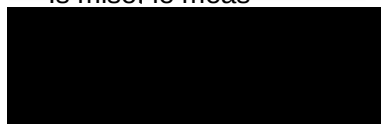


Should you require any further information or clarification on any of the above submission please do not hesitate to contact this Department

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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