



Licence Ref: **LIC230007MA**
(Please quote in all related correspondence)

24th February 2026

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

Via email: licence@mara.gov.ie

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

Re: The proposed material amendment to LIC230007 consists of an extension of the granted licence area, with a total addition of 3,775.390m² to the granted licence area of 36,914.81m² which would create a total amended licence area of 40,670.203m². The extension of the granted licence area would extend south into the River Dodder, spanning from one side of the river to the other. It is intended to drill 4 additional marine boreholes in the riverbed of the River Dodder.

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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).

Underwater Archaeology

The proposed SI's include geophysical surveys, structural inspections, in-river and terrestrial boreholes, trenching and sampling. It is noted that the application area is situated proximal to a number of Recorded Monuments that are subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930-2014. Furthermore, the proposed development area is proximal to previously excavated submerged prehistoric sites and the Wreck Inventory of Ireland Database (WIID) contains numerous entries for losses in its environs. It is therefore possible that the proposed development area contains wrecks or elements of lost vessels, including archaeological objects, and submerged palaeolandscape materials and archaeological sites which have not been previously undocumented. 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. Over 18,000 wrecks have been recorded to date in the WIID, 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 1700AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the area under consideration here.

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 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 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).

Recommendations

In light of the above observations, the following recommendations of the Department of Housing, Local Government and Heritage are provided to assist MARA to ensure the proposed marine surveys and geotechnical investigations, should they receive consent, will align with statutory obligations and policy objectives for the protection of the State’s underwater cultural heritage.

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 be granted:

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>



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. The project archaeologist shall advise on targeting of surveys for identification of previously recorded and potential wreck locations, archaeological objects underwater, recorded monuments, submerged 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 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 Department of Housing, Local Government and Heritage 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 Department of Housing, Local Government and Heritage 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. Where submerged palaeolandscape deposits are identified/suspected the report shall recommend a strategy for their further investigation by way of targeted geotechnical and geoarchaeological investigation. The Developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage 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 Department of Housing, Local Government and Heritage 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, where warranted, geoarchaeological review by a qualified geoarchaeologist. Where suitable samples are identified, for example of potential submerged palaeolandscape deposits, they shall be subject to geoarchaeological analysis, scientific dating and palaeoenvironmental analysis. The Department of Housing, Local Government and Heritage 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.

Nature Conservation

The Department has reviewed the Natura Impact Statement (NIS) submitted in support of the Maritime Usage Licence application for ground investigation works and environmental surveys associated with the proposed Point Bridge and Tom Clarke Bridge Widening Project.

The Department notes that the NIS concludes that, in the absence of mitigation, adverse effects on the integrity of European sites could not be excluded. The NIS therefore prescribes a suite of specific mitigation measures, particularly in relation to the management of underwater noise during in-river works. The Department considers that these measures are clearly described, technically feasible, and capable of being implemented and enforced through the conditions of a Maritime Usage Licence. It is recommended that this mitigation is attached as a condition of consent if appropriate.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at 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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A handwritten signature in purple ink, appearing to read "Simon Debn.", is written over a horizontal line.

Development Applications Unit
Administration