



Licence Ref: MUL250020

(Please quote in all related correspondence)

8 January 2026

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. The proposed Maritime Usage is part of a long-established programme of maintenance dredging in this area, which has been carried out periodically since the completion of Cappagh Pier in the mid 19th century. The proposed Maritime Usage is located within the approach channel to Kilrush Marina, situated on the northern shore of the Lower Shannon Estuary in County Clare, approximately 1 kilometre south of Kilrush town centre. The dredging area is closest to land (0.05 kilometres) beyond the lock gates of Kilrush Marina, within transitional waters of the Shannon Estuary.

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I refer to correspondence on 8 December 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 proposed project proposes the periodic maintenance plough dredging of the established marina access channel of Kilrush Marina, with disposal of dredged material at a licensed



offshore disposal site, over an eight-year licence period with up to five dredging campaigns. The works are located within, and hydrologically connected to, the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), with additional European sites considered within the wider zone of influence.

On the basis of the information provided, and subject to the mitigation measures being clearly specified, enforceable and fully implemented, the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage supports the conclusion of the Natura Impact Statement that the project will not adversely affect the integrity of any European site, alone or in combination with other plans or projects.

Underwater Archaeology

The Department refer to your consultation received in relation to the above, which has been reviewed by the National Monuments Service of the Department of Housing, Local Government and Heritage. The applicant proposes to undertake maintenance dredging of the fairway to Kilrush Marina, Co. Clare and the works involve plough dredging of approximately 4.77 hectares of the marina approach channel, removing an estimated 8,000 metric tonnes of sediment per campaign to restore safe navigational depths. The licence is sought for a period of eight years, allowing for five maintenance campaigns (c. 40,000 tonnes total) at roughly two-year intervals. The project is described as part of a long-established maintenance regime necessary to ensure continued safe access for vessels using Kilrush Marina and the inner harbour.

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 Wreck Inventory of Ireland Database (WIID) contains numerous entries for losses in the Shannon estuary in the environs of Kilrush and it is therefore possible that the proposed development area contains wrecks or elements of lost vessels, including archaeological objects, which have been previously undocumented. One located wreck (WIID Ref. W10604) is included on the Wreck Viewer. 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 also be 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).

In light of the above and in the absence of any archaeological assessment of the maintenance dredging campaigns it is recommended that an Underwater Archaeological Impact Assessment (UAIA) of the proposed works be compiled and submitted to this Department for review and approval prior to any development or dredging works commencing. The UAIA should be carried out at the earliest possible stage to facilitate the embedding of any recommended further mitigation within the detailed design for the project, as necessary, in order to ensure the preservation in-situ of any identified underwater cultural

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>



heritage and to develop an informed archaeological strategy to be implemented in agreement with the National Monuments Service.

Archaeological Recommendations:

Underwater Archaeological Impact Assessment

1. The developer shall commission an UAIA report which shall include the following:
 - a. A desktop assessment that addresses the underwater cultural heritage (including wrecks, archaeological objects, archaeological, built, vernacular, maritime heritage) of the proposed development area, its marine and intertidal context. The assessment shall include a full inventory, mapping and survey (photographic, descriptive, photogrammetric, as appropriate) of underwater cultural heritage features and structures identified by fieldwork, cartographic analysis, historical research and prior archaeological investigations.
 - b. The UAIA shall include a licensed dive/wade/intertidal survey, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where works are proposed within or immediately proximal to the proposed development area, including the proposed locations of enabling works and machinery movements that may affect the marine/intertidal environment. The dive assessment and metal detection survey shall be undertaken by a suitably licensed and experienced underwater archaeologist. All identified underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A Dive/Survey licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the dive/wade survey and metal detection, respectively. Licenses should be applied for to the National Monuments Service and should be accompanied by a detailed method statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence applications and method statement.
 - c. Having completed the above-described works, the archaeologist shall submit a final report to the National Monuments Service describing the results of the UAIA. The report shall include a comprehensive Archaeological Impact Statement (AIS) that comments on the degree to which the extent, location and levels of all proposed works (including seabed disturbances, machinery movements) required for the development may impact upon identified and potential underwater cultural heritage, archaeological materials, archaeological objects and/or areas of archaeological potential. The AIS shall describe the potential impact(s) of all proposed marine development, access and ingress routes,



and shall also assess any proposed additional potential secondary/indirect impacts such as scouring resulting from changes in hydrology. The AIS shall be illustrated with appropriate plans, sections and photographs that clearly describe any adverse effect(s) of the development on the underwater cultural heritage and proposals for their mitigation. Mitigation may include recommendations for redesign to allow for full or partial preservation in situ, the institution of archaeological exclusion zones, further wade/dive surveys, test-excavations, excavations ('preservation by record') and/or monitoring, as deemed appropriate. The National Monuments Service will advise with regard to these matters. No construction works shall commence until after the UAIA has been submitted and approved by the National Monuments Service. All recommendations will require the agreement of 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

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