



Licence Ref: **MUL260006**  
(Please quote in all related correspondence)

8<sup>th</sup> April 2026

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Via email: [licence@mara.gov.ie](mailto:licence@mara.gov.ie)

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

**Re:** Maritime usage licence application for marine and ontertidal site investigation surveys in Liscannor Bay, County Clare.

A chara

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).

### **Nature Conservation**

The Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement prepared for the proposed Maritime Usage Licence associated with the Lahinch and Ennistymon Wastewater Treatment Plant project concludes that the proposed marine and freshwater survey activities are temporary, localised and limited in scale. The surveys comprise geophysical investigations, geotechnical sampling, benthic and water quality sampling, and freshwater ecological surveys intended to gather baseline environmental data to inform the design of a new marine outfall in Liscannor Bay. The report identifies potential impact pathways including accidental pollution, underwater noise and vibration, and minor physical disturbance of the seabed; however, these effects are considered short-term, highly localised and of very limited spatial extent.

On this basis, the screening assessment determines that the proposed survey works will not give rise to likely significant effects on any European site, either alone or in combination with other plans or projects. Consequently, the report concludes that the project can be screened out at Stage 1 of the Appropriate Assessment process and that a full Stage 2 Appropriate Assessment is not required. NPWS supports this conclusion.





Archaeological monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. 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 emphasises the non-renewable nature of the archaeological heritage and the need to always consider preservation in-situ as the first option. To inform archaeological mitigation strategies that ensure preservation in situ are prioritised, appropriate levels of archaeological assessment are required in advance of development. At the design stage, pre consent/planning application, archaeological assessment, planning submission and pre construction stage mitigation is key to diminishing effects on archaeological heritage.

The *National Planning Framework*<sup>1</sup> states that ‘the protection of archaeological heritage is recognised as a core component to achieving sustainable development’ and National Policy Objective 89 is to ‘Protect, conserve and enhance the rich qualities of natural, cultural and archaeological heritage of Ireland in a manner appropriate to their cultural and environmental significance. and the *National Marine Planning Framework*<sup>2</sup> includes the s

*‘Proposals unable to contribute to the protection of the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference, avoid, minimise, or mitigate harm to the significance of heritage assets. If it is not possible, to avoid, minimise or mitigate harm, then the public benefits for proceeding with the proposal must outweigh the harm to the significance of the heritage assets. Proposals should consider the 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 the asset, including information and advice from relevant regulators 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, the following recommendations of the National Monuments Service are made to MARA to ensure the proposed marine surveys and geotechnical investigations they receive consent, will align with statutory obligations and policy objectives for the protection of the State’s underwater cultural heritage.

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

<sup>1</sup> [\[redacted\]-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>



## **1. Project Archaeologist**

A suitably qualified and experienced underwater archaeologist, with a track record in the archaeological interpretation of marine geophysical and geotechnical data, shall be appointed to oversee all archaeological aspects of the project.

## **2. Geophysical Surveys**

a. The geophysical surveys shall be carried out in advance of all geotechnical investigations to ensure all potential impacts to the underwater cultural heritage are identified and avoided.

b. All geophysical surveys shall be licenced under the National Monuments Acts 1930-2000. 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 can take three-four weeks to issue.

c. The project archaeologist shall advise on targeting of geophysical surveys to identify and avoid previously recorded and potential wreck locations, archaeological objects underwater, recorded monuments, submerged palaeolandscapes and other underwater archaeological features and areas of potential impact within the Maritime Usage Licence Area.

d. Should any dive surveys be required in connection with proposed geophysical surveys, these shall be suitably licenced (Section 3 1987 National Monuments Act) and accompanied by a licenced handheld metal detection survey (Section 2 1987 National Monuments Act).

## **3. Underwater Archaeological Impact Assessment (Geotechnical Works)**

An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the National Monuments Service for review and approval at least four weeks prior to any geotechnical works taking place. The UAIA shall augment any previous screening/desk study and shall include the following:

a. A detailed assessment of geophysical survey data-sets assessment and archaeological interpretation 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, where warranted, 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. Where 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 National Monuments Service 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 or mitigate these impacts.

d. Where necessary, through the institution of Archaeological Exclusion Zones around known or potential wrecks and other underwater cultural heritage sites and features) 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 [REDACTED] Monuments Service 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 National Monuments Service has been received by the Developer.

#### **4. [REDACTED] Assessment Geotechnical Works**

For completion of all geotechnical works, the Developer shall furnish the [REDACTED] 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 National Monuments Service shall be furnished with a [REDACTED] 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.

You [REDACTED] to send any further communications to this Department's Development Applications Unit (DAU) at [FEM.dau@npws.gov.ie](mailto:FEM.dau@npws.gov.ie), or to the following address:

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