



Licence Ref: MUL240047

(Please quote in all related correspondence)

7 August 2026

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

Via: licence@mara.gov.ie

Re: Maritime usage licence application for site investigation works to inform the design of a new RNLI jetty and berth and to inform disposal options for dredged sediment material at Courtmacsherry, Cork.

A chara

I refer to correspondence on 8 July 2026 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 application is for site investigation works associated with the RNLI Afloat Berth at Courtmacsherry. The proposed site investigations comprise marine boreholes and vibrocores within the boundaries of Courtmacsherry Estuary Special Area of Conservation (SAC) (Site Code: 001230) and Courtmacsherry Bay Special Protection Area (SPA) (Site Code: 004219) to inform the design of a future berth and associated dredging proposals. The report identifies potential impact pathways including direct disturbance to Annex I habitats, changes to water quality, underwater noise and disturbance to waterbirds. The Department agrees that the proposed investigations are not directly connected with or necessary to the management of a European site.



The proposed works are located directly within Annex I habitat qualifying interests of Courtmacsherry Estuary SAC, including Estuaries (1130) and Mudflats and sandflats not covered by seawater at low tide (1140), and within the wetland habitat supporting the Special Conservation Interests of Courtmacsherry Bay SPA. The project therefore has a clear source–pathway–receptor relationship with the qualifying interests of both European sites. While the report concludes that significant effects can be excluded at screening stage, the Department notes the following matters should be clearly demonstrated by the competent authority before adopting that conclusion:

- The assessment should demonstrate that the extent of direct disturbance from boreholes, vibrocores and vessel operations is genuinely *de minimis* when considered against the conservation objectives for the affected Annex I habitats.
- The screening determination must not rely upon operational controls, pollution prevention measures or other mitigation measures.
- The assessment should clearly explain why underwater noise, vessel movements and temporary disturbance will not result in likely significant effects on SPA bird species using the estuary, having regard to the seasonal importance of the site.
- In-combination effects should be considered with other licensed or consented marine activities within the estuary where relevant.
- Any future application for construction works, dredging or berth installation will require a separate Habitats Directive assessment and cannot rely upon conclusions reached for these investigative works.

The Department does not object to the competent authority reaching a screening determination that the proposed site investigation works alone are not likely to have a significant effect on the integrity of any European site.

Underwater Archaeology

The Marine Usage Licence (MUL) application relates to site investigation works to inform the design of a new RNLI jetty and berth and to inform disposal options for dredged sediment material. Works will generally comprise of the following:

- 3 Boreholes – Target depth 25 metres
- 12 Vibrocores – Target depth 4 metres



- In situ sampling with further testing and reporting to be undertaken off site.

It is noted that the MUL application area is proximal to:

- Archaeological monuments recorded in the Record of Monuments and Places (RMP)/Sites and Monuments Record: CO136-039----: Building and CO136-041----: Castle - unclassified. Their locations are recorded on the National Monuments Service Historic Environment Viewer.
- Historic Shipwrecks recorded in the Wreck Inventory of Ireland Database (WIID). The WIID contains records of numerous wrecking events within Courtmacsherry Bay. Those that have been precisely located, e.g. W09089 and W10712 can be viewed here: <https://www.archaeology.ie/advice-and-support/locate-a-monument-or-wreck/viewer/>
- Archaeological objects recorded in the National Museum of Ireland Topographical Files.
- Underwater cultural heritage assets, including maritime built heritage structures, fishing heritage structures and features, archaeological discoveries made from prior marine geophysical surveys, excavations and other investigations, and potential submerged palaeolandscapes.

Legal Codes and Policy Context

Archaeological monuments are afforded statutory protection in the 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, 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 and forms of archaeological assessment are required in advance of development.

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 underwater or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater Cultural Heritage also encompasses a broad range of marine heritage, the protection of which is provided for



in legal codes. The WIID 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.

The *National Planning Framework*¹ 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 built heritage of Ireland in a manner appropriate to their cultural and environmental significance. and the *National Marine Planning Framework*² includes the statement that:

‘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 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 the following recommendations of the Department are provided to assist the Maritime Area Regulatory Authority to ensure the proposed geotechnical investigations, should they receive consent, will align with statutory obligations and policy objectives for the protection of the State’s underwater cultural heritage.

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>



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

1. Project Archaeologist

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

2. Underwater Archaeological Impact Assessment (Geotechnical Works)

To ensure that any geotechnical investigations do not impact on locations where there is known or potential Underwater Cultural Heritage sites, including protected wrecks, an Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the Department for review and approval prior to such works taking place.

The UAIA shall include the following:

- a) Results of desk study and licensed archaeological dive/wade/intertidal survey and licensed metal detection survey, of all areas proposed for site investigation works in the intertidal/subtidal 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 underwater archaeological surveys and metal detection, respectively.
- b) A final UAIA report to be submitted to the Department 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 around identified/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 Department) 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 geoarchaeological investigation. The Developer shall be prepared to be advised by the Department 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 has been received by the Developer.



3. 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 shall be furnished with a final archaeological report describing the results of the works.

4. Protocol for Archaeological Discoveries

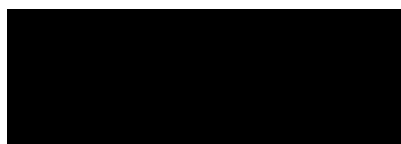
A Protocol for Archaeological Discoveries shall be agreed at least four weeks in advance of the commencement of geotechnical works with the Department.

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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Is mise, le meas



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