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## Archaeological and Cultural Heritage Impact Assessment of a Proposed Graveyard at Fethard Townland, Fethard, Co. Tipperary.



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Nenagh, Co. Tipperary.

Please note...

That the archaeological recommendations, mitigation proposals and suggested methodology followed in this report are similar to those used on previous similar projects approved by the Archaeological Planning and Licencing Unit National Monuments Service, Room G50, Custom House, Dublin 1 The National Monuments Acts 1930-2014, The Planning and Development Act 2002 (plus any amendments) and the most recent EPA guidelines were consulted. Guidelines and plans issued from time-to-time by the statutory and regulatory bodies have been consulted. These are listed in the reference section of this report (Dúchas 1999; 1999a; National Monuments Service 2006; EPA 2015; 2015a).

Every effort has been taken in the preparation and submission of this report to provide as complete an assessment as possible within the terms of the brief, and all statements and opinions are offered in good faith. However, ÆGIS cannot accept responsibility for errors of fact or opinion resulting from the data supplied by any third party, for any loss or other consequences arising from decisions made or actions taken on the basis of facts and opinions expressed in this report, (and any supplementary information), howsoever such facts and opinions may have been derived, or as the result of unknown and undiscovered sites or artefacts.

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All governmental guidance and protocol were followed in the preparation of this document.

Acknowledgements

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Cover Image

Subject site, from W.

# Contents

|   | <i>page</i> |
|---|-------------|
| I. List of Figures, Plates and Tables   | 4           |
| II. Glossary of Terms   | 5           |
| <br>  |             |
| <b>1. Scope of Study</b>  | <b>6</b>    |
| <br>  |             |
| <b>2. Method of Study</b>   | <b>7</b>    |
| <br>  |             |
| <b>3. Existing Environment</b>  | <b>9</b>    |
| 3.1 The proposed development  | 10          |
| 3.2 The site inspection   | 12          |
| <br>  |             |
| <b>4. History and Archaeology of the Site and Vicinity</b>                    | <b>14</b>   |
| 4.1 Historical and archaeological background                                  | 14          |
| 4.1.1 Archaeological monuments  | 18          |
| 4.2 Previous archaeological work in the vicinity                              | 21          |
| 4.3 Protected structures  | 22          |
| 4.4 Archaeological artefacts  | 22          |
| 4.5 Cartographic images of the subject site                                   | 22          |
| <br>  |             |
| <b>5. Impact of Proposed Development</b>                                      | <b>25</b>   |
| <br>  |             |
| <b>6. Conclusions and Suggested Mitigation</b>                                | <b>26</b>   |
| <br>  |             |
| <b>7. Non-Technical Summary</b>   | <b>28</b>   |
| <br>  |             |
| <b>8. Signing-Off Statement</b>   | <b>30</b>   |
| <br>  |             |
| <b>9. Project References</b>  | <b>31</b>   |
| <br>  |             |
| <b>Annex</b>  | <b>32</b>   |
| 1. Legislation and regulation protecting the archaeological heritage resource | 32          |

# I. List of Figures, Plates and Tables

|  |             |
|--|-------------|
| <b>FIGURES</b>   | <i>page</i> |
| 1. General site location at Fethard, Co. Tipperary (after <a href="http://www.archaeology.ie">www.archaeology.ie</a> ).          | 8           |
| 2. Site location of the outskirts of Fethard, Co. Tipperary (after <a href="http://www.archaeology.ie">www.archaeology.ie</a> ). | 8           |
| 3. Map showing location of subject site (after <a href="http://archaeology.ie">archaeology.ie</a> , North to top).               | 9           |
| 4. Map showing location of subject site.   | 10          |
| 5. Proposed site layout of burial ground.  | 10          |
| 6. Griffith's Valuation 1847-'64 map extract showing subject site.   | 17          |
| 7. Locations of recorded archaeological monuments in red in vicinity of subject site.  | 18          |
| 8. RMP map extract 1997, sheet 70, Co. Tipperary site.   | 20          |
| 9. Down Survey barony map extract showing the townland of Fethard.   | 22          |
| 10. First Edition OS (c. 1839) six-inch map.   | 23          |
| 11. 25-inch OS map (after <a href="http://www.archaeology.ie">www.archaeology.ie</a> ).  | 24          |
| 12. Aerial image of subject site (after Digital Globe, ASI).   | 24          |
| <b>PLATES</b>  |             |
| 1. Subject site, from W.   | 13          |
| 2. Existing Calvary Cemetery, from W.  | 13          |
| <b>TABLES</b>  |             |
| 1. List of recorded archaeological monuments in the vicinity of the subject site.  | 19          |
| 2. List of protected structures and NIAH registered monuments in vicinity of subject site.                                       | 21          |
| 3. Predicted impacts of the proposed development on cultural heritage.   | 25          |
| 4. Suggested archaeological mitigation measures.   | 26          |

## II. Glossary of Terms

|                          |  |
|--------------------------|--|
| ASI                      | Archaeological Survey of Ireland, a division of the DHLGH.   |
| Barony, Parish, Townland | These terms refer to land divisions in Ireland. The barony is the largest land division in a county, which is formed from a number of parishes. These parishes are in turn made up of several townlands, which are the smallest land division in the country. The origins of these divisions are believed to be in the Early Medieval/Christian period (AD500-AD1000) or may date earlier in the Iron Age (500BC-AD500).             |
| DHLGH                    | Department of Housing, Local Government and Heritage.  |
| E                        | East.  |
| EIS                      | Environmental Impact Statement.  |
| First Edition            | This relates to editions of the OS 6-inch maps for each county. The first edition map completed for the area dates to the early 1840s and this is referred to in the text as the 'First Edition'.  |
| ITM                      | Irish Transverse Mercator (grid reference type favoured by ASI).   |
| KM                       | Kilometre.   |
| M                        | Metres, all dimensions are given in metres or part of a metre, unless otherwise stated.  |
| N                        | North.   |
| NGR                      | National Grid Reference.   |
| NIAH                     | National Inventory of Architectural Heritage.  |
| NMI                      | National Museum of Ireland.  |
| NMS                      | National Monuments Service. Regulatory body and division of the DHLGH.   |
| OPW                      | Office of Public Works.  |
| OS                       | Ordnance Survey.   |
| OSI                      | Ordnance Survey of Ireland.  |
| RMP                      | Record of Monuments and Places. A paper record comprising a map and list on which archaeological sites are recorded. The sites marked afford legal protection under the National Monuments Acts 1930-2014. The record is based on the 6-inch map series for the country and is recorded on a county basis. Each archaeological monument on the RMP has a unique code known as the RMP number prefixed by TN for Tipperary North.     |
| RMP Number               | This code is the number of the site on the RMP constraint map. It begins with the county code, the 6-inch sheet number, followed by the number of the archaeological monument on that sheet.   |
| RPS                      | Record of Protected Structures.  |
| S                        | South.   |
| Sheet                    | This relates to the 6-inch map for each county, which is divided into sheets.  |
| SMR                      | Sites and Monuments Record. The precursor of the RMP, the SMR now commonly relates to the archive paper files of known archaeological monuments maintained by the Archaeological Survey of Ireland (ASI). These files are arranged according to SMR number. Much of this information is now available online at <a href="http://www.webgis.archaeology.ie/historicenvironment/">www.webgis.archaeology.ie/historicenvironment/</a> . |
| TB                       | Townland Boundary.   |
| W                        | West, or when used with a dimension, width.  |
| ZAN                      | Zone of archaeological notification (as shown on <a href="http://webgis.archaeology.ie/historicenvironment/mapping">webgis.archaeology.ie/historicenvironment/mapping</a> )  |
| ZAP                      | Zone of archaeological potential (used for historic towns)   |

# 1. Scope of Study

This report details an archaeology and cultural heritage impact assessment carried out on the subject site at Fethard townland, Clonmel, County Tipperary (desk based with site inspection). The subject site at Fethard comprises for a proposed cemetery (outlined in red in figures)

This report fulfils this requirement outlined above of an archaeological and cultural heritage impact assessment. First, the methodology employed is outlined (**section 2**). Next, the report describes the existing environment and the proposed development (**section 3**). It provides historical and archaeological background to the subject site and its immediate environs in order to provide a context to the significance of the location (**section 4**). The report then identifies predicted impacts and assesses those potential direct and indirect impact(s), if any, on the potential archaeological and cultural heritage environment of the subject site (**section 5**) and assessing the predicted impacts on the site's cultural heritage, of a proposed school development. **Section 6** concludes the report and offers mitigation measures to alleviate predicted negative impacts. These measures have been used previously in other similar projects and are outlined in national guidance documents (for example Dúchas 1999; 1999a). A non-technical summary is provided for a lay readership (**section 7**). Resources used in the compilation of the report and supporting information is provided (**section 9** and **annexes**).

This report fulfils the usual criteria of an archaeological and cultural heritage impact assessment and follows the most recent EPA guidelines on the compilation of an EIS (2015; 2015a; 2017). Pertinent guidelines published from time-to-time have also been consulted and are listed in the project references given at the back of this report. Statutory protection and policies are provided in Annex 1. The site inspection on which this report is based was carried out on 30 July 2021. The mapping in the original report (2021) was updated on 7 February 2023.

## 2. Method of Study

The following resources and methods of establishing the archaeological status of the site were used:

- The subject site was visited and inspected by a qualified archaeologist;
- A review of the planning history of the site was undertaken;
- The Record of Monuments and Places constraint maps and lists (RMP) and the sites and monuments record (SMR) were consulted;
- A wide range of local historical and archaeological records relevant to the study area were consulted, including the Ordnance Survey First Edition six-inch map (c.1840), the Ordnance Survey twenty-five-inch map and aerial views;
- All available published information was considered;
- National Inventory of Architectural Heritage and Record of Protected Structures;
- The local area plan, county development plan and other pertinent documents were consulted (listed in references section);
- Artefact records of the National Museum of Ireland were consulted;
- A review of any archaeological investigations in the vicinity was also undertaken.



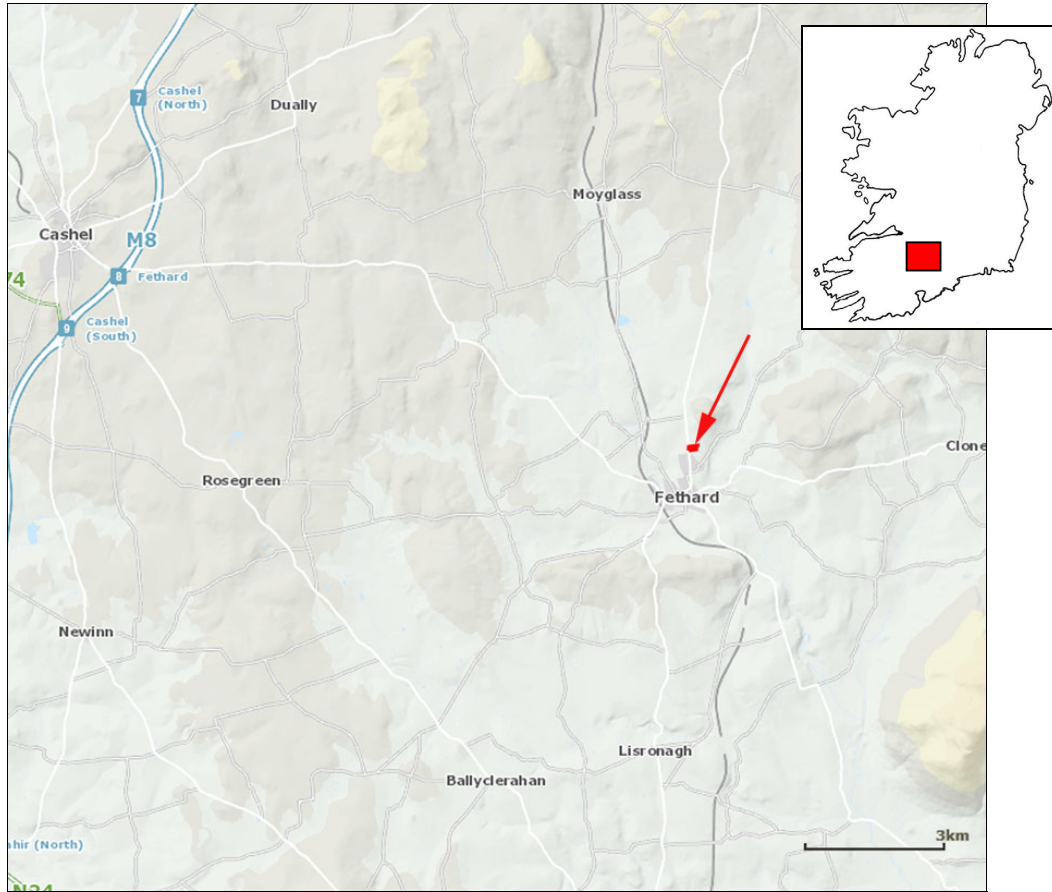


Figure 1. General site location at Fethard, Co. Tipperary (after [www.archaeology.ie](http://www.archaeology.ie)). North to top.

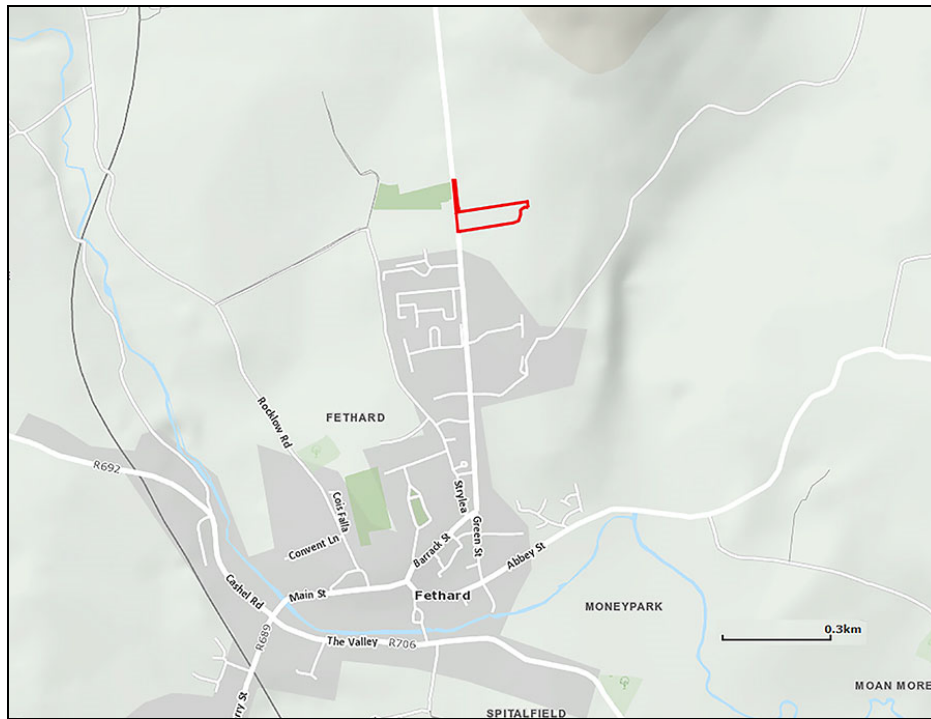


Figure 2. Site location of the outskirts of Fethard, Co. Tipperary (after [www.archaeology.ie](http://www.archaeology.ie)). North to top.



### 3. Existing Environment

The subject site is portion of a large field, currently under grass, located in Fethard townland, Fethard, Co. Tipperary (ITM 621001/636020). There are no recorded archaeological monuments or protected structures within its boundaries. The subject site does not lie within any zone of notification for any monument and does not lie within the zone of archaeological potential for the historic town of Fethard (Figs 1-3).



Figure 3. Map showing location of subject site (after archaeology.ie, North to top). Portion of subject site for proposed graveyard outlined in red.

### 3.1 Proposed development (Fig. 4-5)

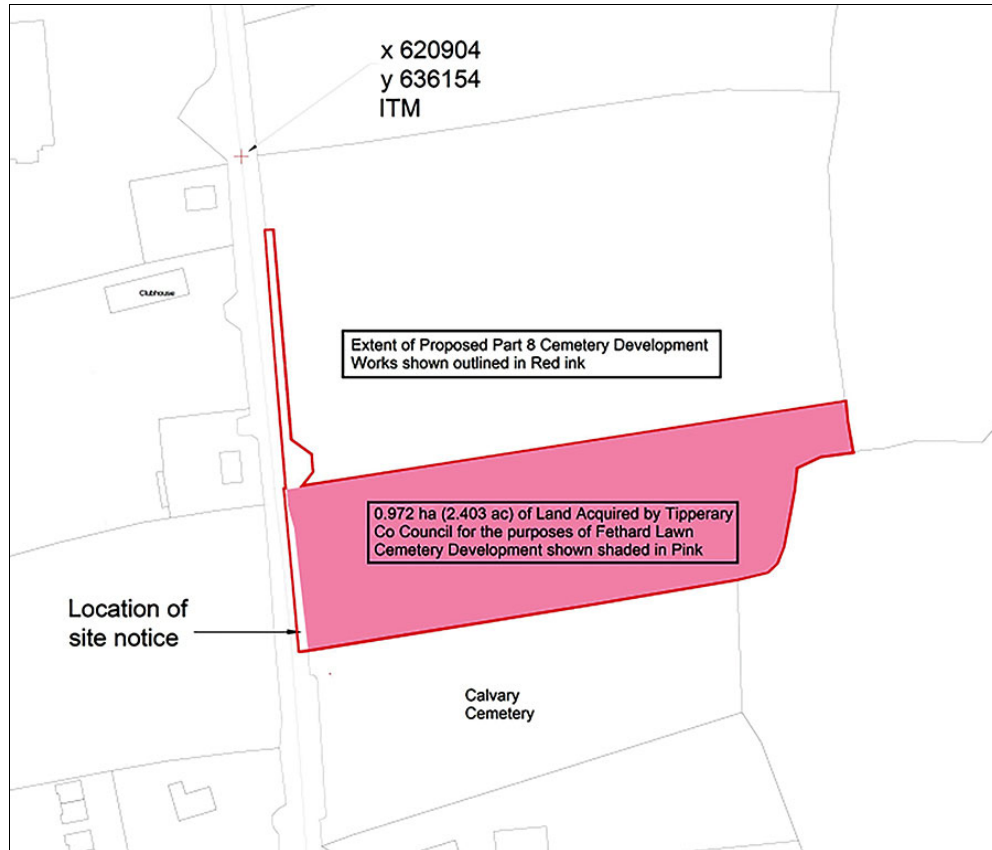


Figure 5. Location of proposed burial ground (supplied by client).

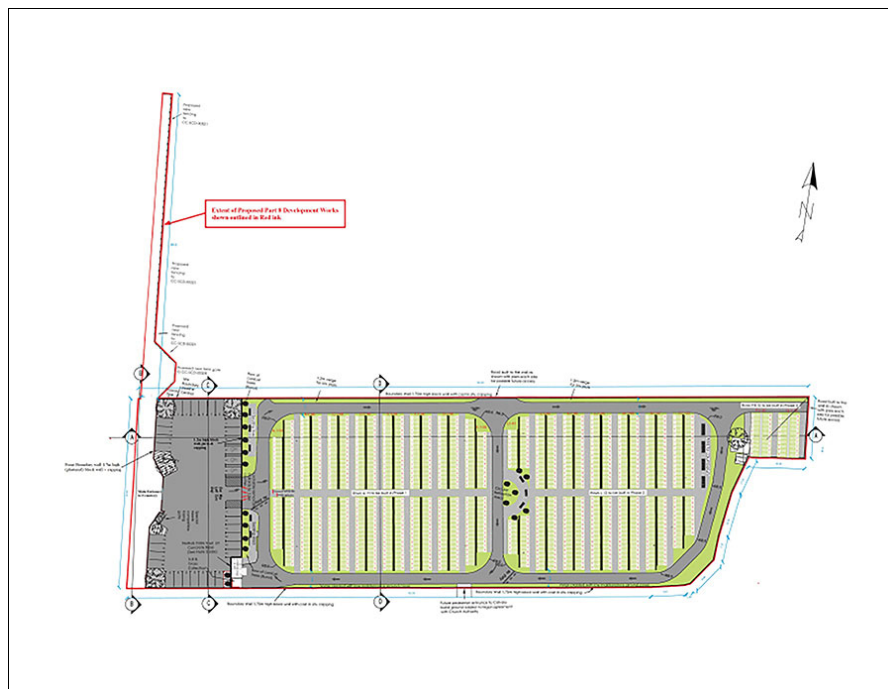


Figure 5. Proposed site layout of burial ground (supplied by client).

Tipperary County Council proposes to construct a new burial ground in Fethard to include for a total of 997 No Grave plots (2 burials per plot), provision of masonry block walls 1.7m high approx (including in-situ capping) to fully enclose the burial ground and associated car-park. 33 No Car parking spaces to the front, including 3 special needs spaces. A service area at the front of site with an area for waste soil and grass with easy access for removal by Municipal District Services. A Steeltech Utility Shed inclusive of a W.C. will be provided for caretaker use and to facilitate any exhumation process. 2 seating areas each side of car park ends, separated by a concrete panel fence and row of conical shrubs (slow grow). One circular seating area at the middle of the site. The site has been autotracked for a Daimler hearse and large pick up. The proposed works may in the future connect with the existing Calvary burial ground for vehicle/ pedestrian access however; such will be subject to first attaining prior legal agreement with the owners of Calvary (RC Church of the Holy Trinity). A 3m wide road with an 8m bend radius, for maintenance, caretaker and hearse. Removable bollards at the front to prevent public from entering in vehicles from car park. It is proposed to provide appropriate type footpaths i.e. for visually impaired & disabled, adjacent to headstone plinths to IWA agreement. The total area of the proposed burial ground, inclusive of car-park is 0.972 ha or 2.403 ac.

### 3.2 The Site Inspection (Plates 1-4)

The site was inspected by the writer on 31<sup>st</sup> March 2021. Prior to inspection all available maps and aerial photography imagery was examined. Nothing of archaeological interest was identified during this exercise.

The subject site is bounded to the west by the R689 Road, by the existing burial ground (Calvary Cemetery) to the S, by a field fence to the east and open fields to the north. , the grounds of Glenam House to the east, with open land to the south.

The weather was dry and overcast, and visibility was good.

The subject site is part of an open field, currently under a growth of short grass. It rises gently towards the east.

No previously unrecorded features of archaeological interest were noted during the site inspection.



Plate 1. Subject site, from W.



Plate 2. Existing Calvary Cemetery, from W.



## 4. History and Archaeology of the Site and Vicinity

### 4.1 Historical and archaeological background (figs 6-8)

The subject site is located in the townland of Fethard, the parish of Fethard and the barony of Middlethird. The townland name of Fethard is derived from the Irish *Fiodh Ard* according to the Placenames Database of Ireland (<https://www.logainm.ie/en/1416781> accessed 10 August 2021). This translates as 'height of the woods'. The subject site lies to the north of the historic town of Fethard (TS070-040----).

**Class:** Historic town

**Townland:** FETHARD

**Scheduled for inclusion in the next revision of the RMP:** Yes

**Description:** In the valley of the Clashawley River which flows along the S side of the town, outside the town wall. Two bridges (TS070-040017-; TS070-040018-) crossed the river giving access to the town, one at the W end leading to Madam's Gate and the other at the SE end leading to Water Gate. There were three other gates into the town, North Gate, Pierce's or Wicket Gate in the NE and East Gate. Though documentary evidence is lacking as to when Fethard was established, in 1208 William de Braose, one of King John's chief tenants in Tipperary since 1201, claimed Fethard as 'his borough' (Reg. St. John Baptist, Dublin, 298). Following a dispute between King John and de Braose in 1215 Fethard was re-granted to the archbishops of Cashel (Laffan 1906, 143). The parish church of St. John (TS070-040001-), now Holy Trinity Church, and its graveyard (TS070-040044-) occupies a large portion of the southern area of the town and dates to the 13th century. Later in the 13th century, in 1292 the town received a seven-year murage grant to facilitate the building of town defences (TS070-040032-) (Cal. doc. Ire., 1285-1292, No. 1015). In 1306 an Augustinian Friary (TS070-040004-) was founded outside the walls by Walter de Mulcote (Cal. Justic. Rolls Ire., Ed. I 1305-07, 237, 310). In the late 14th century, in 1375 Edward III gave permission for a ten-year murage grant to the town (Chart. privil. immun., 71). This was followed by murage grants in 1409, 1449 and 1468 (Cal. Pat. and Close Rolls, Hen. II - Hen. VII, 189, No. 25; Stat. Ire., Hen. VI, 176; Stat. Ire., 1-12 Edward IV, 497), the

latter following the burning of Fethard in that year by Gerald FitzGerald, brother of Thomas, the executed Earl of Desmond (Othway-Ruthven 1980, 393). In the 15th century a building (TS070-040002-) known as 'Edmond's Castle' was built onto the town wall in the SE angle of the church precinct, and a large tower house (TS070-040005-), currently known as Fethard Castle, was built on Watergate Street. Both these buildings have first-floor entrances to their residential quarters facing into the church precinct. Following the Dissolution of the Monasteries in 1539-40, an extent was made in 1541 concerning the friary, which was granted to Edmund Butler, Baron of Dunboyne in 1544 (White 1943, 239; Gwynn and Hadcock 1988, 300). In 1553 Fethard acquired a charter granting the borough a corporation comprising a sovereign, provost, burgesses and commonalty, with all the power and liberties of Kilkenny (Laffan 1906, 143). The town is recorded as having a tholsel in 1596 (Cal. Pat. Rolls Ire., Eliz. 359). This building would have had several functions, such as a guildhall and meeting place for merchants, a customhouse and a courthouse. A map of 1708 shows two buildings in the middle of Main Street near the market place, one of which was the tholsel (TS070-040103-). Evidence for this building was uncovered during archaeological excavations in 2012 (Pollock <http://www.excavations.ie/report/2012/Tipperary/0023527/> downloaded 15/11/2014). Pollock (ibid.) also uncovered evidence that the northern street line of Main St. was originally further S than it appears today. In 1607/8 Sir John Everard obtained a charter for Fethard from King James whereby the town was made and created a corporation and body politic, comprising a sovereign, 12 burgesses and one portrieve (Laffan 1906, 146). The Everards were a prominent family in Fethard throughout the 17th century. Clear evidence of the patronage of this family survives in the form of an almshouse (TS070-040003-) endowed in 1612 by John Everard, now known as the town hall, and a second (TS070-040011-) externally attached to the S of the town wall. An inquisition of 1635 relating to Everard property belonging to the borough of Fethard lists '3 castles, 84 messuages or tenements', probably within the town as well as '100 great gardens, 2 mills, 400 acres arable land, 20 acres meadow, 200 acres pasture, 100 acres wood' surrounding the town (Everard 1989, 537). In the mid-17th century, during the turbulence following the 1641 Rebellion and subsequent Cromwellian campaign, Fethard remained relatively unscathed, surrendered first to Lord Inchiquin in 1647 and then to Cromwell in 1650, receiving unusually favourable conditions from the latter (O'Donnell 2010, 64-73). A list of proprietors in Fethard in 1641-63, records 66 houses in the town belonging to just 20 individuals (Gallwey 1980, 5-8). Of these, four were Everards, four Hacketts and three Vins (ibid.). The housing stock consisted of 52 thatched houses, 13 stone houses, one slate house and two castles, one of which was described as 'ruinous' (ibid.). In 1665, during the reign of King Charles II, a property tax was introduced based on the number of hearths in a house. The returns for 1665 list 48 proprietors, most of whose houses had one hearth, though Sir Redmond



Everard had 6 and 10 proprietors had two (Laffan 1911, 73). This could refer to the number of fireplaces in one house or to a number of properties, each with one hearth. The 1665-7 returns for the parish of Fethard list 101 proprietors with hearths at this time, the 14 wealthier inhabitants having two or more hearths (ibid.). 'Sir [R]Edmond Everard' had 16 hearths, a good number of which were no doubt in his large mansion (TS070-040019-) on Main Street (ibid., 113).

Compiled by: Jean Farrelly

Date of revised upload: 12 May 2015

References:

1. Cal. doc. Ire. - Calendar of documents relating to Ireland 1171-1307, ed. H.S. Sweetman (5 vols., London, 1875-86).
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14. Stat. Ire., Hen. VI - Statute rolls of the parliament of Ireland, reign of King Henry VI, ed. H.F. Berry (Dublin, 1910).
15. White, N.B. 1943 Extents of Irish monastic possessions, 1540-1541. Dublin. Irish Manuscripts Commission.

**Griffith's Valuation** or the 'primary valuation of Ireland' was a property tax survey carried out under the supervision of Sir Richard Griffith in 1847 to 1864. It was to determine liability to the 'poor rate' which supported the poor and destitute within each Poor Law Union district. A list of all people living in an area and their accommodation was kept and was accompanied by a map showing the ownership plots. As can be seen from the map extract, (Fig. 6) there was one occupier (or tenant) named as John Dogherty, with the immediate lessor (i.e. owner), Edmund Connors, the plot being described as 'house, offices and land'.



Figure 6. Griffith's Valuation 1847-'64 map extract showing subject site.

A search of the national **folklore database** as presented in [www.duchas.ie](http://www.duchas.ie) did not yield any entries specific to the site.

#### 4.1.1 Archaeological monuments (Fig. 7)

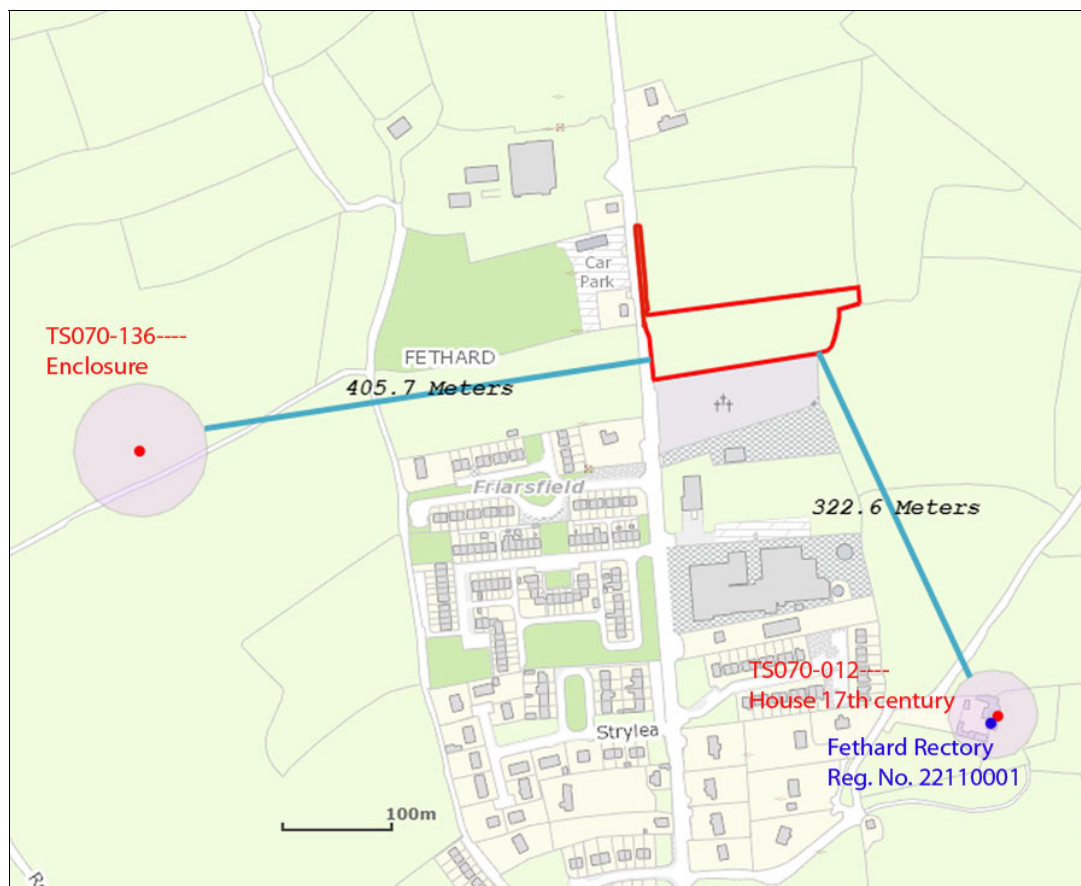


Figure 7. Locations of recorded archaeological monuments in vicinity of subject site, outline of site for development in red (after [www.archaeology.ie](http://www.archaeology.ie) with additions). North to top.

There are no recorded archaeological monuments on the subject site outlined in red or the portion of lands in the control of the applicant outlined in red (Figs 7 and 8). Those outside of the subject site are a sufficient distance and so will not be impacted by any development on the subject site (Fig. 7). The subject site is approximately 800m to the north of the zone for the Historic Town of Fethard.

**Table 1. List of recorded archaeological monuments in the vicinity of the subject site (data after ASI).**

| RMP/<br>SMR          | Scheduled<br>for<br>inclusion<br>in next<br>revision of<br>RMP? | Class                      | Townland | Summary Description  | Distance from<br>subject site |
|----------------------|---|----------------------------|----------|--|-------------------------------|
| <b>TS070-012----</b> | Yes   | House -<br>17th<br>century | FETHARD  | <p>his is a five-bay two-storey house (ext. dims. 17.32m N-S; 8.7m E-W; wall T 0.6m) over half-basement and with attic under a pitched roof. It may date to the late 17th or early 18th century and was extended and extensively remodelled in 1796 by Richard Morrison for Reverend Francis Benson (McParland, Rowan and Rowan 1989, 90-91). A pitch-roofed two-bay single-storey over basement addition to the N was added in 1968, with a gable-fronted addition further N and in the mid-20th-century flat-roofed extensions were added to the N and S return. It has a pitched slate roof with gabled dormer window to front and rendered end chimneystacks. The walls are rendered with a cut limestone string course between the half-basement and ground-floor level. The basement (wall T 0.72m) has a shot hole within a circular embrasure, evidence of an early defensive feature as it is now blocked by the steps. The wide chimneystacks on the gable, the return to the rear, and the relative lack of depth in the plan are all typical of a 17th-century building. The irregular placement of the windows is due to very thick interior walls, which may also indicate an early origin. The tall, elegant proportions of the windows, with their small panes, however, are typical of the neo-Palladianism of the 18th century. It is probable that these windows were enlarged during the 1796 remodelling, when the main entrance is thought to have been elevated from the ground to the first floor, creating a half-basement, which would explain why, unusually, they are taller than the door. The cantilevered elliptical timber staircase, now the focal point of the house, also appears to date to this remodelling. (<a href="http://www.buildingsofireland.ie">www.buildingsofireland.ie</a>)</p> <p>Compiled by: Jean Farrelly<br/>Date of upload: 11 November 2013<br/>References:<br/>1. McParland, E., Rowan, A. and Rowan, A.M. 1989 The architecture of Richard Morrison and William Vitruvius Morrison. The Irish Architectural Archive. Dublin.<br/>Zoom to</p> | 322m to SE                    |
| <b>TS070-136----</b> | Yes   | Enclosure                  | FETHARD  | <p>An aerial photograph (GB89.Z.36) shows the cropmark of a circular enclosure (diam. c. 70m) defined by a fosse; negative cropmarks indicate position of concentric internal and external banks.</p> <p>Compiled by: Jean Farrelly<br/>Date of upload: 26 August 2011</p>   | 437m to NE                    |



## 4.2 Previous archaeological work in the vicinity

A search of the licenced archaeological work database [www.excavations.ie](http://www.excavations.ie) for Fethard and environs was undertaken. 47 archaeological projects were undertaken, nearly all in the town of Fethard. No investigations were undertaken or in the vicinity of the subject site.

## 4.3 Protected Structures

There are no protected structures on the subject site. There is one protected structure Glebe House, (S110), also listed on the NIAH c. 322m to the southeast of the subject site. This is Fethard Rectory (NIAH 22110001), which is also RMP TS070-012---- (figure7).

**Table 2. List of protected structures and NIAH registered monuments in vicinity of subject site.**

| Protected Structure) | NIAH Register No. | Original Use  | Townland | Appraisal   | Rating   |
|----------------------|-------------------|---------------|----------|---|----------|
| <b>No S110</b>       | 22110001          | Country House | Fethard  | Remodelled in 1796 by Richard Morrison for Reverend Francis Benson, the different building periods of this interesting house are evident in its appearance today. The wide chimneystacks on the gable, the return to the rear, and the relative lack of depth in the plan are all typical of a seventeenth-century building. The irregular placement of the windows is due to very thick interior walls, which may also indicate an early origin. The tall, elegant proportions of the windows, with their small panes, however, are typical of the neo-Palladianism of the eighteenth century. It is probable that these windows were enlarged during the 1796 remodelling, when the main entrance is thought to have been elevated from the ground to the first floor, creating a half-basement, which would explain why, unusually, they are taller than the door. The basement has a possible shot hole, evidence of an early defensive feature, now blocked by the steps. The cantilevered elliptical timber staircase, now the focal point of the house, also appears to date to this remodelling. This building forms part of a notable group with the gate lodge, the fine walled garden, and the outbuildings to the rear. | Regional |

## 4.4 Archaeological artefacts

Archaeological finds are recorded in the Topographical Files in the Antiquities Division of the National Museum of Ireland for the townland of Fethard but relate to the historic town. No artefacts relate specifically to the subject site.



## 4.5 Cartographic images of the subject site (Figs 9-12)

The Down Survey was a national land survey, managed by Sir William Petty then surgeon-general of the English army. Its purpose was to measure the land that was to be forfeited by Irish Catholics, so that it could be redistributed by the Crown as payment to adventurers and soldiers of the Protestant faith for services rendered. The survey was undertaken in 1656-1658. The Down Survey generated an all-island map, and more detailed maps on a county, barony, and civil parish basis. The subject site is within the townland of Fethard, annotated 'Featherd Town and Liberties.' is described as 'Commons of Cashel' in Protestant ownership in 1641 and 1670.



Figure 9. Down Survey barony map extract showing the townland of Fethard  
(<http://downsurvey.tcd.ie/landowners.php#mc=52.46969,-7.692668&z=14>).



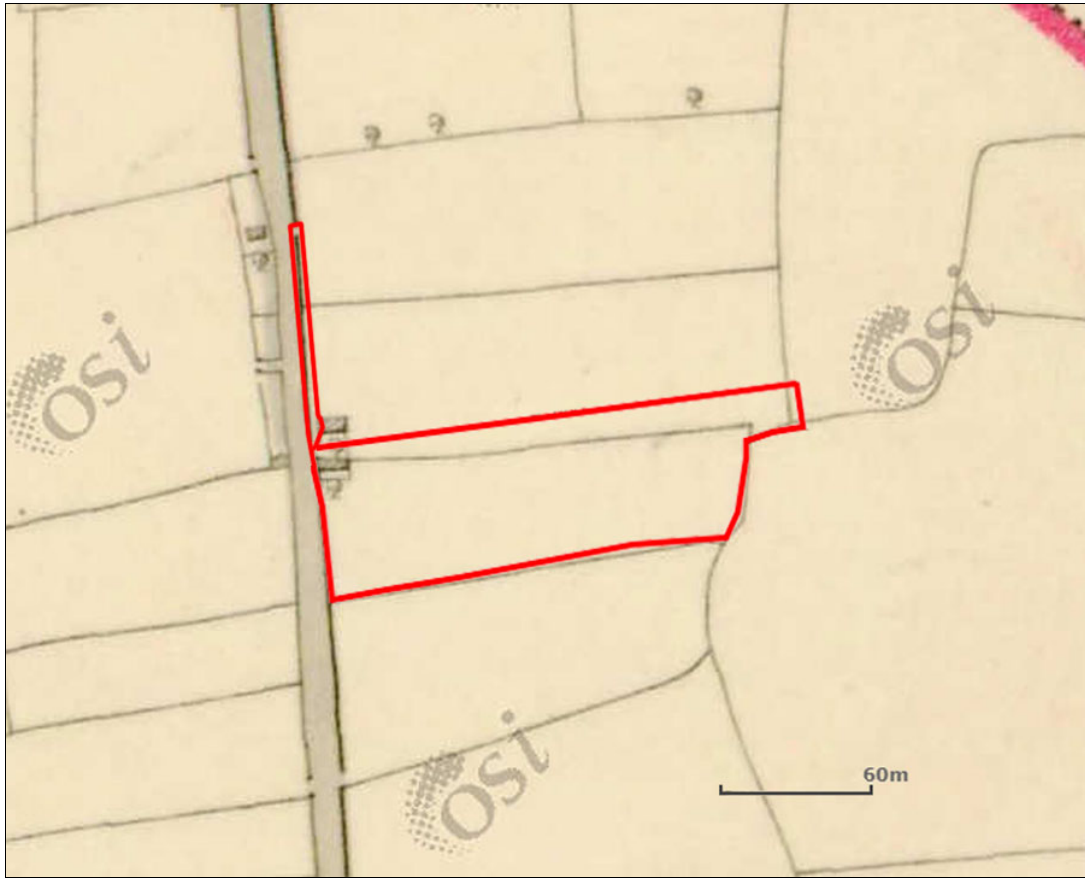


Figure 10. First Edition OS (c. 1839) six-inch map (after [www.archaeology.ie](http://www.archaeology.ie)). North to top. Subject site outlined in blue for planning.

The first edition (c. 1840) of the OS 6-inch map depicts the subject site as a field with structures along its western boundary (Figure 10). The 25-inch map (c. 1900) shows the same field, but the structures are no longer extant (figure 11).

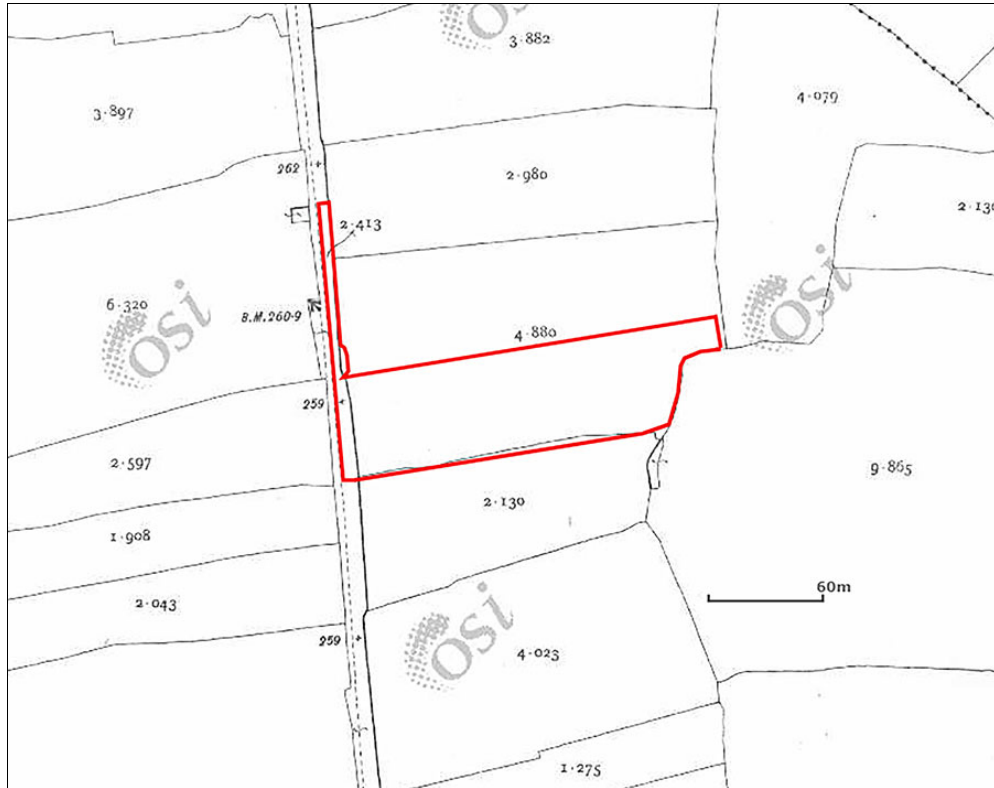


Figure 11. 25-inch OS map (after [www.archaeology.ie](http://www.archaeology.ie)). North to top. Site outlined in red. For indication only.

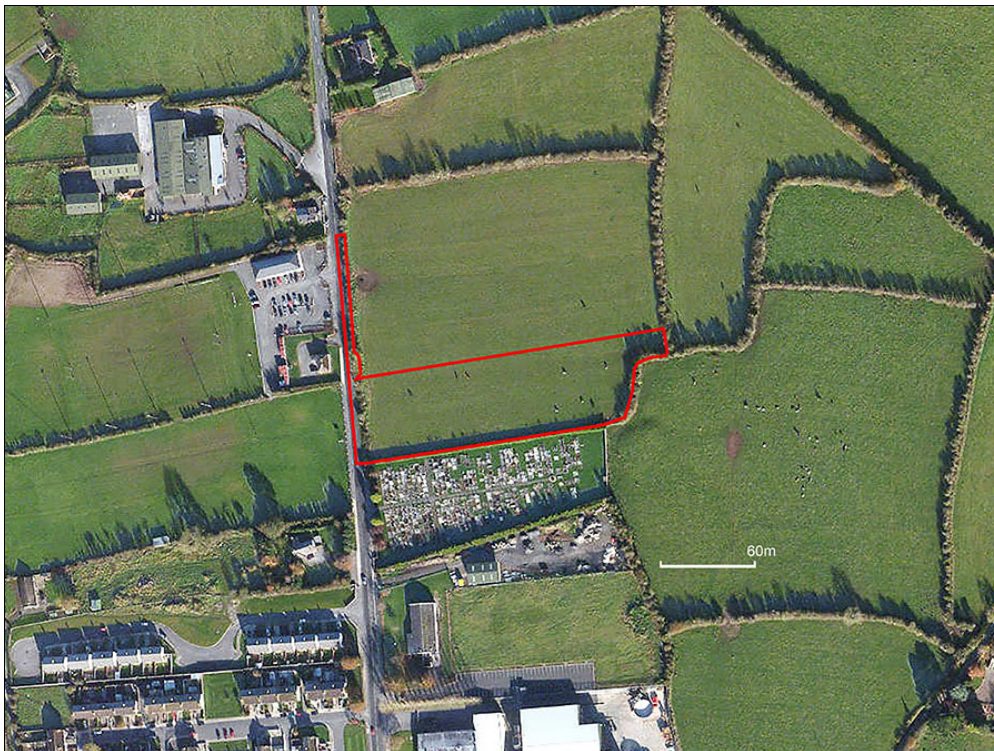


Figure 12. Aerial image of subject site (after Digital Globe, ASI). For indication only.

## 5. Impact of Proposed Development

It is proposed to develop a proposed cemetery on the subject site. The subject site lies entirely within the townland of Fethard. It does not contain any Protected Structure or recorded archaeological monument. No previously unrecorded archaeological features were discovered during the site inspection. It is predicted that the proposed works may possibly have a negative impact on potential unrecorded subsurface archaeological remains.

**Table 5. Predicted impacts of the proposed development on archaeology and cultural heritage.**

| Predicted Impact No. | Description  | Predicted impact without mitigation.<br>Negative/Neutral/Positive |
|----------------------|--|---|
| 1.                   | All groundworks associated with the construction of the residential development.                                 | Negative  |
| 2.                   | Visual impact of the residential on the archaeological monuments and protected structures in immediate vicinity. | Neutral (as already occurred in area).                            |

Suitable mitigation to alleviate the predicted impacts on the potential archaeology and cultural heritage of the subject site has been provided in section 6.

## 6. Conclusions and Suggested Mitigation

No previously unrecorded archaeological features were noted on the subject site, and there are no recorded archaeological monuments within its boundaries. However, due to its **scale**, it is predicted to have potential to yield archaeological features and/or artefacts subsurface. Suggested mitigation is set out in table 6.1, as per best practice guidance (Dúchas 1999a; 1999b). The visual predicted impact (number 2 in Table 5) has not been considered here as visual impact has already occurred in the area of the subject site.

**Table 6. Suggested archaeological mitigation measures.**

| Mitigation No. | Mitigation   | Reason                             | Mitigates Predicted Impact No. |
|----------------|--|------------------------------------|--------------------------------|
| 1.             | That a geophysical survey be undertaken, followed by archaeological testing under licence be undertaken. | Scale of the proposed development. | 1.                             |

Should archaeology be subsequently discovered *The Framework and Principles for the Protection of the Archaeological Heritage* document (Dúchas 1999a, 24-25) states that, ‘When considering requests for authorisation or approval to undertake development which would involve the removal of archaeological sites and monuments (or portions of such) or before proposing to carry out such development, relevant bodies and authorities should satisfy themselves that the development (i) cannot be relocated; (ii) cannot be re-designed to avoid removal of the site or monument (or portions of such); (iii) is really necessary’, and it is on this basis that further mitigation may be required.

It is very important to note that it is the National Monuments Service (details below section 7) in consultation with the local authority, who will formulate and ratify any archaeological mitigation, should it be required, and this document can only make suggestions and report on the desk-top assessment and site inspection carried out. Archaeological mitigation may be recommended by the NMS and/or the local authority, which has not been suggested above.

While this impact assessment has reduced the likelihood of encountering unrecorded archaeological remains it cannot totally eliminate the risk and mitigation has been suggested to further reduce this risk. Therefore, the attention of the client, client agents and the developer is drawn to the relevant portions of the National Monuments Acts (1930–2014) which describes the responsibility of the site owners and procedures to report the finding of archaeological items, if any should be discovered during construction works, to the National Museum of Ireland and the National Monuments Service of the Department of Culture, Heritage, and the Gaeltacht. This legislation also outlines the developer's obligation to facilitate and fund all archaeological works that may be considered necessary by the National Monuments Service and/or the National Museum of Ireland in respect of development proposals. The state's policy in relation to the archaeological heritage is available at:

<https://www.archaeology.ie/sites/default/files/media/publications/framework-and-principles-for-protection-of-archaeological-heritage.pdf>

<https://www.archaeology.ie/sites/default/files/media/publications/excavation-policy-and-guidelines.pdf>

## 7. Non-Technical Summary

### 7.1 Scope of study

This is a desktop study to assess the potential impact of a proposed development on the potential archaeological and historic architectural significance of the subject site at Fethard townland, Fethard, County Tipperary.

### 7.2 Method of study

The site was visited by a qualified archaeologist and recorded in the proper fashion on 30 July 2021. A desktop study was undertaken which consulted all immediately available material relating to the site as listed in the project references.

### 7.3 Existing environment

The subject site is a field under grass, situated immediately to the north of the existing Calvary cemetery.

### 7.4 Impacts of proposed development

Proposed development on the subject site has the potential to have a negative impact on the potential subsurface archaeology of the site.

### 7.5 Conclusions and suggested mitigation

Mitigation measures have been suggested (section 6). It is the remit of the National Monuments Service, Department of Culture, Heritage and the Gaeltacht, however, to legally recommend any one or a combination of these mitigation measures and perhaps to make recommendations that have not been suggested above. These recommendations may be sent directly to the applicant or more usually through the local authority in question.

## 7.6 Further Information & Inquiries

Any enquiries in relation to archaeological mitigation on the proposed development, should it be required, may be directed to:

Archaeological Planning and Licencing Unit,  
National Monuments Service,  
Custom House,  
Dept of Housing, Local Government, and Heritage,  
Dublin 1.  
Phone: 01-8883177

Or through the local authority's archaeologist, where one is employed.



## 8. Signing-Off Statement

**Archaeological Firm:** ÆGIS ARCHAEOLOGY LIMITED

**Writer(s):** Frank Coyne BA MIAI,  
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King's Island,  
Limerick.

**Client:** Environmental Section,  
Tipperary Co. Council,  
Civic Offices, Limerick Rd,  
Nenagh, Co. Tipperary.

**Signed:**



for ÆGIS ARCHAEOLOGY LIMITED

**Report Status:** Final

**Dated:** 7 February 2023

## 9. Project References

*The following is a list of items consulted during the project. They may not all be cited directly in the text.*

**1962** *Geological Map of Ireland*. Dublin: Geological Survey of Ireland.

**1861** *Index to the Townlands and Towns, Parishes and Baronies of Ireland, from the census of 1851*. Baltimore: Genealogical Publishing Company. [reprint 1992].

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**Archaeological Survey of Ireland** *Record of Monuments and Places Files*. Unpublished.

**Bennett, I.** Various dates *Excavations*. Bray: Wordwell [see [www.excavations.ie](http://www.excavations.ie)]

**Bradley, J.** 1985 The medieval towns of Tipperary. In: W. Nolan and T.G McGrath (eds) *Tipperary: History and Society*. Dublin: Geography Publications, 34-59.

**Burke, W.** 1907 *History of Clonmel*. Waterford: Harvey and Co. for the Clonmel Library Committee.

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**Department of the Environment, Heritage and Local Government 2010** *World Heritage – Ireland, A country of rich heritage and culture*. Dublin: Environment, heritage and local government.

**Dept of Housing, Planning and Local Government 2018** *Guidelines for planning authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*. Dublin: Government of Ireland.

**Dúchas 1999a** *Framework and Principles for the Protection of the Archaeological Heritage*. Dublin: Department of Arts, Heritage, Gaeltacht and the Islands.

**Dúchas 1999b** *Guidelines for Archaeological Excavation*. Dublin: Department of Arts, Heritage, Gaeltacht and the Islands.

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**Killanin, M.M. and Duignan, M.V.** 1967 (2nd ed.) *The Shell guide to Ireland*. London: The Ebury Press.

**Lewis, S.** 1837, *Topographical Dictionary of Ireland*, 2 Volumes. London: S. Lewis & Co.

**National Monuments Service (NMS) 2006** *Excavation reports guidelines for authors*. Dublin: stationery office.

**NRA [now TII] 2005** *Guidelines for the assessment of archaeological heritage impacts*. Dublin: NRA.

**NRA [Now TII] 2005a** *Guidelines for the assessment of architectural heritage impacts*. Dublin: NRA.

**South Tipperary County Council 2010** *South Tipperary County Development Plan*.

**Record of Protected Structures 2010**

**Thomas, A.** 1992 *The Walled Towns of Ireland Volume 2*. Dublin: IAP.

### Websites

[https://www.tipperarycoco.ie/sites/default/files/Publications/NTCC%20Register%20of%20Protected%20Structures\\_0.pdf](https://www.tipperarycoco.ie/sites/default/files/Publications/NTCC%20Register%20of%20Protected%20Structures_0.pdf)

[www.archaeology.ie](http://www.archaeology.ie)

[www.askaboutireland.ie](http://www.askaboutireland.ie)

[www.buildingsofireland.ie](http://www.buildingsofireland.ie) [NIAH]

[www.digitalcollections.tcd.ie](http://www.digitalcollections.tcd.ie)

[www.downsurvey.tcd.ie](http://www.downsurvey.tcd.ie)

[www.excavations.ie](http://www.excavations.ie)

[www.heritagemaps.ie](http://www.heritagemaps.ie)

[www.iai.ie](http://www.iai.ie)

[www.logainm.ie](http://www.logainm.ie)

[www.myplan.ie](http://www.myplan.ie)

[www.myplan.ie](http://www.myplan.ie)

[www.nli.ie](http://www.nli.ie)

[www.osi.ie](http://www.osi.ie)

All last accessed February 2023.

## Annex

### 1. Legislation and regulation protecting the archaeological heritage resource

#### PROTECTION OF CULTURAL HERITAGE

The cultural heritage in Ireland is safeguarded through national and international policy designed to secure the protection of the cultural heritage resource to the fullest possible extent (Department of Arts, Heritage, Gaeltacht and the Islands 1999, 35). This is undertaken in accordance with the provisions of the European Convention on the Protection of the Archaeological Heritage (Valletta Convention), ratified by Ireland in 1997.

#### THE ARCHAEOLOGICAL RESOURCE

The National Monuments Act 1930 to 2014 (as amended) and relevant provisions of the National Cultural Institutions Act 1997 are the primary means of ensuring the satisfactory protection of archaeological remains, which includes all man-made structures of whatever form or date except buildings habitually used for ecclesiastical purposes. A National Monument is described as 'a monument or the remains of a monument the preservation of which is a matter of national importance by reason of the historical, architectural, traditional, artistic or archaeological interest attaching thereto' (National Monuments Act 1930 Section 2). A number of mechanisms under the National Monuments Act are applied to secure the protection of archaeological monuments. These include the Register of Historic Monuments, the Record of Monuments and Places, and the placing of Preservation Orders and Temporary Preservation Orders on endangered sites.

#### OWNERSHIP AND GUARDIANSHIP OF NATIONAL MONUMENTS

The Minister may acquire national monuments by agreement or by compulsory order. The state or local authority may assume guardianship of any national monument (other than dwellings). The owners of national monuments (other than dwellings) may also appoint the Minister or the local authority as guardian of that monument if the state or local authority agrees. Once the site is in ownership or guardianship of the state, it may not be interfered with without the written consent of the Minister.

#### REGISTER OF HISTORIC MONUMENTS

Section 5 of the 1987 Act requires the Minister to establish and maintain a Register of Historic

Monuments. Historic monuments and archaeological areas present on the register are afforded statutory protection under the 1987 Act. Any interference with sites recorded on the register is illegal without the permission of the Minister. Two months notice in writing is required prior to any work being undertaken on or in the vicinity of a registered monument. The register also includes sites under Preservation Orders and Temporary Preservation Orders. All registered monuments are included in the Record of Monuments and Places.

#### PRESERVATION ORDERS AND TEMPORARY PRESERVATION ORDERS

Sites deemed to be in danger of injury or destruction can be allocated Preservation Orders under the 1930 Act. Preservation Orders make any interference with the site illegal. Temporary Preservation Orders can be attached under the 1954 Act. These perform the same function as a Preservation Order but have a time limit of six months, after which the situation must be reviewed. Work may only be undertaken on or in the vicinity of sites under Preservation Orders with the written consent, and at the discretion, of the Minister.

#### RECORD OF MONUMENTS AND PLACES

Section 12(1) of the 1994 Act requires the Minister for Arts, Heritage, Gaeltacht and the Islands (now the Minister for the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs) to establish and maintain a record of monuments and places where the Minister believes that such monuments exist. The record comprises a list of monuments and relevant places and a map/s showing each monument and relevant place in respect of each county in the state. All sites recorded on the Record of Monuments and Places receive statutory protection under the National Monuments Act 1994. All recorded monuments on the proposed development site are represented on the accompanying maps. Section 12(3) of the 1994 Act provides that 'where the owner or occupier (other than the Minister for Arts, Heritage, Gaeltacht and the Islands) of a monument or place included in the Record, or any other person, proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such a monument or place, he or she shall give notice in writing to the Minister of Arts, Heritage, Gaeltacht and the Islands to carry out work and shall not, except in the case of urgent necessity and with the consent of the Minister, commence the work until two months after the giving of notice'. Under the National Monuments

(Amendment) Act 2004, anyone who demolishes or in any way interferes with a recorded site is liable to a fine not exceeding €3,000 or imprisonment for up to 6 months. On summary conviction and on conviction of indictment, a fine not exceeding €10,000 or imprisonment for up to 5 years is the penalty. In addition, they are liable for costs for the repair of the damage caused. In addition to this, under the European Communities (Environmental Impact Assessment) Regulations 1989, Environmental Impact Statements (EIS) are required for various classes and sizes of development project to assess the impact the proposed development will have on the existing environment, which includes the cultural, archaeological and built heritage resources. These document's recommendations are typically incorporated into the conditions under which the proposed development must proceed, and thus offer an additional layer of protection for monuments which have not been listed on the RMP.

#### THE PLANNING AND DEVELOPMENT ACT 2000

Under planning legislation, each local authority is obliged to draw up a Development Plan setting out their aims and policies with regard to the growth of the area over a five-year period. They cover a range of issues including archaeology and built heritage, setting out their policies and objectives with regard to the protection and enhancement of both. These policies can vary from county to county. The Planning and Development Act 2000 recognises that proper planning and sustainable development includes the protection of the archaeological heritage. Conditions relating to archaeology may be attached to individual planning permissions. Specific objectives are also outlined within the County Development Plans of counties and more specific local area plans which are published from time to time.

#### THE UNDERWATER ARCHAEOLOGY RESOURCE (MARINE, LACUSTRINE, AND RIVERINE ENVIRONMENTS)

These environments all have the potential to impact on known or potential underwater cultural heritage, including shipwrecks. The Minister for Culture, Heritage and the Gaeltacht is a statutory consultee under a number of Acts including the Foreshore Acts 1933 - 2011, the Dumping at Sea Act 1996, (and various amendments), various fisheries acts relating to aquaculture and Petroleum and the Other Minerals Development Act, 1960 (as amended 1990). This is in addition to the Planning and Development Act 2000 (as amended) and the associated Planning and

Development Regulations. Developments, whether they are large infrastructural projects or smaller localised developments, can have the potential to impact underwater cultural heritage.

As a statutory consultee, the National Monuments Service's Underwater Archaeology Unit (on behalf of the Minister) assesses applications in relation to potential development impacts and, as appropriate, recommendations are forwarded to the relevant planning authority requesting that archaeological mitigation measures be attached as conditions on the grant of a planning permission, licence or permit to ensure the protection of the underwater cultural heritage.

The type of archaeological mitigation recommended will vary depending on the scale and impact of the development and the archaeological potential of the location. It may include but is not limited to the following: pre-development desktop assessments, archaeological dive surveys; geophysical surveys; wading and metal detection surveys; underwater archaeological assessment and pre-development archaeological testing.

Archaeological excavation or archaeological monitoring during the course of the proposed works may also be required where it is known that archaeology is present or likely to be present and when new discoveries are made. Where there are known sites or areas of high archaeological potential, however, avoidance and/or preservation in situ may be the preferred option. In this regard, planning applicants are required to engage the services of a suitably qualified and suitably experienced private sector archaeologist or archaeological company to implement the archaeological recommendations relating to a planning application or as a condition of any planning permission granted.

If a development is planned for an area of reclaimed land or in a marine, riverine or lacustrine environment, it is advisable that you first consult the Wreck Viewer (WIID) and downloadable list of wrecks to ensure that the developer/contractor is aware of the archaeological potential of the area where the proposed development is to be located, i.e. at the site of a known or potential wreck site. If a proposed development is located in an area where wrecks are known to exist or are thought to be located, then the developer should contact the National Monuments Service seeking advice with regard to the appropriate course of action so as to

ensure wrecks or associated wreck material are not negatively impacted. Additionally, the Record of Monuments and Places (RMP) should also be consulted to see if the proposed development is located near to or at a Recorded Monument, National Monument or World Heritage Site. Further information can be obtained from the Archaeology and the Planning Process section of this website.

#### Note on Developments in Areas of Reclaimed Land

Areas along river channels, estuaries, lake shores and large swathes of the coastline have been reclaimed over the centuries. These areas have potential to retain the remains of vessels that were lost, abandoned or wrecked on ancient seabed, shorelines or earlier water courses prior to the reclamation works being carried out. Other features of archaeological importance may survive in areas of reclaimed land, such as jetties, quay structures, tidal mills and fish traps. In areas of reclaimed land where there is potential to find shipwrecks, associated artefacts and other site types there will be a need for an appropriate level of archaeological assessment in advance of proposed developments.

#### The Protection of Wrecks under the National Monuments Acts 1930-2014

The National Monuments Service Wreck Viewer displays data relating to wrecks and is made available here for the information of interested parties. It is important to note that the wreck viewer displays only wrecks whose locations are known; there are a large number of wrecks recorded in the Wreck Inventory of Ireland Database (WIID) that do not have precise locations. Records for these can be downloaded from the "Wreck Data Download" link on the banner/header of the wreck viewer. The database also includes records of the wrecks of aircraft where these have come to our attention. The inclusion of wrecks on this website does not constitute a statement in regard to any legal protection which may apply in any particular case. It is intended that this data will be of assistance to all marine environment researchers and stakeholders and those interested in or charged with protecting underwater cultural heritage, including anyone planning development in the marine, lacustrine or riverine environments.

#### Legislation pertaining to wrecks

There is robust legislation in place to protect wrecks and archaeological objects in Ireland's territorial waters, in the intertidal zone and within the inland waterways. 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; An underwater heritage order can be placed on a wreck or object if considered to be of sufficient historical, archaeological or artistic importance to merit such protection. In 1995 the wreck of RMS Lusitania, torpedoed in 1915 by German submarine U-20 off the Cork coast, was protected under the relevant provisions of the Act, though it was less than 100 years old at the time.

#### Diving, Survey and Salvage

Section 3 (4) of the 1987 Act provides that a person shall not dive on, damage, or generally interfere with, any wreck which is more than one hundred years old or an archaeological object which is lying on, in or under the sea bed or on or in land covered by water except in accordance with a licence issued by the Minister for Culture, Heritage and the Gaeltacht under Section 3 (5) of the Act. A licence is also needed under the same provisions of the Act to survey a wreck or archaeological object from a wreck site that is over 100 years old or one that is protected by underwater heritage order. Therefore, a licence is required to dive, interfere with or survey any protected wreck site or for deliberate searches for underwater archaeological objects. The Minister may, at her discretion, grant or refuse to grant a licence and may make a licence subject to such conditions as she thinks fit and which are specified in the licence. Application forms for dive/survey licenses can be downloaded from <https://www.archaeology.ie/publications-forms-legislation/forms> or by requesting an application form from the Licensing Section, National Monuments Service, Department of Culture, Heritage & the Gaeltacht, Custom House, Dublin 1.

#### Discovery obligations in relation to a wreck or artefact

Section 3 (6) of the 1987 Act (as amended) also provides that a person finding a wreck over 100 years old must within four days make a report of the find to either the Minister for Culture, Heritage and the Gaeltacht or the Garda Síochána. Section 3 (6) of the 1987 Act (as amended) also provides that a person finding an archaeological object which is lying on, in or under the sea bed or on or in land covered by water must within four days make a report of the find to the Director of the

National Museum of Ireland. As clarified in a recent High Court judgement in relation to the wreck of the Lusitania (Judge Herbert, 2005), a wreck can equally be considered to be an archaeological object within the meaning of the act.

#### Merchant Shipping (salvage and wreck) Act 1993

It is a statutory obligation under the Merchant Shipping (Salvage and Wreck) Act 1993 that all material, including objects, recovered from any wreck or wreck material, including objects, from the sea shall be declared to the relevant Receiver of Wreck. The Receiver will then make enquiries with a view to establishing the ownership of the wreck or wreck-related material. In the absence of a known owner, the Director of the National Museum of Ireland can claim salvaged wreck material on behalf of the State.

#### Archaeological excavation and/or use of detection devices in relation to the underwater resource

Archaeological excavation and/or the use of detection devices such as metal detectors to search for archaeological objects on archaeological sites including protected wrecks is regulated under Section 26 of the 1930 National Monuments Act and Section 2 of the 1987 National Monuments (Amendment) Act. Consents for the use of hand-held metal detectors on protected wreck sites or for the purpose of searching for archaeological objects are only issued when they form part of a defined archaeological research project or are required for an archaeological impact assessment for planning related cases. Applications for excavation licenses and consents for use of detection devices are assessed by designated officers within the National Monuments Service.

#### THE ARCHAEOLOGICAL RESOURCE IN CAVES

Natural caves have the potential to yield archaeological deposits and artefacts. The study area has a very low potential to contain caves with archaeological potential though its underlying geology, limestone is conducive to the possibility of caves. Caves have been used by people ever since the first settlers arrived in Ireland some 10,000 years ago (8,000 BC) and have served a wide variety of purposes: as places of burial, for the performance of ritual, as habitations or shelter for long- and short-term periods, for storage and as hiding places. The NMS and NMI have produced an

advice leaflet entitled *Advice to the Public on the archaeological potential of caves* (2014).<sup>1</sup>

#### NOTE

Attention is also drawn to two current policy documents in regard to the archaeological heritage in the Republic of Ireland, available at: <https://www.archaeology.ie/sites/default/files/media/publications/framework-and-principles-for-protection-of-archaeological-heritage.pdf>;

<https://www.archaeology.ie/sites/default/files/media/publications/excavation-policy-and-guidelines.pdf>.

Please note that any archaeological/cultural heritage report can only report on the facts discovered during the project and make suggestions on suitable archaeological mitigation should it be required. It is the remit of the National Monuments Service, sometimes through the Local Authority, to legally recommend archaeological mitigation on a site-by-site basis, which may differ from the mitigation suggested.

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<sup>1</sup><https://www.archaeology.ie/sites/default/files/media/publications/NMS%20Caves%20Leaflet%20lo-res.pdf>.



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