

Planning Ref. No.: Part 8

ITM: 604490/637859 (centre point)

RMPs; TS060-111001- (enclosure), TS060-111002- (moated site), TS060-111003- (structure).

Protected Structures: N/a

ÆGIS REF.: 659-7

Archaeological Impact Assessment for a proposed development at Garraun townland, Golden, Co. Tipperary.



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Report Status: Final

Date: 14 December 2022

Copies of this report
have been presented
by ÆGIS to:

Client— Tipperary County Council, Civic Offices, Emmet Street, Clonmel,
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.

COVID-19 Protocol

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

Acknowledgements

ÆGIS acknowledges the information supplied by the client and information gathered from the Archaeological Survey of Ireland. Photographs by author unless otherwise stated.

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Cover Image

View of subject site, from SE.

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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 www.webgis.archaeology.ie/historicenvironment/ .
TB	Townland Boundary.
W	West, or when used with a dimension, width.
ZAN	Zone of archaeological notification (as shown on webgis.archaeology.ie/historicenvironment/mapping)
ZAP	Zone of archaeological potential (used for historic towns)

1. Scope of Study

This report identifies and assesses the potential direct and indirect impact(s), if any, on the potential archaeological and wider cultural heritage environment of the subject site.

The subject site is situated in the townland of Garraun, the Barony of Middlethird and the Civil Parish of Saint Patrick'srock, Co. Tipperary. The development will consist of an extension to an existing house and a new waste water treatment plant.

This report fulfils the requirement of an archaeological impact assessment and fulfils the usual criteria of an impact assessment following the most recent EPA guidelines on the compilation of an EIS and EIAR (2017; 2018). 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. **Section 2** outlines the methods used in this assessment. **Section 3** describes the existing environment of the subject site, provides a description of the proposed development and records the site inspection carried out as part of this assessment. **Section 4** provides background heritage context for the subject site. A brief historical introduction to the area is provided and archaeological and architectural features in the vicinity, including any standing remains, are discussed. Social history and folklore associated with the site is addressed in this section. **Section 5** lists the known archaeology and historic architecture and the potential for archaeology and architectural features on the site and in its vicinity and discusses impacts, (if any), of development on that cultural heritage. **Section 6** provides a summary and suggests mitigation measures to alleviate negative predicted impacts listed in section 5. **Section 7** provides a summary in lay person's language of the more technical detail of the report. The report concludes with a signing-off statement (**section 8**); list of references used (**section 9**) and supporting information as annexes.

A site inspection was carried out on 08 November 2022 as part of this assessment.

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.

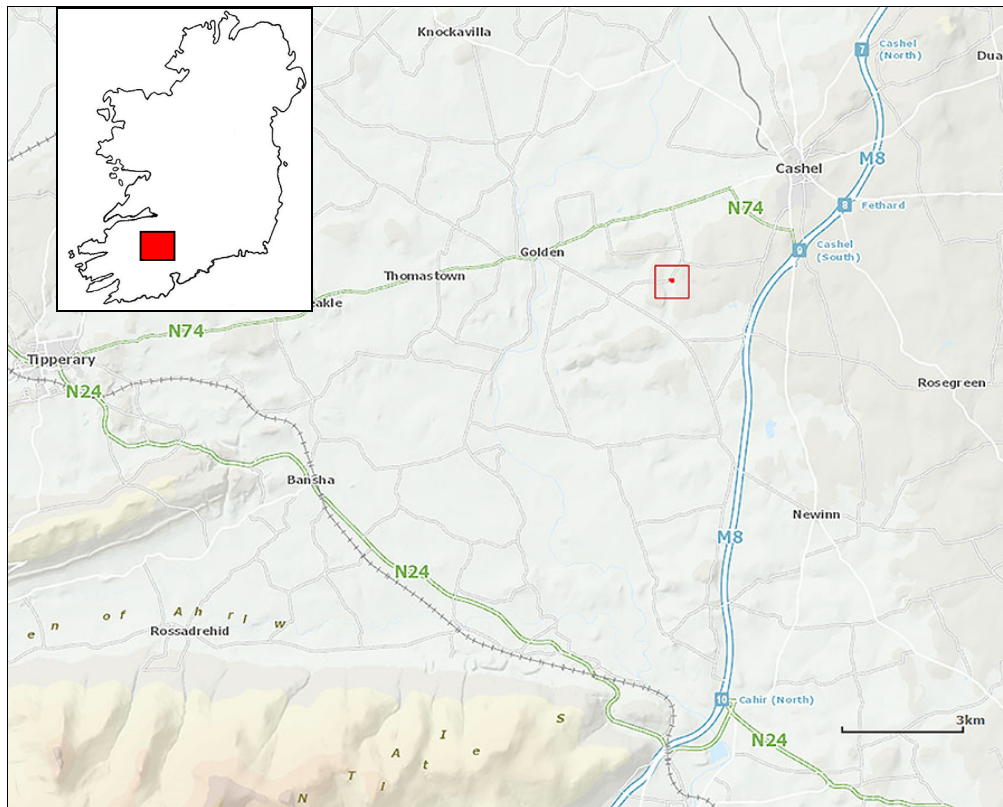


Figure 1. General site location of subject site in relation to nearby towns (after www.archaeology.ie). North to top.
Subject site inside red box.

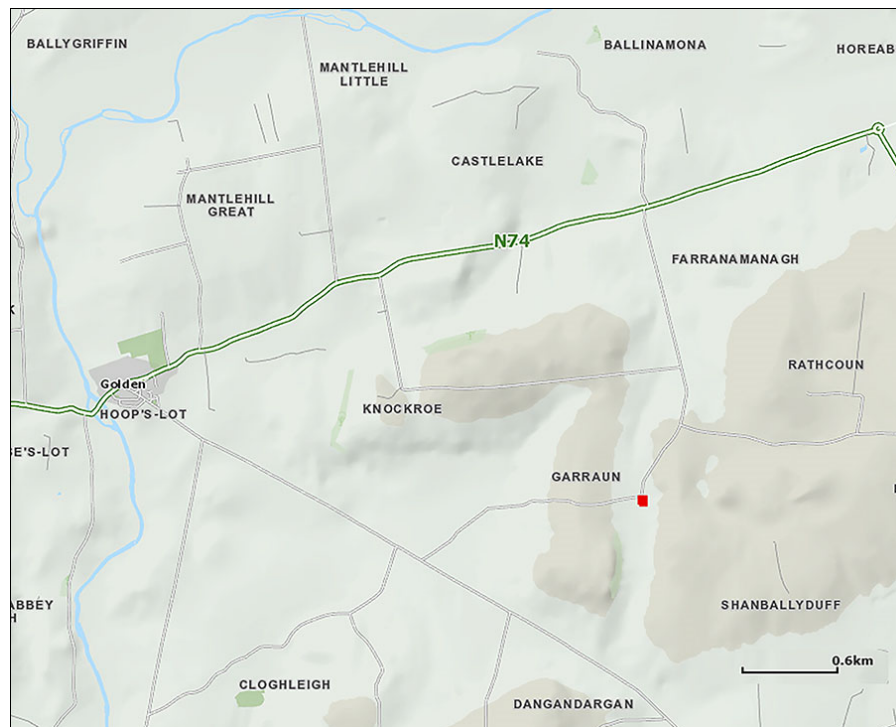


Figure 2. General location of subject site at Garraun townland in red (after www.archaeology.ie). North to top.

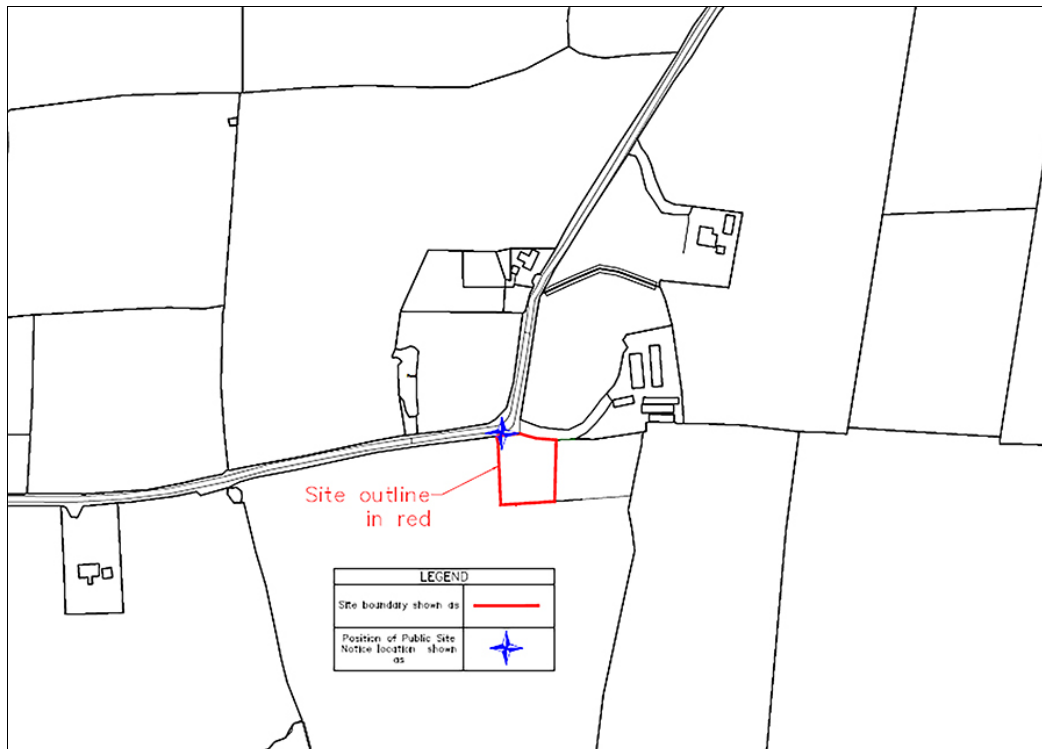


Figure 3. Location map, supplied by client, subject site in red (www.archaeology.ie).

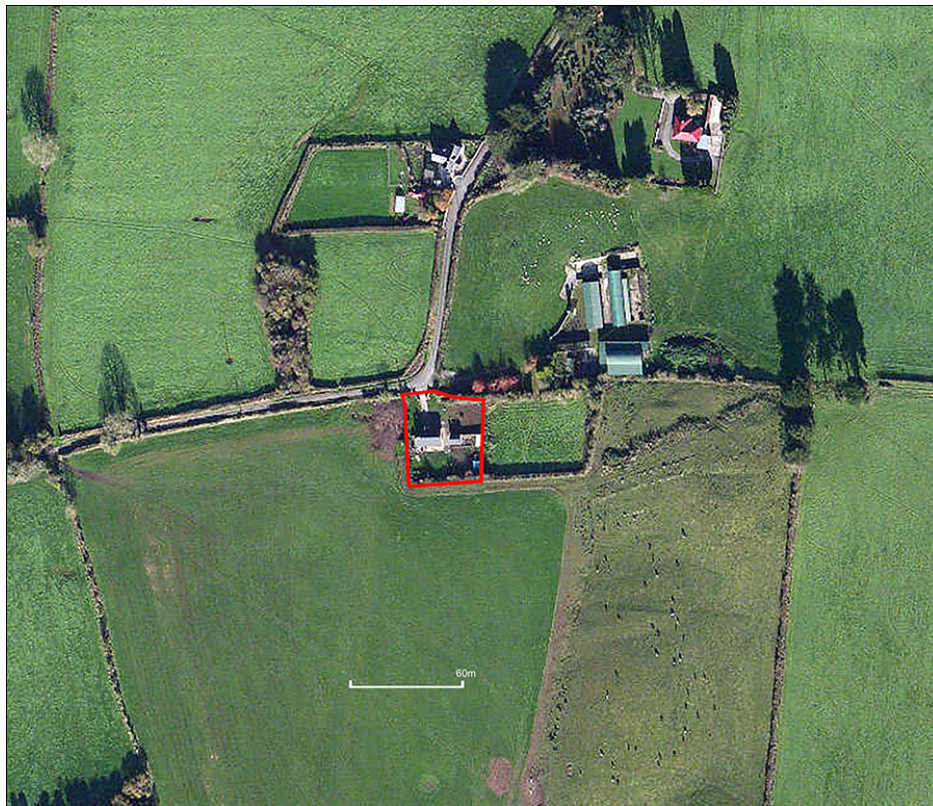


Figure 4. Digital Globe 2011, subject site in red (www.archaeology.ie).

3. Existing Environment

The subject site comprises portions of an existing dwelling house, outbuildings and garden at Garraun townland, Golden, Co. Tipperary (ITM 604490/637859). The site is located at the south side of a minor road, accessed from the L4305 roadway.

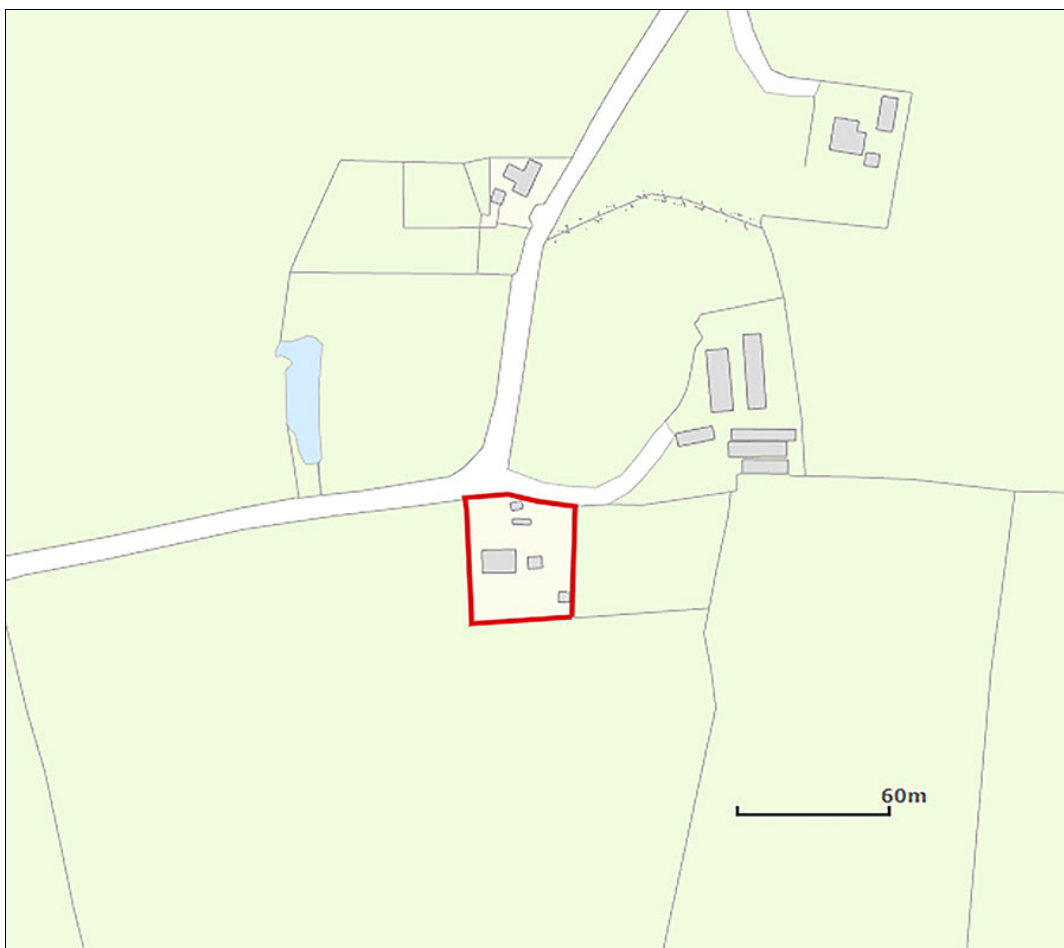


Figure 5. Map showing detailed location of subject site (after archaeology.ie, North to top). For indication only.

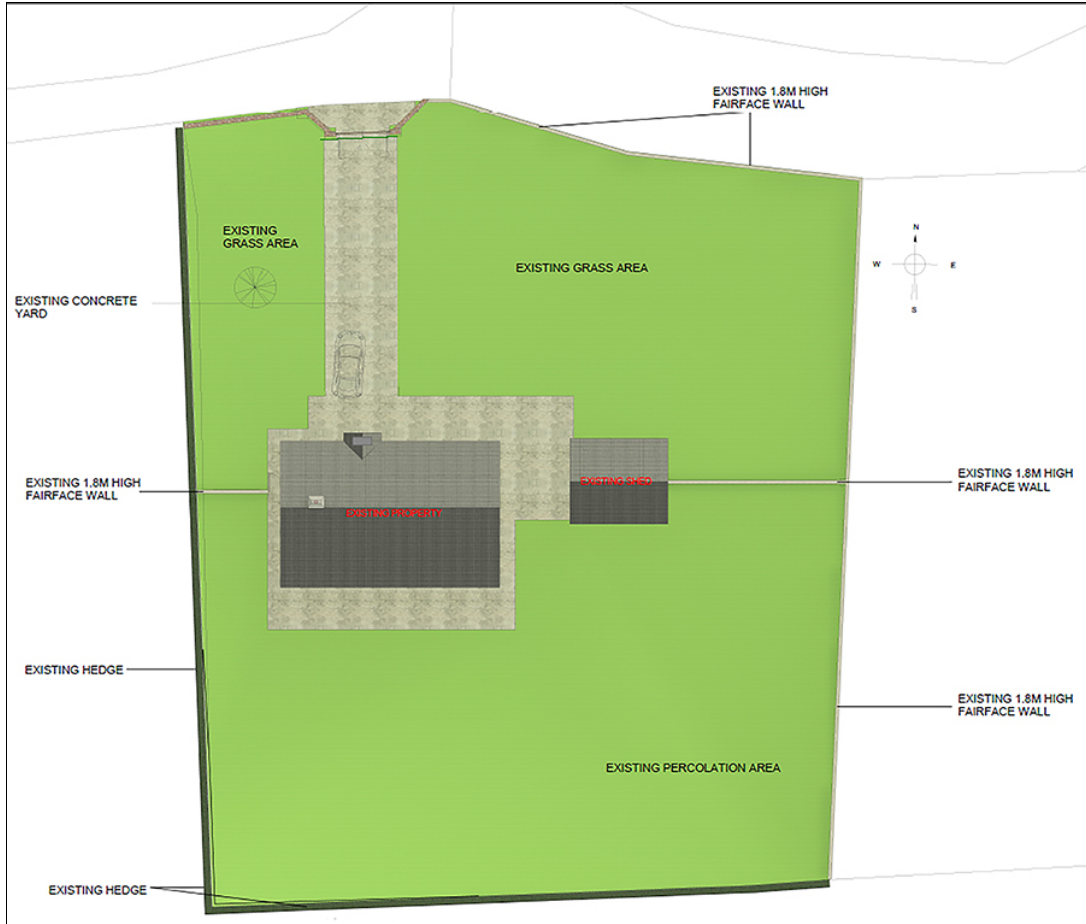


Figure 6. Current site layout (supplied by client).

3.1 Proposed development (Fig. 4)

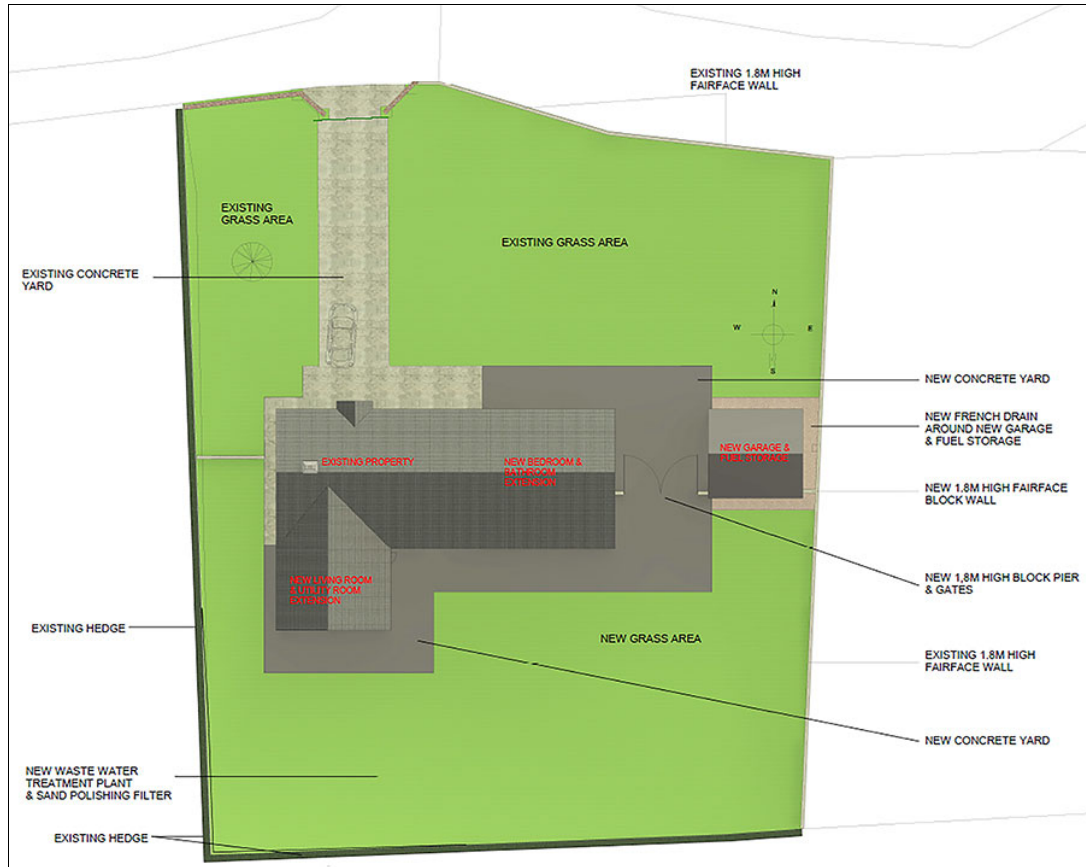


Figure 7. Proposed site layout (supplied by client).

The development will consist of the following:

Demolition of some of the structures on site. Construction of an extension, a new concrete yard and a new waste water treatment facility and polishing filter.

3.2 The Site Inspection (Figs. 9-10; Plates 1-4)

The site was inspected on the 8th November 2022. The weather was cold and frosty and visibility was good.

The subject site consists of a dwelling house with two outbuildings, and surrounded by a landscaped lawn area.

No trace of the enclosure or the moated site are visible in proximity to the subject site. The approximate line of the southern side of the moated site is marked by a laneway leading to farm buildings, immediately to the northeast of the subject site. No trace of the enclosing element of the moated site is visible here however.

No previously unrecorded archaeological features were noted during the site visit.



Plate 1. Subject site, from NW.



Plate 2. Subject site, from N.



Plate 3. Aerial view of subject site, from NW.



Plate 4. Aerial view of subject site, from N (approximate location of moated site indicated by white box).

4. History and Archaeology of the Site and Vicinity

4.1 Historical and archaeological background (figs 8-12)

The townland name 'Garraun' may be translated as 'garrán', meaning 'grove'. The subject site is located within the zone of notification for a moated site. The subject site is within the zone of notification for a recorded monuments TS060-111001- (enclosure), TS060-111002- (moated site), TS060-111003- (structure). These are listed in Table 1 below.

A moated site is defined as;

'a square, rectangular or occasionally circular area, sometimes raised above the ground, enclosed by a wide, often water-filled, fosse, with or without an outer bank and with a wide causewayed entrance. They date to the late 13th/early 14th centuries and were primarily fortified residences/farmsteads of Anglo-Norman settlers though they were also built by Gaelic lords (www.archaeology.ie).

A search of the national **folklore database** as presented in www.duchas.ie did not yield any results for the townland of Garraun.

4.1.1 Archaeological monuments (Figs. 8 and 9)



Figure 8. Locations of recorded archaeological monuments in vicinity of subject site (after www.archaeology.ie with additions). North to top.

The subject site is within the zone of notification for a recorded monuments TS060-111001- (enclosure), TS060-111002- (moated site) and TS060-111003- (structure).

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

RMP/ SMR	Scheduled for inclusion in next revision of RMP?	Class	Townland	Summary Description	Distance from subject site
TS060-111001-	Yes	Enclosure	SHANBALLYDUFF (Dangandargan Par.),GARRAUN (St. Patricksrock Par.)	In improved pasture, on a W-facing slope. Arc of earthen bank (L 46m E-W; overall Wth 3.55-4.4m; Wth at top 0.65-1.5m; int. H 0.6-0.75m; ext. H 0.75-1.1m). Interior has a W-facing slope and is grass covered. The arc may have formed the northern boundary of a large enclosure (diam. c. 110m). There are modern farm buildings probably within this large enclosure in the SE quadrant. There is a moated site (TS060-111002-) in the SW quadrant of the possible large enclosure. Compiled by: Jean Farrelly Date of revised upload: 27 October 2015	124m
TS060-111002-	Yes	Moated site	SHANBALLYDUFF (Dangandargan Par.),GARRAUN (St. Patricksrock Par.)	In improved pasture, on a W-facing slope. Within the W quadrant of a possible large enclosure (TS060-111001-). Depicted on latest edition OS 6-inch map as a rectangular area (dims. 50m N-S; 40m E-W) truncated by farm trackway to S and tertiary road to W. This monument has been largely levelled with no visible trace above ground. However the rectangular structure (TS060-111003-) in the NE quadrant survives and may partially incorporate the bank (overall Wth 4.5m; Wth at top 2.5m; int. H 0.18m; ext. H 0.15m) of the moated site at the W end of its N side. Compiled by: Jean Farrelly Date of revised upload: 27 October 2015	Immediately adjacent to the subject site.
TS060-111003-	Yes	Structure	GARRAUN (St. Patricksrock Par.),SHANBALLYDUFF (Dangandargan Par.)	In improved pasture, on a W-facing slope. Within the NE quadrant of a moated site (TS060-111002-) this rectangular area (dims. c. 20m E-W; 18m N-S) defined by a well defined scarp (Wth 3.5m; H 0.45m) N-end of W-side (L 8m) and W-end of N-side (L 8m), is levelled out at NE corner and is defined by a broad scarp (Wth 7m; H 0.75m) E (L c. 10m), S (L c. 16m) and S-end of W-side (L 8m). Fosse (overall Wth 7.1m; basal Wth 2.6m; D 0.18m) N-end of W-side and W-end of N-side where it appears backfilled in places. An outer bank at W-end of N-side appears to be the bank (overall Wth 4.5m; Wth at top 2.5m; int. H 0.18m; ext. H 0.15m) of the moated site. Low linear rise (long axis NE-SW; L 6m) defined by a depression on either side is c. 4m to NNW. Interior is grass covered and has a very gentle W-facing slope. Concrete tank (diam. 4.75m) is	50m

				<p>within, mid-way along S-side and has been backfilled with earthen material. Depicted on latest edition OS 6-inch map as a rectangular area (dims. 50m N-S; 40m E-W) truncated by farm trackway to S and tertiary road to W.</p> <p>Compiled by: Jean Farrelly Date of upload: 26 August 2011</p>	
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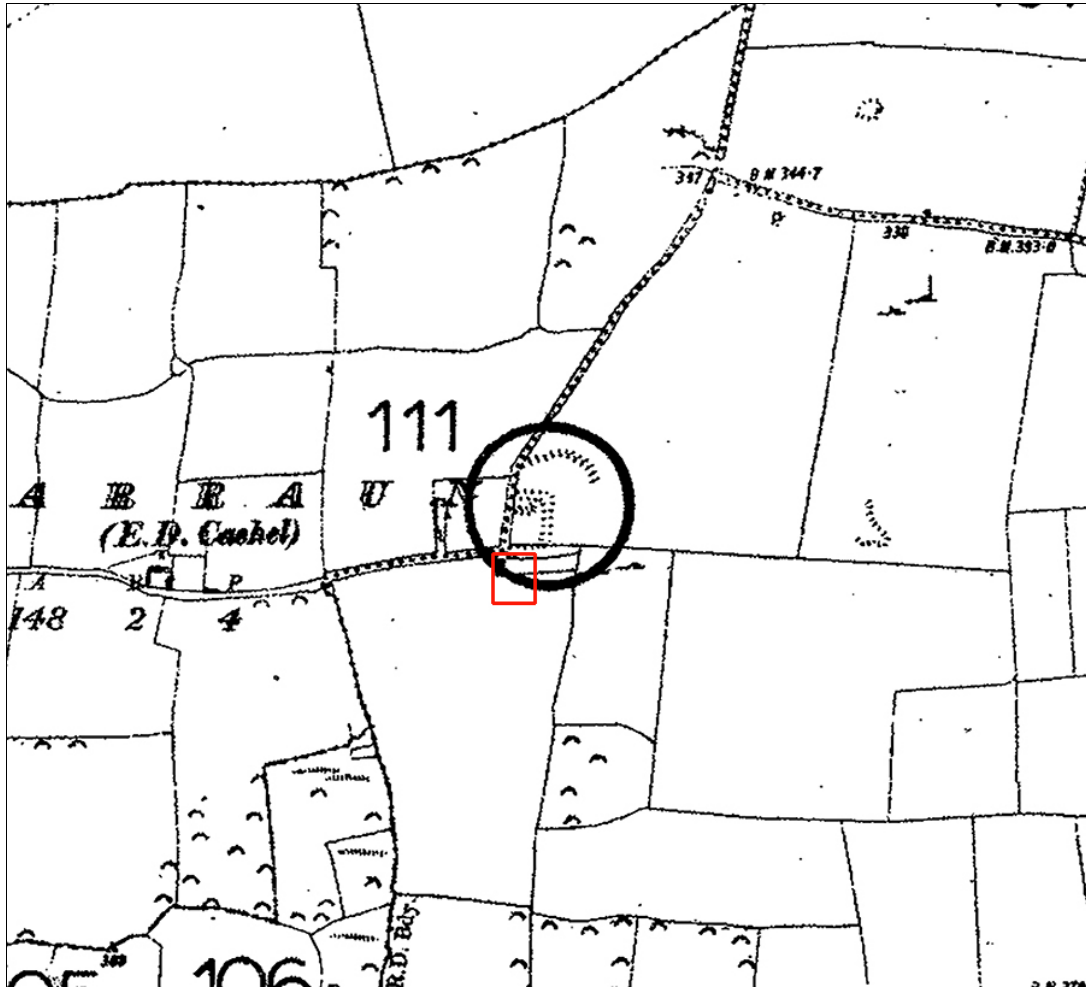


Figure 9. RMP map extract 1998, sheet 60, Co. Tipperary (based on 1906 ed OS map). Subject site in red.

4.2 Previous archaeological work in the vicinity

A search of the licenced archaeological work database www.excavations.ie for Garraun townland was undertaken. No results were returned.

4.3 Protected Structures

There are no protected structures on the subject site.

4.4 Archaeological artefacts

There are no stray finds recorded in the Topographical Files in the Antiquities Division of the National Museum of Ireland for the townland of Garraun (St. Patricksrock Parish).

4.5 Cartographic images of the subject site (Figs 9-11)

The seventeenth century Down Survey barony map was consulted for the subject site and did not show anything of interest in the location of the subject site. In 1641 the owner of the townland of Garraun is listed as the Bishop of Cashell (Protestant), and the same in 1671. The profitable land is listed as 31 plantation acres (<http://downsurvey.tcd.ie/landowners.php#mc=52.496564,-7.934432&z=14>).



Figure 10. Extract of seventeenth-century Down Survey county mapping for Co. Tipperary; showing modern day townland of Garraun (<http://downsurvey.tcd.ie/landowners>).

The first edition OS six-inch map (Fig. 10), dated c. 1840 structures on the subject site, with the moated site hachured to the northeast. It appears that the bank of the moated site runs along the line of the roadway to the northeast. The hachures of the outer enclosure are also marked.

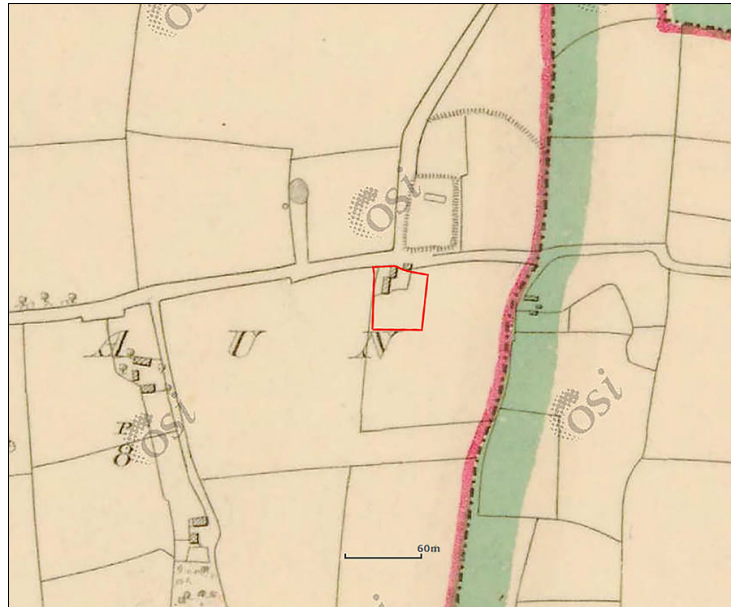


Figure 11. Subject site in red on OS first edition (c. 1840) 6-inch map (after www.archaeology.ie). North to top.

The later OS 25-inch map (c. 1900) shows a broadly similar layout, (Fig. 11).

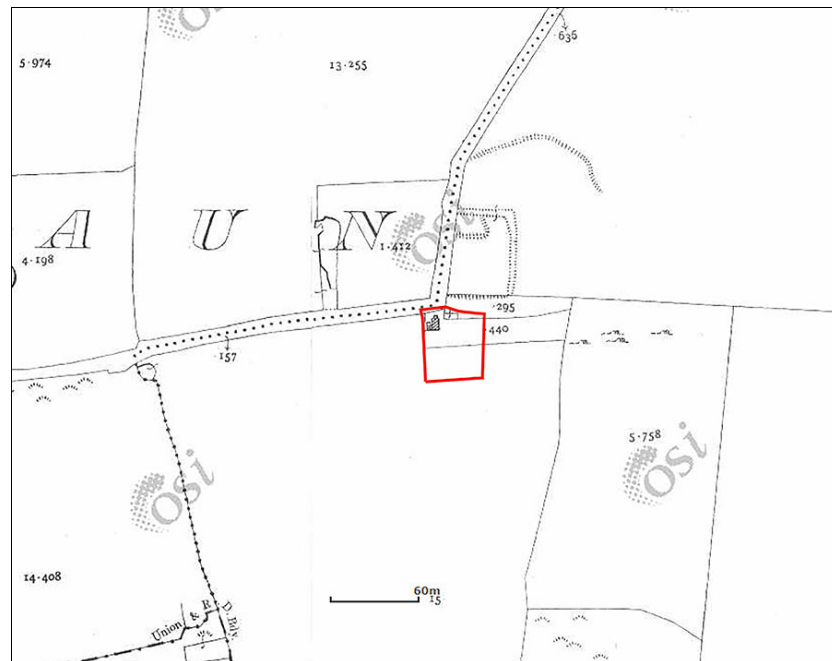


Figure 12. Subject site in red on 25-inch OS map (after www.archaeology.ie). North to top.

5. Impact of Proposed Development

It is proposed to demolish some of the structures on site, and construct an extension to the existing house, build a new concrete yard and a new waste water treatment facility with a polishing filter on the subject site. The subject site lies entirely within the townland of Garraun. The subject site is within the zone of notification for a recorded monuments TS060-111001- (enclosure), TS060-111002- (moated site), TS060-111003- (structure). It is predicted that the proposed works may possibly have a negative impact on potential unrecorded subsurface archaeological remains.

Table 2. Predicted impacts of the proposed development on archaeology and cultural heritage.

Predicted Impact No.	Description	Predicted impact without mitigation. Negative/Neutral/Positive
1.	All groundworks associated with the construction of the residential development.	Negative
2.	Visual impact of the development on the archaeological monument on the subject site.	Neutral-development has already happened on the site.

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

The subject site is within the zone of notification for a recorded monuments TS060-111001- (enclosure), TS060-111002- (moated site), TS060-111003- (structure). It is predicted that the proposed works may possibly have a negative impact on potential unrecorded subsurface archaeological remains. Due to the presence of the moated site and enclosure, development on the site may have potential to yield archaeological features and/or artefacts subsurface. However, development and landscaping has already occurred on the site. Suggested mitigation is set out in table 3, as per best practice guidance (Dúchas 1999a; 1999b).

Table 3. Suggested archaeological mitigation measures.

Mitigation No.	Mitigation	Reason	Mitigates Predicted Impact No.
1.	That archaeological monitoring of groundworks should be undertaken under licence from the National Monuments Service.	Archaeological material may be encountered due to the presence of an archaeological monuments adjacent to the subject site. .	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 Garraun townland, Golden, Co. Tipperary.

7.2 Method of study

The site was visited by a qualified archaeologist and recorded in the proper fashion on 8 November 2022. 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 consists of an existing dwelling house, outbuildings and landscaped lawn. The subject site is within the zone of notification for a recorded monuments TS060-111001- (enclosure), TS060-111002- (moated site), TS060-111003- (structure). It is predicted that the proposed works may possibly have a negative impact on potential unrecorded subsurface archaeological remains.

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

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32 Nicholas St,
King's Island,
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Client: Tipperary County Council,
Civic Offices,
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Clonmel,
Co. Tipperary.

Signed:



for ÆGIS ARCHAEOLOGY LIMITED

Report Status: Final

Dated: 14 December 2022

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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- Dúchas 1999a** *Framework and Principles for the Protection of the Archaeological Heritage*. Dublin: Department of Arts, Heritage, Gaeltacht and the Islands.
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- www.iai.ie
- www.logainm.ie
- www.myplan.ie
- www.myplan.ie
- www.nli.ie
- www.osi.ie

All last accessed 13 December 2022.

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 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).¹

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.

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



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