



Our Ref: **FP2023-075**

Draft Thurles Local Area Plan 2024-2030

(Please quote in all related correspondence)

11 September 2023

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Via email: [REDACTED] ; [REDACTED]

Proposed Development: Tipperary County Council: Draft Thurles Local Area Plan 2024-2030: Thurles Co. Tipperary

A Chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings

Archaeology

The Department welcomes the opportunity to review and comment on the Thurles Local Area Plan 2024-2030 (TLAP). In this regard the Department notes that Section 7.2 of the plan is dedicated to Thurles's Built, Social and Cultural Heritage, within which Section 7.2.3 relates directly to Archaeology. Ideally this section should set out the archaeological policies and objectives of the Council that relate specifically to the unique archaeological heritage of Thurles and its' environs. In this regard the Department notes that there are no specific objectives/policies within Section 7.3 that relate to Thurles's archaeological or underwater archaeological heritage. Like Clonmel, Thurles was founded upon a fording point on the River Suir, and by way of the river's course through Thurles to Clonmel, Cahir and Waterford, the town's rich riparian and underwater heritage has its' foundations in the transport links and natural resources the river provided. This section is notable primarily for its' lack of policies in relation to the town's archaeological heritage and in this regard the Department respectfully requests that the Council consider the following for inclusion in the TLAP.

Definition of Archaeology and Archaeological Heritage

It is very important that the TLAP's archaeological policies and objectives are informed by a clear understanding of the nature of archaeology and the archaeological heritage, as well as the relevant legislation which protects the archaeological resource. Whilst the Department notes that a detailed description of both are provided in Appendix 4 (Section 4.12.1), it is



recommended that a brief statement on this be included in Section 7.2 *Archaeology* by way of an introduction. Please note the following by way of assistance in drafting such text.

Archaeology is the study of past societies through their material remains and the evidence of their environment. It is not restricted solely to ancient periods; it includes the study of relatively recent societies through, for example, industrial and military sites.

The archaeological heritage is comprised of all material remains of past societies with the potential to add to our knowledge of such societies. It therefore includes the remains of features such as settlements, monuments, burials, ships and boats and portable objects of all kinds, from the everyday to the very special. It also includes evidence of the environment in which those societies lived.

Archaeological heritage occurs in all environments, urban and rural, upland and lowland, grassland, tillage and forestry, inland and coastal, dryland, wetland (including peatlands) and underwater (including watercourses, lakes and the sea).

Archaeological heritage may exist in the form of upstanding or visible remains, or as subsurface features with no surface presentation.

Given the above, archaeological heritage is present as yet unidentified in all environments.

Legislation relevant to the protection of the archaeological heritage

The Department notes a detailed description of the National Monuments Act (1930-2014) in Appendix 4.12.1. However, of key importance is reference to ‘*national monuments*’ in the associated mapping when the legal term is, in fact, ‘*recorded monument*’. The mapping is particularly poor in distinguishing the Zone of Archaeological Potential around the Historic Town of Thurles from the rest of the designations/zoning. It is recommended that a stand-alone map is included which highlights all recorded monuments, zones of archaeological potential, national monuments and wrecks.

It would be highly beneficial if the wreck records for the relevant planning area (which are available to download from the Wreck Viewer) were included in this appendix; in any event a link to the Wreck Viewer is available in electronic form at

<https://www.archaeology.ie/underwater-archaeology/wreck-viewer>

With regard to Appendix 4 the following may be worth noting:

- *Planning and Development Act 2000 and the Planning and Development Regulations 2001* contains provisions relating to the protection of archaeological heritage in the course of particular planning cases. These include provisions making clear that imposition of archaeological conditions on grants of planning permission does not ground claims for



compensation and detailed provisions to ensure that planning applications for proposed development which would affect sites protected under the National Monuments Acts 1930 to 2014 or archaeological sites in general are referred to the Department.

- *Environmental Impact Assessment Directive*, which is given effect to in Irish law through a range of national legislation, clearly requires that EIA include consideration of impact on archaeological heritage.
- *International Conventions*: Ireland is a party to the 1992 Council of Europe *European Convention on the Protection of the Archaeological Heritage (the "Valletta Convention")*. It is important that all public bodies, including local authorities, play their part in ensuring Ireland is at all times in compliance with this binding international treaty, including through using domestic legislation such as the Planning and Development Act to give effect to the requirements of the Convention. A particular focus of the Valletta Convention is the requirement to ensure that archaeological considerations are integrated into the planning and development process.

Although not as yet a party to the 2001 *UNESCO Convention on the Protection of the Underwater Cultural Heritage*, Ireland supported its adoption and has since then consistently supported its aims and objectives. It is essential that full account is taken of the need to provide appropriate protection for the underwater cultural heritage.

- *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999) was published so as to promote a high level of compliance with the aims and requirements of the Valletta Convention. It sets out national policy on the protection of the archaeological heritage in the course of development. While not specifically directed at the planning system, as operating under the Planning and Development Acts, it speaks to all development control codes. It is therefore essential that archaeological issues be addressed as part of Development Plans adopted under the Planning and Development Act, as such plans sit at the centre of the whole planning and development system.

Core elements of the policies set out in the *Framework and Principles* document include emphasis on the non-renewable nature of the archaeological heritage and the need to always consider its preservation *in-situ* as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development.



It is recommended that at the outset Section 7.2 should include an over-arching objective for the protection of the archaeological heritage, this objective should ideally relate to, and derive from, the County Development Plan's archaeological heritage objectives. By way of example:

It will be an objective of the planning authority to protect in an appropriate manner all elements of the archaeological heritage and other features of the following categories:

- (a) Sites and monuments included in the Sites and Monuments Record (SMR) as maintained by the Department
- (b) Monuments and places included in the Record of Monuments and Places (RMP) as established under section 12 of the National Monuments (Amendment) Act 1994.
- (c) Historic monuments and archaeological areas included in the Register of Historic Monuments as established under section 5 of the National Monuments (Amendment) Act 1987.
- (d) National monuments subject to Preservation Orders under the National Monuments Acts 1930 to 2014 and national monuments which are in the ownership or guardianship of the Minister for Housing, Local Government and Heritage or a local authority.
- (e) Archaeological objects within the meaning of the National Monuments Acts.
- (f) Wrecks protected under the National Monuments Acts 1930 to 2014 or otherwise included in the Wreck Viewer maintained by the Department.
- (g) Archaeological features not as yet identified but which may be impacted on by development.

The planning authority shall protect the archaeological heritage by requesting, where appropriate, Archaeological Impact Assessments either prior to a planning submission or by way of Further Information and/or planning conditions. The planning authority shall protect Thurles's archaeological heritage by ensuring preservation *in-situ* or preservation by record, as appropriate, with preservation *in-situ* being the first option to be considered being presumed to be the preferred option. If preservation *in-situ* cannot be achieved, or can only be achieved in-part, then preservation by record of the archaeological heritage will be required – this will require the full archaeological excavation and recording of the monument/site, according to best professional practice. Where excavation is required this shall also include the preparation of appropriate reports, post-excavation analyses and publications. The costs of assessing and mitigating archaeological impacts will be considered to be part of development costs which are appropriate to be borne by the developer.

Suggested recommendations for additional archaeological policies that may be of relevance to the Thurles Local Area Plan 2024-2030



- To protect and enhance archaeological monuments and historic wrecks and their settings and amenities, having particular regard to the importance of historic town defences, historic graveyards, national monuments in the ownership of the Minister for Housing, Local Government and Heritage or a local authority and, in general, monuments and historic wrecks which, through their presence in the landscape or seascape, provide tangible evidence of the past.
- To promote and facilitate appropriate forms of access (including disabled access) to archaeological monuments and historic wrecks, including maintaining or developing means of access (including working with landowners to secure appropriate access over private lands), providing appropriate, accurate signage and interpretive material and providing appropriate forms of virtual access where physical access is not possible.
- To ensure that all aspects of archaeological heritage and underwater cultural heritage, in all environments, are considered in the development process, including impacts on unidentified elements of the archaeological and underwater cultural heritage.
- To promote knowledge and appreciation of archaeological and underwater cultural heritage and facilitate access to appropriate guidance regarding its protection and conservation, including at all stages of the development process (including pre-planning application consultations).
- To promote early and comprehensive public access to the results of archaeological excavations carried out as a result of development or conservation projects through publications and the provision of on-site interpretive material even where no physical remains are visible.
- To support community initiatives and projects regarding preservation, presentation and access to archaeological heritage and underwater cultural heritage, provided such are compatible with appropriate conservation policies and standards, having regard to the guidance and advice of the Department of Housing, Local Government and Heritage.
 - In general, developments will not be permitted which would result in the removal of archaeological monuments with above ground features/surface expression. This will be especially the case in relation to archaeological monuments which form significant features in the landscape, whether or not visible from public spaces.
 - To secure the preservation *in-situ* of historic wrecks, and where this is not possible, their preservation by record.
 - To secure the preservation *in-situ* of historic town defences of all forms.
 - To ensure that provision is made in the planning process ensuring the preservation *in-situ* of significant medieval masonry remains found during the course of a development and (where practicable) the presentation of such remains as part of completed developments.
 - To secure the preservation *in-situ* of surviving above-ground urban medieval and early modern structures, by ensuring that permission for a development does not



result in the loss of the remains of such structures which may survive within buildings which are, or appear to be, of later date.

- To secure the preservation *in-situ* of significant examples of industrial, military and nautical heritage that form part of our post-medieval archaeological heritage, and examples of which may date from periods up to and including the 20th century.
- To secure the setting, character and amenity of historic battlefields.
- To preserve the setting and amenity of all archaeological monuments, with particular regard for upstanding monuments and the line of historic town defences, by ensuring that development in the vicinity of these archaeological monuments is not detrimental to their character or setting by reason of the development's location, scale, bulk or detailing.
- To preserve means of access to monuments currently accessible to the public and to develop further and better access to monuments, including as part of the design of development in their vicinity (where appropriate).
- To ensure a sufficient buffer area is maintained between a development and the line of historic town defences so as to preserve the amenity and lines of such defences.
- To retain the existing street layout, historic building lines and traditional plot widths where these derive from medieval or earlier origins within towns or villages.
- To protect historic graveyards, including through the avoidance of extensions to them would have an inappropriate level of impact on sub-surface archaeological remains or on their setting or amenity and, in that regard, as an alternative to extensions to historic graveyards to endeavour to find alternative locations where additional land for burial is considered necessary.
- To ensure that historic graveyards in the ownership or care of the local authority are managed and maintained in accordance with appropriate conservation standards and that local communities involved in care and maintenance of historic graveyards receive appropriate advice regarding such standards.
- To ensure that landscapes of particular archaeological interest or significance are appropriately considered as part of a landscape character assessment, and to ensure the preservation of the character, interest and amenity of such landscapes.
- To ensure that in appropriate cases developments include as a long-term measure appropriate interpretive material regarding the archaeological features identified or uncovered in the course of development or pre-development work, whether or not such features have been preserved *in-situ* or are themselves presented.
- To ensure that all signage placed at or near archaeological monuments is appropriate in both form and accuracy of content.
- To provide, in appropriate cases and subject to appropriate safeguards and restrictions, appropriate forms of public access (whether actual or virtual) to archaeological excavations taking place in advance of development.



- To support the incorporation of monuments into designated open spaces and public amenity spaces, provided this is done in a manner compatible with the protection and proper management and conservation of the monument in question, in particular through ensuring that such monuments are not left vulnerable, e.g. to erosion or to becoming the focus of vandalism or anti-social behaviour, or are not left in, or allowed to deteriorate to be in, a condition incompatible with public safety. Accordingly, where such incorporation takes place an appropriate and enforceable permanent management and conservation plan will be required.

Recommended Climate Change Policies and Objectives for Archaeological Heritage

- To promote awareness and the appropriate adaptation of Ireland's built and archaeological heritage to deal with the effects of climate change.
- To identify the built and archaeological heritage in local authority ownership and areas at risk from climate change including, but not necessarily restricted to, the Record of Monuments and Places, protected structures and architectural conservation areas designated in the development plan.
- To undertake climate change vulnerability assessments for the historic structures, sites and wrecks in its area.
- To develop disaster risk reduction policies addressing direct and indirect risks to the built and archaeological heritage in its area.
- To develop resilience and adaptation strategies for the built and archaeological heritage in its area.
- To develop the skills capacity within the local authority to address adaptation /mitigation/emergency management issues affecting historic structures and sites in order to avoid inadvertent loss or damage in the course of climate change adaptation or mitigation works.

The above recommendations are intended to support the Council in establishing objectives and policies relevant to the TLAP as part of Section 7.2.

You are requested to send further communications to the Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the address below.

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Diarmuid Buttimer
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Administration