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From: [REDACTED]
Sent: Friday 25 November 2022 12:06
To: Forward Planning; plandev; Burke, Karen
Cc: OPR Plans
Subject: [EXTERNAL]Draft Local Area Plan (LAP) for Caherconlish
Attachments: FP2022-061 Draft Local Area Plan (LAP) for Caherconlish.pdf

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A Chara,

Please find attached Heritage Related recommendations for the above mentioned Local Area Plan.

Regards
Diarmuid

Diarmuid Buttimer
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

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Newtown Road, Wexford, County Wexford, Y35 AP90



Planning Ref: **FP2022-061**

Draft Local Area Plan (LAP) for Caherconlish

(Please quote in all related correspondence)

25 November 2022

Director of Services – Planning
Limerick City & County Council Offices
Planning and Environmental Services Department
Dooradoyle Road
Limerick
V94 WV78

Via email: planning@limerick.ie karen.burke@limerick.ie forwardplanning@limerick.ie

Re: Notification under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

Proposed Development: Limerick City and County Council Draft Local Area Plan (LAP) for Caherconlish.

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

Thank you for drawing the Draft Caherconlish Local Area Plan to our attention for comment. It is noted that the current draft builds on previous plans and continues to include robust policies and objectives addressing the entire spectrum of archaeological heritage in the county; terrestrial, riverine, intertidal and underwater.

Caherconlish, as outlined in Chapter 8 Climate Action, Environment and Heritage, is rich in archaeological heritage (section 8.3.1 archaeological heritage). It is a significant historic town in County Limerick, with origins in the medieval period and has several features dating to this period. There are a number of other recorded monuments in its vicinity which are also worthy of note. As such, it has a relatively high potential to yield further archaeological finds of interest in the future and the town and the locality is developed. Overall, the Department concurs with the objectives as set out in the draft plan for the archaeological heritage



resource (namely objective CH O6). It is noted, however, that this objective only refers to the Record of Monuments and Places, which is the paper record of archaeological monuments. The Department advises that another objective take cognisance of and reflects new and previously unrecorded as set out in the sites and monuments record (SMR), which is updated regularly. The Limerick Development Plan 2022–2018 (adopted June 2022, section 6.5, page 198) includes the following objective, which reads as follows:

Objective EH O37

Preservation of unrecorded/newly discovered Archaeological Heritage.

It is an objective of the Council to protect and preserve the preservation in situ (or at a minimum by record) of *all sites and features of historical and archaeological interest, discovered subsequent to the publication of the Record of Monuments and Places* [emphasis mine].

The following is provided for information on the detail of current national archaeological heritage protection and policy. It is strongly recommended that this Local Area Plan cross references the Limerick Development Plan 2022–2028 which also includes much of the following detail.

Definition of archaeology and archaeological heritage

It is very important that the Local Area Plan's archaeological policies and objectives be informed by a clear understanding of the nature of archaeology and the archaeological heritage, and it is recommended that a statement on this be included in the section on archaeological heritage. The following is noted 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.



Recommended over-arching objective for the protection of the archaeological heritage

Archaeological heritage is addressed quite comprehensively, if succinctly, in the Draft Plan, and it is hoped that the following points will add more detail to the existing policies and objectives. It may be appropriate in the Draft Plan to include:

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 National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage (DHLGH);
- 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/Wreck Inventory of Ireland Database maintained by the National Monuments Service of the Department of Housing, Local Government and Heritage;
- g) Where, under Section 3 of the National Monuments (Amend.) Act 1987 a place on, in or under the seabed (of the territorial waters) or land covered by water where a wreck or an archaeological object lies or formally lay;
- h) Archaeological features not as yet identified but which may be impacted on by development.

In securing such protection, both generally and in the context of any particular planning decision, the planning authority shall take full account of, and be guided by, national policy on the protection of the archaeological heritage as set out in the *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999). Any specific recommendations made by the Government Minister responsible for the protection of the archaeological heritage, as a statutory consultee in the planning process, shall be given full consideration by the planning authority.



The planning authority shall protect the archaeological heritage through 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.

Recommended further objectives and policies to protect the archaeological heritage

- To protect and enhance archaeological monuments, historic wrecks and archaeological objects and their settings and amenities, having particular regard to the importance of historic graveyards, national monuments in the ownership/guardianship of the Minister for Housing, Local Government and Heritage or the Local Authority and, in general, monuments, historic wrecks, and archaeological objects which, through their presence in the landscape or seascape, provide tangible evidence of the past;
- To promote and facilitate appropriate forms of access (including but not limited to educational and disabled access for example) 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;

- It would be general policy that 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;
- 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;
- To secure the preservation *in-situ* of historic wrecks, and where this is not possible, their preservation by record;
- 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/maritime heritage that form part of our post-medieval archaeological heritage, and examples of which may date from periods up to and including the twentieth century;
- To preserve the setting and amenity of all archaeological monuments, with particular regard for upstanding monuments, 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 retain the existing street layout, historic building lines, and traditional plot widths where these derive from medieval or other origins within towns or villages;
- To protect historic graveyards, including through the avoidance of extensions to them where this 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 historic or archaeological interest or significance are appropriately considered as part of a landscape character assessment, and to ensure the continued 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 design, form, and accuracy of content;
- 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 or allowed to deteriorate to 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 development control objectives and policies:

- That proposed developments which may, due to their location, size, or nature, have implications for elements of the archaeological heritage (including the underwater cultural heritage) be subject to an archaeological assessment, which should in general be carried out before any grant of permission. Such developments include those that are located at or close to archaeological sites or monuments or historic wrecks, those which are extensive in terms of area (ground disturbance of 1/2 hectare or more) or length (1km or more) even if no known elements of the archaeological heritage are present, those which would affect significant areas of environments such as wetlands, reclaimed areas of rivers, lakes and coastlines and underwater areas even if no known elements of the archaeological heritage are present, and any developments that require the carrying out of Environmental Impact Assessment;
- Proposed developments in areas of the marine environment or inland waterways for which there are no located wrecks may be considered to be areas of high archaeological potential due to the number of historic ship losses recorded for these areas over time or areas that have a record for locations of archaeological objects in the past, such as those from the



River Suck. Therefore, developments in riverine, lacustrine, intertidal and sub-tidal environments of archaeological potential should be subject to an underwater archaeological impact assessment, which should in general be carried out before any grant of permission;

- To ensure that archaeological assessment is carried out in accordance with relevant policies and standards, in particular those set out in the *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999) and the *Policy and Guidelines on Archaeological Excavation* (Government of Ireland 1999) and the advice in particular cases of the Department of Housing, Local Government and Heritage, with all relevant techniques (including documentary research, aerial photographic research, geophysical survey and archaeological test excavation) being required as appropriate. This will also include, in appropriate cases, the carrying out of building surveys and assessments of upstanding structures to determine the extent to which they are, or contain within them, structures of medieval or early modern date;
- To ensure that all planning applications for developments of categories set out above are referred to the Department of Housing, Local Government and Heritage, through its Development Applications Unit, that such referrals take place in due time and that full account is taken of the recommendations made by the Department;
- To ensure that all such assessments are carried out by professionally qualified and experienced personnel;
- That permission for proposed development will be refused where the development cannot be carried out in a manner compatible with the protection of the archaeological heritage as provided for in the policies and objectives contained in the development plan and in relevant national policies, in particular the *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999);
- That where permission is granted for proposed development such grants of permission will contain appropriate conditions to secure the protection of the archaeological heritage, either by preservation *in-situ* or, where impact cannot be avoided, by way of preservation by record. In imposing such conditions, the planning authority will act in accordance with relevant policies and standards, in particular the *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999) and the *Policy and Guidelines on Archaeological Excavation* (Government of Ireland 1999), and be guided in particular cases by the advice of the Department of Housing, Local Government and Heritage. Such conditions may require, as appropriate, archaeological assessment, preservation *in-situ*, preservation by record



and/or archaeological monitoring as well as post-excavation conservation, analysis and reporting;

- That where preservation *in-situ* is required as a condition, further conditions may require appropriate immediate and long term conservation and management of the archaeological features in question and long term monitoring of the effectiveness of conservation measures, with appropriate steps required to be taken in the event conservation measures are proving in-effective;
- That where preservation by record is required as a condition, such conditions will further require preparation of appropriate follow-up reports, analyses and publications and the conservation as necessary of archaeological material and objects recovered during the archaeological excavations as carried out;
- That where permission is granted conditions may require presentation to the public of archaeological features preserved *in-situ* on the site, where practicable, and/or provision of interpretive material at the site (including on a permanent basis) whether or not any features have been preserved *in-situ*;
- That where archaeological excavation is required as a condition of permission, further conditions may be imposed requiring the provision of public access to such excavations, subject to appropriate safeguards;
- That where conditions are imposed for the protection or preservation of the archaeological heritage, these will make clear that the costs of implementing these are to be borne by the developer.

Recommended climate change policies and objectives for archaeological heritage

It is noted that climate change and its impacts on the archaeological resource has been considered in the Draft Plan (Chapter 8). The following further recommendations are made for climate change policy objectives:

- 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 local area plan and county 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 (including underwater cultural heritage) in its area;
- To develop resilience and adaptation strategies for the built and archaeological heritage (including underwater cultural 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.

We note the appendices that are included in the draft local area plan for Caherconlish which includes maps, sites and monuments and protected structures, which are all a most useful resource.

Overview of policy context

The drafting of a number of key national policy documents pertaining to archaeology and built heritage, including *Heritage Ireland 2030*, the *Climate Change Sectoral Adaptation Plan for the Built and Archaeological Heritage* (published in 2019), the *Built Vernacular Strategy* (published in 2021) and the *National Policy on Architecture* (2022), provide the context for this response. The Department welcomes where possible that the policies and objectives of these core documents be inserted into future development plans. The Department notes that research into the symbiotic relationship between cultural heritage and the biodiversity provides opportunities to build capacity as per the National Biodiversity plan 2017–2021 actions and to focus not just on protection but also on the conservation/restoration of diminishing or under threat cultural assets i.e. the archaeological and built heritage of the county.

The development of these new policy documents, position archaeology and built heritage as a central and integrated theme within all government policy, planning and funding frameworks. These new policies are of strategic importance in terms of our alignment with EU policies and funding programmes ensuring resilience in the face of significant challenges particularly the impacts of Brexit, climate change and the COVID 19 pandemic. The Department recognises that this is an important time to be working collaboratively and strategically with Local Authorities particularly with regard to vulnerable built and archaeological heritage sites, the safeguarding of vacant buildings and the promoting/enabling reuse and repurposing of existing cultural assets. In this regard the Department notes the importance of new areas of interest including our built vernacular architecture and its setting both rural and urban, and the protection and potential of planned and designed landscapes for recreational and amenity purposes.



The Programme for Government supports the 17 No. Sustainable Development Goals adopted by the United Nations and built on the principle of 'leaving no one behind'. Cultural and natural heritage as part of the wider built environment is represented by Goal No. 11— make cities and human settlements inclusive, safe, resilient and sustainable. Targets to be achieved are wide-ranging including the adoption and implementation of integrated policies and plans towards 'inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters and implement holistic disaster risk management at all levels', whilst targets for cultural and natural heritage are focused on strengthening its protection.

The Department welcomes the opportunity for making cultural heritage more accessible and better integrated with wider tourism and recreational opportunities of the county. This will be strategically important to enhancing as well as spreading the tourism capacity through the county's heritage sites and historic towns. The Department supports the integration and communication of multiple strands of cultural and natural heritage, particularly through the implementation of blue and green infrastructural projects that holistically deal with all aspects of archaeological, built and natural heritage. By delivering high quality renewal and enhancement to existing places the social, environmental and economic objectives for sustainable development of communities will be met and cultural heritage significance, conservation best practice, preservation and protection of biodiversity of these places will be raised in general to the benefit of all.

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

Is mise le meas,

Diarmuid Buttimer
Development Applications Unit
Administration