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ÆGIS REF.: 66-71

Archaeological Impact Assessment at Fuller's Folly, Newcastle West, Co. Limerick.



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Copies of this report have been presented by ÆGIS to: Client— Healy Partner's Architects, The Mill, Glentworth St, Limerick.

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 2000 (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 (for example Dúchas 1999; 1999a; National Monuments Service 2006; EPA 2015; 2015a; 2018).

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.

Acknowledgements ÆGIS acknowledges the information supplied by the client, design team lead, and information gathered from the Archaeological Survey of Ireland.

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Cover Image Date stone in southern boundary wall, from N (F. Coyne).

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II. Glossary of Terms Used

ACA	Architectural Conservation Area.
ASI	Archaeological Survey of Ireland, a division of the DCHG.
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).
CDP	County Development Plan.
DCHG	Department of Culture, Heritage, and the Gaeltacht.
E	East.
EIAR	Environmental Impact Assessment Report.
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'.
IT	Institute of Technology.
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.
MMD	Mott MacDonald.
N	North.
NDFA	National Development Finance Agency.
NGR	National Grid Reference.
NIAH	National Inventory of Architectural Heritage.
NLI	National Library of Ireland.
NMI	National Museum of Ireland.
NMS	National Monuments Service. Regulatory body and division of the Department of Culture, Heritage, and the Gaeltacht.
OPW	Office of Public Works.
OS	Ordnance Survey.
OSI	Ordnance Survey of Ireland.
RMP	Record of Monuments and Places. An update of the older SMR, (sites and monuments record), on which all known archaeological sites are marked and listed in an accompanying list. The sites marked afford legal protection under the National Monuments Acts 1930-2004. 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 OF for Offaly.
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.
ZAP	Zone of archaeological potential (refers to historic towns only).

1. Introduction

1.1 Scope of study

The subject site is known as Fuller's Folly, situated in the town of Newcastle West, the townland of Castle Demesne, the barony of Glenquin, and the civil parish of Newcastle. It is immediately adjacent to the Desmond Castle (Recorded Monument LI036-067002-) and National monument of Desmond Hall and Great Hall in the ownership of the Minister for Housing, Local Government and Heritage managed by OPW (No 686 and 582),

The site inspection on which this assessment is based was undertaken by the writer on various dates in April and May 2023.

This archaeological report was funded in full by the client.

1.2 Statutory protection and policy

There is a range of existing statutory and regulatory policies upon which this report can draw (see annex 1 for list). Protection is provided by the following legislation: National Monuments (amendment) Acts 1930-2014; Record of Monuments and Places (RMP) established under section 12 of the National Monuments (amendment) Act 1994; Planning and Development Acts 2000 (and amendments); Heritage Act 1995; National Cultural Institutions Act 1997; Architectural Heritage (national inventory) and Historic Monuments (miscellaneous provisions) Act 1999. A number of international conventions are also pertinent (Dúchas 1999).

At present, **national level** policy in the Republic of Ireland on monuments of cultural heritage significance (archaeology and architecture) is in the first instance, preservation *in situ*. This policy is fully outlined in a published document *Frameworks and Principles for the Protection of the Archaeological Heritage* (Dúchas 1999). Recorded archaeological monuments (i.e. RMPs) within the study area, and those architectural features which are protected structures (RPS) must be retained *in situ* and their landscape context must be either maintained or ideally improved by any future development (Dúchas 1999, 23-25). In the case of any 'new' or previously unrecorded archaeological monument or architectural feature which may be identified during the master planning stage or later development stages, governmental policy on monuments of cultural heritage significance (archaeology and architecture) is again, in the first instance, preservation *in situ*. However, in this case, if it can be clearly demonstrated that this is impossible to achieve, preservation by record on case-by-case may be permitted by the regulatory bodies (Dúchas 1999, 25).

2. Methodology

The following resources and methods of establishing the archaeological status of the site were used. These have been sub-divided into desktop survey; field survey and inspection; and impact assessment:

Desktop survey methodology

- A review of the planning history of the subject 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 (see reference section), including the Ordnance Survey First Edition six-inch map (c.1840), the Ordnance Survey twenty-five-inch map, and various aerial views;
- Current County Development Plan & Local Area Plan for the subject site were considered (and heritage plans if available);
- National Inventory of Architectural Heritage to include vernacular structures of architectural heritage merit;
- Record of Protected Structures as maintained by the local authority;
- National Museum of Ireland 'topographical files';
- Pertinent Urban Archaeology Surveys were consulted;
- Folklore Commission information was consulted;
- A review of any archaeological investigations in the vicinity was also undertaken to provide an archaeological context.

Field survey and inspection methodology

- The subject site was visited and inspected by a qualified archaeologist.

Impact assessment methodology

- Published guidance was followed in the impact assessment undertaken in the study, namely EPA (2015; 2015a; 2017). Other published guidance was consulted, for example, Eirgrid (2015) and TII (2005).

3. Existing Environment

The subject site is known as Fuller's Folly, situated in the town of Newcastle West, the townland of Castle Demesne, the barony of Glenquin, and the civil parish of Newcastle.

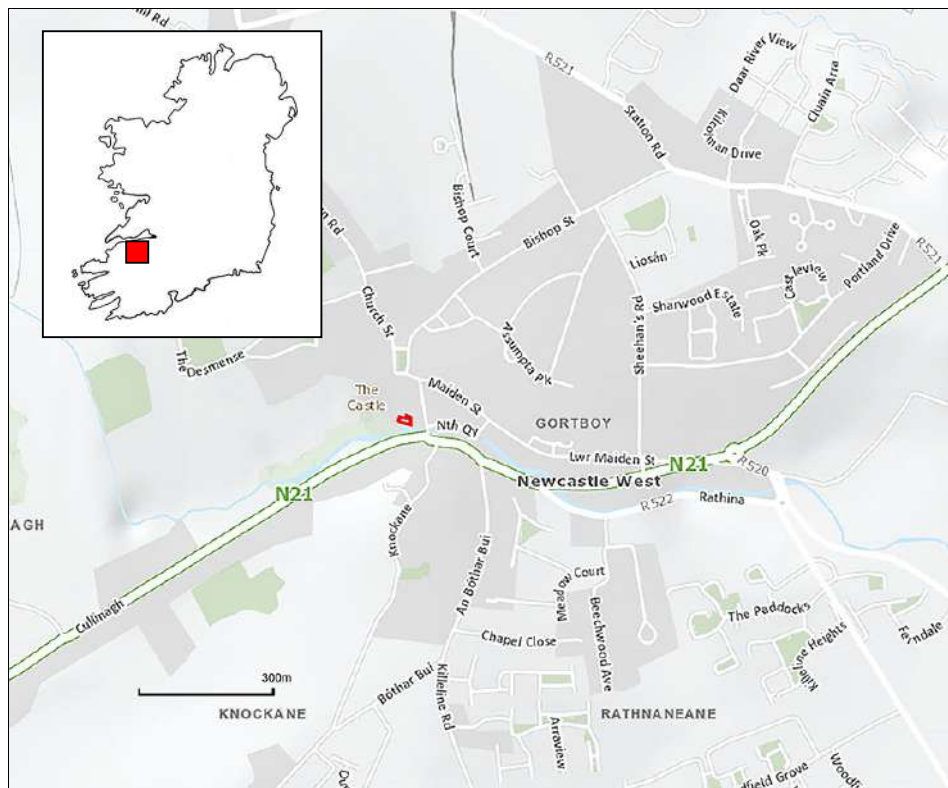


Figure 1. General site location in Newcastle West (after www.archaeology.ie). North to top.



Figure 2. General location of site in the town of Newcastle West (after www.archaeology.ie). North to top.



Figure 3. Detailed location of subject site, outlined in red (after www.archaeology.ie). North to top.

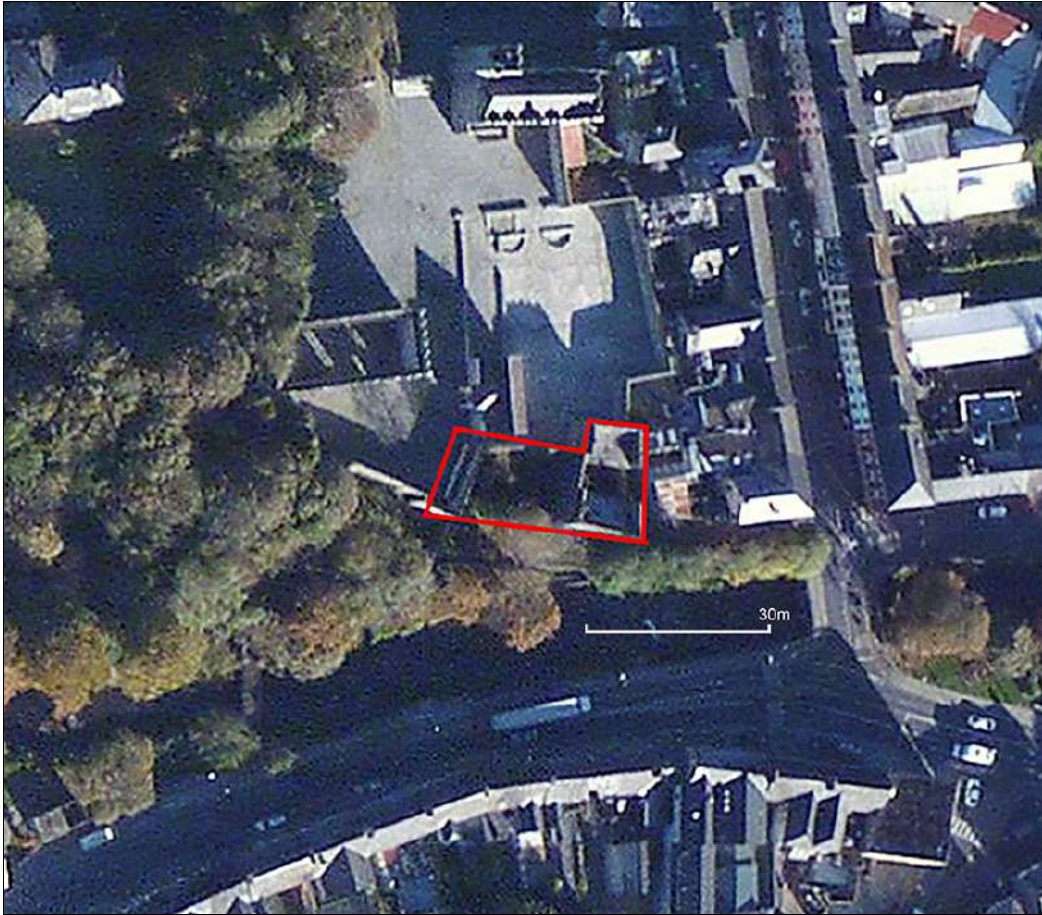


Figure 4. Aerial view of the Fuller's Folly (after Digital Globe 2011). North to top.

3.1 The proposed development

There are no finalized development proposals at this stage of the project.

3.2 The site inspection (Figs 1-4; Plates 1-4)

The site was visited on several occasions in April and May 2023.

The subject site consists of the building known as Fuller's folly. It is entered through an arched entrance at east into a narrow courtyard. The building on the south side was refurbished a number of years ago. The roof of building on the north side has partially collapsed, and the interior of the building contains debris from the collapse, as well as other items which appear to have been stored here.

The main courtyard is entered through another arch, which is missing several of its voussoirs and keystone. A datestone has been reused in the southern side of the entrance, set on its side.

The courtyard has a concrete floor, sloping towards its centre where a wide shallow drain can be discerned. This floor and drain are the remnants of the abattoir which formerly stood on the site. An outbuilding with an *in situ* date stone as the keystone of the arch over the door is located at west. Further to the west and outside of the subject site is portion of the original bawn wall of the castle (c. 1213).

The southern boundary wall contains another date stone. It is unclear if this stone is *in situ*, and may originally have been another key stone.

The northern boundary wall is markedly different in construction. It appears on earlier maps (Ordnance Survey 1st edition map), and corresponds to the suggested line of the thirteenth century (c. 1298) wall of the castle. Local information suggests that there was a breach in this wall until approximately 30-40 years ago, when it was closed up.



Plate 1. View through arch into courtyard area, from E.



Plate 3. Detail of drains and outline of sheds relating to the use of the site as an abattoir indicated by weeds in cracks in the concrete, from E.



Plate 3. Debris from collapse and assorted items of possible cultural heritage interest in the northern building, from S.



Plate 4. The south face of the boundary wall as seen from Fuller's Folly. The dashed line indicates the presence of the former hole in the wall which allowed access to the yards at north (photo by writer).

4. History and Archaeology of the Site and Vicinity

4.1 Historical and archaeological background

The subject site is known as Fuller's Folly, situated in the town of Newcastle West, the townland of Castle Demesne, the barony of Glenquin, and the civil parish of Newcastle. It is immediately adjacent to the Desmond Castle (Recorded Monument LI036-067002-), and it is unclear where the exact extents of the Desmond Castle lie along its south eastern side. A suggested reconstruction (Tyler 2007) places the folly immediately to the south of the castle bawn wall, with the northern wall of the folly and courtyard forming a party wall with the castle. When compared with the reconstruction drawings and plans, the wall of the courtyard is probably relating to the earliest phase of castle construction.

Fuller's Folly was built in 1863 by Cork linen merchant William Fuller Hartnett. It was a costly venture (reportedly cost an average of £1 per stone), the castellated building has been known since as Fullers Folly (<https://www.irishexaminer.com/property/arid-20104011.html>). Fuller Hartnett was born in Cork in 1804 and came to live in Newcastle West in the 1830's, setting up a drapery business on Bridge Street. His business prospered and he was active in both the social and political activities in the town. He was a great supporter of Daniel O'Connell and when O'Connell passed through on his way to and from Kerry, his coach used to change horses at the Courtenay Arms Hotel. Here, Fuller Hartnett would meet O'Connell. However, Fuller Hartnett's support for the more radical Young Irelanders led to a falling out with O'Connell and an end to their friendship. He built the building which became known as Fuller's Folly in 1867. According to local lore, it left him broke. However, when he died in 1879, it is recorded that he left £50 to Dean O'Brien, PP of Newcastle West, so the reports of becoming broke are obviously exaggerated. After his death the drapery business passed to his son, Maurice Myers Hartnett, who sold up and emigrated with his family to San Francisco (Cussen 1984).

The present castle originated as a small fortress probably constructed around 1213. Tietzsch-Tyler has proposed a sequence of development (figures 5 and 6). The original bawn wall of the castle was almost triangular in shape (yellow on the image below). The only original building from this phase is a part of the Banqueting Hall. The castle was then expanded into what was known as the 'New Castle' in the late 13th century, with the Great Hall (Halla Mór) built at this time. Tietzsch-Tyler has suggested that the Great Hall was built over the western curtain wall of the original castle. The town of Newcastle West probably developed alongside the castle from this time also, and was in existence by 1302. The seventh earl of Desmond, James fitzGerald, (d.1462) was responsible for the present appearance of much of the castle. He reinforced the castle walls, repaired the keep and carried out works to the Great Hall (Halla Mór).

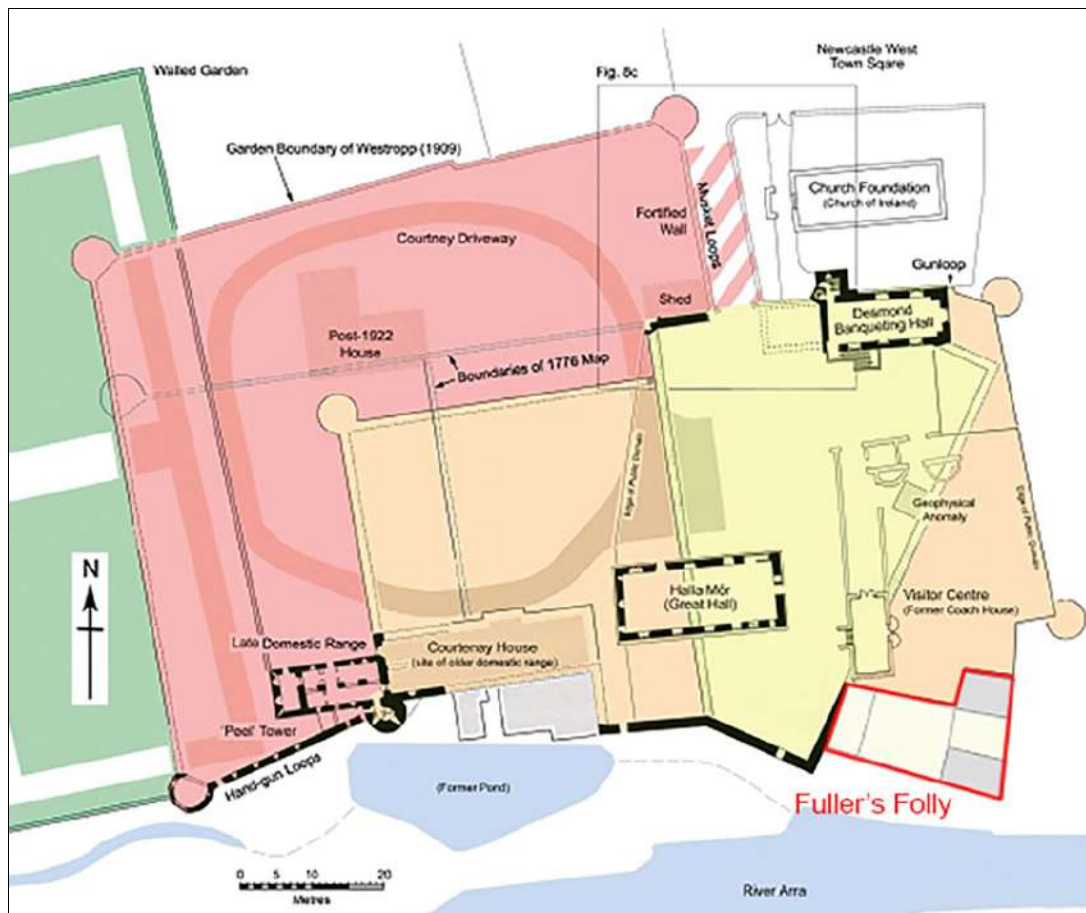


Figure 5. Proposed development of the castle complex (Tietzsch-Tyler 2011, 6). Yellow=original castle (c. 1213); Orange='New castle' of 1298; Red=final castle; Green=walled garden. Location of Fuller's Folly in red (annotated by writer).

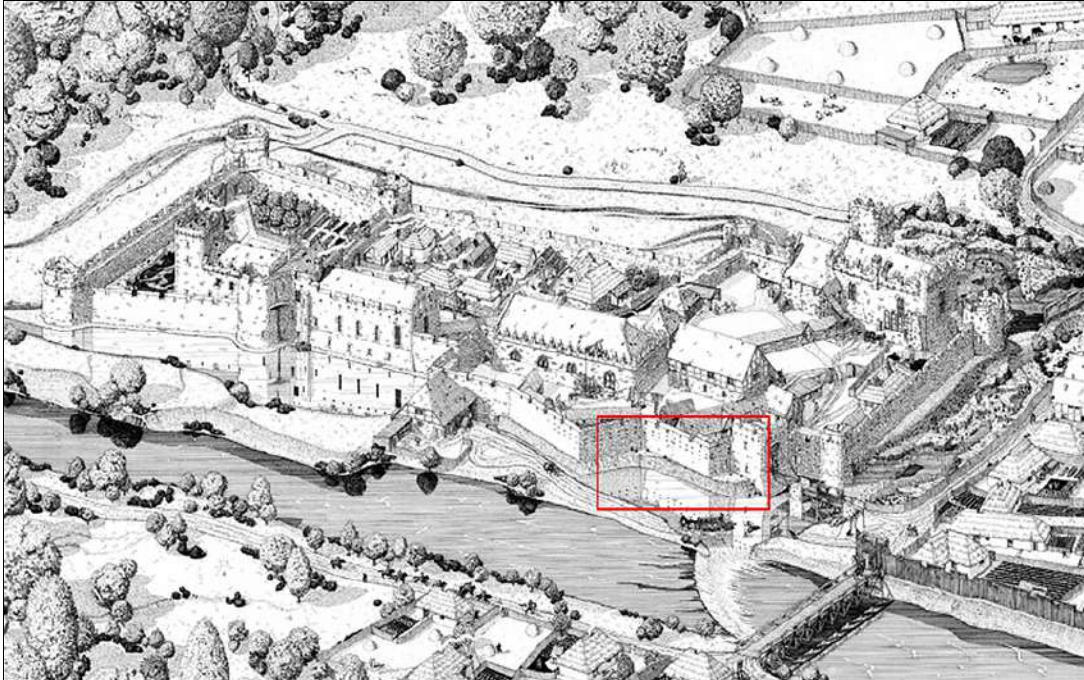


Figure 6. Reconstruction drawing of the castle complex (Tietszh-Tyler 2011, 4). Note location of Fuller's Folly in the moat area (annotated by writer).



Figure 7. Extract of RMP map (SMR detail 1997 on 1924 edition of map), subject site location in red.

Table 1. Archaeological monuments on/adjacent to the subject site.

RMP/SMR	Scheduled for inclusion in next revision of RMP?	Class	Townland	Description
LI036-067002-	Yes	Castle - Anglo-Norman masonry castle	CASTLE DEMESNE	<p>National monuments No. 636 & 582. Desmond Hall described in the Urban Survey (Bradley et. al. 1989, 201-08) as following; "An account of the castle in the Desmond Roll of 1583-6 gives a good description of it: 'One great castle, built of square plan, a chief house of the said late Earl of Desmond ... having at each angle of the same a round tower, with various places and chambers in each tower. And there is at the south corner, on the western side of the said castle at the south part, a high square tower or peel, built for defence within the walls of the said castle. And also there were within the walls of the said castle many buildings - namely, a large Hall, a large room and an excellent chamber; one garden, and in the same two fish ponds, all of which buildings are ruined and waste' (Westropp 1909, 56-7)</p> <p>The castle, all sections of which are very ruined except the Desmond Hall, stands on a raised level area on the north side of the Arra river. It was built of roughly coursed rubble limestone and consisted of a large rectangular bawn with corner towers, a 'peel' tower, two two/three floored houses on the south, the great Hall on the south east and the Desmond Hall on the north east. The enclosing bawn wall only survives in places along the south, where it is crenelated and has gun-loops, and along the east; elsewhere it is missing. At the extreme south-west there is a D-shaped turret, battered at the base and probably originally of two floors. It is now c. 4m high and contains one chamber with a narrow splayed slit to the east and a twin-light window with multi-cusped lights and rectangular hood-moulding with hollow spandrels. There is a similar single light window on the west. The chamber has been re-used as a kiln. To the east there is a circular tower which was originally three floored with basal batter but has been altered substantially internally. The only original features would appear to be one splay of an embrasure opening to the south-west at ground floor level and a loop to the north on the first floor. It would appear to have had a spiral stairs and a beehive shaped roof with wicker centering. The 'peel' tower is c. 11m high and had five floors with wall walk above. It has a pointed barrel vault over the 2nd floor while the remaining wooden floors are missing. The ground floor is largely filled with debris but access appears to have been from the north with internal stairs to the first floor which also connected with the building to the east. Access to the third floor above the barrel vault was possible only from the east and from there to the upper floors by a narrow spiral stairs (now blocked) in the north wall. The building to the east of the 'Peel' tower may have been contemporary with it as there is no sign of a break in the masonry on the north wall. The surviving remains are of one floor although Westropp suggested that it was three floored because he could see a roof line in the east wall of the tower but this is covered in ivy now. Two long barrel vaulted chambers orientated east-west remain on the ground floor; the walls do not survive above the vaults. The chambers have round vaults with wicker-work centering. The wall between the vaults is pierced by four low rounded arches - three of which are now blocked. The west end has been sub-divided</p>

				<p>into small chambers. Originally the north vault was lit by at least three narrow slits set in widely splaying embrasures while the south wall was probably similarly lit but only one is intact. Through the latter embrasure there is a vaulted chamber, divided by modern walls, between the south wall of this building and the outer bawn wall. It is lit by narrow slits in the bawn wall. The existence of a first floor is clear from the presence of a chimney breast and a pointed doorway opening into the tower together with a door in the south-east corner to the circular tower. To the east of the vaulted structure there was another two floored building which is completely gone except for a short stretch of the south wall c. 4m high. However, it is clear from features in the west wall of the above building that this building also had two barrel vaults orientated east-west at ground level which was lit by similar loops set in deep embrasures in the south wall. The first floor had a fireplace in the centre of the west wall and there was an opening on the north side of the chimney.</p>
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4.2 Previous archaeological work on the subject site

Several archaeological excavations have been carried out in the Desmond Castle. However, no archaeological investigations have been carried out on Fuller's Folly.

4.3 Protected structures

Fuller's Folly is a Protected Structure (RPS 1488).

4.4 Cartographic images of the subject site (figs 8-9)



Figure 8. Fuller's Folly in red on OS first edition (c. 1840) 6-inch map (after www.archaeology.ie). North to top. This suggests that the wall between Fuller's folly and the castle ground pre-dates the construction of Fuller's Folly (annotated by writer).

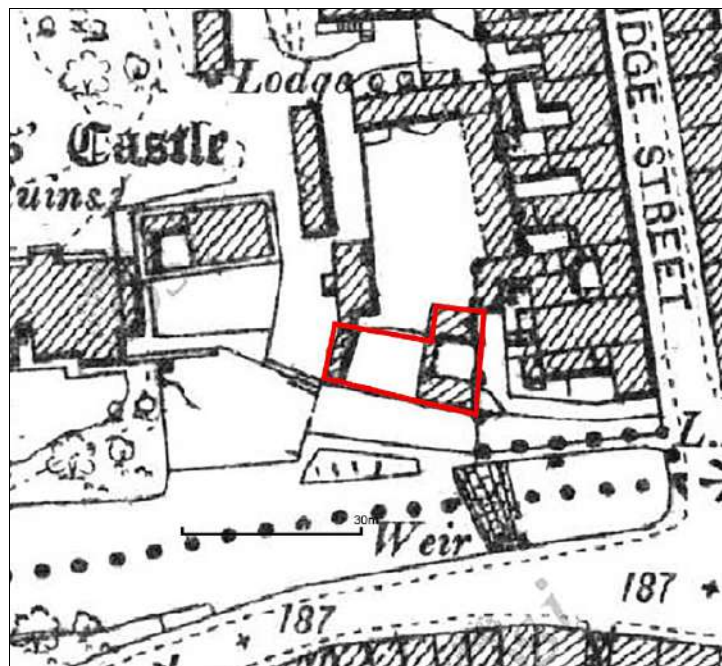


Figure 9. Fuller's Folly in red on 25-inch OS map (after www.archaeology.ie). North to top. Surveyed 1897, published 1900. Annotated by writer. Note the curved wall

5. Discussion Conclusions

Fuller's Folly dates from 1863, according to a date stone in the southern wall of the courtyard of the structure. The wall between the site known as Fuller's Folly and the grounds of the Desmond Castle is approximately 5.5m high, constructed of roughly coursed random rubble. It has been repointed with lime mortar on its northern face. On its southern face in the yard of Fuller's Folly, cementitious mortar is used on its eastern length, with lime mortar used elsewhere. A visual examination of the visible fabric suggests that the northern building of Fuller's Folly has utilised portion of an earlier wall in its construction. The wall which runs from the northern building in a westerly direction, and forms the boundary between the yard of Fuller's Folly and the castle grounds to follow the line of an earlier wall depicted on the Ordnance Survey 1st edition map (c. 1840). Local information records that the yard of Fuller's Folly was used as an abattoir in the late 20th century. The concrete floor in the courtyard relates to the use of the site as an abattoir. It is unclear what this concrete is laid on-it is possible that there is a cobbled surface beneath this. At this time also, a hole in the wall was opened to give access to the yard in the castle grounds to the north. Local information suggests that it was repaired within living memory. The repair is clearly visible on the southern face of the wall, and less so on the northern face. This wall is constructed along the suggested line of the bawn wall of 1298, as suggested by Tietszh-Tyler (figures 8 and 9). Therefore, there is a likelihood is a possibility that wall contains medieval fabric. It is difficult to say how much of this wall is medieval-it may be entirely medieval in date.

Based on the current reconstruction drawing and proposed development of the Desmond Castle, the subject site contains the bawn wall of the Desmond Castle. If the reconstructions and proposed development are accurate, Fuller's Folly is constructed in/on the defensive moat of the castle. Therefore, Fuller's Folly must be considered to be built on part of the castle.

In the light of the above findings, it is suggested that;

- Any proposed works to Fuller's Folly should be carried out under Ministerial Consent (as per determination from National Monuments Service 12 July 2023). As the site is a Protected Structure a Section 57 Notification will also be required for any proposed works. The LCC&C Conservation Officer should be consulted in this regard.
- The northern structure in Fuller's Folly contains material which may be of cultural heritage interest. The original abattoir door lies on the ground nearby. These items should be examined by a heritage professional, recorded in the appropriate manner and a decision made as to what items are to be retained and possibly reused in any future development. The items in the northern building should only be examined when the building is made safe.

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. Please refer to annex 1 of this report for a summary of pertinent cultural heritage legislation and regulation.

While this impact assessment has highlighted areas of archaeological potential, the possibility of encountering such features is predicted as relatively low; the overall risk of encountering unrecorded buried archaeological remains cannot be entirely eliminated. 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.

6. Non-Technical Summary

7.1 Scope of study

This is a desktop study to assess the potential impact of the subject site , namely Fuller's Folly.

7.2 Method of study

The site was visited by a qualified archaeologist and recorded in the proper fashion on several occasions in April and May 2023. . 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 site named Fuller's Folly. It shares a wall with the Desmond Castle and is probably constructed on the moat of the castle.

7.4 Impacts of proposed development.

Development proposals are yet to be finalized.

7.5 Conclusions and suggested mitigation

Mitigation has been suggested (section 5). It is the remit of the National Monuments Service, 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 Culture, Heritage, and the Gaeltacht,
Dublin 1.
Phone: 01-8883177

Or through the local authority's archaeologist and conservation officer.

7. Signing-Off Statement

Archaeological Firm: ÆGIS ARCHAEOLOGY LIMITED

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Client: Healy Partner's Architects,
The Mill,
Glentworth St,
Limerick.

Signed:



for ÆGIS ARCHAEOLOGY LIMITED

Report Status: Final

Dated: 07 July 2023

8. Project References

References consulted during this project, though not all directly cited in the text.

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All last accessed 22 May 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.



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