

## SMR/RMP SITES WITHIN THE RECEIVING ENVIRONMENT

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 01   |
| <b>SMR NO.</b>                | CL044-018   |
| <b>TOWNLAND</b>               | Cloongaheen West  |
| <b>PARISH</b>                 | Killokennedy  |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 559099, 674304  |
| <b>CLASSIFICATION</b>         | Megalithic tomb - wedge tomb  |
| <b>DIST. FROM DEVELOPMENT</b> | 111m west   |
| <b>DESCRIPTION</b>            | The monument stands in a sloping field situated high up on the south-western spur of the Slieve Bernagh mountains, at c.230m above Ordnance Datum (aOD). The ground falls sharply to the southeast, where there are extensive views across the Broadford valley towards the Galty Mountains (De Valera and O Nuallain, 1961, p.82). The landscape to the north and northeast rises sharply to a height of c.330m aOD, restricting views in this direction. The remains of the wedge tomb are scant and overgrown. |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file   |

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|-------------------------------|---|
| <b>AH NO.</b>                 | AH 02   |
| <b>SMR NO.</b>                | CL044-022   |
| <b>TOWNLAND</b>               | Cloongaheen West  |
| <b>PARISH</b>                 | Killokennedy  |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 559980, 673421  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 173m east   |
| <b>DESCRIPTION</b>            | On First ed. OS Map; hachured on 3rd ed. 1922 OS Map.                 |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

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|-------------------------------|------------------|
| <b>AH NO.</b>                 | AH 03            |
| <b>SMR NO.</b>                | CL044-020        |
| <b>TOWNLAND</b>               | Cloongaheen West |
| <b>PARISH</b>                 | Killokennedy     |
| <b>BARONY</b>                 | Tulla Lower      |
| <b>I.T.M.</b>                 | 559907, 672951   |
| <b>CLASSIFICATION</b>         | Enclosure        |
| <b>DIST. FROM DEVELOPMENT</b> | 34m south        |

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| <b>DESCRIPTION</b> | Not shown on OS mapping   |
| <b>REFERENCE</b>   | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 04   |
| <b>SMR NO.</b>                | CL044-023   |
| <b>TOWNLAND</b>               | Cloongaheen West  |
| <b>PARISH</b>                 | Killokennedy  |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 560228, 672846  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 144m south  |
| <b>DESCRIPTION</b>            | Not shown on OS mapping   |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

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| <b>AH NO.</b>                 | AH 05   |
| <b>SMR NO.</b>                | CL044-026   |
| <b>TOWNLAND</b>               | Cloongaheen East  |
| <b>PARISH</b>                 | Killokennedy  |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 560597, 673174  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 242m north  |
| <b>DESCRIPTION</b>            | On First ed. OS Map; hachured on 3rd ed. 1922 OS Map.                 |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

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|-------------------------------|---|
| <b>AH NO.</b>                 | AH 06   |
| <b>SMR NO.</b>                | CL044-060   |
| <b>TOWNLAND</b>               | Kilbane, Killeagy (Goonan)  |
| <b>PARISH</b>                 | Killokennedy  |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 562088, 672237  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 119m west   |
| <b>DESCRIPTION</b>            | Shown on all historic OS maps   |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

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| <b>AH NO.</b>   | AH 07          |
| <b>SMR NO.</b>  | CL044-061      |
| <b>TOWNLAND</b> | Ballyquin More |

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| <b>PARISH</b>                 | Killokenedy   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 562368, 670489  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 61m east  |
| <b>DESCRIPTION</b>            | Shown on all historic OS maps   |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 08   |
| <b>SMR NO.</b>                | CL044-058   |
| <b>TOWNLAND</b>               | Ballyquin Beg   |
| <b>PARISH</b>                 | Killokenedy   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 561811, 670149  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 216m west   |
| <b>DESCRIPTION</b>            | Shown on all historic OS maps   |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 09   |
| <b>SMR NO.</b>                | CL044-072   |
| <b>TOWNLAND</b>               | Ballyquin More  |
| <b>PARISH</b>                 | Killokenedy   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 562115, 669893  |
| <b>CLASSIFICATION</b>         | House - 16th/17th century   |
| <b>DIST. FROM DEVELOPMENT</b> | 170m east   |
| <b>DESCRIPTION</b>            | Shown on First Edition OS map.  |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

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| <b>AH NO.</b>                 | AH 10          |
| <b>SMR NO.</b>                | CL053-004      |
| <b>TOWNLAND</b>               | Aharinaghbeg   |
| <b>PARISH</b>                 | Killokenedy    |
| <b>BARONY</b>                 | Tulla Lower    |
| <b>I.T.M.</b>                 | 559324, 665868 |
| <b>CLASSIFICATION</b>         | Enclosure      |
| <b>DIST. FROM DEVELOPMENT</b> | 43m north      |

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| <b>DESCRIPTION</b> | Shown on First edition and 1913-18 historic OS maps, not shown on 1938 map |
| <b>REFERENCE</b>   | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file      |

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|-------------------------------|---|
| <b>AH NO.</b>                 | AH 11   |
| <b>SMR NO.</b>                | CL053-003   |
| <b>TOWNLAND</b>               | Cloghera  |
| <b>PARISH</b>                 | OBriensbridge   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 558322, 665953  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 61m west  |
| <b>DESCRIPTION</b>            | Shown on First edition OS map as circular enclosure with square bank  |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 12   |
| <b>SMR NO.</b>                | CL053-031   |
| <b>TOWNLAND</b>               | Trough  |
| <b>PARISH</b>                 | OBriensbridge   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 558246, 665270  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 53m west  |
| <b>DESCRIPTION</b>            |   |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 13   |
| <b>SMR NO.</b>                | CL053-032002  |
| <b>TOWNLAND</b>               | Trough  |
| <b>PARISH</b>                 | OBriensbridge   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 558488, 664654  |
| <b>CLASSIFICATION</b>         | Graveyard   |
| <b>DIST. FROM DEVELOPMENT</b> | 5m west   |
| <b>DESCRIPTION</b>            | Shown as church and graveyard on first edition OS, 'site of Church' on 1913-18 OS map |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file                 |

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| <b>AH NO.</b> | AH 14 |
|---------------|-------|

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|-------------------------------|---|
| <b>SMR NO.</b>                | CL053-032001  |
| <b>TOWNLAND</b>               | Trough  |
| <b>PARISH</b>                 | OBriensbridge   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 558504, 664660  |
| <b>CLASSIFICATION</b>         | Church  |
| <b>DIST. FROM DEVELOPMENT</b> | 5m west   |
| <b>DESCRIPTION</b>            | Shown as church and graveyard on first edition OS, 'site of Church' on 1913-18 OS map |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file                 |

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| <b>AH NO.</b>                 | AH 15  |
| <b>SMR NO.</b>                | CL053-051  |
| <b>TOWNLAND</b>               | Roo West   |
| <b>PARISH</b>                 | OBriensbridge  |
| <b>BARONY</b>                 | Tulla Lower  |
| <b>I.T.M.</b>                 | 558695, 664570   |
| <b>CLASSIFICATION</b>         | House - 18th/19th century  |
| <b>DIST. FROM DEVELOPMENT</b> | 98m east   |
| <b>DESCRIPTION</b>            | Building recorded as 'Trough Castle (in Ruins)' on the OS 6-inch map (1939) was built in the 19th century by a member of the O'Donnell family. It takes its name from the castle of that name, the ruin of which lies c. 1.1km to the NW (CL053-029----) |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file  |

|                               |   |
|-------------------------------|---|
| <b>AH NO.</b>                 | AH 16   |
| <b>SMR NO.</b>                | CL053-033   |
| <b>TOWNLAND</b>               | Roo West  |
| <b>PARISH</b>                 | OBriensbridge   |
| <b>BARONY</b>                 | Tulla Lower   |
| <b>I.T.M.</b>                 | 558878, 664100  |
| <b>CLASSIFICATION</b>         | Enclosure   |
| <b>DIST. FROM DEVELOPMENT</b> | 190m east   |
| <b>DESCRIPTION</b>            | Shown on 1913-18 OS map   |
| <b>REFERENCE</b>              | <a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file |

## BUILT HERITAGE ASSETS WITHIN THE STUDY AREA OF THE PROPOSED SCHEME

|                             |   |
|-----------------------------|---|
| <b>BH NO</b>                | BH 01   |
| <b>RPS NO</b>               | 188   |
| <b>NIAH NO</b>              | 20404407  |
| <b>STATUTORY PROTECTION</b> | Yes   |
| <b>TOWNLAND</b>             | Kilbane   |
| <b>PARISH</b>               | Killokennedy  |
| <b>BARONY</b>               | Tulla Lower   |
| <b>CLASSIFICATION</b>       | Bridge  |
| <b>ITM REF</b>              | 561986, 672640  |
| <b>DESCRIPTION</b>          | Single-arch rubble stone road bridge over river, built c. 1820, with cut-stone voussoirs. |
| <b>SOURCE</b>               | www.buildingsofireland.ie; Clare County Development Plan                                  |

|                             |                               |
|-----------------------------|-------------------------------|
| <b>BH NO</b>                | BH 02                         |
| <b>RPS NO</b>               | 427                           |
| <b>NIAH NO</b>              | n/a                           |
| <b>STATUTORY PROTECTION</b> | Yes                           |
| <b>TOWNLAND</b>             | Ballyquin Beg                 |
| <b>PARISH</b>               | Killokennedy                  |
| <b>BARONY</b>               | Tulla Lower                   |
| <b>CLASSIFICATION</b>       | Glenomra House                |
| <b>ITM REF</b>              | 561867, 670254                |
| <b>DESCRIPTION</b>          | No information available      |
| <b>SOURCE</b>               | Clare County Development Plan |

|                             |   |
|-----------------------------|---|
| <b>BH NO</b>                | BH 03   |
| <b>RPS NO</b>               | 102   |
| <b>NIAH NO</b>              | 20405305  |
| <b>STATUTORY PROTECTION</b> | Yes   |
| <b>TOWNLAND</b>             | Cloghera  |
| <b>PARISH</b>               | O'Briensbridge  |
| <b>BARONY</b>               | Tulla Lower   |
| <b>CLASSIFICATION</b>       | Church of the Mother of God   |
| <b>ITM REF</b>              | 558681, 666032  |
| <b>DESCRIPTION</b>          | Freestanding cruciform-plan double-height Roman Catholic church, dated 1843, with three-bay nave, single-bay transepts and sacristy to rear. Pitched slate roof with cut-stone bellcote and cast-iron rainwater goods. Rendered walls with pairs of inset carved stone fonts flanking entrances and inset plaque with hood moulding over entrance door. Pointed arch openings with cut-stone architraves, hood mouldings, replacement windows and timber panelled double leaf doors. Retaining interior features. Wrought-iron gates set in rendered boundary wall. |

**SOURCE**

[www.buildingsofireland.ie](http://www.buildingsofireland.ie); Clare County Development Plan

## DESIGNED LANDSCAPES WITHIN THE STUDY AREA OF THE PROPOSED DEVELOPMENT

|                             |  |
|-----------------------------|--|
| <b>DL NO</b>                | DL 01  |
| <b>RPS?</b>                 | N/A  |
| <b>NIAH SURVEY NO</b>       | 3665   |
| <b>STATUTORY PROTECTION</b> | No   |
| <b>NAME</b>                 | Ballyquin House  |
| <b>TOWNLAND</b>             | Ballyquin More   |
| <b>PARISH</b>               | Killokenne   |
| <b>BARONY</b>               | Tulla Lower  |
| <b>CLASSIFICATION</b>       | Designed landscape   |
| <b>DESCRIPTION</b>          | Demesne landscape of Ballyquin House (AH 32), whose main features are unrecognisable but with some peripheral features visible. The boundaries of the demesne are defined however there has been significant development across the landscape. |
| <b>SOURCE</b>               | www.buildingsofireland.ie, Historic OS maps. Google satellite  |

|                             |   |
|-----------------------------|---|
| <b>DL NO</b>                | DL 02   |
| <b>RPS?</b>                 | N/A   |
| <b>NIAH SURVEY NO</b>       | N/A   |
| <b>STATUTORY PROTECTION</b> | No  |
| <b>NAME</b>                 | Trough Castle   |
| <b>TOWNLAND</b>             | Roo West  |
| <b>PARISH</b>               | O'Briensbridge  |
| <b>BARONY</b>               | Tulla Lower   |
| <b>CLASSIFICATION</b>       | Designed landscape  |
| <b>DESCRIPTION</b>          | Small demesne landscape of Trough Castle (AH 40) consisting of one open field with sporadic planting on the First edition OS map and a small cottage (Roo Cottage). By the late 19th century Trough Castle was constructed, a walled garden added and additional planting installed across the demesne. The walled garden survives today but the demesne planting has been removed. |
| <b>SOURCE</b>               | Historic OS maps. Google satellite  |



## **LEGISLATION PROTECTING THE ARCHAEOLOGICAL 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 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 Culture, Heritage and the Gaeltacht) 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 case of urgent necessity and with the consent of the Minister, commence the work until two months after 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 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 (As Amended)**

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 six-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 (as amended) 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.

#### **Clare County Development Plan 2023-2029**

##### **Archaeological Heritage**

CDP16.8 It is an objective of Clare County Council: a) To safeguard sites, features and objects of archaeological interest generally; b) To secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally; c) In securing such preservation, to have regard to the advice and recommendations of the Department of the Culture, Heritage and the Gaeltacht; d) To have regard to the government publication Framework and Principles for the Protection of the Archaeological Heritage 1999 in relation to protecting sites, features and objects of archaeological interest; and e) To advocate for greater financial assistance for the maintenance and improvement of features of archaeological interests in County Clare.

CDP16.9 It is an objective of Clare County Council: To protect and preserve archaeological sites discovered since the publication of the Record of Monuments and Places.

CDP16.10 It is an objective of Clare County Council: To protect the Zones of Archaeological Potential located within both urban and rural areas as identified in the Record of Monuments and Places.

CDP16.11 It is an objective of Clare County Council: To ensure that decisions relating to development (including infrastructure associated with broadband, telecommunications, renewable energy, major road/ rail infrastructure, flood relief schemes and other services) which may have implications for Recorded Archaeological Monuments/Sites, Zones of Archaeological Potential or undiscovered archaeology, are informed by an appropriate level of archaeological investigation undertaken by qualified persons and the case of flood relief schemes have regard to archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW2022).

CDP16.12 It is an objective of Clare County Council: a) To raise awareness of and improve practice in relation to archaeology in County Clare; and b) To promote the care and conservation of historic graveyards throughout the county. Within the lifetime of the Plan it is an objective to prepare conservation plans for a number of historical church and graveyard sites, with the objective of identifying necessary works required to address the decay of the fabric of the sites.

#### **Cultural Heritage**

CDP16.18 It is an objective of Clare County Council To support and facilitate the gathering, recording, preservation and promotion of folklore and oral cultural heritage in the county and to work closely with groups such as Cuimhneamh an Chláir to realise their objectives.

## LEGISLATION PROTECTING THE ARCHITECTURAL RESOURCE

The main laws protecting the built heritage are the Architectural Heritage (National Inventory) and National Monuments (Miscellaneous Provisions) Act 1999 and the Local Government (Planning and Development) Acts 1963–1999, which has now been superseded by the Planning and Development Act, 2000 (as amended). The Architectural Heritage Act requires the Minister to establish a survey to identify, record and assess the architectural heritage of the country. The background to this legislation derives from Article 2 of the 1985 Convention for the Protection of Architectural Heritage (Granada Convention). This states that:

For the purpose of precise identification of the monuments, groups of structures and sites to be protected, each member state will undertake to maintain inventories of that architectural heritage.

The National Inventory of Architectural Heritage (NIAH) was established in 1990 to fulfil Ireland's obligation under the Granada Convention, through the establishment and maintenance of a central record, documenting and evaluating the architecture of Ireland (NIAH Handbook 2005:2). As inclusion in the inventory does not provide statutory protection, the survey information is used in conjunction with the Architectural Heritage Protection Guidelines for Planning Authorities to advise local authorities on compilation of a Record of Protected Structures as required by the Planning and Development Act, 2000 (as amended).

### **PROTECTION UNDER THE RECORD OF PROTECTED STRUCTURES AND COUNTY DEVELOPMENT PLAN**

Structures of architectural, cultural, social, scientific, historical, technical or archaeological interest can be protected under the Planning and Development Act, 2000 (as amended), where the conditions relating to the protection of the architectural heritage are set out in Part IV of the act. This act superseded the Local Government (Planning and Development) Act, 1999, and came into force on 1st January 2000.

The act provides for the inclusion of Protected Structures into the planning authorities' development plans and sets out statutory regulations regarding works affecting such structures. Under new legislation, no distinction is made between buildings formerly classified under development plans as List 1 and List 2. Such buildings are now all regarded as 'Protected Structures' and enjoy equal statutory protection. Under the act the entire structure is protected, including a structure's interior, exterior, attendant grounds and also any structures within the attendant grounds.

The act defines a Protected Structure as (a) a structure, or (b) a specified part of a structure which is included in a Record of Protected Structures (RPS), and, where that record so indicates, includes any specified feature which is in the attendant grounds of the structure and which would not otherwise be included in this definition. Protection of the structure, or part thereof, includes conservation, preservation, and improvement compatible with maintaining its character and interest. Part IV of the act deals with architectural heritage, and Section 57 deals specifically with works affecting the character of Protected Structures or proposed Protected Structures and states that no works should materially affect the character of the structure or any element of the structure that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The act does not provide specific criteria for assigning a special interest to a structure. However, the National Inventory of Architectural Heritage (NIAH) offers guidelines to its field workers as to how to designate a building with a special interest, which are not mutually exclusive. This offers guidance by example rather than by definition:

## **ARCHAEOLOGICAL**

It is to be noted that the NIAH is biased towards post-1700 structures. Structures that have archaeological features may be recorded, providing the archaeological features are incorporated within post-1700 elements. Industrial fabric is considered to have technical significance, and should only be attributed archaeological significance if the structure has pre-1700 features.

### *Architectural*

A structure may be considered of special architectural interest under the following criteria:

- A generally agreed exemplar of good quality architectural design
- The work of a known and distinguished architect, engineer, designer, craftsman
- An exemplar of a building type, plan-form, style or styles of any period but also the harmonious interrelationship of differing styles within one structure
- A structure which makes a positive contribution to a setting, such as a streetscape or a group of structures in an urban area, or the landscape in a rural area
- A structure with an interior that is well designed, rich in decoration, complex or spatially pleasing.
- Well-designed decorative features, externally and/or internally

### *Historical*

A structure may be considered of special historical interest under the following criteria:

- A significant historical event associated with the structure
- An association with a significant historical figure
- Has a known interesting and/or unusual change of use, e.g. a former workhouse now in use as a hotel
- A memorial to a historical event
- Historical interest can be attributed where light is thrown on the character of a past age by virtue of the structure's design, plan, original use, materials or location
- A structure may be a memorial to a past event
- Some fixtures and features may survive, for example in consistory courts and courts of law, that are important evidence of former liturgical or legal practice and may have special historical interest for that reason.
- Some unusual structures may have historical or socio-historical interest, for example, early electricity substations, 'Emergency' era military pillboxes or sentry-boxes. Although not yet of popular heritage significance, such structures can nonetheless have special historical and social interest.
- Special historical interest may exist because of the rarity of a structure. Either few structures of an identifiable type were built at a particular time, or few have survived. In either case, the extant structure may be one of the few representative examples of its time that still exists in the national, regional or local area.

### *Technical*

A structure may be considered of special technical interest under the following criteria:

- It displays structural or engineering innovation evidenced in its design or construction techniques such as the use of cast- or wrought-iron prefabrication or an early use of concrete;
- It is the work of a known and distinguished engineer;
- It is an exemplar of engineering design practice of its time. For example, a bridge may be a masonry arch, an iron suspension or a concrete span;
- It displays technically unusual or innovative construction or cladding materials, such as early examples of glazed curtain walling, prefabricated concrete plank cladding or Coade stone;
- Contains innovative mechanical fixtures, machinery or plant or industrial heritage artefacts that describe the character of production processes. The specifically industrial aspect of some

sites like mill buildings, mill-ponds, tailings or derelict mines can often have a technical heritage value;

Purely special technical interest can be ascribed to the innovative engineering qualities of a structure, as distinct from the building's appropriateness for use, or its appearance or form.

### *Cultural*

A structure may be considered of special cultural interest under the following criteria:

- Those structures to which the Granada Convention refers as 'more modest works of the past that have acquired cultural significance with the passing of time';
- Structures that have literary or cinematic associations, particularly those that have a strong recognition value;

Other structures that illustrate the development of society, such as early schoolhouses, library buildings, swimming baths or printworks. If these associations are not related to specific aspects of the physical fabric of a structure, consideration could be given to noting them by a tourism plaque or other such device.

### *Scientific*

A structure may be considered of special scientific interest under the following criteria:

- The results of scientific research may be seen in the execution of the structure;
- The materials used in the structure may have the potential to contribute to scientific research, for example extinct pollen or plant species preserved in the base layers of ancient thatch roofs;
- The structure may be associated with scientific research that has left its mark on the place, such as early Ordnance Survey benchmarks carved into stonework.

### *Social*

A structure may be considered of special social interest under the following criteria:

- The fixtures and features that testify to community involvement in the creation of a structure, or have a spatial form or layout indicating community involvement in the use of a structure, could include such elements as memorials, statues or stained-glass panels.
- A structure may display vernacular traditions of construction and may be set in a group or area which illustrates the social organisation of the inhabitants. Most obviously this would include thatched cottages. In vernacular buildings, elements of the plan-form (for example, direct-entry, lobby-entry, doors opposite one another, bed outshots etc), as well as the roofing material of otherwise ordinary structures may be distinctive and have special social interest.
- Types of decoration may have artistic as well as social interest, such as shell houses or the local manifestation of exuberant or astylar stucco decoration where it is particular to a town or region.

A social interest could also be attributed to structures illustrating the social philosophy of a past age, as in the case of philanthropic housing developments. Structures which illustrate a particular lifestyle or social condition, for example holy wells, are to be found in many parts of the country. Care must be taken to ensure that there is sufficient physical fabric to such places for them to be defined as 'structures'.

### *Artistic*

A structure may be considered of special artistic interest under the following criteria:

- Examples of good craftsmanship;
- Decoratively carved statuary or sculpture that is part of an architectural composition;

- Decoratively-carved timber or ceramic-tiled shopfronts;
- Ornate plasterwork ceilings;
- Decorative wrought-iron gates;
- Religious art in a place of public worship such as the Stations of the Cross or stained-glass windows;
- Fixtures and fittings such as carved fireplaces, staircases or light-fittings;
- Funerary monuments within a graveyard

The relationship of materials to each other and to the totality of the building in which they are situated, if these have been designed as an ensemble  
(From the NIAH Handbook 2017 pages 14–19)

The Local Authority has the power to order conservation and restoration works to be undertaken by the owner of the protected structure if it considers the building to need repair. Similarly, an owner or developer must make a written request to the Local Authority to carry out any works on a protected structure and its environs, which will be reviewed within three months of application. Failure to do so may result in prosecution.

### **Clare County Development Plan 2023-2029**

#### **Architectural Heritage**

CDP16.1 It is an objective of Clare County Council: a) To ensure the protection of the architectural heritage of County Clare through the identification of Protected Structures, the designation of Architectural Conservation Areas, the safeguarding of historic gardens, and the recognition of structures and elements that contribute positively to the vernacular and industrial heritage of the county; and b) To ensure that the archaeological and architectural heritage of the county is not damaged either through direct destruction or by unsympathetic developments. c) To support and promote architectural vernacular skills training and facilities in the county

CDP16.2 It is an objective of Clare County Council: a) To protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest; and b) To review the Record of Protected Structures periodically and add structures of special interest as appropriate, including significant elements of industrial, maritime or vernacular heritage and any twentieth century structures of merit.

#### **Industrial Heritage**

CDP16.3 It is an objective of Clare County Council: To protect and preserve buildings and features of industrial heritage such as mills, bridges, lighthouses and harbours, amongst others. Proposals for refurbishment works to, or redevelopment/conversion of, these sites will be subject to a full architectural and archaeological assessment together with an ecological assessment with respect to the presence of protected species.

#### **Vernacular Heritage**

CDP16.4 It is an objective of Clare County Council: a) To seek the retention, appreciation and appropriate revitalisation of the vernacular heritage of County Clare, in towns, villages and rural areas, by discouraging the replacement of good quality vernacular buildings with modern structures and by protecting vernacular buildings where they contribute to the character of an area or settlement and/or where they are rare examples of a structure type; b) To support proposals to refurbish vernacular structures that are in a sub-standard or derelict condition, provided that: I. Appropriate traditional building materials and methods are used to carry out

repairs to the historic fabric; II. Proposals for extensions to vernacular structures are reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive III. Direction for the design is taken from the historic building stock of the area, though it can be expressed in contemporary architectural language; and (c) To ensure that visitor pressures from tourism associated with built and cultural heritage do not impact negatively on the capacity of local services (including water, waste water) or facilities such as car parking.



## **MITIGATION MEASURES AND THE ARCHITECTURAL AND CULTURAL HERITAGE RESOURCE**

### **POTENTIAL MITIGATION STRATEGIES FOR CULTURAL HERITAGE REMAINS**

Mitigation is defined as features of the design or other measures of the proposed development that can be adopted to avoid, prevent, reduce or offset negative effects.

The best opportunities for avoiding damage to archaeological remains or intrusion on their setting and amenity arise when the site options for the development are being considered. Damage to the archaeological resource immediately adjacent to developments may be prevented by the selection of appropriate construction methods. Reducing adverse effects can be achieved by good design, for example by screening historic buildings or upstanding archaeological monuments or by burying archaeological sites undisturbed rather than destroying them. Offsetting adverse effects is probably best illustrated by the full investigation and recording of archaeological sites that cannot be preserved in situ.

### **DEFINITION OF MITIGATION STRATEGIES**

#### **ARCHAEOLOGICAL RESOURCE**

The ideal mitigation for all archaeological sites is preservation in situ. This is not always a practical solution, however. Therefore, a series of recommendations are offered to provide ameliorative measures where avoidance and preservation in situ are not possible.

*Archaeological Test Trenching* can be defined as ‘a limited programme of intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site on land, inter-tidal zone or underwater. If such archaeological remains are present field evaluation defines their character, extent, quality and preservation, and enables an assessment of their worth in a local, regional, national or international context as appropriate’ (CIfA 2014a).

*Full Archaeological Excavation* can be defined as ‘a programme of controlled, intrusive fieldwork with defined research objectives which examines, records and interprets archaeological deposits, features and structures and, as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site on land, inter-tidal zone or underwater. The records made and objects gathered during fieldwork are studied and the results of that study published in detail appropriate to the project design’ (CIfA 2014b).

*Archaeological Monitoring* can be defined as ‘a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area or site on land, inter-tidal zone or underwater, where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and ordered archive (CIfA 2014c).

*Underwater Archaeological Assessment* consists of a programme of works carried out by a specialist underwater archaeologist, which can involve wade surveys, metal detection surveys and the excavation of test pits within the sea or riverbed. These assessments are able to access and assess the potential of an underwater environment to a much higher degree than terrestrial based assessments.

#### **ARCHITECTURAL RESOURCE**

The architectural resource is generally subject to a greater degree of change than archaeological sites, as structures may survive for many years but their usage may change continually. This can be reflected in the fabric of the building, with the addition and removal of doors, windows and extensions. Due to

their often more visible presence within the landscape than archaeological sites, the removal of such structures can sometimes leave a discernable 'gap' with the cultural identity of a population. However, a number of mitigation measures are available to ensure a record is made of any structure that is deemed to be of special interest, which may be removed or altered as part of a proposed development.

*Conservation Assessment* consists of a detailed study of the history of a building and can include the surveying of elevations to define the exact condition of the structure. These assessments are carried out by Conservation Architects and would commonly be carried out in association with proposed alterations or renovations on a Recorded Structure.

*Building Survey* may involve making an accurate record of elevations (internal and external), internal floor plans and external sections. This is carried out using an EDM (Electronic Distance Measurer) and GPS technology to create scaled drawings that provide a full record of the appearance of a building at the time of the survey.

*Historic Building Assessment* is generally specific to one building, which may have historic significance, but is not a Protected Structure or listed within the NIAH. A full historical background for the structure is researched and the site is visited to assess the standing remains and make a record of any architectural features of special interest. These assessments can also be carried out in conjunction with a building survey.

*Written and Photographic record* provides a basic record of features such as stone walls, which may have a small amount of cultural heritage importance and are recorded for prosperity. Dimensions of the feature are recorded with a written description and photographs as well as some cartographic reference, which may help to date a feature.