

Planning Ref. No.: Part 8
ITM: 588531/636271 (centre point)
RMPs; TS067-002---- (motte)
Protected Structures: N/a
ÆGIS REF.: 612-3

**Archaeological Impact Assessment
for a proposed public realm
development at
Murgasty townland, (known as
Tipperary Hills), Tipperary, Co.
Tipperary.**



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Copies of this report have been presented by ÆGIS to: Client— Dave Ryan, Landscape Architect.

Please note... That the archaeological recommendations, mitigation proposals and suggested methodology followed in this report are similar to those used on previous similar projects approved by the Archaeological Planning and Licencing Unit National Monuments Service, Room G50, Custom House, Dublin 1 The National Monuments Acts 1930-2014, The Planning and Development Act 2002 (plus any amendments) and the most recent EPA guidelines were consulted. Guidelines and plans issued from time-to-time by the statutory and regulatory bodies have been consulted. These are listed in the reference section of this report (Dúchas 1999; 1999a; National Monuments Service 2006; EPA 2015; 2015a).

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Cover Image View of subject site, from N.

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II. Glossary of Terms

ASI	Archaeological Survey of Ireland, a division of the DHLGH.
Barony, Parish, Townland	These terms refer to land divisions in Ireland. The barony is the largest land division in a county, which is formed from a number of parishes. These parishes are in turn made up of several townlands, which are the smallest land division in the country. The origins of these divisions are believed to be in the Early Medieval/Christian period (AD500-AD1000) or may date earlier in the Iron Age (500BC-AD500).
DHLGH	Department of Housing, Local Government and Heritage.
E	East.
EIS	Environmental Impact Statement.
First Edition	This relates to editions of the OS 6-inch maps for each county. The first edition map completed for the area dates to the early 1840s and this is referred to in the text as the 'First Edition'.
ITM	Irish Transverse Mercator (grid reference type favoured by ASI).
KM	Kilometre.
M	Metres, all dimensions are given in metres or part of a metre, unless otherwise stated.
N	North.
NGR	National Grid Reference.
NIAH	National Inventory of Architectural Heritage.
NMI	National Museum of Ireland.
NMS	National Monuments Service. Regulatory body and division of the DHLGH.
OPW	Office of Public Works.
OS	Ordnance Survey.
OSI	Ordnance Survey of Ireland.
RMP	Record of Monuments and Places. A paper record comprising a map and list on which archaeological sites are recorded. The sites marked afford legal protection under the National Monuments Acts 1930-2014. The record is based on the 6-inch map series for the country and is recorded on a county basis. Each archaeological monument on the RMP has a unique code known as the RMP number prefixed by TN for Tipperary North.
RMP Number	This code is the number of the site on the RMP constraint map. It begins with the county code, the 6-inch sheet number, followed by the number of the archaeological monument on that sheet.
RPS	Record of Protected Structures.
S	South.
Sheet	This relates to the 6-inch map for each county, which is divided into sheets.
SMR	Sites and Monuments Record. The precursor of the RMP, the SMR now commonly relates to the archive paper files of known archaeological monuments maintained by the Archaeological Survey of Ireland (ASI). These files are arranged according to SMR number. Much of this information is now available online at www.webgis.archaeology.ie/historicenvironment/ .
TB	Townland Boundary.
W	West, or when used with a dimension, width.
ZAN	Zone of archaeological notification (as shown on webgis.archaeology.ie/historicenvironment/mapping)
ZAP	Zone of archaeological potential (used for historic towns)

1. Scope of Study

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

The subject site is situated in the townland of Murgasty, the Barony of Clanwilliam and the Civil Parish of Tipperary, Co. Tipperary.

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

A site inspection was carried out on 19 January 2023 as part of this assessment.

2. Method of Study

The following resources and methods of establishing the archaeological status of the site were used:

- The subject site was visited and inspected by a qualified archaeologist;
- A review of the planning history of the site was undertaken;
- The Record of Monuments and Places constraint maps and lists (RMP) and the sites and monuments record (SMR) were consulted;
- A wide range of local historical and archaeological records relevant to the study area were consulted, including the Ordnance Survey First Edition six-inch map (c.1840), the Ordnance Survey twenty-five-inch map and aerial views;
- All available published information was considered;
- National Inventory of Architectural Heritage and Record of Protected Structures;
- The local area plan, county development plan and other pertinent documents were consulted ;
- Artefact records of the National Museum of Ireland were consulted;
- A review of any archaeological investigations in the vicinity was also undertaken.

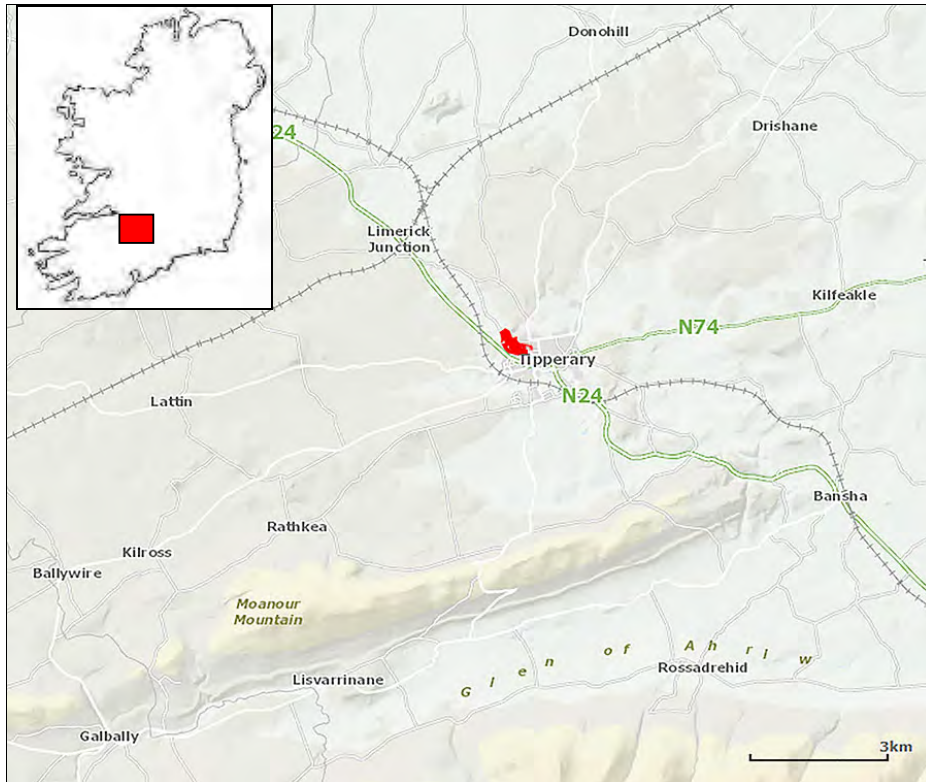


Figure 1. General site location of subject site in relation to nearby towns (after www.archaeology.ie). North to top. Subject site in red.

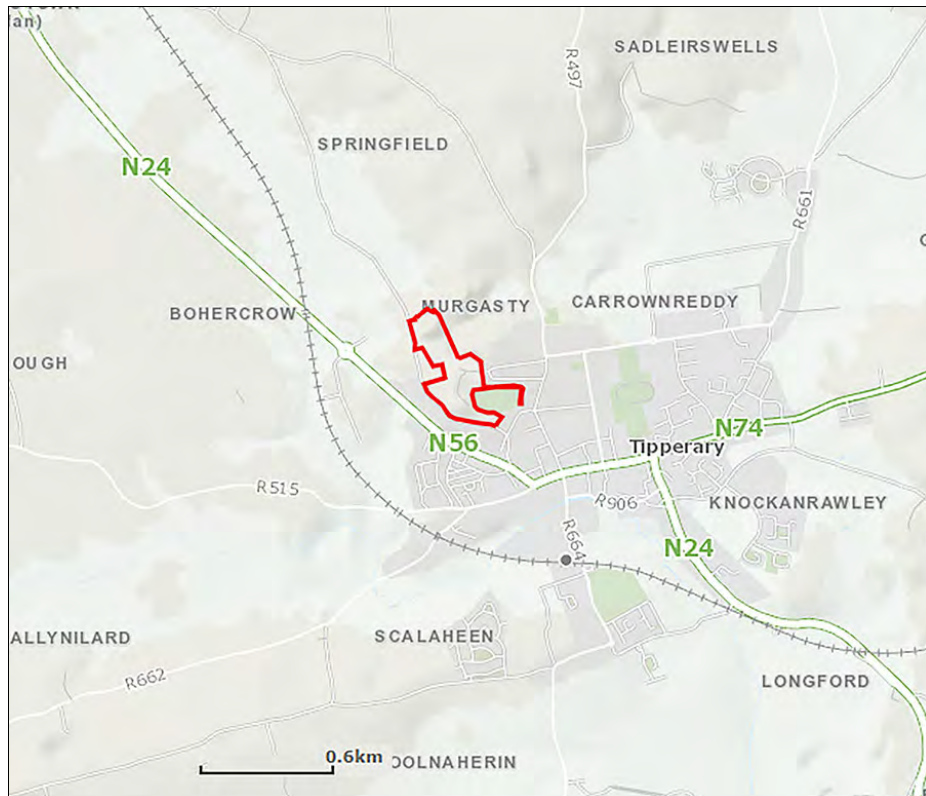


Figure 2. General location of subject site at Murgasty townland in red (after www.archaeology.ie). North to top.



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

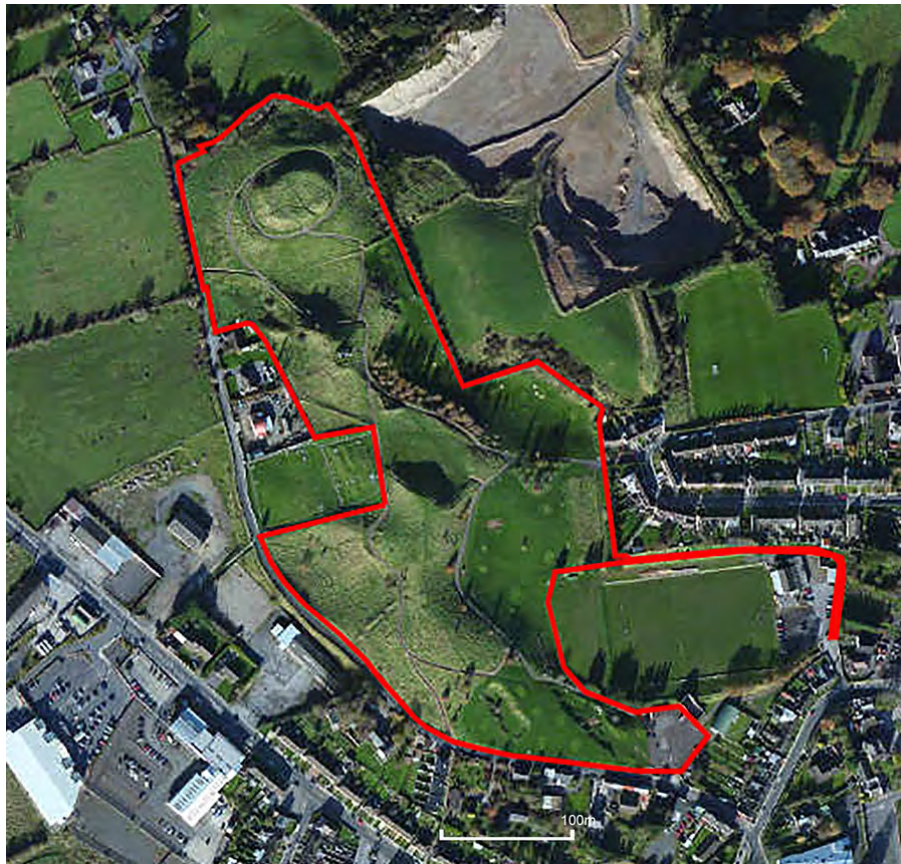


Figure 4. Digital Globe 2011, subject site in red (www.archaeology.ie).

3. Existing Environment

The subject site comprises an amenity area known as the Tipperary Hills at Monastery Road at the north western side of Tipperary town. It comprises an area which has been used as a public amenity for many years, and contains a pitch and putt course, several pathways with tarmac surfaces, and an archaeological monument (a motte TS067-002----), known locally as Mutton Pie Hill. A tarmac path encircles the base of the motte where it demarcates the probable interface between a natural hill and the human-made mound of the motte. This motte is used as an amenity also, and several benches are located on the monument. Pedestrian traffic has eroded a path along the southern face of the motte, and also a series of paths along the upper surface of the motte.

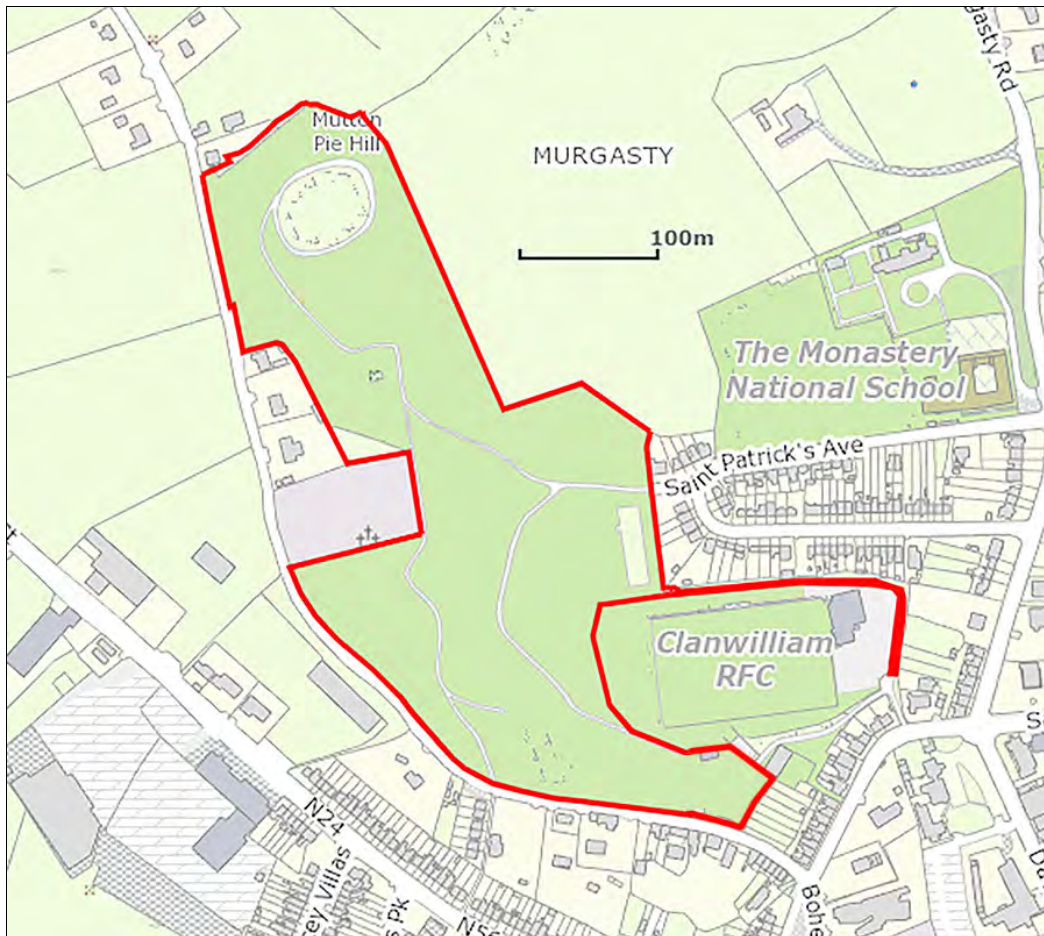


Figure 5. Map showing detailed location of subject site (after archaeology.ie, North to top). For indication only.



Figure 6. Google Earth image 20 January 2020 (© Maxar Technologies).

3.1 Proposed development (Fig. 12)

Nature and extent of the Proposed development.

General development throughout the site includes the upgrading of all existing tarmac pathways to a minimum width of 2 metres, upgrading existing gravel paths to bound gravel paths, development of new seating areas, development of the Peace Path, upgrade of all existing seating, installation of information and wayfinding signage, construction of a dog exercise area, introduction of native woodland planting and specimen trees along with native wildflower meadows in selected locations throughout the amenity area and re organisation of the existing carpark area.

Localised developments include:

Access Lane – St Patrick Avenue to St Johns Famine Graveyard

- a. Widening to 2.75m and refurbishment of tarmac pathway between St Patricks Avenue entrance and entrance to St Johns Famine Graveyard to facilitate hearse access.
- b. Introduction of safety guard rail to north edge of pathway
- c. Introduction of bicycle parking at St Patricks Avenue entrance
- d. Introduction of an information sign at St Patricks Avenue entrance

Clanwilliam Rugby Club

- e. Upgrading of existing pathway to bound gravel pathway, 1.2m wide along east and north boundary of Clanwilliam Rugby Club

Pitch and Putt Clubhouse

- f. Realign existing pathway to improve width and gradient to facilitate accessibility
- g. Construction of new steps with safety handrail
- h. Introduction of timber knee rail to south-western edge of pathway to limit access to pitch and putt greens
- i. Relocation of existing signage
- j. Introduction of seating
- k. Landscaping and planting on both sides of pathway

Flat Hollow Playing Pitch

- l. Levelling and reseeding of the playing pitch
- m. Introduction of natural seating area with bound gravel surface
- n. Realignment of existing pathway to improve width and gradient to facilitate accessibility
- o. Construction of new concrete steps with handrail
- p. Landscaping, specimen tree planting and perennial planting

Bohercrow/Monastery Road

- q. Improved pedestrian access to The Hills including new style entrance, new concrete steps, safety handrails and resurfacing to pathway
- r. Demolition and reconstruction of boundary stone wall from The Mass Path to the car park entrance to facilitate the introduction of new 2m wide footpath.

The Hollow

- s. Introduction of timber knee rail edge at western and northern edge of pathway
- t. Introduction of information sign

Cup and Saucer

- u. Introduction of timber steps with handrails to provide safe access to the top of 'Cup and Saucer'
- v. Introduction of bound gravel path to circumference of top of 'Cup and Saucer'
- w. Installation of 2 log seats

Telecoms Mast

- x. Introduction of localised network of bound gravel paths and seating to the south of the mast
- y. Introduction of areas of native woodland planting

Dog Exercise Area

- z. Development of fenced dog exercise area with 2 gates and bound gravel surface to the west of 'The Hollow'

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

The site was inspected on the 19th January 2023. The weather was cold and frosty and visibility was good.

The subject site consists of public amenity/recreational parkland area, with an archaeological monument TS067-002---- (motte) at its northern side. St John's famine graveyard is located at its western side, outside the site boundary.

The several winding tarmac pathways traverse the parkland, with a path encircling the motte. Pedestrian traffic onto the top of the mott has cut a deep groove into the southern side of the face of the motte. This is approximately 0.5m deep at its deepest. Several deep grooves have been cut into the top of the motte also by pedestrian footfall.

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



Plate 1. Motte TS067-002--- from S. Note groove caused by pedestrian traffic.



Plate 2. Detail of deep groove caused by pedestrian footfall on S face of motte, from S.



Plate 3. Aerial view of motte. Note grooves/paths caused by pedestrian footfall.



Plate 4. Examples of existing paths at E side of site, from S.



Plate 5. St John's Famine Graveyard, from E.



Plate 6. Proposed location of dog park, from SE.



Plate 7. Proposed location of kickabout area, from E.



Plate 8. Subject site, from N.

4. History and Archaeology of the Site and Vicinity

4.1 Historical and archaeological background (figs 7-11)

The townland name 'Murgasty' may be translated as the Irish form of the word 'mortgage'. Local tradition says that this townland was so called because it was mortgaged for a term of ninety years around 1738 to the ancestor of Mr Smith Barry (as recorded by O'Donovan c. 1838). (<https://www.logainm.ie/en/49047>). One recorded monument is located on the subject site. This is TS067-002---- (Castle-motte). Details of this site and the closest recorded monuments to the subject site are listed in Table 1 below.

A motte is defined as;

'an artificial, steep-sided, earthen mound on or in which is set the principal tower of a castle. Constructed by the Anglo-Normans in the late 12th and early 13th century AD. (www.archaeology.ie).

St John's famine Graveyard is located immediately outside the W boundary of the subject site. The Tipperary workhouse was opened in 1841 to provide relief to the poor of mid-west Tipperary and east Limerick. The town's graveyard could not accommodate the vast number of deaths in the workhouse, so this graveyard was opened in 1847, due to its proximity to the fever hospital (demolished in the 1940s. It is believed that approximately 1,400 people were buried here between October 1849 and may 1850.

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

4.1.1 Archaeological monuments (Figs. 8 and 9)

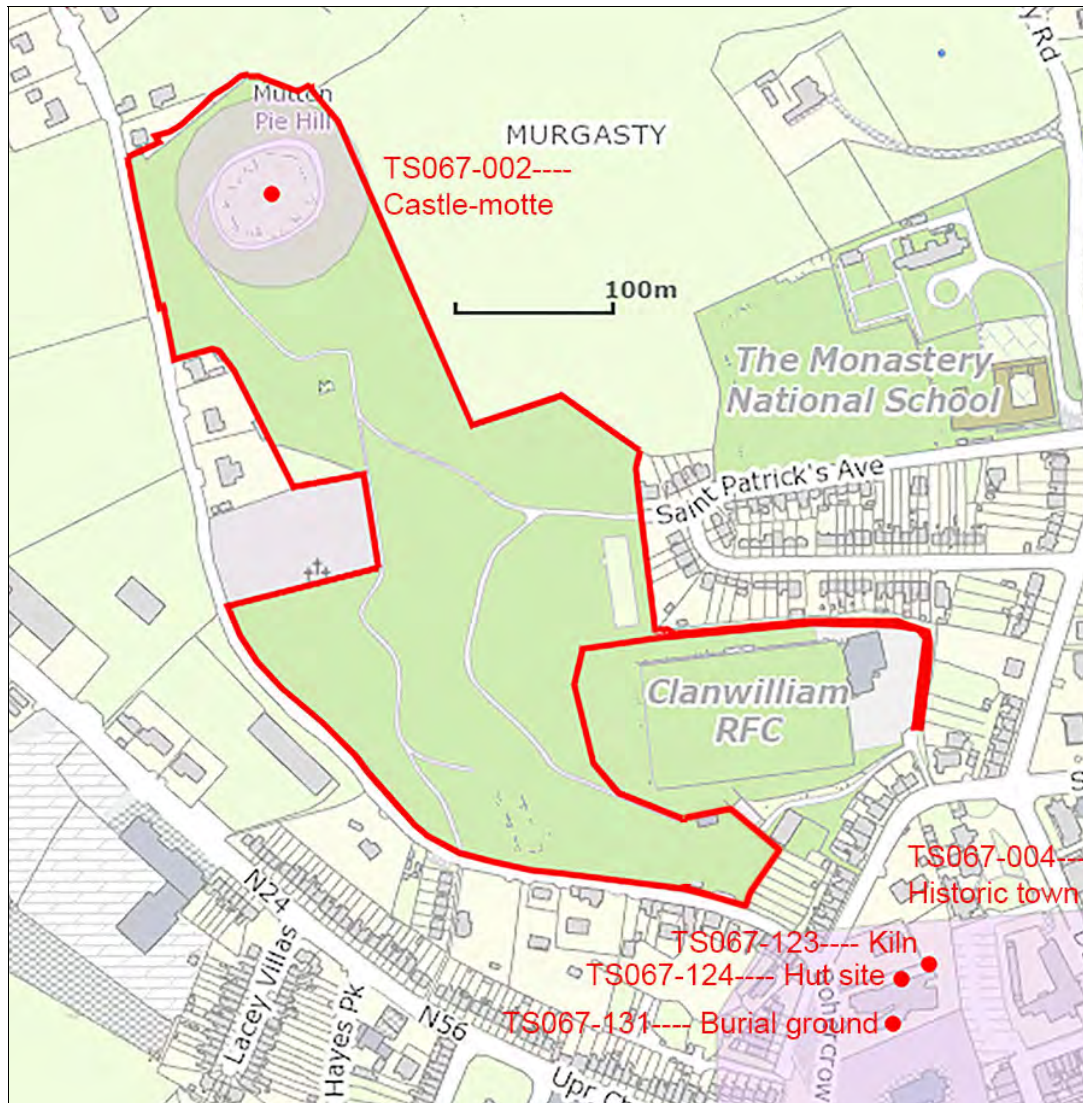


Figure 7. Locations of recorded archaeological monuments in vicinity of subject site (after www.archaeology.ie with additions). North to top.

The subject site contains a recorded monument TS067-002---- (Castle-motte).

Table 1. Recorded monuments on or in the vicinity of the subject site.

RMP/ SMR	Class and Townland (s)	Description	Distance from subject site
TS067-002----	Castle – motte MURGASTY	In recreational parkland of gravel ridges known as Tipperary Hills. On top of a substantial gravel hill. Motte is an oval area (dims. 42m WSW-ENE; c. 28m NNW-SSE) defined by steep-sided scarp (Wth 9m; H 6.5m) marginally lower (H 5.5m) yet steeper (Wth 6m) to WSW. Tarmac trackway on roughly level ledge around monument. Ledge (Wth 12m) at WSW, reducing (Wth 5.5m) at ENE side and appears to mark interface between natural mound and monument. Motte is grass covered and generally flat topped with remains of benches along the top edge of each side. The motte is described in the OS Letters (1840s) (O’Flanagan 1930, vol.3, 37) and a description, including a plan and section, was published in 1913 (Flynn 1913, 5-7). Compiled by: Jean Farrelly Date of upload: 26 August 2011	On subject site
TS067-004----	Historic town MURGASTY, TOWNLOT, KNOCKANRAWLEY, BOHERCROW, CARROWNREDDY, COLLEGELAND, GARRYSKILLANE	On a ridge, on the junction of the Limerick-Waterford road and the Cashel-Kilmallock road with the River Ara flowing roughly E-W to the S. It is likely that the town of Tipperary was the principal manor or caput of the Anglo-Norman cantred (an administrative area) of Okonagh (which included the eastern portion of the Tipperary barony of Clanwilliam, as well as portions of Limerick) and probably dates to the late 12th century. A motte and bailey (TS067-001----) c. 1.1km to the N and a motte (TS067-002----) c. 800m to the NW protect the northern and northwestern routes into the town. In 1215 the ‘vill’ or town of ‘Tibrari’ is mentioned in relation to the church there and in 1300 a reference to the ‘community of the town’ suggests that the town was incorporated at this stage (Bradley 1985, 56). Otto de Grandison, who held Clonmel, also held Tipperary town by 1281 (Thomas 1992, 194). It appears that the county court met at Tipperary until the Archbishop of Cashel moved it to Cashel, which was the subject of a legal case in 1297 (Thomas 1992, 194). The town was burned in 1329 by Brian O’Brian, however, there are references to the reeve (senior town official) and community up until 1432 (Bradley 1985, 56). There is historical evidence that the town was walled, though no physical evidence is visible at ground level. In 1300 a murage grant was given for a period of 10 years and in 1310 a further grant was given for a period of 3 years (Thomas 1992, 194). Based on the probable survival of the medieval town pattern on the modern town, it is suggested that the town consisted of an area of c. 15 hectares, roughly rectangular in shape, incorporating the church (TS067-004003-) and graveyard (TS067-004008-) in its NW angle and the castle (TS067-004002-) in the SE angle, with the river forming the southern boundary (Thomas 1992, 194-5). An Augustinian Friary (TS067-004001-) is located immediately S of the river. There is conflicting evidence of when this was founded, sources suggesting that this was either during the reign of Henry III (1216-1272) or later c.1300 by Stephen Butler (Gwynn and Hadcock 1970 (1988 reprint), 302). In the 15th century the town seems to have gone into decline and did not recover until the late 17th century. In 1660 the poll-tax returns for the town suggest a total population of c. 250, however, during the course of this decade the hearth-money records suggest that the town grew rapidly with the population almost doubling in size (Smyth 1991, 165). Compiled by: Jean Farrelly Date of upload: 09 June 2014	25m
TS067-004009-	Town Defences BOHERCROW, CARROWNREDDY, KNOCKANRAWLEY,	In 1300 a murage grant was given for a period of 10 years and in 1310 a further grant was given for a period of 3 years (Thomas 1992, 194). Based on the probable survival of the medieval town pattern on the modern town, it is suggested that the town consisted of an area of c. 15 hectares, roughly rectangular in shape, incorporating the church	25m

	MURGASTY, TOWN LOT.	(TS067-004003-) and graveyard (TS067-004008-) in its NW angle and the castle (TS067-004002-) in the SE angle, with the River Ara forming the southern boundary (Thomas 1992, 194-5). There is no visible trace of an enclosing wall, bank or fosse at ground level. Compiled by: Jean Farrelly Date of upload: 10 June 2014	
TS067-123----	Kiln MURGASTY	An excavation was carried out in a green-field site, N of the medieval church (TS067-004003-) and graveyard (TS067-004008-), in advance of construction of a government office building (Cummins 2000, 203). An E-W orientated kiln structure was cut into the sand subsoil (ibid.). This consisted of a linear flue (L 8.5m; Wth 3.48m; D 1.2m) leading to an elliptical bowl at the E end (ibid.). It was keyhole-shaped in plan (ibid.). The sides were stone-lined, and a single lintel stone was found over the flue (ibid.). The kiln was filled with collapsed sand from the sides of the structure (ibid.). There was a basal, charcoal-rich deposit under the stone lining, which may contain evidence of charred cereal grains, indicative of a corn-drying function (ibid.). There were also small fragments of oxidised limestone in some of the overlying fills, which may suggest a limekiln function (ibid.). Compiled by: Jean Farrelly Date of upload: 16 June 2014	110m
TS067-124----	Hut Site MURGASTY	An excavation was carried out in a green-field site, N of the medieval church (TS067-004003-) and graveyard (TS067-004008-), in advance of construction of a government office building (Cummins 2000, 203). A circular hut site, 4m in diameter, was excavated in the NE corner of the field, and no enclosing bank or fosse was uncovered (ibid.). The upper level of the hut had been disturbed by cultivation activity, and there was a high amount of hollows in the interior caused by root/burrowing activity (ibid.). A sherd of post-medieval pottery was found in a context severely disturbed by root/burrowing activity (ibid.). The hut was surrounded by a narrow gully, 0.2-0.5m wide and 0.2m deep, containing no evident post-holes or stake-holes (ibid.). It may have functioned as a bedding trench (ibid.). The entrance in the N was indicated by a backfill of moderately compacted sand within the gully, and a hearth lay close to the centre of the hut (ibid.). The interior of the hut was occupied by overlapping sand layers containing a number of small post-holes and stake-holes (ibid.). They did not indicate any identifiable structures, apart from a possible spit over the hearth (ibid.). There were two shallow pits in the NE corner, and one of these contained a fragment of a jet/lignite bracelet (ibid.). Compiled by: Jean Farrelly Date of upload: 16 June 2014	118m
TS067-131----	Burial ground MURGASTY	An excavation was carried out in a green-field site, immediately N of the medieval church (TS067-004003-) and graveyard (TS067-004008-) in advance of the construction of a government office building (Cummins 2000, 203). During testing in 1997 five burials, orientated E-W, were excavated, though no dating evidence was retrieved (Hodkinson 1998, 180). In 1998, a further sixteen burials were excavated, aligned E-W or slightly NE-SW (Cummins 1998, 203). The total number of burials represent eleven adults, five juveniles and two neonates (ibid.). Associated pottery suggested a post-medieval date for the burials (ibid.). Compiled by: Jean Farrelly Date of upload: 16 June 2014	115m

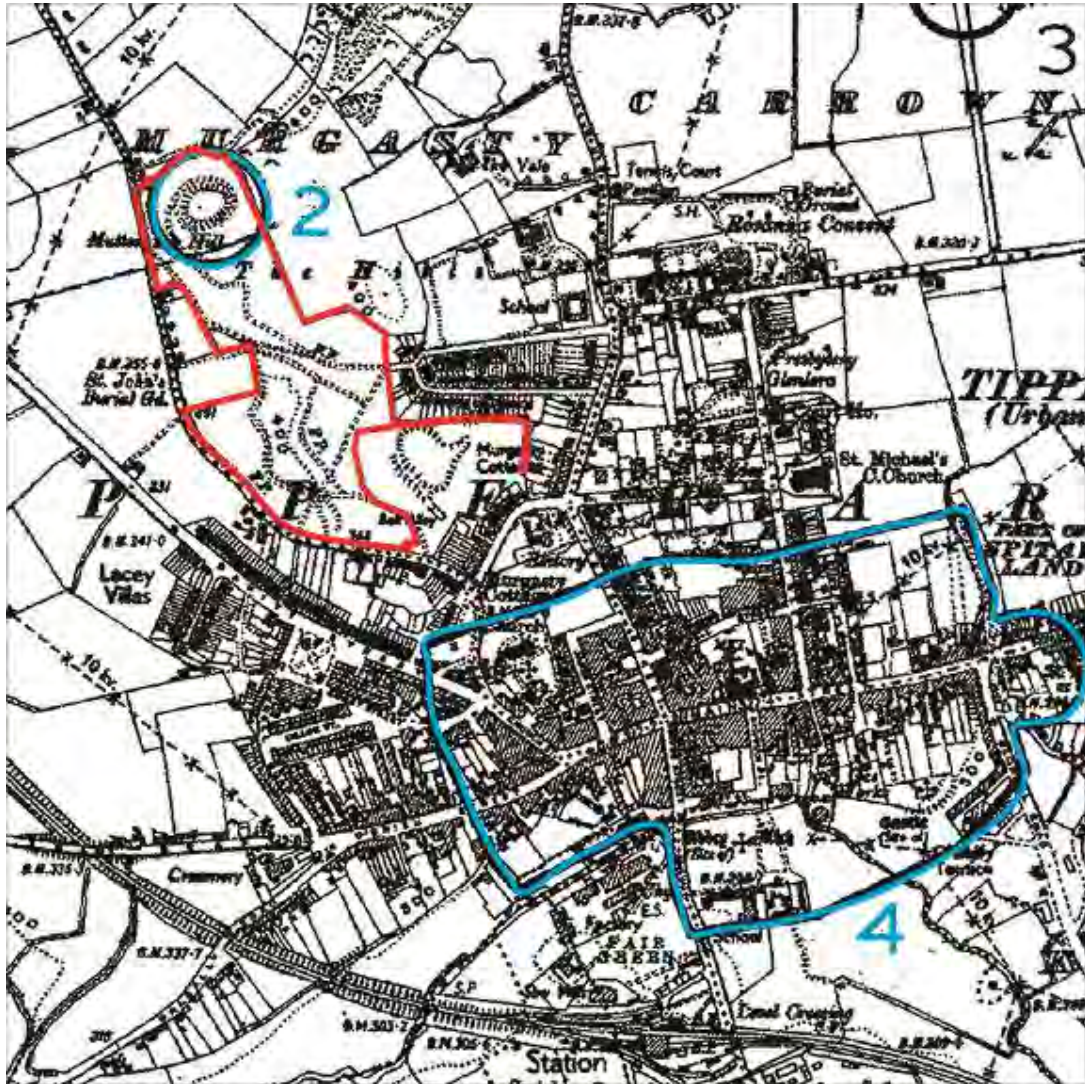


Figure 8. RMP map extract 1998, sheet 67, Co. Tipperary (based on 1901-5/1954 ed OS map). Subject site in red. Historic town (TS067-002----) and castle-motte TS067-002---- indicated.

4.2 Previous archaeological work in the vicinity

A search of the licenced archaeological work database www.excavations.ie database returned three entries for licenced archaeological works being undertaken in the townland of Murgasty.

Table 2. Licenced archaeological work undertaken in the townland of Murgasty (after www.excavations.ie).

Licence No.	Summary Report
97E0026	<p>Site type: Burials adjacent to church. (TS067-131----, see table 1 above). Site name: Bohercrow Road, Murgasty.</p> <p>Test-trenching, for the OPW, in a field off Bohercrow Road at the rear of Tipperary PO took place in February. Five trenches were opened and of these only one, Trench 3, in the centre of the field at right angles to the southern boundary wall, revealed material of interest. Three skeletons with an east–west orientation were uncovered but no dating evidence was retrieved.</p> <p>A second phase of investigation took place in October when further test-trenching took place. Three further trenches were opened and Trench 3 was extended northwards in an attempt to further define the area with burials, but no more were encountered. At the same time the area of Trench 3 with burials was widened to enable their removal. In the process two more skeletons were uncovered and removed. Of the five burials, two were aligned roughly parallel to the church to the south of the southern boundary wall, while three had a more north-east/south-west orientation. Because the grave of one of the former group cut that of the latter, there may be some chronological significance in the different orientations. A single sherd of creamware retrieved from the chest area of a skeleton of the former group dates that group to the late 18th century or later.</p> <p>An osteological report by Jennie Coughlan concluded that one of the skeletons was a young adult of indeterminate sex, one a middle-aged adult female, one a middle-aged adult of indeterminate sex, one a child of 2–3 years, while the age and sex of the fifth were impossible to determine. There were neither skeletal indicators as to cause of death nor evidence for a deficient diet. Brian Hodkinson, Cragg, Birdhill, Co. Tipperary.</p>
97E0026	<p>Site type: Burial-ground/kiln/hut site (TS067-123---- and TS067-124----, see table 1 above). Site name: Bohercrow Road, Murgasty.</p> <p>An excavation was carried out in a green-field site (80m east-west x 35m), adjacent to a 19th-century church (St Mary's Church of Ireland), in advance of construction of a government office building. St Mary's is marked on the OS map (1st edition) as the site of an earlier church. Five skeletons were excavated here during test-trenching by Brian Hodkinson in 1997 (Excavations 1997, 180).</p> <p>In 1998 an area measuring 15m (east-west) by 30m was opened around the location of those skeletons, and the topsoil in the remainder of the field was removed by machine, under supervision. A kiln and a hut site were uncovered. Post-medieval cultivation had caused disturbance of the archaeological remains throughout the field.</p> <p>Sixteen burials were recorded during the 1998 excavations, three of which were very partial skeletal remains. They were orientated in a west-east direction, heads to the west, but a number were aligned slightly along a south-west/north-east axis. All were in simple graves with no traces of any coffins or grave-markers. They appeared to represent eleven adults, one juvenile and one neonate. When the burials excavated in 1997 are included, the burials in the field represent eleven adults, five juveniles and two neonates. Associated pottery suggested a post-medieval date for the burials.</p> <p>An east-west-orientated kiln structure was cut into the sand subsoil to the north of the burials. This consisted of a linear flue leading to an elliptical bowl at the east end. It was 8.5m long, 3.48m wide and 1.2m deep and was keyhole-shaped in plan. The sides were stone-lined, and a single lintel stone was found over the flue. The kiln was filled with collapsed sand from the sides of the structure. There was a basal, charcoal-rich deposit under the stone lining, which may contain evidence of charred cereal grains, indicative of a corn-drying function. There were also small fragments of oxidised limestone in some of the overlying fills, which may suggest a limekiln function.</p> <p>A circular hut site, 4m in diameter, was excavated in the north-east corner of the field, and no enclosing bank or ditch was uncovered. The upper level of the hut had been disturbed by cultivation activity, and there</p>

was a high amount of hollows in the interior caused by root/burrowing activity. A sherd of post-medieval pottery was found in a context severely disturbed by root/burrowing activity. The hut was surrounded by a narrow gully, 0.2-0.5m wide and 0.2m deep, containing no evident post-holes or stake-holes. It may have functioned as a bedding trench. The entrance in the north was indicated by a backfill of moderately compacted sand within the gully, and a hearth lay close to the centre of the hut. The interior of the hut was occupied by overlapping sand layers containing a number of small post-holes and stake-holes. They did not indicate any identifiable structures, apart from a possible spit over the hearth. There were two shallow pits in the north-east corner, and one of these contained a fragment of a jet/lignite bracelet.

4.3 Protected Structures

There are no protected structures on the subject site.

4.4 Archaeological artefacts

There is one stray finds recorded in the Topographical Files in the Antiquities Division of the National Museum of Ireland for the townland of Murgasty. This is an iron sword (Registration number RIA 1895:5).

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

The seventeenth century Down Survey barony map was consulted for the subject site and did not show anything of interest in the location of the subject site. In 1641 the owner of the townland of Murgasty is listed as the Daniell Ryan (Protestant), with the owner in 1670 listed as Erasmus Smith (Protestant). The 1659 census records a total of 72 inhabitants, of which 55 were English and 17 were Irish. The profitable land is listed as 31 plantation acres (<https://downsurvey.tchpc.tcd.ie/landowners.php#mc=52.486123,-8.175867&z=14>).



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

The first edition OS six-inch map (Fig. 10), dated c. 1840 shows the motte as a hachured circle, with the remainder of the subject site consisting of several featureless fields. A feature outside the south eastern side of the subject site appears to be a gravel pit. A fever hospital is depicted outside the western side of the site.

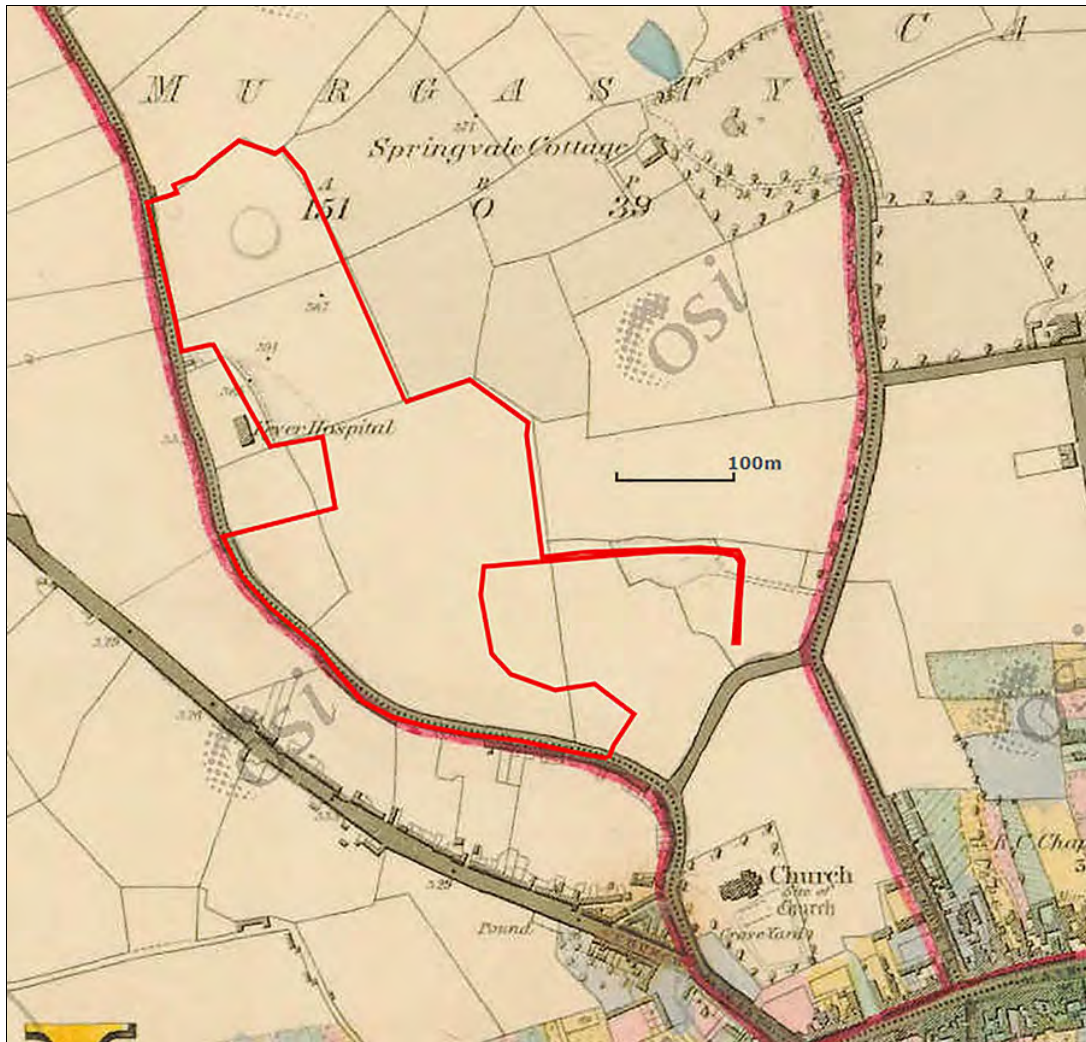


Figure 11. Subject site in red on OS first edition (c. 1840) 6-inch map (after www.archaeology.ie). North to top.

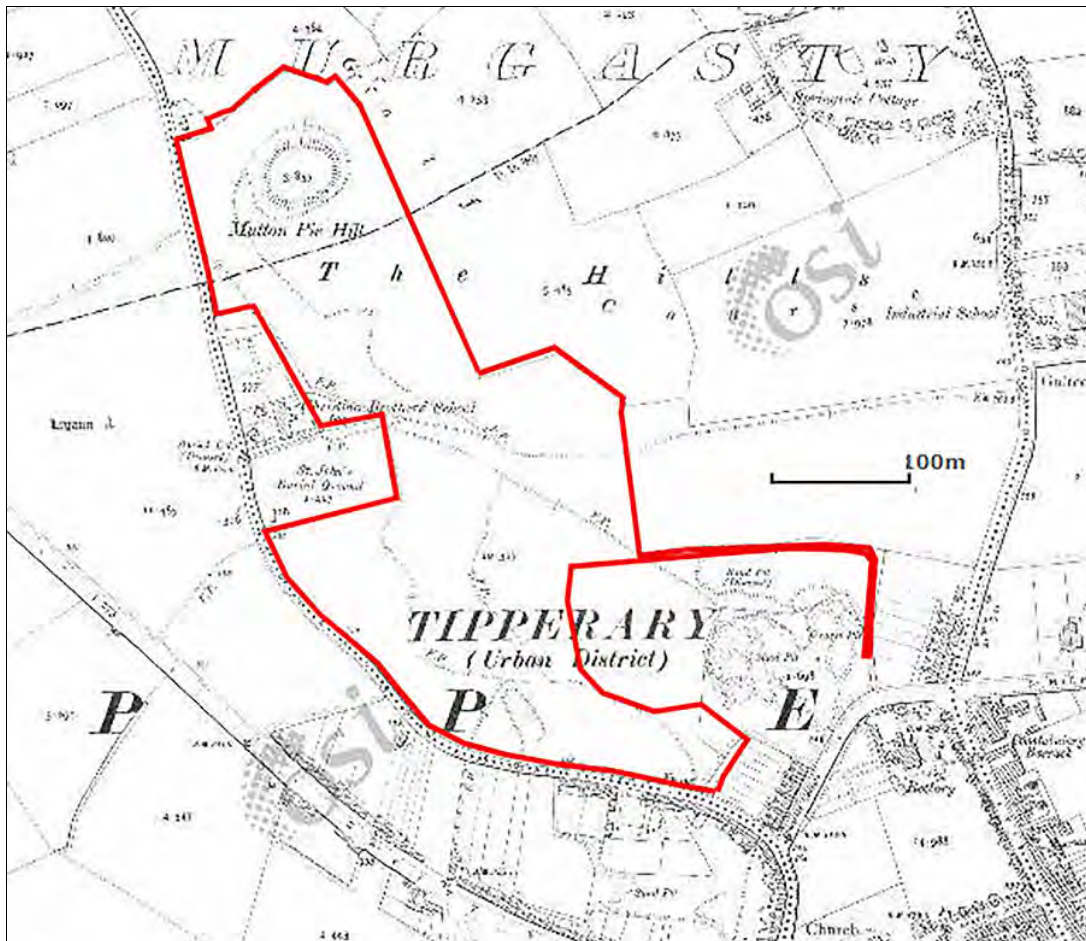


Figure 12. Subject site in red on 25-inch OS map (after www.archaeology.ie). North to top.

The later OS 25-inch map (c. 1900) shows a that the fields appear to have been amalgamated into one large field, with several paths crossing the subject site. The motte is depicted and annotated 'Mutton Pie Hill', while the fever hospital is now a Christian Brothers School, and St John's Burial ground is depicted. (Fig. 11).

5. Impact of Proposed Development

General development throughout the site includes the upgrading of all existing tarmac pathways to a minimum width of 2 metres, upgrading existing gravel paths to bound gravel paths, development of new seating areas, development of the Peace Path, upgrade of all existing seating, installation of information and wayfinding signage, construction of a dog exercise area, introduction of native woodland planting and specimen trees along with native wildflower meadows in selected locations throughout the amenity area and re organisation of the existing carpark area. The subject site comprises an amenity area known as the Tipperary Hills at Monastery Road at the north western side of Tipperary town. This area has been used as a public amenity for many years, and contains a pitch and putt course, several pathways with tarmac surfaces, and an archaeological monument (a motte TS067-002----), known locally as ‘Mutton Pie Hill. A tarmac path encircles the base of the motte where it demarcates the probable interface between a natural hill and the human-made mound of the motte. This motte is used as an amenity also, and several benches are located on the monument. Pedestrian traffic has eroded a path along the southern face of the motte, and also a series of paths along the upper surface of the motte.

Table 3. Predicted impacts of the proposed development on archaeology and cultural heritage.

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

Suitable mitigation to alleviate the predicted impacts on the potential archaeology of the subject site has been provided in section 6.



The majority of the proposed works involve planting, woodland and native wildflower meadows, as well as upgrading of existing pathways. A kickabout area is proposed, which will involve minimal ground disturbance, as well as a dog park. This dog park will involve some ground disturbance.

However, it is located 40m to the south of the base of the natural hill on which the motte is located. Some works are proposed on the motte itself.

Step and Rail Construction

The motte is currently being accessed by many visitors to the park, using a steep access track on the southern face of the monument. There are signs of erosion on this route to the top of the Motte. To prevent further erosion caused by pedestrians, a floating stairs and hand rail construction is propose (see figure 14 below), where the construction has minimal impact on the ground itself. Several posts will have to be driven into the ground in order to lift the path up from it. Then beams are placed over the posts where the boarding and rail can be attached. The construction of the set of stairs would consist of two flights and one landing, and follow the line of existing ground levels and contours. The stairs would conform to building regulation standards, and be constructed of timber or a composite timber material to reduce maintenance.

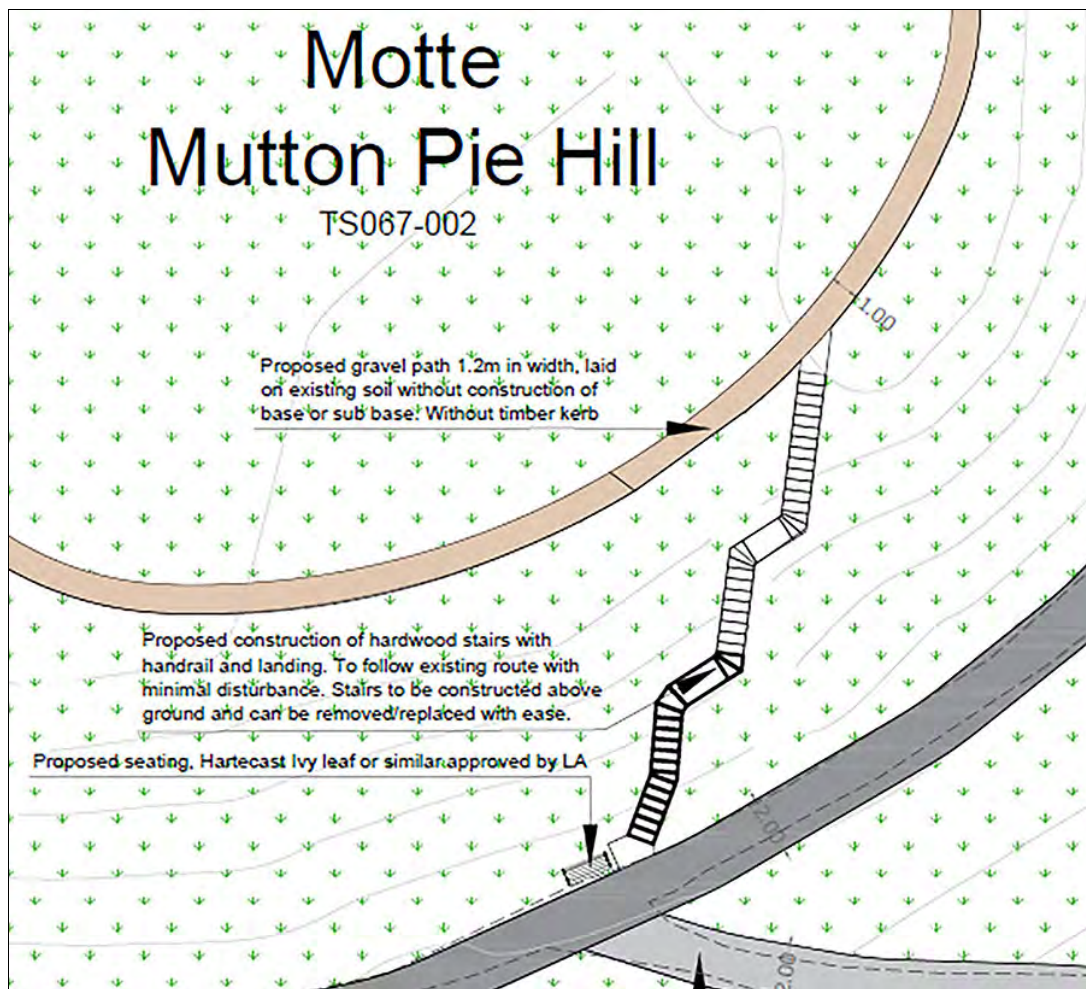


Figure 14. Proposed location of stairs/steps on motte (supplied by client. (supplied by client).

Ballylusk gravel path without kerb

Prolonged pedestrian access to the top of the motte has led to the erosion of the top of the motte. In order to give access and reduce further erosion on top of the motte a Ballylusk gravel path without kerb is proposed. This will provide a formal circular route on the top of the mount, the Ballylusk will suppress the grass and will make it less likely that people cross diagonally over the Motte.

Log benches on top of Motte

Three solid log benches are proposed on top of the motte. These benches can be placed on top of the existing grade without interfering with the ground.

6. Conclusions and Suggested Mitigation

The subject site comprises an amenity area known as the Tipperary Hills at Monastery Road at the north western side of Tipperary town. It comprises an area which has been used as a public amenity for many years, and contains a pitch and putt course, several pathways with tarmac surfaces, and an archaeological monument (a motte TS067-002----), known locally as Mutton Pie Hill. A tarmac path encircles the base of the motte where it demarcates the probable interface between a natural hill and the human-made mound of the motte. This motte is used as an amenity also, and several benches are located on the monument. Pedestrian traffic has eroded a path along the southern face of the motte, and also a series of paths along the upper surface of the motte. Pedestrian footfall has led to erosion on the southern face of the motte. Wooden steps are proposed as part of this application in order to mitigate against further erosion. Gravel paths (surface only) are proposed for the top of the motte also, as groove/paths are being eroded into the top of the monument. The pathways will mitigate against further erosion. Suggested mitigation is set out in table 3, as per best practice guidance (Dúchas 1999a; 1999b).

Table 3. Suggested archaeological mitigation measures.

Mitigation No.	Mitigation	Reason	Mitigates Predicted Impact No.
1.	<p>That archaeological monitoring of groundworks should be undertaken under licence from the National Monuments Service, or under Ministerial Consent (this will be decided in consultation with the National monuments Service).</p> <p>The extent of the area monitored shall be agreed with the National Monuments service. It is suggested that all groundworks in the vicinity of St John's famine burial ground (including access lane, the kickabout area and dog park) be monitored.</p> <p>All works to the motte (including resurfacing/widening of paths) must be archaeologically monitored, as well as all works in the vicinity of the St. John's famine graveyard (i.e., the kickabout area and dog park).</p>	<p>Archaeological material may be encountered due to the presence of an archaeological monuments adjacent to the subject site.</p>	1

Should archaeology be subsequently discovered *The Framework and Principles for the Protection of the Archaeological Heritage* document (Dúchas 1999a, 24-25) states that, ‘When considering requests for authorisation or approval to undertake development which would involve the removal of archaeological sites and monuments (or portions of such) or before proposing to carry out such development, relevant bodies and authorities should satisfy themselves that the development (i) cannot be relocated; (ii) cannot be re-designed to avoid removal of the site or monument (or portions of such); (iii) is really necessary’, and it is on this basis that further mitigation may be required.

It is very important to note that it is the National Monuments Service (details below section 7) in consultation with the local authority, who will formulate and ratify any archaeological mitigation, should it be required, and this document can only make suggestions and report on the desk-top assessment and site inspection carried out. Archaeological mitigation may be recommended by the NMS and/or the local authority, which has not been suggested above.

While this impact assessment has reduced the likelihood of encountering unrecorded archaeological remains it cannot totally eliminate the risk and mitigation has been suggested to further reduce this risk. Therefore, the attention of the client, client agents and the developer is drawn to the relevant portions of the National Monuments Acts (1930–2014) which describes the responsibility of the site owners and procedures to report the finding of archaeological items, if any should be discovered during construction works, to the National Museum of Ireland and the National Monuments Service of the Department of Housing, Local Government and Heritage. This legislation also outlines the developer’s obligation to facilitate and fund all archaeological works that may be considered necessary by the National Monuments Service and/or the National Museum of Ireland in respect of development proposals. The state’s policy in relation to the archaeological heritage is available at:

<https://www.archaeology.ie/sites/default/files/media/publications/framework-and-principles-for-protection-of-archaeological-heritage.pdf>

<https://www.archaeology.ie/sites/default/files/media/publications/excavation-policy-and-guidelines.pdf>

7. Non-Technical Summary

7.1 Scope of study

This is a desktop study to assess the potential impact of a proposed development on the potential archaeological significance of the subject site at Murgasty townland, Tipperary, Co. Tipperary.

7.2 Method of study

The site was visited by a qualified archaeologist and recorded in the proper fashion on 19 January 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 comprises an amenity area known as the Tipperary Hills at Monastery Road at the north western side of Tipperary town. It comprises an area which has been used as a public amenity for many years, and contains a pitch and putt course, several pathways with tarmac surfaces, and an archaeological monument (a motte TS067-002----), known locally as Mutton Pie Hill.

7.4 Impacts of proposed development

Proposed development on the subject site has the potential to have a negative impact on the potential subsurface archaeology of the site, specifically the motte.

7.5 Conclusions and suggested mitigation

Mitigation measures have been suggested (section 6). It is the remit of the National Monuments Service, Department of Housing, Local Government and Heritage, however, to legally recommend any one or a combination of these mitigation measures and perhaps to make recommendations that have not been suggested above. These recommendations may be sent directly to the applicant or more usually through the local authority in question.

7.6 Further Information & Inquiries

Any enquiries in relation to archaeological mitigation on the proposed development, should it be required, may be directed to:

Archaeological Planning and Licencing Unit,
National Monuments Service,
Custom House,
Dept of Housing, Local Government, and Heritage,
Dublin 1.
Phone: 01-8883177

Or through the local authority's archaeologist, where one is employed.

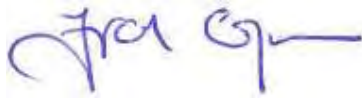
8. Signing-Off Statement

Archaeological Firm: ÆGIS ARCHAEOLOGY LIMITED

Writer(s): Frank Coyne MA MIAI,
32 Nicholas St,
King's Island,
Limerick.

Client: Dave Ryan landscape Architects
12 Barrington Street,
Limerick

Signed:



for ÆGIS ARCHAEOLOGY LIMITED

Report Status: Final

Dated: 14 February 2023

9. Project References

The following is a list of items consulted during the project. They may not all be cited directly in the text.

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- Dept of Housing, Planning and Local Government 2018** *Guidelines for planning authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*. Dublin: Government of Ireland.
- Dúchas 1999a** *Framework and Principles for the Protection of the Archaeological Heritage*. Dublin: Department of Arts, Heritage, Gaeltacht and the Islands.
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- NRA [Now TII] 2005a** *Guidelines for the assessment of architectural heritage impacts*. Dublin: NRA.

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- www.buildingsofireland.ie [NIAH]
- www.digitalcollections.tcd.ie
- www.downsurvey.tcd.ie
- www.excavations.ie
- www.heritagemaps.ie
- www.iaj.ie
- www.logainm.ie
- www.myplan.ie
- www.nli.ie
- www.osi.ie

All last accessed 1 February 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 for Arts, Heritage, Gaeltacht and the Islands to carry out work and shall not, except in the case of urgent necessity and with the consent of the Minister,

commence the work until two months after the giving of notice'. Under the National Monuments (Amendment) Act 2004, anyone who demolishes or in any way interferes with a recorded site is liable to a fine not exceeding €3,000 or imprisonment for up to 6 months. On summary conviction and on conviction of indictment, a fine not exceeding €10,000 or imprisonment for up to 5 years is the penalty. In addition, they are liable for costs for the repair of the damage caused. In addition to this, under the European Communities (Environmental Impact Assessment) Regulations 1989, Environmental Impact Statements (EIS) are required for various classes and sizes of development project to assess the impact the proposed development will have on the existing environment, which includes the cultural, archaeological and built heritage resources. These document's recommendations are typically incorporated into the conditions under which the proposed development must proceed, and thus offer an additional layer of protection for monuments which have not been listed on the RMP.

THE PLANNING AND DEVELOPMENT ACT 2000

Under planning legislation, each local authority is obliged to draw up a Development Plan setting out their aims and policies with regard to the growth of the area over a five-year period. They cover a range of issues including archaeology and built heritage, setting out their policies and objectives with regard to the protection and enhancement of both. These policies can vary from county to county. The Planning and Development Act 2000 recognises that proper planning and sustainable development includes the protection of the archaeological heritage. Conditions relating to archaeology may be attached to individual planning permissions. Specific objectives are also outlined within the County Development Plans of counties and more specific local area plans which are published from time to time.

THE UNDERWATER ARCHAEOLOGY RESOURCE (MARINE, LACUSTRINE, AND RIVERINE ENVIRONMENTS)

These environments all have the potential to impact on known or potential underwater cultural heritage, including shipwrecks. The Minister for Housing, Local Government and Heritage is a statutory consultee under a number of Acts including the Foreshore Acts 1933 - 2011, the Dumping at Sea Act 1996, (and various amendments), various fisheries acts relating to aquaculture and Petroleum and the Other Minerals Development Act, 1960 (as amended

1990). This is in addition to the Planning and Development Act 2000 (as amended) and the associated Planning and Development Regulations. Developments, whether they are large infrastructural projects or smaller localised developments, can have the potential to impact underwater cultural heritage.

As a statutory consultee, the National Monuments Service's Underwater Archaeology Unit (on behalf of the Minister) assesses applications in relation to potential development impacts and, as appropriate, recommendations are forwarded to the relevant planning authority requesting that archaeological mitigation measures be attached as conditions on the grant of a planning permission, licence or permit to ensure the protection of the underwater cultural heritage.

The type of archaeological mitigation recommended will vary depending on the scale and impact of the development and the archaeological potential of the location. It may include but is not limited to the following: pre-development desktop assessments, archaeological dive surveys; geophysical surveys; wading and metal detection surveys; underwater archaeological assessment and pre-development archaeological testing.

Archaeological excavation or archaeological monitoring during the course of the proposed works may also be required where it is known that archaeology is present or likely to be present and when new discoveries are made. Where there are known sites or areas of high archaeological potential, however, avoidance and/or preservation in situ may be the preferred option. In this regard, planning applicants are required to engage the services of a suitably qualified and suitably experienced private sector archaeologist or archaeological company to implement the archaeological recommendations relating to a planning application or as a condition of any planning permission granted.

If a development is planned for an area of reclaimed land or in a marine, riverine or lacustrine environment, it is advisable that you first consult the Wreck Viewer (WIID) and downloadable list of wrecks to ensure that the developer/contractor is aware of the archaeological potential of the area where the proposed development is to be located, i.e. at the site of a known or potential wreck site. If a proposed development is located in an area where wrecks are known to exist or are thought to be

located, then the developer should contact the National Monuments Service seeking advice with regard to the appropriate course of action so as to ensure wrecks or associated wreck material are not negatively impacted. Additionally, the Record of Monuments and Places (RMP) should also be consulted to see if the proposed development is located near to or at a Recorded Monument, National Monument or World Heritage Site. Further information can be obtained from the Archaeology and the Planning Process section of this website.

Note on Developments in Areas of Reclaimed Land

Areas along river channels, estuaries, lake shores and large swathes of the coastline have been reclaimed over the centuries. These areas have potential to retain the remains of vessels that were lost, abandoned or wrecked on ancient seabed, shorelines or earlier water courses prior to the reclamation works being carried out. Other features of archaeological importance may survive in areas of reclaimed land, such as jetties, quay structures, tidal mills and fish traps. In areas of reclaimed land where there is potential to find shipwrecks, associated artefacts and other site types there will be a need for an appropriate level of archaeological assessment in advance of proposed developments.

The Protection of Wrecks under the National Monuments Acts 1930-2014

The National Monuments Service Wreck Viewer displays data relating to wrecks and is made available here for the information of interested parties. It is important to note that the wreck viewer displays only wrecks whose locations are known; there are a large number of wrecks recorded in the Wreck Inventory of Ireland Database (WIID) that do not have precise locations. Records for these can be downloaded from the "Wreck Data Download" link on the banner/header of the wreck viewer. The database also includes records of the wrecks of aircraft where these have come to our attention. The inclusion of wrecks on this website does not constitute a statement in regard to any legal protection which may apply in any particular case. It is intended that this data will be of assistance to all marine environment researchers and stakeholders and those interested in or charged with protecting underwater cultural heritage, including anyone planning development in the marine, lacustrine or riverine environments.

Legislation pertaining to wrecks

There is robust legislation in place to protect wrecks and archaeological objects in Ireland's territorial waters, in the intertidal zone and within the inland waterways. Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater irrespective of age. Wrecks that are less than 100 years old and archaeological objects or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act; An underwater heritage order can be placed on a wreck or object if considered to be of sufficient historical, archaeological or artistic importance to merit such protection. In 1995 the wreck of RMS Lusitania, torpedoed in 1915 by German submarine U-20 off the Cork coast, was protected under the relevant provisions of the Act, though it was less than 100 years old at the time.

Diving, Survey and Salvage

Section 3 (4) of the 1987 Act provides that a person shall not dive on, damage, or generally interfere with, any wreck which is more than one hundred years old or an archaeological object which is lying on, in or under the sea bed or on or in land covered by water except in accordance with a licence issued by the Minister for Housing, Local Government and Heritage under Section 3 (5) of the Act. A licence is also needed under the same provisions of the Act to survey a wreck or archaeological object from a wreck site that is over 100 years old or one that is protected by underwater heritage order. Therefore, a licence is required to dive, interfere with or survey any protected wreck site or for deliberate searches for underwater archaeological objects. The Minister may, at her discretion, grant or refuse to grant a licence and may make a licence subject to such conditions as she thinks fit and which are specified in the licence. Application forms for dive/survey licenses can be downloaded from <https://www.archaeology.ie/publications-forms-legislation/forms> or by requesting an application form from the Licensing Section, National Monuments Service, Department of Housing, Local Government and Heritage Custom House, Dublin 1.

Discovery obligations in relation to a wreck or artefact

Section 3 (6) of the 1987 Act (as amended) also provides that a person finding a wreck over 100 years old must within four days make a report of the find to either the Minister for Housing, Local Government and Heritage or the Garda Síochána.

Section 3 (6) of the 1987 Act (as amended) also provides that a person finding an archaeological object which is lying on, in or under the sea bed or on or in land covered by water must within four days make a report of the find to the Director of the National Museum of Ireland. As clarified in a recent High Court judgement in relation to the wreck of the Lusitania (Judge Herbert, 2005), a wreck can equally be considered to be an archaeological object within the meaning of the act.

[Merchant Shipping \(salvage and wreck\) Act 1993](#)

It is a statutory obligation under the Merchant Shipping (Salvage and Wreck) Act 1993 that all material, including objects, recovered from any wreck or wreck material, including objects, from the sea shall be declared to the relevant Receiver of Wreck. The Receiver will then make enquiries with a view to establishing the ownership of the wreck or wreck-related material. In the absence of a known owner, the Director of the National Museum of Ireland can claim salvaged wreck material on behalf of the State.

[Archaeological excavation and/or use of detection devices in relation to the underwater resource](#)

Archaeological excavation and/or the use of detection devices such as metal detectors to search for archaeological objects on archaeological sites including protected wrecks is regulated under Section 26 of the 1930 National Monuments Act and Section 2 of the 1987 National Monuments (Amendment) Act. Consents for the use of hand-held metal detectors on protected wreck sites or for the purpose of searching for archaeological objects are only issued when they form part of a defined archaeological research project or are required for an archaeological impact assessment for planning related cases. Applications for excavation licenses and consents for use of detection devices are assessed by designated officers within the National Monuments Service.

[THE ARCHAEOLOGICAL RESOURCE IN CAVES](#)

Natural caves have the potential to yield archaeological deposits and artefacts. The study area has a very low potential to contain caves with archaeological potential though its underlying geology, limestone is conducive to the possibility of caves. Caves been used by people ever since the first settlers arrived in Ireland some 10,000 years ago (8,000 BC) and have served a wide variety of purposes: as places of burial, for the performance of ritual, as habitations or shelter for long- and short-term periods, for storage and as hiding places. The NMS and NMI have produced an

advice leaflet entitled *Advice to the Public on the archaeological potential of caves* (2014).¹

NOTE

Attention is also drawn to two current policy documents in regard to the archaeological heritage in the Republic of Ireland, available at: <https://www.archaeology.ie/sites/default/files/media/publications/framework-and-principles-for-protection-of-archaeological-heritage.pdf>;

<https://www.archaeology.ie/sites/default/files/media/publications/excavation-policy-and-guidelines.pdf>.

Please note that any archaeological/cultural heritage report can only report on the facts discovered during the project and make suggestions on suitable archaeological mitigation should it be required. It is the remit of the National Monuments Service, sometimes through the Local Authority, to legally recommend archaeological mitigation on a site-by-site basis, which may differ from the mitigation suggested.

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



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