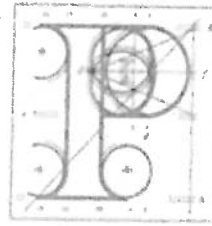


Our Case Number: ACP-323094-25



**An
Coimisiún
Pleanála**

Development Application Unit
C/O The Manager
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 15 September 2025

Re: Proposed development at Garrykennedy Inner Harbour
Garrykennedy Inner Harbour, Garrykennedy, Co. Tipperary

Dear Sir / Madam,

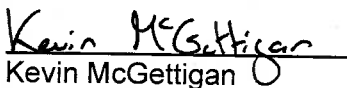
An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Commission has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,


Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

AA02

Teil
Glaio Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>

Sent: Friday, September 12, 2025 4:04 PM

To: LAPS <laps@pleanala.ie>

Cc: Bord <bord@pleanala.ie>

Subject: ACP-323094-25 - 177AE Garrykennedy

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

177AE Garrykennedy

A Chara,

Attached please find the Heritage observations/recommendations of the Department in relation to the aforementioned 177AE Application.

Can you please confirm receipt of same?

Kind Regards,
Diarmuid

Diarmuid Buttimer
Executive Officer

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

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Oifigi an Rialtais
Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90

Diarmuid.Buttimer@npws.gov.ie
Manager.DAU@npws.gov.ie



Your Ref: **ACP-323094-25**
Our Ref: **177AE Garrykennedy**

12 September 2025

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to laps@pleanala.ie ; bord@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

177AE Application: Tipperary County Council: Proposed development consists of clearance of the Inner Harbour including removal of abandoned boats, addressing safety concerns in relation to the existing boardwalk by removal of existing and replacement with new floating pontoons for 47 No small boat berths that include facilities to enable wheelchair users to access the water, extension to existing welfare building to provide "changing places" facility, alterations to existing parking to facilitate 4 No recreational vehicle parking spaces with power and water points, updated accessible parking and provision of bike parking / charging facilities: Garrykennedy Inner Harbour, Garrykennedy, County Tipperary.

A chara

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

Archaeology

The following submission by the Department provides An Coimisiún Pleanála with observations and recommendations that seek to align the proposed development described above at the Garrykennedy Inner Harbour, Garrykennedy, County Tipperary with State policies and legal codes for the protection of archaeological heritage.

Planning Submission, Cultural Heritage

It is noted that the plans and particulars submitted as part of the planning application to An Coimisiún Pleanála incorporates *Garrykennedy Inner Harbour Upgrade Project. Garrykennedy, Portroe, Co. Tipperary Desk-Based Archaeological Assessment Report for DRA Consulting Engineers Ltd* by Margaret McNamara TVAS Ireland Ltd (July 2025). The report identifies and assesses the impact and any likely significant effects on cultural heritage, including archaeological, architectural heritage and underwater cultural heritage assets. Its desk study includes a review of primary and secondary historical sources and notes 'there are seven monuments or sub-monuments listed on the Record of Monuments



and Places (RMP) and/or Sites and Monuments Record (SMR) within approximately 1km of the proposed works and as shown on the departmental website (www.archaeology.ie). These monuments are all listed in Table 1. Table 1: Sites and Monuments Record / Record of Monuments and Places monuments in the vicinity of the site SMR No. Townland Type ITM Distance from site (m) TN013-001---- Garrykennedy Castle-tower house 576736 683903 100m NW TN013-007---- Garrykennedy Ringfort-rath 576616 682778 980m S TN013-008-- Ballyvaughan Ringfort-rath 576674 682862 900m S TN013-009---- Ballyvaughan Ringfort-rath 576962 682774 1000m S TN013-018---- Garrykennedy Mine 576026 683768 760m W TN013-019---- Ballyvaughan Ring-ditch 576909 683102 670m S TN013-020---- Ballyvaughan Ring-ditch 576888 683076 680m S'. The report concludes that 'the proposal site is located in an area rich in archaeological potential due to its lakeside and riverine setting, close to a post-medieval cut-stone quay and a medieval tower house. The site is on the shores of Lough Derg along the River Shannon, a significant lake and riverine routeway home to numerous archaeological sites and monuments including important religious sites. The tower house dates to the 15th century and was likely constructed in this position due to its strategic potential. It appears that the tower house was incorporated into a cut stone quay, potentially in the late 18th century, but certainly by the 1830s' (TVAS July 2025, page 9).

The report further notes that 'The nature of the proposed development works means that direct impact will be limited. On the dryland part of the site, after some initial ground investigation trial pits, the main new groundworks will relate to the construction of an extension to an existing building and the excavation of a 10 soakaway, with some services to be laid in trenches. Given the inherent inaccuracy of the mid-19th century maps, it is not possible to determine whether these groundworks are in an area that was dry land in 1840, in the lake edge, or indeed directly on the location of the former quay. It is therefore possible that archaeological material will be impacted by these works, albeit in a limited fashion. The design of the proposed floating pontoons is intended to minimise impact on the lakebed, with only a small number of piles required (likely to be seventeen piles). A simplified overall installation methodology will consist of: • Existing walkways and galvanised steel frame removed, probably from the shore with a teleporter. • Piles installed from a barge. • Piles will probably consist of steel driven piles, if ground conditions are suitable. Drilled piles only to be used if bedrock is close to the surface. • Pontoons will be placed into the water by a crane and fixed to the piles. Given that there is currently a quay and marina located here, it is unlikely that the proposed development will have any significant extra visual impact on the tower house and cut-stone quay' (TVAS July 2025, pages 10-11). To mitigate the impact of the development on cultural heritage it is recommended that a programme of archaeological monitoring of dryland works be undertaken and to mitigate the proposed works within the harbour area an underwater archaeological impact assessment is recommended.

It is noted that the Wreck Inventory of Ireland Database contains records of wrecking events in Lough Derg, for example the Malgre Tout cutter, which was wrecked in the lake in 1913.



Legal Codes and Policy Context

Archaeological monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, see section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

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 underwater or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater Cultural Heritage also encompasses a broad range of saltwater and freshwater heritage, the protection of which is provided for in legal codes. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the marine area under consideration here.

The assessment of the project that has been undertaken facilitates the Department to determine its likely significant effects on archaeological including underwater cultural heritage, resulting from the construction of the project and whether the proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of significant effects. Whilst the Department broadly concurs with the proposed mitigation measures as set out in the report entitled *Garrykennedy Inner Harbour Upgrade Project. Garrykennedy, Portroe, Co. Tipperary Desk-Based Archaeological Assessment Report for DRA Consulting Engineers Ltd* by Margaret McNamara TVAS Ireland Ltd (July 2025), in order to ensure the project aligns with statutory obligations, policy and guidelines for the protection of the State's archaeological heritage, as set out above, it is recommended the following CONDITIONS are attached to any approval that may issue from An Coimisiún Pleanála. Note these recommended conditions align with Sample Conditions C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the archaeological assessment.



Archaeological Recommendations:

Archaeological Assessment Mitigation

1. All recommendations and mitigation measures as set out in *Garrykennedy Inner Harbour Upgrade Project. Garrykennedy, Portroe, Co. Tipperary Desk-Based Archaeological Assessment Report for DRA Consulting Engineers Ltd* by Margaret McNamara TVAS Ireland Ltd (July 2025) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

Project Archaeologist

2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological works.

Underwater Archaeological Impact Assessment

3. An Underwater Archaeological Impact Assessment (UAIA) report shall be submitted to the Department for approval and shall include the results of the following:
 - a. Desk based assessment that addresses the recorded and potential underwater cultural heritage (including historic wrecks, archaeological objects, terrestrial archaeological heritage, built heritage, vernacular heritage, lacustrine heritage and industrial heritage) of the proposed development area, to include a full inventory, mapping and surveys (photographic, descriptive, photogrammetric, as appropriate) of all archaeological, underwater and cultural heritage features and structures identified by field inspections, cartographic analysis, historical and archival research and prior archaeological investigations.
 - b. Wade/dive survey, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where in lake/lake margin works are proposed, including the proposed locations of enabling works, coffer dams and any machinery movements that may affect the lacustrine environment. The wade/dive assessment and metal detection survey shall be undertaken by a suitably licenced and experienced underwater archaeologist. All identified and potential underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment and shall include detailed assessment of each of the wrecks it is proposed to remove from the harbour area.
 - c. A Dive/Survey licence (Section 3 1987 National Monuments Act) and a Detection Device consent (Section 2 1987 National Monuments Act) will be required for the dive/wade survey and metal detection, respectively.



- d. The proposed development shall be the subject of an Underwater Archaeological Impact Assessment (UAIA), to be submitted to the Department for review and approval, prior to the commencement of any construction works. The UAIA report shall contain a synthesis of the archaeological outcomes of all prior archaeological investigations and any other relevant investigations. The UAIA report shall contain a detailed Archaeological Impact Statement that addresses all identified or potential impacts on identified or potential underwater cultural heritage and shall also make recommendations on measures to avoid (through the institution of Archaeological Exclusion Zones) or, where necessary, mitigate (by archaeological dive surveys/archaeological test excavations/archaeological geophysical surveys/archaeological monitoring/preservation by record or any other means as may recommended by the Department) all potential/identified impacts and effects on underwater cultural heritage. The Developer shall be prepared to be advised by the Department in this regard or in regard to any subsequent recommendations that may issue. No construction works shall be undertaken until formal approval in writing from the Department has been received by the Developer.

Archaeological Monitoring (Terrestrial)

4. Archaeological monitoring (terrestrial) shall be undertaken as follows:
 - a. The services of a suitably qualified and experienced, to the satisfaction of the Department, archaeologist shall be engaged to carry out full-time archaeological monitoring of all construction activities that involve ground disturbance or demolition of historic fabric, structures or features, and of any works where materials of archaeological importance may be uncovered.
 - b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
 - c. A Finds Retrieval Strategy shall be implemented and agreed with the Department, as part of the archaeological licence application. This shall include for systematic finds retrieval and metal detection of all spoil, which shall be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound.
 - d. Sufficient, suitably experienced and qualified to the satisfaction of the Department, archaeologists shall be in place to ensure continuous archaeological monitoring of



Project works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required.

- e. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all construction activities that involve ground disturbances or demolitions and of any works where materials of archaeological importance may be uncovered. Adequate notice (minimum four weeks) of all forthcoming works that require the attendance of the monitoring archaeologist(s) shall be provided by the works contractor.
- f. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the Department and other statutory authorities, as required.
- g. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the Developer.
- h. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format. All post excavation and publication costs shall be borne by the Developer.



Archaeological Monitoring (Underwater)

5. Archaeological monitoring of in lake/ lake margin construction works shall be undertaken as follows:
 - a. The services of a suitably qualified and experienced, to the satisfaction of the Department, maritime/underwater archaeologist shall be engaged to carry out full-time archaeological monitoring of all in-lake/lake margin construction activities or works with the potential to impact on underwater cultural heritage.
 - b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, maritime/underwater archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
 - c. A Finds Retrieval Strategy shall be implemented and agreed with the Department, as part of the archaeological licence application. This shall include for the systematic spreading of all dredged material at a suitable repository to facilitate hand-searching and metal detection for finds retrieval, to be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound. The Finds Retrieval Strategy shall address the likely post-excavation requirements for all archaeological objects, including those from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project.
 - d. Sufficient, suitably experienced and qualified, to the satisfaction of the Department, underwater archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2 1987 National Monuments Act).
 - e. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all in-lake/lake margin construction activities or works with the potential to impact on underwater cultural heritage. The monitoring archaeologist shall be provided with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.



- f. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the Department and other statutory authorities, as required.
- g. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the Developer.
- h. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format. All post excavation and publication costs shall be borne by the Developer.

Construction Environment Management Plan

- 6. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.



7. In default of agreement on any requirements of the Department, the matter shall be referred to An Coimisiún Pleanála for determination.

Nature Conservation

It is suggested that the recommendations included in the following observations are incorporated into any conditions associated with a grant of consent:-

Otter – Annex II species

While it is accepted that the immediate surroundings of the inner harbour are unsuitable for breeding Otters due to the existing level of recreational disturbance and the nature of the embankment, it is noted that the woodland to the east of the site was only surveyed remotely, using binoculars. It is recommended that a further survey for Otters is carried out in advance of the works, focussing particularly on areas within 150m of the site which were not covered on foot previously (which may be supplemented by strategic deployment of trail cameras if all parts are not accessible), in order to confirm the absence of any evidence of Otter breeding in the area. The results of this survey should be communicated to the Department before works begin.

Lighting

The area of woodland to the east of the site is likely to provide high quality foraging habitat for bats, especially since it is adjacent to the lake. Since the proposed service lighting bollards located on the pontoon at the east end of the inner harbour are facing directly across onto the woodland, it is recommended that the light fixtures on these are cowled in order to ensure that there is no glare directed towards the woodland.

Construction working hours

It is recommended that construction work is limited to daylight hours only, in order to avoid potential disturbance to foraging Otters, and to bats in the adjacent woodland areas, and also the potential for disturbance to waterbirds (including Special Conservation Interest species of the Lough Derg SPA) who may take advantage of the more sheltered conditions in this area to move in to roost at dusk, when the normal daily disturbance levels have reduced.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie :

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90



Is mise le meas,

A handwritten signature in dark ink, appearing to read 'Diarmuid Buttmer', is written over a circular stamp or seal.

Diarmuid Buttmer
Development Applications Unit
Administration