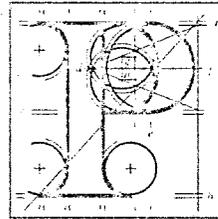


Our Case Number: ACP-323799-25



An
Coimisiún
Pleanála

Development Applications Unit
Government Offices
Newtown road
Wexford
Y35 AP90

Date: 05 December 2025

Re: Proposed road improvement scheme
at Newtownmoyaghy Stream, Kilkcok, County Meath.

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,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

AA02

Teil (01) 858 8100
Glaó Áitiúil 1800 275 175
Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Ríomhphost communications@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

Eimear Reilly

From: LAPS
Sent: Friday 28 November 2025 10:30
To: Eimear Reilly
Subject: FW: ACP-323799-25 Part 8-Newtownmoyaghy Road Improvement Scheme-MH
Attachments: Meath ACP-323799-25 Part 8-Newtownmoyaghy Road Improvement Scheme-MH.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: David OConnor (Housing) <David.OConnor@npws.gov.ie>
Sent: Friday, November 28, 2025 10:26 AM
To: LAPS <laps@pleanala.ie>
Subject: ACP-323799-25 Part 8-Newtownmoyaghy Road Improvement Scheme-MH

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.

A chara

Please find attached Archaeological observations/recommendations for the above mentioned ACP notification.

Kindly forward a copy of your decision to manager.DAU@npws.gov.ie as soon as it issues.

In addition, please acknowledge receipt of the attached letter (as required under Article 29(2) of the Planning & Development Regulations 2001).

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

Kind regards,

David

David O'Connor
Executive Officer

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

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90

Newtown Road, Wexford, County Wexford, Y35 AP90

David.oconnor@npws.gov.ie

Manager.DAU@npws.gov.ie



Your Ref: ACP-323799-25

Our Ref: P800197/2025

27 November 2025

The Secretary
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1
D01 V902

Via email: laps@pleanala.ie

Re: Notification to the Minister for Housing, Local Government and Heritage under the Planning and Development Act, 2000, as amended.

Development The proposed development will consist of:

- **Diversion of the Newtownmoyaghy Stream within an area of agricultural grassland to the northeast of the existing channel and road**
- **Piping, infilling and top soiling of the existing stream channel**
- **Provision of new culvert under the Newtownmoyaghy Road to connect the diverted stream into the existing channel downstream**
- **Provision of agricultural crossings over the new channel**
- **Widening of the existing carriageway**
- **Construction of new road pavement and upgrade of existing road pavement**
- **Alterations to the entrance of one residential property**
- **Provision of new agricultural entrances; and**
- **Provision of associated drainage infrastructure, boundary treatments, surfacing works, road marking, traffic signage and landscaping.**

A Chara,

I refer to correspondence received in connection with the above.

Outlined below are archaeology related observations/recommendations of the Department co-ordinated by the Development Applications Unit.

The Department has examined the Archaeology Heritage Desk-based Review (Niall Roycroft, Meath County Council, 31 July 2024) provided with the above planning referral. On the basis of the contents of the Heritage Report and its conclusions (pages 25-26) it is



the Department's recommendation that the following conditions pertaining to Pre-development Testing be included in any grant of approval that may issue.

Pre-development testing shall consist of the following:

1. Meath County Council will engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
2. The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
3. The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
4. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage for consideration.
5. Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring may be required and the Department of Housing, Local Government and Heritage will advise Meath County Council with regard to these matters.
6. No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Housing, Local Government and Heritage.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Underwater Cultural Heritage

It is noted that the proposed development includes the diversion of the Newtownmoyaghy Stream within an area of agricultural grassland to the northeast of the existing channel and road piping, infilling and top soiling of the existing stream channel; provision of new culvert under the Newtownmoyaghy Road to connect the diverted stream into the existing channel



downstream. The planning application incorporates a desk-based Archaeological Impact Assessment (AIA) which was carried out in relation to the proposed development by Niall Roycroft (July 2024) and which notes the presence within its environs of a number of recorded monuments (ME049-038----: Enclosure, ME049A003001-: Ring-ditch, ME049A003002-: Ring-ditch, ME049A004001-: Ring-ditch, ME049A004002-: Ring-ditch, ME049A004003-: Ring-ditch, ME049A005----: Enclosure, KD005-006----: Moated site), potential archaeological monuments and previously recorded built heritage structures. Given the high density of archaeological heritage within the environs of the proposed development, the c. 550m of stream proposed for diversion can be considered to have the potential to contain underwater cultural heritage and therefore its assessment by way of Underwater Archaeological Impact Assessment is warranted.

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 underwater cultural heritage, including 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.



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, the Department recommends 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:

Underwater Archaeological Impact Assessment

1 Prior to the commencement of any construction activities an Underwater Archaeological Impact Assessment (UAIA) report shall be submitted to the Department for review and 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 and industrial heritage) of the proposed development area based on 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 stream/river/stream margin works are proposed, including the proposed locations of any enabling works, coffer dams and any machinery movements that may affect the riverine 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) shall be required for the dive/wade survey and metal detection, respectively.
- d. 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 significant adverse 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 of the UAIA in writing from the Department has been received by the Developer.

Archaeological Monitoring (Underwater)

2. Archaeological monitoring of in stream / river/stream 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 stream / river/stream 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-stream / river/stream margin construction activities or works with the potential to impact on underwater cultural heritage. The monitoring archaeologist shall be provided with adequate notice (minimum four 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 NMS 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

3. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all 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.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.DAU@npws.gov.ie, where used, or to the following address:

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

Is mise, le meas

David O'Connor
Development Applications Unit
Administration