



CourtneyDeery
ARCHAEOLOGY & CULTURAL HERITAGE

Cultural Heritage Impact Assessment Report

Suir Island Gardens (Part 8)

Clonmel, County Tipperary

For

Tipperary County Council

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1. INTRODUCTION

1.1. GENERAL

This cultural heritage impact assessment report assesses the cultural heritage potential and significance of proposed public gardens, the 'Suir Island Gardens' on Willow Island in Suir Island, Clonmel, County Tipperary.

The aim of the report is to establish the cultural heritage (archaeological, industrial and architectural heritage) potential of the study area as far as the records allow and to highlight if there are any cultural heritage implications for the proposed garden works. Based on the assessment results, a mitigation strategy to minimise the impact on potential cultural heritage is suggested.

Clonmel is a large town on the River Suir at the foot of the Comeragh Mountains. Suir Island is a naturally occurring island within the River Suir (Figure 1), in the Parish of St. Mary's Clonmel, the barony of Iffa and Offa East and the townland of Burgagery-Lands West. The island is low lying, consisting of four islands: Little Island, Suir Island, Willow Island and Stretches Island. It has been an important crossing point since medieval times, linking the Anglo-Norman walled town of Clonmel to County Waterford on the southern side of the river. The island is accessible from the town centre via the Old Bridge to the islands' northwest.

In the 18th and 19th century the town was a tremendously prosperous transportation and industrial hub in the midlands, there was extensive milling operations on the river and on the island. There are numerous medieval and post-medieval references to milling on Little Island at Hughes Mill.

The proposed Suir Island Garden is focused on the southwestern part of the island on Willow Island in the environs of Suir Island House (A protected Structure) and associated former Flour Mill, which are in ruins (Figure 1, Figure 2).

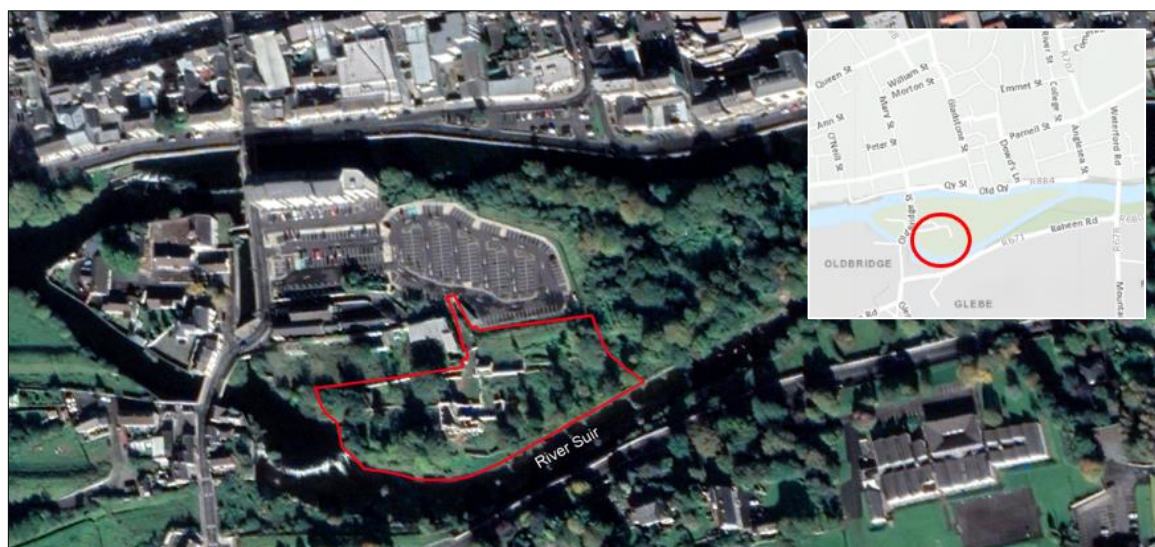


Figure 1 Site Location

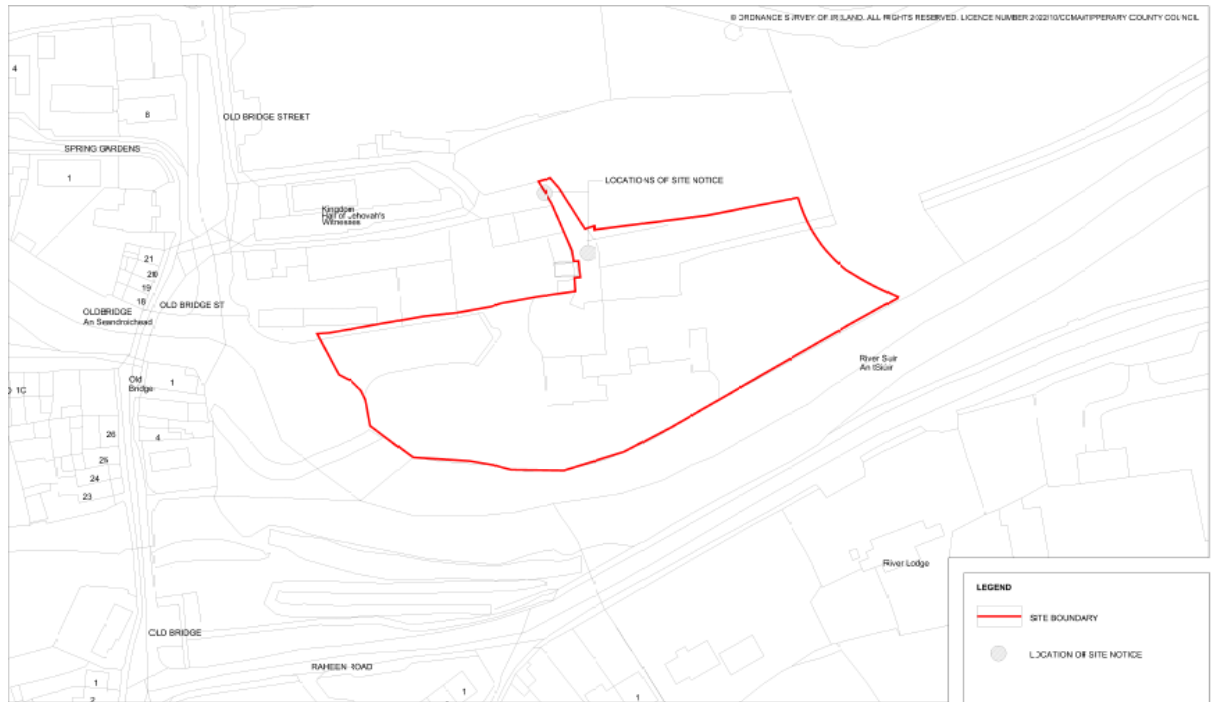


Figure 2 Site location and development boundary

The report will accompany the Part 8 application prepared under the Planning and Development Regulations 2001, as amended. It has been prepared by Courtney Deery Heritage Consultancy Ltd on behalf of Tipperary County Council.

1.2. METHODOLOGY

The archaeological impact assessment is based on a desk study, comprising an examination of published and unpublished documentary and cartographic material and was supported by a field survey. The designated archaeological and heritage sites on the island were also reviewed; this served to establish the existing archaeological environment and present the constraints for the proposed development works.

The evaluation process ensures that all designations relating to heritage assets and cultural heritage features revealed through research, field assessment, and consultation are clearly articulated. The material sources consulted as part of the desk study are as follows:

- National Monuments in State care, as listed by the National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage (DHLGH):
- Sites with Preservation Orders; Sites listed in the Register of Historic Monuments;
- Record of Monuments and Places (RMP) and the Sites and Monuments Record (SMR) from the Archaeological Survey of Ireland;
- Record of Protected Structures (RPS) in The Tipperary County Council Development Plan (2014-2020), Clonmel and Environs Development Plan (CEDP) (2013)
- County Councils Architectural Conservation Areas (ACAs) and their statements of character;
- National Inventory of Architectural Heritage (NIAH) Building Survey (NIAH ratings are international, national, regional, local and record, and those of regional and above are recommended for inclusion in the RPS);
- A review of artefactual material held in the National Museum of Ireland;

- Cartographical Sources, OSi Historic Mapping Archive, including early editions of the Ordnance Survey including historical mapping;
- The Irish archaeological excavations catalogue i.e., Excavations bulletin and Excavations Database;
- Place names; Townland names and toponymy (loganim.ie);
- National Folklore Collection (Duchas.ie);
- A review of existing guidelines and best practice approaches.

A bibliography of sources is provided in the references section, Section 6 of the report and the assessment standards and guidelines that were followed in Appendix 1.

2. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

2.1. PREHISTORIC PERIOD

Whilst there is little evidence for prehistoric activity in the study area there are records of bronze artefacts identified from the town in the National Museum Topographical files (NMI 1934:480-484). These comprise two leaf shaped swords, two flanged axeheads and a leaf shaped spearhead representing a collection dating to the later Bronze Age (c.2500-300BC).

The River Suir would have been an arterial routeway into the midlands since prehistoric times. The area north of the River Suir was traditionally known as Deisc Tuaisceant or North Deisi. The earliest settlers in the area were from Ossory, but these people were driven back by the Deisi, who crossed the Suir in the late fifth century AD. The Deisi were descended from Fiacha Suidhe, brother of 'Con of a Hundred Battles,' king of Ireland. Originating from Meath, they were defeated in AD 278 in battle and resettled in Waterford by Oloill Olum, the king of Munster (Burke 1983, 1).

2.2. EARLY MEDIEVAL PERIOD

The town of Clonmel is located on the north bank of the River Suir, at a fording point where the river widens to incorporate several small islands. The town derives its name from the Irish *cluain meala*, meaning 'vale or meadow of honey.' Local legend tells of a band of Danish Vikings from Waterford who followed a swarm of bees up-river and built their fort where the bees swarmed (Ó Cleirigh 1993, 95; Farrelly & FitzPatrick 1993, 56). The name may, however, merely signify the richness of the fertile soil in the area or the picturesque valley that the town nestles in.

Nevertheless, the Vikings are recorded as establishing a fort on the islands in the river at Clonmel in AD 864 (Burke 1983, 4). Furthermore, a battle between the Uí Néill and the Vikings, in which a thousand people allegedly died, is recorded in 916 near the area (Shee & Watson 1975, 5). The eleventh-century Tripartite Life refers to the mills of the foreigners in Clonmel, but the chronicler Geraldus Cambrensis makes no mention of a town there in 1185 (Burke 1983, 5).

One of the earlier local historians, Rev. William Burke, suggests the Vikings made '*...their way up the Suir to its navigable limit, the islands in the river afforded a position to hold their stocks and carry on their barter with absolute security*', the island would certainly be an obvious choice for a Viking longfort. No archaeological evidence has yet emerged to confirm the Vikings settled in this area (Bradley 1985). While medieval Clonmel town developed on the north side of the river, there are historical references to the south side of the river in the Calendar Justic. Rolls Irel. II to Clonmel on the side of Waterford. This historical reference is further supported by a possible settlement having existed around St. Nicholas' Church (RMP Ref. No. TI083-020), which is to the south of the river Suir in Glebe townland.

2.3. MEDIEVAL PERIOD – THE MEDIEVAL TOWN

Following the Anglo-Norman invasion, Clonmel was granted to William de Burgo in 1205 or 1206. He died shortly afterwards, but the earliest reference to a town at the site is not until 1211 or 1215 (Burke 1983, 6, 12). Therefore, it was probably William de Burgo's son, Richard, who founded the town; in 1225, Henry III granted Richard the right to hold an annual fair (Farrelly & FitzPatrick 1993, 56). In 1265, Otho de Grandison was granted the manor of Clonmel and subsequently appointed sheriff of the town as a reward for his service with Prince Edward, lord of Ireland (Farrelly & FitzPatrick 1993,56; Shee & Watson 1975, 7).

The Franciscans came to Clonmel in 1269 at the invitation of De Grandison. The religious house (TS083-019003) is within the southeast angle of the town wall, east of Abbey Street. Located c. 50m northwest of the Franciscan church, presumably in the former grounds of the abbey, a burial ground (TS083-019072-) was uncovered during monitoring of building works (Henry 1996, 81). The historical records indicate that the burial-ground remained in use following the dissolution of the friary in 1540 (ibid.). At the time of the Dissolution the friary consisted of '*a church, a belfry, a dormitory, a hall, three chambers, a kitch, a stable, ...a weir*' and land (Morrissey 1909, 248-50). During Cromwell's attack on Clonmel in 1650 the friary was badly damaged.

The church and graveyard were granted to the citizens of Clonmel after the Dissolution and remained in use for some time, probably until the ground was acquired for the construction of the Main Guard courthouse (TS083-019004-) in the early 1670s (ibid.). Excavations in 1994/5 to the rear of the Main Guard courthouse revealed a wall which underlay and pre-dated the southern wall of the return of the courthouse (Henry 1996, 81). Its location and the fact that it pre-dates the Main Guard suggests that the wall was associated with a Franciscan building (ibid., Farrelly and FitzPatrick 1993, 67-70).

The friary was reopened in 1828 (Craig and Garner 1975, 27) and rebuilt in 1883, incorporating the north wall of the original 13th-century choir and later 15th-century tower (Morrissey 1909, 248-50). By 1840 a southeast wing (O'Flanagan 1930,) and a porch in front of the tower had been added (Shee and Watson 1975, 11-12). Of the former medieval friary church and its domestic buildings only the belfry and traces of the gabled roof of the old nave on its western side remain upstanding. Within the church itself there is a double effigial Butler tomb (TS083-019086-) and fragments of panels from three other altar tombs (after RMP files).

In 1328, James Bulter, earl of Ormonde, was granted the regalities, liberties, knights, fees and other privileges of County Tipperary, known as the right of palatine (Shee & Watson 1975, 7), and Clonmel became the headquarters of the county palatine. In 1349 and again in 1376, the Black Death ravaged the town (Farrelly & Fitzpatrick 1993).

The manor of Clonmel was sold in 1338 to Maurice Fitzgerald, first earl of Desmond, and over the next two hundred years, there was intense rivalry between the Bulters and the Geraldines. In 1516, the town was besieged and taken by the earl of Kildare. However, the rivalry was finally ended when the manor of Clonmel was given as dowry to the Butlers of Ormonde in c.1531 by the Fitzgeralds.

2.3.1. OLDBRIDGE

The Oldbridge bridge connecting the town to Suir Island crosses the site of an earlier bridge (TS083-019002). In 1355 Clonmel received a pontage grant from Edward III (RMP Files). There is no record of the exact location of the 14th-century bridge, but it is likely that it forded the Suir in the place where Oldbridge now stands. In the 18th century it was represented on Moll's map of

1714 as an integral part of the principal road leading to Dungarvan and Cappoquin and in 1748 it was described as a 'very spacious bridge over the Suir... of twenty arches' (O'Keefe and Simington 1991, 158 after RMP file).

Lyons (1936, 292) suggests that a mill weir south of the Suir Islands (TS083-019016) southeast of Suir Island House 'anciently may have been a fishing weir'. The weir is not indicated on the 1st (1840-41) ed. OS 6-inch map which suggests that its construction post-dates 1840-41. This weir has been removed.

2.3.2. TOWN WALL

The town received a murage grant in 1298 from Edward I. This murage grant (a tax levied to build or repair a town wall) was acquired by de Grandison, Lord of Clonmel to fortify the town. Further grants smaller murage grants for additional stone walls and the repair of the walls were again given to Clonmel in the 14th and 15th centuries (IWTN, 2020, Farrelly & Fitzpatrick 1993, 56).

The medieval town wall enclosed a roughly rectangular area with a slight protrusion on the north side where it incorporated St Mary's Church Yard. It enclosed an area of approximately 14ha and the wall is 1.5km in length (Thomas 1992, 52). It was constructed sometime in the 13th century (ibid) and a new bastion line reinforced the medieval wall in the seventeenth century. The town had an inverted T-shaped street pattern and six gates: four main gates (North Gate, East Gate, Bridge Gate and West Gate), a postern gate and a water gate providing access for people and goods to and from the River Suir (Thomas 1992, 55). The presence of a fosse outside the medieval wall is assumed but it has not been recorded.

The earliest cartographic sources of Clonmel are the Down Survey maps of 1656 of County Tipperary and Waterford; they show 'Clonmel City and Burgery' with a distinctive D-shaped walled town fronting the river (Figure 3), with a bridge crossing. Interestingly, two tall structures, possibly gates, are represented on the Waterford side of the bridge, which has not been represented in any other source.



Figure 3 a. William Petty's Down Survey County; b. County Map of Waterford 1656

The most detailed Down Survey map is the Glanihery Barony map of Waterford, which labels the walled 'Clonmel City' on the banks of the Suir and shows 'the Bridge' (Figure 4). The inverted T-shaped plan form of the town is shown with the enclosing walls and mural towers. A single bridge crosses the river; there is no indication of a harbour area or the presence of Suir Island. However, the Down Survey maps are not the most reliable and such an omission would not be unusual in a map.



Figure 4 Down Survey County Map

Goubet's 1690 map *La Ville de Clonmell* (Figure 5) shows the town wall, turrets, gates and medieval street pattern. In the seventeenth-century Hearth Money Rolls (1654–55), the town is recorded as having three interconnecting suburbs to the east, west and north and a further smaller area across the river (Thomas 1992, 53). On the south side of the wall, the River Suir may have acted as a fosse, and a fosse does appear to be indicated in Goubet's 1690 (Ibid). However, excavations in the vicinity of the wall have yet to reveal one. There was likely a harbour. A narrow entry to a laneway is shown between the two south gates on the Goubet map; a similar entry was exposed during excavations on the line of the south wall (Licence ref: 95E211). It shows a substantial bridge crossing the river connected to the town via bridge street with several cutwaters suggesting many arches. Like the other 17th century maps, this map does not indicate the presence of Suir Island.

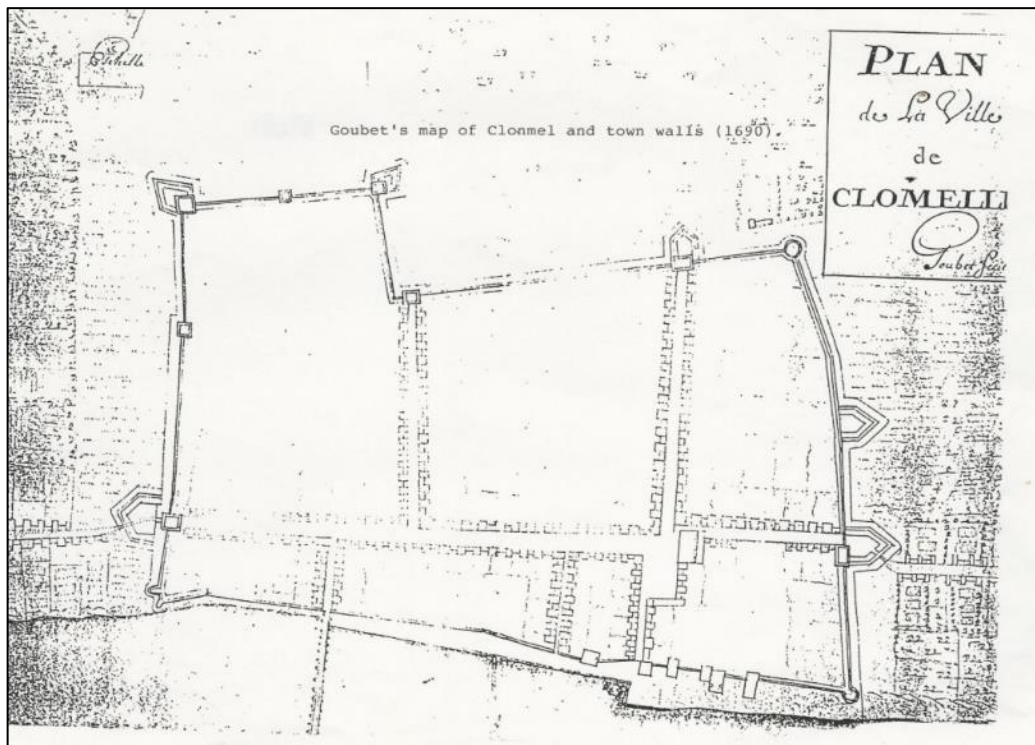


Figure 5 Goubets Map of Clonmel and town walls (1690)

The Stritches family gave their name to 'Stretches Island' which lies west of Suir Island. John Stritch was sovereign of the borough (1539-1543). In a list of the freeholders of the Cantred of Clonmel, he is set down as holding an estate of £20 a year (Burke 1983). This suggests that the islands were present at this time.

In 1608, the town became a free borough by royal decree (Shee & Watson 1975). In 1647, the Supreme Council of the Confederation of Kilkenny assembled at Clonmel (Farrelly & Fitzpatrick 1993), but the town was subsequently besieged in 1650 by Cromwell, withstanding the siege for three weeks before eventually surrendering on honourable terms (Ó Cleirigh 1993, 95; Shee & Watson 1975, 11).

Although Clonmel was an important manor, there is no clear evidence of a castle at the town (Bradley 1985). The remains of the 13th-century church of St Mary's may be found in the northwest corner of the medieval town wall, and those of the Franciscan friary (founded in 1269 by Otho de Grandison) in the southeast corner of the town. The extramural 13th-century church of St Nicholas's is located in the Old Bridge quarter of the town.

2.3.3. EXPANSION OUTSIDE THE TOWN WALL

The town walls were dismantled over time and more of the walls were removed with expansion of modern Clonmel. Increased prosperity led to the opening of new streets and an expansion of the population in areas outside the walled town, particularly to the north and east. The area to the west of the town, Irishtown, had been inhabited since the late medieval period and was redeveloped mostly in the late 18th and early 19th centuries on a pattern which largely exists today.

The medieval streets and burgage plot plan are still visible in the narrow streets and lanes of the modern town, and sections of the town wall, including three mural towers and a gatehouse, survive on the north and west sides of the town. Today approximately 300m of upstanding wall survives, most of which can be seen around St Mary's Abbey. This includes the remains of a wall-walk and a tower.

2.4. POST-MEDIEVAL PERIOD

Clonmel's strategic position on the river Suir led to its establishment as the market centre for a wide agricultural hinterland during the agrarian revolution of the late 18th century. The drivers for the industrial revolution of the town were the harnessing of the river for milling and transport. The county palatine was abolished in 1716, by which time Clonmel had become an important centre for trading in milling flour, oatmeal, rape seed, butter, bacon and tobacco. More than two-dozen mills were set up in and around the town, the majority owned by members of the influential Quaker community.

2.4.1. RIVER SUIR NAVIGATION AND THE QUAYS

The quays were developed and extended to cater for the increased trade and this in turn drew new businesses into the town. A towpath was laid along the north bank of the River Suir between Carrick and Clonmel in the 1750s, river transport was cheap, and grain was shipped in horse drawn barges along the towpath between the towns. On the upper Suir, from Carrick to Clonmel, the standard vessel was the yawl, a smaller vessel used in shallow waters. Its construction also necessitated the modification of several bridges over the Suir to accommodate navigation and tow path arches.

Substantial quays were built along the river frontage in Clonmel in the later 1700s and first half of the 1800s. The original medieval quay was between Old Bridge and Sarsfield Street, it was replaced by the New Quay after 1756 (Figure 6, Figure 7). The town was one of Ireland's busiest inland towns and ports.



Figure 6 Photographs of Canal Quay Clonmel, view towards Old Bridge (Robert French published between 1880-1900 in the Lawrence Photograph Collection National Library of Ireland)

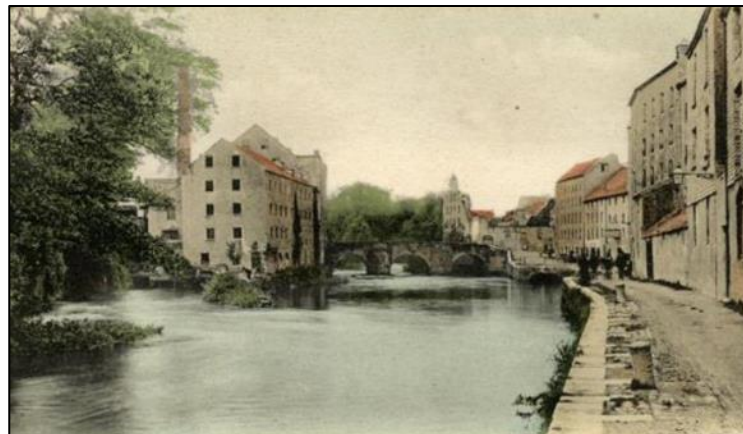


Figure 7 Early 20th century colourised photo showing Oldbridge and Hughes Mill – note the narrowness of the Old Quay at this time (Robert French published between 1880-1900 in the Lawrence Photograph Collection National Library of Ireland)

The development of the railways however meant that barge traffic ceased by the 1920's. The Old Quay/New Quay road was widened again in the 1990s (Hamond 2010) along with the insertion of a reinforced-concrete wall along its riverside, the widened replacement carries a single-lane road and footpath along the river's edge. No visible traces of the original quay are now visible. The river wall was recently replaced by taller wall and demountable flood gates for flood alleviation, the former open aspect to the river was removed (Plate 1). It is very likely however that there is in-situ evidence of these and earlier quays along northern side of the road beneath the road.



Plate 1 New quay walls view form the river from Old Bridge (looking northeast)

2.4.2. INDUSTRIALISATION OF SUIR ISLAND

According to Rev. Burke (1983) the earliest water-powered enterprise in the town was the Manor Mill, at the north-west end of Old Bridge. In 1614 Benedict White fitz John set up in Suir Island a mill for the tucking and finishing of coarse woollen stuffs. There is also a reference in the Clonmel Corporation Minute Book for May 1637 of a 'Little Mill' on Suir Island.

Driven by a bounty granted by the Irish Parliament between 1758 and 1797 for the transportation of grain and flour to Dublin, where bread consumption was on the increase, the industrialisation of the milling got underway. In Clonmel the milling trade was largely monopolized by the Quakers. Simmons Sparrow, the son of a local baker, opened the huge Suir Island Mills (Burke 1907). He was followed by the firm of Robert Grubb & Co. who built a large flour mill in around 1780, it utilized a channel between Suir Island and Willow Island and may have been on the site of an earlier, derelict oilseed rape mill which had been leased by his father Joseph in 1774. About the same time, another mill was erected at the south-east end of Old Bridge in the vicinity of the former Little Mill; with a subsequent change of ownership, this became known as Hughes' Mill, after Thomas Hughes (Blackwood et al, 2014). In November 1781, Edward Collins obtained a lease from the corporation of the old corporation mill on Little Island, and erected new mills at a cost of £12,000. Within the next thirty years a network of corn mills was spread over the country until every river was dammed and every mountain stream pent up (Burke 1907).

Listed in a 1787 Directory of 'Clonmel' was Edmund Dwyer a distiller; Howell Edward & John, Millers & Corn Merchants Corporations Mills; Jones Richard, Clothier & tanner; Thomas and Samuel Grubb, Millers & Corn Merchants and Sparrow Simmons, corn merchant. When in 1797 it was proposed to abolish the system of bounties, the milling industry was so firmly established, that it stood in no need of public subsidies. *'The principal millers,'* said Lord Clare, *'in the neighbourhood of Clonmel, a part of the kingdom from which there is a considerable influx of corn to the city, do not complain of the bill ; on the contrary many have declared that they will not suffer any loss from it '* (Burke 1907).

Pigot's 1824 Directory noted that the Clonmel corn market was *'as extensive as any in the kingdom, and the merchants and traders evince a more enterprising spirit and transact more business than those of any town of equal size in Ireland'*. The buoyant corn trade also benefited the local milling industry. Pigot also noted that *'one fifth of the whole quantity of flour exported from this Kingdom was last year [1823] shipped by one establishment alone in this industrious and prosperous town'* (Blackwood et al, 2004)

The River Suir's course through Clonmel, the scale of the milling enterprises and the ingenuity of harnessing the power of the river is clearly seen on the 1874 ten feet to one mile OS map (Figure 8). This map shows Suir Island, Stretches Island, Little Island and Grubbs Island to the west (Willow Island is not named). West of Grubbs Island the river is split into many channels with four weirs feeding several mills and other works. A causeway which connects the Islands is shown, connecting Bridge Street on the northern banks of the river to Green Street to the south, the largest bridge is named Old Bridge and its cutwaters both upstream and downstream are drawn. It appears that a retaining wall forms a boundary around each island.

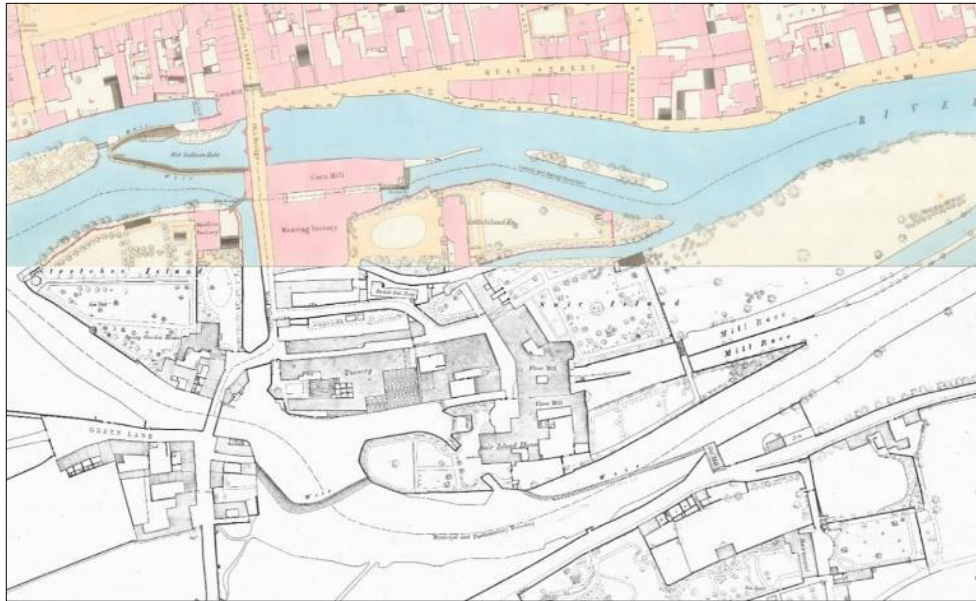


Figure 8 Town of Clonmel (1874) OS Map 1:500. Ten feet to one statute mile (TY083-06_08)

The extensive industry shown on the islands are varied, comprising food and cloth manufacturing/processing. A woollen factory is shown on Stretches Island, on Little Island there is a weaving factory and a corn mill with mill races connected to both. On Suir Island there is an extensive range of industrial buildings comprising a woollen factory, a Turkish bath house, tannery and two flour mills.

On each island there is a large house and associated decorative gardens belonging to the prosperous millers, Spring Garden House on Stretches Island, Little Island House (Owned by the Mortons) on Little Island and Suir Island House and The Cedars (Robert Grubb) on Suir Island (Thomas Grubb), each connected to or in proximity to the mills. At the eastern end of Suir island is a hexagonal structure with a flight of steps, there is a corresponding one on Stretches Island – these are labelled as a ‘summer house’ on revised six inch map. Sarah Grubb constructed a Quaker girls’ boarding school between the Cedars and her husband’s mill. Very little of these grand houses survive today, though the mature trees that have taken over the eastern part of Suir island hint at its past.

Suir Island House was built by Thomas Grubb, in the 1780s. By 1847, however, it had been vacated. The Valuation book of that date gives its measurements as 49½ ft x 25ft x 27ft, with a 6ft basement; it also had two returns and various out-buildings to the rear. Fred Hamond (2009) carried out an extensive review of reports and sources and has provided an overview of the historical development of the mills on Suir Island.

The OS maps from 1841 onwards show the house with a garden to its frontage and grounds to its rear, both bounded by the mill races at north, and by the river at south.

The 1874 OS map shows the area of the proposed gardens on what was Willow Island (Figure 9). A narrow roadway provided the only access to Willow island. Centrally placed on the island is Suir Island House, to the rear of which is a large flour mill complex and courtyards adjoining a mill to the north; a considerably larger complex that continues north into Suir Island. Several sluice gates control the headrace to the west of the mills, and two millraces emerge from the mill buildings to the east. Suir Island House fronts onto a decorative garden on its western side, and the gardens continue to the east of the flour mill buildings. Walls define the river's edge.

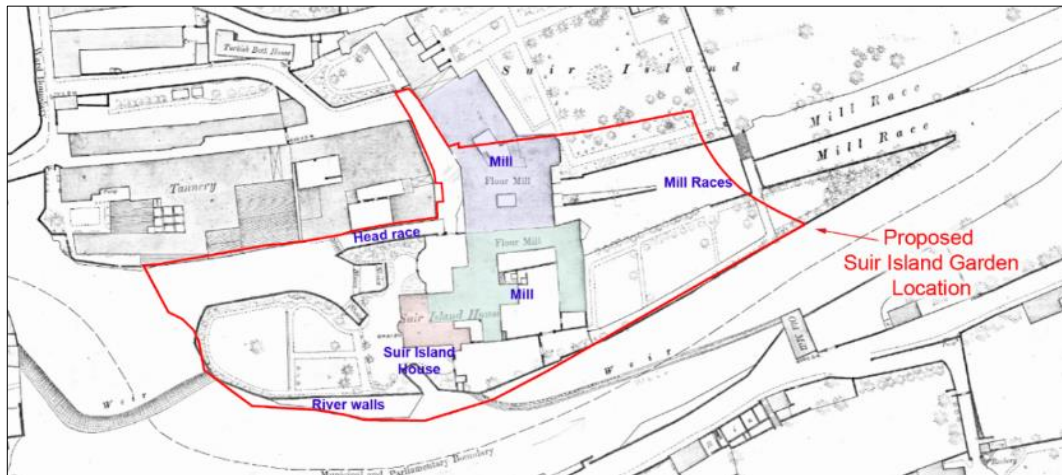


Figure 9 Approximate Site location 1874 OS Map.

There is a structure on the southern banks of the river labelled as an 'Old Mill' and in the later 1904 OS map it is shown as a Smithy.

The 1904 OS map shows little change buildings' footprints on the islands, reflecting the lack of development during the later 19th century and the decline of the industries (Figure 10). Hughes Mill on Little island changed to a Condensed Milk Factory. There is little change to Suir Island House and Willow Island.

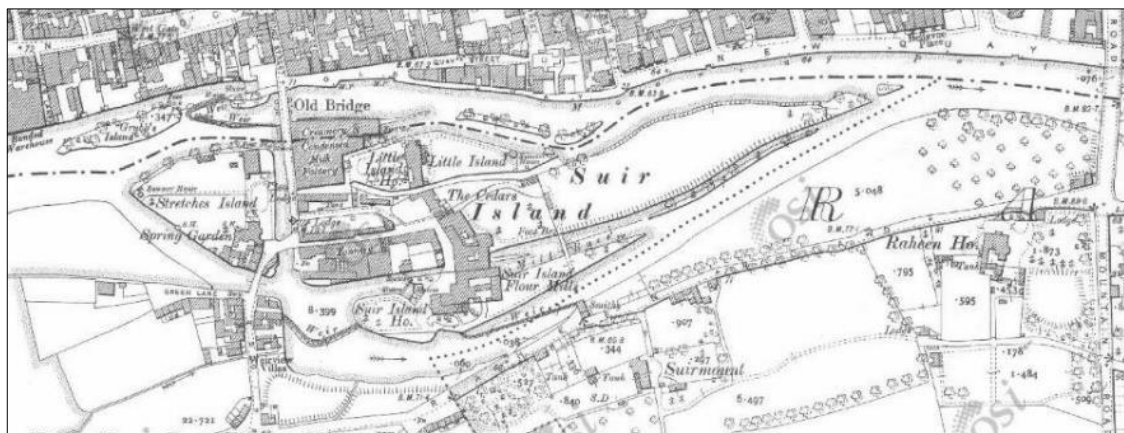


Figure 10 Approximate Site location 1904 OS Map.

With the exception of the Condensed Milk Factory, all industrial activity had ceased by 1930, the nail in its coffin being the economic depression following Partition in 1922. By the late 1900s, Suir Island was almost completely deserted and the piecemeal demolition of the structures on the Island can be seen. Both Grubb mills were in ruins by the early 1940s and the remainder of the buildings lay disused and falling into dereliction and the houses unoccupied (Blackwood 2004). Suir Island House had become dilapidated by 1940 but was then purchased by John P. Cooney and renovated. It was still occupied by the Cooney family in the late 1960s but has since been vacated and gutted by fire (Blackwood et al 2014).

2.5. PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS

Several archaeological investigations have been carried out on Suir Island (Figure 11) in advance of the development of Hughes Mill on Suir Island (O' Donovan 1998; Stephens 1998, Licence Ref: 98E0470), Manor Mill on Stretches Island (Tierney 2001, Ref: 01E0464, 01E0464) and also the Suir River (Clonmel North and East) Drainage Scheme. The drainage scheme was a large scale infrastructural project involving the construction of flood defence walls, food defence embankments, stormwater pipelines and associated pump stations, river widening works, and demolition works on five bridges (including three on Suir Island). Numerous investigations and monitoring were carried out as part of this work (Henry 1996, Purcell 1999, Bailey 2010, Kyle 2011, Coughlin 2012, Refs: 06E0651, 99E0606 10E0485, 11E0114, Old Bridge Ref: E4252).

Evidence that milling activity undertaken on the island during the late 18th and 19th centuries was captured in the investigations and correlated with the cartographic and historical sources. None of the investigations/excavations identified any features that predated the industrial activity on the island.

Immediately north of the application area, predevelopment excavation of a car park berm associated with the drainage scheme (Kyle 2011, Ref: 011E0014, Henry 2006, Ref:06E0651) revealed the subsurface remains of the flour mill on Suir Island (the mill to the north of Suir Island House Mill) (Figure 11). Five construction phases were recorded; the primary phase was a three-roomed structure. One of the rooms, which was roughly circular in plan, is believed to have housed a set of millstones. A cobbled area with a drain was located to the northeast of this building. The following phases saw the mill expand, some interior walls removed, and other features added.



Figure 11 Location of archaeological investigations, monitoring and excavations and the proposed garden location

2.6. ARCHITECTURAL/INDUSTRIAL HERITAGE ON SUIR ISLAND

2.6.1. ARCHITECTURAL CONSERVATION AREA (CEDP 2013)

Clonmel has a rich heritage of townscape and buildings this is demonstrated in the number of protected structures listed in the town development plans Record of Protected Structures (RPS). Within the town there is also an Architectural Conservation Area (ACA) focusing on the Wolfe Tone Street, O'Connell Street and Gladstone Street townscape. Suir Island lies outside the ACA (Figure 12).

2.6.2. PROTECTED STRUCTURES (CEDP 2013)

The three bridges on the Island and the bridge crossing the mall tributary which were previously listed as protected structures. They were rebuilt as part of the comprehensive river flood alleviation works that has taken place. This includes new walls along the quays, new parapets at Oldbridge (the arch structure still remaining). The works changed the character of the Quays and the visibility of the river from the Quay, only Old Bridge retains its protected status (RPS 237).

The ruin of Suir Island House (RPS 289) is a protected structure (Figure 12). It is a former miller's house, built c.1760 and stands as a ruin that has been conserved and made safe. The ruins and its associated mills were comprehensively recorded prior to the conservation works (Blackwood Associates et al, Hamond, F. 2009).

A complex of former industrial structures on Suir Island is recorded in the National Inventory of Architectural Heritage (NIAH, Ref: 22121004, Figure 12). Built in c.1820-30, the structures present as the ruins of multi-storey stores and warehouses arranged on the sides of narrow streets on the island. However, these properties do not have a statutory footing; they have been assigned a NIAH regional rating. They are considered to be of merit and can be added to the RPS by the Local Authorities should they choose to.

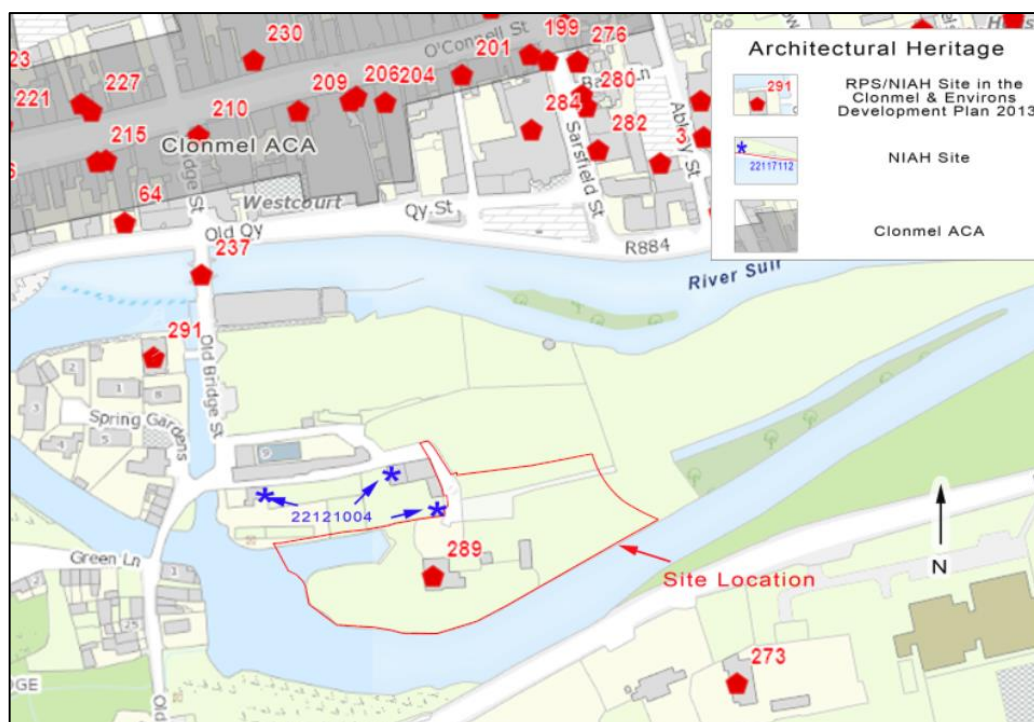


Figure 12 Protected Structures and the Proposed Gardens Study Area

2.6.3. INDUSTRIAL HERITAGE SURVEY

The Tipperary Industrial Heritage Survey (TIHS) was carried out in 2010 by Fred Hamond for South Tipperary County Council. Several features were identified including bridge crossings and former mill structures on Willow Island within the proposed gardens study area. It includes Suir Island House, the walls of the former mills (Ref: 043010, 043008, 043009, Table 1, Figure 13). Since this survey an extensive flood relief works have been carried out along the quay walls, on the southern side of the river and the Suir Island bridges which as somewhat reduced their industrial heritage significance.

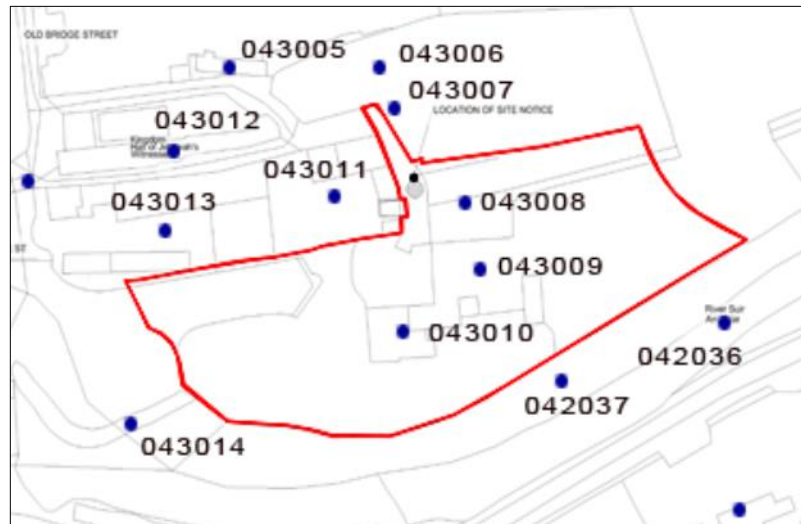


Figure 13 Industrial Heritage Sites and the Proposed Gardens Study Area

Table 1 Industrial Heritage sites within the Gardens Study area (Hamond, 2010)

TIHS ref.	Ref:	Location	Type	Description
043010	RPS 289 NIAH 22121005	Willow Island (Suir Island),	House in ruins	Derelict shell of a four-bay, three-storey + attic dwelling erected in 1780s by Thomas Grubb, owner of the adjoining flour mill. A four-bay, three-storey + attic house aligned N-S at the SW corner of a now-ruinous flour mill (site 043008), to which it was formerly attached. It has been gutted by fire
043008	n/a	Suir Island	Grain Mill	Ruinous fragments of wall and associated waterworks of large flour mill established on the site of a former rape mill by Robert Grubb c.1780.
043009	n/a	Willow Island (Suir Island)	Walls	Ruinous random rubble walls and associated waterworks of large flour mill established by Thomas Grubb in mid 1780s

3. ARCHAEOLOGICAL HERITAGE

The Record of Monuments and Places (RMP) of the Department Housing, Local Government and Heritage (DHLGH) records known upstanding archaeological monuments, sites of monuments and the position of possible sites identified as cropmarks on vertical aerial photographs. Archaeological sites identified since 1994 have been added to the non-statutory Sites and Monuments Record (SMR) database of the Archaeological Survey of Ireland (National Monuments Service, DCHG), and includes both RMP and SMR sites. Those sites designated as SMR's have not

yet been added to the statutory record but are scheduled for inclusion in the next revision of the RMP.

The medieval town of Clonmel is a designated Zone of Archaeological Potential (ZAP) (KK029-018). This ZAP extents includes Suir Island (shown on Figure 14). There are no individual RMP sites on Suir Island. The bridge at Oldbridge (TS083-019002) is thought to be on the site of an earlier bridge. The bridges parapet has been rebuilt as part of recent flood alleviation works.

The site of a weir (TS083-01916) is recorded on the southern side of the Island, the SMR file records that Lyons (1936, 292) suggested that the weir 'anciently may have been a fishing weir', however the weir is not indicated on the 1st (1840-41) ed. OS 6-inch map which suggests that it's construction post-dates 1840-41, it only appears on the later map. The evidence does not warrant its inclusion as an archaeological monument and may not be added to the statutory RMP.

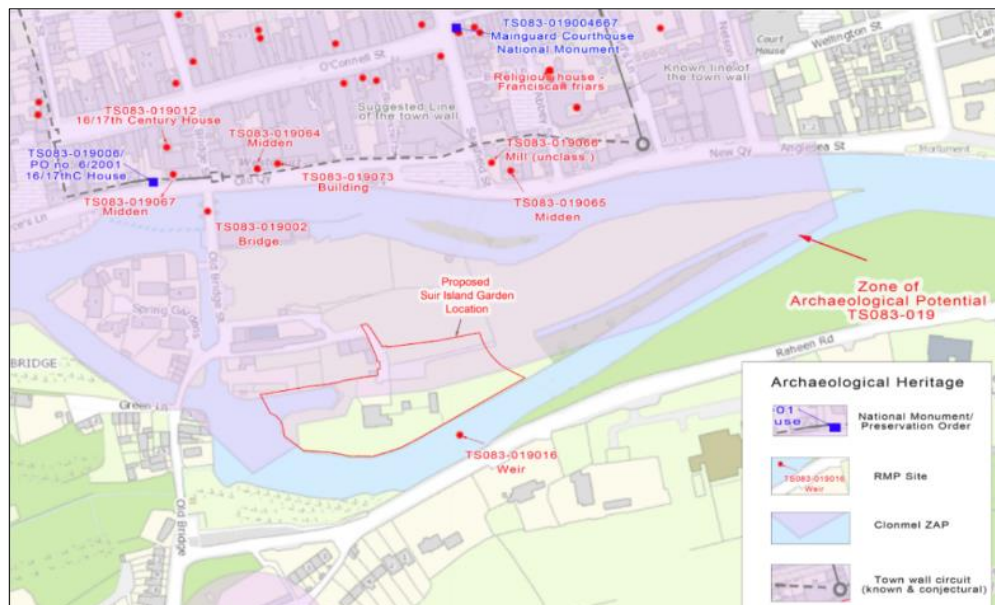


Figure 14 Archaeological Heritage (RMP, ZAP & town walls) in the vicinity of Suir Island and proposed site location

4. FIELD WORK

4.1.1. Introduction

The following describes the sites and features of interest within the proposed public realm that might have the potential to be impacted by the development. The fieldwork was carried out on a clear bright day on 17th October 2020.

The features discussed in the text below are labelled a–q in Figure 15 below.

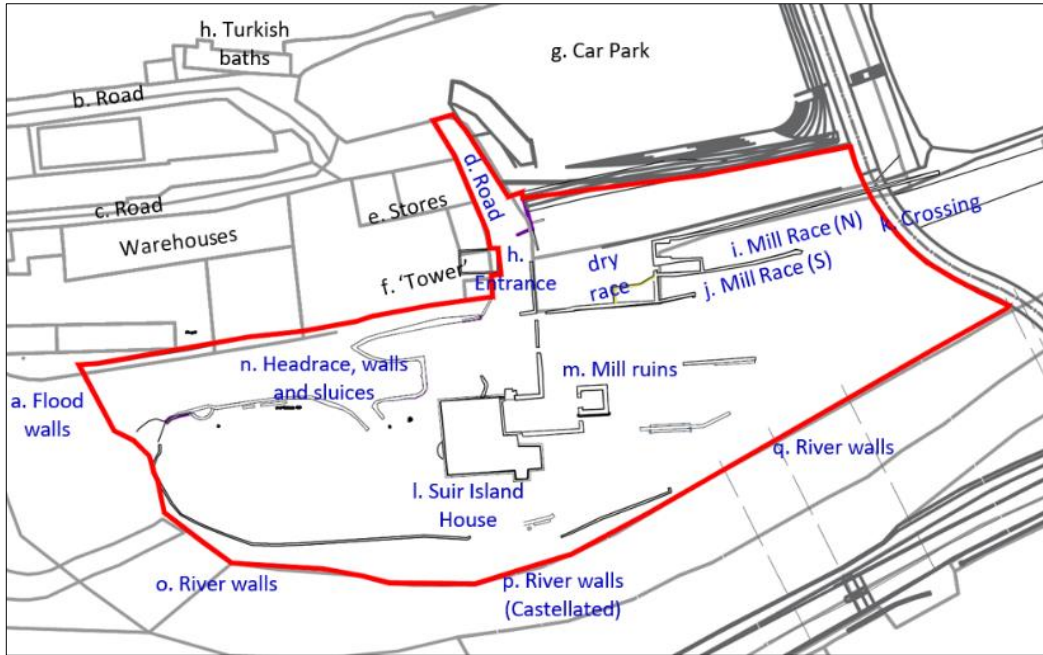


Figure 15 Features identified during fieldwork

4.1.2. Access to Willow Island

Suir Island is connected to the town of Clonmel by a single narrow road that traverses the west end of the island. It is part of a c. 280m causeway comprising four bridges that connect the northern and southern banks of the river. Considerable works to the bridges on the causeway have been carried out as part of the flood alleviation works. Old Bridge (RPS 237, RMP TS083-019002) the most northerly bridge has been widened and its parapet rebuilt (Plate 2); Suir Island Bridge which crosses the channel at an angle has been widened. Green Lane Bridge, connecting Stretches Island with the southern shore has also been rebuilt. A new footbridge to the former Woollen Factory (RPS 291) on Stretches Island has been constructed.



Plate 2 Oldbridge (RPS 237, RMP TS083-019002) with new parapets, former Hughes Mill and former Woollen Mill view looking east from the northern banks of the river

A new flood defence wall has been constructed at the westernmost end of Suir Island it comprises a 3m high stone faced concrete wall. Views from the causeway on the southern approach to the to Suir Island House and Willow Island is obscured by vegetation (Plate 3).



Plate 3 New flood defence walls on the south westernmost end of Suir Island-Willow Island

Two narrow roads historically provided access to Willow Island only the northern one still operates today; former early 19th-century industrial buildings comprising the ruins of warehouses and stores and associated walls are aligned to the them (Plate 4 and Plate 5)(NIAH Ref: 22121004).



*Plate 4 View looking east along the road on Suir Island
Plate 5 View looking west*

The road turns south towards the formal entrance to Suir Island House and Willow Island; it comprises high concrete pillars and walls, crossed now by security fencing (Figure 15). On the west side of the road there is a storehouse in ruins and a structure overgrown in ivy that has been described as a gothic style 'tower' in previous surveys of the island (Plate 6)(Hamond 2009).



Plate 6 View looking west (from ontop of the berm in the car park) showing the ‘tower’ over grown in ivy and the roofless stores building, (inset: the entrance)

A car park has been constructed in the central area of Suir Island, it is defined to the north south and east by a high earthen berm covered in grass. On the southern side of the car park is the roofless ruins of former Turkish Baths also located on the above mentioned narrow roadway (Plate 7, Plate 8, Figure 15). The structure has been conserved and is stabilised, forming an interesting feature in the car park.



Plate 7 Former Turkish baths and section of boundary wall



Plate 8 Panoramic view from the eastern berm in the Car Park

4.1.3. *Willow Island: and Suir Island House and Mill*

Willow island is accessed, though the above mentioned formal entrance. It is separated from the main body of Suir Island by millraces (Figure 15). Suir Island House (A Protected Structure) is located at western end of the island, there are extensive ruins associated with Suir Island House and the associated mills that were adjoining it. The house and the mill buildings have been conserved and made safe. There are several mature decorative or specimen trees in the former formal garden area to the east and west of the house and mill and along the boundary of the island, providing an indication of the richness of the former garden.

The house is an L-shaped roofless three storey ruin with a two storey return. Its front façade has a westerly aspect over the river, and the return has a southerly view over the river (Plate 9, Plate 10). The external walls survive to full height, there are no windows or doors, and the internal floors are gone. The facades and elevations are concrete rendered with the exception the southern elevation slate hung, reminiscent of structures on the quays in Clonmel.



*Plate 9 Suir Island House façade (note the slate on the side elevation (southern) and return)
Plate 10 Side elevation of the return building*



*Plate 11 Suir Island front façade and northern elevation with the conserved mill race
Plate 12 Side elevation (north)*

The ruins of the extensive mill complex, comprising structures and walls are located to the rear (east) of the house (Plate 13, Plate 14).



Plate 13 View south from the berm of the ruins of the mill on Willow Island, to the rear right is Suir Island House and tower at the entrance gate



Plate 14, View west to the rear of Suir Island House and ruins of the former mill

The walls to the north of the west of the house associated with the headrace have been consolidated and restored (Plate 15, Plate 16, Plate 17). The western side of the island has silted up where there was an open headrace, naturally seeded willow trees have taken hold in the area. An original metal sluice gate survives in this area without its wooden panels.



Plate 15 View south of the headrace walls and sluice gate (centre left) to the northwest of Suir Island



*Plate 16 Possible surviving sluice gate
Plate 17 yard and walls*

4.1.4. Mill Races

Running east of the mill is a split mill race channel divided by a wall both are filled with stagnant water (Plate 18), they continue parallel to the river Suir before entering the river at the eastern end of the Island. To the south of the open mill races there is evidence of a possible third mill-race channel which may have been backfilled and could not be traced any further (Plate 19).



*Plate 18 Parallel Tail races view towards west, towards the mill buildings
Plate 19 Evidence of a third tail race channel*

A possible bridge or deliberately backfilled section of the tail race provides access from Suir Island (Plate 20 and Plate 21). The tail races continue in an easterly direction.



*Plate 20 East of the tail race crossing towards the east (k)
Plate 21 West of the tail race crossing view west towards the mill*

The tail race is not defined by a wall along its entire length but is with a bank and mature trees (Plate 22 and Plate 23).



Plate 22 Tail race mid way along its course, it is walled on the northern side

Plate 23 Tail race towards the eastern end

4.1.5. Boundary Wall

Willow Island is defined by a boundary wall on to the north, west, and southwest. The former headrace which was open has been closed off by a flood wall (Plate 24). At the westernmost end, in the immediate vicinity of the house the boundary comprises a castellated (in the Irish castle style) rubble stone wall of random coursing that provides screening for Suir Island house (Plate 25). The wall continues easterly along the river banks and is in various states of height and repair, this section is much less formal and is not castellated (Plate 26, Plate 27). Mature broad leafed trees are located all along the boundary. The wall finishes just before the location of new concrete steps have been constructed to provide access to the river.



Plate 24 Boundary wall associated with Suir Island House towards westernmost side of the Island



Plate 25 Castellated boundary wall and Suir Island House, view north from the southern banks of the river



Plate 26 Boundary wall view northwest from the southern banks of the river



Plate 27 Boundary wall view northwest from the southern banks of the river

5. CULTURAL HERITAGE IMPACT ASSESSMENT

5.1. SIGNIFICANCE OF THE SITE

It is thought that the Vikings established a fort on the islands in the River Suir in the 9th century and there are records of mills in the 11th century, and later in the early 17th century. There has been a lot of changes on Suir Island since the 1940's which removed most of the structural remains on site. However, two of the mill structures have been repurposed and there are still some ruinous structures left. A large car park is located in the centre of the island with a large earthen bund around it. It is however the flood relief works that have had the greatest impact to the original bridge structures and new visibly dominant flood relief walls.

The scale and importance of the milling activity in Clonmel should not be underestimated, with 22 mills of various sizes working in the town during the 19th century, and several centred on the island. The structures on Suir Island are of architectural, industrial, social and archaeological importance, as they have played a major part in the development of the town. Willow Island remains the last untouched vestige of the island's industrial past.

Willow Island has a distinct character which is defined by the ruins of Suir Island house (a protected structure), the tall boundary walls -some with castellation, the gothic tower at the entrance, the ruins of the mills and mill races and fine mature specimen trees. These features illustrate the integration of industry and gracious living on the island (Blackwood et al. 2014). The approach to

the island also has several industrial buildings of interest to the visitor which provide a backdrop and sense of anticipation. This unique character is recognised by the careful conservation of the ruins that lie within it and the Suir Island Gardens proposal.

5.2. DEVELOPMENT PROPOSAL

The proposed public realm development details and its associated drawings and design rationale accompany the Part 8 application documentation (Figure 16).



Figure 16 Suir Island Gardens proposal

A review of the plans and particulars and the nature and location of the archaeological heritage potential outlined above, have established the potential impact of the proposed public realm works on the archaeological environment.

General

The proposed public realm works on Suir Island comprises the development of approximately 0.9ha of public gardens and public landscaped areas. The works include:

- Renovation of existing gardens,
- Provision of lawns and landscape planting to include the provision of trees, hedges and shrubs,
- Seating and picnic areas,
- Hard and soft pathways,
- New entrance gate with adjoining wall cladding,
- Childrens play areas with associated equipment,
- Securing of Suir Island House (A Protected Structure) with decorative steel plating at ground floor level,
- Feature lighting,
- Signage,

- Ancillary site development works that shall include site drainage, provision of water supply for the play area and for wash down purposes, provision of electrical supply for the feature lighting, and removal and reconstruction of approximately 19 metres of boundary wall.
- All associated site and landscaping works.

Retention of Historic Fabric

As part of the works Suir Island House (Protected Structure) will be made safe with decorative steel plates (with laser cut interpretive text and graphics) to all ground floor openings. It will also make good of, and replacement of, southern boundary stone walling of approximately 19m in length that is in a poor state of repair. The river bank boundaries and property boundaries associated with Suir Island House will for the most part be retained. The boundaries are indicated on the 1874 map.

Boundaries

- The northern boundary will be retained, except for the entrance to the island which will have a notable change in appearance to match the character of the existing stone walls seen throughout the gardens, creating the immediate threshold and distinction of the island.
- The eastern boundary is proposed to be retained as existing, with management of vegetation as required.
- The southern boundary adjoining the River Suir is proposed to retain all existing trees where possible.
- The western boundary will be retained, there is existing river access for boating here which is the formal access and egress point to the River Suir, comprised of a concrete landing area, steps and boulders.

5.3. POTENTIAL IMPACTS

5.3.1. Archaeological Impacts

There is a potential that subsurface structural remains, finds or features associated with the former milling complex on Willow Island may be identified during the development of the proposed gardens. The numerous archaeological investigations carried out on Suir Island to date have not revealed any features dating earlier than 1800; however, there remains a slight potential that earlier archaeological features dating to the Viking or Anglo-Norman period might be uncovered during earthmoving works in the areas of the site that have not been subject to industrial development.

5.3.2. Architectural Heritage Impacts

The ruins of Suir Island House associated mill buildings and boundary walls are an integral part of the historic character of Willow Island. Suir Island House is a protected structure (RPS Ref: 289) and is categorised in the NIAH as being of architectural and historic interest having significant associations with the extensive milling industry on Suir Island. The house and mill buildings have been comprehensively recorded (Blackwood Associates et al, Hamond, F. 2009), stabilised and conserved and will be retained as a significant component within the proposed development. The retention of these structures within in an enhanced riverside garden setting will have a positive impact on the historic environment (see cultural heritage impacts below) of Suir Island.

It is proposed to insert decorative steel plates into all ground floor openings of Suir Island House for health and safety, protection and educational purposes. The plates shall be laser cut with interpretive text and graphics reflective of the industrial heritage of the area. Once sensitively carried out, the insertion of the steel plates will not impact the architectural merit of the ruin as they will be distinguishable as a modern intervention and will not detract from the historic character or legibility of the structure.

A 19m section of the southern riverside boundary wall that is in disrepair will be repaired and replaced. Once sensitively carried out, the repair works to the boundary will have a positive contribution to the overall setting of the former Suir Island House. The dismantling of this section of wall may reveal earlier retaining walls or revetments associated with the wall's construction or perhaps evidence of reclamation measures.

5.3.3. *Cultural Heritage Impacts*

The interaction of amenity, heritage, and public well-being is vital for sustainable development. Suir Island presents a huge opportunity for the town as a central amenity. The Suir Island Garden proposal is an innovative opportunity to positively impact the island's heritage by retaining all the upstanding industrial heritage elements on the site, to provide interpretation signage and access. It will provide people with a sense of place and connection to their historic environment. It will complement the existing water sports amenity in the river and the park to the south of the river in Denis Burke Park.

6. MITIGATION MEASURES -RECOMMENDATIONS

6.1. CONSTRUCTION WORKS

6.1.1. *Archaeological Heritage*

Earthmoving and below groundworks will be associated with the Suir Island Gardens public realm proposals. Given the nature and extent of the works proposed archaeological testing is not recommended. It is however recommended that licenced archaeological monitoring of all earthmoving works is carried out, with the provision in the programme for the archaeological recording and excavation of any features that are identified. Monitoring will ensure the full recognition of and the proper excavation and recording of all archaeological soils, features, finds and deposits that may be disturbed below the ground surface. Monitoring should occur as follows; however, the project archaeologist will provide further details of this during construction:

- Any clearance and grubbing out of the overgrown areas across the site should retain any features associated with machinery or fragments of the mills, such as architectural fragments, metal, gates and millstones that might be uncovered. Such items will be reviewed and recorded by the project's archaeologist and, if appropriate, preserved and stored until they can be displayed safely and securely placed in historically relevant locations on the island as part of the presentation of the industrial past.
- All ground excavation and deep intervention works will be monitored. Such works may include excavating foundation pits for lighting, tree pits, and trenches for services and utilities. Features could lie immediately beneath the scraw or topsoil levels. Retention of any in-situ 18th/19th-century industrial heritage that might be uncovered/exposed

on the site is recommended. If retention is not possible full archaeological excavation will be carried out.

- Toolbox talks between the construction team and the project archaeologist before work commences will ensure that the potential sensitivity of the site is understood.
- Should archaeological/industrial heritage features be exposed, no further construction can take place in that area until the archaeologist resolves the archaeological issues.
- The recording of the removal of 19m of the riverside boundary wall will be carried out to establish if there were any earlier revetments at that location.
- Any new information gleaned from the results of the monitoring will be included in the signage if appropriate.

As part of the Clonmel flood relief works extensive works were carried out within the river Suir which was subject to underwater archaeological assessment and subsequent monitoring. Nothing of archaeological significance was identified. An underwater archaeological assessment is therefore not considered necessary as there will be no in-stream works proposed

6.1.2. Architectural Heritage

In accordance with best conservation practice, it is recommended that a detailed specification of works is devised by a suitably qualified conservation specialist for:

- The design and the method of insertion of the steel plates into the ground floor openings of Suir Island House.
- The repair and replacement of the southern riverside wall, using traditional materials and techniques.

This work should be carried out under the direction and supervision of the conservation specialist to ensure it is carried out in a sensitive and appropriate manner.

Any works proposed to the upstanding masonry structures within the proposed garden development area (including the cleaning, removal of vegetation, repair works etc.) should also be carried out under the direction and supervision of a suitably qualified conservation specialist.

6.2. GENERAL

In accordance with the National Monuments Legislation Tipperary County Council will make provision to fund any archaeological work that may take place during the proposed groundworks, as well as the preparation of any reports arising from that work. Adequate financial provision must also be made available for post-excavation work, the conservation of artefacts (if any), and the publication of any archaeological excavation results as required.

All archaeological investigations, monitoring or excavation must be carried out under licence to the National Monuments Section of the DHLGH. Any recommendations made in this report are subject to approval from the National Monuments Section of the DHLGH and the local planning authority who may make additional recommendations.

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7.1. ONLINE SOURCES

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APPENDIX 1 STANDARDS AND GUIDELINES

The following legislation, standards and guidelines were consulted for this report:

- National Monuments Acts 1930 to 2014 (as amended)
- The Planning and Development Act 2000 (as amended)
- The Heritage Act, 1995
- CAAS Environmental Ltd on behalf of the Environmental Protection Agency (EPA) (2002), Guidelines on the information to be contained in Environmental Impact Statements
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- National Roads Authority (2017) Project Management Guidelines
- Code of Practice between the National Roads Authority (NRA) and the Minister for Arts, Heritage and the Gaeltacht, June 2000.
- Code of Practice between Transport Infrastructure Ireland (TII) and the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, 2017.
- Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999 and the Planning and Development Act (as amended)
- Cork County Council Heritage Unit (2007) Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estate and their Settings

APPENDIX 2 SUMMARY OF RELEVANT LEGISLATION

National Monuments Legislation (1930-2004)

The National Monument Act, 1930 (as amended) provides the formal legal mechanism to protect monuments in Ireland. Protection of a monument is provided via:

Record of Monuments and Places (RMP);

National Monument in the ownership or guardianship of the Minister for Arts, Heritage, Regional, Rural & Gaeltacht Affairs or a Local Authority;

National Monument subject to a Preservation Order (or temporary Preservation Order);

Register of Historic Monuments (RHM).

The definition of a monument is specified as:

any artificial or partly artificial building, structure or erection or group of such buildings, structures or erections;

any artificial cave, stone or natural product, whether forming part of the ground, that has been artificially carved, sculptured or worked upon or which (where it does not form part of the place where it is) appears to have been purposely put or arranged in position;

any, or any part of any, prehistoric or ancient tomb, grave or burial deposit, or (ii) ritual, industrial or habitation site; and

any place comprising the remains or traces of any such building, structure or erection, any cave, stone or natural product or any such tomb, grave, burial deposit or ritual, industrial or habitation site.

Under Section 14 of the Principal Act (1930):

It shall be unlawful...

to demolish or remove wholly or in part or to disfigure, deface, alter, or in any manner injure or interfere with any such national monument without or otherwise than in accordance with the consent hereinafter mentioned (a licence issued by the Office of Public Works National Monuments Branch),

or

to excavate, dig, plough or otherwise disturb the ground within, around, or in the proximity to any such national monument without or otherwise than in accordance...

Under Amendment to Section 23 of the Principal Act (1930):

A person who finds an archaeological object shall, within four days after the finding, make a report of it to a member of the Garda Síochána...or the Director of the National Museum...

The latter is of relevance to any finds made during a watching brief.

In the 1994 Amendment of Section 12 of the Principal Act (1930), all the sites and 'places' recorded by the Sites and Monuments Record of the Office of Public Works are provided with a new status in law. This new

status provides a level of protection to the listed sites that is equivalent to that accorded to 'registered' sites [Section 8(1), National Monuments Amendment Act 1954] as follows:

The Commissioners shall establish and maintain a record of monuments and places where they believe there are monuments and the record shall be comprised of a list of monuments and such places and a map or maps showing each monument and such place in respect of each county in the State.

The Commissioners shall cause to be exhibited in a prescribed manner in each county the list and map or maps of the county drawn up and publish in a prescribed manner information about when and where the lists and maps may be consulted.

In addition, when the owner or occupier (not being the Commissioners) of a monument or place which has been recorded, or any person proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such monument or place, he shall give notice in writing of his proposal to carry out the work to the Commissioners and shall not, except in the case of urgent necessity and with the consent of the Commissioners, commence the work for a period of two months after having given the notice.

The National Monuments Amendment Act enacted in 2004 provides clarification in relation to the division of responsibilities between the Minister of Environment, Heritage and Local Government, Finance and Arts, Sports and Tourism together with the Commissioners of Public Works. The Minister of Environment, Heritage and Local Government will issue directions relating to archaeological works and will be advised by the National Monuments Section and the National Museum of Ireland. The Act gives discretion to the Minister of Environment, Heritage and Local Government to grant consent or issue directions in relation to road developments (Section 49 and 51) approved by An Bord Pleanála and/or in relation to the discovery of National Monuments.

14A. (1) The consent of the Minister under section 14 of this Act and any further consent or licence under any other provision of the National Monuments Acts 1930 to 2004 shall not be required where the works involved are connected with an approved road development.

14A. (2) Any works of an archaeological nature that are carried out in respect of an approved road development shall be carried out in accordance with the directions of the Minister, which directions shall be issued following consultation by the minister with the Director of the National Museum of Ireland.

Subsection 14A (4) Where a national monument has been discovered to which subsection (3) of this section relates, then the road authority carrying out the road development shall report the discovery to the Minister subject to subsection (7) of this section, and pending any directions by the Minister under paragraph (d) of this subsection, no works which would interfere with the monument shall be carried out, except works urgently required to secure its preservation carried out in accordance with such measures as may be specified by the Minister.

The Minister will consult with the Director of the National Museum of Ireland for a period not longer than 14 days before issuing further directions in relation to the national monument.

The Minister will not be restricted to archaeological considerations alone, but will also consider the wider public interest.

Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999

This Act provides for the establishment of a national inventory of architectural heritage and historic monuments.

Section 1 of the act defines "architectural heritage" as:

(a) all structures and buildings together with their settings and attendant grounds, fixtures and fittings,

(b) groups of such structures and buildings, and,

(c) sites

which are of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 2 of the Act states that the Minister (for Arts, Heritage, Gaeltacht and the Islands) shall establish the NIAH, determining its form and content, defining the categories of architectural heritage, and specifying to which category each entry belongs. The information contained within the inventory will be made available to planning authorities, having regard to the security and privacy of both property and persons involved.

Section 3 of the Act states that the Minister may appoint officers, who may in turn request access to premises listed in the inventory from the occupiers of these buildings. The officer is required to inform the occupier of the building why entry is necessary, and in the event of a refusal, can apply for a warrant to enter the premises.

Section 4 of the Act states that obstruction of an officer or a refusal to comply with requirements of entry will result in the owner or occupier being guilty of an offence.

Section 5 of the Act states that sanitary authorities who carry out works on a monument covered by this Act will as far as possible preserve the monument with the proviso that its condition is not a danger to any person or property, and that the sanitation authority will inform the Minister that the works have been carried out.

The provisions in the Act are in addition to and not a substitution for provisions of the National Monument Act (1930–94), and the protection of monuments in the National Monuments Act is extended to the monuments covered by the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act (1999).

The Local Government (Planning and Development) Act, 1999

The Local Government (Planning and Development) Act, 1999, which came into force on 1st January 2000, provides for the inclusion of protected structures into the planning authorities' development plans and sets out statutory regulations regarding works affecting such structures, thereby giving greater statutory protection to buildings. All structures listed in the development plan are now referred to as Protected Structures and enjoy equal statutory protection. Under the 1999 Act the entire structure is protected, including a structures interior, exterior, the land lying within the curtilage of the protected structure and other structures within that curtilage. This Act was subsequently repealed and replaced by the Planning and Development Act, 2000, where the conditions relating to the protection of architectural heritage are set out in Part IV of the Act.

Protected Structures, Curtilage & Attendant Grounds

A protected structure is defined in the Local Government (Planning and Development) Act 2000 as any structure or specified part of a structure, which is included in the planning authorities' Record of Protected Structures (RPS). Section 57 (1) of the 2000 Act states that "...the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of

(a) the structure, or

(b) any element of the structure, which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but according to Architectural Heritage Protection Guidelines for Planning Authorities (2004)

and for the purposes of this report it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purpose of the structure.

The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. The attendant grounds of a country house could include the entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, lakes etc.

