



## **Excavation Licence**

**National Monuments Acts (1930-2004)**

<b>Licence Number</b>	22E0719ext.
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<b>Application having been duly made to me by</b>	David McIlreavy
<b>Of</b>	Unit G1 Network Enterprise Park, Kilcoole, Co. Wicklow
<b>For a licence to excavate at the site located at</b>	Dublin / Cappagh, Clonburriss Little and Kishoge
<b>Site details (place/structure/wreck/other)</b>	DU017-036 Enclosure
<b>Being part of the townland of</b>	Cappagh, Clonburriss Little and Kishoge
<b>In or under the portion of land/land underwater owned by</b>	Cairn Homes Properties Limited
<b>Of</b>	7 Grand Canal, Grand Canal Street Lower, Dublin 2
<b>In county of</b>	Dublin As indicated on the map attached to the said application.

The Minister for Housing, Local Government and Heritage, in accordance with the conditions of Section 26 of the National Monuments Act, 1930, as amended, and subject to the conditions overleaf, does hereby licence the said applicant (**hereinafter** called the Licensee) to dig or excavate for the purpose specified in or under that portion of land above-mentioned.

**Duration of licence: 11/10/2023 to 30/11/2023**

Signed:

Date: 11/10/2023



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**Specific Conditions to which this licence issued under section 26 of the National Monuments Act 1930 (as amended) is subject:**

Insert here, if required, specific conditions that will be additional to the Standard Conditions below.

**Standard Conditions to which any licence issued under section 26 of the National Monuments Act 1930 (as amended) are subject:**

Any licence issued will be subject to the following conditions and any other conditions that may be specified to the licensee.

1. This licence is issued on the basis of information provided by the applicant and on the understanding that all information provided with the application, and associated statements made by the applicant, are accurate and truthful.
2. The licensee must obtain permission from the owner of the land/ wreck to carry out the excavation and particularly to alter, dig or excavate in or under the site before availing of this licence. No responsibility or liability shall attach to the Minister for failure on the part of the licensee to obtain such permission.
3. By accepting the licence, the applicant acknowledges that the Minister is not responsible or liable in any manner for any loss or injury to persons or property in any way arising from the licensed activities.
4. The licensee shall restore the land to its original condition on termination of this licence, unless otherwise directed by the landowner.
5. The licensee shall comply in all respects with the provisions of the National Monuments Acts 1930 to 2014 and any Acts altering, amending or replacing those Acts. Copies of the Acts are available from the National Monuments Service website [www.archaeology.ie](http://www.archaeology.ie) and from Government Publications (see <http://www.opw.ie/en/governmentpublications/>).
6. Under the provisions of section 2 of the National Monuments (Amendment) Act 1994 the ownership of an archaeological object found in the State which has no known owner at the time it is found stands vested in the State. The National Museum of Ireland is the State repository for all such archaeological objects. The licensee shall adhere to the directions of the Director of the National Museum of Ireland in relation to the final disposition/location of any archaeological objects and the temporary storage of finds and also to advice notes issued by the National Museum of Ireland. Separate licences must be applied for under the relevant provisions of the National Monuments Acts 1930 to 2014 and the National Cultural Institutions Act 1997 if it is intended to alter (which includes to destructively sample), or export any archaeological object recovered during the excavation.
7. The licensee shall be given a reference number in relation to each excavation or part thereof which shall be used in all correspondence relating to the excavation and for the numbering of finds (if any) recovered during the excavation. The licensee shall also comply with the requirements of the National Museum of Ireland as regards to the numbering and care of archaeological objects.
8. The licensee shall conduct the excavation in accordance with the method statement as submitted with the applicant's application for a licence under section 26 of the National Monuments Act 1930 (as amended) and also in accordance with the information provided (including answers given) in or on the application form submitted with that application, subject to any amendment approved by the National Monuments Service prior to the issue of this licence. Once the licence has been issued, any proposed amendment or variation to the methodology set out in those



documents must be submitted in advance to the National Monuments Service and can only be proceeded with if approved by the National Monuments Service.

9. The licensee shall comply with the *Policy and Guidelines on Archaeological Excavations* (1999) and any subsequent policies, guidance or advice, issued by, or on behalf of the Minister and advice notes issued by the National Museum of Ireland.
10. Unanticipated discovery of human remains must be reported as soon as possible to the National Monuments Service and the National Museum of Ireland.
11. (1) The licensee shall:
  - a) Lodge **one digital (PDF/A format on CD or USB) and two hard copies** of a Preliminary Report on the excavation with the National Monuments Service, and **one digital (PDF/A format on CD or USB) and one hard copy** of same with the National Museum of Ireland within four weeks of the completion of the excavation. The Preliminary Report **must** be in the recommended format set out in the *Guidelines for Authors of Reports on Archaeological Excavations* (2006) issued by the National Monuments Service. Note that the coordinate referencing system in current use is the Irish Transverse Mercator (ITM) and not the 'National Grid' as set out in the Guidelines (pp. 3, 5, 8).
  - b) Lodge as an appendix within the preliminary report (referred to in (a) above) a 'Monument Report Form' for every previously-unrecorded monument discovered in the course of the excavation. The monument classification used on the form must accord with that operated by the National Monuments Service (see [www.archaeology.ie](http://www.archaeology.ie) Historic Environment viewer).
  - c) Unless otherwise agreed with the Minister, lodge, within twelve months of completion of the excavation, **one digital (PDF/A format on CD or USB) and two hard copies** of the Final Report on the excavation with the National Monuments Service, and **one digital (PDF/A format on CD or USB) and one hard copy** of same with the National Museum of Ireland. The Final Report **must** be in the recommended format set out in the *Guidelines for Authors of Reports on Archaeological Excavations* (2006) issued by the National Monuments Service. Note that the coordinate referencing system in current use is the Irish Transverse Mercator (ITM) and not the 'National Grid' as set out in the Guidelines (pp. 3, 5, 8). This report must be to publication standard and include a full account, suitably illustrated, of all archaeological features, finds and stratigraphy along with a discussion and specialist reports.
  - d) Publish a concise report to the standard accepted for publication on the [www.excavations.ie](http://www.excavations.ie) website for the year in which the licence is valid.
  - e) Lodge with the National Monuments Service one copy of any publication where the results of the excavation have been published.
  - f) Without prejudice to any of the above, where the licensee submits a written report on the excavation to another person or body prior to having submitted the reports referred to above to the National Monuments Service then the licensee shall notify the National Monuments Service in writing (which may be in email form) that such report has been submitted to that other person or body.

Without prejudice to any other requirements regarding the format of a report to be submitted to the National Monuments Service and the National Museum of Ireland in accordance with the above, all such reports shall be in two separately bound parts (or in the case of digital copies two separate files) as follows:

*First Part*

The first part shall contain purely archaeological information, i.e. the nature of the site in archaeological terms and the results in archaeological terms of the archaeological excavation. This part shall be identified using the reference number provided to the licensee under Condition 7 above. The first part shall, in particular, contain no personal data other than the name of the licensee.

*Second Part*

The second part shall contain other information where appropriate to be provided regarding the archaeological excavation, e.g. owner of the site, reasons for carrying out the archaeological excavation (other than archaeological research), information regarding funding and planning and development issues. This second part shall be identified with the same reference number but with an "X" appended.

12. The Minister may publish or make generally available in any form (including printed or electronic form which, without prejudice to any other form of publication or making available, may include



publishing or making available on the internet), any report, or part thereof, submitted under or in fulfilment of the conditions of this licence. A copy of a report so published or made available may identify the licensee.

- 13.** The final place of deposition of all archives associated with the archaeological excavation shall be the National Monuments Service archive except as may be otherwise directed by the Minister, which direction (which shall be complied with by the licensee) may provide for the deposition (in such manner as the Minister may determine) of the archives in another appropriate place or places or their disposal (whether in whole or part) in such manner as the Minister may determine. Where the final place of deposition is the National Monuments Service archive, the licensee shall comply with all directions and requirements of the Minister in regard to the manner and timing in which the archives are presented for deposition. Pending the deposition or disposal of the archives in accordance with the foregoing, the licensee shall maintain the archives safely and securely and shall advise the Minister, as and when requested, as to their location and the provision being made for their safety and security and shall provide access to the officers or agents of the Minister to inspect the archives at any reasonable time. Nothing in the foregoing shall oblige the Minister to accept deposition of all or part of the archives in the National Monuments Service archive, or to otherwise accept any responsibility for the archives, unless the Minister is satisfied that all other conditions of the licence have been complied with or fulfilled and that it is appropriate to accept such deposition or responsibility. In the foregoing 'archives' includes plans, drawings, photographs, site notebooks, record sheets, context sheets, finds lists or similar or related material whether in paper, hard copy or digital form.
- 14.** Officers, servants or agents of the Minister or the Board of the National Museum of Ireland may inspect at any reasonable time the archaeological excavation to which this licence applies and (without prejudice to the provisions of condition 13) any associated storage facilities, archives or records and the licensee shall facilitate any such inspection. In the foregoing 'reasonable time' includes (but is not limited to) any time when archaeological excavation work is being carried out on or at the location of the archaeological excavation or any time when post-excavation is being undertaken.
- 15.** The licensee accepts that failure by her or him to comply with or fulfil any of the above conditions shall be grounds for the Minister to refuse to issue to her or him any further or other licence under section 26 of the National Monuments Act 1930 (as amended), or to otherwise authorise or permit her or him under any other provision of the National Monuments Acts 1930 to 2014 to carry out archaeological excavation, until such time as such non-compliance or non-fulfilment has been rectified to the satisfaction of the Minister in such manner as the Minister may determine. Nothing in this condition shall be interpreted as obliging the Minister to issue or grant any particular licence or consent which may be applied for under the National Monuments Acts 1930 to 2014. An applicant aggrieved by a refusal by the Minister pursuant to this Condition to issue or grant a licence or consent may request the Minister to review the decision. Where such a review is requested, the Minister will appoint an independent and appropriately qualified person or persons to review the case and make a recommendation to the Minister. The final decision on the matter will rest with the Minister. Any applicant requesting a review under the provisions of this Condition must comply with any procedures specified by the Minister for requesting such a review and provide any information reasonably requested by the Minister or the independent person or persons appointed by the Minister under this Condition, including making themselves or any documents, records, objects or other material associated with the archaeological excavation available for interview or examination as the case may be.
- 16.** This licence may be revoked or suspended by the Minister on grounds of breach of, or non-compliance with, any condition of this licence or otherwise on the grounds that such revocation or suspension is necessary in the interests of protection of the archaeological heritage or otherwise in the public interest. This is without prejudice to any powers of the Minister under any enactment.
- 17.** The licensee shall notify the National Monuments Service in writing (which may be in email form) of the commencement of the excavation and of the conclusion or cessation (whether temporary or permanent) of archaeological excavation at the location to which the licence relates. Such notification shall take place as soon as may be after such commencement, conclusion or cessation.



- 18.** If the licensee decides or become aware that the licence will no longer be availed of within the time period for which it was issued, then the licensee shall, as soon as may be, notify the National Monuments Service in writing (which may be in email form) of this.