

APPENDICES: CHAPTER 15 – ARCHAEOLOGICAL, ARCHITECTURAL & CULTURAL HERITAGE

APPENDIX 15.1: RMP SITES WITHIN THE RECEIVING ENVIRONMENT

RMP No.:	DU023-001001, 3, 4
Townland:	Merrion
Parish:	Donnybrook
Barony:	Rathdown
Classification:	Castle, site of, stone head, armorial plaque
Dist. from proposed development:	c. 360m southeast
Description:	<p>The castle site is west of Merrion Station along Sandymount Strand. Demolished c. 1780. St Mary's Home for the Blind is built on the site. Ancestral home of the Fitzwilliam family since 15th century. Inspected by Arthur Cooper c. 1780 – ground floor was being used as a cow-house and part of out-lying buildings as stable. The Fitzwilliam coat of arms and stone head are in the Home for the Blind and built into the southern gable of a new building called Fitzwilliam Hall, on the site of the Coach House. The stone head measures L 0.64m, W 0.44m. The site of the castle is likely to be beneath the chapel that occupies the site.</p>
Source:	SMR file

RMP No.:	DU022-085
Townland:	Smotscourt
Parish:	Donnybrook
Barony:	Rathdown
Classification:	Holy well
Dist. from proposed development:	c. 400m west-northwest
Description:	Site of a holy well, no trace survives today.
Source:	SMR file

APPENDIX 15.2: STRAY FINDS FROM WITHIN THE RECEIVING ENVIRONMENT

Information on artefact finds from the study area in Dublin has been recorded by the National Museum of Ireland since the late 18th century. Location information relating to these finds is important in establishing prehistoric and historic activity in the study area.

NMI No.:	1949:7
Townland:	Sandymount
Parish:	Donnybrook
Barony:	Rathdown
Find:	Iron horse shoe
Location:	No details
Description:	Dated to 17th century, it has a tongue shaped centre and is fullered for nails. It had holes for 8 nails, 4 on each side of the shoe.
Source:	NMI Topographical Files

NMI No.:	IA/54/76
Townland:	Sandymount
Parish:	Donnybrook
Barony:	Rathdown
Find:	Polished stone axe
Location:	Found in garden of 34 Claremont Road
Description:	Approximately triangular in outline and roughly D shaped in cross-section. The butt is pointed, the cutting edge is convex and asymmetrical. It is not fully rubbed down to a finished state. 13cm in length, 1.5cm at butt width. Produced in County Antrim and Neolithic in date.
Source:	NMI Topographical Files

APPENDIX 15.3: LEGISLATIVE FRAMEWORK PROTECTING THE ARCHAEOLOGICAL RESOURCE

Protection of Cultural Heritage

The cultural heritage in Ireland is safeguarded through national and international policy designed to secure the protection of the cultural heritage resource to the fullest possible extent (Department of Arts, Heritage, Gaeltacht and the Islands 1999, 35). This is undertaken in accordance with the provisions of the European Convention on the Protection of the Archaeological Heritage (Valletta Convention), ratified by Ireland in 1997.

The Archaeological Resource

The National Monuments Act 1930 to 2004 and relevant provisions of the National Cultural Institutions Act 1997 are the primary means of ensuring the satisfactory protection of archaeological remains, which includes all man-made structures of whatever form or date except buildings habitually used for ecclesiastical purposes. A National Monument is described as 'a monument or the remains of a monument the preservation of which is a matter of national importance by reason of the historical, architectural, traditional, artistic or archaeological interest attaching thereto' (National Monuments Act 1930 Section 2).

A number of mechanisms under the National Monuments Act are applied to secure the protection of archaeological monuments. These include the Register of Historic Monuments, the Record of Monuments and Places, and the placing of Preservation Orders and Temporary Preservation Orders on endangered sites.

Ownership and Guardianship of National Monuments

The Minister may acquire National Monuments by agreement or by compulsory order. The State or Local Authority may assume guardianship of any National Monument (other than dwellings). The owners of National Monuments (other than dwellings) may also appoint the Minister or the Local Authority as guardian of that monument if the State or Local Authority agrees. Once the site is in ownership or guardianship of the State, it may not be interfered with without the written consent of the Minister.

Register of Historic Monuments

Section 5 of the 1987 Act requires the Minister to establish and maintain a Register of Historic Monuments. Historic monuments and archaeological areas present on the register are afforded statutory protection under the 1987 Act. Any interference with sites recorded on the register is illegal without the permission of the Minister. Two months' notice in writing is required prior to any work being undertaken on or in the vicinity of a registered monument. The register also includes sites under Preservation Orders and Temporary Preservation Orders. All registered monuments are included in the Record of Monuments

and Places.

Preservation Orders and Temporary Preservation Orders

Sites deemed to be in danger of injury or destruction can be allocated Preservation Orders under the 1930 Act. Preservation Orders make any interference with the site illegal. Temporary Preservation Orders can be attached under the 1954 Act. These perform the same function as a Preservation Order but have a time limit of six months, after which the situation must be reviewed. Work may only be undertaken on or in the vicinity of sites under Preservation Orders with the written consent, and at the discretion, of the Minister.

Record of Monuments and Places

Section 12(1) of the 1994 Act requires the Minister for Arts, Heritage, Gaeltacht and the Islands (now the Minister for the Environment, Heritage and Local Government) to establish and maintain a Record of Monuments and Places where the Minister believes that such monuments exist. The Record comprises a list of monuments and relevant places and a map/s showing each monument and relevant place in respect of each County in the State. All sites recorded on the Record of Monuments and Places receive statutory protection under the National Monuments Act 1994.

Section 12(3) of the 1994 Act provides that 'where the owner or occupier (other than the Minister for Arts, Heritage, Gaeltacht and the Islands) of a monument or place included in the Record, or any other person, proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such a monument or place, he or she shall give notice in writing to the Minister of Arts, Heritage, Gaeltacht and the Islands to carry out work and shall not, except in the case of urgent necessity and with the consent of the Minister, commence the work until two months after the giving of notice'.

Under the National Monuments (Amendment) Act 2004, anyone who demolishes or in any way interferes with a recorded site is liable to a fine not exceeding €3,000 or imprisonment for up to 6 months. On summary conviction and on conviction of indictment, a fine not exceeding €10,000 or imprisonment for up to 5 years is the penalty. In addition they are liable for costs for the repair of the damage caused.

The Planning and Development Act 2000

Under planning legislation, each Local Authority is obliged to draw up a Development Plan setting out their aims and policies with regard to the growth of the area over a six year period. They cover a range of issues including archaeology and built heritage, setting out their policies and objectives with regard to the protection and enhancement of both.

These policies can vary from county to county. The Planning and Development Act 2000 recognises that proper planning and sustainable development includes the protection of the archaeological heritage. Conditions relating to archaeology may be attached to individual planning permissions.

Dublin City Development Plan 2016-2022

It is the Policy of Dublin City Council:

CHC9: To protect and preserve National Monuments.

1. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
2. That where preservation in situ is not feasible, sites of archaeological interest shall be subject to 'preservation by record' according to best practice in advance of redevelopment.
3. That sites within Zones of Archaeological Interest will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.
4. That the National Monuments Service will be consulted in assessing proposals for development which relate to Monuments and Zones of Archaeological Interest.
5. To preserve known burial grounds and disused historic graveyards, where appropriate, to ensure that human remain are re-interred, except where otherwise agreed with the National Museum of Ireland.
6. That in evaluating proposals for development in the vicinity of the surviving sections of the city wall that due recognition be given to their national significance and their special character.
7. To have regard to the Shipwreck inventory maintained by the DAHG. Proposed developments that may have potential to impact on riverine, inter-tidal and sub-tidal environments shall be subject to an underwater archaeological assessment in advance of works.
8. To have regard to DAHG policy documents and guidelines relating to archaeology.

It is an Objective of Dublin City Council:

CHCO10:

1. To implement the archaeological actions of the Dublin City Heritage Plan 2002-6 in light of the Dublin City Heritage Plan Review 2012.

2. To prepare and implement conservation plans for National Monuments and Monuments in DCC care (City Walls, St Luke's Church, St James's Graveyard, St. Thomas's Abbey, St Canice's Graveyard etc).
3. To maintain, develop and promote the Dublin City Archaeological Archive (DCAA) at Pearse Street Library and Archives.
4. To ensure the public dissemination of the findings of licensed archaeological activity in Dublin through the Dublin County Archaeology GIS.
5. To develop a long-term management plan to promote the conservation, management and interpretation of archaeological sites and monuments and to identify areas for strategic research.
6. To have regard to the city's industrial heritage and Dublin City Industrial Heritage Record (DCIHR) in the preparation of Local Area Plans (LAPs) and the assessment of planning applications and to publish the DCIHR online. To review the DCIHR in accordance with Ministerial recommendations arising from the national Inventory of Architectural Heritage (NIAH) survey of Dublin City and in accordance with the Strategic Approach set out in Section 11.1.4 of this Chapter
7. To promote awareness of, and access to, the city's archaeological inheritance and foster high-quality public archaeology.
8. To promote archaeological best practice in Dublin city.
9. To promote the awareness of the international significance of Viking Dublin and to support post-excavation research into the Wood Quay excavations 1962-81.
10. To develop a strategy for the former Civic Museum collection and for other collections of civic interest and importance.
11. To investigate the potential for the erection of Columbarium Walls.
12. To support the implementation of the Kilmainham Mill Conservation Plan.
13. Dublin City Council will seek to work with Diageo to undertake a more comprehensive industrial heritage survey of the constituent historic buildings within the Guinness Brewery complex at Saint James's Gate.
14. To implement and promote The Dublin Principles (ICOMOS, 2011) as guiding principles to assist in the documentation, protection, conservation and appreciation of industrial heritage as part of the heritage of Dublin and Ireland.
15. To continue to implement actions of the Saint Luke's Conservation Plan on the basis of funds available to conserve the monument, recover the graveyard, provide visitor access, improve visual amenity and secure an appropriate new use.

APPENDIX 15.4: LEGISLATIVE FRAMEWORK PROTECTING THE ARCHITECTURAL RESOURCE

The main laws protecting the built heritage are the Architectural Heritage (National Inventory) and National Monuments (Miscellaneous Provisions) Act 1999 and the Local Government (Planning and Development) Acts 1963-1999, which has now been superseded by the Planning and Development Act, 2000. The Architectural Heritage Act requires the Minister to establish a survey to identify, record and assess the architectural heritage of the country. The background to this legislation derives from Article 2 of the 1985 Convention for the Protection of Architectural Heritage (Granada Convention). This states that:

For the purpose of precise identification of the monuments, groups of structures and sites to be protected, each member state will undertake to maintain inventories of that architectural heritage.

The National Inventory of Architectural Heritage (NIAH) was established in 1990 to fulfil Ireland's obligation under the Granada Convention, through the establishment and maintenance of a central record, documenting and evaluating the architecture of Ireland (NIAH Handbook 2005:2). As inclusion in the inventory does not provide statutory protection, the survey information is used in conjunction with the Architectural Heritage Protection Guidelines for Planning Authorities to advise local authorities on compilation of a Record of Protected Structures as required by the Planning and Development Act, 2000.

Protection under the Record of Protected Structures and County Development Plan

Structures of architectural, cultural, social, scientific, historical, technical or archaeological interest can be protected under the Planning and Development Act, 2000, where the conditions relating to the protection of the architectural heritage are set out in Part IV of the act. This Act superseded the Local Government (Planning and Development) Act, 1999, and came into force on 1st January 2000.

The Act provides for the inclusion of Protected Structures into the planning authorities' Development Plans and sets out statutory regulations regarding works affecting such structures. Under new legislation, no distinction is made between buildings formerly classified under Development Plans as List 1 and List 2. Such buildings are now all regarded as 'Protected Structures' and enjoy equal statutory protection. Under the act the entire structure is protected, including a structure's interior, exterior, attendant grounds and also any structures within the attendant grounds.

The Act defines a Protected Structure as (a) a structure, or (b) a specified part of a structure which is included in a Record of Protected Structures (RPS), and, where that record so indicates, includes any specified feature which is in the attendant grounds of the structure and which would not otherwise be included in this definition. Protection of the structure, or part thereof, includes conservation, preservation, and improvement compatible with maintaining its character and interest. Part IV of the act deals with architectural heritage, and Section 57 deals specifically with works affecting the character of Protected Structures or proposed Protected Structures and states that no works should materially affect the character of the structure or any element of the structure that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The Act does not provide specific criteria for assigning a special interest to a structure. However, the National Inventory of Architectural Heritage offers guidelines to its field workers as to how to designate a building with a special interest, which are not mutually exclusive. This offers guidance by example rather than by definition:

Archaeological

It is to be noted that the National Inventory of Architectural Heritage is biased towards post-1700 structures. Structures that have archaeological features may be recorded, providing the archaeological features are incorporated within post-1700 elements. Industrial fabric is considered to have technical significance, and should only be attributed archaeological significance if the structure has pre-1700 features.

Architectural

A structure may be considered of special architectural interest under the following criteria:

- Good quality or well executed architectural design
- The work of a known and distinguished architect, engineer, designer, craftsman
- A structure that makes a positive contribution to a setting, such as a streetscape or rural setting
- Modest or vernacular structures may be considered to be of architectural interest, as they are part of the history of the built heritage of Ireland.
- Well designed decorative features, externally and/or internally

Historical

A structure may be considered of special historical interest under the following criteria:

- A significant historical event associated with the structure
- An association with a significant historical figure
- Has a known interesting and/or unusual change of use, e.g. a former workhouse

now in use as a hotel

- A memorial to a historical event.

Technical

A structure may be considered of special technical interest under the following criteria:

- Incorporates building materials of particular interest, i.e. the materials or the technology used for construction
- It is the work of a known or distinguished engineer
- Incorporates innovative engineering design, e.g. bridges, canals or mill weirs
- A structure which has an architectural interest may also merit a technical interest due to the structural techniques used in its construction, e.g. a curvilinear glasshouse, early use of concrete, cast-iron prefabrication.
- Mechanical fixtures relating to a structure may be considered of technical significance.

Cultural

A structure may be considered of special cultural interest under the following criteria:

- An association with a known fictitious character or event, e.g. Sandycove Martello Tower, which featured in Ulysses.
- Other structure that illustrate the development of society, such as early schoolhouses, swimming baths or printworks.

Scientific

A structure may be considered of special scientific interest under the following criteria:

- A structure or place which is considered to be an extraordinary or pioneering scientific or technical achievement in the Irish context, e.g. Mizen Head Bridge, Birr Telescope.

Social

A structure may be considered of special social interest under the following criteria:

- A focal point of spiritual, political, national or other cultural sentiment to a group of people, e.g. a place of worship, a meeting point, assembly rooms.
- Developed or constructed by a community or organisation, e.g. the construction of the railways or the building of a church through the patronage of the local community
- Illustrates a particular lifestyle, philosophy, or social condition of the past, e.g. the hierarchical accommodation in a country house, philanthropic housing, vernacular structures.

Artistic

A structure may be considered of special artistic interest under the following criteria:

- Work of a skilled craftsman or artist, e.g. plasterwork, wrought-iron work, carved elements or details, stained glass, stations of the cross.
- Well designed mass produced structures or elements may also be considered of artistic interest.

(From the NIAH Handbook 2003 & 2005 pages 15-20)

The Local Authority has the power to order conservation and restoration works to be undertaken by the owner of the Protected Structure if it considers the building to be in need of repair. Similarly, an owner or developer must make a written request to the Local Authority to carry out any works on a protected structure and its environs, which will be reviewed within three months of application. Failure to do so may result in prosecution.

APPENDIX 15.5: IMPACT ASSESSMENT AND THE CULTURAL HERITAGE RESOURCE

Potential Impacts on Archaeological and Historical Remains

Impacts are defined as 'the degree of change in an environment resulting from a development' (Environmental Protection Agency 2003: 31). They are described as profound, significant or slight impacts on archaeological remains. They may be negative, positive or neutral, direct, indirect or cumulative, temporary or permanent.

Impacts can be identified from detailed information about a project, the nature of the area affected and the range of archaeological and historical resources potentially affected. Development can affect the archaeological and historical resource of a given landscape in a number of ways.

- Permanent and temporary land-take, associated structures, landscape mounding, and their construction may result in damage to or loss of archaeological remains and deposits, or physical loss to the setting of historic monuments and to the physical coherence of the landscape.
- Archaeological sites can be affected adversely in a number of ways: disturbance by excavation, topsoil stripping and the passage of heavy machinery; disturbance by vehicles working in unsuitable conditions; or burial of sites, limiting accessibility for future archaeological investigation.
- Hydrological changes in groundwater or surface water levels can result from construction activities such as de-watering and spoil disposal, or longer-term changes in drainage patterns. These may desiccate archaeological remains and associated deposits.
- Visual impacts on the historic landscape sometimes arise from construction traffic and facilities, built earthworks and structures, landscape mounding and planting, noise, fences and associated works. These features can impinge directly on historic monuments and historic landscape elements as well as their visual amenity value.
- Landscape measures such as tree planting can damage sub-surface archaeological features, due to topsoil stripping and through the root action of trees and shrubs as they grow.
- Ground consolidation by construction activities or the weight of permanent embankments can cause damage to buried archaeological remains, especially in colluviums or peat deposits.
- Disruption due to construction also offers in general the potential for adversely affecting archaeological remains. This can include machinery, site offices, and service trenches.

Although not widely appreciated, positive impacts can accrue from developments. These can include positive resource management policies, improved maintenance and access to archaeological monuments, and the increased level of knowledge of a site or historic landscape as a result of archaeological assessment and fieldwork.

Predicted Impacts

The severity of a given level of land-take or visual intrusion varies with the type of monument, site or landscape features and its existing environment. Severity of impact can be judged taking the following into account:

- The proportion of the feature affected and how far physical characteristics fundamental to the understanding of the feature would be lost;
- Consideration of the type, date, survival/condition, fragility/vulnerability, rarity, potential and amenity value of the feature affected;
- Assessment of the levels of noise, visual and hydrological impacts, either in general or site specific terms, as may be provided by other specialists.

APPENDIX 15:6: MITIGATION MEASURES AND THE CULTURAL HERITAGE RESOURCE

Potential Mitigation Strategies for Cultural Heritage Remains

Mitigation is defined as features of the design or other measures of the proposed development that can be adopted to avoid, prevent, reduce or offset negative effects.

The best opportunities for avoiding damage to archaeological remains or intrusion on their setting and amenity arise when the site options for the development are being considered. Damage to the archaeological resource immediately adjacent to developments may be prevented by the selection of appropriate construction methods. Reducing adverse effects can be achieved by good design, for example by screening historic buildings or upstanding archaeological monuments or by burying archaeological sites undisturbed rather than destroying them. Offsetting adverse effects is probably best illustrated by the full investigation and recording of archaeological sites that cannot be preserved in situ.

Definition of Mitigation Strategies

Archaeological Resource

The ideal mitigation for all archaeological sites is preservation in situ. This is not always a practical solution, however. Therefore a series of recommendations are offered to provide ameliorative measures where avoidance and preservation in situ are not possible.

Full Archaeological Excavation can be defined as 'a programme of controlled, intrusive fieldwork with defined research objectives which examines, records and interprets archaeological deposits, features and structures and, as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site on land, inter-tidal zone or underwater. The records made and objects gathered during fieldwork are studied and the results of that study published in detail appropriate to the project design' (IFA 2008a).

Archaeological Test Trenching can be defined as 'a limited programme of intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site on land, inter-tidal zone or underwater. If such archaeological remains are present field evaluation defines their character, extent, quality and preservation, and enables an assessment of their worth in a local, regional, national or international context as appropriate' (IFA 2009).

Archaeological Monitoring can be defined as 'a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area or site on land, inter-tidal zone or underwater, where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and ordered archive (IFA 2008b).