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ARCHAEOLOGY & CULTURAL HERITAGE

Archaeological Desk Assessment

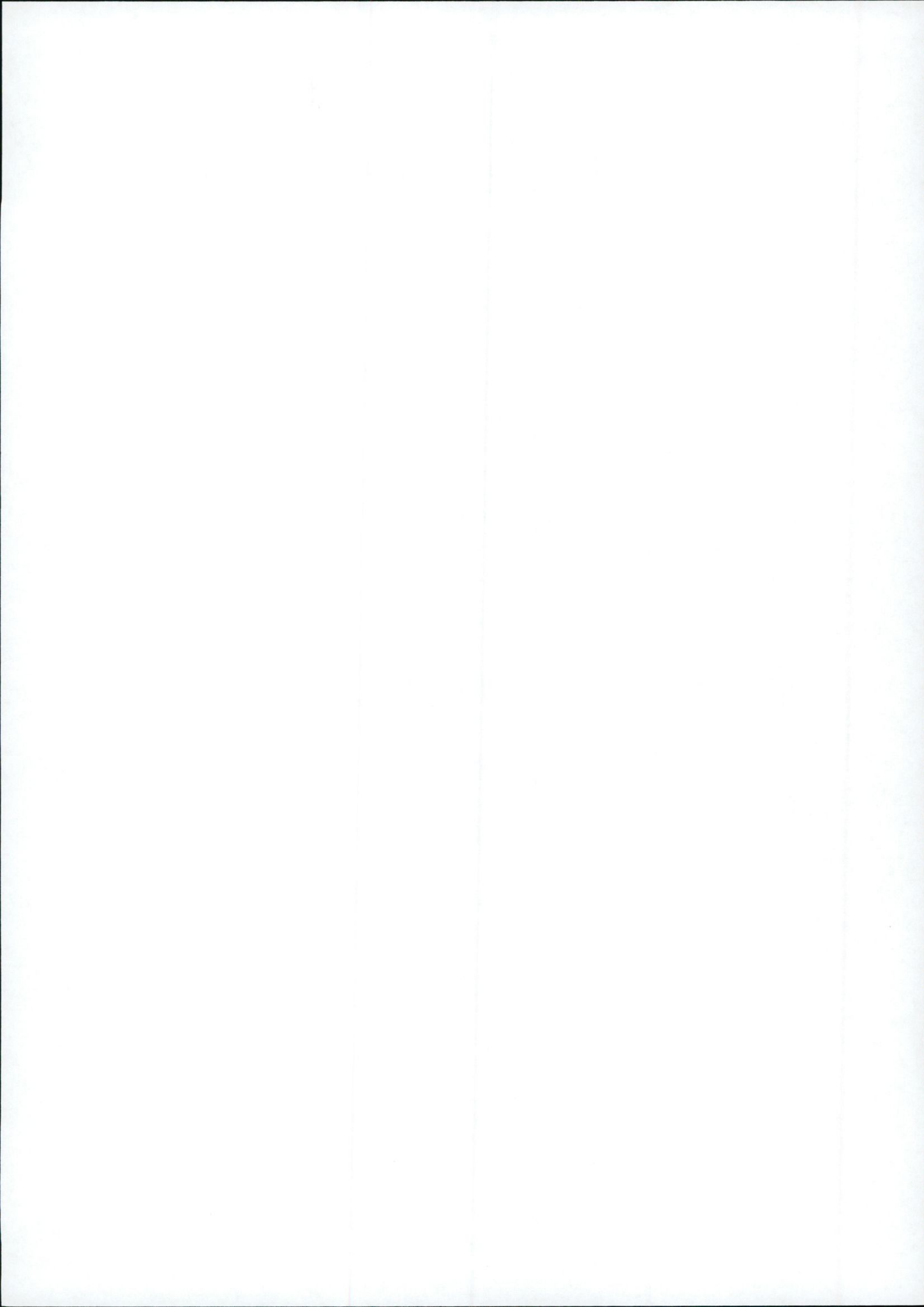
Main Street, Rathcoole, Co Dublin

For

Collins Maher Martin Architects

Lisa Courtney and Gil McLoughlin

Date 28 March 2022



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EXECUTIVE SUMMARY

Rathcoole had its origins in the medieval period as a small manor, it contained fortified houses (at least two castles) and a chapel and in the 17th century was a thriving town and contained many good houses as shown on the Down Survey map of 1655-6. Based on the results of previous archaeological testing and monitoring carried out in the immediate vicinity of the proposed development area, the archaeological potential of the proposed development site is deemed to be low. However, due to the site's location within the zone of archaeological interest for Rathcoole Village (DU021-030) and its linear nature and in accordance with best practice policy, archaeological testing is recommended in order to establish whether there may be archaeological deposits or features within the site that would be impacted by the proposed development, and to establish the nature and extent of any such deposits.

An archaeological site inspection would assist in the identification of any upstanding features of historic or cultural heritage interest and it is recommended that this is carried out prior to the construction phase in order to inform the potential of the area.

Archaeological testing should be carried out well in advance of development by a suitably qualified archaeologist under licence to the Department of Housing, Local Government and Heritage and the National Museum of Ireland.

Please note that all recommendations are subject to approval by the National Monument Service of the Department of Housing, Local Government and Heritage and South Dublin County Council.

1. INTRODUCTION

1.1. GENERAL

This report describes the results of an archaeological desktop study carried out in advance of planning for future development at Main Street, Rathcoole, Co Dublin (Figure 1). The study was carried out for Collins Maher Martin Architects in relation to a proposed residential development. The purpose of the study is to assess the archaeological potential of the receiving archaeological environment.

1.2. STUDY AREA

The proposed development site lies within the zone of archaeological interest for Rathcoole village (RMP DU021-030, Figure 9) and is situated south of the main street to the rear of an existing protected structure (RPS no. 323, NIAH no. 11213023).



Figure 1 Site Location

This report is based on documentary and cartographic research and the results of previous archaeological investigations that have taken place in the environs of the site.

The proposal for the site currently comprises 12 houses with associated roadway and public open space.

1.3. METHODOLOGY

This archaeological report is based on a desk study of the proposed future development site at Main Street, Rathcoole, Co Dublin. The report availed of the following sources:

- 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; The statutory RMP records known upstanding archaeological monuments, their original location (in cases of destroyed 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 SMR database of the Archaeological Survey of Ireland (National Monuments Service, DHLGH), which is available online at www.archaeology.ie and includes both RMP and SMR sites. Archaeological sites identified since 1994 are placed on the SMR and are scheduled for inclusion on the next revision of the RMP;
- Cartographical Sources, OSi Historic Mapping Archive, including early editions of the Ordnance Survey including historical mapping (such as Down Survey 1656 Map);
- The Irish archaeological excavations catalogue i.e. Excavations bulletin and Excavations Database;
- Place names; Townland names and toponomy (loganim.ie);
- National Folklore Collection (Duchas.ie);
- South Dublin County Development Plan 2016-2022;
- Aerial orthophotography of the study area (Google earth);
- A review of existing guidelines and best practice approaches (Appendix 1).

A bibliography of sources used is provided in the References section (Section 6).

2. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

2.1. GENERAL

Rathcoole (Rath Cumhaill) is said to derive its name from the fact that Finn McCumhall's father built a rath (ringfort) there.

Although the mythology associated with the name is not necessarily true, the placename does indicate the former presence of a ringfort in this area (the location of which is unknown). In his 19th century Ordnance Survey letters, O'Curry describes what he believed were the remains of the ringfort outside the village, located in the 'Raheen field' (cited in Bradley et al., 1986). According to Ua Broin, writing in the 1940s, there was a curving depression on the commons land south of Rathcoole, close to what he refers to as a 'winding passage', a feature that he interpreted as the 'rath of Cumhal' (Healy 1974, 24, OPW files). The 'winding passage', however, is a naturally formed valley of a stream and there are no surface indications to suggest that there was any man-made feature at this location (ibid.; ref.to RMP site DU021-033, now classified as a redundant record).

There is little surviving evidence in the archaeological record to indicate any significant presence in the Rathcoole area before the medieval period and the archaeological record for the area is

centred on the site of a medieval church at the east end of the village and the presence of a number of houses depicted in the mid-17th century Down Survey map.

2.1.1. PREHISTORIC PERIOD / EARLY MEDIEVAL PERIOD

There is nothing in the archaeological record to indicate a prehistoric presence in the immediate environs of Rathcoole, however in the wider area a stone lined burial cist (DU021-028) in Greenoge townland c.735m to the northwest, a fulacht fiadh (DU021-094) in Moneyatta Commons c.1.8km to the east and a standing stone pair (DU021-044) in Boherboy 2.2km to the southeast are indication of a Bronze Age presence. A reference to a possible find of a gold torc between Saggart and Rathcoole could also be an indication of Bronze Age activity (Joyce, 1921). A mound (DU021-027) and a ring-ditch (DU021-103) in Rathcreedan and Collegeland townlands respectively are likely to indicate further prehistoric activity in the wider area. Two enclosures located c.640m to the north at Commons (DU021-029) and c.2km to the northwest at Ballynakelly could be an indication of either prehistoric or early medieval occupation. The 'rath' element in the townland names of Rathcoole and Rathcreddan to the northwest could be an indication of an early medieval presence in the area in the form of ringforts, which are usually early medieval in date.

2.1.2. MEDIEVAL

Rathcoole was already part of the see lands of Dublin before 1170 AD (i.e. prior to the Anglo-Norman conquest), which suggests that there was an early medieval (pre-Norman) church site here (Bradley et al., 1986). The presence of a plain granite cross in the churchyard also supports this view (DU021-030003). There is other recorded early medieval ecclesiastical activity in the wider area, such as the five holy wells (one of which is in Rathcoole village), an ecclesiastical site in Coolmine and the monastic foundation of St Mosacra in Saggart village (cf. section 2.4 and Figure 9).

The medieval borough of Rathcoole was established by the archbishops of Dublin, possibly in the early 13th century, but by at least 1242 (Bradley et al., 1986). The governing charter survives (a relative rarity), constituting a confirmatory grant of Archbishop Luke Netterville (1288-55) that confirmed to the burgesses of Rathcoole the liberties and customs of Bristol and permitted them to hold their burgages at an annual rent of 12d (MacNiocaill 1964, cited in Bradley et al., 1986). An additional grant survives which gave the burgesses the common rights of pasture and of cutting turf on the mountain of Slestoll (McNeill 1950, cited in Bradley et al., 1986). According to an extent of 1326, there were 66 burgesses, rendering 101s per annum in rent, but no mention of any major episcopal buildings (Ibid.).

Rathcoole formed a small manor, which belonged to the Archbishop of Dublin but was overseen by a portreeve or provost (an administrative or fiscal supervisor). It was a linear settlement, with a triangular market place located at the western end of the main street and the church and graveyard at the eastern end, with grasslands and commonage on its outskirts. A watermill is mentioned in the extent of 1326 and again in 1547, though its location is unknown (McNeill 1950 & D'Alton 1838, cited in Bradley et al., 1986). It is possible that it was on the site of the corn mill shown on the first edition OS map, where a mill is recorded in 1670 (Cf. Section 3.3 below; Ua Broin 1943). Cartographic analysis also identified a small square enclosure designated as glebe land, with what appears to be a leat along one side, c. 265m northeast of the subject lands. At least two fortified houses (presumably late medieval in date, locations unknown) are mentioned in the mid-17th century Civil Survey, which suggests that the borough prospered into the 15th century. The present Church of Ireland church occupies the site of the medieval parish church (DU021-030001), which was assigned in the 13th century to St Patrick's Cathedral (Ball 1905, Vol. III, 125). In 1630 the church was described as in 'good repair' (Ronan 1941, 72).

Along with neighbouring Saggart, Rathcoole was situated in a frontier position on the edge of the Pale. Throughout the next few centuries, the village was affected by Irish and English skirmishes. In 1580 during the rebellion of Viscount Baltinglass, burned Rathcoole, Saggart and Coolmine. In 1596 it is recorded by Christopher Peyton, the Auditor of Ireland and the owner of the village at the time, as a 'poor town lay waste and unmanned, being pillaged by the rebels and burnt by the soldiers' (Ball 1905, Vol. III, 120).

Although Rathcoole was maintained as a defence post located just beyond the Pale, it was recorded as being a stronghold of the Irish in the 1641 Rebellion and most of the inhabitants supported the native Irish cause. Subsequent to various attacks and counter attacks by the Irish and English, a garrison was placed in the town by the Government. The town began to thrive and at the time of the Civil Survey in 1654 it was noted as having many habitable houses and cabins, as well as two old castles and the ruin of a chapel (Simington, 291).

By the late 18th century, the poverty and 'mud cabins' or 'clay huts' of the village inhabitants were noted by travellers through the town (St John Joyce 1912, 230 & Ball 1905, Vol. III, 123). A description by Campbell in 1777 (Joyce 230) referred to Rathcoole as "....mostly composed of clay huts.....awkwardly built and so arranged, that even Wales would have been ashamed of them".

Accommodation for such travellers was provided for in the village however, with a 'very good inn kept by a Mr Leedom' in 1789 (Ball 1905, Vol. III, 124). A new inn, The Old Munster Arms Hotel, was built. It became a coaching inn when a weekly coach service between Dublin and Limerick began around 1760, a journey which took four days to complete. Fresh horses, supplied by the Royal Garter Stables near the present Citywest, took the coach to the next coaching inn: there was one at Blackchurch and another at the Red Cow.

In the mid-19th Century Lewis records the village as having 112 inhabitants, with a patent for holding fairs. He mentions that the land was fertile and was under profitable cultivations. Rathcoole Church and two schools were also present at this time in the small village (Lewis 1837). The National Inventory for Architectural Heritage dates a number of buildings in Rathcoole to this period.

The village was the first stage on the coach road from Dublin heading southwest. One later 19th century traveller, John Loveday, observed that it was 'a very fine made way of considerable breadth with only one turnpike between Dublin and Naas, at which to his surprise no more than a halfpenny a horse was charged' (Ball 1905, Vol. III, 124).

The earliest literary references to Rathcoole have a range of spellings but it has been consistently spelled Rathcoole since the early 17th Century. Earlier spellings included *Rathcul*, *Rathcowle* and *Rathcoll*.



Figure 2 Photography of Rathcoole in 1905 (Joyce)

2.2. CARTOGRAPHIC SOURCES

Down Survey Barony map c.1656 (figure 3)

The Down Survey barony map shows the parish of “Racool” and a routeway named “the high way to the Naas” running through it. In the village of Rathcoole a church labelled “Oldchurch” is depicted along with what looks like two large houses and possibly some other smaller structures. A short distance away at Sagard (Saggart) a cluster of buildings is depicted including two castles and a stump of a castle.

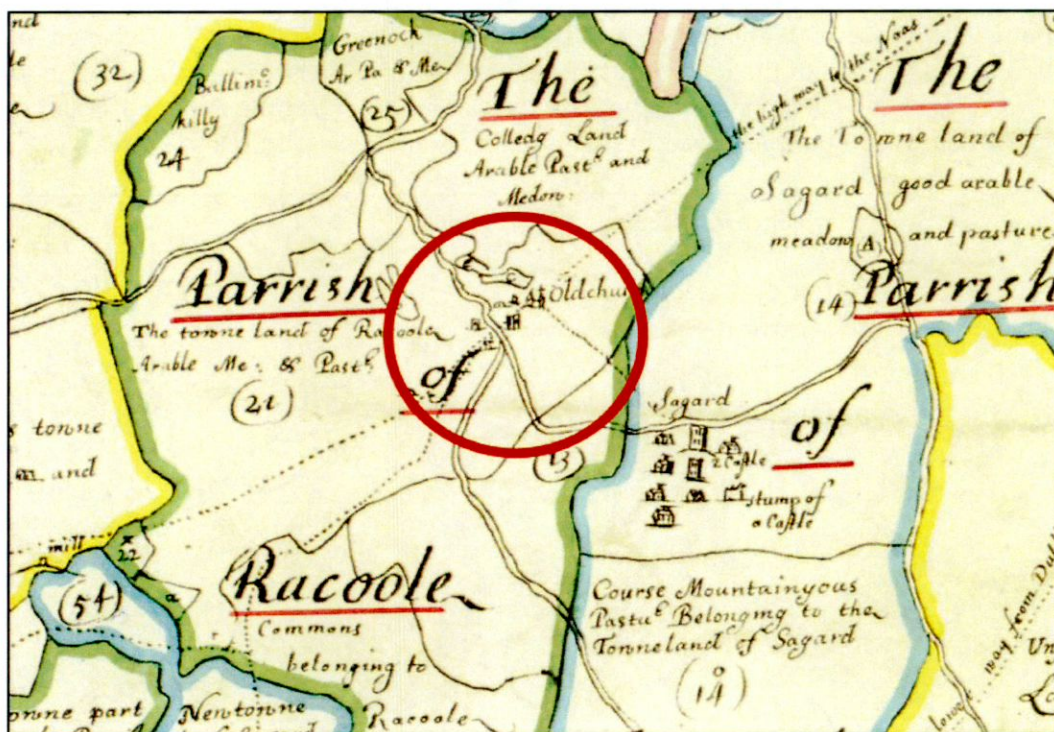


Figure 3 Down Survey Barony map of Newcastle showing the Parish of Rathcoole, 1656

Rocque's map of the County of Dublin 1760 (figure 4)

On Rocque's map of 1760 houses are depicted lining both sides of the road in Rathcoole Village and open fields are beyond. The church is noted at the east end of the village and other features labelled are a charter school and a lime kiln. A stream is depicted running north-south through the village. The proposed development area is shown as open greenfield with no development indicated. The village of Saggart is shown to the east.

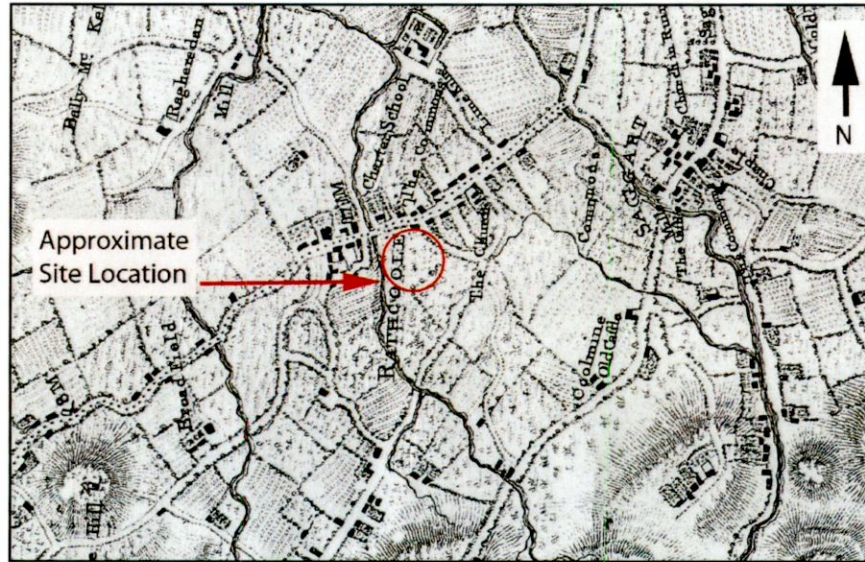


Figure 4 Extract of Rocque's map of the County of Dublin 1760

Taylor's environs of Dublin 1816 (figure 5)

There are no major changes depicted since the earlier map by Rocque. Houses are depicted lining both sides of the road and the charter school and church are once again depicted. A college is depicted on a road to the north of Rathcoole and a Glebe house is depicted next to the church. Two inns are depicted, one in the centre of the village and one at the west end. Mills are depicted at the east end of the village and further east an expanded Saggart is also shown.

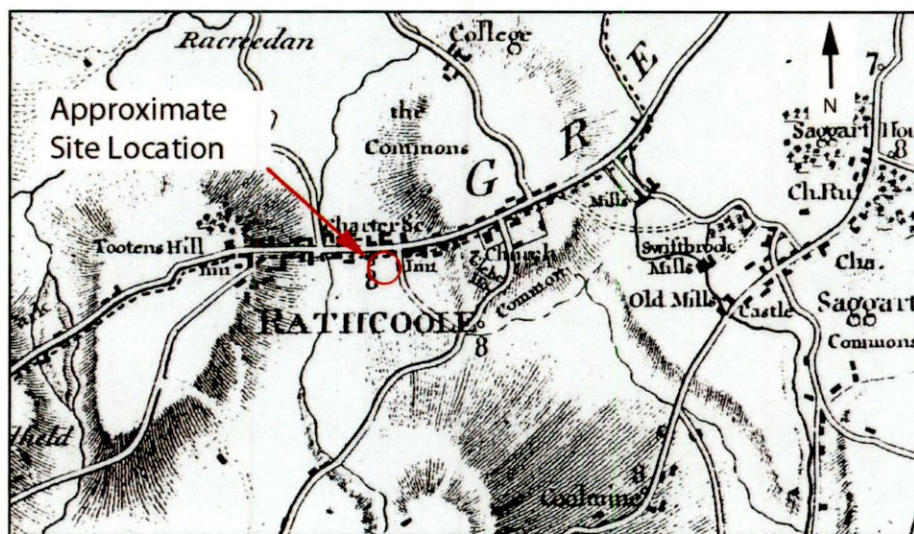


Figure 5 Extract of Taylor's map of the environs of Dublin, 1816

First edition 6-inch OS map 1837 (figure 6)

At the time of the first edition 6-inch OS map both sides of the road are lined with buildings and individual plots are depicted to the rear. At the west end of the village St Bridget's well is marked, as well as a police station. At the east end of the village the church and Glebe house are shown, along with a post office and Rathcoole House. A corn mill is depicted beyond the end of the village to the east (not shown). The subject site is depicted to the rear of a house, built c.1820 which is still present today and is listed in the Record of Protected Structures (RPS no. 323) and the National Inventory of Architectural Heritage (NIAH no. 11213023). The proposed development extends to the rear of this structure as a long linear plot of land, perpendicular to the Main Street and perhaps is reflective of an earlier burgage plot, a property division, dating to the late medieval period.

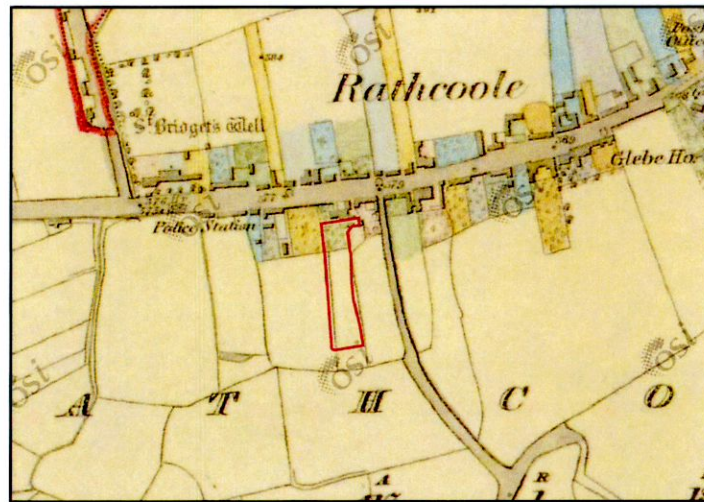


Figure 6 Extract of the first edition 6-inch OS map, 1837

Revised edition 25-inch OS map 1907-09 (figure 7)

There is little change on the revised edition OS map. A building depicted on the first edition map is now labelled "Rectory", there is a court house, and a school is also depicted at the west end of the village. St Bridget's well is still marked and the Glebe House is now labelled Rathcoole Lodge and Dispensary. Beyond the church and graveyard and Rathcoole House at the east end of the village a smithy is depicted.

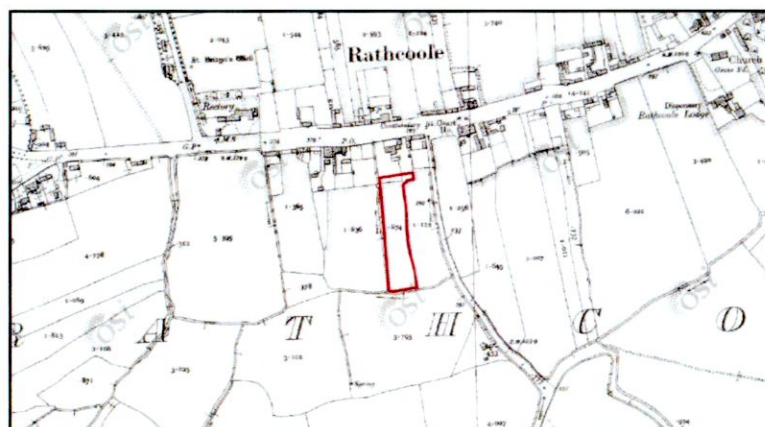


Figure 7 Extract of the Revised edition 25-inch OS map, 1907-09

2.3. AERIAL PHOTOGRAPHY

The most recent aerial photography of the area shows the site in an overgrown condition, with the northern portion being a hard surface (Figure 8). An aerial photograph taken in 2000 appears to show the site in use as a car park, indicating that the whole site may be hard surface that has since become overgrown.

The north-south, long linear plot that forms the proposed development lands is clearly recognisable in the aerial photograph. The plots of land on either side have now been infilled with various forms of modern development.



Figure 8 Aerial photography of the study area (Google Earth, July 2013)

2.4. PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS

There have been no previous archaeological investigations carried out within the study area, however a number of archaeological investigations have been carried out in the village itself, to the north and south of the Main Street and including a site immediately to the west of the proposed development. During monitoring for this development of three apartment blocks and underground parking to the rear of Rathcoole Inn, no archaeological material was revealed during two phases of archaeological investigation (testing and monitoring) (Licence No. 02E1565). Records were accessed on www.heritagemaps.ie and are summarised in Table 1.

Archaeological monitoring at Aubrey Manor to the north of the Main Street in 2014 revealed linear field boundaries that may reflect earlier medieval burgage plots aligned north/south (Licence No. 14E9413). The boundaries were c. 25m apart (5 perches wide), reflecting the narrow nature of the property / burgage plots that extended perpendicular to the Main Street (O'Donovan 2018). Historic settlement was clearly orientated on the street front and is illustrated on early historic

maps of the village such as the Down Survey Map of 1656 and Rocque's map of the village in 1760 (Figure 4 and Figure 6).

Archaeological test excavation on the site of the Peyton Housing Estate development in 2003 (Licence No. 03E0765) uncovered no archaeological material. A font or bullaun stone was identified on the margins of the housing estate along its northern boundary to the rear of the main street (RMP DU021-031) and the area of the site was left as open space.

A small number of medieval pit features were uncovered at Rathcoole House and excavated in 2015 when the building was renovated (Licence No. 14E0457). This suggests that the focus of the medieval village was around the site of Rathcoole House and the historic church and graveyard site which is located over 400m east of the proposed development area.

No previously unknown archaeological sites were identified as a result of the previous archaeological testing and monitoring carried out in the surrounding area.

Table 1 Archaeological Investigations

Licence Reference	Location	Type of Investigation and Findings
03E0846 Brendan O'Riordan	Main Street, Rathcoole	Monitoring. No archaeology.
03E0195 Claire Walsh	Stoney Lane, Rathcoole	Testing. No archaeology.
02E1565 John Channing	Main Street, Rathcoole (immediately west of the proposed development area)	Monitoring. No archaeology.
02E0090 Brendan O'Riordan	St. Jude's, Main Street, Rathcoole	Testing. No archaeology.
02E0081 Finola O' Carroll	Main Street, Rathcoole	Testing. No archaeology.
02E1314 John Kavanagh	Tay Lane, Rathcoole	Testing. No archaeology.
07E1080 Nikolah Gilligan	Rathcoole House	Testing. No archaeology.
02E1651 Emmett Stafford	26 Beechwood Lawns, Rathcoole	Testing. No archaeology.
03E0765 Donald Murphy	Stoney Road, Rathcoole	Testing. A font (DU021-031) was located within the northern boundary of the development and appeared to have been dumped there. The assessment recommended the font be moved to a safer location in advance of development.
13E0442 Antoine Giacometti	Courthouse, Rathcoole	Monitoring. No archaeology.
14E9413 Ed O'Donovan	Aubrey Manor, north of Main Street	Monitoring, Linear field boundaries that may reflect earlier burgage plots aligned north-south.
14E0457	Rathcoole House, Main Street	Monitoring and excavation. Medieval pits

2.5. TOPOGRAPHICAL FILES OF THE NATIONAL MUSEUM OF IRELAND

A review of the National Museum of Ireland database of topographical files on the heritage council website revealed no records of any stray finds within, or in the vicinity of the study area, however Joyce (1921, 227) makes reference to a gold find, possibly a torc found between Saggart and Rathcoole in 1387:

“In 1387 there was dug up at a place called Hogtherne, between Saggart and Rathcoole, a ring of pure gold.....it was probably, one of the gold torcs so frequently found through the country, specimens of which are preserved in the various museums”

3. ARCHAEOLOGICAL HERITAGE

3.1. DESIGNATED SITES

There are no recorded monuments within the study area, however the site is within the zone of archaeological interest for Rathcoole village (DU021-030, Figure 2). In the wider area the Church of Ireland church located c.365m to the east-northeast occupies the site of the medieval parish church which was assigned in the 13th century to St. Patricks Cathedral and an associated graveyard, graveslab and holy well are also recorded at the site (DU021-030/001-004). A graveslab (DU021-021005) and a 16th / 17th Century house (DU021-030007) are also recorded within Rathcoole Village however their precise locations are unknown. The Down Survey (1656) map depicts dwellings at Rathcoole and The Poitín Stíl at the west end of the village, which is reputedly dated to 1649, may be one of these buildings. A list of recorded monuments in the wider area is provided in Appendix 1 at the rear of the report.

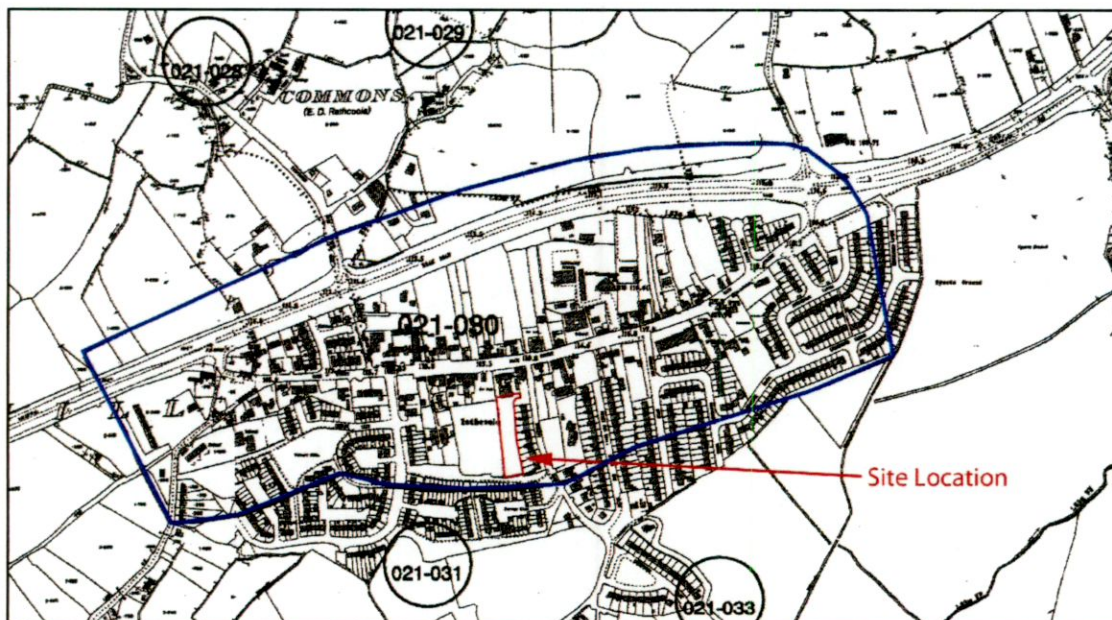


Figure 9 Site Location within the zone of archaeological potential for Rathcoole (DU021-030)

The following is a Table of sites located in the environs of the village of Rathcoole but outside the proposed development area:

Table 2 Recorded Archaeological Monuments

RMP Number & Townland	Class	Description
DU021-030001 Rathcoole	Church	The present Church of Ireland church occupies the site of medieval parish church which was assigned in the 13th century to St. Patricks Cathedral. (Ball 1905, 125). In 1630 the church was in good repair (Ronan 1941, 72). A graveslab stands in the graveyard SE of present C of I church (DU021-03003-). This has been trimmed down to form a Latin Cross (Ó hÉalidhe 1973, 53). It is formed from granite and bears a Latin Cross in low relief with rounded hollow in the angles and a double raised ring (dims. H 0.87m, Wth 0.71m, T 0.23m). Austin Cooper's diaries from the 18th century (Price 1942, 54) also describes a stone with traces of a granite cross near a graveslab in the present C of I churchyard (DU021-03005-). The precise location of this monument is unknown.
DU021-030002 Rathcoole	Graveyard	This walled, roadside graveyard in Rathcoole village encloses the site of a medieval parish church (DU021-030001-) and a graveslab (DU021-030003-).
DU021-030003 Rathcoole	Graveslab	Located in the present C of I churchyard SE of the Protestant church. This was formerly a cross-inscribed graveslab which was re-worked to form a Latin cross. The stone is granite (L 1.61m, Wth 0.67m, T 0.25m). The slab bears a Latin ringed cross in low relief with round hollows in the angles and a slight expansion at the top (Swords, K. ed.2009, 81).
DU021-030004 Rathcoole	Ritual site - holy well	This well has been filled in. In the 1970's when it was still venerated water was piped from the well into a stone basin on the roadside N of Rathcoole Village (Ó Danachair 1958, 60). There are no visible surface remains.
DU021-030005 Rathcoole	Graveslab	No details available.
DU021-030006 Collegeland, Rathcoole, Tootenhill	Redundant record	There is no evidence in file to corroborate this entry. Listed in RMP (1998) as 'dwelling possible'. It may be based on the 17th Down Survey reference to four houses in 1655. The record has been re-assessed and the evidence is not adequate to include this site in the revised RMP (Geraldine Stout 08/12/2011).
DU021-030007 Rathcoole	16th/17th century	In the mid-17th century Rathcoole is said to have contained many good houses (Ball 1902-20, 2, 123). The Down Survey (1655-6) map shows dwellings at Rathcoole. The Poitín Stíl is reputedly dated to 1649 and maybe one of these buildings. It is a two-storey, three bay building. The roof is hipped and recently thatched with rye.
DU021-031 Rathcoole	Font	This is a hemispherical pieces of granite with hollowed upper surface (diam. 0.60m, D 0.45m). It is situated beside a fence in a field known as the 'trough field'. It narrows to a point along the inner base. Local tradition records that it was used as a holy water font attached to a local church (Ua Broin 1943, 73, 85). Testing carried out in 2003 recommended the font be moved to a safer location in advance of development.
DU021-033 Rathcoole	Redundant record	According to Ua Broin (1943, 82) there was a curving depression on the commons land S of Rathcoole close to what he refers to as a winding passage. This feature he interpreted as the 'rath of cumhal'. The 'winding passage' is a naturally formed valley of a stream. There are no surface indications to suggest that there was any man-made feature here (Healy 1974, 24).

4. ARCHITECTURAL HERITAGE

4.1. DESIGNATED SITES

There are no protected structures (RPS) or structures recorded in the National inventory of architectural heritage (NIAH) within the study area, however there is a protected structure located immediately adjacent to the study area to the north (RPS no. 323, NIAH no. 11213023) which is under the same ownership as the subject site. The structure is a detached two storey house dated to c.1820. This building does not form part of this assessment and is subject to a separate study.

Rathcoole forms part of an Architectural Conservation Area (ACA) (South Dublin County Development Plan 2016-2022) on the basis that it “contains a variety of landmark seventeenth to nineteenth-century structures and some remaining medieval landscape features in the extant linear plots behind the Main Street properties” (Cronin and Associates, 2015). The village is considered to exhibit distinct character and qualities based on its built form and layout. The northern end of the proposed site lies within the proposed ACA.

5. SUMMARY AND CONCLUSIONS

Rathcoole had its origins in the medieval period as a small manor, it contained fortified houses (at least two castles) and a chapel and in the 17th century was a thriving town and contained many good houses as shown on the Down Survey map of 1655-6. Based on the results of previous archaeological testing and monitoring carried out in the immediate vicinity of the proposed development area, the archaeological potential of the proposed development site is deemed to be low. However, due to the site’s location within the zone of archaeological interest for Rathcoole Village (DU021-030) and its linear nature and in accordance with best practice policy, archaeological testing is recommended in order to establish whether there may be archaeological deposits or features within the site that would be impacted by the proposed development, and to establish the nature and extent of any such deposits. An archaeological site inspection would assist in the identification of any upstanding features of historic or cultural heritage interest and it is recommended that this is carried out prior to construction to inform the potential of the area.

Archaeological testing should be carried out well in advance of development by a suitably qualified archaeologist under licence to the Department of Housing, Local Government and Heritage and the National Museum of Ireland. The developer’s attention is drawn to the National Monuments legislation (1937-1995: Appendix 2), which states that in the event of the discovery of archaeological finds or remains, the Department and the National Museum of Ireland should be notified immediately. The developer should make provision to allow for and to fund whatever archaeological works may be needed on the site if any remains should be noted after topsoil removal.

Please note that all recommendations are subject to approval by the National Monument Service of the Department of Housing, Local Government and Heritage and South Dublin County Council.

6. REFERENCES

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6.1. ONLINE SOURCES

www.archaeology.ie

www.downsurvey.tcd.ie

www.excavations.ie

www.heritagemaps.ie

www.osi.ie

APPENDIX 1 STANDARDS AND GUIDELINES

The following legislation, standards and guidelines were consulted for this archaeological desk study:

- 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
- CAAS Environmental Ltd on behalf of the Environmental Protection Agency (EPA) (2003), Advice Notes on Current Practice (in preparation of Environmental Impact Statements)
- Department of Arts, Heritage, Gaeltacht and Islands, (1999a), Framework and Principles for the Protection of the Archaeological Heritage
- Environmental Protection Agency (2017). Draft Guidelines on the Information to be Contained in Environmental Impact Assessment Reports.
- Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999 and the Planning and Development Act (as amended)

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.

