



Planning Ref: SDZ22A/0017

(Please quote in all related correspondence)

18 January 2023

Director of Services – Planning
South Dublin County Council
County Hall,
Belgard Square North,
Tallaght,
Dublin 24
D24 YNN5

Via email: pregistry@sdublincoco.ie

Re: Notification under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

Proposed Development: Construction of 157 dwellings within the Clonburris South-West Development Area of the Clonburris Strategic Development Zone (SDZ) Planning Scheme 2019 consisting of, 81 houses comprising of 4 two bedroom houses, 65 three bedroom houses and 12 four bedroom houses (all two storey with associated private open space and car parking; 76 apartment units consisting of 26 one bedroom and 50 two bedroom units within Block 1 (4 storeys); Vehicular access will be provided from the permitted street under SDZ21A/0022 and the permitted Clonburris Southern Link Street (SDZ20A/0021) and R113 (Fonthill Road) to the east; All ancillary site development works including footpaths, landscaping boundary treatments, public and private open space areas, car parking (170 spaces) and bicycle parking (170 spaces), single storey ESB sub-stations, bin and bicycle stores and all ancillary site development/construction works all on wider lands bounded generally by the Dublin-Cork railway line to the north, undeveloped lands and Grand Canal to the south and undeveloped lands and the Fonthill Road (R113) to the east, in accordance with the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015 in the townland of Cappagh, Clonburris, Dublin 22.

A chara,

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.



Archaeology

It is noted that the proposed development site is partially within the zone of notification (ZON) for the following archaeological monument that is listed in the Record of Monuments and Places (RMP): DU017-036---- Enclosure. This monument is subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930-2014.

It is also noted that the proposed development site is relatively large in scale.

The Department has received a report titled *Archaeological Assessment at Tile 3, Clonburrish Strategic Development Zone, Cappagh, County Dublin* by Matt Brooks and Fergal Murtagh of IAC Ltd. According to the report, several phases of archaeological investigations have been carried out at the proposed development site (Tile 3) in tandem with archaeological investigations at an adjacent site (Tile 2) that is also within the ZON of the recorded monument RMP No. DU017-036--- Enclosure but does not form part of the current planning application.

According to the report, the results of a geophysical survey carried out under Licence No. 22R0200, issued by this Department, by Ger Dowling indicated several potential features of archaeological significance including anomalies possibly associated with the recorded monument RMP No. DU017-036---- Enclosure.

Subsequent archaeological testing under Licence No. 22E0719, issued by this Department, was carried out by Fergal Murtagh at the proposed development site (Tile 3) and at the adjacent site (Tile 2). The Archaeological Assessment report contains a brief summary of the archaeological testing. Twelve trenches in total were investigated, six of which were in the currently proposed development site at Tile 3 with the remaining six outside of the currently proposed development site (in Tile 2).

According to the report, the remains of a linear spread of material that covered a metalled surface were identified in Trench 1, within the currently proposed development site at Tile 3.

Furthermore, it is stated in the report that the remains of shallow ditches measuring 1.52m – 2.05m in width and 0.4m – 0.48m in depth were identified in Trenches 7 and 8 and may relate to the recorded monument RMP No. DU017-036---- Enclosure. Trenches 7 and 8 were outside of the currently proposed development site. No diagnostic material was recovered from the ditches that appear to have been horizontally truncated.



According to the report, no other features of archaeological potential were identified during testing.

According to *Section 5.1 Impact Assessment* of the report:

The recorded monument, enclosure DU017-036, does not possess any surface remains, although the geophysical survey that has been carried out indicates that 25 per cent of the site may be located in the development area. Testing to the immediate east indicates denuded remains of a ditch. Due to the required layout / density of the proposed development, any archaeological remains associated with the monument will be subject to a negative impact. This will be caused by ground disturbances with the construction of the development.

In *Section 5.2 Mitigation* of the report it is recommended that:

Prior to the commencement of construction any remains associated with enclosure DU017-036 and the identified metalled surface, will be subject to a programme of preservation by record (archaeological excavation). This will be carried out under licence to the National Monuments Service of the DoH/LGH

The Department agrees that the identified metalled surface in Trench 1 be subject to a programme of preservation by record (archaeological excavation) under licence to this Department prior to the commencement of any construction and subject to Conditions should this application receive a grant of permission.

The Department does not agree that any remains associated with the recorded monument RMP No. DU017-036--- Enclosure be subject to a programme of preservation by record (archaeological excavation) under licence to this Department at this time, for the following reasons:

- The Department has not received a preliminary report on the archaeological testing that was carried out under Licence No. 22E0719 and subject to the following condition under Section 26 of the National Monument Act 1930 (as amended):

11 (1) The licensee shall:

- *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).

- *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.*

- According to the report *Archaeological Assessment at Tile 3, Clonburris Strategic Development Zone, Cappagh, County Dublin*, the potential presence of remains associated with the recorded monument RMP No. DU017-036---- Enclosure within the proposed development site (Tile 3) has not been investigated during archaeological testing under Licence No. 22E0719. Therefore, any mitigation measures that propose preservation by record (i.e. excavation) of possible remains associated with the recorded monument are considered to be pre-emptive.

- The Department is of the opinion that *Section 5.1 Impact Assessment* of the submitted report is insufficient given that the presence / absence of remains associated with the recorded monument RMP No. DU017-036---- Enclosure within the proposed development site have not been fully investigated.

- In view of the significance and legal protection of the recorded monument RMP No. DU017-036---- Enclosure, the Department is of the opinion that the potential for *preservation in situ*, as per best practice and in accordance with the Department's *Framework and Principles for the Protection of the Archaeological Heritage*, of the possible remains of the recorded monument RMP No. DU017-036---- Enclosure has not been given due consideration in the submitted report.

Therefore, in line with national policy—see Section 3.7.2 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999—the Department recommends that a Revised Archaeological Impact Assessment (including Archaeological Test Excavation) be carried out as Further Information. A report containing the results of this assessment should be submitted to this Department and the Planning Authority prior to any planning decision so



as to facilitate the formulation of an appropriate and informed archaeological recommendation.

Further Information

The Archaeological Impact Assessment shall be carried out as follows:

1. The applicant's archaeologist is required to submit a Preliminary Report on the excavations to have already been carried out under Licence No. 22E0719 with the Department.
2. The applicant is required to engage the services of a suitably qualified Archaeologist to carry out the Archaeological Impact Assessment (AIA) which should include a programme of Archaeological Test Excavation (as an extension to Licence No. 22E0719) to respond to this request for Further Information. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
3. The archaeologist shall inspect the proposed development site (PDS) and detail the historical and archaeological background of the site and the boundary walls (consulting appropriate documentary sources) and review all cartographic sources and aerial photographs for the area.
4. The Archaeological Test Excavation must be carried out under licence from this Department and in accordance with an approved method statement; note a period of 5-6 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
5. Test trenches shall be excavated at locations chosen by the archaeologist, having consulted the site drawings. Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from this Department. Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.
6. Having completed the work, the archaeologist shall submit a written report to this Department and the Local Authority describing the findings of the AIA and the results of the Archaeological Test Excavation. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the



archaeological remains. This should be illustrated with appropriate plans, sections, etc.

7. Where archaeological material is shown to be present, further mitigation measures will be required; these may include refusal, redesign to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. This Department will advise the Local Authority with regard to these matters. No decision should be made on this application until this Department and the Local Authority have had the opportunity to fully evaluate the findings of the AIA.

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

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

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

Is mise, le meas

Edel Griffin
Development Applications Unit
Administration