



Planning Ref: SDZ22A/0018

(Please quote in all related correspondence)

30 January 2023

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

Via email: pregistry@sduublincoco.ie

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

<p>Proposed Development: Construction of a mixed-use development comprising 594 apartments, office floors Within the townland of Cappagh, Clonburris, Dublin 22.</p>

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 an Environmental Impact Assessment Report (EIAR) titled *Proposed Residential Development at Clonburris Tile 2 – CUCS3 & CSWS3* Vols. I – III. Chapter 3.11 of Vol. I and Chapter 16.14 of Vol. II are both titled *Archaeology, Architecture*



and Cultural Heritage and have both been prepared by Faith Bailey of Irish Archaeological Consultancy Ltd. (IAC Ltd.). Vol. III Appendices includes *Appendix B – Cultural Heritage*. According to the EIAR Chapter 3.11 of Vol. I:

‘There is one recorded monument partially located within the proposed development area. This consists of an enclosure (DU017-036) ...

... A geophysical survey was conducted within the accessible portions of the proposed development area in June 2022 (Dowling 2022, Licence 22R0200) ... The investigation revealed several features of potential archaeological significance, including what may be the remains of a small, sub-circular enclosure, which may correspond to enclosure DU017-036 ...

... Archaeological testing of the geophysical anomalies was carried out ... under licence 22E0719 ... two of the trenches targeted the more definitive geophysical anomalies potentially associated with enclosure DU017-036. A shallow ditch was revealed in each trench that may relate to the enclosure. The ditches were less than 0.5m in depth and as such, if these features relate to an enclosure, it is likely it has been subject to truncation... (p.32)

It is noted that the Department is not in receipt of a preliminary report for archaeological testing that was carried out under Licence No. 22E0719. This licence was issued by this Department 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 EIAR Vol. II, Section 16.14.1 Construction Phase / 16.14.1.1 Archaeology:

Whilst it is acknowledged that preservation in-situ is the best manner in which to conserve the archaeological resource, the preservation in situ of enclosure DU017-036, within the urban core of Clonburris would lead to an unsustainable form of development located adjacent to the Fonthill Train Station. This would be contrary to the key structuring principles of the Planning Scheme in terms of layout/design objectives, which the applicant is required to adhere to. The preservation of the remains in situ would lead to a substandard and suboptimal form of development in the SDZ area (p. 16-25).

The Department seeks clarification of this statement. In particular, how the preservation *in situ* of the recorded monument RMP No. DU017-036--- Enclosure would lead to an unsustainable form of development adjacent to Fonthill Train Station (that has been in service since 2008). The Department seeks clarification on why the applicant is required to adhere to the key structuring principles of the Planning Scheme that would appear to be contrary to Section 12 of the National Monuments (Amendment) Act 1930-2014 that provides for the statutory protection of monuments that are listed in the Record of Monuments and Places. The Department also seeks clarification on why the preservation *in situ* of the recorded monument RMP No. DU017-036--- Enclosure would lead to a substandard and suboptimal form of development in the SDZ area.

It is stated in the EIAR Vol. II, Section 16.14.1 Construction Phase / 16.14.1.1 Archaeology:

...enclosure DU017-036 will be preserved by record (archaeological excavation), prior to the commencement of construction. This work will be carried out under licence from the DoHGLH and full provision for the excavation of the site will be made available by the applicant – both during the course of fieldwork and during the post excavation process (p. 16-26).

The Department has not agreed to the preservation by record of the recorded monument RMP No. DU017-036--- Enclosure. 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 EIAR.

It is further stated in the EIAR Vol. II, Section 16.14.1 Construction Phase / 16.14.1.1 Archaeology:

In addition, all topsoil stripping associated with the proposed development will be subject to archaeological monitoring. This work will be carried out by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation in-situ or by record. Any further mitigation will require approval from the National Monuments Service of the DoHGLH.

Whilst the Department is not in principle opposed to the archaeological monitoring of the remainder of the proposed development site outside of the Zone of Archaeological Potential for the recorded monument RMP No. DU017-036---- Enclosure, given that due consideration has not yet been afforded to the preservation *in situ* of the recorded monument RMP No. DU017-036---- Enclosure, the Department is of the opinion that the recommendation for archaeological monitoring is pre-emptive.

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 the Archaeological Testing Report, to include a detailed Archaeological Impact Assessment, for Licence No. 22E0719 be submitted as Further Information 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:

1. The applicant's archaeologist is required to submit the Archaeological Testing Report, to include a detailed Archaeological Impact Assessment, for Licence No. 22E0719 to this Department and the Planning Authority.
2. No further sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
3. The report shall describe the results of the Archaeological Test Excavation that have been carried out under Licence No. 22E0719 and the findings of the AIA. The



report shall detail the proposed development site (PDS, 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 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.
5. 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:

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Is mise, le meas

Edel Griffin
Development Applications Unit
Administration

