

### Appendix 13.1 SMR/RMP Sites within the Study Area

<b>SMR NO.</b>	DU021-004
<b>RMP STATUS</b>	Scheduled for inclusion in the next revision of the RMP
<b>TOWNLAND</b>	Kilbride
<b>PARISH</b>	Kilbride
<b>BARONY</b>	Newcastle
<b>I.T.M.</b>	703756 730083
<b>CLASSIFICATION</b>	Castle - unclassified
<b>DIST. FROM DEVELOPMENT</b>	c. 427m south
<b>DESCRIPTION</b>	Situated in a narrow valley. There are farm buildings on the site. There is no visible trace above ground (Ball 1906, 66).
<b>REFERENCE</b>	<a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file

<b>SMR NO.</b>	DU021-005001-003
<b>RMP STATUS</b>	Scheduled for inclusion in the next revision of the RMP
<b>TOWNLAND</b>	Kilbride
<b>PARISH</b>	Kilbride
<b>BARONY</b>	Newcastle
<b>I.T.M.</b>	703862 730044
<b>CLASSIFICATION</b>	Church, Graveyard and Ecclesiastical enclosure
<b>DIST. FROM DEVELOPMENT</b>	c. 478m south
<b>DESCRIPTION</b>	Located in a circular raised graveyard (L 42m, Wth 30) on the edge of a valley (DU021-005002-). This may be the remains of an early ecclesiastical enclosure (DU021-005003-). In 1228 the archbishop of Dublin granted the church of Kilbride to Andrew de Monevea as a

	<p>prebend and later conferred it on the Canons of St Patrick's Cathedral (Mc Neill 1950, 75). In 1630 it was described as ruinous (Ronan 1941, 80). This church was attached to St. Patrick's Cathedral and was described at the dissolution in 1547 as an old chapel (Ball 1906, 68-70). Consists of a small rectangular building (int. dims L5.8m, Wth 3.63m, T 0.85m) with a NW turret in ruinous condition. Formerly entered through an opening in the W end (now damaged). Built of randomly coursed masonry. There is an aumbry in the E end of the N wall of the church. The E window has a S jamb of tufa. There are remnants of another window in the W end of the S wall. The NW turret (L1.35m, Wth 0.77m, H1.78m) is entered through a lintelled doorway off the church. It has a corbelled roof. There are traces of a stairwell on the S side of the turret (Ni Mharcaigh, 1997, 268-269).</p>
<p><b>REFERENCE</b></p>	<p><a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file</p>

## Appendix 13.2 Legislation 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 2014* 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 Department of Housing, Local Government and Heritage) 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. All recorded monuments on the proposed development site are represented on the accompanying maps.

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 case of urgent necessity and with the consent of the Minister, commence the work until two months after 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.

In addition to this, under the *European Communities (Environmental Impact Assessment) Regulations 1989*, Environmental Impact Statements (EIS) are required for various classes and sizes of development project to assess the impact the proposed development will have on the existing environment, which includes the cultural, archaeological and built heritage resources. These document's recommendations are typically incorporated into the conditions under which the proposed development must proceed, and thus offer an additional layer of protection for monuments which have not been listed on the RMP.

## **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 five-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.

### **South Dublin County Council Development Plan 2022-2028**

#### **Policy NCBH13: Archaeological Heritage**

Manage development in a manner that protects and conserves the Archaeological Heritage of the County and avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest.

#### **NCBH13 Objective 1:**

To favour the preservation in-situ of all sites, monuments and features of significant historical or archaeological interest in accordance with the recommendations of the Framework and

Principles for the Protection of Archaeological Heritage, DAHGI (1999), or any superseding national policy document

**NCB13 Objective 2:**

To ensure that development is designed to avoid impacting on archaeological heritage including previously unknown sites, features and objects.

**NCBH13 Objective 3:**

To protect and enhance sites listed in the Record of Monuments and Places and ensure that development in the vicinity of a Recorded Monument or Area of Archaeological Potential does not detract from the setting of the site, monument, feature or object and is sited and designed appropriately.

**NCBH13 Objective 4:**

To protect and preserve the archaeological value of underwater archaeological sites including associated features and any discovered battlefield sites of significant archaeological potential within the County.

**NCBH13 Objective 5:**

To protect historical burial grounds within South Dublin County and encourage their maintenance in accordance with conservation principles.

## Appendix 13.3 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 2022). 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 13.4 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.

*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’ (CIfA 2020a).

*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’ (CIfA 2020b).

*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 (CIfA 2020c).

*Underwater Archaeological Assessment* consists of a programme of works carried out by a specialist underwater archaeologist, which can involve wade surveys, metal detection surveys and the excavation of test pits within the sea or riverbed. These assessments are able to access and assess the potential of an underwater environment to a much higher degree than terrestrial based assessments.