

## Appendix 12.A SMR/RMP Sites within the Study Area

<b>SMR NO.</b>	DU011-045
<b>TOWNLAND</b>	Crowncastle
<b>PARISH</b>	Swords
<b>BARONY</b>	Nethercross
<b>I.T.M.</b>	718421 , 745820
<b>CLASSIFICATION</b>	Ritual site – holy well
<b>DIST. FROM DEVELOPMENT</b>	c. 40m south
<b>DESCRIPTION</b>	Dedicated to St Werburgh, the natural spring well was overgrown, situated beside a stream which forms the townland boundary between Crowncastle and Barrysparks. There was a local tradition that its water cures sore eyes but by the 1950s was no longer venerated (Ó Danachair 1958, 81). Holy well described in 1975 as; 'Small concrete enclosure now dry and full of brambles. It is beside a stream, which has partly eroded one corner of the foundations' (Henry A. Wheeler 08/10/1975, SMR File). Folklore collected from Swords School recorded that; 'There is another holy well about three miles from Swords near a place called Feltrim. This is known as St. Werburgh's well. It is supposed to cure people with pains' (The Schools' Collection, Volume 0789, Page 152; <a href="https://www.duchas.ie/en/cbes/4428188/4384894/4510754">https://www.duchas.ie/en/cbes/4428188/4384894/4510754</a> ). In March 2011 the well was cleared and reconstructed. The well was redug in a different position, plastic piping inserted and stone removed. It is now signposted with an inscribed stone and described as an 'oasis of transformation'.
<b>REFERENCE</b>	<a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file

<b>SMR NO.</b>	DU012-022
<b>TOWNLAND</b>	Commons East
<b>PARISH</b>	Swords
<b>BARONY</b>	Nethercross
<b>I.T.M.</b>	718911 , 746036
<b>CLASSIFICATION</b>	Ritual site- holy well
<b>DIST. FROM DEVELOPMENT</b>	c. 170m east
<b>DESCRIPTION</b>	Named on Duncan's map (1821) as 'St. Werburgh's Well'. There is however another St Werburgh's well to the southwest (DU011-045----). This well has been built over. No visible remains.
<b>REFERENCE</b>	<a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file

<b>SMR NO.</b>	DD011-152
<b>TOWNLAND</b>	Crowncastle
<b>PARISH</b>	Swords
<b>BARONY</b>	Nethercross
<b>I.T.M.</b>	718546 , 745725
<b>CLASSIFICATION</b>	Ring-ditch
<b>DIST. FROM DEVELOPMENT</b>	c. 194m south
<b>DESCRIPTION</b>	This monument was subject to geophysical survey (Licence no. 09R0038) and test excavation (Licence no. 10E0028) in advance of the Barryspark Local Area Plan. A ring ditch (13m diam.) was identified c. 160m SE of St

	Werburgh's well (DU011-045----). The fill of the annular ditch (2m wide) had unidentified burnt bone inclusions (O'Hara 2010, 16).
<b>REFERENCE</b>	<a href="http://www.archaeology.ie/">www.archaeology.ie/</a> SMR file

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**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.

The National Monuments Act 1930, as amended by various acts including but not limited to, the National Monuments (Amendment) Act 1954, the National Monuments (Amendment) Act 1987, the National Monuments (Amendment) Act 1994 and the National Monuments (Amendment) Act 2004 (together the National Monuments Acts) make provision for the protection and preservation of national monuments, archaeological monuments and archaeological objects in Ireland. The description of the existing environment in this chapter takes account of those statutory designations and the chapter takes account of the legislative monitoring and licencing requirements as mitigation.

The Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 (the 2023 Act) was enacted by the Oireachtas in late 2023 and aims to address a range of structural issues, simplify terminology, as well as provide a single accessible piece of legislation. At the date of writing many sections of the 2023 Act have yet to commence. It is not anticipated that this will result in statutory protection being extended to any potential receptors apart from those already considered in the Cultural Heritage chapter and the chapter already identifies as mitigation the various archaeological investigations and licencing requirements that will come into force when the 2023 Act is commenced. Accordingly, the EIAR conclusions are likely to be unchanged should the 2023 Act commence fully while the application is moving through the planning process.

**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.

### **Fingal County Development Plan 2023–2029**

Archaeology is a non-renewable resource in that once an archaeological feature or site is excavated or removed it is gone forever from the landscape. Therefore, any proposed development should consider the potential impact on archaeology in the very earliest stages and seek to avoid affecting archaeological features or sites and their setting. This includes development along or in Fingal's rivers, coastline, and tidal estuaries. Currently 40% of the

recorded archaeological sites within Fingal are sub surface. Therefore, any development has the potential to uncover previously unknown archaeological sites.

**Statement of Policy:**

The Council is committed to the protection and conservation of buildings, areas, structures, sites, and features of archaeological, architectural, historical, artistic, cultural, scientific, social, or technical interest:

**Objective HCA02:**

Recognise the importance of our archaeological resource and provide appropriate objectives to ensure its appropriate retention, promotion and recording.

**Objective HCA03:**

Safeguard archaeological sites, monuments, objects and their settings listed in the Record of Monuments and Places (RMP), Sites and Monuments Record (SMR), underwater cultural heritage including protected wrecks and any additional newly discovered archaeological remains.

**Objective HCA04:**

Favour the preservation in situ or at a minimum preservation by record, of archaeological sites, monuments, features or objects in their settings. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service of the Department of the Housing, Local Government and Heritage.

**Objective HCA01 – Preservation-in-situ**

Favour the preservation in situ or at a minimum preservation by record, of archaeological sites, monuments, features or objects in their settings. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service of the Department of the Housing, Local Government and Heritage.

**Objective HCA02 – Protection of RMPs/SMRs**

Protect all archaeological sites and monuments, underwater archaeology, and archaeological objects, which are listed in the Record of Monuments and Places, Wreck Inventory of Ireland and all sites and features of archaeological and historic interest discovered subsequent to the publication of the Record of Monuments and Places, and to seek their preservation in situ (or at a minimum, preservation by record) through the planning process.

**Objective HCA03 – Management of Archaeological Resource**

Encourage and promote the appropriate management and maintenance of the County's archaeological heritage, including historical burial grounds and underwater cultural heritage in accordance with conservation principles and best practice guidelines.

**Objective HCA04 – Industrial or Military Heritage**

Secure the preservation in-situ of significant examples of industrial or military heritage.  
Objective

**HCA05 – Community Monuments Fund**

Support the implementation of the Community Monuments Fund in order to ensure the monitoring and adaptation of archaeological monuments and mitigate against damage caused by climate change.

**Objective HCA06 – Climate Change and the Archaeological Resource**

Co-operate with other agencies in the investigation of climate change on archaeological sites

and monuments and to develop suitable adaptation measures to strengthen resilience and reduce the vulnerability of archaeological heritage in line with the National Climate Change Sectoral Adaptation Plan for Built and Archaeological Heritage 2019.

**Policy HCAP5 – Development Design**

Incorporate heritage features into infrastructure design at an early stage in the development planning and management process to protect and promote the cultural heritage resource and create awareness and interpretation.

**Objective HCAO7 – Archaeology and Development Design**

Ensure archaeological remains are identified and fully considered at the very earliest stages of the development process, that schemes are designed to avoid impacting on the archaeological heritage.

**Objective HCAO8 – Archaeological Impact Assessment**

Require that proposals for linear development over one kilometre in length; proposals for development involving ground clearance of more than half a hectare; or developments in proximity to areas with a density of known archaeological monuments and history of discovery; to include an Archaeological Impact Assessment and refer such applications to the relevant Prescribed Bodies.

**Objective HCAO9 – Archaeology in the Landscape**

Ensure that in general development will not be permitted which would result in the removal of archaeological monuments with above ground features, protected wrecks and that this will be especially the case in relation to archaeological monuments which form significant features in the landscape.

**Objective HCAO10 – Context of Archaeological Monuments**

Ensure that development within the vicinity of a Recorded Monument or Zone of Archaeological Notification does not seriously detract from the setting of the feature and is sited and designed appropriately.

**Objective HCAO11 – Impacts of large-scale development**

Ensure that proposals for large scale developments and infrastructure projects consider the impacts on the archaeological heritage and seek to avoid them.

**Objective HCAO12 – Coastal and Maritime Heritage**

Co-operate with other agencies in the assessment of the potential for climate change to impact on coastal, riverine, inter-tidal and sub-tidal sites and their environments including shipwreck sites.

**Objective HCAO13 – Findings of Archaeological Activity**

Encourage reference to or incorporation of significant archaeological finds into development schemes, where appropriate and sensitively designed, through layout, in situ and virtual presentation of archaeological finds and by using historic place names and the Irish language where appropriate.

**Objective HCAO14 – Archaeology in Open Space**

Retain and manage appropriately archaeological monuments within open space areas in or beside developments, ensuring that such monuments are subject to an appropriate conservation management plan, are presented appropriately and are not left vulnerable, whether in the immediate or longer term, to dangers to their physical integrity or possibility of loss of amenity.

## **Appendix 12.C Legislation 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 *Planning and Development Act, 2024*. 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 2024, page 3). 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, 2024.

### **PROTECTION UNDER THE RECORD OF PROTECTED STRUCTURES AND COUNTY DEVELOPMENT PLAN**

Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest can be protected under the Planning and Development Act, 2024.

The Act states that 'A planning authority shall prepare and maintain a record of every structure, part of a structure and specified feature within the attendant grounds of a structure within its functional area that, in the opinion of the planning authority, forms part of the architectural heritage of the area and is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest'.

At any time after preparing a record of protected structures under section 306, a planning authority may (a) add a structure, a specified part of a structure or a specified feature within the attendant grounds of a structure to the record of protected structures where the authority considers the structure, the part, or the feature, as the case may be, to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value (b) delete a structure, a specified part of a structure or a specified feature within the attendant grounds of a structure from the record of protected structures where the authority considers that the protection of the structure, part or feature, as the case may be, is no longer warranted.

### **ARCHITECTURAL INTEREST**

The characteristics of architectural interest may be attributed to a structure or part of a structure with such qualities as the following:

- A generally agreed exemplar of good quality architectural design;
- The work of a known and distinguished architect, designer or engineer;
- An exemplar of a building type, plan form, style or styles of any period but also the harmonious interrelationship of differing styles within one structure;
- A structure which makes a positive contribution to its setting, such as a group of structures or a streetscape in an urban area, or the landscape in a rural area;
- A structure with an interior that is well designed, rich in decoration, complex or spatially pleasing.

### **HISTORICAL**

The notion of historical interest underpins a general belief that it is worthwhile to conserve and preserve information, sites and structures from past centuries. The level of importance of the historical connection and its relationship to the existing fabric of the structure should be assessed. The historical interest relating to a structure or parts of a structure may be identified in various ways.:

- A structure may have historical interest as the location of an important event that occurred in or is associated with it. It may have historical interest in its association with a historic personality. Some associations or events may be so important that the structure retains its significance regardless of subsequent alteration;
- A structure may have influenced, or been influenced by, a historic figure. Important people may have lived in the structure or have been otherwise associated with it, e.g. its architect, builder or patron. Places in which evidence of an association with a person survive in situ, or in which the settings are substantially intact, are of greater significance than those which are much changed or in which much evidence does not survive;
- Historical interest can be attributed where light is thrown on the character of a past age by virtue of the structure's design, location, materials or original use;
- A structure may be a memorial to a past event;
- A structure itself may be an example of the effects of change over time. The design and fabric of the structure may contain evidence of its former use or symbolic meaning. This may be the case with former churches or gaols that have since changed and, in so doing, illustrate a historic development;
- Some features and fixtures may survive, e.g. in consistory courts and courts of law, that are important evidence of former legal or liturgical practice and may have special historical interest for that reason;
- Some unusual structures may have historical or socio-historical interest, e.g. early electricity substations, "Emergency"-era lookout posts or sentry boxes. Although not yet of popular heritage significance, such structures can nonetheless have special historical and social interest;
- Special historical interest may exist because of the rarity of a structure. Either few structures of an identifiable type were built at a particular time or few have survived. In either case, the extant structure may be one of the few representative examples of its time that still exists in a local, regional or national context. The rarity of surviving examples of a building type can ensure that special historical interest accrues to them.

#### **TECHNICAL INTEREST**

Technical interest in a structure relates to the art of the structural engineer in devising solutions to problems of spanning space and weatherproofing enclosures. It may be found in structures which are important examples of innovative, unusual or virtuoso engineering design or use of materials. A structure may be of technical interest for one or more of the following reasons:

- It displays engineering or structural innovation in its construction or design such as the use of cast- or wrought iron prefabrication or the early use of concrete;
- It is the work of a distinguished engineer;
- It is an exemplar of the engineering design practice of its time. For example, a bridge may be a masonry arch, an iron suspension or a concrete span;
- It displays technically innovative or unusual construction materials, such as early examples of Coade stone, cement plank cladding or glazed curtain walling;
- It contains innovative mechanical fixtures, machinery or plant or industrial heritage artefacts that describe the character of production processes. The specifically industrial aspect of some sites like mills, mill ponds or mines can often have a technical interest;
- Technical interest can be ascribed to the innovative engineering qualities of structure,

as distinct from the building's appropriateness for use or its appearance.

### **CULTURAL INTEREST**

The characteristic of cultural interest permeates architectural heritage and can, in the broadest terms, include aesthetic, economic, historic, scientific or social values of past and present generations. Special cultural interest apply to:

- Those structures to which the Granada Convention refers as 'more modest works of the past that have acquired cultural significance with the passing of time';
- Structures that have cinematic or literary associations;
- Other structures that illustrate the development of society, such as early libraries, print works, schoolhouses or swimming baths.

### **SCIENTIFIC INTEREST**

The scientific interest, or research value, of a structure will depend on the importance of the data involved and on its quality and/or rarity. Its scientific interest should also be assessed as to how well it represents the area of research in question and the degree to which the structure may contribute further objective information. For example:

- The results of scientific research may be seen in the execution of the structure;
- The materials used in the structure may have the potential to contribute to scientific research, e.g. extinct plant or pollen species preserved in the base layers of ancient thatch roofs;
- The structure may be associated with scientific research that has left its mark on the place, e.g. early Ordnance Survey benchmarks carved into stone work.

### **SOCIAL INTEREST**

The characteristic of social interest embraces those qualities for which a structure, a complex or an area has become a focus of political, spiritual, symbolic or other sentiment to any group of people. A community may have an attachment to a place because it is an essential reference point for that community's identity, whether as a meeting place or a place of ceremony, ritual or tradition. The configuration, disposition or layout of a space or group of structures, where they facilitate behaviour that would otherwise be difficult or impossible, may be of social interest. For example:

- The features and fixtures that testify to community involvement in the creation of a structure, or have a spatial form or layout indicating community involvement in the use of a structure, could include such elements as memorials, stained glass or statues;
- A structure may display vernacular traditions of construction and may be in a group or setting which illustrates the social organisation of the inhabitants. Most obviously this would include thatched houses. In vernacular buildings, elements of the plan form – direct entry, lobby entry, opposing doors, outshots, etc. – and/or the roofing material may be distinctive and have special social interest;
- Types of decoration may have social as well as artistic interest, such as shell houses or the local manifestation of exuberant or astylar stucco decoration where it is particular to a region or town;
- A social interest could also be attributed to structures illustrating the social philosophy of a past age, as in the case of philanthropic and social housing developments. Structures which illustrate a particular lifestyle or social condition, e.g. holy wells, are to be found in many parts of the country.

### **ARTISTIC INTEREST**

Special artistic interest may be attributed to a structure itself, or to a part of a structure, for its craftsmanship, decoration or design. Examples could include:

- Decoratively carved sculpture or statuary that is part of an architectural composition;

- Ceramic, faience or mosaic tiled or decoratively carved timber shopfronts;
- Fittings and fixtures including chimneypieces, chandeliers or sconces, staircases and wainscoting;
- Decorative plasterwork ceilings;
- Religious art in a place of worship including stained glass or Stations of the Cross;
- Funerary monuments within a graveyard;
- Decorative cast- or wrought iron gates or railings;
- The relationship of materials to each other, and to the totality of the building in which they are situated, if these have been designed as an ensemble.

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## **ARCHAEOLOGICAL INTEREST**

Archaeological interest is essentially defined by the degree to which material remains can contribute to our understanding of any period or set of social conditions in the past. Structures can have the characteristics of both architectural and archaeological interest as these are not mutually exclusive. The standing walls of a sixteenth-century tower house will have both characteristics of interest. The party walls or basements of houses of late appearance may contain medieval fabric and reveal information of archaeological interest. Fragments of early fabric, including carved or worked stone, may have been reused in later buildings giving these structures archaeological interest. A complex of industrial buildings may have archaeological interest because of its potential to reveal artefacts and information about the evolution of industry that may be useful to archaeologists, historians and the general public.

(From the NIAH Handbook 2024, 15-17)

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.

## **Fingal County Development Plan 2023–2029**

**Policy HCAP8 – Protection of Architectural Heritage** Ensure the conservation, management, protection and enhancement of the architectural heritage of Fingal through the designation of Protected Structures and Architectural Conservation Areas, the safeguarding of designed landscapes and historic gardens, and the recognition of structures and elements with no specific statutory designation that contribute positively to the vernacular, industrial, maritime or 20th century heritage of the County.

**Policy HCAP9 – Re-use of Architectural Heritage** Champion the maintenance, repair, re-use and sensitive retro-fitting of the architectural heritage and older building stock of the County as a cornerstone of its sustainable development policy and will require that adaptative re-use and regeneration adheres to best conservation practice.

**Policy HCAP10 – Retention** Continue to support and encourage the sympathetic and appropriate reuse, rehabilitation and retention of protected structures and historic buildings ensuring the special interest, character and setting of the building or structure is preserved.

**Policy HCAP11 – Conservation of Architectural Heritage** Conserve and protect buildings, structures and sites of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest by adding or retaining them on the Record of Protected Structures or by designating groups of structures as Architectural Conservation Areas.

**Policy HCAP12** – Interventions to Protected Structures Ensure that direct or indirect interventions to Protected Structures or adjoining development affecting them are guided by architectural conservation principles so that they are sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

**Policy HCAP13** – Retention of Protected Structures Require the retention and appropriate active use of Protected Structures.

**Policy HCAP14** – Architectural Conservation Areas Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

**Policy HCAP15** – Character of Architectural Conservation Areas Support and encourage the sympathetic and appropriate adaptive reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area ensuring that their special interest, character and setting is retained. Prohibit development that seeks the demolition of a Protected Structure or buildings that contribute to the character of an ACA in almost all circumstances.

**Policy HCAP16** – Conservation Best Practice Promote best conservation practice and encourage the use of appropriately qualified and experienced conservation professionals, contractors, and craft persons.

**Objective HCAO22** – Record of Protected Structures Review the Record of Protected Structures (RPS) to assess current entries and to add structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest as appropriate.

**Objective HCAO23** – Expansion of Record of Protected Structures Expand the RPS to include structures of industrial, maritime, vernacular and twentieth century heritage where they are of sufficient significance and complete the assessment of the few remaining Ministerial Recommendations from the National Inventory of Architectural Heritage (NIAH) Survey of Fingal.

**Objective HCAO24** – Alteration and Development of Protected Structures and ACAs Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features.

**Objective HCAO25** – Architectural Heritage Impact Statement Require an Architectural Heritage Impact Statement as part of the planning documentation for development that has the potential to affect the relationship between the Protected Structure and any complex of adjoining associated buildings, designed landscape features, or designed views or vistas from or to the structure. This particularly relates to large landholdings such as country estates, institutional complexes, and industrial sites where groups of structures have a functional connection or historical relationship with the principal building.

**Objective HCAO26** – Use of Protected Structures Where required to support active use or facilitate suitable adaptive re-use of Protected Structures the Council may in certain circumstances consider the relaxation of site zoning restrictions to secure the preservation and conservation of the Protected Structure where the use proposed is compatible with the existing structure. This will only be permitted where the development is consistent with conservation policies and the proper planning and sustainable development of the area.

**Objective HCAO27** – Protected Structures within Larger Developments Where permission is being sought for a development in which works to the Protected Structure are one element of a larger proposal, the Council will seek for the repair and refurbishment of the Protected Structure to be contained and completed within the first phase.

**Objective HCAO28** – Conservation Plans for Protected Structures Demonstrate best practice in relation to the management, care and maintenance of Protected Structures by continuing the programme of commissioning Conservation Plans for the principal heritage properties in the Council's ownership (several of which are also ACAs), implement the policies and actions of these Conservation Plans where they exist, and ensure the Plans are used by all sections of the Council to inform and direct the design of interventions within the heritage properties, both to buildings and landscapes.

**Objective HCAO29** – Protected Structures Audit Carry out an audit and assess the condition of all Protected Structures within the Council's ownership and pilot a management/maintenance plan as a template for these structures.

## Appendix 12.D 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.

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## Appendix 12.E 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 2020b).

*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 2020c).

*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 2020d).

*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.

#### ARCHITECTURAL RESOURCE

The architectural resource is generally subject to a greater degree of change than archaeological sites, as structures may survive for many years but their usage may change continually. This can be reflected in the fabric of the building, with the addition and removal of doors, windows and extensions. Due to their often more visible presence within the

landscape than archaeological sites, the removal of such structures can sometimes leave a discernable 'gap' with the cultural identity of a population. However, a number of mitigation measures are available to ensure a record is made of any structure that is deemed to be of special interest, which may be removed or altered as part of a proposed development.

*Conservation Assessment* consists of a detailed study of the history of a building and can include the surveying of elevations to define the exact condition of the structure. These assessments are carried out by Conservation Architects and would commonly be carried out in association with proposed alterations or renovations on a Recorded Structure.

*Building Survey* may involve making an accurate record of elevations (internal and external), internal floor plans and external sections. This is carried out using an EDM (Electronic Distance Measurer) and GPS technology to create scaled drawings that provide a full record of the appearance of a building at the time of the survey.

*Historic Building Assessment* is generally specific to one building, which may have historic significance, but is not a Protected Structure or listed within the NIAH. A full historical background for the structure is researched and the site is visited to assess the standing remains and make a record of any architectural features of special interest. These assessments can also be carried out in conjunction with a building survey.

*Written and Photographic record* provides a basic record of features such as stone walls, which may have a small amount of cultural heritage importance and are recorded for prosperity. Dimensions of the feature are recorded with a written description and photographs as well as some cartographic reference, which may help to date a feature.