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ARCHAEOLOGY & CULTURAL HERITAGE

Archaeological Impact Assessment Report

Part VIII development, Blackglen Road,
Balally, Co. Dublin

For

Dun Laoghaire Rathdown County Council

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EXECUTIVE SUMMARY

An archaeological and cultural heritage impact assessment was undertaken for a largely greenfield site in Balally, Dublin 18 in advance of a proposed residential development. The assessment comprised a desktop study of available resources and a walk-over site survey. The following factors were established:

- There are no Recorded Monuments (RMP / SMR) in or adjacent to the subject site and no stray finds are recorded in the NMI topographical files for this townland;
- While nothing can be directly associated with the subject site, the wider landscape of the Dublin foothills is an area of archaeologically elevated potential, with activity and settlement from the prehistoric period onwards;
- The site is a greenfield site of c. 2.8 ha in extent. A review of cartographic sources and aerial imagery did not identify any features of archaeological potential within the subject site, which has been in use as pasture or farmland for several centuries. Only one small building (a shed or cottage) is depicted within the site on the early 19th century OS mapping, but this had been removed before the early 20th century.
- Aerial imagery identified that the southern margin of the site has been subject to previous construction activity associated with road upgrade works, but has otherwise remained undisturbed. The road upgrade works were archaeologically monitored and no archaeology was identified. Several other archaeological investigations in the immediate area also failed to identify any archaeology;
- The walkover survey did not identify any increased archaeological potential for the site;
- There are no Protected Structures in or adjacent to the subject site.

Based on the site's size and relatively undisturbed nature, and the known archaeological activity in the surrounding landscape, it is considered that the subject site contains potential for the survival of currently unknown subsurface archaeological features or material.

It is recommended that the site be further assessed in the form of geophysical survey and test excavations. The results of geophysical survey should inform the layout of any proposed test trenches. Both the survey and test excavations can only take place under licence issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland.

All recommendations made in this report are subject to approval of Dun Laoghaire-Rathdown County Council and the National Monuments Service, Department of Housing, Local Government and Heritage (DHLGH), who may make additional recommendations.

1. INTRODUCTION

1.1. General

This report details an archaeological and cultural heritage impact assessment of a greenfield site on Blackglen Road, Balally, Co. Dublin. The site is proposed for a residential development under the Part VIII process by Dun Laoghaire Rathdown County Council. The assessment aims to determine the archaeological and cultural heritage significance of the site and to offer recommendations to mitigate the impact of the proposed development.

1.2. Site description

The site of c. 2.8 ha is located on the north side of Blackglen Road, in Balally, Co. Dublin (townland of Balally, Parish of Taney, Barony of Rathdown, Co. Dublin, centre of site ITM 717820, 725440). An elevated sloping site with views over Dublin city to the north, it is overlooked by Three Rock Mountain to the south. Comprised of rough pasture, it is bounded by Blackglen Road and residential plots to the south, more rough pasture to the east, Fitzsimons Wood park to the north, and the grounds of a sports centre and apartments to the west.

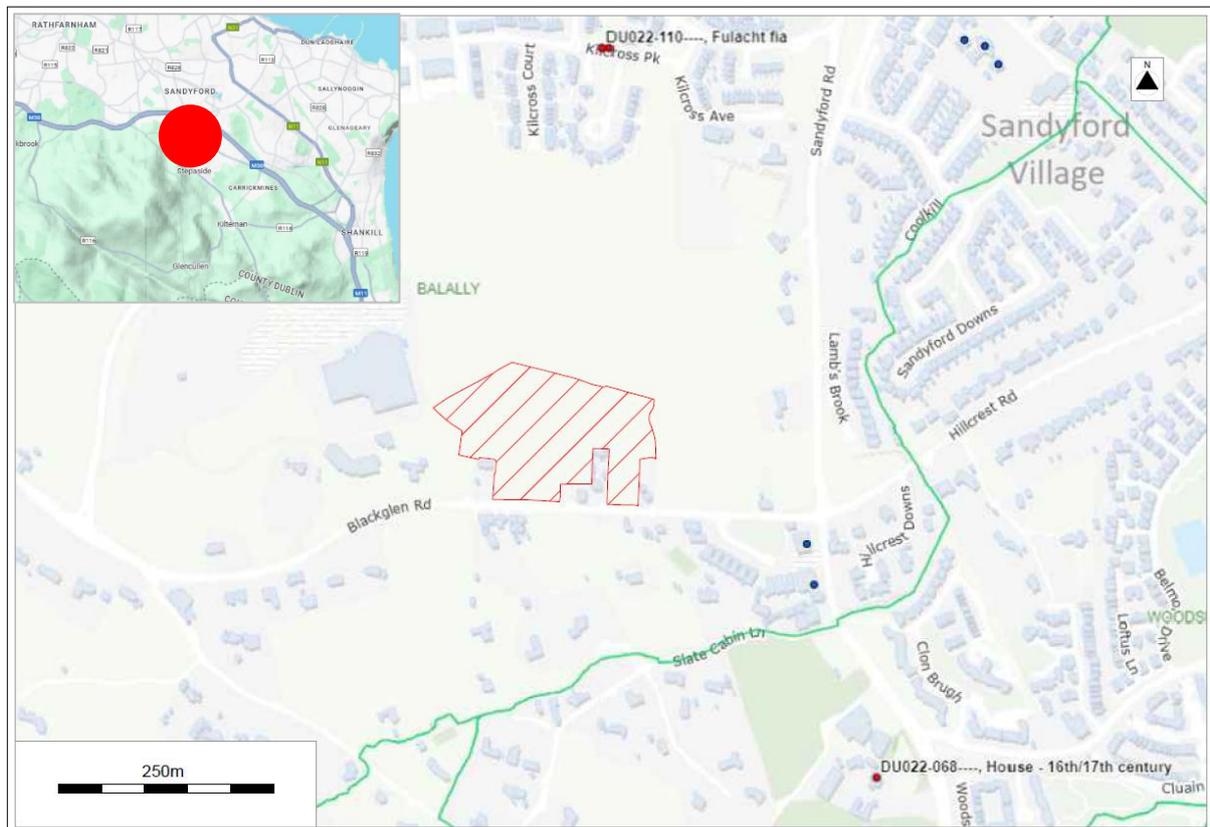


Figure 1 Site location

1.3. Proposed development description

The site, measuring 2.83ha, sits at the foothills of the Dublin Mountains in Sandyford. The scheme provides 129 dwellings ranging between 1 bed and 4 beds comprising of apartments and housing. Pedestrian routes through and around the scheme have been prioritised by connecting the

scheme to the existing forest park walkways, and creating walkways throughout the scheme, providing several pedestrian-only access points, with one vehicular access point.



Figure 2 Proposed development layout plan

1.4. Methodology

A review of the following information took place in order to inform the report:

- 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 statutory¹ 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-

¹ The Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 was enacted in October 2023 and this this Act is now law. The Minister for Housing, Local Government and Heritage commenced certain provisions in May 2024 (S.I. No. 252/2024), however until the Act is fully commenced, the National Monuments Acts have therefore not yet been repealed and remain in force.

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;

- Record of Protected Structures (RPS) in the Dun Laoghaire Rathdown County Development Plan (2022-2028);
- County Councils Architectural Conservation Areas (ACAs) and their statements of character;
- National Inventory of Architectural Heritage (NIAH) Building Survey (NIAH ratings are international, national, regional, local and record, and those of regional and above are recommended for inclusion in the RPS);
- NIAH Garden Survey (paper survey only);
- A review of artefactual material held in the National Museum of Ireland;
- 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);
- Dun Laoghaire Rathdown County Development Plan (2022-2028).
- A review and interpretation of aerial imagery (OSi Aerial Imagery 1995, 2000, 2005, Aerial Premium 2013-2018, Digital Globe 2011-2013, Google Earth 2001–2024, Bing 2024) to be used in combination with historic mapping to map potential cultural heritage assets.
- A review of existing guidelines and best practice approaches.

A bibliography of sources used is provided in the References section.

2. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

The site is located in the foothills of the Dublin mountains, an area that is extremely rich in archaeological sites and material from both the prehistoric and historic periods.

2.1. Prehistoric

There are no recorded prehistoric finds or monuments within the subject site. The Neolithic period (c. 4000-2500 BC) saw the introduction of farming to the island and there are several examples from this period in the vicinity of the site. Within the recent developments of Belarmine and Aiken's Village, located to the east of Enniskerry Road and over 500m from the development site, many previously unknown archaeological sites were uncovered during works associated with the construction of the residential developments. Sites spanned the Early and Late Neolithic periods, as well as from the Bronze Age sites and included hut sites, burnt mounds or *fulachtaí fia*, a ring ditch and a cremation burial complex (Hagen 2002, licence no. 02E0906, 02E1104, 02E1196, 02E1220; Hagen 2004, licence no. 03E0306; Cryerhall 2004 Licence no. 03E0717; Wallace 2004, licence no. 03E0533).

In the townland of Newtown Little to the south of the proposed development, archaeological investigations produced evidence for settlement activity in the early, middle, and late Neolithic period (Phelan 2005; Licence no. 05E0665). It also revealed two possible Beaker structures and a number of sherds of Beaker pottery (Ibid.), indicating settlement and activity here continuing from the early Neolithic period during the transitional phase between the late Neolithic period and the early Bronze Age.

There is evidence in the wider, upland area for prehistoric megalithic tombs, namely the court cairn, portal, passage and wedge tombs which range in date from the Neolithic to Bronze Age period. A portal tomb (RMP no. DU022-033) is located c. 2km to the west in Taylors Grange and a passage tomb (DU025-025) is located 3km to the south at the summit of Two Rock Mountain.

There are several *fulachtaí fia*, usually considered Bronze Age cooking sites, recorded in the wider landscape (RMPs DU026-116, DU026-135, DU026-150, DU026-159, DU026-164 & DU026-165), and a number of them have been excavated. The prevalence of this monument type is testament to the relative density of Bronze Age activity in the area.

By comparison, evidence for Iron Age (c. 700 BC -AD 400) activity in the Balally area is sparse - a small iron tube (NMI ref, 1972:19) of possible Iron Age date was recovered within Kilgobbin townland to the south-east (Deery 2004). Also, the analysis of material from excavations at Kilgobbin have produced radiocarbon dates from the Iron Age, amongst the other prehistoric features, indicating activity during this period.

2.2. Early Medieval Period (c. 5th-12th Centuries AD)

The early medieval period is characterized by the introduction of Christianity to Ireland, bringing with it the emergence of the country's earliest churches, literacy and an associated historical record, and the development of the rath or ringfort. The Irish word 'cill', meaning church, often appears as the root of townland names in areas where early churches were founded (as in Kilgobbin, DU026-016, c. 900m south-east). The present ruined church of Kilgobbin was built by Archbishop King in 1703-07 on the site of an early medieval church (DU025-01601), to serve the parishes of Taney and Cruaghe. It went out of use in 1826 when the new church at Kiltiernan was built. While most of the gravestones in the surrounding graveyard (DU025-01602) are 18th century or later in date, earlier gravestones within the church attest to the continuous use of the site since its foundation.

The church at Balally (DU022-036), c. 600m to the north has early medieval origins with an associated enclosure (DU022-036002) that was removed during recent decades. Excavations produced a strap tag dated from the 7th-10th centuries AD as well as pottery from the Anglo-Norman period (Mount 1990; Excavation Bulletin ref. 1990:029).

An enclosure site, RMP DU025-014 is located 400m to the south of the proposed development area. It was identified as a crop mark from aerial photography. Archaeological testing in 2006 revealed no evidence of this feature (Licence No: 06E0528). In most cases, enclosure sites comprise an enclosed area defined by a bank, wall, fosse or scarp. They come in a variety of shapes and sizes, with no diagnostic features to accurately classify them under another monument category. They can date to any period from prehistory to the late medieval period. They may represent a heavily denuded ringfort site, a secular monument which represents a type of defended homestead of which there several hundred known within County Dublin (Stout 1997).

2.3. Late Medieval Period (c. 12th-16th Centuries AD)

The late medieval period is represented in the wider area by the presence of a tower houses at Balally (DU022-024) 1.5km to the north; Kilgobbin (DU025-01701) 1.5km to the south-east; and castle at Dundrum (DU022-023) 2.5 km to the north. Nothing survives of Balally Castle but historical records attest to the building of a castle in the early 15th century by William Walsh. Kilgobbin's status as a frontier village of the Pale is mirrored in other tower houses in the locality, such as those at Carrickmines (DU026-005, National Monument) and Murphystown (DU023-025). The churches, holy wells, and crosses in the area also point to a considerable local population

living in well-defined villages and hamlets, rather than scattered across the landscape (Turner 1983). They seem to reflect a relatively stable early medieval and medieval population, as the church in Kilgobbin (DU025-016) appears to have been rebuilt with stones from an older church. It is only when people moved to larger villages in the last few centuries that smaller hamlets such as Kilgobbin were deserted.

During the late 13th and 14th centuries, the Irish living in the Wicklow and Dublin Mountains began to launch raids on the Anglo-Norman settlements of south County Dublin. This activity, combined with the devastation of the Bruce invasion, reduced the territory controlled by the administration of Dublin to the area of the Pale, which developed in the 15th century. The Pale boundary partially surrounded Dublin during the late medieval period and was a defensive structure built by the English settlers to alleviate the constant raiding of their lands by native Irish tribes such as the O'Tooles and the O'Byrnes. The boundary began at Dalkey and followed a south-westerly direction towards Kiltiernan. It then turned northwards passing Carrickmines, Ballyogan and Kilgobbin along the small stream there, crossed the lands of Balally called Moreen, and then ran in a westerly direction to Tallaght, and on to Naas in County Kildare (Ball and Hamilton 1895). The term 'Pale' is derived from the Latin *palus*, meaning stake, and refers to a method of fencing using vertical wooden stakes or poles (Goodbody 1993).

An act of Parliament (1488-89) required the landowners of the time to construct a defensive boundary along the borders of the Pale. Thus, the construction of the pale earthwork was often undertaken to enclose an individual's property rather than ensuring that the pale boundary followed a definite orientation or predictable structure. According to O'Keefe (1992), *'one might assume from the description that the earthwork ran more or less in a line from one location to the next, but the field evidence indicates otherwise'*. As such the morphology of the boundary varies greatly from landowner to landowner. In general, the earthwork took the form of two ditches with a flat-topped bank located between them. Often the bank was wide enough to be used as a roadway, being in excess of 4m wide. Joyce noted that the pale boundary in Dublin was an *'old double-ditch and pathway'* and that it was *'the route taken by the Corporation in ancient times, when riding the franchises or boundaries of their municipal jurisdiction'* (Joyce 1912).

2.4. Post-medieval Period

By the middle of the 17th century, long-standing landowners in the area such as the Archbold, Lawless and Walsh families, were being superseded by many of New English. Prior to the 1641 rebellion, Sir Adam Loftus of Rathfarnham acquired Kilgobbin Castle from the Walshes, after which it was occupied by Matthew Talbot (Kilfeather 2000). Talbot was an officer in the Irish army and held it on behalf of the Catholic Confederation. During the rebellion, the castle of Carrickmines had become the centre for disaffection in the southern part of county Dublin, and the Walshes figure prominently in the depositions made by those who suffered losses during that first winter (Ball 1895). In January 1642, on the same day that Dundrum Castle was taken, a party of mounted soldiers proceeded to the Castle of Kilgobbin, and on their approach, were met by a fusillade from the muskets of the occupants, which killed one of the soldiers and mortally wounded another. Some prominent leaders of the Irish are said to have been in the castle at the time and to have afterwards escaped. After the defeat of the rebels at Dean's Grange and Carrickmines in February 1642, Kilgobbin castle was taken possession of by General Monk, and was garrisoned by his company (Healy 1983). After the establishment of the Commonwealth, the castle, which then had a thatched roof and several hearths, became the residence of Dr John Harding, a fellow of Trinity College, Dublin. He was one of the greatest political apostates of his time and died at Kilgobbin in 1655.

2.5. Cartographic Sources

2.5.1. Down Survey (c. 1656)

The Down Survey was undertaken by William Petty in the 1650's and was at the time the most detailed mapping project to ever have been undertaken, the intention being to accurately survey the land in order to redistribute it among merchant adventurers and English soldiers. The Down Survey map of Rathdown and parish map of Tanne (Figure 3) names and depicts 'Ballawly' townland and shows a structure within it, possibly a tower house (the castle is described as 'in repaire' in the Down Survey parish terrier). The townland is shown as belonging to James Walsh and contains 440 acres of arable, meadow and pastoral lands. The north arrow in the map below is directed towards the top left-hand corner.

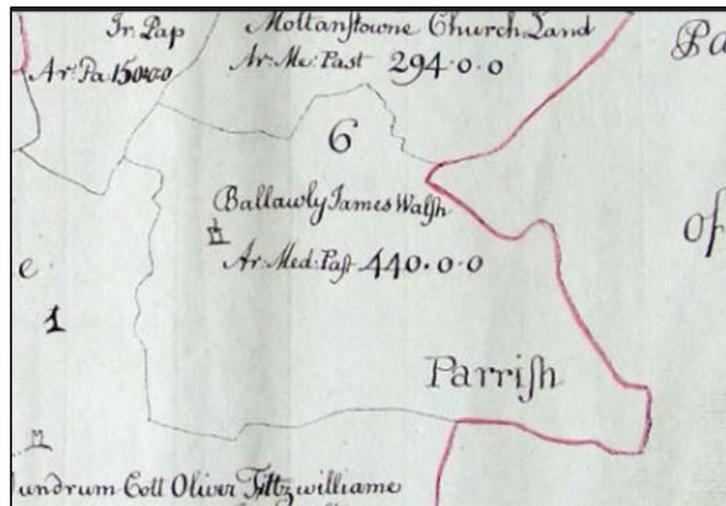


Figure 3 Down Survey (c. 1656) Parish Map of Tane

2.5.2. Rocques Map of the County of Dublin (1760)

Rocque's 1760 map of county Dublin depicts the lands proposed for development as agricultural fields in the foothills of the Dublin Hills. The origins of the present-day road from Dundrum to Enniskerry is roughly shown on the map. The placenames of Balally, Ticknock, Kingston, Newtown and Kilgobbin are all shown on the map (Figure 4).



Figure 4 Roque's Map of County Dublin (1760), with approximate location of study area circled in red and Dundrum-Enniskerry road highlighted

2.5.3. Ordnance Survey Maps

The subject site can be discerned as a series of fields to the north of Blackglen Road on the first edition Ordnance Survey (OS) six-inch map published in 1843 (Figure 5). The lands further to the north are depicted as wooded or containing some tree cover while fields to the east, south and west contain symbols indicating rough ground. There is a single small building within the subject site and a few other dispersed buildings in the wider area. The single building in the subject site may indicate the residence of the landowner or farmer though, less likely, may also represent some other type of shed or other agricultural building. The continuation of field boundaries straddling the east/west running Blackglen Road, and also on the far side of Sandyford Road indicates that that portion of road was likely built in the recent decades prior to the surveying of the map in 1837.

The subject site has been consolidated into a single field by the time of the 25-inch to the mile map of 1906-09 (Figure 6). No evidence for the earlier house or building depicted on the First edition is indicated on the map. The symbols indicating poor quality and rough ground are now depicted on the eastern and northern margins of the subject site while greater concentrations of these symbols are in the surrounding fields. This suggests the site had a greater agricultural value than many of its immediate neighbours. The surrounding landscape is still characterized by dispersed houses, likely the residences of those farming the land. There are some areas recorded as quarries to the east along Blackglen Road.

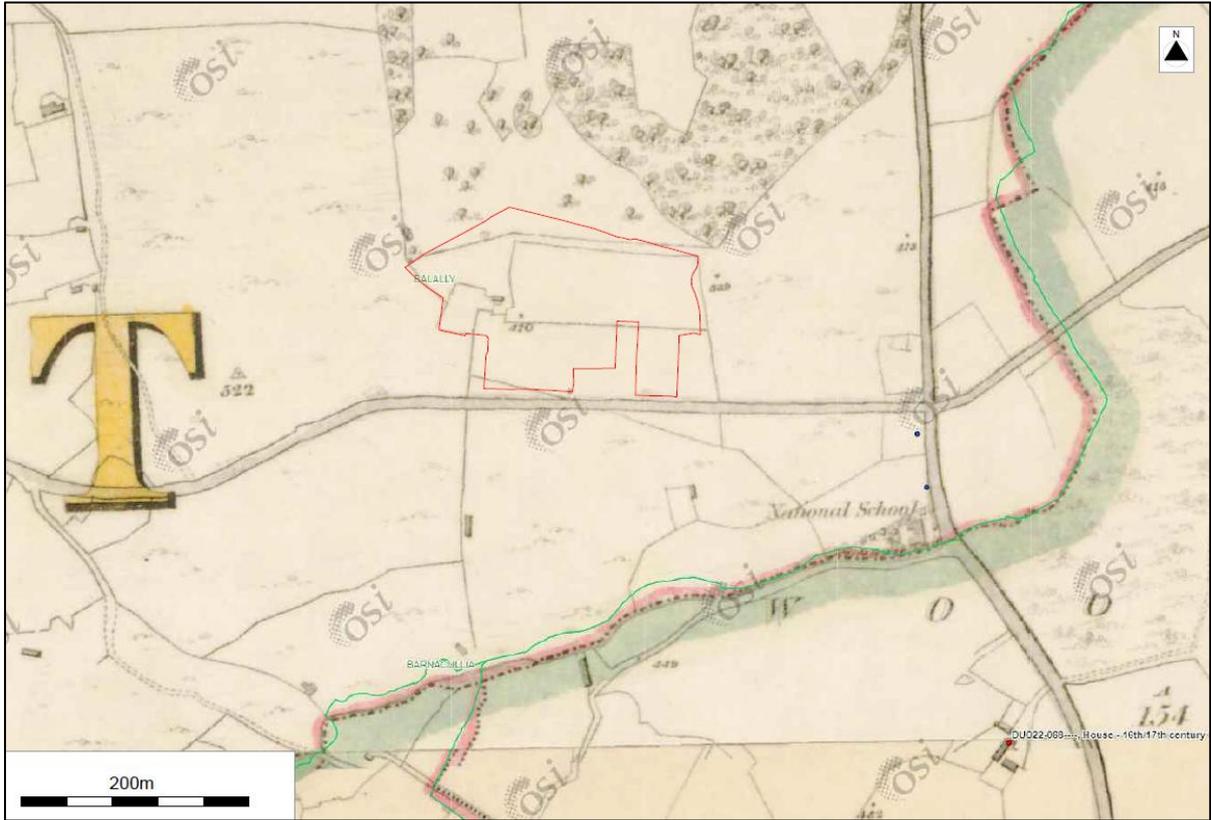


Figure 5 First edition Ordnance Survey map (1843)

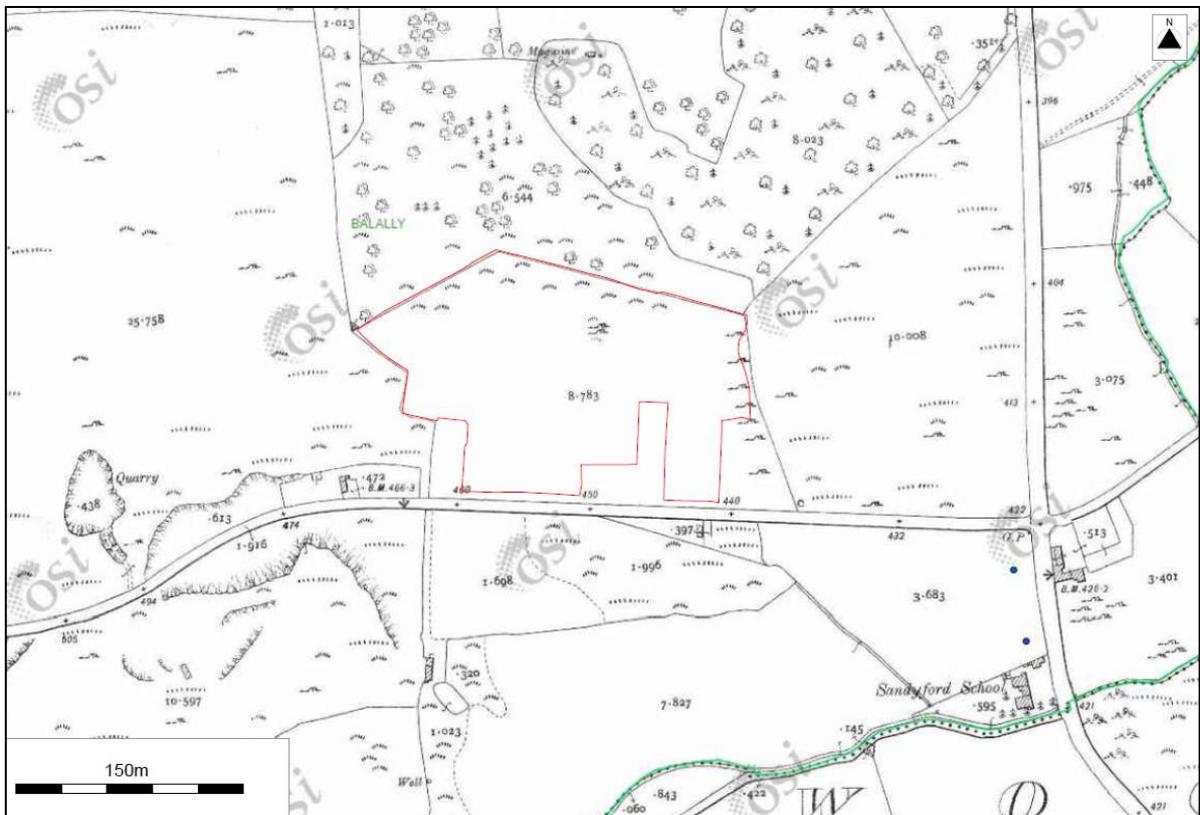


Figure 6 25 inch to the mile OS map (1906-09)

By the time of the last edition six-inch OS map in 1936/37 (not shown) the most significant change is the construction of housing in the area. Two house plots that currently abut the subject site are in place as well as a row of small houses on the opposite side of Blackglen Road. Otherwise, the map largely depicts the site as in the earlier map, still overwhelmingly a rural landscape with much rough ground, as would be expected in the mountainous setting.

2.6. Aerial Photography

A review of aerial imagery from the Ordnance Survey website shows the subject site as a field in rough pasture. Casual trails are marked across the site in the Digital Globe image (Figure 7) indicating a level of public access for the site. While the site is largely grass covered, it can be seen that the northern portion of the site contains thicker vegetation in the form of shrubs and small trees.



Figure 7 Aerial image Digital Globe 2011-13

Several images from Google Earth Pro timeline provide a valuable source of imagery over several decades. To illustrate some adverse impacts from earlier activity on any potential archaeological features or material that may have existed on the site, an image from 2022 is shown below (Figure 8). The southern margins of the site, have been impacted by construction activity for the upgrade of Blackglen Road, including the removal of mature trees and topsoil stripping. The thicker scrubby area to the north of the site has slightly expanded since the earlier image

No increased archaeological potential was noted from the study of aerial imagery.



Figure 8 Aerial image Google Earth Pro 2022

2.7. Previous Archaeological Investigations

One previous archaeological investigation has taken place in the subject site. It comprised archaeological monitoring of the Blackglen Road upgrade scheme in 2022 (Licence No. 21E0638, Excavations Bulletin Ref. 2022:484, in Table 1). Area 4 of this scheme concerned the subject site. No archaeology was identified during these works. Numerous other archaeological works have taken place in the wider area associated with infrastructural, residential and other development works in recent decades. Summary details of excavations surrounding the subject site are presented in a Table below (Table 1). While those that were focused on previously known archaeological sites such as the Church at Balally encountered archaeological remains, most of the other works have not produced any archaeological finds or features.

Table 1 Details of previous excavations

Excavation Bulletin Ref.	Licence no.	Location	Author
1990:029	n/a	Cross Church of Moreen, Balally	C. Mount
An area south of the Church is to be disturbed by the construction of the Southern Cross Motorway. An area 118m by 42m was investigated, limited to the area of the road on the northern and southern sides. The church survives as rectangular foundation walls constructed of undressed mortared granite situated in the centre of a slight mound. Aerial photographs reveal that the church was surrounded by an oval earthen bank 148m in diameter. This appears to have been enclosed by a second exterior bank which partially survived on the southern edge of the site. Nine features were noted during the investigation. Feature 6 was a pit and its upper part contained two fragments of a bronze strap-tag or belt buckle. This object may be dated to the period stretching from the 7th to the 10th century. Medieval activity on the site is confirmed by the presence of a number of sherds of Leinster Cooking Wares which date broadly to the 13th and 14th centuries			
1990:030	n/a	St. Olafs Church, Balally	C. Cotter
A limited archaeological excavation was carried out prior to the laying of a gas pipe, along the north side of the proposed Southern Cross motorway. The foundations of a small rectangular church are visible at the site. The pipeline ran south of the church. Some sources identify Balally with the BALLYVROOLEF listed in the papal bull of 1179 (lit, the place of Olaf- or Amhlaibh in Irish).			

Excavation Bulletin Ref.	Licence no.	Location	Author
Excavation was confined to the pipe trench. The foundations of two sections of walling were uncovered directly below the sod. The wall was of drystone construction and 1m in width. No associated cultural layers survived. The enclosure visible on the aerial photograph was not located.			
1996:064	96E0218	Central Bank of Ireland, Balally	C. Gracie
<p>As part of the proposed South-Eastern Motorway scheme, trial-trenching was carried out in an area affected by four suspected sites.</p> <p>Site I: A ditch was discovered, running for 63m across the proposed route, lying in line with a section of the Pale ditch preserved in the Kilcross housing estate to the south. Adjacent to the ditch was a bank which appeared to have been naturally formed and had the foundations of a nineteenth-century structure dug into it. Immediately north of the ditch, a fragment of a flint plano-convex knife was found in the topsoil. It is hoped that a full excavation will be carried out on this site.</p> <p>Site II: Testing was carried out near to the site of St Olaf's Church (SMR 22:36). No archaeological features were discovered and the church will not be affected by the motorway.</p> <p>Site III: A circular cropmark was identified by aerial photography as lying just outside the proposed route. Testing within the route adjacent to this feature did not reveal anything of archaeological importance.</p> <p>Site IV: A tree ring lay within the proposed motorway route. Investigations showed that whilst the tree ring was of nineteenth-century date, it overlay pit features, one of which contained two fragments of thirteenth/fourteenth-century locally produced cooking ware. It is hoped that further work will be carried out on this site.</p>			
2000:0203	00E0370	Balally	M. Clinton
<p>Full excavation took place over ten weeks between 12 June and 18 August 2000.</p> <p>Foundation trench/wall foundations: The foundation trench averaged 1.2–1.3m wide and 0.4–0.5m deep. Its exposed length was 50.5m. The wall had in former times denoted the eastern flank of a cobbled trackway or avenue.</p> <p>Cobbled trackway: The cobbled trackway had an average width of 5m. Its composite material was on average 0.1–0.25m in depth.</p> <p>Church enclosure: Aerial photography dating to 1971 has revealed the former presence of a double-banked enclosure at Balally. The enclosure was centred on the ruins of Balally church. The planned construction of the motorway had prompted extensive archaeological investigations to take place within the southern half of the enclosure (Excavations 1990, 2; Excavations 1991, 23).</p> <p>French drain: The recent excavations would also have impinged on the former site of the enclosure. A French drain was uncovered. The French drain itself appeared to be an integral structural aspect of the post-medieval cobbled trackway. Two finds were retrieved from deep down among the rocks in the drain—a rimsherd of unglazed terracotta-like ware of possible post-medieval date and a button. Significantly, a sherd of medieval pottery (of Dublin-type coarseware) was found in the fill of the upper/outer cut at floor level.</p>			
2001:322	00E0370	Balally	S. Desmond
<p>Ten trenches were laid out in an attempt to locate an earthwork/enclosure, discernible on aerial photographs, which may be associated with the Norman church of Moreen, known as St Olaf's Church. However, a strap tag of 9th/10th-century date had been located close to the church by Charles Mount (Excavations 1990, 29), suggesting that the church may be of pre-Norman origin. The test-trenches revealed a portion of a possible bivallate earthwork enclosure to the south of the church, which corroborates the aerial photographs. Several ditches and a bank were revealed and a sherd of medieval pottery, local ware, was retrieved from one of the ditches. A slight rise in the topography in this area indicates the presence of a bank. The enclosure and its interior should be fully excavated prior to the construction of the routeway.</p>			
2001:467	01E0459	Sandyford: Blackglen Road	J. Channing
<p>Site works in advance of the construction of a new sports complex were monitored. Evidence for gorse being burnt off was provided by a general spread of charcoal across the entire site. Occasional recent habitation evidence in the north-western parts of the site was uncovered in the form of hearth activity, general scatters of glass, ceramics, undergarments, and a washing machine. Despite the location of the site, evidence of earlier activity was only apparent in the form of a French drain at the northern boundary of the site where topsoil was present.</p>			
2002:0451	02E0176	Balally	C. Ó Drisceoil
<p>The site was found by Gary Conboy during monitoring of topsoil-stripping before the construction of the South-Eastern Motorway. When discovered, the site appeared as a discrete spread of dark soil and occasional burnt stone. On excavation, this was shown to be heavily disturbed burnt-mound material that covered a hearth and two large cut features. The hearth was a circular patch of rubified soil under an in situ ash deposit. Beside the hearth was a large circular pit surrounded by a ring of stake-holes and filled with light grey silt and burnt stone deposits. A smaller, rectilinear pit lay beside it. The base of the latter was lined with wooden planks that had badly decayed. Finds from the site included a small quantity of lithic debitage.</p>			
2002:0452	02E0366	Balally (Site 69)	G. Conboy

Excavation Bulletin Ref.	Licence no.	Location	Author
The site was discovered during monitoring on the South-Eastern Motorway. It consisted of three pit-like features; on excavation these proved to contain ceramic, glass and some modern nails.			
2003:455	01E1078	Balally	B. O'Donnchadha
Excavation revealed a double-ditched enclosure probably associated with the nearby Early Christian church. Both ditches had been heavily truncated during 18th-century landscaping when the area became part of the Moreen House demesne. Finds included a medieval rotary quern, as well as coarse local medieval ware. No structures were identified.			
2020:112/2020:315	19E0750	Walled Garden Residential Project, Balally	J. Kyle
Archaeological testing and monitoring was carried out in advance of construction on the site of a walled garden. The works on site comprised 2 phases. The first phase comprised works to remove an invasive plant species. As these works necessitated targeted excavation of trenches and pits, they were excavated with archaeological supervision. The second phase of works involved monitoring of trenches/pits for structural foundations and all previously unexcavated areas of the site. No archaeological remains or deposits were identified at the site.			
2020:477	20E0161	Sandyford House, Sandyford Road, Balally, Dublin 18	P. Duffy & C. Coffey
Archaeological monitoring was carried out in response to planning conditions. Historic analysis has shown that the development area was used as a green space associated with Sandyford House from the 17th century. The average depth of subsoil across the site was 0.4m and was a mottled brownish-yellow clay. No archaeological remains were identified during monitoring.			
2020:805	20E0318	Marmalade Lane, Balally	D. Moore
Eight test trenches were excavated at the site. In general, the stratigraphy comprised a mid-brown sandy silty topsoil and sod ranging in depth from 200-250mm overlying deposits of modern builders' rubble and dumped material. This in turn overlay natural subsoil which ranged from a yellowish moderately compact clay subsoil with frequent inclusions of medium- sized stones to the east and south to a fine grey gravel with frequent angular stones. Outcrops of bedrock were encountered in places. Nothing of archaeological significance was noted during the testing.			
2022:484	21E0638	Blackglen Road Scheme, Dun Laoghaire	E. Halpin
The scheme traversed the townlands of Taylors Grange, Balally, Woodside, Kingstown and Barnacullia. Five areas of potential archaeological interest were monitored. There were no surviving features or deposits in Area 1, the compound and compound extension. The main compound lay substantially within ground previously disturbed in the course of the construction of the M50. The main feature of Area 2 was a stone culvert. An L-shaped building in Area 3 was not recorded on the map of 1834 but was on the map of 1930. The late date for its construction was evidenced by the recovery of relatively modern glass, ceramics and red brick from on and around the likely house floor surface. The possible standing stone feature was re-interpreted as a gate pillar associated with the entrance to this probable house site. Nothing of archaeological interest was noted in the relatively undisturbed area of road take in Area 4, and the Mail House in Area 5 was surveyed and described prior to its demolition as part of the works to the road junction.			
2023:280	23E0868	Sandyford Road and Blackglen Road, Lamb's Cross, Balally, Dublin 18	M. McCormick
A levelling layer (C1) was dumped across the entire east and southeast of the area between 2021 and 2022. It lay above original topsoil layer C2, which in turn lay across subsoil C3. The original ground surface/topsoil was noted in all trenches and was 0.1-0.3m deep. Subsoil was noted across the entire site, a yellow & grey glacial clay with frequent stones. Nothing of archaeological significance was recorded during the course of the works.			

2.8. Topographical Files of the National Museum of Ireland

The topographical files of the NMI identify recorded stray finds held in the museum's archive. The finds, which have been donated to the state in accordance with national monuments legislation, are provenanced to townland, and the files sometimes include reports on excavations undertaken by NMI archaeologists earlier in the twentieth century. There are no entries in the Topographical Files of the National Museum of Ireland for the townland of Balally. The closest entry is for the townland of Kilgobbin, c. 1.5km to the south-east where a broken iron tube (NMI ref. 1972:18) was recorded.

3. ARCHAEOLOGICAL HERITAGE

3.1. Designated Sites

There are no National Monuments within or around the subject site. The closest is Kilgobbin High Cross (National Monuments reference: 226) around 1.5km to the south-east.

There are no RMP / SMR sites within or in proximity to the subject site. The closest are a linear earthwork (DU022-064), c. 370m to the north in Balally, a 16th/17th century house (DU022-068) in Woodside, c. 420m to the south-east, and an enclosure (DU025-014) in Woodside too, a similar distance to the south. The enclosure, first identified from aerial photography, does not have any surface expression and is undated. The linear earthwork in Balally may be a section of the 15th century Pale ditch, a defensive fortification constructed to defend the English controlled areas from Gaelic raiders during the late medieval period.

A fulacht fia, DU022-110 on Figure 9, is recorded on the Archaeological Survey of Ireland Historic Environment Viewer² in a residential estate to the north of the proposed development site. This location is erroneous, as the file description refers to the site being discovered during the construction of the M50 motorway.

² <https://heritagedata.maps.arcgis.com/apps/webappviewer>



Figure 9 RMP / SMR sites in the surrounding landscape

3.2. Site survey

The site was visited on 10th March 2025 in dry and overcast conditions. The site generally slopes gently upwards from the Blackglen Road and continues to a rocky highpoint in the north-western corner. The ground falls away from the west to east with a central shallow ridge overlooking the Blackglen Road on one side and Fitzsimon's Wood park on the other side. The site is largely comprised of rough pasture. A post-and-wire fence has been constructed within the northern part of the site that has separated the scrubby/wooded northern margin of the site from the remaining grassy area. The southern margin of the site along the Blackglen Road has been disturbed from works associated with road upgrades and the ground surface is particularly stoney and gritty with little vegetation.

No increased archaeological potential was noted from the site survey.



Plate 1 View of site from Blackglen Road looking north



Plate 2 View of elevated rocky north-western corner of site looking west



Plate 3 Fence separating wooded/scrub area from pasture along northern margin of site looking east



Plate 4 View of centre of site from north-east corner looking south-west



Plate 5 Eastern margin of the site from south-east corner looking north

4. ARCHITECTURAL HERITAGE

There are no entries on the Record of Protected Structures (RPS) from Dun Laoghaire Rathdown County Council within or adjacent to the subject site. The nearest entry on the RPS is Sandyford Community Centre, RPS no. 1660. Formerly a Carnegie Library, it is located approximately 200m to the east-south-east of the subject site near the junction of Blackglen Road and Sandyford Road. Given the distance and the intervening residential housing between the proposed development site and the Protected Structure, there will be no impact from development on the Protected Structure.

The closest entry on the National Inventory of Architectural Heritage (NIAH) is also the Former Carnegie library, NIAH ref. 60220039.

5. SUMMARY AND CONCLUSIONS

An archaeological and cultural heritage impact assessment was undertaken for a greenfield site in advance of a proposed residential development. The assessment comprised a desktop study of available resources and a walk-over site survey. The following factors were established:

- There are no Recorded Monuments (RMP / SMR) in or adjacent to the subject site and no stray finds are recorded in the NMI topographical files for this townland;
- While nothing can be directly associated with the subject site, the wider landscape of the Dublin foothills is an area of archaeologically elevated potential, with activity and settlement from the prehistoric period onwards;
- The site is a greenfield site of c. 2.8 ha in extent. A review of cartographic sources and aerial imagery did not identify any features of archaeological potential within the subject site, which has been in use as pasture or farmland for several centuries. Only one small building (a shed or cottage) is depicted within the site on the early 19th century OS mapping, but this had been removed before the early 20th century.
- Aerial imagery identified that the southern margin of the site has been subject to previous construction activity associated with road upgrade works, but has otherwise remained undisturbed. The road upgrade works were archaeologically monitored and no archaeology was identified. Several other archaeological investigations in the immediate area also failed to identify any archaeology;
- The walkover survey did not identify any increased archaeological potential for the site;
- There are no Protected Structures in or adjacent to the subject site.

Based on the site's size and relatively undisturbed nature, and the known archaeological activity in the surrounding landscape, it is considered that the subject site contains potential for the survival of currently unknown subsurface archaeological features or material.

It is recommended that the site be further assessed in the form of geophysical survey and test excavations. The results of geophysical survey should inform the layout of any proposed test trenches. Both the survey and test excavations can only take place under licence issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland.

All recommendations made in this report are subject to approval of Dun Laoghaire-Rathdown County Council and the National Monuments Service, Department of Housing, Local Government and Heritage (DHLGH), who may make additional recommendations.

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Previous excavations www.excavations.ie

www.heritagemaps.ie

Aerial imagery

www.osi.ie

Google Earth Pro

Protected Structures

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2022-2028 chrome-
extension://efaidnbmnnnibpcajpcgicfindmkaj/https://www.dlrcoco.ie/sites/dlrcoco/files/atoms/files/appendix4.pdf

APPENDIX 1 SUMMARY OF RELEVANT LEGISLATION**Historic and Archaeological Heritage and Miscellaneous Provisions Act (2023)**

The Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 was enacted in October 2023 and this Act is now law. The Minister for DHLGH commenced certain provisions in May 2024 (S.I. No. 252/2024) which relate to World Heritage Property in the State, inventories, the protection of certain records, the promotion of heritage, and the issuing of statutory guidance. Certain related and supporting provisions concerning implementation and enforcement are also commenced. However, until the Act is fully commenced, the National Monuments Acts and the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act have not yet been repealed and therefore remain in force.

The Act also contains transitional provisions which will, if necessary, enable certain aspects of the existing National Monuments Acts 1930 to 2014 to continue in operation while successor provisions are being brought fully into operation. An example of this would be provisions enabling the Record of Monuments and Places to continue to have effect pending the establishment of a new Register of Monuments.

A person performing a function under this Act shall recognise and take due account of the following principles in performing that function:

- a) that historic heritage is a non-renewable resource of great cultural and scientific importance which, in addition to its intrinsic value, provides evidence for the development of society and promotes public understanding and appreciation of all periods of the past;
- b) that the first option to be considered should be the protection in situ of historic heritage and that there ought to be a presumption in favour of this option;
- c) that any removal or alteration of historic heritage should be accompanied by all necessary and appropriate recording of such heritage;
- d) that the Valletta Convention should be adhered to as well as any other international treaty, to which the State is a party, the provisions of which are aimed at promoting or securing the protection of the archaeological, architectural or other historic heritage;
- e) that responsibility for the protection of historic heritage is, as a resource of benefit to all, shared by all and, accordingly, that those permitted to remove or interfere with such heritage should, in the normal course, bear the costs of any recording or protective work necessitated by, or associated with, such removal or interference.

For the avoidance of doubt, it is hereby declared that the destruction, whether in whole or in part and by whatever means, of a monument to which general protection or special protection applies shall not prejudice the continuation of such protection to the remainder (if any) of the monument, including the site, surrounding area and immediate surroundings of the monument.

The Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 will establish a Register of Monuments which will replace and supersede the existing Record of Monuments and Places and the Register of Historic Monuments. The Register shall include

- a) prescribed monuments known to the Minister which are deemed appropriate to be entered in the Register;
- b) relevant things of a relevant interest deemed appropriate to be entered in the Register.

A prescribed monument will be a relevant thing of archaeological interest or of other relevant interest. It may be prescribed by reference to any one or more than one of the following criteria:

- (a) age, date or period (including by reference to any terminology relating to periods) that, in the opinion of the Minister, is or has been in use in archaeology or other relevant disciplines;
- (b) morphology;
- (c) condition;
- (d) typology (including by reference to typologies which, in the opinion of the Minister, are or have been in use in archaeology or other relevant disciplines);
- (e) the environment in which the relevant thing is situated (including whether or not the relevant thing is situated under water);
- (f) the circumstances in which the relevant thing is found (including the manner of finding);
- (g) whether the relevant thing is or is not marked or shown on any—
 - i. edition of any ordnance map, or
 - ii. map prescribed for the purposes of this paragraph.

“Relevant thing” means any of the following things, whether situated on, in or under land and whether or not attached to the surface of the land or forming part of land and whether or not intentionally or originally in the sites where they respectively are::

- a) any artificial structure, construction, deposit, feature or layer (including any building and any burial or interment);
- b) any artificially altered structure, construction, deposit, feature or layer, whether or not natural in origin;
- c) any wreck;
- d) any ritual or ceremonial site;
- e) any site where an historic event took place, including any other site directly associated with that event;
- f) any battlefield;
- g) any site with legendary or mythological associations;
- h) any feature, deposit or layer, whether or not natural in origin and whether or not artificially altered, containing or providing information or evidence relating to the past environment;

The Register shall be in the form of an electronic database which is easily accessible to members of the public through public telecommunication networks. The registered monument may include a surrounding area which is considered reasonably necessary to secure the protection of the monument or thing.

Where a person finds, or believes that he or she has found a prescribed monument other than a registered monument, the person shall make a preliminary report Minister or a member of An Garda Síochána within 72 hours, or in the case of discovery in the course of licensable activity, that it be reported to the Minister in such a manner as specified in the licence.

Special protection may be applied to a registered monument taking into account whether the monument is, in terms of such heritage, of special or particular interest, character, integrity, community or amenity value, whether at a local, regional, national or international level. This includes

- a) a national monument,
- b) a wreck of 100 or more years old, or
- c) a guardianship monument.

A person shall not carry out works at, on, in, under, to, or within the immediate surroundings of a monument to which special protection applies, or direct or authorise the carrying out of such works, other than under and in accordance with a licence. This shall be deemed to apply to a registered monument in the ownership or guardianship of the Minister or a local authority where special protection does not otherwise apply to the monument.

General protection applies to

- a) a registered monument to which special protection does not apply, and
- b) a prescribed monument (not being a registered monument).

A person shall not carry out works at, on, in, under, to, or within the immediate surroundings of a monument to which general protection applies, or direct or authorise the carrying out of such works, other than under and in accordance with a licence.

A person shall not, except under and in accordance with a licence, do any of the following at, on, in, over, under or in the vicinity of a wreck 100 or more years old, a registered monument or prescribed monument which is under water, or an archaeological object which is underwater:

- a) dive or direct or authorise diving;
- b) use or possess, or direct or authorise the use or possession of, diving, survey or salvage equipment;
- c) dump or deposit, or direct or authorise the dumping or deposition of, any thing whether or not it interferes with or causes damage to the thing;
- d) interfere, remove or tamper in any way (whether with or without causing damage) with the thing.

The Minister may prescribe a licence, consent, approval, permission or other authorisation where

- a) a licence, consent, approval, permission or other authorisation is required to be granted, issued or given under an enactment (not being the Act of 2000) for works to be carried out which may require an EIA, and
- b) the Minister is satisfied that such works are capable of being at, on, in, under, to, or within the immediate surroundings of a monument, and it is reasonable and proportionate to do so and compatible with the protection of monuments,

The Minister shall consider whether or not the relevant works in respect of which they should be made subject to conditions and may require all or any of the following:

- a) the carrying out of an assessment of heritage interest or potential including an assessment by way of archaeological excavation, use of detection devices or any form of photographic or geophysical survey equipment or any other appropriate form of survey or inspection;
- b) the recording of the monument as a whole or any part or aspect of it (including its immediate surroundings) or any objects on, in, under or within it or its immediate surroundings including recording by way of archaeological excavation, use of detection devices or any form of photographic or geophysical survey equipment or any other appropriate form of survey or inspection;
- c) the carrying out of any form of monitoring (including archaeological monitoring), supervision or inspection;
- d) the salvaging, collection or protection of any part of the monument (including its immediate surroundings) or any object on, in, under or within it or its immediate surroundings and, where appropriate, the preparation of such part or object for deposition in an appropriate museum or other site for such deposition;
- e) the specification of the time period when the relevant works are to be carried out;
- f) that the relevant works be done in a specified manner or be funded or carried out by a specified person or a person falling within a specified category of persons.

The Minister shall make a screening determination for EIA in respect of the proposed relevant works on the basis of the information provided by the applicant. The Minister shall ensure that, before the application is determined, proposed relevant works likely to have significant effects on the environment by virtue of their nature, size or location (or any combination thereof) are made subject to an EIA. The applicant shall in this case submit to the Minister an EIAR in respect of the proposed relevant works, having regard to guidelines issued by the Minister.

The Minister may appoint himself or herself, or with the consent of a local authority, appoint the local authority as the guardian of a registered monument to which special protection applies. A national monument under the Act of 1930 will be deemed both a registered monument and a guardianship monument.

Any archaeological object where such object has no known owner shall be vested in the State. An owner or owner exception of land, not being the State, or a finder of an archaeological object is deemed not to acquire any rights of ownership to an archaeological object found on, in or under the land.

Where a person finds, or believes that he or she has found an archaeological object, the person shall make a preliminary report of the finding of the thing to the Board of the National Museum of Ireland or a member of An Garda Síochána within 72 hours, in the case of licensable activity, to the Minister or the Board in such manner as is specified in the licence. A person, other than a relevant person, shall not interfere with or remove a relevant archaeological object, or cause it to be interfered with or removed, except under and in accordance with a licence, or where there is reasonable grounds to believe that it is necessary to remove the thing from the site where he or she found it for the purposes of the safekeeping of the thing.

“Architectural heritage” means—

- a) structures and buildings together with their settings and attendant grounds, fixtures and fittings,
- b) groups of structures and buildings referred to in paragraph (a), and
- c) sites,

that are of archaeological, architectural, cultural, historic, scientific, social or technical interest;

A person shall not, other than under and in accordance with a licence—

- a) undertake or carry out, or direct or authorise the undertaking or carrying out of, archaeological excavation,
- b) ... archaeological monitoring,
- c) search for or collect... archaeological objects lying exposed on the surface of land, whether or not any such object is known to be on, in or under that land,
- d) search for... wrecks one hundred or more years old or archaeological objects or prescribed monuments, or other relevant things of archaeological interest, situated on, in or under the sea bed or land covered by water...
- e) be in possession of a detection device in, at, on, over or above, or within the immediate surroundings of, a registered monument or a wreck one hundred or more years old, or
- f) use... a detection device for the purpose of identifying, locating (including searching for), investigating, surveying or recording any archaeological object or monument or relevant thing of archaeological interest...

Anything done by a person in the course of his or her employment shall, in any proceedings brought under this Act, be treated as done also by that person’s employer, whether or not it was done with the employer’s knowledge or approval. Anything done by a person as agent for another person, with the authority (whether express or implied and whether precedent or subsequent) of

that other person shall, in any proceedings brought under this Act, be treated as done also by that other person.

National Monuments Legislation (1930-2014)

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.