

From: [Housing Fem Dau](#)
To: [Licensing Staff](#)
Subject: S0038-01 Dublin City Council Dumping at Sea Licence Application
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A Chara,

It is noted that the plans, particulars and Environmental Impact Assessment Report (EIAR) submitted as part of the planning application incorporates EIAR Chapter 16: Cultural Heritage (including archaeological, architectural & industrial), which 'gauges the likely significant effects of the 3FM project on cultural heritage (including architectural, industrial and archaeological heritage) and, where necessary, includes detailed recommendations for the mitigation of any effects on cultural heritage assets potentially impacted upon within the area of the 3FM project'. The Dublin Port *Conservation Strategy 2024* is included within the application for consent submission as a standalone report. The archaeological aspects of the cultural heritage assessment (EIAR Chapter 16) were undertaken by Dr Niall Brady and Rex Bangerter of the Archaeological Diving Company Ltd (the Archaeological Diving Company Ltd.). The archaeological baseline in Chapter 16 is informed by a desk study analysis, which includes a review of primary and secondary historical sources (EIAR 16.4.2) and synthesises the results of the following project-related site inspections, above and below the waterline:

- Site walkover, included in Catalogue of Cultural Heritage Assets (Appendix 16-1).
- Marine geophysical survey and archaeological interpretation (Appendices 16-2, 16-3).
- Archaeological interpretation of geotechnical engineering site investigations (Appendix 16-4).
- Underwater Archaeological Impact Assessment Report (UAIA), including archaeological diver survey of marine geophysical survey targets recorded and quayside structures, and measured surveys of the North Wall Quay Extension, sections of Pigeon House Harbour and the Great South Wall (GSW) (Appendix 16-5).

EIAR 16.5.2 summarises the Recorded Monuments, Protected Structures, Industrial Heritage Sites and other features and EIAR Table 16.3 lists the Cultural Heritage Assets within and in proximity to the 3FM project (including Archaeological, Industrial & Architectural). In summary, these comprise a series of cultural heritage features within the project area, the foremost of which are the Great South Wall, 'the longest breakwater in the world when it was completed in the eighteenth century; a structure of international significance', and Pigeon House Harbour, Fort and Precinct, 'a natural islet that was developed from the seventeenth century to be a defined harbour integral to and part of the GSW, that went on to become a fortified citadel until it was bought back by Dublin Corporation in 1897 and became a focus for utilities'. UAIA did not identify any underwater archaeological features that may be directly impacted upon.

Archaeological Impacts and Effects of the Project (Design Options 1 and 2)

The impacts and effects from installation of the 3FM project are assessed as (EIAR Table 16.7):

- General diminution of the Great South Wall/Pigeon House Precinct and overall cultural heritage coherence and legibility, exacerbating an already challenged presentation of this significant cultural heritage ensemble.
- Landscape alterations to the GSW/Pigeon House road involving new road surfacing and road markings that formalise/emphasise the 'highway' character of this historic

breakwater/access

route.

- Overall character changes to the Poolbeg Peninsula and the setting of the GSW/Pigeon House Precinct.
- Works in proximity to an assemblage of monuments, protected structures and structures of heritage significance/value.
- Abutting of domestic and industrial scale measures.
- Additional physical breaches along the line of the GSW and at the Pigeon House Precinct both above and below ground.

The proposed mitigation strategy includes a provision that local, site specific 'elemental' mitigation measures will be supplemented by 'an overall conservation strategy that proposes a new cultural heritage landscape vision for the 3FM project'. Table 16.8 and Chapter 21 summarise the Mitigation Measures on Cultural Heritage Assets and locations within the 3FM Project (including Archaeological, Industrial & Architectural) and those of relevance to this submission include the following.

North Channel

- Construction stage archaeological monitoring and resolution of:
 - Removal of North Channel landing stages for SPAR bridge (DCIHR 1812-094-01 and DCIHR 1812-094-01).
- Pre-construction stage survey and construction stage archaeological monitoring and resolution of:
 - Impacts on North Wall Quay Extension for SPAR bridge (RPS 8879; DCIHR 1812-084-01)
- Construction stage archaeological monitoring and resolution of:
Impacts on River Bed (ADCO 01) for:
 - SPAR bridge
 - SPAR road pile supports on foreshore
 - Capital dredging to -10 CD at Maritime Village and Turning Circle at Pigeon House Harbour to include removal of sludge jetty (ADCO 02), timber structure (ADCO_STR-01), reclamation of 47a Hardstand and Pigeon House Harbour Wall, temporary works bank seat and pontoon.
 - Removal of the NORA jetty and capital dredging to -13m CD along future berthing

South side of Channel: Great South Wall and Pigeon House Fort and Precinct

- Pre-construction stage survey (including test excavations) and construction stage

archaeological monitoring and resolution of:

- New breaches and widening/altering existing breaches in Sea Wall / Ballast Office Wall (GSW to Pigeon House Harbour) (RMP DU018-066; RPS 6797).

Pigeon House Precinct

- Pre-construction stage survey and construction stage archaeological monitoring and resolution of:
 - Removal of sludge jetty and reclamation abutting harbour wall (RPS 6797;DDIAS 181.1).
- Designed-in avoidance of any direct and indirect impacts on all standing elements, pre-construction stage archaeological survey and construction stage archaeological monitoring of demolition and excavation of ground and seabed works for:
 - Potential impacts from proposed roadways on sub-surface remains of Pigeon House Fort (RMP DU019-027; RPS 6794; ADCO STR03).
- Pre-construction stage survey and construction stage archaeological monitoring and resolution of:
 - Demolition of buildings (GSI laboratories) (ADCO 03).
 - Demolition of jetty 'sludge jetty' (ADCO 02).
- Construction stage archaeological monitoring and resolution of:
 - Demolition of timber structure (ADCO STR01)

GSW from Pigeon House Precinct to Poolbeg Lighthouse

- Pre-construction stage survey (including test excavations) and construction stage archaeological monitoring and resolution of ground and seabed activities for:
 - Potential impacts on Landing Slip (DCIHR 1909-012).
- Pre-construction stage survey and construction stage archaeological monitoring and resolution of ground and seabed activities for:
 - Impacts from proposed crossings and large new wharf (Area N) to be constructed alongside and separate to GSW in river channel at Great South Wall to Poolbeg Lighthouse (RMP DU019029002, DCIHR 1909-010, RPS6797, RPS 6798).

In addition, mitigation includes for retention of a project archaeologist, provision of an Archaeology Management Plan, processes for protection and preservation of archaeology uncovered in monitoring, retention of a standby archaeological team for terrestrial works and a dive team for in-water works, finds storage and reporting.

National Monuments Service of the Department of Housing, Local Government and Heritage has reviewed the EIAR and is broadly in agreement with the findings in relation to Cultural Heritage (including archaeological, architectural & industrial) and attendant mitigation recommendations. Therefore, the National Monuments Service of the Department of Housing, Local Government

and Heritage advises that the following should be included as a condition of any EPA licence.

The National Monuments Service of the Department of Housing, Local Government and Heritage recommends the following conditions be attached to any approval by EPA of the proposed Dumping at Sea licence.

- 1.** All recommendations and mitigation measures as set out in EIAR Chapter 16: Cultural Heritage (including archaeological, architectural & industrial) and Chapter 21: Summary of Mitigation Measures and Conclusions shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order. Compliance with this Condition shall require a formal statement in writing from the National Monuments Service to the EPA that all mitigation measures have been implemented and approved.
- 2.** A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including at detailed design and construction stages.
- 3.** The developer shall commission an **Archaeological Impact Assessment (AIA)**, as follows:
 - a.** The AIA shall include licenced test-excavations at areas of the development where ground disturbances that may impact on sub-surface/underwater archaeology are proposed. The scope of archaeological testing shall be agreed with the National Monuments Service. Archaeological test-excavation shall be carried out under a Section 26 (National Monuments Act 1930) licence from the National Monuments Service and in accordance with an approved method statement. Licenced metal detection shall be undertaken in tandem with the test excavations. All test-excavations that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified osteoarchaeologist. A Detection Device consent (Section 2 1987 National Monuments Act) will be required for the metal detection survey. Licences should be applied for to the National Monuments Service and should be accompanied by a detailed method statement that sets out the proposed project design. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
 - b.** The outcome of the assessment shall inform recommendations, to be agreed with the National Monuments Service, that prioritise the preservation in situ of identified archaeological structures and features and shall also inform the preparation, as required, of specifications (prepared in liaison with a conservation architect/engineer, as appropriate) that provide for their stabilisation, conservation and repair. Where identified historic features and structures are proposed for removal or part removal as part of the proposed development, its rationale and justification shall be described and attendant mitigation measures shall be recommended and agreed with the National Monuments Service. These may include, as appropriate, further archaeological investigations (including test-excavations aimed at securing a greater understanding of a feature or structure), archaeological

surveys, conservation and engineering interventions, monitoring, preservation by record, and interpretation.

- c.** A final AIA report that details the results of the assessment shall be furnished to the National Monuments Service for review and comment. The report shall include a comprehensive Archaeological Impact Statement (AIS) that comments on the degree to which the extents, locations and levels of all proposed works (structures, ground disturbances, foundations, service trenches and other sub-surface works including Site Investigation works) required for the development will impact upon any cultural heritage, archaeological materials, objects and/or areas of archaeological potential that have been identified. The AIS shall be illustrated with appropriate plans, sections and photographs that clearly describe any adverse impacts and effect(s) of the development on cultural heritage and proposals for their mitigation. Mitigation shall prioritise recommendations for redesign to allow for full or partial preservation in situ, the institution of archaeological exclusion zones, design modifications to enhance setting, and may also include for test-excavations, excavations ('preservation by record') and/or monitoring, as deemed appropriate and agreed with the National Monuments Service. No construction works should commence until after the AIA has been submitted and reviewed. All recommendations will require the agreement of the National Monuments Service. In default of agreement on any of these requirements, the matter shall be referred to the EPA for determination.

4. Archaeological monitoring shall be undertaken as follows:

- a.** The services of a suitably qualified and experienced, to the satisfaction of the National Monuments Service, maritime archaeologist shall be engaged to carry out full-time onboard/terrestrial based archaeological monitoring of all construction activities that give rise to ground disturbances, including those that impact on the riverbed, intertidal/foreshore zone and/or on underwater cultural heritage and any works where material of archaeological importance may be uncovered.
- b.** The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the National Monuments Service, maritime archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
- c.** A Finds Retrieval Strategy shall be implemented and agreed with the National Monuments Service, as part of the archaeological licence application. This shall include metal detection for finds retrieval, which shall be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works shall include archaeological metal detection and those that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection

and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound or another appropriate venue.

- d.** Sufficient, suitably experienced and qualified, to the satisfaction of the National Monuments Service, maritime archaeologists shall be in place to ensure continuous archaeological monitoring works, including 24-hour onboard /terrestrial-based archaeological monitoring of construction activities. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2 1987 National Monuments Act). All archaeological diving shall comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- e.** In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all construction activities that give rise to ground disturbances, including those that impact on the river bed, intertidal/foreshore zone and/or potentially upon on underwater cultural heritage, and provides the former with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.
- f.** Should suspected/verified archaeological and/or underwater cultural heritage materials, including wrecks, palaeolandscape materials, archaeological features or sites and/or archaeological objects be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Exclusion Zone to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within it in order to facilitate investigative assessment, protection and prompt notification to the National Monuments Service and other statutory authorities, as required.
- g.** The Developer shall undertake any ensuing mitigating action as is required by the National Monuments Service. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ by the institution of permanent Archaeological Exclusion Zones. Mitigation may also include further archaeological investigations, including underwater archaeological inspection by means of archaeological diving, underwater/terrestrial archaeological surveys (geophysical, ROV, measured/photogrammetric), underwater/terrestrial archaeological test-excavations, underwater/terrestrial archaeological excavations ('preservation by

record'), stabilisation works and/or archaeological monitoring, or any combination of the above or any other mitigation measures as may be recommended by the National Monuments Service. No construction activities shall recommence within the Archaeological Exclusion Zone until formally agreed in writing with the National Monuments Service. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the National Monuments Service. All resulting and associated archaeological costs shall be borne by the Developer.

- h.** The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavations required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis and conservation of archaeological objects, as required by the National Monuments Service and the National Museum of Ireland, with all resulting and associated archaeological costs to be borne by the Developer. Compliance with this condition requires a formal statement in writing, from the National Monuments Service to the EPA, approving the final report submission.
- 5.** Following the completion of all geotechnical works, the Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to site investigation cores and physical samples for archaeological and geoarchaeological review by a qualified geoarchaeologist. Where potential submerged palaeolandscapes or other anthropogenic materials are identified, they shall be subject to geoarchaeological and palaeoenvironmental analysis and scientific dating, in agreement with the National Monuments Service and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the National Monuments Service shall be furnished with a final archaeological report describing the results of the works. Compliance with this condition requires a formal statement in writing, from the National Monuments Service to the EPA, approving the submitted report.
- 6.** The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater/terrestrial cultural heritage constraints relevant to the proposed development as set out in the final design and EIA. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.

7. In default of agreement on any requirements of the National Monuments Service, the matter shall be referred to the EPA for determination.

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

Warm regards,

Amy Thornton
Clerical Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Aonad na nIarratas ar Fhorbairt
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