

CONSTITUTION HILL

PART 8 PLANNING REPORT

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ARCHAEOLOGICAL ASSESSMENT
IAC ARCHAEOLOGY

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Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath

**ARCHAEOLOGICAL ASSESSMENT
AT
CONSTITUTION HILL,
DUBLIN 7**

**ON BEHALF OF:
DUBLIN CITY COUNCIL**

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ABSTRACT

This report has been prepared on behalf of Dublin City Council, to study the impact, if any, on the archaeological and historical resource of the proposed development at Constitution Hill, Dublin 7 (Figure 1, ITM 719932, 734996). The report was undertaken by Paul Duffy of IAC Archaeology.

The overall study has illustrated that the proposed development area is located close to a fording point of the Bradogue River, on elevated ground that once would have commanded views over the River Liffey. Such a location may have attracted activity in prehistory, though no such sites are known from the surrounding area. There is some evidence that the proposed development area formed part of a settlement known as Glasmanogue in the early medieval and medieval periods. Some residual elements of this settlement may be fossilised in the plot boundaries shown on the mid-18th century mapping.

Extensive groundworks and redevelopment of the area immediately west of the proposed development area was undertaken in the later 18th century when the Broadstone Harbour was constructed. And a number of wide lanes opened through the proposed development area to allow access from the harbour to Constitution Hill. This changed the layout of the residential plots to some extent, though these appear to have remained cramped and densely packed into the resulting blocks up until the 1950s when demolition and clearance of the plots seems to have been underway.

There have been numerous archaeological investigations undertaken in the immediate surrounds of the proposed development area – largely to do with the Luas works to the north. Fragmentary remains of 18th and 19th century foundations and cellars were identified immediately north of the proposed development area and extensive evidence for the infrastructure associated with the Broadstone canal and harbour have also been uncovered. No archaeology of medieval or prehistoric date has been identified in the immediate vicinity.

While the construction of the flats in the mid-20th century is likely to have had a significant impact upon any subsurface archaeology that survived in this area, there remains potential for archaeological remains to survive below the ground surface across the site. It is possible that foundations, cellars, street surfaces and plot boundaries along with associated wells, cess pits and industrial features are likely to survive, although in truncated form, along Constitutional Hill and, similarly to the rear of the site along the Prebend Street frontage.

It is recommended that all ground disturbances associated with the proposed development be monitored by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation *in-situ* or by record. Any further mitigation will require approval from the National Monuments Service of the DoH/LGH and the Dublin City Archaeologist.

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1 INTRODUCTION

1.1 GENERAL

The following report details an archaeological assessment undertaken in advance of a proposed redevelopment and refurbishment of Dublin City Council flats at Constitution Hill, Dublin 7 (Figure 1; ITM 719932, 734996). The site lies partially within the zone of archaeological potential surrounding Dublin City (DU018-020). This assessment has been carried out to ascertain the potential impact of the proposed development on the archaeological and historical resource that may exist within the area. The assessment was undertaken by Paul Duffy of IAC Archaeology (IAC), on behalf of Dublin City Council.

The archaeological assessment involved a detailed study of the archaeological and historical background of the proposed development site and the surrounding area. This included information from the Record of Monuments and Places of Dublin the topographical files within the National Museum and all available cartographic and documentary sources for the area. A field inspection has also been carried out with the aim to identify any previously unrecorded features of archaeological or historical interest.

1.2 THE DEVELOPMENT

The existing 0.76 hectare site currently comprises of 3 no. five-storey housing blocks providing 89 homes and a crèche which form the Constitution Hill Flats social housing scheme. The proposed redevelopment (Figure 2), which will be managed by Dublin City Council, comprises:

- Provision of 124 homes (42 no. 1 bed apartments, 54 no. 2 bed apartments, 18 no. 3 bed apartments, 10 no. 2 bed duplex mews dwellings)
- Building heights ranging from 2-7 storeys
- Communal & public open space 0.28ha / 37% of site area
- Deep retrofit and extension to 3 no. existing five-storey existing housing blocks to include an additional floor and side bay with modifications to all elevations
- Construction of a new seven-storey apartment block to the north of the site
- Construction of a new seven-storey apartment block to the south of the site
- Construction of ten no. two-storey duplex dwellings to the west of the site
- The provision of a multi-use childcare facility
- Construction of new ESB substation
- Reconfiguration of pedestrian access to the site with new entrance path to the east of the site including a new stepped access to the footpath on Constitution Hill
- Level access to be provided across the site with secure lines to entrances and communal open space
- Revision to the existing entrance on Broadstone to include a gated pedestrian and vehicular entry
- Revision to the existing entrance on Catherine's Lane to include gated pedestrian and vehicular entry

- Revision to boundary treatments to Constitution Hill, Broadstone and Catherin's Lane North
- Associated car and cycle parking provision
- Demolition of the existing substation and pump house on site
- Provision of public and private open spaces; ancillary structures and associated site infrastructure works / supporting infrastructure, landscaping, public lighting, revision to access roads, pavements, boundary treatments and all other necessary enabling works, roads and services.

2 METHODOLOGY

Research for this report was undertaken in two phases. The first phase comprised a paper survey of all available archaeological, historical and cartographic sources. The second phase involved a field inspection of the site.

2.1 PAPER SURVEY

- Record of Monuments and Places for County Dublin;
- Sites and Monuments Record for County Dublin;
- National Monuments in State Care Database;
- Preservation Orders List;
- Topographical files of the National Museum of Ireland;
- Cartographic and written sources relating to the study area;
- Dublin City Development Plan 2016–2022;
- Dublin City Draft Development Plan 2022-2028;
- Aerial photographs;
- Excavations Bulletin (1970–2022), and
- The Dublin City Industrial Heritage Record.

Record of Monuments and Places (RMP) is a list of archaeological sites known to the National Monuments Section, which are afforded legal protection under Section 12 of the 1994 National Monuments Act and are published as a record.

Sites and Monuments Record (SMR) holds documentary evidence and field inspections of all known archaeological sites and monuments. Some information is also held about archaeological sites and monuments whose precise location is not known e.g. only a site type and townland are recorded. These are known to the National Monuments Section as ‘un-located sites’ and cannot be afforded legal protection due to lack of locational information. As a result, these are omitted from the Record of Monuments and Places. SMR sites are also listed on a website maintained by the Department of Housing, Local Government and Heritage (DoHLGH) – www.archaeology.ie.

National Monuments in State Care Database is a list of all the National Monuments in State guardianship or ownership. Each is assigned a National Monument number whether in guardianship or ownership and has a brief description of the remains of each Monument.

The Minister for the DoHLGH 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.

Preservation Orders List contains information on Preservation Orders and/or Temporary Preservation Orders, which have been assigned to a site or sites. 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.

The topographical files of the National Museum of Ireland are the national archive of all known finds recorded by the National Museum. This archive relates primarily to artefacts but also includes references to monuments and unique records of previous excavations. The find spots of artefacts are important sources of information on the discovery of sites of archaeological significance.

Cartographic sources are important in tracing land use development within the development area as well as providing important topographical information on areas of archaeological potential and the development of buildings. Cartographic analysis of all relevant maps has been made to identify any topographical anomalies or structures that no longer remain within the landscape.

- Bernard de Gomme, *The City and Suburbs of Dublin*, 1673
- Charles Brooking, *A Map of the City and Suburbs of Dublin*, 1728
- John Rocque's *Exact survey of the city and suburbs of Dublin*, 1756
- Wide Streets Commission Map of Broadstone Harbour, 1791
- William Faden *A plan of the city of Dublin*, 1797
- Ordnance Survey maps of County Dublin, 1847-1953

Documentary sources were consulted to gain background information on the archaeological and cultural heritage landscape of the proposed development area.

Development Plans contain a catalogue of all the Protected Structures and archaeological sites within the county. The Dublin City Development Plan 2016–2022 and Dublin City Draft Development Plan 2022-2028 were consulted to obtain information on cultural heritage sites in and within the immediate vicinity of the proposed development area.

Aerial photographic coverage is an important source of information regarding the precise location of sites and their extent. It also provides initial information on the terrain and its likely potential for archaeology. A number of sources were consulted including aerial photographs held by the Ordnance Survey and Google Earth.

Excavations Bulletin is a summary publication that has been produced every year since 1970. This summarises every archaeological excavation that has taken place in Ireland during that year up until 2010 and since 1987 has been edited by Isabel Bennett. This information is vital when examining the archaeological content of any

area, which may not have been recorded under the SMR and RMP files. This information is also available online (www.excavations.ie) from 1970–2022.

Dublin City Industrial Heritage Record (DCIHR) makes recommendations for sites to be added to the Record of Protected Structures (RPS) in the City Development Plan and is maintained by DCC. It is a policy of the Council to implement the recommendations of the DCIHR (Policy FC68).

2.2 FIELD INSPECTION

Field inspection is necessary to determine the extent and nature of archaeological and historical remains, and can also lead to the identification of previously unrecorded or suspected sites and portable finds through topographical observation and local information.

The archaeological and architectural field inspection entailed -

- Walking the proposed development and its immediate environs.
- Noting and recording the terrain type and land usage.
- Noting and recording the presence of features of archaeological or historical significance.
- Verifying the extent and condition of any recorded sites.
- Visually investigating any suspect landscape anomalies to determine the possibility of their being anthropogenic in origin.

3 RESULTS OF ARCHAEOLOGICAL ASSESSMENT

3.1 ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

The proposed development area is located at Constitution Hill and lies partially within the zone of archaeological potential surrounding Dublin City (DU018-020). Constitution Hill (R108) borders the site to the east and the Phibsborough Bus Depot is located to the west. Prebend Street forms the northern boundary, whereas Catherine Lane North forms the southern boundary. The development area is currently occupied by three blocks of four-storey flats, associated car parking and landscaping.

3.1.1 Prehistoric Period

Although recent research may push the date of human activity in Ireland back by millennia (Dowd and Carden 2016), the Mesolithic Period (6000–4000 BC) is accepted as the earliest time for which there is widespread evidence of human occupation of the island. During this period, people lived mobile lives migrating through the landscape to exploit seasonal resources, hunting, fishing and foraging for sustenance. Riverine and coastal resources played a particularly crucial role for these communities, and it is often in these areas that evidence of these groups survives. This was highlighted by the discovery of a Mesolithic fish trap in the Liffey estuarine silts at Spencer Dock, c. 2.7km to the east-southeast of the site (McQuade 2008, 8–11; Bennett 2004:0565 & 2007:494). Prehistoric occupation is suggested by stray finds, including the earlier caches of flint flakes from Rathfarnham, Dun Laoghaire, Dalkey Island, and Loughlinstown and may indicate small-scale transient settlement along the riverbanks and seashores.

During the Neolithic period, communities became less mobile and their economy became based on agriculture. This transition was accompanied by major social change. Agriculture demanded an altering of the physical landscape, which meant forests were rapidly cleared and field boundaries constructed. There was a greater concern for territory, which contributed to the construction of large communal ritual monuments called megalithic tombs, which are characteristic of the period. There are no previously recorded archaeological sites dating to this period within the vicinity of the proposed development. However, the estuary and the river would have remained as a major resource to be exploited during this period, proven by the Neolithic fish trap discovered at Spencer Dock, although habitation would have likely been confined to higher ground further to the north and northwest.

Evidence for Bronze Age activity is similarly focused upon the River Liffey and remains of a burnt spread dating to the early Bronze Age have been excavated on the northern shore of the Liffey at Hammond Lane, c. 580m south of the proposed development area (Licence Ref.: 16E0080, Bennett 2003:535). This activity may relate to domestic or industrial activity and suggests nearby settlement. Further evidence for early Bronze Age activity was uncovered at Kilmainham, c. 2km southwest of the proposed development area in the form of a small cremation cemetery located on a gravel ridge overlooking the Liffey (Licence Ref.: 02E0067, Bennett 2006:665).

The first evidence for Dublin acting as a significant fording point or routeway dates to the Late Bronze Age. An extensive wooden riverside revetment, c. 130m long, was excavated at Islandbridge c. 2.5km west-southwest of the proposed development area. Dates from the timbers ranged from the Late Bronze Age into the Iron Age and the structure may have been associated with a fording place at Kilmainham (Licence Ref.: 07E0261, Bennett 2007:519). Further evidence for fording the Liffey in the Iron Age was identified at Ormond Quay at the confluence of the Liffey and one of its northern tributaries, the River Bradogue. The earlier of the two prehistoric structures found at this site was a timber braced gravel bank with an associated pathway made of hurdles (pre-fabricated wattle panels) which were in turn succeeded by a brushwood platform. The structures were located at the river's edge and were radiocarbon dated to c. 160-60 BC (Licence Ref.: 04E1206, Bennett 2008:428). They may relate to activities associated with exploiting the resources along the river's floodplain or, given the site's proximity to the supposed location of the 'ford of the hurdles' at Usher's Island (discussed below), they may have been associated with a crossing point on the Liffey.

There is increasing evidence for Iron Age settlement and activity in recent years as a result of development-led excavations as well as projects such as LIARI (Late Iron Age and Roman Ireland). Yet, this period is distinguished from the rather rich remains of the preceding Bronze Age and subsequent early medieval period by a relative paucity of evidence for material culture in Ireland. There is no known evidence of Iron Age activity in the vicinity of the proposed development.

3.1.2 Early Medieval Period (AD 500–1100)

The area now known as County Dublin straddled the ancient kingdoms of *Brega* (north of the River Tolka) and *Laigin* (south of the Tolka). The *Uí Dúinchada* lineage controlled the area of Dublin for much of this period from a local centre of power at Lyon's Hill, c. 23km to the west of what was to become Dublin. The name Dublin (*Duiblinn*), meaning 'black pool', is generally taken to refer to the tidal pool that was located at the confluence of the Poddle and Liffey directly southeast of the site of the present Dublin Castle; c. 1km southwest of the proposed development area. This pool gave its name to an early ecclesiastical foundation the first secure reference to which dates to AD 790 when the Annals of Ulster state that 'Siadal, abbot of the church of *Duiblinn* died,' (Duffy 2014, 17). Two distinct names for Dublin are encountered in the contemporary sources, these being *Duiblinn* and *Baile Áth Clíath* – a secular settlement, developed to guard over the 'ford of the hurdles', (Clarke 1990, 58).

De Courcy (1996) suggests that the *Slighe Midluachra* (one of the great roads of early medieval Ireland), crossed the Liffey at the location of the 'ford of the hurdles' (c. 700m south of the proposed development area). An unnamed route is believed to have followed the alignment of Stoneybatter/Manor Street/Prussia Street, c. 200m to the west of the development, and approached the ford of the hurdles from the northwest (Clarke 2002). This routeway is indicated on De Gomme's map of 1673. The routeway that was to become Constitution Hill/Church Street also converges on the posited location of the ford and is named 'Finglas Road' on De Gomme's map (Figure

3). Founded in the 6th century, Finglas was an important ecclesiastical foundation located c. 4km northwest of the proposed development area.

The establishment of St Michan's Church at the end of the 11th century (c. 470m to the south of the proposed development), would eventually give rise to the name 'Church Street'. This parish church attests to a significant population existing on the north side of the Liffey by this time. An association has been made between the church of St Michan and the foundation of Finglas (St Canice – Purcell 2009). This would be in keeping with a broader pattern observed across the city where important Gaelic ecclesiastical power centres established churches on the outskirts of the city, possibly with an initial view to the conversion of the Dublin population and subsequently to maintain a political presence at the city (for example the churches of St Brigit representing Kildare; St Kevin representing Glendalough; St Columba representing Kells and St. Patrick representing Armagh, were all located on the fringes of the town).

By the time of the establishment of St Michan's Church, the area immediately south and east of the proposed development site was known as Oxmanstown. The Vikings had established themselves in Dublin by the middle of the 9th century and by the 10th century, the town had become a recognised urban centre. Archaeological evidence has shown the presence of individual property plots, a street layout and earthen defences (Bradley 1992, 43). During the 11th century, the town expanded and developed. While the Vikings were responsible for the growth of Dublin as an urban centre, they also controlled large portions of the hinterland of Dublin city at this time. The proposed development area is located on the northern limits of the suburb known as Oxmanstown in the medieval sources. Oxmanstown was named for the 'Ostmen' inhabitants, who were the Hiberno-Scandinavian population of Dublin. It is likely that the Oxmanstown area represents a suburban expansion of the city dating to the 11th or 12th centuries (Clarke 2001, 6).

3.1.3 Medieval Period (AD 1100–1600)

The beginning of this period saw Dublin fall under the control of successive Gaelic Kings, notably *Muirchertach Ua Briain* of Munster and *Turlough Ua Conchobair* of Connacht. By the mid-12th century, it was *Diarmuid MacMurchada* of Leinster who held the city. However, the *Uí Dúinchada* retained their interests in south and west Dublin and by 1100, they had become known by the surname *Mac Gilla Mo Cholmóc*, siding with Diarmaid McMurrugh in the conflict that would ultimately bring the Anglo-Normans to Ireland.

Gilbert writes that 'Donal Mac Gillamocholmog appears to have become closely connected with the chief Anglo-Norman settlers and his signature, with those of the countess Eva [Aoife] and Raymod 'le Gros' is appended to Richard Fitz Gislebert's [Strongbow's] grant of the Abbey of Glendaloch, executed about the year 1173' (1861, 232). The *Mac Gilla Mo Cholmóc* were to become known by the Norman name FitzDermot and the measure of their standing in the new colonial society can be seen in that a street in the heart of the city close to Christchurch Cathedral as well as one of the principal gates into the town was named for the family.

Another name that appears associated with the immediate area of the proposed development may have associations with this family – ‘Glasmanogue’, which appears on maps of the Constitution Hill area from the 18th century (Goodbody 2014, 16). Logainm.ie provides the following translation *Ghlas Mochainneog*, with a suggestion that the *glas* element of the name might derive from the Irish word *glaise* for a stream. This name is suggestive of a fording point over the Bradogue River, which once intersected with the road in this area, possibly named for the *Mac Gilla Mo Cholmóc* family. Alternatively, *glas* may indicate a green. It appears from the later mapping that a small village developed in this area and it is possible there may have been some form of settlement here from the medieval period onwards.

In 1655, the Bradogue is named on the Down Survey map of the Barony of Coolock as ‘Canoc’s Stream’. St Canice was the patron saint of the foundation at Finglas and ‘Glasmanogue’ may therefore be named for him given that the road ultimately leads north towards this ecclesiastical centre (see Purcell 2009, 124-30 for a full discussion on how this name may also relate to St Michan).

Approximately c. 550m to the southeast of the proposed development area the significant foundation of St. Mary’s Abbey (DU018-020048) was established in 1139 and controlled substantial lands on the north side of the Liffey. J.T. Gilbert records a tradition that links the foundation of the abbey to the *Mac Gilla Mo Cholmóc* family, further substantiating a link with the area - ‘a document of the reign of Edward IV alleges that Donal Mac Gillamochoilmog founded the great Abbey of the Virgin Mary at Dublin, with the assent of his wife, Dearbhfhorgaill, and his eldest son, Dermod,’ (1861, 232). A portion of the northern gatehouse to the abbey has recently been identified through archaeological excavation, c. 420m to the southeast of the proposed development (Duffy and Ní Cheallacháin 2019).

The centre of another significant medieval manor lies c. 540m to the west at Grangegorman, which was in the possession of the Priory of Holy Trinity (Christchurch Cathedral) until the dissolution of the monasteries (1536-41). The 17th-century house (DU018-020565) is shown on De Gomme’s map of 1673 and Rocque’s map (1756). The village of Stoneybatter had developed around the manorial residence by the 14th century and in 1559, the manor house was conferred by Royal mandate to Francis Asgard. The enclosed farm is reputed to have consisted of a large hall with additional rooms, a hay barn with a malt house and a workshop. There was also a yard for cattle and haggard. The exact location of the manor house is currently unknown.

Church Street continued to function as one of the principal routes leading to the Liffey crossing and the city beyond. A 12th-century poem, the *Senchas Gall*, states that, at that time, the inhabitants of Dublin ‘do not know at all of what kind the hurdle-ford was,’ (Boyle and Breatnach 2015, 45) suggesting that a bridge had replaced the ford some time previously.

3.1.4 Post-Medieval Period (AD 1600–1800)

While no sign of a village is indicated in the environs of the proposed development area in the 17th-century mapping, the 18th-century maps show dwellings along the

entire street frontage along both sides of what is now Constitution Hill. Rocque's Map of 1756 illustrates an unusual difference in the layout of dwellings on the east and west sides of the thoroughfare. The houses on the eastern side are shown laid out evenly with neat garden plots extending to the rear. The houses on the western side are densely packed together with few garden plots evident. The majority of the houses are accessed from extremely narrow east-west running lanes and some are so small they must represent single roomed dwellings. It is possible that houses are located within older plots that may once have formed burgages fronting onto the road and that were later filled up with houses. The field divisions and planting shown by Rocque to the west of these plots is at variance with the larger, more homogenous fields shown in the wider area and would seem to fit with this suggestion, although this is far from conclusive evidence.

The character of landscaping containing the proposed development area was transformed by the construction of the Broadstone Branch of the Royal Canal and the Broadstone Harbour, which was opened to canal traffic in 1806. The large harbour is depicted in 1791 with three wide piers to accommodate 'corn', 'timber' and turf, located c. 40m west of the proposed development area. Construction of the harbour entailed site drainage and the construction of a culvert over the Bradogue River, which is presumed to follow the line of the electoral division boundary that crosses the line of the road, c. 80m to the north of the proposed development area. As the site of the harbour was located on a hill, construction works required levelling of the site through the introduction of made ground by up to c. 9.1m. The harbour and canal were made water tight by lining the base and sides with puddle clay. The sides of a harbour/canal were subsequently lined or topped with a coping or wash wall of stone or brick to create hard edge moorings and towpaths. Contemporary sources indicate that the upper levels of Broadstone harbour and canal were lined with granite blocks. By 1829 a series of stores, orientated north-south had been constructed along the harbour's eastern side and a number of the houses which previously fronted Constitution Hill were demolished to accommodate the increasingly industrial character of the area.

In 1816, the King's Inns building was completed by James Gandon, c. 90m east of the proposed development area. An open garden or parkland was established in front of this building immediately across the road from the proposed development area. Both of these features survive in the modern landscape.

From the later 18th century Grangegorman became a focal point for a number of institutions catering to the ill and poor. The North Dublin House of Industry, housed in a former malthouse and adjoining house, c. 120m south of the site (King Moylan 1944, 1) opened on Brunswick Street North in 1773 while the Bedford Asylum opened in 1806, c. 200m southwest of the site. The Richmond Lunatic Asylum, designed by Francis Johnston, opened in 1814 and was extended in 1822. Lewis records that on the 1st of January 1836, the asylum was responsible for a total of 277 patients (Lewis 1837). To the north of the asylum was Richmond General Penitentiary, also designed by Francis Johnston, constructed in 1816 (King Moylan 1945 p.56) and significantly altered in 1864. In the 1850s the Chapel of St. Laurence, a female infirmary and a

male infirmary also opened. A laundry building was added to the complex in the 1890s and a mortuary building c. 1900.

The Midland Great Western Railway (MGWR) purchased the Royal Canal and opened a route to a terminus c. 90m northwest at Broadstone in 1847 connecting rail and canal. Further development of the railway necessitated the infill of the harbour feature. Two railway platforms, a booking office and a passenger shed were also constructed at this time. A 'Goods Store' was completed to the south of the harbour in 1853. In 1861, a major redevelopment of the station complex at Broadstone included the construction of a new carriage shelter and waiting rooms accessed by a cast-iron colonnade. By 1863, the Broadstone branch of the MGWR serviced Athlone, Galway, Sligo and Clones.

In 1870 the MGWR purchased 3 acres of land from Grangegorman prison to service increasing demand. A new boundary wall, railway sidings and an engine shed were constructed on this land. Ground excavation works associated with the engine shed exposed a number of human burials, believed to have been interred during the cholera outbreak of 1832 (Killeen 1981, 147). The remains were recorded as being reinterred on an isolated patch of ground within the immediate locale. This feature may lie within Grangegorman lands to the northeast of the surviving Bus Éireann depot (RPA 2010, AC93).

In 1877 the MGWR in-filled Broadstone Harbour and a 150 yard (c. 137m) section of the Broadstone Branch of the Royal Canal. The canal section ran west from the eastern side of Constitution Hill/Phibsborough Road. The infill area was used to construct a new forecourt and approach road to the station terminal building (Bath and Delany 1992, 165).

In 1937 the railway station was closed and the site was transformed for use as a bus depot. A number of stone sheds located to the northeast of the Broadstone building are surviving elements of the railway's goods shed, carriage shed and railway coach factory.

3.2 SUMMARY OF PREVIOUS ARCHAEOLOGICAL FIELDWORK

A review of the Excavations Bulletin (1970–2022) has revealed that a number of archaeological investigations have been carried out in the immediate vicinity of the proposed development. These investigations have largely been undertaken in advance of LUAS upgrade works.

Archaeological monitoring of groundworks was undertaken at the eastern end of Broadstone Lower Plaza, c. 20m to the north of the proposed development area (Hession, Licence Ref.: 19E0282, Bennett 2019:512). Two late 19th-century features of historic interest, a limestone-built wall and a cobbled surface, were recorded during the monitoring programme. These features were associated with a building that originally fronted onto Constitution Hill and an external rear yard, associated with buildings formerly fronting onto Farrells Lane.

Eight co-joined trenches were excavated at the former Royal Canal, Broadstone Branch and Harbour, c. 40m northwest of the proposed development area (Myles, Licence Ref: 14E0018, Bennett 2014:521). Extensive evidence was recorded for the primary course of the canal approach to the harbour and the secondary construction of a 'lye-by' to facilitate public access to the terminus of the Midland & Great Western Railway by means of a floating bridge or 'pontoon'. The evidence comprised the truncated masonry of the southern canal wall, along with two later walls forming the eastern side of the lye-by and the southern wall of the newly narrowed canal channel extending to the east towards the Foster Aqueduct. Primary fills of the canal survived underneath material introduced after 1877 to infill the harbour; the puddle clay base of the canal was recorded in a sondage, along with the timber baseplate of the primary south wall.

Two investigations to the south of the proposed development area have been undertaken and with no archaeology found - Hayden, Licence Ref: 98E0204, Bennett 1998:149, c. 40m to the south and Coughlan, Licence Ref: 96E0029, Bennett 1996:075, c. 100m to the south.

Archaeological testing was carried out in the forecourt of the former Broadstone Station Terminal Building, c. 60m to the north of the proposed development (Doyle, Licence Ref.: 10E0090, Bennett 2012:202). Testing was carried out to investigate the archaeological potential of the in-filled Broadstone branch of The Royal Canal.

Two substantial limestone walls were encountered at c. 0.36m below the current ground level, c. 5.3m apart. These were identified as the remains of the canal approach to Broadstone Harbour located to the southwest of the former Broadstone station terminal building. The southern wall measured 1.9m in width and was faced with roughly hammer dressed ashlar limestone masonry. Sherds of post-medieval pottery were retrieved from the contexts surrounding the wall. A possible slipway associated with the canal, a shallow wooden plank revetment and a mortared flagstone surface, was also identified.

Seven slit trenches were excavated within the forecourt of the old Broadstone MGWR Railway Terminus ('the Broadstone building') and within the Dublin Bus Phibsborough Depot at Constitution Hill (Bolger, Licence Ref.: 12E0310ext, Bennett 2012:202). Testing was carried out to assess the location, condition and extent of the canal and harbour walls and any associated structures. Structural remains were identified in two trenches and taking into account the 2010 results, Bolger suggested that substantial sections of the original canal channel walls remain *in situ* to the east of the main entrance to the Broadstone building. No indications of any *in situ* structural remains were identified within the trenches located to the west of the main entrance of the Broadstone building. Significantly, the southern limit of the canal channel was not encountered during trenching. As such the exact location, character and condition of this section of the canal channel remain unconfirmed. Any stone elements that may originally have lined the sides of the harbour may have been deliberately removed. Bolger noted the high potential that any scuttled or sunk canal vessels left *in situ*

during the demolition or decommissioning of the canal spur line and harbour may be preserved at the site.

The western pedestrian walkway of the Foster Aqueduct was uncovered during the course of excavations at Constitution Hill, c 80m to the north of the proposed development area. The aqueduct was originally built to allow the Broadstone Branch of the Royal Canal pass over Constitution Hill to access the Broadstone Harbour. After the canal branch went out of use the former aqueduct facilitated access to the MGWR terminus at Broadstone until it was demolished during road realignment in the 1950s (O'Dowd, Licence Ref: 14E0005, Bennett 2015:323).

Structural remains of the side walls of the Midland Great Western Railway cutting and the boundary wall of St Brendan's Hospital in Grangegorman were identified during monitoring works, c. 120m to the northwest (O'Donovan Licence Ref: 11E0459, Bennett 2012:199). The latter trenches were excavated abutting the boundary wall between the hospital complex and the Dublin Bus Phibsborough Depot. In all instances these remains dated from the late 18th and 19th centuries.

An underground basement was identified, c. 190m northeast at Dominick Street during monitoring of SI pits for the Metro North (Collins, Licence Ref: 09E0537, Bennett 2009:279). At c. 0.95m below the footpath, a mortared brick structure was encountered with a hole revealing a void underneath measuring 1.7m. The structure appeared to be an intact (barrel?) vault from one of the original Georgian (18th-century) houses that lined the street. The presence of the vault would suggest that construction of the Dominick Street flats left the basements under the footpath sealed and intact. A piece of post-medieval (17th-century) pottery was also identified at the site of the proposed Broadstone station, c. 50m north of the proposed development. A possible underground basement was identified at the Mater Hospital. No other archaeological features were identified and no new areas of archaeological potential were identified.

3.3 CARTOGRAPHIC ANALYSIS

Down Survey map of the Barony of Coolock (1655)

The Bradogue River is shown on this map and is named Canoc's Stream as discussed in section 3.1.3.

Bernard de Gomme, The City and Suburbs of Dublin, 1673 (Figure 3)

The thoroughfare that would become Constitution Hill/Church Street is shown on this map leading northwards from the Liffey through the area of Oxmanstown and Church Street, which is shown as blocks divided between streets and lanes. In the area of the proposed development, the road traverses what is depicted as an open, presumably agricultural area and is annotated as 'Finglas Road.' No buildings or discernible plots/fields are visible in this area.

John Rocque's Map of the City and County of Dublin, 1756 (Figure 4)

Rocque shows dwellings along the entire street frontage along both sides of what is now Constitution Hill (discussed above in section 3.1.4). An unusual difference is evident in the layout of dwellings on the east and west sides of the thoroughfare. The houses on the eastern side are shown laid out evenly with neat garden plots extending to the rear. The houses on the western side are densely packed together with few garden plots evident. The majority of the houses are accessed from extremely narrow east-west running lanes and some are so small they must represent single roomed dwellings. It is possible that houses are located within older plots that may once have formed burgages fronting onto the road and that were later filled up with houses. The field divisions and planting shown by Rocque to the west of these plots are at variance with the larger, more homogenous fields shown in the wider area and would seem to fit with this suggestion. These plots may therefore represent fossilized remnants of a medieval settlement associated with Glasmanogue; however, this is not conclusive. Agricultural lands and orchards are located to the rear of these properties. The site of the Broadstone Branch and Harbour is illustrated on Rocque's 1756 map as predominantly comprising open pasture land to the east and west of the road annotated 'Broad Stone'.

Wide Streets Commission Map of 1791 (Figure 5)

A Wide Streets Commission map of 1791 shows detailed plans for the Broadstone canal harbour immediately to the west of the proposed development area. Although these works had not been constructed at this time, subsequent mapping shows that the plans were followed closely. The proposed layout of the harbour is shown in great detail as an elongated rectangular harbour with four mooring docks on the eastern side. The proposals show the intention to construct a series of stores around the western side of the harbour with a market house on the eastern side. Proposed market areas for selling flour, oats, timber, turf, corn and other goods are also shown on the harbour's east side. A wide street named 'Prebend Street' is shown running to the rear of two square residential blocks fronting 'Constitution Hill.' This is the earliest record of the use of the name Constitution Hill for this area. Two wide east-west running lanes link Prebend Street to Constitution Hill. An area of 'Dung Hills' is shown towards the northern side of the proposed development area. No detail of the plots or houses fronting Constitution Hill is shown.

William Faden, a plan of the City of Dublin 1797 (Figure 6)

This map shows the Broadstone Harbour in place, corresponding to the planned outline in the Wide Streets Commission mapping. The widened lanes leading from the harbour through the proposed development area to Constitution Hill are shown but not named. Three blocks of buildings fronting Constitution Hill in the location of the proposed development area are shown with returns projecting from the rear, though individual plots are not discernible.

Ordnance Survey Map, 1847, scale 1:1,560 (Figure 7)

The individual houses and plots making up the residential blocks in the earlier maps are visible here fronting Constitution Hill. Four wide lanes are shown running east-west from Prebend Street to Constitution Hill and these are also lined with small

terraces of houses. Two of the lanes are named - ‘Thomas’ Lane’ and ‘Nugents’ Lane’. The housing appears dense with much of the rear plots developed also, somewhat reminiscent of the earlier layout shown on Rocque.

Ordnance Survey Map, 1866, scale 1:1,560 (Figure 8)

The layout and density of housing haven’t substantially changed on this map. All of the east-west running lanes are now named with ‘Shaw’s Lane’ and ‘Farrell’s Lane’ added. Broadstone Harbour has been infilled and a large compound with railway lines, train sheds, a large workshop, a turntable and other associated buildings has been established on the site immediately east of the proposed development area.

Ordnance Survey Map, 1912, scale 1:2,500 (Figure 9)

Despite the passage of several decades, there are no substantial changes to note on this mapping.

Ordnance Survey Map, 1953, scale 1:10,560 (Figure 10)

Significant clearance of some of the housing is evident on this map with large areas of the residential blocks fronting Constitution Hill shown as empty yards.

3.4 CITY DEVELOPMENT PLAN

The Dublin City Development Plan (2016–2022) and Draft (2022-2028) recognises the statutory protection afforded to all Record of Monuments and Places (RMP) sites under the National Monuments Legislation (1930–2014). The development plan lists a number of aims and objectives in relation to archaeological heritage (Appendix 2). It is a policy of the Dublin City Development Plan (2016–2022) and Draft (2022-2028) to promote the in-situ preservation of archaeology as the preferred option where development would have an impact on buried artefacts. Where preservation in situ is not feasible, sites of archaeological interest shall be subject to archaeological investigations and recording in line with best practice, in advance of redevelopment.

The majority of the proposed development area is located within the zone of archaeological potential that surrounds the City of Dublin, which is a recorded monument (DU018-020). There are nine further sub constraints within 250m of the site (Table 1; Figure 1; Appendix 1). The nearest sub constraint occurs 150m west at Henrietta Street and comprises a house within a terrace constructed in the mid-18th century.

TABLE 1: Recorded Archaeological Sites

RMP NO.	LOCATION	CLASSIFICATION	DISTANCE TO SCHEME
DU018-020	Dublin North City	Historic Town	c. 0m
DU018-020518	Dublin North City	House - indeterminate date	c. 150m east
DU018-020517	Dublin North City	House - indeterminate date	c. 160m east
DU018-020516	Dublin North City	House - indeterminate date	c. 180m east
DU018-020515	Dublin North City	House - indeterminate date	c. 190m east
DU018-020534	Dublin North City	House - indeterminate date	c. 200m east
DU018-020822	Dublin North City	Graveyard	c. 240m southeast

DU018-020986	Dublin North City	Gallows	c. 240m southeast
DU018-303	Dublin North City	Burial	c. 240m southeast
DU018-020566	Dublin North City	Watercourse	c. 250m southeast

3.5 TOPOGRAPHICAL FILES OF THE NATIONAL MUSEUM OF IRELAND

Information on artefact finds from the study area in County Dublin has been recorded by the National Museum of Ireland since the late 18th century. Location information relating to these finds is important in establishing prehistoric and historic activity in the study area. No artefact finds have been made within the proposed development area nor within 100m of the site. Two finds are recorded from within 250m of the proposed development.

MUSEUM NO	IA/133/92
LOCATION	Carmichael House, North Brunswick Street, Dublin
FIND	Human Remains
FIND PLACE	Beneath the floor of a house, during restoration.
DESCRIPTION	Human remains
REFERENCE	NMI Topographical Files

MUSEUM NO	Record only
LOCATION	Henrietta Street, Dublin
FIND	Human Skull
FIND PLACE	Discovered during site clearance in 1937
DESCRIPTION	Human Skull
REFERENCE	NMI Topographical Files

3.6 AERIAL PHOTOGRAPHIC ANALYSIS

Inspection of the aerial photographic coverage of the proposed development area held by the Ordnance Survey (1995–2013), Google Earth (2008–2022) and Bing Maps (2022) confirmed the presence of three large blocks of flats on the site from at least 1995. No previously unrecorded sites or areas of archaeological potential were noted due to the urban nature of the landscape.

3.7 DUBLIN CITY INDUSTRIAL HERITAGE RECORD

A review of this record has shown that there are nine sites included within the DCIHR within 250m of the proposed development area (Table 2, Figure 11). Whilst a number of these sites or structures survive in the landscape today, others have been removed above ground.

TABLE 2: DCIHR Sites in the vicinity of the proposed development area

CLASSIFICATION	LOCATION	UPSTANDING REMAINS	DISTANCE TO DEVELOPMENT
Turn Table	Dublin North City	No	c. 34m west
Royal Canal Harbour	Dublin North City	No trace of harbour	c. 51m northwest

CLASSIFICATION	LOCATION	UPSTANDING REMAINS	DISTANCE TO DEVELOPMENT
		survives above ground.	
Goods Store	Dublin North City	Substantial remains	c. 64m west
Foster Aqueduct; Draw Bridge	Dublin North City	No	c. 106m north
Laundry	Dublin North City	Substantial remains	c. 165m east
Broadstone Park; and Children's Playground	Dublin North City	Substantial remains	c. 168m north-northeast
Broadstone Terminus; {Midland Great Western Railway}	Dublin North City	Substantial remains	c. 169m north-northwest
Engine Shed	Dublin North City	No	c. 206m northwest
Printing Works	Dublin North City	Substantial remains	c. 242m east-southeast

3.8 FIELD INSPECTION

The field inspection sought to assess the site, its previous and current land use, the topography and any additional information relevant to the report. During the course of the field investigation the proposed development site and its surrounding environs were inspected (Figure 1).

The site consists of three blocks of Dublin Corporation flats oriented roughly north-south along the western side of Constitution Hill (Plate 1). Access into them is from the west via Catherine Lane to the south or Prebend Street to the north (Plate 2). Resident's parking and a children's playground are also situated on this side of the building. Tarmac surfacing covered the majority of the ground around the buildings. Modern brick and concrete block walls as well as steps and ramps were also present (Plate 3). Several manholes and drain covers indicated the presence of services beneath street level (Plates 4 – 7).

The eastern road frontage of the buildings along Constitution Hill is landscaped with grass and enclosed within black cast iron railings (Plate 8). These are set back from the footpath below accommodating more grass and semi-mature trees (Plate 9). The only other notable pieces of street furniture observed on site were two black-painted cast iron bollards at the western edge of the playground (Plates 9 and 10).

The proposed development area has been subject to disturbance resulting from the construction of the flats. No previously unrecorded sites or areas of archaeological potential were noted during the inspection.

4 CONCLUSIONS

The overall archaeological assessment has illustrated that the proposed development area is located close to a fording point of the Bradogue River, on elevated ground that once would have commanded views over the River Liffey. Such a location may have attracted activity in prehistory, although no such sites are known from the surrounding area.

The majority of the proposed development area is located within the zone of archaeological potential that surrounds the City of Dublin, which is a recorded monument (DU018-020). There are nine further sub constraints within 250m of the site, the closest of which is c. 150m west at Henrietta Street and comprises a house within a terrace constructed in the mid-18th century.

In the early medieval period, the proposed development area would have fronted onto an established road way leading from an important fording point of the Liffey to the south towards the significant ecclesiastical foundation of Finglas to the north. In the later medieval period, it is likely that a settlement grew up at the fording point and was known as Glasmanogue – potentially linked to the *Gilla Mo Cholmoc* family. Some residual elements of this settlement may be fossilised in the plot boundaries shown on the mid-18th century mapping.

Extensive groundworks and redevelopment of the area immediately west of the proposed development area were undertaken in the later 18th century when the Broadstone Harbour was constructed. A number of wide lanes were opened through the proposed development area to allow access from the harbour to Constitution Hill. This changed the layout of the residential plots to some extent, though these appear to have remained cramped and densely packed into the resulting blocks up until the 1950s when demolition and clearance of the plots took place.

There have been numerous archaeological investigations undertaken in the immediate surrounds of the proposed development area – largely associated with the Luas works to the north. Fragmentary remains of 18th and 19th century foundations and cellars were identified immediately north of the proposed development area and extensive evidence for the infrastructure associated with the Broadstone canal and harbour have also been uncovered. No archaeology of medieval or prehistoric date has been identified in the immediate vicinity.

While the construction of the flats in the mid-20th century is likely to have had a significant impact upon any subsurface archaeology that survived in this area, there remains potential for archaeological remains to survive below the ground surface across the site. It is expected that foundations, cellars, street surfaces and plot boundaries along with associated wells, cess pits and industrial features are likely to survive, although in truncated form, along Constitutional Hill and, similarly to the rear of the site along the Prebend Street frontage. The site is considered to possess moderate archaeological potential.

5 IMPACT ASSESSMENT AND MITIGATION STRATEGY

Impacts can be identified from detailed information about a project, the nature of the area affected and the range of archaeological resources potentially affected. Archaeological sites can be affected adversely in a number of ways: disturbance by excavation, topsoil stripping; disturbance by vehicles working in unsuitable conditions; and burial of sites, limiting access for future archaeological investigation. Upstanding archaeology can be affected adversely by direct damage or destruction arising from development, from inadvertent damage arising from vibration, undermining etc. and also by indirect impacts to a building's visual setting, view or curtilage.

5.1 IMPACT ASSESSMENT

- Whilst it is acknowledged that the proposed development area has been subject to disturbance due to the construction of the relatively recent flats, it is not clear how that disturbance may have affected the potential archaeological resource. It is possible that excavation and groundworks associated with the installation of new foundations and associated services for the proposed structures in the northern and western portions of the site have the potential to impact upon archaeological deposits, features and/or structures that may survive beneath the current ground level.
- Additional upgrade works and landscaping along the Constitutional Hill side of the site and between the flats themselves may be an adverse impact on previously unrecorded archaeological feature or deposits that have the potential to survive beneath the current ground level.

5.2 MITIGATION

- It is recommended that all ground disturbances associated with the proposed development be monitored by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation *in-situ* or by record. Any further mitigation will require approval from the National Monuments Service of the DoHLGH and the Dublin City Archaeologist.

It is the developer's responsibility to ensure full provision is made available for the resolution of any archaeological remains, both on site and during the post excavation process, should that be deemed the appropriate manner in which to proceed.

Please note that all recommendations are subject to approval by the National Monuments Service of the Heritage and Planning Division, Department of Housing, Local Government and Heritage and the Dublin City Archaeologist.

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Charles Brooking, *A Map of the City and Suburbs of Dublin*, 1728

John Rocque's *Exact Survey of the city and suburbs of Dublin*, 1756

Wide Streets Commission Map of Broadstone Harbour, 1791

William Faden *A plan of the city of Dublin*, 1797

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www.excavations.ie – Summary of archaeological excavation from 1970–2022.

www.archaeology.ie – DoHLGH website listing all SMR/RMP sites.

www.heritagemaps.ie – The Heritage Council web-based spatial data viewer which focuses on the built, cultural and natural heritage.

www.googleearth.com – Satellite imagery of the proposed development area.

www.bing.com– Satellite imagery of the proposed development area

www.booksulster.com/library/plnm/placenamesC.php - Contains the text from Irish Local Names Explained by P.W Joyce (1870).

www.logainm.ie –Placenames Database of Ireland launched by Fiontar agus Scoil na Gaelige and the DoHLGH.

APPENDICES

APPENDIX 1 SMR/RMP SITES WITHIN THE SURROUNDING AREA

SMR NO.	DU018-020
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	Various
I.T.M.	Various
CLASSIFICATION	Historic town
DIST. FROM DEVELOPMENT	Site partially within the zone of archaeological potential
DESCRIPTION	Zone of archaeological potential surrounding the historic City of Dublin.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020518
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	Henrietta Street
I.T.M.	715117,735028
CLASSIFICATION	House - indeterminate date
DIST. FROM DEVELOPMENT	150m east
DESCRIPTION	18 th century house.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020517
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	Henrietta Street
I.T.M.	715132,735023
CLASSIFICATION	House - indeterminate date
DIST. FROM DEVELOPMENT	160m east
DESCRIPTION	18 th century house.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020516
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	Henrietta Street
I.T.M.	715151,735010
CLASSIFICATION	House - indeterminate date
DIST. FROM DEVELOPMENT	180m east
DESCRIPTION	18 th century house.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020515
RMP STATUS	Not scheduled for inclusion in the next revision of the RMP
LOCATION	Henrietta Street
I.T.M.	715177,735000
CLASSIFICATION	House - indeterminate date
DIST. FROM DEVELOPMENT	190m east
DESCRIPTION	No information available
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020534
RMP STATUS	Not scheduled for inclusion in the next revision of the RMP
LOCATION	Henrietta Street
I.T.M.	715191,734992
CLASSIFICATION	House - indeterminate date
DIST. FROM DEVELOPMENT	200m east
DESCRIPTION	18 th century house.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020822
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	King Street North
I.T.M.	715121,734750
CLASSIFICATION	Graveyard
DIST. FROM DEVELOPMENT	240m southeast
DESCRIPTION	No information on file.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020986
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	King Street North
I.T.M.	715114,734745
CLASSIFICATION	Gallows
DIST. FROM DEVELOPMENT	240m southeast
DESCRIPTION	No information on file.
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-303
RMP STATUS	Not scheduled for inclusion in the next revision of the RMP

LOCATION	King Street North
I.T.M.	715123,734747
CLASSIFICATION	Burial
DIST. FROM DEVELOPMENT	240m southeast
DESCRIPTION	In 1976 human remains were discovered during works on the site of Newgate prison. The remains were scattered over an area 3m by 5m (D 0.20-0.30m). The human remains (1976:610) were mixed with bits of sewer pipe, glass and brick of 19th century date. The bones were found to represent the remains of an adult male of small build, aged 20-30 years, and a number of bones of a child aged 2-3 years. Further human remains were discovered with pottery and tiles of nineteenth-century date (NMI, Cahill & Sikora 2011, 469).
REFERENCE	www.archaeology.ie/ SMR file

SMR NO.	DU018-020566
RMP STATUS	Scheduled for inclusion in the next revision of the RMP
LOCATION	Dublin North City
I.T.M.	715057,734677
CLASSIFICATION	Watercourse
DIST. FROM DEVELOPMENT	250m southeast
DESCRIPTION	No information on file.
REFERENCE	www.archaeology.ie/ SMR file

APPENDIX 2 LEGISLATION PROTECTING THE ARCHAEOLOGICAL RESOURCE

PROTECTION OF CULTURAL HERITAGE

The cultural heritage in Ireland is safeguarded through national and international policy designed to secure the protection of the cultural heritage resource to the fullest possible extent (Department of Arts, Heritage, Gaeltacht and the Islands 1999, 35). This is undertaken in accordance with the provisions of the *European Convention on the Protection of the Archaeological Heritage* (Valletta Convention), ratified by Ireland in 1997.

THE ARCHAEOLOGICAL RESOURCE

The *National Monuments Act 1930 to 2014* and relevant provisions of the *National Cultural Institutions Act 1997* are the primary means of ensuring the satisfactory protection of archaeological remains, which includes all man-made structures of whatever form or date except buildings habitually used for ecclesiastical purposes. A National Monument is described as ‘a monument or the remains of a monument the preservation of which is a matter of national importance by reason of the historical, architectural, traditional, artistic or archaeological interest attaching thereto’ (National Monuments Act 1930 Section 2). A number of mechanisms under the National Monuments Act are applied to secure the protection of archaeological monuments. These include the Register of Historic Monuments, the Record of Monuments and Places, and the placing of Preservation Orders and Temporary Preservation Orders on endangered sites.

OWNERSHIP AND GUARDIANSHIP OF NATIONAL MONUMENTS

The Minister may acquire national monuments by agreement or by compulsory order. The state or local authority may assume guardianship of any national monument (other than dwellings). The owners of national monuments (other than dwellings) may also appoint the Minister or the local authority as guardian of that monument if the state or local authority agrees. Once the site is in ownership or guardianship of the state, it may not be interfered with without the written consent of the Minister.

REGISTER OF HISTORIC MONUMENTS

Section 5 of the 1987 Act requires the Minister to establish and maintain a Register of Historic Monuments. Historic monuments and archaeological areas present on the register are afforded statutory protection under the 1987 Act. Any interference with sites recorded on the register is illegal without the permission of the Minister. Two months’ notice in writing is required prior to any work being undertaken on or in the vicinity of a registered monument. The register also includes sites under Preservation Orders and Temporary Preservation Orders. All registered monuments are included in the Record of Monuments and Places.

PRESERVATION ORDERS AND TEMPORARY PRESERVATION ORDERS

Sites deemed to be in danger of injury or destruction can be allocated Preservation Orders under the 1930 Act. Preservation Orders make any interference with the site

illegal. Temporary Preservation Orders can be attached under the 1954 Act. These perform the same function as a Preservation Order but have a time limit of six months, after which the situation must be reviewed. Work may only be undertaken on or in the vicinity of sites under Preservation Orders with the written consent, and at the discretion, of the Minister.

RECORD OF MONUMENTS AND PLACES

Section 12(1) of the 1994 Act requires the Minister for Arts, Heritage, Gaeltacht and the Islands (now the Minister for the Department of Housing, Local Government and Heritage) to establish and maintain a record of monuments and places where the Minister believes that such monuments exist. The record comprises a list of monuments and relevant places and a map/s showing each monument and relevant place in respect of each county in the state. All sites recorded on the Record of Monuments and Places receive statutory protection under the National Monuments Act 1994. All recorded monuments on the proposed development site are represented on the accompanying maps.

Section 12(3) of the 1994 Act provides that ‘where the owner or occupier (other than the Minister for Arts, Heritage, Gaeltacht and the Islands) of a monument or place included in the Record, or any other person, proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such a monument or place, he or she shall give notice in writing to the Minister of Arts, Heritage, Gaeltacht and the Islands to carry out work and shall not, except in case of urgent necessity and with the consent of the Minister, commence the work until two months after giving of notice’.

Under the National Monuments (Amendment) Act 2004, anyone who demolishes or in any way interferes with a recorded site is liable to a fine not exceeding €3,000 or imprisonment for up to 6 months. On summary conviction and on conviction of indictment, a fine not exceeding €10,000 or imprisonment for up to 5 years is the penalty. In addition, they are liable for costs for the repair of the damage caused.

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

THE PLANNING AND DEVELOPMENT ACT 2000

Under planning legislation, each local authority is obliged to draw up a Development Plan setting out their aims and policies with regard to the growth of the area over a five-year period. They cover a range of issues including archaeology and built heritage, setting out their policies and objectives with regard to the protection and enhancement of both. These policies can vary from county to county. The Planning and Development Act 2000 recognises that proper planning and sustainable

development includes the protection of the archaeological heritage. Conditions relating to archaeology may be attached to individual planning permissions.

Dublin City Development Plan 2016–2022

It is the Policy of Dublin City Council:

CHC9: To protect and preserve National Monuments.

1. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
2. That where preservation in situ is not feasible, sites of archaeological interest shall be subject to 'preservation by record' according to best practice in advance of redevelopment.
3. That sites within Zones of Archaeological Interest will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.
4. That the National Monuments Service will be consulted in assessing proposals for development which relate to Monuments and Zones of Archaeological Interest.
5. To preserve known burial grounds and disused historic graveyards, where appropriate, to ensure that human remain are re-interred, except where otherwise agreed with the National Museum of Ireland.
6. That in evaluating proposals for development in the vicinity of the surviving sections of the city wall that due recognition be given to their national significance and their special character.
7. To have regard to the Shipwreck inventory maintained by the DAHG. Proposed developments that may have potential to impact on riverine, inter-tidal and sub-tidal environments shall be subject to an underwater archaeological assessment in advance of works.
8. To have regard to DAHG policy documents and guidelines relating to archaeology.

It is an Objective of Dublin City Council:

CHCO10:

1. To implement the archaeological actions of the Dublin City Heritage Plan 2002-6 in light of the Dublin City Heritage Plan Review 2012.

2. To prepare and implement conservation plans for National Monuments and Monuments in DCC care (City Walls, St Luke's Church, St James's Graveyard, St. Thomas's Abbey, St Canice's Graveyard etc).
3. To maintain, develop and promote the Dublin City Archaeological Archive (DCAA) at
4. Pearse Street Library and Archives.
5. To ensure the public dissemination of the findings of licensed archaeological activity in Dublin through the Dublin County Archaeology GIS.
6. To develop a long-term management plan to promote the conservation, management and interpretation of archaeological sites and monuments and to identify areas for strategic research.
7. To have regard to the city's industrial heritage and Dublin City Industrial Heritage Record (DCIHR) in the preparation of Local Area Plans (LAPs) and the assessment of planning applications and to publish the DCIHR online. To review the DCIHR in accordance with Ministerial recommendations arising from the national Inventory of Architectural Heritage (NIAH) survey of Dublin City and in accordance with the Strategic Approach set out in Section 11.1.4 of this Chapter
8. To promote awareness of, and access to, the city's archaeological inheritance and foster high-quality public archaeology.
9. To promote archaeological best practice in Dublin city.
10. To promote the awareness of the international significance of Viking Dublin and to support post-excavation research into the Wood Quay excavations 1962-81.
11. To develop a strategy for the former Civic Museum collection and for other collections of civic interest and importance.
12. To investigate the potential for the erection of Columbarium Walls.
13. To support the implementation of the Kilmainham Mill Conservation Plan.
14. Dublin City Council will seek to work with Diageo to undertake a more comprehensive industrial heritage survey of the constituent historic buildings within the Guinness Brewery complex at Saint James's Gate.
15. To implement and promote The Dublin Principles (ICOMOS, 2011) as guiding principles to assist in the documentation, protection, conservation and appreciation of industrial heritage as part of the heritage of Dublin and Ireland.

16. To continue to implement actions of the Saint Luke's Conservation Plan on the basis of funds available to conserve the monument, recover the graveyard, provide visitor access, improve visual amenity and secure an appropriate new use.

Dublin City Council Development Plan 2016-2022 (Draft)

It is the policy of Dublin City Council:

BHA26:

Archaeological Heritage

1. To protect and preserve Sites and Zones of Archaeological interest which have been identified in the Record of Monuments and Places and the Historic Environment Viewer (www.archaeology.ie).
2. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings, low impact foundation design, or the omission of basements (except in exceptional circumstances) in the Zones of Archaeological Interest.
3. To seek the preservation in situ (or where this is not possible or appropriate, as a minimum, preservation by record) of all archaeological monuments included in the Record of Monuments and Places, and of previously unknown sites, features and objects of archaeological interest that become revealed through development activity. In respect of decision making on development proposals affecting sites listed in the Record of Monuments and Places, the Council will have regard to the advice and/or recommendations of the Department of Housing, Heritage and Local Government.
4. Development proposals within Sites and Zones of Archaeological Interest, of sites over 0.5 hectares size and of sites listed in the Dublin City Industrial Heritage Record, will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.
5. To preserve known burial grounds and disused historic graveyards. Where disturbance of ancient or historic human remains is unavoidable, they will be excavated according to best archaeological practice and reburied or permanently curated.
6. Preserve the character, setting and amenity of upstanding and below ground town wall defences.
7. Development proposals in marine, lacustrine and riverine environments and areas of reclaimed land shall have regard to the Shipwreck Inventory

maintained by the Department of Culture, Heritage and the Gaeltacht and be subject to an appropriate level of archaeological assessment.

To have regard to national policy documents and guidelines relating to archaeology and to best practice guidance published by the Heritage Council, the Institute of Archaeologists of Ireland and Transport Infrastructure Ireland

APPENDIX 3 IMPACT ASSESSMENT AND THE CULTURAL HERITAGE RESOURCE

POTENTIAL IMPACTS ON ARCHAEOLOGICAL AND HISTORICAL REMAINS

Impacts are defined as ‘the degree of change in an environment resulting from a development’ (Environmental Protection Agency 2017). They are described as profound, significant or slight impacts on archaeological remains. They may be negative, positive or neutral, direct, indirect or cumulative, temporary or permanent.

Impacts can be identified from detailed information about a project, the nature of the area affected and the range of archaeological and historical resources potentially affected. Development can affect the archaeological and historical resource of a given landscape in a number of ways.

- Permanent and temporary land-take, associated structures, landscape mounding, and their construction may result in damage to or loss of archaeological remains and deposits, or physical loss to the setting of historic monuments and to the physical coherence of the landscape.
- Archaeological sites can be affected adversely in a number of ways: disturbance by excavation, topsoil stripping and the passage of heavy machinery; disturbance by vehicles working in unsuitable conditions; or burial of sites, limiting accessibility for future archaeological investigation.
- Hydrological changes in groundwater or surface water levels can result from construction activities such as de-watering and spoil disposal, or longer-term changes in drainage patterns. These may desiccate archaeological remains and associated deposits.
- Visual impacts on the historic landscape sometimes arise from construction traffic and facilities, built earthworks and structures, landscape mounding and planting, noise, fences and associated works. These features can impinge directly on historic monuments and historic landscape elements as well as their visual amenity value.
- Landscape measures such as tree planting can damage sub-surface archaeological features, due to topsoil stripping and through the root action of trees and shrubs as they grow.
- Ground consolidation by construction activities or the weight of permanent embankments can cause damage to buried archaeological remains, especially in colluviums or peat deposits.
- Disruption due to construction also offers in general the potential for adversely affecting archaeological remains. This can include machinery, site offices, and service trenches.

Although not widely appreciated, positive impacts can accrue from developments. These can include positive resource management policies, improved maintenance and access to archaeological monuments, and the increased level of knowledge of a site or historic landscape as a result of archaeological assessment and fieldwork.

PREDICTED IMPACTS

The severity of a given level of land-take or visual intrusion varies with the type of monument, site or landscape features and its existing environment. Severity of impact can be judged taking the following into account:

- The proportion of the feature affected and how far physical characteristics fundamental to the understanding of the feature would be lost;
- Consideration of the type, date, survival/condition, fragility/vulnerability, rarity, potential and amenity value of the feature affected;
- Assessment of the levels of noise, visual and hydrological impacts, either in general or site-specific terms, as may be provided by other specialists.

APPENDIX 4 MITIGATION MEASURES AND THE CULTURAL HERITAGE RESOURCE

POTENTIAL MITIGATION STRATEGIES FOR CULTURAL HERITAGE REMAINS

Mitigation is defined as features of the design or other measures of the proposed development that can be adopted to avoid, prevent, reduce or offset negative effects.

The best opportunities for avoiding damage to archaeological remains or intrusion on their setting and amenity arise when the site options for the development are being considered. Damage to the archaeological resource immediately adjacent to developments may be prevented by the selection of appropriate construction methods. Reducing adverse effects can be achieved by good design, for example by screening historic buildings or upstanding archaeological monuments or by burying archaeological sites undisturbed rather than destroying them. Offsetting adverse effects is probably best illustrated by the full investigation and recording of archaeological sites that cannot be preserved *in situ*.

DEFINITION OF MITIGATION STRATEGIES

ARCHAEOLOGICAL RESOURCE

The ideal mitigation for all archaeological sites is preservation *in situ*. This is not always a practical solution, however. Therefore, a series of recommendations are offered to provide ameliorative measures where avoidance and preservation *in situ* are not possible.

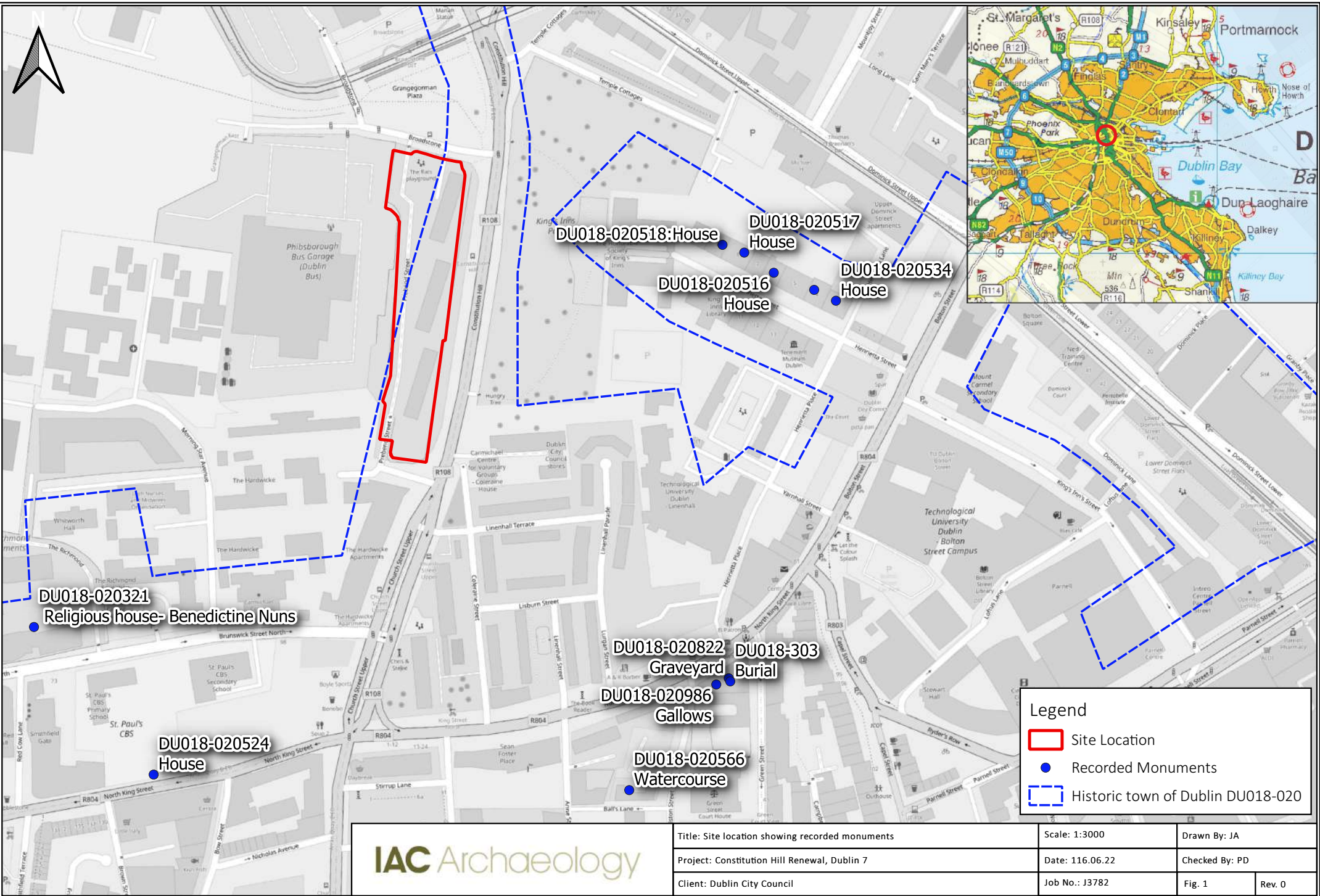
Archaeological Test Trenching can be defined as ‘a limited programme of intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site on land, inter-tidal zone or underwater. If such archaeological remains are present field evaluation defines their character, extent, quality and preservation, and enables an assessment of their worth in a local, regional, national or international context as appropriate’ (ClfA 2020a).

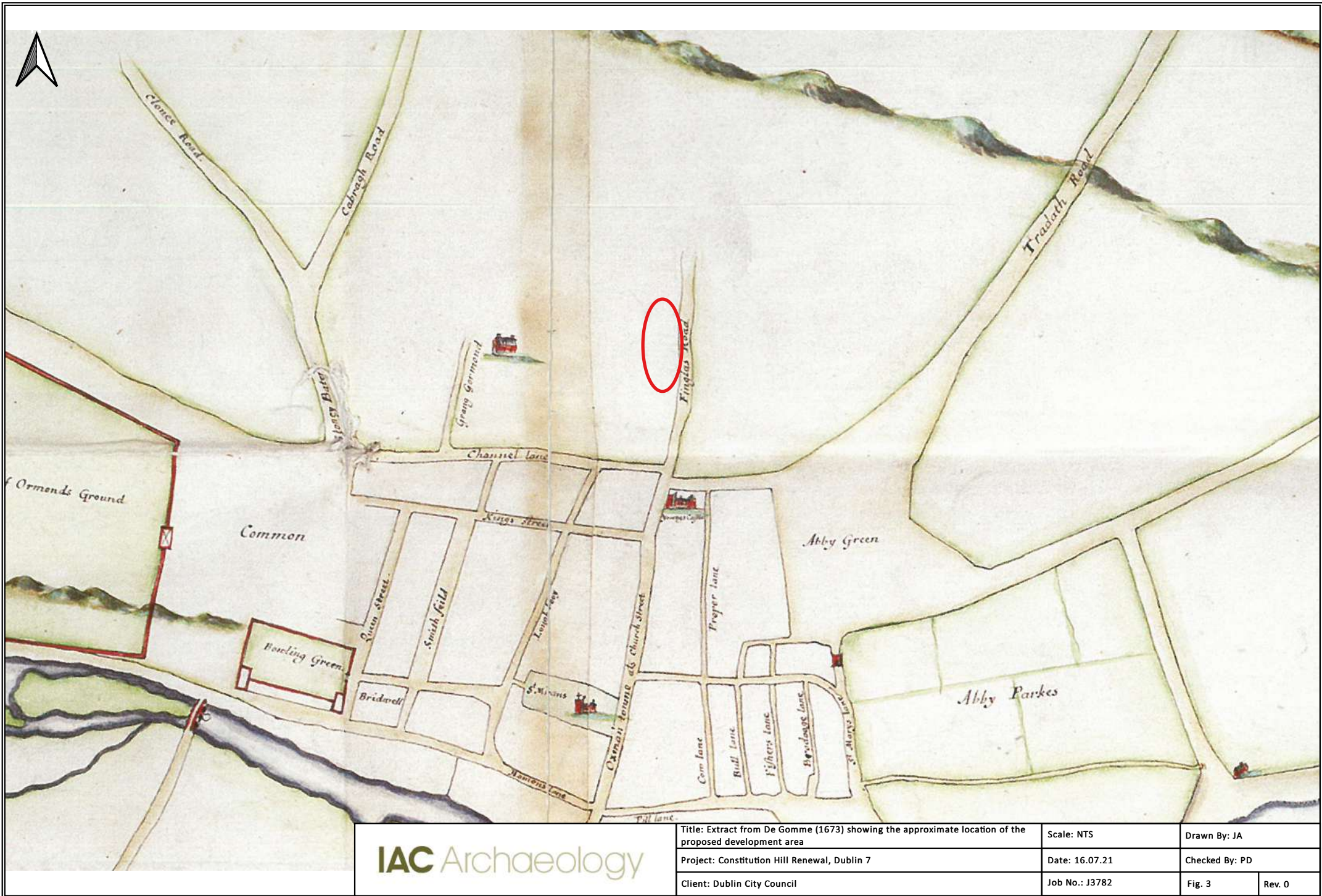
Full Archaeological Excavation can be defined as ‘a programme of controlled, intrusive fieldwork with defined research objectives which examines, records and interprets archaeological deposits, features and structures and, as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site on land, inter-tidal zone or underwater. The records made and objects gathered during fieldwork are studied and the results of that study published in detail appropriate to the project design’ (ClfA 2020b).

Archaeological Monitoring can be defined as ‘a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area or site on land, inter-tidal zone or underwater, where there is a possibility that archaeological deposits may be

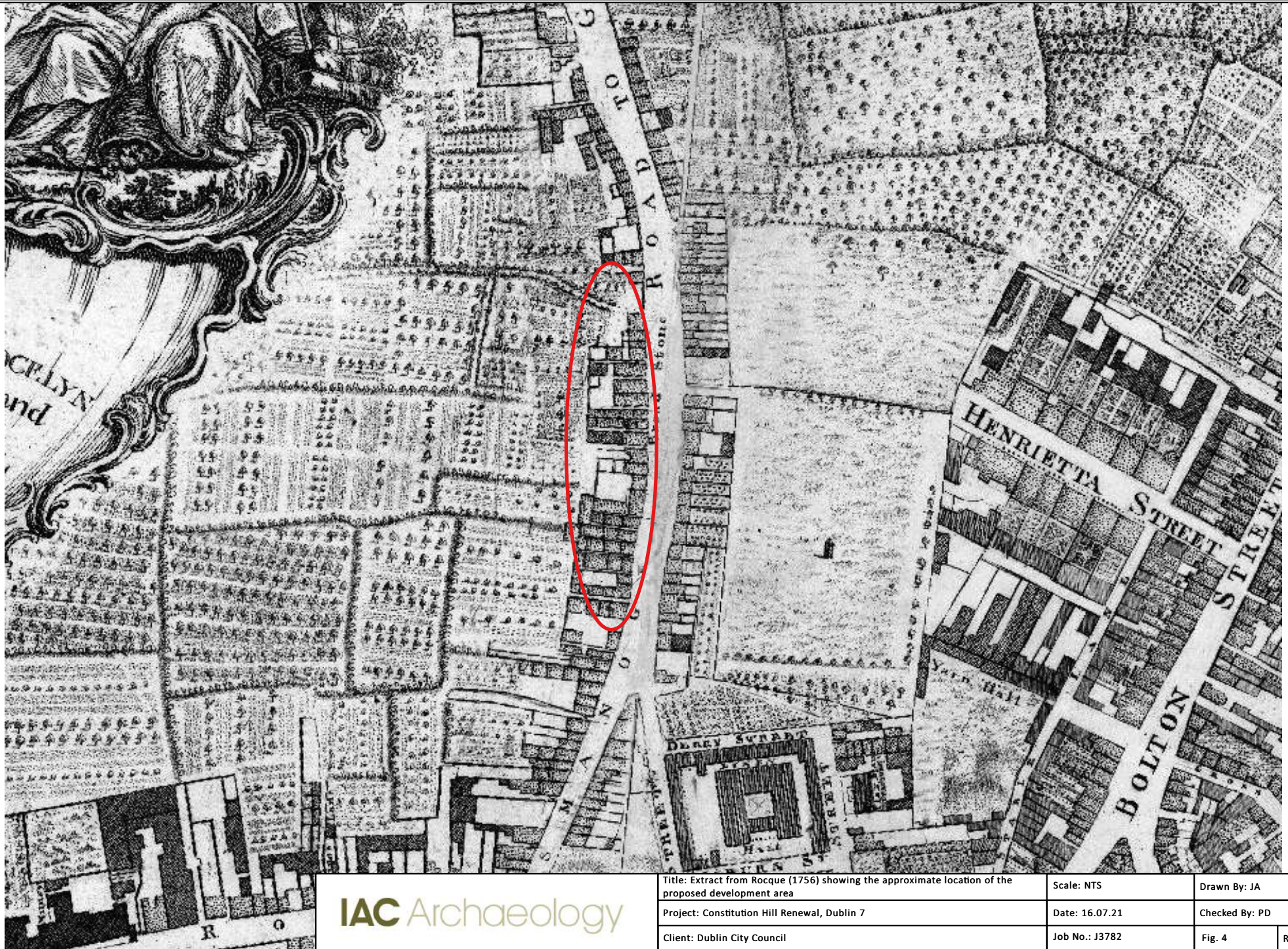
disturbed or destroyed. The programme will result in the preparation of a report and ordered archive (ClfA 2020c).

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





	Title: Extract from De Gomme (1673) showing the approximate location of the proposed development area		Scale: NTS	Drawn By: JA	
	Project: Constitution Hill Renewal, Dublin 7		Date: 16.07.21	Checked By: PD	
	Client: Dublin City Council		Job No.: J3782	Fig. 3	Rev. 0



IAC Archaeology

Title: Extract from Rocque (1756) showing the approximate location of the proposed development area

Scale: NTS

Drawn By: JA

Project: Constitution Hill Renewal, Dublin 7

Date: 16.07.21

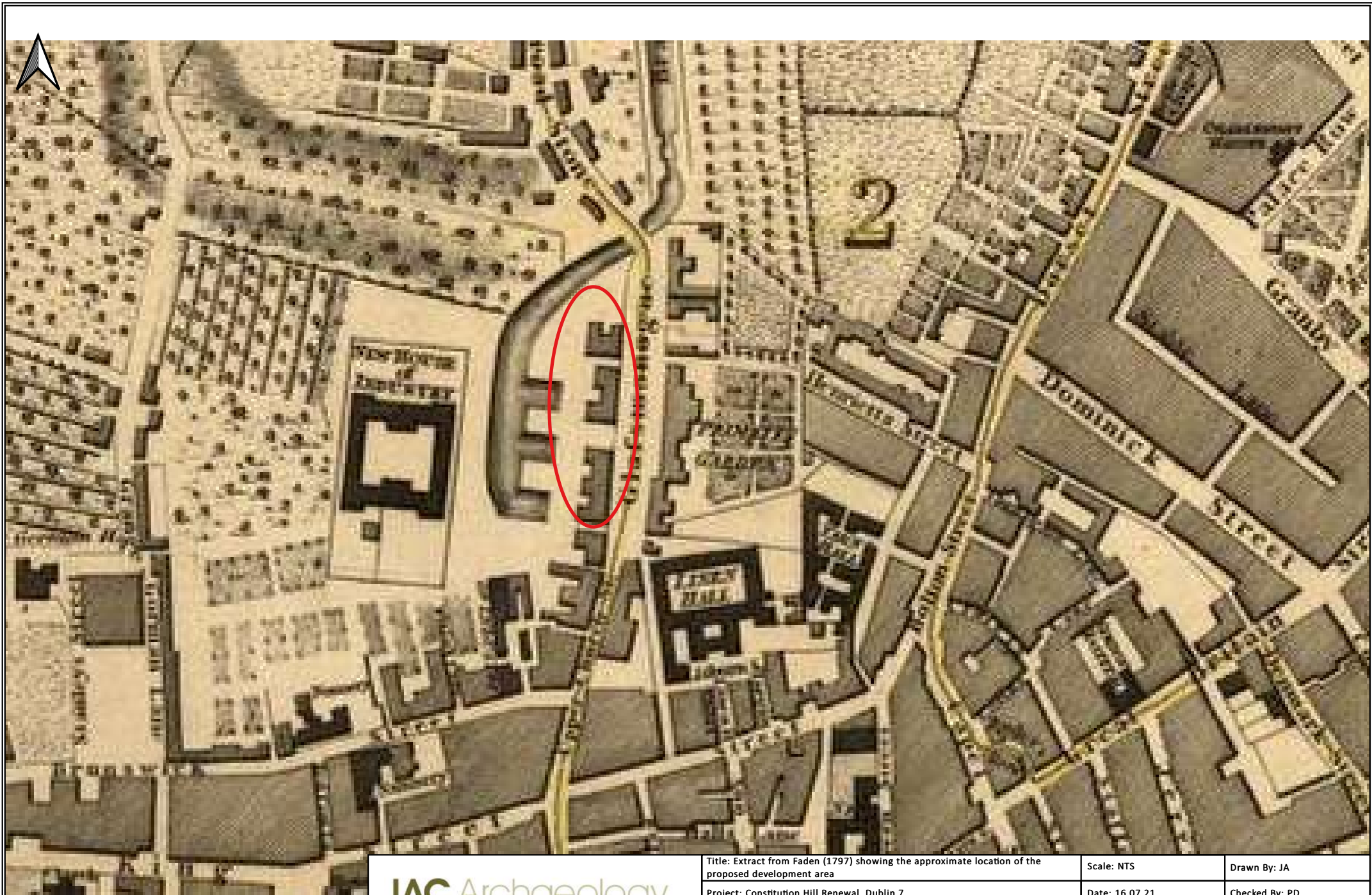
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Client: Dublin City Council

Job No.: J3782

Fig. 4

Rev. 0



IAC Archaeology

Title: Extract from Faden (1797) showing the approximate location of the proposed development area

Scale: NTS

Drawn By: JA

Project: Constitution Hill Renewal, Dublin 7

Date: 16.07.21

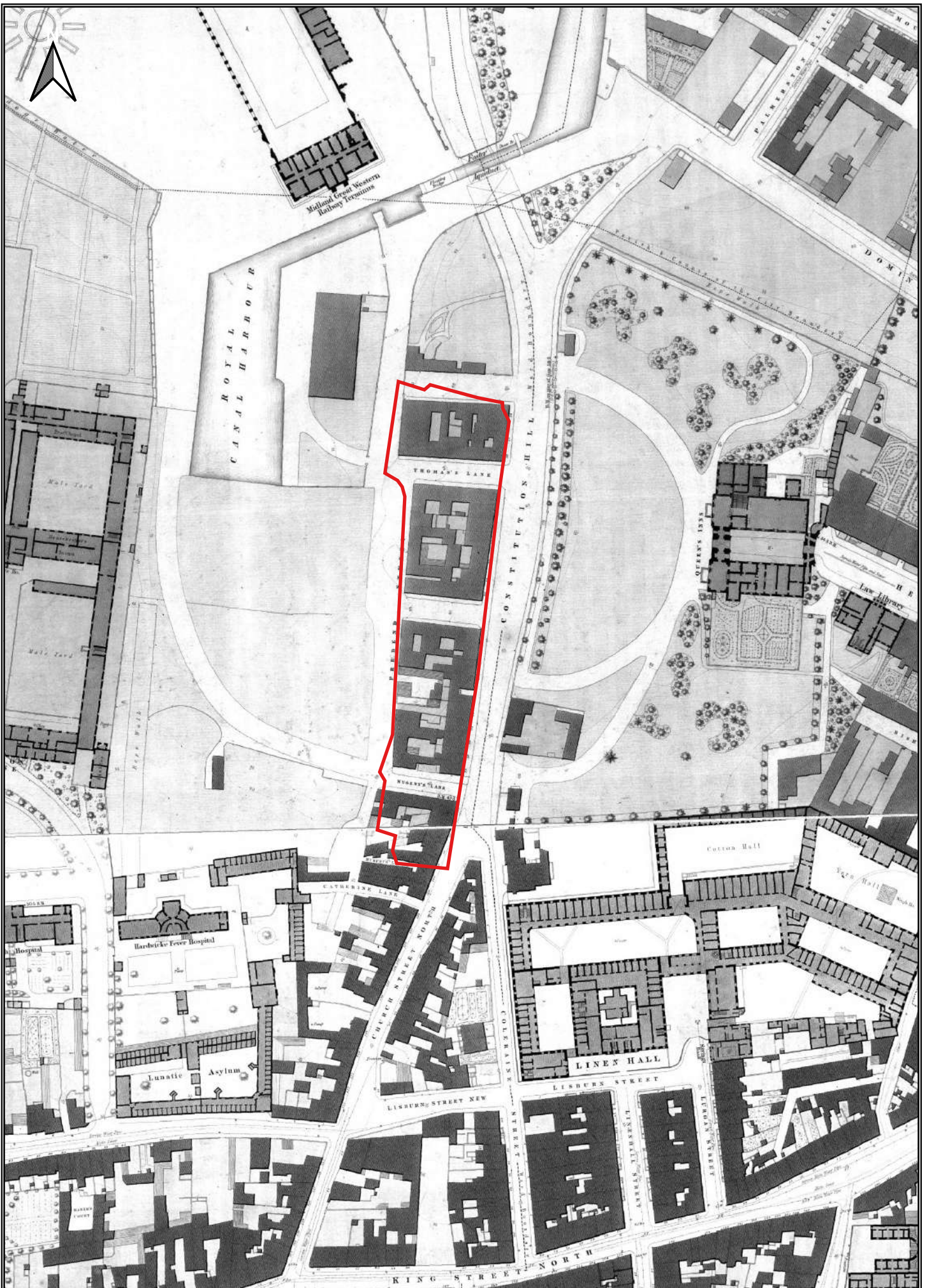
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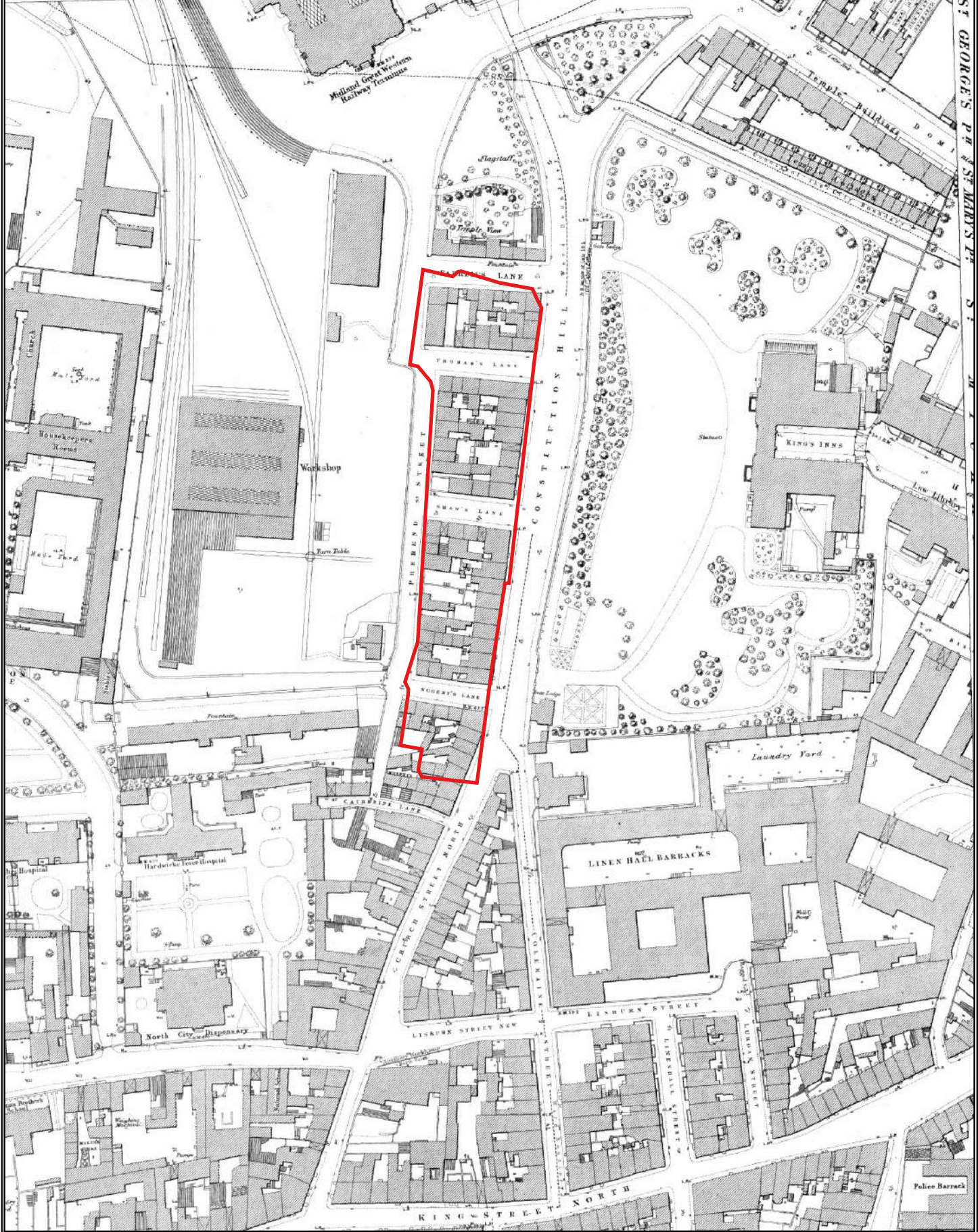
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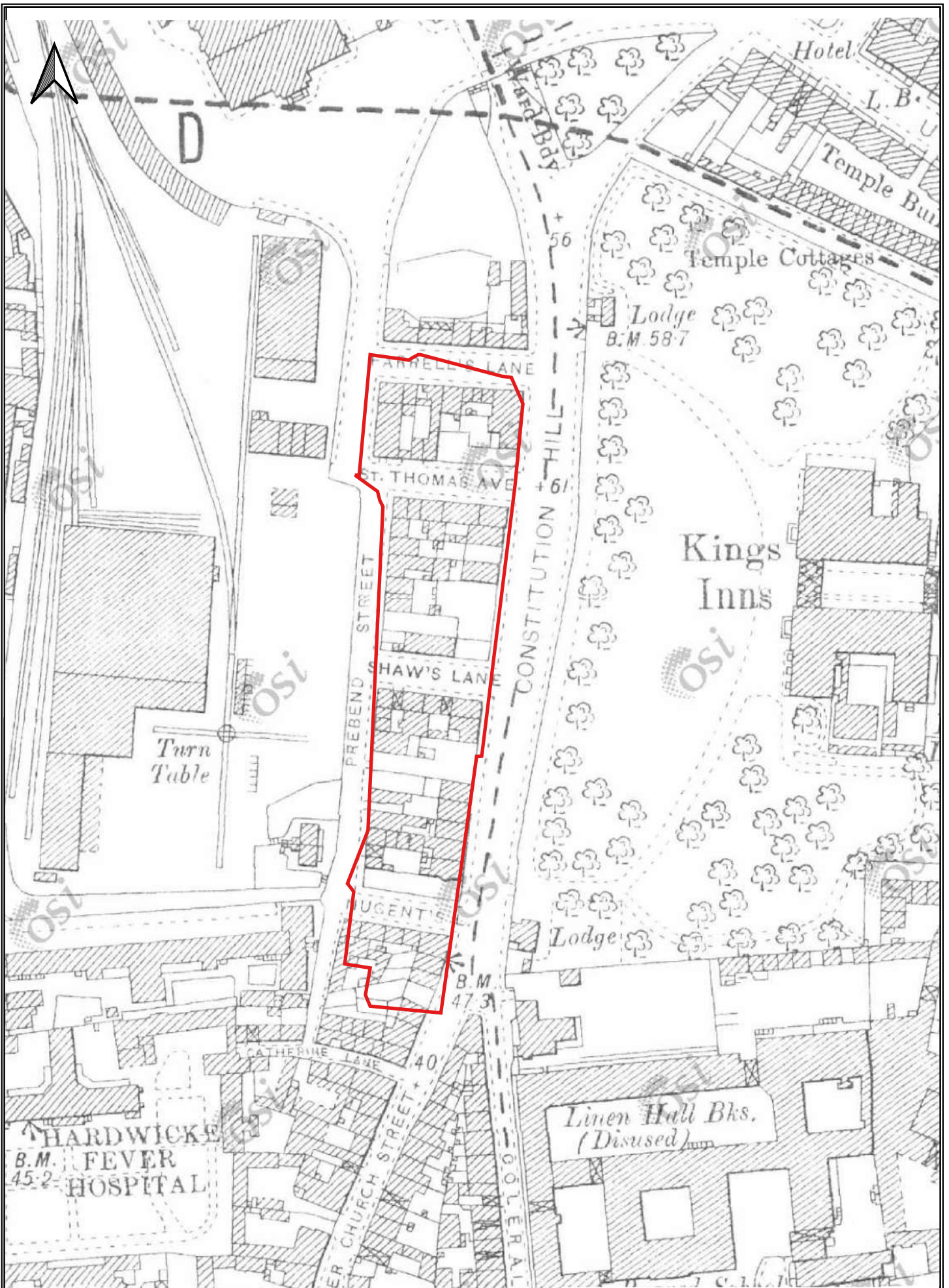
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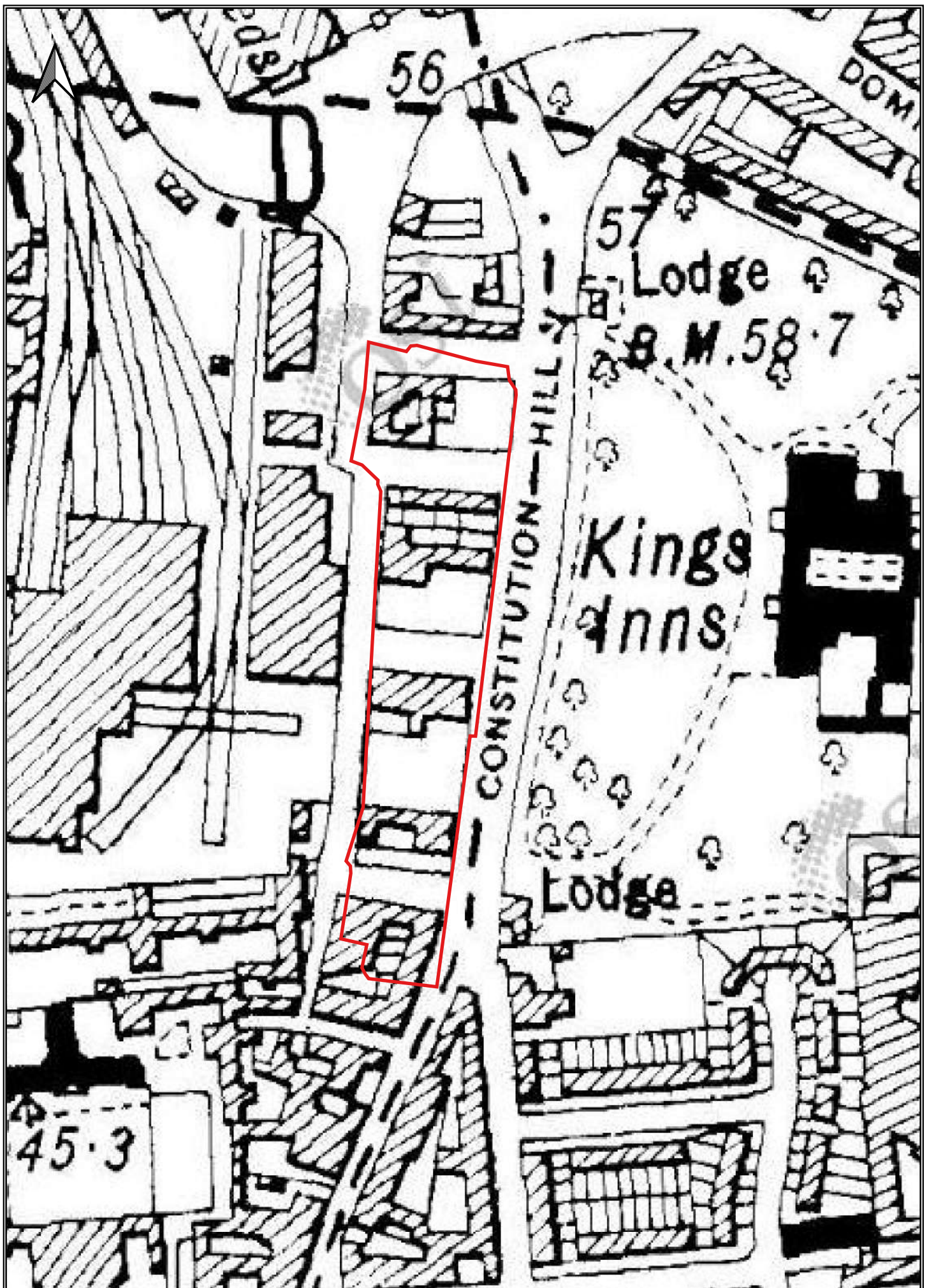
Fig. 6

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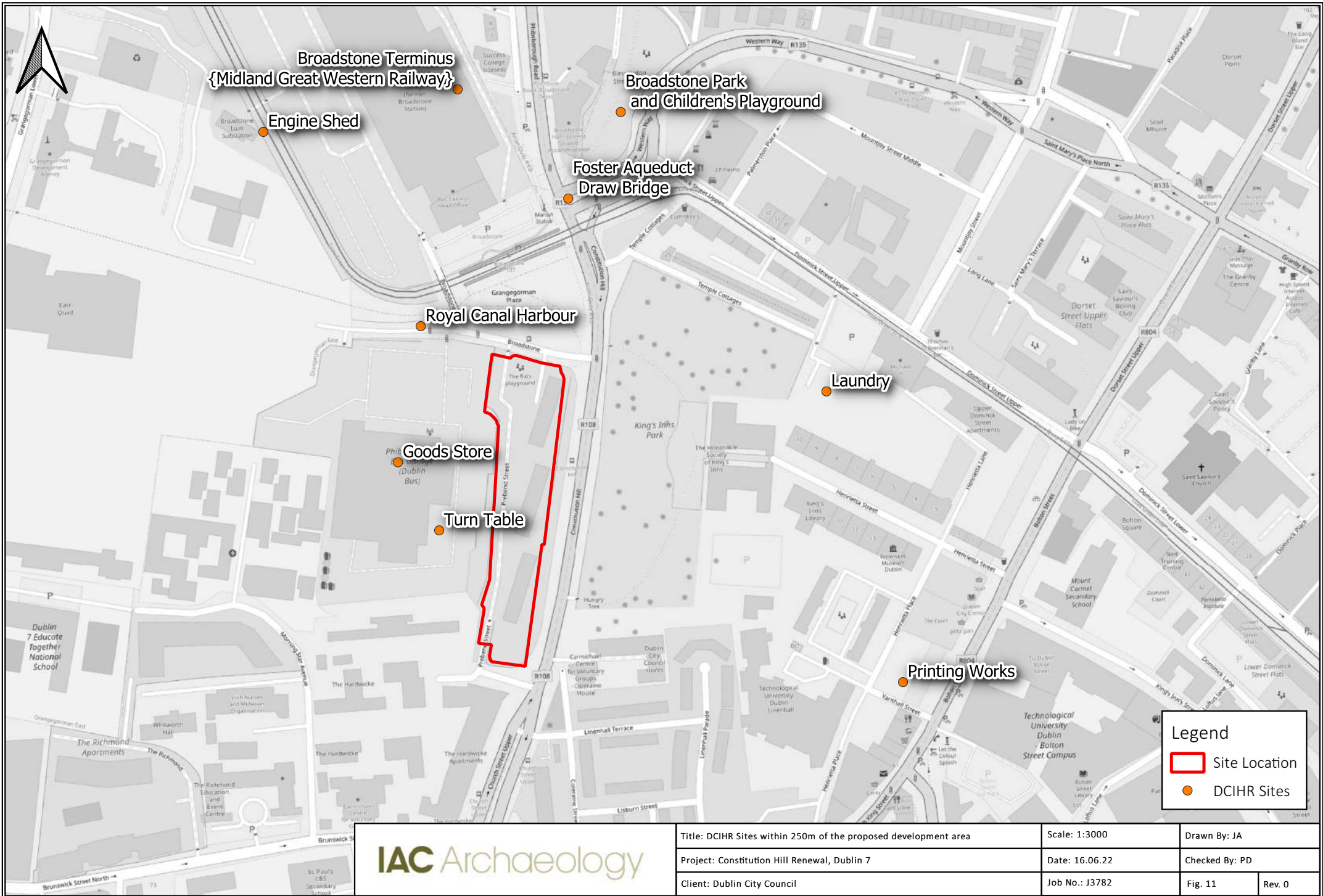




Plate 1 The three flat buildings from the northwest



Plate 2 Front (western side) of southern building, facing southeast



Plate 3 Southern end of southern building, facing north



Plate 4 One of manholes along front of the ground floor bedsits with cobbling, facing southeast



Plate 5 Manhole and drain in southern tarmacked area, facing northwest



Plate 6 Manhole at base of steps. Southern tarmacked area. Facing northwest



Plate 7 Front (western side) of northern building, facing northeast



Plate 8 Back (eastern side) of southern building along Constitution Hill, facing north



Plate 9 Bollard at entrance to playground, facing northeast



Plate 10 Bollard at southwest corner of playground, facing northeast