

Appendix 17.6 - Archaeological Test Excavations Report Plot 1



CourtneyDeery
ARCHAEOLOGY & CULTURAL HERITAGE

Archaeological Test Excavations Report

'Plot 1', Kellystown townland, Dublin 15

Licence no. 25E0117

For

Client Castlethorn

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EXECUTIVE SUMMARY

Test excavations were undertaken on a site in Kellystown townland, Dublin 15 to inform a future planning application. They took place under licence no. 25E0117 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. The test excavations followed on from a geophysical survey of the site under licence 23R0523 extension. The aim was to determine the presence, extent and significance of any archaeology that may survive on the site and to offer appropriate mitigation measures from any impacts of development.

Two areas of archaeological interest were identified during testing. Both comprised spreads of burnt stone and charcoal indicating the presence of degraded burnt mounds, also known as *fulachta fia*. These are relatively common prehistoric sites using heated stone to heat/boil water in pits or troughs for cooking or other purposes. Initial assessment would deem them to be of moderate archaeological significance. No subsoil-cut troughs or pits were identified during testing but it is likely that they are concealed under the burnt mound deposits or outside of the footprint of the test trench.

A fragment of a stone axehead was retrieved as a stray find from the base of one of the test trenches. These are usually dated to the Neolithic period (c. 4000-2500 BC) but were also less frequently used in the following Bronze Age period.

The subject site is proposed for residential development. Given the fragile nature of the surviving archaeological deposits, anticipated changes to the water table from construction and its potential negative impact on the remaining archaeological deposits, it is recommended that the two areas of archaeological interest, termed AA1 and AA2, be preserved by record, i.e. subject to full archaeological excavation. A figure has been produced (Figure 14) showing proposed excavation cuttings (hatched in purple) to resolve the areas of archaeological interest include a standard 5m exclusion zone from the edge of the identified archaeology.

This recommendation is subject to approval from the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland and any excavation would need to take place under licence from those authorities.

1. INTRODUCTION

1.1. General

This report presents the results of archaeological test excavations undertaken at a greenfield site to inform a future planning application. The site is located in Kellystown townland, Dublin 15. A geophysical survey of the site had been recently completed, and the test trenches were located to assess the general archaeological potential of the site and investigate the geophysical survey results. Test excavations took place under licence 24E0117 issued by the Department of Housing, Local Government and Heritage (DHLGH) in consultation with the National Museum of Ireland (NMI).

1.2. Site description

The site, c. 3 ha in extent, comprised a single large pasture field in Kellystown townland (Clonsilla Parish; Castleknock Barony; Co. Dublin; 6" OS sheet 14; ITM centre of site; 705880, 737720). It is bounded by the railway line and Royal Canal to the north, a residential development, Luttrells Gate, under construction to the east and south and a pasture field to the west. The field is gently undulating with a lower point in the north-western corner where a steep sided pond in a thicket of trees is located beyond the site boundary. The eastern and southern field boundary comprises townland boundary between Kellystown and Porterstown.

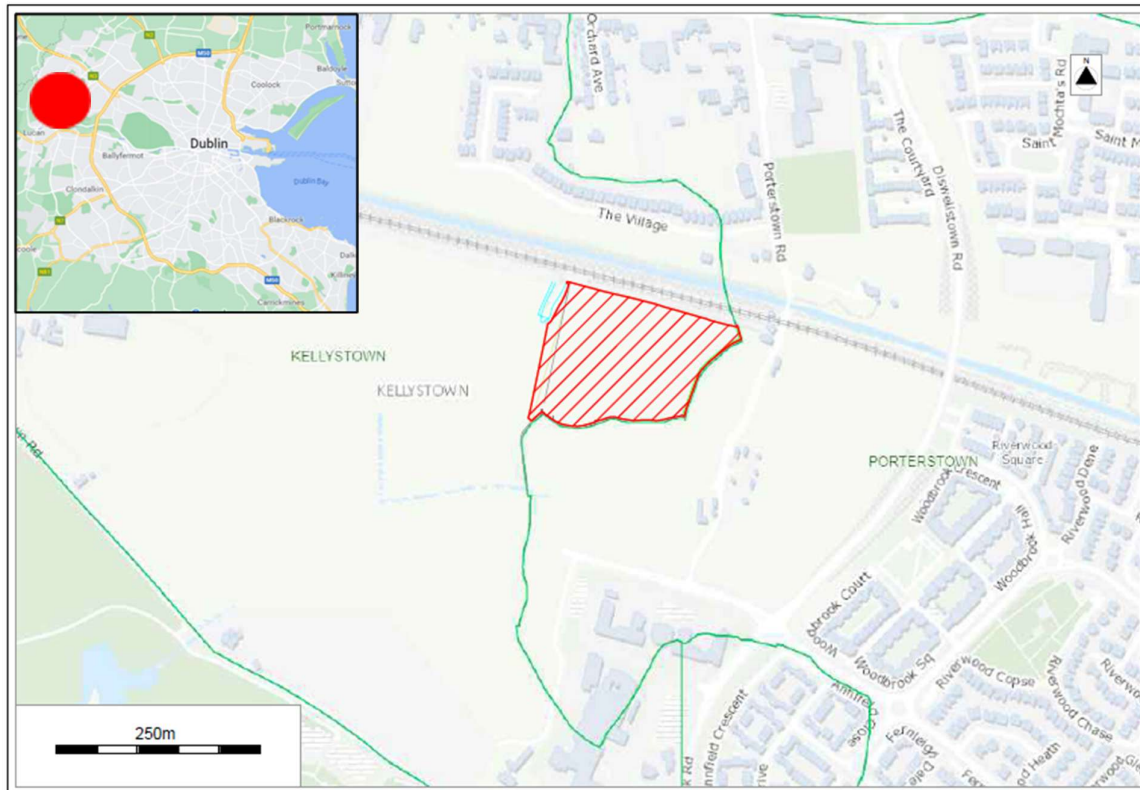


Figure 1 Site location

1.3. Methodology

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

- UNESCO World Heritage Sites (WHS) and Tentative World Heritage Sites and those monuments on the tentative list;
- National Monuments in State care, as listed by the National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage (DHLGH);
- Sites with Preservation Orders;
- Sites listed in the Register of Historic Monuments;
- Record of Monuments and Places (RMP) and the Sites and Monuments Record (SMR) from the Archaeological Survey of Ireland; The statutory RMP records known upstanding archaeological monuments, their original location (in cases of destroyed monuments) and the position of possible sites identified as cropmarks on vertical aerial photographs. Archaeological sites identified since 1994 have been added to the non-statutory SMR database of the Archaeological Survey of Ireland (National Monuments Service, DHLGH), which is available online at www.archaeology.ie and includes both RMP and SMR sites. Archaeological sites identified since 1994 are placed on the SMR and are scheduled for inclusion on the next revision of the RMP;
- A review of artefactual material held in the National Museum of Ireland;
- Cartographical Sources, OSi Historic Mapping Archive, including early editions of the Ordnance Survey including historical mapping (such as Down Survey 1656 Map);
- The Irish archaeological excavations catalogue i.e. Excavations bulletin and Excavations Database;
- Place names; Townland names and toponymy (loganim.ie);
- A review and interpretation of aerial imagery (OSi Aerial Imagery 1995, 2000, 2005, Aerial Premium 2013-2018, Digital Globe 2011-2013, Google Earth 2001-2022, Bing 2022) to be used in combination with historic mapping to map potential cultural heritage assets.
- A review of existing guidelines and best practice approaches.

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

2. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

The development site lies in Kellystown townland in Clonsilla Parish, Barony of Castleknock. The site is currently in use as farmland. No direct archaeological activity could be associated with the subject site but there are frequent recordings of earlier activity in the wider landscape.

2.1. Prehistoric Period

No standing monuments of Neolithic date occur in the area. However, a habitation site (RMP No.: DU017-010) with an associated stone axe and hollow flint scraper of that date was identified during monitoring of topsoil removal during gas pipelaying in the neighbouring townland of Diswellstown (Gowen 1984).

Evidence for settlement during the Bronze Age occurs in Porterstown, where excavation by Claire Cotter of a cropmark enclosure (Excavations.ie Ref.: 1990:039), probably a levelled ringfort (RMP No.: DU017-005), yielded a sherd of Bronze Age pottery which indicated an earlier phase of activity on the site. A Bronze Age ring-barrow complex in Kellystown (RMP No.: DU013-018), just south of the canal near Clonsilla adds to this picture. The site consists of three conjoined circular features, comprising external banks, internal fosses (ditches) and raised interiors and was subject to archaeological testing in 2006 (Licence No.: 06E0348; Excavations.ie Ref.: 2006:583). A recent excavation (Coen 2024, Licence no. 24E0565) uncovered two prehistoric artefacts hinting at further activity from this period. A bronze age spearhead and flint arrowhead were both retrieved during the course of excavation of a primarily late medieval site further south in Kellystown

townland. Unfortunately, both artefacts were residual and retrieved from deposits dating many thousands of years after their construction.

2.2. Early Medieval Period (AD 400 - 1169)

The Early Medieval Period saw the development of a mixed-farming economy managed by kings, nobles and free farmers. Early Medieval settlement in the landscape around the proposed development is evidenced through the presence of ringforts (e.g. RMP No.: DU017-005 and DU017-007). Ringforts typically consist of a circular or sub-circular area (although irregular shapes have been noted recently through the excavation of such features) defined by an earthen bank or by a stone wall with an external ditch. These enclosures were habitation sites or farmsteads, which vary in both size and morphology; from simple univallate enclosures measuring 30m diameter to larger bivallate or trivallate sites in strategic locations. They were not simple isolated homesteads, however, and should be considered within their contemporary settlement landscape, which would have consisted of unenclosed settlements, farms and fields, routeways and natural resources (Stout 2000). Typically, they are sited on good, well-drained soils, usually over the 100m contour, close to a water source, and often located in proximity to routeways (ridges, eskers, moraines).

Around the 5th century AD, Christianity was first introduced to Ireland and spread rapidly, fuelled by the establishment of early medieval churches and ecclesiastical centres. Ecclesiastical remains (mostly of a later Medieval date) occur in a number of nearby localities such as Clonsilla (RMP No.: DU013:017001 and DU013:017002) and Coolmine (RMP No.: DU013:019001 and DU013:019002). The church of 'Culmyn' is mentioned in the list of churches for the diocese around 1275 ('Archbishop Allen's Register 1172-1534', MacNeill, 1950). There is also a holy well of unknown date (RMP No.: DU017-011), known as 'Rag Well', located in neighbouring Diswelltown townland.

2.3. Medieval Period (AD 1169 – 1540)

In 1170 the Anglo-Normans invaded Ireland and, in doing so, completely altered the pattern of settlement with an emphasis on tillage and crop production, within defined manorial centres, replacing cattle-rearing in many parts of the county. Much of the recorded history of the area is associated with the Anglo-Norman period. The surrounding area was favoured by the new settlers and was extensively settled. To the south-east of the proposed site (c. 2.7km), in Castleknock townland, stands an Anglo-Norman motte and bailey (RMP No.: DU017-012001). This form of castle dates to the early phases of the Anglo-Norman conquest of Ireland and consisted of a mound topped by a wooden tower, often with an accompanying enclosure constructed of earth and wood, known as the bailey (Simpson and Duffy 2019). The Castleknock example stands on a steep natural rise at the highest point in the landscape providing extensive views of the surrounding area. It presents as an oval motte, c. 18.5m high, with a stone masonry keep (RMP No.: DU017-012002) and a curtain wall and is enclosed by two fosses.

2.3.1. Medieval Luttrellstown

A number of castles of later date are also located in the area, most notably Luttrellstown Castle (RMP No.: DU0017-004). The proposed development is situated close to the Luttrellstown Desmesne and was likely influenced by its development through time. The name Luttrell is probably a derivative of the French word *loutre*, an otter. One Osbert Loutrel held a farm at Arques in Normandy in 1180 and 1189 (Doubleday & de Walden 1932). The first member of the Luttrell family to come to Ireland was Sir Geoffrey Luttrell who took part in the unsuccessful rebellion by John de Morten (later King John) against his brother, Richard I (the Lionheart). Luttrell lost his

lands in England for his efforts though John subsequently restored them to him when he became king.

Sir Geoffrey Luttrell attained a powerful position through his marriage to a daughter of the house of Paganel, a connection which brought estates to his family in various parts of England. The Luttrell family of Dunster Castle in Somerset descends from him also, although there is some dispute about this (see Gibbs 1913).

Luttrell's connection with Ireland appears to have begun in 1204. In the beginning of that year, he was appointed on a commission to settle the disputes then existing in Ireland between the justiciary and the Anglo-Norman magnates of England (Sweetman's Calendar 1171–1251 cited in Ball 1906). Six years later, he accompanied King John on his visit to Ireland where he was one of the paymasters of the mariners and galleyemen employed in the large fleet required for the expedition. Luttrell also formed one of the king's train at Kells, Carlingford, and Hollywood, as well as at Dublin (Ball 1906).

Not long after the king returned to England, Sir Geoffrey Luttrell was sent to Ireland on another mission of state and during the next few years he corresponded from this country with the king. In 1215, he was again in England advising John on all matters relating to Ireland and witnessing many Acts of the king concerning this country. Luttrell received many royal favours including the honour of knighthood but the culmination of John's expression of trust was sending Luttrell as an embassy to the Pope. While on this mission, however, Luttrell died (Ball 1906). His only son is said to have succeeded to his English estates while a daughter, who was given by the king in marriage to one Phillip Marc, is mentioned as heir to his Irish property.

While we know a great deal about Sir Geoffrey, we do not know the exact date of the first castle at Luttrellstown. Despite an extensive two day search of contemporary medieval documents by Dr. Sean Duffy of the Department of Medieval History, Trinity College Dublin, no direct reference to a castle at Luttrellstown could be found (Jordan and Reilly 2001). While mention is made of various Luttrells in primary sources since the time of Geoffrey Luttrell, it is unclear when a castle was first built on this site. Robert Luttrell, an ecclesiastic, was Treasurer of the Cathedral Church of St. Patrick in the mid-13th century but it is not clear if he lived in Luttrellstown (Sweetman's Calendar 1171–1251 cited in Ball 1906). The only reference to Sir Geoffrey Luttrell's estates in Ireland relates to land in Thomond and from the late 13th century to the mid-14th, a series of references to various Luttrells and property in the Lucan area are recorded.

According to the Christ Church Deeds, (no. 970, cited in Ball 1906), a Robert Luttrell appears to have had some connection with the Luttrellstown neighbourhood. Subsequently, a ford near Lucan belonging to Michael Luttrell is mentioned, and in 1287 a member of the family paid a fine to John de Kerdiff whose family gave its name to Cardiffsbridge in the parish of Finglas. In 1349, some land and a mill at the Salmon Leap near St. Wolstan's were released to Simon Luttrell amongst others, and in a little more than a half century later Robert, son of John Luttrell, dealt with this property. No direct reference to a castle was found in this source.

However, a tantalising piece of information was unearthed by Dr. Duffy in a search of 17th and 18th century peerage documents (Jordan and Reilly 2001). John Lodge in the Peerage of Ireland says that Geoffrey Luttrell was one of King John's "trusted servants who executed several missions in Ireland and on the payment of twenty ounces of gold was granted the lands on which he built his castle" (Lodge 1754, 400). Unfortunately, Lodge does not reference the source from which this information comes so it is impossible to know whether or not it is accurate. However, it would certainly seem likely, given the evidence of various Luttrells associated with this area, that a castle was sited here since the early 13th century.

It is not until the mid-15th century that indisputable evidence is recorded for a castle on this site. However, as noted above, an unbroken succession of the Luttrell family can be traced in the records from the mid-13th century onward.

2.4. Post-Medieval Period

A lot of destruction and damage was done to the lands and castles of the entire parish of Castleknock during the turbulent years of 1630–1670. In the Civil and Down Survey of 1657, the castle at Porterstown is described as small but surrounded by a good orchard, garden and plantation. During the Commonwealth period Symon Luttrell had, in addition to Luttrellstown House, a “greate mantion house” at Clonsilla, with buildings valued at £1, 000. The main proprietor in Castleknock was Christopher Barnewall, who also held lands in Diswellstown and Carpenterstown (Civil Survey, VIII, 230ff, 241), both located south and east of the demesne.

After the Restoration of the Monarchy in 1664, Porterstown and Luttrellstown were described as the most important dwellings in Castleknock parish. Porterstown was occupied by Roger, First Earl of Orrey, while acting as Lord Justice. The castle, or possibly a more modern house erected near it, was assessed for nine chimneys. Towards the end of the 18th century an arched gateway testified to its former importance, but by that time all other traces of the house had disappeared (Austin Cooper’s Notebook, cited in Ball VI 1906).

2.4.1. Post-Medieval Luttrellstown

In the mid-16th and 17th centuries, the castle at Luttrellstown was clearly very substantial and impressive. Thomas Luttrell, who was Chief Justice of the Common Pleas and a very distinguished member of the family, had greatly benefited from the dissolution of the monasteries, including all the lands of Coolmine in Clonsilla parish which had formerly belonged to St. Mary’s Abbey (Letters and Papers of Henry V, cited in Ball 1906). At the time of his death in 1554, Luttrell owned a large amount of real estate and shortly after his death, the Crown applied to his executors for a loan of what was, at the time, a very large amount of money. Simon Luttrell, one of Thomas’ sons, eventually inherited Luttrellstown Castle, and during his time there, it was considered one of the principal castles of the county of Dublin.

The Down Survey map of 1655 shows the castle as a large Tudor-style house with bawn walls and plantations with an entrance facing west. This is clearly a culmination of at least two hundred years of enlargement. It is in marked contrast to the castle at Castleknock, for example, which is shown as a very large medieval tower house. During the Civil Survey of 1654–57 which was carried out in conjunction with the mapping, the house was described as a great mansion with twelve chimneys and surrounded by offices with a malt house, a barn, and two stables nearby. All the buildings were slated and the value of one thousand pounds placed upon them shows their large extent. Besides pleasure grounds and ornamental plantations, there were in the demesne a garden with no less than three orchards for the provision of the house and two quarries for the supply of stone. Also attached to the house was a corn mill and a cloth mill, as well as a weir on the Liffey for catching salmon (Civil Survey of the Barony of Castleknock).

This attractive property was confiscated from the Luttrell family under the Commonwealth, but the grandson of Thomas Luttrell (also called Thomas) regained the estate at the Restoration of the Monarchy in 1660.

2.4.2. 18th & 19th Centuries

Two archbishops of note were born in the general area. Archbishop Patrick Fitzsimmons was born in Clonsilla in 1699 and died in 1769. He reigned in the area during the penal law era which saw the suppression of Irish Catholic population. Archbishop John Thomas Troy was born at Annfield, to the east of the proposed development, in 1739. He became a Dominican monk and was later ordained Bishop of Ossory. On December 3rd, 1789, he became Archbishop of Dublin. He presided over the Catholic Church as it emerged from penal law era and was responsible for the building of Saint Mary's Catholic Pro Cathedral (NIAH Ref.: 50010228) in Dublin city and was the first bishop to be buried in its vaults. He died in 1825.

By the 19th century much of the land in the locality had been acquired by wealthy Dublin families, each landholding centring on the houses of Luttrellstown (RMP No.: DU017-004001; RPS No.: 723; NIAH Ref.: 11361036), Diswellstown, Porterstown, Oatlands (NIAH Ref.: 11361030) and Summertown giving the area much of its present character. The Royal Canal constructed in the late 18th century and the Midland Great Western Railway constructed in the mid-19th century, located to the north of the proposed development, are also important features in the historic landscape of the area and offer a reminder of the industrial heritage of the region

2.5. Recorded Monuments (RMP / SMR sites)

There are no recorded archaeological monuments (RMP/SMR sites) within or immediately adjacent to the site. The closest Recorded Monument is DU017-0005- Ringfort-unclassified in Porterstown and lies over 800m to the south-east.

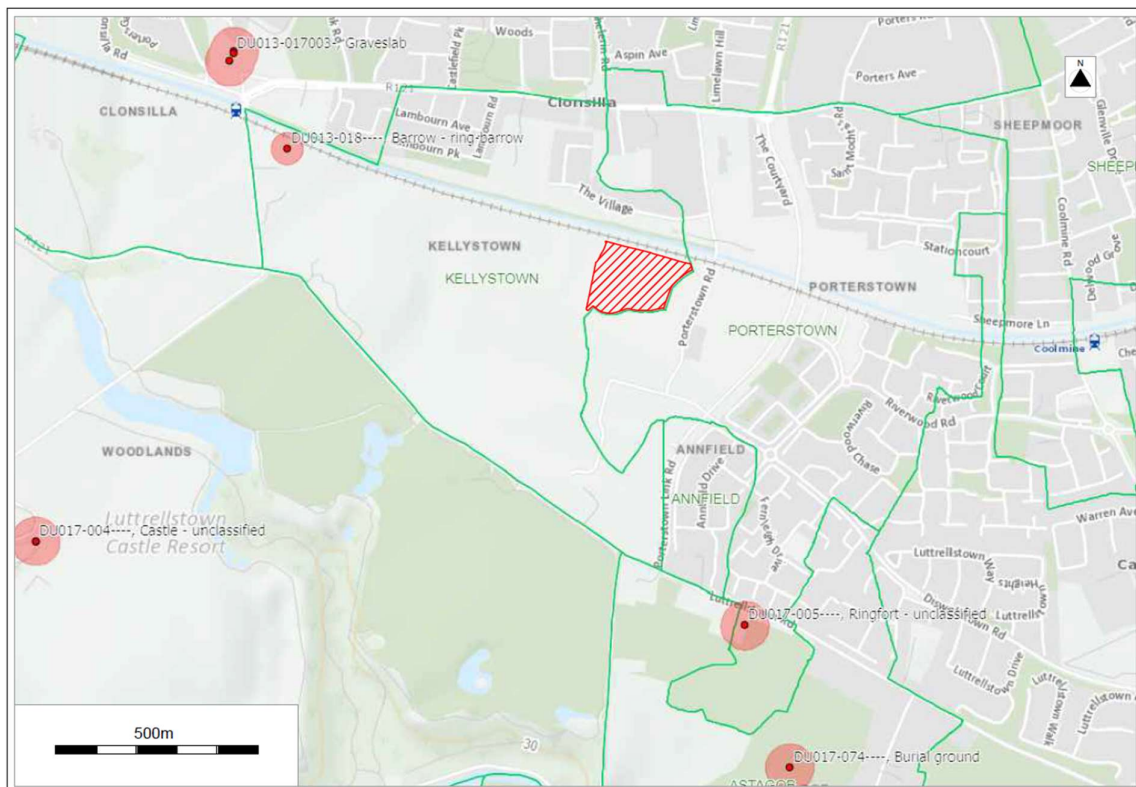


Figure 2 Surrounding RMP / SMR sites

2.6. Cartographic Sources

2.6.1. Down Survey map

The Down Survey maps were produced in the 1650's to facilitate the transfer of lands from Catholic to new Protestant ownership after the Cromwellian Wars of the previous years. No detailed map of the barony or parish was made, presumably because there was no major change of ownership of the estates at that time. The map of county Dublin does not record anything for Kellystown though the symbol for a castle or fortified residence appears to be marked beside Porterstown. Contrary to the modern location of these places, the castle is marked to the north-west of Luttrellstown in the direction of Clonsilla rather than to the north-east of Luttrellstown as is the case in modern times.



Figure 3 Down Survey Map of the County of Dublin (c. 1656)

2.6.2. John Roque's Map of the County of Dublin (1762)

This map only shows the site location in approximate detail. Most or all of the fields are illustrated in a pictorial style rather than using actual field boundaries. The road network can largely be discerned in their modern layout and that allows for the rough location of the subject site to be calculated. The road between Porterstown and Luttrellstown that ran by Kellystown did not survive in use by the first edition Ordnance Survey map of the 1840's. Its route became subsumed into field boundaries while the subject site lies to the north-west of Porterstown. North in the map below is pointing to the right-hand side.

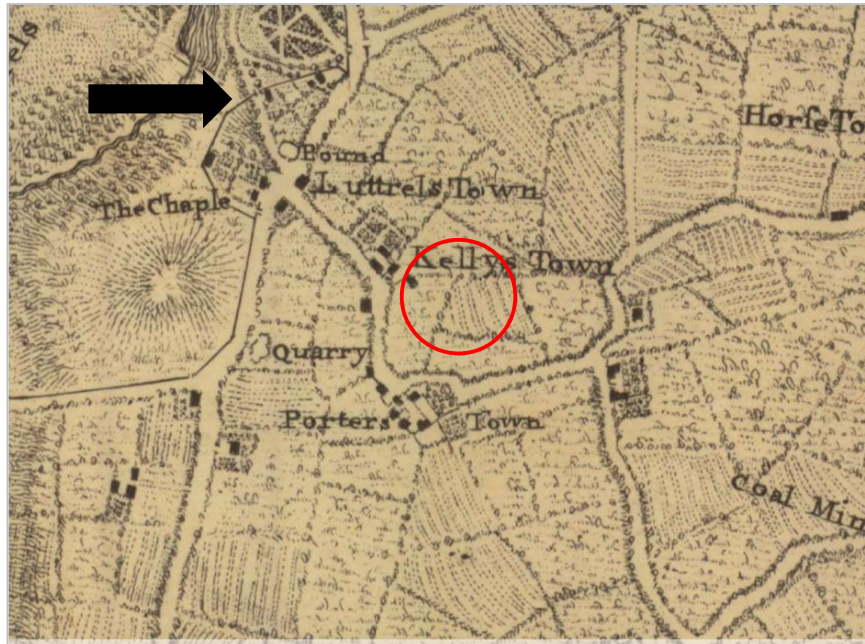


Figure 4 Roques map of County Dublin (1762)

2.6.3. Ordnance Survey Maps

The first edition map of 1839-41 is the first reliable map of the site with features that can be clearly discerned from the modern period. Many of the field boundaries recorded on the map are still in place with the Royal Canal constructed to the north and several buildings of note also, such as gate lodges, chapels and parochial schools still in place. Unfortunately, discrepancies in the map surveying around the location of Porterstown House and does not allow us to see reliable details for this area. A later map, historic 25" to the mile (not shown), shows an extensive farmhouse with associated outbuildings called Porterstown House in place around the turn of the 20th century.

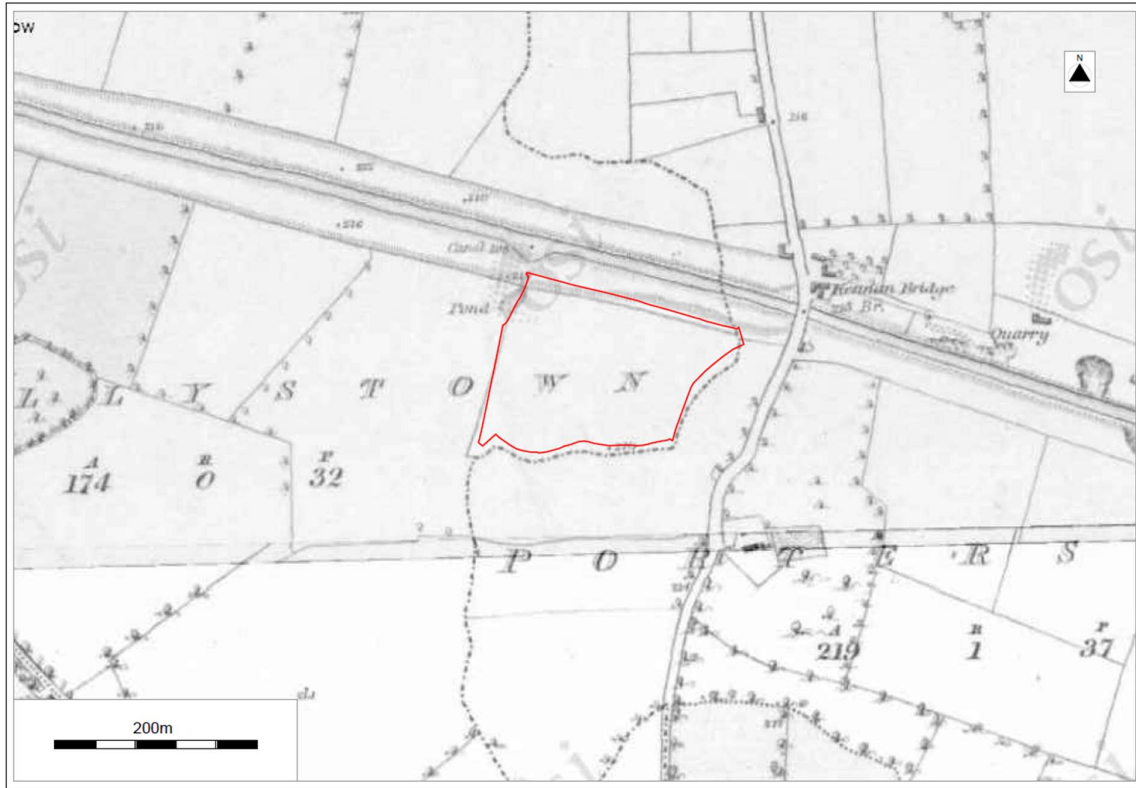


Figure 5 First edition OS map (1839-41)

2.7. Aerial Photography

A review and interpretation of aerial imagery (OSI Aerial Imagery 1995, 2000, 2005, Aerial Premium 2013-2018, Digital Globe 2011-2013, Google Earth 2001-2025, Bing 2022) has been undertaken. The site is in its current layout as a pasture field for several decades. An inherent moderate archaeological potential exists for the survival of sub-surface archaeological remains for any relatively undisturbed greenfield site of this scale. No increased archaeological potential has been identified from the study of aerial imagery.



Figure 6 OS aerial (1995)



Figure 7 Google Earth Pro (Oct 2024)

2.8. Previous Archaeological Investigations

Several investigations have taken place in the vicinity of the subject site. While some have not identified any archaeology, others have produced significant findings such as a previously unknown ringfort (now RMP site DU017-005) and the remains of a medieval settlement in Kellystown, Licence no. 24E0565, see section below. Summaries of the excavations that took place in the vicinity of the subject site are presented in the Table below.

Table 1 Details of previous excavations

Location	Licence No./ Bulletin Ref.	Summary
Porterstown	n/a / 1990:039	Test excavation, led to discovery of RMP site DU017-005 Ringfort
Kellystown	06E0348/2006:583	Test excavation to further investigate RMP site DU013-018 Ring-barrow. 3 trenches were dug and it was confirmed that the features revealed represented the remains of a ring-barrow.
Porterstown	098E0537/2009:579	Excavation of trial pits and boreholes for a Metro project were archaeologically monitored. No features, deposits or material of archaeological significance were identified during the monitoring of the works in Porterstown
Porterstown	09E0096/2009:299	A small link road in the Porterstown link scheme, measuring 420m in length, was tested. No archaeological remains were found.
Porterstown	21E0320/2021:202	Test excavations took place in June 2021. Seven trenches 340 linear metres in total, were excavated. Topsoil was 0.43-0.56m in depth. Below that lay a light brown/yellow ploughzone or transitional horizon 0.1-0.2m in depth overlying the subsoil. Subsoil comprised a brown and grey silty-clay with occasional limestone. No features, deposits or material of archaeological significance were identified during the test excavations.
Porterstown, Kellystown	24E0045 / 2024:086	Test excavations took place on a largely greenfield site in advance of development. Nine trenches were excavated by mechanical excavator fitted with a grading bucket under constant archaeological supervision. Trenches were located to investigate the results of a geophysical survey of the site and also were evenly spaced to assess the general archaeological potential. The principal result was the discovery of archaeological remains in Kellystown in Trenches 1-3. These trenches had been placed to investigate an area termed Site 1 in the geophysical survey that recorded numerous weak or minor positive anomalies interpreted as a sub-rectangular enclosure within a field system with other associated features. Test slots in several of the linear features identified animal bone and late medieval pottery sherds and while all the features may not be from this period, the identified evidence indicates the presence of a medieval settlement in this location.
Porterstown, Kellystown	24E0430 / 2024:270	Archaeological test excavations took place on 15-17 April 2024 at lands in Kellystown and Porterstown townlands, to inform future planning applications. The site comprised of two land plots, a largely greenfield area to the south-west and a brownfield area to the north-east. Geophysical survey had been conducted on most of the lands and test trenches were located to investigate the survey results and also evenly spread to assess the general archaeological potential of the site. Eight trenches were excavated in the available area by a mechanical excavator fitted with a grading bucket under constant archaeological supervision. Testing revealed no evidence for one of the geophysical sites of archaeological interest (Site 3) and that the ditch features of the other site of archaeological interest (Site 2) were of modern origin. Testing also revealed that the grounds surrounding the playing pitches in the north-eastern plot had been previously disturbed, principally in the

Location	Licence No./ Bulletin Ref.	Summary
		form of construction compounds related to surrounding developments. No features, finds or deposits of archaeological significance were identified during the course of testing.
Porterstown, Kellystown	24E0045ext. / 2024:272	Archaeological monitoring of the construction phase groundworks for a residential development was undertaken in two main phases. This followed earlier geophysical survey and test excavations of the site. Topsoil stripping was largely undertaken by mechanical excavators fitted with grading buckets under archaeological supervision though some parts were stripped with the use of bulldozers. The first phase of topsoil stripping from 11 March to 6 April 2024 facilitated the construction of the haul road and central compound. The second phase was undertaken in an intermittent manner from 25 April and removed the remaining areas of topsoil within the red line boundary of the site. Throughout both phases of topsoil stripping, the only features identified of archaeological interest were two undated deposits of burnt material, and both were fully recorded and excavated by the monitoring archaeologist.

2.8.1. Kellystown excavation, licence no. 24E0565

The archaeological excavation cutting, c. 1 ha in extent was established following an archaeological assessment of a largely greenfield development site that was undertaken in fulfilment of a planning condition SHDW/004/21 and ABP 312381-21. The assessment comprised desktop (Giacometti 2021), field (Crowley, McConnell & Coen 2024) and geophysical surveys (Bird & Young 2023) with licensed test excavations (Coen 2024).

The excavation at Kellystown identified the remains of a late medieval (12th-14th century) settlement in the form of ditches, metalled surfaces, kilns and the poorly surviving wall remains suggestive of stone-built structures. A series of ditches running alongside the current field boundary on the north-western margin of the cutting had several other ditches running off them at right angles dividing up the area into fields. The metalled areas and clusters of stones/walls were located beside the ditches along the north-western margin and extended intermittently for c. 170m on a north-east/south-west alignment. The best surviving section of wall, 6.8 m in length and between 0.6-1.2m in width and located in the south-western corner of the site, could indicate the presence of a house or other substantial structure. The remaining wall sections were generally short lengths of single coursed stone facing, c. 1-3 m in length and between 0.3-1.2m in width, with occasionally both sides of the facing surviving. The clear remains of two cereal drying kilns with stone linings were identified. One was located up the slope at a distance from the other features while the other was cut into the side of one of the field or plot boundary ditches. Over 30 kilos of animal bone were retrieved during the excavation. Frequent charred seeds from the bulk soil samples taken of the features, including ditch fills and kiln deposits highlight the agrarian nature of the activities that took place there.

A substantial post-medieval horizon indicated by the presence of pottery and other artefacts and the re-cutting and use of some of the late medieval ditches and boundaries hints at the possibility of continuing use of the settlement for several centuries.

2.9. Topographical Files of the National Museum of Ireland

A polished stone axehead, NMI ref. 1979:104, has been found in the townland of Kellystown while another polished stone axehead, NMI ref. 1980:30, was also found in the townland of Sheepmoor to the east. These artefacts are usually considered to date from the Neolithic (c. 4000-2500 BC) period.

3. GEOPHYSICAL SURVEY, LICENCE NO. 23R0523 EXT.

A magnetic gradiometry survey (Mertes & Young 2025; Licence no. 23R0523 ext.) was conducted at Kellystown, County Dublin in January 2025. The survey was carried out by TerraDat under NMS license 23R0523, using a Sensys Magneto MXV3 system mounted on an ATV, following up on previous surveys from 2023 and 2024. The site comprised a greenfield site, c. 3ha in extent, in use as pasture. It is bordered by a railway line to the north and hedgerows elsewhere.

The survey data quality was generally good, despite some minor "tank tracking" effects from cart movement and occasional gaps due to obstacles. The site exhibits a wide spread of ferrous material, likely attributed to magnetic mineral-bearing clasts within the glacial till, and several pit-like features that probably represent tree-boles. However, an archaeological origin cannot be ruled out.

Only one feature (Site 1) was identified as potentially archaeologically significant. This feature consists of a broad circular ditch approximately 10 meters in diameter, bisected by the western field boundary. It includes what appears to be an external bank with an internal ditch and shows evidence of highly magnetic fill in its southeastern quadrant, suggesting possible occupation activity. A strong dipolar response at the centre could indicate either ferrous material or burning.

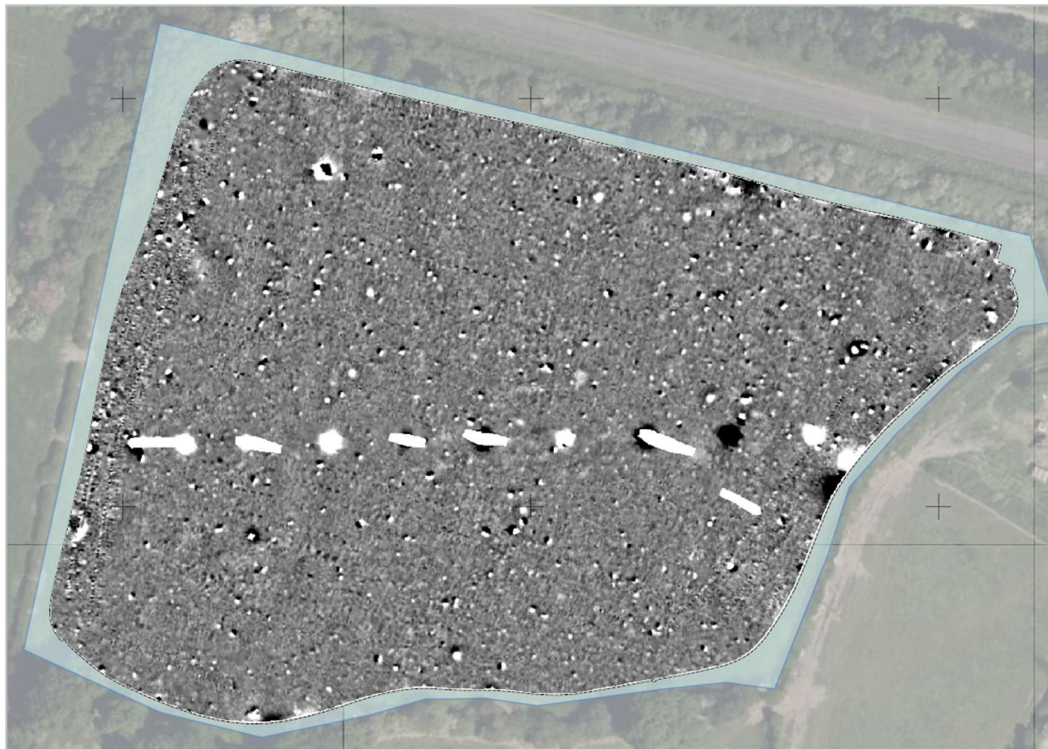


Figure 8 Geophysical survey results in greyscale image

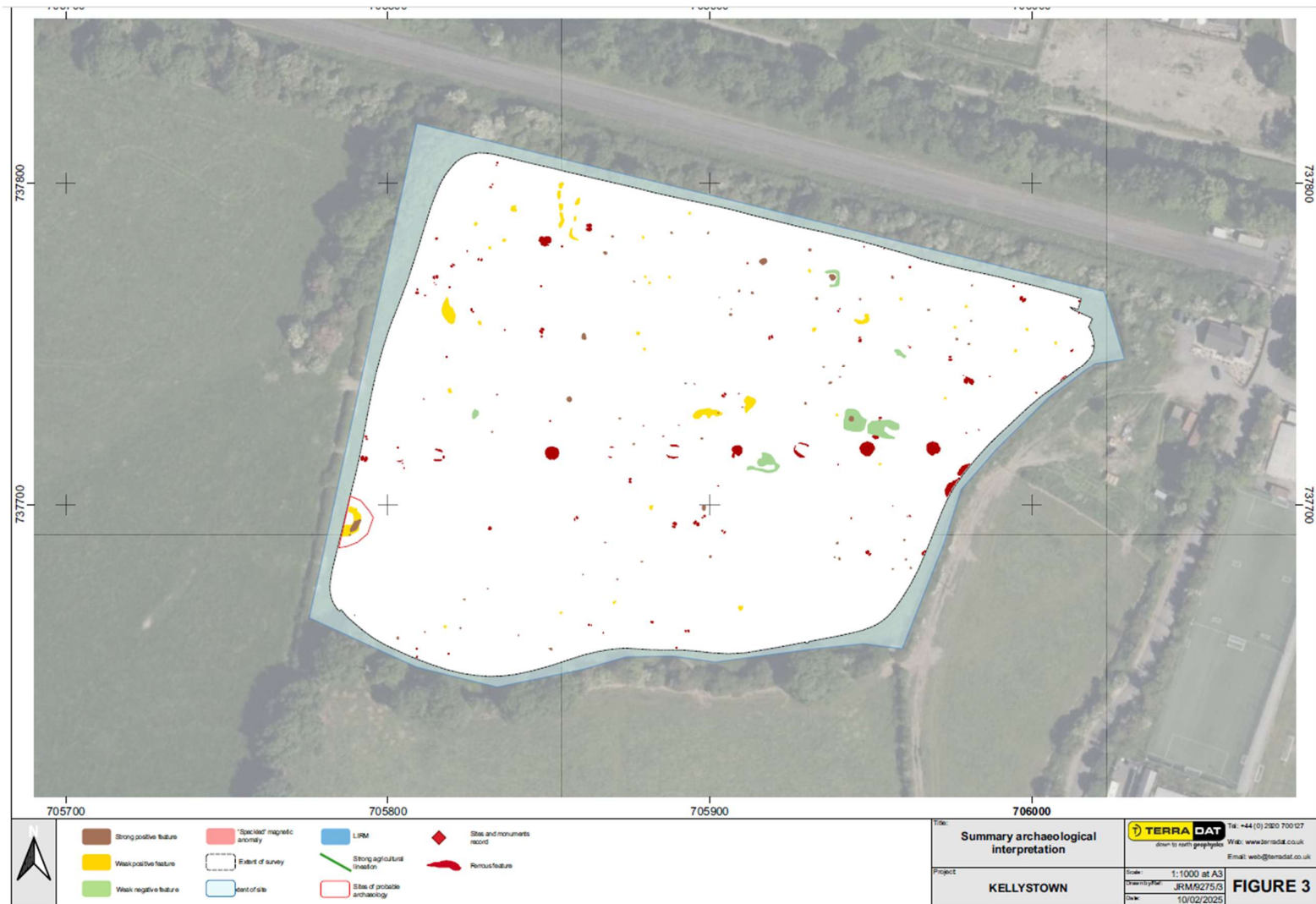


Figure 9 Geophysical survey interpretation results

4. TEST EXCAVATIONS, LICENCE NO. 25E0117

4.1. Introduction

Test excavations were undertaken on a greenfield site in Kellystown townland, Dublin 15 to inform a future planning application. They took place under licence no. 25E0117 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. The test excavations followed on from a geophysical survey of the site under licence 23R0523 extension. The aim was to determine the presence, extent and significance of any archaeology that may survive on the site and to offer appropriate mitigation measures from any impacts of development.

4.2. Methodology

Test trenches were agreed in advance with the licensing authorities. They were evenly spaced to assess the general archaeological potential of the site as well as located to investigate the results of the geophysical survey. Trenches were excavated in 0.2m spits by a 13 tonne mechanical excavator fitted with a 1.8m wide grading bucket under constant archaeological supervision. Trenches were excavated to the natural subsoil or the top of any potential archaeological deposits if present. All potential archaeological deposits were assessed by the archaeologist then cleaned with a hand dug test slot excavated in the features if deemed necessary for further assessment. All trenches and features were recorded with a GPS device with a written and full digital photographic record maintained. All trenches were backfilled after recording.

4.3. Results

Test excavations took place on 24th-26th February. Conditions were generally dry with periods of sunshine and occasionally overcast. The subject site of c. 3 ha comprised a well-maintained large pasture field bounded by hedgerows. The topography was generally level though a pond was present beyond the north-western boundary and some of the site descended gently towards it in this area. 13 trenches were excavated in total, located to assess the general archaeological potential of the site and to investigate the results of the geophysical survey.

Subsoil generally comprised a mottled brown, grey and yellow stoney clay. Some localized crests in the field revealed a grey subsoil with more frequent larger stones and boulders. A small patch of loose bedrock lay immediately under the sod layer in the eastern part of the field. The humic topsoil generally measured 0.3-0.4m in depth and often overlay an orange hued light brown transitional layer 0.1-0.2m in depth before the undisturbed subsoil 'natural' was exposed. The one major deviation from this pattern was revealed in Trench 13 where a shallow peaty clay layer under the topsoil overlay a series of cream and grey coloured bands of silt. This sequence of deposits in the trench, exposed to a depth of 1.40m, suggests that the nearby pond may have been of greater extent in previous centuries. Modern land improvement techniques have aimed to drain, regulate and occasionally eliminate water courses and waterbodies in the landscape. Such practices may have resulted in the current pond size, reduced from a once larger pond or lake that produced the banded silt deposits. However, it's also possible the banded silt deposits exposed in Trench 13 are of even older origin and may be related to glacial activity.

Two areas of archaeological interest were identified during the course of testing: relatively shallow deposits of stoney, charcoal stained soil indicating the presence of burnt mounds or *fulachta fia*. The burnt mound deposit in Trench 1 had been recorded in the geophysical survey but as it presented as a curvilinear feature, it had been interpreted there as a potential ditch with bank. The second burnt mound deposit was not highlighted in the geophysical survey. Details of these

two burnt mound deposits, termed Archaeological Area (AA) 1 and 2 are presented in the sections below.

The other archaeological find of note was the retrieval of a stone axehead from the surface of Trench 3. While a stray find, it indicates the presence of prehistoric activity in the area. Details of this find are presented in a section below. Another stone axehead has been recorded in the Topographical Files of the National Museum of Ireland for Kellystown townland and also for the nearby townland of Sheepmoor to the east.

The only other feature of note concerned an undated pit-like feature, F5, in Trench 7. It corresponded to a weak positive geophysical signal. Traversing the trench and measuring 4m north/south, a test slot in it revealed an irregular side to the south, a steeply sloping side to the north and a flattish base at a depth of 0.55m. It contained a single friable brown silty clay fill that had some medium and large sized stones near the base. A single animal tooth was retrieved from the fill. Several of these irregularly shaped weak positive responses were recorded in the geophysical survey and interpreted as possible tree throws or holes (when tree roots spring up with the soil after a tree blows over and the cavity fills with soil and humic material). Feature F5 may also represent such an occurrence. It is not deemed to be of archaeological significance.

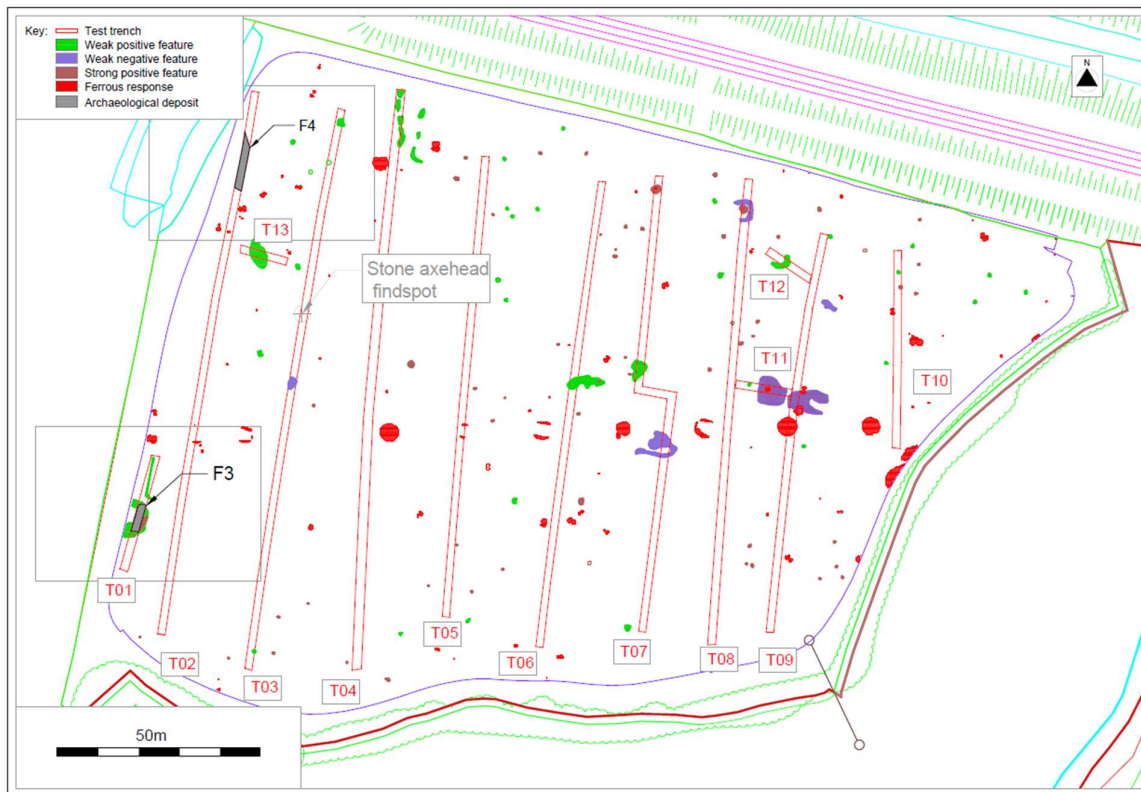


Figure 10 Test trench layout over geophysical survey interpretation results

Table 2 Test trench details, licence no. 25E0117

Trench no.	Orientation	Dimensions (in metres L x B x D)	Comment
1	NE/SW	30 x 1.8 x 0.6-0.7	Investigating potential ring-ditch from geophysical survey. Contains burnt mound deposit F3 corresponding to strong & weak positive geophysical signals
2	NNE/SSW	135 x 1.8 x 0.5-0.7	Contains burnt mound deposit F4
3	NNE/SSW	139 x 1.8 x 0.2-0.75	No archaeology identified
4	NNE/SSW	142 x 1.8 x 0.2-0.65	No archaeology identified
5	NNE/SSW	113 x 1.8 x 0.3-0.75	No archaeology identified
6	NNE/SSW	115 x 1.8 x 0.35-0.55	No archaeology identified
7	NNE/SSW & WNW/ESE	119 x 1.8 x 0.3-0.45	Contains undated pit-like feature F5 corresponding to weak positive geophysical signal. No archaeology identified
8	N/S	114 x 1.8 x 0.35-0.50	No archaeology identified
9	NNE/SSW	98 x 1.8 x 0.35-0.45	No archaeology identified
10	N/S	50 x 1.8 x 0.1-0.6	No archaeology identified. Bedrock present under sod layer in northern end of Trench
11	E/W	14 x 1.8 x 0.3-0.45	Frequent stones in subsoil with occasional charcoal & burnt clay in location of weak positive geophysical signal. No archaeology identified
12	NW/SE	13 x 1.8 x 0.3-0.5	No archaeology identified
13	WNW/ESE	12 x 1.8 x 0.3-1.40	No archaeology identified. A shallow peaty clay over bands of cream & grey silts in the southern end of the trench may indicate the former wider extent of the nearby pond
13 trenches excavated		1094 linear metres; 1969.2 sq. metres; c. 6.5% of the 3 ha site	

Table 3 Feature Register, licence no. 25E0117

Feature No.	Type	Description	Trench
1	Topsoil	Humic brown deposit	All
2	Subsoil	Varied from mottled brown, grey and yellow stoney clay to very stoney grey clay at crests of slopes, with loose bedrock in Trench 10	All
3	Deposit	Loose stoney grey and black sandy silt with charcoal inclusions, approx. 50% of the stones heat affected. 7.2m NE/SW x > 1.8m x 0.1m maximum depth	T1
4	Deposit	Loose stoney grey and black sandy silt with charcoal inclusions, approx. 30% of the stones heat affected. 14m N/S x > 1.8m x 0.12m maximum depth	T2
5	Possible pit	Feature traversed the trench, test slot revealed irregular slope to S; steep sided to N; flattish base; filled with a friable brown silty clay with medium to large sized stones near the base. Test slot 4m in length x 0.55m in depth	T8

4.3.1. Archaeological Area 1

Archaeological Area 1 had been recorded in the geophysical survey as a potential curvilinear ditch with a bank. Excavation of the Trench revealed a deposit of loose dark charcoal stained stoney silty clay, F3. Many of the stones were heat-affected. Irregularly shaped on plan, the deposit measured a maximum of 7.2m north-east/south-west and traversed the trench which was 1.8m in width. A test slot excavated in the deposit revealed a depth of 0.1m. Deposit F3 represents the degraded remains of a burnt mound or *fulacht fia*. These are prehistoric sites that put heated stones in a pit or trough to boil/heat water. While usually considered to be for cooking, many alternative uses range from saunas, beer making, wool or hide preparation. They most frequently date to the Bronze Age but were also used in other periods of prehistory. It is likely that a subsoil cut pit, or trough, survives underneath the deposit.

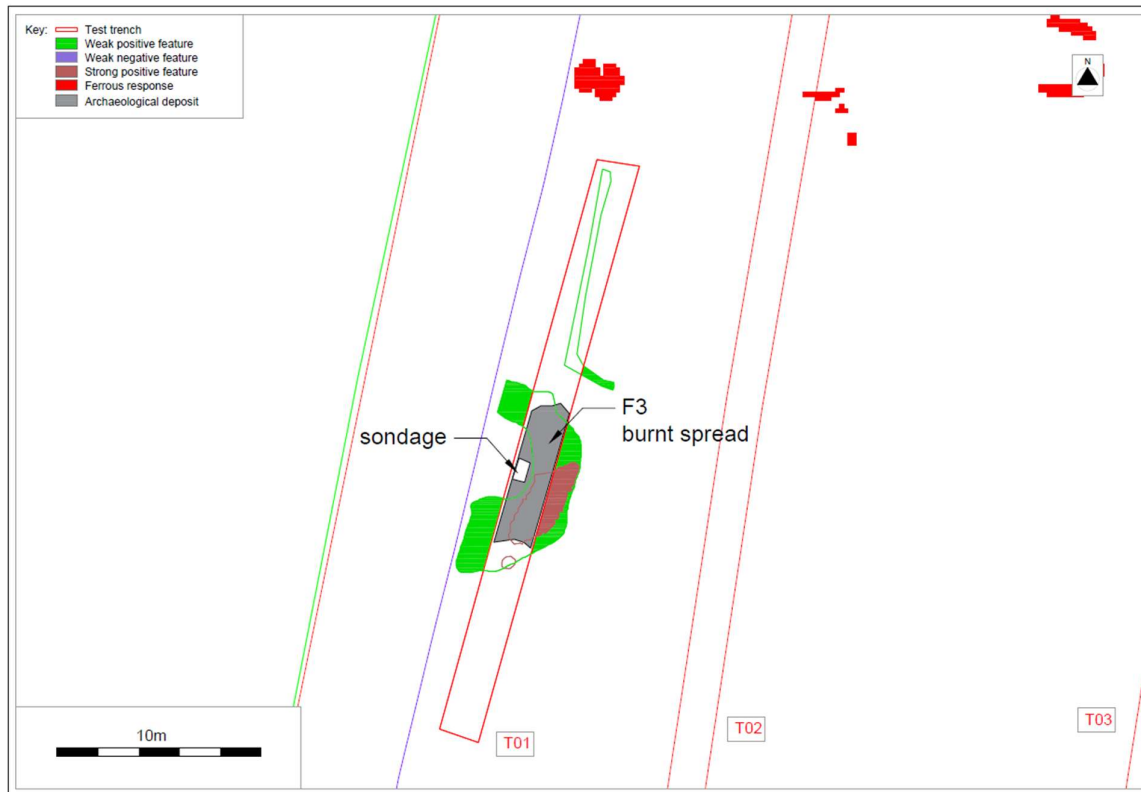


Figure 11 Details of Archaeological Area 1

4.3.2. Archaeological Area 2

Archaeological Area 2 comprised of deposit F4, a loose dark charcoal stained stoney silty clay. Measuring 14m north/south, it also traversed the trench, 1.8m in width. Test slots in the deposit revealed a maximum depth of 0.12m. Patches of the underlying subsoil were intermittently exposed within the deposit F4 indicating the shallow surviving nature of the deposit. Archaeological Area 2 represents the degraded remains of a burnt mound or *fulacht fia*. It is likely that a subsoil cut pit, or trough, survives underneath the deposit. These site types are usually found near rivers, lakes and bog edges where the trough is often naturally filled by groundwater. The pond in Kellystown is around 10 metres from deposit F4 and as such would be considered typical of the setting of these sites.

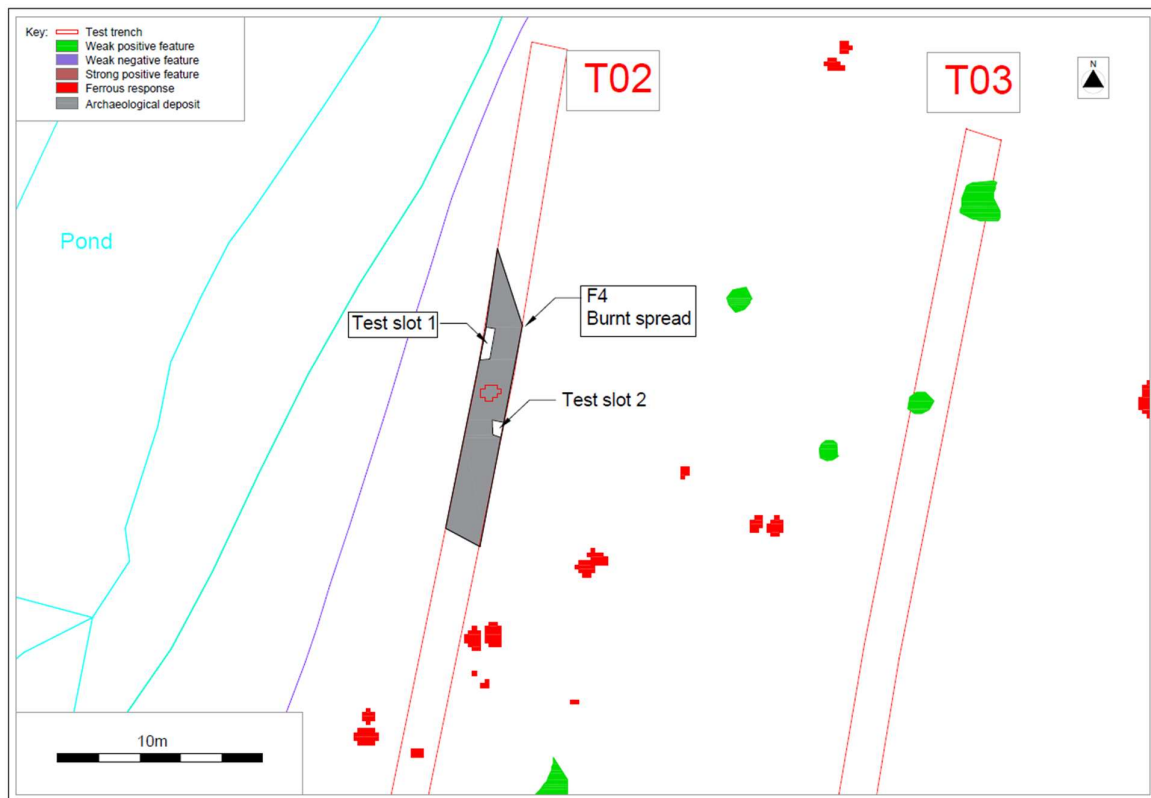


Figure 12 Details of Archaeological Area 2

4.4. Stone axe head, Find no. 25E0117:01

The stone axehead was retrieved from the subsoil in the base of Trench 3. The following is the discussion from the report produced by Dr. Karen O'Toole for the axe. The report is reproduced in whole as Appendix 1.

Stone axeheads are the single most numerous artefact type surviving from prehistory in Ireland, where they have been long regarded as one of the characteristic objects of the Mesolithic and Neolithic periods (Woodman 1978 and 1987; Cooney and Grogan 1994). They were both a symbol of prestige and an ordinary working tool for people for thousands of years. Stone axeheads would have served a wide range of functions in early prehistoric society, including their use in

woodworking, in burial and ceremonial contexts and as symbols of power (Mandal et al. 2004). The Kellystown axehead (25E0117:01) appears to be a robust example of a working stone axehead.

The axe fragment is c. 13.2cm long, making it a rather large example. Irish stone axes have an average maximum length between 8-12cm (Cooney and Mandal 1998), and, despite its fragmentary nature, this axe already measures in excess of this average. Some research indicated that there may be a relationship between the lithology of an axehead and its size and morphology. For example, it has been noted that a higher proportion of large axeheads, particularly those greater than 20cm long, are made from coarse-grained stones (Mandal et al. 2004; Mandal 1996). The Kellystown axehead appears to fit this trend, with the use of coarse-grained gabbro a potential explanation for its larger than average size.

While the majority of Irish stone axes (c. 50%) are made from porcellanite (Cooney and Mandal 1998), a wide variety of rock types have been exploited and there is considerable evidence for the extensive use of locally available material. Without a detailed petrological study, it is impossible to say whether the gabbro use for this axe was a local material. It should be noted that Sheridan et al. (1992) describe gabbro as a 'non-local preferred material', which suggests that this material was also deliberately selected for use by people in the past and may not have come from the immediate locality of the site given the multiple sources available for this lithology.

The Kellystown axe has the appearance of a well-worn utilitarian stone axehead, dating from the Neolithic into the Early Bronze Age. The all-over pecked surface indicates a time-consuming process of shaping and refining to produce a fine working axe. The dull, chipped and nicked blade indicates a considerable period of use prior to its deposition. The fracture resulting from the use of the axe caused a catastrophic failure of the object that subsequently ended its use-life. This axe is a stray find and, as a result, little can be said about its immediate depositional context or how it came into the archaeological record. However, the lack of reworking indicates that it was likely discarded soon after it fractured and does not appear to have been used again, at least in a utilitarian sense.

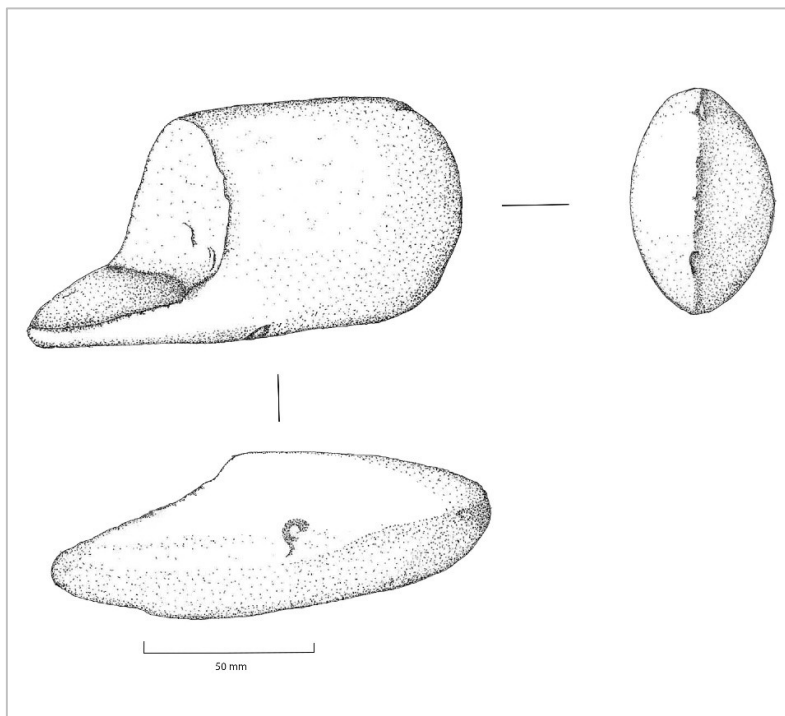


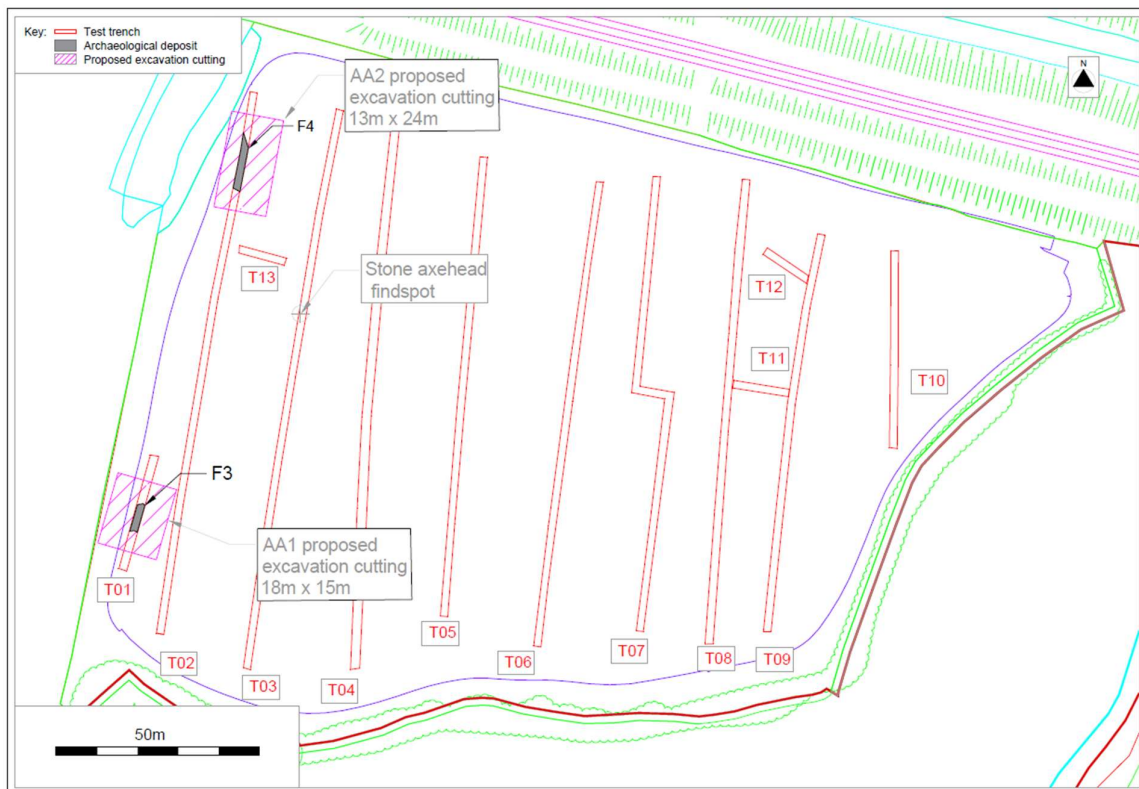
Figure 13 Illustration of stone axehead, find no. 25E0117:01

5. CONCLUSIONS & RECOMMENDATIONS

Test excavations were undertaken on a site in Kellystown townland, Dublin 15 to inform a future planning application. They took place under licence no. 25E0117 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. The test excavations followed on from a geophysical survey of the site under licence 23R0523 extension. The aim was to determine the presence, extent and significance of any archaeology that may survive on the site and to offer appropriate mitigation measures from any impacts of development.

Two areas of archaeological interest were identified during testing. Both comprised spreads of burnt stone and charcoal indicating the presence of degraded burnt mounds, also known as *fulachta fia*. These are relatively common prehistoric sites using heated stone for cooking or other purposes. Initial assessment would deem them to be of moderate archaeological significance. No subsoil-cut troughs or pits were identified during testing but it is likely that they are concealed under the burnt mound deposits or outside of the test trench area.

The subject site is proposed for residential development. Given the fragile nature of the surviving archaeological deposits, anticipated changes to the water table from construction and its potential negative impact on the remaining archaeological deposits, it is recommended that the two areas of archaeological interest, AA1 and AA2, be preserved by record, i.e. subject to full archaeological excavation. The figure below shows the proposed excavation cuttings (hatched in purple) to resolve the areas of archaeological interest, termed AA1 and AA2, include a standard 5m exclusion zone from the edge of the identified archaeology.



This recommendation is subject to approval from the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland and any excavation would need to take place under licence from those authorities.

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Cartographic sources	www.downsurvey.tcd.ie
	www.heritagemaps.ie
Aerial imagery	www.osie.ie
	Google Earth Pro
Previous excavations	www.excavations.ie

PLATES



Plate 1 Trench 1 looking north-north-east



Plate 2 Burnt spread deposit F3 in Trench 1 looking north-north-east



Plate 3 Test slot in burnt spread deposit F3 looking west



Plate 4 Trench 2 looking south-south-west



Plate 5 Burnt deposit F4 in Trench 2 looking south-west



Plate 6 Test slot in burnt mound deposit F4 in Trench 2 looking north-west



Plate 7 Trench 3 looking north-north-east



Plate 8 Trench 4 looking south



Plate 9 Trench 5 looking north-north-east



Plate 10 Trench 6 looking south-south-west



Plate 11 Test slot in undated feature in Trench 7 looking south-west



Plate 12 Trench 8 looking north-north-east



Plate 13 Trench 9 looking north-north-east



Plate 14 Trench 10 looking north-north-west



Plate 15 Trench 11 looking west



Plate 16 Trench 12 looking north-west



Plate 17 Trench 13 looking north-west



Plate 18 Soil profile in western end of Trench 13 showing peat and silt deposits



Plate 19 Stone axe 25E0117:01



Plate 20 Stone axe 25E0117:01 other face

APPENDIX 1 Technical Report on Stone Axe (find no. 25E0117:01)**Stone Axe (25E0117:01), Kellystown townland, Co. Dublin**

Technical report by Dr Karen O'Toole

The following report was carried out following the conventions outlined by the Irish Stone Axe Project (see Cooney and Mandal 1998).

Find No.: 25E0117:01

Object Type: Axe

Context: Stray find

Dimensions:

Length: 13.2cm

Width: 7.3cm

Thickness: 4.8cm

Weight: 550g

Primary treatment: PT02

Secondary treatment: None

Morphology:

Face shape: FS02

Cross section: CS01

Edge shape: ES04

Profile: P05

Blade profile: BP04

Butt shape: BU02

Facets: None

Lithology: Gabbro

Description:

This is a fragment of a stone axe comprising the lower portion with the butt missing. The lithology is visually consistent with gabbro, a coarse-grained lithology. The axe has a pale grey colour with frequent (> 60%) white flecks.

The primary treatment for this axe appears to have been pecking / hammering. This is consistent with primary treatments used for coarse-grained lithologies (Cooney and Mandel YEAR). Pecking marks are visible all over the exterior of the axe. The axe may have initially been flaked to some extent prior to pecking – there are depressions on both faces and on one side that may be the remains of flake scars that were pecked over. However, there are no obvious flake scars visible on the surface. The axe has not undergone a secondary treatment such as polishing or grinding. However, that is not to say this axe is unfinished – indeed, it appears to have a finished axe that was put to use (see below). While it is unusual for an Irish stone axe to show no evidence of grinding or polishing, this is not a unique example (Cooney and Mandel 1998).

The axe has an asymmetrical face shape (FS02) with a full oval cross-section (CS01). It has a curved asymmetrical edge shape (ES04) and medium asymmetrical profile (P05). Both sides of the blade merge with the face of the axe, producing no junction between the two areas of the axe. The blade has an asymmetrical profile (BP04) and the edge is rather blunt. As the butt portion of the axe is missing, its original shape cannot be speculated and it is categorised as a damaged / undefined butt (BU02).

The axe is broken along an asymmetrical fracture which fully removed the upper butt portion of the axe. The fracture is likely located in the central portion of the body of the axe. The break likely occurred in antiquity, given the worn edges along the edges of the break. The fracture is consistent with a use-wear break. The flat surface of the break has an asymmetrical height, with a deeper depression towards Face 2, indicating a slightly hinged fracture. The elongated portion of the break that extends perpendicular to the remainder of the broken surface has a more uniform surface and joins the break at a slightly obtuse angle. This produces a stepped hinge fracture, which again is consistent with use-wear. The different character of the two sides of the break suggest that the fracture may have travelled along an existing natural crack or fault in the material. The fracture likely occurred due to end-shock, a phenomenon that occurs when the rebounding shockwaves of one blow of the axe meet the shock waves of a second blow, resulting in a fracture where the waves meet. Such fractures are usually spontaneous and unpredictable. Staining along the edges of the fracture are likely due to post-depositional taphonomic processes.

The axe also shows additional evidence of use, particularly on the blade. The blade of the axe is rather thick and blunt. The roughened and pock-marked surface of the blade edge is consistent with the chipping and nicking that result from use. The largest chips are present on either side of the blade edge, close to where they meet the sides of the axe in a seamless join. These chips and nicks gradually blunt the axe over time, dulling the cutting edge. There is no evidence to suggest that this axe had been resharpened during its use-life.

The pecked surface of the axe results in a roughened surface along the sides of the axe. This may have been a desirable outcome, which may have facilitated the hafting of the object. Very few examples of axe hafts have survived in Ireland as they are typically made of organic materials that do not survive in the archaeological record. All known surviving axe hafts from Ireland are made of single pieces of timber that were recovered from peatlands (Cooney and Mandal 1998). However, evidence for hafting can also be detected on the axeheads themselves. Many Irish axes have an area or band of pecking along the sides and faces of the axe to increase the grip for fitting a haft. This is usually a distinct process from the original primary and secondary treatments of the axe, and sometimes occurs after polishing and grinding (Cooney and Mandal 1998). In this case,

the axe has been pecked all over. However, the roughened surface of the sides and faces would no doubt have also facilitated the hafting of this object.

Discussion:

Stone axeheads are the single most numerous artefact type surviving from prehistory in Ireland, where they have been long regarded as one of the characteristic objects of the Mesolithic and Neolithic periods (Woodman 1978 and 1987; Cooney and Grogan 1994). They were both a symbol of prestige and an ordinary working tool for people for thousands of years. Stone axeheads would have served a wide range of functions in early prehistoric society, including their use in woodworking, in burial and ceremonial contexts and as symbols of power (Mandal et al. 2004). The Kellystown axehead (25E0117:01) appears to be a robust example of a working stone axehead.

The axe fragment is c. 13.2cm long, making it a rather large example. Irish stone axes have an average maximum length between 8-12cm (Cooney and Mandel 1998), and, despite its fragmentary nature, this axe already measures in excess of this average. Some research indicated that there may be a relationship between the lithology of an axehead and its size and morphology. For example, it has been noted that a higher proportion of large axeheads, particularly those greater than 20cm long, are made from coarse-grained stones (Mandal et al. 2004; Mandal 1996). The Kellystown axehead appears to fit this trend, with the use of coarse-grained gabbro a potential explanation for its larger than average size.

While the majority of Irish stone axes (c. 50%) are made from porcellanite (Cooney and Mandal 1998), a wide variety of rock types have been exploited and there is considerable evidence for the extensive use of locally available material. Without a detailed petrological study, it is impossible to say whether the gabbro use for this axe was a local material. It should be noted that Sheridan et al. (1992) describe gabbro as a 'non-local preferred material', which suggests that this material was also deliberately selected for use by people in the past and may not have come from the immediate locality of the site given the multiple sources available for this lithology.

The Kellystown axe has the appearance of a well-worn utilitarian stone axehead, dating from the Neolithic into the Early Bronze Age. The all-over pecked surface indicates a time-consuming process of shaping and refining to produce a fine working axe. The dull, chipped and nicked blade indicates a considerable period of use prior to its deposition. The fracture resulting from the use of the axe caused a catastrophic failure of the object that subsequently ended its use-life. This axe is a stray find and, as a result, little can be said about its immediate depositional context or how it came into the archaeological record. However, the lack of reworking indicates that it was likely discarded soon after it fractured and does not appear to have been used again, at least in a utilitarian sense.

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APPENDIX 2 Summary of relevant legislation**Historic and Archaeological Heritage and Miscellaneous Provisions Act (2023)**

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

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

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

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

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

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

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

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

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

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

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

- h) any feature, deposit or layer, whether or not natural in origin and whether or not artificially altered, containing or providing information or evidence relating to the past environment;

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

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

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

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

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

General protection applies to

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

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

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

- a) dive or direct or authorise diving;
- b) use or possess, or direct or authorise the use or possession of, diving, survey or salvage equipment;
- c) dump or deposit, or direct or authorise the dumping or deposition of, any thing whether or not it interferes with or causes damage to the thing;

- d) interfere, remove or tamper in any way (whether with or without causing damage) with the thing.

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

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

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

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

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

The Minister may appoint himself or herself, or with the consent of a local authority, appoint the local authority as the guardian of a registered monument to which special protection applies. A

national monument under the Act of 1930 will be deemed both a registered monument and a guardianship monument.

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

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

“Architectural heritage” means—

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

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

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

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

- f) use... a detection device for the purpose of identifying, locating (including searching for), investigating, surveying or recording any archaeological object or monument or relevant thing of archaeological interest...

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

National Monuments Legislation (1930-2014)

The National Monument Act, 1930 (as amended) provides the formal legal mechanism to protect monuments in Ireland. Protection of a monument is provided via:

Record of Monuments and Places (RMP);

National Monument in the ownership or guardianship of the Minister for Arts, Heritage, Regional, Rural & Gaeltacht Affairs or a Local Authority;

National Monument subject to a Preservation Order (or temporary Preservation Order);

Register of Historic Monuments (RHM).

The definition of a monument is specified as:

any artificial or partly artificial building, structure or erection or group of such buildings, structures or erections;

any artificial cave, stone or natural product, whether forming part of the ground, that has been artificially carved, sculptured or worked upon or which (where it does not form part of the place where it is) appears to have been purposely put or arranged in position;

any, or any part of any, prehistoric or ancient tomb, grave or burial deposit, or (ii) ritual, industrial or habitation site; and

any place comprising the remains or traces of any such building, structure or erection, any cave, stone or natural product or any such tomb, grave, burial deposit or ritual, industrial or habitation site.

Under Section 14 of the Principal Act (1930):

It shall be unlawful...

to demolish or remove wholly or in part or to disfigure, deface, alter, or in any manner injure or interfere with any such national monument without or otherwise than in accordance with the consent hereinafter mentioned (a licence issued by the Office of Public Works National Monuments Branch),

or

to excavate, dig, plough or otherwise disturb the ground within, around, or in the proximity to any such national monument without or otherwise than in accordance...

Under Amendment to Section 23 of the Principal Act (1930):

A person who finds an archaeological object shall, within four days after the finding, make a report of it to a member of the Garda Síochána...or the Director of the National Museum...

The latter is of relevance to any finds made during a watching brief.

In the 1994 Amendment of Section 12 of the Principal Act (1930), all the sites and 'places' recorded by the Sites and Monuments Record of the Office of Public Works are provided with a new status in law. This new status provides a level of protection to the listed sites that is equivalent to that accorded to 'registered' sites [Section 8(1), National Monuments Amendment Act 1954] as follows:

The Commissioners shall establish and maintain a record of monuments and places where they believe there are monuments and the record shall be comprised of a list of monuments and such places and a map or maps showing each monument and such place in respect of each county in the State.

The Commissioners shall cause to be exhibited in a prescribed manner in each county the list and map or maps of the county drawn up and publish in a prescribed manner information about when and where the lists and maps may be consulted.

In addition, when the owner or occupier (not being the Commissioners) of a monument or place which has been recorded, or any person proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such monument or place, he shall give notice in writing of his proposal to carry out the work to the Commissioners and shall not, except in the case of urgent necessity and with the consent of the Commissioners, commence the work for a period of two months after having given the notice.

The National Monuments Amendment Act enacted in 2004 provides clarification in relation to the division of responsibilities between the Minister of Environment, Heritage and Local Government, Finance and Arts, Sports and Tourism together with the Commissioners of Public Works. The Minister of Environment, Heritage and Local Government will issue directions relating to archaeological works and will be advised by the National Monuments Section and the National Museum of Ireland. The Act gives discretion to the Minister of Environment, Heritage and Local Government to grant consent or issue directions in relation to road developments (Section 49 and 51) approved by An Bord Pleanála and/or in relation to the discovery of National Monuments.

14A. (1) The consent of the Minister under section 14 of this Act and any further consent or licence under any other provision of the National Monuments Acts 1930 to 2004 shall not be required where the works involved are connected with an approved road development.

14A. (2) Any works of an archaeological nature that are carried out in respect of an approved road development shall be carried out in accordance with the directions of the Minister, which directions shall be issued following consultation by the minister with the Director of the National Museum of Ireland.

Subsection 14A (4) Where a national monument has been discovered to which subsection (3) of this section relates, then the road authority carrying out the road development shall report the discovery to the Minister subject to subsection (7) of this section, and pending any directions by

the Minister under paragraph (d) of this subsection, no works which would interfere with the monument shall be carried out, except works urgently required to secure its preservation carried out in accordance with such measures as may be specified by the Minister.

The Minister will consult with the Director of the National Museum of Ireland for a period not longer than 14 days before issuing further directions in relation to the national monument.

The Minister will not be restricted to archaeological considerations alone, but will also consider the wider public interest.

Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999

This Act provides for the establishment of a national inventory of architectural heritage and historic monuments.

Section 1 of the act defines “architectural heritage” as:

- (a) all structures and buildings together with their settings and attendant grounds, fixtures and fittings,
- (b) groups of such structures and buildings, and,
- (c) sites

which are of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 2 of the Act states that the Minister (for Arts, Heritage, Gaeltacht and the Islands) shall establish the NIAH, determining its form and content, defining the categories of architectural heritage, and specifying to which category each entry belongs. The information contained within the inventory will be made available to planning authorities, having regard to the security and privacy of both property and persons involved.

Section 3 of the Act states that the Minister may appoint officers, who may in turn request access to premises listed in the inventory from the occupiers of these buildings. The officer is required to inform the occupier of the building why entry is necessary, and in the event of a refusal, can apply for a warrant to enter the premises.

Section 4 of the Act states that obstruction of an officer or a refusal to comply with requirements of entry will result in the owner or occupier being guilty of an offence.

Section 5 of the Act states that sanitary authorities who carry out works on a monument covered by this Act will as far as possible preserve the monument with the proviso that its condition is not a danger to any person or property, and that the sanitation authority will inform the Minister that the works have been carried out.

The provisions in the Act are in addition to and not a substitution for provisions of the National Monument Act (1930–94), and the protection of monuments in the National Monuments Act is extended to the monuments covered by the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act (1999).

The Local Government (Planning and Development) Act, 1999

The Local Government (Planning and Development) Act, 1999, which came into force on 1st January 2000, provides for the inclusion of protected structures into the planning authorities' development plans and sets out statutory regulations regarding works affecting such structures, thereby giving greater statutory protection to buildings. All structures listed in the development plan are now referred to as Protected Structures and enjoy equal statutory protection. Under the 1999 Act the entire structure is protected, including a structures interior, exterior, the land lying within the curtilage of the protected structure and other structures within that curtilage. This Act was subsequently repealed and replaced by the Planning and Development Act, 2000, where the conditions relating to the protection of architectural heritage are set out in Part IV of the Act.

Protected Structures, Curtilage & Attendant Grounds

A protected structure is defined in the Local Government (Planning and Development) Act 2000 as any structure or specified part of a structure, which is included in the planning authorities' Record of Protected Structures (RPS). Section 57 (1) of the 2000 Act states that "...the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of

(a) the structure, or

(b) any element of the structure, which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but according to Architectural Heritage Protection Guidelines for Planning Authorities (2004) and for the purposes of this report it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purpose of the structure.

The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. The attendant grounds of a country house could include the entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, lakes etc.