



CourtneyDeery
ARCHAEOLOGY & CULTURAL HERITAGE

Cultural Heritage Impact Assessment Report

Archaeological Monitoring and Testing

Former Teagasc Centre,

Malahide Road, Kinsealy, Co. Dublin.

Excavation Licence no. 23E1012

For

Conroy Crowe Kelly Architects Ltd.

on behalf of The Land Development Agency

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EXECUTIVE SUMMARY

This report presents the results of an archaeological impact assessment for a site located in the lands of the former Teagasc Research Centre, Malahide Road, Kinsealy, Co. Dublin. This largely brownfield site, c. 8.2ha in extent, is proposed to be developed for residential housing. The assessment comprised a desktop survey, site inspection, archaeological monitoring of geotechnical site investigations and test excavations.

The purpose of the assessment was to establish the archaeological potential of the site and to determine the presence of archaeological remains within the site and offer recommendations to mitigate the impact of development on the archaeological resource. It has been prepared by Courtney Deery Heritage Consultancy Ltd for Conroy Crowe Kelly Architects Ltd. on behalf of The Land Development Agency.

Monitoring and testing took place under licence 23E1012 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland.

The following factors were identified in the course of assessment:

- The site is large in scale, c. 8.2ha in extent, and while mostly brownfield, still contains substantial greenfield portions;
- There are no recorded monuments (RMP / SMR sites) within or immediately adjacent to the subject site;
- There is no increased archaeological potential noted from the study of cartographic sources;
- There is no increased archaeological potential noted from the study of aerial photographs;
- No previous archaeological excavations have taken place within the subject site, however, test excavations in the lands immediately to the east revealed evidence for medieval settlement;
- There are no stray finds recorded in the Topographical Files of the National Museum of Ireland that can be linked to the subject site;
- Archaeological monitoring of the geotechnical site investigation works did not reveal any archaeological features or material but did reveal that large parts of the site had undergone significant earlier ground disturbances;
- Archaeological test excavations did not reveal any features or material of archaeological significance and confirmed the general findings of the monitoring exercise.

Given all these factors, it is deemed that though most of the previously developed parts of the site have low archaeological potential, the remaining sections in the greenfield section of the site would contain a moderate potential for the survival of buried archaeological remains.

As such, it is recommended that groundworks for the development are monitored by a suitably qualified archaeologist. Archaeological monitoring should be undertaken on an intermittent basis, with an emphasis on the topsoil stripping for the greenfield areas. Should archaeology be

identified during the course of monitoring, works will be stopped around the archaeology and the relevant authorities will be contacted to agree an appropriate strategy to proceed. This usually involves either preservation in situ or, if that is not feasible, preservation by record, i.e. full archaeological excavation.

All recommendations made in the report are subject to the approval of the National Monuments Service of the DHLGH and the National Museum of Ireland.

1. INTRODUCTION

1.1. General

This report presents the results of archaeological monitoring and testing undertaken at a largely brownfield site off the Malahide Rd, Kinsealy, Co. Dublin. Monitoring and testing took place under licence 23E1012 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. The report has been prepared by Courtney Deery Heritage Consultancy Ltd for Conroy Crowe Kelly Architects Ltd. on behalf of The Land Development Agency.

1.2. Site Description

The subject site (c. 8.2ha) is located to the east of the Malahide Road, in the townland of Kinsealy, in the parish of Swords, and the barony of Coolock (Figure 1). The land is currently occupied by Teagasc Kinsealy Research Centre, a national agricultural research facility that closed in 2012; large parts of which are covered with structures such as greenhouses and warehouses as well as various planted areas. There is also a water reservoir in the south-eastern corner of the site. To the north and north-east, the site is bounded by residential estates; to the south-east by sports fields; to the south by rear gardens of one-off private residences; to the south-west by the grounds of the Malahide Portmarnock Educate Together National School, and to the west and north-west by the Malahide Road and the plots of private one-off residences.

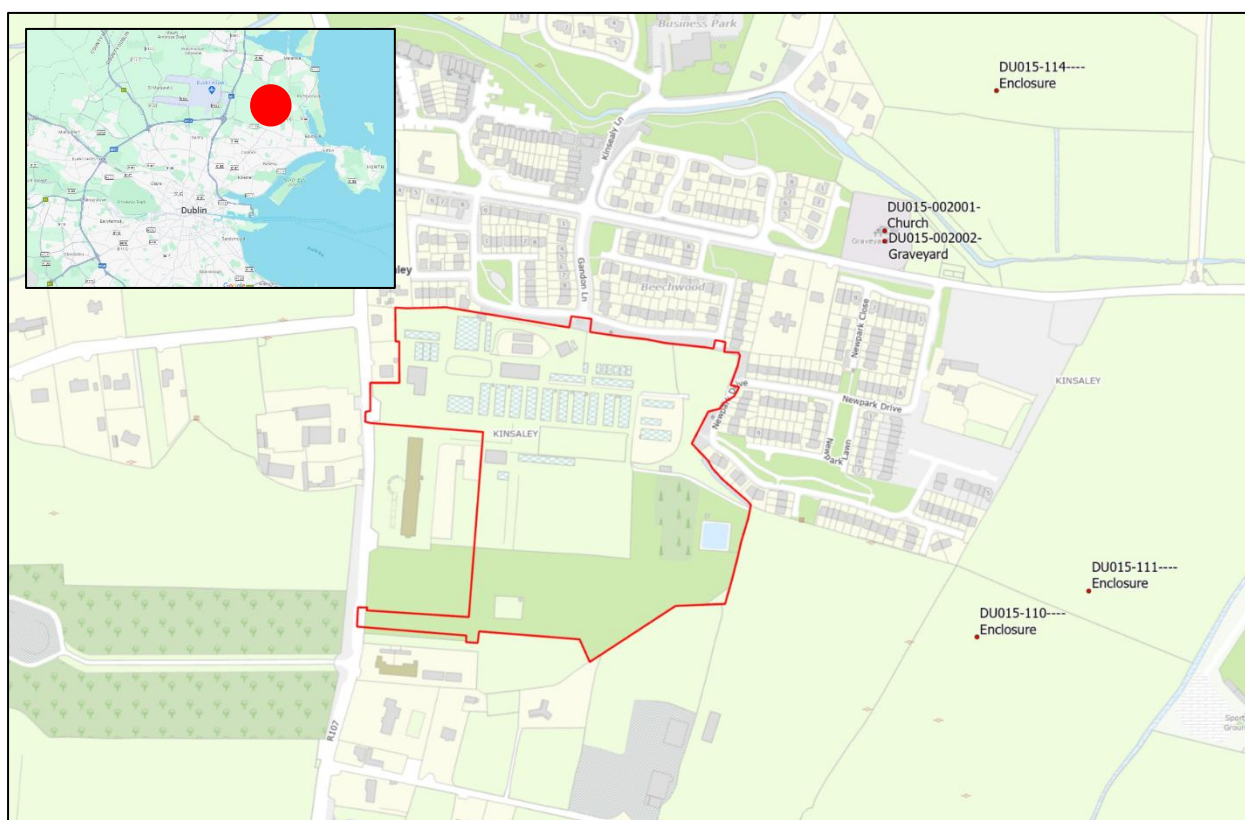


Figure 1 Site location map with surrounding RMP / SMR sites

1.3. Development Description

The Land Development Agency propose to develop a new residential scheme of 193 dwellings and a single-storey creche of 283sqm, located at the former Teagasc lands in Kinsealy, Co. Dublin. The development includes all associated site works and infrastructure, including public open space and shared surface streets, internal roads, paths, cycle paths, public lighting and drainage (Figure 2).



Figure 2 Proposed development

1.4. Methodology

The assessment was carried out in accordance with archaeological heritage legislation, guidelines and standards as listed in Appendix 1. 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 1930 (as amended) have not yet been repealed and therefore remain in force. Both Acts are summarised in Appendix 2.

A review of the following information took place to inform the background research for the report:

- National Monuments in State care, as listed by the National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage (DHLGH);
- Sites with Preservation Orders;
- Sites listed in the Register of Historic Monuments;
- Record of Monuments and Places (RMP) and the Sites and Monuments Record (SMR) from the Archaeological Survey of Ireland; The 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;
- Record of Protected Structures (RPS) in the Fingal County Development Plan (2023-2029);
- Fingal County Council Architectural Conservation Areas (ACAs) and their statements of character;
- National Inventory of Architectural Heritage (NIAH) Building Survey (NIAH ratings are international, national, and regional are recommended for inclusion in the RPS);
- 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);
- National Folklore Collection (Duchas.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 (see Appendix 1).

While the area is now referred to as *Kinsealy*, historically and on the historic maps it is spelt *Kinsaley*, hence the two spellings within the report.

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

2. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

2.1. General

The lands of North County Dublin have a rich and well documented archaeological record and are known to have been extensively settled since the prehistoric period. The coastal and estuarine landscape encouraged human activity and occupation from the Mesolithic period onwards and this is reflected in the archaeological record. The settlement history of the area continued into the early medieval period and into the medieval times when the Anglo Normans asserted their claim on the territory.

The Kinsealy landscape is characterised by ring ditches, a funerary monument dating to the Bronze Age and Iron Age, and enclosures; an area defined by an enclosing element (e.g., bank, wall, fosse, scarp) which often occur in a variety of shapes and sizes, possessing no diagnostic features that assist in defining a monument type. Some enclosures once further investigated are prehistoric in nature but many date to the early medieval period. Often, they have been identified as a cropmark in aerial photography and have little to no surface expression. Other early medieval monuments in the area include ringforts and church sites. There are no recorded monuments located within the subject site. The closest monument is an enclosure, identified as a cropmark (DU015-110) and this is located c. 241m to the west of the proposed development area.

2.2. Prehistory (c. 7000 – AD 400)

The coastal area of north County Dublin has produced relatively large quantities of flints, many of which may date to the Mesolithic. The first people to come to Ireland at the end of the Ice Age often lived in coastal areas: shell middens on this part of the coast, along raised beaches formed when the sea level dropped after the Ice Age, are also evidence of the people's seasonal habitation sites. Mitchell discovered both Mesolithic and Neolithic flints at the raised beaches at Sutton during his excavations in the 1950s and 1970s (Stout & Stout 1992). Several flint tools were among the artefacts recovered at Feltrim Hill, c. 2km to the north-west (Hartnett & Eogan 1964). Sites from the Mesolithic period are primarily identified by stone tools and flint scatters along resource-rich areas such as the coast, estuaries and river valleys. Other prehistoric material is relatively rare in this part of the county, and it has been speculated that centuries of continuous tillage north of the Liffey must have led to the destruction of many archaeological sites (Stout & Stout 1992). However, ongoing excavation and investigation techniques such as radiocarbon dating are increasing our knowledge and supplementing the artefactual evidence which does suggest that the Fingal area was occupied at this time.

There is also a significant body of Neolithic material from north County Dublin, when the first farmers arrived in Ireland and started building the first permanent monuments in the Irish landscape, including the famous megalithic tombs. There is a large, well-preserved portal tomb at Howth Demesne, at the foot of Muck Rock. Excavations at Feltrim Hill, situated approximately 5km to the west of Malahide, revealed settlement evidence from the Neolithic, including traces of a possible hillfort and 147 flint implements, suggesting that flint was being knapped on site. Lambay island shows areas of Neolithic activity associated with stone axe and flint tool manufacturing (Cooney 2000). The highest points of Lambay Island also have at least two cairns, mounds of stone that often cover burials, which may also date to the Neolithic.

The Bronze Age is represented in this part of north county Dublin by a rather limited range of monuments, some of which are recorded in the wider landscape. The closest examples include a cluster of four ring-ditches between c. 600m and c.1km to the south-west (DU015-011, DU015-

140, DU015-142, DU015-143, DU015-144). These ring-ditches may well represent the remains of barrows, burial monuments consisting of a circular central area, enclosed by a ditch and occasionally by an external bank, that can also date to the Iron Age.

The Iron Age in Ireland marks the transition from bronze to iron working. Rotary querns, linear earthworks and the continued use of hillforts and promontory forts are all aspects of the Iron Age. Burial practices included cremation and inhumation interred in pits or in pre-existing tumuli. Burial monuments associated with the period include ring barrows, ring-ditches and embanked enclosures. The only traces of Iron Age occupation in north County Dublin (i.e. Fingal) seem to be promontory forts, trading centres and defended headlands, some of them located in Lambay Island – which seems to be occupied during all prehistory, even if often for short-term settlements – and one in Howth (Baker 2010, 29).

2.3. Early Medieval Period (c. AD 500-AD 1200)

The early medieval period saw the development of a mixed-farming economy managed by kings, nobles, and free farmers. There was an increase in settlement during the early medieval period, and the ringfort, otherwise known as 'rath' or 'fairy fort', is the best-known monument of this period (Stout 1997). Ringforts are essentially enclosed farmsteads dating to the early medieval period. Ringforts were not simple isolated homesteads, and should be considered within their contemporary settlement landscape, which would have consisted of unenclosed settlements, farms and fields, route ways and natural resources. There is a particular concentration of four ringforts located within the townland of Grange c.1.3km to the north-east of the study area (DU015-004, DU015-005, DU015-003001, DU015-003002). There are 15 enclosures within 1km of the study area. Three enclosures are among the closest known archaeological sites to the proposed development, being located between c. 200m and c. 500m to the west (DU015-109, DU015-110, DU015-111) and present today as crop marks. This type of feature is also evident in the fields to the north of Chapel Road (DU015-114), where there is additional evidence (as crop marks) for a field system centred 630m north-east (DU015-113), associated with another circular enclosure (DU015-112).

Where ringforts were the major secular component of early medieval settlement, ecclesiastical centres became the focus of the new religion that was readily adopted in the 5th and 6th centuries. One such example is the ecclesiastical settlement associated with St Doolagh's Church (RMP DU015-009001) c. 700m south of the proposed development. Not much is known about the founder of the church, St Doolagh; the earliest reference to him is found in the 9th century Martyrology of Oengus where he is referred to as 'Duilech of Clochar', though he probably lived in the early 7th century (Appleyard 1985). The church itself represents the oldest building in a 1km buffer area from the proposed development and was constructed in the same style as Cormac's Chapel at Cashel and St Kevin's at Glendalough. The site incorporates most of the other features commonly associated with an ecclesiastical settlement including a burial ground, two holy wells, a cross, and an inner and outer enclosure. Another church is located c.300m to the north-east of the proposed development (DU015-002001), together with an annexed graveyard (DU03565), and it is a chapel dedicated to Saint Nicholas of Myra: it is listed in a certificate to a kinsman by the Archbishop Comyn (c. 1184), stating that he had 'admitted Walter Comyn to the parsonage' of some churches, with the appendant chapels of several towns, including 'Kinsale', namely Kinsaley (Little 1948, 66) and the Comyns were still proprietors of the chapel between 1337 and 1346¹. It

¹ Mills, J. 1891. *Account Roll of the Priory of the Holy Trinity, Dublin*. Notes p. 153: Page 8. https://archive.org/stream/accountrollprio00millgoog/accountrollprio00millgoog_djvu.txt

was probably still in use in 1532 and 1615 (Walsh 1888, 237), and finally fell into disuse before the 17th century, together with the extinction of the Kinsaley Parish (Ni Mhurchadha 2005, 210).

During the 10th and 11th centuries the area was settled by Scandinavians, as the very name of the county indicates, being that Fingal comes from *Fine Gall*, territory of the foreigner (Joyce 1910, 97 and Baker 2010, 1). It has also been suggested that there was a Viking rural settlement in Feltrim Hill, c. 1.3km from the site location (Murphy & Potterton 2010, 58; Bradley 1995, 12). At these times, Kinsaley itself was part of the extensive Mac Turcaill lands (Bakers 2010, 46): the Mac Turcaill family, the leading dynasty in Dublin, controlled the whole city area and its territories, until the arrival of the Anglo-Norman.

2.4. Medieval Period (c. 12th to 17th century)

From the 12th century, the Anglo-Normans, with a keen eye for good agricultural land, superimposed the manorial system of landholding they had acquired from England and the Welsh borderlands onto their newly conquered territory in Fingal. The Mac Turcaill family, previous owner of all Fingal (Baker 2010, 46) lost virtually everything after the Anglo-Norman conquest of Ireland. Strongbow confirmed only Kinsaley and the adjacent lands to Hamund Mac Turcaill (c. 1174). Mac Turcaill, even if confirmed owner of those lands, had to pay from then on two marks to the king for those lands, 'to supply lights before the holy cross in Holy Trinity Church' (Murphy & Potterton 2010, 88). This is not a surprise since the Holy Trinity church had holdings of religious houses in Kinsaley (*id.*, 81), maybe even the abovementioned chapel of St Nicholas, and it was granted much of the remaining Mac Turcaill lands, becoming the major landholder in the area, thus maintaining many granges or farms which would contribute to the cathedral's income and upkeep.

The Account roll of the Priory of the Holy Trinity shows that the Comyn family were granted the lands of Kinsaley and would retain them for the following 140 years (St John Brooks, 1956), though they would remain the subject of several significant disputes throughout the late 13th century. At some point subsequently the estate was alienated from the Comyn family and Holy Trinity were able to lease the lands to the Balfe family.

According to Murphy and Potterton (Murphy and Potterton 2010, 170, figure 6) the lands of Kinsaley were part of a medieval manor, one of the many Anglo-Norman agricultural estates, usually including agricultural lands, a village, and a manor house. An examination of names in the area suggests that it was heavily occupied by forests for wood cutting (e.g., Drinan, Greenwood) and, in an account of the 1302-3 *Kinsale* (Kinsaley) is listed as a location where men were cutting rods (see also O' Sullivan 1998, 63). This may relate to the presence of religious houses in the area which were always in need of regular supplies of wood and were the foremost proponents of woodland management (Murphy and Potterton 2010, 362-363).

A sign of the Anglo-Norman presence in the wider area is Feltrim castle (DU015-038). This is located c. 1.3km to the north-west of the proposed development. It is difficult to date the structure as scant trace of it survives to this day, but it looks like it could have originally been a 'Ten Pound Castle', built in the 15th century. It is depicted as a single tower in the Down Survey map of c. 1656-58 together with a windmill (Figure 3). If this is an accurate depiction rather than simple use of a symbology, then this suggests that the castle was a tower-house and therefore that it probably dates from the 15th to 17th century, when the Anglo-Norman control of the country was waning and the £10 'Subsidised Castle Act' encouraged the construction of these fortified farm houses to create a defensive line to protect 'The Pale', the area controlled by the kings of England, against the attacks of the Irish tribes.

An excavation carried out in 2017 (Licence No. 16E0395ext) succeeded in identifying the phasing of development at Feltrim from the 15th-century castle to the 17th foundations of Feltrim House (the next phase of occupancy), the 19th-century outbuildings and subsequent demolition and site clearance of these late structures (Russell 2017). It was historically owned by the Fagan family, hence the local name of Fagan's castle: they were a Dublin mercantile family who were able to pick up several pieces of church lands in the area of Swords, hence increasing their wealth and status. Accordingly, in the Civil survey the property is depicted as a 'stone house slated with severall Office houses tahtcht, one windmill, one orchard and garden ye walls of an old chapell' (Simington 1945, 184), referring to the second phase of occupancy of the site known as Feltrim House. The windmill appears also in the Rocque's 1762 Map (Figure 6). The RMP file describes Feltrim Castle, located on the lower east facing slope of Feltrim Hill, as a tall, masonry, pier-like structure (H c. 4.5m) with an L-shaped ground plan. To its south it is possible to notice an area of collapse, while to the east there is a double-arched structure that probably dates to the 18th or 19th century. During Elizabeth I's reign, it was the prison of the Earl of Desmond, and it was also reputedly where James II spent a night when fleeing the Battle of the Boyne (Dalton 1838, 212).

In the Civil Survey (1654-1656) – and in the contemporary Down Survey (Figure 3) the Fagans are defined 'Ir: papist.' – *Irish papists* (Simington 1945, 184) and listed in reference to the ownership of parts of Kinsale, together with the Goldings and the Plunketts, both Irish papists as well, even if only the Goldings hold the title 'of Kinsalley'.

28--	Russell of Brownestowne	Dynam with a full of Land	226 : 2 : 00	Arab past - 226 : 2 : 00
29--	Richard Golding of Kinsley	Raholic	099 : 2 : 28	the same - 099 : 2 : 28
30--	Chris Fagan of Feltrim	Feltrim with a fornocke	277 : 3 : 00	Arab past - 277 : 3 : 00
31--	The same Fagan Jr	Mabstowne	110 : 2 : 00	Arab past - 110 : 2 : 00
32--	Plunkett of Grange	Portmarnock	018 : 1 : 00	the same - 018 : 1 : 00
33--	The same	same	024 : 1 : 00	the same - 024 : 1 : 00
34--	The same	same	026 : 2 : 00	the same - 026 : 2 : 00
35	Chris Fagan aforesaid	his part in Kinsale	141 : 1 : 00	the same - 141 : 1 : 00
36	The same Leassee	Balmacastle w th St Doe	120 : 3 : 00	the same - 120 : 3 : 00
37	Rich: Golding aforesaid	his part of Kinsale	317 : 0 : 00	the same - 317 : 0 : 00

Figure 3 List of owners of the area in Kinsale from the Down Survey

The Civil Survey lists 'three small tatcht houses', owned by Fagan, 'a stone stable slated, a Dove house and five small tatcht cottages in ye town of Kinsalley' owned by Golding, and 'a faire Stone house' owned by Plunkett (Simington 1945, 184-185), of the Plunketts of Portmarnock, a noble family since the 12th century (Murphy & Potterton 2010, 101).

2.5. Post-Medieval Period (c. 17th to 19th century)

With the ending of the Williamite Wars in the late 17th century, Ireland entered a new era of relative political calm, encouraging an era of experimentation of new architectural styles when larger, more comfortable houses became the norm, exemplified by the numerous country houses within 1km of the proposed development that date from the 18th-century. These include Limehill House (NIAH 11350015), Wellfield House (NIAH 11350021), Emsworth House (11350010), Springhill House (11350013), Limehill House (11350015) and Kinsale House (11350009).

Of these Kinsale House is the most relevant, being only c.200m to the west of the proposed development and the likely focus of the more modern settlement in the area. This detached five-bay two-storey over basement red brick house was built in 1736. It is in a good state of preservation, being notable for its interior, which is almost entirely intact (as per National Inventory of Architectural Heritage website - data was recorded on date 20/06/2005). Recent housing developments in the area have heavily changed the original landscape of this historical house, including demolition of its extensions and the construction of a new one

By the 1830s a hamlet had developed along the Malahide Road, where a Catholic church was built in 1830 and a National School stood among 6 cottages (Ordnance Survey Name Books, Figure 8), the land was under the ownership of the Cooper family.

2.6. Cartographic Sources

2.6.1. Down Survey maps (c. 1656)

In the Down Survey map, c. 1656, Kinsale is named on the map as *Kinsally* and the ownership appears to be shared between the Goldings and the Fagans, accordingly to what is stated in the Civil Survey (see before), both at Barony and Parish level (Figure 4 and Figure 5). No buildings or structures are depicted in the area, making it likely that this land was used for agricultural purposes. Interestingly enough, St Nicholas church is not indicated in the Down Survey, suggesting it fell out of use by the early 17th Century.



Figure 4 Down Survey map, Barony level, of c. 1656-58, showing 'Kinsally'

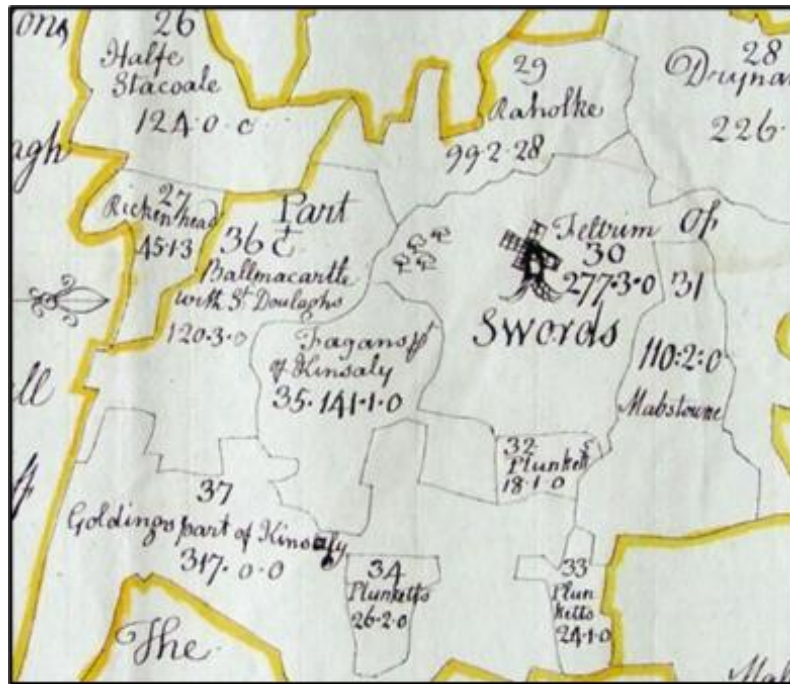


Figure 5 Down Survey map, Parish level, of c.1656-58, showing 'Kinsaly' and its owners

2.6.2. Rocque's 'Map of Dublin' (1760)

Rocque's Map of 1760 shows Kinsale house already built (c. 1736) and mark down the presence of St Nicholas chapel as 'church in ruins' written between the site location and the House. The site location is depicted once again as undeveloped lands, probably still used for agricultural purposes. Malahide road already exists, and it is depicted forming the west boundaries of the study area (as it is today), and it is also possible to notice St Doolagh's church to the south of the site location (Figure 6).

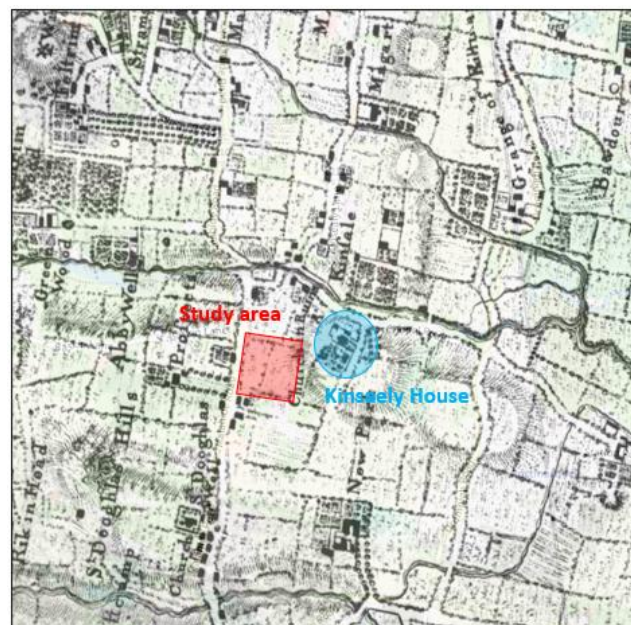


Figure 6 Detail of the Rocque's Map of 1760 showing the approximate site location and its surroundings

2.6.3. Taylor's map of Dublin (1816)

Taylor's Map of Dublin of 1816, drawn to illustrate the status of the Irish roads and the illustrious properties of the country, shows the name of the townland as 'Kinsaly', Malahide Road to the west of the study area, St Nicholas chapel ruins and Kinsaley House, even if their names are not annotated. What is annotated in the map is the presence of two of the historical houses within 500m from the study area: Emsworth (Reg. No. 11350010) as 'Annsworth', and Bohammer (Reg. No. 11350011/2), as 'Bohomer' (Figure 7).

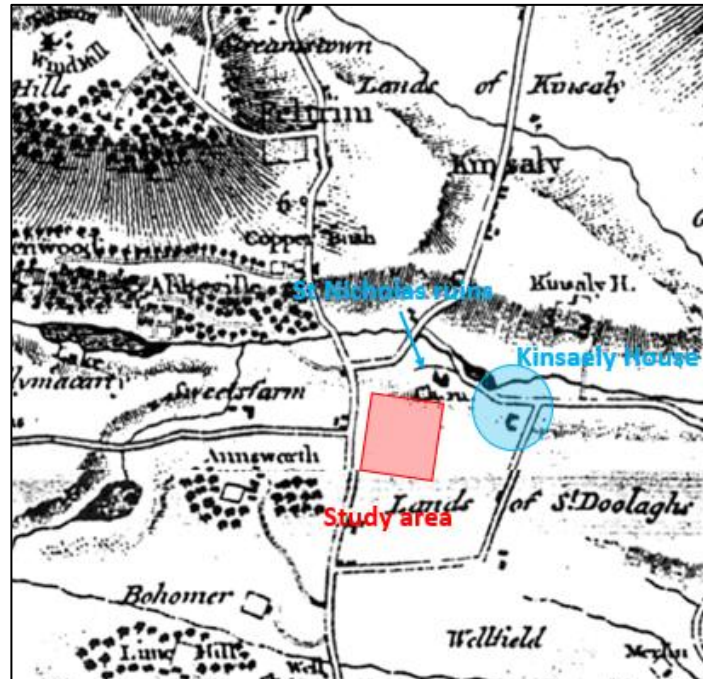


Figure 7 Detail of Taylor's Map showing the area of Kinsale ('Kinsale')

2.6.4. Ordnance Survey Maps

The First Edition Ordnance Survey six-inch map of 1843 accurately depicts boundaries, natural features, and structures, together with archaeological sites and monuments. The map shows the study area as a series of fields located to the west of a north-south trending road, located to the south of a Roman Catholic Chapel and National School at Kinsale and to the east of Kinsale House. A church and graveyard are located to the north of Kinsale House (Figure 8).

The 25-inch edition of 1906 still shows the land in the study area as agricultural fields. There are no structures within the study area. Kinsale House, the chapel, and the school, both dedicated to St Nicholas (Figure 9) are shown on the map.

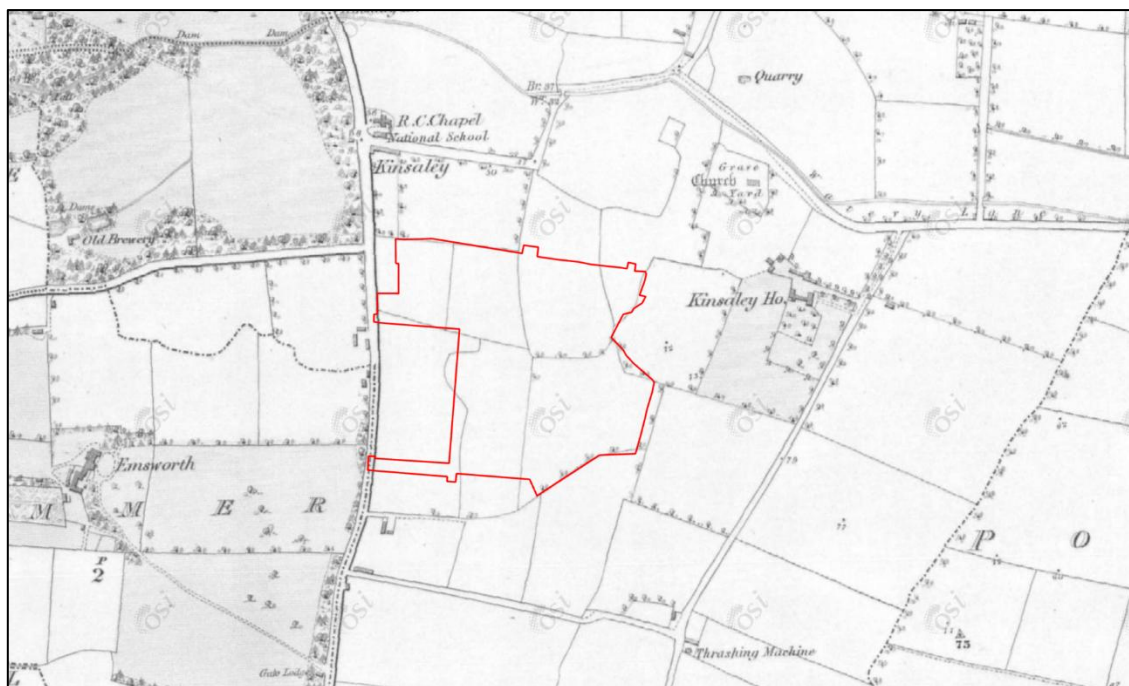


Figure 8 First edition of the six-inch Ordnance Survey, with approximate site location (boundary in red)

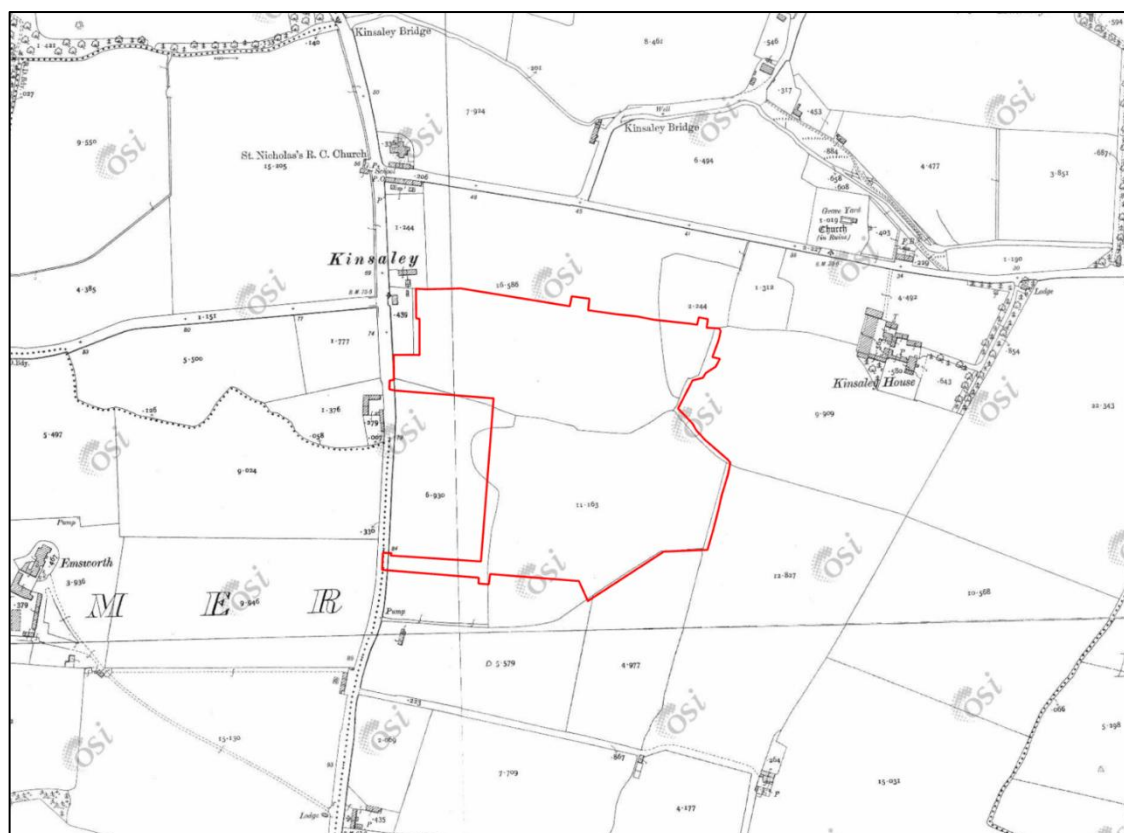


Figure 9 25-inch Ordnance Survey with approximate site location (boundary in red)

2.7. Aerial Photography

The proposed development site is almost entirely occupied by existing development, with the exception of the south end. In the vicinity, aerial photography of the study area in 2013 (Google Earth 2013) shows evidence of cropmarks, potential archaeological sites recently discovered in the vicinity of the site location (Figure 10) and now recorded in the Sites and Monument Record (DU015-110 and DU015-111).

Also visible are the test trenches of archaeological investigations located to the north and northwest of the development area (Licence No. 17E0084). These investigations were carried out in advance of residential development under construction (Myles, 2017) (Figure 11).

The aerial photography of 2022 (Figure 12) clearly shows the extent housing development, and the construction works that are still going on at Kinsaley House and indeed the wider area.

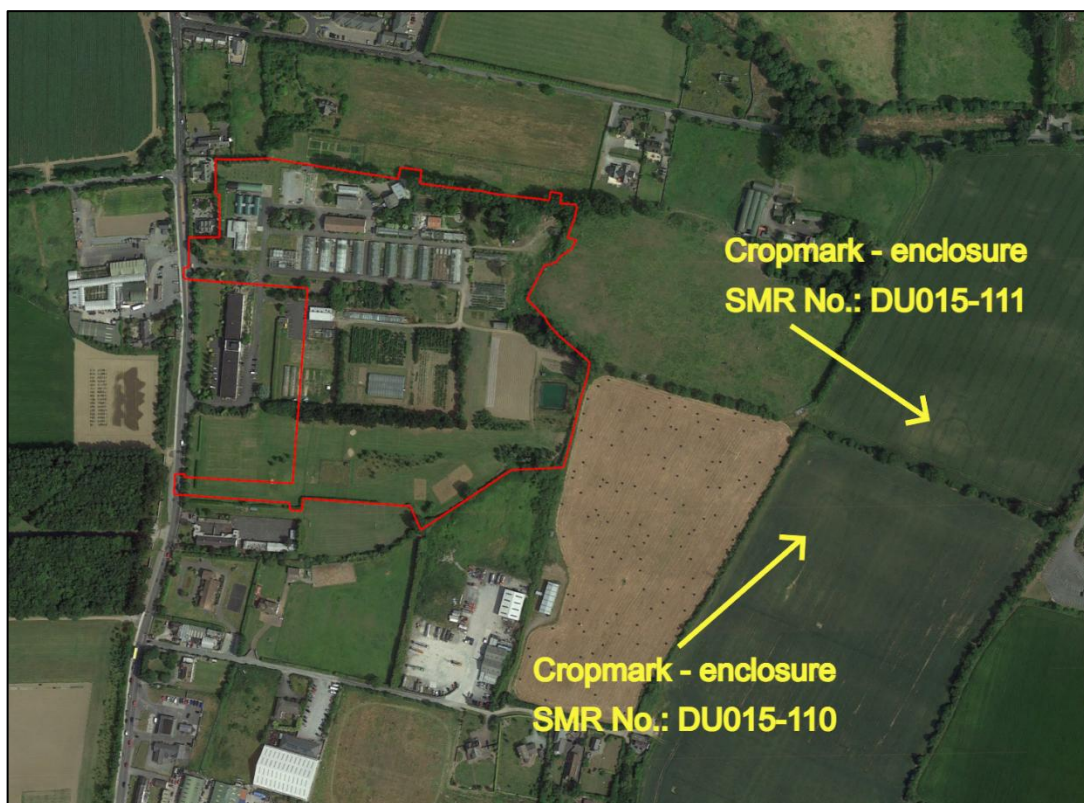


Figure 10 Aerial view (2013) of the site (boundary in red)

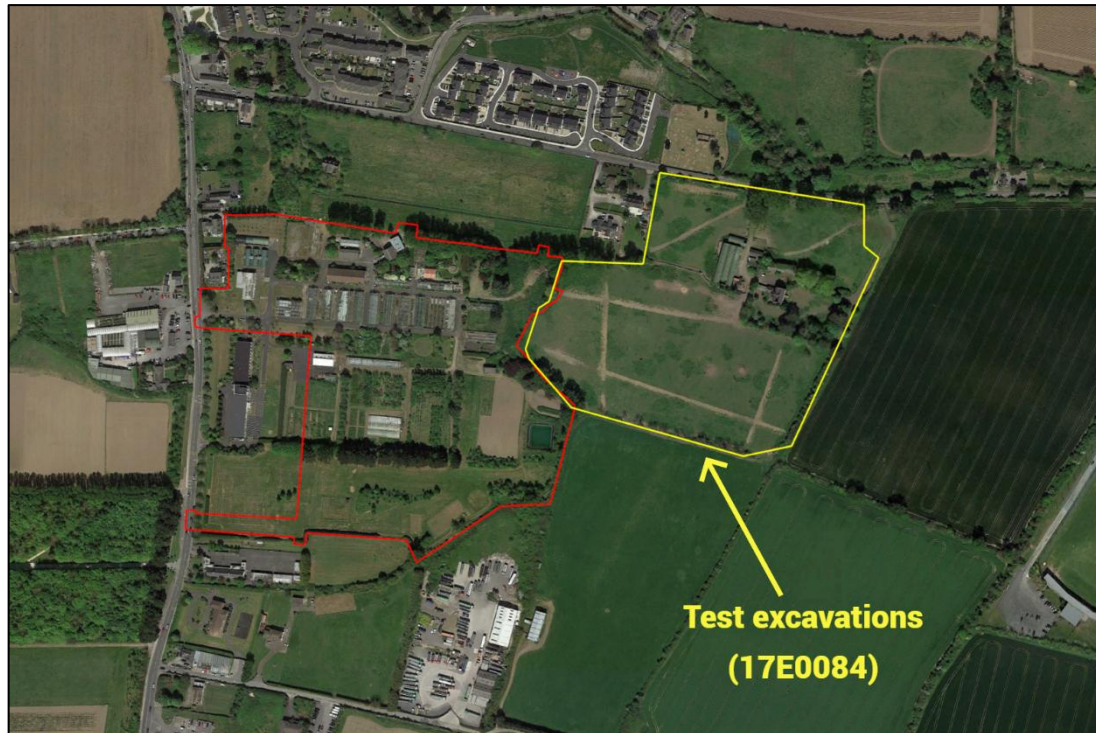


Figure 11 Aerial view (2017) of the subject site (boundary in red) showing test trenches in lands to east (outlined in yellow)



Figure 12 Aerial view (2022) of the subject site (boundary in red)

2.8. Previous Archaeological Investigations

In 2008, test excavations were undertaken at three locations along the proposed route of the Malahide distributor road, after the results of two geophysical surveys (08R0023 and 08R0326), which suggested the presence of intense occupation and archaeological interest, due to the possible presence of pits and enclosures (Harrison 2008). The excavation in Kinsealy (Licence No. 08E0529), located c. 350m to the west of the site location, revealed two shallow pits with charcoal-rich fill were uncovered. One of these pits was found in the vicinity of three field drains, at least two of which post-medieval. A sherd of prehistoric pottery was recovered towards the base of the hill (McQuade 2008).

In 2014, in relation to the housing development south of Chapel Road, archaeological testing (Licence No. 14E0009) revealed a small pit containing a sherd of medieval pottery that seemed to extend beyond the original trench. There is no record of further work at this location.

In 2017, archaeological testing (Licence No. 17E0084) was carried out in a field adjacent to the east and north-east of the study area (Figures 11 & 13). Archaeological material coming from medieval and post-medieval period was revealed as a result of this exercise, with the densest concentration lying close to Kinsaley House and its associated farmyard. Features included ditches and pits, some field boundaries, pottery fragments and animal bones, a possible kiln, all probably linked to the presence of a previous medieval settlement disturbed by the 18th and 19th century development of Kinsaley House (Myles 2017, 20).



Figure 13 Location of test trenches in lands to east of proposed development site (after Myles 2017)

Finally, two archaeological investigations were carried out north of the proposed development area, one in 2018 (Licence No. 18E0096) and the other in 2021 (Licence No. 21E0114). Both investigations were conducted in advance and during the construction of new residential developments off Chapel Road. In 2018, archaeological monitoring was carried out during topsoil-

stripping and no archaeological structures, features or deposits were found. Finds included two prehistoric flints, some clay-pipe fragments and post-medieval and modern pottery (from excavation.ie 2018:897). In 2021, a little further east from the housing development and immediately to the south of St Nicholas chapel, archaeological test trenching was carried out and two sherds of pottery, one of which was medieval in date, (13th/14th-century) were uncovered. No archaeological features or deposits were exposed or identified (Licence No. 21E0114).

2.9. Topographical Files of the National Museum of Ireland

No stray finds were found in the vicinity of the study area and only two in 1km distance from it: one is a stone axe; the other is a group of objects, including a bronze ring brooch, a bronze buckle, and two pieces of lead, probably related to the ecclesiastical site of St Doolagh dating to the 9th century on.

2.10. RMP / SMR sites

There are no recorded monuments (RMP / SMR sites) located within the proposed development site or in close proximity to it.

There are a number of recorded monuments in the vicinity of the proposed development area including RMP DU015-002001/002, a church and graveyard, and enclosure sites to the east and southeast RMP DU015-109, and SMR DU015-110, DU015-111, DU015-114 (Figure 14).

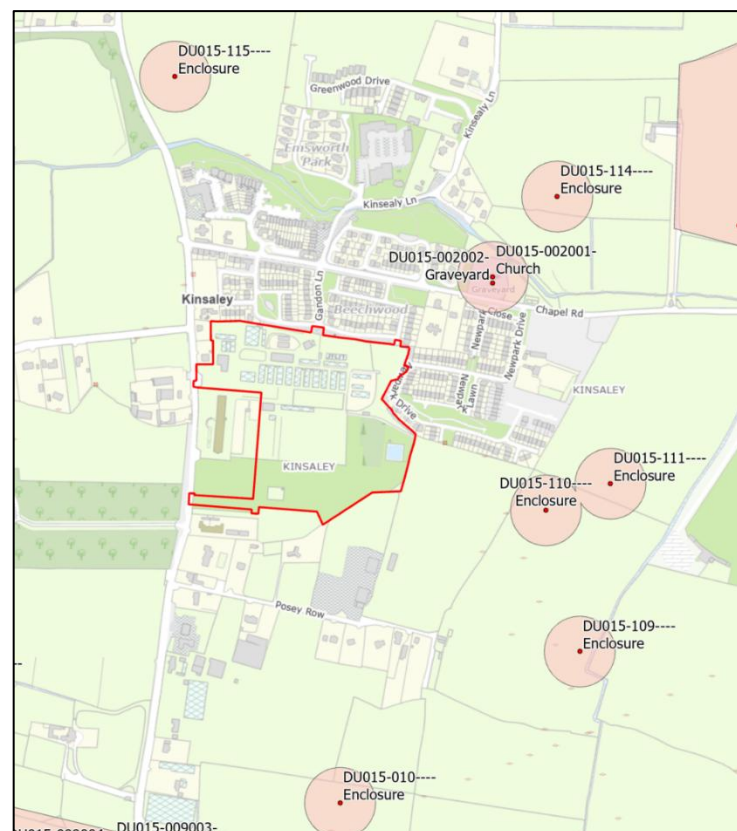


Figure 14 Recorded Monuments (RMP / SMR) within 500m of subject site (boundary in blue)

To assess the potential impacts from an archaeological perspective, RMP sites within a 500m radius of the proposed development site were examined. This provides an archaeological and historical context for the proposed development, as well as evaluating the archaeological potential.

There are eight RMP/SMR sites within 500m of the site location, six of which are enclosures, with the remaining two being St Nicholas church and its associated graveyard (Table 1). All of the enclosures were discovered through examination of aerial photography, three in recent years. DU015-109 was discovered from observation of a 1971 aerial photography and has a diameter of c. 40m and it appears to be a ploughed-out ringfort, but not visible at ground level (RMP DU015-010). The two closest enclosures (DU015-110 and DU015-111) are located at high point in landscape with views north to Feltrim Hill and east to Howth head. On the other hand, the two enclosures located to the north of the site location (DU015-114 and DU015-115) are located at low ground and they present no visible remains.

St Nicholas chapel (DU015-002001) is described as a plain rectangular building, aligned east-west and built of random rubble masonry. Only the nave survives (int. dims. L 10.25m, Wth 5.10m, wall T 0.95m). There are opposed pointed segmental arched doorways in the W end of the nave. The interior is lit by narrow slit, and the chancel arch is all that survives of the chancel. It is of pointed segmental type. Austin Cooper's tomb is located to the northeast on the site of the chancel. A rectangular walled graveyard ((DU015-002002) is located by the roadside and encloses the remains of the church (DU015002001). There is a kink in the wall along the SE section possibly indicating the former existence of an earlier enclosure. A mausoleum containing the remains of Austin Cooper, antiquarian, died 1830, is located on the site of the former nave of the church. The graveyard contains 18th, 19th and 20th century gravemarkers. One of the oldest headstones is dated 1754 and dedicated to Elias Reynolds and five of his children who died young (Fingal Historic graveyards Project 2008).

Table 1 RMP/SMR sites within 500m of location site

RMP / SMR no.	Class	Townland	ITM E	ITM N	Distance (from site)
DU015-002001	Church	KINSALEY	721715	743167	c. 233m
DU015-002002	Graveyard	KINSALEY	721715	743157	c. 233m
DU015-109	Enclosure	KINSALEY	721862	742533	c. 352m
DU015-110	Enclosure	KINSALEY	721805	742772	c. 200m
DU015-111	Enclosure	KINSALEY	721914	742817	c. 344m
DU015-114	Enclosure	KINSALEY	721824	743303	c. 461m
DU015-010	Enclosure	KINSALEY	721457	742277	c. 461m
DU015-115	Enclosure	KINSALEY	721178	743506	c. 471m

3. ARCHITECTURAL HERITAGE

There are no entries on the Fingal County Council Record of Protected Structures (RPS) or National Inventory of Architectural Heritage (NIAH) sites within the proposed development site.

The RPS records eight historical houses and structures of architectural heritage interest within 500m of the proposed development area, while the NIAH records an additional three sites (Figure 15; Table 2).

The closest protected structure is the former Teagasc Building (RPS No.: 914), located c. 56m west of the proposed development boundary. It comprises a mid-20th century symmetrical multi-bay former research building, constructed in the International style. The protected structure refers to the main building in the former complex, excluding glasshouses and other office and research buildings on the site. The building is now partially in use as a national primary school.

Kinsaley House (RPS No.: 464; NIAH Reg. No.: 11350009), located approximately 140m east of the proposed development (Figure 14). It presents as a detached five-bay, two-storey house built in 1736: the house is depicted on Rocque's 1762 map of county Dublin as Kinsale, 'one such 'big house' in a landscape dominated by the architectural pretensions of the Fingal gentry' (Myles 2017).

Another architectural heritage structure close to the development area is St Nicholas chapel and graveyard. These monuments are described in the NIAH as a medieval church (RPS No.: 455; NIAH Reg. No.: 11350033), now in ruins, with an attached mausoleum, while the graveyard is formed by various cut stone grave markers from c. 1800 to present.

To the west and north of the proposed development area, are a number of houses of historic architectural interest, these include: Emsworth (RPS No.: 458; NIAH Reg.: No.11350010), which presents as a detached five-bay two-storey house built in 1794. It is the only James Gandon villa that survives intact, the architect who built the Custom House in Dublin. Kinsaley Hall (RPS No.: 456; NIAH Reg. No.: 11350007) is a detached three-bay two-storey house built in c. 1810. It is located just outside the 500m radius of the proposed development, although its associated gate lodge (NIAH Reg. No.: 11340008) does fall within this radius from the site. Bohammer (RPS No.: 790; NIAH Reg. No.: 11350011) is another detached five-bay, two-storey house, built c. 1830. Overall, all these houses speak about the post-medieval and modern occupancy of this area, illustrating a rural yet residential landscape.

Kinsaley Bridge (Reg. No. 1135006) located to the north of the proposed development area, is a single-span red brick bridge with cast-iron lintels, rebuilt 1897 to replace an earlier bridge.

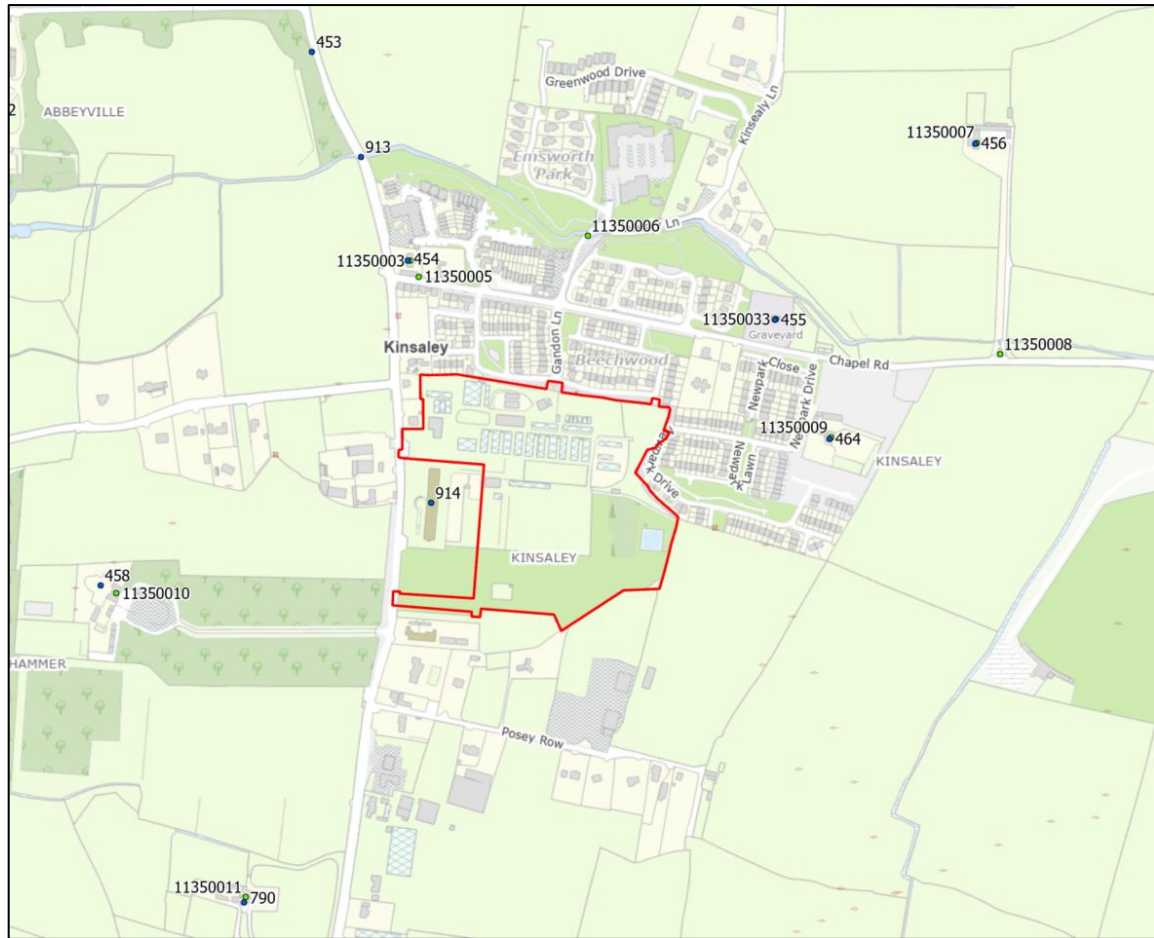


Figure 15 RPS (blue dots) and NIAH sites (green dots) within 500m radius from subject site (boundary in red)

St Nicholas Roman Catholic church (RPS No.: 454; Reg No. 11350003) is a detached gabled-fronted Roman Catholic church, c.1840, on a cruciform plan with two-bay side elevation to nave. Single-bay transepts which have gabled porches attached to west elevations, and single-bay sacristy with gabled porch attached to south elevation. The roof is double-pitched; slate with granite ridge tiles and coping; pyramidal slate roof to tower crowned by wrought iron cross; some original cast-iron rainwater goods.

A milestone (RPS No.: 453) and a road bridge (RPS No.: 913) are located to the north-west of the proposed site on the Malahide Road. The milestone comprises a 19th century cast-iron milestone in granite set into the boundary wall of Abbeville House, while the bridge comprises a mid-18th century triple-arch masonry road bridge over the Sluice river.

The last NIAH historical monument is a wall-mounted cast-iron post box (NIAH Reg No.: 11350005). Erected c.1885, it features a 'VR' monogram and is set into the wall of Saint Nicholas' Boys National school. The manufacturer's name is given as 'T. Allen & Co., London'.

Table 2 Architectural heritage within 500m from site location

RPS No.	NIAH Ref.	NIAH Rating	Name	Address	Distance (from site)
453	N/A	N/A	Milestone	Malahide Road (R107), Abbeyville, Kinsealy, Co. Dublin	c. 457
454	11350003	Regional	St. Nicholas of Myra Church (RC)	Malahide Road (R107), Kinsaley, Malahide, Co. Dublin	c. 168m
455	11350033	Regional	Church (in ruins) & Graveyard	Chapel Road, Kinsaley, Malahide, Co. Dublin	c. 245m
458	11350010	National	Emsworth	Malahide Road (R107), Bohammer, Kinsaley, Dublin 17	c. 409m
464	11350009	National	Kinsaley House	Chapel Road, Kinsaley, Malahide, Co. Dublin	c. 216m
790	11350011	Regional	Bohomer	Malahide Road (R107), Bohammer, Kinsaley, Dublin 17	c. 432m
913	N/A	N/A	Road bridge	Malahide Road, Kinsaley, Co. Dublin	c. 302m
914	N/A	N/A	Former Teagasc Building (Malahide Portmarnock Educate Together National School)	Malahide Road, Kinsaley, Dublin 17	c. 56m
N/A	11350005	Regional	Post box	Chapel Road, Kinsaley, Malahide, Co. Dublin	c. 146m
N/A	11350006	Regional	Kinsaley Bridge	Kinsealy Lane, Kinsaley, Malahide, Co. Dublin	c. 242m
N/A	11350008	Regional	Gate lodge	Chapel Road, Kinsaley, Malahide, Co. Dublin	c. 500m

4. ARCHAEOLOGICAL MONITORING OF GEOTECHNICAL SITE INVESTIGATIONS, LICENCE NO. 23E1012

4.1. Introduction

Archaeological monitoring of the geotechnical site investigation (SI) works took place under licence no. 23E1012 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. The SI works comprised boreholes and a variety of other excavations such as slit trenches and pits. Following the IAI Code of Conduct for archaeological monitoring (2013), the objectives of archaeological monitoring were to;

- provide a watching brief during top-soil stripping and other earthwork excavations,
- identify any finds, features or deposits of archaeological potential,
- establish the character, condition and extent of any finds, features or deposits of archaeological potential,
- isolate and protect any identified finds, features or deposits of archaeological potential, and
- report the discovery and extent of identified archaeological remains and outline the impact of the development on these remains.

In general, only the excavation of the uppermost levels of soil was monitored until the undisturbed archaeological natural or subsoil was exposed in the pit or trench and it could be determined if archaeology was present. Occasionally some deeper excavations were monitored to gather information on the nature of the below ground soil deposits given the prior levels of disturbance there.

4.2. Results

Monitoring of the geotechnical site investigations initially took place on an intermittent basis while boreholes were excavated during December 2023. Constant archaeological monitoring of the remaining SI excavations took place on 3rd – 10th January 2024 comprising the slit trenches, trial pits and other types of excavations (Figure 16). Monitoring identified evidence for significant previous disturbance throughout the site as would be expected from the site's former use as an agricultural research facility. This primarily took the form of deposits of subsoil overlying the undisturbed natural subsoil. This may have occurred during the construction of the site's numerous structures, such as glasshouses, storage units and offices, or during other ground disturbances such as with the laying of underground services, casual dumping of domestic and agricultural debris, extensive tree plantations and the construction of a water reservoir in the south-eastern part of the site.

The only area of relatively undisturbed ground identified during the course of monitoring lay along the southern boundary of the development site. Topsoil was generally 0.30m in depth and overlying a light brown mottled stoney clay.

No features, finds or deposits of archaeological significance were identified during the course of archaeological monitoring.

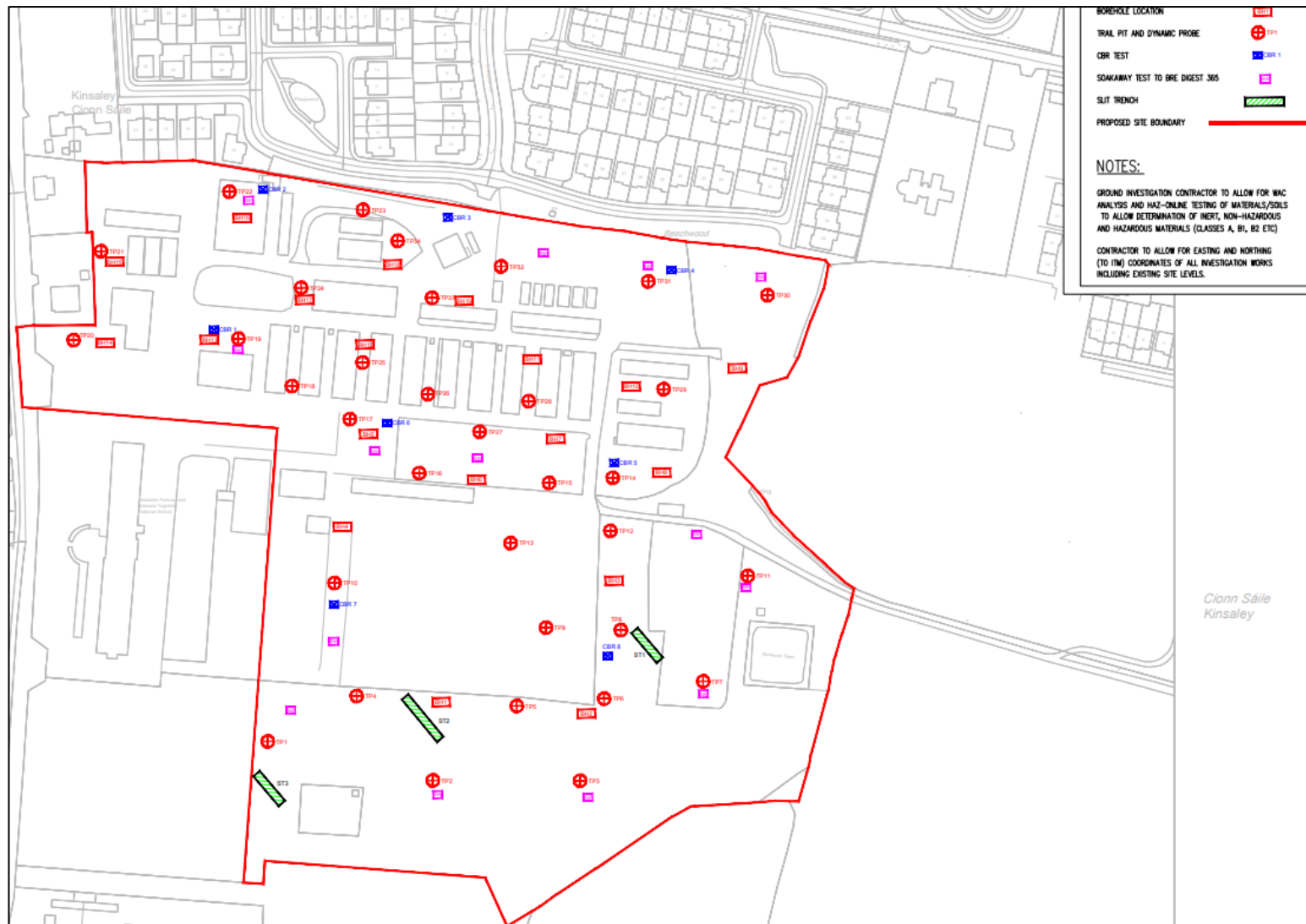


Figure 16 Location of geotechnical site investigation works

5. ARCHAEOLOGICAL TEST EXCAVATIONS, LICENCE NO. 23E1012

5.1. Introduction

Archaeological test excavations took place on the site of the former Teagasc Research Centre in Kinsealy, Malahide Road, Co. Dublin under licence 23E1012 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. Trenches were principally located in greenfield areas within this mixed brownfield/greenfield site of c. 7.7 ha. An area (>1ha) to the south of the main concentration of glasshouses was not accessible for test trenching due to the presence of stands of trees, some deliberately planted but many apparently self-seeded. Test excavations were undertaken in order to determine the presence of archaeological remains within the site.

5.2. Methodology

Trenches were mechanically excavated with a 13-tonne mechanical excavator fitted with a 1.8m wide grading bucket under constant archaeological supervision. Trenches were excavated in 0.2m spits until the subsoil or the top of potential archaeological deposits were reached, whichever came first. Potential archaeological features were assessed by the licensed archaeologist, then cleaned and if deemed necessary, hand-dug test slots were excavated in the feature to determine its archaeological nature and extent.

5.3. Results

Test excavations took place on 10th-12th January 2024 in generally dry and overcast conditions. Fourteen trenches were excavated totalling 467 linear metres (Table 3; 17; Plates 1-). Some variations in the agreed test trench layout occurred in response to on-site conditions and informed by the monitoring of the geotechnical site investigations that took place immediately prior to the test excavations. The trenches were renumbered in the order of excavation in a roughly clockwise direction around the site. Details of the trenches are presented in the table below.

As would be expected from the site's former use as an agricultural research centre, extensive disturbance was encountered throughout the site. Examples of this disturbance included deep deposits of introduced subsoil, most clearly seen during monitoring of the SI works along the northern boundary, apparently to level the site; to deposits of dumped domestic and agricultural waste seen in the north-eastern corner, e.g. seen in Test Trenches 3 and 4. While these examples of disturbance are most likely linked to the construction and operation of the research centre, elsewhere within the site there also lay a water reservoir and some of the service trenches encountered, e.g. during the monitoring of trial pit no. 12, suggest that other works unrelated to the research centre within the site may also have occurred.

While the test trenches were primarily located to investigate grassy areas in and around the structures and hard-standing areas of the site, disturbance was also encountered within the grassy areas. The most extensive example of disturbance within ostensibly greenfield portions of the site comprised an area of pipes and introduced bright yellow sand underneath the sod layer seen in Trenches 11 and 12. This is thought to represent an element of an on-site sewage system such as the soak-away for a septic tank or similar.

Table 3 Details of test trenches. 23E1012

Trench no.	Orientation	Dimensions (L x B x D; in metres)	Comment
1	E/W	14 x 1.8 x 0.4-0.5	Excavated near the entrance to the Malahide Rd in garden area beside offices. No archaeology found
2	N/S	9 x 1.8 x 0.3	Excavated in landscaped lawn area beside glasshouses. Concrete structure under soil, no archaeology found
3	NE/SW	15 x 1.8 x >1.2	Excavated in area of rough ground in NE corner of site. Contained deep deposits (>1.2m) of domestic & agricultural rubbish, not bottomed, no archaeology found
4	NNE/SSW	14 x 1.8 x 1-1.2	Excavated in area of rough ground along E boundary. Contained deep deposits (>1.2m) of domestic & agricultural rubbish, not bottomed in N end, no archaeology found
5	NE/SW	21 x 1.8 x 0.5	Excavated in overgrown grassy area between greenhouses. Contained layer of redeposited subsoil up to 0.5m D, no archaeology found
6	E/W	15 x 1.8 x 0.7->1.2	Excavated in overgrown area to SE of greenhouses. Contained layer of redeposited subsoil in W & central parts, not bottomed in E end, no archaeology found
7	N/S	33 x 1.8 x 0.4->1.00	Excavated in overgrown grassy area to S of greenhouses. Natural undisturbed subsoil encounter 0.4m from surface in S end, trench not bottomed in central & N end due to presence of 3 buried concrete structures (pipes?) in N end
8	N/S	26 x 1.8 x 0.6-0.8	Excavated in overgrown area to the NE of reservoir. Contained redeposited subsoil up to 0.3m D, contained 2 pebble drains & rubble drain with clay pipe, no archaeology found
9	WNW/ESE	13 x 1.8 x 0.8-1.00	Excavated in rough ground to N of reservoir. Contained redeposited subsoil up to 1m thick, excavated to north of reservoir, no archaeology found
10	ENE/WSW	41 x 1.8 x 0.4	Excavated in grassy area along southern boundary of site. Contained the remains of undated 2 ditches or field boundaries, no archaeology found
11	NE/SW	50 x 1.8 x 0.05-0.7	Excavated in grassy area along southern boundary of site. Contains introduced sand deposit with pipes/drains, no archaeology found
12	E/W	75 x 1.8 x 0.4-0.55	Excavated in grassy area along southern boundary of site. Contains introduced sand deposit with pipes/drains in E end, no archaeology found
13	N/S	48 x 1.8 x 0.4-0.5	Excavated in grassy area along southern boundary of site. Contains modern pebble-filled drains, no archaeology found
14	E/W	93 x 1.8 x 0.4-0.5	Excavated in grassy area along southern boundary of site. Contains modern pebble-filled drains, no archaeology found

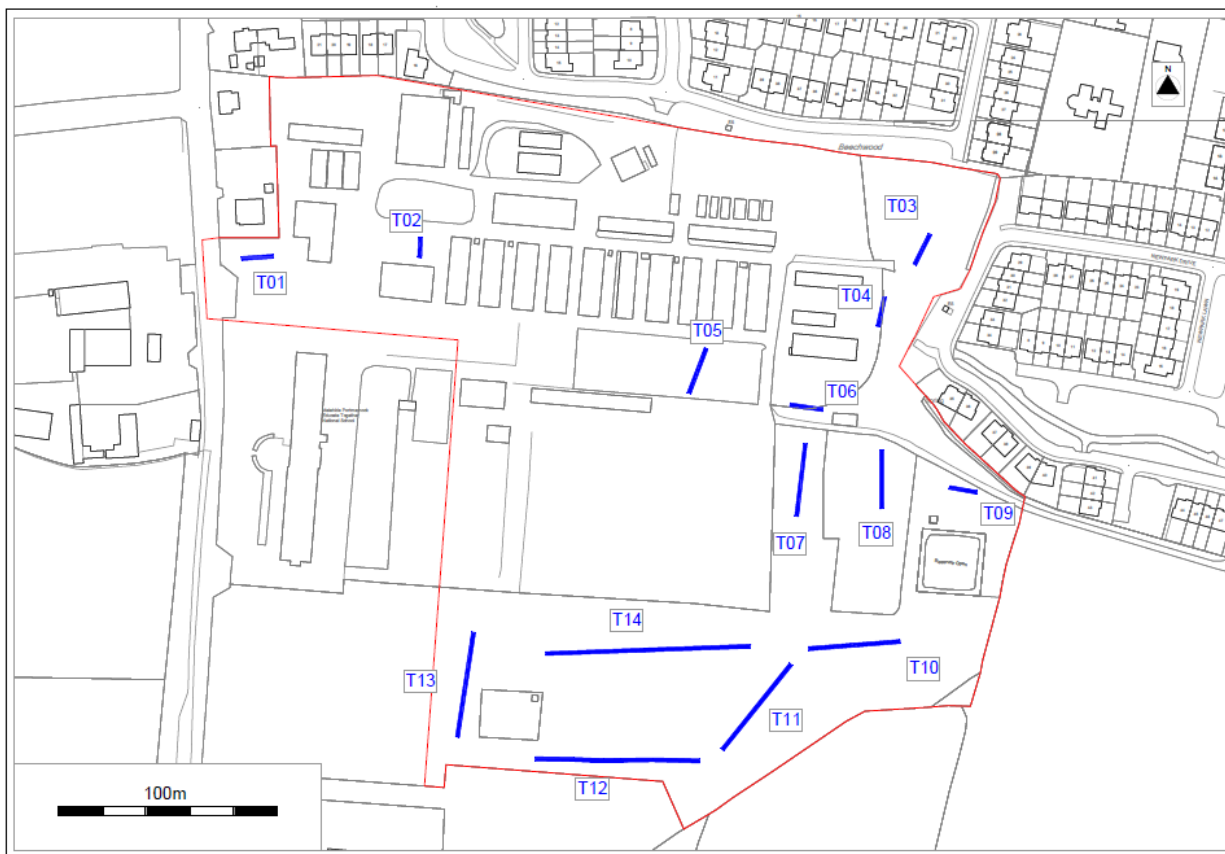


Figure 17 Test trench layout, Licence no. 23E1012

6. SUMMARY AND CONCLUSIONS

The proposed development site is a largely brownfield site comprised of the abandoned facilities of the Teagasc Kinsaley Research Centre, which closed in 2012 and includes numerous structures, such as greenhouses and warehouses, and various planted and overgrown areas. A review of the historic OS mapping shows the area as open fields possibly used for agricultural purposes in a rural environment prior to its development.

There are no recorded monuments, archaeological sites, stray finds or sites of architectural heritage significance located within the boundaries of the proposed development area or immediately adjacent to it. The nearest recorded monuments to the proposed development area are enclosures DU015-110 and DU015-111, c. 350m to the east of the subject site. From an architectural heritage perspective, the closest structure is Kinsaley House, c. 200m to the east from the site, and St Nicholas chapel and graveyard, c. 250m to the northeast from the site.

No stray finds from the Topographical Files of the National Museum of Ireland are recorded in this area.

Archaeological investigation to the east and north-east of the proposed development site (Excavation Licences No. 14E0009 & 17E0084) revealed previously unknown archaeological subsurface features, probably dating from medieval to post-medieval times such as pits, ditches, and field boundaries. They may represent the remains of a possible medieval settlement in this area, disturbed when Kinsaley House was built in the 18th century, as the features were concentrated in the area closest to the house and its outbuildings (c. 200m to the east of the proposed development site). Although this was the densest concentration, medieval features were identified in all of the test trenches, including those immediately east of the proposed development site. It is possible that this medieval activity extended beyond this area and into the proposed development site.

The recorded archaeological sites in the surrounding lands and the medieval features uncovered in the area around Kinsaley House, immediately east of the proposed development site, indicate a high archaeological potential in this area.

Following archaeological monitoring of the geotechnical site investigations and archaeological test excavations, it can be seen that the construction and operation of the Teagasc centre across the majority of the site has reduced the archaeological potential significantly over large parts of the site.

However, given the scale of the overall site (c.8ha) as well as the extent of remaining greenfield areas (c. 2ha, including planted/overgrown areas), it is recommended that archaeological monitoring is undertaken by a suitably qualified archaeologist during the ground clearance and reduction stages of the development.. The monitoring should be carried out in greenfield areas containing some meaningful archaeological potential, i.e. primarily along the southern greenfield area. This will determine whether there are any archaeological features or deposits present. Should any subsurface archaeological stratigraphy be encountered, the National Monuments Service (NMS) of the DHLGH will be contacted and an appropriate mitigation strategy will be agreed. This will entail licensed archaeological excavation, in full or in part, of any identified archaeological remains (preservation by record) or preservation in situ.

Archaeological monitoring will be carried out under licence to the Department of Housing, Local Government and Heritage (DHLGH) and the National Museum of Ireland (NMI), and will ensure

the full recognition of, and the proper excavation and recording of, all archaeological soils, features, finds and deposits which may be disturbed below the ground surface. All archaeological issues will have to be resolved to the satisfaction of the DHLGH and the NMI. The archaeologist will have provision to inspect all excavation to natural soil level and to temporarily halt the excavation work, if and as necessary. They will be given provision to ensure the temporary protection of any features of archaeological importance identified. The archaeologist will be afforded sufficient time and resources to record and remove any such features identified.

All recommendations are subject to the approval of the National Monuments Service of the Department of Housing, Local Government and Heritage.

The developer will make provision to allow for and fund whatever archaeological work may be required at the site and the post excavation requirements in accordance with the National Monuments Legislation.

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7.2. Online Sources

Recorded Monuments	www.archaeology.ie
Cartographic sources	www.downsurvey.tcd.ie www.heritagemaps.ie www.osi.ie
Previous excavations	www.excavations.ie

Plates



Plate 1 Trench 1 looking west



Plate 2 Trench 2 looking north, note concrete structure to the right



Plate 3 Trench 3 from south-west, note rubbish deposits in foreground, introduced soils in background



Plate 4 Trench 4 from south



Plate 5 Trench 5 from north



Plate 6 Trench 6 from west



Plate 7 Trench 7 from south



Plate 8 Trench 8 from south



Plate 9 Trench 9 from east



Plate 10 Trench 10 from west



Plate 11 Introduced sandy deposits in northern section of Trench 11 looking north-west



Plate 12 Southern section of Trench 11 looking south-west, note introduced sandy deposits in background



Plate 13 Trench 12 from west



Plate 14 Trench 13 from north



Plate 15 Trench 14 from west

APPENDIX 1 STANDARDS AND GUIDELINES

The following legislation, standards and guidelines were consulted for this constraints study:

- National Monuments Acts 1930 to 2014 (as amended) and the Historic and Archaeological Heritage and Miscellaneous Provisions Act (2023) (See Appendix 2 below).
- The Planning and Development Act 2000 (as amended)
- The Heritage Act, 1995
- CAAS Environmental Ltd on behalf of the Environmental Protection Agency (EPA) (2002), Guidelines on the information to be contained in Environmental Impact Statements
- CAAS Environmental Ltd on behalf of the Environmental Protection Agency (EPA) (2003), Advice Notes on Current Practice (in preparation of Environmental Impact Statements)
- Department of Arts, Heritage, Gaeltacht and Islands, (1999a), Framework and Principles for the Protection of the Archaeological Heritage
- Environmental Protection Agency (2017). Draft Guidelines on the Information to be Contained in Environmental Impact Assessment Reports.
- Guidelines for Cultural Heritage Impact Assessment of TII National Road and Greenway Projects (TII Publication Number PE-ARC-02009) (2023)
- National Roads Authority (2017) Project Management Guidelines
- Code of Practice between the National Roads Authority (NRA) and the Minister for Arts, Heritage and the Gaeltacht, June 2000.
- Code of Practice between Transport Infrastructure Ireland (TII) and the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, 2017.
- Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999 and the Planning and Development Act (as amended)
- Cork County Council Heritage Unit (2007) Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estate and their Settings

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, 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.

