

Code of Practice



Code of Practice for Archaeology agreed between the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs and Transport Infrastructure Ireland



Bonneagar Iompair Éireann
Transport Infrastructure Ireland



An Roinn Ealaíon, Oidhreachta,
Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta

Department of Arts, Heritage,
Regional, Rural and Gaeltacht Affairs

Code of Practice

Cover image:

Excavations at Garrymore, Co. Cavan in advance of N55 Corduff to South of Killydoon Re-alignment (Archaeological Consultancy Services Unit)

June 2017

National Monuments Service

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Minister's foreword

As Minister with responsibility for Ireland's archaeological heritage I am very pleased to see agreement being reached between Transport Infrastructure Ireland (TII) and my Department's National Monuments Service on this Code of Practice which will further enhance our ability and commitment to conserve and protect our historic past.

This is the tenth such Code to have been put in place between Ireland's key infrastructure providers and my Department. It updates previous Codes agreed with the National Roads Authority (NRA) and the Railway Procurement Agency (RPA) which have since merged to form TII. That merger also provided a timely opportunity to review the existing agreements and to further streamline and embed the very successful partnerships that have evolved, especially at a time when we can look to renewed investment in the development of our transport infrastructure.

There is no question but that that this type of Code of Practice has proven its worth since its inception. The structure of the Codes has worked very well not only to safeguard our valuable archaeological heritage but also to highlight the many exciting sites and artefacts that have been uncovered. By publishing and disseminating the results of the investigations and excavations that have taken place we have a greatly enhanced understanding and appreciation of our history and sense of place.

At the same time, of course, TII and its sister organisations have benefitted from being able to manage the archaeological implications of their investment programmes in a more structured and strategic manner, thereby avoiding potential hidden delays and costs.

It was remarked when the first Code of Practice was being put in place with the NRA that the cultural heritage is ever-changing. This revised and updated Code is a reflection of that dynamic and is a clear indication of the ability of both parties to be adaptable and ready to meet the challenges to our archaeological heritage as Ireland's transport needs continue to evolve and develop.

Heather Humphreys TD

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs

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Foreword from the Chief Executive of TII

I am delighted to agree this Code of Practice with the Minister for Arts, Heritage, Rural, Regional and Gaeltacht Affairs, which consolidates and revises the terms of two Codes relating to the NRA and RPA (now merged as TII). The Code, developed by the National Monuments Service and TII's Archaeology and Heritage Section, reflects the considerable experience and expertise gleaned since the original publications.

TII's mission is to provide high-quality transport infrastructure and services delivering a better quality of life and supporting economic growth. To support this mission TII takes archaeology into consideration throughout the project life-cycle.

With the merger of the NRA and RPA into TII in 2015, it was appropriate to develop a Code that provides a single framework for managing archaeology across all TII-funded projects. This Code will benefit TII and the Department in terms of simplifying processes and procedures, while being aware of the characteristics of national road and public transport projects.

While the principle of considering archaeology from the outset of any project remains paramount in this revised Code, this does not mean that all impacts on archaeology can be eliminated nor that all archaeological works will be completed in advance of construction. Rather it reflects the necessity to manage and, insofar as possible, minimise such impacts. This Code also explicitly recognises the importance and value of disseminating and making accessible the results of the archaeological work undertaken on TII projects.

The agreement of this Code is timely given the various legislative changes since the agreement of the original Codes, in particular the Roads Act 2015.

Ultimately, this Code reflects TII's commitment to ensuring that Ireland's archaeological resource is appropriately protected while balancing the needs for providing high-quality transport infrastructure.

I would like to acknowledge the work of the National Monuments Service in developing this updated Code. TII looks forward to collaborating on its implementation.

A handwritten signature in black ink that reads "Michael Nolan".

Michael Nolan
Chief Executive TII

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The purpose of this Code is to provide a framework within existing legislation¹ and policy to enable TII to progress with its programme of work in accordance with the Government's transport strategy, whilst carrying out appropriate archaeological assessment and mitigation having regard to a set of principles and actions agreed by both parties.

The Code is guided by the following agreed principles:

- 1 Policies and practices in relation to the protection of the archaeological heritage must take account of the 1992 European Convention on the Protection of the Archaeological Heritage (revised) (the 'Valletta Convention').
- 2 The Minister has a responsibility to implement the National Monuments Acts 1930 to 2014 so as to ensure appropriate protection of the archaeological heritage.
- 3 TII has a responsibility to deliver high-quality transport infrastructure and services (TII projects).²
- 4 TII and the Minister will adopt a partnership approach to the delivery of the Government's transport strategy and the provision of appropriate protection of the archaeological heritage.
- 5 As a public body TII is required to comply with the requirements of the Public Spending Code, in this regard TII acts as:
 - sanctioning authority and sponsoring agency for its own projects (e.g. Public Private Partnership projects and service areas),
 - sanctioning authority for projects implemented by local authorities (e.g. national roads),
 - sponsoring agency where another organisation is the sanctioning authority (e.g. the National Transport Authority for light rail).
- 6 The delivery of transport infrastructure and services has considerable archaeological implications, which must be addressed given that the archaeological heritage is a non-renewable resource.
- 7 TII will fund a balanced and cost-effective approach to archaeological assessment and mitigation as an integral element of project costs on the basis of the 'developer pays' principle and in keeping with the Minister's published policy in this regard.³

¹ Legislation includes National Monuments Act 1930 to 2014, Roads Act 2015.

² In the context of this Code TII projects are those for which TII is the sanctioning authority and/or the sponsoring agency, and also includes any projects funded by TII.

³ *Framework and Principles for the Protection of the Archaeological Heritage (1999)* and *Policy and Guidelines on Archaeological Excavation (1999)*.



Aerial view of early medieval enclosure at Ranelagh, Co Roscommon on the N61 Coolteige scheme (IAC Archaeology)

- 8 Appropriate strategies will be developed at the earliest opportunity to ensure that development proposals will make every effort to avoid and/or minimise impacts on archaeology having regard to best practice in the project design, safety implications, costs, environmental constraints and other impacts.
- 9 Mitigation of impacts on archaeology, other than in exceptional circumstances, will be limited to the confines of the project.
- 10 Each party reserves the right to review decisions.
- 11 Both parties are committed to dealing with the archaeological implications of TII projects in a balanced and cost-effective manner having regard to:
 - regulatory/statutory requirements,
 - guidelines published by the Minister,
 - TII's timescale for bringing projects from initial planning to completion and,
 - avoidance wherever possible of direct impact on archaeology and/or a level of preservation by record of archaeology impacted upon by TII projects that is acceptable to the Minister.
- 12 TII and the Minister will co-operate to ensure, as far as reasonably practicable, that appropriate archaeological investigation(s) will be carried out prior to the commencement of construction.

Where this is not reasonably practicable, an appropriate archaeological strategy to mitigate known or potential archaeological impacts will be developed in consultation with the Minister.

- 13 Both parties agree to meet as required to discuss the operation/implementation of the Code and any issues that may arise.

AGREED ACTIONS:

The Minister (through the National Monuments Service of the Department) will:

- 1 Assign a liaison archaeologist for individual TII projects.
- 2 Participate in the statutory and non-statutory consultation initiatives (as appropriate) for TII projects during the planning and design phases so as to discuss any archaeological issues arising.
- 3 Respond to communications from the Project Archaeologist (see below) in a timely manner. The standard method of communication will be by email to facilitate efficiency.
- 4 Process licences required under Section 26 of the National Monuments Acts 1930 to 2014 within two weeks of receipt of appropriate application and, in the case of applications to deal with on-site emergencies, as reasonably practicable, within two working days.
- 5 Issue Ministerial Consents/Directions required under Section 14 of the National Monuments Act 1930 to 2014 within six weeks of receipt of appropriate application. (Note: Section 14 includes archaeological excavations and all works affecting national monuments).
- 6 Issue registration numbers under the Ministerial Consents/Directions within one week of receipt of application where reasonably practicable and, in the case of applications to deal with on-site emergencies, within two working days.
- 7 Agree an appropriate archaeological strategy in consultation with TII where archaeological work prior to the commencement of construction is not feasible.
- 8 Agree that a single Excavation Director will be sufficient for excavating sites where the subject sites form part of a discrete complex, are contiguous to or in close proximity to each other having regard to the recommendations of the Project Archaeologist.
- 9 The Minister is committed to processing applications to amend method statements for ongoing excavations as soon as possible, and in any event not later than two working days, except in cases of complex amendments.

TII will:

- 1 Assign a Project Archaeologist to oversee the archaeological elements of each TII project from inception to completion.
- 2 Endeavour to set out the annual work plan for all TII projects.
- 3 Ensure that the Project Archaeologist will be a member of the project team.⁴ As part of the project team the Project Archaeologist will manage archaeological aspects of the project and input on, inter alia:
 - project planning and design,
 - scheduling of archaeological mitigation,
 - the development of programmes,
 - the development of construction and procurement strategies,
 - the preparation of contract documentation,
 - the appointment of competent Consultant Archaeologists,
 - advance works, construction and potential operational issues.
- 4 Assess the archaeological implications of TII projects from the initial planning stages to ensure that due consideration is given to archaeological impacts in identifying the preferred routes/options thus seeking to minimise the impact on known archaeological remains and areas of established archaeological potential.
- 5 Require that the process of identifying the potential impact of TII projects on archaeology will be dealt with by a competent archaeologist.
- 6 Ensure that appropriate investigation is carried out, where reasonably practicable, prior to the commencement of construction to identify both the known and unknown archaeology that may be impacted by TII projects.

Where this is not reasonably practicable, an appropriate archaeological strategy to mitigate the known or potential archaeological impacts will be developed in consultation with the Minister.
- 7 Consider whether the archaeology can be preserved *in situ* within the confines of the project.
- 8 Where preservation *in situ* cannot reasonably be achieved, allow sufficient time to preserve by record all archaeological remains that are impacted by the project to a level that is acceptable to the Minister.
- 9 Provide the necessary funding to fulfil the post-excavation and reporting requirement(s) of the project to a standard that is acceptable to the Minister.
- 10 Publish and/or disseminate, as appropriate, the archaeological results of TII projects.
- 11 Consult with the Minister throughout the life-cycle of each project.

⁴ For the purposes of this Code the project team refers to parties involved/engaged in the planning, design, construction and operation of TII projects.

Role of TII Project Archaeologist

TII agrees that a Project Archaeologist will be assigned to individual TII projects with potential archaeological implications.

The Project Archaeologist will:

- 1 Be competent for the role.
- 2 Be a member of the project team from the earliest stages with a view to informing route/option selection and minimising archaeological impact(s).
- 3 Ensure that any preparatory archaeological work undertaken (e.g. desk study, field-walking, test-trenching, LiDAR surveys, archaeo-geophysical surveys) is in keeping with guidelines and best practice.
- 4 Be the main point of contact with the Department for the project on behalf of the project team.
- 5 Be responsible for the management of the archaeological aspects of the contract.
- 6 Ensure that the Environmental Impact Statement and/or mitigation recommendations are in keeping with guidelines and best practice.
- 7 Ensure that appropriate archaeological investigations are carried out, where reasonably practicable, prior to the commencement of construction. Where this is not reasonably practicable, an appropriate archaeological strategy will be developed in consultation with the Minister.



Excavating the remains of a possible medieval gatehouse underneath Richmond Street, Buttevant, Co. Cork (Rubicon Heritage Services)

- 8 Ensure that the applications for Ministerial Consents/Directions and/or archaeological licences are appropriate and in order before they are submitted to the Minister. These will specify the timescales and resources for the completion of the works.
- 9 Be responsible for overseeing the conduct of the archaeological works to ensure that they are carried out in accordance with approved method statements, relevant conditions and within agreed timescales.
- 10 Be responsible for ensuring that applications to amend method statements are made in an appropriate manner to facilitate the Minister in processing them within two working days, other than in cases of complex amendments.
- 11 Ensure that all mitigation is carried out to a standard acceptable to the Minister.
- 12 Review and monitor all archaeological costs.
- 13 Provide regular updates on the progress of archaeological works to the Minister.
- 14 Ensure that archaeological reports submitted to the Minister are in accordance with guidelines and best practice.
- 15 Ensure that the archaeological results are published and/or disseminated as appropriate.



Archaeological investigations outside Trinity College Dublin for the Luas Cross City scheme (Irish Times)