

Code of Practice



Code of Practice between the
Department of the Environment,
Heritage and Local Government and
ESB Networks



Comhshaol, Oidhreachta agus Rialtas Áitiúil
Environment, Heritage and Local Government



National Monuments Service,
Department of the Environment,
Heritage & Local Government.

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Minister's Foreword

As Minister with responsibility for our built and natural heritage I welcome this Code of Practice between my Department and ESB Networks.

Archaeological deposits and features are a resource of knowledge and learning, giving us data which with careful handling

and interpretation can teach us about the past. Our archaeological heritage is a national asset and all of us have a duty to protect it. As archaeological data and interpretation are generated, we have a consequential duty to disseminate that knowledge.

I am convinced that caring for and managing our heritage can be considerably enhanced through Codes of Practice agreed between my Department and those organisations central to the development of our infrastructure. These Codes successfully formalise the partnerships that are required to manage ongoing development while affording our valuable archaeological heritage the care and protection it deserves.

My Department has had a very positive experience in working with ESB Networks to agree a Code of Practice and I believe that, with a continued spirit of partnership and mutual trust, the Code will achieve its aims. I appreciate the commitment of ESB Networks, through its adoption of this Code, to archaeological conservation and to sustainable development sensitive to the needs of our rich archaeological heritage.

John Gormley T.D.,
Minister for the Environment,
Heritage and Local Government
April 2009

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ESB Networks Foreword

ESB Networks is pleased to be associated with the Department of Environment, Heritage and Local Government's Code of Practice, which outlines the principles to be applied for the protection of Ireland's archaeological heritage, developed in conjunction with the National Monuments Service.

ESB Networks is the Distribution System Operator in Ireland as well as being the Transmission Asset Owner for the high voltage transmission system in Ireland. As Distribution System Operator, ESB Networks is responsible under Regulation 22 of S.I. 445 of 2000 for planning, designing, developing, maintaining and operating a safe, secure, economical and efficient distribution system. As Transmission Asset Owner, ESB Networks is responsible for the construction and maintenance of the transmission system.

ESB Networks System comprises 4550 km of 110kV lines and underground cables, 6200 km of 38kV lines and cables, 87,500 km of medium voltage lines and cables and 65000 km of low voltage lines and cables and 561 distribution stations. High voltages are used to avoid power losses, which would otherwise occur when transferring power over long distances in a lower voltage system.

Considerable work is underway to develop and upgrade both the transmission and distribution networks. This work entails the building of new distribution lines and stations, line upratings and refurbishments together with the installation of reactive devices. The investment programme provides for growth in the demand

for electricity over recent years and caters for future predicted growth.

This Code of Practice demonstrates that ESB Networks is fully committed to ensuring that all these developments are carried out in a sustainable, environmentally sensitive manner protecting both the natural and built heritage. ESB Networks look forward to working closely with the National Monuments Service with respect to protecting our archaeology, as agreed in this Code.



John Shine,
Executive Director,
ESB Networks.



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Code of Practice agreed between the Electricity Supply Board Networks and the Minister for the Environment, Heritage and Local Government.

The purpose of this Code is to provide a framework within existing legislation, policy and practice to enable ESB Networks to progress with its programme of work within the framework of Government policy, whilst carrying out appropriate archaeological mitigation having regard to a set of principles and actions agreed by both parties.

The Code is guided by the following agreed principles:

1. The Minister has a responsibility to protect the archaeological heritage and to exercise powers of preservation under the National Monuments Acts, 1930-2004, taking account of the European Convention for the Protection of the Archaeological Heritage.



2. ESB Networks has a responsibility to
 - a. *Plan, design, construct, maintain and operate a safe, secure, economical and efficient distribution system and*
 - b. *construct and maintain a safe, secure, economical and efficient transmission system.*
3. The development of such networks may have considerable archaeological implications, which must be addressed given that the archaeological heritage is a non-renewable resource.
4. ESB Networks will finance a balanced and cost effective approach to archaeological investigation, excavation and mitigation as an integral element of ESB Networks project costs on the basis of the *developer pays* principle and in keeping with the Minister's stated policy in this regard.
5. Appropriate strategies will be developed to minimise direct impacts on archaeology taking account of design and safety implications, environmental and other impacts and costs.
6. The adoption of a partnership approach between ESB Networks and the Minister in pursuit of the delivery of Government policy taking account of the implications for archaeology.
7. Mitigatory planning at the earliest opportunity minimises the impact on the archaeological heritage.
8. Prospecting for archaeological sites and other such remains, other than in exceptional circumstances, is limited to the confines of the area under development.

9. Each party reserves the right to review decisions.
10. Both parties are committed to dealing with the archaeological implications of transmission and distribution projects in a balanced and cost-effective manner consistent with
 - a. *Observing ESB Networks timescale for bringing projects from initial planning to commencement of construction*
 - b. *The completion of projects within the agreed timetable.*
 - c. *A level of excavation and recording of archaeological sites, impacted upon by transmission and distribution network developments, that is acceptable to the Minister.*
11. ESB Networks will strive, as far as is reasonably possible, to avoid archaeological sites and monuments. In cases where this is not possible, ESB Networks and the Minister will co-operate to ensure, as far as possible, that appropriate archaeological investigation is carried out during the period from route identification to the commencement of construction.
12. Both parties agree to establish a team to monitor the operation of the Code of Practice and carry out a formal review within one year of its adoption and at agreed intervals thereafter.

Agreed Actions

ESB Networks will:

1. Appoint, or ensure the appointment of, a project archaeologist to oversee the smooth running of the archaeological elements of the proposed works for ESB schemes that will be the subject of a statutory Environmental Impact Assessment (EIA). (**Appendix I** defines the role of the project archaeologist; **Appendix II** sets out the relationship between the project archaeologist and the consultant archaeologist).
2. Ensure that the project archaeologist will be a member of the project design team. As part of the project design team the project archaeologist will input into the development of the programme and construction / procurement strategy for the project – including the development of contract documentation relating to the management of archaeology.
3. Make every effort during the planning, construction and maintenance of the distribution overhead network to avoid direct impact on known archaeological sites or established areas of archaeological potential and, where reasonably possible, ensure that lines are positioned to avoid archaeology entirely.
4. Require that the process of identifying the potential impact of proposals on archaeology will be dealt with by an experienced archaeologist.
5. Consult with the Minister throughout the design process.
6. Where it cannot reasonably be avoided, excavate and record all known monuments, archaeological sites or parts of such, that are impacted by the construction works, in

accordance with agreed methodologies and allow sufficient time for such recording to be carried out to the satisfaction of the Minister.

7. Notify the Minister of any previously unknown monument discovered during works. ESB Networks will at the request of the Minister halt work on the site to enable any necessary preservation to be considered.
8. Provide the necessary finance to fulfil the post excavation requirements of the Minister including the conservation of archaeological objects, the provision of scientific analyses and dating as well as the production of reports on all archaeological work to a standard that will meet the approval of the Minister.



The Minister (through the National Monuments Service of the Department of the Environment, Heritage and Local Government) will:

1. Respond to consultations from the Project Archaeologist and Consultant Archaeologist in a timely manner.
2. Agree assessment criteria for the purposes of identifying sites and areas of archaeological potential that will inform the extent of archaeological investigation to be undertaken.
3. Issue licences for archaeological excavations within 3 weeks of receipt of application.
4. Issue consents required under Section 14 of the National Monuments Act 1930 as amended by Section 5 of the National Monuments (Amendment) Act 2004, within 6 weeks of receipt of application. (Note: Section 14 includes all works affecting national monuments and not just archaeological excavations).
5. Agree with the project archaeologist an appropriate programme for archaeological mitigation and / or test trenching and a system for excavations, which will include recommended timescales (to be applied by the project archaeologist subject to overall control and monitoring by the Department).
6. Agree that a single 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.

7. Avail of the consultation procedure operated by ESB Networks, during the route options and optimisation of the preferred route process, to identify archaeological implications for the purpose of informing the route selection process.
8. Specify format and standard of reports to be submitted.
9. Arrange for a review of practices and requirements relating to the preparation of post-excavation reports.



Appendix I

Role of Project Archaeologist on ESB Network Schemes

As part of the Code of Practice, ESB Networks agrees that for ESB schemes that will be the subject of a statutory Environmental Impact Assessment (EIA), a project archaeologist will be appointed by ESB Networks.

The project archaeologist will:

1. Be engaged by ESB Networks.
2. Work closely with the engineering consultants at pre-planning stage of the distribution network, with a view to informing route selection and seeking to minimise the impact on known archaeological sites or areas of established archaeological potential.
3. Prepare the specification for the consultant archaeologist at EIA stage and ensure that all preparatory archaeological work (desk study, field walking, test-trenching, aerial photography and if necessary, geophysical surveys, etc.) for the EIA is in accordance with best practice.
4. Ensure that the EIA and mitigation recommendations are in keeping with best practice and policies as determined by the Department.
5. Be responsible for ensuring that the applications for excavation licences and applications for ministerial consent are in order before they are submitted to the Department. An application for ministerial consent must fully identify the national monument concerned and must include a complete

description of the proposed works. Where archaeological excavation is required a method statement must be included with the application. The method statements will specify the way in which the excavations are to be conducted and also the timescales for the completion of the recording of the sites.

6. Be responsible for overseeing the conduct of the archaeological excavations to ensure that the work is conducted in accordance with the conditions and within the agreed timescales.
7. Submit any proposed changes to method statements to the Department for approval.
8. Ensure that archaeological mitigation and archaeological excavations are carried out to a standard acceptable to the Minister.
9. Certify all archaeological costs.
10. Notify the Department when the excavation has been completed.
11. Ensure that the nature and quality of excavation reports are of a standard acceptable to the Minister and are submitted within the agreed time scale.

Relationship between the Project Archaeologist and the Consultant Archaeologist in the Conduct of Archaeological Works

1. Both the project archaeologist and the consultant archaeologist will have the responsibility to ensure that sites being excavated are recorded to a standard acceptable to the Minister and in a manner consistent with the rescue nature of the excavations. The project archaeologist will provide periodic progress reports on the archaeological programme to the Department. The project archaeologist will liaise with the consultant archaeologist to ensure that the appropriate reports are submitted to the Department in accordance with the conditions of the licence/ministerial consent. Such reports will be submitted to the Department via the project archaeologist.
2. Should a dispute arise between the project archaeologist and consultant archaeologist concerning the conduct of the excavations, the matter will be referred to the Department for a decision. Consultant archaeologists are expected to follow the instructions of the project archaeologist and appeals to the Department should only be made when there are substantial grounds for concern on the part of the consultant archaeologist that acceptable standards of excavation or recording are being compromised. The management of the agreed archaeological programme is the responsibility of the project archaeologist and the Department will not expect to become involved in day-to-day

issues. Where a consultant archaeologist fails to comply with the method statement or with valid instructions from the project archaeologist, this may result in the withdrawal of the licence/ministerial consent.