

Codes of Practice



Code of Practice between Bord Gáis
Éireann and The Minister for Arts,
Heritage, Gaeltacht and the Islands



**An Roinn Ealaíon, Oidhreachta,
Gaeltachta agus Oileán**
Department of Arts, Heritage,
Gaeltacht and the Islands

Dúchas
The Heritage Service



Foreword

This Code of Practice is the product of close co-operation between my Department and Bord Gáis Éireann over many months. It offers a partnership approach in the effective management of the preservation of the archaeological heritage in the context of very large-scale development. Bord Gáis is about to embark on one of the largest infrastructural developments in the history of the State, the Mayo to Galway and the Galway to Limerick to Dublin gas pipelines. Overall, this will involve 265 km of pipeline laying. Over the entire route only five known or suspected archaeological sites will require investigation due to the structured approach taken by Bord Gáis and the widespread use of such techniques as aerial photography. This is particularly significant in the light of previous experience gained by Bord Gáis, most notably in the Cork to Dublin pipeline project, where much of archaeological significance was discovered and Bord Gáis proved itself a pioneer in good conservation practice.

The success of the earlier Codes of Practice agreed with Bord na Móna and the National Roads Authority offers a lead to other development bodies. Building on those earlier agreements, the present Code is a further successful blending of the sometimes conflicting views of the developer and the conservationist. An overall attitude of mutual trust between these diverse views has been a notable achievement in these Codes.

In the current climate of significant infrastructural development it would be easy to let protection of our heritage take a secondary role to expediency, but Bord Gáis have shown through their adoption of this Code that they see the importance of conservation in carrying out their remit.

Síle de Valera, TD,
Minister for Arts, Heritage
Gaeltacht and the Islands

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Introduction

The purpose of this code is to provide a framework within existing legislation and policies to enable Bord Gáis to proceed with its programme of providing essential new gas pipelines in a manner that ensures the safeguarding of the State's archaeological heritage.

The code has regard to the policy of the Minister for Arts, Heritage, Gaeltacht and the Islands as outlined in Framework and Principles for the Protection of Archaeological Heritage (1999), the statutory mechanisms under the National Monuments Acts (1930-1994) for the protection of archaeological monuments and sites together with the statutory role of Bord Gáis as outlined in both the Gas Act (1976) and the National Development Plan 2000-2006.

The code is based on an agreed set of principles and actions set out hereunder.

The code is guided by the following agreed principles:

1. The Minister for Arts, Heritage, Gaeltacht and the Islands has a responsibility to protect the archaeological heritage and to exercise powers of preservation under the National Monuments Acts, 1930 -1994 and in accordance with the European Convention for the Protection of the Archaeological Heritage.
2. Bord Gáis has a statutory role to secure the provision of a safe and efficient national gas network.
3. The development of such a network has considerable archaeological implications which must be addressed given that the archaeological heritage is a non-renewable resource.
4. Bord Gáis accepts the responsibility to finance archaeological investigation, excavation and post-excavation work as an integral element of the costs involved in providing a natural gas network on the basis of the developer pays principle, and in accordance with the Minister's stated policy.
5. Bord Gáis accepts that good practice involves making every effort to avoid direct impacts on archaeology taking account of design and safety implications.
6. Bord Gáis has adopted a partnership approach in pursuit of a national gas network policy taking account of the implications for the preservation of archaeological sites and monuments.
7. Both parties agree that mitigatory planning at the earliest opportunity minimises the impact on the archaeological heritage.
8. Each party reserves the right to appeal decisions.
9. Both parties agree to establish a team to monitor the operation of this code of practice and to carry out a formal review within one year of its adoption and at agreed intervals thereafter.

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Agreed Actions

Bord Gáis will:

1. Appoint, or ensure the appointment of a single named archaeologist to oversee the archaeological components of the entire process from the design stage through to the co-ordination and implementation of all the required archaeological work. (For elaboration of the role of project archaeologist see Appendices 1 and 2).
2. Consult with the Minister to ensure that Dúchas has adequate time to respond to archaeological studies.
3. Provide the appropriate lead-in period to facilitate the processing of the necessary licences for the pre-construction archaeological investigation and construction phase monitoring and any arising excavation and recording during pipeline construction projects.
4. Ensure that the project archaeologist will be part of the management team and will have a part in all consultations on the works programme in order to advise on the archaeological implications of the programme and any changes that may be made during construction. The project archaeologist will ensure that all changes to the contractor's work programme are communicated to the archaeological team and that the archaeological programme is adjusted accordingly.



5. Provide the necessary finance to achieve an acceptable and publicly presentable record of sites uncovered during gas pipeline construction.
6. Preserve by record all monuments or archaeological sites, or parts of such, that are impacted upon by the construction works.
7. Preserve by record any other monument or any other archaeological site of an agreed importance that may be uncovered during the construction phase of the development and will allow sufficient time for such recording to be carried out to the satisfaction of the Minister.
8. Provide the necessary finance to fulfil the post excavation requirement of Dúchas and the National Museum of Ireland including the conservation of archaeological objects, the provision of scientific analyses and dating as well as the production of reports on all archaeological work of a standard which will meet the approval of the Minister.



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The Minister (through Dúchas the Heritage Service of the Department of Arts, Heritage, Gaeltacht and the Islands) will:

1. Undertake to process applications for archaeological excavation licences in a timely manner with due regard for the urgency and particular sequence and construction timetables of gas pipelines.
2. Agree with the project archaeologist a programme of archaeological investigation, monitoring and other archaeological resolution during all phases of gas pipeline construction work.
3. Agree a system with the project archaeologist for excavations which will include recommended maximum timescales for excavations (to be applied by the project archaeologist subject to control and monitoring by Dúchas).
4. Agree that a single licensed director can take responsibility for more than one site where such sites can be demonstrated to be part of complexes of remains and where the archaeology can be resolved to the satisfaction of the Minister in this way.
5. Agree criteria for identifying sites and areas of high archaeological potential which will inform the extent of archaeological investigation to be undertaken.
6. Respond within four weeks to archaeological assessments and studies including those contained in Environmental Assessments together with any arising recommendations in respect of mitigation, so as to enable Bord Gáis to make application for approval to take projects to construction under Section 8 of the Gas Act 1976.
7. Issue guidelines on the extent of work which can be carried out on sites identified under a monitoring licence in the interest of assisting the formulation of licence applications and method statements for full excavations.

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Appendix 1

Role of Project Archaeologist on Major Schemes

As part of the code of practice, Bord Gáis agrees that a project archaeologist will be appointed at the earliest opportunity, i.e. pre-planning.

The Project Archaeologist will:

- Be employed by Bord Gáis for a specified period.
- Work closely with the design engineers at the route planning stage with a view to informing route selection, and to ensure that full weight is given to archaeological implications and seek to minimise the impact on known archaeological sites or areas of established archaeological potential.
- Prepare the specification for the consultant archaeologist at EIA stage and ensure that all preparatory work (desk study, field walking, aerial photography and geophysical surveys) is carried out to the highest standard.
- Ensure that the EIA and mitigation recommendations are in keeping with best practice and policies as determined by Dúchas.
- Ensure that all excavations are carried out satisfactorily.
- Certify all archaeological costs.
- Ensure that all post-excavation work and excavation reports are of the highest standard.

Appendix 2

Relationship between the Project Archaeologist and the Consultant Archaeologist in the conduct of archaeological excavations

Bord Gáis will employ the project archaeologist. The text below seeks to clarify the roles of the archaeologist in relation to excavations.

- The project archaeologist will, in co-operation with the consultant archaeologist, draw up method statements for the archaeological excavations required and will ensure that the licence applications are in order before they are submitted to Dúchas. The method statements will specify the way in which the excavations are to be conducted as well as the timescales for the completion of the recording of the sites.
- The project archaeologist will be responsible for overseeing the conduct of the archaeological excavations to ensure that the work is conducted in accordance with the agreed method statements and within the agreed timescales.
- The project archaeologist will be authorised by Dúchas to decide on the ground changes to the method statement and to instruct the licence holder to alter the method of excavation accordingly.
- Dúchas will provide the project archaeologist with guidelines setting out the circumstances in which changes to the method statement may be made.
- The licence holder will be responsible for the conduct of the archaeological excavations but will be expected to carry out the excavations in accordance with the method statement agreed and to follow the instructions of the project archaeologist. Dúchas will provide guidelines to the consultant archaeologists setting out the respective roles of the project archaeologist and the individual licence holder and specifying the circumstances in which changes may be made to a method statement and the authority of the project archaeologist in this regard.



- Both the project archaeologist and the individual licence holder will have the responsibility to ensure that sites being excavated are recorded to an acceptable standard and in a manner consistent with the rescue nature of the excavations. The project archaeologist will provide periodic progress reports on the archaeological programme and will liaise with the licence-holder to ensure that appropriate reports are submitted through him/her to Dúchas and the National Museum of Ireland in accordance with the conditions of the licence.

- Should a dispute arise between the project archaeologist and the licence holder concerning the conduct of the excavations, the matter will be referred to Dúchas for a decision. It will be made clear in the guidelines for archaeologists that licence holders are expected to follow the instructions of the project archaeologists and that appeals to Dúchas should only be made when there are substantial grounds for concern on the part of the licence holder that acceptable standards of excavation or recording are not being applied. The guidelines will also emphasise that the management of the agreed archaeological programme is the responsibility of the project archaeologist and that Dúchas will not expect to become involved in the day to day issues. It will also be emphasised that when a licence holder fails to comply with the method statement or with valid instructions from the project archaeologist, the licence may be withdrawn.
- Dúchas will undertake to ensure that the authority of the project archaeologist to make alterations to the method statement and to issue instructions to the licence holder is upheld where these are in accordance with the guidelines.

