

# Code of Practice



Code of Practice between the  
Department of the Department of Arts,  
Heritage and the Gaeltacht and  
Iarnród Éireann



*An Roinn  
Ealaíon, Oidhreachta agus Gaeltachta*  

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*Department of  
Arts, Heritage and the Gaeltacht*

National Monuments Service  
Department of Arts, Heritage and the Gaeltacht  
February 2012

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## Minister's Foreword

As Minister with responsibility for Ireland's rich natural and built heritage I am delighted to publish this Code of Practice developed by my Department and Iarnród Éireann. The Code provides an optimal framework for both organisations to fulfil their respective responsibilities. My Department's role is to protect our archaeological heritage. For its

part, Iarnród Éireann is charged with developing, maintaining and operating an efficient rail transport system.

Recognising that the development of our rail transport system has significant archaeological implications, this Code sets out broad guiding principles and specific agreed actions to be undertaken by both organisations in relation to infrastructure projects. Those actions are characterised by a high level of co-operation and consultation that will inform the planning of new infrastructure, identify archaeological implications and help to devise appropriate mitigation measures.

My Department is committed to encouraging the widest appreciation of our archaeological heritage and to ensuring that it is securely protected so that it can be passed on from this generation and enjoyed by our successors. 'Sustainability' is also central to the work of Iarnród Éireann and plays a key role in the development of the rail transport system.

Care for and management of our heritage can be greatly enhanced through agreed approaches set out in Codes of Practice drawn up between my Department and organisations responsible for delivering key infrastructure. Iarnród Éireann is one such body and I look forward to the practical and successful implementation of the guiding principles set out in this document over the coming years.

*Jimmy Deenihan*

Jimmy Deenihan TD  
Minister for Arts, Heritage and the Gaeltacht  
February 2012



## Foreword from the Chief Executive of Iarnród Éireann

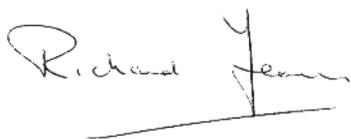
Iarnród Éireann is pleased to have developed with the Department of Arts, Heritage and the Gaeltacht, a Code of Practice, which outlines the principles to be applied for the protection of Ireland's archaeological heritage.

Iarnród Éireann is part of the Córas Iompair Éireann (CIE) Group of Companies, the national statutory authority providing land public transport in Ireland. Our principal activities are the provision of Intercity, Commuter and DART rail passenger services and freight services.

In recent years the Government has been investing heavily in upgrading and expanding the infrastructure and rolling stock fleet of Iarnród Éireann in order to provide improved and additional services across our network and reduce dependence on private cars. The infrastructure includes a network of approximately 2,200km of rail track and associated maintenance facilities, over 2,750 bridges and 146 railway stations as well as signalling, electrical and telecommunication equipment. The infrastructure includes a rich selection of heritage structures that we endeavour to treat sensitively during our upgrade projects.

Iarnród Éireann continues to successfully deliver high capacity heavy rail projects as part of the national transport investment programme. The majority of our capital projects are carried out on existing railway corridors. However Iarnród Éireann will continue to proactively consider archaeology at all stages of project development from feasibility to construction.

This Code of Practice demonstrates that Iarnród Éireann is fully committed to ensuring that our capital projects are carried out in a sustainable, environmentally sensitive manner protecting both the natural and built heritage. Iarnród Éireann looks forward to working closely with the Department of Arts, Heritage and the Gaeltacht with respect to protecting our archaeology, as agreed in this Code.



Richard Fearn  
Chief Executive  
Iarnród Éireann



## Code of Practice agreed between the Department of Arts, Heritage and the Gaeltacht and Iarnród Éireann

The purpose of this Code is to provide a framework within existing legislation, policy and practice to enable Iarnród Éireann to progress its programme of work, within the framework of the Government's transport strategy, 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 for Arts, Heritage and the Gaeltacht 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 (Valetta).

2. Iarnród Éireann has a responsibility to develop, maintain and operate a safe, secure, reliable, economical and efficient rail transport system.
3. The development of such a system may have archaeological implications which must be addressed given that the archaeological heritage is a non-renewable resource.
4. Iarnród Éireann will finance a balanced and cost effective approach to archaeological investigation, excavation and mitigation as an integral element of the transport system development programme project costs on the basis of the *developer pays* principle and in keeping with the Minister's stated policy in this regard.
5. The adoption of a partnership approach between Iarnród Éireann and the Minister in pursuit of the delivery of Government policy taking account of the implications for archaeology.
6. Appropriate strategies will be developed to minimise direct impacts on archaeology taking account of transport system design and safety implications, environmental and other impacts and costs.
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. Both parties are committed to dealing with the archaeological implications of the transport system development programme in a balanced and cost-effective manner consistent with
  - (a) Observing Iarnród Éireann timescales 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 the transport system development, that is acceptable to the Minister and preservation in-situ in those particular circumstances where required by the Minister and which would be reasonable in practice.
10. Each party reserves the right to review decisions.
11. Iarnród Éireann 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 granting of the Railway Order to 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 three years of its adoption and at agreed intervals thereafter.

## Agreed Actions

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### Iarnród Éireann will

1. Ensure the appointment of a lead Consultant Archaeologist to assist with the preparation of the archaeological elements of the proposed works for schemes that will be the subject of a statutory Environmental Impact Assessment (EIA). Iarnród Éireann will also ensure the appointment of a Project Archaeologist to oversee the smooth running of the archaeological elements of proposed works for schemes where both parties deem it necessary.

(**Appendix I** defines the role of the Project Archaeologist and **Appendix II** sets out the relationship between the Project Archaeologist and the Consultant Archaeologist.)

2. Ensure that the Project Archaeologist and/or lead Consultant Archaeologist will be a member of the project design team. As part of the team, he or she will input into the development of the programme and construction/procurement strategy including the development of contract documentation relating to the appointment of Consultant Archaeologists.

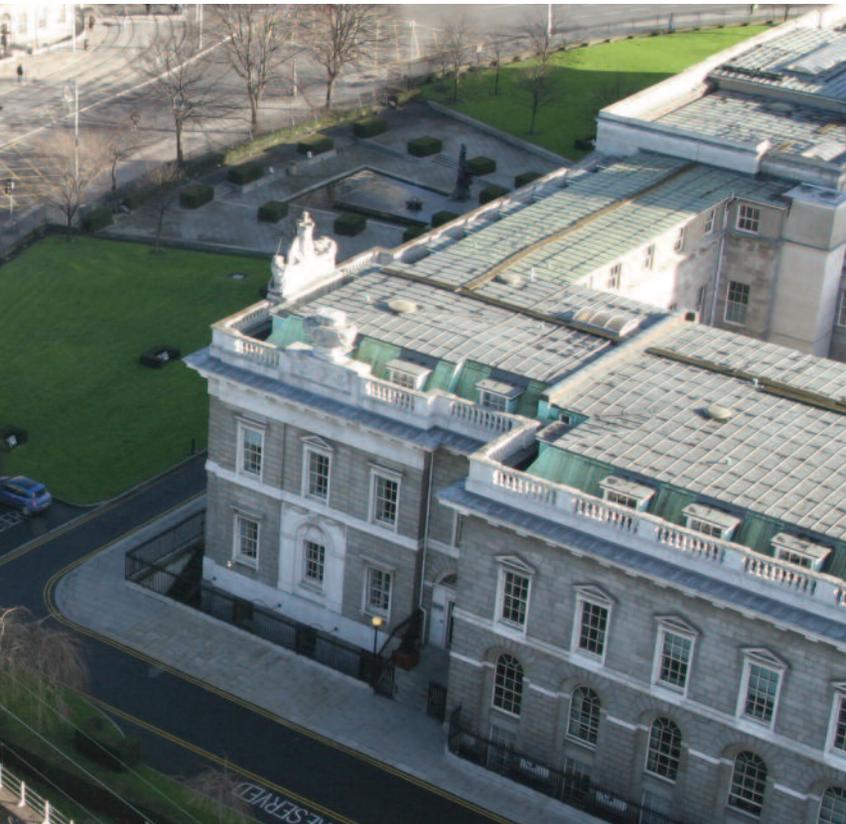


3. Make every effort during the planning, construction and maintenance of the railway line to avoid direct impact on known archaeological sites or established areas of archaeological potential and, where reasonably possible, ensure that lines are positioned to avoid archaeology entirely.
4. Require that the process of identifying the potential impact of development proposals on archaeology will be dealt with by an experienced archaeologist.
5. Consult with the Minister throughout the design process.
6. Where avoidance cannot reasonably be achieved, excavate and record all known monuments and 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. Iarnród Éireann 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 fulfill the post-excavation requirements of the Minister including the conservation of archaeological objects and the provision of scientific analyses and dating as well as the production of reports on all archaeological work, to a standard which will meet the approval of the Minister.



## The Minister for Arts, Heritage and the Gaeltacht (through the National Monuments Service of the Department) will

1. Respond to consultations from the Project Archaeologist and/or the lead Consultant Archaeologist in a timely manner.
2. Agree assessment criteria for the purposes of identifying sites and areas of archaeological potential which will inform the extent of archaeological investigation to be undertaken.
3. Issue licences, under section 26 of the National Monuments Act 1930, as amended, for archaeological excavations, within 3 weeks of receipt of application.



4. Issue consents, under section 14 of the National Monuments Act 1930, as amended, within a reasonable timeframe subject to the complexity of the works to be carried out. (Note: Section 14 includes all works affecting national monuments and not just archaeological excavations).
5. Agree with the Project Archaeologist and/or lead Consultant Archaeologist an appropriate programme for archaeological mitigation and/or test trenching and a system for excavations, which will include recommended timescales.
6. Agree that a single director will be sufficient for excavating sites where the subject sites form part of a discrete complex or are in close proximity to each other having regard to the recommendations of the Project Archaeologist.
7. Avail of the consultation procedure operated by Iarnród Éireann, 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 the format and standard of reports to be submitted on foot of the licences and consents issued.

## Appendix I

### Role of Project Archaeologist on Major Projects

#### The Project Archaeologist will

1. Be engaged by Iarnród Éireann for a specified project and specified time frame.
2. Work closely with the project team at pre-planning stage 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 cultural heritage chapter of the EIA for the Consultant Archaeologist, as appropriate, and ensure that all preparatory archaeological work (desk study, field walking, aerial photography and, if necessary, test-trenching, geophysical surveys, etc.) for the EIA is undertaken 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. Ensure that applications for excavation licences and for Ministerial consents 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 statement 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 and ensure that the work is conducted in accordance with the method statements and the conditions of licences or consents and within the agreed timescale.
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. Notify the Department when the excavation has been completed.
10. Ensure the nature and quality of all excavation reports are of a standard acceptable to the Minister and are submitted within the agreed timescale.
11. Certify all archaeological costs.

## Appendix II

### **Relationship between the Project Archaeologist and the Consultant Archaeologist (Licence Holder) in the conduct of Archaeological Excavations**

1. The Project Archaeologist will have responsibility for the management of the archaeological programme.
2. Both the Project Archaeologist and the Consultant Archaeologist will be responsible for ensuring that sites are excavated and recorded to a standard acceptable to the Minister and in a manner consistent with the rescue nature of the excavations. The Project Archaeologist, in conjunction with the Consultant Archaeologist, will provide periodic progress and other reports on the archaeological programme to the Department in accordance with the conditions of the licence/Ministerial consent.
3. If a dispute arises between the Project Archaeologist and the Consultant Archaeologist concerning the conduct of the excavations, the matter will be referred to the Department of Arts, Heritage and the Gaeltacht for a decision. Consultant Archaeologists are expected to follow the instructions of the Project Archaeologist and matters should only be referred to the Department when there are substantial grounds for concern that acceptable standards of excavation or recording are being compromised.
4. 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.