



National Monuments Service



Method statement: Yes No

Letter regarding funding: Yes No

Application checked: _____

Date: _____

LICENCE NUMBER _____

FOR OFFICE USE ONLY

Application for a licence to excavate

under section 26 of the National Monuments Act 1930 (as amended)

Information and Advice Notes – APPLICANTS ARE REQUESTED TO READ THESE BEFORE COMPLETING THE APPLICATION FORM AND IT WILL BE ASSUMED THAT THEY HAVE DONE SO. Further guidance notes are provided in the form (in italics) where appropriate.

- All references in this form to the 'Minister' refer to the Minister for Culture, Heritage and the Gaeltacht. References to the 'National Monuments Service' mean the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht. **The Minister is the licensing authority under the legislation.**
- Please note that all questions or requests to provide information on the form are mandatory. Where appropriate insert 'Not applicable'. Where the form is not completed correctly the applicant will be notified that it cannot be processed.
- The application form must be accompanied by a **detailed method statement** (see No. 18 on the form) and a **letter from the person or body funding this excavation** (see No. 12 on the form), confirming that sufficient funds and other facilities are available to complete the archaeological excavation, post-excavation, and preliminary and final reports. Where these are not included the applicant will be notified that the application cannot be processed.
- The completed application form, together with the detailed method statement and letter must be received by the National Monuments Service (Custom House (G50), Dublin, D01 W6X0 or by email at licensingsection@chg.gov.ie) at least **three weeks** prior to the date on which it is proposed to commence the excavation. Note that while the National Monuments Service endeavours to process all applications as quickly as reasonable and has a general target of deciding on applications three weeks after receipt, no guarantee can be provided that this will be met and there is no legal entitlement on the part of an applicant to receive a decision on their application within three weeks. In particular, delays arising from incomplete or inaccurate information being submitted or from issues regarding non-compliance with previous licences are the responsibility of the applicant.
- Given that appropriate professional competence and experience is a material factor in deciding whether or not a licence should be issued, a first-time applicant may expect to be requested to attend an interview arranged by the National Monuments Service to assess such competence and experience. So as to avoid delay in being interviewed, a facility is provided to potential first-time applicants whereby they can attend interview in advance of lodging a particular licence application. It is recommended that persons considering a first-time application apply to attend such interview well in advance of lodging their first application. Applications to attend an interview should be submitted to the National Monuments Service, Custom House (G50), Dublin, D01 W6X0.
- Persons claiming any exemption from attendance at interview as referred to above on grounds related to EU law (Directive 2005/36/EU as amended) on the recognition of professional qualifications should state so clearly, with supporting material, when lodging a particular licence application. The National Monuments Service cannot accept responsibility for any delay arising from an applicant failing to do so. Such an exemption may, in particular

circumstances, be available to persons coming from another EU member state or member of the European Economic Area.

7. Please note that licences under section 26 of the National Monuments Act (as amended) are issued **at the discretion of the Minister**. The Minister may refuse a licence application and applicants should not assume that a licence will be granted on foot of any particular application. Furthermore, the Minister may insert in any licence such conditions or restrictions as she or he thinks proper. In addition to conditions appearing on this form, any licence issued may therefore be subject to particular conditions specified by the National Monuments Service.
8. The Director of the National Museum of Ireland is a statutory consultee in relation to licence applications, as provided under section 26(2) of the National Monuments Act 1930 (as amended).
9. In the normal course, a licence to excavate will only be issued for a single geographic extent. Reasons to support applications that seek to cover multiple locations must be set out in the method statement.
10. Under no circumstances must any excavation work be carried out before an applicant has been notified by the Minister that a licence has been issued to her/him. The carrying out of an unlicensed archaeological excavation is an offence under section 26(3) of the National Monuments Act 1930 (as amended). Such offence may be tried summarily or on indictment and serious penalties may apply on conviction (see section 26 (3) of the 1930 Act as amended by section 17 of the National Monuments (Amendment) Act 1987).
11. Finds of archaeological objects made in the course of a licensed archaeological excavation are exempt from the requirement under section 23 of the National Monuments Act 1930 (as amended) to report same to the Director of the National Museum of Ireland within 96 hours. No such exemption applies to finds of wrecks more than 100 years old and these must be reported to the Minister in accordance with statutory procedures under section 3 of the National Monuments (Amendment) Act 1987: breach of this requirement is an offence.
12. A person to whom an archaeological excavation licence has been issued has no exemption from the requirements of the National Monuments Acts 1930 to 2014 in respect of licensing of alteration of archaeological objects or the requirements of the National Cultural Institutions Act 1997 in respect of export of archaeological objects: breach of these requirements is an offence.
13. If it is proposed to use a detection device in the course of, or as part of, the archaeological excavation then a separate consent is required under section 2 of the National Monuments (Amendment) Act 1987.
14. In addition to the specific points noted in the two paragraphs above, it is essential to note that the issuing by the Minister of a licence under section 26 of the National Monuments Act 1930 does not, except where expressly provided under law, provide any exemption from other statutory or legal obligations. It is the obligation of the applicant to ensure that all such obligations are complied with and the Minister has no, and does not accept, responsibility or liability for any failure by the applicant to do so and the consequences (civil or criminal) which may arise from such failure. In particular, and without prejudice to the generality of the foregoing, the issuing of a licence under section 26 does not give the licensee any powers to enter lands or carry out works against the wishes of the owner or occupier.
15. A licence, if issued, will issue to the applicant, who will become the licensee under it. No other party than the licensee is bound by the conditions of a licence. It is of the utmost importance that an applicant understands this and that the National Monuments Service will, for example, have no powers under the National Monuments Acts to require any other party to fund the fulfilment of licence conditions. Applicants therefore need to ensure that they have in place before commencing any excavation work appropriate and enforceable contractual arrangements with the person or body which has engaged them to carry out the excavation. As part of this, applicants should consider putting in place arrangements under which funds for the carrying out of post-excavation work are secured even in the event of the person or body which engaged them running into financial difficulties.
16. There is no guarantee that any licence issued will be considered appropriate to be extended or transferred to another party. In the normal course, requests for extensions will not be considered more than two years after the completion of the excavation site works.
17. A person who accepts the transfer to them of a licence needs to understand that they will thereby be accepting full responsibility for compliance with the conditions of the licence. Such a person should therefore ensure, before accepting such transfer, that necessary funds are in place and that they will be able to rely on the contractual arrangements referred to at (15) above.
18. All matters relating to employment and health and safety law which may arise in the course of the archaeological excavation or subsequently are matters for the applicant/licensee and the relevant statutory bodies and, depending on circumstances, the applicant/licensee's employer and the occupier of the lands. The Minister, the

National Monuments Service and the National Museum of Ireland have no role in relation to such matters under the National Monuments Acts and any archaeological excavation licence.

Application for Licence under section 26 of the National Monuments (Amendment) Act 1930 (as amended)
PRIVACY STATEMENT

The Department of Culture, Heritage and the Gaeltacht is committed to protecting and respecting your privacy and employs appropriate technical and organisational measures to protect your information from unauthorised access. The Department will not process your personal data for any purpose other than that for which they were collected. Personal data may be exchanged with other Government Departments, local authorities, agencies under the aegis of the Department, or other public bodies, in certain circumstances where this is provided for by law.

The Department will only retain your personal data for as long as it is necessary for the purposes for which they were collected and subsequently processed. When the business need to retain this information has expired, it will be examined with a view to destroying the personal data as soon as possible, and in line with Department policy. Further information on Data Protection can be found on our website at: <https://www.chg.gov.ie/help/legal-notice/data-protection/>

10a. Duration of licence soughtFrom

dd	mm	yyyy

 to

dd	mm	yyyy

10b. Duration of archaeological excavationFrom

dd	mm	yyyy

 to

dd	mm	yyyy

The dates submitted must relate to the expected timeframe of the proposed excavation. In the normal course the dates of the 'duration of licence sought' and the 'duration of archaeological excavation' should be the same. Where the period within which the archaeological excavation will actually take place is not known with certainty, the applicant should try to state as closely as possible when the excavation will take place. Please note that applications will not be accepted where unreasonably lengthy periods are proposed. Therefore, the justification for seeking the length sought should be set out in the method statement.

11a. If you are undertaking the excavation as an employee / sub-contractor of an archaeological firm please supply the contact details of the firm.**Name of firm****Address of firm**

Email

Phone

Mobile

Eircode / postcode

If you are not an employee / sub-contractor of an archaeological firm please insert 'Not applicable'.

11b. Please supply the name and contact details of the person or body funding this excavation.**Name****Address**

Email

Phone

Mobile

Eircode / postcode

12. Have you enclosed with this application a letter from the person or body (referred to in 11b) confirming that sufficient funds and other facilities are available to complete the archaeological excavation and associated post-excavation work, including preparation of preliminary and final reports (including specialist reports) to the standard required under the licence, if granted? Note that the letter submitted must adhere to the form and content of the template letter appended to this Application Form.

Yes No

Failure to submit this letter will mean that the licence application cannot be processed.

13. Do you understand that, as licensee, it will be your responsibility to comply with and fulfil the conditions of the licence and, therefore, you must ensure that all necessary funds are in place to do so, including the funding of post-excavation work?

Yes No

14a. Where the application results from planning or other development control conditions please provide the name of the Planning Authority or relevant development control body.

14b. Is a full copy of the planning / control conditions relating to the site attached?

Yes No

14c. In the case of a Planning Authority, please supply the Planning Register No.

The above sections must be filled out where the application to excavate results from a planning or other development control condition/consent/decision. A full copy of the relevant planning condition/consent/decision must be attached and not just those relating to archaeology. Where the application is not the result of planning or other development control

conditions insert 'Not applicable' and provide an explanation in the method statement.

15a. Is the excavation covered under a Code of Practice? Yes No

A code of practice refers to where such has been agreed between the Minister and another body.

15b. If yes, please provide the name of the relevant party to the Code.

15c. Where the relevant code provides for a Project Archaeologist has she/he approved this application? Yes No

15d. If yes, please provide the name of the Project Archaeologist.

Sections b, c and d must be filled out where the application to excavate results from a code of practice between the Minister and another body.

16a. Do you understand that any archaeological objects recovered in the course of the proposed excavation will be State property? Yes No

16b. Do you understand that the final place of deposition of any archaeological objects recovered in the course of the proposed excavation will be the National Museum of Ireland, unless otherwise agreed with the National Museum of Ireland, and that deposition must be done in accordance with all or any standards specified by the National Museum of Ireland? Yes No

16c. Where will the archaeological objects be housed during post-excavation?

16d. Name(s) of finds conservator(s)?

17a. Do you understand that the final place of deposition of the archaeological archive will be the National Monuments Service, unless otherwise agreed? Yes No

17b. Where will the site archive be housed pending final deposition?

18. Content of method statement. Please tick the boxes to confirm that the following are included:

1. Summary: *Provide a summary of the proposed excavation, purpose and details of duration.* Yes

2. Location description: *Provide a description of the site location (county, townland and/or town/street and house/site number) and other details re topography and situation.* Yes

3. Location map: *Provide copy of OSi map (1:5000) for rural areas and (1:1000) for urban areas. In the case of maritime excavations, provide a copy of the relevant admiralty chart.* Yes

4. Location site plans: *Site plan showing the location and layout of the proposed cuttings. The length and width of proposed cuttings should be stated clearly and all plans of the proposed excavation must have a scale on them. This must be at a suitable scale and on a map base that can be linked to current OSi mapping.* Yes

5. Aims of the excavation: *Description of research objectives and planning history (as appropriate). Description of local archaeological context – previous excavations/surveys. Description of archaeological potential of the site/location.* Yes

6. Excavation strategy: *Describe the excavation area (including cuttings) and method of excavation.* Yes

7. Description of development: *Describe the development, build method and schedule (where relevant). Include planning condition and explain timescales involved and time restrictions (if any).* Yes

8. Constraints on archaeological methods: *Outline safety hazards, piling/shoring/access (if applicable).* Yes

9. Illustrations: *Where relevant include aerial photographs (vertical and/or oblique) or ground photography to illustrate the method statement.* Yes

10. **Excavation team:** Outline the team structure – number of personnel (e.g. archaeologists, supervisors), the back-up measures, and logistical support (e.g. details of excavation team on call, if applicable). Yes
11. **Finds retrieval strategy:** The detailed finds retrieval strategy must be site specific. Describe in detail the methods and equipment to be used. Yes
12. **Sampling and analysis:** The method statement will indicate what programme of sampling and post-excavation analysis will be undertaken as appropriate and in accordance with best practice. Yes
13. **Conservation:** Outline the on-site facilities, off-site facilities, site/monument conservation implications. Yes
14. **Specialists:** Provide names and addresses of relevant qualified specialists. **Note:** If the site is likely to produce human remains then name and address of qualified osteoarchaeologist must be included. Yes
15. **Storage:** Outline where the storage of finds and site archive will be housed and under what conditions after completion of the fieldwork component. Yes
16. **Reporting:** Specify delivery dates for the preliminary report, excavations.ie report and final report. The dates specified must be in accordance with conditions of the licence relating to lodging of reports. Yes

Conditions to which any licence issued under section 26 of the National Monuments Act 1930 (as amended) are subject.

Any licence issued will be subject to the following conditions and any other conditions that may be specified to the licensee.

1. This licence is issued on the basis of information provided by the applicant and on the understanding that all information provided with the application, and associated statements made by the applicant, are accurate and truthful.
2. The licensee must obtain permission from the owner of the land/ wreck to carry out the excavation and particularly to alter, dig or excavate in or under the site before availing of this licence. No responsibility or liability shall attach to the Minister for failure on the part of the licensee to obtain such permission.
3. By accepting the licence, the applicant acknowledges that the Minister is not responsible or liable in any manner for any loss or injury to persons or property in any way arising from the licensed activities.
4. The licensee shall restore the land to its original condition on termination of this licence, unless otherwise directed by the landowner.
5. The licensee shall comply in all respects with the provisions of the National Monuments Acts 1930 to 2014 and any Acts altering, amending or replacing those Acts. Copies of the Acts are available from the National Monuments Service website www.archaeology.ie and from Government Publications (see <http://www.opw.ie/en/governmentpublications/>).
6. Under the provisions of section 2 of the National Monuments (Amendment) Act 1994 the ownership of an archaeological object found in the State which has no known owner at the time it is found stands vested in the State. The National Museum of Ireland is the State repository for all such archaeological objects. The licensee shall adhere to the directions of the Director of the National Museum of Ireland in relation to the final disposition/location of any archaeological objects and the temporary storage of finds and also to advice notes issued by the National Museum of Ireland. Separate licences must be applied for under the relevant provisions of the National Monuments Acts 1930 to 2014 and the National Cultural Institutions Act 1997 if it is intended to alter (which includes to destructively sample), or export any archaeological object recovered during the excavation.
7. The licensee shall be given a reference number in relation to each excavation or part thereof which shall be used in all correspondence relating to the excavation and for the numbering of finds (if any) recovered during the excavation. The licensee shall also comply with the requirements of the National Museum of Ireland as regards to the numbering and care of archaeological objects.
8. The licensee shall conduct the excavation in accordance with the method statement as submitted with the applicant's application for a licence under section 26 of the National Monuments Act 1930 (as amended) and also in accordance with the information provided (including answers given) in or on the application form submitted with that application, subject to any amendment approved by the National Monuments Service prior to the issue of this licence. Once the licence has been issued, any proposed amendment or variation to the methodology set out in those documents must be submitted in advance to the National Monuments Service and can only be proceeded with if approved by the National Monuments Service.
9. The licensee shall comply with the *Policy and Guidelines on Archaeological Excavations* (1999) and any subsequent policies, guidance or advice, issued by, or on behalf of the Minister and advice notes issued by the National Museum of Ireland.
10. Unanticipated discovery of human remains must be reported as soon as possible to the National Monuments Service and the National Museum of Ireland.

11. (1) The licensee shall:
- a) Lodge **one digital (PDF/A format on CD or USB) and two hard copies** of a Preliminary Report on the excavation with the National Monuments Service, and **one digital (PDF/A format on CD or USB) and one hard copy** of same with the National Museum of Ireland within four weeks of the completion of the excavation. The Preliminary Report **must** be in the recommended format set out in the *Guidelines for Authors of Reports on Archaeological Excavations* (2006) issued by the National Monuments Service. Note that the coordinate referencing system in current use is the Irish Transverse Mercator (ITM) and not the 'National Grid' as set out in the Guidelines (pp. 3, 5, 8).
 - b) Lodge as an appendix within the preliminary report (referred to in (a) above) a 'Monument Report Form' for every previously-unrecorded monument discovered in the course of the excavation. The monument classification used on the form must accord with that operated by the National Monuments Service (see www.archaeology.ie Historic Environment viewer).
 - c) Unless otherwise agreed with the Minister, lodge, within twelve months of completion of the excavation, **one digital (PDF/A format on CD or USB) and two hard copies** of the Final Report on the excavation with the National Monuments Service, and **one digital (PDF/A format on CD or USB) and one hard copy** of same with the National Museum of Ireland. The Final Report **must** be in the recommended format set out in the *Guidelines for Authors of Reports on Archaeological Excavations* (2006) issued by the National Monuments Service. Note that the coordinate referencing system in current use is the Irish Transverse Mercator (ITM) and not the 'National Grid' as set out in the Guidelines (pp. 3, 5, 8). This report must be to publication standard and include a full account, suitably illustrated, of all archaeological features, finds and stratigraphy along with a discussion and specialist reports.
 - d) Publish a concise report to the standard accepted for publication on the www.excavations.ie website for the year in which the licence is valid.
 - e) Lodge with the National Monuments Service one copy of any publication where the results of the excavation have been published.
 - f) Without prejudice to any of the above, where the licensee submits a written report on the excavation to another person or body prior to having submitted the reports referred to above to the National Monuments Service then the licensee shall notify the National Monuments Service in writing (which may be in email form) that such report has been submitted to that other person or body.
- (2) Without prejudice to any other requirements regarding the format of a report to be submitted to the National Monuments Service and the National Museum of Ireland in accordance with the above, all such reports shall be in two separately bound parts (or in the case of digital copies two separate files) as follows:
- First Part*
The first part shall contain purely archaeological information, i.e. the nature of the site in archaeological terms and the results in archaeological terms of the archaeological excavation. This part shall be identified using the reference number provided to the licensee under Condition 7 above. The first part shall, in particular, contain no personal data other than the name of the licensee.
- Second Part*
The second part shall contain other information where appropriate to be provided regarding the archaeological excavation, e.g. owner of the site, reasons for carrying out the archaeological excavation (other than archaeological research), information regarding funding and planning and development issues. This second part shall be identified with the same reference number but with an "X" appended.
12. The Minister may publish or make generally available in any form (including printed or electronic form which, without prejudice to any other form of publication or making available, may include publishing or making available on the internet), any report, or part thereof, submitted under or in fulfilment of the conditions of this licence. A copy of a report so published or made available may identify the licensee.
13. The final place of deposition of all archives associated with the archaeological excavation shall be the National Monuments Service archive except as may be otherwise directed by the Minister, which direction (which shall be complied with by the licensee) may provide for the deposition (in such manner as the Minister may determine) of the archives in another appropriate place or places or their disposal (whether in whole or part) in such manner as the Minister may determine. Where the final place of deposition is the National Monuments Service archive, the licensee shall comply with all directions and requirements of the Minister in regard to the manner and timing in which the archives are presented for deposition. Pending the deposition or disposal of the archives in accordance with the foregoing, the licensee shall maintain the archives safely and securely and shall advise the Minister, as and when requested, as to their location and the provision being made for their safety and security and shall provide access to the officers or agents of the Minister to inspect the archives at any reasonable time. Nothing in the foregoing shall oblige the Minister to accept deposition of all or part of the archives in the National Monuments Service archive, or to otherwise accept any responsibility for the archives, unless the Minister is satisfied that all other conditions of the licence have been complied with or fulfilled and that it is appropriate to accept such deposition or responsibility. In the foregoing 'archives' includes plans, drawings, photographs, site notebooks, record sheets, context sheets, finds lists or similar or related material whether in paper, hard copy or digital form.
14. Officers, servants or agents of the Minister or the Board of the National Museum of Ireland may inspect at any reasonable time the archaeological excavation to which this licence applies and (without prejudice to the provisions of condition 13) any associated storage facilities, archives or records and the licensee shall facilitate any such inspection. In the foregoing 'reasonable time' includes (but is not limited to) any time when archaeological excavation work is being carried out on or at the location of the archaeological excavation or any time when post-excavation is being undertaken.
15. The licensee accepts that failure by her or him to comply with or fulfil any of the above conditions shall be grounds for the Minister to refuse to issue to her or him any further or other licence under section 26 of the National Monuments Act 1930 (as amended), or to otherwise authorise or permit her or him under any other provision of the National Monuments Acts 1930 to 2014 to carry out archaeological excavation, until such time as such non-compliance or non-fulfilment has been rectified to the satisfaction of the Minister in such manner as the Minister may determine. Nothing in this condition shall be interpreted as obliging the Minister to issue or grant any particular licence or consent which may be applied for under the National

Monuments Acts 1930 to 2014. An applicant aggrieved by a refusal by the Minister pursuant to this Condition to issue or grant a licence or consent may request the Minister to review the decision. Where such a review is requested, the Minister will appoint an independent and appropriately qualified person or persons to review the case and make a recommendation to the Minister. The final decision on the matter will rest with the Minister. Any applicant requesting a review under the provisions of this Condition must comply with any procedures specified by the Minister for requesting such a review and provide any information reasonably requested by the Minister or the independent person or persons appointed by the Minister under this Condition, including making themselves or any documents, records, objects or other material associated with the archaeological excavation available for interview or examination as the case may be.

16. This licence may be revoked or suspended by the Minister on grounds of breach of, or non-compliance with, any condition of this licence or otherwise on the grounds that such revocation or suspension is necessary in the interests of protection of the archaeological heritage or otherwise in the public interest. This is without prejudice to any powers of the Minister under any enactment.
17. The licensee shall notify the National Monuments Service in writing (which may be in email form) of the commencement of the excavation and of the conclusion or cessation (whether temporary or permanent) of archaeological excavation at the location to which the licence relates. Such notification shall take place as soon as may be after such commencement, conclusion or cessation.
18. If the licensee decides or become aware that the licence will no longer be availed of within the time period for which it was issued, then the licensee shall as soon as may be notify the National Monuments Service in writing (which may be in email form) of this.

I declare that all the information provided by me in completing the above application form is accurate. I further declare and acknowledge that I have read and understood all notes and guidance on this form, and that I have also read and understood the above conditions and am aware that, except as may be otherwise determined and specified by the Minister, the above conditions will apply to any licence which may be issued to me on foot of this application.

Signature:*

** The form must be signed and dated by the applicant in person: scanned copies of a signature are not acceptable. The form may be submitted in hard copy or scanned and submitted in digital format (see Preamble no. 4 at the beginning of the form).*

Date:

APPENDIX

Template of letter to be enclosed with application, as referred to in Question 12 of this Application Form

To [INSERT NAME OF APPLICANT] and [INSERT NAME OF FIRM, IF ANY, OF WHICH APPLICANT IS AN EMPLOYEE],

On behalf of [INSERT NAME OF COMPANY OR OTHER BODY OR DELETE AS APPROPRIATE], I confirm that in the event of [INSERT NAME OF APPLICANT FOR LICENCE] being granted a licence to carry out archaeological excavation at [INSERT LOCATION OF PROPOSED ARCHAEOLOGICAL EXCAVATION] in accordance with the application she or he has submitted to the National Monuments Service and which this letter accompanies, I [OR NAME OF COMPANY OR BODY WHERE APPROPRIATE] will provide or ensure are available to her or him or his employer (as appropriate) sufficient funds and other facilities to allow her or him to complete the archaeological excavation and associated post-excavation work, including preparation of preliminary and final reports (including specialist reports) to the standard required under the licence, if granted.

Yours etc.