

Policy and
Guidelines
on
Archaeological
Excavation



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



Policy and Guidelines

on

Archaeological Excavation



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



Photographs provided courtesy of:
Photographic Section, Dúchas The Heritage Service
and Professor Barry Raftery, University College Dublin

©Government of Ireland 1999

Dublin:
Published by the Stationery Office

To be purchased directly from the
Government Publications Sales Office, Sun Alliance House,
Molesworth Street, Dublin 2
or by mail order from
Government Publications, Postal Trade Section
4 - 5 Harcourt Road, Dublin 2.
(Tel: 01 - 6613111 — ext. 4040/4045; Fax: 01 - 4752760)
or through any bookseller.

| | |
|---|----|
| Minister's Foreword | 5 |
| Part I INTRODUCTION | |
| 1.1 The Department of Arts, Heritage, Gaeltacht and the Islands | 7 |
| 1.2 Purpose and structure of document | 7 |
| 1.3 Proposed further action by the Department | 8 |
| Part II POLICY ON LICENSING OF ARCHAEOLOGICAL EXCAVATIONS | |
| 2.1 Legal framework | 9 |
| 2.2 Aim of policy | 10 |
| 2.3 Deciding on whether or not to issue a licence and factors considered in that regard | 10 |
| (a) Justification of excavation | 10 |
| (b) Competency of applicants and interview requirements | 11 |
| (c) Previous compliance with licence conditions | 12 |
| (d) Other commitments of applicant | 12 |
| (e) Excavation strategy | 13 |
| (f) Availability of resources | 13 |
| 2.4 Regulation of conduct of excavations | 13 |
| 2.5 Access to excavation reports | 13 |
| 2.6 Action by the Department in the event of failure to publish | 14 |
| Part III GUIDELINES FOR APPLICANTS AND LICENSEES | |
| 3.1 Introduction | 15 |
| 3.2 Applications for excavation licences | 15 |
| 3.2.1 General | 15 |
| 3.2.2 Implications of submitting an application | 16 |
| 3.2.3 Applying to alter excavation strategy or methodology | 16 |

| | | |
|-------|---|----|
| 3.3 | Excavation strategies and method statements | 17 |
| 3.3.1 | General | 17 |
| 3.3.2 | Development-led excavation | 17 |
| | (a) General | 17 |
| | (b) Test excavation | 18 |
| | (c) Archaeological monitoring | 18 |
| | (d) Rescue excavation | 19 |
| | (e) Excavation in advance of monument conservation or presentation | 19 |
| 3.3.3 | Research excavation | 20 |
| 3.4 | Conduct of an archaeological excavation | 20 |
| 3.5 | Reports on archaeological excavations | 20 |
| 3.5.1 | Preliminary reports | 20 |
| 3.5.2 | Final reports | 21 |
| 3.6 | Publication | 21 |
| 3.6.1 | Summary publication | 21 |
| 3.6.2 | Full publication | 21 |

Part IV LICENSING CONDITIONS

| | | |
|-----|---|----|
| 4.1 | Standard set of licensing conditions | 23 |
| 4.2 | Reminder regarding alteration or export of archaeological objects | 25 |

Minister's Foreword

The licensing and control of archaeological excavations has, since 1930, been a key element in the protection of our archaeological heritage. In recent years the rate of archaeological excavation under licence has accelerated considerably. This has arisen from a growth in development with implications for our archaeological heritage together with greater awareness of the importance of full consideration of archaeology in the planning and development process.

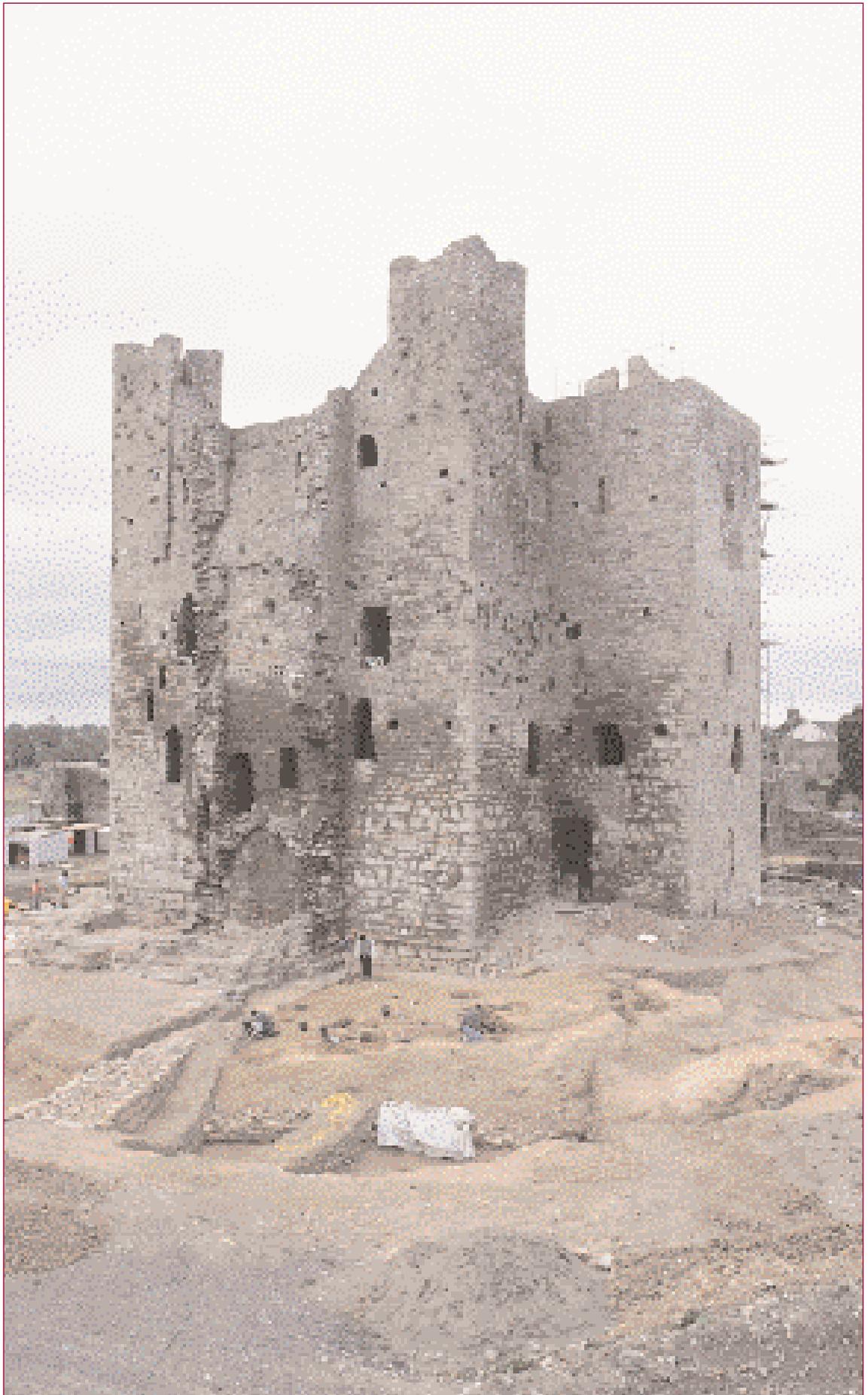
The last ten years have, in particular, seen a radical change in the balance between development-led and State funded archaeological excavation. There has been a major increase in the volume of private sector archaeological excavation taking place.

It is, therefore, very necessary and appropriate that clear policy and guidelines on archaeological excavation should be issued at this time by my Department. This document will, I believe, be of great assistance and support to the archaeological profession who have a pivotal role to play in protecting our archaeological heritage as well as in furthering archaeological research.



Sile de Valera, T.D.

Minister for Arts, Heritage, Gaeltacht and the Islands.



1.1 The Department of Arts, Heritage, Gaeltacht and the Islands

The **Minister for Arts, Heritage, Gaeltacht and the Islands** is responsible for the protection of the archaeological heritage through the exercise of powers under the National Monuments Acts 1930 to 1994, including the licensing of archaeological excavations. The National Monuments (Amendment) Act 1994 assigned to the Director of the National Museum of Ireland a statutory consultative role in the excavation licensing process for the first time.

For the purposes of this document it is considered important to set out the respective roles of **Dúchas The Heritage Service** (referred to below as Dúchas) and the **National Museum of Ireland** (referred to below as the NMI) in the excavation licensing process. Dúchas is part of the Department of Arts, Heritage, Gaeltacht and the Islands and is responsible for the protection of archaeological sites and monuments. The NMI (which is also part of the Department of Arts, Heritage, Gaeltacht and the Islands) is the national repository of archaeological objects and is generally responsible for the protection of such objects.

In making decisions on whether or not to grant archaeological excavation licences the Minister for Arts, Heritage, Gaeltacht and the Islands has regard to the advice of Dúchas as having the primary role in the protection of archaeological sites and monuments and to the advice of the NMI as having the primary role in the protection of archaeological objects.

1.2 Purpose and structure of this document

Purpose

The archaeological heritage is a non-renewable cultural and scientific resource of great importance. Although archaeological

excavation produces new data on past societies it also results in the irreversible destruction of part of that resource. Archaeological excavation also results in the recovery of archaeological objects. Such objects are a key part of the archaeological heritage and a resource for ongoing research. Their long-term storage and curation is a responsibility of the State. The regulation and control of archaeological excavation is therefore a matter which is of great importance to the public interest. Because of this, the law (in the form of the National Monuments Acts) provides for the Minister for Arts, Heritage, Gaeltacht and the Islands to exercise such regulation and control.

Policy on archaeological excavation forms part of overall policy on the protection of the archaeological heritage, the framework of which is set out in the *Framework and Principles for the Protection of the Archaeological Heritage* published by the Department of Arts, Heritage, Gaeltacht and the Islands. However, given the overall significance of archaeological excavation in respect of the protection of the archaeological heritage both moveable and immovable, the range of issues involved, and the growing number of archaeological excavations taking place (now in excess of six hundred a year and mostly development-led), it is considered necessary that a specific document be published on policy and guidelines for archaeological excavation.

When carrying out its statutory role of regulating and controlling archaeological excavation the Department of Arts, Heritage, Gaeltacht and the Islands wishes to work in partnership with the archaeological profession (who undertake archaeological excavations) so as to better secure the protection of the archaeological heritage. The publication of this document is a key element in this.

Structure

Part II of the present document sets out policy on licensing of archaeological excavations. An aspect of that policy is to ensure that proposals to undertake archaeological excavations and the conduct of such excavations are in accordance with guidelines and advice notes. **Part III** sets out guidelines for applicants for archaeological excavation licences and licensees. These guidelines establish the framework within which the advice notes will be issued by Dúchas and NMI, as appropriate.

Policy on the licensing of archaeological excavations also requires that archaeological excavation licences be issued subject to a standard set of conditions relating to the proper conduct of the excavation. **Part IV** sets out the standard set of archaeological excavation licence conditions as currently formulated.

1.3 Proposed further action by the Department of Arts, Heritage, Gaeltacht and the Islands in respect of archaeological excavation

In addition to the establishment of policy on licensing of archaeological excavations and the setting out of guidance and advice for applicants and licensees, the Department has identified a number of other matters where the need for further action is recognised or will be examined. These are noted below.



(a) Publication of the results of archaeological excavations

This document sets out certain requirements on licensees in respect of publication of the results of archaeological excavations. As archaeological excavation is a destructive process appropriate publication of results is essential. It is the intention of the Department of Arts, Heritage, Gaeltacht and the Islands to develop, in consultation with other relevant parties, required standards for such publication, which will be set out in advice notes issued by Dúchas.

Dúchas now funds the publication of the annual *Excavations* bulletin and this funding will be continued. Summary publication in the bulletin is a requirement under the terms of an archaeological excavation licence (see below, Parts III and IV). The Department will examine, again in consultation with relevant parties, issues relating to the availability of appropriate media for full publication of the results of archaeological excavations.

(b) Archiving of documentation from archaeological excavations

In addition to the issue of archiving of reports submitted in fulfillment of archaeological excavation licence conditions, it is recognised that the issue of the development of an archive for original documentation from archaeological excavations needs to be addressed. The Department will consider this issue in consultation with relevant parties.

(c) Publication of excavations undertaken by the Department of Arts, Heritage, Gaeltacht and the Islands in the past

The Department considers the appropriate publication of archaeological excavations carried out by it in the past (i.e. including those carried out by both Dúchas and the NMI) to be a priority and will seek to resource action in that regard accordingly.

Part II POLICY ON LICENSING OF ARCHAEOLOGICAL EXCAVATIONS

2.1 Legal framework

The provisions of Section 26 of the National Monuments Act 1930 relating to the control of excavation for archaeological purposes are a key element in the general framework of protection for the archaeological heritage. Section 26 allows both for the prevention of excavation for archaeological purposes by unqualified persons and also the regulation and control of excavations undertaken by qualified archaeologists. Section 26 (1) makes it unlawful for a person to whom an excavation licence has not been issued to

‘dig or excavate in or under any land (whether with or without removing the surface of the land) for the purpose of searching generally for archaeological objects or of searching for, exposing or examining any particular structure or thing of archaeological interest known or believed to be in or under such land or for any other archaeological purpose’.

Section 26 (2) (as amended by Section 21 of the 1994 amending Act) provides that the Minister for Arts, Heritage, Gaeltacht and the Islands, having consulted with the Director of the NMI, may at his or her discretion

‘issue to any person a licence to dig or excavate in or under any specified land for any specified archaeological purpose and may insert in any such licence such conditions and restrictions as (he or she) shall think proper’.

Section 2 of the 1930 Act (as amended) provides that ‘land’ includes land covered by water.

These provisions are both in accordance with, and allow compliance with, the provisions of Article 3 of the European Convention on the Protection of the Archaeological Heritage (the ‘Valletta Convention’ of 1992) (in so far as they relate

to archaeological excavation) which require States party to the Convention,

- i. *to apply procedures for the authorisation and supervision of excavation and other archaeological activities in such a way as:*
 - a. *to prevent any illicit excavation or removal of elements of the archaeological heritage;*
 - b. *to ensure that archaeological excavations and prospecting are undertaken in a scientific manner and provided that:*
 - *non-destructive methods of investigation are applied wherever possible;*
 - *the elements of the archaeological heritage are not uncovered or left exposed during or after excavation without provision being made for their proper preservation, conservation and management;*
- ii. *to ensure that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons’.*

They also allow compliance with Article 7 of that Convention whereby States party to the Convention undertake, *inter alia*, to:

‘take all practical measures to ensure the drafting, following archaeological operations, of a publishable scientific summary record before the necessary comprehensive publication of specialised studies’.

Ireland ratified the European Convention on the Protection of the Archaeological Heritage in 1997 and is legally bound by it.

The Convention is the basis for all policy on the protection of the archaeological heritage and all licensing of archaeological excavations must be in accordance with its provisions.

Dúchas advises the Minister for Arts, Heritage, Gaeltacht and the Islands on the issuing of archaeological excavation licences and consults with the NMI consistent with the statutory requirement that the Minister consult the Director of the NMI prior to issuing such a licence.

2.2 Aim of policy on licensing of archaeological excavations

It is the aim of policy in this area:

- (a) to secure the conservation and proper management of the archaeological heritage, having regard to that heritage's great importance as a cultural and scientific resource and its non-renewable nature;
- (b) to promote and secure best practice and professional standards in the conduct of archaeological excavations. (Post-excavation analysis and conservation work and appropriate publication and dissemination of results are an integral part of such excavations);

- (c) to ensure the proper excavation, conservation and curation of archaeological objects found in archaeological excavations;

- (d) to have regard to the existence of a public interest in access to the results of archaeological excavations while protecting legitimate rights of those who undertake such excavations.

2.3 Policy in relation to deciding whether or not to issue a licence to carry out an archaeological excavation

Applicants for archaeological excavation licences will have to satisfy the Department of Arts, Heritage, Gaeltacht and the Islands with regard to the following factors:

(a) that the proposed archaeological excavation is justified or necessary

General

Whatever the category of archaeological excavation being proposed, account will be taken of whether or not appropriate use has been made, or is proposed to be made, of suitable non-destructive methods of site investigation.

Appropriate facilities for the long-term storage and curation of archaeological objects uncovered in a proposed archaeological excavation must be available to the State before any such excavation (of whatever category) can be considered to be justified. Account will, however, be taken of circumstances where there is no practicable alternative to archaeological excavation.

Development-led excavations (including excavations in advance of monument conservation or presentation)

Proposals to undertake archaeological excavations of this category will be assessed with regard to whether or not there is any practicable and archaeologically acceptable alternative to development or works which would impinge on archaeological deposits, features or objects.



Research excavations

Although the assessment of the quality or worth of academic research is not considered a matter appropriate to the Department of Arts, Heritage, Gaeltacht and the Islands, account will be taken of the existence or otherwise of *reasonable grounds* for considering a proposed research excavation to be taking place in a proper research framework.

In addition, conservation and management strategies being followed with respect to specific archaeological monuments will be taken into account as well as overall policy on the protection of the archaeological heritage.

(b) that they are competent to carry out the archaeological excavation

Persons who have not previously held an archaeological excavation licence

Prior to any applications by such persons being considered by the Department of Arts, Heritage, Gaeltacht and the Islands, their competency will be assessed by means of interview by a panel established by the Department (see below for the composition of this panel).

The criteria for eligibility of persons who have not previously held archaeological excavation licences for interview by this panel will be the holding of an academic qualification with a substantial archaeological content and relevant archaeological excavation experience in a supervisory capacity.

Persons who last held an archaeological excavation licence ten years or more ago

Such persons will also be required to have their competency assessed by means of interview by the panel prior to any applications by them being considered by the Department of Arts, Heritage, Gaeltacht and the Islands.

Other applicants

The Department of Arts, Heritage, Gaeltacht and the Islands will take into account evidence of the competency of other applicants who have previously held

archaeological excavation licences when assessing applications made by them. That evidence may include relevant experience and previous standards of work.

Such persons may be required to submit themselves for interview by the panel if there are grounds for believing that their competency should be reviewed in general or in relation to the conduct of a specific proposed archaeological excavation.

Assessment of the competency of interviewees

The panel will assess the competency of interviewees with regard to the following headings:

- (i) knowledge of Irish archaeology (including material culture)
- (ii) knowledge and experience of relevant archaeological excavation and survey techniques
- (iii) knowledge and recognition of archaeological objects
- (iv) knowledge and experience of appropriate responses to problems of storage and conservation of archaeological objects uncovered in the course of excavation
- (v) knowledge and experience of post-excavation analysis
- (vi) knowledge, experience and skills in the preparation of material for publication
- (vii) knowledge of relevant legislation

Composition and role of the interview panel

The interview panel established by the Department of Arts, Heritage, Gaeltacht and the Islands will be composed of persons with suitable expertise. It will normally include staff of Dúchas and the NMI and a representative of relevant academic interests.

The interview panel will advise, and make recommendations to, the Department of

Arts, Heritage, Gaeltacht and the Islands in respect of the level of competency of persons whom it has interviewed. These recommendations will, along with all other relevant matters, form the basis for assessment by the Department of applications from such persons for archaeological excavation licences.

The panel will advise those whom it has interviewed about the advice and recommendations it has given in respect of them to the Department of Arts, Heritage, Gaeltacht and the Islands. It may also advise them that their level of competency needs to be improved overall or with regard to one or more of the headings at (i) to (vii) above before it would be in a position to recommend them to the Department.

Holding of interviews

Archaeological excavation licensing interviews will be held regularly. Persons wishing to be interviewed should apply in writing (enclosing a curriculum vitae) to:

**Excavation Licences Section,
National Monuments and
Historic Properties Division,
Dúchas The Heritage Service,
The Department of Arts,
Heritage, Gaeltacht and the Islands,
51 St Stephen's Green,
Dublin 2.**

(c) that they have satisfactorily complied with the conditions of previous archaeological excavation licences issued to them

Persons who have

- failed to submit a report on an archaeological excavation to the bodies specified under the terms of the excavation licence within the time allowed under the terms of the licence, or
- submitted a report which does not comply with the requirements of the Department of Arts, Heritage, Gaeltacht

and the Islands under the terms of the licence, or

- failed to comply with the requirements of the Department under the terms of the licence in respect of publication,

will not be granted further archaeological excavation licences until they have complied in full with the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands in respect of the above.

Recurring failure to submit satisfactory reports within the time allowed under the terms of the licence or to publish in accordance with the terms of the licence, or a particular case of such failure which is of a serious nature, may result in a decision that the person concerned should not be granted any further archaeological excavation licences.

In the above, the term 'report' includes both preliminary and final reports.

Failure to comply with other conditions of an archaeological excavation licence, failure to conduct an archaeological excavation appropriately, or failure to make appropriate provision for excavated archaeological objects will constitute grounds for refusal to grant any further licences.

(d) that they are not already committed (or likely to become so) to work which might impair their ability to complete the proposed archaeological excavation to a professional standard and to the satisfaction of the Department of Arts, Heritage, Gaeltacht and the Islands

Completion of an archaeological excavation includes the carrying out of post-excavation analysis and conservation, the preparation and submission of reports and publication (where required).

In particular, the Department of Arts, Heritage, Gaeltacht and the Islands discourages further applications from

persons who have not yet submitted a report (whether preliminary or final) on their previous excavation, even though the time allowed for doing so has not yet elapsed.

(e) that they have prepared a proper strategy for carrying out the archaeological excavation

Applicants for archaeological excavation licences will be required to submit a method statement with their application. Guidelines and advice notes will be issued on the requirements for information to be contained in such method statements and applicants will be expected to comply with such guidelines and advice notes.

Proposals set out in method statements will be expected to be in accordance with professional standards and the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands as set out in guidelines and advice notes.

(f) that they are willing to undertake that the necessary resources are available to complete the archaeological excavation to a professional standard and to the satisfaction of the Department of Arts, Heritage, Gaeltacht and the Islands

Again, it should be noted that completion of an archaeological excavation includes the carrying out of post-excavation analysis and conservation, the preparation and submission of reports and publication (where required). Applicants must therefore be willing to undertake that the necessary resources are available for all post-excavation work **including, it must be emphasised, the conservation of excavated archaeological objects and their curation prior to being taken into State care.**

2.4 Policy in relation to the regulation of the conduct of archaeological excavations

Archaeological excavations will be licensed subject to a standard set of conditions

relating to the proper conduct of the excavation as well as other relevant matters. These conditions will include, but not necessarily be confined to, a requirement that an archaeological excavation (including preparation and submission of reports, post-excavation analysis and conservation work and publication as well as the on-site phase) be carried out in full accordance and compliance with guidelines and advice notes issued by the Department of Arts, Heritage, Gaeltacht and the Islands (including, in respect of the treatment and care of excavated archaeological objects, the NMI).

The Minister for Arts, Heritage, Gaeltacht and the Islands reserves the right to revise this standard set of conditions at any time and in respect of any specific case to add any other conditions that he or she considers appropriate or necessary.

The inspection of archaeological excavations and post-excavation facilities to ensure compliance with licence conditions will be considered a priority, and the Department of Arts, Heritage, Gaeltacht and the Islands will seek to resource action in that regard accordingly.

2.5 Policy in relation to access to reports on archaeological excavations lodged with the Department of Arts, Heritage, Gaeltacht and the Islands in fulfillment of licensing conditions

Archaeological excavations will be licensed on the basis that the Department of Arts, Heritage, Gaeltacht and the Islands will have the right (without prejudice to any other rights it or the public may have) to allow access to reports lodged with the Department in fulfillment of licensing conditions in accordance with the policy set out below. The terms 'final report' and 'preliminary report' are defined in section 3.5 below.

(a) Access to final reports

The Department of Arts, Heritage, Gaeltacht and the Islands may decide at any time to

provide access to the final report on an archaeological excavation for the purpose of consultation of the report if such decision is in accordance with the wishes of the licensee and any conditions laid down by him/her.

After a period of three years from the completion of the on-site phase of an archaeological excavation the Department may decide, without the agreement of the licensee, to provide access to the final report on such excavation for the purpose of consultation of the report. This will, however, only be done on the basis that a person consulting such a report gives a written undertaking to fully acknowledge the use of any data contained in the report.

(b) Access to preliminary reports

The Department of Arts, Heritage, Gaeltacht and the Islands may decide to provide access to the preliminary report on an archaeological excavation for the purpose of consultation of the report if such decision is in accordance with the wishes of the licensee and any conditions laid down by him/her.

The Department may decide, without the agreement of the licensee, to provide access to the preliminary report on an archaeological excavation for the purpose of consultation of the report if it appears to the Department that this is required in the public interest. This will, however, only be done on the basis that a person consulting such a report gives a written undertaking to fully

acknowledge the use of any data contained in the report.

(c) Regulation of the above

Access to archaeological excavation reports (whether preliminary or final) for the purpose of consultation of such reports may be subject to conditions relating to reasonable prior notification and the making of appointments by persons seeking such access.

The usual provisions regarding copyright will still apply to all archaeological excavation reports (whether preliminary or final) lodged with the Department of Arts, Heritage, Gaeltacht and the Islands.

This policy is without prejudice to any rights of access to records under the Freedom of Information Act 1997.

2.6 Action by the Department of Arts, Heritage, Gaeltacht and the Islands in the event of failure to publish in accordance with requirements under the terms of an archaeological excavation licence

The Department of Arts, Heritage, Gaeltacht and the Islands may, in the event of unjustified failure by a licensee to have the results of an archaeological excavation published in accordance with the requirements of the archaeological excavation licence, publish its own account of the results of the excavation using for that purpose any reports submitted by the licensee to it in fulfillment of licensing conditions.

The above does not bind the Department to take such action in any particular case. In cases where such action is taken it is likely that no further archaeological excavation licences will be issued to the licensee in question.



Part III GUIDELINES FOR APPLICANTS AND LICENSEES

3.1 Introduction

As set out in *Part II* above, it is the policy of the Department of Arts, Heritage, Gaeltacht and the Islands that the conditions under which archaeological excavations are licensed include a requirement that an archaeological excavation be carried out in full accordance and compliance with guidelines and advice notes issued by the Department of Arts, Heritage, Gaeltacht and the Islands. It is also part of the Department's policy that applicants for archaeological excavation licences be required to submit method statements. Method statements, and the proposals set out in them, are expected to be in accordance with guidelines and advice notes issued by the Department.

The guidelines set out in the present document give a general explanation of the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands with regard to the matters referred to above, as well as certain other relevant information. They also establish a framework within which advice notes, containing detailed material, will be issued by Dúchas and the NMI as appropriate.

Archaeological excavations must be conducted in full accordance and compliance with the advice notes as well as with the guidelines set out in this document. It is anticipated that the advice notes will be updated by Dúchas and the NMI at regular intervals and persons proposing or undertaking archaeological excavation should therefore ensure that they obtain the current versions.

3.2 Applications for archaeological excavation licences

3.2.1 General

Before an application for an archaeological excavation licence is prepared or submitted the provisions of section 2.3 above (i.e. policy in relation to deciding whether or not to issue an archaeological excavation licence) should be carefully considered. It is also recommended that prospective applicants consider all relevant aspects of the *Framework and Principles for the Protection of the Archaeological Heritage* published by the Department of Arts, Heritage, Gaeltacht and the Islands.

Applications for archaeological excavation licences must be submitted to:

**Excavation Licences Section,
National Monuments and Historic
Properties Division,
Dúchas The Heritage Service,
The Department of Arts, Heritage,
Gaeltacht and the Islands,
51 St Stephen's Green,
Dublin 2.**

A copy of the application must also be sent to:

**The Keeper of Irish Antiquities
(Licences),
The National Museum of Ireland,
Kildare Street,
Dublin 2.**

Applications for archaeological excavation licences normally take three weeks to process. Applicants should therefore apply at least three weeks before the commencement date of the proposed excavation, except in exceptional circumstances. The above does not bind the Department of Arts, Heritage, Gaeltacht and the Islands to process an application for an archaeological excavation

licence within or by the end of the three week period referred to, or to issue any such licence in any particular case.

Applications must be made using a standard form available from Dúchas at the above address. As the form may be updated from time to time, applicants should ensure that they use the current version. **An application made using an out-of-date version of the application form may be rejected.**

The application form requests detailed information regarding the following:

- the location of the site of the proposed excavation (including maps)
- the applicant
- the site/monument type
- the category of excavation proposed
- the period of time for which the licence is required
- the purpose of the excavation
- the owner of the site
- the funding of the excavation and post-excavation work
- the planning/development background to the excavation (if any)
- the conservation, storage and care of archaeological objects uncovered in the course of the proposed excavation
- the applicant's previous reports on archaeological excavations

In addition to the completed application form a method statement must also be submitted (see section 3.3 below).

All of the above information must be supplied before an application for an archaeological excavation licence will be considered.

A person to whom an archaeological excavation licence has been issued (the licensee) holds full and sole responsibility for conducting and completing the archaeological excavation (including preparation of reports and publication of results) to the standard required under the terms of the licence. Those applicants who have been sub-contracted by or to another archaeologist or archaeological company must append to the licence application form a letter signed by both parties stating that

- (i) they are both satisfied with arrangements for conducting the excavation including staffing, finance, and post-excavation work, and
- (ii) they have agreed procedures for making amendments to their contractual arrangements which might be necessitated by unforeseen circumstances arising during the excavation.

3.2.2 Implications of submitting an application for an archaeological excavation licence

When an applicant signs an application form for an archaeological excavation licence he/she is committing him/herself to conduct the proposed excavation (if a licence is issued) in the manner specified in the application and accompanying method statement. All the conditions of an archaeological excavation licence are **legally binding** on the licensee. **Undertaking an archaeological excavation is therefore a very serious commitment which must not be entered into lightly. Applicants and licensees are reminded of the provisions of section 2.3 (c) above whereby failure to comply with the conditions of an archaeological excavation licence may result in no further such licences being issued to the person concerned.**

3.2.3 Applying to alter the approved excavation strategy or methodology

In the course of some archaeological excavations it may become necessary to

alter the approved excavation strategy or methodology as set out in the original licence application and accompanying method statement so as to take account of practical difficulties on site, or to deal with unforeseen archaeological problems. However, it must be understood that these alterations must be cleared with Dúchas **before** altering the excavation strategy or methodology in any way. In the case of major changes in strategy or methodology a new method statement may be required. In the case of minor changes it may be possible to get approval from Dúchas (Excavation Licences Section, National Monuments and Historic Properties Division) over the telephone.

3.3 Excavation strategies and method statements for the various categories of archaeological excavation

3.3.1 General

As set out in section 2.3 (e) above, applicants for archaeological excavation licences must satisfy the Department of Arts, Heritage, Gaeltacht and the Islands that they have prepared a proper strategy, in accordance with professional standards and the requirements of the Department, for carrying out the archaeological excavation, **and in that regard must submit a method statement with each licence application.** Proposals set out in method statements are expected to be in accordance with professional standards and the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands as set out in this document and the advice notes issued by Dúchas.

A method statement must outline the strategy and methodology to be employed in the course of the proposed archaeological excavation. The general headings for information to be contained in a method statement are as follows:

- the archaeological and other relevant background to the proposed excavation
- the size, location and scope of the proposed excavation
- the method of excavation envisaged
- the size of team involved
- proposed sampling strategies
- proposed artefact recovery strategy
- how any problems relating to the impact of the excavation on remaining archaeological deposits, features or objects will be addressed

The level of detail necessary and the exact type of information required for method statements will vary depending on the category and scale of excavation involved and applicants are referred to the advice notes issued by Dúchas.

With regard to appropriate excavation strategies and methodologies, a number of key issues are addressed below in respect of the two overall categories of **development-led excavations** (of which there are a number of sub-categories) and **research excavations**, but again applicants are referred to the advice notes issued by Dúchas. Applicants should take careful account of the points made below when formulating a proposed excavation strategy and methodology, and when drafting a method statement.

In all cases the proposed method of excavation must be appropriate to the site and designed to provide accurate archaeological information.

3.3.2 Development-led archaeological excavations

(a) General

Development-led excavations are carried out in order to either assess the impact of development on archaeological deposits, features or objects, or to mitigate the archaeological impact of development. **The proposed archaeological excavation**

strategy and methodology must address these issues and the method statement must demonstrate that this has been done.

In view of this, an applicant should be fully familiar with all relevant aspects of the planning and/or development background before formulating a proposed excavation strategy and methodology.

(b) Test excavation (also referred to as archaeological testing)

The purpose of test excavation is to establish the nature and extent of archaeological deposits and features present in a location which it is proposed to develop (though not normally to fully investigate those deposits or features) and allow an assessment to be made of the archaeological impact of the proposed development.

Test excavation should not be confused with, or referred to as, **archaeological assessment** which is the overall process of assessing the archaeological impact of development. Test excavation is one of the techniques used in carrying out archaeological assessment which may also include, as appropriate, documentary research, fieldwalking, examination of upstanding or visible features or structures, examination of aerial photographs, satellite or other remote sensing imagery, geophysical survey, and topographical assessment.

Test excavation should not be proposed in isolation but rather as part of the overall process of archaeological assessment and as a necessary follow-on to non-invasive techniques of such assessment.

(c) Archaeological monitoring

Archaeological monitoring involves an archaeologist being present in the course of the carrying out of development works (which may include conservation works), so as to identify and protect archaeological deposits, features or objects which may be uncovered or otherwise affected by the works.

Although excavation or digging carried out **for non-archaeological purposes** does not require an archaeological excavation licence, **it is strongly recommended that anyone proposing to undertake archaeological monitoring of large-scale development (including housing schemes, road, sewage and water schemes) obtain an archaeological excavation licence prior to commencing such monitoring so as to prevent delays arising in the event of archaeological deposits, features or objects being exposed which require excavation.**

Anyone considering undertaking archaeological monitoring of large-scale development without having obtained an archaeological excavation licence should note the following carefully:

- Section 23 of the National Monuments (Amendment) Act 1930 (as amended by Section 19 of the 1994 amending Act) lays down strict requirements in relation to finds of archaeological objects. A person finding an archaeological object must not remove it or otherwise interfere with it unless he or she has reasonable cause to believe that it is necessary to remove it so as to preserve it or keep it safe. Section 23 of the 1930 Act (as amended) also requires that finds of archaeological objects be reported to the Director of the NMI within, at the latest, ninety-six hours. The finder is obliged to complete a prescribed form in respect of *each* archaeological object found.

However, persons operating under and in pursuance of an archaeological excavation licence are exempted from the requirements of Section 23 of the 1930 Act regarding reporting of finds of archaeological objects.

- Section 4 of the National Monuments (Amendment) Act 1994 provides that no person shall have in his or her possession or under his or her control an archaeological object found in the State after the coming into operation of

the section unless such possession or control is for the purpose of complying with Section 23 of the 1930 Act (as amended), or the rights of the State to the object have been waived, *or the person in question is the holder of an archaeological excavation licence and the object was found in pursuance of that licence.*

Archaeologists intending to monitor small and medium-sized developments should clarify with Dúchas in advance whether or not an excavation licence is recommended in that particular instance.

A licensee carrying out archaeological monitoring is expected to be in a position to be able to stop development works so as to prevent damage to, or interference with, archaeological deposits, features or objects and arrangements should be made in that regard with the person or body undertaking development. A licensee must ensure that he or she has clarified with Dúchas what procedures he or she is to follow in the event of archaeological deposits, features, or objects being uncovered and must comply with those procedures. A licensee is expected to ensure that all the relevant development works are fully and effectively archaeologically monitored.

Section 16 of the National Monuments (Amendment) Act 1954 provides that nothing in Section 26 of the 1930 Act

'shall apply to or render unlawful digging or excavation in or under any land solely for the purpose of securing the safety of a monument or archaeological object which is in imminent danger of destruction or decay'.

In practice this section would only be applicable in rare circumstances and, in particular, the Department of Arts,

Heritage, Gaeltacht and the Islands does not normally consider the use of this provision to be appropriate to a situation where archaeological monitoring is being carried out. As noted above, it is strongly recommended that archaeologists monitoring large-scale development obtain an archaeological excavation licence prior to commencing such monitoring. In all cases of archaeological monitoring (whether of large-scale development or otherwise) it is the policy of the Department that the conditions of authorisation or approval of development should provide for the stopping of development works in the event of archaeological deposits, features or objects being uncovered, followed by appropriate archaeological responses. **The Department therefore considers that archaeologists engaged in archaeological monitoring should normally be in a position to carry out any necessary excavation under licence or make arrangements for this to be done.**

(d) Rescue excavation (i.e. archaeological excavation to mitigate the impact of development)

The purpose of rescue excavation is to mitigate the impact of development on archaeological deposits, features and objects through scientific recording, such recording resulting in preservation by record in accordance with the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands.

(e) Archaeological excavation in advance of monument conservation or presentation

The purpose of this category of excavation is to either help establish the strategy for conservation/presentation of an archaeological monument or scientifically record any archaeological deposits, features or objects which must be removed or



interfered with to properly conserve an archaeological monument or present it to the public, such recording resulting in preservation by record in accordance with the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands.

3.3.3 Research excavation

Although all archaeological excavation is a form of research, in the present context the term refers to archaeological excavations undertaken to answer archaeological questions formulated in a research, rather than development-led, context.

As set out in section 2.3 (a) above, the existence or otherwise of reasonable grounds for considering a proposed research excavation to be taking place in a proper research framework will be taken into account when a decision is being made as to whether or not a proposed research excavation is justified or necessary.

In view of the above a method statement in respect of a proposed research excavation must explain how the excavation fits into an overall research framework, the reasons for now undertaking an archaeological excavation, and how and by what means the proposed excavation will advance the overall research aim.

3.4 Conduct of an archaeological excavation

Full and sole responsibility for conducting an archaeological excavation so as to comply with the requirements of the archaeological excavation licence rests with the licensee.

It is a condition of an archaeological excavation licence that the excavation must be conducted in the manner specified in the approved licence application and accompanying method statement. Procedures to be followed regarding the seeking of approval for alteration of the approved excavation strategy and methodology are set out in section 3.2.3 above.

The following general principles apply to the conduct of an archaeological excavation (including preparation and submission of reports, post-excavation analysis and conservation work and publication):

- An archaeological excavation should achieve the purpose for which it was proposed and must be conducted accordingly (the attention of licensees is drawn to the purposes of the various categories of archaeological excavations as set out in sections 3.3.2 and 3.3.3 above).
- All aspects of an archaeological excavation must be carried out in accordance with professional standards.
- Scientific recording must be undertaken, the excavation archive must be comprehensive, and all reasonable steps must be taken to ensure the safety of that archive both during and after the excavation.
- Appropriate sampling strategies and methodologies must be applied.
- Appropriate strategies and methodologies for dating and environmental analysis must be applied.
- Archaeological objects uncovered in the excavation must be treated and conserved appropriately and adequate facilities provided to do so.

Advice notes issued by Dúchas and by the NMI as appropriate will deal in detail with standards required in the conduct of archaeological excavations.

3.5 Reports on archaeological excavations

3.5.1 Preliminary reports

A licensee must prepare a **preliminary report** on the archaeological excavation. A copy of that report must be submitted to both Dúchas and the NMI not later than four weeks after the

expiry of the archaeological excavation licence. This requirement applies to each season of an archaeological excavation which extends over more than one season.

As already noted (see section 3.3.2 (b) above), test excavation should form part of the overall process of archaeological assessment and should be done as a necessary follow-on to non-invasive techniques of such assessment. In view of this a preliminary report on a test excavation must contain an **archaeological impact statement** describing the possible direct or indirect effects of the proposed development on archaeological deposits, features or objects. The archaeological impact statement must be based on the results of the overall archaeological assessment as well as the results of the test excavation.

Advice notes issued by Dúchas will set further standards regarding preliminary reports.

3.5.2 Final reports

A licensee must prepare a **final report** on the archaeological excavation. A copy must be submitted to both Dúchas and the NMI not later than twelve months after the expiry of the archaeological excavation licence. In cases of particular extremely large archaeological excavations, or otherwise in exceptional circumstances, Dúchas may (on request from the licensee) agree to an extension of the time allowed for submission of the final report to both it and the NMI. However, in such cases an annual report outlining progress on preparation of the final report (including specialist reports) must be prepared and a copy submitted to both Dúchas and the NMI.

A final report must be to publication standard. It must contain a full account of the stratigraphy, features and finds and must include specialist reports and be suitably illustrated. It must interpret the site and place it in its archaeological and historical context. Given that an archaeological excavation should achieve the purpose for which it was proposed (see section 3.4 above) a final

report on a development-led archaeological excavation (other than a test excavation) must explain how the excavation mitigated the archaeological impact of development.

In the case of particular small-scale archaeological excavations Dúchas may (on request from the licensee) agree that the preliminary report contains all relevant information and may therefore be regarded as the final report for the purpose of compliance with the requirements of the licence.

3.6 Publication

3.6.1 Summary publication

A licensee must in all cases submit a concise summary of the results of the archaeological excavation for publication in the *Excavations* bulletin (i.e. *Summary Accounts of Archaeological Excavations in Ireland*) dealing with the year in which the excavation took place (the publication of this bulletin is funded by Dúchas). The material submitted for publication in the *Excavations* bulletin must be in a format suitable for publication in that bulletin.

3.6.2 Full publication

Except in cases where Dúchas has agreed that the preliminary report as submitted constitutes the final report (see section 3.5.2 above), a licensee must have a full account of the results of the archaeological excavation published in an appropriate format and to an appropriate standard. Advice notes issued by Dúchas will deal with appropriate formats and standards for publication.

In cases where full publication is a requirement, a licensee will be expected to have submitted the results of the excavation for such publication not later than four years from the end of the final on-site phase of the excavation unless there are substantial grounds to show that this was not possible.



4.1 Standard set of licensing conditions

Archaeological excavations will be licensed subject to the following set of conditions relating to the proper conduct of the excavation as well as other relevant matters. The Minister for Arts, Heritage, Gaeltacht and the Islands reserves the right to revise this standard set of conditions at any time and in respect of any specific case to add any other conditions that he or she considers appropriate or necessary.

In the following 'Dúchas' refers to **Dúchas The Heritage Service**, which is part of the **Department of Arts, Heritage, Gaeltacht and the Islands**. 'The NMI' refers to the **National Museum of Ireland**. Except where the context requires otherwise, the term 'archaeological excavation' includes preparation and submission of reports, post-excavation analysis and conservation work and publication as well as the on-site phase. References to the '*Policy and Guidelines on Archaeological Excavation*' are to the document so titled and issued by the Department of Arts, Heritage, Gaeltacht and the Islands. References to the '*Excavations bulletin*' are to the publication titled *Summary Accounts of Archaeological Excavations in Ireland*.

1. The licence is issued subject to all provisions of the *Policy and Guidelines on Archaeological Excavation* and on the basis that the licensee accepts full and sole responsibility and liability for ensuring that all the conditions of the archaeological excavation licence are fully complied with.
2. The Minister for Arts, Heritage, Gaeltacht and the Islands may suspend or revoke the archaeological excavation licence at any time and may do so without prior notice.
3. The licensee shall be responsible for all loss, damage or injury to persons or property in any way arising from the archaeological excavation and shall indemnify the State and the Minister for Arts, Heritage, Gaeltacht and the Islands and his/her officers, agents, servants and employees against all action, loss, claims, damages, expenses, demands or any other liability arising therefrom.
4. The licensee must obtain the permission of the landowner to dig or excavate in or under the land before availing him/herself of the archaeological excavation licence. No responsibility or liability shall attach to the Minister for Arts, Heritage, Gaeltacht and the Islands in the event of a failure on the part of the licensee to obtain such permission.
5. Section 2 (1) of the National Monuments (Amendment) Act 1994 provides that ownership is vested in the State of archaeological objects found in the State which have no known owner at the time that they are found. The licensee shall advise the landowner of this and must not enter into any agreement or undertaking regarding the disposal of archaeological objects without the prior written consent of the Director of the NMI.
6. The licensee shall give the National Monuments and Historic Properties Division of Dúchas and the NMI a minimum of two working days notice of the actual commencement of the archaeological excavation. He/she shall also notify that Division and the NMI immediately of the completion of the on-site phase of the archaeological excavation.
7. Dúchas will issue the licensee with a reference number for the archaeological excavation. The licensee shall use this

reference number on all correspondence relating to that particular archaeological excavation and in the numbering of finds of archaeological objects from the archaeological excavation.

8. All aspects of the archaeological excavation shall be conducted in full accordance and compliance with the provisions of the *Policy and Guidelines on Archaeological Excavation*, advice notes issued by Dúchas and advice notes issued by the NMI. The licensee shall comply with the requirements of the NMI regarding treatment, care and numbering of finds of archaeological objects and shall consult with the NMI regarding temporary storage of archaeological objects.
9. All aspects of the archaeological excavation shall be conducted in full accordance with the **method statement** submitted by the licensee and approved by the Minister for Arts, Heritage, Gaeltacht and the Islands. Any variation from the strategy or methodology set out in that method statement shall only take place following approval by Dúchas. Such approval must be sought in accordance with the procedures set out in the *Policy and Guidelines on Archaeological Excavation*.
10. On the expiry of the archaeological excavation licence, the licensee shall restore the land to its original condition unless otherwise directed by the Minister for Arts, Heritage, Gaeltacht and the Islands or the owner of the land.
11. The licensee shall prepare a **preliminary report** on the archaeological excavation and shall submit a copy of that report to both Dúchas and the NMI not later than four weeks after the expiry of the archaeological excavation licence. This requirement applies to each season of an archaeological excavation which extends over more than one season. The preliminary report shall comply with all requirements and standards set out in the *Policy and Guidelines on Archaeological Excavation* and in advice notes issued by Dúchas.
12. Except where otherwise agreed by Dúchas, the licensee shall prepare a **final report** on the archaeological excavation and shall submit a copy of that report to both Dúchas and the NMI not later than twelve months after the expiry of the archaeological excavation licence. Circumstances in which Dúchas may agree that a final report does not have to be submitted, and the conditions which will apply in such cases, are set out in the *Policy and Guidelines on Archaeological Excavation*. The final report shall comply with all requirements and standards set out in the *Policy and Guidelines on Archaeological Excavation* and in advice notes issued by Dúchas.
13. On completion of the final report the licensee shall forward to the NMI all relevant information regarding the current location of finds of archaeological objects from the archaeological excavation and the person or body in whose care they are and shall agree arrangements with the NMI for the final deposition of those archaeological objects.
14. The licensee shall submit a concise summary of the results of the archaeological excavation for publication in the *Excavations* bulletin dealing with the year in which the excavation took place. The material submitted for publication in the *Excavations* bulletin shall be in a format suitable for publication in that bulletin.
15. Unless Dúchas agrees that the preliminary report as submitted constitutes the final report, the licensee shall have a full account of the results of the archaeological excavation published in an appropriate format and to an appropriate standard, such format and standard being in accordance with requirements set out in advice notes

issued by Dúchas. Where such full publication is required, the licensee will be expected to have submitted the results of the excavation for full publication not later than four years from the end of the final on-site phase of the excavation unless there are substantial grounds to show that this was not possible.

4.2 Reminder to licensees of provisions of the National Monuments Acts 1930 to 1994 and the National Cultural Institutions Act 1997 regarding alteration and export of archaeological objects

Section 2 of the National Monuments Act 1930 (as amended) provides that 'archaeological object' means

'any chattel whether in a manufactured or partly manufactured or unmanufactured state which by reason of the archaeological interest attaching thereto or of its association with any Irish historical event or person has a value substantially greater than its intrinsic (including artistic) value, and the said expression includes ancient human, animal or plant remains'.

Section 25 (1) of the National Monuments Act 1930 (as amended) provides that

'It shall not be lawful for any person to injure, deface or destroy, clean, restore or sample by cutting, drilling or other process any archaeological object, nor shall it be lawful for any person to alter any archaeological object otherwise than under and in accordance with a licence in that behalf granted under this section'.

Section 25 (2) of the 1930 Act provides that the Minister for Arts, Heritage, Gaeltacht and the Islands may issue to any person a licence to 'alter any archaeological object in such manner, to such extent and subject to such conditions as are specified in such licence'. The NMI advises the Minister on the issuing

of such licences. Section 68 (1) of the National Cultural Institutions Act 1997 provides that the reference to the Minister in Section 25 (2) of the 1930 Act shall be construed as a reference to the Board of the NMI, to be established pursuant to the National Cultural Institutions Act 1997.

Section 49 (7) of the National Cultural Institutions Act 1997 makes it unlawful to export or attempt to export an archaeological object other than in accordance with an export licence issued under Section 50 of the Act. Section 50 (3) of the Act provides that the Minister for Arts, Heritage, Gaeltacht and the Islands may, at his or her discretion, grant or refuse to grant such a licence and a licence, if granted, may be subject to such conditions and restrictions as the Minister determines and specifies in the licence. Section 2 (1) of the Act provides for a definition of 'archaeological object' which is the same as that under the National Monuments Acts. The NMI advises the Minister for Arts, Heritage, Gaeltacht and the Islands on the issuing of licences for the export of archaeological objects.

Cases where a licence to alter an archaeological object would be required include the taking of samples for dendrochronological analysis. Cases where a licence to alter an archaeological object *and* a licence to export such an object would be required include the export of samples for radiocarbon dating. In any case of doubt the NMI should be consulted.

The issuing of an archaeological excavation licence in no way affects the obligation to comply with the above statutory provisions. Persons seeking a licence to alter or export an archaeological object should apply in writing to:

**The Keeper of Irish Antiquities
(Licences),
The National Museum of Ireland,
Kildare Street,
Dublin 2.**