

Code of Practice



Code of Practice between the
Department of the Environment,
Heritage and Local Government and
the Irish Concrete Federation



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



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

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Minister's Foreword

As Minister with responsibility for our built and natural heritage I welcome this enhanced Code of Practice between my Department and the Irish Concrete Federation. The revised Code underpins the longstanding commitment from the Irish Concrete Federation to support the protection and conservation of our archaeological heritage. In fact,

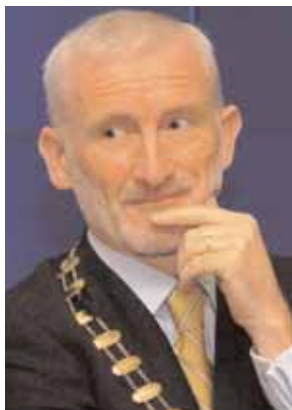
the Irish Concrete Federation can take pride in the fact that it was the first private sector organisation to agree a Code of Practice with the Department back in 2002. That Code had its origins in the practical necessity to manage our archaeological heritage while, at the same time, securing adequate raw materials to supply the infrastructure envisioned under the National Development Plan. It is now timely to review and revise that Code.

Archaeological deposits and features are a resource of knowledge and learning, giving us data which with careful handling and interpretation can teach us about the past. Our archaeological heritage is a national asset and all of us have a duty to protect it. As archaeological data and interpretation are generated, we have a consequential duty to disseminate that knowledge.

I am convinced that caring for and managing our heritage can be considerably enhanced through forming key strategic partnerships. I appreciate the continued commitment of the Irish Concrete Federation, through its adoption of this revised Code, to archaeological conservation and to sustainable development sensitive to the needs of our rich archaeological heritage. Furthermore, I believe that, with a continued spirit of partnership and mutual trust, the Code will achieve its aims.

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

Code of Practice¹



A Message from the President of the Irish Concrete Federation

The Irish Concrete Federation (ICF) is pleased to launch this revised joint Code of Practice with the Minister for the Environment, Heritage and Local Government for the protection of our archaeological heritage. The ICF is the national trade association for the Aggregates and Concrete Products Industry in Ireland. The Industry

continues to make a major contribution to the economic and social development of our country. Our sector plays a vital role in the implementation of the Government's National Development Plan. The quality of life of our citizens is dependent on the sustainable development of housing, roads, schools and associated infrastructure. These developments require the extraction and processing of aggregates for the production of concrete and road making materials. In fulfilling these needs the ICF is guided by the principle that development is carried out in a sustainable manner that safeguards our archaeological heritage. This commitment is underlined by the fact that the ICF was the first private sector organisation to agree a Code of Practice to protect our archaeological heritage in 2002 and the ICF employs both an Environmental Manager and a Project Archaeologist to assist with the implementation of these policies. I wish to acknowledge the major contribution made by the Federation's Planning and Environmental Committee, the ICF staff and the Department's staff in the development of this revised joint Code of Practice. Our thanks are due to them. It is therefore with pleasure that our members adopt this revised joint Code of Practice. As a sector, we are fully committed to operating within the guidelines stipulated in this Code in order to ensure that our collective national heritage is protected.

A handwritten signature in blue ink, appearing to read 'Alan Haugh', written over a horizontal line.

Alan Haugh
President

Code of Practice agreed between the Irish Concrete Federation and the Minister for the Environment, Heritage and Local Government.

The purpose of this Code is to provide a framework within existing legislation, policy and practice to enable the members of the Irish Concrete Federation (ICF) to progress with its programme of work within the framework of the Government's development strategy, whilst carrying out appropriate archaeological mitigation having regard to a set of principles and actions agreed by both parties.

The Code is guided by the following agreed principles:

1. The Minister has a responsibility to protect the archaeological heritage and to exercise powers of preservation under the National Monuments Acts, 1930-2004, taking account of the European Convention for the Protection of the Archaeological Heritage.
2. The Irish Concrete Federation (ICF) has a responsibility to secure the provision of an efficient quarry, concrete and aggregate industry in Ireland.



3. The Code is without prejudice to the decision-making role of local authorities in respect of applications for planning permission for quarry or related developments. It is fully recognised that, in arriving at such decisions, local authorities must take account of a wide range of issues.
4. The growth in the provision of infrastructure in the State, and new private sector development to meet the National Development Plan, inevitably means that the quarry industry continues to have considerable archaeological implications, which must be addressed, given that aggregate resources can only be worked where they exist. Given that the archaeological heritage is a non-renewable resource the presence of known archaeological sites or the anticipation of potential sites must be a major consideration in the selection of development sites.
5. The ICF and the Minister will co-operate, as far as possible, to ensure that appropriate archaeological investigation is carried out before land acquisition and prior to commencement of development.



6. Appropriate strategies will be developed to minimise direct impacts on archaeology taking account of safety implications, environmental and other impacts and costs.
7. Mitigation planning at the earliest opportunity minimises the impact on the archaeological heritage.
8. The ICF members will finance a balanced and cost effective approach to archaeological investigation, excavation and mitigation as an integral element of development costs on the basis of the *developer pays* principle and in keeping with the Minister's stated policy in this regard.
9. All ICF members will be treated in a fair and equitable manner.
10. Prospecting for archaeological sites and other such remains other than in exceptional circumstances is limited to the confines of the area under development.
11. Each party reserves the right to appeal decisions.
12. The commitment of both parties to dealing with the archaeological implication of quarry development and extensions in a balanced and cost-effective manner consistent with a level of excavation and recording of archaeological sites, impacted upon by quarry extraction, that is acceptable to the Minister.
13. Both parties agree to establish a team to monitor the operation of the Code of Practice and carry out a formal review within one year of its adoption and at agreed intervals thereafter.

Agreed Actions

The ICF (members) will:

1. Appoint, or ensure the appointment of, a project archaeologist to oversee the smooth running of the archaeological elements of quarry development and extension projects (Appendix I defines the role of the project archaeologist; Appendix II sets out the relationship between the project archaeologist and the consultant archaeologist).
2. Ensure that the project archaeologist will be a member of the project design team. As part of the project design team the project archaeologist will input into the development of the programme and the construction / procurement strategy for the project including the development of contract documentation relating to the management of archaeology. S/he will also input, as appropriate, on implications for archaeology arising from any proposed changes in the programme.
3. Undertake investigation of the archaeological implications of a development proposal at the initial planning stages with a view to informing selection of areas for development, ensuring that appropriate weight is given to archaeological implications in identifying the preferred location of the development and seeking to minimise the impact on known archaeological sites or areas of established archaeological potential.
4. Require that the process of identifying the potential impact of development proposals on archaeology will be dealt with by an experienced archaeologist.

5. Consult with the Minister throughout the design process.
6. Where it cannot be reasonably avoided, excavate and record all known monuments or archaeological sites or parts of such, that are impacted by the construction works, in accordance with agreed methodologies and allow sufficient time for such recording to be carried out to the satisfaction of the Minister.
7. Provide the necessary finance to fulfil the post-excavation requirements of the Minister including the conservation of archaeological objects, the provision of scientific analyses and dating, as well as the production of reports on all archaeological work to a standard which will meet the approval of the Minister.



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

1. Respond to consultations from the Project Archaeologist and Consultant Archaeologist in a timely manner.
2. Specify format and standards of reports to be submitted.
3. Issue licenses for archaeological excavations within 3 weeks of receipt of application.
4. Issue consents required under Section 14 of the National Monuments Act 1930 as amended by Section 5 of the National Monuments (Amendment) Act 2004, within 6 weeks of receipt of application. (Note: Section 14 includes all works affecting national monuments and not just archaeological excavations).
5. Agree with the project archaeologist an appropriate programme for archaeological mitigation and/or test



trenching and a system for excavations, which will include recommended timescales (to be applied by the project archaeologists subject to overall control and monitoring by the Department).

6. Agree that a single site director will be sufficient for excavating sites where the subject sites form part of a discrete complex, are contiguous to or in close proximity to each other, having regard to the recommendations of the project archaeologist.
7. Appoint a senior official of the Department to examine, in consultation with the National Museum of Ireland, within one week, any request for a review of a decision on a licence application.
8. Appoint an official of the Department to meet on a regular basis with the project archaeologist.
9. Agree criteria for the purposes of identifying sites and areas of archaeological potential, which will inform the extent of archaeological investigation to be undertaken.
10. Agree that where unexpected archaeological discoveries are made during testing, monitoring of topsoil removal or the operational phase, the most practical method of archaeological mitigation is to excavate and record except where the Minister is of the opinion that the site is of such significance that it should be preserved *in situ*.

Appendix I

Role of Project Archaeologist on Major Project Schemes

As part of the Code of Practice, the ICF agrees that new developments and proposed extensions by its members will be the subject of an Archaeological Impact Assessment (AIA) and a project archaeologist will be appointed by the ICF at the earliest possible stage, i.e., pre-planning.

The project archaeologist will:

1. Be engaged by the ICF for a specified period, however, the ICF will in no way interfere with the decisions of the project archaeologist.
2. Be responsible for overseeing the conduct of the archaeological excavations to ensure that the work is conducted in accordance with the agreed method statements and within the agreed timescales.



3. Liaise with the Department on a regular basis.
4. Work closely with the ICF member and/or the project team at site selection (pre-planning) and project design to ensure that appropriate weight is given to archaeological implications and seek to minimise the impact on known archaeological sites or areas of established archaeological potential.
5. Prepare the specification for the consultant archaeologist at AIA stage and ensure that all preparatory archaeological work (desk study/field walking, aerial photography and if necessary, geophysical surveys, etc.) for the AIA is of the highest standard.
6. Ensure that the AIA and mitigation recommendations are in keeping with best practice and policies as determined by the Department.
7. Be responsible for ensuring that the applications for excavation licences and applications for ministerial consent are in order before they are submitted to the Department. An application for ministerial consent must fully identify the national monument concerned and must include a complete description of the proposed works. Where archaeological excavation is required a method statement must be included with the application. The method statement will specify the way in which the excavations are to be conducted and also the timescales for the completion of the recording of the sites.
8. Submit any proposed changes to method statements to the Department for approval.

9. Ensure that archaeological mitigation and archaeological excavations are carried out to a standard acceptable to the Minister.
10. Certify all archaeological costs.
11. Notify the Department when the excavation has been completed.
12. Ensure the nature and quality of all excavation reports are of a standard acceptable to the Minister and submitted within the agreed time scale.

Appendix 2

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Relationship between the Project Archaeologist and the Consultant Archaeologist (Licence-Holder) in the Conduct of Archaeological Excavations

1. The project archaeologist will, in consultation with the consultant archaeologist, draw up method statements for the archaeological excavations required and will ensure that the licence applications are in order before they are submitted to the Department.
2. The consultant archaeologist will be responsible for the conduct of the archaeological excavations but will be required to carry out the excavations in accordance with the provisions of the agreed method statement and to follow the instructions of the project archaeologist.



3. Both the project archaeologist and the consultant archaeologist will have the responsibility to ensure that sites being excavated are recorded to a standard acceptable to the Minister and in a manner consistent with the rescue nature of the excavations. The project archaeologist will provide periodic progress reports on the archaeological programme to the Department. The project archaeologist will liaise with the consultant archaeologist to ensure that appropriate reports are submitted to the Department in accordance with the conditions of the licence/ministerial consent. Such reports will be submitted to the Department via the project archaeologist.
4. Should a dispute arise between the consultant archaeologist and the project archaeologist concerning the conduct of the excavations or when the ICF member considers that the requirements made are impracticable, excessively expensive or will substantially delay the works being carried out, the matter will be referred to the Department of Environment, Heritage and Local Government for a decision. The management of the agreed archaeological programme is the responsibility of the project archaeologist and the Department will not expect to become involved in day-to-day issues. Where a consultant archaeologist fails to comply with the method statement or with valid instructions from the project archaeologist, this may result in the withdrawal of the licence.