

Review of Archaeological Policy and Practice in Ireland

Identifying the Issues



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**DEPARTMENT OF THE ENVIRONMENT, HERITAGE
AND LOCAL GOVERNMENT**



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Introduction

The Minister for the Environment, Heritage and Local Government is undertaking a major review of archaeological policy and practice as it relates to Ireland. The Department is holding a series of seminars to give all stakeholders involved an opportunity to make their views known on the scope of the review and its terms of reference.

The Minister has stated that the aim of the review is to make policy towards protecting our archaeological heritage the best there can be and to draw from the experience and advice of experts both at home and abroad to achieve this. Irish archaeology should reflect, and be consistent with, international best practice in this field, and should also continue to play its part within the overall framework of national sustainable development policy.

As an initial step the Minister has published this Issues Paper which represents an initial attempt to identify some of the issues which need be addressed in the course of the review.

To assist debate in further refining the issues to be addressed and the scope of the review itself, this Issues Paper sets out an indicative list of the issues that appear to arise in approaching a review of current policy and the practice of archaeology in Ireland. The issues come under a range of headings, derived from current legislation, policy, guidelines, codes of practice, advice notes and other publications.

Those attending the seminars are invited to:

1. Suggest modification or amplification of any of the issues listed
2. Suggest any additional issues they think should be addressed in the review
3. Indicate the priority they would wish to give to reviewing an issue or group of issues.

The inputs, comments and observations made at the seminars will be analysed and used in drafting a report setting out the scope and brief for the review of archaeological policy and practice in Ireland.

The seminars are intended to launch a wide consultative process, intended to inform the review of archaeological policy and practice at appropriate times over the course of the review.

Current Policy for the Protection of the Archaeological heritage

To protect and promote appreciation of the built heritage, including the archaeological heritage, is a major objective of the Department of the Environment, Heritage and Local Government. To achieve that objective a number of key strategies are in place, including:

- The provision of an appropriate legislative and policy framework for the effective conservation and protection of the built heritage
- The identification, recording and assessment of the built heritage
- Promotion of an increased national awareness of its importance
- Promotion of better protection of the built heritage through developing the complementary roles of State bodies with responsibilities in this area and local authorities

A set of broad policy principles for the protection of archaeological heritage were set out in a document Framework and Principles for the Protection of the Archaeological Heritage published by the then Department of Arts, Heritage, Gaeltacht and the Islands in 1999. Some key policy principles set down in the Framework document were as follows:

- The National Monuments Acts will be used to the fullest possible extent, in accordance with relevant international conventions, to secure the protection of the archaeological heritage
- Gathering of information about the archaeological heritage should not destroy any more of that heritage than is absolutely necessary,
- There should always be a presumption in favour of the avoidance of developmental impacts on the archaeological heritage
- Preservation in situ of archaeological sites and monuments must be presumed to be the preferred option,
- Where archaeological sites or monuments have to be removed as a result of development it is essential that the approach of preservation by record be applied i.e. that there be appropriate archaeological excavation and recording,

- proper archaeological monitoring and archaeological assessment can ensure that the most appropriate approach to archaeological preservation is adopted
- Costs of archaeological work necessitated by development are a legitimate part of development costs ; the developer pays principle is therefore applied in the case of archaeological assessment, excavation and mitigation measures associated with private sector development
- The statutory Record of Monuments and Places will be up-dated to take account of on-going results of the Archaeological Survey of Ireland,
- Areas containing no known archaeological monuments, but where the presence of a monument or the remains of a monument is suspected, may be included in the Register of Historic Monuments as archaeological areas if the Minister has reason to believe that such an area is of archaeological interest,
- Preservation Orders and Temporary Preservation Orders will be made whenever necessary to secure the protection of national monuments of archaeological interest,
- Licences will not normally be issued for the export of objects forming part of the national archaeological heritage,
- The Minister will only consider issuing licences to carry out activities in relation to an historic shipwreck in certain limited circumstances
- The placing of Underwater Heritage Orders on shipwrecks or underwater objects of archaeological interest will be considered in appropriate circumstances,
- Consent will not normally be granted for the use and/or possession of a detection device, except to qualified archaeologists or persons working under on-site archaeological supervision.

Issues

- Do the policies set out remain appropriate to present day circumstances?
- Are there any other broad policy principles you would suggest for adoption?
- Does the framework and principles document need to be revised to take account of developments since 1999?

Recording of Monuments

Under existing legislation, a monument may consist of a man-made structure or group of structures or a natural structure altered by man. These may include any feature from a passage tomb cemetery, castle to relatively common ring-forts. Monuments may also consist of sites where there are no visible features, but where below surface archaeological remains are known or suspected to exist.

A monument qualifies for protection in one of four ways - it is listed in the Record of Monuments and Places (RMP); it is listed in the Register of Historic Monuments (RHM); it is subject to a preservation order; or it is in the care of the State or a local authority as a national monument. This makes for a very complex system, as it is not always clear what category a monument falls into and why.

Issues

- Would it be better to replace the existing lists/registers of monuments with a single list or register as the principal mechanism under which monuments of archaeological, architectural, historical or other cultural interest will be protected in future?
- Should the system for listing/registering monuments and sites be open to more public consultation and scrutiny?
- Can the system for listing/registering monuments and sites be speeded up and made more efficient?
- Should a new register incorporate some system for grading monuments e.g. distinguishing between monuments of national importance and other monuments?
- Should owners be notified of a proposal to include or remove monuments from the register?
- Should owners have a right to appeal the inclusion (or removal) of a monument from the register?
- How can archaeological landscapes be defined and protected?
- How can the archaeological elements of a landscape be related to other elements of the landscape and how should this be evaluated?
- How can local authorities, local societies and local communities be encouraged to protect their local archaeological heritage?

Recognition of National Monuments

Criteria to assist in determining whether a monument discovered in the course of constructing a road scheme is or is not a national monument, as defined in legislation were set out in guidelines issued by the Department in relation to directions under the 2004 National Monuments Act. The criteria are whether the monument:

- Is a rare example within its monument category or period in the archaeological or architectural record.
- Is a rare example where there are few or no comparable surviving monuments in the archaeological or architectural record.
- Is an example by way of form, condition, location or inclusion of elements or by how characteristic an example of the monument category or monument type they are.
- Contributes critically to our understanding of the history of Irish, European or world archaeology or architecture or which have been central to the development of archaeological methods of investigation.
- Incorporates innovative or rare building materials, innovative or unusual methods of construction, innovative engineering design, or which have associated mechanical features of technical significance.
- Is part of a clearly defined group or complex of related contemporary monuments where the collective national importance is greatly enhanced by association between monuments.
- Is critical to our understanding of an historical event or figure/s of national importance.

The criteria are not definitive. Archaeologists were advised to regard them as aids in reaching an informed judgement.

There is no system in place for the protection of newly discovered monuments of archaeological importance unless they are discovered during the carrying out of archaeological works connected with an approved road development.

Issues

- Are the criteria for determining whether or not a monument is a national monument appropriate?
- Should any additional criteria apply?
- Should any of the criteria be deleted?
- Should a system for recording newly discovered monuments of archaeological importance, other than those discovered on road schemes, be introduced?
- What procedures should apply to registering new monuments and controlling works at or in the vicinity of new monuments?
- What steps should be required where a person finds or believes they have found a new monument of archaeological interest?

Protection of Recorded Monuments

When the owner or occupier of a property, or any other person proposes to carry out, or to cause, or to permit the carrying out of any work at or in relation to a Recorded Monument they are required to give notice in writing to the Minister 2 months before commencing that work. This is to allow the National Monuments Service time to advise on how the work may proceed in accordance with the protection of the monument.

For National Monuments in the ownership or guardianship of the Minister or a local authority or which are subject to a preservation order the prior written consent of the Minister is required for any works at or in proximity to the monument.

Issues

- Are these requirements adequate?
- If not how might they be improved?
- How can archaeological landscapes be protected and have works within them regulated?
- What role can management plans play in protecting publicly owned archaeological heritage sites and the settings/landscapes in which they are located?
- How can the condition of and damage to monuments be better monitored?

Archaeology and the Planning Process

Under the Planning Regulations copies of draft development plans must be sent to the Minister for comment. All development plans must make appropriate provision for the preservation and protection of the natural and built heritage.

The Minister for the Environment, Heritage and Local Government is a statutory consultee in respect of planning applications that impact on archaeological heritage. Planning applications require a planning application to be sent to the Minister where it would affect or be unduly close to - 'a cave, site, feature or object of archaeological interest', a monument in the Record of Monuments or Places (RMP), in the Register of Historic Monuments (RHM), or a National Monument in state ownership or guardianship. In addition, policy guidelines issued to local authorities in 2001 ask that local authorities bring to the Department's attention developments that may impact on zones of archaeological potential in historic towns; on underwater archaeological heritage including historic wrecks; on potential archaeological sites in the vicinity of large complexes of sites or monuments of archaeological interest; on present or former wetlands; on unenclosed land; on rivers or lakes; on the inter-tidal zone; and developments that are extensive in terms of area (1/2 hectare or more) or length (1 kilometre or more); and developments that require an Environmental Impact Statement.

The 2000 Act allows the minister make recommendations relating to the protection of the archaeological heritage including recommending a refusal where appropriate.

Under the terms of Strategic Infrastructure Act 2006 and regulations NMS will make observations to the Strategic Infrastructure Board with regard to any potential impact on archaeology of developments being dealt with by the Board under the terms of that Act.

Issues

- In general do local authority development plans adequately deal with policies to be implemented locally on archaeological protection? Could their role in this regard be strengthened?
- Is the way in which archaeological issues are addressed through Environmental Impact Assessment adequate?

- Could the system for referral to the Department of planning applications which have a potential to have an impact on archaeological heritage be improved?
- Do planning consent and Ministerial consent requirements under the Planning Acts need to be reconciled ?
- How should archaeological issues be dealt with in the context of the Strategic Infrastructure Act?

Archaeology, Infrastructure and other development

Section 26 of the National Monuments Act provides for the regulation and control of excavations associated with private sector development and with infrastructure development other than roads development. It is unlawful to carry out excavations for archaeological purposes other than in accordance with a licence issued under Section 26 of the Act.

Detailed policy on archaeological excavation is set out in the document Policy and Guidelines on Archaeological Excavation. This document covers a wide range of topics relating to the regulation and control of archaeological excavations in a manner that better secures the protection of archaeological heritage. It covers policy on licensing excavations, gives guidance on who will be granted licences and how their competency will be assessed, provides guidelines for applicants and licensees on matters such as excavation strategies and methods, completion and publication of excavation reports and outlines a standard set of licensing conditions.

Archaeological works in relation to approved road schemes are set out under separate procedures set out under the 2004 National Monuments (Amendment) Act.

Archaeological works on approved road developments

The National Monuments (Amendment) Act 2004 introduced changes in the procedures under the National Monuments Acts insofar as they affect approved road developments. Approved road developments are motorways or other roads approved by An Bord Pleanála under Section 49 or 51 (or both) of the Roads Act 1993. Under that Act approved road developments are subject to environmental impact assessment (including impacts on archaeology) as part of the approval process carried out by the Board.

Section 14A of the National Monuments Act provides that archaeological works associated with an approved road development must be carried out in accordance with directions issued by the Minister which directions are issued following consultation with the Director of the National Museum of Ireland. This procedure is designed to ensure that appropriate standards apply to the carrying out of such works. No further consent or licence under any provision of the National Monuments Acts 1930 – 2004 is required for such works.

National monuments discovered during construction of approved road developments

Section 14A of the National Monuments Act sets out the procedures for dealing with national monuments which were not considered under the EIS or approvals process by An Bord Pleanála but are subsequently discovered in the course of the construction of an approved road scheme or of associated archaeological investigations. Under Section 14A(4)(a) the road authority must report the discovery to the Minister. All works, which might interfere with the newly discovered monument, other than any urgent works necessary for securing the preservation of the monument carried out in accordance with measures specified by the Minister, must cease until the directions of the Minister regarding the monument have been issued.

Codes of Practice

Codes of Practice on the protection of the archaeological heritage have been drawn up between the Department of Environment, Heritage and Local Government and a number of infrastructure providers including The National Roads Authority, The Railway Procurement Agency, The Irish Concrete Federation, the ESB and Bord Gais. These codes are generally guided by the following principles:

- Every effort will be made to avoid direct impacts on archaeology;
- A project archaeologist will be employed who will work with the developer during site selection and project design, with a view to minimising the impact on known archaeological sites or areas of archaeological potential;

The archaeologist appointed will ensure that any archaeological assessment and monitoring and any excavations are in keeping with the Department's policies and best practice.

Issues

- What improvements could be made in the current system for applying for, processing and enforcing licensing conditions?
- Are excavations being carried out to a sufficiently high standard?
- Does the document Policy and Guidelines on Archaeological Excavation require up-dating in line with present day thinking on excavation?

- Are excavation methodologies currently in use appropriate e.g. the use of machines to remove plough-soil?
- Are the arrangements in place for dealing with archaeological issues arising in the context of infrastructure and other development adequate and appropriate?
- Do the procedures which come into play when a new national monument is discovered during the course of road or other infrastructure construction need to be reviewed?
- How well are the Codes of Practice on Archaeology, in place between the Department and a number of infrastructure providers, working?

Excavation Reports

The lack of fully published final reports on archaeological excavations has become of increasing concern in recent years. This means that we are not getting the return we should be getting from the massive increase we have seen in development led excavations. Around 2,000 licences are now issued each year for archaeological excavations, with a further 200 or so consents and directions for archaeological works. Much of the data emerging from this work is not yet accessible, with the result that there is no proper dissemination of new archaeological data and knowledge to historians, archaeologists, the academic community and wider interests.

Issues

- Can a better connection be made between the gathering of archaeological information and the dissemination of archaeological knowledge?
- Does web-based publication of excavation reports offer a solution to the problem?
- How can the contribution of development-led excavations to the archaeological knowledge base be improved?
- How can the standard and speed at which excavation reports are submitted be raised?

Awareness of Archaeology

The Department of Environment, Heritage and Local Government, through its National Monuments Service, should play a leading role in raising public appreciation and understanding of archaeology. Awareness arises at two main levels. Firstly, archaeological practitioners need to be familiar with the legislation, policy, regulations and procedures governing archaeological works. Secondly the wider general public need to be more aware of the importance and indeed danger of losing what is a non-renewable resource.

Clear guidelines, web-based information and continuing professional development are key to ensuring that archaeology is practiced to the highest possible standards.

For the wider public a number of projects are in place to promote awareness of archaeology. 'Archaeology in the Classroom' has been developed to make archaeology and history an exciting and interesting learning experience for primary school pupils and is designed to use archaeology. In conjunction with a resource pack to support teachers and students a website was designed by the Limerick Education Centre – www.itsabouttime.ie. The site caters for pupils, teachers, tutors and parents.

A leaflet on Archaeology and the Planning Process is available as a practical guide to understanding the procedures involved when proposing to carry out development work which might affect our archaeological heritage.

An ENFO sponsored travelling exhibition, called Earthen Banks and Broken Walls, houses colour photographs of typical archaeological monuments found in the Irish countryside accompanied by short explanatory texts. In conjunction with this exhibition, the Department also produces a full colour leaflet containing all the pictures and text from the exhibition.

A new website www.archaeology.ie has gone live recently. The key objectives of the site are to promote awareness of archaeology through the provision of access to the Department's records of known sites and monuments, publication of excavation reports, provision of advice and guidance in relation to the protection of archaeological heritage and the provision of online interactive facilities for the archaeological profession such as online applications for archaeological licences and an online facility to submit excavation reports.

Issues

- How can public appreciation and understanding of archaeology be enhanced?
- Is enough being done to ensure that archaeology is practiced to the highest possible standards?
- Could the Department of the Environment, Heritage and Local Government and other bodies do more to raise awareness of the importance of archaeology?

Submissions

Submissions, comments or observations may be emailed to nationalmonuments@environ.ie or alternatively may be posted to The Principal Officer, National Monuments Service, Department of the Environment, Heritage and Local Government, Harcourt Lane, Dublin 2.



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