

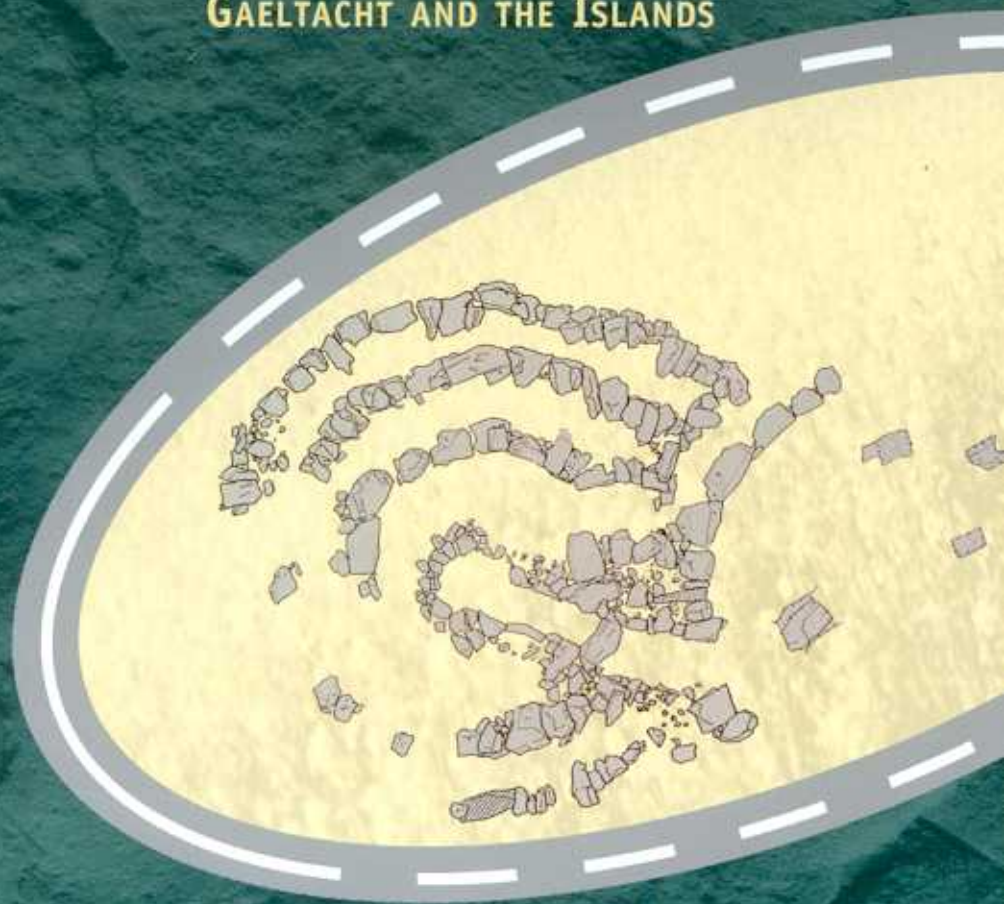
# CODE OF PRACTICE

BETWEEN

## THE NATIONAL ROADS AUTHORITY

AND

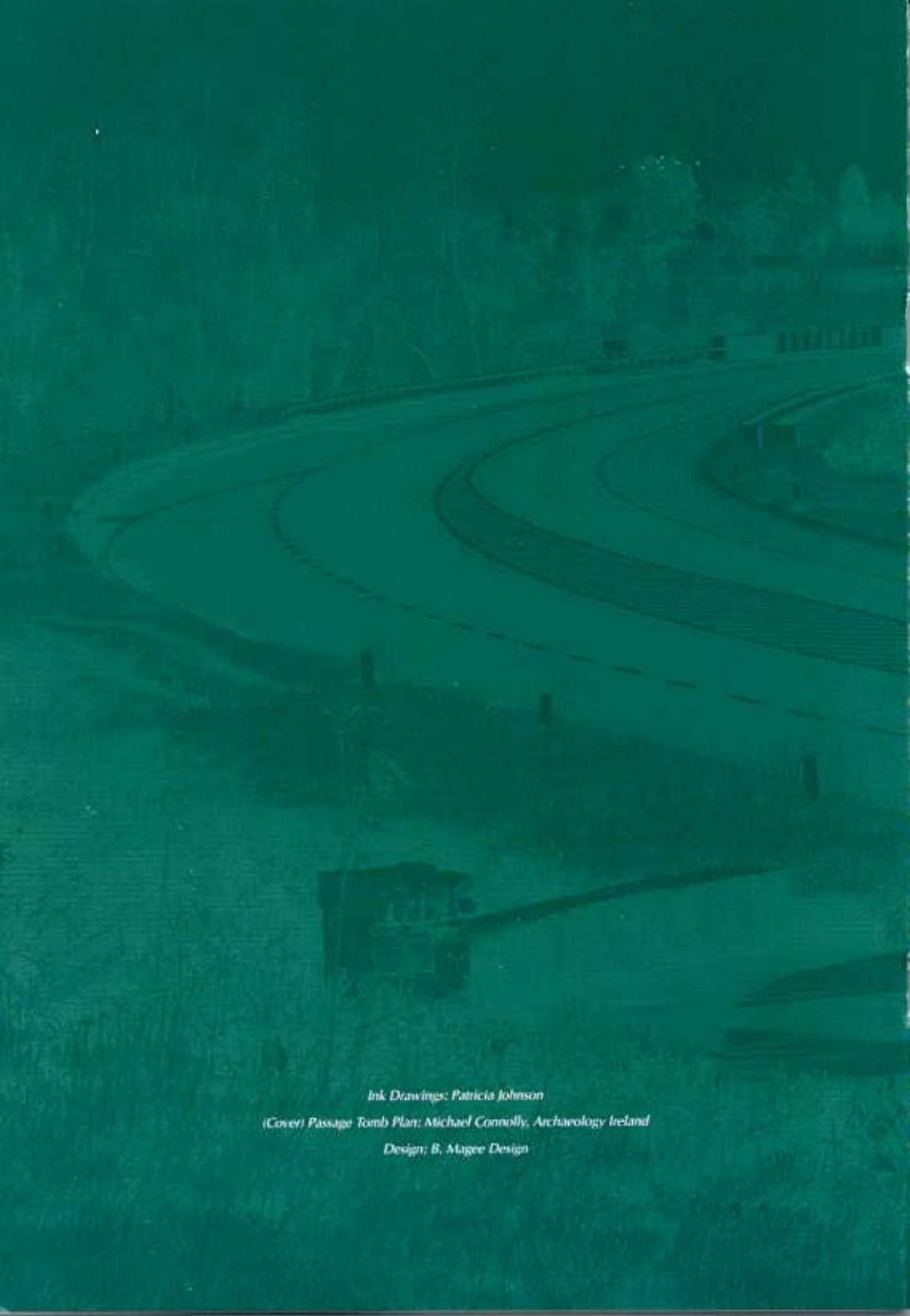
## THE MINISTER FOR ARTS, HERITAGE, GAELTACHT AND THE ISLANDS



**An Roinn Ealaíon, Oldhreachta,  
Gaeltachta agus Oileán**  
Department of Arts, Heritage,  
Gaeltacht and the Islands

**NRA**

National Roads Authority  
An tÚdarás um Bóithre Náisiúnta



*Ink Drawings: Patricia Johnson*

*(Cover) Passage Tomb Plan: Michael Connolly, Archaeology Ireland*

*Design: B. Magee Design*

## Foreword

This Code of Practice is a significant milestone in the protection of the archaeological heritage. It marks an agreement between my Department and the National Roads Authority, one of the largest developers in the State. It will help safeguard our archaeological heritage as the Government embarks on a major programme of road developments as part of its National Development Plan 2000–2006, a plan that is so vital to our social and economic well-being now and in the future.

The extent of this development programme will result in significant archaeological implications. This Code presents the opportunity to manage those implications in a structured and strategic manner. While both parties to this Code have set themselves challenging demands, I am confident that within a spirit of partnership and mutual trust, the Code will achieve its aims. Development need not be a threat to the protection of the archaeological heritage - mitigation, if managed correctly, has the potential to add much valuable new information about our past. The National Roads Authority is committing itself to a responsible approach to the protection of the archaeological heritage and in doing so, it is charting the way forward for other developers.

Like time itself, the cultural heritage is ever-changing. Our attitudes to this will also alter so that perhaps the roads that are now being built will, in time, become part of our heritage. What is clear, though, is that in delivering the commitments signed up to in this Code, we will have a better ability to manage that change so that the interests of our heritage can be balanced with economic prosperity.

*Síle de Valera*

Síle de Valera, TD,  
Minister for Arts, Heritage, Gaeltacht and the Islands



## Code of Practice Agreed Between The National Roads Authority and The Minister for Arts, Heritage, Gaeltacht and The Islands

The purpose of this Code is to provide a framework within existing legislation and policies to enable the National Roads Authority (NRA) to progress with its programme of work within the timescale of the National Development Plan (NDP) 2000-2006, 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, 1930-1994 and in accordance with the European Convention for the Protection of the Archaeological Heritage.
2. The NRA has a responsibility to secure the provision of a safe and efficient network of national roads.
3. The development of such a network has considerable archaeological implications which must be addressed given that the archaeological heritage is a non-renewable resource.



4. The NRA will finance a balanced and cost effective approach to archaeological investigation, excavation and mitigation as an integral element of road project costs on the basis of the *developer pays* principle and in keeping with the Minister's stated policy in this regard.
5. Every effort must be made to avoid direct impacts on archaeology taking account of road design and safety implications, environmental and other impacts and costs.
6. The adoption of a partnership approach between the NRA and the Minister in pursuit of the delivery of the national road policy objectives of the NDP taking account of the implications for archaeology.
7. Mitigatory planning at the earliest opportunity minimises the impact on the archaeological heritage.
8. Development is not used for prospecting for archaeological sites and other such remains.
9. Each party reserves the right to appeal decisions.
10. The commitment of both parties to dealing with the archaeological implications of road projects in a balanced and cost effective manner consistent with :
  - (a) *observing the Authority's shortened timescale (maximum of 3.5 years) for bringing projects from initial planning to commencement of construction;*
  - (b) *the completion of projects within the period specified in the road construction contract; and*
  - (c) *an acceptable level of preservation by record of archaeological sites impacted upon by road construction.*
11. The NRA and the Minister will co-operate to ensure, as far as possible and subject to securing access to land, that appropriate archaeological investigation is carried out during the period from route identification to the commencement of road construction.
12. Both parties agree to establish a team to monitor the operation of the Code of Practice and carry out a formal review within one year of its adoption and at agreed intervals thereafter.



## AGREED ACTIONS

### The NRA will:

1. Appoint, or ensure the appointment of archaeologists as project archaeologists to oversee the smooth running of the archaeological elements of road 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. Undertake investigation of the archaeological implications of a road proposal at the initial planning stages with a view to informing route selection, ensuring that full weight is given to archaeological implications in identifying the preferred route and seeking to minimise the impact on known archaeological sites or areas of established significant archaeological potential.
3. Require that the process of identifying the potential impact of road project proposals on archaeology will be dealt with by an experienced archaeologist.
4. Preserve by record all known sites being removed by the construction works.
5. Preserve by record any other monument or archaeological site of an agreed importance that may be uncovered during the construction phases of the development and will allow sufficient time for such recording to be carried out to the satisfaction of the Minister.
6. Ensure that the project archaeologist will be a member of the Road Project Team. In this capacity, s/he will be consulted on the contractor's work programme and input, as appropriate, on implications for archaeology arising from any proposed changes in the programme. S/he will be informed of the contractor's works programme, attend monthly site meetings and liaise with the consultant archaeologist on the contractor's work programme as regards implications for archaeological investigation.



The Minister (through Dúchas the Heritage Service of the Department of Arts, Heritage, Gaeltacht and the Islands) will:

7. Reduce the period for processing valid licence applications from three weeks to two weeks and in the case of applications to deal with on-site emergencies, 48 hours.
8. Agree with the project archaeologist an appropriate programme for archaeological monitoring of topsoil stripping.
9. Agree a system with the project archaeologist for excavations which will include recommended maximum timescales for excavation (to be applied by the project archaeologist subject to overall control and monitoring by Dúchas).
10. Agree that a single licensed director will be sufficient for excavating sites where the subject sites form part of a discreet complex, are contiguous to or in close proximity to each other having regard to the recommendations of the project archaeologist.
11. Appoint a senior official of Dúchas 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.
12. Agree criteria for the purposes of identifying sites and areas of high archaeological potential which will inform the extent of archaeological investigation to be undertaken.
13. Avail of the consultation procedure operated by local authorities/NRA during the route corridor and preferred route investigation process, to identify archaeological implications for the purposes of informing the route selection process.
14. Arrange for a review of practices, requirements and cost implications relating to the preparation of post-excavation reports.

*Photo: Frank Coyne,  
Archaeology Ireland*



## APPENDIX I

### Role of Project Archaeologist on Major Project Schemes

As part of the Code of Practice, the NRA agrees that for road schemes that will be the subject of a statutory Environmental Impact Statement (EIA), a project archaeologist will be appointed by the relevant local authority at the earliest possible stage, i.e., pre-planning.

#### The project archaeologist will:

- be employed by the relevant local authority for a specified period;
- work closely with the engineering consultants at route selection (pre-planning), with a view to informing route selection, and to ensure that full weight is given to archaeological implications and seek to minimise the impact on known archaeological sites or areas of established significant archaeological potential;
- prepare the specification for the consultant archaeologist at EIA stage and ensure that all preparatory archaeological work (desk study/field walking, aerial photography and if necessary, geophysical surveys, etc.) for the EIA is of the highest standard;
- ensure that the EIA and mitigation recommendations are in keeping with best practice and policies as determined by Dúchas;
- determine the level of archaeological excavations based on guidelines issued by Dúchas;
- ensure that all mitigation is carried out satisfactorily;
- certify all archaeological costs, and
- ensure nature and quality of excavation reports are of the highest standard.



*Photo: Tony Cummins, Archaeology Ireland*



## APPENDIX II

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

The project archaeologist will be employed by the Local Authority/NRA. The text below elaborates on the roles in relation to excavations.

- 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 Dúchas. The method statements 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.
- The project archaeologist will 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.
- The project archaeologist will be authorised by Dúchas to decide on the ground changes to the method statement and to instruct the licence-holder to alter the method of excavation accordingly.
- Dúchas will provide the project archaeologist with guidelines setting out the circumstances in which changes to the method statement may be made.
- The licence-holder 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. Dúchas will provide guidelines to consultant archaeologists setting out the respective roles of the project archaeologist and the individual licence-holder and specifying the circumstances in which changes may be made to a method statement and the authority of the project archaeologist in this regard.



- Both the project archaeologist and the individual licence-holders will have the responsibility to ensure that sites being excavated are recorded to an acceptable standard and in a manner consistent with the rescue nature of the excavations. The project archaeologist will provide periodic progress reports on the archaeological programme and will liaise with the licence-holder to ensure that appropriate reports are submitted through him/her to Dúchas and the National Museum of Ireland in accordance with the conditions of the licence.
- Should a dispute arise between the licence-holder and the project archaeologist concerning the conduct of the excavations, the matter will be referred to Dúchas for a decision. It will be made clear in the guidelines for archaeologists that licence-holders are expected to follow the instructions of the project archaeologist and that appeals to Dúchas should only be made when there are substantial grounds for concern on the part of the licence-holder that acceptable standards of excavation or recording are being compromised. The guidelines will also emphasise that the management of the agreed archaeological programme is the responsibility of the project archaeologist and that Dúchas will not expect to become involved in day - to - day issues. It will also be emphasised that where a licence-holder fails to comply with the method statement or with valid instructions from the project archaeologist, this may result in the withdrawal of the licence.



- Dúchas will undertake to ensure that the authority of the project archaeologist to make alterations to the method statement and to issue instructions to the licence-holder is upheld where these are in accordance with the guidelines.



Photo: Valerie J. Keeley Ltd.

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*Photos: Valerie J. Keenly Ltd*