

Code of Practice



Code of Practice between the
Department of the Environment,
Heritage and Local Government and
the Railway Procurement Agency



AN ROINN COMHSHAOIL, OIÐHREACHTA AGUS RIALTAIS ÁITIÚIL
DEPARTMENT OF THE ENVIRONMENT, HERITAGE
AND LOCAL GOVERNMENT





Foreword

As Minister with responsibility for the protection of Ireland's built heritage I welcome this Code of Practice between my Department and the Railway Procurement Agency (RPA). The Code demonstrates strong commitment from the RPA of its support for the protection and conservation of our archaeological heritage.

The RPA is the agency responsible for the implementation of Light Rail and Metro infrastructure projects. The provision of a high quality rail infrastructure to support a reliable and efficient public transport system represents a key ingredient in our continuing efforts to attain more sustainable patterns and forms of development. This is particularly true in the case of our cities and towns where an increasing level of car ownership has resulted in serious traffic congestion. If we do not respond comprehensively to this problem our future economic prosperity may well be compromised. Through its 'Transport 21' Strategy the Government has adopted a comprehensive programme to develop a transport infrastructure for the 21st century. At the same time, we must recognise that major transport infrastructure investment can have significant archaeological implications which must be addressed. This Code provides an opportunity to address these implications in a structured and positive manner.

I welcome the very positive approach taken by the RPA to archaeological protection and conservation within its previous investment programmes and now through its adoption of this Code. I believe that with a spirit of partnership and mutual trust the Code will achieve its aims. My Department looks forward to continuing to work constructively with the RPA in the years ahead to our mutual benefit, and more importantly to the benefit of the travelling public, to ensure that our new transport systems come on stream as quickly as can be managed.

Dick Roche TD
*Minister for the Environment,
Heritage and Local Government
January 2007*



A message from the Chief Executive, RPA

The light rail and metro projects that RPA has been mandated to implement are designed to improve the quality of life for residents and communities in urban areas. There is a general acceptance that sustainable development of our cities requires reduced dependence on private cars, which in turn requires investment in high capacity transport schemes such as Luas and Metro. The urban areas that our projects will affect and serve for generations to come are typically areas that have also been settled for many centuries. This, of course, increases the likelihood that archaeological sites will be identified and located during project planning and implementation. In planning our projects, RPA has taken the view that rather than hope that we never uncover archaeological sites, we should incorporate consideration of archaeology at all stages of project development from route selection to construction. A key consideration here is that our budgets and implementation programmes should make adequate provision for archaeological remains. This approach to archaeology is entirely consistent with RPA's objectives to improve the quality of life for the communities our projects serve and to observe best practice in project management for all of our activities.

In seeking to minimise the impact of our projects on archaeological heritage while promoting sustainable development of communities through the provision and operation of new railway infrastructure, it is RPA's intention to:

- Provide a systematic methodology for assessing and dealing with archaeological heritage, as projects evolve, in line with Government policy as set out in the *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999).
- Provide adequate information in order to make informed decisions regarding proposed developments.



RPA has had very positive experience in working with the Department of Environment, Heritage and Local Government in implementing the Luas Red and Green lines and in planning for our new projects. We look forward to building on this experience and welcome the formalisation of our policies with respect to protecting our archaeology as agreed in this Code.

Frank Allen.

Frank Allen
Chief Executive RPA

Code of Practice agreed between The Railway Procurement Agency 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 Railway Procurement Agency (RPA) to progress with its programme of work within the framework of the Government's transport 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 RPA has a responsibility to secure the provision of a safe and efficient network of light rail and metro infrastructure.
3. The development of such a network may have considerable archaeological implications, which must be addressed given that the archaeological heritage is a non-renewable resource.



4. The RPA will finance a balanced and cost effective approach to archaeological investigation, excavation and mitigation as an integral element of light rail and metro project costs on the basis of the *developer pays* principle and in keeping with the Minister's stated policy in this regard.
5. Appropriate strategies will be developed to minimise direct impacts on archaeology taking account of light rail and metro design and safety implications, environmental and other impacts and costs.
6. The adoption of a partnership approach between the RPA and the Minister in pursuit of the delivery of the Government's transport strategy taking account of the implications for archaeology.
7. Mitigatory planning at the earliest opportunity minimises the impact on the archaeological heritage.
8. Prospecting for archaeological sites and other such remains, other than in exceptional circumstances, is limited to the confines of the area under development.
9. Each party reserves the right to review decisions.
10. Both parties are committed to dealing with the archaeological implications of light rail and metro projects in a balanced and cost-effective manner consistent with:
 - (a) *Observing the Agency's timescale for bringing projects from initial planning to commencement of construction;*
 - (b) *The completion of projects within the agreed timetable;*
 - (c) *A level of preservation by record of archaeological sites, impacted upon by railway development, that is acceptable to the Minister.*
11. The RPA 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 light rail or metro 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 RPA will

1. Appoint, or ensure the appointment of a project archaeologist to oversee the smooth running of the archaeological elements of light rail and metro 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 construction / procurement strategy for the project – including the development of contract documentation relating to the management of archaeology.
3. Undertake investigation of the archaeological implications of light rail and metro proposals at the initial planning stages with a view to informing route selection. Ensure that appropriate 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 archaeological potential.
4. Require that the process of identifying the potential impact of light rail and metro proposals on archaeology will be dealt with by an experienced archaeologist.
5. Consult with the Minister throughout the design process.
6. Where avoidance cannot reasonably be achieved, preserve by 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 requirement 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 (through the National Monuments Service of the Department of the Environment, Heritage and Local Government) will:

1. Respond to consultations from the Project Archaeologist and Consultant Archaeologist in a timely manner.
2. Agree assessment criteria for the purposes of identifying sites and areas of archaeological potential which will inform the extent of archaeological investigation to be undertaken.
3. Issue licences 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 archaeologist subject to overall control and monitoring by the Department).
6. Agree that a single 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. Avail of the consultation procedure operated by RPA, during the route options and optimisation of the preferred route process, to identify archaeological implications for the purpose of informing the route selection process.
8. Specify format and standard of reports to be submitted.
9. Arrange for a review of practices and requirements relating to the preparation of post-excavation reports.



Appendix I

Role of Project Archaeologist on Light Rail and Metro schemes

As part of the Code of Practice, the RPA agrees that for light rail and metro schemes that will be the subject of a statutory Environmental Impact Assessment (EIA), a project archaeologist will be appointed by the RPA.

The project archaeologist will:

1. Be engaged by the RPA.
2. Work closely with the engineering consultants at route selection (pre-planning), with a view to informing route selection and seeking to minimise the impact on known archaeological sites or areas of established archaeological potential.
3. Prepare the specification for the consultant archaeologist at EIA stage and ensure that all preparatory archaeological work (desk study, field walking, test-trenching, aerial photography and if necessary, geophysical surveys, etc.) for the EIA is in accordance with best practice.
4. Ensure that the EIA and mitigation recommendations are in keeping with best practice and policies as determined by the Department.

5. 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 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.
6. Be responsible for overseeing the conduct of the archaeological excavations to ensure that the work is conducted in accordance with the conditions and within the agreed timescales.
7. Submit any proposed changes to method statements to the Department for approval.
8. Ensure that archaeological mitigation and archaeological excavations are carried out to a standard acceptable to the Minister.
9. Certify all archaeological costs.
10. Notify the Department when the excavation has been completed.
11. Ensure the nature and quality of excavation reports are of a standard acceptable to the Minister and submitted within the agreed time scale.



Appendix II

Relationship Between the Project Archaeologist and the Consultant Archaeologist in the Conduct of Archaeological Works

1. 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 the 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.
2. Should a dispute arise between the project archaeologist and consultant archaeologist concerning the conduct of the excavations, the matter will be referred to the Department for a decision. Consultant archaeologists are expected to follow the instructions of the project archaeologist and appeals to the Department should only be made when there are substantial grounds for concern on the part of the consultant archaeologist that acceptable standards of excavation or recording are being compromised. 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/ministerial consent.

