

National Monuments Service (NMS) Department of Housing, Local Government and Heritage

Explanatory Note & Glossary of Terms to Accompany Sample Archaeology Conditions



Note 1: NMS Explanatory Notes to be read in conjunction with the OPR’s Practice Note PN03 – Planning Conditions.

Note 2: The compendium of sample archaeology conditions, included in Appendix B of the OPR’s Practice Note PN03, should take account of the guidance and policy documents set out below.

Note 3: For all abbreviations, please see the glossary of terms at end of document.

- County/City Development Plans: Policies and objectives relating to the archaeological heritage contained in the current county/city development plan relevant to the location of the proposed development site subject to planning.

- Archaeology in the Planning Process: [Planning Leaflet 13](#) (Office of the Planning Regulator in consultation with the National Monuments Service, DHLGH) January 2021 (Updated September 2022).

- Framework & Principles for the Protection of the Archaeological Heritage: National Monuments Service, Government of Ireland 1999 (available to download at this link: <https://www.opr.ie/wp-content/uploads/2022/10/framework-and-principles-for-protection-of-archaeological-heritage.pdf>)

- Policy and Guidelines on Archaeological Excavation: National Monuments Service, Government of Ireland 1999 (available to download at this link: <https://www.opr.ie/wp-content/uploads/2022/10/excavation-policy-and-guidelines-1.pdf>)

Referral of Planning Applications to the National Monuments Service as statutory consultee:



The National Monuments Service, in its role as a prescribed body under the Planning and Development Regulations 2001 (as amended), is consulted and comments regularly on planning referrals (including local authority own development under Part 8 of the Regulations) relating to proposed developments which may affect identified archaeological monuments. Similarly, proposals for large-scale development (including large housing developments, solar farms, windfarms, and infrastructural developments) even if not impacting directly on a known archaeological site or monument, are likely to be referred to the National Monuments Service for consideration and appropriate response.

The requirement to refer planning applications to the National Monuments Service, as set out in the Planning Regulations, applies to archaeological sites in general and specifically to categories of monuments protected under the National Monuments Acts 1930 to 2014. In that regard, however, it should be noted that where Ministerial consent is required under those Acts for works to, or in proximity to, a national

monument (i.e. in respect of national monuments in Ministerial or local authority ownership or guardianship or subject to a Preservation Order under the National Monuments Acts) a grant of planning permission does not remove the need for such Ministerial consent.

The responses issued by the National Monuments Service to a planning authority are tailored within a site-specific and development proposal context and should be given due consideration when formulating archaeological conditions to be attached to any grant of planning permission. It is also important that the local authority archaeologist, where one is employed by the local authority, is also consulted when reviewing planning applications for proposed developments where there is an identifiable or potential impact on the archaeological heritage.

Referral Process as linked to Sample Archaeological Conditions (C1-C7):



As outlined in the OPR's Practice Note PN03- Planning Conditions, conditions should always be tailored within a site-specific and development proposal context. This applies when considering the archaeological mitigation for a development site. The archaeological significance of any particular proposed development site, and its environs, and the potential impact development may have on any surviving archaeological remains (either above or below ground, or underwater) within that proposed development site can vary greatly depending on the nature and extent of both the surviving archaeological remains and the proposed development. As a result, planning decisions and archaeological conditions should preferably be informed by a site specific comprehensive archaeological impact assessment, where applicable.





Where the potential impact of a proposed development on the archaeological heritage is considered significant, the National Monuments Service may recommend that an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) is carried out in advance of any planning decision. This can follow pre-planning consultation, and may be appropriate in several circumstances, including where the development site is located within the confines of identified archaeological sites or monuments or in their environs or is large scale (in the latter case regardless of whether there is any known archaeological site or monument in question, this being because of the likelihood that large scale development will impact heretofore unidentified archaeological sites). The AIA and/or UAIA may be submitted with the planning application or may be requested by the planning authority as further information. As noted, National Monuments Service may recommend such assessment following consultation, but it should also be noted that carrying out such assessment may often be in accordance with specific archaeological objectives contained in the relevant County/City Development Plan.

A properly prepared archaeological impact assessment (AIA/UAIA) will include documentary (desktop) research and fieldwork (the latter licensed and/or consented to under the National Monuments Acts, where necessary).

It is considered best practice by the National Monuments Service for the assessment to be completed at the earliest possible stage in the planning process. Adhering to this approach will ensure that an appropriate archaeological strategy can be formulated in advance of a planning decision, so resulting in an informed planning decision and the attachment to any grant of permission of archaeological conditions which secure both sustainable development and the protection of the archaeological heritage.

Occasionally, the NMS may recommend refusal of planning permission following comprehensive archaeological impact assessment which identifies a significant and unsustainable impact on the archaeological heritage.



C2: Approval of Planning Permission with Condition Requiring Archaeological Impact Assessment:



Where the potential impact of a proposed development on the archaeological heritage is considered significant, the National Monuments Service may similarly recommend that an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) is carried out if such has not been undertaken at pre-planning stage or requested as Further Information. It is important to note, however, that best archaeological practice is to complete the AIA and/or UAIA at the earliest possible stage in advance of a planning decision so as to ensure development of an archaeological strategy and informed planning decision/conditions which result in appropriate mitigation and the protection of the archaeological heritage.

An AIA/UAIA needs to be undertaken by a suitably qualified archaeologist in advance of any site preparation and/or construction works and following the approval of any required excavation licence/consent under the National Monuments Acts. A properly prepared AIA/UAIA will address comprehensively the known or potential archaeological impacts of the development and propose mitigation measures to ameliorate such impacts. The preparation of an AIA/UAIA is not an end in itself, and the archaeological measures proposed in the AIA/UAIA must (subject to further consultations with NMS) be included in any grant of planning permission and be implemented by the developer.

C3: Approval of Planning Permission with Condition Requiring Archaeological Testing:



Where it is considered by NMS that there is potential for archaeological remains to survive or where a desk-based Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment submitted with the planning application (UAIA) has identified potential for the survival of archaeological remains, the NMS may recommend pre-development archaeological testing, to be undertaken in advance of any site preparation and/or construction works. Such testing will seek to assess the nature and extent of any surviving archaeological remains and will, in the archaeological testing report, propose an avoidance or mitigation strategy (i.e. either preservation in-situ or preservation by record or a combination of these). Subject to consultation with NMS, final decisions on whether and in what form development can proceed must reflect the results of such archaeological testing and the proposals for avoidance or mitigation as set out, and the grant of permission must be structured to enable this.



C4: Approval of Planning Permission with Condition Requiring Archaeological Monitoring:



Where the Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) has identified that groundworks/topsoil stripping/dredging works/demolition and/or site clearance works may uncover previously unknown archaeological material or in cases where there is a residual risk for archaeological material to be present, the NMS may recommend archaeological monitoring. The archaeological monitoring programme will seek to ensure any previously unknown archaeological remains uncovered during development works are identified and that appropriate additional mitigation measures to protect such new discoveries are established and promptly deployed (in consultation with the NMS).

Archaeological monitoring is also recommended for the supervision of agreed preservation in-situ measures prior to and during the construction phase of the development. This will ensure that the agreed measures for the protection of the specific archaeological sites or monuments are correctly employed and that negative impacts to archaeological heritage are avoided.

It is essential that planning conditions requiring archaeological monitoring also provide for the protection of archaeological features or deposits identified as a result of the monitoring. In other words, the planning condition must go on to ensure that the developer must either preserve such material in-situ or arrange for its full archaeological excavation, as directed by the planning authority following consultation with NMS.

C5: Provision in the CEMP for Archaeological Mitigation:



Where a development requires a Construction Environmental Management Plan (CEMP) and the Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) has identified vulnerable archaeological heritage constraints requiring mitigation, the NMS may recommend that the CEMP documents these constraints, as well as the relevant mitigation measures required to protect archaeology and cultural heritage and that will be employed during all phases of development works. This will ensure the integrated management and protection of the archaeological and cultural heritage environment of the development site.

C6: Mitigation Strategy contained in AIA/UAIA or EIAR:



Where the Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) submitted during the planning process has identified an appropriate bespoke mitigation strategy for archaeology/ cultural heritage tailored

to the specific development and its characteristics, the NMS may recommend that such a strategy be fully implemented precisely as set out. This is to ensure that complex and considered approaches to mitigate the impact of a development on archaeological heritage, that may have emerged through engagement and consultation with key stakeholders (including the NMS) prior to and during the formal planning process, are fully implemented as intended to protect the archaeological heritage.

C7: Approval of Planning Permission with Condition requiring a Conservation Management Plan:



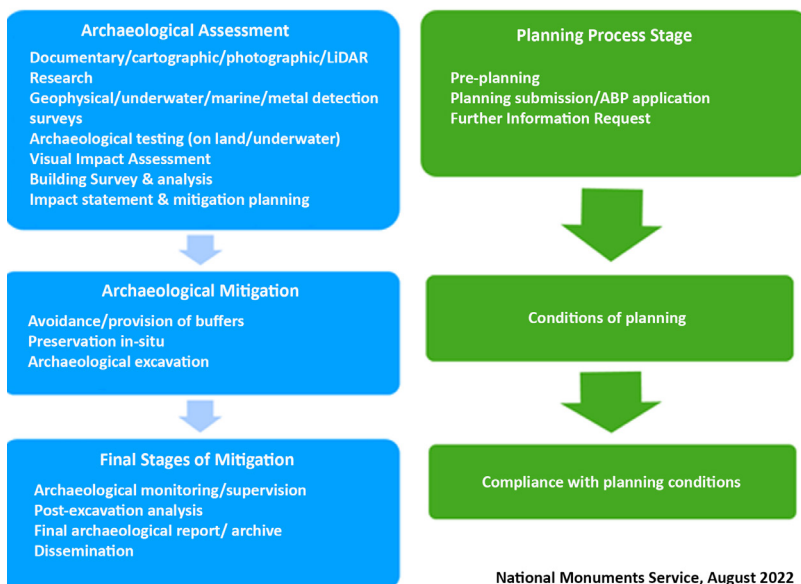
Where it is proposed to retain in situ a known archaeological site or newly discovered monument within the development site (either on land or underwater), the NMS may recommend that a Conservation Management Plan is prepared. The plan shall provide for the long-term maintenance and management of the specific site or sites in question. This is to ensure that preservation in situ of the site or sites can be achieved and maintained during all phases of the development and that the protection and preservation of the site or sites can be sustained into the future.

NMS Approach to Archaeological Mitigation in the Planning Process:



The National Monuments Service’s preferred and recommended approach for the completion of archaeological impact assessment and implementation of agreed mitigation measures, where applicable, within the planning process is illustrated in the following flow-chart.

Stages of Archaeological Mitigation in Planning Process



Glossary of Terms:



AIA: Archaeological Impact Assessment. There are many methods of archaeological assessment including documentary/cartographic/photographic/aerial imagery/LiDAR research, geophysical survey (requiring consent under National Monuments Act), archaeological testing (licensed under NM Act), fieldwork/survey and building survey/analysis. The methods of assessment applied in the preparation of any AIA need to be decided on the basis of the location, nature and scale of the proposed development and the considered potential impact on the archaeological heritage.

Archaeological Excavation Licence: A licence granted under the National Monuments Act 1930 (section 26 as amended) to permit digging or excavating for archaeological purposes.

Archaeological Geophysical Survey: This is a non-intrusive (no groundworks required) scientific survey method adapted and undertaken for archaeological purposes, both on land and underwater. A variety of instruments are used to identify and map buried archaeological features by measuring small changes in the magnetic and/or electrical properties of the soil which can indicate the possible presence of archaeological remains below ground. Geophysical survey is usually followed by a programme of targeted archaeological testing to 'ground-truth' the findings. All archaeological geophysical surveys need to be carried out by a suitably qualified geophysicist/professional (either terrestrial and/or underwater) with experience in the undertaking of archaeological geophysical survey and with a Detection Device Consent under the National Monuments Act.

Archaeological Monitoring: This is typically the final mitigation stage in an agreed and implemented programme of archaeological mitigation measures as appropriate to the development (such as geophysical survey, testing, preservation in-situ, establishment of buffers/exclusion areas, archaeological excavation, etc.). It can include the monitoring of topsoil stripping/groundworks/dredging by a licensed archaeologist to identify archaeological remains. In other circumstances archaeological monitoring can involve the supervision/monitoring/watching brief (by an archaeologist) of the implementation of agreed mitigation measures to ensure the preservation in-situ of identified archaeological remains above and/or below ground (e.g. erection of hoarding/temporary fencing, installation of protective barrier, importation of additional soil). Archaeological monitoring can also involve the monitoring of exploratory/opening up works within historic buildings/structures to determine and record the presence/absence of earlier fabric/architectural features and building phases.

Archaeological Testing: Archaeological testing involves the controlled excavation of an agreed number and size of test trenches (by hand and/or machine with flat-edged bucket) under the direction of a licensed archaeologist, within the confines of a development area to determine the presence/absence of archaeological features. The findings will help inform the development of an appropriate archaeological mitigation strategy.

Buffer Zone: The establishment of an agreed exclusion area, within a development context, in the environs of an identified archaeological site, where no development-related works will be permitted so as to ensure the preservation and protection of the monument. The term 'buffer' can also refer to the installation of an agreed depth and type of construction material (such as

sand, polythene/geotextile, hardcore/gravel and/or soil) to provide a protective barrier between the surviving archaeological remains below ground and the formation level of the permitted structure above the archaeology.

Building Survey and Analysis: This type of assessment involves detailed survey and analysis (interpretation and/or scientific dating of samples) of the existing building fabric by a suitably experienced archaeologist to determine the presence/absence of earlier building fabric, architectural features and building phases within the structure(s) potentially impacted by the proposed development.

Detection Device Consent: A consent granted under the National Monuments (Amendment) Act 1987 in relation to the use of detection devices (a term which includes a range of geophysical survey equipment as well as hand held metal detectors) for archaeological purposes.

HEV: The Historic Environment Viewer is the National Monuments Service's online interactive map/search facility, providing access to all records stored on its national database of sites and monuments. The HEV provides information not only on those archaeological monuments included in the statutory Record of Monuments and Places (as established under section 12 of the National Monuments (Amendment) Act 1994), but also in regard to many more which have been identified since the RMP was issued. The HEV is available at: <https://maps.archaeology.ie/HistoricEnvironment/>

Metal Detection Survey: This is generally carried out (on land or underwater) in conjunction with or in support of a programme of archaeological test excavation, monitoring, full excavation or dive survey/investigation. The archaeologist conducting the works will use a metal detector to scan areas under investigation in advance and/or to scan excavated soils/dredged spoil for the purpose of identifying and retrieving archaeological objects that may be present. In certain limited instances, metal detection surveys may be carried out as a primary means of survey (for example at or in the vicinity of known battlefield sites). All metal detection surveys need to be carried out by a suitably qualified archaeologist (either terrestrial and/or underwater) with experience in the use of metal detection devices and with a Detection Device Consent under the National Monuments (Amendment) Act 1987.

NMS: National Monuments Service (Department of Housing, Local Government & Heritage). www.archaeology.ie

Section 14 Ministerial Consent: Any works involving ground disturbance at, around or in proximity to a national monument, which is in the ownership or guardianship of the Minister or a local authority, or that is subject to a Preservation Order, require Ministerial Consent under Section 14 of the National Monuments Act 1930 (as amended by section 5 of the National Monuments (Amendment) Act 2004).

UAIA: Underwater Archaeological Impact Assessment (as above with AIA). All underwater archaeological impact assessments need to be carried out by a suitably qualified and experienced underwater archaeologist. Underwater archaeological assessment can be required in riverine, wetland, coastal/inter-tidal and marine environments. Additional documentary/cartographic research and survey techniques specific to underwater archaeology need to be applied. Underwater archaeological testing requires an archaeological excavation licence under section

26 of the National Monuments Act 1930. Where assessment involves, or may involve, diving, diving on, survey of or interference with a historic wreck or underwater archaeological object, then an underwater licence (as defined above) needs to be in place.

Underwater Licence: A licence granted under the National Monuments (Amendment) Act 1987 to permit diving on, survey of or interference with historic wrecks or underwater archaeological objects.

WIID: This is the Wreck Inventory of Ireland Database which lists up to 18,000 records of historic wrecks from around the coast of Ireland; all wrecks over 100 years old are afforded statutory protection under the National Monuments Acts 1987 to 2014. It is an essential source for an UAIA in regard to planning and development and can be accessed in paper format through the NMS's Archive Unit (by appointment) or via the NMS's Wreck Viewer.

Wreck Viewer: This is an online digital service by NMS which shows the known location of nearly 4,000 historic wrecks as well as facilitating access to the WIID, which contains many more entries on historic wreck with both known and unknown locations; the Wreck Viewer is searchable; See: <https://www.archaeology.ie/underwater-archaeology/wreck-viewer>.

**National Monuments Service,
Department of Housing, Local Government and Heritage,
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