

Appendix 5.5 Code of Practice between the Department of the Environment, Heritage and Local Government and EirGrid

Code of Practice



Code of Practice between the
Department of the Environment,
Heritage and Local Government and
EirGrid



Comhshaol, Oidhreachta 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 Code of Practice between my Department and EirGrid.

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.

As the Market operator in the wholesale electricity trading system and the independent electricity Transmission System Operator in Ireland, EirGrid is fully committed to the preservation of our archaeological heritage and this is reflected in the undertakings agreed by both parties in this document. This is particularly important at the present time, when a major construction programme is being undertaken to improve the system and ensure quality of supply for the country in the future.

I am convinced that caring for and managing our heritage can be considerably enhanced through Codes of Practice agreed between my Department and those organisations central to the development of our infrastructure. These Codes successfully formalise the partnerships that are required to manage ongoing development while affording our valuable archaeological heritage the care and protection it deserves.

I appreciate the commitment of EirGrid, 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

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Foreword from the Chief Executive of EirGrid

EirGrid is pleased to be associated with the Department of Environment, Heritage and Local Government's Code of Practice, which outlines the principles to be applied for the protection of Ireland's archaeological heritage developed in conjunction with the National Monuments Service.

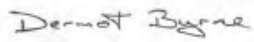
EirGrid is the independent electricity Transmission System Operator in Ireland and the Market Operator in the wholesale electricity trading system. EirGrid is responsible under Article 18 of Statutory Instrument No. 445 of 2000 for developing a safe, secure, reliable, economical and efficient transmission system, having due regard for the environment. It is also responsible for obtaining planning permission and acquiring wayleaves in respect of new high voltage transmission network (110/220/400kV) developments and ensuring that all reasonable demands for electricity are met.

The transmission system includes approximately 8,000 km of overhead lines and underground cables and over 100 transmission stations. High voltages are used to avoid power losses, which would otherwise occur when transferring power over long distances in a lower voltage system.

To ensure that the transmission system will meet international standards with respect to electricity supply, a major construction programme is underway to develop and reinforce the system. The programme encompasses the building of new transmission lines, cables and stations, line upratings and refurbishments and the installation of compensatory devices. The investment

programme provides for growth in the demand for electricity over recent years, and for predicted future growth, and integration of renewables onto the system.

This Code of Practice highlights that EirGrid is fully committed to ensuring that these developments are carried out in an environmentally sensitive manner, protecting our cultural heritage. EirGrid is looking forward to working with the National Monuments Service with respect to protecting our archaeology as agreed in this Code.



Demot Byrne
Chief Executive EirGrid



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Code of Practice agreed between EirGrid 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 EirGrid to progress with its programme of work within the framework of Government policy, 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. EirGrid has a responsibility to develop, maintain and operate a safe, secure, reliable, economical and efficient transmission system.
3. The development of such a network may have archaeological implications, which must be addressed given that the archaeological heritage is a non-renewable resource.
4. EirGrid will finance a balanced and cost effective approach to archaeological investigation, excavation and mitigation as an integral element of the transmission system development programme 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 transmission system design and safety implications, environmental and other impacts and costs.
6. The adoption of a partnership approach between EirGrid and the Minister in pursuit of the delivery of Government policy 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 the transmission system in a balanced and cost-effective manner consistent with
 - a. *Observing EirGrid'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 excavation and recording of archaeological sites, impacted upon by the transmission system development, that is acceptable to the Minister.*
11. EirGrid and the Minister will co-operate to ensure, as far as possible, that appropriate archaeological investigation is carried out during the period from route identification to the commencement of 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

EirGrid will:

1. Appoint, or ensure the appointment of the appropriate archaeological consultant for any transmission project that requires an Environmental Impact Statement.
2. Ensure that the consultant archaeologist liaises with the project design team. The consultant archaeologist will assesses the feasible route alternatives (or site alternatives in the case of transmission substations), advise in relation to the construction strategy and input into the development with regard to the management of archaeology.
3. Undertake investigation of the archaeological implications of the transmission system proposals at the initial planning stages with a view to informing route selection, ensuring that appropriate weight is given to archaeological implications in identifying the preferred route, and seek to minimise the impact on known archaeological sites or areas of established archaeological potential.



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4. Require that the process of identifying the potential impact of the transmission system proposals on archaeology will be dealt with by an experienced archaeologist.
5. Consult with the Minister throughout the design process.
6. Where it cannot reasonably be avoided, excavate and record all known monuments or archaeological sites or parts of such, that may be 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 which will be carried out during the EIS phase of a project or construction of EirGrid owned projects 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 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 consultant archaeologist an appropriate programme for archaeological mitigation and/or test trenching and a system for excavations, which will include recommended timescales.
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 consultant archaeologist.
7. Avail of the consultation procedure operated by EirGrid 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.

