



Northern Ireland
Assembly

Research and Information Service Research Paper

December 2011

Dr Dan Hull

Archaeological archives in Northern Ireland: Legislation, guidance and comparison with other jurisdictions

NIAR 621-11

This paper describes the current state of legislation, guidance and practice governing archaeological archives in Northern Ireland, and provides some comparisons with jurisdictions elsewhere in the UK and Ireland. It seeks to highlight some of the challenges presented by current arrangements, and highlights areas of good practice followed elsewhere.

Key Points

- Archaeological archives can be described as the artefacts and records which derive from archaeological excavation or survey work. A survey of museum collections in 2007 established that there are approximately 1.8 million objects held in Northern Ireland's 38 Accredited Museums, with around 307,777 of these (or 17%) being classed as 'archaeological' in nature.
- However, the majority of archaeological archives are produced by commercial archaeological companies in advance of development and construction work and the indications are that approximately 1.47 million archaeological objects are currently being held by commercial companies, outside the museum sector.
- A good practice guide published by the Institute for Archaeologists states that, 'contracting archaeological organisations are not recognised as suitable permanent repositories for archaeological project archives'.
- Current Northern Ireland legislation states that such finds should be reported to the Ulster Museum, the Northern Ireland Environment Agency (NIEA) or the 'officer in charge of a police station'. The current legal framework does not allow for the passing of archaeological archives produced through the planning process to local museums, except through a subsequent loan from a National Museum.
- Both the Ulster Museum and NIEA have indicated that they have not taken into their care any archaeological objects produced through commercial archaeological work as part of the planning process since the creation of planning policy PPS6 in 1999.
- Stakeholders have raised the issue that archives held in this way are not accessible to the public or to researchers, and may be vulnerable to theft, decomposition, or to the disposal of assets should such companies enter into receivership.
- Concerns regarding provision for archaeological archives are not unique to Northern Ireland. However, this research indicates that the problem of archaeological archives is particularly acute here, especially regarding the quantities of material not being accepted into recognised repositories. Furthermore, a number of actions have been taken elsewhere to seek to alleviate the problem.
- Guidance on archaeological archives states that a relevant museum with Accredited status should be offered an archive promptly. A 'selection and retention' policy should then be applied so that the archive can be rationalised through the disposal of non-significant objects according to guidelines pre-agreed by the sector.
- A museums policy for Northern Ireland was launched by DCAL in March 2011. Although this policy does not specifically address the issue of archaeological archives being held outside the museum sector, it does contain intentions to improve the standards of collections care in Northern Ireland, and to establish clear priorities for the development and protection of collections.

Executive Summary

Archaeological archives can be described as the artefacts and records which derive from archaeological excavation or survey work. Artefacts can include objects such as pottery, metalwork or glass; scientific samples; and animal bone or human remains.

Such archives are often held in Northern Ireland in a variety of local and national museums, but also by commercial archaeological companies. A survey of museum collections in 2007 established that there are approximately 1.8 million objects held in Northern Ireland's 38 Accredited Museums. Of these, 307,777 are categorised as being 'archaeological' in nature, with other categories including costume and textiles, social history and fine art.

However, the majority of archaeological archives are produced by commercial archaeological companies as part of the planning process in advance of development and construction work. Current legislation states that all archaeological finds should be reported to the Ulster Museum, the Northern Ireland Environment Agency (NIEA) or the 'officer in charge of a police station'. The current legal framework does not allow for the passing of archaeological archives produced through the planning process to local museums, except through a subsequent loan from a National Museum.

Both the Ulster Museum and NIEA have indicated that they have not taken into their care any archaeological objects produced through commercial archaeological excavation as part of the planning process since the creation of planning policy PPS6 in 1999.

The indications are that approximately 1.47 million archaeological objects are currently being held by commercial companies – outside the museum sector – and therefore not in a permanent archive institution. A good practice guide published by the Institute for Archaeologists states that, 'contracting archaeological organisations are not recognised as suitable permanent repositories for archaeological project archives'.

Stakeholders have raised the issue that archives held in this way are not accessible to the public or to researchers, and may be vulnerable to theft, decomposition, or to the disposal of assets should such companies enter into receivership. Good practice guidance produced by the Archaeological Archives Forum states that such archives should be deposited in properly Accredited institutions so that they are accessible, and in so doing help to enhance the public benefit of archaeological records and finds produced as part of the planning process.

Concerns regarding provision for archaeological archives are not unique to Northern Ireland. Unprecedented quantities of archaeological material and records have been created over the past two decades, partly as a result of enhanced provision for archaeology and the wider historic environment within the planning process, and partly also due to increased levels of construction work until the economic downturn in 2008.

Such increases in archaeological material have created challenges for traditional structures of legislation and museum provision across the UK and Ireland.

However, the comparative research carried out for this paper indicates that the problem of archaeological archives is particularly acute in Northern Ireland, especially regarding the quantities of material not being accepted into recognised repositories. Steps have been taken in Wales to address the challenges presented by a survey of archives in 2004. In Ireland and Scotland, while pressure on storage remains a key issue, the responsibilities of state institutions for the long-term curation of archaeological archives is somewhat clearer. In England, enhanced provision for the eventual public benefit of archaeological work has been made by recent changes to planning guidance.

This paper seeks to summarise some of the relevant areas of good practice. Guidance on archaeological archives states that a relevant museum with Accredited status should be offered each archive promptly once a report has been completed. In Ireland and Scotland, this will happen anyway as any archaeological object is automatically taken into state (or Crown) ownership. It is stated that a 'selection and retention' policy should then be applied so that the archive can be rationalised through the disposal of non-significant objects according to guidelines pre-agreed by the sector. Archives such as the Dublin City Archaeological Archive and the London Archaeological Archive and Research Centre are examples of facilities which house and conserve their collections and allow for public access for research purposes.

A museums policy for Northern Ireland was launched by DCAL in March 2011. Although this policy does not specifically address the issue of archaeological archives being held outside the museum sector, it does contain intentions to improve the standards of collections care in Northern Ireland, and to establish clear priorities for the development and protection of collections. It also seeks to 'encourage more partnerships between museums by way of increasing public access to objects and collections'.

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1 What is an archaeological archive?

Archaeological archives can be described as the artefacts and records which derive from archaeological excavation or survey work, including:¹

...the finds and digital records as well as the written, drawn and photographic documentation.

In more detail, archaeological archives can consist of the following:

Category	Type	Examples include:
MATERIAL	Human-made objects (artefacts)	Pottery
		Metalwork
		Worked bone
	Ecofacts (environmental material)	Pollen
		Animal bones
		Human remains
		Soil samples
	Samples	Timber samples
		Radiocarbon samples
DOCUMENTARY	Written	A written report
		Context recording sheets
		Lists of samples, photographs etc
	Drawn	Plans
		Section drawings
		Artefacts drawings
	Photographic	Print
		Slide
		Digital
Digital	Spatial files (eg maps or plots)	
	Databases	
	Geophysical data	

Table 1: Examples of the kinds of material and documentation which can make up an archaeological archive

A more detailed breakdown of a 'typical' archaeological archive is described in section 2.2, below.

It has been argued that the archives which derive from archaeological investigation are of special importance because excavation, which creates archaeological data, also destroys the primary *in situ* archaeological evidence². In

¹ Perrin, K. 2002: *Archaeological Archives: Documentation, access and deposition: a way forward*. English Heritage p3; cited in DH Brown 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: p3: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf

² Richards, JD. 2002. 'Digital Preservation and Access', *European Journal of Archaeology* 5(3), 343-367: <http://eprints.whiterose.ac.uk/6107>

other words, excavation is by definition destructive, so the only evidence remaining once it has been carried out is the documentary and digital record, and the objects which have been retrieved.

In terms of their role in society, best practice guidance has defined the following of archaeological archives:

...a resource that enables not only the reinterpretation of original findings but also provides the raw material for further research, informs museum displays and teaching collections and gives every member of our society access to the evidence for our shared past.

Furthermore, guidance in Ireland has described archaeological objects as 'a key part of the archaeological heritage and a resource for ongoing research'³.

2 The Situation in Northern Ireland

2.1 An overview of archaeological archives held in Northern Ireland

A survey of museum collections in Northern Ireland in 2007 established that there are approximately 1.8 million objects held in its 38 Accredited Museums⁴. This compares with 12 million objects and specimens in Scotland, and 5.2 million artefacts in Wales.

In Northern Ireland, the museums sector comprises National Museums Northern Ireland (with four 'sites')⁵, 19 local authority museums, and 15 independent museums. The non-national museums are provided with support and some funding by the Northern Ireland Museums Council, the stated mission of which is 'to support local museums in Northern Ireland in maintaining and improving their standards of collections care and services to the public'⁶.

The survey found that the majority of these 1.8 million objects are held by national museums (1,446,187), with local authority museums holding 175,928, and independent museums 173,200. A number of resource pressures were identified by this survey, including the following:

- 81% of museums have not fully documented their collections
- 42% of museums stated that at the current rate of acquisition, they would need to increase their storage immediately
- 76% of curators spend less than 10% of their time on research

³ Department of Arts, Heritage, Gaeltacht and the Islands. 1999. *Policy and Guidelines on Archaeological Excavation*: p7 <http://nia1.me/ky>

⁴ Northern Ireland Museums Council. 2007. *Survey of Museum Collections in Northern Ireland*: http://www.nimc.co.uk/crossfire/files/page_8/6_file.pdf

⁵ National Museums Northern Ireland website: <http://www.nmni.com/Home/About-Us>

⁶ Northern Ireland Museums Council. 'Aims and objectives: Mission statement': <http://www.nimc.co.uk> Accessed on 25.11.11.

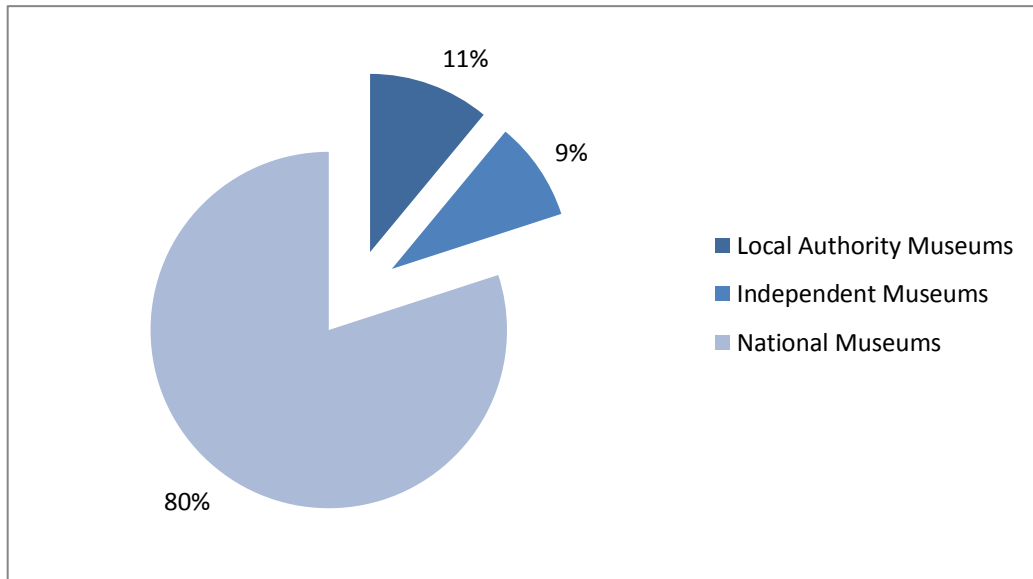


Figure 1: Collections held by type of museums in Northern Ireland

These collections can be made up of a wide variety of different object types. The following is a breakdown of these collections across 12 different categories:

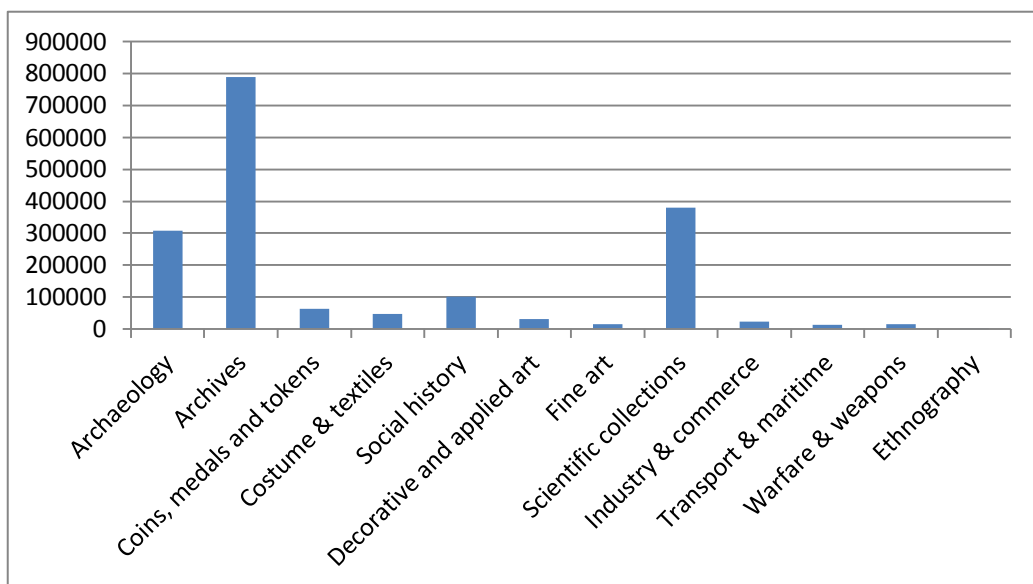


Figure 2: A breakdown of collection types in Northern Ireland's museums

Of the 1.8 million objects held in museum collections, 23% have been classified as being of international significance.

Archaeological collections make up around 17% of the total held by Accredited Museums, and are the third largest collection type. 90% of archaeological collections are held in two of the national museums⁷.

⁷ Northern Ireland Museums Council. 2007. *Survey of Museum Collections in Northern Ireland*: http://www.nimc.co.uk/crossfire/files/page_8/6_file.pdf p6.

The NIMC survey reported that collections management across Northern Ireland's museums had generally improved since 2005. However, in 2007 just 42% of museums describe their stores as well organised and sufficient for their current collection. While 92% of museum staff have a basic understanding of environmental factors which may damage the collections, only 45% have full monitoring programmes in place.

This survey only covered collections held *within* the museums sector, and not the quantity or condition of archaeological archives held outside that sector by, for example, commercial archaeological companies. As is described below, such archives represent a substantial amount of material and documentation.

2.2 Objects held by commercial archaeological companies

There do not appear to have been any audits carried out of the numbers of objects, or even the overall quantities of archives, currently being cared for by commercial archaeological companies outside the museum sector. Archaeological archives can vary substantially in terms of both scale and the kind of material they produce. A large-scale rural excavation in advance of a housing scheme will produce a different quantity and type of archive in comparison with a small excavation of a number of human burials, for example, or a 'watching brief' with relatively few archaeological deposits.

However, typical forms of archaeological archive for a number of different kinds of excavation have been estimated in Annexe 4⁸. Amalgamating these into a single 'typical' archive is problematic, not least because most excavation projects do not necessarily produce objects or records of every possible type – in part because human activity in the past (and its record surviving into the present) is inherently varied. Furthermore, a rural excavation of a 'shallow' nature over a large area will differ from a relatively deep urban excavation over a smaller area. Nonetheless, an attempt could be made to estimate aspects of such an archive as follows (overleaf):

⁸ These estimates have been provided by Archaeological Development Services Ltd.

Archive element	Typical quantity
Context recording sheet	4557
Skeleton recording sheet	6
Plans	587
Section drawing	1455
Photographs (print, slide and digital)	1836
Soil samples	900
Cremation	24
Human skeletons	5
Animal bone (bags)	9 bags
Pottery	687
Clay building material (brick and tile)	2
Metal	41
Metal slag	7 bags
Leather	1
Wooden	36
Glass	23
Stone	17
Lithics (stone tools)	532
Shell (bag)	1
Total number of finds	1447

Table 2: Estimate of a 'typical' excavation archive⁹

In addition to this physical and paper archive, there would also usually be a digital archive. Good practice guidance states that this would also require specialist curation if it is to survive as a long-term record.

If such a 'typical' commercially produced archive is multiplied by the numbers of licenced excavations carried out since 1999 as part of the planning process, then an approximate figure for the total number of 'finds' (objects) currently being stored by commercial archaeological companies is 1.47 million¹⁰. By comparison, the Northern Ireland Museums Council survey found that 307,777 archaeological objects are currently held by all of Northern Ireland's 38 museums.

It could be suggested therefore that there are more than five times the number of archaeological objects currently being stored by commercial archaeological companies than exist in Accredited Museums in Northern Ireland. Furthermore, of the companies which are, or have been, active in Northern Ireland, some have worked across multiple jurisdictions and may store the archives for which they have temporary responsibility in premises outside Northern Ireland.

⁹ Quantities denote the numbers of objects, unless otherwise stated.

¹⁰ This figure assumes that around 10% of licenced excavations may produce little or no physical objects, although a documentary and digital archive may still be required to be produced.

2.3 Legislation and guidance covering archaeology in Northern Ireland

Legislation and guidance concerning archaeology is provided for in various documents in Northern Ireland, including acts dealing specifically with protected archaeological monuments and objects, but also guidance relating to the treatment of archaeology as an integral element of the planning system.

Firstly, the legislation which deals explicitly with the protection of known archaeological sites and objects is as follows:

Legislation	Brief description
Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995	Provides for the protection of scheduled monuments, covers the Department of the Environment's responsibilities for guardianship of historic monuments, specifies restrictions on searching for archaeological objects, and notes procedures if an object is found.
Museums and Galleries Order (Northern Ireland) 1998	Establishes that the functions of the national museums are to care for, preserve and add to the objects in its collections; secure that the objects are exhibited to the public and assist the public by interpreting the significance of the objects; secure that the objects are available to persons seeking to inspect them in connection with study or research; and generally promote the awareness, appreciation and understanding by the public of— (i) art, history and science; (ii) the culture and way of life of people; and (iii) the migration and settlement of people.
Treasure Act 1996	This act superseded treasure trove arrangements and stipulates that any artefact found which is over 300 years old and contain gold or silver should be declared to the Ulster Museum, the NI Environment Agency or the or the 'officer in charge of a police station' within 14 days, after which an inquest must be held. This also applies to any two (or more) base-metal objects which are prehistoric in date.

Table 3: Summary of relevant legislation affecting archaeological heritage

These items of heritage legislation in Northern Ireland are designed to protect *known* archaeological sites and historic buildings, and to provide for the serendipitous finding of artefacts by members of the public.

However, the majority of archaeological archives in Northern Ireland are produced as a result of the planning process through developer-funded excavation in advance of construction work. In order for any archaeological excavation to take place in Northern Ireland, an excavation licence must be obtained from the Northern Ireland Environment Agency¹¹.

¹¹ Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995: Section 41: <http://nia1.me/kn>

The number of excavation licences illustrates (a) the growth in developer-funded archaeological excavation since the inception of the current licence system in 1999, and (b) the numbers of planning process excavations in comparison to purely research excavations (see overleaf):

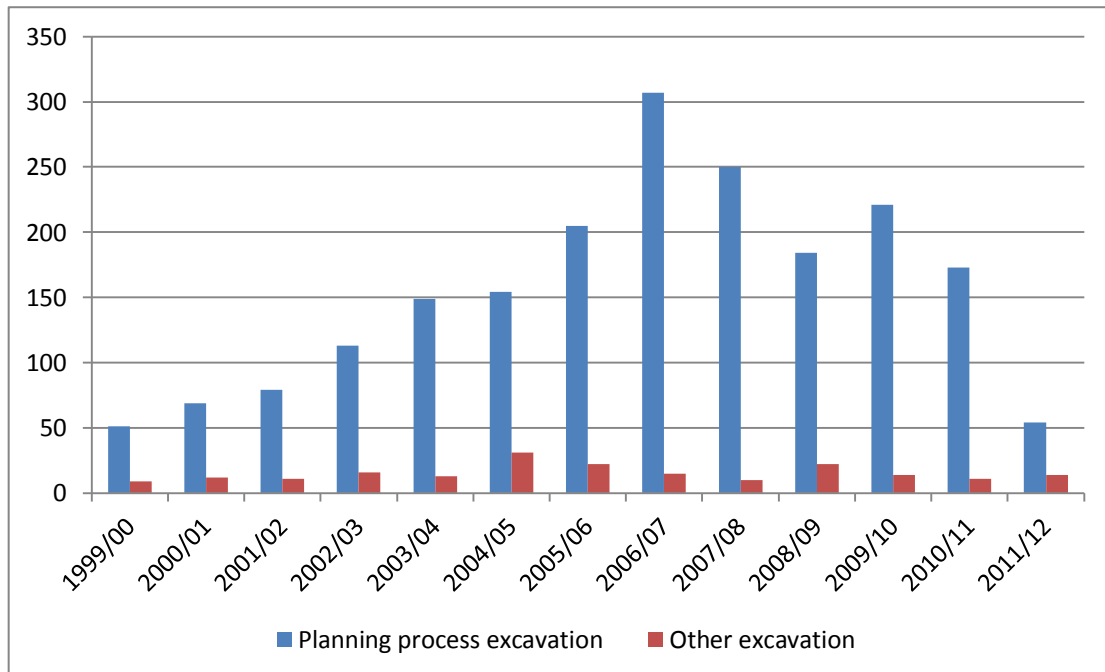


Figure 3: Excavation licences issued in Northern Ireland

Planning legislation is provided through a number of different acts, but primarily through the Planning (Northern Ireland) Order 1991. The Planning Policy Statement which covers archaeology is *PPS6: Planning, Archaeology and the Built Heritage*. This states that¹²:

Policy BH4: Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

Furthermore, PPS6 refers to the recording of excavation results as a part of the mitigation process before development can proceed:

3.14. In some circumstances it will be possible to permit development proposals which affect archaeological remains to proceed provided appropriate archaeological mitigation measures are in place which preserve

¹² The Planning Service. 1999. *PPS6: Planning, Archaeology and the Built Heritage*. Department of the Environment: <http://nia1.me/m0>

the remains in the final development or ensure excavation recording prior to destruction.

PPS6 does not provide any statement on the correct treatment of an archaeological archive once the excavation has been completed.

Instead, legislative provision for the treatment of archaeological objects is made in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. This states in Part III, Article 42 that:

42.—(1) Any person who finds an archaeological object (in this Article referred to as “the finder”) shall, within 14 days of finding the object—

(a) report to a relevant authority—

(i) the circumstances of the finding;

(ii) the nature of the object found; and

(iii) the name (if known) of the owner or occupier of the land on which the object was found; and

(b) subject to paragraph (2), deposit the object found with the relevant authority.

This article is listed in full in Annexe 1.

The conditions which apply to the granting of an archaeological licence do not include provision for an archaeological archive resulting from an excavation. Although provision is made for the submission of a short written report within four weeks of the excavation (and a full report within six months), the way in which the physical objects should be treated is not specified, with the exception of the condition that¹³:

The Licensee shall report the finding of any archaeological object in accordance with Section 42 of the above-mentioned Order (the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995) and shall in all other respects comply with the said Section 42.

2.4 Transfer of title arrangements

In Northern Ireland, landowners retain all rights of ownership to archaeological materials found on their land, with the exception of items classified as Treasure.

In order to deal with the issue of transferring ownership to a suitable museum, all archaeological licensees are issued with a ‘transfer of title’ form by the Northern Ireland Environment Agency. For the licence holder, it states on the licence application form that ‘it is expected that you will have secured the agreement of the owner to transfer ownership of all excavated material to the care of a recognised curatorial institution

¹³ Department of the Environment. *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995*: ‘Licence to excavate for archaeological purposes’. Supplied by DoE on 2.11.11.

before excavation begins (and his/her signature to that effect)¹⁴. The form seeks to transfer the title of excavated material to the Department of the Environment on the understanding that it would be offered to the Ulster Museum¹⁵. However, as is stated below, the Ulster Museum has taken no objects offered to it as a result of excavations licensed by NIEA.

2.5 Objects accepted for archiving by the Ulster Museum and NIEA

Information provided by the Department of Culture, Arts and Leisure indicates that National Museums Northern Ireland currently holds reports of 1353 finds submitted under the provisions of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. Most of these reports relate to single objects, usually found accidentally¹⁶. It holds 100 items which were purchased from the legal owners, but the rest of the finds were returned after inspection and assessment. DCAL has stated that:

None of the 1353 reports of finds is as a result of excavations licensed by NIEA...

Furthermore, information provided by the Northern Ireland Environment Agency indicates that the Department of the Environment does not in general view archaeological archives produced through the planning process to be its responsibility¹⁷:

NIEA has no policy or provision to receive full excavation archives, other than those produced through excavations undertaken or funded by NIEA.

It could be argued that neither DCAL nor DoE have a clear responsibility for archaeological finds made as a result of the planning process, and that such archives at present remain with the commercial archaeological contractors which carried out the work. However, a good practice guide published by the Institute for Archaeologists states that¹⁸:

...contracting archaeological organisations are not recognised as suitable permanent repositories for archaeological project archives.

Contracting archaeological companies usually do not qualify as an Accredited Museum, and so do not have to conform to the same standards of care specified for long-term curation institutions. Further information on good practice in the treatment of archaeological archives is provided in section four, below.

¹⁴ Department of the Environment. 'Application for a licence to excavate for archaeological purposes': <http://nia1.me/oj>

¹⁵ Brown, DH. 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: p28: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf

¹⁶ Department of Culture, Arts and Leisure. Correspondence following an information request by the NI Assembly Research and Information Service, 4.11.11: Ref: GM/1251/2011.

¹⁷ Department of the Environment. Correspondence following an information request by the NI Assembly Research and Information Service, 2.11.11: Ref: AR/4/11.

¹⁸ Brown, DH. 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: p1: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf

2.6 Archiving of excavation reports

The conditions attached to the granting of an archaeological excavation licence state that a summary report of the excavation must be submitted to NIEA within one month of the completion of the work, and a full report within six months. A copy of each of these reports is made available for public access in the Northern Ireland Monuments and Buildings Record (MBR), hosted by NIEA. *PPS6: Planning, Archaeology and the Built Heritage* states that MBR performs the following role¹⁹:

2.1. The Northern Ireland Monuments and Buildings Record (NIMBR) makes available to the public information on sites of archaeological interest contained in the Northern Ireland Sites and Monuments Record (NISMR), as well as information on listed and other historic buildings and structures, industrial heritage features and historic parks, gardens and demesnes.

Figures provided by the Department of the Environment indicate that for at least 182 licenced excavations, no written report has been provided to NIEA²⁰.

2.7 The Northern Ireland Museums Policy and its relationship with archives

A museums policy for Northern Ireland was launched by DCAL on 9 March 2011²¹. The policy does not specifically address the issue of archaeological objects and documentation which are not currently being held in a permanent archive.

However, more general provision is made for improving the standards of collections care, and strengthening links across the sector:

- CD1: To improve the standards of collections care and management within Northern Ireland's museums.
- CD2: To establish clear priorities amongst museums, both individually and collectively, for the development and protection of their collections.
- CD3: To develop the knowledge base on the objects and collections held in Northern Ireland's museums.
- CD5: To encourage more partnerships between museums by way of increasing public access to objects and collections.
- IIR1: To strengthen governance, management and leadership across the museums sector.

¹⁹ The Planning Service. 1999. *PPS6: Planning, Archaeology and the Built Heritage*. Department of the Environment: <http://nia1.me/m0>

²⁰ Department of the Environment. Correspondence following an information request by the NI Assembly Research and Information Service, 2.11.11: Ref: AR/4/11.

²¹ Department of Culture, Arts and Leisure. 24.7.10. 'Museums policy for Northern Ireland: Consultation document': http://www.dcalni.gov.uk/pdf_version_of_final_museums_policy.pdf

3 Other jurisdictions

Issues associated with the long-term curation of archaeological archives, particularly those deriving from the planning process, are not unique to Northern Ireland. Unprecedented quantities of archaeological material and records have been created over the past two decades, partly as a result of enhanced provision within the planning system for archaeology and the wider historic environment, and partly also due to increased levels of development activity and construction work until the economic downturn in 2008. Such increases in archaeological material have created challenges for traditional structures of legislation and museum provision across the UK and Ireland. The Archaeological Archives Forum stated in 2009 that²²:

Current long-term storage facilities are becoming increasingly scarce or pressurised.

The following sections describe the relevant legislation and guidance documentation affecting the UK and Ireland, including a summary of some of the specific challenges and recommendations made in relation to archaeological archives.

3.1 Council of Europe

The Council of Europe Convention on the Protection of the Archaeological Heritage 1992 (the Valetta Convention) was ratified by the UK in 2000 and came into force in 2001. The Convention established the principle that each ratifying state should make provision for the preservation of archaeological remains during development work, or the preservation by record of such remains through the process of excavation, recording, archive and publication.

With specific regard to the creation of archaeological archives, the Convention states that:

- *Article 4: Each Party undertakes to implement measures for the physical protection of the archaeological heritage, making provision, as circumstances demand:*
 - i. for the acquisition or protection by other appropriate means by the authorities of areas intended to constitute archaeological reserves;*
 - ii. for the conservation and maintenance of the archaeological heritage, preferably in situ;*
 - iii. for appropriate storage places for archaeological remains which have been removed from their original location.***
- *Article 5(vi): to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings;*
- *Article 7: For the purpose of facilitating the study of, and dissemination of knowledge about, archaeological discoveries, each Party undertakes:*

²² Archaeological Archives Forum: A Policy Statement on the case for the development of Archaeological Resource Centres within England: http://www.britarch.ac.uk/archives/aaf_arc_policy_statement_2010.pdf

- i. to make or bring up to date surveys, inventories and maps of archaeological sites in the areas within its jurisdiction;*
- ii. to take all practical measures to ensure the drafting, following archaeological operations, of a publishable scientific summary record before the necessary comprehensive publication of specialised studies.*

3.2 Ireland

In Ireland, the Local Government (Planning and Development) Act 2000 states that when an application is made to a planning authority ‘in which the development...would remove or alter any protected structure or any element of a protected structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest’, it may be required that the following is carried out²³:

(i) the preservation by a written and visual record (either measured architectural drawings or colour photographs and/or audio-visual aids as considered appropriate) of that structure or element before the development authorised by the permission takes place’.

In addition, each of the eight Regional Development Authorities in Ireland issue Regional Planning Guidelines²⁴ which often contain strategic recommendations²⁵ on built heritage.

Two key good practice guides were issued by the Irish government in 1999: *Policy and Guidelines on Archaeological Investigation*²⁶, and *Framework and Principles for the Protection of the Archaeological Heritage*.²⁷ These documents state that archaeological heritage is a non-renewable resource, and that whenever it may be affected by development the approach to be followed must be either preservation *in situ* or preservation by record (ie archaeological excavation and recording)²⁸.

With regard to the care and storage of archaeological objects, the *Policy and Guidelines* emphasises the importance of ‘the conservation of excavated archaeological objects and their curation prior to being taken into State care’.

Further to this, the *Framework and Principles* document draws together existing legislation on this issue, including the following:

²³ Local Government (Planning and Development) Act 2000: Part III, Section 34: <http://nia1.me/k8>

²⁴ Department of Environment, Heritage and Local Government. 2010. *Implementation of Regional Planning Guidelines: Best Practice Guidance*: <http://nia1.me/kr>

²⁵ *Regional Planning Guidelines for the Greater Dublin Area 2010–2022*: pp142–145: <http://nia1.me/ks>

²⁶ Department of Arts, Heritage, Gaeltacht and the Islands. 1999. *Policy and Guidelines on Archaeological Excavation*: <http://nia1.me/ky>

²⁷ Department of Arts, Heritage, Gaeltacht and the Islands. 1999. *Framework and Principles for the Protection of the Archaeological Heritage*: <http://nia1.me/ku>

²⁸ Anon. 2000. ‘Irish archaeological heritage’. *The European Archaeologist*. 13: pp4–5: <http://www.e-a-a.org/tea13.pdf>

- Section 2(1) of the 1994 Act²⁹ states that any archaeological object belongs to the state.
- The finder of an object must report the find to the National Museum of Ireland (NMI) within 96 hours.
- It is recognised that holders of an archaeological licence do not have the same duty to report the finds within 96 hours as they may have to retain the objects for longer in order to study them.
- Section 9 of the 1994 Act provides that when an object is reported, the NMI will take ownership of it.

In addition to this framework, it is established in the National Cultural Institutions Act 2007 that if a find is reported, the Director of the National Museum of Ireland (NMI) is obliged to either (a) dispose of the object if it is deemed to be of insufficient archaeological interest, or (b) to take ownership of it. Once an object has been taken into state ownership, either the NMI, or another 'designated museum', is responsible for it and cannot dispose of it.

One such example of an alternative institution to the National Museum is the Dublin City Archaeological Archive (DCAA), which is a dedicated archaeological archive intended to 'preserve records arising from archaeological investigations conducted in Dublin City by archaeologists working in the private sector'³⁰. DCAA has produced a set of guidelines covering essential elements of the donation process, and instructing potential depositors on the preparation of records for submission to the archive.

3.3 England

The over-arching planning legislation which is of relevance to England and Wales here is Section 106 of the Town and Country Planning Act 1990, which provides for statutory powers dealing with planning obligations and conditions. The nature of those conditions and the way in which they should be treated by planning authorities and developers is specified in planning guidance documentation.

In England, a new planning policy statement (PPS5) was developed and issued in 2010, covering *Planning for the Historic Environment – Impact Assessment*³¹.

This statement is supported by a *Historic Environment Planning Practice Guide*³². Together these documents state the following in relation to archaeological archives:

²⁹ National Monuments (Amendment) Act 1994: <http://nia1.me/r5>

³⁰ Dublin City Archaeological Archive: <http://nia1.me/m3> Accessed 6.12.11.

³¹ Department for Communities and Local Government. 2010. *Planning Policy Statement 5: Planning for the Historic Environment – Impact Assessment*. <http://nia1.me/kw>

³² Department for Communities and Local Government. 2010. *Historic Environment Planning Practice Guide*: <http://nia1.me/kx>

Recording and furthering understanding

130. Where development will lead to loss of a material part of the significance of a heritage asset, policy HE12.3 requires local planning authorities to ensure that developers take advantage of the opportunity to advance our understanding of the past before the asset or the relevant part is irretrievably lost. As this is the only opportunity to do this it is important that:

1. Any investigation, including recording and sampling, is carried out to professional standards and to an appropriate level of detail proportionate to the asset's likely significance, by an organisation or individual with appropriate expertise.
2. The resultant records, artefacts and samples are analysed and where necessary conserved.
3. The understanding gained is made publicly available.
4. An archive is created, and deposited for future research.

Since the creation of this PPS and associated practice guide, the heritage sector in England has itself created recommendations on how the public benefits of development-led investigation of archaeology can be realised, including a number of specific points relating to archives³³.

However, it has been asserted that the facilities for long-term storage of archaeological archives in England are 'increasingly scarce or pressured'³⁴. The Archaeological Archives Forum has published a policy statement, setting out a case for the development of a network of archaeological resource centres throughout England³⁵. One archive which may act as a model is the recently created London Archaeological Archive and Research Centre, which holds finds and records from almost all archaeological sites throughout London³⁶.

3.4 Wales

In Wales, the treatment of archaeological remains encountered during the planning process is covered by the document *Planning Policy Wales*, and in the Welsh Office Circular 60/96: *Planning and the Historic Environment: Archaeology (Wales)*. In a similar fashion to other jurisdictions in the UK, these documents specify that where possible, archaeological deposits should be left undisturbed, but where this is not possible the principle of preservation by record should be followed. *Planning and the Historic Environment: Archaeology (Wales)* encourages developers, or their archaeological consultants, to conclude a voluntary planning agreement providing for

³³ The Southport Group. 2011. *Realising the Benefits of Planning-led Investigation in the Historic Environment: A Framework for Delivery*: <http://www.archaeologists.net/southport>

³⁴ Archaeological Archives Forum: A Policy Statement on the case for the development of Archaeological Resource Centres within England: http://www.britarch.ac.uk/archives/aaf_arc_policy_statement_2010.pdf

³⁵ *Ibid.*

³⁶ London Archaeological Archive and Research Centre: <http://www.museumoflondonarchaeology.org.uk/Research/LAARC.htm> Accessed 6.12.11.

the excavation and recording of a site, the publication of results and the deposition of records in a designated public archive.

In 2004, a report was published on Welsh archaeological archives, finding significant issues facing such collections in Wales³⁷. The report made a set recommendations, including the creation of a shared set of archaeological resource centres to relieve pressure on museums, and establishing a national panel for archaeology to form a 'unified approach for archaeological archives'. The implementation of these recommendations was over-seen by a Historic Environment Group (HEG) tasked with identifying practical ways to deal with the situation. The work of the HEG was largely completed by 2007³⁸, and an online database of all archaeological objects in state care in Wales was launched in 2010³⁹.

3.5 Scotland

Legislation and guidance relating to the treatment of archaeology in the planning system in Scotland is covered by *Scottish Planning Policy* (SPP), and more specifically *National Planning Policy Guideline 5* (NPPG 5) and *Planning Advice Note* (PAN) 2/2011: *Planning and Archaeology* which replaced PAN 42 in July 2011.

In Scotland, all archaeological artefacts may be claimed as the property of the Crown. All such finds must be reported to the Scottish Archaeological Finds Allocation Panel which has responsibility for determining which archive repository will have responsibility for, and assume ownership of, the material archive⁴⁰.

³⁷ Henderson, J, & Parkes, P. 2004. *What's in Store? Towards a Welsh strategy for the management of, and access to, the archaeological evidence of our past*. Council of Museums in Wales: p8.

³⁸ Walker, E. 2007. 'What's in Store? Improving the management of and access to archaeological archives in Wales', *Abstracts from the Historic Environment Records Forum Winter Meeting*, 11.12.07. Amgueddfa Genedlaethol, Caerdydd – National Museum, Cardiff: <http://nia1.me/lu>

³⁹ Archwilio news release. 1.7.10. 'Alun Ffred Jones AM, Minister for Heritage, launches Archwilio at the Treftadaeth Conference on the 1st July at Swansea'. <http://nia1.me/lz>

⁴⁰ Scottish Government. 9.11.11. 'Scottish finds panel': <http://www.scotland.gov.uk/News/Releases/2011/11/09103221>

4 Good practice models

A number of industry standards have been created by the relevant professional institutes, by national heritage agencies, or in some cases by government departments.⁴¹ In addition, a Northern Ireland-specific good practice guide to archaeological excavation was published by the Environment and Heritage Service (now NIEA) in 2004⁴².

The following is a summary of some of the relevant good practice recommendations and stipulations relating to archaeological archives.

4.1 When should an archive be deposited?

Good practice documentation does not state categorically a minimum time period within which an archaeological archive should be deposited in a permanent repository. This may in part be because of the varied nature of archaeological projects, and the very different material, documentary and digital archives which they can produce. Legislation in each of the jurisdictions often specifies a maximum period of time, though this often relates to accidental finds of objects made by members of the public, rather than professional contractors engaged in a project in advance of construction or development work. In Northern Ireland, the time period specified in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 is 14 days.

In terms of archives produced by archaeological contractors or researchers, *Archaeological Archives: A guide to best practice* states that in general 'it is good practice to prepare and deposit an archive efficiently, with the aim of quickly making it available to the widest audience⁴³. Furthermore, the guide states that⁴⁴:

A project has not been completed until the archive has been transferred successfully and is fully accessible for consultation. It is in the interests of all parties to facilitate the transfer of completed archives to recognised repositories as quickly as possible.

⁴¹ A key document here is Brown, DH. 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf; also of relevance are the following: Institute for Archaeologists. 2009. Standard and Guidance for the creation, compilation, transfer and deposition of archaeological archives: <http://nia1.me/m2>; Niven, K. (ed) *Guides to Good Practice*. Archaeology Data Service & Digital Service: <http://guides.archaeologydataservice.ac.uk> Accessed 5.12.11; Department of Arts, Heritage, Gaeltacht and the Islands. 1999. *Policy and Guidelines on Archaeological Excavation*: <http://nia1.me/kv>; Brown, DH. 2011. *Safeguarding Archaeological Information: Procedures for minimising risk to undeposited archaeological archives*. English Heritage: <http://nia1.me/ly>

⁴² Anon. 2004. *Excavation Standards Manual*. 2nd Edition, EHS: Built Heritage.

⁴³ Brown, DH. 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: p1: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf

⁴⁴ *Ibid*: p3.

4.2 Where should it be deposited and who is responsible?

Good practice guidance is not specific on this issue, probably because of the degree of variation in museum, and legislative, provision across different jurisdictions. This variation in provision can be described briefly as follows:

Northern Ireland	In Northern Ireland, landowners retain all rights of ownership to archaeological materials found on their land, with the exception of items classified as Treasure. The Northern Ireland Environment Agency (NIEA) issues a 'transfer of title' form to licensees, and they have a responsibility to secure the signature of the landowner. The form seeks to transfer title to excavated material to the Department of the Environment on the understanding that it would be offered to the Ulster Museum. It is stated in good practice guidance that all documentary and digital archives resulting from licensed excavations in Northern Ireland should be deposited with NIEA.
Ireland	Any archaeological object belongs to the state. The National Museum of Ireland (NMI) or another designated museum may take ownership of it. The finder of an object must report a find to NMI within 96 hours (though licence holders are exempt from this deadline). In the Greater Dublin Area, the Dublin City Archaeological Archive accepts both the documentary archive and the objects.
Scotland	All archaeological objects are the property of the Crown and must be reported to the Scottish Archaeological Finds Allocation Panel which has responsibility for determining which archive repository will have responsibility. All documentary and digital archives resulting from projects funded by Historic Scotland are submitted to the Royal Commission on Ancient and Historical Monuments of Scotland (RCAHMS). Deposition in RCAHMS of documentary or digital archives from projects funded by developers or others is actively encouraged.
England	In England and Wales, landowners retain all rights of ownership to archaeological materials found on their land, with the exception of items classified as Treasure. Landowners are encouraged to transfer title to an appropriate archive repository – usually an Accredited, local authority museum. Planning authorities may specify that a suitable repository is identified prior to the project commencing. Documentary and digital archives may be accepted by the identified museum along with the objects, though expertise in archiving the digital archives varies. Some documentary and digital archives may also be accepted by the National Monuments Record and the Archaeology Data Service.
Wales	The archaeological archive is normally offered to a local museum, and local record offices may take the paper (documentary) archive. National Museums Wales will take archives where there is no local museum, and will also take the whole archive where it is deemed to be of national significance. The Royal Commission on the Ancient and Historical Monuments of Wales usually accepts digital records. There are also four Welsh Archaeological Trusts, and the relevant trust will usually receive a copy of the report of the work.

Table 4: A summary of the location of archaeological deposition across the UK and Ireland, as defined in legislation or practice guidance.

The Archaeological Archives guide recommends that 'the Curator makes available local standards for the submission of an archaeological archive'⁴⁵.

The Accreditation Standard, to which all museums in the UK must adhere in order to qualify for 'accredited' status, states specifically of 'national' museums (including the Ulster Museum, for example):

⁴⁵ *Ibid.* p7.

Standard 4.8: The policy and practice of the museum must be to collect a range of objects of national scope and importance and associated information in its particular fields.

4.3 Selection and retention policies

A key issue highlighted by both archaeologists and curators is the quantity of material they must retain, and the pressure which this quantity exerts on the space available for long-term storage.

In *Archaeological Archives: A guide to best practice*, it is stated that⁴⁶:

It is recognised that not all material collected or produced during an archaeological project will be worthy of preservation in perpetuity...The entire project archive should therefore be subject to a selection procedure to determine which elements are to be retained from the documentary (including digital) and material archives.

Indeed, a step-by-step guide to the development and implementation of a selection and retention procedure, and the agencies which should be involved at each stage, has been created⁴⁷.

In Northern Ireland, the Museums and Galleries (Northern Ireland) Order 1998 states in Part II Article 5 that the Board of Trustees of the National Museums 'shall not dispose of any object the property in which is vested in it and which is comprised in its collections' except in a very limited and specific number of circumstances⁴⁸.

In Ireland, the relevant museums legislation appears to be more open to the possibility of a considered disposal policy. The Irish National Cultural Institutions Act 2007 states that 'where...an archaeological object becomes the property of the State, the Director may, at his or her discretion, if he or she is of the opinion that the object is not of sufficient archaeological or historical interest to justify its retention by the State, dispose of the object by whatever means he or she thinks fit'⁴⁹.

The Accreditation Standard, to which all museums in the UK must adhere in order to qualify for 'accredited' status, states that an Accredited Museum must have:

An Acquisition and Disposal Policy, approved by the governing body or under delegated powers.

National Museums Northern Ireland (NMNI) has an *Acquisition and Disposal Policy* which states that⁵⁰:

National Museums Northern Ireland recognises that a fully implemented disposal policy will contribute to the management of the collections and that

⁴⁶ Brown, DH. 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: p23: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf

⁴⁷ *Ibid.* pp24–25.

⁴⁸ Museums and Galleries (Northern Ireland) Order 1998: Part II Article 5: <http://www.legislation.gov.uk/nisi/1998/261/article/5>

⁴⁹ Section 68, paragraph 2(a): <http://nia1.me/kt>

⁵⁰ National Museums Northern Ireland: *Acquisition and Disposal Policy*. May 2009: <http://nia1.me/mb>

the need for disposal is best obviated by rigorous application of its policies on acquisition and conservation.

NMNI also states within the policy that it will ‘take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements’.

4.4 Curation: long-term care of the archives

The Museums Association *Code of Ethics* outlines in general terms a duty for museums to ‘protect all items from loss, damage and physical deterioration, wherever they are’.

The *Accreditation Standard*, states that actions must be taken to minimise the risk of damage to and deterioration of the collection.

4.5.1 In order that museums may ensure provision of the greatest possible level of access to their collections, both now and in the future, it is crucial that the collections are cared for properly. Care of collections underpins access and learning, and maintaining sustainable care arrangements for collections is therefore critical to these activities.

More specifically on the issue of archives deriving from archaeological projects, *Archaeological Archives: A guide to best practice* specifies that ‘the Curator ensures correct standards of storage and care and makes the archive available for use’. More specifically, the guide states that:

Every archaeological project must...aim to produce a stable, ordered and accessible archive that can be assimilated easily into the collections of recognised repositories. Any repository that accepts an archaeological archive must be recognised as suitable for providing both long-term care and public access. Examples of these include accredited museums, local record offices and national monument archives. HERs and contracting archaeological organisations are not recognised as suitable permanent repositories for archaeological project archives.

There are a number of issues of concern relating to the long-term curation of archives. The Institute of Conservation highlights some of these as being about ‘minimising long-term risk by understanding and controlling the way objects are stored, transported and displayed to ensure collections have the best chance of survival into the future’.

More specifically, some of these issues could be described as follows:

- **Stability of the material:** environmental factors which may adversely affect the long-term durability of archives include temperature, humidity, pests, and adverse light. There are national and international standards for the

management of various archive elements (such as documents and digital files)⁵¹.

- **Security of the archive:** The monetary value – or perceived monetary value – of objects within the archive can attract the possibility of theft. The NIMC survey of museums in 2007 found that 100% have basic security measures in place, though there have been a number of reports of theft from museums across the UK and Ireland in recent months⁵².
- **Integrity of the archive:** good practice states that the archive must ‘make sense’ to those using it, and a range of guidance exists setting out standards for the documentation which both makes up, and explains the contents of, the archive. For example, a summary report should be included, containers must be clearly labelled, and digital archives should have trusted digital repository status. The NIMC collections survey found that 97% of museums in Northern Ireland have a basic understanding of the recognised industry standard for documentation, ‘SPECTRUM’. A *Code of Practice on Archives for Museums and Galleries in the United Kingdom* also states that archives should not be divided up into separate elements held in different institutions, noting that ‘care must always be taken to preserve the integrity of the archive’⁵³.
- **Accessibility:** of particular concern in this area is the ease of access by researchers and members of the public wishing to study archaeological archives. Access arrangements may rely on factors such as the form of building being used, proper labelling and a clear structure to the archive, the containers used, and the format of digital media and files. The guidance document *Archaeological Archives* states that ‘a project has not been completed until the archive has been transferred successfully and is fully accessible for consultation’⁵⁴.
- **Costs of archiving:** the costs of providing a long-term archive curation service is difficult to quantify given the variable nature of the material. However, in a survey of Welsh archives in 2004, it was estimated that, across a number of institutions, the average cost of storing archaeological archives in Wales was £116 per metre length of shelving per year⁵⁵. This figure was used to produce

⁵¹ For example, BS5454:2000. *Recommendations for the Storage and Exhibition of Archival Documents*; Longworth, C and Wood, B. 2000. *Standards in Action Book 3: Working with Archaeology*. Museum Documentation Association; Museums and Galleries Commission. 1992. *Standards in the Museum Care of Archaeology Collections*; Stiff, M & McKenna, G. 2000. *Standards in Action Book 2: SPECTRUM IT Guide*.

⁵² ‘Spate of rhino horn thefts from museums continues’, 1.9.11. *Museums Journal*. Issue 111/09, 13; ‘Police still seek item stolen from Barbican in May’, 1.10.11. *Museums Journal*. Issue 111/10, 7.

⁵³ Standing Conference on Archives and Museums. 2002. *A Code of Practice on Archives for Museums and Galleries in the United Kingdom*. Third Edition: p2: <http://www.archivesandmuseums.org.uk/scam/code.pdf>

⁵⁴ Brown, DH. 2011. *Archaeological Archives: A guide to best practice in creation, compilation, transfer and curation*. Institute for Archaeologists: p3: http://www.britarch.ac.uk/archives/Archives_Best_Practice.pdf

⁵⁵ Henderson, J & Parkes, P. 2004. *What’s in Store?: Towards a Welsh Strategy for the Management of, and Access to, Archaeological Collections*. CMW Cardiff.

an estimate of £60,000 as the ‘minimum annual cost of caring for material waiting to be transferred to non-national museums’⁵⁶

⁵⁶ Henderson, J, & Parkes, P. 2004. *What's in Store? Towards a Welsh strategy for the management of, and access to, the archaeological evidence of our past*. Council of Museums in Wales: p6.

Annexe 1: Part III, Article 42 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

Reporting of archaeological objects found

42.—(1) Any person who finds an archaeological object (in this Article referred to as “the finder”) shall, within 14 days of finding the object—

(a) report to a relevant authority—

(i) the circumstances of the finding;

(ii) the nature of the object found; and

(iii) the name (if known) of the owner or occupier of the land on which the object was found; and

(b) subject to paragraph (2), deposit the object found with the relevant authority.

(2) Where the archaeological object found is not readily portable, the finder shall so specify in his report under paragraph (1), and shall state where any person authorised in that behalf by the Director or the Department may inspect the object.

(3) A police officer to whom a report is made under paragraph (1) shall forthwith—

(a) send details of that report to the Director; and

(b) where any archaeological object was deposited with the report, send that object to the Director unless for any reason he considers that the object is not suitable to be sent to the Director.

(4) An archaeological object which is deposited with the Director or the Department under paragraph (1) or sent to the Director under paragraph (3)(b) may be retained by the Director or the Department for the statutory period for the purpose of examining and recording it and carrying out any test or treatment which appears to the Director or the Department to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(5) An archaeological object which is deposited with a police officer under paragraph (1) and not sent by him to the Director under paragraph (3)(b) may be retained by him for the statutory period to facilitate inspection of the object by the Director or a person authorised in that behalf by the Director.

(6) Except with the consent of the Director or the Department, the finder shall not, before the expiration of the statutory period, deliver the archaeological object to a person other than a relevant authority or otherwise part with the possession of the object.

(7) A finder who, without reasonable cause, acts in contravention of any provision of this Article, and any other person (other than a relevant authority) who, knowingly and without the consent of a relevant authority, obtains possession of any archaeological object before the expiration of the statutory period, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) The Department may give financial assistance towards the purchase of any archaeological object, the finding of which has been reported under this Article.

(9) Financial assistance under paragraph (8) may be given subject to such conditions (including conditions as to the public exhibition of the purchased object) as the Department thinks fit.

(10) The Director shall make a report to the Department on every object deposited with or sent to him under this Article.

(11) Nothing in this Article—

(a) affects any right of the Crown in relation to treasure trove; or

(b) affects the right of any person to the ownership of an archaeological object.

(12) In this Article—

“the Director” means the Director of the Ulster Museum;

“relevant authority” means the Director, the Department or the officer in charge of a police station;

“the statutory period” in relation to an archaeological object means the period of 3 months beginning with the date on which a report of the finding of that object is made under paragraph (1).

Annexe 2: Policy BH4 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Archaeological Mitigation

Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

Justification and Amplification

3.14. In some circumstances it will be possible to permit development proposals which affect archaeological remains to proceed provided appropriate archaeological mitigation measures are in place which preserve the remains in the final development or ensure excavation recording prior to destruction.

3.15. Mitigation may require design alterations to development schemes, for example, the use of foundations which avoid disturbing the remains altogether or minimise the potential damage, or by the careful siting of landscaped or open space areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future even though they remain inaccessible for the time being.

3.16. The excavation recording of remains is regarded by the Department as a second best option to their physical preservation. The science of archaeology is developing rapidly and excavation means the total destruction of evidence (apart from removable objects) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in situ of important archaeological remains is therefore always to be preferred.

3.17. There will however be occasions, particularly where archaeological remains of lesser importance are involved when the Department may decide that the significance of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify their physical preservation in situ and that the development should proceed. In such cases developers will be required to prepare and carry out a programme of archaeological works using professional archaeologists and working to a brief prepared by the Department.

3.18. In certain cases the Department may be able to offer some financial support for archaeological mitigation to be carried out where the developer is a registered charity or similar non profit-making body, or in the case of an individual who does not have the

means to fund such work. The Department must however be extremely selective in its choice of projects for funding. The excavation strategy must reflect current academic research priorities identified in consultation with Environment and Heritage Service. Funds will not be made available unless the destruction of a site is imminent and unavoidable, as the result of planning approval and the Department will have regard for the cost of archaeological mitigation set against the overall cost of the development.

3.19. It should be noted that an offer to facilitate excavation by developers will not justify a grant of planning permission for development which would damage or destroy archaeological remains whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

Discovery of Previously Unknown Archaeological Remains

3.20. Archaeological research continues and new and exciting discoveries are made. The discovery of archaeological remains, which have not been previously known, may therefore represent a material change which can affect the nature of development which will be permitted in respect of an area within a settlement, or in the countryside.

3.21. Indeed in spite of the best pre-planning application research there may be occasions when the presence of archaeological remains only becomes apparent once an approved development has actually commenced. Developers may wish to consider insuring themselves against the risk of a substantial loss while safeguarding the interest of historic remains unexpectedly discovered on site. On rare occasions the importance of such remains may merit their scheduling. In that event developers would need to seek separate scheduled monument consent before they continue work. It is also open to the Department to revoke a planning permission if deemed necessary, in which case there is provision for compensation. In the majority of cases, however, it should prove possible for differences to be resolved through voluntary discussion and for a satisfactory compromise to be reached.

Annexe 3: Ireland – National Cultural Institutions Act 1997: Provisions for archaeological objects

68.—(1) The reference in section 25(2) of the Act of 1930, to the Minister for Education shall be construed as a reference to the Board of the Museum.

(2) The Act of 1994 is hereby amended as follows:

(a) by the substitution of the following section for section 3:

“Disposal of archaeological objects by State.

3.— (a) Subject to the provisions of this archaeological section, where, after the commencement of this section, an archaeological object becomes the property of the State, the Director may, at his or her discretion, if he or she is of opinion that the object is not of sufficient archaeological or historical interest to justify its retention by the State, dispose of the object by whatever means he or she thinks fit.

(b) Where an archaeological object becomes the property of the State and the Director is of opinion that the object is predominantly more of local rather than national interest, the Director may place the object in the care of a designated museum.

(c) An archaeological object that has been placed in the care of a designated museum under paragraph (b) shall not be disposed of other than by means of its transfer into the care of another designated museum or the National Museum of Ireland.

(d) Any dispute between a designated museum and the Director as to where an archaeological object should be kept shall be referred to the Minister and he or she shall, after consultation with the designated museums, decide which museum should keep the object and the decision of the Minister shall be final and shall be carried into effect.

(e) The Minister may make regulations in relation to the care and management of archaeological objects kept in designated museums pursuant to this section.

(f) The Director may, with the consent of the Minister, designate museums (referred to in this section as ‘designated museums’) in the ownership and control of local authorities for the purposes of this section.

(g) The Director shall, if so required by the Minister, revoke a designation under paragraph (f).

(h) Where a designation is revoked under paragraph (g), any archaeological object in the care of the museum concerned on the date of such revocation shall be transferred, as soon as may be, to the National Museum of Ireland or such designated museum as the Minister may direct”.

and

(b) in section 6—

(i) by the substitution in subsection (1) of “The Director or any other person authorised by the Board of the Museum” for “The Director”, and

(ii) by the substitution in subsection (2) of “the Minister or, whenever so requested by the Minister, the Board of the Museum” for “the Minister”.

69.—(1) Where a dispute arises between the Museum and a public authority or a local authority, as the case may be, concerning the care, control and management of an archaeological object to which this section applies, the matter shall be determined by the Minister after consultation with the Heritage Council whose decision in relation thereto shall be binding on the parties concerned.

Annexe 4: Breakdown of typical archive types resulting from a developer-funded excavation

	Large-Scale rural	Linear scheme	Small site with human remains	Road scheme 1	Road scheme 2
Context Sheets	5500 (approx)	1542	153	8267	7324
Skeleton sheets			29		
Plans	230	136	27	1299	1245
Sections	2408	639	25	2318	1883
No. of permatrace sheets		520			
Log Sheets			30		
Prints rolls(photos)	77	2297	5	317	205
Slides rolls(photos)	74	2286		317	205
Photo folders (print)	8				
Photo folders (slide)	3				
Digital Photos (photos)	196	2305	572	305	
Total No of Soil Samples taken	2166	221	23	1136	952
Organic material			5		
Cremations				120	
Human bone (articulated skeletons)			24		
Human bone (disarticulated)			60 bags		
Animal bone	6 bags 0.561kg	1 bag	19 bags	15 bags	11 bags
Burnt Bone (bags)	2 small bags (so far) 0.021kg	11		187	39
Worked bone				2	
Burnt clay -daub		2			
Prehist pottery	46	31		1379	870
Prehistoric block lifted vessels				4	
Medieval pottery	13	263	12	101	

Post-Med pottery	46	68	17	395	193
clay pipe	14	3		42	13
Clay building material				17	131
Clay building material (bags)					4
Metal	4	18	52	100	32
Metal Slag (bags)	3 bags (0.06kg)	3		22	9
glass	6	9	1	57	42
Stone	3	3	8	30	39
Lithics	610	29	4	902	1116
Worked wood		3			
Timber/wood samples				20	159
Leather		1	3 small frags		
Shell (bag)					5
Petrological Analysis (samples)					19
Finds illustration & photos required?			16		
Total No of Finds	742	445	97	3288	2663