



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Planning Policy Statement 6: DOE Briefing

8 March 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Cathal Boylan
Mr Gregory Campbell
Mr Willie Clarke
Mr John Dallat
Mr Danny Kinahan
Mr Francie Molloy
Lord Morrow
Mr Peter Weir

Witnesses:

Mr Angus Kerr	Department of the Environment
Mr Philip McGowan	Department of the Environment
Mr John O'Keeffe	Northern Ireland Environment Agency

The Chairperson: Good morning. You are very welcome. Why is there no briefing paper? Is this just an oral presentation?

Mr Angus Kerr (Department of the Environment): Yes, we are hoping to do an oral presentation about the issues. Philip McGowan is here from the planning policy side, and he is in charge of Planning Policy Statement 6 (PPS 6), and John O'Keeffe, who is principal inspector of historic monuments in the Northern Ireland Environment Agency (NIEA), is responsible for the management of the archaeological resource. We intend to do a short presentation and then take questions, if that is suitable.

The Chairperson: OK; go ahead.

Mr Philip McGowan (Department of the Environment): I will give some background to PPS 6. There is a particular issue that is lively at the moment.

Planning Policy Statement 6, 'Planning, Archaeology and the Built Heritage', was published in 1999. It sets out the Department's planning policies for the protection and conservation of archaeological remains, as well as features of the built heritage, and advises on the treatment of those issues when developing plans. PPS 6 contains 15 operational policies that set out how the Department will deal with relevant proposals that affect archaeological remains and other features of our built heritage worthy of protection and conservation in the public interest.

Those include planning policy measures that relate to the preservation and protection of archaeological remains of regional and local importance, and those policies are BH 1 and BH 2. BH 3 and BH 4 set out policy on the assessment and evaluation of archaeological remains and the mitigation of archaeological impacts arising from development proposals on sites known or suspected to contain archaeological artifacts. BH 5 includes policy on the protection of world heritage sites as well as parks, gardens and demesnes of special historic interest. BH 8, BH 10 and BH 11 set out policy and proposals that affect a listed building or a setting, including proposals for their change of use, extension or alteration and demolition. There are also policies on new development proposals, advertisements and demolition within conservation areas. Finally, BH 15 includes measures that relate to the reuse of non-listed vernacular buildings.

To date, operational experience suggests that PPS 6 appears to be working well, with no significant issues having been raised hitherto in relation to its implementation. With regard to archaeological artefacts, however, officials are aware that the Northern Ireland Archaeology Forum has expressed concerns with those aspects of the policy that relate to archaeological remains, including existing measures for long-term curation of artefacts recovered from developer-led site excavations. I understand that the Northern Ireland Archaeology Forum addressed the Committee for the Environment and the Committee for Culture, Arts and Leisure on the matter late last year. Members will also be aware that, more recently, the Northern Ireland Museums Council raised the issue with the Committee for Culture, Arts and Leisure.

At present, PPS 6 makes provision for archaeological mitigation where it is decided to grant planning permission for development that affects a site known to contain archaeological remains. The policy requires developers to identify and mitigate the archaeological impacts of the development, including, where appropriate, the completion of a licensed excavation and recording of remains before a development commences. It does not include policy relating to a deposition and curation of archaeological artefacts. In practice, any artefacts that are excavated in those circumstances normally remain legally the property of the landowner unless an alternative agreement has been made between the landowner and a third party such as an archaeologist directing excavations on their behalf.

It has been suggested that PPS 6 should be updated to include provisions for the transfer and long-term curation of archaeological archives arising from such developer-led excavation. However, this is not considered to be a planning policy matter because it does not relate to the orderly and consistent development of land and the planning of that development as contained within article 3 of the Planning (Northern Ireland) Order 1991. The issue is more relevant to the current archaeological rather than development planning legislation, and an amendment to PPS 6 would not solve the problem.

Responsibility for these archives, particularly artefact collections, falls between the Department of the Environment, which licenses the excavations, and the Department of Culture, Arts and Leisure, because accredited museums fall under its responsibility. In order to take the matter forward, the Culture, Arts and Leisure Committee has organised a discussion forum, to be held next Monday, at which stakeholders can explore possible solutions to the issue. Members will be aware that officials from the Northern Ireland Environment Agency and from planning policy division have agreed to participate in this stakeholder discussion forum. I also understand that senior officials in NIEA and National Museums Northern Ireland have been in discussion with one another on this matter. Nevertheless, we are very keen to hear and take on board any views that the Committee may have today.

The Chairperson: Thank you. There certainly is an anomaly in this. You have developers picking up and holding on to the artefacts, without them being recorded, dated or categorised. They may be sitting in a back room somewhere with developers not knowing what to do with them. Eventually, maybe someone would dump them; they could be very valuable to all of us.

Mr Weir: Maybe then somebody else could dig them up. It is a vicious circle. *[Laughter.]*

Mr Kinahan: You could rewrite history.

The Chairperson: I remind members that there is an invitation from the Committee for Culture, Arts and Leisure to that event, so please let staff know whether you are interested in attending. It is next Monday.

It begs the question — because PPS 6 is meant to protect architectural heritage — that if you are handing things to developers and not knowing where they are going to go or how they will be maintained, are we failing in that policy?

Mr Kerr: You are quite right in that the overall intention is to achieve that, but it is probably achieved through the initial policies in PPS 6 that cover the planning application for the development and the mitigation measures that go along with that. Probably the curation and deposition aspect of it is covered in other areas.

Mr John O'Keeffe (Northern Ireland Environment Agency): In practice, the planning condition requires a developer to undertake archeological mitigation of a site. As part of that, the developer needs to employ the services of an archeologist who is then licensed in his own name for that specific scheme at that specific location. As part of the condition of the archeological licence, which is granted under the provisions of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, a separate piece of legislation to the planning legislation, a full report is prepared on the investigations that have been undertaken. It is normal practice, as part of that condition on the licence, for specialist reports on artefacts to be conducted. A catalogue is normally produced and a specialist analysis of that conducted, so if that is pottery, human bone, metal artefacts, and so on, with the exception of treasure, that will normally be included as part of the final report and deposited in the paper archive with the Department of the Environment. That is the satisfaction of the licence requirement.

The issue then is what happens to the objects themselves. Even in the deposition or re-deposition of material, the ideal is that they are taken into curation in a facility that ensures their long-term survival and avoids the very issue of re-deposition. We have had instances of remains being thrown out, to be rediscovered as a new site when it is not, in fact, a new site but is slops from the previous site that have come back in again. In practice, we understand that most of the archeological companies have been storing material, but we do not have certainty about the condition in which that material is being stored or its long-term curation, and there is certainly a gap between the Department of the Environment taking care of its paper archive and the Department of Culture, Arts and Leisure and National Museums Northern Ireland taking care of the artefact archive that derives from the sites. There is an issue about the long-term curation of the material.

The Chairperson: Should there be some incentive for the developers to hand it to the museum or to a local gallery?

Mr O'Keeffe: In most instances, developers would be quite happy to be shot of the material. Very few developers want to hold on to the material, and, for that reason, most of the material appears to be with the archeological companies that dug it up on their behalf. There are occasional instances when an artefact may command a high monetary value. That is normally an antique as opposed to an artefact, such as an item of porcelain pottery or metalwork from the past 200 or 300 years.

The Chairperson: Or a gold chain.

Mr O'Keeffe: That falls into the treasure category. With that, there is a different mechanism in place that involves the museums much more quickly. Where an item of treasure is revealed, it is taken before the coroner and an inquest is held into the discovery and the nature of the object. If it is declared treasure, the museums have first dibs or first call on the acquisition of that material for their collection. Treasure very seldom comes up on an excavation; it is much more likely to be found walking down a lane. It tends not to turn up on the archeological sites that are being dug.

Mr Boylan: Thanks for coming along. I will be out with my metal detector tonight.

Mr O'Keeffe: OK. You may be committing an offence if you do.

Mr Boylan: I want to bring up a related point about ring forts and their protection. Under the new regulations on single farm payments, where farmers have to do certain things, what protections are there for ring forts? How do we clearly identify that and check that they are properly protected?

Mr Kerr: They are protected through the policies in PPS 6, which make sure that any development proposal that comes forward will not be approved if it will damage a site of that nature, or will be

mitigated or amended to ensure that those sites are protected. That issue is brought through PPS 6 and works on a normal basis with applications as they come forward.

Mr Boylan: Are those sites clearly identified so that people know about them? The locals in the areas will know the sites. Is it the responsibility of the Department or any of the Departments to clearly identify that and mark it any way, or is it just left naturally? Is there a sign?

Mr McGowan: Development plans are the process of identifying significant archeological sites and landscape features as part of the countryside assessment.

Mr O'Keeffe: The Department of the Environment, through the Environment Agency, maintains an archive of archeological sites and monuments across Northern Ireland, and, at present, a total of 18,000 or so are recorded in the system. Where a site is known, it is given a very precise location indicator. The provisions under the general development order and PPS 6 that my colleagues have just mentioned refer to all those sites in the system that are in the Northern Ireland sites and monuments record. In addition to that, where a site has received special protection as a scheduled historic monument, the landowner is notified of that, and maps to identify it are sent to him or her. The landowner is also visited by one of our field monument wardens to let them see the site so that they can see the areas that are specially protected to avoid deliberate and unintentional damage that can occur at those sites. We notify by post and in person about where the specially protected sites are.

In addition, we work in partnership with the Department of Agriculture and Rural Development in the context of the countryside management schemes. Where heritage features are identified, using the same baseline of information that is used by Planning Service and others, potentially special prescriptions are made about how they are to be managed. For example, if a ring fort or a standing stone is known on a farm and there is a need for either development works or sustainable conservation, that area may return a premium to the farmer with regard to some of the grant payments and because there is a monument at that location. In other instances, good farming practice is normally used to avoid any damage to them. Where it has been specially protected, the owner and the occupier are notified of that protection.

The Chairperson: I will bring in Danny, our art expert.

Mr Kinahan: I had better declare an interest, and not as a relic, yet. I have been involved in some pieces that have been found in the past.

Mr Weir: Undiscovered treasure.

Mr Kinahan: If only.

When planning approval has been given to a site that might have archaeology on it, does the Planning Service look at it beforehand? An example is the Hilton golf course in Templepatrick, which had the archaeologists on site for six months. Do you flag that up beforehand so that people are properly looking at a site so that the developer is not coming in and hiding things? I am not saying that they did in that case, but do you flag it up beforehand as somewhere that is likely to be of archaeological interest so that a special notice is made?

I got the impression that, at the Hilton golf course, the archaeologists came in and said that this could be one of the most important finds that we have ever had and carried on for six months. There was no independent checking, so you were always doing what the archaeologists said, and that is right. However, I felt that there was not a check to the system. Is that being looked at? When things are found, you talk to the Department of Culture, Arts and Leisure, but does anyone pass the information to the tourist world? I am sure that there are masses of things being found throughout Northern Ireland that should have been flagged up from that point of view.

Mr Kerr: As Philip said, the flagging up in advance is usually done through development plans. The consultation that goes on with those and, indeed, the final publication plans should show any areas where this is an issue. Also, the various lists that NIEA has are publicly available, so it is possible to check that. People will be aware of those sorts of things if they are paying attention to them, which they will be if they are intending to develop.

Mr O'Keefe: I declare an interest in the Templepatrick development in that I was the first archaeologist on site on that project at that time, working for a private company. I dealt with it for the first four or five weeks of its work before I moved on to another site. As Angus said, the information is available through the development plan process. In addition, with some of these large-scale developments — and I understand that you have been speaking with some of those already this morning — where an environmental impact assessment (EIA) has been required, it is quite normal for a section to be included on cultural heritage, meaning archaeological sites, monuments, listed buildings, and so on, in the context of the pre-development work and pre-development assessment of the site. For those major development proposals, that will normally be flagged up before a planning decision has even been made through that orderly process and the EIA, and so on.

With regard to other sites where there may be an archaeological consequence of the development on the ground, we have a publicly accessible archive online. I am happy to say that our public room is now open again to allow people to come in to see the maps that we hold and use to assess the potential impacts of development.

You asked about the regulation that happens with the archaeologists. As I said, I was in a different position when the site work started 17 years ago at what was then the Stakis site. The licence regulates the actions of the archaeologist on site, and, as part of the outworking of that, the Department scrutinises the actions of the archaeologist on site. We appreciate that, in the past, there has been an issue that, when the Department has met with the archaeologist and agreed some of the issues that may need to be addressed in the scheme, the transfer of that information back to the developer has sometimes taken on a different colour. The ability to get in between what has been said and what has been reported can be an issue. The only way to address that issue is to ensure that the developer is present as part of those discussions. After all, it is the developer who is funding this work, and to exclude them from that process and discussion is wrong.

It is also necessary to avoid that perception that archaeologists are, essentially, taking their time. There is an issue about being able to define how long it takes to dig a hole on some of these sites, the importance of a hole in the ground and whether it needs to prevent the orderly development of the rest of the site. In the large volume of applications and licences that were granted over the past 10 years, it was not always possible to inspect each and every site as it was under investigation. Not every site was inspected to avoid those circumstances happening.

Since about 2007 and 2008, perhaps reflecting the changing economic situation, we tended to find that developers were then willing to come directly to the Department, having previously dealt only with their own appointed archaeologists on the sites, to get the official line on what exactly needed to be done and how they could resolve the situation and leave the site quickly. The issue of the post-excavation backlog or the curation of artefacts has not normally featured in those discussions. The greater emphasis has been on when the development work on site can get into full development mode.

Your final point was about how information is transmitted to anyone else. We have not received reports for all the licences that have been issued yet, so I do not want to give the impression that, every time we issue a licence, we are getting a report back immediately. There is a backlog, particularly in the case of some of the most significant excavations, on the final reports being submitted.

That information is integrated into the sites and monuments record, and becomes a publicly accessible resource immediately on its accession into that record. There is a paper file, which is maintained in our headquarters in Waterman House, and an extract of that is normally put online as part of the online database of sites and monuments.

We have an ongoing working relationship with the Tourist Board and every other Department that has an interest in that, trying to get the information out about what has been found and what is new that has been found. From time to time, we have found that developers are not always keen to highlight and publicise discoveries at that particular time, but that is something that we could work on better.

Mr Dallat: The last remarks preface very well what I was going to ask. Archaeology is a fascinating subject, and getting the information out to the public to raise their awareness of its importance is a key thing. Maybe my question should be reserved until Monday when all these other people turn up, but I firmly believe that that is the aspect of the work that does not happen.

I come from near Coleraine, which has one of the earliest settlements at Mountsandel. Has anyone even seen a flint stone or a tool? I do not think so. Even local people do not appreciate what is there. Closer to Kilrea, where I live, stone hatchets and arrowheads were found at the place where the O'Kanes and the McDonnells used to fight the bit out over the Bann. All that stuff is lying in the basement of the Ulster Museum or somewhere; it is not out in the public domain at all.

The lack of appreciation means that, very often I suspect, you do not even find out where these sites are, because, through ignorance, people just bore on and cover them up, or they are scared that their contract will be held up. I am coming to that. Are you saying now that every site will be inspected? Is the fear that a contractor might go bankrupt because he is sitting for months, not allowed to move on, now in the past?

Mr O'Keefe: I will address that last point about the sites first. In any of the developments that we are involved in, one of our primary goals is to achieve orderly development and the progress of the development itself, and to avoid a situation where a developer is sitting on his hands because of a discovery that has happened in that field. Normally, on most greenfield sites, it is possible to achieve a balance between ongoing development activity and the resolution of these discrete areas. For the most part, they are discrete areas of land that contain the archaeological remains. The days of halting all developments on a site because one area happens to have something in it should have gone long ago. If that is still happening, we will be quite happy to go to review the conduct of the scheme on the ground.

In the site inspections where a planning condition has been applied, there are enforcement sections in respect of divisional offices that keep an eye on some of the developments coming through. We keep an eye on where developments have been happening, particularly the larger-scale schemes or near or on reported or statutorily protected sites. We have a reasonably good handle. I cannot say that we will catch every site that has been developed in honouring its conditions but we certainly do keep a record of them to try to get most of them.

I go back to the point about being able to achieve a balance between the appropriate mitigation and getting on with the job at hand. That is something that we have been discussing recently with Roads Service for any of the large infrastructural works. Where you have a line going from A to B and something in the middle of the line, that has the potential to disrupt and wreck the orderly progress of that scheme. There are ways to manage the archaeological component, to get it in early and to achieve that at the same time as other development activity on site.

The main focus of the archaeological survey as an organised activity in Northern Ireland came to an end in the late 1970s as part of the survey of County Fermanagh was still in progress. After that point, what was called the field identification survey kicked in. That involved going out and validating historical accounts of where there had been a site, speaking to landowners and asking whether they had found arrowheads, hatchets or whatever else in that area. Again, we cannot guarantee that we were told whether anybody who went out on to the ground found exactly the site that they were being sent to. We cannot be certain that we were not being taken on a bit of a dance the odd time as well, but it was to be able to get that archive of information developed, and we keep adding to that. The field identification work still goes on where a site has been reported. Our work with the Department of Agriculture and Rural Development has been important, particularly on the countryside management schemes. In that instance, having an archaeological site on your land is an asset as opposed to a hindrance. That has been very useful in identifying some of the sites.

In getting information out about those sites, the first county volume of archaeological remains on the island of Ireland was published about County Down in 1966. We then had to wait until 2008 when the second volume came forward, which was for County Armagh. Later this year, we will see the publication of a full county volume for County Fermanagh. Then we will need to look again at the publication of the inventories for those other counties because, as I said, the nature of the survey changed around 30 years ago.

We also have other publications that have come forward to describe sites. There was the recent launch of the Deer Park Farms investigation of a ring fort in the Glenarm valley, one of the most important excavations of an early Christian or early medieval site in north-west Europe. It is actually that important in terms of what was found there. In that instance, it took a long time between the actual digging activity and the reporting activity and final publication. That has been published. Two years ago, we published a new guide to the state care monuments in Northern Ireland. We may need to distribute that again to members of this Committee and to publicise it further. We have brought forward other award-winning publications, including one on the early Christian site of Nendrum and the

tide mills that were operated there. We have had a slow but steady stream, over the past three or four years, of very high-quality publications. Alongside that, we are developing better information about the state care monuments that we manage. I agree that there is certainly room for improvement and more information that could come forward.

Mr Dallat: That is a fascinating response to a question. I did not expect all that detail. We need to show our appreciation to the Department for the work that it has been very quietly doing. If we knew more about what is under the ground and about our past, we might find that we have a lot more in common, rather than simply judging it by pieces of cloth nailed on flagpoles.

Mr Campbell: You cannot eat a flag, John.

Mr Dallat: Sorry, Gregory, for offending you. I know that, in schools where there is an interest in the subject, children find it absolutely fascinating and understand their past a lot better.

Mr Boylan: I agree with John on that point. You could drive past some of these sites. Only the locals know them. Although you would not want tourists all around them destroying them, you need to clearly identify them for a better understanding from the public. I have seen the County Armagh volume. I have a keen interest in it.

The Chairperson: Thank you. It is a sobering thought that we are only here for a short time on this earth. There were plenty of people before us, and there will be plenty of people after us. We need to protect this planet. Thanks very much, gentlemen.