

GUIDANCE NOTE

FOR THE DISCOVERY OF UNANTICIPATED UNDERWATER ARCHAEOLOGICAL HERITAGE

The Marine and Fisheries Division, within the Department of Agriculture, Environment and Rural Affairs (DAERA), in its capacity as the marine licensing authority, must have regard to the need to protect the environment when determining a marine licence application, where the environment includes any site which is of historic or archaeological interest. Where DAERA is minded to grant a marine licence which will affect sites known or likely to contain archaeological remains, it must ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, by way of licence conditions. This may involve the adoption of appropriate mitigation strategies to minimise risk, preserve assets *in situ* or to record assets before they are lost. This work is undertaken pursuant to the applicable laws and policies pertaining to the historic environment in Northern Ireland (see **Appendix A**).

This Guidance Note sets out best practice and legal responsibilities in the reporting of unanticipated finds of archaeological interest made during the course of marine construction and/or dredging projects where there are no project specific planning and/or marine license conditions pertaining to archaeology. It is an important matter to recognise that only a minority of heritage sites on the seabed are afforded any form of statutory designation and government policy is clear that non-designated sites where significance is identifiable should be subject to the same policy principles as designated sites.

The Guidance Note anticipates discoveries being made by contractors, who report to the Marine License Holder, who then report to DAERA. The License Holder will liaise with DAERA to provide details of a reported discovery. DAERA will then assess the nature of the appropriate action to be taken. Finds are considered here to mean all forms of artefact that can be found on the seabed. An artefact is an item that has been made, modified, used or transported by people; i.e. the artefact's presence on the seabed is artificial or cultural rather than natural. Guidelines on the identification of finds of archaeological interest are presented in **Appendix B**.

DAERA recognizes that it is always possible that archaeological material of importance may still be discovered during the course of construction activities on or below the seabed, particularly during excavation and/or dredging. This Guidance Note addresses finds of archaeological interest made in the following circumstances:

1. Discoveries on the seabed during seabed inspections, seabed clearance or scheme installation, e.g., an anomaly (such as possible wreck or a cultural heritage asset identified during remotely operated vehicle (ROV) or diver survey) has been encountered on the seabed.
2. Discoveries on board, e.g., a find of archaeological interest is made on a work vessel, for example wreck or objects recovered to the deck caught in equipment such as drag-heads, digger buckets, grapnels, anchors, or ploughs.

DAERA procedures that should be followed in the event that unanticipated underwater archaeological heritage is inadvertently discovered during works are outlined below.

NOTE: It is a legal obligation to report archaeological objects within 14 days under the provisions of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 and to report historic wreck material to the Receiver of Wreck under the Merchant Shipping Act 1995.

Procedures

1. Site staff and/or contractor(s) should be made aware that any sightings of artefacts, particularly wood, metals, bricks, stone fragments, tile, pottery, coins, skeletons, or burned and blackened material, could indicate the presence of archaeological remains (see **Appendix B: Guidelines on the identification of finds of archaeological interest**) and may need to be reported to the relevant authority.
2. If a find is discovered on the deck of a vessel or an anomaly or structure has been encountered on the seabed (e.g., a suspected shipwreck), the contractor should inform the License Holder and DAERA immediately.
3. Where it is possible to identify the position from which the find originated, the License Holder will arrange for project work activities to cease temporarily in the vicinity of the location, or move to an alternative location, until the advice of DAERA has been obtained.
4. The contractor shall record the occurrence in the daily progress report or vessel log together with the time and exact vessel position. Where possible, the report entry should include a close approximation of the original position of the anomaly on the seabed. The contractor shall pass on all available information to the License Holder and DAERA.
5. If any finds have been recovered, the contractor shall arrange for them to be immersed in seawater in a suitable clean container, which should be covered. Any rust, concretion or marine growth should not be removed.
6. The License Holder will liaise with DAERA who will offer advice on the nature of any discoveries and appropriate action to be taken. The License Holder shall make any recovered finds available for inspection by DAERA.
7. If the find is, or appears to be wreck, the License Holder shall as soon as possible give notice to the Receiver of Wreck that a find has been recovered, in accordance with Section 236(1) of the Merchant Shipping Act 1995. This is a legal requirement. Further to this it is a legal obligation to report archaeological objects within 14 days under the provisions of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. Notice of new archaeological discoveries should be given to DfC Historic Environment Division. DAERA will be available to advise on these legal reporting requirements.
8. Any finds or objects of cultural heritage interest that may be recovered during project works will be handled and stored in the appropriate manner under the guidance of the DAERA Marine Archaeologist and staff from the receiving institution. All subsequent decisions regarding the handling, transport and storage of retained finds will be agreed with the relevant authority and the relevant staff from the allocated receiving institution.
9. If DAERA determines that the site, feature, or target is not archaeologically significant, or deemed an isolated find, the contractor through the License Holder will be notified by the Marine Licensing Team that work may resume at the location of the original find. DAERA will also notify DfC Historic Environment Division of this determination.

Finds of Significant Heritage Assets

10. If new finds of archaeological importance, e.g., a wreck, come to light during the course of the project works they may be subject to the implementation by DAERA of an

Archaeological Exclusion Zone (AEZ) based on their archaeological potential. This decision will be taken by the DAERA Marine Archaeologist in agreement with the Marine Licensing Team and the License Holder. Work may not resume at the given location until notified in writing by the Marine Licensing Team.

11. A visual inspection by archaeological divers or remotely operated vehicle (ROV) will be conducted to determine if the site is potentially eligible for statutory protection.
 - a. If it is determined that the target, feature, or site does not represent a potentially significant heritage asset, and the License Holder is in receipt of written comment from DAERA, work may resume in that area.
 - b. If a significance determination cannot be made, the License Holder may either undertake additional research to determine significance or exercise avoidance through the establishment of an Archaeological Exclusion Zone (AEZ).
12. If review concurs or concludes that the site is significant enough to warrant statutory protection the License Holder will develop avoidance measures to eliminate the site from the Area of Potential Effects. Any proposed avoidance measures will be made available to DAERA for review and comment.
13. If avoidance measures cannot be developed and executed, the heritage asset may be excavated and/or removed only under a memorandum of agreement with all interested parties including the DfC Historic Environment Division, DAERA Marine and Fisheries and the License Holder. This memorandum will outline an adequate data recovery plan that specifies a qualified research team and an appropriate research design.

Archaeological sites – *in-situ* preservation

Where possible, the preferred option for dealing with archaeological sites is *in situ* preservation, rather than excavation. Heritage assets are an irreplaceable resource that should be left untouched if at all possible.

List of Contacts

DAERA Marine Strategy and Licensing Branch

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DAERA Marine Archaeologist

DAERA Marine and Fisheries
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Historic Environment Division

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Belfast
BT1 3LP
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Receiver of Wreck

Bay 1/05
Spring Place
105 Commercial Road
SOUTHAMPTON
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Telephone: 023 8032 9474

Appendix A: Relevant Legislation and Policy

- Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995
- Marine and Coastal Access Act 2009
- Marine Act (Northern Ireland) 2013
- Protection of Wrecks Act 1973
- Marine Plan for Northern Ireland (once adopted)
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement (SPPS)
- UK Marine Policy Statement (UK MPS)

APPENDIX B: GUIDELINES FOR IDENTIFYING FINDS OF ARCHAEOLOGICAL INTEREST

Rubber, plastic etc

In most cases, rubber, plastic, bakelite and similar modern materials are not of archaeological interest and can be disregarded. One exception is where such materials are found in the same area as aluminium objects and structures, which may indicate aircraft wreckage from World War Two. Such material should be reported.

Iron and steel

The potential range and date of iron and steel objects is so wide that it is difficult to provide general guidance. In broad terms, iron and steel objects which are covered by a thick amorphous concrete-like coating ('concretion') are likely to be of archaeological interest and should be reported. Pieces of metal sheet and structure may indicate a wreck and should be reported. A Munitions Code of Practice applies in respect of ordnance (cannonballs, bullets, shells) which should take precedence over archaeological requirements. However, discoveries of ordnance may be of archaeological interest, and they should be reported.

Other metals

Items made of thin, tinned or painted metal sheet are unlikely to be of archaeological interest. Aluminium objects may indicate aircraft wreckage from World War Two, especially if two or more pieces of aluminium are fixed together by rivets. All occurrences should be reported. Copper and copper alloy (bronze, brass) objects might indicate a wreck, or they may be very old. All occurrences should be reported. Precious metal objects and coins are definitely of archaeological interest because they are relatively easy to date. All occurrences should be reported.

Bone

Occasional discoveries of animal bone, teeth and tusks are of archaeological interest because they may date to periods when the seabed formed dry land, and should be reported. Such bones, teeth, tusks etc. may have signs of damage, breaking or cutting that can be directly attributed to human activity. Large quantities of animal bone may indicate a wreck (the remains of cargo or provisions) and should be reported. Human bone is definitely of archaeological interest, and is also subject to special legal requirements. Any suspected human bone should be reported, and treated with discretion and respect. Objects made out of bone – such as combs, harpoon points or decorative items – can be very old and are definitely of archaeological interest. All occurrences should be reported.

Wood

Light coloured wood, or wood that floats easily, is probably modern and is unlikely to be of archaeological interest. 'Roundwood' with bark – such as branches – is unlikely to be of archaeological interest. However, roundwood that has clearly been shaped or made into a point should be reported. Pieces of wood that have been shaped or jointed may be of archaeological interest, especially if fixed with wooden pegs, bolts or nails. All occurrences should be reported. Objects made out of dark, waterlogged wood – such as bowls, handles, shafts and so on – can be very old and are definitely of archaeological interest. All occurrences should be reported.

Stone

Small to medium sized stones that are shaped, polished and/or pierced may be prehistoric axes. All occurrences should be reported. Objects such as axe heads or knife blades made from flint are of prehistoric date and should be reported. Large blocks of stone that have been pierced or shaped may have been used as anchors or weights for fishing nets. All occurrences should be reported. The recovery of numerous stones may indicate the ballast mound of a wreck, or a navigational cairn. All occurrences should be reported.

Pottery

Any fragment of pottery is potentially of interest, especially if it is a large fragment. Items which look like modern crockery can be discarded, but if the item has an unusual shape, glaze or fabric it should be reported.

Brick

Bricks with modern proportions and v-shaped hollows ('frogs') are of no archaeological interest. Unfrogged, 'small', 'thin' or otherwise unusual bricks may date back to medieval or even Roman times and should be reported.

Peat and clay deposits

Peat is black or brown fibrous soil that formed when sea level was so low that the seabed formed marshy land, on the banks of a river or estuary for example. The peat is made up of plant remains, and also contains microscopic remains that can provide information about the environment at the time it was formed. This information helps us to understand the kind of landscape that our predecessors inhabited, and about how their landscape changed. It can also provide information about rising sea-level and coastline change, which are important to understanding processes that are affecting us today. Prehistoric structures (such as wooden trackways) and artefacts are often found within or near peat, because our predecessors used the many resources that these marshy areas contained. As these areas were waterlogged, and have continued to be waterlogged because the sea has risen, 'organic' artefacts made of wood, leather, textiles and so on often survive together with the stone and pottery which are found on 'dry' sites.

Fine-grained sediments such as silts and clays are often found at the same places as peat. These fine-grained sediments also contain the microscopic remains that can provide information about past environments and sea level change. Any discoveries of such material would be of archaeological interest, and their occurrence should be reported.