



## Why does Cultural Heritage matter?

Gibraltar is rich in its variety of cultural heritage which enhances the environment in which we live and which visitors appreciate. It is an important benefit for the whole community. Cultural heritage assets can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in environmental wellbeing, education, leisure and tourism. Archaeology is the process by which we explore the cultural heritage and develop our understanding of past peoples and how they inhabited their environments.

Where we live now is the product of thousands of years of human activity. Cultural heritage assets range from archaeological deposits in caves which contain evidence about people who lived here 120,000 years ago, to medieval and modern buildings. The remains also include burial sites, locations of temporary or permanent settlement, and places of worship, military installations, vernacular buildings, buried remains, shipwrecks, objects and environmental information.

Buried archaeological remains (known or unknown) are very likely to be found within the city, in open areas, in caves or underwater. Gibraltar also has a UNESCO World Heritage Site, Gorham's Cave Complex. This site is internationally-recognised to be of global significance as a testimony to the Neanderthals and early modern humans, and other associative attributes that cover Gibraltar's long history to the present (see Information Sheet 13).

Some cultural heritage assets are legally-protected under the Heritage and Antiquities Act 2018 when they are listed in Schedules 2, 3 and 4 of the Act. These are known as scheduled or listed assets.

Other assets may be known and be significant to our community's cultural heritage but are not scheduled (i.e. they not specifically mentioned in the Heritage and Antiquities Act Schedules).

Safeguarding our cultural heritage is an important part of the legislation and planning process, and the physical assets or remains are a material consideration (i.e. something that matters) in determining planning applications.

## DEVELOPMENT AND CULTURAL HERITAGE

Heritage is not a barrier to change. Safeguarding our cultural heritage does not mean preventing development or sustainable change. It means managing that change in order to retain and protect significant heritage places, sites or objects which are important to our community.

In order to safeguard Gibraltar's cultural heritage, the Heritage and Antiquities Act 2018 sets out clearly the requirements for developers regarding consultation, heritage works including field work, records and publication, and compliance (Section 29 (7) to (12)).

In determining planning applications, the Development and Planning Commission will take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. Substantial harm to or loss of important undesignated heritage assets should be exceptional. Harm or loss to those of the highest significance - scheduled sites (monuments, buildings or sites, fortifications, protected wreck sites, caves and geological features) and the World Heritage Site - should be wholly exceptional.

Viable and sympathetic use or reuse of buildings or places of cultural heritage interest which is in line with good conservation standards and policies and sustainability will be encouraged as long as the significance of heritage assets is not compromised.

Developers will be required to record and advance understanding of the significance (the sum of all the values we ascribe to an asset) of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past is not a factor in deciding whether such loss should be permitted. Preservation by record is normally less desirable than the preservation of the heritage asset in its place.

The Applicant should provide information with any planning application on the implications for cultural heritage assets (Heritage and Antiquities Act 2018, 29 (11)).

It is therefore important at the outset of any development project – in the early stages of project planning, due diligence and risk management – to include cultural heritage and to seek advice at the earliest opportunity.

The precise requirements for cultural heritage will be determined by the Department of the Environment, Sustainability, Climate Change, Heritage and Culture (hereafter the Ministry for Heritage) as advised by the Government Archaeologist and other experts.

## HOW DO I FIND OUT WHETHER THERE ARE CULTURAL HERITAGE ASSETS I NEED TO CONSIDER?

- At an early stage – project planning, risk management or due diligence - seek advice from the Government Archaeologist, Ministry for Heritage, on known and potential heritage assets, and ask for a written 'brief' or scope of works explaining and justifying any heritage works recommended.
- Check the Heritage and Antiquities Act 2018 Schedules to see if there are any legally-protected monuments, buildings, fortifications, caves or geological features, or sites which may be affected by the development proposals (Laws of Gibraltar web site - <https://www.gibraltarlaws.gov.gi/legislations/heritage-and-antiquities-act-2018-4356>).
- Check whether your proposed development is inside the World Heritage Site or in its Buffer Zone (see Information Sheets 13 and 14; or <https://www.gibmuseum.gi/world-heritage/documents>).
- Where appropriate, acquire the services of a heritage professional.
  
- If the proposed development is inside the World Heritage Site or its Buffer Zone, seek advice from the World Heritage Office, Gibraltar National Museum, if appropriate, and ask for a written 'brief' or scope of works explaining and justifying any heritage works recommended.
  
- Applicants could also consult the Curator, Gibraltar National Museum, to ascertain whether there are known or potential discoveries in the vicinity.
- Applicants could also consult The Gibraltar Heritage Trust which also holds information.

But applicants should note that it is the Government Archaeologist, Ministry for Heritage, who determines what information or works are required.

Contact details are set out on page 4.

## WHAT INFORMATION WILL I BE REQUIRED TO PROVIDE?

You may be required to submit information with your outline and/or full application on what heritage assets are present in or close to the proposal area, how they might be affected and what you propose to do to protect or enhance the heritage assets.

The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal for development or change on their significance.

The appropriate level should be determined by the Government Archaeologist, Ministry for Heritage.

Reports or assessments must meet the Government's Standard for such work (<https://www.gibraltar.gov.gi/town-planning/planning-guidance>).

A copy of any reports prepared under these guidelines must be deposited in the Gibraltar National Museum and the Gibraltar National Archives irrespective of whether permission is granted for the works to proceed.

## WHAT TYPE OF ARCHAEOLOGICAL OR HERITAGE WORK MAY BE REQUIRED?

These types of work are explained in more detail in Appendix 1.

- All work should be proportionate to the scale of change and the significance of the heritage assets.
- All work should be governed by an agreed scope of works or method statement.

**In advance of outline planning decisions, submitted as supporting documentation, one or more of the following**

- Desk-based assessment
- Environmental Impact Assessment
- Heritage Impact Assessment (which may include World Heritage Site Impact Assessment).

**In advance of full planning decisions, as a condition of outline planning, one or more of the following**

- Desk-based assessment
- Environmental Impact Assessment
- Heritage Impact Assessment (which may include World Heritage Site Impact Assessment)
- Conservation Strategy and/or Action Plan
- Heritage or Historical building survey including photographic survey
- Field evaluation
- Heritage Inventory.

**After outline or full planning permission – normally as a condition of the planning permission, one or more of the following**

- Conservation strategy
- Conservation Plan (e.g. for building repair or restoration)
- Heritage or Historic Building Survey including photographic survey
- Archaeological Excavation
- Heritage Inventory
- Archaeological Monitoring (also called a Watching Brief)
- Analysis, archive and reporting on the above.

## WHO CAN CARRY OUT THE WORK?

Cultural heritage or archaeological works in Gibraltar must be carried out by persons with suitable professional qualifications, training and experience from a recognised, professional body or institution, and they must be competent to carry out the specific type of works required to the latest scientific and industry standards (Heritage and Antiquities Act 2018).

The Ministry for Heritage can advise on such organisations and individuals. **Note that such advice is for information and should not be construed as a recommendation or endorsement of any particular organisation or individual.**

Membership of a professional institute, such as the Chartered Institute for Archaeologists (CIFA) is a useful guide. Members of the CIFA are professionally-accredited and sign up to a rigorous code of conduct and complaints procedures. Other European accreditations also exist.

## Do I have to pay for these services?

Yes, like any other professional service you commission.

However, the initial advice from the Government Archaeologist, the Curator of the Gibraltar National Museum, the World Heritage Office or the Gibraltar Heritage Trust is normally free.

## DO I NEED A LICENCE?

All proposed works, including any archaeological investigation, on a scheduled heritage asset or site require a licence from the Ministry for Heritage.

Licences may also be required in some circumstances for larger set-piece works.

Seek advice from the Government Archaeologist.

## EXPECTED STANDARDS

H M Government of Gibraltar has defined standards for desk-based work and consultancy advice including environmental impact assessments. This is available from the Town Planning web site (<https://www.gibraltar.gov.gi/town-planning/planning-guidance>) or the Government Archaeologist.

The Gibraltar Standard is based on the Code of Conduct and advice documents produced by the Chartered Institute for Archaeologists (CIFA). These provide guidance on process, briefs and specifications, report contents, ethics and other issues and are available at <https://www.archaeologists.net/codes/cifa>. Work in Gibraltar should seek to comply with these CIFA Standards & Guidance as far as reasonably practicable, subject to complying principally with Gibraltarian legislation and regulations.

## CONTACT DETAILS

### **Department of Town Planning & Building Control**

#### **Deputy Town Planner:**

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### **Department of the Environment, Sustainability, Climate Change, Heritage and Culture**

#### **Government Archaeologist:**

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### **Gibraltar National Museum Curator:**

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### **Gibraltar Heritage Trust**

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### **Gorham's Cave Complex World Heritage Site**

#### **Head of Cultural Heritage:**

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# APPENDIX 1: GUIDE TO THE TYPES OF WORK THAT MIGHT BE REQUIRED

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## GENERAL COMMENT

All works should have an agreed scope of works or method statement, agreed in advance with the Government Archaeologist so that the project can be monitored by the Government Archaeologist (or his appointee) and by the Client/Developer or his agent.

### 1 DESK-BASED ASSESSMENT

Desk based assessments are meant to determine, as far as is reasonably possible from existing and easily accessible records, the nature, extent and significance of the cultural heritage assets within a specified area. A desk-assessment should normally include a site visit or inspection.

Desk assessments should be focused on the development project. They are not comprehensive local histories. But the particular site does need to be set in its local or wider historical and cultural context.

In a development context, desk-based assessment will establish the impact of the proposed development on the significance of the cultural heritage or historic environment (or will identify the need for further evaluation to do so). It will enable reasoned proposals and decisions to be made whether to mitigate, offset or accept that impact without further intervention.

The scope of desk-based assessment will vary according to the circumstances in which it is carried out, and should be agreed with relevant parties in advance of any works. The Government Archaeologist should advise on the scope in the first instance, and any contractor or consultant carrying out the assessment should then produce a method statement, in line with professional practice, for approval by the Government Archaeologist. That method statement also acts as a contractual specification for the client.

### 2 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

In essence an EIA is a more formalised desk-based assessment, sometimes accompanied by limited field evaluation, and usually reported in a specific format which summarises direct and indirect constructional, operational and cumulative impacts of a development on the cultural heritage resources. The importance of the cultural heritage resources and the scale of change are evaluated to derive the 'significance of effect'. Physical impacts and also impacts on setting and views need to be evaluated.

Traditionally built heritage is treated separately from 'archaeology' which is seen as buried remains. Both built and below-ground remains, and landscapes are cultural heritage; and it is preferable to deal with all in one chapter.

### 3 HERITAGE IMPACT ASSESSMENT AND WORLD HERITAGE SITE IMPACT ASSESSMENT (HIA)

Heritage impact assessments (HIA) are also more formalised desk-assessments, and will include a site visit or inspection but not normally any destructive field investigation. All cultural heritage assets are considered. The value or significance of the cultural heritage resources and the scale of change are evaluated to derive the 'significance of effect'. Physical impacts and also impacts on setting and views need to be evaluated.

The HIA report should provide the evidence on which decisions can be made in a clear, transparent and practicable way. The level of detail needed will depend on the site and proposed changes. Management Plans, or in the case of the World Heritage Site, the Statement of Outstanding Universal Value (OUV), will be central to the evaluation of the impacts and risk to the cultural heritage resource (see Information Sheet 14).

The HIA report will need to show:

- A comprehensive understanding of the site or area in question and its cultural heritage assets [or of the WH property and its OUV, authenticity and integrity, other heritage attributes], condition, context and interrelationships;
- An understanding of the range of impacts arising from the development or other proposal for change;
- An objective evaluation of those impacts (beneficial and adverse) on the heritage elements and in particular on the site's value, integrity and authenticity;
- An assessment of the risk posed to the retention of the site's value or significance, and in the case of the WHS the likelihood that the property may be in potential or actual danger;

- A statement of heritage benefits which may arise from proposals including better knowledge and understanding and awareness-raising;
- Clear guidelines as to how impact can be avoided or mitigated;
- Supporting evidence in the form of a suitably detailed inventory of heritage assets, impacts, survey or scientific studies, illustrations and photographs.

The HIA Report will need to have a non-technical summary clearly setting out all relevant matters, a detailed text description and analysis and a text summary of the results of the evaluation of impact accompanied by tables to assist the reader.

**Information Sheet 14** is guidance for World Heritage Site Impact Assessments (WHIA) for the Gorham's Cave Complex World Heritage Site (further information at [www.gorhamscave.gi](http://www.gorhamscave.gi) ).

## 4 FIELD EVALUATION

The purpose of field evaluation is to gain information about the archaeological resource within a given area or site (including its presence or absence, character, extent, date, integrity, state of preservation and quality), in order to make an assessment of its merit.

Field evaluation is a limited programme of non-destructive and/or destructive investigation and concomitant reporting.

Non-destructive (sometimes called non-intrusive) methods include:

- geophysical survey
- remote sensing
- geochemical survey
- earthwork survey
- topographic survey
- field scanning (i.e. observation and mapping of artefact and other distributions, but not collection of artefacts)
- standard building survey

Destructive Methods (of varying destructive potential) include:

- Augering or boreholes
- Hand-excavated test pits
- Hand-excavated trenches
- Machine-stripped and manually excavated test pits
- Machine-stripped and manually excavated trenches
- Strip, map and sample/record
- Probing (frequently used underwater)
- Surface artefact collection: field-walking for collection as opposed to scanning. Selective collection will bias both the remaining resource and the collected data and is not recommended.

Methods such as prop wash and explosives (used occasionally for underwater exploration) are not generally acceptable.

Note that all finds, antiquities and objects of interest, including ancient human, plant or animal remains, are vested in the Crown [i.e. owned] in the right of the Government of Gibraltar (Heritage and Antiquities Act 2018, section 5) and should be deposited in the Gibraltar National Museum in perpetuity. The full definition of antiquities and objects of interest is set out in Section 3 of the Heritage and Antiquities Act.

## 5 ARCHAEOLOGICAL EXCAVATION

The purpose of archaeological excavation is to gain a better understanding of the cultural heritage remains in a particular area. As archaeological excavation is as destructive as development excavations, the purpose is also to compile a lasting record of that cultural heritage resource, to analyse and interpret the results, and disseminate them in detail appropriate to the project brief and significance of the results.

The definition of archaeological excavation is a programme of controlled, destructive fieldwork with defined research objectives which examines, records and interprets archaeological/cultural heritage deposits, features and structures and, as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site on land, in the inter-tidal zone or underwater. The records made and objects gathered during fieldwork are studied and the results of that study published.

As above, antiquities and objects of interest should be deposited with the Gibraltar National Museum.

## 6 ARCHAEOLOGICAL WATCHING BRIEF

The purpose of a watching brief is to allow, within the resources available, the preservation by record of archaeological deposits, where the presence and nature of any remains could not be established (or established with sufficient accuracy) in advance of development or other potentially disruptive works.

An archaeological watching brief is a formal programme of observation where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and ordered archive. As above, antiquities and objects of interest should be deposited with the Gibraltar National Museum.

## 7 HISTORIC BUILDING RECORDING

The purpose of building recording is to seek a better understanding, compile a lasting record, analyse the findings, and then disseminate the results. It is often also undertaken to inform the formulation of a strategy for the conservation, alteration, demolition, repair or management of a building, or structure, or complex and its setting. It is therefore also important that the condition of the structure or building is recorded.

The definition of archaeological building recording is a programme of work intended to establish the character, history, dating, form, condition and development of a specified building, structure, or complex and its setting, including buried components, on land, inter-tidal zone or underwater. It may also include an inventory of fixtures and fittings.

It will draw on existing records (archaeological and historical sources) and fieldwork. The programme will result in the production of drawings, photographs and descriptive text, an ordered accessible archive and a report.

Normally building recording will take place before any changes or before redevelopment, but sometimes it will be necessary to carry out a watching brief when changes are made/during demolition, to gain additional information.

There are several different levels of building recording ranging from a basic photographic record supplemented by sketches and short text to a comprehensive detailed drawn, photographic and analytical record of a significant building or structure. It is important that the appropriate one is selected for the particular circumstances. Further guidance is available in, for example, *Understanding Historic Buildings A Guide to Good Recording Practice* (Historic England 2016).

## 8 HERITAGE INVENTORY

In some circumstances it may be appropriate to undertake an inventory of fixtures and/or objects within a structure or building, in order to both compile a record before any are destroyed, and to assess which items might merit transfer to the Gibraltar National Museum for retention in perpetuity.

The inventory will normally comprise a basic *in situ* photographic record with descriptive text and sketch plans as needed. The location or context of objects will also be recorded.