





 Rijksdienst voor het Cultureel Erfgoed
*Ministerie van Onderwijs, Cultuur en
Wetenschap*

The Dutch IKAW in
spatial planning
(Why and How?)

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Art. 5 Valletta Convention

Reconcile and combine the respective requirements of archaeology and development plans by ensuring that archaeologists participate:

- In planning policies designed to etc.
- in the various stages of development schemes
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- To ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings

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Art. 5 Valletta Convention

To ensure that archaeologists, town and regional planners systematically consult one another in order to permit:

- the allocation of sufficient time and resources for an appropriate scientific study to be made of the site and for its findings to be published
- To make provision, when elements of archaeological heritage have been found during development work, for their conservation in situ when feasible.

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Art. 6 Valletta Convention

The developer must pay!

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Predictive modelling supports the planning proces and the developer

Discussion regarding the possible conflict between the use of an indicative map and the principle of legal certainty of rules and land use plans

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IKAW before implementation Valletta

Dutch Raad van State (highest court for lawsuits on administrative law):

When making a land use plan a municipality must do research on the relevant facts in the zoning territory. This research includes an assessment on (*expected*) archaeological values, i.c. the use of the IKAW!

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IKAW after implementation

Art. 38a Monuments Act 1988

In adopting a land-use plan ...and in the use of the land covered by the plan, the municipal council takes account of existing or *potential* archaeological monuments.

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Land use plans/zoning plans

When drafting a land use plan the local government has *to take into account known and expected archaeological sites and elucidate this in the explanatory memorandum of the land use plan*

The IKAW is one of the sources for this assessment

In designated areas a permit is required for constructing/building or other activities that disturb the archaeological site

The permit requires an archaeological report and there is
The possibility of restrictions added tot the permit

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IKAW and the Raad van State

Raad van State after implementation Valletta:

“Taking into account” means that the municipality has an obligation to gather information on archaeological values in the zoning territory. The IKAW is one of the sources

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And for the future

The integration of archaeology and spatial planning is a success and even extended with to cultural heritage

The evaluation of the Dutch archaeology legislation:
Broaden the map with the results of archaeological research/relevant research questions (Noa) and research methods

More attention is needed for maritime archaeology

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