

Strategic Objectives – Standards; Protection; Quality and Procedures; Value

**Working Group 2 - Regulatory Activities - Delivery Plan** (recommendation numbering should be read against the published strategy document [i.e. R1.5]: [Archaeology 2030 - A Strategic Approach for Northern Ireland.pdf](#)), and the individual actions coming from the Way Forward Working Groups [i.e. .c], which will be made available to each Working Group.

Action	How can this be achieved?	Suggested Key tasks	Working Group/ Collaborators	Potential Outputs (to be developed by Working groups)
R1.2.b	i. HED require compliance with S&G where archaeological licences are granted, or works are stipulated through the planning process.	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>Review opportunities to provide information and training to ensure compliance</li> <li>Consider requirement for legislative change - enforcement and compliance. This will feed into HMAOO review.</li> <li>Opportunity for HED to revisit PoWs and how relevant much of the content is?</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Collaboration with <b>Standards and Guidance Working Group</b> and <b>Legislation Working Group</b></li> <li>CfA and IAI</li> <li>Consultation with sector</li> </ul>	<ul style="list-style-type: none"> <li>Develop opportunities to provide training to ensure compliance</li> <li>Prepare and present recommendations for wider licensing review/ legislative change</li> </ul>
R1.6.a, R1.6.b, R1.7, R1.8	ii. Provide accessible, comprehensive guidance relating to the application of archaeological planning conditions	<ul style="list-style-type: none"> <li>Phased planning conditions/ related guidance document are in place - advice and guidance available HED website.</li> <li>Review of the archaeology and development management document?</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> </ul>	<ul style="list-style-type: none"> <li>Agreed review cycle and framework</li> </ul>
R1.7.c, R1.8	iii. Develop and encourage action beyond mere regulatory compliance with councils, developers and the construction industry.	<ul style="list-style-type: none"> <li>Undertake regular reviews of the Director of Engineering Memorandum with DfI and review.</li> <li>Develop Prosperity agreements/MOUs with the construction industry, mineral products etc.</li> <li>HED to continue to develop existing working relationships with stakeholders - opportunities for liaison could include S&amp;G updates, review of licensing and enforcement, and how these will impact planning decisions/ conditions.</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> </ul>	<ul style="list-style-type: none"> <li>Continued development and review of MOUs etc.</li> <li>Develop CPD opportunities and workshops with DfI, council and other relevant bodies. .</li> </ul>
R1.7.a R1.9.a to 1.9.d	iv. Planning conditions or supporting advice should be completed in accordance with professional standards.	<p><b>Competency</b></p> <ul style="list-style-type: none"> <li>Key tasks should be developed following the standards and guidance review and HED's expectations (as regulator) are communicated to the sector.</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Collaboration with <b>Standards and Guidance Working Group</b></li> <li>CfA and IAI</li> </ul>	<ul style="list-style-type: none"> <li>Develop competency matrix - Ensure community archaeology is represented.</li> <li>Present key outcomes to the Professional Skills,</li> </ul>

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	v. The process for excavation licence application and approval should be reviewed including competency and accreditation.	<ul style="list-style-type: none"> <li>The relationship between licensing and institutional standards and guidance / professional accreditation and code of conduct will need to be detailed.</li> <li>Review the archaeological licencing system and explore competency based requirements for obtaining licences</li> <li>Consider extending licencing to activities beyond excavation [detecting devices] and marine licencing.</li> <li>Consider requirement for legislative change (HMAOO)</li> </ul>	<ul style="list-style-type: none"> <li>Sister agencies/ LPAs?</li> <li>Commercial sector</li> </ul>	<p>Training and Specialisms Working Group in Year 4.</p> <ul style="list-style-type: none"> <li>Prepare and present recommendations for wider licensing review/ legislative change</li> </ul>
R1.5.a, 1.5.b	vi. Treasure Act guidance and contact details.	<ul style="list-style-type: none"> <li>Provide an update of NI <b>Treasure Act</b> guidance - HED and NMNI is actively participating in this review.</li> <li>HED to confirm procedural arrangements for treasure that might be found on the seabed and clearly state procedure</li> <li>Receiver of wreck rather than the treasure act?</li> <li>Review HED/ DAERA websites to ensure clarity - potential issues relating to moving HWM?</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Collaboration with <b>Legislation Working Group</b></li> <li>NMNI, DAERA</li> </ul>	<ul style="list-style-type: none"> <li>Prepare and present recommendations for wider licensing review/ legislative change</li> </ul>
R1.10.b, R1.10.c, R1.10.d R3.1.h. R3.2.a. R3.3.a- R3.3.f	<p>vii. HED to undertake a review of detecting devices including metal detecting [licencing and enforcement] and geophysics</p> <p>viii. Explore any legislative changes required to facilitate a more effective licensing system</p>	<p><b>Metal Detecting</b></p> <ul style="list-style-type: none"> <li>Updated approach proposed in internal paper?</li> <li>Consult with colleagues in Scotland</li> <li>Bring forward draft for discussion with DSO, setting out proposed legislative change.</li> <li>Develop a 'code of practice' for metal detecting as most detectorists will be uninterested in formal licencing?</li> </ul> <p><b>Geophysics etc.</b></p> <ul style="list-style-type: none"> <li>Explore wider licensing review/ regulation of all searches for archaeological material? i.e. Geophysics is not an archaeologically licensed activity Licensing for intrusive underwater arch. activities?</li> </ul> <p><b>Legislation</b></p> <ul style="list-style-type: none"> <li>Explore impacts of regulation of all searches for archaeological material - community groups etc.</li> <li>Ensure any extension of licenced activity results in preparation and deposition of archives as per S&amp;G.</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Collaboration with <b>Legislation Working Group</b></li> <li>Sister organisations such as Historic Environment Scotland</li> <li>PSNI- Heritage Crime?</li> <li>Consult with sector/ reporting pathways</li> </ul>	<ul style="list-style-type: none"> <li>Establish clearer pathway for reporting discoveries.</li> <li>Establish 'code of practice' and improved liaison.</li> <li>Prepare and present recommendations for wider licensing review/ legislative change</li> </ul>

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R3.2.b, R3.2.d, R3.2.e	ix. Review HED's power of enforcement including powers of enforcement as part of the excavation licence and consideration of an in house enforcement team	<ul style="list-style-type: none"> <li>Working group to discuss and define what HED have remit to enforce - i.e. - S&amp;G compliance during excavations? Protection/ preservation of remains during construction? Review with DSO.</li> <li>Explore case for in house v. council level enforcement, additional training requirements</li> <li>Continue to engage with PSNI heritage liaison officer</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Collaboration with <b>Legislation Working Group</b></li> <li>Sister organisations/ engage with DSO, DAERA and other authorities for advice.</li> </ul>	<ul style="list-style-type: none"> <li>Prepare and present recommendations for wider licensing review/ legislative change</li> </ul>
R3.1.e. R3.5.a.	<p>x. Feed into Legislative Review as required including appropriateness of fees for issuing of consents or licences.</p> <p>xi. Increase penalties for SM offences to punitive levels.</p>	<ul style="list-style-type: none"> <li>HED Talking Shop - Consider charging for advice, issuing licenses, licensed use of HER information etc.</li> <li>Review penalties for SM offences incl case studies. Include review of equivalent offences with DAERA.</li> <li>Seek legal advice re statutory requirement for consultation.</li> <li>Review procedures in other authorities and liaise with councils?</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Collaboration with <b>Legislation Working Group</b></li> <li>Sister organisations/ engage with DSO, DAERA and other authorities for advice.</li> </ul>	<ul style="list-style-type: none"> <li>Establish industry standard. Review of procedures in other authorities.</li> <li>Prepare and present recommendations for wider licensing review/ legislative change</li> </ul>
R1.6.e R1.7.d	<p>xii. HED should consider guidance on unforeseeable discoveries.</p> <p>xiii. Ensure future funding includes the completion of the archive preparation and deposition.</p>	<ul style="list-style-type: none"> <li>Review contingency arrangements/ provision to amend scope. Is there a problem and does the guidance need to be strengthened?</li> <li>Potential for rescue excavations/ lessons learnt from recent cases?</li> </ul>		<ul style="list-style-type: none"> <li>Prepare recommendations.</li> </ul>
R1.6.f, R1.11.b, R1.11.c, R1.11.d	xiv. Agree post-excavation and final publication requirements required to discharge planning condition/ consent or licencing requirement.	<ul style="list-style-type: none"> <li>Need for better use of planning powers to ensure publications are fit for purpose etc.</li> <li>Internal HED processes to ensure planning and licensing line up - ensure the reporting is complete/ condition can be discharged/ enforcing submission of reports.</li> <li>Ensure submission of reports to excavations.ie and OASIS as part of licensing requirement</li> <li>Better communication to sector to ensure publication and related works are expected/ anticipated?</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>to facilitate HED Talking Shop</li> </ul>	<ul style="list-style-type: none"> <li>Improved internal processes</li> <li>Improved public dissemination</li> </ul>

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R1.3.c, R1.10.b, R1.10.d	xv. Ensure information derived from excavation or investigation is submitted to HERoNI/ made publicly available	<ul style="list-style-type: none"> <li>Internal HED processes - classification system for final reports, submission of digital data to HERoNI etc.</li> <li>Ensure process in place to add to HED investigations layer/ map viewer</li> <li>Explore mechanism for submission of geophysics survey, building surveys, condition surveys etc. to HERoNI outside of licencing/ consent</li> </ul>		
R1.11	xvi. Ensure appropriate level of publication of reports and wide availability of results	<ul style="list-style-type: none"> <li>Encourage local historical journals to give authorship back to communities?</li> <li>Provide local, regional and national output depending on significance</li> <li>Engage with commercial sector -emphasis should be on creating long term records and providing longevity and wider dissemination</li> </ul>	<ul style="list-style-type: none"> <li><b>Working Group 2</b></li> <li>Seek involvement of commercial sector, UJA/ UAS</li> </ul>	<ul style="list-style-type: none"> <li>Outreach</li> <li>Consider formal outputs as part of the developing Research Framework</li> </ul>