

## Appendix A Metal Detecting & Magnet Fishing Policy

### Portsmouth City Council Metal Detecting & Magnet Fishing Policy

#### Introduction

Portsmouth has a long history of occupation and much of the land has archaeological potential. This heritage belongs to everyone and it is therefore important that the city's archaeology is protected.

From time to time Portsmouth City Council receives requests for permission to metal detect or magnet fish on City Council land. Whilst much of Portsmouth City Council's land is accessible to the public, as the landowner the City Council has a duty of care to safeguard the health and safety of other land users and protect the city's archaeology.

Portsmouth City Council does not have a permit scheme for metal detecting or magnet fishing, and will consider requests on a case by case basis in line with this policy.

#### Legal Context

Anyone wishing to metal detect or magnet fish should seek permission of the landowner before metal detecting or casting a magnet. Excavations as a result of illegal metal detecting or magnet fishing could constitute criminal damage or an offence under the Theft Act.

The Crown Estate owns much - but not all - of the foreshore land between the Mean High Water and Mean Low Water marks in Portsmouth. Requests to metal detect or magnet fish on the foreshore should be directed to the Crown Estate in the first instance. [Metal detecting & drone flying | The Crown Estate](#)

Scheduled Monuments are protected against unlicensed metal detecting or magnet fishing under the Ancient Monuments and Archaeological Areas Act 1979. To carry out excavations in a **Scheduled Monument** requires a Section 42 licence from Historic England. Portsmouth has 17 Scheduled Monuments. Metal detecting on a Scheduled Monument without a Section 42 licence is a criminal offence under the 1979 act, punishable by unlimited fine or custodial sentence.

<https://historicengland.org.uk/advice/planning/consents/section42-licences/>

<https://historicengland.org.uk/images-books/publications/ourportablepast/heag177-our-portable-past/>

<https://historicengland.org.uk/advice/caring-for-heritage/rural-heritage/metal-detecting-agri-environment-land/>

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981. Metal detecting leading to excavations requires consent from Natural England in addition to the landowner. Portsmouth has SSSIs at Langstone Harbour, Portsmouth Harbour and Portsdown Hill.

The Portsdown Hill bylaws prohibit excavations on Portsmouth City Council land. Metal detecting resulting in a find would constitute unauthorised excavation.

Although referred to as a 'Common', both Southsea Common and Milton Common are not legally common land and have the same legal status as other local authority owned land.

Portsmouth City Council reserves the right of ownership of archaeological objects found on its land for adding to its historic collections.

## Background

In general metal detecting or magnet fishing on Portsmouth City Council (PCC) owned, managed and tenanted land (including land to which the public has a right of access) is not permitted. Any proposal to undertake metal detecting or magnet fishing on PCC land will only be considered where the activity is part of an appropriate programme of research. This is because removal of an archaeological object from its context, unless carried out by a qualified archaeologist, can cause the loss of valuable contextual information, as well as damage to the artefact itself.

Persons wishing to carry out such research will need to apply for and obtain PCC's written permission in order to use a metal detector or cast a magnet as well as to undertake associated survey work on PCC owned land. Permission will only be granted on the understanding that the primary aim of allowing survey work is the gathering of information about the archaeology on the Council's land and using appropriate levels of archaeological recording.

Anyone undertaking detecting should abide by the PAS Code of Practice for Responsible Metal Detecting in England and Wales (2017) [Code of Practice for Responsible Metal Detecting in England and Wales \(2017\) \(finds.org.uk\)](https://finds.org.uk/code-of-practice/)

Requests to metal detect or fish with a magnet must be made to Portsmouth City Council in advance of attempting the activity. This will allow Portsmouth City Council to check land ownership, legal restrictions, existing archaeological records, and assess the suitability of the request.

There are a number of health and safety considerations that need to be assessed for each request. Excavation could impact on other users of PCC land, and holes and divots could present a hazard or detectorists could be injured on PCC land. Evidence of adequate public liability insurance must be presented on application to detect.

The casting of a magnets brings its own health and safety considerations. Magnets come in various sizes and for the purposes of magnet fishing are likely to be large and tethered to a line. The action of casting a heavy object into water, and the risk of the magnet becoming detached during the cast need to be considered and the method of tethering understood.

Excavations could lead to the discovery of historic human remains. If such remains are uncovered the site should be made secure and the police should be contacted.

If live ammunition or other lethal objects are discovered the find spot should be clearly marked and reported to the Police and land owner immediately.

A number of locations within the city of Portsmouth exist as a result of historic landfill activity. Milton Common is a good example of a location with water bodies and open public space which have been created from past landfill activity. This landfill activity took place in times before regulation on what and how potentially hazardous materials were disposed of and thus the potential for contamination within the ground and water bodies is a risk that exists. Permission for activity on this type of land would require sufficient risk assessments covering the risk of contamination within the land.

We may decline a request if in the opinion of our archaeological adviser the area in question is of archaeological significance and warrants a more comprehensive investigation than metal detecting or magnet fishing alone.

Portsmouth City Council reserves ownership of all objects and finds including coins, worked flints, pottery and similar material. If an object is defined as treasure by the Treasure Act (1996) and any subsequent revisions and retained by the British Museum or other collection any payment of reward made to the finder will, in turn, be paid to the Council. In the event of a find being disclaimed the find will remain the property of and be retained by the Council. The Council may, in its absolute discretion, return the find, or any payment of reward to the finder.

This Policy does not apply to archaeological investigations which take place as part of the Development Control process.

## **Reporting and depositing finds**

If permission is granted for metal detecting or magnet fishing the following procedures must be followed:

- All finds must be reported to the Hampshire Finds Liaison Officer (FLO) for recording by the Portable Antiquities Scheme
- All finds must be recorded to a minimum accuracy of an 8-figure Ordnance Survey National Grid Reference (preferably using GPS) or using such applications as What 3 Words which can pinpoint locations with an accuracy of 3m.
- The findspots of all finds of archaeological interest, should record the depth of find and confirm if it was from plough soil, present the results on a plotted map or plan and provide this information as part of a written report to Portsmouth Historic Environment Record (HER) and Portsmouth Museums. This report must include the dates on which detection took place and a summary of any significant finds
- Any objects defined as treasure by The Treasure Act (1996) or potential treasure must be reported to the coroner within 14 days of discovery by law. Finds defined as treasure constitute all finds of gold and silver objects, groups of coins from the same finds over 300 years old and prehistoric base-metal assemblages. Finders of potential treasure in England and Wales should contact their regional Finds Liaison Officer for help in reporting Treasure and for further advice.
- All objects and coins found (with the exception of finds covered by the Treasure Act) will remain the property of Portsmouth City Council and be disposed of at its discretion. It is expected that most objects will be retained by the Council for future allocation to Portsmouth Museum.

## **Conditions of allowing metal detecting or magnet fishing**

All metal detecting or magnet fishing on Portsmouth City Council land must comply with the following legislation:

- The Ancient Monuments and Archaeological Areas Act 1979
- The Wildlife and Countryside Act 1981
- The Treasure Act 1996
- The Dealing in Cultural Objects (Offences) Act 2003

In addition:

- Permission will only be given for a specific place and time
- All applicants for permission must sign an agreement based on this policy
- Where necessary permissions must be obtained from Historic England and Natural England
- Any metal detecting must adhere to the Portable Antiquities Scheme Code of Practice for Responsible Metal Detecting in England and Wales (2017)

Failure to abide by these conditions and the Metal Detecting & Magnet Fishing Policy will lead to the withdrawal of permission.

## **Appendix - Code of Practice for Responsible Metal Detecting in England and Wales (2017)**

If undertaken responsibly metal-detecting can make an important contribution to archaeological knowledge. This document aims to provide guidance for metal-detectorists who wish to contribute to our understanding of the history of England and Wales. It combines both the requirements of finders under the law, as well as more general voluntary guidance on accepted best practice.

Being responsible means:

### ***Before you go metal-detecting:***

Not trespassing; before you start detecting obtain permission to search from the landowner, regardless of the status, or perceived status, of the land. Remember that all land (including parks, public open-spaces, beaches and foreshores) has an owner and an occupier (such as a tenant farmer) can only grant permission with both the landowner's and tenant's agreement. Any finds discovered will normally be the property of the landowner, so to avoid disputes it is advisable to get permission and agreement in writing first regarding the ownership of any finds subsequently discovered.

Obedying the law concerning protected sites (such as those defined as Scheduled Monuments, Sites of Special Scientific Interest or military crash sites, and those involving human remains), and also those other sites on which metal-detecting might also be restricted (such as land under Countryside Stewardship or other agri-environment schemes). You can obtain details of these sites from several sources, including the landowner/occupier, your local Finds Liaison Officer or Historic Environment Record or at <http://www.magic.gov.uk/> <https://historicengland.org.uk/listing/the-list/> <http://cadw.gov.wales> - which will help research and better understand the site. Take extra care when detecting near protected sites since it is not always clear where the boundaries of these lie on the ground.

Familiarising yourself with the Portable Antiquities Scheme (including contact details for your local Finds Liaison Officer - see <http://www.finds.org.uk>), and its guidance on the recording of archaeological finds discovered by the public; make it clear to the landowner that you wish to record finds with the Portable Antiquities Scheme. Ensure that you follow current conservation advice on the handling, care and storage of archaeological objects (see <https://finds.org.uk/conservation/index> ).

Obtaining public liability insurance (to protect yourself and others from accidental damage), such as that offered by the National Council for Metal-Detecting or the Federation of Independent Detectorists.

### ***While you are metal-detecting:***

Working on ground that has already been disturbed (such as ploughed land or that which has formerly been ploughed), and only within the depth of ploughing. If detecting takes place on pasture, be careful to ensure that no damage is done to the archaeological value of the land, including earthworks. Avoid damaging stratified

archaeological deposits (that is to say, finds that seem to be in the place where they were deposited in antiquity) and minimise any ground disturbance through the use of suitable tools and by reinstating any ground and turf as neatly as possible.

Stopping any digging and making the landowner aware that you are seeking expert help if you discover something below the ploughsoil, or a concentration of finds or unusual material, or wreck remains. Your local Finds Liaison Officer may be able to help or will be able to advise on an appropriate person. Reporting the find does not change your rights of discovery, but will result in far more archaeological evidence being recovered.

Recording findspots as accurately as possible for all archaeological finds (i.e. to at least a one ten metre square - an 8-Figure National Grid Reference), using a hand-held Global Positioning Systems (GPS) device whilst in the field or a 1:25000 scale map if this is not possible. Bag finds individually, recording the National Grid Reference on the bag with a waterproof/indelible marker. Archaeologists are interested in learning about all archaeological finds you discover, not just metallic items, because such finds contribute to knowledge.

Respecting the Country Code (leave gates and property as you find them and do not damage crops, frighten animals, or disturb ground nesting birds, and dispose properly of litter: see <https://www.gov.uk/government/publications/the-countryside-code>).

***After you have been metal-detecting:***

Reporting all archaeological finds to the relevant landowner/occupier; and making it clear to the landowner that you wish to record archaeological finds to the Portable Antiquities Scheme, so the information can pass into the local Historic Environment Record. Both the Country Land and Business Association and the National Farmers Union support the reporting of finds with the Portable Antiquities Scheme. Details of your local Finds Liaison Officer can be found at <https://finds.org.uk/contacts>, e-mail [info@finds.org.uk](mailto:info@finds.org.uk).

Abiding by the statutory provisions of the Treasure Act 1996, the Treasure Act Code of Practice ([www.finds.org.uk/treasure](http://www.finds.org.uk/treasure)) and wreck law (<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>). If you wish to take artefacts and archaeological material older than 50 years old out of the UK, you will require an export licence (<http://www.artscouncil.org.uk/>). If you need advice your local Finds Liaison Officer will be able to help you.

Calling the Police (101), and notifying the landowner/occupier, if you find any traces of human remains or a likely burial; human remains can only be disturbed further with a Home Office licence (<https://www.gov.uk/apply-for-an-exhumation-licence>)

Calling the Police or HM Coastguard, and notifying the landowner/occupier, if you find anything that may be a live explosive, device or other ordnance. Do not attempt to move or interfere with any such explosives.

Calling the Police if you notice any illegal activity whilst out metal-detecting, such as theft of farm equipment or illegal metal-detecting (nighthawking). Further details can

be found by contacting Historic England/Cadw or the 'heritage crime' contact within your local police force.

Finding out more about archaeology and metal detecting:

You can find out more about the archaeology of your own area from the Historic Environment Records maintained by local authority archaeology services (in England) and the Welsh archaeological trusts. Also the Heritage Gateway - <http://www.heritagegateway.org.uk> (in England) and Archwilio - <http://www.archwilio.org.uk> (in Wales).

For further information about the recording and reporting of finds discovered by the public and the Treasure Act 1996 contact the Portable Antiquities Scheme ([www.finds.org.uk](http://www.finds.org.uk) / [info@finds.org.uk](mailto:info@finds.org.uk)).

For further information about how you can become involved in archaeology contact the Council for British Archaeology ([www.archaeologyuk.org](http://www.archaeologyuk.org)). They can also supply details of local archaeology societies.

You can find out about metal detecting via the National Council for Metal Detecting ([www.ncmd.co.uk](http://www.ncmd.co.uk)) or the Federation of Independent Detectorists ([www.fid.org.uk](http://www.fid.org.uk)).