

METAL DETECTING AND ARCHAEOLOGY GUIDANCE NOTE,

BRECON BEACONS NATIONAL PARK

Date: July 2020

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Lle i enaid gael llonydd
One of Britain's breathing spaces

The Brecon Beacon National Park is protected for its beautiful countryside, wildlife and cultural heritage. This guidance document is intended to aid the National Park Authority in its management of the historic landscape and to provide advice to people seeking permission to undertake metal detecting within the National Park.

Permission for metal detector use is unlikely to be granted on Brecon Beacons Authority owned land, unless it forms part of a supervised and accredited programme of archaeological research.

1. Brecon Beacons National Park Conservation Objectives

- 1.1. The purpose of the Brecon Beacons National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of this special landscape, and promote opportunities for the understanding and enjoyment of its special qualities by the public.
- 1.2. The Brecon Beacons National Park Authority is a signatory to the 'Joint Statement on the Historic Environment Action Plan', which aims to define common principles for the sustainable management of the historic environment across all UK National Parks, and ensure that sustainable management of the historic environment is fully integrated into all aspects of the management of National Park landscapes. This includes Objective III, Action 11: *Work in partnership with relevant authorities, agencies and organisations to monitor, record and investigate incidents of crime and anti-social behaviour – 'Heritage Crime'.*

2. Metal Detectors and Archaeology

- 2.1. Many people use metal detectors to search for buried archaeological objects. If undertaken responsibly, within structured programmes of archaeological research and fieldwork, the use of metal detectors can greatly increase finds identification, and can represent a valuable addition to the archaeological toolkit. However, irresponsible use, leading to the disturbance or loss of the archaeological context of identified finds, and the lack of formal finds identification, recording and reporting can lead to an irretrievable loss of archaeological information.
- 2.2. There are restrictions governing the use of metal detectors on private and public land. In all cases, it is illegal to metal detect on land without first obtaining permission from the landowner.
- 2.3. Further restrictions relevant to the historic environment include:

- Prohibition on the use of a metal detector on Scheduled Monuments within Wales, without permission from Cadw. Anyone metal-detecting and removing objects from a Scheduled Monument without consent will be committing offences under the Archaeological Areas and Ancient Monuments Act 1979 as amended and updated by the Historic Environment (Wales) Act 2016. There may also be acts of criminal damage and theft¹.
- Prohibition of the use of a metal detector on access land².
- Metal detecting is contrary to the Bylaws of the Forestry Commission³.
- A Licence Agreement is required to metal detect on National Trust Land. Applications for a licence have to include a project design which has been agreed with the relevant Trust Archaeologist⁴.
- On some sites metal-detecting might also be restricted. This potentially includes land under Countryside Stewardship or other agri-environment schemes⁵. Details of such restrictions can be obtained from several sources, including the landowner/occupier, your local Finds Liaison Officer or Historic Environment Record or <http://cadw.gov.wales>
- Other legal parameters include the Protection of Military Remains Act 1986⁶, Treasure Act 1996 (extended 2003), and the Burial Act 1857.
- Some sites are designated as Sites of Special Scientific Interest (SSSI) for their biological or geological interest. Consent from Natural Resources Wales must be sought for activities that might damage the site's special interest⁷.

3. Guidance for the responsible use of Metal Detectors:

- 3.1. The Portable Antiquities Scheme provides a code of practise for responsible metal detecting in England and Wales (2017). This code has been endorsed by Amgueddfa Cymru - National Museum of Wales / PAS Cymru, Association of Local Government Archaeological Officers, Chartered Institute for Archaeologists, Council for British Archaeology and the Royal Commission on the Historical & Ancient Monuments of Wales, amongst others. This is available at: <https://finds.org.uk/getinvolved/guides/codeofpractice> [accessed 05/06/18].
- 3.2. Independent metal detecting clubs may have their own codes of practice. The National Council for Metal Detecting (www.ncmd.co.uk) and the Federation of Independent Detectorists (www.fid.newbury.net) also have Codes of Conduct by which their members are required to operate as a condition of membership.
- 3.3. A guidance document for landowners has been developed by the Portable Antiquities Advisory Group, and is available here: <https://finds.org.uk/documents/file/Landowner%20leaflet%20FINAL.pdf>

4. Recommendations:

- 4.1. Metal detecting is unlikely to be allowed on land owned by the National Park Authority, unless it forms part of a supervised and accredited programme of archaeological research.
- 4.2. The National Park Authority should encourage other landowners within the Brecon Beacons National Park to take a similar stance.

5. Advice to Metal Detectorists seeking permission

- 5.1. Permission for metal detector use is unlikely to be granted on Brecon Beacons Authority owned land, unless it forms part of a supervised and accredited programme of archaeological research.
- 5.2. For anyone wishing to undertake metal detecting within the Brecon Beacons National Park on privately owned land, permissions must be sought and obtained from landowners first. It is strongly recommended that individuals seeking permissions gain familiarity with the:
 - The Portable Antiquities scheme: <https://finds.org.uk/>
 - The PAS Code of Practice for Responsible Metal Detecting in England and Wales, 2017: <https://finds.org.uk/getinvolved/guides/codeofpractice>
 - The contact details for your local Finds Liaison Office, which can be obtained by contacting the Portable Antiquities Scheme: Online: <https://finds.org.uk/contacts>, e-mail: info@finds.org.uk, Phone: 020 7323 8611.
 - And find out more about metal detecting, and local clubs via the National Council for Metal Detecting (www.ncmd.co.uk) or the Federation of Independent Detectorists (www.fid.org.uk).

Footnotes

1. Heritage Crime: <http://cadw.gov.wales/historicenvironment/policy/heritage-crime/?lang=en> [Accessed 06/04/18]
2. Countryside and Rights of Way Act 2000 SCHEDULE 2 Section 2. *Restrictions to be observed by persons exercising right of access. Paragraph k:* <https://www.legislation.gov.uk/ukpga/2000/37/schedule/2/enacted> [Accessed 06/04/18]
3. The Forestry Commission Bylaws: Statutory Instrument 1982 No 648, Section 5.ix: https://www.forestryengland.uk/sites/default/files/documents/Forestry%20Commission_Byelaws.pdf [Accessed 31/07/18]
4. Metal detecting on National Trust Land: <https://www.nationaltrust.org.uk/features/metal-detecting-on-our-land> [Accessed 05/06/18].
5. Glastir advanced rules booklet: <https://beta.gov.wales/glastir-advanced-2018-rules-booklets> [Accessed 24/04/18]
6. Protection of Military Remains Act 1986: <https://www.legislation.gov.uk/ukpga/1986/35/contents> [Accessed 06/04/18]

7. More information on SSSIs, including why they're designated, what the landowner's responsibilities are, and where they are, is available here: <https://bit.ly/2JfihUN>

References:

Ancient Monuments and Archaeological Areas Act 1979:
<https://www.legislation.gov.uk/ukpga/1979/46>

BBNPA. A Management Plan for the Brecon Beacons National Park 2015 - 2020.
<http://www.beacons-npa.gov.uk/wp-content/uploads/BBNP-Management-Plan-PROOF-03-03-16-English.pdf>

Cadw, 'What is Scheduling' booklet:
http://cadw.gov.wales/docs/cadw/publications/What_is_Scheduling_EN.pdf

Countryside and Rights of Way Act 2000: <http://www.legislation.gov.uk/ukpga/2000/37/schedule/2>

Historic Environment (Wales) Act 2016:
<https://www.legislation.gov.uk/anaw/2016/4/contents>

PAS, 2010. Guidance for landowners, occupiers and tenant farmers in England and Wales:
<https://finds.org.uk/getinvolved/guides/guidancelandowners>

PAS, 2017: Code of Practice for Responsible Metal Detecting in England and Wales:
<https://finds.org.uk/getinvolved/guides/codeofpractice>

UK National Parks, 2018. *Joint Statement on the Historic Environment in the National Parks of England, Scotland and Wales, Action Plan 2018 – 2023*. <http://www.nationalparks.gov.uk/about-us/news/press-releases/uk-national-parks.-partners-sign-joint-statement-promising-closer-coordination>