



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Regeneration and Sustainable Development Board**

**16 April 2021**

### **Joint Report of the Head of Streetcare – Mike Roberts & Simon Brennan – Head of Property & Regeneration**

#### **Matter for Decision**

**Wards Affected: All Wards**

#### **Metal Detecting Policy**

#### **Purpose of the Report**

1. To seek approval for the adoption of a formal Policy in respect of metal detecting activities on Council owned land.

#### **Executive Summary:**

2. The Council does not currently have a formal policy in relation to service requests for permission to carry out metal detecting activities on its land. To ensure a consistent approach to these requests it is proposed to implement a formal policy. The report outlines the considerations made when determining the proposed policy and the recommendation that the Council does not support such activity on its land.

#### **Background:**

3. Metal detecting is becoming a popular hobby and recently the Council has received an increased number of requests to allow metal detecting on its land.

4. The Council does not have a formal policy in respect of metal detecting and to date officers have replied to requests in a 'piecemeal' fashion.
5. Furthermore, officers have not previously issued any written permit, nor authorised or supported any metal detecting with regard to Council land.
6. When considering a policy regarding metal detecting on Council land, there were a number of considerations as below:
  - Damage to Council land, to tree roots, plants and wildlife, resulting from digging up possible 'finds'.
  - Suitable and safe reinstatement, and whether the burden rests with the detectorist, furthermore whether the Council should inspect any reinstatement and what recourse the Council would have to remedy any inadequate reinstatement.
  - Liability in the event of a slip/trip/fall alleged to have resulted from an area dug up and not properly reinstated, and whether a detectorist's Public Liability Insurance (if required) would provide adequate cover. Also, how would the Council identify which detectorist was responsible for digging a particular area of ground if more than one permit was issued for any one area. Ultimately, would the Council, as landowner, be liable for any injury or damage.
  - Requirement for insurance along with arrangements for ensuring compliance if required. It is noted some Council's in England require Public Liability Insurance of £10,000,000.
  - Loss of historical information and damage to archaeology due to: removing artefacts from their original location; removing only the metal element of the artefact; and, removing any artefact without proper record.
  - The ownership of any finds other than Treasure (as defined by the Treasure Act 1996).
  - Provision of licences or permits and administering of these, the period of cover, maintaining a register, and policing those permitted or not permitted to metal detect.
  - Exclusivity or the issuing of more than one permit for any one area of land.

- How the cost of administration and ensuring compliance would be met.
  - The appropriateness of any single policy given that across the Council several service areas and divisions have various landowner or land management responsibilities (for example: schools and leisure facility grounds; highway verges, parks, gardens, and Estate's land).
7. When considering the proposed Policy, attendees of the Green Space Wales Forum were contacted to ascertain if they had a formal policy in place. The responses received indicate that whilst some other Council's in Wales do not support metal detecting activities on their land, they too do not have a formal policy in place.

#### **Financial Impacts:**

8. There are no financial impacts

#### **Integrated Impact Assessment:**

9. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.
10. The first stage assessment has indicated that a more in-depth assessment is not required. A summary is included below.
- After completing the assessment it has been determined that this proposal does not require a full Impact Assessment as it has no adverse impact on people who share protected characteristics or on people's ability to use the Welsh Language.

#### **Valleys Communities Impacts:**

11. There are no Valleys Community Impacts.

**Workforce Impacts:**

12. There are no workforce impacts.

**Legal Impacts:**

13. Should an individual undertake metal detecting on Council land without consent then the Council could bring a civil case against an individual for trespass and also claim for any subsequent damage caused to Council land.

**Risk Management Impacts:**

14. The implementation of this Policy would lower the risk of potential damage to Council land as well as reducing the risk of possible insurance claims for slips, trips and falls by the general public on areas of land affected by metal detecting activities.

**Consultation:**

15. There is no requirement for external consultation on this item.
16. Consultation has taken place with internal stakeholders in Property and Regeneration, Streetcare Services and Education Leisure and Lifelong Learning who are in support of the proposed policy. Consultation has also taken place with Legal Services with regards to any recourse available to the Council should the proposed policy be breached.

**Recommendations:**

17. It is recommended that:
  - i) The Council does not support Metal Detecting activities on its land;
  - ii) That the draft policy, given as Appendix 1, in respect of metal detecting activities be adopted.

### **Reasons for Proposed Decision:**

18. Due to the potential for damage to Council property, loss of historical information and damage to archaeology, together with the burden of administration, Metal detecting on Council land should not be supported.

### **Implementation of Decision:**

19. The decision is proposed for implementation after the three day call in period.

### **Appendices:**

20. Appendix 1 – Draft Metal Detecting Policy.  
Appendix 2 – Integrated Impact Assessment.

### **List of Background Papers:**

21. None.

### **Officer Contact:**

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## Appendix 1

### Metal Detecting Policy

Metal detecting on land owned or tenanted by Neath Port Talbot County Borough Council is not permitted except:

- (a) where a metal detecting survey forms part of an approved archaeological investigation and the associated permission is granted or;
- (b) for any other purpose that the Council deems to be appropriate.

This policy has been adopted to provide a consistent approach to the management of the Council's assets and for the reasons set out below:

To prevent or minimise:

- Damage to tree roots, plants and wildlife
- Trip hazards where land is disturbed and not correctly reinstated
- The removal of artefacts from their original location with serious loss of archaeological information
- Damage to related archaeological deposits
- Partial recovery of assemblages which might neglect non-metal finds, again with a loss of information
- Unreported discoveries leading to an accumulated loss of knowledge

Should an individual undertake metal detecting on Council land without consent then the Council could bring a civil case against said individual for trespass and also claim for any subsequent damage caused to Council land.