



Historic England

Historic England Guidance for Section 42 Consent

Consent is required for using a metal detector in a protected place under Section 42 of the [Ancient Monuments and Archaeological Areas Act 1979 \(as amended\)](#) (the 1979 Act).

A **metal detector** means any device designed or adapted for detecting or locating any metal or mineral in the ground. This includes the use of geophysical survey equipment.

A **protected place** means the site of a scheduled monument; or of any monument under the ownership or guardianship of the Secretary of State, Historic England or a local authority; or situated in an area of archaeological importance¹.

Section 42 consent is also required to remove any object of archaeological or historical interest which has been discovered by a metal detector in a protected place.

Section 42 consent is required for the use of a metal detector on unstratified topsoil or excavated spoil during any archaeological investigation for which scheduled monument consent (SMC) has been granted by the Secretary of State. Depending on the circumstances of the case, if the protected place is a scheduled monument, SMC may be required from the Secretary of State before the Section 42 consent can be implemented.

It is a criminal offence to use a metal detector in a protected place without written consent of Historic England. It is also a criminal offence to remove any object of archaeological or historic interest discovered by the use of a metal detector in a protected place without written consent.

You must apply to Historic England for Section 42 consent before carrying out these activities. Historic England is responsible for administering and issuing Section 42 consent in England.

This guidance sets out the information that is needed when applying for Section 42 consent. We encourage applicants to contact the relevant [Historic England regional office](#) for an informal discussion at an early stage when considering these activities.

¹ There are five areas of archaeological importance designated under Section 33 of the 1979 Act, comprising the historic centres of Canterbury, Chester, Exeter, Hereford and York.

Submitting a Section 42 consent application

Please complete the Section 42 consent application form, which can be [downloaded here](#).

You can send the completed application, supporting method statement and documents by email or post to the business team in the relevant Historic England regional office. The signature can be typed in black. Hand-written applications should be completed in BLOCK CAPITALS using black ink.

Further information about labelling and sending supporting documents is provided in Appendix 1.

There is no charge to make a Section 42 consent application.

1. Applicant details

Full name, title and address of whoever is applying for the Section 42 consent, as well as telephone number and email address.

2. Investigator details

Please provide details of the investigator/s (or surveyor/s) undertaking the activity, if different from the applicant.

If the activity is being undertaken as a student research project, and the applicant is a student, please include the address of the institution as well as the name and email address of the academic supervisor in this section.

3. Monument to which this application relates

Please provide the full monument name, National Heritage List for England List Entry Number (if it is a scheduled monument) and address. The [National Heritage List for England](#) should be consulted for the List Entry Number.

An accurate location of the proposed activity is required along with the National Grid Reference (NGR). The NGR should provide an accurate six-figure grid reference for the location of proposed activity, rather than the NGR of the whole protected place. This is important if the proposed activity is limited to one part of a large protected place.

NGRs are usually available on map websites, where they are part of the information given at the bottom of the page. For more information on grid references and how to get them from paper maps, see the [Ordnance Survey](#) website.

4. Type of activity

The type of Section 42 consent must be confirmed – please delete as relevant and provide further detailed information in section 6.

5. Period of activity

The start and completion dates of the activity must be set out as the Section 42 consent will only be valid for this period. If the dates of the activity are uncertain, please provide the estimated time frame; there will be a requirement to provide the actual start and finish dates of the activity, before commencement, as a condition of the consent. If the date of the activity needs to be altered, you will need to contact Historic England in order to arrange an amendment to the consent.

6. Summary of the proposed activity

The proposed activity needs to be summarised to enable the impact of the proposal to be assessed and the detailed description should be provided in an accompanying method statement (see below).

7. List of documents accompanying the application

A list of all the documents, including drawings and photographs, submitted with the application must be provided here.

All Section 42 consent applications should be accompanied by a method statement proportionate to the type and size of the activity.

The method statement should provide evidence of any previous experience in the use of the survey equipment and survey technique/s, and /or details of support or supervision. For metal detecting, evidence should be provided for the experience of a person handling, recording and reporting archaeological finds.

A location plan (or plans), to scale, must be provided identifying the location of the proposed activity within the protected place.

Where SMC has been granted, the SMC reference should be provided. If SMC has been applied for, and the decision is awaited, please provide the date the application was submitted.

Applicants planning a metal detecting survey should consult [Our Portable Past \(2018\)](#).

The method statement must include, as a minimum, the following requirements:

Fieldwork

For each geophysical technique to be carried out, please provide the following details:

- area of the protected place to be surveyed (hectare or ha);
- proposed sample interval;
- instrument type and relevant configuration details;
- instrument make and model;
- the research objectives.

For metal detecting, please provide the following details:

- area of the protected place to be surveyed (ha);
- details of the survey strategy where appropriate, for example using a survey grid or transects;
- type of metal-detecting equipment, its capabilities and the settings to be used;
- the research objectives, including its role within a wider research or management context;
- confirm that the work will conform to the [Code of Practice for Responsible Metal Detecting](#);
- contingency for dealing with unexpected finds requiring archaeological investigation;

For both geophysical surveys and metal detecting, ideally, a survey grade global navigation satellite system (GNSS) or tracking theodolite should be used to accurately record survey grid and instrument transects. With the exception of objects from loose spoil (including spoil heaps), the location of all objects of archaeological or historical interest discovered by the use of a metal detector (i.e. find spots) should be accurately recorded. Surveyed data should be recorded on the ground to a relative accuracy of +/- 0.1m allowing georeferenced data sets to be produced for use in a GIS environment in relation to the OS National Grid.

Assessment, Analysis and Reporting

For all applications, the method statement should state proposals for assessment, analysis and reporting, proportionate to the type and size of the activity.

As a minimum, reports should broadly include:

The name(s) of the investigators, title, date, report reference number, Section 42 consent number, client if applicable.

An Abstract or Summary of the results.

Introduction:

- site location including a plan (or plans) demonstrating that the survey has been accurately geo-located on the ground (minimum scale 1:2500) and in relation to the protected place;
- OS National Grid Reference;
- protected place name and, where relevant, the scheduled monument name and List Entry Number;
- rationale and objectives of the activity;
- site history, including previous investigations recorded in the local [Historic Environment Record](#) (HER);
- site description (geology and soils, ground conditions, land use and weather at time of survey).

Methodology explaining:

- the techniques used;
- equipment configurations;
- sampling intervals;
- methods of data capture and processing;
- variables used and method of data presentation.

Results related to the relevant known significance of the protected place. This should include:

For geophysical surveys:

- Greyscale plots of minimally enhanced data (raw data must be retained and archived) and processed data (with details of the processing used). Where appropriate X-Y trace plots of improved magnetic data or a sample thereof may be necessary to support the specific interpretation of anomalies identified from greyscale images;
- Plots should be appropriately sized for presentation and provided with a key, including use of A3 plots where necessary. A scale of 1:500 is often suitable, although scales as small as 1:1000 are acceptable for large survey areas;
- Description and interpretation of results, including interpretative plans/diagrams;
- Where appropriate, survey results should be related to other types of evidence, including for example historic maps, aerial photographs and previous archaeological investigations;
- A short report should be prepared whether or not potential anomalies have been defined that are indicative of archaeological remains; useful feedback can be provided about a survey technique even where the technique failed to define buried archaeological remains. A report is not required, however, where the survey failed because of faulty equipment.

For metal-detecting:

- A report of the results achieved from the metal detecting including the nature of the material recovered and the locations at which they were found;

- Reporting of finds, where appropriate, to the Portable Antiquities Scheme (PAS) for inclusion in the PAS database;
- Report on any archaeological investigation required by unexpected or exceptional finds;
- Provision for any conservation, recording and scientific assessment and analysis of objects of archaeological or historical interest, and associated residues, discovered and removed by metal-detecting. Objects must be appropriately conserved in accordance with guidelines from [The Institute of Conservation \(ICON\)](#);
- Appropriate scale plans should be provided in the report to show location and distribution of any objects recorded.

Conclusions should include:

- an assessment of the achievement (or not) of the objectives;
- a summary of the results;
- implications of the survey in relation to the relevant known archaeological information,
- discussion of research value and significance in the context of the appropriate research framework/s;
- recommendations (if appropriate) for any further work.

Archiving

For both geophysical surveys and metal-detecting, the method statement should state proposals for curation and storage of the digital archive. Further information about digital archiving is available from the [Archaeology Data Service](#). If required, Historic England will provide further advice relating to the specific project on request.

For metal-detecting, the method statement should include proposals for the archiving of all records and finds, consistent with the principles of [Management of Research Projects in the Historic Environment \(MoRPHE\)](#). This includes deposition, transfer of title and Treasure waiver of any object of archaeological or historical interest removed during the survey with a suitable local museum or other archaeological depository in line with their requirements for labelling, packing, boxing and documentation.

What happens after a Section 42 consent application has been submitted?

Historic England aims to process Section 42 consent applications within 21 days of receipt of a complete application. Once submitted, Historic England will check the application to ensure that sufficient information has been provided to allow us to process the application. If insufficient information is submitted, additional information will be requested, and the application will not be processed until this is received.

Section 42 consent will be issued subject to conditions that control the way in which the consent can be implemented. The survey must take place in accordance with the consent and conditions attached to it.

The following conditions will be attached to the consent to ensure the work is undertaken in accordance with the approved method statement to ensure:

- the start and date of the fieldwork is approved before commencement of the survey.
- a report is submitted for approval in a timely manner. This is normally three or six months following the completion of the fieldwork.
- a copy of the approved report is deposited with the local [Historic Environment Record](#) (HER) in their preferred format.
- a copy of the report is deposited with the [Archaeology Data Service](#) using [OASIS](#).
- to ensure the archive is deposited in a timely manner. This is normally three or six months following the completion of the fieldwork.

It is the applicant's responsibility to ensure the conditions of the consent are complied with. It is an offence to undertake any works that are outside the scope of the Section 42 consent.

Further information

For detailed guidance on geophysical survey, please consult the [European Archaeological Council Guidelines for the Use of Geophysics in Archaeology \(2016\)](#).

For detailed guidance on metal-detecting survey planning, reporting and archiving standards, please consult Historic England's Guidance for Good Practice, [Our Portable Past \(2018\)](#).

Guidance on the reporting of finds of Treasure or other archaeological objects by members of the public is published by the [Portable Antiquities Scheme](#).

[Code of Practice for Responsible Metal Detecting in England and Wales \(2017\)](#).

Further information about metal-detecting on agri-environmental land is available on the [Historic England website](#).

Guidelines from [The Institute of Conservation \(ICON\)](#).

For the [Management of Research Projects in the Historic Environment \(MoRPHE\) \(2015\)](#).

Appendix 1: Naming and sending supporting documents

Supporting documents sent as digital attachments in common file formats (for text/documents, MS Word or PDF) should be clearly named clearly named on the cover / first page, along with the author and/or organisation, version number (where appropriate) and date. File names should be short and meaningful. The name should include version number (where appropriate) and the status (i.e. Final or Draft). Characters such as " < > : / \ | ? % * ~ should not be used.

Digital files should be submitted in common file formats: for text/documents, MS Word or PDF; for spreadsheets, MS Excel; for images, .jpg (lossy graphics files) or .tiff (uncompressed). Please check that other file formats can be read by Historic England before sending them.

When sending supporting files by email, emails should not exceed 20MB. If a file exceeds this limit, it will need to be reduced or sent via another file transfer means. Please check that the file transfer means can be accessed by Historic England before sending large digital files.

If the application is sent by post, it should be addressed to the business team at the Historic England regional office. A cover letter should be included so the application can be easily identified.

Access to Information and Data Protection statement

Freedom of Information

Historic England is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which provide a general right of access to information we hold.

We may provide information you have supplied in response to a request made under this legislation, subject to any exemptions which apply.

Privacy Notice

- When you submit an application to Historic England you will be asked to provide your name and contact details. We will use these details to contact you and keep you informed about the status of your application.
- Personal information that you choose to provide in support of your application, including photographs, will be used to maintain a record of the application and to inform our assessment and recommendation. You should not include sensitive personal data within the application.
- We retain a permanent record of all submitted applications.
- Read the [Historic England Privacy Policy](#) (opens in a new window) for more information about how we use and store your personal information.

Data Protection

We will always store your personal details securely. We collect data that you provide to us and only ever collect the information we need in order to carry out our statutory purposes and that helps us to deliver and improve our services.

We will only share personal data when we are required to by law or with carefully selected partners who work for us. If you would like to know more or understand your data protection rights, please take a look at our [privacy policy](#).

Historic England 2024