

**REPLY BY THE PRESIDENT OF THE COMMITTEE *FOR THE*
ENVIRONMENT & INFRASTRUCTURE
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY M. HELYAR**

Question 1

Ancient monuments, however owned, are specifically protected by Guernsey law from unlawful damage or disturbance, but what is the statutory legislation enabling the States generally or E&I or its officers specifically to assert that a general prohibition exists against the activity of metal detecting on the islands' beaches, or anywhere else, without a permit?

Answer

The issue of permits for metal detecting was raised in 2010 in response to concerns from the States' Archaeologist and conservationists about the damage being done to archaeological sites, artefacts, coastal grass and headlands. Permits are not issued for metal detecting on land owned by the States of Guernsey; only for metal detecting on Crown land (named beaches only).

The permit is in the form of a letter outlining that metal detecting is acceptable on listed beaches, subject to conditions that the Committee applies in its role as manager of Crown land. The permit letter was approved by His Majesty's Procureur acting in his role of legal adviser to the States of Guernsey.

Because someone with a metal detector is likely to engage in digging at some point, the then Environment Department set an operational policy that says, as land manager, metal detecting on States of Guernsey Environment Department land was not allowed. This discharges the Committee's managerial obligation to uphold its mandate to protect and enhance both our natural environment (coastal grasslands) and our other green environments (parks and gardens).

Question 2

What legal means is there for the Committee *for the* Environment & Infrastructure or its officers to enforce a prohibition on metal detecting and the penalty for it, and what legal enforcement powers do its officers have if someone is metal detecting on a beach without a permit?

Answer

Metal detecting, by its nature, typically involves digging. If there was significant damage because of digging in an attempt to find any metal detected, a prosecution

of criminal damage may be appropriate. In addition, the dishonest appropriation of Crown property may result in prosecution for theft.

Question 3

What specific offence is caused by the activity of metal detecting (not digging or unlawfully damaging property) which could “result in prosecution”?

Answer

As explained in an email exchange dated 7 October 2022 (to which all States members were copied), Law Officers have confirmed that permits are effectively a licence to legally carry out metal detecting on Crown land managed by the Committee on behalf of His Majesty’s Receiver General. Prosecutions are most likely to arise from digging, criminal damage or theft, as explained in the answer to Question 2 above.

Question 4

Given that the activity of metal detection itself causes no damage whatsoever and that many thousands of people dig holes, make sand castles, collect up vrac with diggers, drive vehicles, dig for bait and disturb the Island’s beaches without restriction all year, every year, without any apparent issue, what is the policy and cost justification for the creation and enforcement of a permit system at public expense?

Answer

In 2024 the department issued 132 permits – fewer than three per week. Administration time is minimal and is built into BAU, meaning that the operation of this permit system incurs no additional cost to the taxpayer. The permit system allows the States of Guernsey to monitor the activity, demonstrate its responsible management of Crown land (in this case beaches) and provide those wishing to metal detect on beaches with helpful information. For example, it alerts permit holders to the potential presence of unexploded ordnance and what to do should they detect anything suspicious (noting that permits are provided to visitors as well as locals). In addition, it sets out His Majesty’s Receiver General’s position in relation to treasure trove and asks that all archaeological finds are reported to the States Archaeology Officer.

Question 5

Is the Committee aware whether any member of the public has been approached/apprehended or warned by its officers or other persons purporting to

act as its agents with legal action or prosecution in relation to metal detecting on the Island's beaches without a permit, and if so on what statutory basis was such power exercised?

Answer

No.

Question 6

Given the huge and ongoing pressure on public finances, has the Committee as part of cost cutting imperatives considered whether a States' permit (and presumably enforcement) system for metal detecting on beaches is a valuable, proportionate and essential use of public funds?

Answer

The permit system is a simple, light-touch process through which metal detectorists are provided with useful information and made aware of their rights and obligations. It also enables any issues that may be reported to be addressed. Removing the permit system would not generate any savings, and so is not in scope for any cost-cutting measures.

Question 7

Given recent misunderstandings involving ACLMS, for example the requirement for a FEPA licence to be submitted in connection with the Ladies' pool at La Vallette, and other activities such as closing half of the car park at Grandes Rocques and licensing cycling on cliff paths (neither of which was subject to any form of public consultation), is the Committee satisfied that the work of ACLMS is publicly accountable and being adequately and effectively supervised?

Answer

This question contains some fundamental misunderstandings which the Committee is happy to clarify. FEPA licensing is not (and never has been) within the remit of ACLMS; nor is it in the political mandate of the Committee. The car park at Grandes Rocques remains open; vehicle access to adjacent land (part of a Site of Special Significance) was restricted following consultation with the nearby kiosk and the relevant Douzaine. The GMBA's very limited access to the cliff paths (for a trial period under strict conditions, involving specific and public consultation) was not decided by officers within ACLMS. The Committee is aware of some erroneous claims in relation to these matters on social media based on apparent misunderstandings, and therefore hopes that by answering these questions it provides the opportunity to correct any such incorrect information. The Committee further notes that civil

servants effectively have no right of reply on social media, which is relevant with respect to States members' observance of the Code of Conduct.

As with all service areas under the Committee's remit, ACLMS has a Committee-agreed work plan and reports progress against that work plan to the Committee on a quarterly basis, augmented by frequent ad hoc updates. The Committee is satisfied that ACLMS – which manages 80% of the Island's publicly accessible land, sensitively balancing often conflicting interests with respect to land use, the provision of valuable amenity space, the management of public risk and the protection of Guernsey's unique environment, among other responsibilities – is not just publicly accountable but also well managed. The Committee is pleased to note that the team has received many compliments on their excellent customer service.

Date of Receipt of the Question: 17 February 2025

Date of Reply: 04 March 2025