



## **Undercliffs National Nature Reserve (NNR) – Fossil Code and Recording Scheme review June 2021**

### **Notes of meeting held on 15/06/21**

#### **Attendees**

Tom Sunderland (Natural England)  
Jonathan Larwood (Natural England)  
Phil Davidson (Charmouth Heritage Coast Centre)  
Chris Reedman (Jurassic Coast Trust)  
David Sole (Fossil Collector representative)

#### **Background**

Upon the launch of the Undercliffs NNR fossil code and recording scheme in June 2019 Natural England and the Jurassic Coast Trust agreed to undertake an initial review of the code after a period of 2-3 years to assess how successful the code had been and identify any issues or problems that may have occurred. The review would consider factors including:

- Number of scientifically important finds reported to the Charmouth Heritage Centre.
- Any transgressions or reports of activities that undermine or fall outside the Code.
- Number of emergency in-situ soft shale excavations that have been reported or carried out.
- Number of retrospective reports of fossils submitted for specimens collected from the NNR prior to implementation of the code

The meeting discussed these factors as follows:

#### **1. Number of scientifically important finds reported to the Charmouth Heritage Coast Centre.**

Only 1 find (Category 2) had been reported to the Charmouth Heritage Coast Centre (CHCC) since the code had been launched. Whilst this was considered to be a rather low return, there were a number of considerations that could account as possible explanations. Attendees of the meeting were aware that other material had been found and not yet reported, this could be because the material had yet to be cleaned and prepared, and that possibly collectors might not wish to submit records until the specimen was confirmed following adequate preparation.

Covid lockdowns over the last year had also significantly reduced the numbers of visitors and collecting activity along the coast, and this could also explain fewer finds. The Charmouth Heritage Coast Centre has been closed for over 10 months due to Covid restrictions and staff furloughed. This will be likely to have definitely impacted on the number of records for both recording schemes and raising the awareness of the Code with collectors and members of the public

It was discussed that far more finds had been recorded under the similar, but far more established West Dorset Fossil Collecting Code. This code covers a far larger area and additionally it is thought that far more collectors are active within the area. The range of fossils encountered and collected is also far broader in the area of the West Dorset code, with more insect fossils likely to be found for instance and other fossils that would qualify as Category 1 or 2 entries.

It was also suggested that the Undercliffs code may not be as well-known as the West Dorset Code, but it was largely unclear if and why finds from the Undercliffs had been underreported, and the reasons behind this.

The recent and ongoing break-up of the ammonite pavement on Monmouth Beach was discussed, and it was agreed that ideally if a collector held a significant amount of this material this should be recorded as a Category 2 entry, and this should be communicated to collectors.

## **2. Any transgressions or reports of activities that undermine or fall outside the Code.**

In May 2019 NE staff reported and photographed a wheelbarrow contraption that was clearly being used to extract heavy material from Monmouth Beach. The owner of the wheelbarrow was not identified. The use of wheelbarrows requires prior permission under the code.

In August 2018, May 2019 and September 2019 NE received reports and photographic evidence from separate witnesses who had expressed concern and observed a known collector undertaking large scale removal of material from Monmouth Beach in organised groups using sledgehammers. NE and local wildlife crime police officers identified the individual from photographs and vehicle licence number plates and followed up with enforcement letters in May and September 2019.

It was noted that although sledgehammers are not specifically banned under the code, the code does require collectors to '*Collect responsibly. If hand tools are needed wherever possible moderate their use*' and to '*Please avoid breaking up larger blocks/boulders (particularly when the beach is busy) unless clearly justifiable in the context of recovering category 1 or 2 fossils*'. This was considered adequate to prevent irresponsible use of larger tools such as sledgehammers.

No meeting attendees were aware of any other breaches of the Code having taken place. It was suggested that there probably have been some, albeit in low numbers and going unreported

## **3. Number of emergency in-situ soft shale excavations that have been reported or carried out.**

A total of 3 emergency excavations had been reported to NE and the Jurassic coast Trust.

- a. *Dapedium* - extracted in January 2020
- b. Fish (genus *Heterolepidotes*) & disarticulated Plesiosaur vertebrae – extracted in January 2020
- c. Therapod vertebrae – extracted in December 2020

Whilst the number of reported emergency extractions was not considered to be low, it is likely that some extractions will have taken place but not been reported. This could be due to many factors, but it was considered that reporting and engagement with the code in emergency excavation scenarios could be improved by continuing to work with local collectors and generally raising the awareness of the code. It was noted that a significantly higher number of emergency extractions had taken place over the same time period at Black Venn and Stonebarrow. This could be a reflection of collecting effort, also availability and abundance of specimens.

Public liability insurance (PLI) was discussed as being a potential factor that may put collectors off undertaking or reporting emergency extractions. Whilst the Undercliffs code does not specifically require PLI for emergency extractions, it does clearly set out issues concerning potential liability and responsibility as follows:

*'Collectors remain responsible for their own safety, as well as that of other beach users who may be affected by their actions. Natural England and the landowners take no responsibility or liability for anyone undertaking fossil collecting within the Undercliffs NNR.'*

In a scenario where an emergency extraction (or planned extraction) then required a further extraction involving NE and WHS, a formal SSSI consent would normally be required and NE as the legal occupier also requires any collector to undertake a written risk assessment and to have taken out adequate PLI. This was considered immutable, and that this would be required by any Government organisation or responsible landowner such as the National Trust. To assist collectors, it was suggested that a generic risk assessment could be made available that could then easily be made site and task specific. Additionally, that recognised and known insurance companies who offer PLI for paleontological purposes could also be identified and this information made available to any collectors who needed to quickly secure PLI for an extraction. It was also considered possible that collectors could choose to collaborate with each other to ensure that some PLI cover was in place for extractions.

#### **4. Number of retrospective reports of fossils submitted for specimens collected from the NNR prior to implementation of the code**

It was reported that no retrospective records had been submitted.

Whilst this was considered disappointing, it was recognised that there could be a number of constraints and factors that were discouraging collectors from submitting historical information and records.

First, Category 1 specimens that are reported under the code have short-term constraints placed on the sale of that material (specifically the code says *'Under the Code, collectors who intend to sell or otherwise dispose of their Category 1 specimens must first offer them to UK registered museums for a period of six months and then for a further 6 months to relevant worldwide museums (further advice available from NE and the Jurassic Coast Trust). If no purchase has been agreed after 12 months, the collector will be free to offer the specimen elsewhere.'*

Second, it was suggested that collectors may be reluctant to report finds from the NNR prior to the code that were collected due to misunderstood SSSI legislation (the 'Operation Likely to Damage - OLD' or 'Potentially Damaging Operation – PDO', now known as 'Operations Requiring Natural England's Consent – ORNEC'). In particular ORNEC 25 which prohibits 'The commercial removal of geological specimens for sale, including rock samples, minerals and fossils'.

The Undercliffs code clearly states that the requirement to seek consent from NE to undertake an ORNEC applies to the landowner and not third parties. In addition, the meeting agreed that under no circumstances would NE seek to prosecute or investigate any individual over submission of records relating to historical or held material that had been collected prior to the Undercliffs NNR collecting code, rather this information would be welcomed and received without prejudice. The meeting considered whether it might be appropriate to approach some known local collectors who had been collecting on the NNR for many years and who would be likely to hold a significant number of records.

### **Proposed changes to the code**

The meeting then considered a number of other matters, including whether or not any changes may be necessary. The following changes were proposed:

- Contact details to be changed for the Jurassic Coast Trust from Sam Scriven to Chris Reedman
- In the case of in-situ emergency shale extractions, it was concluded that due to the geological banding on Monmouth beach of hard limestone and soft shale, it was likely that situations could easily arise where a full emergency extraction might not be possible in a scenario where there was a small amount of overburden of hard limestone covering the edges of a much larger shale extraction. In this situation, under the existing code, a collector would need to stop the emergency extraction once the shale had been removed and then seek permission to remove the harder limestone at a later date. This could compromise a specimen by exposing a cross section to erosion and storm/tide damage.

It was concluded that NE and the WHS would take a pragmatic approach to situations like this, and cases would likely be decided on a case-by-case basis.

Referring to emergency in-situ shale excavations, the code currently states 'Keep the extent of any excavations to an absolute minimum and only recover material that is immediately threatened or vulnerable'.

It is proposed that this be changed to 'Keep the extent of any excavations to an absolute minimum and only recover material that is immediately threatened or vulnerable, avoiding where possible any damage to overlying beds of limestone'

### **Other matters discussed**

- Interpretation on Monmouth Beach could be improved to make visitors aware of the fossil collecting code and its basic messages. NE will probably need to replace the existing interpretation panel sign in 2-3 years' time (depending on levels of vandalism and condition of the sign) and when this happens text and reference to the collecting code should be added to the sign. Another option would be to design and make up a new 'fossil code' sign now, this would be a stand-alone sign

and be sited separately to the existing sign. Any text referring to the code would need to be agreed by attendees at the meeting. NE agreed to investigate the feasibility of this and discuss further with partners and the Jurassic Coast Trust.

- The revised code should be made available on the Charmouth Heritage Coast Centre website, and where possible should be made available directly or as a link to other popular paleontological websites such as the 'Dorset Fossil Hunters' website. This would help raise awareness of the code and the fact that a recent review had been undertaken. It would also help to encourage responsible collecting, the recording of finds, and continue work to develop good relationships with local collectors.
- The West Dorset Collecting code specifies groups of fossils that are Category 1 (fossils of 'Key Scientific Importance') and Category 2 (fossils of some but not key importance). It was proposed that this should be done for the Undercliffs collecting code and this would help collectors decide if they needed to record finds. A provisional list of proposed Category 1 & 2 fossils will be drawn up by the Jurassic Coast Trust, based on the West Dorset Code, the nomination for the WHS, SSSI designation, and Geological Conservation Review (GCR) criteria. This would include Cretaceous/Cenomanian interest as well as Lower Lias interests. This list would be consulted on in due course and involve local collectors and academics.
- There is a recording form for the West Dorset Collecting code that is available at the Charmouth Heritage Coast Centre. Phil Davidson circulated this form after the meeting, and it was proposed that there should be two recording forms – one for West Dorset and one for the Undercliffs. In addition, a proposal was made to change the title of this form. Currently it suggests the recording form is for Key Scientifically Important fossils (= Category 1) when actually we also want to 'strongly encourage' recording category 2 fossils as well. The suggestion is to change the name of the existing form to 'West Dorset Coast Fossil Recording Scheme' and to have a separate form named 'Axmouth to Lyme Regis Undercliffs NNR Recording Scheme' with a brief explanation of categories at the start of the form.

Tom Sunderland  
Natural England  
25 June 2021