

METAL-DETECTING

To: Buckinghamshire Historic Environment Forum

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A. PURPOSE OF THE REPORT

- 1 To seek the Forum's views on the interpretation and application of national policy on metal-detecting in order to better advise member organisations, landowners, metal-detectorists and other interested parties. The aim is to help ensure a more consistent and transparent approach to the interpretation and application of national policy statements that promotes better practice and discourages potentially damaging activity.

B. PROPOSED ACTION

- 2 **The Forum is invited to DISCUSS the issues outlined in this paper and to CONCLUDE either that:**
 - a) **national guidance is sufficient; or**
 - b) **a locally agreed interpretation of national policy would be helpful; or**
 - c) **a local policy should be formulated.****For options b) or c), a form of words is suggested in paragraph 11.**

C. RESOURCES

- 3 Buckinghamshire and Milton Keynes share a Finds Liaison Officer funded under the national Portable Antiquities Scheme (PAS). Proposals for cuts in the PAS were recently mooted by the Museums, Libraries and Archives Council in response to a 25% budget reduction but the worst of the cuts, the loss of the central British Museum team, appear to have been averted for the time-being. The Bucks Finds Liaison Officer liaises with the Archaeology Services for Buckinghamshire and Milton Keynes to enable finds to be recorded on the relevant Historic Environment Record and to identify potential conflicts with conservation interests. The Forum's Emergency Recording Fund is available to assist in the event of detectorists discovering significant in-situ remains that require professional investigation.

D. SUPPORTING INFORMATION

- 4 The need for a review of local arrangements for metal-detecting was brought to the fore by an incident reported by the Finds Liaison Officer at Billingsfield near Aylesbury last autumn. A club spent two weekends searching a large Roman settlement on a proposed development site recovering several hundred items, mainly Roman coins. The site has an agreed archaeological strategy for 'mitigation' including the preservation of its core areas within public open space and archaeological investigation of surrounding areas. However, this strategy was pre-empted by the detector club who gained permission direct from the landowner. With very short notice given to the County Archaeological Service it was claimed to be too late to cancel the event despite our objections and it went ahead with the involvement of the Finds Liaison Officer. Sadly an opportunity for archaeologists and detectorists to work together positively on this site was lost and it has instead prompted this review.

- 5 Metal-detecting emerged as a hobby in the 1970s and is responsible for the discovery of many tens of thousands of finds every year in England. Over 300,000 of objects have been recorded on the PAS database in the last ten years, but as the scheme is voluntary there is no way of quantifying the finds of those who do not record their objects. Metal-detectors are also often used in support of archaeological excavations and surveys, sometimes operated by hobby detectorists, on other occasions by archaeologists. There is a long history of interaction between archaeologists and metal-detecting hobbyists; including some fruitful collaboration but also many disagreements. The lack of factual data on the subject was addressed in study carried out for the Council for British Archaeology and English Heritage in 1995. It concluded that:
 - ❖ *Archaeological sites are suffering significant damage from unregulated metal detecting.*
 - ❖ *Raids by metal detectorists on archaeological excavations are widespread.*
 - ❖ *The level of illicit detecting on scheduled sites is unacceptably high.*
 - ❖ *Successful prosecution of illicit detectorists are extremely rare.*
 - ❖ *The metal detector is an extremely important archaeological tool.*
 - ❖ *Metal detectorists have recovered a vast amount of new material for archaeological research*
 - ❖ *Metal-detected finds account for perhaps a third of all casual archaeological finds recorded each year.*
 - ❖ *The use of metal detectors by archaeological units is widespread but unsystematic*
 - ❖ *Metal detectors have been responsible for some major advances in archaeological knowledge, and could bring many more.*

- 6 The Treasure Act enacted in 1996 provided a modern legal framework for the reporting of gold and silver objects over 300 years old. Shortly afterwards Government and then the Heritage Lottery Fund were convinced to establish and maintain the Portable Antiquities Scheme to encourage the voluntary reporting of the large numbers of finds not covered by the Treasure Act. The Portable Antiquities Scheme has dramatically increased the reporting of finds in England and some of this new information is beginning to contribute to archaeological knowledge. It is less clear to what extent the PAS has been able to influence the damaging and illegal activities of detectorists; although a current study of 'nighthawking' (illicit detecting) by Oxford Archaeology should help in this respect.
- 7 National guidance has been developed for metal detecting and the recording of portable antiquities. The main documents specifically aimed at hobby detectorists are the "Code of Practice for Responsible Metal Detecting in England and Wales" (DCMS and Heritage Lottery Fund)¹ and the Council for British Archaeology fact sheet on "Metal-detecting: advice for users of metal detectors in England and Wales" which includes their definition of "responsible" detecting. These guidelines have many features in common:

- ❖ Avoid protected sites (mainly scheduled ancient monuments and Sites of Special Scientific Interest)².
- ❖ Obtain permission from the landowner³.
- ❖ Report treasure finds as required by the Treasure Act.
- ❖ Record find locations and report finds.
- ❖ Seek expert help if something large, unusual or a concentration of material is found.
- ❖ Contact the police if you find possible human remains or live explosives.

The main difference is that the CBA advise that detectorists should:

- ❖ Work on ground that has already been disturbed, within plough depth

whereas the DCMS/HLF Code of Practice is less robust simply saying that:

- ❖ Wherever possible working on ground that has already been disturbed (such as ploughed land or that which has formerly been ploughed), and only within the depth of ploughing. If detecting takes place on undisturbed pasture, be careful to

¹ The Code of Practice was endorsed by many heritage, metal-detecting and landowning organisations (including Council for British Archaeology and English Heritage) but not by the Association of Local Government Archaeologists or the Institute of Field Archaeologists. ALGAO felt there was a conflict with conservation principles.

² It is illegal to operate a metal detector in these places without specific consent. The CBA guidelines also recommend avoiding "land in their near vicinity".

³ Detecting without consent may be trespass and removing objects without permission is theft.

ensure that no damage is done to the archaeological value of the land, including earthworks.

In all non-treasure cases it is accepted that the ownership and disposal of finds is a matter for the finder and landowner. For treasure a reward may be payable if the item is acquired by a museum.

- 8 English Heritage's guidance "Our Portable Past" explains the range of legal and statutory provisions relevant to portable antiquities and provides a statement of policy and best practice to be applied to designated sites and English Heritage projects. Unlike the "responsible detecting" codes outlined above, "Our Portable Past" envisages an explicitly archaeological approach requiring a project design, high standards of recording and reporting and the deposition of an ordered archive of records and finds in a museum. It is expected that a 'waiver' would be signed by all participants eschewing any claim to reward for treasure.
- 9 Other policy and guidance of relevance has been developed by the National Trust for their own land and by DEFRA/Natural England for land in Countryside or Environmental Stewardship. The National Trust does not generally permit metal-detecting on its land. In exceptional cases where metal-detecting can help further archaeological knowledge or protect archaeological remains a licence to detect can be given but the Trust retains ownership of the finds. Consent is required from Natural England for detecting on a known archaeological site on Countryside Stewardship or Higher Level Environmental Stewardship land. On Entry Level Stewardship land detecting is allowed unless it would damage an archaeological site on uncultivated land.
- 10 The Code of Conduct of the Institute of Field Archaeologists is also relevant to the role of its members on this issue; and in the future to the County Council if Registered Archaeological Organisation status is achieved. Inter-alia the Code requires archaeologists to "... strive to conserve archaeological sites and material as a resource for study and enjoyment now and in the future *and shall encourage others to do the same...*" (rule 2.1 - my italics).
- 11 A 'Code of Practice for Responsible Metal Detecting Rallies in England and Wales' is being prepared by the Portable Antiquities Scheme. A draft made available during the preparation of this paper places emphasis on prior liaison with the local Finds Liaison Officer and Historic Environment Record and the particular importance of accurate recording and reporting of finds from on or near an archaeologically sensitive site. However, as with the "Code of Practice for Responsible Metal Detecting in England and Wales" noted above the Association of Local Government Archaeologists has concerns with the current draft.

Issues and Options for Buckinghamshire

- 12 It does not seem necessary to replicate national guidance for its own sake. However, with a range of guidance and opinion there is a need for greater clarity over which guidance is applicable to particular circumstances and how it should be applied. Practical situations which can give rise to such dilemmas include:
- ❖ The relationship of metal-detecting to professional archaeological projects (e.g. where the detecting could be done by hobby detectorists under professional supervision).
 - ❖ Metal-detecting within amateur/community archaeological projects where 'inclusion' may be perceived as a desirable goal.
 - ❖ Advice to landowners and to Natural England over good practice and interpretation of restraints on metal-detecting in Environmental Stewardship agreements.
 - ❖ Advice to clubs and rally organisers.
- 10 From an archaeological viewpoint, it is clear that there are benefits in maintaining and encouraging the reporting of finds through the Portable Antiquities Scheme particularly where finds are being recovered from ploughsoil in fields with little or no previously recorded archaeological interest - this is new information which otherwise would be destroyed by the plough. The "Code of Practice for Responsible Metal Detecting in England and Wales" provides a widely accepted standard for such activity. More problematic are situations where metal detecting can take place perfectly legally but simply relying on this type of 'basic' reporting can conflict with archaeological principles of conservation and recording. Scenarios relevant to Buckinghamshire include:
- ❖ Detecting on archaeological earthworks – these sites are normally under permanent pasture and therefore not under threat. Recovery of finds is potentially damaging to site stratigraphy and removes finds from their archaeological context.
 - ❖ Detecting in pasture fields⁴ and ancient woodland – even where no archaeological remains are recorded new discoveries in permanent pasture fields and ancient woodland are likely to be undisturbed and pose similar concerns to archaeological earthworks. The situation on improved pasture could be more ambiguous depending upon the degree of recent cultivation and likely future land management.
 - ❖ Detecting on arable fields on or close to known archaeological sites – the recovery of archaeological finds from the ploughsoil may be desirable in some circumstances but their potential to contribute to archaeological knowledge is likely to be compromised by ad-hoc recovery and reporting arrangements and subsequent dispersal of finds. Again, future land

⁴ Natural England define grassland as "land which is used to grow grasses or other herbaceous forage naturally or through cultivation and which has not been subject to cultivation for at least five years."

management ought to be a consideration, especially if changes are anticipated.

NB: Where metal-detectors are used as part of a carefully designed archaeological research project it may sometimes be appropriate to use them in some of the circumstances listed above provided that the site's conservation is not compromised.

11 In order to avoid conflicts of advice on metal detecting and conservation of archaeological heritage, it is suggested that the Forum could adopt an agreed position statement or 'policy'; which could if desired be subject to further consultation amongst interested parties: national heritage organisations, local authorities, metal-detector clubs, professional archaeologists etc. A suggested wording is set out below:

The Buckinghamshire Historic Environment Forum will only condone the use of metal-detectors to search for archaeological finds in circumstances that accord with the following principles.

- a) In areas of known and significant archaeological interest⁵, whether statutorily protected or not, metal-detecting survey should only be considered where it would not damage archaeological deposits not otherwise under threat and where arrangements are based on English Heritage guidance set out in "Our Portable Past".**
- b) Hobby detecting not following explicit archaeological principles (e.g. club meetings, rallies) should avoid areas of known and significant archaeological interest, especially archaeological earthworks, and also other land which has not been cultivated or disturbed in modern times. Such detecting should as a minimum accord with the Code of Practice for Responsible Metal Detecting in England and Wales.**
- c) Hobby detecting should seek to avoid conflict with archaeological projects. Conversely archaeologists should endeavour to include hobby detectorists within archaeological projects wherever appropriate and practicable. Archaeologically motivated metal-detecting should follow English Heritage guidance.**

E. BACKGROUND PAPERS

1. Metal Detecting and Archaeology in England. Council for British Archaeology and English Heritage. 1995.
2. Treasure Act 1995
3. "Code of Practice for Responsible Metal Detecting in England and Wales" (DCMS and Heritage Lottery Fund)

⁵ Such areas would be identified in consultation with the County Archaeological Service but as a general rule would comprise the "Archaeological Notification Areas".

4. "Metal-detecting: advice for users of metal detectors in England and Wales" (Council for British Archaeology fact sheet)
5. Our Portable Past (English Heritage, 2006)
6. Institute of Field Archaeologists. Code of Conduct. (revised October 2007)
7. Metal Detectors – Plague or Blessing? The National Trust Archaeological Review No.9 2000-2001.
8. Countryside Stewardship Scheme Guidance. Metal Detecting. June 2005.

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