

Metal Detectors – Plague or Blessing?

A CONSIDERED VIEW ...

Caroline Thackray

ARCHAEOLOGICAL ADVISER, CIRENCESTER

Background to existing National Trust policy and the rationale behind it

Summary

In recent years metal detecting enthusiasts who seek permission to use metal detectors on its land have increasingly approached the National Trust. Normally their use is prohibited, but as the evidence for damage to buried objects in arable landscapes grows, it is less easy in all cases for the National Trust to defend its policy of non-intervention. On occasion, a controlled survey and careful retrieval programme may be a better option. In a climate of changing emphasis in the portable antiquities world and of ongoing research on the management of archaeological sites in arable landscapes it is essential that the National Trust maintain a clear view of the issue and of the rationale behind its own stance. Caroline Thackray explains the background to its policy in the light of a recent review and outlines the licence agreement that might be used in particular and exceptional cases.

The unauthorised use of metal detectors specifically to recover artefacts from ancient sites is a potentially damaging operation affecting buried archaeological remains. For this reason it has long been a source of concern to those who curate and manage the historic environment – particularly archaeologists, historians, museum staff and land managers.

Law prohibits the use of metal detectors on scheduled monuments in any ownership, including that of the National Trust without a specific licence issued by the Secretary of State. It is also an offence to remove from a scheduled monument anything discovered by using a metal detector. (Ancient Monuments & Archaeological Areas Act, 1979).

For scheduled monuments then, the law applies and is clear and unequivocal. But what of unscheduled sites; what rules apply there? And where does the National Trust sit, as a major landowner, in relation to the use of metal detectors on its land?

When metal detectors are used responsibly, with the knowledge and authority of the landowner, and with full reporting procedures, they pose little threat to the historic environment. Used proactively, to rescue objects before their loss or total disintegration in the plough soil, they are of positive benefit. But if carried out irresponsibly or illicitly, the practice removes the find from its archaeological context, is capable of causing considerable damage to its immediate environment, and may also result in the loss to the record of the artefact itself and of any related understanding of the site.

The issue has been increasingly debated since the early 1980s, when efforts were made, among others, by the archaeological lobby group, Rescue, and The Council for British Archaeology (CBA) to discourage the practice of using metal detectors to search for archaeological artefacts. Many finds which were made by illicit use of metal detectors were never reported or recorded, so never entered the public domain. The prevailing contemporary belief among professional archaeologists was that, in the absence of proper archaeological excavation, any potential buried artefacts were best conserved by being left *in situ*.

The National Trust, like other landowners, has suffered in the past from illicit metal detecting, and on occasion still does. So, in the 1980s, in agreement with accepted contemporary professional opinion, the Trust adopted a presumption against the use of metal detectors on its land to protect its property from theft by unauthorised practitioners. This is reflected in current policy, expressed in the National Trust Archaeology Subject Paper, 1988 and further outlined in the National Trust Estate Management Manual (1992, amended 1997).

Current policy

The policy states that the use of metal detectors on its land should not *generally* be permitted. There have been occasional exceptions to this where special circumstances have required it, but these have been carefully controlled and authorised through consultation with the Archaeological Advisers, and the general presumption **against** permission to use metal detectors on National Trust land remains.

The policy is in accordance with the particular conservation concerns of the National Trust as expressed through its Acts (National Trust Acts, 1907 & 1937), and can be supported through its byelaws (2a & 2b).



14/15th Century Vesica shaped frame Spectacle Buckle

MICHAEL LEWIS/PORTABLE ANTIQUITIES SCHEME,
KENT COUNTY COUNCIL



18/19th Century Copper alloy Cone shaped Button.

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A climate of change....

There have been considerable changes in the world of archaeological curation since 1988, broadly summarised below:

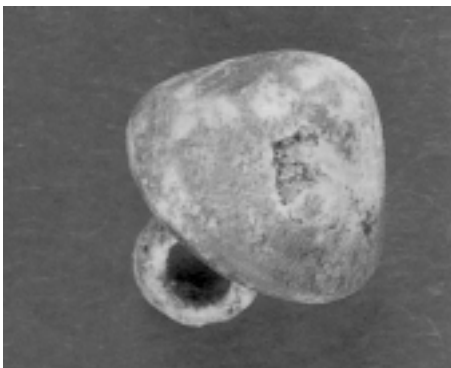
- New legislation has updated the reporting procedures for items of treasure as defined in the Treasure Act 1996, enabling improved public acquisition of finds of national value. In tandem with this, a government-supported scheme (The Portable Antiquities Scheme) has been piloted for the recording of finds that lie beyond the remit of the Act. This, too, is for public benefit. It has already met with considerable success and a proposal for national coverage is currently subject to consideration by the Heritage Lottery Fund.
- There is a new willingness by archaeologists and metal detectorists to engender good relations and to work together on heritage issues.
- Increasing evidence is emerging from scientific analysis and from local experience to suggest that in arable landscapes, modern cultivation techniques are responsible for much of the damage and destruction to archaeological sites and artefacts that were previously considered safe below the ground. In some instances on arable land, controlled metal detector surveys with recovery and recording programmes may be a preferred option to the normally favoured one of leaving artefacts in the ground. In such circumstances, stringent conditions for conduct, recovery, recording, conservation and storage would need to be drawn up on a site by site basis.

Within this climate of change, the Trust's responsibility of long term care and conservation for its properties and associated artefacts continues, but it has felt it appropriate in the last few months to look again at its existing policy in the context of current thinking.

Any new policy must take account of current developments, such as the results of the Monuments at Risk Survey (Bournemouth University for English Heritage, 1998) and the ongoing research by Oxford Archaeological Unit into the management of archaeological sites in arable landscapes. Interim reports appear to support anecdotal evidence from East Anglia which suggest that modern cultivation methods may considerably truncate archaeological deposits and scatter and damage finds throughout the topsoil.

Trust policy must retain a modern view, but at the same time reflect its very special curatorial responsibilities. It must not obstruct access, but it must not generate damage or loss of historic objects which are held on behalf of the nation. The role of inalienability, peculiar to the Trust, is especially important here.

To address these needs, existing National Trust policy should continue to be robust, but should allow, in exceptional circumstances, for a greater degree of controlled flexibility in its future application.



14/15th Century Copper alloy rounded thimble with large circular indentations.

MICHAEL LEWIS/PORTABLE ANTIQUITIES SCHEME,
KENT COUNTY COUNCIL

What next? ... Progress to date

A draft paper has already been prepared which re-examines these issues, but, to be fully up to date, its final consultation has been delayed until the Treasure Act Review has been completed (report recently submitted at time of going to press). The paper aims to review and address the changes already described and will clarify and update current National Trust policy relating to the use of metal detectors.

The revised policy will continue in most cases to prohibit the use of metal detectors on its land. But in future, in exceptional circumstances which will be assessed by National Trust archaeological staff, it will allow for a greater degree of controlled and regulated flexibility. Inherent in that policy will be the opportunity to consider the provision of controlled metal detector surveys in appropriate cases, under archaeological supervision and in liaison with demonstrably reputable and accredited metal detectorists. Such cases will be treated like any other archaeological project, requiring a carefully considered written proposal in the same way as already operates for any professional project or third party proposal for archaeological research projects on its land. Similarly, additional requirements will be identified in a legal contract to which both the proposer and the National Trust will be signatories. These will include, among others, the following:

- Compliance with the Ancient Monument & Archaeological Areas Act, the Treasure Act and other relevant legislation
- Insurance and health and safety provision
- A risk assessment
- Identified and approved survey and recording procedures
- The confirmation of National Trust title to any artefacts recovered from the survey and arrangements for their delivery. The Trust archaeologists and conservation staff will agree the most appropriate system for their storage, cleaning, conservation and final deposition.
- The production of a final report on the project with copies for the National Trust, the County SMR and the Portable Antiquities Scheme
- Strict agreement with the Trust on any level of potential publicity.

The role of the National Trust Regional Archaeologists and Head Office Advisers will be essential in agreeing and monitoring any such recovery programme. Its initial approval will be subject to their decision, which will be made on a case by case basis in liaison with local colleagues within and outside the Trust. They will also operate any licensing agreement.

A case study in Kent

And so to the real story... The case study summarised below by Michael Lewis tracks the background thinking and careful preparation, which led to the decision to carry out just such a survey, as an exception to normal policy. I think that it proved a very successful project, not least because it brought together a number of people from different sectors, whose only concern was to do what was right for the best conservation and management of the property. In that particular situation, it was judged to be the most appropriate decision, and has proved a very useful model. It was also a lot of fun, and I hope will be something good to build on for the future. It would not have been possible without the full co-operation and good will of all the players. I would like to thank especially the National Trust tenant farmer and those members of the Mid-Kent Metal Detectors Club, and Michael Lewis (Finds Liaison Officer, Kent) and Richard Hobbs (Outreach Officer, Portable Antiquities Scheme) who laboured in the fields for us during two hot September days last autumn. Considerable support was also provided by John Williams (Kent County Archaeologist); Claire Mason (Maidstone Museum); and members of the National Trust staff in Kent and at Scotney. Very many thanks to all of you!

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