



Metal Detecting on Scotland's Forests and Land

Summary

Metal detecting as an informal activity or hobby is not allowed on Scotland's national forests and land.

However, metal detecting may be permissible as part of an archaeological project (with a project design agreed in advance). This is to ensure that:

- the work is undertaken in agreed locations to agreed standards and methodologies;
- an agreement is in place to ensure the finder waives any right to reward in regard to any discoveries on the National Forest Estate; and that
- an agreement is in place in respect to the costs of any artefact conservation that may be required.

Introduction

The purpose of this short guidance note is to set out a framework for use by FLS staff when they are approached for permission to undertake metal detecting on Scotland's national forest estate.

Responsible metal detecting as part of a research project with defined research agenda, post-excavation plan and publication framework may be considered by the FLS Archaeologist in conjunction with the Local Authority Archaeology Service. However, metal detecting upon known archaeological sites would be discouraged. The UK Forestry Standard requires that "archaeological sites are protected and damage is avoided" (2004, 18).

Metal detecting is prohibited by law upon a scheduled monument without the prior consent of Scottish Ministers.

This is not a reflection upon individual metal detectorists (who can be very responsible), simply a requirement to have a consistent policy across the National Forest Estate that provides the appropriate level of protection to archaeological sites and the historic environment. We recognise that metal detecting is a popular hobby that can help increase our understanding of the past. We are happy to work with individuals, metal detecting clubs and local history societies to find ways of interpreting and protecting the archaeological resource on the National Forest Estate for future generations. However, we cannot allow unauthorised or unsupervised metal

detecting on the National Forest estate, even where ploughed and afforested. Finds should not be taken out of the ground without proper recording methods – and should certainly not be removed from archaeological contexts such as structural remains (which can be both known and unknown).

Key points:

- UK Forestry Standard identifies the following basic principle of good practice as a precaution applying to all types of operation: “make specific arrangements for the protection of archaeological sites... If discoveries are made in the course of operations avoid further disturbance and obtain expert advice” (2004, 26). We protect archaeological sites for the benefit of future generations. The basic underlying principle is to preserve in situ – leave all archaeological finds and deposits undisturbed wherever possible. If disturbance is justified as part of a detailed research agenda or during development guided by Scottish Planning Policy, information and artefacts are recovered and recorded using all available archaeological techniques.
- This guidance does not conflict with the Scottish Outdoor Access Code which was designed to make provision for people to pass over land, rather than to permit invasive searches.
- The guidance encourages metal detecting as part of a research project with defined research objectives. While it is unlikely that basic prospective metal detecting could be described as a research project, a good example would be to search for musket shot on a battlefield and record and plot the distribution patterns.
- The guidance ensures that any discoveries resulting from metal detecting undertaken as part of an agreed research project (a) are subject to appropriate conservation (and that the applicant commits to funding this); and (b) no reward is sought as a result of the Treasure Trove process (the national forest estate being publically-owned land).
- Agreed research projects should respect local wildlife and habitat restrictions.

Treasure Trove

All archaeological finds come under the system of Treasure Trove in Scotland. Under the *regalia minora* common law rights of the Crown in Scotland, it is the prerogative of the Crown to receive all lost and abandoned property which is not otherwise owned. These laws apply to all newly discovered finds (object or coin) and to all old finds which have not been reported, whether they have been found by metal detecting, by chance, by field walking or by archaeological excavation. Finders have no ownership rights to any find they make in Scotland and all finds, with the exception of Victorian and 20th century coins, must be reported to the Treasure Trove Unit (in the National Museum of Scotland) for assessment.

Archaeological Project Design

An Archaeological Project Design supplies details of the proposed project and includes a commitment by the applicant to proper post-excavation analysis, artefact conservation and appropriate publication / dissemination of results. A project should be envisaged as two distinct stages:

- **Stage One:** fieldwork and interim reporting; and
- **Stage Two:** post-excavation analysis, artefact conservation and final reporting.

Following an agreed Project Design, the aims and objectives of **Stage One** archaeological work are usually to determine and record the nature and extent of any archaeological deposits revealed during excavation – and to recover material for analysis. Following the completion of the fieldwork (and stable re-profiling / consolidation of the excavated areas), a summary report should be submitted for comment. This interim report will detail the results of the fieldwork and include details of (and a commitment to) appropriate post-excavation analysis, artefact conservation and reporting (a post-excavation research design). The design will identify any materials recovered, appropriate conservation requirements and the types of analysis that can be pursued (**Stage Two**), including proposals for publication and / or archiving.

The interim and / or final report should be submitted to the FLS National Environment Advisor (Historic Environment) and (if appropriate) the OASIS database (for dissemination to the HES National Collection and the Local Authority Historic Environment Record). A short summary report should also be arranged to be sent for inclusion to Discovery & Excavation in Scotland.

The **Archaeological Project Design** should include objectives and methodologies for excavation, likely post excavation analysis and publication options. It should contain the following elements:

- **non-technical summary;**
- **introduction**, including site location and description;
- **background** archaeological context;
- **objectives**, including the general and specific aims of investigation;
- **strategy**, including **Stage One** fieldwork methodology (site survey, proposed excavation and recording, artefact collection and indicative timetable etc);
- **initial reporting** strategy;
- **analysis and publication** methodology (indicative **Stage Two** post-excavation methodology and report preparation);
- **archive deposition;**
- **Health and Safety** considerations; and
- Organisational and staffing profiles.