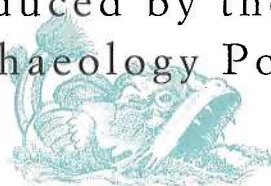


CODE *of* PRACTICE *for* SEABED DEVELOPERS

Produced by the
Joint Nautical Archaeology Policy Committee





Foreword

By the Viscount Astor Under Secretary of State Department of National Heritage

The publication of the Code of Practice for Seabed Developers is very welcome. It will help to raise awareness of the need to consider archaeology along with other environmental factors in advance of development.

In addition, the guidance provided should encourage constructive dialogue between interested parties. The Joint Nautical Archaeology Policy Committee and all those who contributed to the formulation of the Code should be congratulated.

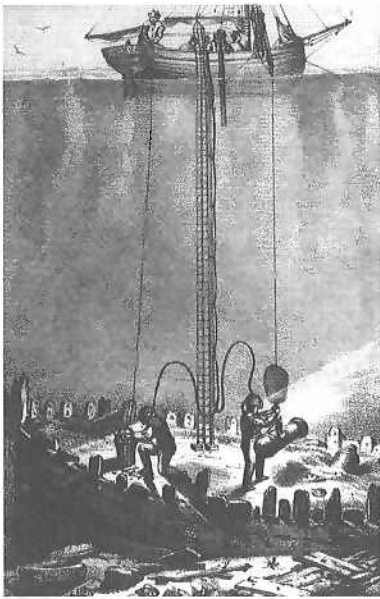
I hope that it will be widely used.

William Astor



Introduction

Recommended Procedures for Consultation and Co-operation



This Code sets out recommended procedures for consultation and co-operation between seabed developers and archaeologists. While the general principles can be applied throughout the UK, specific arrangements for consultation may vary between England, Northern Ireland, Scotland and Wales. The recommendations represent current best practice and they will be reviewed in the light of future policy developments.

The sea and seabed have been used by man for thousands of years and today they support a multitude of commercial and leisure uses. However, the diverse uses do not always work in the interests of conservation. This Code is concerned with the underwater archaeological and historical resource. Its purpose is to provide a framework within which the concerns for the maritime archaeological heritage and the interests of other sea users can be reconciled.

The Government's policy on archaeology is stated in Planning Policy Guidance Note no.16 "Archaeology and Planning":

"Archaeological remains should be seen as a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism"

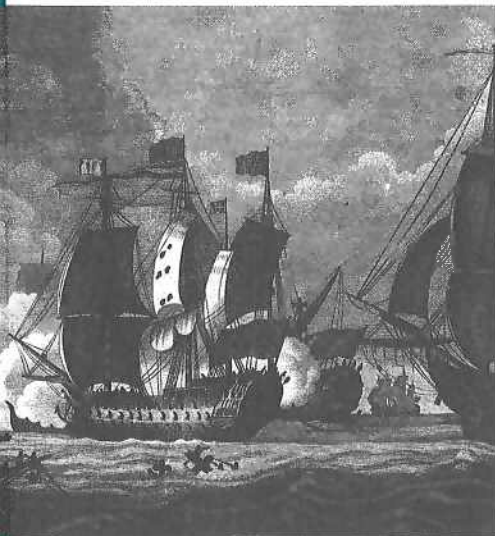
The same principles apply throughout the UK.

Maritime archaeological sites are equally valuable. There has been a growing awareness in recent years of underwater archaeological sites and discoveries. These include ancient craft, historic wrecks, drowned settlements and harbours.

The Code's objective is to encourage commercial seabed developers to seek advice on the possible maritime archaeological potential of their proposed development at the earliest opportunity. The involvement of archaeologists during the planning stages of a development will allow the archaeological implications to be considered in line with the overall assessment of the development's environmental impact. Consideration of archaeology under water should be an integral element of environmental assessment.

The Code can assist in the tailoring of specific agreements to suit individual situations. Its adoption should open up a non-statutory channel of communication between seabed developers and maritime archaeologists. An early understanding of the maritime archaeological resource will be beneficial to all parties.

For the purposes of this Code, the "seabed" is defined as the area below mean low water. "Development" is defined as "activities directed to the construction, alteration or renewal of any works in or under the seabed and the excavation, removal, movement or deposit of materials, substances or articles in the sea or under the seabed."





The JNAPC Code of Practice for Seabed Developers

The following undertaking has been made by the British Marine Aggregates Producers Association:

Companies carrying out operations on the seabed who are members of the British Marine Aggregates Producers Association will co-operate with the Joint Nautical Archaeology Policy Committee in the pursuit of aims to preserve archaeological remains.

In the case of a company seeking a licence for seabed mineral extraction, it is normal for the company to carry out a seismic and a bathymetric survey of the area as a first priority and before any other activity takes place. Companies who are members of the British Marine Aggregates Producers Association will be glad to make relevant details of such surveys available to an archaeologist or a body proposed by the Joint Nautical Archaeology Policy Committee, provided that they undertake to guarantee complete commercial confidentiality of the information supplied. When possible, companies will invite an archaeologist to witness the surveys and also to witness a dredging operation.

1

Seabed developers acknowledge the potential scientific value of archaeological evidence on, or concealed within, the seabed and will make every effort to report, promptly, unexpected discoveries encountered.

2

The practice of developers making provision for archaeological survey and investigation in advance of development on land is supported by Government, the CBI and local authorities. Seabed developers should therefore take account of the need for co-operation to record and assess the nation's maritime heritage.

3

At the earliest opportunity the developer should seek informed archaeological advice to establish whether potential development programmes would be likely to affect a site of archaeological interest. Normally, the developer will consult appropriate archaeological bodies (see list enclosed).

4

The above bodies will make available to the developer information contained within the appropriate National Monuments Record and the coastal section of the Sites and Monuments Record maintained by the appropriate local authority or equivalent. This will enable the developer and the licensing authority to give due consideration to Government's desire to see archaeological sites physically preserved or recorded.

5

Where such consultation or the developer's own research indicate that important archaeological remains may exist, the developer may make provision for the carrying out by appropriately qualified archaeologists of an underwater survey of the area. The survey will be designed to ascertain the archaeological potential before development commences and what action should be taken to preserve any important archaeological remains located.

The JNAPC Code of Practice for Seabed Developers



6

Consideration will be given to the physical preservation of important archaeological remains in line with the Government's archaeological policies. Where development is unavoidable because of economic or social needs and physical preservation is not possible, archaeological survey and investigation may be an acceptable alternative. Such work will include the establishment of a site archive and the publication of the results of the investigation and survey according to the recommendations in "The Management of Archaeological Projects" published in 1991 by English Heritage or an equivalent standard.

7

Seabed developers and archaeologists will recognise the laws relating to sites, including the Protection of Wrecks Act 1973, and the issues of reporting and ownership of finds under the Merchant Shipping Act 1894.

8

In co-operation with the Receiver of Wreck, seabed developers will ensure that archaeologists may, for the purposes of study and analysis, retain artefacts and records for a reasonable time. Seabed developers will also recognise the desirability of depositing all artefacts and records in an appropriate museum as a complete permanent archive for future study. Copies of all site records should be sent to the relevant local authority Sites and Monuments Record or equivalent and to the appropriate National Monuments Record.

9

The archaeologists will be conscious of the potential public relations benefits to developers of publicising their work, and that in any publicity, financial or other support from the developer should be recognised in a manner agreed by the developer.

10

The developer will present to the licensing authority a copy of the advice provided by archaeological bodies consulted along with his own proposals for accommodating any archaeological constraints which have been identified.

Relevant Legislation

Protection of Wrecks Act, 1973

Ancient Monuments and
Archaeological Areas Act, 1979

Merchant Shipping Act 1894,
part IX

Protection of Military Remains
Act, 1986

