

# **Department for Environment Food and Rural Affairs**

## **Consultation on the Marine Planning System**

### **Response by the Joint Nautical Archaeology Policy Committee**

**October 2010**

#### **Introduction**

The JNAPC welcomes the opportunity to respond to this Consultation.

The JNAPC also endorses Defra's requirement that planning decisions should take account of best archaeological practice as set out in the Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001.

The JNAPC was formed in 1988 to raise awareness of the United Kingdom's underwater cultural heritage and to persuade government that underwater sites of historic importance should receive no less protection than those on land. The Committee represents a very wide range of interests in maritime archaeology including national societies, museums, archaeological associations and sports diving organisations. Observers are drawn from Government Departments, national heritage agencies, and relevant maritime organisations. Summary information on the JNAPC and its membership is attached in Appendices 1 & 2 below.

#### **Response to Consultation**

**1.3** & footnote 10: JNAPC wishes to welcome the recognition that the planning system should contribute to conserving the heritage assets. It is also welcomed that 'seascapes' are to be taken to include 'cultural, historical and archaeological links' between coast and adjacent seas.

**1.15** bullet points 5& 6: JNAPC welcomes potentially reduced risk to the historic environment and an increased knowledge and understanding of marine heritage and cultural assets ("heritage assets") so that they can be afforded appropriate protection.

**2.19** bullet point 6: JNAPC welcomes the fact that marine planners are directed to take account of the principles set out in the Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001.

**2.30:** Defra and MMO should be aware that there is very little information on underwater cultural heritage on which to make evidence based decisions. Considerable work needs to be undertaken to improve this position. There is currently no requirement for local authorities to extend their Historic Environment Records offshore and the remit of English Heritage and its Maritime Record maintained by the National Monuments Record is limited to territorial waters,

or the inshore region. There is currently no historic environment database beyond 12nm, the offshore region, which will make evidence based decisions very difficult. This lack of information needs to be addressed very urgently.

**2.34:** The JNAPC welcomes the inclusion of English Heritage as a key stakeholder.

**2.36 – 2.38:** The MPS states that a strategic scoping exercise will inform the context of Marine Plans and that it will be a “fact finding and broad scale mapping exercise” to establish how and where marine activities and resources differ. We would be grateful if Defra and MMO could inform us from where they will obtain their information for the historic environment since we believe this does not exist at present (see 2.30 above).

**3.8** This paragraph states that the approach “should not impede the *designation* of areas significant to natural conservation, landscape, cultural value or the historic environment or air quality management”. We are concerned that planners will only apply policy to protected, or designated, sites whereas policy should apply to all historic assets.

**3.29, 3.30, 3.31:** The JNAPC agrees with these proposals for the historic environment within the Policy Map.

**3.35:** Identifies the need to monitor the environment, including the historic environment, and so Defra and MMO should ensure that sufficient resources are available to undertake this.

**3.61:** JNAPC and its constituent members (including CBA, IfA-MAG, NAS) can volunteer assistance on good practice. One guide already available is the JNAPC Code of Conduct for Seabed Development on [www.jnapc.org.uk](http://www.jnapc.org.uk).

**4.10:** States MMO should build a relationship with stakeholders with a “direct interest” in marine planning. JNAPC, and organisations represented on JNAPC, would like to be considered to work with MMO on planning for the historic environment.

**4.12 & 4.14:** JNAPC, and organisations represented on JNAPC, would like to be considered as stakeholders to work with MMO on planning for the historic environment. The organisations within JNAPC would be pleased to provide the relevant MMO staff with educational and awareness in terms of an outline of the nature and scope of the historic environment and its regulation.

**5.16:** JNAPC and organisations represented on JNAPC would like to be considered to join marine planning advisory groups.

**5.38:** JNAPC welcomes the role and responsibility of English Heritage. Although Historic Environment Records maintained by coastal local authorities are included alongside the National Monuments Record, there is no indication of how these will be developed, maintained and financed within the inshore and offshore regions. This is an important omission in the light of the emphasis on evidence based planning. It should also be noted that the Maritime Record,

maintained by the National Monuments Record, is limited to the inshore region of territorial waters.

**5.39:** JNAPC welcomes the desirability of conserving marine heritage assets (both designated and undesignated) and the role of English Heritage in this process, but it is not acceptable that in the offshore region English Heritage's advice is voluntary. Legislation needs to be put in place to extend English Heritage's remit to the offshore region. Proper advice should always be available in the offshore region, and not be voluntary.

**5.54 –** JNAPC recommends that an MoU should be entered into between EH & MMO.

**JNAPC**

**October 2010**

## JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

### THE JNAPC - PAST, PRESENT AND FUTURE

The JNAPC was formed in 1988 from individuals and representatives of institutions who wished to raise awareness of Britain's underwater cultural heritage and to persuade government that underwater sites of historic importance should receive no less protection than those on land.

The JNAPC launched *Heritage at Sea* in May 1989, which put forward proposals for the better protection of archaeological sites underwater. Recommendations covered improved legislation and better reporting of finds, a proposed inventory of underwater sites, the waiving of fees by the Receiver of Wreck, the encouragement of seabed operators to undertake pre-disturbance surveys, greater responsibility by the Ministry of Defence and the Foreign and Commonwealth Office for their historic wrecks, proper management by government agencies of underwater sites, and the education and the training of sports divers to respect and conserve the underwater historic environment.

Government responded to *Heritage at Sea* in its White Paper *This Common Inheritance* in December 1990 in which it was announced that the Receiver's fees would be waived, the Royal Commission on the Historical Monuments of England would be funded to prepare a Maritime Record of sites, and funding would be made available for the Nautical Archaeology Society to employ a full time training officer to develop its training programmes. Most importantly the responsibility for the administration of the 1973 Protection of Wrecks Act was also transferred from the Department of Transport, where it sat rather uncomfortably, to the then heritage ministry, the Department of the Environment. Subsequently responsibility passed to the Department of National Heritage, which has since become the Department for Culture Media and Sport.

The aim of the JNAPC has been to raise the profile of nautical archaeology in both government and diving circles and to present a consensus upon which government and other organisations can act. *Heritage at Sea* was followed up by *Still at Sea* in May 1993 which drew attention to outstanding issues, the *Code of Practice for Seabed Developers* was launched in January 1995, and an archaeological leaflet for divers, *Underwater Finds - What to Do*, was published in January 1998 in collaboration with the Sports Diving Associations BSAC, PADI and SAA. The more detailed explanatory brochure, *Underwater Finds - Guidance for Divers*, followed in May 2000 and *Wreck Diving – Don't Get Scuttled*, an educational brochure for divers, was published in October 2000.

The JNAPC continues its campaign for the education of all sea users about the importance of our nautical heritage. The JNAPC will be seeking better funding for nautical archaeology and improved legislation, a subject on which it has published initial proposals for change in *Heritage Law at Sea* in June 2000 and *An Interim Report on The Valletta Convention & Heritage Law at Sea* in 2003. The latter made detailed recommendations for legal and administrative changes to improve protection of the UK's underwater cultural heritage.

The JNAPC has played a major role in English Heritage's review of marine archaeological legislation and in DCMS's consultation exercise *Protecting our Marine Historic Environment: Making the System Work Better*, and was represented on the DCMS Salvage Working Group reviewing potential requirements for new legislation. The JNAPC has also been working towards the ratification of the UNESCO Convention with the preparation of the *Burlington House Declaration*, which was presented to Government in 2006.

The JNAPC continues to work for the improved protection of underwater cultural heritage in both territorial and international waters.

**Joint Nautical Archaeology Policy Committee**

**Members**

**Chairman**

Robert Yorke

**Organisations**

Association of Local Government Archaeological Officers  
British Sub Aqua Club  
Council for British Archaeology  
EMU Ltd  
Hampshire & Wight Trust for Maritime Archaeology  
Institute of Field Archaeologists, Maritime Affairs Group  
ICOMOS  
National Maritime Museum  
National Museums & Galleries of Wales  
National Trust  
Nautical Archaeology Society  
Professional Association of Diving Instructors  
RESCUE  
Shipwreck Heritage Centre  
Society for Nautical Research  
Sub Aqua Association  
United Kingdom Maritime Collections Strategy  
Wessex Archaeology  
Wildlife and Countryside Link

Paul Gilman  
Jane Maddocks  
Gill Chitty  
John Gribble  
Garry Momber  
Vir Dellino-Musgrave  
Christopher Dobbs  
Gillian Hutchinson  
Mark Redknapp  
David Thackray  
George Lambrick  
Suzanne Pleydell  
Stephen Appleby  
Peter Marsden  
Ray Sutcliffe  
Stuart Bryan  
Christopher Dobbs  
Antony Firth  
Joanna Butler

**Individual representation**

Sarah Dromgoole  
Michael Williams

**Affiliation**

University of Nottingham  
Wolverhampton University

**Observers**

Advisory Committee on Historic Wreck Sites  
Cadw  
Department for Culture, Media and Sport  
Department for Transport  
The Crown Estate  
English Heritage  
Environment Service, Northern Ireland  
Foreign and Commonwealth Office  
Historic Scotland  
Maritime and Coastguard Agency, Receiver of Wreck  
Ministry of Defence  
Ministry of Defence  
Royal Commission on the Ancient  
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