

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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Mr Philip Robertson
Historic Scotland
Longmore House
Salisbury Place
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14 June 2013

Dear Mr Robertson,

Consultation on Historic Marine Protected Areas – Marine (Scotland) Act 2010

The JNAPC has pleasure in responding to the consultation on Historic Marine Protected Areas issued on 21 March 2013.

The JNAPC was formed in 1988 from individuals and representatives of institutions who wished 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. Some summary information on the JNAPC and its membership is attached in Appendices 1 & 2 below.

We welcome the creation of Historic Marine Protected Areas in Scottish waters under the Marine (Scotland) Act 2010 and look forward to the implementation of this comprehensive piece of legislation which combines the protection of both the historic and natural environments.

We note that the new Historic MPAs will replace the wreck sites designated under the PWA 1973 and that certain parts of the PWA 1973 will be repealed in Scotland. The effect of this will be that the Historic MPAs will become similar to Scheduled Sites on land in that they will be protected but will have open access to divers unless Historic Scotland chooses to place a Conservation Order on any particular site. We understand that Historic Scotland does not currently propose to implement any Conservation Orders on these proposed Historic MPAs.

With the exception of Drumbeg, we understand that all the proposed designation orders are for wreck sites previously protected under the PWA 1973. It would therefore seem appropriate for

these sites to continue to receive protection as Historic MPAs. We do not feel qualified to comment on the new designation of Drumbeg.

We note that site of the Blessing of Burntisland, currently protected under the PWA 1973, will not become a Historic MPA and therefore will lose its existing protected status. We recommend that active measures should be put in place to monitor all activity around the location of this site in future.

The JNAPC welcomes access by divers to suitably robust historic underwater sites but notes that visitor access to the proposed Historic MPAs has previously been controlled under PWA 1973. We recommend that active monitoring measures should be put in place at these sites in order to ensure that there will be no adverse consequences under the new regime.

We would be pleased to assist you in any further discussions on this matter.

Yours sincerely,

R A Yorke
Chairman

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 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 on the Protection of the Underwater Cultural heritage 2001 with the preparation of the *Burlington House Declaration*, which was presented to Government in 2006 and the Seminar on the Protection of Underwater Cultural Heritage in International Waters Adjacent to the UK in November 2010.

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

Joint Nautical Archaeology Policy Committee

Chairman

Robert Yorke

Member Organisations

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

Robin Daniels
Jane Maddocks
Mike Heyworth
Garry Momber
Christopher Dobbs
Tim Howard
Graham Scott
Jessica Berry
Gillian Hutchinson
Mark Redknapp
Ingrid Samuel
Adrian Olivier
Suzanne Pleydell
Stephen Appleby
John Gribble
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Stuart Bryan
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The Crown Estate
Department for Culture, Media and Sport
Department for Transport
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
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