

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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Heritage 2020
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Dear Sir/Madam,

Heritage 2020: strategic priorities for England's historic environment 2015-2020

The Joint Nautical Archaeology Policy Committee (JNAPC) has pleasure in responding to this Consultation.

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 information on the JNAPC is shown in appendix 1.

The JNAPC has a membership (see appendix 2) that includes most of the governmental, academic, commercial and voluntary organisations concerned with submerged heritage assets in the UK, including the Nautical Archaeology Society, university professionals, various governing bodies for recreational diving, a number of archaeological contractors prominent in the marine sector, the Council for British Archaeology, the Chartered Institute for Archaeologists and English Heritage itself.

We are grateful to our JNAPC member Antony Firth, of Fjordr, for submitting a substantive response to this consultation. The JNAPC would like to endorse this submission which is shown below.

“Heritage 2020 is a very welcome document and contains many positive statements and priorities with which JNAPC wholeheartedly agrees. There are, however, a few important points that warrant further attention. These points relate variously to the five strategic areas and cross references are provided to paragraph numbers in Heritage 2020 where relevant.

Heritage 2020 seems to assume that the legal framework for managing the historic environment is basically sound. No reference is made to changing the legal framework as anticipated by the Heritage Protection Bill. The legal framework is not entirely satisfactory, however. Specifically, on the marine side the legal mechanism that obliges people to report archaeological discoveries continues to provide a financial incentive to remove archaeological material without considering the consequences for the stability of the material or the stability of the site from which it is removed. Also, the principal mechanism used for designating sites at sea is only capable of being applied to wrecks, not to the wider range of heritage assets found at sea. There is a strong case for fundamental reform of heritage protection at sea off England, reflecting the introduction of Historic Marine Protected Areas in Scotland. Irrespective of the detail, Heritage 2020 ought to recognise that there continue to be faults in the legal frameworks used to manage the historic environment. Expanding on the 4th bullet under para. 7.17, developing the case for addressing these faults in legal frameworks should be a priority for the next five years.

Although Heritage 2020 highlights the fundamental importance of discovery to the management of the historic environment (para. 3.1), no reference is made to the systems through which discoveries are encouraged or managed. The Portable Antiquities Scheme and the Treasure Act ought to receive at least some mention, and their continuation and development - including ever-greater integration within the overall approach to managing the historic environment - should be regarded as a priority. Beyond this - as indicated above - the weaknesses in systems for encouraging and managing discoveries at sea ought to be addressed and their improvement identified as a priority. The last decade has seen some really valuable improvements in dealing with discoveries at sea but the mechanisms are sector-specific and partial. Achieving a comprehensive, archaeologically-driven system for discoveries from the sea should be seen as an achievable priority for the next five years.

Heritage 2020 acknowledges the important achievement of the Marine and Coastal Access Act 2009 (not Bill) in marine licensing, but also in marine planning and the introduction of a wider responsibility on all public authority decision-making towards the marine historic environment (para. 4.12). However, reference is made elsewhere to 'the planning system' rather than 'the planning systems'. All the points made about the planning system on land apply also to the marine planning system. It is essential that the heritage community recognises - and makes full use of - the fact that we now have a planning system at sea. By way of example, references to the NPPF in para. 4.6 should be accompanied by references to the statutory UK Marine Policy Statement (UK MPS - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf - especially section 2.6.6).

Noting that we have a planning system at sea that refers to the historic environment (in terms essentially the same as the NPPF), the points made in Heritage 2020 about capacity-building in local planning authorities need also to be applied to marine planning. The Marine Management Organisation (MMO) - which is the plan-making and decision-taking authority for the whole of the marine area off England - currently has no conservation or archaeology staff; it has no historic environment expertise available internally and the English Heritage staff upon which it draws both for policy and casework are severely stretched. Achieving a sustainable model for LPA conservation and archaeology services (para. 6.10) must also encompass other planning authorities such as the MMO that have responsibilities towards the historic environment.

The issue of ensuring that planning authorities have the necessary expertise - on land and at sea - needs also to consider the standard, comprehensiveness and consistency of advice. England's system of managing the historic environment has many positive aspects, but 'best practice' is not always 'common practice'. There are systems in place for managing standards, but they need to be enforced rigorously. Consistent application and enforcement of existing mechanisms should, therefore, be seen as an absolute priority for the next five years. Current variability lets developers 'off the hook', reduces the flow of legitimate private-sector resources into the sector (para. 3.11), causes demand to falter (para. 6.14) and creates uncertainty for companies who want to invest in an increasingly skilled workforce (para. 6.13). Achieving consistency in the application of existing mechanisms would probably be the greatest single contribution that the sector could make to the quality of England's historic environment over the next 5 years.

No reference appears to have been made in Heritage 2020 to the archives crisis. Positive statements are made about creating knowledge and understanding (para. 3.2), and making information available to an ever-wider public (para. 5.3). However, Heritage 2020 fails to address the whole chain through which historic environment knowledge is created, curated and disseminated. There is a well-documented and critical failure at the heart of the system which cannot be papered-over for much longer. The introduction of Heritage 2020 is an ideal opportunity to make a sector-wide commitment to solving the archives crisis within the next five years. All the potential social and economic benefits of the historic environment are at risk if sorting out the mechanism at its heart continues to be deferred.

Heritage 2020 identifies the need for sustainable LPA conservation and archaeology services, and the need for better support for the 'independent' (which seems to mean 'unpaid') heritage sector. However, little reference is made to maintaining a vibrant private-sector profession, unless it is as 'craftspeople and other operatives' in need of training (para. 6.13). It is not just a question of training and qualifications. The heritage sector as a whole should recognise the important role of the private-sector heritage profession in creating value and enabling the 'growth agenda' to successfully encompass the historic environment. Improving the consistency of public-sector decision-making and enforcement would, as indicated above, be a very welcome step - creating certainty of demand that will encourage investment by the private sector. Investment by private-sector heritage organisations is necessary to make conservation and archaeology a viable and rewarding career that will not only attract talent but keep it in the heritage sector in the medium to long term. The emphasis in Heritage 2020 on capacity-building will be undermined if trained people decide that heritage is not a sustainable career for them. Specific priorities around the sustainability of heritage as a career should be included in Heritage 2020, as well as priorities that support innovation, investment and entrepreneurship in the private sector of heritage.”

We would be pleased to assist you in any further development of Heritage 2020.

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.

Appendix 2

Joint Nautical Archaeology Policy Committee

Chairman

Robert Yorke

Member Organisations

Association of Local Government Archaeological Officers

British Sub Aqua Club

Council for British Archaeology

Maritime Archaeology Trust

ICOMOS

Institute for Archaeologists

Institute for Archaeologists, Maritime Affairs Group

Maritime Archaeology Sea Trust (MAST)

National Maritime Museum

National Museums & Galleries of Wales

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

Robin Daniels

Jane Maddocks

Mike Heyworth

Garry Momber

Christopher Dobbs

Tim Howard

Graham Scott

Jessica Berry

Gillian Hutchinson

Mark Redknapp

Adrian Olivier

Suzanne Smith

Stephen Appleby

John Gribble

Peter Marsden

Ray Sutcliffe

Stuart Bryan

Christopher Dobbs

Euan McNeil

Individual members

Sarah Dromgoole

Antony Firth

David Parham

Michael Williams

Affiliation

University of Nottingham

Fjordr Limited

University of Bournemouth

Plymouth University

Observers

Advisory Panel on Historic Wrecks, English Heritage

Cadw

The Crown Estate

Department for Culture, Media and Sport

Department for Transport

English Heritage

Department of the Environment (Northern Ireland)

Foreign and Commonwealth Office

Historic Scotland

Maritime and Coastguard Agency, Receiver of Wreck

Ministry of Defence

National Trust

Royal Commission on the Ancient

and Historical Monuments of Scotland

Tom Hassall

Polly Groom

Iain Mills

Helen Williams

Robert Cousins

Ian Oxley

Rory McNeary

Louise Savill/Mina Patel

Philip Robertson

Alison Kentuck

Nick Kelsall

Ian Barnes

Alex Hale