

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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23rd January 2015

Historic England
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Dear Sir/Madam,

Historic England: Action Plan 2015-2018

The Joint Nautical Archaeology Policy Committee (JNAPC) has pleasure in responding to the consultation on the Historic England Action Plan 2015-2018. We are also responding on behalf of the Nautical Archaeology Society.

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 will respond under the headings in the plan.

Corporate Plan Objective 1.1 Make the case for the value of heritage and constructive conservation.

The maritime cultural heritage of the UK is of great importance and it should be conserved for the current and future generations. The Historic England Action Plan should therefore always take maritime cultural heritage into consideration in each section of the plan where appropriate.

The marine historic environment clearly produces considerable social and economic benefits but these are not clearly understood or quantified at present. We recommend that a study of the social and economic benefits of the maritime cultural heritage be included in this section

Corporate Plan Objective 1.2 Ensure that the value of heritage is reflected in relevant laws, government policies and planning practice.

The draft Heritage Protection Bill recognised that the legal framework for maritime cultural heritage is not satisfactory. Specifically 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. There is also insufficient provision for protection beyond the Territorial Sea. We therefore recommend a number of measures, listed below, which are needed to address these issues:

- 1 New heritage protection legislation that encompasses all heritage assets in territorial waters, not just wrecks, addresses the reporting of finds and removes them from the law of salvage.
- 2 Cross-departmental policy Guidance on the Protection and Management of Historic Wreck Sites (excluding military wrecks) in international waters. This would follow on from the Guidance on the Protection and Management of Historic Military Wrecks outside UK Territorial Waters issued by the Department for Culture, Media and Sport and the Ministry of Defence in April 2014.
- 3 Cross-departmental policy on Archaeological Guidelines for Wrecks under Government Ownership in both territorial and international waters, including wrecks owned by the Department for Transport (WW1 and WW2 merchant shipping losses) and the Foreign and Commonwealth Office (East India Company wrecks).
- 4 Co-ordination and collaboration with the other home countries with respect to the marine historic environment.
- 5 Ratification of the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 to allow the protection of historic wrecks in international waters.
- 6 Extension of the remit of Historic England beyond the territorial sea to the whole Marine Area.

Corporate Plan Objective 1.3 Use our research, archive collections and education programme to engage and enthuse people about the history of places

The contents and value of the marine historic environment is poorly understood by the general public and is often associated with “underwater treasure”. These attitudes need to be changed by early introduction of the subject into school teaching and learning programmes.

Corporate Plan Objective 1.4 Maintain and develop the national and local Heritage at Risk Registers

We welcome the inclusion of underwater sites designated under the Protection of Wrecks Act 1973 being considered and if necessary included in the Heritage at Risk Register, and would like to see that continued.

Corporate Plan Objective 2.1 Provide expert advice to government on which assets should be protected through designation, based on strategic and risk-led programmes

1 Proactively designate our most significant heritage

We welcome the inclusion and consideration of ‘marine assets’ in this section. We suggest that Historic England should also include First World War wrecks in this process many of which are at risk of being

lost to corrosion.

We are convinced that the key role played by experienced Historic England maritime staff in the administration of licensing under the Protection of Wrecks Act should be maintained. This experience is key to maintaining the support that Historic England has from volunteer groups in managing these sites and would easily be lost if these roles were to be merged into more general posts.

Historic England needs to direct sufficient attention and resources to advise other Government departments and agencies such as the Ministry of Defence and the Department for Transport on maritime cultural heritage not only in the territorial sea but within the Marine Area.

Corporate Plan Objective 2.2 Identify, record and define the significance of heritage that is poorly understood, under-represented or most at risk.

1. Predict and assess risks to and opportunities for the heritage and devise responses [Technical conservation research]

The process of degradation and corrosion on older metal wrecks, particularly from the First World War, needs to be researched and understood. If possible, solutions to slow this process need to be found. This could be a collaborative programme with other research bodies and universities.

2 Discover our hidden heritage

We welcome the recognition that the full extent of archaeological sites and wrecks on the seabed is still unknown and that Historic England will support a number of measures to assess those most at risk. We suggest that First World War wrecks should also be considered in this category.

3 Assess the significance of our heritage to protect it better

We welcome the inclusion of:

a) Marine and maritime heritage: including submerged prehistoric landscapes in areas of resource exploitation; ship and aircraft wrecks; heritage threatened by coastal change; fishing ports and harbours; ship-building heritage

b) Archives and collections: where the significance of archived material is under threat.

It is important that the English Heritage policy (reflected in Taking to the Water) of dealing with the Protected Wrecks Backlog is maintained as part of the Action Plan. This is key to providing the data needed for the conservation management plans for these sites, and also for demonstrating the worth of maritime archaeology to the public.

Corporate Plan Objective 2.3 Improve the NHLE to make it more useful and Accessible and enable others to add content.

Fishermen have an unrivalled knowledge of the whereabouts of wrecks and obstructions that lie on the seabed around England. Working in the fishing community and gaining the trust of fishermen could add essential information to the National Record of the Historic Environment (NHRE) about the identity of unknown wrecks and whether fishermen's fasteners are heritage assets or natural obstructions. Ground-truthing of the many unidentified underwater records in the NHRE would improve the quality and usefulness of the record. The Fishing Industry Protocol for Archaeological Discoveries (FIPAD) project made a good start on this and similar projects should be continued in the future.

The NHRE should also be extended beyond the Territorial Sea into the Marine Area in order to provide an evidence base from which Historic England can give advice on maritime cultural heritage beyond 12 nautical miles.

Corporate Plan Objective 2.4 Encourage others to research and articulate the significance of heritage

We repeat the recommendation in 2.2 that research into degradation and corrosion in older metal wrecks could be a collaborative programme with other research bodies and universities.

Corporate Plan Objective 3.1 Help national government, local authorities and communities create planning policies that support constructive conservation as part of sustainable development.

The Marine Management Organisation (MMO) is the planning and consenting authority for the Marine Area and has a responsibility to take into account the marine historic environment when making marine licensing decisions. Historic England is a statutory consultee to MMO and we trust that Historic England will advise the MMO to ensure that any licences issued by MMO comply fully with government archaeological policy including the Guidance on the Protection and Management of Historic Military Wrecks outside UK Territorial Waters and the Annex to the UNESCO Convention.

Historic England should work with MMO to build capacity within the MMO so that it has maritime archaeological expertise in its own organisation.

Corporate Plan Objective 3.2 Promote constructive conservation with those who have broader objectives such as local authority members and senior officers and developers.

We welcome the Action Plan's proposal to work with key heritage-owning organisations to promote responsible stewardship of their assets.

We recommend that Historic England engages with the Ministry of Defence, the Department for Transport and the Foreign and Commonwealth Office to assist these government departments in recognizing the full value of their maritime heritage and assist them in building suitable capacity to secure responsible ongoing stewardship.

Corporate Plan Objective 4.2 Work with others to provide time-limited support for local authorities to develop new ways of delivering their heritage advice and support.

Historic England needs to match its support for local authorities with equivalent support for other planning and consenting authorities such as the Marine Management Organisation.

Corporate Plan Objective 5.3 Increase our resilience by developing non-Government sources of income

We welcome the proposal to identify relevant projects that are eligible for EU funding and recommend that this should also apply to maritime projects.

We would be pleased to assist you in any further development of the Historic England Action Plan 2015-2018.

Yours faithfully

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/Nick Ball
Mark Redknap
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/Hannah Jones
Robert Cousins
Ian Oxley
Rory McNeary
Lowri Griffiths
Philip Robertson
Alison Kentuck
Nick Kelsall
Ian Barnes

Alex Hale