

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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Department for Environment, Food and Rural Affairs (Defra)
Sustainable Marine Development and Climate Impacts Team
Area 2D Nobel House
17 Smith Square
London SW1P 3JR

Marinelicensing.Consultation@defra.gsi.gov.uk

Dear Sir / Madam,

Consultation on Marine Licensing: Navigational dredging and other exemptions

The JNAPC has pleasure in responding to Defra's consultation on Marine Licensing: Navigational dredging and other exemptions.

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.

Marine Licensing: Navigational dredging and other exemptions

The JNAPC confines its response to the effect of the proposals on the marine historic environment.

Within that context the JNAPC broadly welcomes the proposed changes to the regime for exempting activities from the requirement for a marine licence under the marine and Coastal Access Act 2009 subject to the following caveats:

1. Any streamlining of requirements for obtaining a marine licence must not be at the expense of the marine historic environment and any new or amended exemptions must contain adequate safeguards to protect the marine historic environment.
2. Activities affecting sites designated for their archaeological importance should be excluded from exemption in the same way that as 'European sites' as defined within the Marine Licensing (Exempted Activities) Order 2011.
3. The proposed exemption for sediment sampling should not be used to allow unlicensed excavation and any Order and accompanying guidance must make plain this distinction.

The JNAPC and its members would be pleased to discuss the further development of the marine licensing system insofar as it affects the marine historic environment with Defra, MMO and other stakeholders.

In the meantime, if there is anything further that I can do to assist, please feel free to contact me.

Yours faithfully

R A Yorke
Chairman

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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 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

Members

Chairman

Robert Yorke

Organisations

Association of Local Government Archaeological Officers
British Sub Aqua Club
Council for British Archaeology
Fjordr Limited
PMSS
Hampshire & Wight Trust for Maritime Archaeology
Institute for Archaeologists
Institute for 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
University of Bournemouth
Wessex Archaeology
Wildlife and Countryside Link

Robin Daniels
Jane Maddocks
Sarah Howard
Antony Firth
John Gribble
Garry Momber
Tim Howard
Graham Scott
Christopher Dobbs
Gillian Hutchinson
Mark Redknapp
David Thackray
Mark Beattie-Edwards
Suzanne Pleydell
Stephen Appleby
Peter Marsden
Ray Sutcliffe
Stuart Bryan
Christopher Dobbs
David Parham
Simon Davidson
Joanna Butler

Individual representation

Sarah Dromgoole
Michael Williams

Affiliation

University of Nottingham
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Observers

Advisory Panel on Historic Wrecks, English Heritage
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
and Historical Monuments of Scotland

Tom Hassall
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Philip Robertson
Alison Kentuck
Peter Fieldsend
Bob Stewart

Alex Hale