

## JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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Eve Trueman  
Department for Culture, Media and Sport  
2-4 Cockspur Street  
London  
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Dear Ms Trueman

### **Protecting our Historic Environment - Consultation paper**

The Joint Nautical Archaeology Policy Committee welcomes the opportunity to comment on the consultation paper *Protecting our Historic Environment*.

The JNAPC was formed over fifteen years ago 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 historical importance should receive no less protection than those on land. Some summary information on the JNAPC and its members is attached below.

We welcome the commitment in paragraph 12 that the protection of underwater sites will be the subject of a further consultation paper and also the recognition by DCMS that the historic environment extends seamlessly from land to sea. We think it is essential, therefore, that the legislative programmes that will be recommended to Ministers and feed into the proposed White Paper should include both terrestrial and marine regimes.

We are aware that the preparation of the marine consultation paper is in progress and we hope that it will be launched very soon. We are concerned, however, that since it has been delayed from its original launch, which was expected to be last summer, the consultation period will now extend well into the first quarter of 2004 and that the results

from the consultation will be too late to be included in a White Paper which is planned for early 2004 as stated by the Secretary of State in her introduction.

To miss this opportunity for the reform of legislation relating to the marine historic environment would be a catastrophe and we would therefore seek assurances that the timetable for the White Paper in respect of this consultation will be delayed sufficiently to include the proposals resulting from the marine consultations.

As you are aware DCMS has also been consulting on *Ships for the Nation* in line with the Government's commitment to deliver a national policy on ship preservation for historic ships. The JNAPC has also responded to that consultation. It has become strikingly clear that historic ships form an integral part of the marine historic environment and that they should not be considered in isolation. For instance examples of historic ships still afloat or in museums provide essential comparative information in deciding the importance of other marine historic assets and the case for their Listing.

*Ships for the Nation* asks whether statutory listing of historic ships should be introduced. Our recommendation is that all marine historic assets, including historic ships, should be capable of being protected by Listing in the same way as any other historic asset. It is important, therefore, that the protection and listing of historic ships should be included in this current review of heritage legislation.

The JNAPC would like to make the following responses to the questions asked in the consultation.

Q1.1 A unified list would be an improvement and this should include marine historic assets (MHA).

Q1.2 Listing at a national level is appropriate and, for MHA in particular, this is the most realistic solution due to the lack of expertise and resource at regional and local levels.

Q2.1 JNAPC believes that English Heritage is the appropriate body for maintaining the List for both terrestrial and marine historic assets and that the proposed safeguards are sufficient.

Q5.1 JNAPC believes that it is more appropriate to call this a 'statement of importance'. A statement of importance would be an essential part of the process for future listings. In order to reflect changes in perception of what is valuable in the historic environment statements of importance would need to be reviewed at reasonable intervals (say 5-10 years?)

Q5.2 English Heritage should be responsible for drawing up statements of importance for existing listings but this could be limited to cases where permission is being requested under development control. Comments from owners should also be considered.

Statements of importance for all currently listed MHA should be prepared since there are only about 50 designated sites.

Q5.3 Maps would be a useful way of defining the limits of listing.

Q6.1 The listing process should be open and the owner, neighbours, and relevant authorities should be consulted. For MHA finders and managers of sites should also be consulted.

Q6.3 'Interim protection' should be applied when a listing is under consideration.

Q7.1 There should be a right of appeal, particularly if due process has not carried out.

Q8.1 A detailed specification of works that will or will not require consent will always have the danger of being too precise and thus allow undesirable actions to be taken, by omission, although clearly covered by the intention of the specification. Generic, or standardised, rules would be preferable.

Q9.1 Management agreements would be useful as an alternative to statutory consents and this would also apply to MHA.

We would be pleased to respond to any further questions or issues if you felt that was appropriate. We also look forward to responding to the marine consultation in due course.

Yours sincerely

R A Yorke  
Chairman

## JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

### THE JNAPC - PAST, PRESENT AND FUTURE

The JNAPC was formed over fifteen years ago from individuals and representatives of institutions who wished to raise awareness of Britain's underwater heritage and to persuade government that underwater sites of historical 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 to 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 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. JNAPC published its proposals for legal change in *Heritage Law at Sea* in June 2000 and its *Interim report on the Valletta Convention* in 2003. JNAPC has been working with English Heritage and DCMS on the forthcoming consultation paper on protecting the marine historic environment.

## Members of the Joint Nautical Archaeology Policy Committee

### Chairman

Robert Yorke

### Organisations

Association of Local Government Archaeological Officers  
British Sub-Aqua Club  
Council for British Archaeology  
Hampshire & Wight Trust for Maritime Archaeology  
Institute of Field Archaeologists  
ICOMOS  
National Maritime Museum  
National Museum & Galleries of Wales  
National Trust  
Nautical Archaeology Society  
Nautical Archaeology Society / Training  
Professional Association of Diving Instructors  
Shipwreck Heritage Centre  
Society for Nautical Research  
Sub-Aqua Association  
UK Institute for Conservation  
Wessex Archaeology

Paul Gilman  
Jane Maddocks  
George Lambrick, Alex Hunt  
Garry Momber  
David Parham  
Christopher Dobbs  
Gillian Hutchison  
Mark Redknap  
Rob Woodside  
Lucy Blue  
Chris Underwood  
Suzanne Pleydell  
Peter Marsden  
Alan Aberg  
Stuart Bryan  
Amanda Sutherland  
Antony Firth

### Individual representation

Sarah Dromgoole  
Valerie Fenwick  
David Tomalin

Michael Williams

### Affiliations

University of Leicester  
previously CBA  
previously County Archaeologist,  
Isle of Wight  
University of Wolverhampton

### Observers

CADW  
English Heritage  
English Heritage  
Environment Service, Northern Ireland  
Historic Scotland  
Maritime and Coastguard Agency, Receiver of Wreck  
Ministry of Defence  
Royal Commission on the Ancient and Historical  
Monuments of Scotland

Sian Rees  
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Brian Williams  
Gordon Barclay  
Sophia Exelby  
Peter MacDonald  
  
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