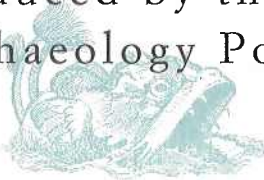




# CODE *of* PRACTICE *for* SEABED DEVELOPERS

Produced by the  
Joint Nautical Archaeology Policy Committee



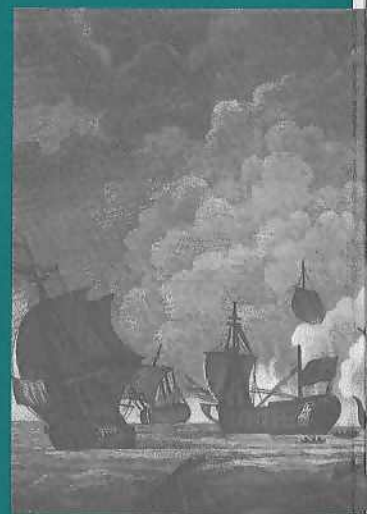


## Foreword

**By Alan Howarth** CBE MP  
**Parliamentary Under-Secretary of State,  
Department for Culture, Media and Sport.**

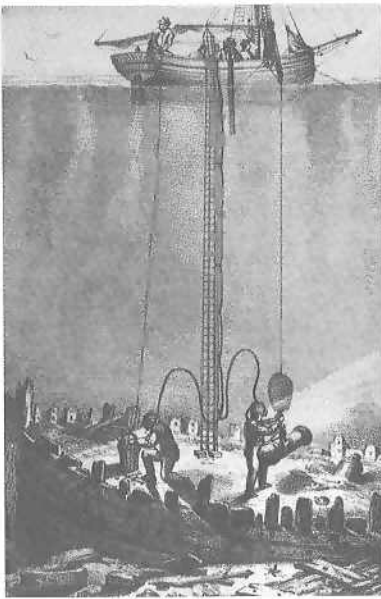
This second edition of the Code of Practice for Seabed Developers is very welcome. It will raise awareness of the need to consider archaeology along with other environmental factors when development is in question.

The guidance contained in the Code, based on best practice and common sense, encourages constructive dialogue between interested parties. The Joint Nautical Archaeology Policy Committee and all those who contributed to the formulation of the Code should be congratulated on its continued success.



## Introduction

# Recommended Procedures for Consultation and Co-operation



This Code sets out recommended procedures for consultation and co-operation between seabed developers and archaeologists. While the general principles can be applied throughout the UK, specific arrangements for consultation may vary between England, Northern Ireland, Scotland and Wales. The recommendations represent current best practice and they will be reviewed in the light of future policy developments.

The sea and seabed have been used by man for thousands of years and today they support a multitude of commercial and leisure uses. However, the diverse uses do not always work in the interests of conservation. This Code is concerned with the underwater archaeological and historical resource. Its purpose is to provide a framework within which the concerns for the maritime archaeological heritage and the interests of other sea users can be reconciled.

The Government's policy on archaeology is stated in Planning Policy Guidance Note no.16 "Archaeology and Planning":

*"Archaeological remains should be seen as a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism"*

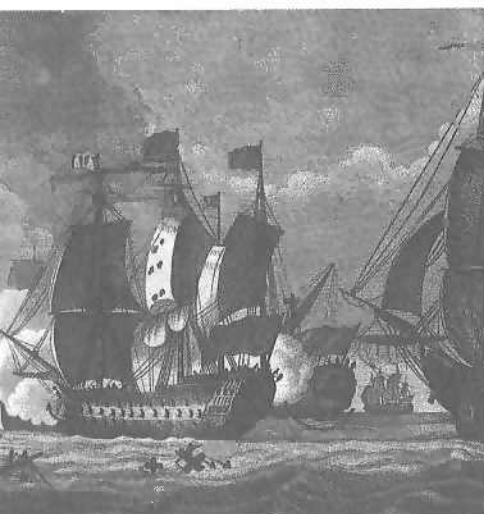
The same principles apply throughout the UK.

Maritime archaeological sites are equally valuable. There has been a growing awareness in recent years of underwater archaeological sites and discoveries. These include ancient craft, historic wrecks, drowned settlements and harbours.

The Code's objective is to encourage commercial seabed developers to seek advice on the possible maritime archaeological potential of their proposed development at the earliest opportunity. The involvement of archaeologists during the planning stages of a development will allow the archaeological implications to be considered in line with the overall assessment of the development's environmental impact. Consideration of archaeology under water should be an integral element of environmental assessment.

The Code can assist in the tailoring of specific agreements to suit individual situations. Its adoption should open up a non-statutory channel of communication between seabed developers and maritime archaeologists. An early understanding of the maritime archaeological resource will be beneficial to all parties.

For the purposes of this Code, the "seabed" is defined as the area below mean low water. "Development" is defined as "activities directed to the construction, alteration or renewal of any works in or under the seabed and the excavation, removal, movement or deposit of materials, substances or articles in the sea or under the seabed."





## The JNAPC Code of Practice for Seabed Developers

### The following undertaking has been made by the British Marine Aggregates Producers Association:

Companies carrying out operations on the seabed who are members of the British Marine Aggregates Producers Association will co-operate with the Joint Nautical Archaeology Policy Committee in the pursuit of aims to preserve archaeological remains.

In the case of a company seeking a licence for seabed mineral extraction, it is normal for the company to carry out a seismic and a bathymetric survey of the area as a first priority and before any other activity takes place. Companies who are members of the British Marine Aggregates Producers Association will be glad to make relevant details of such surveys available to an archaeologist or a body proposed by the Joint Nautical Archaeology Policy Committee, provided that they undertake to guarantee complete commercial confidentiality of the information supplied. When possible, companies will invite an archaeologist to witness the surveys and also to witness a dredging operation.

1

Seabed developers acknowledge the potential scientific value of archaeological evidence on, or concealed within, the seabed and will make every effort to report, promptly, unexpected discoveries encountered.

2

The practice of developers making provision for archaeological survey and investigation in advance of development on land is supported by Government, the CBI and local authorities. Seabed developers should therefore take account of the need for co-operation to record and assess the nation's maritime heritage.

3

At the earliest opportunity the developer should seek informed archaeological advice to establish whether potential development programmes would be likely to affect a site of archaeological interest. Normally, the developer will consult appropriate archaeological bodies (see list enclosed).

4

The above bodies will make available to the developer information contained within the appropriate National Monuments Record and the coastal section of the Sites and Monuments Record maintained by the appropriate local authority or equivalent. This will enable the developer and the licensing authority to give due consideration to Government's desire to see archaeological sites physically preserved or recorded.

5

Where such consultation or the developer's own research indicate that important archaeological remains may exist, the developer may make provision for the carrying out by appropriately qualified archaeologists of an underwater survey of the area. The survey will be designed to ascertain the archaeological potential before development commences and what action should be taken to preserve any important archaeological remains located.

## The JNAPC Code of Practice for Seabed Developers



6

Consideration will be given to the physical preservation of important archaeological remains in line with the Government's archaeological policies. Where development is unavoidable because of economic or social needs and physical preservation is not possible, archaeological survey and investigation may be an acceptable alternative. Such work will include the establishment of a site archive and the publication of the results of the investigation and survey according to the recommendations in "The Management of Archaeological Projects" published in 1991 by English Heritage or an equivalent standard.

7

Seabed developers and archaeologists will recognise the laws relating to sites, including the Protection of Wrecks Act 1973, and the issues of reporting and ownership of finds under the Merchant Shipping Act 1894.

8

In co-operation with the Receiver of Wreck, seabed developers will ensure that archaeologists may, for the purposes of study and analysis, retain artefacts and records for a reasonable time. Seabed developers will also recognise the desirability of depositing all artefacts and records in an appropriate museum as a complete permanent archive for future study. Copies of all site records should be sent to the relevant local authority Sites and Monuments Record or equivalent and to the appropriate National Monuments Record.

9

The archaeologists will be conscious of the potential public relations benefits to developers of publicising their work, and that in any publicity, financial or other support from the developer should be recognised in a manner agreed by the developer.

10

The developer will present to the licensing authority a copy of the advice provided by archaeological bodies consulted along with his own proposals for accommodating any archaeological constraints which have been identified.

### Relevant Legislation

Protection of Wrecks Act, 1973

Ancient Monuments and  
Archaeological Areas Act, 1979

Merchant Shipping Act 1894,  
part IX

Protection of Military Remains  
Act, 1986



## The Members of the Joint Nautical Archaeology Policy Committee are:

Archaeological Diving Unit (observer), Association of County Archaeological Officers, Council for British Archaeology, Department of the Environment for Northern Ireland (observer), English Heritage (observer), Hampshire and Wight Trust for Maritime Archaeology, Maritime Affairs Group of the Institute of Field Archaeologists, Royal Commission on the Historical Monuments of England (observer), National Maritime Museum, National Museum of Wales, National Trust, Nautical Archaeology Society, Scottish Trust for Underwater Archaeology, Society for Nautical Research.

The members of the JNAPC are grateful to the following for their help in preparing this Code:

Association of District Archaeologists, British Ports Association, British Marine Aggregates Producers Association, British Telecommunications Plc, CADW, Confederation of British Industries, Countryside Commission, Countryside Council for Wales, The Crown Estate, Department of the Environment, Transport and the Regions, Department of National Heritage, English Nature, Heritage Coast Forum, Historic Scotland, Marine Conservation Society, Ministry of Agriculture, Fisheries and Food, National Federation of Fishermen's Organisations, Environment Agency, Port of London Authority, Royal Commission on the Ancient and Historical Monuments of Scotland, Royal Commission on the Ancient and Historical Monuments of Wales, Salvage Association, Scottish Natural Heritage, UK Offshore Operators Association, UK Petroleum Industries Association.

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*Further copies available from the National Monuments Record (Maritime) Royal Commission on the Historical Monuments of England, National Monuments Record Centre, Kemble Drive, Swindon SN2 2GZ. Telephone: 01793 414600.*



*Designed by Chris Laver.*

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# CONTACT NAMES AND ADDRESSES

## NATIONAL BODIES

### Department of Culture, Media and Sport

2-4, Cockspur Street,  
LONDON, SW1Y 5DH  
Tel: 0171 211 6200  
Fax: 0171 211 6210

### Archaeological Diving Unit

University of St. Andrews,  
St. Andrews,  
Fife, KY16 9AJ  
Tel: 01334 462919  
Fax: 01334 462921

## ENGLAND

### English Heritage

23, Savile Row,  
LONDON, W1X 1AB  
Tel: 0171 973 3000  
Fax: 0171 973 3001

### National Monuments Record (Maritime)

Royal Commission on the Historical  
Monuments of England,  
National Monuments Record Centre,  
Kemble Drive,  
SWINDON, SN2 2GZ  
Tel: 01793 414600  
Fax: 01793 414606

## NORTHERN IRELAND

### Environment and Heritage Service; Built Heritage

Department of the Environment for Northern  
Ireland,  
3-55 Hill Street,  
BELFAST, BT1 2LA  
Tel: 01232 235000  
Fax: 01232 543111

## SCOTLAND

### Historic Scotland

Longmore House,  
Salisbury Place,  
EDINBURGH, EH9 1SH  
Tel: 0131 668 8600  
Fax: 0131 668 8765

### National Monuments Record

Royal Commission on the Ancient and  
Historical Monuments of Scotland,  
John Sinclair House,  
16, Bernard Terrace,  
EDINBURGH, EH8 9NX  
Tel: 0131 662 1456  
Fax: 0131 662 1477 / 0131 662 1499

## WALES

### Cadw

Welsh Historic Monuments,  
Crown Buildings,  
Cathays Park,  
CARDIFF, CF1 3NQ  
Tel: 01222 500207/500253  
Fax: 01222 500300

### National Monuments Record

Royal Commission on Ancient and Historical  
Monuments of Wales,  
Crown Building,  
Plascrug,  
ABERYSTWYTH,  
Ceredigion, SY23 1NJ  
Tel: 01970 621233  
Fax: 01970 627701

## ADMINISTRATIVE AUTHORITIES

## ENGLAND

### Bath and North East Somerset

SMR Officer,  
Bath and North East Somerset Council,  
Built Heritage,  
Trimbridge House,  
Trim Street,  
BATH, BA1 2DP  
Tel: 01225 477651  
Fax: 01225 477674

### Bristol City Council

City Archaeologist,  
Bristol City Council,  
The Council House,  
College Green,  
BRISTOL, BS1 5TR  
Tel: 0117 9222000  
Fax: 0117 9222047

### Cheshire

Archaeological Officer,  
Environmental Planning Service,  
Cheshire County Council,  
Commerce House,  
Hunter Street,  
CHESTER, CH1 2QP  
Tel: 01244 603204  
Fax: 01244 603110

### Cleveland

SMR Officer,  
Tees Archaeology,  
Sir William Grey House,  
Clarence Road,  
HARTLEPOOL, TS24 8BT  
Tel: 01429 523458  
Fax: 01429 523477

### Cornwall

SMR Officer,  
Cornwall Archaeological Unit,  
Planning Department,  
Old County Hall,  
Station Road,  
TRURO, TR1 3AY  
Tel: 01872 322000  
Fax: 01872 323804

### Cumbria

City Archaeologist,  
Carlisle Archaeological Unit,  
Carlisle City Council,  
Civic Centre,  
CARLISLE, CA3 8QG  
Tel: 01228 234111  
Fax: 01228 511216

### Devon

Archaeologist,  
Environmental Department,  
Devon County Council,  
County Hall,  
Topsham Road,  
EXETER, EX2 4QW  
Tel: 01392 382266  
Fax: 01392 382135

### Dorset

SMR Officer,  
Environmental Services,  
Dorset County Council,  
County Hall,  
Colliton Park,  
DORCHESTER, DT1 1XJ  
Tel: 01305 251000  
Fax: 01305 224482

## County Durham

Archaeology Officer,  
Arts, Museums and Libraries Department  
County Hall,  
DURHAM CITY, DH1 5TY  
Tel: 0191 383 4212  
Fax: 0191 384 1336

## East Sussex

County Archaeologist,  
Transport and Environment Department,  
East Sussex County Council,  
Sackville House,  
Brooks Close,  
LEWES, BN7 1UE  
Tel: 01273 481608  
Fax: 01273 479040

## Essex

SMR Officer,  
Footpaths, Archaeology and Historic Buildings,  
Essex County Council,  
County Hall,  
CHELMSFORD, CM1 1LF  
Tel: 01245 437652  
Fax: 01245 258353

## Gloucestershire

SMR Officer,  
Environment Department,  
Gloucestershire County Council,  
Shire Hall,  
GLOUCESTER, GL1 2TN  
Tel: 01452 425683  
Fax: 01452 425356

## Hampshire

Assistant Archaeologist,  
Planning Department,  
Environment Group,  
Hampshire County Council,  
The Castle,  
WINCHESTER, SO23 8UE  
Tel: 01962 846735  
Fax: 01962 846776

## Humberside

SMR Officer,  
Humber Archaeology Partnership,  
The Old School,  
Northumberland Avenue,  
KINGSTON UPON HULL, HU2 0LN  
Tel: 01482 217466  
Fax: 01482 581897

## Isle of Wight

Archaeological Officer,  
Isle of Wight Archaeological Centre,  
61, Clatterford Road,  
Carisbrooke,  
NEWPORT, PO30 1NZ  
Tel: 01983 529963  
Fax: 01983 823810

## Kent

SMR Officer,  
Planning Department,  
Kent County Council,  
Springfield,  
MAIDSTONE, ME14 2LX  
Tel: 01622 671411  
Fax: 01622 687620

## Lancashire

Planning Officer (Archaeology/Sites and  
Monuments Record),  
Planning Department,  
Lancashire County Council,  
P.O. Box 160, East Cliff County Offices,  
PRESTON, PR1 3EX  
Tel: 01772 264111  
Fax: 01772 264178

