

EFRA SELECT COMMITTEE – UNDERWATER CULTURAL HERITAGE

1. Why is the UCH important?

What is there

- Historic remains of ships and submerged land surfaces are time capsules of our past – well preserved and hardly ever found on land. (eg Mary Rose longbows)
- Submerged landscapes – once could have walked from Harwich to Copenhagen; NW Europe important on a global scale for submerged post-glacial landscapes; considerable importance for understanding past sea-level change in relation to global warming
- Many surviving historic wrecks. Hugely rich maritime heritage of the British Isles as a centre of seafaring from the Neolithic to the present day; the UK's emergence as a major global maritime power from the middle ages to the 20th century; the maritime heritage as part of Britain's national identity.
- Human remains from wrecks and aircraft – and important and sensitive issue
- Historical objects and ecological remains eroded from terrestrial sites and submerged surfaces, or jettisoned from vessels – sometimes unique historical insights. World importance.
- The public fascinated by many TV series. Social, economic and educational value. A survey by EH found that two thirds of tourists come to England for its heritage - not for its weather!

What we know; what we don't know

- *Submerged landscapes* – very good and varied evidence from particular coastal and maritime environments (Palaeolithic remains exist in marine aggregates as much as terrestrial; Mesolithic sites (10-5k BP) on Dogger Bank, Bouldnor Cliff (Solent), recent flints found off Tynemouth; drowned Bronze Age fields of Scilly Isles; prehistoric traces of humans and animals in Morecambe Bay; Seahenge; submerged forests of Severn estuary) – 2,300 submerged pre-historic sites located around Denmark;

BUT don't know overall number or location of such survivals; their full extent; how patterns of erosion and deposition have affected survival
- *Wrecks and aircraft – English waters*
33,000 wreck sites, 5,200 wrecks position known, of which only 70 protected under one or other regime; 27,400 wrecks recorded but position not located
7,400 located fishermen's fastenings *may* indicate further wrecks;
1,100 aircraft protected under Military Remains Act:

Best estimates of total shipping loss in UK waters is a few hundred thousand
Scotland 9,000, Ireland 3000, Wales 4,000
- *Human remains*: many known key sites from wrecks and aircraft and protected under Protection of Military Remains Act 1986; extremely interesting evidence about closed populations from eg Mary Rose; huge archaeological potential – but also very sensitive issues

- 4,600 reports (30,000 artefacts) in wreck amnesty – illustrates volume over number of years and 400 reported annually; thousands of objects from Meols early medieval site off Wirral, 1,300 find spots in NMR

BUT: Wreck amnesty revealed high level of non-reporting; probably better but much further work to do in educating finders (eg very few fishermen report wreck or other finds compared with continental colleagues?)

What is vulnerable about it? What is being damaged?

- Unique and irreplaceable – once destroyed won't regenerate (differs from much ecology)
- Much is physically fragile and exposed in inter-tidal zone and on the sea bed
- Subject to many and varied threats: **natural erosion; induced erosion; fishing & trawling; oil, gas platforms and pipelines; undersea cables; wind farms; harbour works and channel dredging; aggregate extraction; coastal development; salvage; sports diving.**
- e.g: wrecks like HMS Colossus (1798), Stirling Castle (1703) and Hazardous (1706) known to be affected by erosion and human actions; Mary Rose (1545) site could be damaged by MoD dredging new channel for aircraft carriers;
- e.g: submerged landscapes - Dutch fishermen land c. 20 tonnes of prehistoric mammal bones and 2000 mammoth teeth per year some of them worked artefacts; UK fishermen must be doing the same but not reporting.
- Lack of detailed information and knowledge of what is on the seabed is a threat. If we do not know what is down there we cannot manage or protect it
- Lack of resources; danger of inadvertently destroying UCH

2. Where does responsibility lie in Government and how does it work in practice?

Where responsibility lies

- *Statutory roles directly connected to UCH:*
DCMS general policy,
Legislation based on salvage, out of date, cuts across many Govt Depts

Protection of Wrecks Act 1973, Ancient Monuments & Archaeological Areas Act 1979 (designation & scheduling) - role of English Heritage as Govt statutory adviser etc.; equivalent regimes in other devolved parts of UK; Merchant Shipping Act 1995 (Receiver of Wreck) - DoT Wreck and salvage Protection of Military Remains Act 1986 - MoD sovereign warships last resting place

FCO East India Company wrecks and international cultural heritage conventions, Valletta (acceded 2001 with DCMS), UNESCO

Environment Agency statutory duty to balance HE, wildlife, access and recreation across ALL its activities

Other Roles relevant to UCH: DEFRA (fisheries, – statutory obligations under 1986 Agriculture Act don't seem to apply?? but this is linked to CAP – environmental management etc) Crown Estate (owners of seabed, proprietary rights); ODPM (aggregates); DTi (energy etc); DoT (ports shipping etc); Customs and Excise (trade in cultural objects)

- Government policy for green ministers: *A Force for our Future* recognises the cross-government significance of the historic environment and envisages a key role for Green Ministers to ensure that they take proper account of HE in their departments' activities
- SEA Directive follows EIA and includes cultural heritage and thus establishes responsibility of all bodies to take account of cultural heritage in developing plans and programmes.

Examples of working well across Government

- Wreck Amnesty (scheme developed with cross departmental consultation NGOs and salvors; Practical implementation; laid foundations for improved enforcement; integrated with public education process facilitated with NGOs)
- Titanic agreement (international; DoT consulting with key government interests and NGOs; completely consistent with principles of informed conservation and sustainable management; provides for proactive management)
- Emerging SEAs (Strategic Environmental Assessments) (variable quality but beginning to be cross departmental)

Examples of not working well

- DEFRA Seas of Change: bare mention of UCH, insufficient understanding of marine historic environment.
- Repeated lack of integration of UCH into overall development of policy (only just beginning) eg not part of policy for Marine Environment High Risk Areas; UCH interests not routinely seen as part of marine conservation issues
- Failure to sign up to UNESCO UCH Convention for wrong reasons (too much to cover rather than recognising international importance; arguments about sovereignty belied by contrasting approach to Titanic and Sussex)
- Warship Sussex fiasco – funding excavation from sale of artefacts contrary to Valletta Convention (MoD Disposals Services and Treasury starting from entirely misguided and ill-informed standpoint of recovering assets not protecting UCH; attempts at cross departmental co-ordination flawed and ill-directed until too late; failure to look at international obligations and repercussions with other interested states)

3. 'Before and after' – how the law does or doesn't work; how it should work?

Are we aware of areas that need protecting

- Many more historic wreck sites of importance known than are protected. 5,200 whose positions known need checking. WWI and WWII wrecks of historic importance.
- Physical protection not same as legal protection.
- Vital need for deposit modelling, characterisation to home in on key areas of potential – or from a development point of view 'risk'

What existing law can do to achieve this

- For wrecks, aircraft and structures Protection of Wrecks and Scheduling can help – but both are badly underused in relation to scale of the resource
- NO legal mechanism for protecting prehistoric land surfaces because they are not wreck and they fall outside legal definition of monument. ? within these mechanisms and criteria for geological SSSIs BUT do come within definition of archaeological heritage in the Valletta Convention which UK has ratified
- Some other mechanisms (eg reporting Wreck to Receiver; Military Remains Act) are not primarily heritage but do help
- Other legal regimes for licensing development etc provide some opportunities for SEA, EIA consent/licence conditions, legal commitments IF UCH and potential impacts on it are properly investigated.
- It is widely accepted that the legislation for protecting the marine historic environment has evolved piecemeal over the years and is totally inadequate. Archaeological sites of any type underwater in the UK are not protected unless there has been a specific legal order of protection and these currently relates to only about 70 sites
- As part of its review of Heritage Protection, DCMS is about to launch a consultation paper on “*Protecting our marine historic environment: making the system work better*”. The results of this will feed into a White Paper in 2004 for future legislation alongside the results of the terrestrial consultation.
- The review will be a unique opportunity to put in place new legislation providing a seamless approach for improved protection of both terrestrial and marine historic assets.

How this should be improved?

General: establish principles of informed conservation

- Better characterisation modelling of UCH as a ‘risk’ factor for economic development
- Improving hard knowledge through survey of seabed for key areas of potential and/or threat
- Ensuring early scrutiny of all plans and programmes to consider where more information is needed to inform decision making
- Effective use of EIA process to identify problems and solutions
- Education of non-specialists do be conversant with issues
- Use of divers to monitor the marine environment

A Make existing arrangements work better (ie reactive solution based on legal rationalisation and consolidation plus joined up procedural workings)

- Crown Estate as owner of seabed should take a lead role in survey.

- Ratify and implement UNESCO UCH Convention to re-establish international credibility and denote serious intent to improve UK management of maritime heritage
- Land and maritime legal protection reviews are opportunities to rationalise and simplify and include excluded aspects of heritage. BUT heritage needs co-ordination of terrestrial and maritime vision; maritime needs co-ordination of heritage and biodiversity conservation
- Embed a culture of recognising responsibility towards sustainable management of maritime heritage and mechanisms of informed conservation into working practices – Marine Stewardship. Possibly achieve this through statutory responsibilities (akin to DEFRA and EA) – but with properly enforceable codes of practice.
- Urgent need for marine mapping and subsequent marine spatial planning
- Use SEA and EIA to try to achieve planned balance of economic and conservation interests

B Introduce new arrangements for integrated management (ie proactive solution)

- Statutory duty towards environmental and cultural conservation
- Establishing marine spatial planning on a statutory basis, including cross-departmental planning authority, education of Gov Depts, improved communication and liaison between Depts.
- Accountability of agencies – need to report back
- Alternative Marine Agency – but if so based on what model? Highways Agency possibly or National Parks. Environment Agency not a good model (despite statutory duty)
- Problem with a single agency is that the different areas that impinge upon marine matters are so very varied, and are linked into other matters, to which they are more strongly allied. Eg the idea of a seamless historic environment covering both land and sea. A Single Marine Agency would not be necessary if instruments were put in place to facilitate greater integration between government departments and protocols were put in place to ensure exchange of information. But can there ever be joined up government? I believe Alan Simpson said at a recent committee “Government joined up thinking is garbage”.

How can protection of cultural heritage be integrated with natural heritage?

- In December 2000 Heritage Minister Lord McIntosh said Government wanted to get historic environment up to speed with natural – mainly referring to terrestrial situation; for the maritime environment conservation is equally weak on both fronts. BOTH need to be improved substantially.
- NOT allowing policy to be driven entirely by European Directives and high level Public Spending Targets or departmental priorities – including DEFRA’s – that focus strongly on biodiversity and ignore cultural heritage

- NGOs already working together to try to integrate better – CBA active member of WCL and committee should have noted mutual reinforcement of ideas in respective evidence and WCL Charter
- Statutory agencies beginning to work more closely
- Need for more research to understand interactions (eg where cultural heritage and ecological issues conflict; where they coincide; where there is a common need for research to understand threats and management – eg European Sandpit project to look at geomorphological issues related to induced erosion)
- Teams of heritage and ecological specialists working together – whether through inter-agency work, input to marine planning, SEA, initiatives for joint conservation etc etc
- Use of GIS as foundation for shared information on areas of interest, potential and pressures for development or other threats

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