

**Promoting an integrated approach to management of the coastal zone
(ICZM) in England**

**A consultation document of the Department for Environment, Food and
Rural Affairs**

**Response by
The Joint Nautical Archaeology Policy Committee**



September 2006

Introduction

The Joint Nautical Archaeology Policy Committee (“JNAPC”) welcomes the opportunity to respond to the consultation document on Integrated Coastal Zone Management (ICZM) in England.

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 historical importance should receive no less protection than those on land. Some summary information on the JNAPC and its members is attached at the end of this response.

In May 1989 the JNAPC launched *Heritage at Sea* seeking better protection for our underwater cultural heritage, and followed this in 2000 with *Heritage Law at Sea*, which called for a review of the legislation affecting the protection of historic sites underwater. In 2003 the JNAPC published *An Interim Report on the Valletta Convention & Heritage Law at Sea*, which made detailed recommendations for legal and administrative changes to protect the UK’s underwater cultural heritage. JNAPC has also made a considerable contribution to the DCMS Consultation Document *Protecting our Marine Historic Environment: Making the System Work Better* and has been represented on one of the subsequent working groups.

Undoubtedly due to its geographical position, as an island, rich in resources, sitting astride natural maritime routes to and from the European continent, the United Kingdom has an extremely rich and varied underwater cultural heritage (UCH). In English waters the latest estimate from English Heritage’s Maritime Record is that there are 36,000 wreck sites (ships and aircraft), 5,200 known wreck positions, of which only 70 are protected under one or other regime, and 27,400 wrecks recorded but whose positions have not been located. There are also 7,400 located fishermen’s ‘fastenings’, which may indicate further wrecks. There are also concentrations of wrecks in certain areas, for instance the Goodwin Sands, the Scarweather sands and the Thames estuary. The current best estimate of total shipping loss in UK waters is a few hundred thousand for England, 9,000 for Scotland, 3,000 for Ireland and 4,000 for Wales. Possibly the oldest known shipwreck in the world, provisionally dated to 3,500BC and revealing trading links with Scilly, is being investigated off the Devonshire coast, while a shipwreck dated to 500BC has provided the first physical evidence of the United Kingdom’s fabled tin trade with Mediterranean societies. Going even further back chronologically, there is very good and varied evidence of submerged landscapes from particular coastal and maritime environments. Palaeolithic remains exist in the coastal zone as much as they do on land. There are Mesolithic sites (10-5k BP) on the Dogger Bank and off Bouldnor Cliff (Solent); recent finds include worked flints off Tynemouth; drowned Bronze Age fields off the Scilly Isles; traces of prehistoric humans and animals in Morecambe Bay; Seahenge and submerged forests in the Severn estuary.

If anything, the use of the foreshore and coastal waters by mankind in previous epochs has been even more intensive than the use of what are termed ‘offshore’ waters around

the United Kingdom. The foreshore, harbours, estuaries and creeks are where all maritime activities have been, at some point in their execution, focused, in that all voyages commence and end there. They form the bridge between maritime activity and terrestrial activity. As a result the 'coastal zone' is particularly rich in the archaeology of previous epochs. The need to afford this archaeology the appropriate degree of protection, irrespective of which side it falls of the boundary between terrestrial and marine spatial planning, is therefore essential.

Over the past ten years maritime archaeology has developed rapidly to meet the challenges of changing legislative systems, growth in development led marine investigation and enhanced management structures. Although there is still much work to be done in terms of defining and characterising the UCH, maritime archaeology now has professional structures in place to address these issues and promote the place of marine heritage within cultural agendas.

With this mind we would also draw your attention to the *European Convention on the Protection of the Archaeological Heritage (revised)*¹, which the UK has ratified. This Convention seeks to ensure that any development project must safeguard against or mitigate any damage to the archaeological heritage. In particular Article 5 of the Convention requires each State party:

(i) *to seek to reconcile and combine the respective requirements of archaeology and development plans by ensuring that archaeologists participate:*

(a) *in planning policies designed to ensure well-balanced strategies for the protection, conservation and enhancement of sites of archaeological interest;*

(b) *in the various stages of development schemes;*

(ii) *to ensure that archaeologists, [.. and ... planners] systematically consult one another in order to permit:*

(a) *the modification of development plans likely to have adverse effects on the archaeological heritage;*

(b) *the allocation of sufficient time and resources for an appropriate scientific study to be made of the site and for its findings to be published;*

(iii) *to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings;*

In its response to the recent consultation on the Marine Bill the JNAPC strongly supported the introduction of statutory Marine Spatial Planning (MSP) and a Marine Management Organisation, together with a streamlining of the present sectoral consent system. The JNAPC believes that ICZM will be a fundamental tool of MSP and will be one of the mechanisms whereby the UK discharges its international obligations under the Valletta Convention in respect of the archaeology of the coastal zone. If adequately

¹ European Convention on the Protection of the Archaeological Heritage (revised) (ETS no.143). Hereafter 'the Valletta Convention'.

resourced, ICZM can deliver this by integrating terrestrial and marine spatial planning in a holistic manner, particularly within the context of those developments which straddle the terrestrial/maritime boundary. ICZM can also address the democratic deficit in the present marine sectoral consent system, where, in comparison to terrestrial spatial planning, there is inadequate provision for local democratic participation and accountability. Finally the holistic principle underlying ICZM will address what many in the archaeological community presently feel is a disproportionate emphasis upon protection of the natural environment, leading to the apparent exclusion of appropriate discussion and consideration of the archaeological environment in the development of coastal policy. In saying this, JNAPC would not wish to be seen to be denying the importance rightly afforded to the conservation of the natural environment, but rather that appropriate protection must also be afforded to coastal cultural heritage. The JNAPC therefore wishes to congratulate the Department for issuing this Consultation Document and for the emphasis placed by the document on the importance of conserving the coastal cultural heritage.

The JNAPC would like to make certain generic comments and give answers to those questions that it believes are relevant to its area of expertise.

Generic Comments

1. Coastal management is complex and each part of the coast may require different solutions. Therefore the approach should be standardized throughout the United Kingdom, which would allow a potentially complex area to be understood at all levels.(para.2.2)

The approach undertaken should be flexible enough to accommodate any new initiatives proposed in the future, such as the forthcoming Marine Bill.(para.2.3)

The strategies being developed by the Devolved Administrations need to be co-ordinated with the approach taken from the English consultation. (para.2.4)

2. The JNAPC strongly endorses the conclusions of the EU Demonstration programme that there is inadequate involvement of stakeholders in formulating solutions to coastal problems and that the sectoral legislative framework is uncoordinated (para.3.4)

A framework needs to be put in place to ensure the decisions made by local partnerships to deliver local solutions are in keeping with the broad holistic approach (para.4.3a) so that there is not piecemeal management.(para.3.8)

3. The JNAPC believes that this lack of community involvement and the uncoordinated legislative framework has tended to lead to inadequate consideration being given to the protection of cultural heritage in the formulation of policies relating to the coastal zone and the decision making process for marine sectoral consents. As stated above, the JNAPC believes that ICZM would go a considerable way to addressing these

deficiencies, particularly in conjunction with the introduction of MSP and the streamlining of the various marine sectoral consent procedures.

4. Within the context of ICZM and MSP the conservation of the cultural environment should be a material consideration in the formulation of policies, plans and decision making, as it is in terrestrial planning. Conservation of the cultural heritage would also be assisted by imposing a statutory duty to conserve the cultural environment upon regulators, including government departments, statutory undertakers and other bodies carrying out statutory functions (e.g. Port and Harbour authorities).

5. The JNAPC notes with interest that in relation to the examples given of an integrated approach to management of activities in the coastal zone (para. 7.5) the Dredging Liaison Group, part of the Thames Estuary Partnership, has no stakeholders from the cultural heritage sector. The huge potential of the Thames Estuary as a cultural heritage resource has been dramatically demonstrated by the recent discovery of an Elizabethan trading vessel during maintenance dredging of the Princes Channel. The absence of any cultural heritage stakeholders from the Dredging Liaison Group reinforces the JNAPC's perception that the significance of cultural heritage within coastal management has yet to be adequately recognised or acted upon.

6. The JNAPC strongly endorses the EU recommendation (para. 3.6) that there should be an appropriate national framework or context for ICZM. However, while it is appropriate for the framework to be set at national level, the JNAPC believes that it is essential that the policy is implemented at regional and local level, with the active involvement of local stakeholders in a partnership. For such local and regional delivery to function successfully, assured long term and adequate resourcing will be a prerequisite.

7. While it may be desirable to have effective integration between management of land and sea, it may not be "fit for purpose", and a separate strategic management approach may be needed to streamline the decision making process taking into account the large number of government departments and countless other stakeholders currently involved.(para.4.1)

8. The JNAPC endorse the 8 key principles of ICZM set out in the EU Recommendation (para. 4.3), especially that of a broad holistic approach (para.4.3(a)), participatory planning (para.4.3(f)), support and involvement of all relevant administrative bodies (para.4.3(g)) and use of a combination of instruments (para.4.3(h)). However taking a broad holistic approach to forgo piecemeal management and decision making in favour of a more strategic approach can be at odds with (para.3.8) where local partnerships are encouraged to deliver local solutions.(4.3a)

9. In addressing (para.5.4) predictive modelling would allow the targeting of limited resources at those archaeological sites which are most at risk. The JNAPC particularly welcomes the recognition accorded to the historic environment in ICZM (paras. 5.12 – 5.14) and commends the Department upon this. Perhaps it should be noted that fossil remains form part of the natural heritage, not the cultural heritage, but this slight error

does not take away the force of the recognition afforded to the historic environment in the document.

10. The challenge of achieving effective co-ordinated coastal zone management would be easier to achieve if there was a clear concise overall managerial framework for the marine environment.(para.6.1)

Specific Questions

Q.1 The JNAPC has no specific examples to tender but wishes to emphasise that it strongly endorses the conclusion of the ICZM Stocktake that the elements of the current policy and decision making framework reflect the sectoral nature of managing coastal issues and are not representative of true ICZM principles set out by the European Commission. It is for this reason that the JNAPC supports the concept of MSP, delivered locally and regionally, within a national legislative and policy framework. In particular it considers that MSP, and within it holistic ICZM, can only be implemented if the present sectoral policy and decision making framework is replaced by a unified policy and regulatory mechanism. It is for this reason that the JNAPC regards the establishment of MSP, a MMO and a unified consent system as a precondition to the successful implement of ICZM.

Q.2 Adequate, sustained long term funding should be put in place to ensure that the aims set out in para. 9.1 can be achieved over a continued period. In particular a system of funding, which is not excessively difficult, unduly protracted or resource intensive to access should be available to ensure that external stakeholders, including the voluntary sector and community groups, can participate in the process of ICZM. Without this resource it remains questionable whether aim (g) can be realised. To achieve a new, clear and all encompassing approach to sustainable coastal management, a clear definition of the boundaries of responsibility would be required.

Q.3 (Point (f)) While the improvement of communication of coastal policy from central Government to external stakeholders is advisable the JNAPC notes with concern that this improvement appears to envisage a ‘one-way street’. No reference is made to improving communication from stakeholders to central Government. Within the marine historic community the JNAPC has, over the years, played a significant part in fostering good communication between central Government departments, government agencies and external stakeholders, to the mutual benefit of all and the marine historic environment. A similar role has been carried out in the natural environment community by bodies such as the Marine Conservation Society. If ICZM is to be successfully implemented it is essential that any suggestion, actual or apparent, of a ‘top down’ approach to implementation is avoided. For this reason, while any improvement to communication from central Government to external stakeholders is to be welcomed, it is important that the Department also sets itself the objective of ensuring there are effective mechanisms for communication relating to Government policy and activity from external stakeholders to central Government and not just vice versa. The JNAPC has considerable expertise in

this respect and would welcome the opportunity to discuss with the Department how this might be implemented in relation to the coastal historic environment.

Q.4 While the concept of MSP was addressed in the recent consultation on the proposed Marine Bill it remains unclear to the JNAPC how integration between terrestrial spatial planning and MSP will be implemented, other than that ICZM would, in principle, be an element in that integration. There is some justification for arguing that local authorities, as existing terrestrial providers, could deliver this integration, but it must be recognised that this would have significant resource implications for coastal local authorities. Furthermore, it also remains unclear how, if a MMO is created, the role of local authorities and the MMO would be integrated in terms of ICZM.

See also the response to **Q. 6** below.

Q. 5 PPG 20 pre-dates the current concept of ICZM and needs revision in the immediate future, with an accompanying revision of PPG's 15 & 16. In addition, the principles of ICZM should include provisions for World Heritage Sites, UNESCO World Biosphere Reserves and the Heritage Coast where appropriate.

Q. 6 The JNAPC believes that a national policy and legislative framework is required to fully implement both ICZM and MSP. As stated elsewhere in this response and in the response to the consultation document on the proposed Marine Bill, the JNAPC considers that this statutory framework should encompass:

- (i) A streamlined, unitary marine consent procedure;
- (ii) The establishment of a MMO;
- (iii) A statutory duty on government departments, agencies, local authorities and statutory undertakers to co-operate in the formulation of ICZM policies and strategies and to take account of such policies when exercising statutory functions and powers;
- (iv) A statutory duty on government departments, agencies, local authorities and statutory undertakers to take account of cultural heritage and its conservation when formulating policy and exercising statutory functions and powers;

Q. 7 The JNAPC welcomes these proposals. It wishes to emphasise that it considers a secure, adequate and long term financial basis for coastal partnerships is essential to embed ICZM successfully in future coastal management. The JNAPC also agrees that an annual partnership meeting would help relieve 'consultation fatigue'.(8d)

Q. 8 This should contain guidance on the nature and proposals of ICZM. A large number of coastal partnerships and stake holders would require guidance as to the offshore boundaries of the ICZM as it would effect their remit. Beyond this it is difficult to comment further, pending resolution of a national policy on ICZM and MSP and their mode of delivery.

Q.12 The National Monuments Record and the Historic Environment Records would be able to supply initial data, however it should not be considered comprehensive and further survey work would be required to facilitate evidence based decision making.

R A Yorke (Chairman)
Joint Nautical Archaeology Policy Committee
Silver Birches,
Bashurst Hill,
Itchingfield
Nr. Horsham
West Sussex
RH13 7NY

(email: robert.yorke@btinternet.com)

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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 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 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 has been presented to Government.

Joint Nautical Archaeology Policy Committee

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Chairman

Robert Yorke

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Association of Local Government Archaeological Officers

British Sub Aqua Club

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Hampshire & Wight Trust for Maritime Archaeology

Institute of Conservation

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National Maritime Museum

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Nautical Archaeology Society

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Mark Redknap

David Thackray

George Lambrick

Suzanne Pleydell

Peter Marsden

Ray Sutcliffe

Stuart Bryan

Chris Dobbs

Anthony Firth

Helen Meech

Individual representation

Sarah Dromgoole

Steve Waring

Michael Williams

Affiliation

Leicester University

Wolverhampton
University

Observers

Advisory Committee on Historic Wreck Sites

Cadw

Department for Culture, Media and Sport

The Crown Estate

English Heritage

Environment Service, Northern Ireland

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

Sian Rees

Lizzie West

Carolyn Heeps

Ian Oxley

Ken Neill

Andrew Burke

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