

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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21 January 2010

Susan Cramer
Marine Policy Team
Department of the Environment
Calvert House
23 Castle Place
Belfast BT1 1FY

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Dear Ms. Cramer,

Consultation on Marine Strategy Framework Directive: putting in place the legal framework for implementation

Response by the Joint Nautical Archaeology Policy Committee

The JNAPC has pleasure in responding to the UK Government and Devolved Administrations' consultation document on the Marine Strategy Framework Directive: putting in place the legal framework for implementation.

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.

The Draft Marine Strategy Regulations 2010

JNAPC welcomes the provision of a legal framework to facilitate the development of a UK Marine Strategy to protect and preserve the marine environment. However, JNAPC is

concerned that the draft Regulations do not specifically identify the marine historic environment as part of the marine environment to be protected and preserved through the development of a marine strategy. This runs contrary to the approach adopted in the Marine and Coastal Access Act 2009 (see, for instance, sections 115(2) and 186) and the various Regulations made to transpose and/or implement the Environmental Impact Assessment Directive (97/11/EC) and the SEA Directive (01/42/EC), all of which explicitly or implicitly recognise that “*the marine environment*” includes ... *features of archaeological or historic interest*’ (section 186 of the 2009 Act).

The commitment of the UK Government and Devolved Administrations to conserving ‘*the integrity of marine and coastal ecosystems and marine cultural heritage*’ [my underlining] is also clearly acknowledged in *Our Seas – A Shared Resource: High Level Marine Objectives (2009)* published by Defra on behalf of the UK Government and Devolved Administrations (see page 5) and should ultimately be reflected in the marine strategy (or strategies) developed by the UK Administrations. Although the draft Regulations represent a high level legal framework for implementing the Marine Strategy Framework Directive they should still explicitly facilitate the development of a marine strategy, inter alia, to protect the marine historic environment. Failing that, the draft Regulations should contain safeguards to ensure that the natural environment is not protected at the expense of marine cultural heritage.

Furthermore, regulation 11 of the draft Regulations should also make clear that the social and economic analysis envisaged in Article 8 of the Directive encompasses consideration of the marine historic environment.

We would welcome the opportunity to participate in the future development of the marine strategy.

Yours sincerely,

R A Yorke
Chairman

Appendix 1

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 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.

Appendix 2

Joint Nautical Archaeology Policy Committee

Members

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 Conservation
Institute of Field Archaeologists, Maritime Affairs Group
ICOMOS
National Maritime Museum
National Museums & Galleries of Wales
National Trust
Nautical Archaeology Society
Professional Association of Diving Instructors
Shipwreck Heritage Centre
Society for Nautical Research
Sub Aqua Association
United Kingdom Maritime Collections Strategy
Wessex Archaeology
Wildlife and Countryside Link

Paul Gilman
Jane Maddocks
Gill Chitty
Garry Momber

Julie Satchell
Chris Dobbs
Gillian Hutchinson
Mark Redknap
David Thackray
George Lambrick
Suzanne Pleydell
Peter Marsden
Ray Sutcliffe
Stuart Bryan
Chris Dobbs
Antony Firth
Joanna Butler

Individual representation

Sarah Dromgoole
Michael Williams

Affiliation
University of Nottingham
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
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
Sian Rees
Annabel Houghton
Iain Mills
Ian Oxley
Rhonda Robinson
Richard Koizumi
Philip Robertson
Alison Kentuck
Peter MacDonald
Bob Stewart

Robert Mowat