

The future of local government archaeology services

An Inquiry for DCMS led by John Howell MP and Lord Redesdale supported by The Archaeology Forum

Call for Written Evidence

Response by the Joint Nautical Archaeology Policy Committee

The Joint Nautical Archaeology Policy Committee (JNAPC) has pleasure in responding to this call for evidence and welcomes this important initiative.

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. Summary information on the JNAPC and its membership is attached in appendices 2 & 3 below.

The JNAPC would be pleased to give evidence in person to the Inquiry if invited.

Our response is as follows:

The existing models for local government archaeology services

1. Do you consider the present system of advice provided from and to local authorities of different types to be working satisfactorily and to acceptable professional standards?

1.1 Although maritime archaeologists wish to see a seamless transition between the management and protection of the historic environment on land and at sea, there are differences in the respective regulatory systems which have to be acknowledged. The Town and Country Planning regime (which extends to the mean low water mark) to a great extent revolves around local planning authorities, whereas the marine planning and licensing regime introduced by the Marine and Coastal Access Act 2009 sits largely outside the local authority decision-making process.

1.2 Local government archaeology services are geared to providing advice to local planning authorities and others in the terrestrial planning process, whereas the primary source of archaeological advice in the marine zone is English Heritage whose maritime team contains considerable expertise and experience in this field.

1.3 There is some overlap between the two regimes (for instance, in the inter-tidal zone) and local authorities have significant engagement in respect of developments within sight of land. Defra has just published *A Coastal Concordat for England* (2013)¹ setting out the approach in such cases.

1.4 Professional standards produced by the Institute for Archaeologists (<http://www.archaeologists.net/codes/ifa>) are equally applicable in terrestrial and marine contexts and are upheld by English Heritage. However, as with local government funding, English Heritage

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/256234/coastal-concordat-20131111.pdf

is under increasing financial pressure and Historic England's ability to provide archaeological advice in a marine context will be dependent upon the resources made available to it.

1.5 Given the differing regulatory regimes on land and at sea, the following questions in the Call for Evidence are for the most part directed to the operation of the terrestrial planning system. The problems which the marine historic environment faces are more deep-seated and do not stop at the 12NM limit. A summary of the key points is set out in appendix 1.

5. How well do/could alternative models cope with the maritime archaeological heritage out to the 12NM limit?

5.1 Alternative models (particularly if they involved a pooling of expertise as in the regional model in Wales) could cope with maritime archaeological heritage out to the 12NM limit in partnership with English Heritage, provided that they were adequately resourced and operating within clearly defined boundaries. However, any such model would have to address current issues such as maritime HER provision.

5.2 Moreover, alternative models would not provide the answers to all the challenges facing maritime archaeological heritage (see paragraph 1.5 above and appendix 1).

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APPENDIX 1

KEY ISSUES IN MARITIME ARCHAEOLOGY

- **Adoption and ratification** of the UNESCO Convention on the Protection of the Underwater Cultural Heritage (UCH) 2001 providing much needed clarity and clear procedures related to UCH outside the territorial sea (beyond 12 nautical miles). Currently the UK supports the Annex to the Convention.
- **Current lack of provisions for UCH** beyond the Territorial Sea (UK Continental Shelf, international waters - High Seas, and the waters of other coastal states). This is a serious problem, not least because activities in the Offshore Regions are regulated and addressed in marine plans, and provision is being made for extensive marine conservation zones, but with little or no provision for archaeological data and advice, and the capacity of the UK heritage agencies to engage in UCH in the Offshore Regions is limited by the ambiguity of their remit, their lack of in-house data, and lack of resources (staff).
- **The need therefore for a cross-departmental system of management** of the Royal Navy (MOD) and other historic wrecks in international waters under the leadership of DCMS. The Government needs better clarity and liaison between the different interests that it holds in the marine environment (DCMS, MOD, FCO, and DfT) – there is a need for an inter-governmental mechanism to ensure joined-up thinking with DCMS having the clear authority and lead with regard to UCH. The key point is that the UK is world leader in maritime archaeology education and research but has failed to protect its own UCH.
- **There is no UK museum that deals with UCH in its broadest sense. There is a need for a National lead museum** in the UK for maritime heritage and the development of improved museum facilities and archives. Although the Mary Rose Trust has been nominated as the lead UK museum for maritime archaeology and conservation it receives no public money for this purpose and has no remit or funds for the storage of data, archives and material from other projects. Also the lack of space for data and archives is an increasingly serious problem which is common to terrestrial archaeology as well, and is exacerbated by the pressures on Local Authorities (e.g. museums) which means that the options for permanent storage and display are reducing. On land these go to regional and national museums and resource centres and are more often curated, protected and accessible for future research. But there is a policy and legislative gap for maritime sites, which falls outside museum collection areas. Artefacts and archives, a crucial part of national heritage, are caught in limbo, un-curated, inaccessible to public and researchers alike and sometimes even sold. The key problem in this area is division between the museum sector and archaeology/heritage in Government and policy.
- **A new Heritage Protection Act** which would protect submerged landscapes and remove historic wrecks from the salvage regime. A move away from single site/wreck designations (1973 Protection of Wrecks Act) and towards landscape/seascape wide designations, for a number of reasons. Scotland's model in designating Historic Marine Protected Areas should be considered.
- **Development of an evidence base of submerged maritime sites** beyond 12 nautical miles in order to inform future management. The existing UK Maritime Record only covers territorial waters.
- **Funding:** for a country steeped in maritime history it is shocking that many of the current maritime archaeology projects are funded by avocational divers, with even less funds

available for conservation and research of artefacts. The UK heritage agencies do what they can, but have barely sufficient funds to look after designated wreck sites.

- **Enforcement:** there has to be strict enforcement if designation/protection is to be meaningful and successful, and the maritime resource is at risk just as the terrestrial sites are threatened. Many coastal police forces simply are not aware of the PWA 1973 nor do they have adequate resources to police these sites.
- **Capacity Building** - much more work to be done here in all aspects of maritime archaeology. There is a skill shortage of individuals capable of working on large maritime heritage projects.
- **The major funder for UK Heritage, the HLF,** does not appear to undertake works that deal with the protection of UCH. It appears unwilling to engage.

APPENDIX 2

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 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 on the Protection of the Underwater Cultural heritage 2001 with the preparation of the *Burlington House Declaration*, which was presented to Government in 2006 and the Seminar on the Protection of Underwater Cultural Heritage in International Waters Adjacent to the UK in November 2010.

In 2013 the JNAPC was officially accredited as an NGO to the Scientific and Technical Advisory Board and to the Meeting of States Parties of the 2001 UNESCO Convention.

The JNAPC continues to work for the improved protection of underwater cultural heritage in both territorial and international waters.

APPENDIX 3

Joint Nautical Archaeology Policy Committee

Members and Observers

Chairman

Robert Yorke

Member Organisations

Association of Local Government Archaeological Officers
British Sub Aqua Club
Council for British Archaeology
Hampshire & Wight Trust for Maritime Archaeology
ICOMOS
Institute for Archaeologists
Institute for Archaeologists, Maritime Affairs Group
Maritime Archaeology Sea Trust (MAST)
National Maritime Museum
National Museums & Galleries of Wales
Nautical Archaeology Society
Professional Association of Diving Instructors
RESCUE
Sea Change Heritage Consultants
Shipwreck Heritage Centre
Society for Nautical Research
Sub Aqua Association
United Kingdom Maritime Collections Strategy
Wessex Archaeology

Robin Daniels
Jane Maddocks
Mike Heyworth
Garry Momber
Christopher Dobbs
Tim Howard
Graham Scott
Jessica Berry
Gillian Hutchinson
Mark Redknap
Adrian Olivier
Suzanne Smith
Stephen Appleby
John Gribble
Peter Marsden
Ray Sutcliffe
Stuart Bryan
Christopher Dobbs
Euan McNeil

Individual members

Sarah Dromgoole
Antony Firth
David Parham
Michael Williams

Affiliation

University of Nottingham
Fjordr Limited
University of Bournemouth
Plymouth University & UCL

Observers

Advisory Panel on Historic Wrecks, English Heritage
Cadw
The Crown Estate
Department for Culture, Media and Sport
Department for Transport
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
National Trust
Royal Commission on the Ancient
and Historical Monuments of Scotland

Tom Hassall
Polly Groom
Iain Mills
Helen Williams
Robert Cousins
Ian Oxley
Claire Foley
Louise Savill/Mina Patel
Philip Robertson
Alison Kentuck
Peter Fieldsend
Bob Stewart
Ian Barnes

Alex Hale