

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

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Dear Toby,

Practical Approaches for the Assessment and Management of Marine Archaeology During Port and Harbour Development (4A3) EH 6801 MAIN – Consultation on draft guidance

The Joint Nautical Archaeology Policy Committee (JNAPC) has pleasure in responding to this Consultation.

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 (UCH) and to persuade government that underwater sites of historic importance should receive no less protection than those on land. Some information on the JNAPC is shown in appendix 1.

The JNAPC has a membership (see appendix 2) that includes most of the governmental, academic, commercial and voluntary organisations concerned with submerged heritage assets in the UK, including the Nautical Archaeology Society, university professionals, various governing bodies for recreational diving, a number of archaeological contractors prominent in the marine sector, the Institute for Archaeologists and English Heritage itself.

JNAPC welcomes the publication of draft English Heritage guidelines to assist in the process of archaeological assessment of ports and harbours. In particular, JNAPC welcomes:

- the articulation in a staged approach of the methods employed for the Archaeological Impact Assessment process
- the identification of options for, and examples of mitigation
- the demonstration of best practice, highlighted by case study examples
- the provision of guidelines which are useful for curators and archaeological contractors as well as development contractors and port, and harbour managers.

A major concern for JNAPC is that the submerged cultural heritage is respected and managed in line with current legislation and best practice. This is particularly important when considering the impact of development on ports. Ports and harbours have a long history as safe havens and they tend to be associated with fluvial and estuarine systems. The result is a concentration of human activity in environments that contain ideal conditions for preservation. As such, the potential for the survival of maritime archaeological structures associated with ports, shipwreck remains and prehistoric land-surfaces is high.

A key issue for the developer is the commercial risk brought about by interruptions to construction schedules. The marine archaeological protocols in this document show how the developer can minimise the risk by qualifying and quantifying any archaeological material and identifying the potential for additional finds. The outcomes of research and survey can then inform mitigation strategies. The discovery of archaeological sites will normally be addressed by avoidance but on occasion, impacts to the site might be necessary. While the preservation of the submerged cultural heritage is of key importance to JNAPC, it recognises that sometimes this is not always possible and appreciates the need for disturbance where it cannot be avoided and appropriate mitigation is in place.

The document is clear and presents robust guidelines, however it would be good to see more positive case studies where the benefits of the archaeological investigations to both clients and the archaeological community are emphasised. An example is the case of Portsmouth Harbour where dozens of anomalies were investigated but there were not any archaeological artefacts found. This has been viewed by port developers as negative which highlights the need to explain the benefits where the survey method and analysis had enabled hundreds of other anomalies to be explained away and therefore they were not investigated further. When nothing is found following an archaeological survey it should be noted that this is a good thing because it gives confidence that there is a lower risk to the development being disrupted. This should be presented against a backdrop where important archaeological discoveries have been made and action had to be taken to manage them. This was highlighted by the London Gateway project. Numerous archaeological discoveries in the Thames have demonstrated the richness of the river but targeted survey allowed the archaeological contractor to identify areas of high risk and low risk. These decisions were augmented by the experience gained as the project developed and limited the need for further excavations in areas with limited archaeological potential. This showed the costs saving benefits of a comprehensive and well considered archaeological impact assessment that saved the client money.

An additional subject that could be developed in the document is the Corporate Social Responsibility (CSR) benefit. The Port of London Authority developed a very successful education and outreach programme that is ongoing. It is built on the archaeological discoveries unearthed during the London Gateway development.

We would be pleased to assist you in any further development of the guidelines.

Yours sincerely,

R A Yorke
Chairman

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.

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

Joint Nautical Archaeology Policy Committee

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

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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
National Trust
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