

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

Silver Birches
Bashurst Hill
Itchingfield
Horsham
West Sussex
RH13 0NY

Tel 01403 790500
Fax 01403 790029

Mr Matt Cartney
Marine Scotland
1-A South
Victoria Quay
Edinburgh
EH6 6QQ

MS.Licence.Consult@scotland.gsi.gov.uk

20 June 2012

Dear Mr Cartney,

Consultation on Registrable Marine Activities and on Marine Licence Applications requiring Pre-Application Consultation

The JNAPC has pleasure in responding to the consultation on registrable marine activities and on marine licence applications requiring pre-application 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 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.

Registrable Marine Activities and Marine Licence Applications requiring Pre-Application Consultation

We have been advised by the Maritime Affairs Group of the Institute for Archaeologists, who are members of JNAPC, and we are pleased to endorse their response to the Consultation which we believe you have already received.

In particular we would like to bring to your attention the responses to questions 5, 7 and 8 which are particularly appropriate to the marine historic environment.

Q5. Do you have further comments regarding the activities listed above?

The fifth class of activity identified (the use of air filled flotation bags capable of lifting less than 100 kg from the sea bed) is one that could significantly harm the marine historic environment. The importance of archaeological remains is not commensurate with their weight. Any 'specified threshold of environmental impact' in relation to archaeological materials as defined in Regulations must recognise this and recognise the fragility and irreplaceable nature of those remains. Wherever such materials are involved the use of air filled flotation bags for lifting should not be a registrable activity.

Q7. Do you agree that statutory consultees should not be specified in legislation for the pre-application consultation process?

No

Q8. If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?

Historic Scotland and/or other stakeholders able to inform consideration of the impacts of activities upon the marine historic environment.

We would be pleased to assist in any further discussions on this matter.

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 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 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

Members

Chairman

Robert Yorke

Organisations

Association of Local Government Archaeological Officers
British Sub Aqua Club
Council for British Archaeology
Fjordr Limited
Hampshire & Wight Trust for Maritime Archaeology
ICOMOS
Institute for Archaeologists
Institute for Archaeologists, Maritime Affairs Group
National Museums & Galleries of Wales
National Maritime Museum
National Trust
Nautical Archaeology Society
PMSS
Professional Association of Diving Instructors
RESCUE
Shipwreck Heritage Centre
Society for Nautical Research
Sub Aqua Association
United Kingdom Maritime Collections Strategy
University of Bournemouth
Wessex Archaeology
Wildlife and Countryside Link

Robin Daniels
Jane Maddocks
Gill Chitty
Antony Firth
Garry Momber
Christopher Dobbs
Tim Howard
Jesse Ransley
Mark Redknapp
Gillian Hutchinson
David Thackray
Mark Beattie-Edwards
John Gribble
Suzanne Pleydell
Stephen Appleby
Peter Marsden
Ray Sutcliffe
Stuart Bryan
Christopher Dobbs
David Parham
Simon Davidson
Joanna Butler

Individual representation

Sarah Dromgoole
Michael Williams

Affiliation

University of Nottingham
UCL

Observers

Advisory Panel on Historic Wrecks, English Heritage
Cadw
Department for Culture, Media and Sport
Department for Transport
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
Polly Groom
Claudia Kenyatta
Robert Cousins
Iain Mills
Ian Oxley
Rhonda Robinson
Steven Hunt
Philip Robertson
Alison Kentuck
Peter MacDonald
Bob Stewart

Alex Hale