

# **Communities, Equality and Local Government Committee**

## **Inquiry into the Welsh Government's Historic Environment Policy Response from the Joint Nautical Archaeology Policy Committee**

Dear Sir / Madam,

### **Inquiry into Welsh Government's Historic Environment Policy**

The JNAPC has pleasure in responding to the National Assembly for Wales' Communities, Equality and Local Government inquiry into the Welsh Government's historic environment policy.

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.

### **Welsh Government's Historic Environment Policy**

In its representations to this Inquiry the JNAPC confines its submission to historic environment policy relating to underwater cultural heritage and its evidence can best be presented in response to the first consultation question, namely:

### **How appropriate and successful are the current systems employed by the Welsh Government for protecting and managing the historic environment in Wales?**

The coastal and marine areas of Wales' coast harbour a vast wealth of cultural heritage with a rich and diverse archaeological record. However, there are very significant weaknesses in the current systems employed by the Welsh Government for protecting and managing the marine historic environment.

(1) The primary legislative mechanism for protecting historic assets in the marine zone, the Protection of Wrecks Act 1973, has served a purpose in selectively protecting specific highly significant wrecks from identified threats, but is not well suited to provide a comprehensive, fit for purpose framework for the management and protection of Wales' maritime heritage. In particular:

1.1 the Act is restricted to the protection of 'vessels' which precludes much that is of value in the marine historic environment including submerged landscapes and most (if not all) aircraft and vehicles

1.2 having been a Private Member's Bill, the 1973 Act lacks Government resources properly to manage the marine historic environment and does little proactively to encourage the holistic management of the marine historic environment

1.3 the Act is restricted to the protection of vessels within Territorial Waters (12nm).

(2) Scheduling of marine historic assets under the Ancient Monuments and Archaeological Areas Act 1979 is technically available to protect such assets but the 1979 Act is more appropriate to the protection of terrestrial assets.

(3) In the light of these shortcomings Wales' maritime heritage is at serious risk, both of inadvertent loss (through lack of adequate management) and of deliberate depredation (for instance, through the targeting of wrecks for commercial exploitation through the sale of archaeological material). This is not a criticism of Cadw or of the Royal Commission in Wales but rather a reflection of the lack of structure and resource properly to manage the marine historic environment.

(4) The JNAPC recommends that the following steps be taken to address these issues:

- 4.1 Extend the scope of the mechanisms to manage and protect the marine historic environment to the outer limit of Exclusive Economic Zone (EEZ) or the continental shelf insofar as it relates to Wales.
- 4.2 Legislate to allow the designation and management of historic marine protected areas as in the Marine (Scotland) Act 2010 (as opposed to the ecologically and geologically designated marine conservation zones currently provided for England and Wales).
- 4.3 Ensure that the Heritage Bill defines historic assets widely (for instance, to include ‘sites without structures’) and in terms appropriate for both terrestrial and marine assets.
- 4.4 Adopt as policy the objective of ensuring that the United Kingdom ratifies the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 (a step which would do much to address problems with the commercial exploitation of the marine historic environment for trade or speculation) and urge the Department for Culture, Media and Sport and the Foreign and Commonwealth Office at Westminster to pursue such a course.
- 4.5 In the interim, make clear that Welsh Government accepts as Government policy the rules in the Annex to the 2001 Convention and ensure that throughout Welsh Government departments and officials act in accordance with those principles of best practice.

JNAPC would be happy to work with the Welsh Government, Cadw and the Royal Commission in Wales in order to ensure that the opportunity is firmly grasped to provide an up-to-date and fit for purpose regime for the management and protection of the marine historic environment in Wales.

Yours faithfully

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  
PMSS  
Hampshire & Wight Trust for Maritime Archaeology  
Institute for Archaeologists  
Institute for Archaeologists, Maritime Affairs Group  
ICOMOS  
National Maritime Museum  
National Museums & Galleries of Wales  
National Trust  
Nautical Archaeology Society  
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  
John Gribble  
Garry Momber  
Tim Howard  
Jesse Ransley  
Christopher Dobbs  
Gillian Hutchinson  
Mark Redknapp  
David Thackray  
Mark Beattie-Edwards  
Suzanne Pleydell  
Stephen Appleby  
Peter Marsden  
Ray Sutcliffe  
Stuart Bryan  
Christopher Dobbs  
David Parham  
Simon Davidson  
Joanna Butler

**Individual representation**

Sarah Dromgoole  
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**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  
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Alison Kentuck  
Peter MacDonald  
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