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31<sup>st</sup> October 2019

HPMA review  
Marine and Fisheries 4th Floor  
Horizon House  
Deanery Road  
Bristol BS1 5AH

By email to: [HPMAreview@defra.gov.uk](mailto:HPMAreview@defra.gov.uk)

Dear Sir/Madam

### **Independent Review into Highly Protected Marine Areas - Call for Evidence**

The Joint Nautical Archaeology Policy Committee (JNAPC) has pleasure in submitting its response to the Independent Review into Highly Protected Marine Areas (HPMAs) - Call for Evidence.

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 information on the JNAPC is shown in Appendix 1.

The JNAPC has a membership (see Appendix 2) that includes most of the governmental, museum, academic and voluntary organisations, and advisers concerned with submerged heritage assets, including the Nautical Archaeology Society, MAST, university professionals, various governing bodies for recreational diving, providers of professional archaeological services, the Council for British Archaeology, and the Chartered Institute for Archaeologists. The views expressed by the JNAPC do not necessarily represent the views of individual members and observers.

The JNAPC is a member of the Honor Frost Foundation (HFF) Steering Committee on Underwater Cultural Heritage and its members have contributed to the response which the HFF Steering Committee on Underwater Cultural Heritage has made to this consultation. We are therefore pleased to acknowledge that the JNAPC response is based on that response.

### **Summary of JNAPC response to the Call for Evidence**

- The reasons for introducing HPMAs should be expanded to include 'to enable the conservation, appreciation and enhancement of underwater cultural heritage'.
- Designation of HPMAs should take into account the opportunities for enabling conservation, appreciation and enhancement of UCH within the boundary of each HPMA.

### **Joint Nautical Archaeology Policy Committee**

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- Designation of each HPMA should be assessed for potential effects on UCH in terms of access and investigation.
- Designation and management of HPMA should acknowledge the important role that UCH can play in supporting and protecting habitats and species.
- The JNAPC proposes that the Goodwin Sands be considered for designation as an HPMA. As well as being a proposed Marine Conservation Zone, the Goodwin Sands is one of the most important marine archaeological areas around England with its unique wealth of known and potential UCH.
- Important lessons can be drawn from the designation, management and enforcement of marine protected areas designated for historic environment purposes since 1973.
- The independent panel is strongly recommended to seek evidence on the identification, designation and management of highly protected marine areas from the heritage agencies in England, Scotland, Wales and Northern Ireland.
- A wholly integrated approach to protecting and managing the UK marine environment is strongly recommended, incorporating the historic characteristics of the marine environment (including UCH) alongside its natural characteristics.

## **JNAPC response to the Call for Evidence**

1. The JNAPC strongly recommends that the reasons for introducing HPMA are expanded to include ‘to enable the conservation, appreciation and enhancement of underwater cultural heritage’. We note that ‘to support or improve opportunities for cultural, spiritual, educational and/or recreational activities’ is already suggested as a reason for introducing HPMA. It is very encouraging that the cultural, educational and recreational importance of the marine environment is recognised here as worth protecting and managing. However, we would like to underline that these benefits arise not only from the ‘natural’ marine environment, but also from cultural heritage in the marine environment. People are fascinated by information about the human past that is preserved underwater, and this evidence is a primary source of ever-increasing importance in understanding humanity’s relationships with the sea over time. Within UK waters, UCH encompasses material ranging from submerged prehistoric sites dating back over 200,000 years through to the remains of shipwrecks witnessing the conflicts – and casualties – of the twentieth century. Government recognises in para. 2.6.6.2 of the UK Marine Policy Statement<sup>1</sup> that the historic environment as an asset of social, economic and environmental value; accordingly, the JNAPC believes that UCH should be recognised expressly as reason for introducing HPMA.
2. In the interests of effectively managing all HPMA – whatever the reason for their introduction – the JNAPC recommends that designation of HPMA should take into account the opportunities for enabling conservation, appreciation and enhancement of UCH that lies within the boundaries of each HPMA. Incidental protection of UCH is an important added benefit of protecting marine areas for nature conservation purposes, but such benefits are rarely recognised or sought. The identification of multiple benefits, including for UCH, could strengthen the case for selecting specific HPMA and help build public support, especially where UCH gives rise to cultural, educational or recreational benefits. Taking into account UCH within all HPMA could also unlock other sources of data, understanding and funding to lend support to the primary purposes of the HPMA.

<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69322/pb3654-marine-policy-statement-110316.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf)

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3. Designation of each HPMAs should be assessed for its potential effects on UCH in terms of access and investigation. Public access to UCH is generally beneficial and should not be impeded by designation of HPMAs unless such access presents a specific risk to UCH. Again, we endorse the recognition offered for the cultural, spiritual, education and recreational benefits that arise from the nature and heritage in the marine environment. These benefits are widely recognised by the public, contributing to the constituency that supports protection and sound stewardship of our seas. It is far more engaging to promote sustainable access than to propose exclusion; restrictions on access should be carefully tailored and limited only to those circumstances where access will cause damage. Equally, archaeological investigation of UCH is a primary source of new knowledge and understanding of humanity's relationship with the sea. Although some forms of investigation are necessarily intrusive, their extent and duration are usually very limited and their effects on the natural environment can be assessed and mitigated, as research for Historic England has demonstrated<sup>2</sup>. Designation and management of HPMAs should not preclude archaeological investigation.
4. The JNAPC proposes that the Goodwin Sands be considered for designation as an HPMAs. As well as being a proposed Marine Conservation Zone, the Goodwin Sands is one of the most important marine archaeological areas around England with its unique wealth of known and potential UCH. The Goodwin Sands represents a major hazard to marine navigation and, as such, has perhaps the highest density of recorded shipping losses in the UK. Many of the most important trade routes of northern Europe pass close to the Goodwin Sands, which are located offshore of the Downs, formerly one of the most important commercial and naval anchorages off the English Coast. It has been estimated that over 800 shipwrecks have been documented on the Goodwin Sands. This means that the potential for the presence of unrecorded shipwrecks on Goodwin Sands is very high and there is also high potential for the remains of crashed aircraft from the Second World War to be found on the Sands.
5. The proposed reasons for introducing HPMAs include references to 'as natural a state as possible', 'all damaging human activities' and 'nature-based' tourism. This emphasis fails to recognise that much of the UK marine environment reflects a combination of both human and natural processes over many centuries. Our marine environment has a human history that may make a positive contribution to its character; not all human activities are damaging; and the cultural as well as natural components of the marine environment can be a valuable basis for tourism. The interplay of natural and human processes is especially evident on metal shipwrecks, which offer niches, refuges and nurseries that contribute to the abundance and diversity of life around these 'artificial reefs'. Designation and management of HPMAs should acknowledge the important role that UCH can play in supporting and protecting habitats and species, providing benefits for the marine environment as individual sites and as interconnected networks.
6. Lessons can be drawn from the designation, management and enforcement of marine protected areas designated for historic environment purposes since 1973. These areas – designated under the Protection of Wrecks Act (PWA) 1973 and the Ancient Monuments and Archaeological Areas Act (AMAA) 1979, for example – offer important experience because they generally provide a higher level of protection from a range of marine activities than is the case for nature conservation MPAs, though over a smaller area. The introduction of Historic Marine Protected Areas (HMPAs) in Scotland to take the place of areas restricted by the PWA 1973 is especially relevant<sup>3</sup>.

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<sup>2</sup> Salmon et al., 2015, *Historic Environment Projects and Activities within Marine Conservation Zones*  
<https://research.historicengland.org.uk/Report.aspx?i=15869>

<sup>3</sup> See <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/marine-heritage/what-is-a-marine-protected-area/>

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7. The historic environment sector has over 45 years of implementing highly protected marine areas from which other marine sectors can draw. Extensive experience is available about site selection for UCH from the heritage agencies in each home country: Historic England<sup>4</sup>; Historic Environment Scotland<sup>5</sup>; Cadw<sup>6</sup>; Marine and Fisheries Division of DAERA (Northern Ireland)<sup>7</sup>. These heritage agencies, working closely with civil society including volunteers, already have considerable experience of implementing and managing HPMAs. Consequently, it is recommended that future implementation and management of UCH within HPMAs is modelled closely on existing management. The independent review panel is strongly recommended to seek evidence on the identification, designation and management of historic environment MPAs from the heritage agencies in England, Scotland, Wales and Northern Ireland.
8. Too often, UK policy towards the marine environment is both blinkered and myopic, focussing on one or two characteristics and failing to recognise the rich complexity that marine places present. Opportunities to comprehensively quantify, understand and monitor the environment are missed; the scope for synergistic approaches to management are unrecognised; and the best of intentions are undermined by partial, fragmented perspectives. Our seas cannot bear yet another round of marine protection that persists with a narrow, sectoral approach. Any new measures must be comprehensive: open to the insights that arise from understanding past human interaction with the marine environment, and engaging people with narratives for change that are rooted in respect for their history. A wholly integrated approach to the protection and management of the UK marine environment is strongly recommended, incorporating the historic characteristics of the marine environment (including UCH) alongside its natural characteristics. Integration of the natural and historic marine environment should apply throughout Defra policy, but is especially apposite for marine protected areas including HPMAs because of the mutual benefits that will arise.

If the JNAPC can be of any further assistance in this matter do please get in touch.

Yours sincerely

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<sup>4</sup> <https://historicengland.org.uk/listing/what-is-designation/protected-wreck-sites/>

<sup>5</sup> <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/marine-heritage/>

<sup>6</sup> <https://cadw.gov.wales/advice-support/placemaking/legislation-and-guidance/marine-historic-environment>

<sup>7</sup> <https://www.daera-ni.gov.uk/articles/marine-historic-environment>

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## 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 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 (DCMS).

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 (now Historic England) 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

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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 advocate the improved protection of underwater cultural heritage in both territorial and international waters and is working to persuade the UK Government to ratify the 2001 UNESCO Convention.

[www.jnapc.org.uk](http://www.jnapc.org.uk)

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## **Joint Nautical Archaeology Policy Committee**

### **Chairman**

**Secretariat** - Nautical Archaeology Society

Robert Yorke

Mark Beattie-Edwards

### **Member Organisations**

Association of Local Government Archaeological Officers

British Sub Aqua Club

Chartered Institute for Archaeologists (including CIfA

Marine Archaeology Special Interest Group )

Cotswold Archaeology

Council for British Archaeology

Maritime Archaeology Sea Trust (MAST)

Maritime Archaeology Trust

Mary Rose Trust

National Maritime Museum

National Museum of the Royal Navy

National Museums & Galleries of Wales

Nautical Archaeology Society

Professional Association of Diving Instructors

RESCUE

Sea Change Heritage Consultants

Shipwreck Museum, Hastings

Society for Nautical Research

Sub Aqua Association

The Honourable Company of Master Mariners

United Kingdom Maritime Collections Strategy & ICOMOS

Wessex Archaeology

Rebecca Loader

Jane Maddocks

Rob Lennox/Michael Walsh

TBA

Mike Heyworth

Jessica Berry

Garry Momber

Christopher Dobbs

Andrew Choong Han Lin

Dominic Tweddle

Mark Redknap

Mark Beattie-Edwards

Suzanne Smith

Stephen Appleby

John Gribble

Peter Marsden

Richard Bateman

Stuart Bryan

TBA

Christopher Dobbs

Euan McNeill/Toby Gane

### **Individual members**

Antony Firth

David Parham

Michael Williams

Josh Martin

### **Affiliation**

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Bournemouth University

Plymouth University

Exeter University

### **Observers**

Cadw

The Crown Estate

Department for Communities (Northern Ireland), Historic

Environment Division

Department for Digital, Culture, Media and Sport

Department for Transport

Foreign and Commonwealth Office

Historic England

Historic Environment Scotland

Maritime and Coastguard Agency, Receiver of Wreck

Ministry of Defence

National Trust

Royal Commission on the Ancient and Historical Monuments  
of Wales

Polly Groom

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John Davies

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Paul Jeffery/Mark Dunkley

Philip Robertson

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