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1<sup>st</sup> October 2023

Consultation - King Scallop FMP  
FMP team – Marine and Fisheries  
Seacole Building,  
2 Marsham St  
London SW1P 4DF

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

Dear Sir/Madam

### **Consultation on the proposed King Scallop Fisheries Management Plan (FMP)**

The Joint Nautical Archaeology Policy Committee (JNAPC) welcomes the opportunity to respond to this consultation on the proposed King Scallop Fisheries Management Plan (FMP)

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 marine heritage assets, including the Nautical Archaeology Society, MAST, university professionals, various governing bodies for recreational diving and providers of professional archaeological services. The views expressed by the JNAPC do not necessarily represent the views of individual members and observers.

### **JNAPC response**

Cultural Heritage Fishing activity can have both positive and negative effects on marine heritage assets.

The positive effects relate to the discovery of marine heritage assets during fishing activity, with both past and future discoveries or findspots often reliant on fishing gear interactions.

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Negative effects can be caused by physical disturbance of cultural heritage on and within the seabed. Specific effects include:

- impeded access and interpretation of assets by fishing gear (for example nets, lines and ropes) collecting around physical structures
- direct damage of assets by gear, usually towed gear, causing irreparable alteration to physical structures
- burial of archaeological material by sediment during fishing practices
- removal of the archaeological material from the seabed during fishing practices, and
- transferal of archaeological material from its original place on the seabed during fishing practices.

Avoiding negative interactions with marine heritage assets will help conserve them for enjoyment and study by future generations.

Scallop dredging, or other similar towed gear, has been identified to cause damage to marine heritage assets. Historic England have evidence of two recent examples of damage from fishing activity to designated heritage assets – the Klein Hollandia (aka Eastbourne Wreck, LEN 1464317) and the Rooswijk (LEN 1000085).

The marine historic environment also plays an important role in providing ecosystem services in relation to nature conservation, sea angling, recreational diving and commercial fishing. Marine heritage assets, particularly ship and plane wrecks can provide habitats for marine life, with fish often aggregating around them for refuge or to feed. Avoiding negative interactions with marine heritage assets that act as habitats can positively contribute to the conservation of the wider marine environment.

Clearly the positive effect of discovery is minimal in that for it to be discovered impact needs to occur which is irreversible and generally whilst foul ground or a fastener is identified often no further work is done and there is no assessment of impact or subsequent mitigation. Discovery can also be viewed as a negative impact if the marine heritage assets then become a focus of systematic retrieval and deleterious effect, or worse – targeted commercial salvage.

Currently there is no formal mechanism for the fishing industry to report impact on cultural heritage and a limited ability of Historic England to respond due to lack of resource, and no mechanism if it is part of trawling beyond 12nm or activity by non-UK vessels.

FMP Annex 7 - King Scallop FMP Environmental Considerations states: *“Scallop dredges have the potential to cause substantial physical disruption to the seafloor by abrasion and penetration of the seabed”*. However, there is no mention or consideration in the FMP of the physical damage that the dredges can do to the fragile remains of potentially important known and unknown historic wrecks and submerged prehistoric landscapes.

On Page 16 the FMP states that SEA Regulations 2004 say that Cultural Heritage should be scoped in the Environmental Report. However, there is no mention or consideration of underwater cultural heritage in this Environmental Report which is a major omission.

However, on page 74 of the SEA the FMP states clearly: *“The draft King Scallop FMP **does not explicitly consider the potential impacts of scallop fishing activity on marine cultural heritage**. Historic England have developed a range of options designed to manage negative interactions between commercial fishing and the historic marine environment. Defra and Welsh Government should work with agencies such as Historic England and Cadw to consider how measures that*

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*could protect the marine historic environment could be incorporated into fisheries management **for future iterations**. Considering appropriate measures to reduce negative interactions with marine heritage assets King Scallop FMP Environmental Report 75 of 142 could strengthen the positive interactions between FMPs and cultural heritage and has the potential for the FMP to contribute to having a positive effect on the current baseline.”*

Whilst JNAPC welcomes an important proposed dialogue between Defra, Welsh Government, Historic England and Cadw it believes that proposing to incorporate better protection of marine cultural heritage in the future iterations of the FMP, which could be in many years time, is not acceptable and could lead to considerable damage in the meantime.

### **Conclusion**

JNAPC considers that the omission in not considering marine cultural heritage and the negative impacts thereon is unacceptable and should be addressed by the King Scallop FMP Team in this consultation and the first iteration of the FMP.

The JNAPC would welcome the opportunity to discuss further the above response and to assist the King Scallop FMP team further in this matter.

Yours faithfully

R A Yorke  
Chairman

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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 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 Digital, 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 maritime 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 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage with the preparation of the *Burlington House*

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*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 Meeting of States Parties and to the Scientific and Technical Advisory Body (STAB) of the 2001 UNESCO Convention.

The JNAPC endorses the report published in February 2014 by the UK UNESCO 2001 Convention Review Group entitled *The UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 – An Impact Review for the United Kingdom*.

The JNAPC also endorses *2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage - The case for UK ratification and Key facts about the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage* published in March 2014 and May 2016 respectively by the Honor Frost Foundation Steering Committee on Underwater Cultural Heritage.

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.

All JNAPC publications may be seen on [www.jnapc.org](http://www.jnapc.org) . Other publications may be accessed by the following links:

<http://www.jnapc.org.uk/UNESCO%20Impact%20Review%20February%202014.pdf>

<http://honorfrostfoundation.org/wp/wp-content/uploads/2016/04/2001-Convention-The-Case-for-Ratification-FINAL.pdf>

<http://honorfrostfoundation.org/wp/wp-content/uploads/2016/11/Key-Facts-about-the-2001-UNESCO-Convention-050516.pdf>

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Robert Yorke

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**Member Organisations**

Association of Local Government Archaeological Officers  
 British Sub Aqua Club  
 Centre for Maritime Archaeology, University of Southampton  
 Coracle Archaeology  
 Honor Frost Foundation

Goodwill Sands Conservation Trust  
 Maritime Archaeology Sea Trust (MAST)  
 Maritime Archaeology Trust  
 Mary Rose Trust  
 MSDS Marine

National Maritime Museum  
 National Museum of the Royal Navy  
 Amgueddfa Cymru - National Museum Wales  
 Nautical Archaeology Society  
 Professional Association of Diving Instructors  
 Protected Wreck Association  
 Rebreatherpro Training  
 RESCUE  
 Shipwreck Museum, Hastings (Nautical Museums Trust)  
 Society for Nautical Research  
 Sub Aqua Association  
 The Honourable Company of Master Mariners  
 United Kingdom Maritime Collections Strategy & ICOMOS  
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