

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

Silver Birches
Bashurst Hill
Itchingfield
Horsham
West Sussex
RH13 0NY

Tel 01403 790500
Fax 01403 790029

19th November 2013

Mr Philip Stamp
Department for Environment, Food and Rural Affairs
Area 8B
9 Millbank
c/o Nobel House
17 Smith Square
London SW1P 3JR

Email: Marinelicensing.Consultation@defra.gsi.gov.uk

Dear Mr Stamp

Defra Consultation on changes to MMO marine licensing fees and charges

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 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.

We offer our responses to your questions below.

A. Do you have any comments on the Government's approach to charging for issuing of marine licences?

We understand that it is Government policy to charge for issuing of marine licences in order to recover costs.

However MMO has still not made clear to the diving community, or the archaeological diving community, what activities are likely to require a marine licence. The JNAPC and other bodies have been in discussions about a draft Marine Licensing Guidance for the Diving Sector for well over 18 months and MMO has still not issued any guidance.

It is not therefore possible to make well informed comments on proposed charges if we do not know what activities are likely to be covered and what the likely cost will be of issuing a licence.

We believe that no change or increase to the existing charge rates should be made until MMO has:

- 1 Issued a Marine Licensing Guidance for the Diving Sector
- 2 Indicated the likely cost of issuing the licences that it is proposing to apply.

B. Do you have comments on the effectiveness of the current charging system?

Whereas we understand that under Government policy it is necessary to charge for issuing marine licences, we believe that any increase over the current rates would be excessive.

Maritime archaeological work on historic underwater sites is most often carried out by small teams of avocational divers who fund all the work out of their private savings. They do not have the resources to pay large fees to government organisations particularly when they were not previously required to obtain a marine licence for the voluntary work they currently undertake.

The effect has been to reduce the amount of voluntary work being carried out by some of these groups and may have persuaded some people not to apply for a licence when one was required.

The JNAPC accepts the principle of marine licensing for intrusive archaeological work underwater but is concerned that excessive cost could be counter-productive.

C. Do you have comments on the details of the Government's proposals?

We understand that a licence for archaeological work is normally Tier 1a which currently costs £158, although some have been assessed under Tier 1b costing £450.

The proposals appear to indicate that marine licences for archaeological work will not be included under the Fast Track scheme which has a maximum cost of £175. We believe this decision should be revisited and that there should be a ceiling of £175 for most archaeological licences.

In the meantime we suggest that MMO should give forward guidance that maritime archaeological licences, which would in future appear to fall within the category of Routine Projects less than £5,000, would normally cost no more than a certain sum (we suggest £175) even including consultation with statutory consultees such as English Heritage. If this is not done, most applicants could see their costs increase from £158 to £450. We do not believe that a cost of £450 is sustainable for avocational groups of divers undertaking voluntary work to conserve and manage the heritage.

D. Do you have comments on the proposed transitional arrangements?

The transitional arrangements seem fair.

E. Do you have comments on the estimates of costs and benefits; do you have alternative evidence related to the data or assumptions used in the analysis?

We believe that the MMO has not taken sufficient notice of the needs of a substantial group of stakeholders with which it has been in discussion for over 18 months, namely the Diving and Archaeological Diving Sectors. This group comprises individuals and private avocational groups who do not have the resources of small and medium size businesses to which your consultation is primarily addressed for lower cost Projects.

We also believe that the MMO is in danger of losing the support of a large group of stakeholders which could therefore undermine the organisation's attempts to implement the new licensing system, as well as not helping the efforts of English Heritage to operate the Protected Wreck regime to conserve and manage underwater cultural heritage.

We would be pleased to assist you 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 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
National Trust
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
Wildlife and Countryside Link

Robin Daniels
Jane Maddocks
Mike Heyworth
Garry Momber
Christopher Dobbs
Tim Howard
Graham Scott
Jessica Berry
Gillian Hutchinson
Mark Redknapp
Ingrid Samuel
Adrian Olivier
Suzanne Pleydell
Stephen Appleby
John Gribble
Peter Marsden
Ray Sutcliffe
Stuart Bryan
Christopher Dobbs
Euan McNeil
Joanna Butler

Individual members

Sarah Dromgoole
Antony Firth
David Parham
Michael Williams

Affiliation

University of Nottingham
Fjordr Limited
University of Bournemouth
Plymouth University & UCL

Observers

Advisory Panel on Historic Wrecks, English Heritage
Cadw
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
Ministry of Defence
Royal Commission on the Ancient and Historical
Monuments of Scotland

Tom Hassall
Polly Groom
Iain Mills
Helen Williams
Robert Cousins
Ian Oxley
Rhonda Robinson
Louise Savill/Mina Patel
Philip Robertson
Alison Kentuck
Peter Fieldsend
Bob Stewart

Alex Hale