



Protecting our Marine Historic Environment – Making the System Work Better

Analysis of responses July 2005



**Environment &
Heritage Service**
www.ehsni.gov.uk



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Contents

	Page
1. Foreword by David Lammy, Minister for Culture, DCMS; Patricia Ferguson MSP Minister for Tourism, Culture and Sport, Scottish Executive; Alun Pugh, AM, Minister for Culture, Welsh Language & Sport, Welsh Assembly Government and the Rt Hon Lord Rooker, Minister of State for Northern Ireland.	3
2. Background	4
3. Key Themes	5
4. The Consultation	6
5. Next steps	19
Annex A List of Respondents	20
Annex B Government Code of Practice on Consultation	22

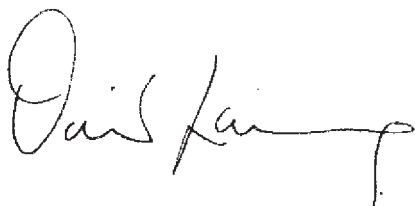
1. Ministerial Foreword

The history of the United Kingdom is indissolubly linked to its maritime legacy. It is therefore fitting that in 2005, the year of Sea Britain, we should publish this document on the future of the marine historic environment.

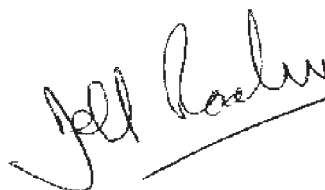
The UK's territorial waters contain a multitude of assets that bear testament to our rich history, from historic shipwrecks such as the Mary Rose in Portsmouth, England, to submerged archaeological landscapes such as those at Strangford Lough in County Down, Northern Ireland. Some of these historic assets are protected while others go unrecognised. All would benefit from a management regime that is simple, flexible and open, and which reflects the many uses of the marine historic environment.

The importance of our maritime heritage has been demonstrated by the robust and diverse responses to this consultation. It is heartening that individuals, industry and local authorities as well as those representing the heritage sector have taken the time to contribute their views.

This is a complex policy area, and responses to the consultation have raised many issues. We are still at the early stages of developing detailed plans to take this work forward. This is an exciting time for our maritime heritage and we look forward to taking the next steps to protect and manage this heritage and make it more accessible for future generations.



**David Lammy MP,
Minister for Culture, DCMS**



**Rt Hon Lord Rooker,
Minister of State for Northern Ireland**



**Patricia Ferguson MSP,
Minister for Tourism, Culture and Sport,
Scottish Executive**



**Alun Pugh AM,
Minister for Culture, Welsh Language & Sport,
Welsh Assembly Government**

2. Background

In March 2004, the Department for Culture, Media and Sport (DCMS), the Scottish Executive (SE), the Welsh Assembly Government (WAG) and the Department of the Environment Northern Ireland (DoENI) published *Protecting our Marine Historic Environment: Making the System Work Better*, a public consultation on the future of the marine historic environment.

The proposals in the consultation paper sought to provide:

- a positive approach to managing the marine historic environment, which will be transparent, inclusive, effective and sustainable and central to social, environmental and economic agendas at a local as well as national level; and
- a legislative framework that protects the marine historic environment but enables appropriate management approaches to be applied and to evolve.

The consultation on the marine historic environment was intended to complement to the Heritage Protection Review (HPR) undertaken in England and Wales. The Review is a fundamental reform of the way in which the historic environment in England and Wales is protected and managed. It is intended to bring greater simplification, openness, flexibility and rigour than the current system and make it fit for purpose for the 21st century.

The maritime consultation built on some of the proposals contained in the 2003 DCMS consultation paper *Protecting our historic environment: Making the system work better* and the 2003 WAG publication *Protection of Historical Assets in Wales* concerning the protection of historic assets on land.

However, it is important to note that there are differences in the marine and land-based environments, and the legislation affecting them mean that the approach to reforming their protection must be different. Any changes must take into account the fact that current legislation on the protection of wrecks, and maritime legislation largely applies to the United Kingdom as a whole, rather than individual administrations. The consultation therefore covered the whole of the United Kingdom.

The consultation was launched on 26 March 2004. It was originally intended to close on 30 June 2004 but was extended for a further month to allow for additional responses. We received 122 responses to the consultation from a broad cross-section of stakeholders, including Government departments, heritage organisations, industry, local authorities, academics and divers. This report provides a detailed analysis of responses to the consultation questions, and sets out how the Review will be taken forward.

3. Key themes

The consultation document covered a wide range of issues such as definitions, the designation, protection and management of sites, access, funding, information about marine historic sites, and salvage.

Key themes that have emerged from the consultation responses are:

- There is general support for some changes to the current legislation governing the protection and management of the marine historic environment. Current legislation is seen as narrowly-focused, confusing and inconsistent. There is support for better integration of approaches to coastal and marine historic environments.
- Although responses acknowledge the difficulties posed, there is strong support for continuing to protect marine historic assets on a UK-wide basis.
- Opinions are mixed on what change is needed, with no strong consensus emerging:
 - In general, there is support for improved definitions for marine historic assets, for clearer criteria to identify sites for protection, and for clearer and more consistent constraints to restrict activities on protected sites.
 - There is very strong support for improved designations, and in particular for the introduction of statements of importance for individual sites.
 - There is support in principle for the idea of management agreements to govern sites, although no clear idea of what these agreements might contain or how they might operate.
- There is strong support for measures to increase access to sites, both physical access and access to information. Many responses highlighted examples of good practice in this area.
- Linked to this, there is strong support for the expansion of Historic Environment Records (HERs) or Sites and Monuments Records (SMRs) to cover marine historic assets.
- There is support for the idea of changes to current arrangements for reporting the discovery and/ or disturbance of marine historic assets, and for the recovery of marine historic assets. Most support here was for the obligatory reporting of all marine historic discoveries, although there was a strong divergence of views relating to salvage.

4. The Consultation

The 2004 consultation put forward 21 questions on the future of the marine historic environment.

We received a total of 122 responses to the consultation, 17 of which were duplicates and have not been included in this analysis. A full list of respondents is provided at Annex A.

The rest of this chapter summarises responses to each individual question.

In addition to responses to specific questions, we also received a number of general comments in response to the consultation. These are summarised at the end of this chapter.

Question 1	<i>What could be encompassed by the term 'marine historic environment'?</i>
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72% of respondents answered this question

Many respondents believed that the current legislation governing the protection of the marine historic environment was too prescriptive and narrow and left a large portion of marine historical assets unprotected.

There was a general consensus that protection of the marine historic environment should be based on protection of 'marine historic assets'. There were wide ranging suggestions as to what these marine historic assets should comprise of:

- There were some (30%) who wished to see a definitive list of protected assets, including vessels under or on the water, items that had been deposited in the ocean such as cargo, and individual archaeological sites.
- Others favoured the protection of larger areas and sites rather than individual assets.
- Some respondents (8%) felt it important that marine assets had seamless protection from coastal regions to the sea, including assets such as docks and piers that straddle the boundary.

Question 2	<i>Should the legal basis for maritime heritage conservation continue to be UK-wide and should it be more closely integrated with terrestrial heritage conservation?</i>
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76% of respondents answered this question

The majority of respondents (65%) felt that the legal basis for maritime heritage conservation should continue to be UK-wide. The current UK-wide system worked well, and was the most effective means of addressing the issue of territorial waters. However, many responses stressed that the relevant heritage agencies and local authorities should retain control of their respective areas and administer the legislation according to their own priorities and requirements.

Around half of responses (54%) suggested that the protection of the marine historic environment should be more closely integrated with the terrestrial heritage protection system. It was felt that this would enable a more seamless heritage protection system that would be easier for users to understand. Other respondents reiterated the need to integrate reform of the marine historic environment with other policies (e.g. marine nature conservation) as this would encourage a joined-up approach to managing the marine environment.

Question 3	<i>Would it be helpful to have an elapse of time or a date as a criterion in respect of marine historic assets? If so, what should that time or date be?</i>
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62% of respondents answered this question

Just over half of the respondents to this question (51%) were against using either an elapse of time or a date as a criterion in defining marine historic assets. It was pointed out that time is not necessarily a factor in determining rarity or significance of an asset and there were other factors which needed to be taken into account in order to decide whether an asset should be protected.

Some respondents believed that temporal criteria could be an element in deciding on the significance and suitability for protection of a marine historic asset. Among this group, most preferred a flexible time period (most commonly 50 years) rather than a specific date. It was felt that, unlike a specific date an elapse of time would allow flexibility and would not impinge on salvage interests.

Question 4	<i>What kinds of criteria should be used to decide which marine assets should be protected?</i>
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29% of respondents answered this question

Most respondents (53%) felt that future criteria to designate marine historic assets should be based on the criteria currently used in the protection of terrestrial scheduled monuments, although since the consultation different criteria are now being used in different parts of the UK.

	<i>Should marine assets be subject to a set of generic criteria which might be constructed for the designation or should marine assets be subject to specific criteria relating to their special nature?</i>
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34% of respondents answered this question

A majority of respondents (67%) favoured generic criteria for protecting anything within the marine historic environment. This was believed to be the fairest and most adaptable means of designation.

Few respondents gave details of the generic criteria they would like to see used in designating marine historic assets. Those that did focused on the criteria set out in the Protection of Wrecks Act 1973 (historic, artistic and archaeological); whilst others felt it was important to include criteria that reflected cultural history as well as age and rarity.

Question 5	<i>Should protected sites be subject to standardised constraints on activity, or should the heritage agencies define individually what activities will or will not require consent on each site?</i>
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75% of respondents answered this question

Answers were divided on this question. Nearly half of respondents (46%) believed that there should be standardised constraints placed on protected sites. It was felt that this would allow restrictions to be more transparent and less confusing to owners as well as preventing all damaging activities and the further erosion of sites.

However other respondents (34%) favoured tailored constraints. It was felt that this would allow a more flexible approach that acknowledged the multiple uses of the marine environment. Tailored constraints would enable appropriate levels of control for more robust sites which could withstand some commercial activities and exploration by divers, while providing stronger protection for the most vulnerable and important sites.

Although respondents gave no clear message as to what format these consent regimes should take, some indicated that a grading system comparable to that employed on land, or a licencing system similar to the current system for divers, could be used.

Question 6	<i>Would a requirement for statements of importance for marine sites help to establish for owners, authorities and sea-users, what is important to conserve?</i>
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67% of respondents answered this question

There was a very strong (96%) consensus in favour of statements of importance for marine sites. It was felt that these statements would encourage greater understanding of the significance of sites amongst owners and wider stakeholders and therefore help people to understand why sites were being protected. Few respondents provided suggestions on the level of information that should be included in statements of importance.

	<i>How could they take account of inevitable changes in knowledge, understanding and values over time?</i>
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51% of respondents answered this question

Of those who responded to this question, a significant majority (91%) agreed that there was a need to incorporate a method of reviewing statements of importance. This was considered to be particularly important as there are likely to be advances in knowledge brought about by further research or improvements in equipment and methodology.

Different lengths of time were suggested for these reviews, the most popular being 5 and 10 years. Some suggested a formalised review procedure managed through bodies such as the UK Advisory Committee on Historic Wreck Sites.

	<i>How should the limits of individual sites be defined and publicised?</i>
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51% of respondents answered this question

Almost all respondents (98%) agreed that site limits should be widely publicised, in order that interested parties and other sea users were conscious of the boundaries. Modern technology was favoured by many to delineate protected sites, including displaying boundaries on Geographical Information Systems, WGS84, as well as expressing points or locations through longitude and latitude and National Grid References. Blocks, mapped shapes and a distance around a point were the most popular suggestions to designate the limits of a protected site.

Consultees suggested a variety of methods to publicise sites, including the web and marine charts. A few suggested that local organisations, especially local authorities (through HERs) and local harbour masters, could be part of this dissemination.

A small number of respondents concentrated on the identification of historic sites through physical means, mainly buoys and electronic tagging. However the general consensus was that this would be impractical and would not be necessary if sites were mapped using other methods.

Question 7	<i>Who should be consulted when an application is made to protect a marine historic environment site? We have identified finders, the Crown Estate, Defra, DfT, owners, local authorities, those pursuing economic activities such as dredging, amenity or special interest groups, the public – are there others?</i>
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65% of respondents answered this question

A strong majority of respondents (91%) considered it important to consult as widely as possible on potential designations. There was a general agreement on the list of proposed consultees. Other potential consultees suggested were Government departments such as the Ministry of Defence and the Foreign and Commonwealth Office, heritage groups, archaeologists, museums, and navigation groups. It was also pointed out that organisations specific to the devolved nations would need to be included if a potential designation fell within their jurisdiction.

	<i>What would be a reasonable period for receiving representations and reaching decisions?</i>
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48% of respondents answered this question

The majority of respondents (54%) felt that a period of 3 to 6 months would be a reasonable time period for representations to be made regarding a potential designation. There were also a number of respondents who believed that there should be parallels with the timescales and methods used by the current terrestrial planning system.

	<i>What form of interim protection would be reasonable to safeguard sites during the application and consultation process?</i>
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52% of respondents answered this question

There was a general agreement amongst respondents that there should be interim protection and that it should be effective immediately. It was felt that any protection should carry the full weight of permanent protection to prohibit any potentially damaging activities.

A few responses favoured interim protection being considered on a case-by-case basis.

Question 8	<i>In what circumstances would a right of appeal be justified?</i>
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43% of respondents answered this question

Most respondents (91%) supported the idea of a broad right of appeal against designation decisions.

Although many felt that the right to appeal should be available in all cases, others identified individual circumstances that should enable an appeal, such as where either an owner or stakeholder disagreed with the decision, where new evidence had come to light, where a designation decision had not followed the correct procedures, or the information used was flawed.

There were a small number of respondents who felt that there was no need for an appeal due to the costs of the procedures involved.

	<i>Should the suggested right of appeal against protecting marine assets apply just to owners or to other interested parties as well?</i>
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36% of respondents answered this question

Just over half of respondents (55%) felt that the appeal process should be open to as many parties as possible.

<p>Question 9</p>	<p><i>What might owners and others having an interest in protected sites of marine historic assets be reasonably expected to do in respect of long-term conservation, knowledge and public appreciation of sites in which they have interests?</i></p>
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63% of respondents answered this question

Some respondents suggested that it would be inappropriate to compel owners of marine historic sites to take responsibility for the protection of their sites. Instead, it was felt that owners should be provided with more information about the significance of their assets and encouraged to maintain and conserve them appropriately. It was felt that statements of significance could be a useful means of providing this information. Many individual owners would need to be supported with appropriate resources and experience for effective protection.

It was noted that many asset owners were Government departments which for various reasons were unable to allow increased access or conservation of sites.

	<p><i>What sort of support should they be looking for?</i></p>
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61% of respondents answered this question

Grants, advice and information were the sorts of support mentioned most frequently in relation to access, promotion and conservation.

<p>Question 10</p>	<p><i>What information would be most useful to owners and those with other interests?</i></p>
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59% of respondents answered this question

Nearly half of respondents (48%) thought that a statement of significance should be produced for each site to explain its importance. Statements could also include information on conservation, permitted activities etc. It was felt that information should be presented in an inclusive and positive way which would encourage owners to take pride in their sites and to appreciate their value.

Some respondents suggested that contact details for various support organisations should be made available to owners.

Question 11	<i>In what circumstances would management agreements be most useful?</i>
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55% of respondents answered this question

Most respondents were in favour of the idea of management agreements, but opinions differed on the circumstances in which they should be used.

29% of respondents felt that management agreements would be most useful in circumstances where a site was in heavy use or in danger from erosion or damage. 21% felt that management agreements would be of most benefit for sites that were of a complex nature or where there were a number of interested parties. It was also suggested that management agreements would be useful when single organisations, especially Government departments, were responsible for multiple sites.

Although only a couple of respondents thought that management agreements should be used in all cases, there was a concern that agreements might place too heavy a burden on owners.

Question 12	<i>What support could usefully be given to owners and other interested parties?</i>
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61% of respondents answered this question

Of those who responded to this question, a majority favoured either support from professionals or the heritage bodies consisting of professional and management advice, such as conservation, training and access. Help with access to potential sources of funding was also mentioned as a priority. Some suggested that an approved list of contacts would provide owners with support. Reference was made to the support given to owners of terrestrial historic assets, which was thought to be beneficial and could be transferred to the marine environment.

Some responses focused on the need for increased resources to help with the management of sites.

Question 13	<i>How should the heritage agencies seek to encourage public access, both physical and virtual, to marine historic assets?</i>
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70% of respondents answered this question

For many people the marine historic environment is remote, only accessible to and understood by those who dive or have technical knowledge of it. All those who responded were in favour of widening access to the marine historic environment and were keen to suggest ways to enable this. With technological advances this has become more achievable, and suggestions embraced these new approaches as well as more traditional methods.

Many respondents proposed improving current access tools, including signage, leaflets, websites, exhibitions and education events. It was also suggested that the HERs/ SMRs of relevant local authorities could be expanded to include maritime assets and made more accessible to the general public.

Many respondents were keen to explore the potential for new electronic communications media to permit far wider access. This included publishing information on the web and remote/ virtual access through cameras.

Some respondents felt that increased access would not only open up the marine historic environment to a wider audience but would help to prevent intrusive and potentially destructive diving practices and encourage a safe environment to explore. However, some respondents focused on methods of opening up historic sites to divers, including increasing dive trails and visitor licences.

Many respondents highlighted work that was already being carried out by organisations such as the Nautical Archaeology Society (NAS) and the Hampshire and Wight Maritime Trust (HMWT) and pressed for increased funding for these schemes.

Question 14	<i>What measures should be introduced to improve the overall accessibility and consistency of marine historic asset records in the UK?</i>
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66% of respondents answered this question

The majority of respondents (64%) felt that the HER/ SMR system should be expanded to include maritime records. It was noted that this was already happening in some areas (e.g. Dorset) but that this should be made statutory.

The NMRs were mentioned as potential repositories to hold and disseminate information on the marine historic environment. Other respondents felt that there should be a national database to record information on marine historic sites.

Question 15	<i>What range of measures do you think the heritage agencies could take to promote 'high standards'?</i>
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60% of respondents answered this question

There was a clear agreement among respondents that the heritage agencies had a decisive part to play in promoting standards for the marine historic environment. Many responses highlighted existing work that should be encouraged and supported, such as the provision of advice, research, training schemes and voluntary codes of conduct.

Question 16	<i>What should be the scope of voluntary codes of practice?</i>
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58% of respondents answered this question

A large majority of respondents (93%) supported the idea of voluntary codes of practice, pointing out that these would be a requirement of the UK's commitment to the signing of the Valetta Convention and the acceptance of the annex of the Unesco Convention. Some suggested that codes of practice should be obligatory.

Many respondents felt that there were already codes which promoted best practice that could be adapted for use, such as the Institute of Field Archaeologists (IFA) code of practice and the 'Respect our Wrecks' campaign.

Although few responses were prescriptive about the content of codes, some did propose criteria. They suggested that codes should cover visiting and any investigative work on the site, mitigating damage to sites, recording and reporting of sites and finds, standards of recording, diver safety, preservation, guidelines for publication and timescale, non disturbance of material, standards of survey and investigation, facilities for conservation of finds, archiving of material and reports, agreement to make finds accessible to museums, and conditions under which finds are sold.

It was generally felt that codes of practice should be inclusive and incorporate as many stakeholders as possible, including salvage associations, aggregate extraction, the oil and gas industry, port users, fishing industry, developers (pipelines and windfarms), port and harbour authorities, and marine tourism operators. Some respondents favoured separate codes for individual groups of stakeholders. Others felt there should be a limited number of codes but with the scope for stakeholders to sign up to varying levels within a code.

Question 17	<i>How should the heritage agencies and National Monuments Records for the home countries seek to promote publication and archiving of marine historic assets?</i>
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60% of respondents answered this question

It was widely accepted by respondents that publication and/ or archiving of both paper and artefact records was an essential part of investigations into the marine historic environment.

Some respondents (24%) felt that heritage bodies and the relevant home countries National Monuments Records (NMRs) should be at the forefront of ensuring that records were as publicly accessible and understandable as possible, and should offer support to achieve this, perhaps including a coordinating role to ensure consistency of archiving and record keeping and data standards.

It was suggested by some (17%) that records could be maintained and promoted at regional level through the HER/ SMR network, though additional resources would be needed to achieve this.

Some respondents called for the archiving of marine historic assets to be a mandatory condition of issuing licences for activity on protected wreck sites. Some favoured museums as a suitable home for this information.

It was pointed out by some respondents that there was already much unpublished information relating to protected and other sites that was not in the public domain and that funding should be made available to address this.

Question 18	<i>How could heritage agencies build upon and support the role of professional and avocational marine archaeologists and recreational divers?</i>
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54% of respondents answered this question

All respondents acknowledged that both professional and avocational divers had vital skills to bring to benefit the marine historic environment.

Some responses hinted at tensions that could exist between professional and avocational groups. It was believed by many that it was vital and desirable that all parties worked together.

The most popular consensus (49%) amongst respondents was that the heritage agencies should provide more training to all groups so they could carry out their work more efficiently and productively. The Nautical Archaeological Society (NAS) training scheme was recognised for its important role and it was felt that the heritage bodies should continue to support this work.

Some respondents suggested that heritage bodies should nurture a cooperative relationship by organising joint projects in which avocational and professional groups could participate and share their experiences and skills.

Question 19	<i>Would the introduction of an obligation to report the discovery, disturbance or recovery of all marine assets – similar to the current obligation to report the recovery of ‘wreck’ – be a useful improvement?</i>
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64% of respondents answered this question

The vast majority of respondents (71%) supported the expansion of obligatory reporting to cover all marine historic discoveries. A few dissenting voices believed that new obligations would either be ignored by the unscrupulous or would place further restrictions, exclusions and impediments on those trying to undertake work on the marine historic environment.

	<i>Who would be the appropriate agency for people to report to? To whom should the information then be passed?</i>
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54% of respondents answered this question

The majority of respondents (58%) favoured using the Receiver of Wreck (RoW) for reporting, though it was acknowledged that her role would need to change to take into account this increased workload. Other suggestions included heritage bodies, local authorities and record offices such as HERs/ SMR and the NMR.

	<i>Should there be a co-ordinated network of agencies and who might be best placed to co-ordinate?</i>
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19% of respondents answered this question

Of those who answered the question all were in favour of a coordinated network of agencies although some thought it was vital to have some sort of local contact within this network.

Most respondents named heritage bodies (40%) or local authorities (30%) as being ideally placed to be the coordinator for this network. The RoW was also mentioned.

	<i>Are there any other mechanisms which would improve reporting?</i>
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22% of respondents answered this question

Those who responded to this question gave a variety of suggestions. Most focused on the need to simplify the reporting process and make it as user-friendly as possible.

A proportion of respondents stressed the importance of education to enable stakeholders to understand the value of reporting artefacts. It was suggested by a minority that there could be discretionary rewards for reporting.

Question 20	<i>Should marine historic assets be held by the person who has recovered them, under instruction from an appropriate agency?</i>
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60% of respondents answered this question

There was some support for this suggestion. Many responses pointed out that whoever took responsibility for recovered artefacts would have to administer immediate conservation and this would have to be done under professional supervision. It was also suggested that ownership should be decided based on the rarity and fragility of the item. There was a widespread concern that significant resources would need to be found to meet the necessary conservation and storage costs.

It was widely believed that systems already in place in the United Kingdom were capable of dealing with declared artefacts. The Scottish Treasure Trove and English Portable Antiquities schemes were cited as a suitable vehicle. Again, resources would have to be found so that these organisations and schemes should cope with this new role.

However, there was a strong feeling amongst some respondents that all marine historic artefacts should be declared and put within the public domain. Museums were suggested as a suitable home.

	<i>Which agency should be responsible for overseeing this process and for administering the mechanisms for identifying owners?</i>
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49% of respondents answered this question

Just over half of respondents (51%) suggested that the RoW should oversee the disposal of marine historic assets. They were seen as having the network and experience to take on this role and their current system of artefact placement was considered to be appropriate. There was however concern that their current resources were inadequate to take on any further demands. Other respondents suggested that heritage agencies should take on this role.

Question 21	<i>How could the tension between salvage and historic shipwrecks be best addressed?</i>
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63% of respondents answered this question

The issue of salvage in relation to marine historic assets can be highly contentious and emotive. On the one hand some believe that the law of salvage has ancient and honourable roots and is a controlled way to implement a fair system for those who report finds, many of whom are amateur divers. This view is supported by the RoW, whose responsibilities are to ensure that raised artefacts are reported and dealt with appropriately. The other side of this argument is that salvage is merely disguised treasure hunting and encourages the destruction of archaeologically valuable sites for profit.

Many respondents (45%) believed that reform of some salvage laws was long overdue. Two main options put forward were first the introduction of a time limit to make clear what was classed as historic wreck (a rolling cut off of 50 years was the most popular dateline), and second that a system equivalent to the terrestrial systems should be introduced (the Treasure Act in England and Treasure Trove in Scotland).

Conversely there were those who believed that current salvage laws should be retained. It was believed that the current system monitored by the RoW was adequate. Those who wished to retain the current system pointed out that the majority of divers were honest and reported finds.

	<i>How could this public interest be reconciled with the concept of 'salvor in possession'?</i>
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22% of respondents answered this question

Responses were split on this question. It was emphasised by some (22%) that heritage should not be sold off for gain and that public rights to the national heritage should prevail.

The other two main views were that the term 'salvor in possession' could be removed altogether as it was of no benefit to historic sites, indeed it is not mentioned in the Merchant Shipping Act.

A minority of respondents thought that the concept of 'salvor in possession' should be recognised as the public perception of this could be changed if it was demonstrated how responsible most divers were.

	<i>Should the UK exercise its right not to apply the 1989 Salvage Convention to maritime cultural property, which would allow it to remove the current incentive of the salvage reward?</i>
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43% of respondents answered this question

Most respondents (76%) agreed with this proposal

	<p><i>What are the advantages and disadvantages of excepting marine historic assets from the law of salvage, taking into account the other measures proposed here?</i></p>
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19% of respondents answered this question

Concerns were expressed by the majority of respondents that excepting marine historic assets from the law of salvage would lead to a high risk of finds not being reported.

General comments

Most respondents answered the questions as written but many also made more general comments. Although these are not strictly part of the consultation we have recorded these comments as they provide an insight into the main issues raised by respondents.

Resources

Many raised the issue of resources; most stressing the need for greater financial support, which was seen as crucial to the success of proposals for reform. A minority expressed concerns that owners would be unable to finance the protection of sites and, in some cases, argued the need for proportionality if burdens were to be imposed on sectors such as the ports and oil and gas industries.

Security

Effective enforcement was identified as a key area without which new legislation would be of little or no use. There was seen to be scope for co-operation with marine nature conservation bodies with regard to enforcement.

Joined-up working

The need for better integration between the various organisations involved with the marine historic environment and between the marine and terrestrial sections was a common theme. There was support for the development of marine spatial planning.

Territorial Limits

The restricted application of any new legislation within the 12 mile limit was questioned. Some wished to see the scope of legislation extended immediately (for instance, to the limit of UK Continental Shelf); others were mindful of the practicalities and simply noted a medium to long term need to regulate, administer and enforce beyond the 12 mile limit.

Museums

Attention was drawn to the need for greater consideration of the role to be played by museums.

Historic Ships

Vessels such as the SS Great Britain are neither dealt with in the terrestrial nor the marine heritage reviews (NB: Historic Ships have been subject to their own consultation 'Ships for the Nation' whose response was published February 2005).

5. Next Steps

The responses summarised in this document have provided a valuable perspective on the proposals set out in our original consultation. Further work is now needed to consider the responses in detail and develop specific proposals for any changes to legislation.

As a next step, the DCMS, Scottish Executive, Welsh Assembly Government and Department of the Environment, Northern Ireland, intend to set up a number of working groups to develop ideas arising from the consultation. These working groups will include relevant government departments and key stakeholders from across the sector. Initially, it is intended to set up two working groups, one looking at issues of definitions and designations, and another looking at recovery and salvage issues. Groups will be supported by a DCMS secretariat. Details of the membership of both these groups will be published on the DCMS, SE, Cadw and DoENI websites.

At the same time, responses to the consultation have highlighted the considerable amount of work that is already underway by English Heritage and others to test out some of the ideas proposed in the consultation document. English Heritage's continuing work on the potential for scheduling marine historic assets is just one example, and Historic Scotland's continuing support of diver training in Scotland which encourages correct stewardship and recording of Scotland's underwater heritage is another. We will work with English Heritage, Historic Scotland, Cadw in the Welsh Assembly Government and others to gather evidence from these existing projects that can inform further work on the Review.

It is intended that both the working groups and the case study exercise will report by the end of 2005. This will enable us to produce a detailed analysis of proposals relating to the marine historic environment that may be appropriate for inclusion in the Heritage Protection Review White Paper, due in Spring 2006; proposals that may be appropriate for including in other Government legislation; and proposals that might be pursued as part of mainstream Government policy on the marine historic environment.

Annex A

Consultation Responses

A total of 122 responses were received to the consultation, though not all responses commented on every question.

All responses received are listed below in alphabetical order.

Advisory Committee on Historic Wreck Sites
Associated British Ports
Association of Local Government Archaeological Officers
Bournemouth University
British Marine Aggregate Producers Association
British Ports Association
British Sub-Aqua Club
Cambria Archaeology
Chichester Harbour Conservancy
Comhairle Nan Eilean Siar
Commonwealth War Graves Commission
Cornwall County Council
Council for British Archaeology
Council for British Archaeology Wales
Council for Scottish Archaeology and Society of Antiquaries of Scotland
Countryside Agency
Cruising Association
Department for Environment, Food and Rural Affairs
Denbighshire County Council
Department of Trade and Industry
Dorset Coast Forum
English Heritage
Environment Agency
Essex County Council
Fife Archaeological Unit, Fife Council
Gloucestershire County Council Archaeology Service
Gwynedd Archaeological Trust
Hampshire & Wight Trust for Maritime Archaeology
Heritage Trust of Lincolnshire
Historic Environment Advisory Council for Scotland
Historic Environment Forum
Institute of Field Archaeologists
Isle of Wight Council
Lancashire County Council
Lincolnshire County Council

Marine Conservation Society
Ministry of Defence
National Historic Ships Committee
National Maritime Museum
National Museums & Galleries of Wales
National Trust
Nautical Archaeology Society
Norfolk County Council
Oakwood Environmental Ltd
Orkney Islands Council
PADI International Ltd
Pembrokeshire Coast National Park Authority
Port of London Authority
Receiver of Wreck
Royal Commission on the Ancient and Historical Monuments of Wales
School of Ocean Services, University of Wales, Bangor
Scottish Council for National Parks
Scottish Natural Heritage
Shipwreck Heritage Centre
Society of Antiquaries of London
Sub-Aqua Association
Sussex Sea Fisheries District Committee
The Association of Sea Fisheries Committees
The Highland Council
The Historic Monuments Council
The Joint Nautical Archaeology Policy Committee
The National Trust For Scotland
The Royal Institution of Chartered Surveyors in Scotland
The Society for Nautical Research
The Society for Sailing Barge Research
The UK Major Ports Group Ltd
Trinity House
UK Hydrographic Office
United Kingdom Institute for Conservation
University of Nottingham
Wales Coastal & Maritime Partnership
Wessex Archaeology
Wessex Water
Wildlife and Countryside Link

Personal response x 48

Annex B

Code of Practice on Consultations

This consultation has been carried out in accordance with the Government's Code of Practice for written consultation that was applicable at the time the consultation was launched. A revised Code of Practice and updated criteria were introduced with effect from April 2004, but for consultations launched prior to the publication of the new code, the criteria in the previous version remain applicable. Both the current and previous Codes and criteria are available on the Cabinet Office website at <http://www.cabinetoffice.gov.uk/regulation/consultation/code.asp>

The criteria applicable to this exercise were as follows:

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
3. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
4. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.
7. Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated.



**Department for Culture,
Media and Sport**
2-4 Cockspur Street
London SW1Y 5DH
PP 844 July 2005