

Towards a Strategy for Scotland's Marine Historic Environment



Discussion paper in association with the marine taskforce of the Built Environment Forum of Scotland (BEFS)

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Chapter one - setting the scene

Introduction

1. From the earliest prehistoric settlement to the maritime developments of the industrial revolution, Scotland's coasts and seas have been of immense importance to Scotland's cultural identity and to the communities who live close to them. Moreover, given Scotland's geographical position on a nodal sea route linking northern Europe with the world, its seas have historically also been of international significance. However slender our knowledge of this resource may be at the moment, we can be confident in the premise that Scotland's sea-bed encapsulates the remains of important historic assets of all periods from prehistory to the recent past, including the wrecks of boats, ships, submarines and aircraft of indigenous and international origins, as well as harbours, lighthouses, crannogs, fish-traps and drowned terrestrial sites and landscapes. Moreover, the underwater environment, given the right circumstances of burial and subsequent stability, is ideal for long-term preservation, particularly of organics. As a result, this heritage has the potential to reveal wide-ranging information about society that may not be recovered during the course of land-based archaeological investigation. In 2009, the Year of Homecoming,¹ this heritage, with close historical ties to the emigration of thousands of Scots worldwide, has particular resonance. It also contributes positively to the economic fabric of Scotland: some 3000 visitors dive on the remaining wrecks of the German High Seas Fleet scuttled in Scapa Flow each year and 310,000 visitors enjoyed Historic Scotland's 14 staffed coastal and maritime properties in 2006/7.²

Purpose and context

2. Since the early 1970s, Scotland has arguably been at the forefront of developing the discipline of underwater, maritime or marine archaeology. At a time of significant legislative changes in management of the seas and seabed across the UK, this discussion paper examines the current position with the investigation and management of Scotland's marine historic environment. In *Sustainable Seas For All: a consultation on Scotland's First Marine Bill*,³ Scottish Government proposed a new legislative and management framework for the delivery of sustainable economic growth in the marine environment, through introduction of a new statutory system of marine planning with distinct national and regional structures and priorities, reduction in the burden on developers by streamlining and modernising marine licensing and consents systems, and improved mechanisms for nature conservation, backed up by robust and informative science and research strategies. Parallel proposals for the UK were set out in a draft UK Marine Bill, which includes provisions for planning and nature conservation for the Scottish zone between 12-200 nautical miles for which Scottish Ministers are to be given executive devolution.

3. *Sustainable Seas For All* also set out proposals as to how the historic environment is to feature within a Marine (Scotland) Bill and the new management framework:

- the marine planning system is to take account of the marine historic environment;
- a mechanism for protecting nationally important marine historic assets set out in Scottish Ministers consultation on a Scottish Historic Environment Policy (SHEP) *The Marine Historic Environment* is to be included within the Marine (Scotland) Bill;
- responsibility for safeguarding Scotland's most important historic assets is to rest with Historic Scotland, though there will be scope for collaboration with Marine Scotland on matters of mutual interest ;
- Marine Scotland is to take account of the wider historic environment through its planning/ licensing functions.

4. The Marine SHEP consultation also set out the draft policies of Scottish Ministers for the marine historic environment.⁴ When the final version is published in 2010 as part of the consolidated SHEP, it will provide the necessary policy framework to inform the day-to-day work of a range of organisations that have a role and interest in managing Scotland's marine historic environment. These include the Scottish Government together with Local Authorities, and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland.

5. In addition to setting out the current position, this discussion paper provides an opportunity for the historic environment sector to look forward, and to outline some of the high-level operational issues, challenges and opportunities that new legislation will present for the marine historic environment and its many stakeholders. Key challenges have been highlighted in the text for ease of reference. Given the focus of the new legislation, this paper concentrates its discussion on the archaeology of Scotland's 'marine zone' (Fig. 1), including the foreshore (between high and low water), the nearshore (out to 3 nautical miles) and offshore zones (to 12 nautical miles for Scotland's territorial waters and for the 'Scottish Zone' of UK waters adjacent to Scotland 12 to 200 nautical miles). This marine area encompasses sediment-rich firths and estuaries, indented fjord-like sea-lochs, exposed rocky headlands, broad intertidal flats, island archipelagos and open sea.

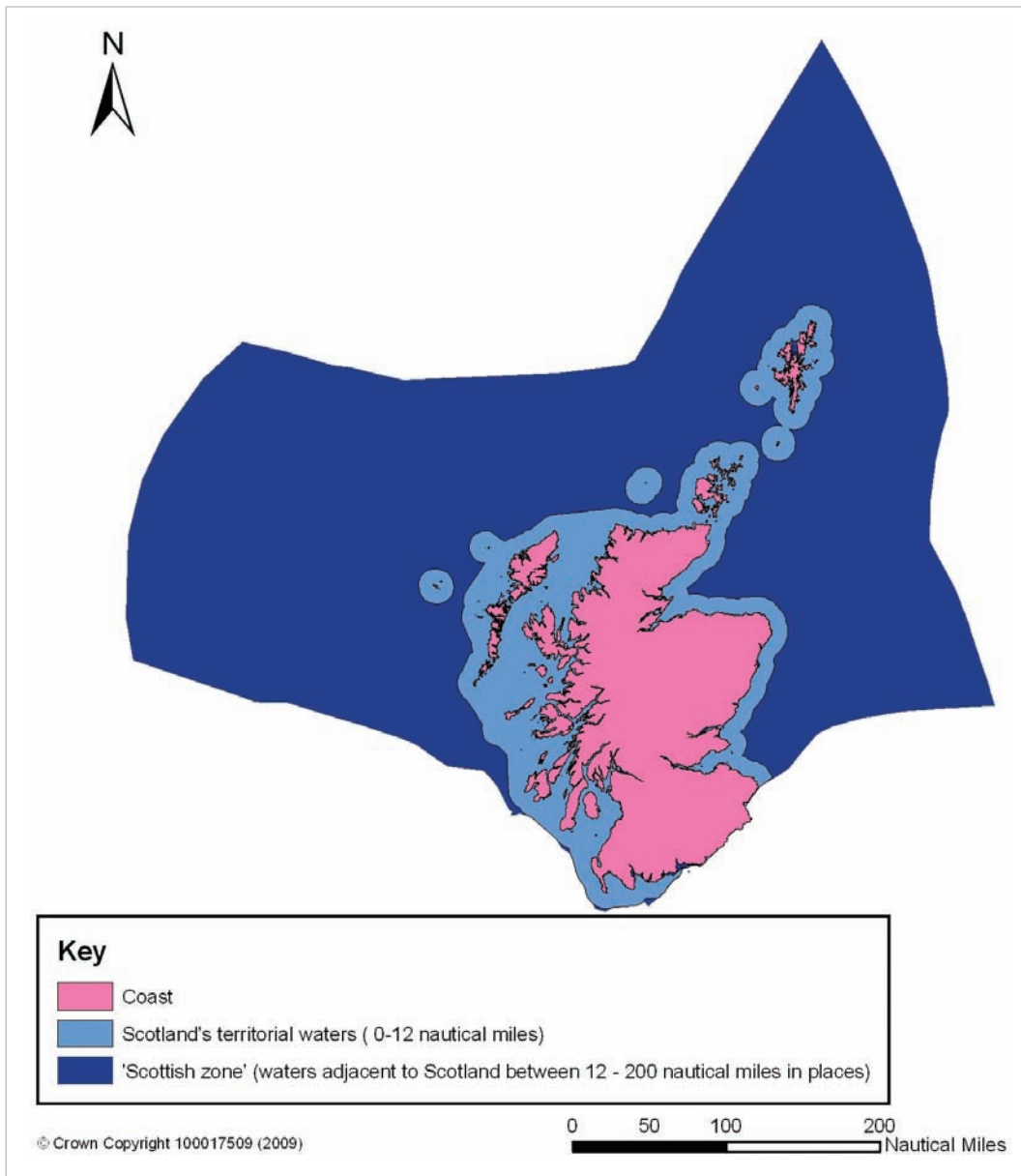


Fig.1 Scotland's Marine Zone © Crown Copyright. Historic Scotland Licence No. 100017509 [2009]

6. The discussion paper has been compiled by Historic Scotland with the assistance of members of the marine taskforce of the Built Environment Forum of Scotland (hereafter ‘the taskforce’) and others. The taskforce welcomed the attention being given by Scottish Government to this matter. A list of those individuals and organisations that have participated in the discussion paper process is set out in Annex A. The next step for Historic Scotland will be to compile and publish its strategy for the designation, protection and promotion of Scotland’s marine historic environment. This will set out Historic Scotland’s role under new legislation, and what Historic Scotland aims to achieve given allocated resources. At the same time, it is hoped that publication of this discussion paper may prove useful to other organisations who have a remit in the marine area and will be developing their own strategy in light of *Sustainable Seas for All* and a Marine (Scotland) Bill.

Desired outcomes

7. Historic assets around our coasts and seas are a non-renewable resource, the survival of which can be conditioned by a complex interplay of natural and man-made factors. Natural factors include seabed movement due to wave and tidal energy, relative sea-level rise, seabed topography and sediment type, biological colonisation, salinity, water acidity or alkalinity and levels of oxygenation. Recent investigations in the coastal zone have pinpointed the major problem that coastal erosion poses to archaeological assets in certain areas, a situation that is only likely to be exacerbated given predictions of the likely effects of global warming in the 21st century, such as sea level rise, increased intensity of storms, erosion and risk of flooding. The taskforce discussed the full range of man-made activities which are considered as drivers of change for the marine historic environment [see Table 1]:

	Inland	Foreshore	Nearshore	Offshore
Extraction	Alteration to water courses	Gravel extraction	Maintenance/capital dredging	Aggregate extraction
Construction (site-specific)	Housing Transport infrastructure (eg bridges)	Port developments Marinas Aquaculture Transport (e.g. causeways/ bridges)	energy installations – e.g. marine and offshore wind renewables	energy installations – (e.g. marine and offshore wind renewables, oil and gas development) Carbon sequestration
Construction (linear)	Embankments; cable/ pipe-laying	Coastal defences Any hard landscaping Cable/pipe-laying	Cable/pipe-laying	Cable/pipe-laying
Other activities	Boat-wash Managed retreat	Managed retreat Tourism	Aquaculture operation Salvage/treasure hunting Tourism Anchoring/ moorings Dumping at sea certain types of commercial fisheries (e.g demersal trawling/ nephrops fisheries and scallop dredging)	Certain types of commercial fisheries (e.g demersal trawling/nephrops fisheries and scallop dredging) Dumping at sea Salvage/treasure hunting Tourism

Table 1: Man-made drivers of change in relation to process and zone⁵

8. The taskforce noted that High Level Marine Objectives for the UK are being finalised by government.⁶ The taskforce suggested⁷ the following as a desirable future ‘outcome’ of sound governance for marine historic assets. Damage to the marine historic environment – including wrecks, sub-surface structures and drowned landscapes – has been reduced to acceptable levels, by effective mapping of these features, and by the introduction of protective measures under Integrated Coastal Zone Management to maintain and allow access to this heritage, supported by statutory protection where necessary, consistent with the extent of the UK’s commitments under the *Valletta Convention on the Protection of the Archaeological Heritage*⁸ and to the *Annex of the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage*.⁹

9. The taskforce reiterated the continuing desirability of the stewardship principles proposed by Historic Scotland in *Conserving Our Underwater Heritage* [1999].¹⁰ As an amplifier to the desired outcomes set out above, the taskforce has suggested the following: ‘a regime of protection has been pursued, effective in securing the future of the most important marine historic assets including against inadvertent or deliberate damage or destruction. Where key historic assets are under threat of degradation or complete loss, beneficial management has been pursued. If such assets cannot be saved, a regime has been pursued whereby archaeological or architectural data is recovered to mitigate loss and the results of this work widely disseminated’.

10. The taskforce advised of the need to develop ways of measuring progress against agreed outcomes and of the value of periodic reporting of results, for instance as part of future work on *Scotland’s Historic Environment Audit*¹¹ and *State of Scotland’s Seas*.

Chapter two science, data and information

The current position

11. Less is known about historic assets off our coasts than about those on land. Until recently, there has been a heavy reliance on *ad hoc* discoveries and surveys rather than data gathered through structured research frameworks and survey programmes. Little interrogation by archaeologists has yet taken place of other marine data gathered around Scotland's coasts and seas, whether by private industry or marine scientific organisations.

12. *Article 7* of the Valletta Convention requires that an up-to-date inventory is made of assets and that this is made available to inform decision-making in relation to development control. Since 1995, the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) has been recording maritime information from readily-available sources within its Canmore database (Table 2), effectively treating marine data no differently to land data. Several Local Authorities have followed suit. The Canmore database is made available at no charge online and allows spatial interrogation of point data relating to marine historic assets alongside data relating to architectural buildings and archaeological sites and monuments, including ports, on-land sites relating to the oil industry and domestic dwellings by the coast. There are procedures in place to facilitate data exchange and dissemination between RCAHMS and the Local Authority historic environment records (HERs), as well as to external parties. To encourage input of information by archaeological contractors working in the marine area, RCAHMS has recently integrated maritime fields within the OASIS reporting form.

	Number	% of whole
Total number of RCAHMS maritime records that relate to wrecks, casualties, obstructions, and underwater aircraft wreckage	17,797 ¹²	
Identified sites where demonstrable remains have been identified on the seabed (mostly shipwrecks)	1573	9%
Historical references of a casualty at sea with often inaccurate positional references: e.g. <i>SS Another, lost off Kinnaird Head, 12th February 1884</i>	15,675	88%
Obstructions [These may be fishermen's net fastenings or other obstructions, which may be archaeological or geological]	311	1.7%
Aircraft	238	1.3%

Table 2: RCAHMS 'maritime' records [courtesy RCAHMS]

13. RCAHMS undertakes area-based survey work and, where these surveys are working in coastal areas, they cover the foreshore. Coastal-zone assessments funded by Historic Scotland and carried out under the auspices of the SCAPE Trust have surveyed approximately 30% of the Scottish coastline and identified 11,000 assets.¹³ Historic Landuse Assessment (HLA), a joint project of the RCAHMS and Historic Scotland, is compiling a GIS-based ‘character’ map to enhance understanding of the historic dimension of the landscape and to help shape approaches to its management.¹⁴ After a decade of work, the project has completed coverage of c.70% of Scotland. HLA defines its coast-edge boundary at the mean high-water mark but where obvious foreshore structures such as harbour systems and fish-traps are defined, these have been included.

14. RCAHMS receives data from the Receiver of Wreck of finds reported under the provisions of the Merchant Shipping Act 1995 during the wreck amnesty in 2002 and there is ongoing contact between the Receiver of Wreck and Historic Scotland over matters of common interest. Other spot finds (e.g. by fishermen) are occasionally brought to the attention of the museums services but reporting of non-wreck finds found offshore is currently beyond the scope of the system commonly known as Treasure Trove.

15. Universities, charities, private enterprise, and individual researchers have made very significant research contributions. Sea-level change studies in Orkney are beginning to define the potential for submerged prehistory there and there are implications too for other parts of Scotland such as Shetland and the Western Isles. Surveys of intertidal crannogs in the Beaully Firth and maritime landscape studies in North Argyll are demonstrating how coastal monuments should be interrogated for their maritime links rather than being viewed from a solely terrestrial perspective (Fig. 2). Pioneering shipwreck research in Scotland dates back to the early 1970s and has since continued on a handful of historic shipwreck investigations throughout the island groups fringing Scotland’s coasts. Studies on more recent shipwrecks have benefited from advances in technology and application of high-resolution geophysics, courtesy of the offshore commercial sector.



Fig.2 A fishtrap adjacent to Castle Coeffin, Argyll and Bute
[© Colin Martin]

Issues

16. A robust historic environment record is widely recognised as an essential tool in the effective management of archaeological sites but, as *Scotland's Seas: Towards Understanding their State* pointed out,¹⁵ the historic environment record (encompassing the RCAHMS database and Local Authority HERs) for the marine zone of Scotland is at an early stage of development. The taskforce urges that considerable further enhancement is required to provide a comprehensive management tool to inform designation and stewardship of nationally important assets, to underpin a marine planning system and to guide integrated coastal zone management (ICZM).

17. The taskforce welcomed progress made so far by RCAHMS and Local Authorities on integrating historical data within the historic environment record. The taskforce did note that a concentration on later documentary sources (e.g. newspapers and Lloyds shipping information) has introduced an inevitable bias within the record in favour of certain types and periods of asset (e.g. metal shipwrecks). The taskforce considered that some earlier sources remain to be directly interrogated¹⁶ and that it would also be helpful for researchers and archivists to be made aware of this gap so that when relevant material is found in less obvious sources it can be sent to RCAHMS.

18. Despite progress made on historical data entry, the key issue appears to be a shortage of accurate locations and descriptions for the majority of reported sites in general. In particular, there is a need to reconcile information in the RCAHMS database with the continually upgraded database of wrecks and other obstructions held by the UK Hydrographic Office, and to broaden the knowledge base for less-well represented types of asset (e.g. in relation to the location of submerged terrestrial archaeological sites and landscapes). The current database offshore facilitates map-based interrogation of individual sites but the taskforce identified that it does not provide area-based characterisation to inform appreciation of historic seabed use. Neither does it easily allow interpretation of geographic zones of archaeological potential. The taskforce noted work undertaken in the *Shipwreck Inventory of Ireland* to delineate zones of potential for shipwrecks and suggested consideration of this approach for Scotland, both in relation to shipwrecks¹⁷ and submerged terrestrial assets and landscapes.

19. While sections 17–18 suggest some obvious data gaps there may be others. An ad-hoc approach to investigation so far means that there has been no identification of the key data gaps or prioritisation of avenues of research for addressing these.

20. For various reasons not all reports of surveys, seabed discoveries and artefact recoveries make their way into the historic environment record to ensure its currency. There is therefore significant scope to improve reporting to RCAHMS and Local Authority HERs. Meanwhile, existing marine data sets gathered for commercial and wider environmental purposes may have significant potential for informing historic environment research but remain to be interrogated for Scotland. The taskforce concluded that the main issues appear to be uncertainty of the scope and location of data holdings, accessibility and ownership, data resolution resources and capacity to undertake the assessment work.

21. The challenges of assessing, curating and disseminating large digital marine data sets gathered are significant, although this is likely to be an issue for the terrestrial environment too, requiring further developments in capacity, procedures and practice to secure long-term archiving of this resource, and access to it.

Challenges

22. In order to maximise understanding of the marine archaeological resource and inform management of it at both national and regional levels within Scotland, the taskforce identified an urgent need to enhance the quality of the existing historic environment record by efficiently gathering, maintaining and disseminating data relating to:

- all types and periods of marine historic assets that have left demonstrable remains around Scotland's coasts and seas
- spot-finds and known seabed obstructions
- designated historic assets including the extent of any protected areas
- spatial definition of the key elements of the historic character of the foreshore and seabed including historic fishing/marine harvesting areas; industry; the evolution of harbour systems; navigational hazards and shipping routes; important anchorages; zones of historic naval importance
- delineated zones of archaeological potential for submerged terrestrial sites and landscapes, and wrecks of ships and aircraft.

23. The taskforce considered that there is a need to further refine understanding of the most significant gaps in knowledge including geographic areas, types and periods of assets which are under-represented at present, in order to identify appropriate methodologies, prioritise and implement avenues of research for addressing the most significant gaps. As a first stage in an enhancement project, the taskforce suggested compiling a comprehensive list of potential sources of information useful for enhancing the historic environment record.

24. The taskforce reiterated the need identified in *Scotland's Seas: Towards Understanding their State* for co-ordinated scientific research across the marine sector with respect to data-gathering and data assessment. With a view to the enhancement of the historic environment record, where data resulting from seabed surveys has been gathered with government funding, the taskforce considered that there is a need for this data to become more accessible to facilitate interrogation by archaeologists. Also where surveys are being undertaken to inform development-related work, the taskforce considered that this work should, where appropriate, include consideration for the historic environment from the outset and that conditions could be attached to seabed consents that would improve reporting of results. The taskforce recognised the need for a reciprocal commitment where data has been gathered for archaeological purposes. Its existence, long-term archive location and accessibility should be promoted beyond the immediate interests of the sector.

Opportunities

25. A 'marine-maritime' group within the Scottish Archaeological Research Framework (ScARF) has recently commenced an audit of the current state of knowledge with a view to identifying the principal data gaps and to defining future avenues for research to address these.¹⁸ The taskforce argued that this might be through desk-based assessments utilising key existing data sets or through well-targeted area-based survey programmes. It is intended that the resulting document, due for publication in 2009–2010, will be outward-looking, acting as a stimulus to research and facilitating collaboration with other sectors. It may also help to increase funding opportunities, for example by helping to promote the case for specific flagship projects.

26. *Sustainable Seas For All* proposes a desk-based exercise to collate all existing sources of information and data on the marine area, and also to develop a Scottish Marine Strategy to help focus marine scientific effort. It also states that Scottish Ministers are considering a national seabed survey. If these initiatives are taken forward, the taskforce considered that there should be opportunities to factor in consideration for investigation and analysis in respect of the historic environment. Constraints on progress with this are likely to include the need to develop the existing research capacity base [see section 99].

27. To help increase the flow of information relating to discoveries and recoveries, there may be an opportunity within Scotland's Marine Bill to reflect proposals set out in the UK government White Paper *Heritage Protection for the 21st Century*,¹⁹ relating to the placing of a duty on the Receiver of Wreck to pass to Scottish organisations information on marine heritage that comes to her/him during the course of the Receiver's work. The taskforce also considered that it would be beneficial for discussions to take place with the Receiver of Wreck and the Scottish Archaeological Finds Allocation Panel, responsible for administering Treasure Trove, with a view to developing a protocol for reporting of non-wreck finds recovered from the seabed. The taskforce noted that the *BMAPA Protocol for Reporting Finds of Archaeological Interest* provides a positive example of how a code of conduct approach can be successful in a sectoral development control context, while Archaeology Scotland's *Discovery and Excavation in Scotland* publication provides an excellent medium for timely publication and wide dissemination of new discoveries and the results of fieldwork.

28. Scottish Government has committed funding over the next three years to the Marine Environmental Data Information Network (MEDIN) in order to help develop an overarching framework for marine data management in the UK via a system of Data Archive Centres (DACs), and to develop standards and guidance on interoperability between data-sets. This process should help to facilitate access to existing data-sets for the purposes of interrogation by archaeologists. In return, RCAHMS and Historic Scotland have signed up to principles to help ensure that historic environment data gathered with government funding are properly archived and accessible for the benefit of all.

29. Marine Scotland is to be tasked with taking forward the development of GIS to underpin marine planning. The taskforce suggested that there is a need for agreement about the sourcing of historic environment data and information to underpin the various functions set out in *Sustainable Seas For All* and of the archiving of this in the long term. RCAHMS has a key role to play given the scope of its responsibilities and its work in this area so far. In addition, the taskforce advised that a requirement for data at the regional planning tier should also be anticipated, with opportunities to build on existing arrangements for reciprocal data sharing between RCAHMS and the Local Authority historic environment advisory services. A key issue is the availability of affordable mapping for the marine area. The taskforce argued that there is a need for a Scottish marine mapping agreement enabling all interested public bodies affordable access to Seazone products, in such a way as to preserve the rights of individual organisations.

30. RCAHMS advised that it is developing its own strategy in connection with the marine and maritime environments. There may be changes to the RCAHMS database to improve data-gathering, management and dissemination in respect of both terrestrial and maritime assets. Proposals include changes to the database structure to allow external users such as contractors, local heritage groups and recreational diving clubs to enter data and add images to enhance the record with their knowledge, and for users to characterise a geographic area before interrogating

the database about individual monuments. RCAHMS also envisages an opportunity to build on its experience with industrial recording in projects such as ‘Capturing the Energy’ and mapping initiatives such as HLA, to consider a mapping/characterisation exemplar project for an important marine area such as the Firth of Clyde, with the aim of trialling characterisation approaches in the marine environment, and of increasing understanding of how communities in Scotland have used the sea and how the sea has shaped communities.

31. As different organisations develop their strategies in relation to science, data and information, lessons can be learned from projects undertaken elsewhere in the UK, notably the projects funded through the Aggregates Levy Sustainability Fund administered by English Heritage.²⁰ Examples of projects to note include:

- Historic Seascape Characterisation (HSC) for England’s waters including the HSC method consolidation project <http://ads.ahds.ac.uk/catalogue/collections/blurbs/466.cfm>
- North Sea Palaeolandscapes, - http://www.iaa.bham.ac.uk/research/fieldwork_research_themes/projects/North_Sea_Palaeolandscapes/
- Wrecks on the seabed http://ads.ahds.ac.uk/catalogue/archive/wrecks_eh_2006/?CFID=689816&CFTOKEN=23859457
- England’s Shipping http://ads.ahds.ac.uk/catalogue/archive/englandship_eh_2007/?CFID=689816&CFTOKEN=23859457
- Rapid Archaeological Site Survey and Evaluation, including guidance notes to advise on application of marine geophysics for archaeological projects; http://ads.ahds.ac.uk/catalogue/archive/rasse_eh_2007/?CFID=689816&CFTOKEN=23859457
- Capturing the Energy www.capturing-the-energy.org.uk/index.php
- A memorandum of understanding between the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) with the UK Hydrographic Office as a model for data sharing across two parallel databases.

Chapter three - stewardship

The current position

32. As a result of the low level of awareness and knowledge of the resource, the inaccessibility of it, the wide range of environmental and man-made drivers of change, and the logistical difficulties of operating offshore, stewardship of the marine historic environment is less well developed than on land.

33. The taskforce discussed the complex issue of ownership of marine historic assets. Where submerged terrestrial assets are concerned, the taskforce observed that the Crown Estate, as owner of virtually the entire seabed out to the 12 nautical mile territorial limit and 55% of the foreshore, remains the principal stakeholder. Under the terms of the Merchant Shipping Act 1995, following reporting of recoveries of items of 'wreck', the Receiver of Wreck acts to resolve ownership of historic assets, title for which may remain with private individuals, companies, with government, or even with foreign states (the wrecks of foreign warships may be subject to sovereign immunity).

34. Statutory protection, whether through the Planning [Listed Buildings and Conservation Areas] [Scotland] Act 1997 ['the 1997 Act'], the Protection of Wrecks Act 1973 ['the 1973 Act'], or the Ancient Monuments and Archaeological Areas Act 1979 ['the 1979 Act'] has been a key means of delivering the protection regime referred to in *Conserving Our Underwater Heritage* [section 9]. The distribution of designated wrecks and underwater scheduled monuments in Scottish waters is illustrated in Figure 3. Listing under the 1997 Act can only be applied to the land and foreshore (to the low-water mark) and has been used to recognise the importance of harbours and lighthouses and, uniquely in a Scottish context, to the historic ship *Carrick* or *City of Adelaide* [listed in 1990 at Category A]. Many monuments fringing the coast edge are scheduled under the 1979 Act but scheduling has also been extended onto the foreshore (marine crannogs in the Beaulieu Firth; fish-traps; a ship graveyard of 19th-century zulu fishing vessels in Aberlady Bay) and on one occasion underwater (the remaining seven wrecks of the German High Seas Fleet scuttled in Scapa Flow in 1919 were protected in 2001). Eight historic wrecks in Scotland's territorial waters have been designated under the 1973 Act.

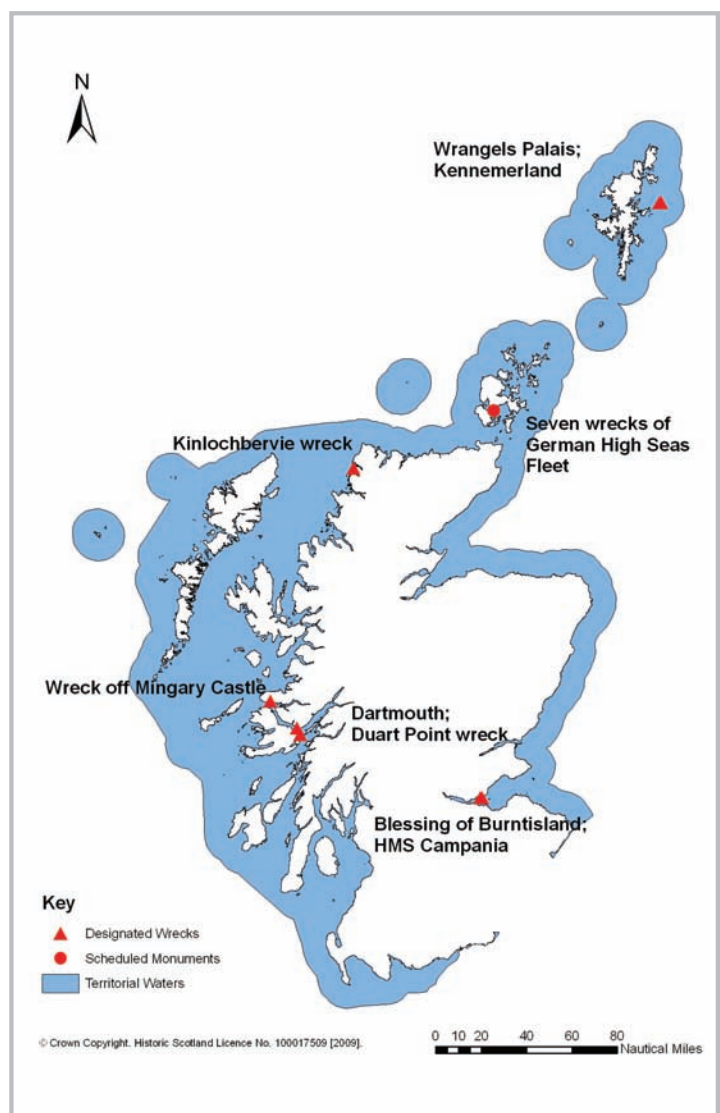


Fig.3 Underwater scheduled and designated wrecks around Scotland's coasts - © Crown Copyright. Historic Scotland Licence No. 100017509 [2009]

35. The taskforce noted several other relevant provisions. The Protection of Military Remains Act 1986 ('the 1986 Act') administered by the Ministry of Defence (MOD) creates two categories of protection, Protected Places and Controlled Sites applied in Scotland.²¹ Section 2 of the Inshore Fisheries Act 1984 as amended by the Environment Act 1995 (HMSO 1995) provides powers to restrict fishing, or to prohibit the carriage of specified types of net for 'marine environmental purposes', including for the purposes of conserving any features of archaeological or historic interest. The taskforce noted that this little-known provision has not been applied to archaeological sites offshore but that any application in the future would need to establish a strong link between the type of fishing and damage to significant historic assets on the seabed.

36. The mechanisms for identifying historic assets that might be sufficiently important to merit designation vary depending on the legislation. Historic Scotland considers external proposals for listing under the 1997 Act, but also undertakes some thematic surveys to inform listing of particular types of historic building. Historic Scotland normally undertakes scheduling including ancient monuments on the foreshore through a strategic area scheduling programme supported by thematic scheduling but will also consider external requests through a Scheduling Enhancement Programme. An external contractor was commissioned to carry out fieldwork to inform scheduling in Scapa Flow. Under the 1973 Act, Historic Scotland takes advice from a UK-wide Advisory Committee on Historic Wreck Sites (ACHWS) and has access, along with England, Wales and Northern Ireland, to a UK-wide archaeology services contract (hereafter 'the PWA contract') funded by Department of Culture Media and Sport via its grant aid to English Heritage. The current contract runs until March 2011.

37. *Scotland's Historic Environment Audit* summarised the mechanisms for monitoring the condition of designated historic assets and the current position.²² In brief, Historic Scotland's Monument Warden reports offer the only systematically generated, detailed condition data about scheduled monuments on land and on the foreshore; on occasion, specific monitoring work has been commissioned in response to threats to scheduled monuments under water. No comprehensive information exists on the condition of Scotland's listed buildings although the Scottish Civic Trust's Buildings at Risk Register records the condition of and degree of risk to historic buildings that have been brought to their attention and it is also undertaking a rapid national audit of all Category A buildings 'at risk'. The UK-wide Archaeology Services Contract provides some field capability to allow Historic Scotland to monitor the condition of historic wrecks designated under the 1973 Act.

38. Despite the challenges of operating in a relatively inaccessible environment, there have been stewardship projects to celebrate. Since 2000, the SCAPE Trust has been working with local groups through its Shorewatch project to monitor and respond to the significant threat posed by coastal erosion including on the foreshore. In Scapa Flow, Historic Scotland has worked with the Orkney Dive Liaison Group and Orkney Dive Boat Owners Association to promote best practice to the 3,000 divers who visit Scapa Flow every year. This resulted in promotion of Scapa Flow as a voluntary underwater conservation zone and monitoring surveys under the auspices of the ScapaMap project. The discovery by RAF Lossiemouth Sub Aqua Club of late 16th- or early 17th-century Italian maiolica pottery in an exposed underwater location close to Kinlochbervie, Highland, resulted in full investigation of the site, publication and archiving of the work less than two years after the last dive (Fig. 4). Pioneering outreach initiatives such as the visitor-schemes in operation on designated wrecks in the Sound of Mull have helped to promote other key submerged historic assets to the public.

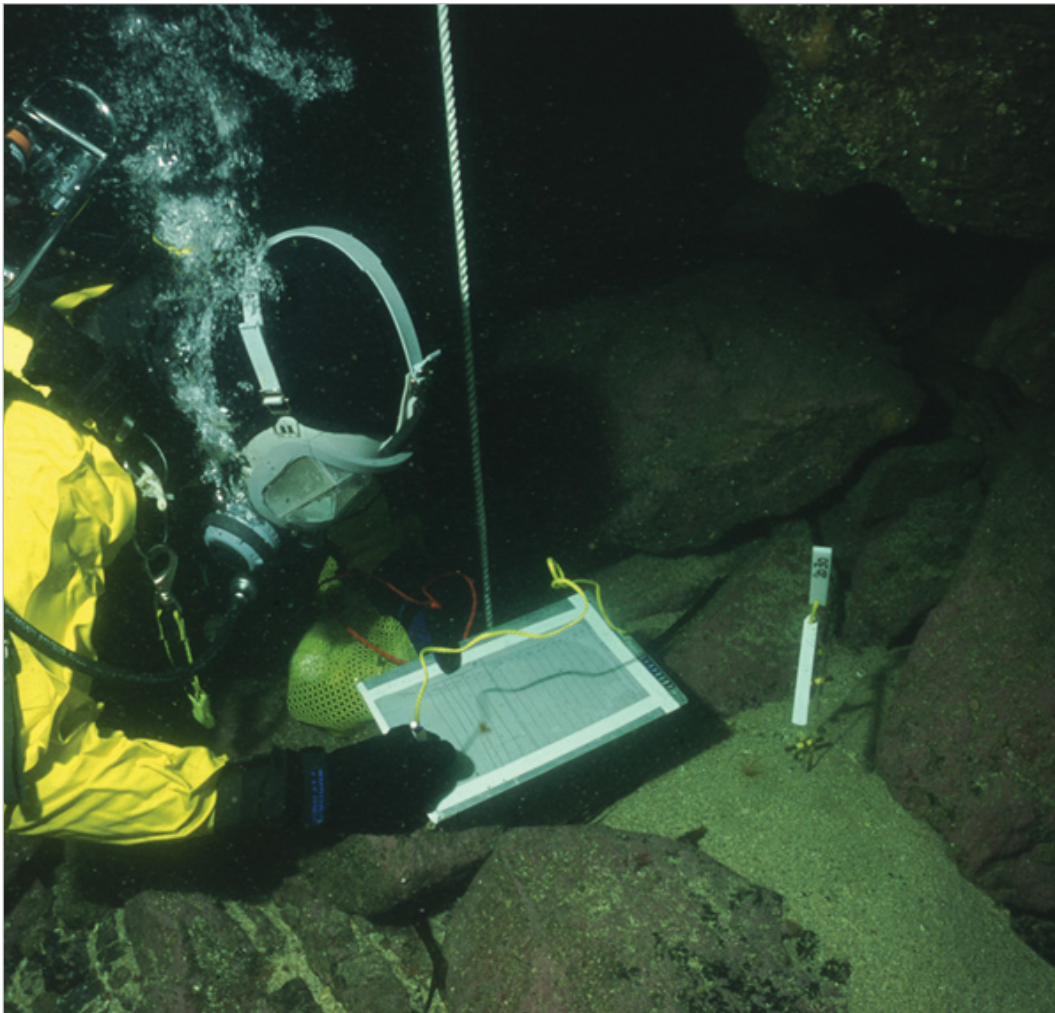


Fig.4 Recording a designated wreck at Kinlochbervie, Sutherland - © Philip Robertson

39. Since at least the 1980s, the National Museums of Scotland has lent its expertise, conservation facilities and curatorial support to a wide variety of high profile marine and wetland investigations, most recently following the recovery by Perth and Kinross Heritage Trust of a bronze-age log boat from the banks of the Tay Estuary, at Carpow, Perth and Kinross (Fig. 5).



Fig.5 Recovering the bronze-age log boat from Carpow - © Perth and Kinross Heritage Trust

Issues

40. The taskforce noted the ongoing threat posed by treasure hunting and commercial salvage, highlighted by the recent case of the discovery in the English Channel of a wreck, believed to be *HMS Victory*. The taskforce acknowledged the legitimate role that salvage plays but urged Scottish Government to consider all mechanisms at its disposal to mitigate the threat posed to Scotland's most important marine historic assets through active application of the *Annex of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage*, accepted by the UK government as representing best practice for archaeology.

41. Table 1 identified other man-made drivers of change. For many of these, the taskforce remains uncertain of the scale of the threat and believes that there is work still to be done to develop and implement effective mitigation. Underwater, this might be in response to specific sources of man-made impacts such as certain types of commercial fisheries. However, it might also be in response to environmental degradation, for instance the huge resource of metal wrecks of ships and aircraft, the rapid deterioration of which will result in some loss of historic data and information. The latter may also pose a potential pollution risk for the natural marine environment. On the foreshore, the SCAPE Trust is already helping Historic Scotland to understand the extent of the threat posed by coastal erosion to monuments in vulnerable areas but there may be parallel concerns about the fabric of historic buildings such as lighthouses and harbours, so important to the cultural heritage of coastal communities.²³

42. The strategy to date has centred largely around statutory protection. While the range of sites, monuments and buildings afforded statutory protection on the foreshore is relatively broad, heritage protection underwater by laws administered by Historic Scotland is limited to shipwrecks despite the 1979 Act's scope to protect other types of asset. The taskforce considered that this is clearly an under-representation of the broader range of types and periods of historic site reflected in the historic environment record.

43. Only 15 historic wrecks have any statutory protection, a small percentage of the c.1,500 known historic assets in the historic environment record. Looking at the 'register' of protected assets as a whole, the taskforce perceived an apparent imbalance in the current register in favour of large post-medieval armed merchant and warships of trans-European origin and, arguably, insufficient recognition of the remains of vernacular, indigenous craft of all periods which were important to the maritime history of Scotland.

44. While mechanisms and procedures for identifying and assessing monuments and buildings on the foreshore and for monitoring their condition are reasonably well developed, the same cannot be said for underwater assets. The ACHWS provides a useful forum for discussion and source of strategic advice across the UK. The PWA contract has provided the principal field resource for Scotland since 1986. However, given the contractor's increasing commitments elsewhere in the UK, the taskforce noted that its value is diminishing for Scotland. It also questioned whether the PWA contract is now sufficiently flexible to provide the field assessment and monitoring response that is required across Scotland, sometimes at short notice following important discoveries, and suggested that alternative approaches be considered.

45. Scotland's record of stewardship of its existing designated and scheduled historic shipwrecks appears good, if characterised by a significant reliance on the goodwill of designated-wreck licensees, charter-boat skippers, diving groups and others who provide a valuable local stewardship role. However, the taskforce considered that despite the publications that have resulted from investigations in Scotland's waters, there is some further investigative work to be done and unrealised potential, for example, in the largely unstudied and unpublished material from historic wrecks lost around Shetland.

46. The taskforce observed the current situation for artefact collections arising from marine archaeological work.²⁴ Scotland's good reputation to date has relied heavily on the National Museums of Scotland and its outstanding conservation department. Recently enhanced museum and archive facilities in Shetland and Orkney celebrate what is possible at regional level and some additional conservation expertise exists within archaeological contract units. However, the taskforce observed that many local museum services lack the resources and expertise to curate marine finds given the complications of conserving them. Any reduction in the level of service available from existing facilities will constrain Scotland's ability to look after its existing maritime collections and will make it difficult to expand these collections if faced with important new discoveries.

Challenges

47. For historic assets on the foreshore, responding to the threat posed by coastal erosion is likely to pose a significant ongoing challenge given that the number of threatened assets is very large and the extent of funding resources is very limited. Therefore effective prioritisation of responses is required to minimise the loss of information from the most important assets. Beyond this, the taskforce considered that [work remains to be done to further understand the scale of threats offshore, which are likely to be the most significant, and to develop and implement effective mitigation for these. The challenge then is to improve understanding of the scale of threats across the resource from these, and to develop ways of prioritising responses to those assets that have the greatest archaeological potential and are at the most serious risk. Where man-made threats are concerned a ‘problem-solving’ approach might help to minimise the effects of some activities at source.](#)

48. The taskforce considered that designation remains an important element of the stewardship toolkit in the marine environment. Existing provisions for scheduling and listing will not be affected under a Marine (Scotland) Bill. The working assumption at present is that Historic Scotland will use the site-protection mechanism proposed in *Sustainable Seas For All* for all underwater assets. Following enactment, existing designated wrecks and underwater scheduled monuments will be re-assessed with a view to transfer to the new mechanism.²⁵ This will result in a unified approach to statutory protection underwater across Scotland. The taskforce recommended that the principal challenge will be [to implement the new mechanisms effectively, and to support stakeholders in adapting to new legislation so that they can continue to enjoy these assets and to play a positive role in their stewardship.](#)

49. Scottish Ministers have stated that their intention is not to increase significantly or rapidly the number of designated assets under water. The taskforce advised against an overly conservative approach at this stage given the current state of knowledge and given that the legislation is to broaden the scope of what types of marine historic asset are eligible to be protected. [The history of discoveries offshore suggests that Historic Scotland will continue to be required to react responsively. However, in addition to maintaining a reactive capability, the taskforce discussed the value of a more systematic re-evaluation of known and located assets and prioritisation of candidate assets for assessment.](#) It argued that such a programme would possibly help to minimise the risk of legal challenge to Scottish Ministers that are inherent if designation occurs in the face of an imminent development or salvage operation, ensure that the ‘register’ of protected assets reflects what is most important about the history of Scotland and the sea, and help Historic Scotland to maximise the benefit its field assessment capability. The taskforce advised that there would be merit in further discussion between Historic Scotland and the sector in order to define what approaches any re-evaluation project should adopt. At this stage the options would seem to be either thematic or area-based assessments involving desk-based work followed by field evaluations of the highest priority assets. However, there may also be value in integrating some form of risk assessment in order to allow Historic Scotland to identify where and to what types of historic asset specific threats are most evident and statutory protection is most likely to be beneficial.

50. In order to consider the question of maritime archaeological archives, the Institute of Field Archaeologists called for an audit of the existing situation with maritime archives and a better definition of likely trends and management needs for the future. Following that, the taskforce considered that *it would be beneficial for discussions to be held between RCAHMS, the museums and historic environment sectors, with a view to agreement on strategy for recovery, conservation, storage and public presentation of artefact collections and documentary archives from marine historic assets.*

Opportunities

51. In 2008, the SCAPE Trust has been working with project partners on three community excavations on important assets threatened by coastal erosion at Baile Sear (Western Isles), Cruester (Shetland), and Brora (Highland) (Fig. 6). These excavations demonstrate how to maximise recovery of information and community benefit from assets which will otherwise be lost to the sea. SCAPE is also working with partners, including Historic Scotland and the Local Authorities, to prioritise the recommendations for action across Scotland so that available resources can be targeted at those that have a high archaeological potential but are also under the most severe threat. Owners of historic buildings can also adopt a proactive approach. Faced with the challenge of maintaining its historic lighthouses, the Northern Lighthouse Board (NLB) is considering the setting up of a heritage trust that would be tasked with responsibility for caring for the fabric of the NLB's historic estate.



Fig.6 Community excavation of coastal assets threatened by coastal erosion - © Katinka Stentoft / SCAPE Trust

52. Once the most potentially significant man-made impacts have been identified, it may be possible to tackle these directly, working in partnership with others. This ‘problem solving’ approach is exemplified in the development by English Heritage in discussion with industry bodies of sector guidance and finds reporting protocols. This work includes British Marine Aggregates Producers Association (2003) *Marine Aggregate Dredging and the Historic Environment: Guidance Note*²⁶ and COWRIE (2007) *Historic environment guidance for the offshore renewable sector*.²⁷ Where natural threats are concerned, the taskforce suggested that English Heritage’s publication of *Protected Wreck Sites at Risk, a Risk Management Handbook*²⁸ provides a possible model for developing prioritisation methodology for work in the marine zone. It also suggested that the ScARF marine-maritime group may help to clarify thinking on the most important types of marine site that are ‘at risk’ and for which tactically focused audits, of the sort undertaken by SCAPE in the coastal zone, would be useful at some stage in the future.

53. As regards designation in the marine environment, the site protection mechanism proposed in *Sustainable Seas For All* offers an opportunity for a more flexible approach to the stewardship of the existing designated resource underwater. The taskforce advised that there may be a need for Historic Scotland to consider development of new guidance to accompany the new provisions and a workshop(s) to further familiarisation with those most likely to be affected.

54. Unless emergencies take priority, Historic Scotland proposes to take forward a marine designation pilot project in Shetland using its existing share of the UK-wide contract for archaeological services. The working parameters of this project are still under discussion but Historic Scotland anticipates that this pilot will re-evaluate the register of assets in Shetland and identify priority assets for assessment. Wider lessons will also be learned. For example, Historic Scotland will be able to test re-evaluation methodologies and to define the resources required to implement a wider re-evaluation project across Scotland at any time in the future.

55. RCAHMS and Historic Scotland have recently supported *Securing a Future for Maritime Archaeological Archives* [the definition of ‘archives’ refers both to documentary archives and artefact collections]. This study, due to report in 2009, seeks to assess the current position and to characterise future management needs in both England and Scotland. The resulting report could provide an important information resource to inform the development of strategies (a) for documentary archives, where the objective must be to ensure that the information and digital/paper archives from archaeological work in Scottish waters are deposited with RCAHMS but made more widely available in accordance with MEDIN principles, and (b) for collections. In respect of the latter, the taskforce suggested the value of close liaison with the United Kingdom Maritime Collections Strategy (UKMCS), as well as National Historic Ships, given its role as advisor to government and others on matters relating to national historic ship preservation.

Chapter four - marine planning and integrated coastal zone management

The current position

56. Article 5 of the Valletta Convention requires the integration of the conservation of the archaeological heritage into development control processes. To guide planning authorities as to how the historic environment should be dealt with through the terrestrial planning system, Scottish Government has recently published Scottish Planning Policy [SPP] 23 *Planning and the Historic Environment*.²⁹ In 2009, the policies of SPP23 are to be integrated within a consolidated SPP.

57. However, with one exception, the terrestrial planning system in Scotland does not extend below Mean Low Water and the regulation of development in the marine environment has taken place largely on a sectoral basis [see chapter five]. Where development is taking place beyond the boundaries or scope of the planning system, for example under water, Historic Scotland provides advice to regulators, developers and others, in particular through strategic environmental assessment and environmental impact assessment. This advice includes promoting best practice in respect of seabed development using industry standard guidelines such as those set down in the JNAPC *Code of Practice for Seabed Developers* [2006] published by the Crown Estate.³⁰

58. The exception is that the Planning [Scotland] Act 2006 extended the definition of development in Scotland to include marine aquaculture out to 12 nautical miles with the role of the planning authorities in respect of marine aquaculture currently extended to coastal waters out to 3 nautical miles. To provide guidance on how the historic environment should be treated in relation to marine aquaculture development, Scottish Government published SPP22 *Planning for Fish Farming*.³¹ Where advice in relation to the historic environment is concerned, SPP22 sets out a complementary role between Historic Scotland and planning authorities. Local Authority historic environment advisors play an important role within the terrestrial planning system, by advising on how archaeological sites and buildings of regional and local importance should be treated and by providing a means of gathering information on local sites and disseminating it widely.

59. *Sustainable Seas For All* proposes a statutory marine planning system to ensure sustainable economic growth out to 12 nautical miles in the seas around Scotland while additional marine planning powers in the UK Marine Bill for the Scottish Zone out to 200 nautical miles are to be executively devolved to Scottish Ministers. *Sustainable Seas For All* proposes an overarching duty on Marine Scotland to deliver Integrated Coastal Zone Management, a management process that is intended to facilitate a more integrated approach to the use, development and protection of resources across the land/sea interface and in the near-shore zone. Integrated Coastal Zone Management is envisaged as an important mechanism for integrating the marine and terrestrial planning systems and is to be undertaken in part through the creation, by secondary legislation, of Scottish Marine Regions and by placing a duty on them to adopt eight principles defining Integrated Coastal Zone Management that were adopted by the European Union in 2002.

60. The proposals set out in *Sustainable Seas For All* build on several initiatives that have taken place in Scotland in the field of Integrated Coastal Zone Management over the last 20 years. Early attempts at Integrated Coastal Zone Management included non-statutory framework plans for fish farms. Since 1996 Scottish Coastal Forum has provided a national focus for coastal issues and today it sets the context for the work of seven Local Coastal Partnerships around the coast of Scotland. Between 1993 and 2001, seven management strategies were produced for the major firths and other coastal areas. In addition, certain Local Authorities have developed non-statutory Integrated Coastal Zone Management plans to allow them to adopt an integrated approach to coastal management, the most recent example being a consultation by Argyll and Bute Council on an Integrated Coastal Zone Management plan for Loch Fyne. Since 2006, the Scottish Government has been leading in the development of marine planning through its support for the Scottish Sustainable Marine Environment Initiative (SSMEI), and four pilot projects: the Shetland Islands, Firth of Clyde, Sound of Mull and Berwickshire Coast. All projects have considered the historic environment, to a greater or lesser degree, through the compilation of plans and associated policies.

Issues

61. Responses to the Marine SHEP consultation indicated a widespread feeling, reiterated by the taskforce, that a new statutory marine planning system and framework for Integrated Coastal Zone Management should consider nationally important historic assets but that it should also guide the process of change in relation to the vast majority of assets that do not meet the national importance criteria for designation but which are of historic environment interest. This is in line with the policies set out in SPP 23.

62. While reinforcing the value of local involvement in decision-making in relation to coastal and marine planning, responses from Local Authorities and heritage organisations to the Marine SHEP consultation have drawn on experiences with Integrated Coastal Zone Management, including the situation since planning controls were extended offshore for marine aquaculture. In addition to the problems of shortage of data of adequate quality, respondents generally expressed concerns about the capacity of Local Authority archaeology services (in terms of expertise, data in the form of non-statutory sites and monuments records, staff numbers and available time), if required, to advise Scottish Marine Regions on Integrated Coastal Zone Management and planning issues beyond the existing requirements for service provision placed on them.

Challenges

63. In order for marine planning and integrated coastal zone management around Scotland's coasts and seas, the taskforce suggested that there would be a need to [develop plans and policies to guide the management of change, taking into account designated historic assets \(e.g listed buildings, scheduled monuments, marine historic assets\)](#) as well as [other assets of historic environment interest](#).

64. The taskforce suggested that government consider the need to [develop the necessary capacity within organisations responsible for delivering marine planning and Integrated Coastal Zone Management to allow them to consider the historic environment, or to ensure that they can call on sufficient external specialist archaeological advice where appropriate](#).

Opportunities

65. *Sustainable Seas For All* proposes that Historic Scotland will continue to advise on planning matters in relation to designated historic assets and that Marine Scotland will take account of the wider historic environment within its planning functions, but with opportunities for co-operation on matters of mutual interest such as policy development.

66. In the initial phases of the development of planning/Integrated Coastal Zone Management, the key elements at national level for which consideration of the historic environment will be required seem to be liaison with UK bodies, the development of the National Marine Plan and national marine objectives. The taskforce advised of the benefits of close working between Marine Scotland and Historic Scotland to define a satisfactory policy base at this national level.

67. The national plans are to provide the overarching framework for planning at the regional tier through Scottish Marine Regions that are to be established through secondary legislation. Although it is arguably premature at this stage to consider in detail how best to support the regional planning tier, the taskforce advised that some support, including a programme of capacity building, would be likely to be needed across the board in relation to data and information [chapter 2] and skills and expertise [see below].

68. The taskforce suggested that a capacity-building programme should include a programme of continuing professional development at national and regional level for regulators, curators, planners, developers and others in order to raise awareness.

69. The taskforce considered that guidance should be provided at national level to inform consideration of the historic environment at the regional planning/Integrated Coastal Zone Management tier. Such guidance could include a range of model policies.

70. The taskforce suggested that government should consider means of establishing the necessary capacity to inform marine planning/Integrated Coastal Zone Management and consideration of the historic environment, concluding that this would require some additional resources to implement. The options suggested by the taskforce include creation of a historic-environment advisor post within Marine Scotland, working in partnership with existing bodies, or outsourcing advice through service-level agreement as has also been suggested for licensing.

Chapter five - licensing and enforcement

The current position

71. *Sustainable Seas for All* summarised the complex range of sector-based licensing and development consent provisions currently in operation in Scotland's territorial waters and proposes legislative changes with a view to delivering an effective, streamlined and modernised marine licensing system.

72. At present, 'cultural heritage' is considered within environmental assessment provisions under the Environment Impact Assessment (Scotland) Regulations 1999,³² the Environmental Assessment (Scotland) Act 2005,³³ and certain marine EIA regimes. Marine development is also subject to sector specific seabed consenting mechanisms. Both English Heritage and DoE Northern Ireland consider licence applications under Part II of the Food and Environmental Protection Act 1985 (FEPA) in respect of impacts to marine historic assets, while Schedule 9 of the Electricity Act 1989 governs the way companies must operate in connection with the historic environment, including offshore. Specific provisions also pertain to specific regions: Shetland and Orkney Councils have their own works licence systems through the Zetland and Orkney County Council Acts (1974) which may involve consideration of impacts to marine historic assets. Section 35 also mentioned the unused provisions of the Inshore Fisheries Act 1984 for features of archaeological or historic interest.

73. Historic Scotland carries out environmental assessment and consent functions on behalf of Scottish Ministers, advising on proposals for change which might affect monuments and buildings of national importance. Under the Protection of Wrecks Act 1973, a licence from Historic Scotland is currently required to visit, survey, recover surface finds and excavate a designated wreck site. In the Sound of Mull, a visitor scheme has been in operation on two designated wrecks since 1994, enabling more than 1,000 tourist divers to visit the remains of the 17th-century warship wreck of the *Swan* and to visit an associated wreck exhibition at Duart Castle (Fig. 7).

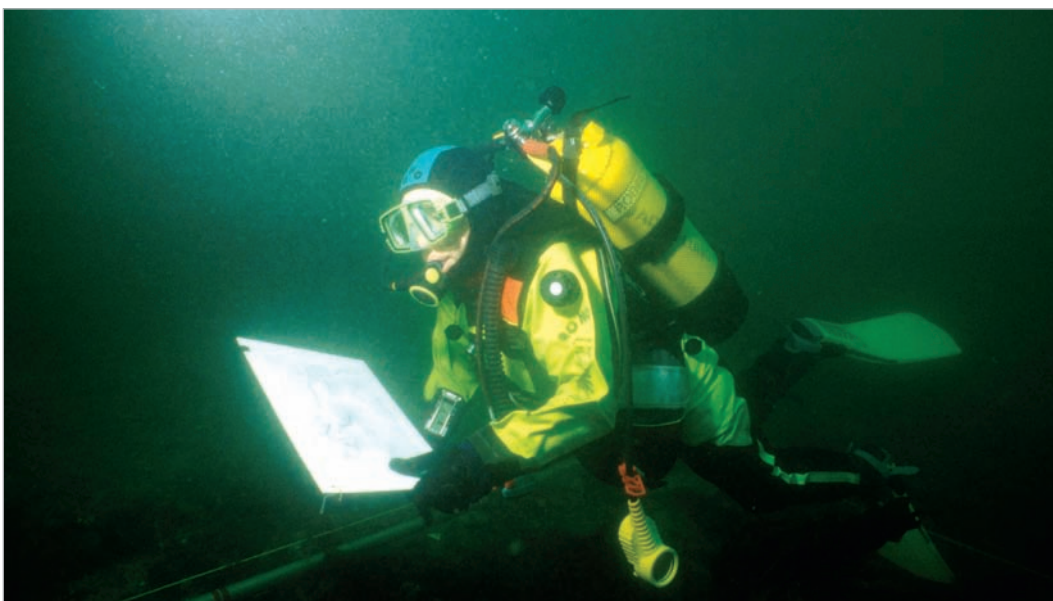


Fig.7 A licensed diver visiting the Duart Point designated wreck site (000-000-110-700-C: © Colin Martin. Licensor www.scran.ac.uk)

74. Scottish Government planning policy is to protect and preserve not only designated historic assets, but also those of other historic environment interest, *insitu* wherever feasible. Where this is not possible, responsibility for anticipating the effects of change and in mitigating those effects through investigation, recording, analysis and archiving rests with the body that intended to cause the change. The *JNAPC Code of Practice for Seabed Developers* published by the Crown Estate, provides guidance to extend this ‘precautionary principle’ offshore, which Historic Scotland promotes as accepted ‘best practice’ for all seabed development [see also section 57] .

75. *Sustainable Seas for All* concluded that monitoring of compliance with licence conditions and subsequent enforcement in Scotland has been carried out with varying degrees of rigour. Where Historic Scotland’s marine heritage provisions are concerned, licence applications focus largely on sector-specific interest in the assets (diving; archaeology). Licence applicants are required to provide evidence of competency to undertake the tasks proposed or to be supported by an experienced archaeological advisor. Regular reporting of results by the licensee is a standard condition for approved licences and, as a last resort, failure to fulfil licence conditions can result in a future licence application being refused. To provide a measure of enforcement capability, Historic Scotland can ask the PWA contract to carry out monitoring work on a designated site and to provide a supervisory role in support of the work of licensees. Historic Scotland also works with local stakeholders, including police forces and HM Coastguard on surveillance and enforcement matters.

Issues

76. Where designated historic assets are concerned, the licensing regime in operation across the UK under the 1973 Act has been widely considered overly burdensome (a licence is required from Historic Scotland to visit all designated wrecks even on a ‘look but don’t touch’ basis). Moreover, difficulties in enforcing the 1979 Act under water in Scapa Flow have strengthened the case for legislative change and illustrated the significant practical difficulties that need to be overcome when monitoring activities in sometimes isolated coastal locations.

77. Where other assets of historic environment interest are concerned, even though a precautionary principle for development offshore is enshrined in the Valletta Convention and is promoted as ‘best practice’, the taskforce suggested that its application in the marine environment is by no means widely accepted in the UK. Without wider application of the ‘precautionary principle’, the taskforce indicated that other historic assets of interest may be at risk without satisfactory mitigation being put in place.

Challenges

78. The draft Marine SHEP set out proposals for a more flexible site protection power to target controls on the basis of threat to a particular site, reducing the need for Historic Scotland to licence non-damaging activities as far as possible. This is in line with wider proposals in *Sustainable Seas For All* which will have the effect of reducing the numbers of licences required in favour of focusing scrutiny on higher risk activities/impacts. The taskforce considered that the key challenges will be to [implement the new site-protection mechanism, to promote the benefits of it and to develop an effective monitoring and enforcement framework](#).

79. The taskforce suggested that all relevant mechanisms for seabed licensing should allow for consideration and mitigation of significant adverse affects both to designated historic assets (e.g listed buildings, scheduled monuments, designated wrecks) and other assets of historic environment interest.

80. The taskforce suggested that government consider the need to develop the necessary capacity within organisations responsible for seabed licensing to allow them to consider the historic environment, or to ensure that they can call on sufficient external specialist archaeological advice where appropriate.

Opportunities

81. *Sustainable Seas For All* proposes that Historic Scotland is to continue to advise on proposals of change that might effect designated historic assets. With a view to ascertaining its role further under new legislation, Historic Scotland is shortly to commence a one year pilot project to consider and advise Fisheries Research Services Marine Laboratory, Aberdeen (FRS-ML administers FEPA licensing on behalf of Scottish Ministers) on seabed consent applications under Part II of FEPA which might affect a designated wreck site, scheduled monument underwater, and potentially also other assets of historic environment interest.

82. *Sustainable Seas For All* suggests that there will be scope for Historic Scotland to work with Marine Scotland on matters of common interest. Given the historical difficulties of enforcing historic environment site protection at sea, the taskforce suggested that enforcement at sea is one area where Marine Scotland could provide a valuable supporting role.

83. Marine Scotland is to take account of the 'wider historic environment' through its licensing function. The taskforce suggested that a programme of capacity building would be needed to implement this function in relation to data and information (chapter two), skills and expertise, and structure.

84. The taskforce suggested that it would be beneficial for Scottish Government, the Crown Estate and other relevant parties to promote existing best practice guidance more widely within industry, for instance in relation to the marine renewables sector. Following on from the 'problem solving' approach proposed in section 52, and once the most significant areas of concern have been identified, it may be possible to develop new guidance to help address these matters.

85. The taskforce considered that a capacity-building programme should include delivery of a programme of continuing professional development at national and regional level for regulators, curators, planners and developers about developer-led marine archaeology. An enforcement workshop(s) could be run with Marine Scotland, HM Coastguard Rescue Officers (CROs) and police services, in order to raise awareness about heritage protection and to promote ways of joint working.

86. The taskforce advised that government consider the need for some new capacity to allow it to consider the wider historic environment in licensing mechanisms, concluding that implementation would require some additional resources. The options suggested by the taskforce include creation of a historic-environment advisor post within Marine Scotland, working in partnership with existing bodies, or outsourcing advice through service-level agreement. The taskforce noted that in N. Ireland, government had helped to establish a source of advice and recording capability within the Centre for Maritime Archaeology, University of Ulster. Although the administrative framework in N. Ireland is distinct, the taskforce considered that such a model might be adaptable for Scotland.

Chapter six - understanding, enjoyment and capacity

The current position

87. *Scotland's Seas: Towards Understanding their State* recognised that the marine historic environment has a positive contribution to make both to the 'productivity' of the coasts and seas around Scotland, and to the economic, cultural and social fabric of Scotland. Despite the relative inaccessibility of underwater assets, the popularity with divers of the wrecks in Scapa Flow is notable and other areas of Scotland are similarly important in this regard (Firth of Clyde, Firth of Forth, Sound of Mull, Skye and Moray Firth). Moreover, public appreciation extends to the many thousands of visitors to Scotland's coastal monuments, coastal landscapes which have been shaped by man's relationship with the sea, and museums and tourist attractions which promote understanding and enjoyment of maritime heritage.

88. Despite the apparent value of the resource, the study of marine or maritime archaeology appears to have been sidelined from the mainstream archaeological discipline, nor has there been any requirement to integrate consideration of it within planning and landscape management processes until now. At least in part because of this, the discipline has not shared in the increases in state and private sector funding for the historic environment that were secured across the UK in the 1980s and 1990s. The consequence of this is that the structures and processes in place to investigate and manage the resource are, at best, patchy.

89. The taskforce considered that creation of a senior marine inspector's post within Historic Scotland had been a significant step forward for government. Developer-funded marine archaeology is in its infancy but it is now a reality, with certain archaeology units in Scotland beginning to take on specialist staff or to subcontract expertise where required. The Association of Local Government Archaeology Officers (ALGAO) now has a maritime committee with Scottish representation, but the extent of ALGAO officers' involvement offshore is limited by their existing role and by pressures on their service provision. From 1973 to 2001, the University of St Andrews was an internationally-recognised centre of academic study and innovation in the field of maritime archaeology. This resource has now gone and only small clusters of research and teaching capability remain in universities across Scotland. Additional pockets of capacity exist within charitable companies (Scottish Trust for Underwater Archaeology; Morvern Maritime Centre; Nautical Archaeology Society). The capacity of the National Museums of Scotland and regional museums for conserving and curating marine collections is discussed in section 46.

90. Due to the relative inaccessibility of the resource, it is perhaps unsurprising that the level of awareness amongst the general public is relatively low. For underwater assets, the 6,000 or so recreational divers in Scotland form the principal constituency whose direct contribution and effect must be taken into account. Recreational divers discover many historic assets on the seabed and have the potential to contribute positively to the enhancement of the historic environment record. The various diving associations have been active in recent times through initiatives such as *Respect Our Wrecks* to counter a once-all-pervasive problem of souvenir-hunting and to engender a conservation-minded approach to the underwater heritage.

91. Projects such as Shorewatch (Scape Trust), Scotland's Rural Past (hosted by RCAHMS) and the Sound of Mull Archaeological Project (under the auspices of the Nautical Archaeology Society) have been successful in developing skills at community level and in involving the public in the recording and conservation of historic assets around Scotland's coasts (Fig. 8). The National Trust for Scotland, given its presence in Fair Isle, St Kilda and St Abbs and through its wider advocacy for the historic environment, has also helped to raise awareness both in and outside government.



Fig.8 Involving schools in coastal excavation projects - © SCAPE Trust

Issues

92. While there have been significant success stories to celebrate, a shortage of resources and professional capacity in terms of structures, staff, skills and expertise, limits severely the ability of the sector to advance investigation and management of the marine historic environment.

93. While recent audits confirm a sense that the marine historic environment contributes positively and provide figures for isolated casestudies, levels of public awareness remain low, and it is arguable that there is a lack of substantiated socio-economic evidence relating to the 'value' of the marine historic environment across Scotland. This in turn, limits the ability of the sector to make the case for increased levels of support.

Challenges

94. The taskforce suggested the benefits of a programme of work to raise awareness about the marine historic environment at all levels, within government, within museums services, within archaeology units and industry. Where the general public is concerned, more work also needs to be done to ensure that marine historic assets can be better understood, respected and, where appropriate, accessed by a wider section of the general public in order to fulfil the potential of the resource. The ability to understand and appreciate this resource should not be the preserve of divers!

95. The taskforce considered that it would be beneficial to build the capacity and sustainability of the sector by encouraging development of coherent structures that help to facilitate delivery of *Sustainable Seas For All*, and by helping to develop the skills and expertise of people who work or are aspiring to work in the field through delivery of training, support, encouragement and guidance where it is most required.

96. To inform debate relating to the contribution of the historic environment towards sustainable economic growth, and to enable the sector to argue positively for increases in funding support, the taskforce considered that it would be beneficial to develop socio-economic indicators relating to the 'value and benefits' of the marine historic environment in time for future audits such as *State of Scotland's Seas 2010* and *Scotland's Historic Environment audit*.

Opportunities

97. The Historic Environment Advisory Council for Scotland (HEACS) is due to publish an economic impacts study for the historic environment around May 2009 but this is unlikely to include much for the marine area. With this in mind, as part of its work on *State of Scotland's Seas 2010*, Scottish Government is considering a desk-based casestudy to look at the question of the 'value' and 'benefit' of the marine historic environment. It is anticipated that the resulting report could also be useful for future work by *Scotland's Historic Environment Audit*.

98. In order to begin to promote wider awareness about Historic Scotland's role in the marine environment, it is undertaking a pilot project relating to designated wrecks which could be extended given changes in legislation set out in *Sustainable Seas For All*. The pilot project involves publication of a leaflet on Scotland's historic wrecks, enhancement of the Historic Scotland website to integrate information about designation processes and designated wrecks alongside guidance for marine users, and making GIS data relating to protected areas available for download. Additional enhancements could also be considered to the popular PASTMAP website³⁴ and there may also be opportunities under new legislation to promote the location of designated marine historic assets through publications such as Kingfisher charts, widely used by the commercial fishing industry.

99. The case for professional capacity-building programmes is made in other sections of this paper but the taskforce also considered a wider range of capacity-building work that needs to be considered and taken forward:

- There must be no better time to re-establish a strong teaching and research cluster within the university sector for marine/maritime archaeology in Scotland. Taking note of the model adopted at the University of Ulster, the taskforce considered that integration of marine archaeology could be encouraged within developments that are taking place across the marine science world in Scotland. At institute-specific level, these include Aberdeen University's Ocean lab or the possible development of a Scottish Oceans Institute at the University of St Andrews. At Scotland-wide level, there is the creation of Marine Science Scotland (MSS), a new organisation to pool research talent and the management of equipment and resources in marine science from across Scotland, in order to pursue nine research themes, one of which is 'the coastal zone: the land-people-sea interface'. Certain universities in Scotland are already beginning to develop archaeological interests in this field and their work could be further nurtured by encouraging the fostering of links with renowned institutions across the world.
- developing a more cohesive voice outside government for the purposes of advocacy, and assisting with strategy development. In this regard, the taskforce identified the benefits of Scottish membership with UK-wide groups such as the IFA Maritime Affairs group and Joint Nautical Archaeology Policy Committee. In addition however, a marine focus group could be encouraged to evolve from the BEFS marine taskforce into a group with a longer-term role. The taskforce identified the Historic Rural Settlement Group as a possible model to consider.
- encouraging organisations to develop their own CPD programmes. The taskforce noted that Headland Archaeology is already beginning to develop its own maritime CPD session while a programme currently offered by Oxford University Centre for Continuing Education with funding from English Heritage might provide a useful model for government to build on in Scotland to deliver the training recommended elsewhere in this discussion paper.
- encouraging organisations to consider internships and bursaries in order to provide a means for offering valuable experience to those aspiring to work in the field.
- empowering the next generation of archaeologists by providing opportunities to develop skills to undertake archaeological work in marine and maritime environments. In this regard, Historic Scotland is proposing to support an annual marine fieldschool in Scotland, to be organised with assistance from the Nautical Archaeology Society, but similar initiatives might be encouraged as desirable spin-offs from new university-based involvement in the investigation of the marine historic environment.

100. The taskforce reiterated that the voluntary sector and general public have a positive role to play. Projects such as Shorewatch and Scotland's Rural Past provide a model which could be adapted for the marine area. In the short term, as part of a strategy trial, Historic Scotland proposes to support a range of public-awareness-raising initiatives for the marine area also through support for the Nautical Archaeology Society. These include content development and promotion of an elementary awareness course to be delivered by the recreational diving associations with initial support from NAS, further promotion of the Adopt A Wreck and Diving into History projects to encourage reporting of discoveries at sea and positive stewardship of marine historic assets, and support for tutor development to encourage a more sustainable model for regional delivery of the successful NAS Training scheme in Scotland.

101. Existing private-sector tourism initiatives such as Roving Eye Enterprises (Scapa Flow) and Seaprobe Atlantis (Kyle of Lochalsh) provide an exciting model that could be applied more widely in Scotland to allow non-divers to appreciate the underwater heritage off Scotland's coasts. Meanwhile, the taskforce pointed out that developing virtual technologies, exemplified by ADUS³⁵ and the ScapaMap project in Scapa Flow offer an alternative private-sector approach which has significant merit (Fig. 9). There are also opportunities for interpretation through coastal landscape project initiatives such as the Scapa Flow Landscape Partnerships, Scotland's network of museums and tourist attractions, Properties in Care, coastal monuments adjacent to associated underwater assets (e.g. Duart Castle), and marine reserves (e.g. St Abbs).

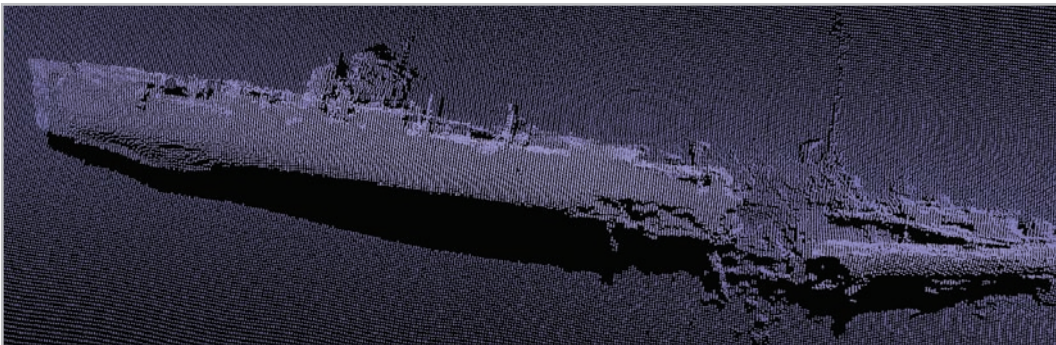


Fig.9 The SMS Köln, Scapa Flow © ScapaMap Project

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Annex B – notes and references

- 1 See www.homecomingscotland.com/default.html
- 2 Scottish Government, 2008, *Scotland's Seas towards understanding their state*, 2008: 142–3 – copy available from www.scotland.gov.uk/Publications/2008/04/03093608/0
- 3 See www.scotland.gov.uk/Publications/2008/07/11100221/0
- 4 See www.historic-scotland.gov.uk/shep_marine.pdf
- 5 After Firth, A., 2001, The management of archaeology underwater. In J. Hunter and I. Ralston (eds), *Archaeological resource management in the UK, an introduction*. Stroud: 72
- 6 In 2008, The UK government and the devolved administrations in Wales and N. Ireland published a consultation on high-level marine objectives in *Our seas – a shared resource* – copy available at www.defra.gov.uk/corporate/consult/highlevel-marine/consultation-document.pdf. These were included as an annex in *Sustainable Seas For All: a consultation on Scotland's First Marine Bill*.
- 7 This desired outcome has been adapted from an extract of a paper by the Advisory Group on Marine And Coastal Strategy, titled '*Desired State of the Marine Environment*' – copies of meeting papers available from www.scotland.gov.uk/Topics/Environment/Water/16440/AGMACS
- 8 Since 2000, the UK has been party to the European Convention on the Protection of the Archaeological Heritage – known as the Valletta Convention – see <http://conventions.coe.int/Treaty/en/Treaties/Html/143.htm>
- 9 The UK Government abstained from voting on the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage (this came into force on 2 January 2009) but has accepted that its Annex represents best practice for archaeology. The Annex establishes ethical and scientific Rules, widely recognized by archaeologists, for activities directed at underwater sites - <http://unesdoc.unesco.org/images/0012/001260/126065e.pdf>
- 10 Historic Scotland, 1999, *Conserving the underwater heritage*. Operational policy paper HP6. Copy available at http://www.historic-scotland.gov.uk/conserving_the_underwater_heritage.pdf
- 11 See www.heritageaudit.org.uk/about.htm
- 12 On completion of current phase of data entry RCAHMS estimates that this figure is likely to rise to 20–25,0000
- 13 See www.scapetrust.org
- 14 See <http://www.rcahms.gov.uk/hlamap.html>
- 15 See www.scotland.gov.uk/Publications/2008/04/03093608/0
- 16 Examples include the Old and New Statistical Accounts and Admiralty Court records.
- 17 See Brady, 2008, *Shipwreck Inventory of Ireland (Louth, Meath, Dublin and Wicklow)* Dublin. The Stationery Office.
- 18 See www.socantscot.org/scarf.asp?Menu=
- 19 See <http://www.official-documents.gov.uk/document/cm70/7057/7057.pdf>

- 20 See http://ads.ahds.ac.uk/catalogue/projArch/alsf/search_maritime.cfm
- 21 See Protection of Military Remains Act 1986, [Designation of Vessels and Controlled Sites] Order 2002.
- 22 See www.heritageaudit.org.uk/findings.htm
- 23 This may be as a result of environmental pressures, or gradual deterioration resulting from technological obsolescence and poor maintenance.
- 24 *Slipping Through the Net: Maritime Archaeological Archives in Policy and Practice* highlighted the 'dire situation' facing maritime archaeological archives (both documentary and artefact based) across the UK.
- 25 As part of this process, the taskforce noted the case of the designated wreck *Blessing of Burntisland*, given the absence of firm evidence for the existence of a wreck within the designated area despite painstaking investigation by the licensee, as an example of a site where de-designation should be actively considered.
- 26 See www.bmapa.org/downloads/fullreportingprotocol2005.pdf
- 27 See www.offshorewindfarms.co.uk/Assets/archaeo_guidance.pdf
- 28 See www.english-heritage.org.uk/upload/pdf/Protected_Wreck_Sites_at_Risk_ACCESS.pdf
- 29 See www.scotland.gov.uk/Publications/2008/02/13134354/0
- 30 See www.jnapc.org.uk
- 31 See www.scotland.gov.uk/Publications/2007/03/29102058/0
- 32 Scottish Parliament, The Environmental Impact Assessment (Scotland) Regulations 1999. SSI 1999/1.
Available at: www.scotland-legislation.hmso.gov.uk/legislation/scotland/ssi1999/19990001.htm
- 33 Scottish Parliament, 2005, *The Environmental Assessment (Scotland) Act 1995*. Available at www.opsi.gov.uk/legislation/scotland/acts2005/20050015.htm
- 34 See www.pastmap.org.uk
- 35 See www.adus-uk.com

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