

Submission from the Nautical Archaeology Society to DEFRA's consultation on a revision to marine licencing fees and charges

November 2013

Nautical Archaeology Society

The Nautical Archaeology Society (NAS) is a UK based charity (Registered in England No. 1039270 English Registered Charity No: 262209 and Scotland No: SC040130) and a limited company (registered in England No: 1039270), but it also has strong links to other organisations around the world which work together collectively to promote the cause on a global scale. It was fundamentally established 'to further research in nautical archaeology and publish the results. The NAS is dedicated to advancing education on nautical archaeology to everyone –its members, the general public and across the global archaeological sector. The charity also aims to preserve an accurate record of the past – to achieve this it aims to improve archaeological techniques and encourage publication and research. It publishes a peer reviewed academic journal twice a year called the International Journal of nautical Archaeology.

Nautical Archaeology in England

The United Kingdom (UK), due to its geographical position astride the north western European sea routes and its island nature has a particularly rich underwater cultural heritage (UCH) environment. Unlike terrestrial archaeology the vast majority of work on the UK's UCH, including work on the most important wreck sites designated by English Heritage due to their national or international significance, is not performed by professional or commercial archaeological operators but by dedicated avocational teams of recreational divers... These volunteer teams are not publicly funded but finance this archaeological investigation from their own money, spending a very considerable amount of their own time (100s of hours) and their own financial resources on these projects to record some of our Nation's most important and most at risk heritage before it disappears. In doing so they incur and discharge at their own expense the costs of running, insuring, servicing and fuelling boats, marina berth or slipway charges, air fill costs, survey and diving equipment costs, equipment servicing costs, travel and training costs etc... The cost of running a season's work on a site can easily be in the £1000's, sometimes the £10,000s – nearly all met from the individual's own pockets. If they didn't do this vital work in their own time and at their own expense, no else one would. This is the nature of nautical archaeology in both England and the entire UK and forms the context to this submission.

Government Policy

Not surprisingly, both her Majesty's Government (HMG) and English Heritage (EH) are appreciative of this considerable volunteer effort and input. However, given the current economic climate and the demographic age profile of English Society EH is concerned about the decline in this volunteer effort. EH has publicly expressed its concern, which is echoed by the NAS. It is not difficult to understand both HMG's and

EH's concern. This volunteer effort represents a considerable saving to the public resource.

While the NAS is in principle supportive of the principle of Marine Licensing it is extremely concerned that the introduced of, what is for small, self-funding volunteer teams, significant licence costs will act as a powerful deterrent and impediment to such archaeological work in the future. It appears to the NAS that both the current and proposed future structure and scale of MMO fees is predicated on the basis that the operations being licensed are being conducted on a commercial basis. Hence, for example, the emphasis on 'Routine Project Cost'. Quite clearly, in the context of such avocational archaeological activity such a concept is meaningless. The NAS entirely accepts that such an outcome is an unintended consequence of the introduction of a marine licence scheme of wider application. Nevertheless this deterrent and impediment is real and will, in the view of the NAS and others, have a real and adverse effect upon such altruistic avocational activity, which inevitably will have undesirable consequences for the conservation and management of the historic environment. In effect MMO licensing fees amount to a tax on volunteering, are perceived as such by these volunteers and have a significant demotivating and financial deterrent effect. Demonstrably this cannot be in the public interest.

The Government's stated policy that "... *those who carry out an activity should bear its full cost*" (para. 4.1) and its objective to "*fully recover the costs of administering marine licences, whilst avoiding excessive burdens on smaller projects*" are both understandable and appropriate in the context of a commercial activity undertaken for profit. However, in a context of voluntary public service, undertaken on a personal self funding basis, this policy and objective is clearly inappropriate. Moreover, it is directly in conflict with the policy of the Department of Culture, Media and Sport and EH to encourage and foster even greater volunteer effort in the public interest of conserving and managing England's UCH. The government, DEFRA and the MMO are inevitably faced with a contradiction in public policy and interest as a result of the basis on which the current marine licence fee structure is predicated.

It is also the case that, due to the restricted size of virtually all UCH sites, often no more than the seabed area covered by a vessel of very modest size, that archaeological operations involve a *de minimis* physical *intervention*. Even an archaeological excavation will typically remove an extremely small amount of material compared to a commercial project for seabed construction, dredging etc. Consequently the NAS submits that archaeological operations should be treated on the same basis as other projects which have minimal physical impact e.g. burials and scaffolding.

Mitigation of Policy Contradiction and the proposed fee structure

It is the submission of the NAS that this contradiction of public policy in the context of UCH needs to be addressed by both DCMS and DEFRA in order to mitigate it and that the proposed fee structure, far from mitigating this contradiction, appears to exacerbate it. The NAS is also aware that other organizations within the nautical archaeological community have made similar representations in their submissions to this consultation.

The NAS submits that archaeological projects, undertaken with the support in principle of EH, by avocational groups on a self-funding basis¹, should either constitute an exempt activity or attract a minimal fee on the basis that they are a fast track activity. Where the project is slightly more involved, which will rarely be the case, the NAS submits that the fee category should be somewhat lower than £458.00, so that there is not such a large step between the ceiling of £175.00 for fast track applications and a ceiling of £450.00 for the simplest of 'routine' projects. A maximum ceiling of £250.00 for routine avocational archaeological projects would seem appropriate².

Archaeological operations that are undertaken on a commercial basis or are in receipt of public grant funding could continue to be treated as commercial undertakings and marine licence fees applied in the normal manner, on the basis at the licence fee will either be a cost passed onto the commercial client or will be a component of the grant funding...

¹ Such support can be established by a letter of support obtained by the applicant and submitted with the licence application. No consultation by the MMO with EH would then be considered necessary.

² The NAS understands that the MMO is already investigating other ways of mitigating the financial burden on avocational archaeological operations e.g. by granting 3 year licences, licences authorizing a wide range of methodologies and covering multiple UCH sites in a given area. The fact that the MMO is already undertaking such investigations indicates that it accepts the adverse (and unintended) impact marine licensing potentially will have on the voluntary heritage sector.