



**DfC**

Department  
for Communities  
[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

## Historic Environment Division

# Conserving the Marine Heritage

A Historic Environment Division Position Statement

May 2019



## Historic Environment Division's Aim

“Helping communities to enjoy and realise the value of our historic environment”

We do this by:

- Recording, protecting, conserving, advising, promoting and enhancing its value
- Utilising and growing our specialist knowledge and expertise in collaboration with a wide range of groups and individuals
- Contributing to the Executive's objectives as laid out in the Programme for Government

Our historic environment provides authentic and attractive places which increase our pride, character and identity, lead to improved wellbeing and community engagement, and to prosperity through tourism, investment, skills, regeneration and creativity. It is a precious and finite resource available to present generations, and with appropriate management, to future generations.

**Cover Image: A marine archaeologist inspecting wreck material whilst diving with the Marine Scientific Dive Team (DAERA) during Maidens Marine Special Area of Conservation (SAC) survey in 2017.**

This position statement sets out Historic Environment Division's objectives in conserving the marine heritage. It was prepared by Rory McNeary (Senior Marine Archaeologist) and has been informed by DfC Historic Environment Division's aims and strategy, the UK Marine Policy Statement (2011), the Marine Plan for Northern Ireland (forthcoming) and Historic Environment Scotland's Operational Policy Paper (HP6), Conserving the

Underwater Heritage (1999). DfC Historic Environment Division are grateful to Historic Environment Scotland for kind permission to re-use some of the content from their Operational Policy Paper (HP6). This position statement has been prepared by Rory McNeary (Marine Historic Environment Adviser) at Marine and Fisheries Division. Further information can be obtained from the Department for Communities website <https://www.communities-ni.gov.uk>. This edition published by DfC Historic Environment Division May 2019

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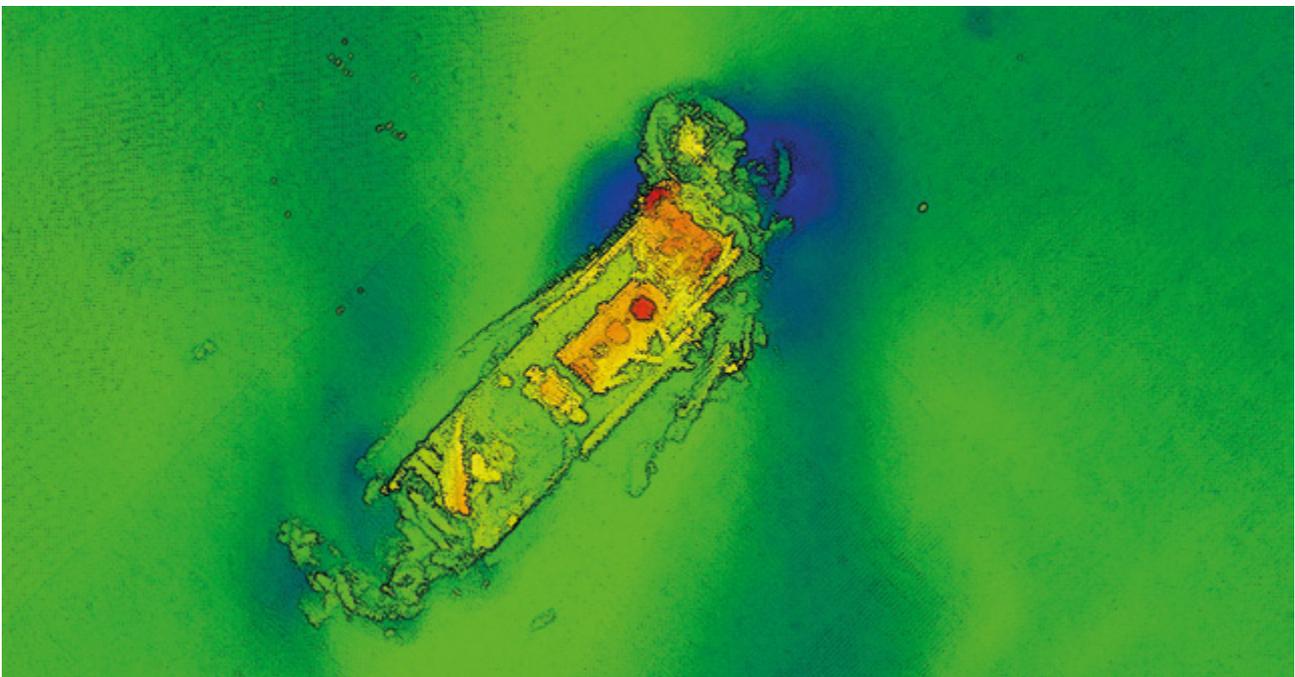
# 1. Introduction

The Northern Ireland Executive, in the UK Marine Policy Statement (2011), shares the vision for the marine environment of clean, healthy, safe, productive and biologically diverse oceans and seas. This vision was further articulated through HM Government and Devolved Administrations Our Seas - A Shared Resource - High Level Marine Objectives (2008), which identify the outcomes being sought for the UK marine area as a whole. These include ensuring that marine cultural heritage is conserved and that there is appropriate protection for, and access to, marine heritage assets.

In addition, the UK Marine Policy Statement (2011) set the framework for preparing Northern Ireland's marine plan, which itself

ensures a sustainable marine environment that protects marine heritage assets. This UK Marine Policy Statement has an equivalent standing in Northern Ireland to that of policy documents such as the Regional Development Strategy (RDS) and the Strategic Planning Policy Statement (SPPS) and sets the framework for Planning Authorities taking decisions affecting the marine environment.

Within this context, this position statement sets out Historic Environment Division's objectives in conserving the marine heritage of Northern Ireland and how it aims to meet its obligations under UK historic environment legislation and policy and associated international conventions.



**WWI shipwreck SS Rose II, Belfast Lough.** High resolution multi-beam image collected aboard the Marine Institutes's research vessel Celtic Voyager in 2016. © WWI Shipwrecks Project, Infomar and Ulster University.

## 2. Background

Northern Ireland's inshore and offshore regions contain a rich archaeological record spanning the last 10,000 years. This includes material ranging from prehistoric flint tools and logboats to historic harbour installations and First World War shipwrecks, as well as the legacy of coastal military defences, and historic landscape and seascape character.

The marine historic environment can be characterised as comprising the following principal types of heritage asset:

- wrecks of ships, boats and aircraft, together with surrounding deposits;
- submerged prehistory, such as artefacts, structures and deposits that are presently submerged as a consequence of sea-level rise but which originated from human activities on land; and
- coastal and intertidal archaeology, which covers a very wide range of artefacts, structures and deposits that originated from inhabitation or use of the coast.

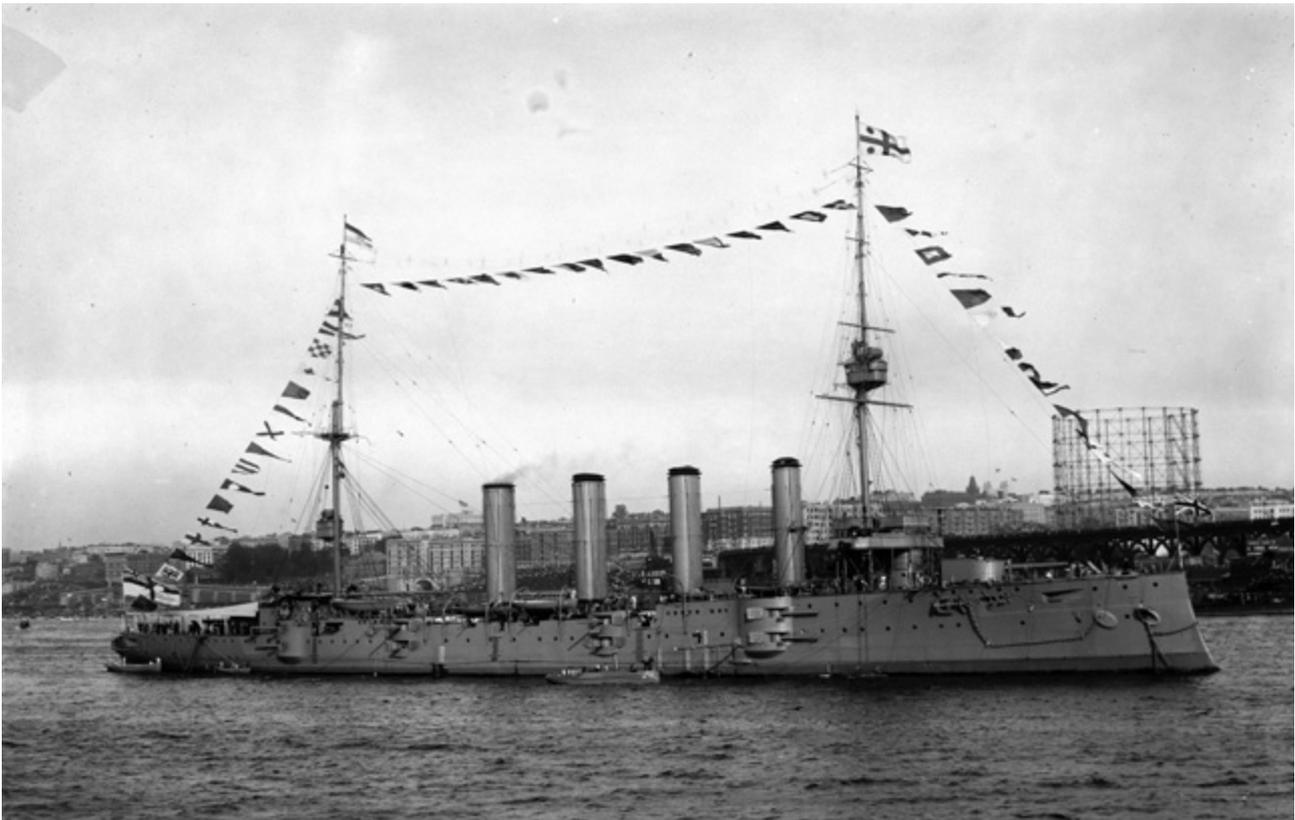


**The Lady Annesley fish trap, Newcastle, Co. Down.** A scheduled fish trap on the foreshore.

The Historic Environment Division, within the Department for Communities, is the responsible authority in Northern Ireland with regard to archaeological and built heritage matters, which extends offshore to the limit of territorial waters (up to 12 nautical miles). There are three relevant pieces of legislation from which responsibilities arise: the Historic Monuments and Archaeological Objects (NI) Order 1995, the Protection of Wrecks Act 1973 and the Planning Act (NI) 2011.

1. The Historic Monuments and Archaeological Objects (NI) Order 1995 gives powers to schedule monuments on the seabed (up to the 12 nautical

miles territorial limit) in Article 38(1), and specifically mentions vehicles, vessels and aircraft in the definition of monuments in Article 2(6c). When a monument is scheduled, prior written consent is required for works which might demolish, damage, alter or add to it materially. The full powers of the 1995 Order are extended to offshore monuments when scheduled (under Article 38). The power to fund marine archaeological investigations (Article 24) is also provided for. Presently there are 57 scheduled historic monuments below Mean High Water Mark (MHWM) in Northern Ireland; one of which is the First World War armoured cruiser HMS Drake.



**HMS Drake (1917), Church Bay, Rathlin Island, Co. Antrim.** This historic shipwreck was scheduled under the Historic Monuments and Archaeological Objects (NI) Order 1995 in 2017. © Public Domain.

2. The Protection of Wrecks Act 1973 gives powers to declare wrecks and the sites of wrecks as protected areas. The effect of this is to require a licence for any diving activity within a protected area. The Act provides for the administration of designation and licensing, the inspection of designated sites and candidates for designation, and the erection of marking and warning notices and publication of the fact of protected status. Historic Environment Division continues to administer the Act on behalf of the Department for Digital, Culture, Media and Sport (DCMS) with relation to the designated site La Girona and provides advice to DCMS on designation and related matters in Northern Ireland's territorial waters.

3. The Planning Act (Northern Ireland) 2011 allows for the compilation of a list of buildings of special architectural or historic interest (Article 80) and provides the framework by which significant changes to such buildings are controlled. Article 104(1) of the Act provides the power to designate conservation areas, the character or appearance of which it

is desirable to preserve or enhance. The scope of the Act extends no further than low water mark. It is thus not possible for a building or structure to be listed if it is permanently on the seabed, but it is possible for structures which are sometimes or partly below the sea to be listed, such as the quay at Carrickfergus.

Historic Environment Division also maintains the Historic Environment Record of Northern Ireland which includes marine heritage assets. It advises other government departments in respect of the marine historic environment, as well as local authorities on general planning matters and the Department of Agriculture, Environment and Rural Affairs (DAERA) with regard to marine and aquaculture licensing. Historic Environment Division provides this advice within the framework of the Strategic Planning Policy Statement (SPPS) for Northern Ireland; the UK Marine Policy Statement and the Rules annexed to the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage. Future advice will also be based on the policies set out in the Marine Plan for Northern Ireland (once adopted).

### 3. Context

This position statement is being published in awareness of the forthcoming Marine Plan for Northern Ireland. The new marine planning system introduced by marine legislation (Marine and Coastal Access Act 2009 and the Marine Act (NI) 2013) places an obligation on DAERA, as the marine plan authority, to keep matters of a historic or archaeological nature under review when identifying areas which are to be marine plan areas; and during the preparation, adoption, review, amendment, or withdrawal of any marine plans for those areas.

Likewise, DAERA, in its capacity as the marine licensing authority, must have regard to the need to protect the environment when determining a marine licence application, where the environment includes any site which is of historic or archaeological interest. Where DAERA is minded to grant a marine licence which will affect sites known or likely to contain archaeological remains, it should ensure that appropriate measures are taken for

the identification and mitigation of the archaeological impacts of the development, by way of licence conditions. This may involve the preservation of remains in situ or by record.

Furthermore, in considering whether it is desirable to designate an area as a marine conservation zone (MCZ), DAERA must have regard to any economic, cultural or social consequences of designating that area; where social consequences means any consequences of doing so for any sites in that area inclusive of those of historic or archaeological interest.

Within this context, it is timely for Historic Environment Division to present a position on how best to conserve Northern Ireland's marine historic environment and enable its sustainable use both now and in the future. This position statement will also support DAERA in its marine management role.

## 4. Principal Objectives

Historic Environment Division's objectives for the marine historic environment contribute to its wider Divisional aim which is to help communities to enjoy and realise the value of our historic environment. The Historic Environment Division does this by:

- Recording, protecting, conserving, advising, promoting and enhancing its value;
- Utilising and growing our specialist knowledge and expertise in collaboration with a wide range of groups and individuals; and
- Contributing to the Executive's objectives as laid out in the Programme for Government.

In the context of Northern Ireland's Marine Area, historic environment objectives will be taken forward by Historic Environment

Division, working in partnership with the Marine and Fisheries Division (DAERA) and other relevant public authorities as well as university, recreational and voluntary/community sectors. In achieving these priorities Historic Environment Division will aim to:

1. Enhance the record of the marine historic environment and disseminate this information to support marine planning, heritage asset management and improved public awareness and enjoyment;
2. Ensure that marine heritage sites have appropriate protection and management; and
3. Provide co-ordinated marine historic environment advice to support marine planning and policy.



**HMS Drake (1917), Rathlin Island, Co. Antrim.** A diver pictured alongside one of the Drake's guns in 2016.

## 5. Supporting Objectives

### Objective 1

Enhance the record of the marine historic environment and disseminate this information to support marine planning, heritage asset management and improved public awareness and enjoyment.

#### Objective 1.1

Enhance the Marine Historic Environment Record components of the Historic Environment Record of Northern Ireland and contribute to activities that might improve the investigation and analysis of these assets. Significant and/or at risk heritage assets will be prioritised for recording.

#### Objective 1.2

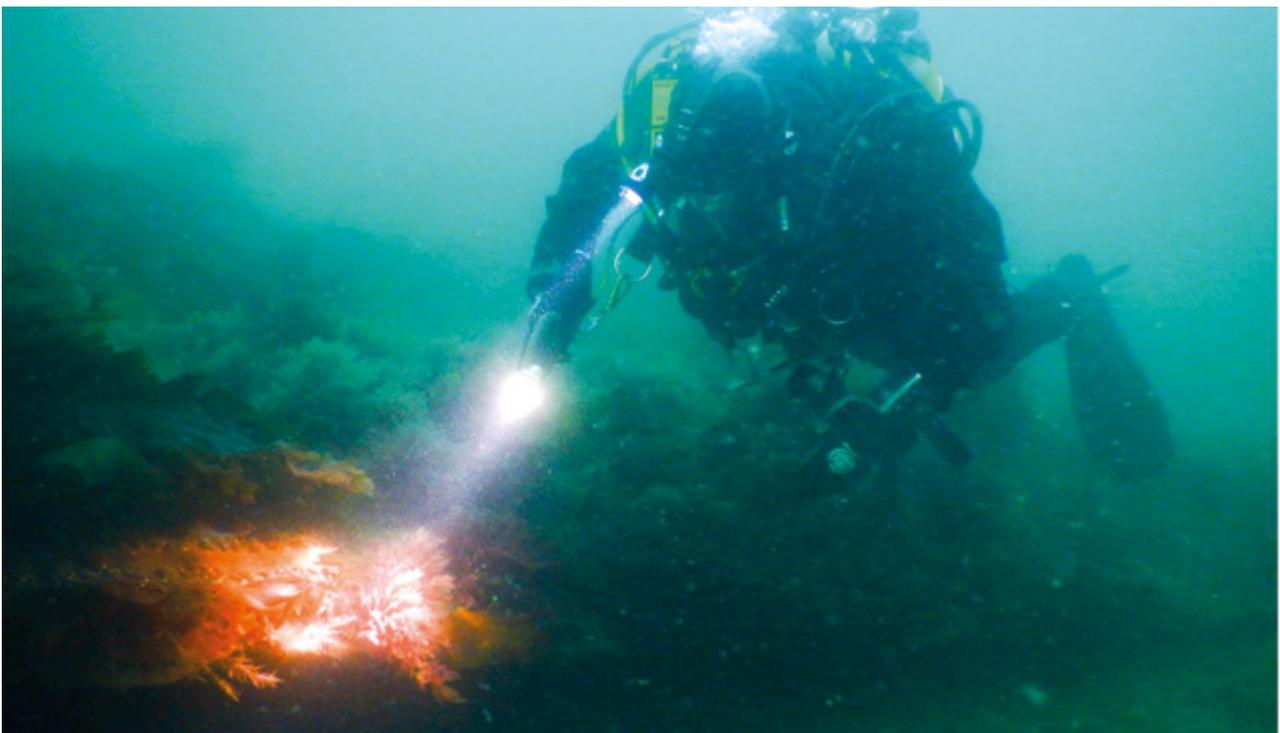
Maintain accessible and relevant records of the marine historic environment in the Historic Environment Record of Northern Ireland, the Historic Environment Map Viewer, the Marine Map Viewer and through other suitable means.

#### Objective 1.3

Seek to raise public awareness of marine heritage assets, in partnership with the National Museums Northern Ireland (NMNI), Northern Ireland Museums Council (NIMC), the university sector and other relevant Non-Governmental Organisations (NGOs), through research, virtual access, archive collections and educational and outreach activities.

#### Objective 1.4

Work with Marine and Fisheries Division (DAERA), and other relevant partners, on matters of mutual interest with regard to survey and spatial data management planning.



**The wreck of the Nimble (1850) or 'Pins wreck', Strangford Lough.** A diver inspects the copper sheathing on the port side of this historic wreck and popular dive site in 2018.

## Objective 2

Ensure that marine heritage sites have appropriate protection and management.

### Objective 2.1

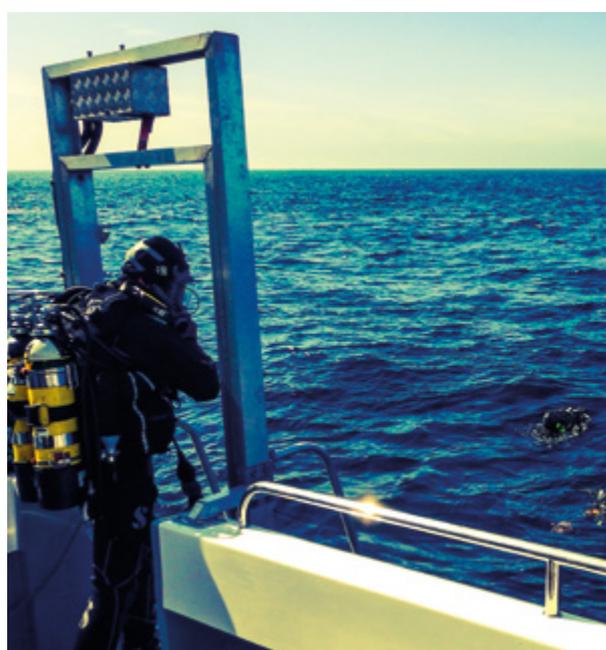
Statutory marine heritage designations will be considered based on strategic and risk-led programmes, and sites judged as to whether they merit legal protection under the Protection of Wrecks Act 1973 or the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. The 1995 Order will be used where known significant historic wrecks or other underwater sites are established diver attractions providing local economic benefits and/or are considered robust enough to withstand recreational diver visits. The 1973 Act will be used where the primary objective is to control access to known sites so that legitimate archaeological investigations are not undermined by interference and/or when the wreck is considered fragile or of particular significance. Listing under the Planning Act (NI) 2011 will in general not be pursued in a marine context except for coast-edge buildings or structures which have demonstrable special architectural or historic interest.

### Objective 2.2

Explore, with Marine and Fisheries Division (DAERA), other forms of recognition and protection besides those of statutory heritage designations – for example, Marine Conservation Zones (MCZs) and marine Special Areas of Conservation (SACs) - with a view to championing marine heritage protection.

### Objective 2.3

Liaise closely with the Marine and Fisheries Division (DAERA), and other relevant stakeholders, to ensure regular monitoring of designated wrecks and support pre-designation survey of other marine sites that may warrant designation.



**Lacada Point, Co. Antrim.** Licensed diving of La Girona (1588) designated area in 2017. This historic wreck site is protected under the Protection of Wrecks Act 1973.

### Objective 2.4

Work with, and provide advice to, the Receiver of Wreck of the Maritime and Coastguard Agency (MCA) with regard to the salvage of historic artefacts from marine sites; and the Ministry of Defence (MoD) in relation to historic military/naval vessels and aircraft.

### **Objective 2.5**

Encourage police, and other relevant authorities, to regard unauthorised interference with protected or scheduled underwater sites as a serious matter, and support properly evidenced prosecutions where offences are committed.

### **Objective 2.6**

Pursue amendments to relevant legislation, and in general support moves to achieve parity of protection between terrestrial and marine archaeology.

### **Objective 2.7**

Continue to recognise the Rules set out in the Annex to the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage as best practice in the archaeological and cultural management of underwater sites and artefacts and support any future UK-wide review on ratification of the Convention.

## **Objective 3**

Provide co-ordinated marine historic environment advice to support marine planning and policy.

### **Objective 3.1**

Ensure there is co-ordinated advice provided on the marine historic environment in relation to terrestrial (between MHW and MLWM) and marine planning, on applications for marine licences, and on the proposed designations of marine conservation zones (MCZs) under the Marine Act (NI) 2013.

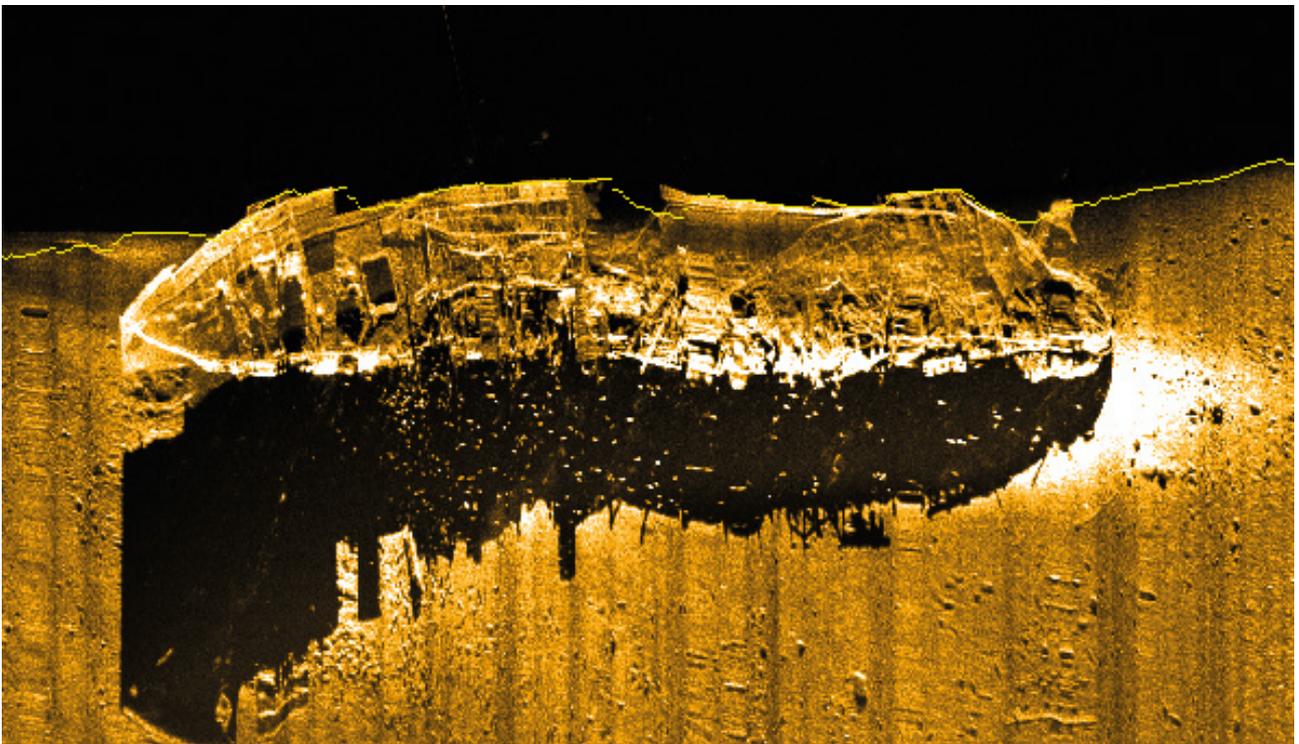
### **Objective 3.2**

Provide specialist and impartial advice, with regard to Northern Ireland's marine historic environment, for development proposals either seaward of, or exempt from, terrestrial planning as part of the consultation process provided by other regulatory systems in the marine environment, e.g. oil and gas exploration licensing, offshore renewable licensing and aquaculture.

## 6. Implementation

This position statement sets out a framework by which Historic Environment Division (DfC) will work with Marine and Fisheries Division (DAERA) and other key partners towards better marine heritage management in Northern Ireland. It will contribute to the corporate aims and

strategy of Historic Environment Division and help fulfil wider government priorities with regard to the marine environment. The objectives outlined will be kept under review to ensure it is aligned with Historic Environment Division's wider strategic priorities and ongoing business plans.



**SS Lochgarry (1942), Rathlin Island, Co. Antrim.** A side-scan-sonar survey image of this historic wreck collected by the Marine Monitoring and Assessment Team (DAERA) in 2016.

## Appendix A

### Relevant Policies and Conventions

- Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001
- European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992
- Marine Plan for Northern Ireland (once adopted)
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement (SPPS)
- UK Marine Policy Statement (UK MPS)
- United Nations Convention on the Law of the Sea (UNCLOS)



**Abandoned hulks at Whiteabbey, Belfast Lough, Co. Antrim.** A drone-captured aerial view of unidentified wooden vessels taken in 2018.

## Appendix B

### Further Information

Centre for Maritime Archaeology (Ulster University) <https://www.ulster.ac.uk/research/institutes/environmental-sciences/research-groups/centre-for-maritime-archaeology>

Dredging and Port Construction: interactions with features of archaeological or heritage interest <http://www.pianc.org/downloads/envicom/9782872232215.pdf>

Environmental guidance for ports and harbours <https://www.daera-ni.gov.uk/publicationsenvironmental-guidance-ports-and-harbours>

Historic Environment Division <https://www.communities-ni.gov.uk/topics/historic-environment>

JNAPC Code of Practice for Seabed Development [http://www.jnapc.org.uk/jnapc\\_brochure\\_may\\_2006.pdf](http://www.jnapc.org.uk/jnapc_brochure_may_2006.pdf)

Joint Nautical Archaeology Policy Committee <http://www.jnapc.org.uk/index.htm>

Marine Antiquities Scheme <https://www.marinefinds.org.uk/>

Marine and Fisheries Division <https://www.daera-ni.gov.uk/contacts/marine-and-fisheries-division>

Marine Licensing <https://www.daera-ni.gov.uk/articles/marine-licensing>

Marine Plan for Northern Ireland <https://www.daera-ni.gov.uk/articles/marine-plan-northern-ireland>

Nautical Archaeology Society <https://www.nauticalarchaeologysociety.org/>

Reporting Wreck <https://www.gov.uk/report-wreck-material>

UK Marine Policy Statement <https://www.gov.uk/government/publications/uk-marine-policy-statement>

UNESCO Guidance on the Rules of the Annex <http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/annex-of-the-convention/>

Wreck and Salvage Law <https://www.gov.uk/guidance/wreck-and-salvage-law>



“Helping communities to enjoy and realise the value of our historic environment”

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This position statement sets out a framework by which Historic Environment Division (DfC) will work with Marine and Fisheries Division (DAERA) and other key partners towards better marine

heritage management in Northern Ireland. Further information can be obtained from the Department for Communities website <https://www.communities-ni.gov.uk>