Submitted by email.

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Re: *Managing the Marine Historic Environment of Wales* consultation

Please note: The answers in the multiple-choice questions 1-4 on the online form do not correspond to the questions. It has been confirmed by Cadw that answering 'Agree' will be read as 'Yes', 'Disagree' will be read as 'No', and 'Neither agree nor disagree' will be read as 'Don't know'.

Question 1: Does part one clearly set out the nature of the marine historic environment and why it is important? If not, please explain how this could be improved.

Answer: Yes [Agree]

If not, please explain how this can be improved.

Yes. We think that section 1 of the guidance provides, overall, an excellent description of the nature of the marine historic environment and its importance. We particularly pleased that the section highlights the contiguous connection between the terrestrial and marine elements of the historic environment, and their equal significance, including the applicability of conservation principles below the low water mark.

We are also pleased by the inclusion of statements which recognise the importance of non-designated heritage assets (page 12, paragraph 2), a thorough section on finding out more (1.2.2) and opportunities and threats (1.3), including references to UNESCO 2001 Convention and to the CIfA Code of Conduct.

We have several minor comments that it would be useful to address to improve the content further:

- As a rule, we support the use of hyperlinks within guidance documents which allow for easy cross-referencing both within the document and links to other documents which are signposted.

- While we generally like the inclusion of descriptive text within this section, for example, on climatic change, and the development of underwater diving, we wonder whether that, in places, this conversational style contributes to a lack of clarity.

- Within this section some important points are mentioned which go beyond 'background information'. For example, paragraph 3 on page 12 which contains a useful reference to non-designated sites ("The absence of designated historic assets should not be taken to imply that undesignated assets are automatically of lesser significance; simply that their significance has yet to be established."). Where this is the case, a hyperlink should be inserted to link to the relevant sections later in the guidance (in this case, to Section 3.5.2 on page 40).

- On page 10, geophysical survey techniques are referred to as a 'powerful new technology that can 'see' beneath the waves'. Geophysical survey has been around since the 1970s, and the issue is more that the systems for using it are now much improved, more accessible and used more routinely by diverse groups such as recreational divers, universities and in offshore development.

- Section 1.3.3. Paragraph 1, we would welcome additional descriptions of indirect effects of development.

- On page 8, we would note that remnants of aircraft have a higher likelihood of being dispersed on the seabed, are less recognisable from geophysics data and therefore less likely to be recognisable. The paragraph currently could be read as suggesting that there are lots of entire intact aircraft were present on the seabed, whereas in reality these can be very fragmentary.

- One of our members takes issue with the description of sub-bottom profiling on page 12. They suggest that it is inaccurate to refer to sub-bottom profiling as 'another variation on using sonar for survey' and that these systems are not towed low-down in the water, but rather at or near the surface.

Question 2: Despite the different legislative regimes, does the guidance make it clear that the principles of our approach to the historic environment are seamless between land and sea?

Answer: Yes [Agree]

If not, please explain how this can be improved.

As stated above, we are pleased that this principle has been communicated clearly within this guidance. There are references to this principle in the introductory sections and in section 2.1, where the policy is very clear, and a further references in sections 2.1.3, 3.1, and 3.5.2.

However, there is no place where this policy is expressed all together, and in the final version of the document, it may be possible and desirable to include a box which specifically highlights this principle and includes a single authoritative description.

It may be useful to indicate in section 2.1.2 that where the significance of heritage assets is unknown, that this will need to be assessed in order to understand what a proportionate response to that significance should be.

Question 3: Will the decision-making framework for the management of the marine historic environment, as set out in part three, be clear to both applicants and decision makers?

Answer: Yes [Agree]

If not, please explain how this can be improved.

Yes. We consider that, overall, Part 3 of the guidance provides an excellent framework for decision making and is framed with useful language of responsibility and effectively ties simple and clear explanations on significance of the historic environment with common activities in the marine planning sphere which are likely to affect it.

Our main criticism of this section is that we feel that the guidance could be stronger in its suggestions. At present, we consider that it lacks clear instruction

We have a number of minor comments. These relate mostly to suggestions for ensuring that key messages are clear:

- We would make the section in the text box ("If your project is likely to affect the historic environment, you are encouraged to seek pre-application advice from Cadw, the Royal Commission on the Ancient and Historical Monuments of Wales and/or the Welsh archaeological trusts.") bold, or otherwise highlight this piece of key guidance.

- We think that this section could benefit from a small number of worked examples, illustrating good practice – for example, depositing photographs from recreational dives with the NMW, with explanation of why this is considered good practice and clearer assessment of the value of this activity.

Question 4: Is it appropriate to have both scheduling and protected wreck designation as mechanisms to protect significant wreck sites?

Answer: Yes [Agree]

If not, please explain how this can be improved.

Yes. We think this is appropriate and is well discussed in the text box on page 25.

It is also possible that area designations such as registered battlefields would also be useful if extended to the marine historic environment. Furthermore, CIfA has argued that Marine Protected Areas should be broadened to integrate underwater cultural heritage into their processes – as is the case in Scotland.

Question 5: We would like to know your views on the effects that Managing the Marine Historic Environment of Wales would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Heritage Assets should be referred to by their Welsh names, where appropriate. Clearly, where heritage sites such as Shipwrecks have historical names, whether in English or any other language, it is unlikely that a Welsh name would be appropriate. Welsh language naming conventions for newly discovered heritage assets and approaches for recording heritage assets could be applied to marine cultural heritage, where appropriate, favouring Welsh names in appropriate circumstances should be supported.

Question 6: We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please use this space to raise them.

Some of our members note a concern that the guidance could do more to describe and discourage the illicit 'targeting' of sites by a range of groups following announcement or leaking of news of their discoveries. It may be useful to highlight requirements for archaeological controls in these cases, and explain the relevant processes of compliance with the Merchant Shipping Act and Marine and Coastal Access Act, as well as the potential for illegal actions if certain protections are not observed. This could be considered in the form of an illustrative example.

There are places in the guidance where additional descriptions may be useful, for example section 2.2.2 considers treasure hunting by passing mention, but does not provide any exploration of what makes a site 'vulnerable to uncontrolled salvage or treasure hunting' or any advice on legal compliance or best practice expectations are.

It would also be useful to consider whether it would be possible to include a clear condemnation of salvage and treasure hunting in section 1.3.4, or at least to explain the difference between legal and illegal salvage operations, and the harm that can occur to the historic environment as a result of both.

Yours sincerely,

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