



## ENGLISH HERITAGE

Rhonda Scobie-Crago  
Defra  
Area 2C  
Nobel House  
17 Smith Square  
London SW1P 3JR

Our ref: Defra/MPS

30<sup>th</sup> November 2009

Dear Ms Scobie-Crago,

### **Response to Defra consultation on Appraisal of Sustainability for the Marine Policy Statement – Scoping Report**

Thank you for the request to comment on the scoping report prepared by the UK Government and Devolved Administrations for the Marine Policy Statement Appraisal of Sustainability. This response represents the collective view of English Heritage.

#### **Introduction**

English Heritage is the UK Government's statutory adviser on all aspects of cultural heritage including the English area of the UK territorial seabed, as provided for under the National Heritage Act 2002. English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport and we report to Parliament through the Secretary of State for Culture, Media and Sport. In the delivery of our duties we work in partnership with central government departments, local authorities, voluntary bodies and the private sector to conserve and enhance the historic environment; broaden public access to the heritage; and increase people's understanding of the past. We aim to carry out our duties within the framework of a set of *Conservation Principles*. These principles can be summarised as follows:

- The historic environment is a shared resource
- Everyone should be able to participate in sustaining the historic environment
- Understanding the significance of places is vital
- Significant places should be managed to sustain their values
- Decisions about change must be reasonable, transparent and consistent
- Documenting and learning from decisions is essential

Our responsibility under the Protection of Wrecks Act 1973, within the English area of the UK Territorial Sea, is to consider applications and recommendations for designation, re-designation and de-designation of shipwreck sites. On the basis of our advice the Secretary

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of State is responsible for designating restricted areas around sites which are, or may be, shipwrecks (and associated contents) of historic, archaeological or artistic importance. The Secretary of State is also responsible for the issuing of licences to authorise certain activities in restricted areas that otherwise constitute a criminal offence. At the end of the Committee's reporting year in March 2009 there were 46 sites designated within the English area of the UK Territorial Sea.

### **The Marine Historic Environment**

The number of protected historic shipwrecks is very small (ranging from possible prehistoric seafaring craft with associated cargos through to prototype submarines) and they are only one aspect of English Heritage's interests in promoting the understanding, management and public enjoyment of the historic environment. It is therefore important for us to describe the marine historic environment as also comprising submerged and often buried prehistoric landscape areas and elements, together with archaeological sites and remains of coastal activities (e.g. fish traps) dating from all eras of history. We therefore consider it essential to ensure the management and use of the full range of the historic environment, is conducted in a manner that best serves the public understanding and enjoyment of the whole, and not just of the designated and protected sites.

We support the High Level Marine Objectives (*Our seas – a shared resource*), published in 2009, by the UK Government and Devolved Administrations which provide an essential starting point in the process of developing an integrated approach to marine management. Consequently, we value the attention paid to marine cultural heritage and that a long term view is taken to promote appropriate management of this resource as a component of a healthy, productive and biologically diverse marine environment.

We have provided a set of responses to the specific questions you asked in the following annex to this letter.

Yours sincerely,

**Christopher Pater**

Cc Ian Oxley (Head of Maritime Archaeology, English Heritage)  
Pat Aird (Head of Planning and Regeneration, English Heritage)  
Peter Murphy (Coastal Strategy Officer, English Heritage)  
Owain Lloyd-James (Senior Policy Advisor, English Heritage)  
Liz Ager (DCMS)  
Sian Rees (Cadw)  
Philip Robertson (Historic Scotland)  
Rhonda Robertson (DoE, Northern Ireland)

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### Annex I - Tabulated response to questions

Question	Comment
<i>Do you have any comments regarding the choice of and style of the strategic alternatives identified?</i>	We support the high-level alternatives of the overall MPS approach and the associated level of intervention. However, in the flowing paragraph it mentions “Alternative policy options, priorities or direction”, but without further qualification as to the guiding mechanisms that will be used to select other policies, priorities or direction.
<i>Are there any other plans, initiatives and environmental protection objectives that should be identified as part of the AoS process?</i>	Specific mention could be made to the action plans for delivery of the Council of Europe European Landscape Convention. Perhaps more attention should also be directed at the mechanisms used to plan and deliver sustainable flood risk management projects.
<i>Can you provide any additional information to supplement the baseline data we have collated that will inform the AoS process?</i>	We recommend that you consider also the shadow-SEA type exercises that various marine sectors have developed, such as the Regional Environmental Assessment (REA) programme by the marine minerals industry and the inshore shellfishery management study conducted by the North East Sea Fisheries Committee.
<i>Do you agree with the sustainability issues that we have identified? Are there additional issues that both the AoS and MPS should consider?</i>	Yes, they seem to address the appropriate factors at a high level.
<i>Are there any particular topics or geographical areas of specific concern to your organisation?</i>	More focus could be directed at marine areas subject to multiple interests to help qualify mutual compatibility or exclusion. For example, the eastern Channel and the southern North Sea with reference to marine minerals and offshore renewable power generation projects.
<i>Are there any changes you consider should be made to the proposed AoS objectives and guide questions?</i>	<ul style="list-style-type: none"> <li>• AoS Objective 3 – Guide Questions: The term “value” should be defined as used by UK Government and Devolved Administrations.</li> <li>• AoS Objective 4 – Guide Questions: We suggest that reference to supporting the functioning of a network of conservation sites should be included.</li> <li>• AoS Objective 9 – Guide Questions: We suggest the second question is amended to “Will the MPS promote sustainable activity, prosperity and opportunities for all while also preventing interference with legitimate users of the sea” (we make this suggestion in reference to the acknowledgement of other “legitimate users of the sea” as provided for in Part 4 (Marine Licensing) of Marine and Coastal Access Act 2009</li> </ul>
<i>Do you have any further suggestions regarding the scope of the AoS and its proposed appraisal of the MPS?</i>	We note in section 4.3.1 (Applying the AoS Objectives) that the following sub-bullet points were omitted from under “the value and vulnerability of the area likely to be affected”. We suggest this is amended to – “the value and vulnerability of the area likely to be affected due to:

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	<ul style="list-style-type: none"><li>• special natural characteristics or cultural heritage;</li><li>• exceeded environmental quality standards or limit values;</li><li>• intensive land-use;"</li></ul> <p>We suggest that the proposed appraisal of the MPS takes into account the above factors.</p>
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### Additional Comments:

1. We would find it very helpful if the area considered to be relevant as the AoS Study Area (see Figure 3.1 in the AoS Scoping Report) could be clarified in reference to the Exclusive Economic Zone provided for in Part 2 of the Marine and Coastal Access Act 2009.
2. Annex D – Conservation Sites: In consideration that this annex includes historical and cultural sites it would seem necessary to include legislative measures that afford protection to such sites (e.g. protection of Wrecks Act 1973). The reference section seemed very limited.
3. Annex E – Cultural Heritage: Amend final sentence of this paragraph to: “These bodies may maintain an interest, or be asked to offer advice, in any sites outside the 12nm limit.” In the table under “International” it is suggested that Council of Europe conventions are identified (e.g. European Landscape Convention), UNESCO produced the Convention on the Protection of Underwater Cultural Heritage 2001, but please note that this convention is not ratified by the UK. In the same table, under “National” we suggest documents such as the “Draft Heritage Protection Bill (2008)” and other policy and guidance documents produced by government departments, Devolved Administrations or other public bodies are identified separately from legal instruments. Under “key Objectives and Targets of Relevance”, in the forth paragraph may wish to include detail about the situation elsewhere in the UK regarding heritage protection reform measures. In section E.3 (Overview of Baseline Conditions) we offer the following additional references:

Gaffney, V., Thomson, K. and S. Fitch. (2007), Mapping Doggerland. *The Mesolithic Landscapes of the Southern North Sea*. Oxford: Archaeopress.

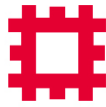
Gaffney V., Fitch S. and Smith D. (2009). *Europe's Lost Land: the Rediscovery of Doggerland*. York: Council for British Archaeology.

Parfitt, S.A., Barendregt, R.W., Breda, M., Candy, I., Collins, M.J., Coope, G.R., Durbridge, P., Field, M.H., Lee, J.R., Lister, A.M., Mutch, R., Penkman, K.E.H., Preece, R.C., Rose, J., Stringer, C.B., Symmons, R., Whittaker, J.E., Wymer, J.J. and Stuart, A.J. (2005), ‘The earliest record of human activity in northern Europe’. *Nature*, 438, 1008-1012.

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We also suggest that you clarify the use of figures obtained from UK Hydrographic Office wreck register (i.e. the text presently suggests that the locations of 20,000 named vessels are known.)

4. Annex F – Geology and Substrates: We suggest that clarity should be provided regarding geological features and the actual status of such features under the 1992 Habitats Directive and the associated UK regulations. For example, are there “qualifying geological features” or are such features designated because of the ecological habitat that they support?
5. Annex G – landscape and Seascape: why is a modified definition given based on Article I of the Council of Europe European Landscape Convention used and not the actual definition? In the table under G.2 add: The European Landscape Convention – The English Heritage Action Plan for Implementation (February 2009).
6. Annex J – Population and Human Health: consider adding under J.3 (Overview of Baseline Conditions) details about the Sea Change programme (2008 to 2011), which provides grants to seaside resorts. It is led by CABI with the Regional Development Agencies, English Heritage, the Museums, Libraries and Archives Council, Arts Council England, the Heritage Lottery Fund and the Big Lottery Fund. See press release: [http://www.culture.gov.uk/reference\\_library/media\\_releases/2155.aspx](http://www.culture.gov.uk/reference_library/media_releases/2155.aspx)  
For additional information under J.3 we also offer the following report for your consideration *England's Seaside Towns: A 'benchmarking' study* by Christina Beatty, Steve Fothergill and Ian Wilson, Centre for Regional Economic and Social Research, Sheffield Hallam University. Published by Department for Communities and Local Government, November 2008