

Heritage Alliance Response to Marine Conservation Zone Consultation

Questions applicable to all proposed new third tranche sites

Q6. Do you have any new information on the monetised or quantified benefits of designation? If yes, please provide evidence.

Currently, the proposal misses the opportunity to list the benefits to heritage MCZ designation provides, such as the potential to protect historical or archaeological sites from harmful activities. See our answer to question 10 for further details.

General comments

Q10. You may wish to provide comments on any other aspects of the consultation proposals. Where you disagree with the proposed approach, please provide evidence where possible to support your views.

The Heritage Alliance is England's biggest coalition of heritage interests, bringing together nearly 130 mainly national organisations supported by over 7 million members, friends, volunteers, trustees and staff. From historic buildings and museums to canals, historic vehicles and steam railways, the Heritage Alliance's diverse membership owns, manages and cares for the vast majority of England's historic environment and forms a key part of the cultural sector.

The Alliance has recently convened an interest group to co-ordinate responses on marine issues. This response has been produced to share their concerns.

As the 25 Year Environment Plan acknowledges in the opening sentence of Chapter 5, 'Our seas and oceans are an integral part of our history'. We wish to see cultural heritage consistently recognised as an integral part of our marine environment in the same way that DEFRA has acknowledged that our cultural heritage is part of the environment on land.

We have been very pleased that DEFRA are working closely with the heritage sector to ensure any future replacement of CAP maintains the protections needed for heritage sites on land, and that the opportunities presented by Brexit are exploited in a mutually beneficial way. It would be very welcome and potentially beneficial to both DEFRA and the sector, if this approach could be translated across to the marine environment.

The Marine Conservation Zones are a key opportunity to employ this approach.

The core qualities of the marine historic environment are already recognised in para. 2.6.6.2 of the UK Marine Policy Statement (MPS):

'The historic environment of coastal and offshore zones represents a unique aspect of our cultural heritage. In addition to its cultural value, it is an asset of social, economic and environmental value. It can be a powerful driver for economic growth, attracting investment and tourism and sustaining enjoyable and successful places in which to live and work. However, heritage assets are a finite and often irreplaceable resource and can be vulnerable to a wide range of human activities and natural processes'.

Indeed, the Government is under a legal obligation to recognise the interests of cultural heritage. Sections 117(7) and 117(8) of the Marine and Coastal Access Act 2009 provide a statutory basis for the appropriate authority to have regard to the consequences of designating MCZs for any sites of historic or archaeological interest within proposed MCZs. Moreover, there is also a general duty on public authorities – when taking decisions affecting the UK marine area – to have regard to appropriate marine policy documents, which include the UK Marine Policy Statement. The UK MPS includes clear policies on the historic environment (section 2.6.6), encompassing sites of historic or archaeological interest as set out above.

Yet, the cultural heritage of the marine environment is still too often overlooked by Government. For example, opportunities to better protect marine heritage were missed in the recent White Paper on Fisheries. We append a draft of a paper, written in advance of the White Paper's release, which details the importance of a more holistic, integrated approach between heritage and the marine environment.

The failure of the MCZ proposals to take a holistic approach, which includes the heritage aspect in its understanding of the marine environment, is a missed opportunity for the better protection of marine heritage assets.

An important example is the MCZ's proposal's inconsistent approach to archaeological activity. It is encouraging that some of the factsheets refer to archaeological heritage and that in each case, archaeological activities are thought not likely to be damaging. Yet, it is unclear why some MCZs and not others have been identified as containing archaeological features and/or activities. While the factsheets for some of the very deep MCZs, where archaeological activities are likely to be rare, reference archaeological heritage, it is not mentioned for other MCZs, where archaeological activities are far more likely.

Where heritage is recognised in the MCZ factsheets, as 'archaeological heritage', it falls under the heading "what activities are not likely to be affected". 'Archaeological heritage' seems to refer to physical features rather than the activity directed towards them, so it is not clear whether the factsheets indicate the presence of archaeological features (equating to sites of historic or archaeological interest) or a history of archaeological investigations.

'Archaeological heritage', moreover, is not a commonly used term and we think it would be more helpful to apply the established term of "heritage asset", as already defined within the UK Marine Policy Statement. It seems confusing to have two definitions of historically or archaeologically valuable sites in the marine sphere.

It is worth recalling that para. 2.6.6.5 of the UK MPS notes that many heritage assets are not currently designated but are demonstrably of equivalent significance to those that are and should be subject to the same policy principles. There is a clear case, therefore, for designation of the third tranche of MCZs to be accompanied by a) an assessment of the consequences of MCZ designation for both designated and non-designated sites of historic or archaeological interest in each MCZ; and b) factsheets that are much more thorough in their regard for archaeology as an activity in each MCZ, supported by transparent evidence.

We are also concerned over conflicted messages as to whether archaeological activities are expected to cause harm. The factsheets reassuringly state that archaeological activities ARE unlikely to be damaging to the protected features. However, Table 2 of the Impact Assessment states:

‘Archaeological surface recovery of artefacts and full site excavations will be prohibited in MCZs with exposed peat and clay beds with a recover conservation objective, but this is not applicable to the 3rd tranche sites, as none have this feature in an unfavourable condition’.

Beachy Head East, Selsey Bill and the Hounds, and Yarmouth to Cowes all have ‘recover to favourable condition’ as the objective for peat and clay exposures. It is entirely unclear, therefore, whether archaeological investigations are regarded as unlikely to cause damage as per the factsheets, or whether the ‘recover’ conservation objectives will prohibit archaeological investigation as implied by the Impact Assessment. Although archaeological investigations of peat and clay exposures are likely to be intrusive they are usually on a very small scale and the enhanced understanding that arises from such investigations will offset the slight physical loss. Designation of these MCZs should not be allowed to prevent or curtail archaeological investigations of peat and clay exposures.

When considering the consequences of MCZ designation, the limits the designation will place on public access to sites with heritage interests must be acknowledged. Measures to reduce anchoring, for example, could limit the number of recreational divers able to enjoy wrecks, or other sites of historic or archaeological interest. The MCZ impact assessment ought to take this negative impact on public benefit into account.

A more holistic approach to the marine environment, which incorporated the cultural heritage more consistently, could benefit the MCZ scheme in this regard. Currently, the proposal misses the opportunity to list any incidental benefits to heritage that MCZ designation provides, such as protection for historical or archaeological sites from harmful activities.