

# Environment, Food and Rural Affairs Committee's Scrutiny of the Fisheries Bill Inquiry

# The Heritage Alliance

26<sup>th</sup> November 2018

1. The Heritage Alliance is delighted to respond to the Environment, Food and Rural Affairs Committee's Scrutiny of the Fisheries Bill inquiry.
2. 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.
3. The Fisheries Bill is a unique opportunity to ensure the sustainability of fishing industry and protect the marine environment as a whole. The Heritage Alliance's position on the Fisheries Bill is summarised below:
  - Maritime heritage and archaeology contribute to the prosperity of the UK in different forms. It contributes to coastal areas' economies (through archaeological investigations and tourism) but also provides social benefits to the local communities (see also paragraph 10-11);
  - Maritime heritage is a resource that needs to be protected, for its own sake, for its contribution to national and local history, and to safeguard biodiversity given that wrecks provide an ideal habitat for many fish (see paragraph 12);
  - The Fisheries Bill is a unique opportunity to match sustainable fishing practices and protection of marine environment, including archaeological and historic remains (see also paragraph 13);
  - We particularly welcome the inclusion of 'features of archaeological or historic interest' within the definition of 'marine and aquatic environment' in Section 40 (Interpretation), which was our primary concern in our submission to Defra. This should be retained in the final version of the Bill. However, the same reference should be included in the Fisheries Objectives (s. 1(1)), by amending s. 1(4)(b) to refer to 'marine *and aquatic* environment' rather than only 'marine environment', as well as adding 'marine and aquatic environment' to s. 2(2) as (h);

- We recommend adding ‘features of archaeological or historic interest’ to the lists of features that can be conserved with byelaws relating to exploitation of fisheries resources; and
  - Assuring the power to restrict fishing around specific wrecks;
4. The history of the relationship between people and fisheries is fundamental thread through all British history. Our heritage is a tangible link between local communities and their history. Protecting heritage means also to safeguard biodiversity as wrecks also provide habitat for fish species today (see also paragraph 12);
  5. It would be worth adding ‘features of archaeological or historic interest’ to the lists of features that can be conserved with byelaws relating to exploitation of sea fisheries resources in England (Schedule 7(6), new MCAA 129A(1)); English Offshore Region (Schedule 7(6), new MCAA 129B(1)), Wales (Schedule 7(12), new MCAA 134A(1)); Welsh Offshore Region (Schedule 7(12), new MCAA 134B(1)); Scottish Offshore Region (Schedule 7(16), new MCAA 137A(1)). These should also be added to any interim byelaws;
  6. An important measure for the safeguard of wrecks would be the power for the Government to restrict fishing around specific wrecks, worth of more protective measures. It would be beneficial to include it in the Bill, so to protect heritage assets from incidental activities that may cause damage;
  7. More information on the position of the Heritage Alliance can be found in our previous document ‘Heritage in the Marine Environment: Sustainable Fisheries for Future Generations’, submitted alongside our response to the fisheries white paper (prior to the publication of the Bill), and attached as appendix to this document.
  8. Any queries regarding this submission can be addressed to [policy@theheritagealliance.org.uk](mailto:policy@theheritagealliance.org.uk)

## **APPENDIX: ‘Heritage in the Marine Environment: Sustainable Fisheries for Future Generations’**

9. As Michael Gove’s Foreword to the White Paper *Sustainable Fisheries for Future Generations* acknowledges, ‘Our seas and oceans are an integral part of our history’. The physical consequences of this history frame the distinctive character and identity of so many of our historic ports and fishing communities around the coast. Indeed, it is hard to envision the future of the UK’s fishing sector – or of any UK marine sector – without conjuring up images of this vital past.
10. One of the UK’s great strengths both at home and abroad over the last 50 years is the leading role that it has played in marine archaeology. Wonderful things have been discovered and explored, and the UK remains at the forefront of international practice in marine archaeological investigation and innovative public engagement. Maritime heritage sites attract thousands of

visitors and contribute millions of pounds to coastal economies. A sense of history also pervades many people's enjoyment of the coast, where heritage provides an important tangible setting within which wellbeing and other social benefits accrue.

11. Maritime heritage, both at the coast and under the sea, already makes a major contribution to the UK and could contribute more as we head into the next phase of our country's history. For all that has been achieved, the potential gains are far greater. Realising this potential requires that Government does not inadvertently detract from our valuable sea-going legacy and instead takes some modest steps to make the most of our maritime heritage as we go forward.
12. It is appropriate to address the heritage of the marine environment through the proposed Fisheries Bill and related legislation because fishing is perhaps the oldest of all human activities at sea. Today's fishing and its prospects for the future lie on a continuum of development that stretch back millennia. The history of the relationship between people and fisheries is fundamental to ensuring a sector that is sustainable in both economic and ecological terms. The history of fishing underpins many of our coastal communities. The losses they have sustained – both in peace and war – are still represented on the seabed by hundreds of fishing boat wrecks. Important for commemoration as well as their heritage value, such wrecks also provide habitat for fish species today.
13. The Fisheries Bill provides an opportunity to address not only fishing heritage but the broader maritime heritage of UK coasts and seas, including some unhelpful attributes of EU environmental regulation in the marine sphere. In particular, the Fisheries Bill presents an opportunity to recalibrate definitions of the marine environment that currently ignore the human, cultural and historic dimension of the seas around us. There is an unhelpful dichotomy, for example, between the comprehensive consideration of the historic environment in section 2.6.6. of the *UK Marine Policy Statement*, and the pervasive definition of Good Environmental Status (GES) in the EU's *Marine Strategy Framework Directive (MSFD)*. It is essential, in anticipating our engagement with the marine environment over the next 25 years and beyond, that the comprehensive approach of the UK's own conception of the marine environment prevails in law, policy and administration.

#### **14. Defining the Marine Environment to encompass the Historic Environment**

15. The principal request of the Heritage Alliance with respect to the Fisheries Bill is that it defines the marine environment to encompass cultural heritage rather than excluding it.
16. Inclusion of cultural heritage is important not only for its own sake but also to acknowledge that our marine environment is a product of both human and natural factors. We can only engage with people in modifying their behaviours to promote the sustainability of our seas if we recognise the degree to which the identity of maritime communities is bound-up in the human history of the sea.
17. In at least some provisions, UK legislation and policy already recognises the importance of cultural heritage in the marine sphere, providing a basis upon which heritage clauses in the Fisheries Bill could be modelled. For example, features of archaeological or historic interest are already

included within the scope of the marine environment for the purposes of Inshore Fisheries and Conservation Authorities (IFCAs) through Section 186(1) of the Marine and Coastal Access Act (MCAA) 2009.

18. Unambiguous identification of cultural heritage as a component of the marine environment would bring that heritage firmly within the scope of regulation, monitoring and environmental research. A new UK definition of the scope of Good Environmental Status should include a Descriptor for the historic environment, accompanied by characteristics, targets and indicators. The inclusion of the historic environment within GES should flow through to the UK Marine Strategy and frameworks for assessment, monitoring and marine science. The current UK Marine Strategy – based on the EU definition of GES – is not adequate. Previous work – notably the Marine Aggregate Levy Sustainability Fund programme – has demonstrated both the cost-effectiveness of integrating cultural heritage alongside other marine environmental sectors and the benefits in public engagement of giving the seas a human face.
19. The Government’s review of marine targets and indicators – and its marine online assessment tool – as referred to in the 25 Year Environment Plan should encompass the whole of the marine environment including cultural heritage.
20. The Heritage Alliance would be opposed to any definition of marine environment in the Fisheries Bill and related legislation, policy and guidance that does not encompass the historic environment.

#### **21. Institutional Responsibilities**

22. In the Fisheries Bill and related legislation, The Heritage Alliance wishes to see provisions that address institutional responsibilities and capacities with respect to the marine historic environment, including:
  - a) Express duties should be placed on public authorities with respect to the historic environment, to include reporting on implementation of these duties and consulting with the Government’s statutory advisors on the historic environment. New duties should build upon and extend existing duties of IFCAs towards features of archaeological or historic interest as part of the marine environment s. 153(2)(b) and 186(1) of the Marine and Coastal Access Act 2009.
  - b) The marine historic environment should be firmly embedded within the scope of any new authorities and environmental bodies.
  - c) Capacity (resources) should be made available within public authorities – including the MMO, IFCAs and Cefas – to implement duties towards the marine historic environment, including capacity for assessment, monitoring and science activities.
  - d) Provision should be made for better understanding the history of fishing and fisheries as a basis for decisions about fish stocks and the social and economic consequences of management options.
  - e) Greater provision should be made for historic environment expertise within governance structures for fisheries and the marine environment, building on the provision in IFC authorities for people with knowledge or expertise in features of archaeological or historic interest (MCAA 2009 s. 151 (8)).

- f) Data relating to the historic environment should be available and maintained to the full extent of public authorities' responsibilities in the marine environment. For example, IFCA access to historic environment data could be facilitated through the Historic Environment Records of the local authorities to which they are attached. It is notable that the MMO currently has no provision for historic environment data commensurate with its obligations under MCAA 2009 s.54(4) and Historic England does not yet hold comprehensive data for the offshore region of the UK Marine Area.
- g) Express powers should be introduced for public authorities, including the MMO and IFCA, to introduce technical and financial measures (e.g. grant making powers) for the purposes of protecting the marine historic environment.
- h) Mechanisms should be introduced to ensure that public authorities appraise the likely outcomes for the historic environment of fisheries-related decisions to avoid unanticipated consequences. For example, previous UK implementation of payments for decommissioning fishing vessels caused many vessels of historic interest – which could have contributed significantly to the appreciation of fishing heritage – to be broken up.
- i) Greater integration of enforcement capabilities in the marine environment should be sought with respect to existing legal heritage protection measures. There is an important opportunity to ensure that the systems introduced for dealing with illegal, unreported and unregulated fishing (IUU) through the Joint Maritime Operations Co-ordination Centre (JMOCC) are also made capable of controlling UK waters against heritage crime.

### **23. Heritage Protection in the Marine Environment**

- 24. Recognised weaknesses in heritage protection in the marine environment could be overcome through the introduction of Historic Marine Protected Areas (MPAs), as has occurred in Scotland. However, The Heritage Alliance recognises that this may not be the right time to press for large scale reform of heritage protection. Nonetheless, The Heritage Alliance considers that some key improvements could be achieved through minor incremental changes.
- 25. Although progress on creating a 'blue belt' of MPAs around the UK is laudable, the failure to address the historic environment within MPAs is a major missed opportunity:
  - a) The Government should enable the conservation objectives of MPAs to include objectives for heritage assets lying within their extents.
  - b) Consideration of the historic environment should be integrated within MPA implementation and monitoring, including survey and research.
  - c) Heritage should be addressed as a valued attribute of the marine environment in the designation of future MPAs.
- 26. Other incremental changes that would help safeguard the historic component of the marine environment include:
  - a) Supporting voluntary initiatives that encourage the reporting of archaeological discoveries from the seabed by fishermen and others, and making minor changes to legal provisions such as switching emphasis from 'taking possession' to 'finding'. The legal scope of obligatory reporting should be extended to encompass the entire range of historic artefacts, not just

‘wreck’; and public authorities should be obliged to pass on information about discoveries that are reported to them.

- b) Enabling statutory protection of significant submerged prehistoric features, sites and artefacts, many of which have been discovered in the course of fishing activity.
- c) Enabling designated heritage assets to be protected from incidental activities – such as certain forms of fishing – that may cause damage.
- d) Carrying out research to better understand the value and benefits of marine heritage assets to nature conservation and to fishing; and to attune fishing methods to avoid unnecessary damage.
- e) Having regard to the historic environment in actions on marine litter, including measures with respect to Abandoned, Lost or Discarded Fishing Gear (ALDFG) and ghost fishing.
- f) Supporting UK ratification of the *2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage* as a framework for protecting UK interests in historic shipwrecks in international waters and the territorial waters of other countries.

## **27. Recognition of Fishing Heritage and its role in Coastal Communities**

28. In developing the Fisheries Bill and related legislation, Government is encouraged to recognise the following:

- a) The importance of fishing stretching back over many centuries to national and local narratives and identities.
- b) The breadth of heritage relating to fishing, which includes preserved fishing vessels; museums and heritage centres; fisheries-related collections on display and in archives; buildings, waterfronts and fisheries harbours; and wrecks of fishing vessels and other fishing-related heritage on the seabed.
- c) The key role of protecting important elements of fishing heritage both for those communities but also as a source of awareness-raising, enjoyment and economic stimulus in coastal areas.
- d) The positive role that cultural heritage can play in the identity and distinctiveness of individual fisheries and their marketing.
- e) The role of maritime heritage in community cohesion, wellbeing, diversification, tourism and the regeneration of coastal communities.
- f) The value of boosting public awareness of fishing and its heritage in the UK.
- g) The role that fishermen can play as stewards of marine historic environment, including incentivising fishermen for provision of environmental goods relating to heritage.

## **29. Conclusion**

30. The Government’s vision in the 25 Year Environment Plan encompasses cultural as well as natural heritage in its approach to sustainable development and protecting natural capital and wellbeing. Enhanced heritage is one of the Government’s 25-year goals. The Government should be encouraged to maintain this comprehensive approach in its plan for the marine environment, reflecting the rich interplay of human and natural processes in how we live with the sea. Fishing is quintessential in representing the long history of people’s relationship with the sea, so it is entirely appropriate that the Government’s plans for *Sustainable Fisheries for Future Generations* should more fully accommodate fishing and heritage. Engaging with people as well as nature is

essential if we are really going to leave the marine environment in a better state than we found it.

**31. Examples relating to positive fishing / heritage interactions**

- a) Fishing Industry Protocol for Archaeological Discoveries (FIPAD) – <https://fipad.org/>.
- b) Collaboration between Historic England and Sussex IFCA through *Understanding Fishermen's Fasteners* project.
- c) Greater Grimsby Heritage Action Zone (HAZ) – <https://www.nelincs.gov.uk/grimsby-awarded-heritage-action-zone-status-revive-historic-docks-town-centre/>
- d) Bridlington Maritime Trail – <http://www.bridlingtonheritage.com/maritime> – (Holderness Coast Fisheries Local Action Group (FLAG)).
- e) Honor Frost Foundation study *The Social and Economic Benefits of Marine and Maritime Cultural Heritage* – [http://honorfrostfoundation.org/wp/wp-content/uploads/2015/11/HFF-Report\\_Social-Economic-Value-of-Marine-and-Maritime-Cultural-Heritage.pdf](http://honorfrostfoundation.org/wp/wp-content/uploads/2015/11/HFF-Report_Social-Economic-Value-of-Marine-and-Maritime-Cultural-Heritage.pdf).