



ENGLISH HERITAGE

Dr Jen Ashworth
Senior Specialist Marine Evidence
Marine and Coastal Evidence Team
Natural England
Northminster House
Peterborough
PE1 1UA

Our ref: MCZ/ENG

9th April 2010

Dear Dr Ashworth,

Draft Ecological Network Guidance for Marine Conservation Zones

Thank you for the invitation to comment on the draft guidance as set out in the joint letter from JNCC and Natural England, dated 17th March 2010.

Introduction

The National Heritage Act 2002 enabled English Heritage to assume responsibility for maritime archaeology in the English area of the UK Territorial Sea, modifying our functions to include securing the preservation of monuments in, on, or under the seabed, and promoting the public's enjoyment of, and advancing their knowledge of such monument. In the delivery of our duties we work in partnership with central Government Departments, local authorities, other public 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 set out how we deliver these duties using our *Conservation Principles* as a framework for dialogue. These principles can be summarised as follows:

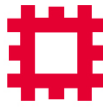
- the historic environment is a shared resource;
- everyone should be able to participate in sustaining the historic environment;
- understanding the significance of places is vital;
- significant places should be managed to sustain their values;
- decisions about change must be reasonable, transparent and consistent; and
- documenting and learning from decisions is essential.

Our responsibility under Section 1 of 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

FORT CUMBERLAND, EASTNEY, PORTSMOUTH PO4 9LD

Telephone 023 9285 6735 Facsimile 023 9285 6701 www.english-heritage.org.uk

*Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available*



ENGLISH HERITAGE

the Secretary of State (Department for Culture, Media and Sport) 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 2010 there were 46 sites designated in the English area of the UK Territorial Sea. Further information on the designated sites is available on the English Heritage web site: www.english-heritage.org.uk/maritime.

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.

Comments on the draft Ecological Network Guidance

We fully appreciate the purpose of this guidance and how it explains Part 5 of the Marine and Coastal Access (MCA) Act 2009 and the role of the regional MCZ projects in preparing and submitting proposals for review by the Science Advisory Panel. We understand that it is the function of the Science Advisory Panel to advise whether the proposals support delivery of the Ecological Network Guidance, and if any additional work is necessary to satisfy this requirement. It is also understood that only those sites that satisfy the guidance will then be submitted, through the Statutory Nature Conservation Bodies (SNCBs), to the Secretary of State (Defra) for public consultation and designation.

We noted in section 4.4 the comment that "...peer reviewed literature suggested between 10-80% of the marine environment should be protected through MPA networks, with up to 50% of the marine environment conserved in highly protected sites..." We therefore wish to stress that any definition promoted of "high protected sites" and adopted by the regional MCZ projects recognises licensing of public access to sites designated under the Protection

FORT CUMBERLAND, EASTNEY, PORTSMOUTH PO4 9LD

Telephone 023 9285 6735 Facsimile 023 9285 6701 www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available



ENGLISH HERITAGE

of Wrecks Act 1973. We therefore draw your attention to the following statement made by Lord Hunt of Kings Heath during the Committee stage debate in the House of Lords:

“I understand that noble Lords want to ensure that we are not only recognising and considering heritage in marine planning licensing and nature conservation, but that management of marine conservation zones will not undermine the work of bodies such as English Heritage which are tasked with protecting wrecks and other historic features. I therefore reassure noble Lords that the Government are extremely committed to ensuring that the nature conservation provisions are compatible with the vital licensing and management work carried out by English Heritage in the preservation of historic wrecks within UK waters.” (Source: Hansard, 5th May 2009, column 473)

We consider it important to remember the statement quoted above in the context of the detail provided in section 4.7 (Protection). We therefore look forward to further co-operative work with the SNCBs to ensure that the activities that we support are considered appropriately in the delivery of MCZs with particular reference to highly protected or reference areas as described in the draft guidance (e.g. section 4.8.4). On this matter, our attention is drawn in particular to (in section 4.7.3):

“15. For each broad-scale habitat type and habitat FOCI, there should be at least one viable reference area within each of the four MCZ project areas in which all extraction, deposition, or human-derived disturbance has been removed/prevented.”

It was noted (e.g. section 4.7.4) that the setting of conservation objectives for geological and geomorphological features will follow the same principles as for ecological features, but the justification for this approach was not explained. The guidance should explain why such an approach is appropriate.

In section 6.2 (Scientific value) we note the importance attributed to some Marine Protected Areas where disturbance may have been minimal for a period of time. In this regard we offer the observation that areas designated under the Protection of Wrecks Act 1973, while of limited spatial extent, should contain seabed that is relatively undisturbed. We therefore remain interested in discussing how such areas may contribute to the scientific research of other disciplines.

Section 6.4 (Geological and geomorphological features of interests), Table 8 identified coastal Geological Conservation Review sites with a “significant intertidal or subtidal portion not currently protected by existing SSSIs”. We add that a number of these sites are adjacent to sites subject to statutory protection under Section 1 of the Protection of Wrecks Act 1973 and we are keen to discuss how any seaward extension of the designated area may affect management of these designated sites. We also noted that Table 8 (see also Table 23 and Figure 18 in Annex 12) identified 12 sites in the MCZ project area of “high conservation value” including the Felpham Palaeocene submerged forest and the West Runton submerged forest. It was noted in this section of the draft guidance that reference was made to a

FORT CUMBERLAND, EASTNEY, PORTSMOUTH PO4 9LD

Telephone 023 9285 6735 Facsimile 023 9285 6701 www.english-heritage.org.uk

*Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available*



ENGLISH HERITAGE

report by A.J. Brooks et al (published 2009). We have since obtained this report and noted in paragraph 2.32 (in the section “Key Observations”) how particular use was made of the English Heritage peat database compiled by Z. Hazell. Consequently, it is important for us to state that while we support the work of the four regional MCZ projects in identifying viable zones for protection, it is important that the guidance produced by the SNCBs gives adequate attention to how such locations may also include historic environment interests.

We also offer the following link to the Regional Environmental Characterisation Projects supported by the Aggregates Levy Sustainability Fund (<http://www.alsf-mepf.org.uk/projects/rec-projects.aspx>), as such information may prove useful in determining the presence of submerged geological and geomorphological features as relevant to the MCZ programme. We therefore hope that should the SNCB make any further recommendations regarding features of geological and geomorphological interest for identification within MCZs that we will receive notification directly.

Yours sincerely,

Christopher Pater
Maritime Archaeology Team

Cc Ian Oxley (Head of Maritime Archaeology, English Heritage)
Stephen Trow (Head of Rural and Environmental Policy, English Heritage)
Peter Murphy (Coastal Strategy Officer, English Heritage)
Alison Hamer (Maritime Archaeologist, English Heritage)
Andrew Hammon (Regional Science Advisor – Yorkshire, English Heritage)
Helen Chappell (Regional Science Advisor – East of England, English Heritage)
Rachel Ballantyne (Regional Science Advisor – East of England, English Heritage)
Dominique De Moulins (Regional Science Advisor – South East, English Heritage)
Nick Russell (Assistant Inspector of Ancient Monuments – South West, English Heritage)
Sue Stallibrass (Regional Science Advisor – North West, English Heritage)
Elizabeth Ager (Head of Heritage Protection, DCMS)

If you would like this document in a different format, please contact
our Customer Services department:
Telephone: 0870 333 1181
Fax: 01793 414926
Textphone: 01793 414878
E-mail: customers@english-heritage.org.uk