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Dear Toby,

Consultation on The Historic Environment in Ports and Harbours: Practical Approaches for the Assessment and Management of Marine Archaeology During Port and Harbour Development

Thank you for the opportunity to comment on this draft guidance.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

In matters relating to maritime archaeology IfA is advised by its Maritime Affairs Group (MAG), to which most professional maritime archaeologists belong. The Group exists to:

- advance the practice of maritime archaeology by promoting professional standards for the management, conservation, understanding and enjoyment of the maritime archaeological resource;
- provide advice and commentary to IfA on matters relating to maritime archaeology;
- aid in the development of professional guidelines and standards for the execution of maritime archaeological work;
- promote the training of archaeologists and others in maritime archaeological practice; and,
- facilitate the exchange of information and ideas about maritime archaeology and to communicate these to the wider profession.

IfA has successfully petitioned for a Royal Charter of Incorporation which was granted on 03 June 2014.

The Historic Environment in Ports and Harbours: Practical Approaches for the Assessment and Management of Marine Archaeology During Port and Harbour Development

General

IfA welcomes the publication of this draft guidance which provides a valuable addition to the resources available to those involved in the management and protection of the historic environment and to those involved in port and harbour development.

The following, detailed, comments do not in any way detract from IfA's general support for this project and for the draft that has been produced and circulated.

Specific Comments

Conservation Principles and the Significance of Heritage Assets

Paragraph 3.1.10 (page 8) – It is implicit in this paragraph that non-designated heritage assets all have significance (hence the reference to *'lower significance'*). However, the focus on non-designated assets of archaeological interest that are of demonstrably equivalent significance to designated assets may suggest to those not familiar with the concepts that other non-designated assets are not of concern in this guidance. It would be helpful to emphasise that all heritage assets are, by definition, significant and need to be given appropriate consideration.

Paragraph 3.1.11 (page 8) – Although the draft guidance makes clear later in the document (in section 6) the different use of 'significance' in EIA (relating to the significance of effects rather than assets), it might assist to make this clear here, perhaps by way of a footnote and cross-reference.

The Regulatory Framework

Table (page 11) – This table is very helpful. One small point of detail is that the reference to *'EU 'EIA' Directive (2011/92/EU)'* may need to be updated by adding the words *'as amended by Directive (2014/52/EU)'*: see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm>.

Paragraph 5.1.5 – The Institute welcomes the reference to IfA codes, standards and guidelines. We would suggest that references to the following IfA Standard and guidance should be added to the bibliography:

- *Standard and guidance for historic environment desk-based assessment* (2012)
<http://www.archaeologists.net/sites/default/files/node-files/DBA2012.pdf>
- *Standard and guidance for archaeological field evaluation* (2008)
<http://www.archaeologists.net/sites/default/files/node-files/IfASG-Field-Evaluation.pdf>
- *Standard and guidance for archaeological excavation* (2008)
<http://www.archaeologists.net/sites/default/files/node-files/IfASG-Field-Evaluation.pdf>.

Paragraph 5.1.7 (page 16) – The reference to managing or mitigating effects in the 3rd / 4th could be extended to include compensation / offsetting (see also comments under paragraph 7.1.5 below).

Paragraph 5.1.9 – Given the strenuous efforts that are currently being made to highlight the key role of HERs (and the professional staff that support them) in the management and protection of the historic environment, IfA would suggest that the introductory sentence be revised to read *'Records of known heritage assets should [rather than 'may'] be sought from...'*.

Identifying Effects

Paragraph 6.1.7 (pages 28 and 29) – Care needs to be taken when identifying beneficial effects of development to include *'exposure of archaeological material within drained areas providing opportunities for recording and investigation'* and *'potential increase in available archaeological data through ... mitigation ... activities'*. Such opportunities cannot normally be used to justify consents and, if such comments appear in the guidance they should be balanced by reference to the clear policy in paragraph 5.12.17 of the National Policy Statement for Ports (2012) (and elsewhere), namely:

'A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.'

Paragraph 6.1.10 (page 29) – See above with regard to the reference to *'a significant, positive cumulative effect'*.

Effects and Managing Risks

Paragraph 7.1.4 – IfA regards competence (demonstrated by appropriate accreditation), rather than experience, as the criterion for assessing fitness for any given role. Consequently, the reference to *'a suitably experienced archaeologist'* in this paragraph (and elsewhere – see, for example, paragraph 7.1.39) should read *'a suitably experienced, accredited archaeologist'*.

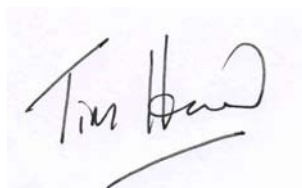
Paragraph 7.1.5 (page 31) and the title of the text box at page 32 – *'Preservation by record'* tends not to be used in terrestrial planning policy (see, for instance, the National Planning Policy Framework and Planning Practice Guidance: http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/12-conserving-and-enhancing-the-historic-environment/#paragraph_141) recognising the fact that excavation does not preserve the heritage asset in question but offsets its loss through an increase in public knowledge. IfA would like to see references to *'preservation by record'* removed, if necessary replacing them with references, for example, to *'recording'*, *'offsetting'* and *'compensation'*.

Paragraph 7.1.10 (page 32) – IfA welcomes the reference to its *Standard and guidance for nautical archaeological recording and reconstruction* (2008) in this paragraph.

Paragraph 7.1.24 (page 35) – IfA strongly supports the development and use of reporting protocols, but concerns have been expressed that such protocols are regarded in some quarters as replacing the need for full consideration of the historic environment throughout the planning process. Consequently, the last sentence of paragraph 7.1.24 is particularly welcomed. It might strengthen that advice if it referred to addressing the historic environment *'at all stages'* to avoid any misapprehension that *'planning controls'* merely refer to planning conditions

The Institute would be delighted further to contribute to the formulation of this guidance. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,



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Policy Advisor

