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28 March 2013

Dear Mr Gooding,

## **Consultation on Marine Conservation Zones – proposals for designation in 2013**

Thank you for the opportunity to comment on these proposals for designation as Marine Conservation Zones.

### **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.

## **Marine Conservation Zones – proposals for designation in 2013**

### **General**

IfA strongly supports the management and protection of environmental assets through the designation and operation of marine protected areas. However, the Institute remains concerned at the failure adequately to address the archaeological implications of designation of Marine

Conservation Zones.

IfA's comments in this regard are of general application and not confined to specific sites and, therefore, its submission is made in response to question 9 of the consultation questions.

**Question 9: You may wish to provide comments on other aspects of this consultation such as evidence requirements, identification and treatment of high risk sites. Where you disagree with the approach taken please provide evidence to support your views.**

9.1 IfA, in its response to consultation on a Strategy for Marine Protected Areas, Delivering Marine Conservation Zones and European Marine Sites in 2009, called for 'a holistic approach to the protection and management of both the natural and historic environment in the marine zone' and for 'consideration of the marine historic environment ..., so far as possible, [to be] integrated into the strategy for marine protected areas and any other related guidance. IfA's response dated 13 July 2009 is attached for ease of reference.

9.2 Consequently, the Institute welcomed the assurances in Defra's *Guidance on selection and designation of Marine Conservation Zones (Note 1)* (September 2010) that

*'The existence of socio-economic interests ... will be considered as part of the process outlined here. ... The approach to the selection and designation of MCZs ... is to ensure that environmental and socio-economic information is integrated to provide the best available evidence base for decisions.'* (page 12)

More specifically, page 11 of the Guidance addresses the protection of marine archaeological heritage:

*'MCZs cannot be designated specifically to protect marine archaeological heritage. However, regional MCZ projects will be able to take account of socio-economic considerations which includes marine heritage. This might be relevant where, for example, there would be conservation or practical site management synergies to be gained from including a marine heritage site within the boundaries of an MCZ.'*

9.3 Such an approach accords with section 117(7) and (8) of the Marine and Coastal Access Act 2009 (the latter sub-section specifically referring to sites of historic or archaeological interest).

9.4 Furthermore, Defra, in formulating the current proposals has expressly sought to address socio-economic interests (see, for example, paragraph 1.5 of the consultation document which states *'Our aim has been to find the right balance between the strength of the conservation advantages an MCZ offers, relative to the socio-economic implications of its likely designation'*). Having adopted this approach, Government has, however, failed in any meaningful way to address the archaeological implications of designation. In this respect the approach currently adopted neither conforms with Defra's own Guidelines nor accords with the above provisions of the Marine and Coastal Access Act.

9.5 IfA draws particular attention to the following in support of the above conclusion:

1. The enormous value of the marine historic environment as a social, economic and environmental asset is widely recognised, not least by Government (see, for instance, section 2.6.6 of the UK Marine Policy Statement (March 2011) and The Government's Statement on the Historic Environment for England 2010 and the evidence contained therein).
2. Known heritage assets (including designated assets - such as protected wrecks and scheduled monuments - and undesignated assets) are identified in a variety of sources including the national Monuments Record (NMR) and Historic Environment Records (HERs). In addition, there remains scope for identification of as yet unidentified heritage assets in the future. More detailed consideration than that provided in the Impact Assessment and supporting documentation is necessary when assessing proposed MCZs and their boundaries. A complete absence of estimated costs in respect of the

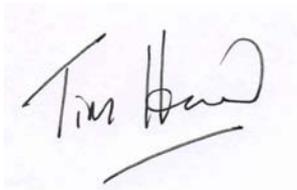
marine historic environment cannot be justified.

3. Not only has inadequate attention been given to the implications of designation for the marine historic environment, but in places the Impact Assessment demonstrates a misunderstanding of the nature of the archaeological resource. For example, paragraph 3.2.25 of the Impact Assessment states: *'If archaeologists respond to the prohibition by seeking alternative sites for archaeological excavation elsewhere, this could result in additional costs to the sector (for example, if they have to travel further)'*. Given the fact that *'heritage assets are a finite and often irreplaceable resource and can be vulnerable to a wide range of human activities and natural processes.'* (paragraph 2.6.6.2 of the UK Marine Policy Statement) and the context in which most marine archaeological research is carried out, this assertion shows a misunderstanding of both archaeological principle and practice.
4. Although preservation of archaeological remains in situ may be the appropriate approach in many cases, this is not synonymous with an absence of activity and consideration needs to be given to any reasonable requirement for monitoring and management measures in such circumstances (notwithstanding the proposed exclusion of Reference Areas from the first tranche of designations - see paragraph 3.2.28 of the Impact Assessment). Moreover, there may be cases where excavation is, in archaeological terms, appropriate for a variety of reasons. Where such activity is proposed to be prohibited (for instance, in Reference Areas) the implications for the historic environment need first to be considered in greater detail.

9.6 The present proposals do not pay due regard to section 117(7) and (8) of the 2009 Act and potentially harm the historic environment. Just as importantly, they fail to grasp the opportunity to benefit the historic environment by exploiting the synergies to be gained from a holistic approach to the marine environment (encompassing both the natural and the historic environment). IfA still believes that this can be done, but it will require a re-assessment of the proposals taking full account of their implications for the historic environment. The Institute and its members would be happy to assist in this task.

In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Tim Howard". The signature is written in a cursive style with a horizontal line underneath the name.

Tim Howard LLB, Dip Prof Arch  
Policy Advisor