



ENGLISH HERITAGE

Consents relating to the Maritime Historic Environment

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How effective is current regulation?



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The legislative situation:

- Statutory Duties Today
- Review of national heritage legislation and planning regulations.
- Other relevant proposed Bills
- The overlap and possible gains
- European initiatives
- Next steps

Statutory Duties Today



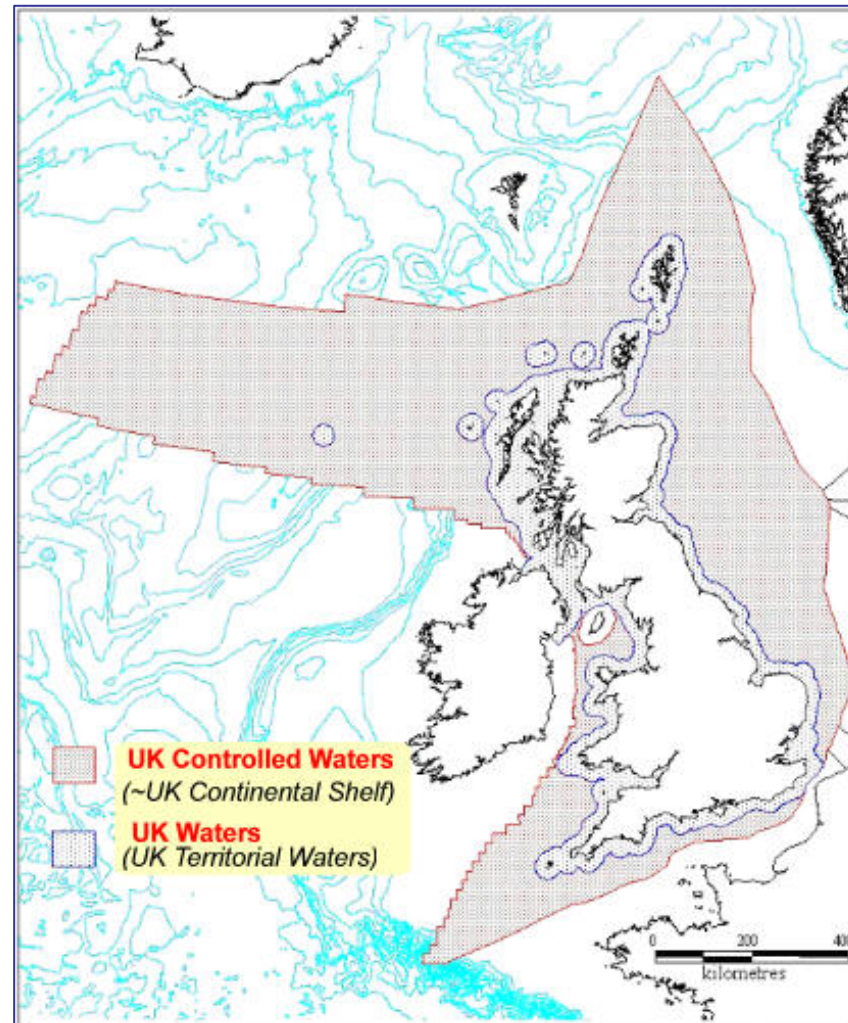
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- **Protection of Wrecks Act 1973** - Physical management of England's Designated Wreck Sites
 - **Ancient Monuments and Archaeological Areas Act 1979** – permits scheduling of monuments
 - **Town and Country Planning Act 1990** – permits listing of historic buildings
 - **National Heritage Act 2002** - *modifies* English Heritage's functions to include:
 - *securing* the preservation of monuments on the seabed and,
 - *promoting* the public's enjoyment of, and advancing their knowledge of monuments in, on, or under the seabed.
 - **Council of Europe (Revised) - Archaeological Heritage Convention 1992 (the *Valletta Convention*)**
 - ratified by the UK on 21st September 2000

The National Heritage Act 2002



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Protection of Wrecks Act 1973



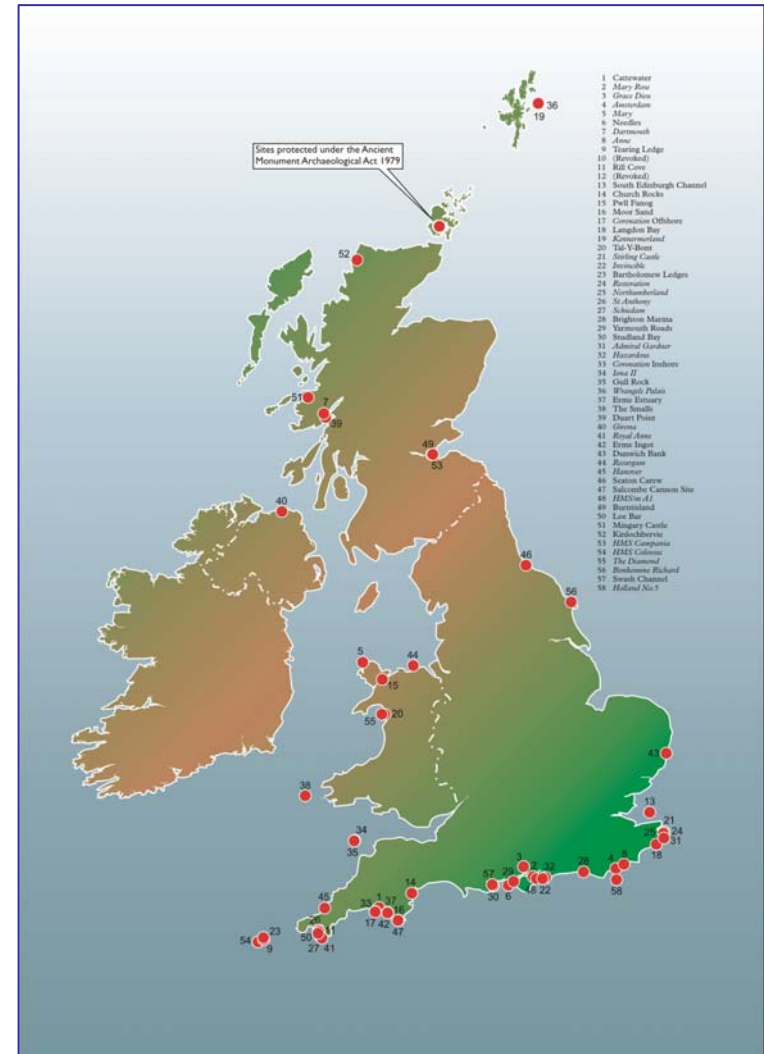
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UK-wide duties inherited from DCMS

Advisory Committee on Historic Wreck Sites. EH Head of Maritime Archaeology is Committee Co-ordinator

Signs and buoyage

Re-tender and manage Government's contract for archaeological diving services - EH Head of Maritime Archaeology is Contract Manager



Designated Wreck Sites: IoW



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- *Mary Rose* (1545) Solent
- Yarmouth Roads (1567?) Yarmouth
- *Hazardous* (1706) Bracklesham Bay
- *Assurance* (1738) / *Pomone* (1811) Needles
- *Invincible* (1758) East Solent
- HMS/m *A1*(1911) Bracklesham Bay

Planning Guidance (former DoE – now CLG).



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- Planning Policy Guidance 15: Planning and the Historic Environment (Sept. 1994), as amended by Circulars 01/101, 09/05 and 01/07 (revised principles for Listing). Conservation and economic prosperity linked; Listed building consents; Conservation Areas; Ecclesiastical exemption.
- Planning Policy Guidance 16: Archaeology and Planning (November 1990). Mitigation by preservation *in situ* preferred; developer-funded excavation and recording if not.
- Both PPGs require revision to up-date them.

Food and Environmental Protection Act 1985 (FEPA) consultations



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- Marine and Fisheries Agency consults English Heritage on FEPA licence applications (some of which may have impacts on marine archaeology).
- Consultations are received by the Maritime Archaeology Team.
- Responses are normally from the appropriate EH Regional Office.
- Where an impact can be predicted or is suspected a process of desk-top and/or field assessment will be advised, followed by mitigation where appropriate.

Designations



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- 5% of historic assets are designated – EH advised Secretary of State on decisions related to them.
- 95% undesignated – decisions on planning and management made by Local Authorities.
- 85% of decisions affecting archaeology made at LA level (Baker report) – development control, agri-environment, forestry;
- current EH and LA roles and responsibilities will change as a consequence of the Heritage Protection Act.

Heritage Protection White Paper



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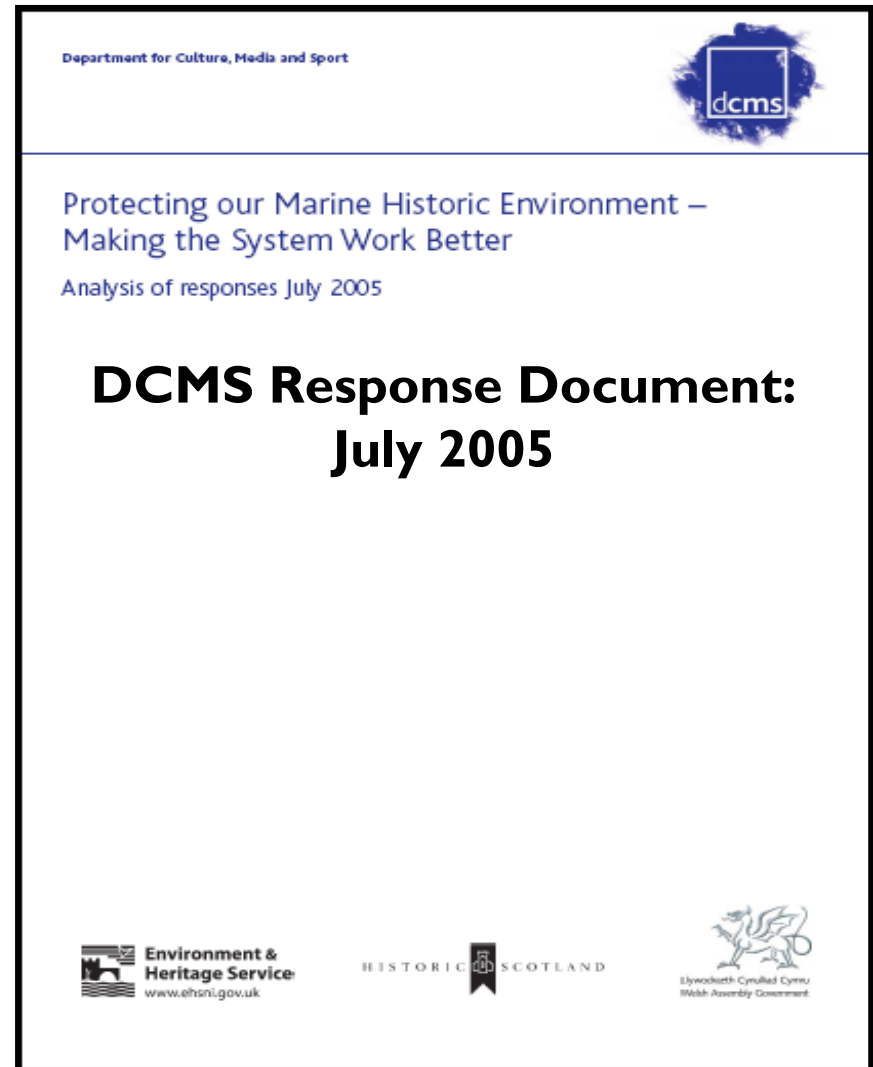
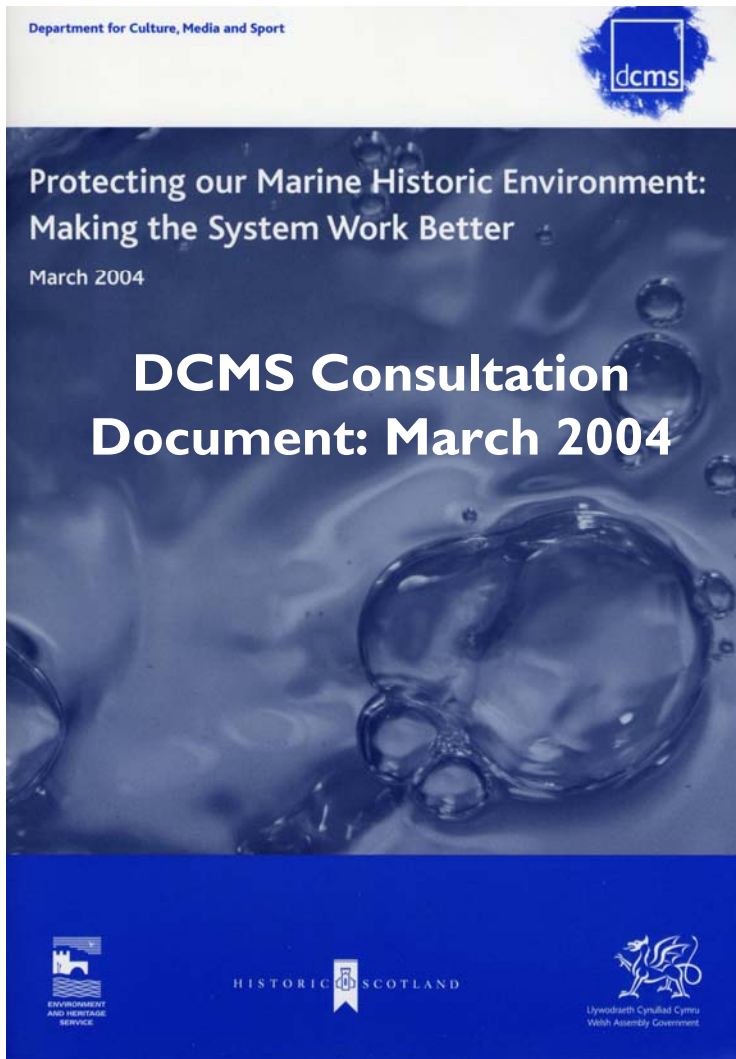
The marine detail:

1. Broaden the range of Marine Historic Assets that can be protected
2. Designation on the basis of Special Archaeological or Historic Interest
3. Publish New Criteria for marine designation
4. Simple and clear designation records
5. Introduce Interim Protection
6. Flexible consents system, including provision for management agreements
7. New Statutory duty on Receiver of Wreck to inform heritage bodies about marine historic assets

Protecting our Marine Historic Environment: Making the System Work Better



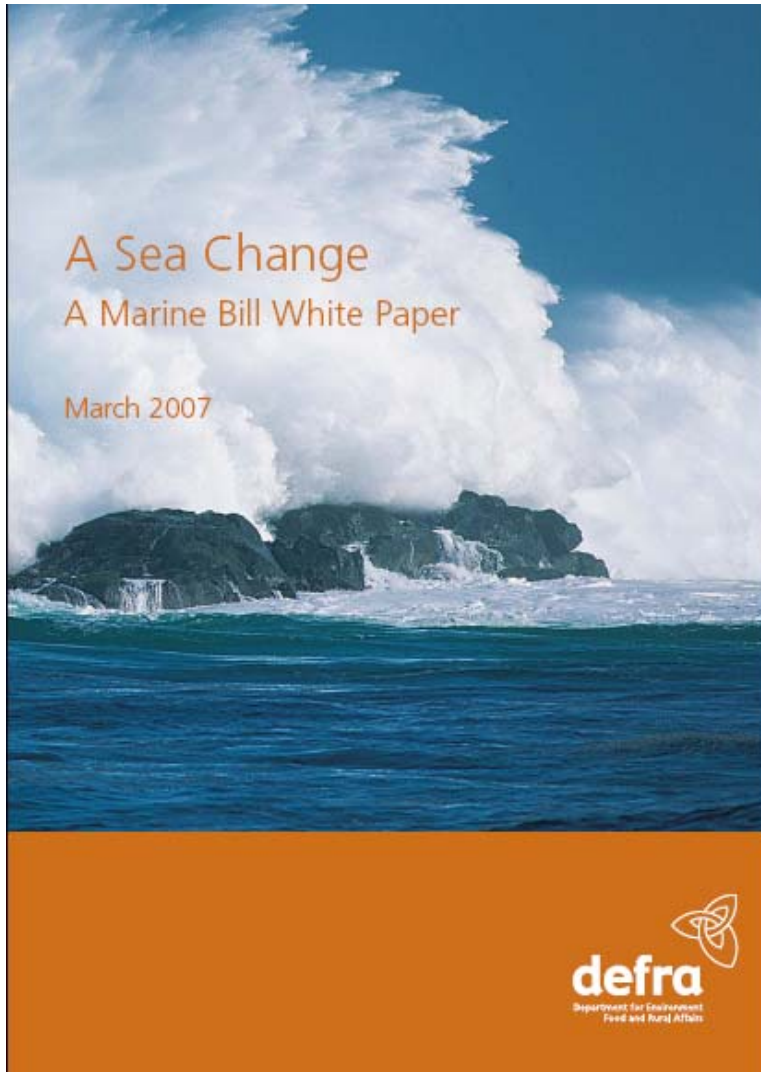
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Marine Bill White Paper



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The detail:

1. Introduction of Marine Planning
2. Scope for a Marine Management Organisation
3. Changes to Licensing Marine Activities
4. Marine Conservation Zones

Planning White Paper



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Aspects relevant to the marine historic environment:

1. Establishment of an Infrastructure Planning Commission
2. National Significant Infrastructure Projects inclusive of offshore developments
3. Integrated approach to licensing inclusive of marine consents
4. Ensuring policy co-ordination with a Marine Management Organisation



The overlap and possible gains



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1. Planning at the coast:

- We support the involvement of Coastal Fora
- We want to see alignment of planning policies: land & sea

2. The responsibilities for marine management:

- We want recognition of the role & responsibilities of English Heritage in any new marine planning system
- Government needs to confirm the source of independent advice beyond Territorial Sea

3. Protecting the marine environment:

- Co-ordinated management for Marine Conservation Zones and Marine Historic Assets will aid ‘win-win’ arrangements
- Delivering management through other groups, such as Sea Fishery Committees will support protection and management

European activities



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- Council of Europe Valletta Convention; and
- EU Maritime Policy Green Paper



- Directive 97/11/EC amends the original Directive 85/337/EEC on 'The assessment of the effects of certain public and private projects on the environment', which came into effect in July 1988. Stages involved are:
 - Preliminary consultations
 - Formal consultation with statutory and other consultees and the general public
 - Submission of environmental statement with planning application
 - Handling by the planning authority
 - Requests for further information
 - Determination of application
 - Appeals and call-ins



- **Ports.** whether or not proposed works are subject to a harbour order, the appropriate Minister (generally the Secretary of State for Transport) is responsible for deciding whether EIA is required and, if so, whether the works should proceed in the light of the assessment and the comments of environmental bodies.
- **Pipelines** etc. Annex 1.14 of the Directive covers the extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500 000 cubic metres per day in the case of gas. For such projects, the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (SI No 360) implement the Directive.
- Extraction of **minerals** by marine dredging falls within Annex II.2 (c) of the Directive. The Environmental Impact Assessment and Habitats (Extraction of Minerals by Marine Dredging) Regulations implement the Directive in waters around the UK (but excluding waters around Scotland).
- **Fish-farming.** Off-shore facilities do not require planning permission but require a lease from the Crown Estate Commissioners. The Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999 (SI No 367), which apply to England, Wales and Scotland, set indicative criteria which, when triggered, require the Commissioners to screen applications to determine whether EIA is needed.



Articles in brief:

1. Broad definition of “archaeological heritage”;
2. Maintenance of an inventory of archaeology heritage, including creation of “archaeological reserves” for the preservation of material evidence;
3. Application of appropriate procedures for intrusive archaeological investigation;
4. Provision of resources to acquire and conserve sites and monuments including archive and find repositories;
5. Integration of archaeology into the planning regime;
6. Private or public sectors to meet costs of preliminary archaeological operations and collection and dissemination of information;
7. Preliminary publication of excavation results (similar provision also made in Article 8);
9. Develop public awareness of the value of archaeological heritage; and
10. Control of illicit trade in antiques.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, xxx
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<http://ec.europa.eu/maritimeaffairs/>

GREEN PAPER

Towards a future Maritime Policy for the Union: A European vision for the oceans and seas

**"How inappropriate to call this planet Earth when it is quite clearly Ocean"
attributed to Arthur C. Clarke**

(presented by the Commission)

{SEC(2006) 689}

An integrated Maritime Policy for the European Union



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- In response to the strong support for the new policy to promote Europe's maritime culture and heritage, the Commission has focused on raising the visibility of *Maritime Europe* as one of the key objectives of a integrated maritime policy.
 - The European Commission adopted in 2007 the Communication "Agenda for a sustainable and competitive European tourism". It was noted that set in the context of maritime policy this should enhance maritime identity and heritage and promote sustainability and competitiveness in the maritime tourism sector.
 - The Commission proposes the celebration of an annual European Maritime Day as **from 2008**, raising the visibility of maritime affairs and promoting links between maritime heritage organisations, museums and aquaria.
 - The Commission will move forward with proposals **in 2008** to promote the establishment of networks of best practices between maritime stakeholders, for example linking maritime heritage with other activities.
 - The Commission will launch a European Atlas of the Seas, using available spatial information and building on the work of a European Marine Observation and Data Network, with a view to its first publication **in 2009**.

Next steps



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- On-going engagement with Defra, DCMS and CLG to ensure most appropriate inclusion of marine historic environment in forthcoming legislation; and
- Watching-brief maintained on outputs from EU Maritime Policy Action Plan published in October 2007