



Submitted to Draft South East Inshore Marine Plan Consultation
Submitted on 2020-04-18 18:58:12

About you

1 Would you like your response to be confidential?

No

If you answered Yes to this question please give your reason::

2 What is your name?

First Name:

Robert

Surname:

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3 What are your contact details?

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4 Are you responding as an individual or on behalf of an organisation

Individual or organisation:

Organisation

Organisation name (if applicable):

Joint Nautical Archaeology Policy Committee (JNAPC)

Please describe your interest or the interests of your organisation. (max 100 words):

The JNAPC was formed in 1988 from individuals and representatives of institutions who wished to raise awareness of Britain's underwater cultural heritage and to persuade government that underwater sites of historic importance should receive no less protection than those on land.

The JNAPC launched Heritage at Sea in May 1989. This proposed better protection of archaeological sites underwater. Recommendations covered improved legislation, better reporting of finds, an inventory of underwater sites, seabed operators to undertake pre-disturbance surveys, greater responsibility by Government departments for their historic wrecks, and the education and training of sports divers to respect the underwater historic environment.

Background

1 Does the Draft South East Inshore Marine Plan provide adequate background information on the marine planning process and the south east inshore marine plan area?

Yes

Please state the reason for your answer including any comments or revised text in the box below::

Vision

1 The Draft South East Inshore Marine Plan provides a 20 year vision for the south east inshore marine plan area. Do you support the Draft South East Inshore Marine Plan vision statement?

Yes, subject to changes

Please state the reason for your answer including any comments or revised text in the box below::

The vision provides only that 'recognition of' (natural and) cultural heritage is enhanced. The vision should expect more that 'recognition' of these vital attributes of the south west. The text should be altered to the following: '... protection and appreciation of natural and cultural heritage is enhanced ...'

Policies: Infrastructure

1 Do you support policy SE-INF-1 and its aim?

Not Answered

6 Do you support policy SE-WIND-1 implementation text?

2

Not Answered

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below::

7 Do you have any other comments on Section 5.9 (Renewables)?

Please include any comments or revised text in the box below::



Policies: Heritage assets

1 Do you support policy SE-HER-1 and its aim?

Yes, subject to changes

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below::

Policy Text

The formulation 'elements contributing to' in 'conserve and enhance elements contributing to the significance of heritage assets' is opaque. It is not clear what 'elements' refers to. The phrasing could be simplified to 'conserve and enhance the significance of heritage assets' where it occurs.

The policy requires the addition of a clause to require applicants to describe the significance of any heritage assets affected by the Proposal, equivalent to NPPF para. 189. As currently drafted, it is not clear who is responsible for providing information about heritage assets and their significance, only that the significance of heritage assets will be conserved and enhanced, or not, which might either be met by the inclusion of generic statements to this effect, or leave the burden of proof on the regulator. Text along the following lines should be added to the start of the Policy: 'Proposals must describe the significance of any heritage assets affected, including any contribution made by their setting'.

The policy requires the addition of a clause to address harm to heritage assets equivalent to NPPF para. 199. As currently drafted, harm could be minimised, mitigated or outweighed without any obligation on the applicant to record and advance understanding about assets that are harmed and to place this in the public domain, which is neither acceptable nor consistent with provision for the historic environment on land. Text along the following lines should be added: 'Proposals must demonstrate that they will record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

Policy aims

The policy aims for the SE and the NE are the the same and very acceptable but both are different to those of the SW and NW. These specifically refer to conserving designated and undesignated assets. The inclusion of undesignated assets is particularly important because most of the large number of wrecks shown on Plan 15, page 125 of Technical Annex are undesignated assets and need to be taken into account and protected. For instance these will include the wrecks of WW1 and WW2 merchant vessels, Royal Navy vessels back to the 1600s, German U boat wrecks, steam and sailing merchant vessels and fishing boats etc. These are all of great historical value although they are not among the relatively few wrecks that have been designated under PWA 1973, AMAA 1979, and PMRA 1986. We therefore recommend that you also include both here and for the NE the text from the SW and NW which is:

The aim of this policy is to conserve and enhance marine and coastal heritage assets through considering the potential for harm to elements that contribute to their significance. This consideration will not be limited to designated assets and extends to those undesignated assets that are, or have the potential to become, significant. It will make sure that assets are considered in the decision-making process and make provisions for those assets that are discovered during the course of developments.

Thank you

North East, North West, South West

2 Do you support policy SE-HER-1 implementation text?

Yes, subject to changes

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below::

The implementation text reflects the flaws highlighted with respect to the policy. Notably, the section headed Proponents does not make clear that applicants should a) describe the significance of any heritage assets affected; and b) demonstrate that they will record and advance understanding of the significance of any heritage assets to be lost (wholly or in part).

With respect to a), para. 454 is inadequate. The sentence 'Historic England and/or the local authority may seek to catalogue assets as appropriate for the Historic Environment Record' appears to place responsibilities on Historic England and local authorities to 'catalogue' heritage assets, rather than the applicant. This sentence should be deleted and replaced with text consistent with NPPF para. 189, along the following lines:

'Proposals should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment records should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, proponents should submit an appropriate desk-based assessment and, where necessary, a geophysical survey and/or field evaluation.'

With respect to b), para. 454 is also inadequate. In the last sentence, the reference to 'mitigate' overlaps with and confuses the reference to 'mitigate' as one option in the wording of the policy; it does not make it clear that any harm to heritage assets would also need to be addressed in the 'minimise' and 'outweighed' options. The term 'catalogue' is also wholly inadequate. Delete the sentence 'If proposals are unable to avoid or minimise harm they must demonstrate how it is intended to mitigate the harm through their location or cataloguing of assets in consultation with Historic England and/or the local authority responsible for the Historic Environment Record' and replace it with text consistent with NPPF para. 199 along the following lines:

'Proposals should set out how they will record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

The JNAPC welcomes the inclusion of marine heritage assets, the reference to historic wrecks and submerged Neolithic settlements that proposals should have greater consideration of the significance of undiscovered or undesignated wrecks. We feel it is essential to remind the reader of the importance of our rich underwater cultural heritage.

We approve of paragraph 458. Although it does say 'all heritage assets' for the avoidance of doubt it could say 'all heritage assets, both on land and underwater, including.'

Thank you

North East, North West, South West

3 Do you have any other comments on Section 5.10 (Heritage assets)?

Please include any comments or revised text in the box below::

In paragraph 438, page 120, you give a definition of Heritage Assets which we feel should be expanded to include "historic wrecks" and "submerged prehistoric landscapes". This would make the definition more explicit for readers who may not be familiar with the full extent of submerged heritage assets, or underwater archaeology in general. The definition should read:

Heritage assets are the aspects of the historic environment such as buildings, monuments, landscapes, historic wrecks or submerged prehistoric landscapes that have a degree of significance meriting consideration in decision-making.

In Annex 1 Glossary on page 310 the definition of Heritage assets should be amended as above to include historic wrecks and and submerged prehistoric landscapes and should read:

Heritage assets – elements of the historic environment such as buildings, monuments, landscapes, historic wrecks and submerged prehistoric landscapes that have been identified as holding a degree of significance.

Why are these two definitions different?

Cases over the last decade have repeatedly shown that the MMO has insufficient expertise, data and research to implement either the policies of the UK Marine Policy Statement or the policies of completed marine plans that relate to heritage assets, especially in offshore marine plan areas. It is understood that MMO is entirely reliant for expertise and data on Historic England (HE), yet HE is demonstrably under-resourced in this regard.

MMO must develop its own expertise, data and research in this area of marine policy and/or to provide HE with sufficient resources to enable HE adequately to deliver the demands that MMO places upon it.

The MMO's lack of in-house expertise, data and research to support policies on heritage assets is evident in the Technical Annex, underlined by reference to Historic Seascape Characterisation and the South East Seascape Assessment in para. 449 -which are the subject of the following policy - rather than to any specific characterisation or assessment of heritage assets. The text of the Technical Appendix does not reflect the range of issues affecting heritage assets within and adjacent to marine plan areas, again suggesting a lack of expertise within MMO in translating information they have been provided with into adequate policies and supporting text. This weakness in expertise and data is further underlined by Figure 15. The data categories in the key are ambiguous and opaque as to their meaning (e.g. 'war graves' are included with 'Protected Wreck Sites'; why are there virtually no indications of the numerous shipwrecks in the offshore zone; how have 'Historically Significant Shipwrecks' been assessed as such?); there is no representation of coastal / intertidal archaeology within the marine plan area; and no representation of the presence or potential for submerged prehistoric sites/landscapes as alluded to in para. 447.

Thank you

North East, North West, South West

Policies: Seascape and landscape

1 Do you support policy SE-SCP-1 and its aim?

Not Answered

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below::

2 Do you support policy SE-SCP-1 implementation text?

Not Answered

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below::

3 Do you have any other comments on Section 5.11 (Seascape and landscape)?

Please include any comments or revised text in the box below::

Policies: Net gain and natural capital

1 Do you support policy SE-NG-1 and its aim?

Yes, subject to changes

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below::

Natural capital and ecosystem service approaches are flawed if they do not acknowledge the contribution to benefits/services that arise from the long history of human engagement with coastal and marine environments, represented by landscapes that are a product of both natural and cultural processes, heritage assets, and the cultural origin of many cultural services.

As currently drafted, this policy could undermine policies on heritage assets, seascape and landscape, tourism and recreation, and knowledge, understanding, appreciation and enjoyment.

The policy should be amended to include cultural assets / capital, i.e.:

'Proposals should deliver environmental net gain for marine or coastal natural and cultural capital assets and services'

North East, North West, South West

2 Do you support policy SE-NG-1 implementation text?

Yes, subject to changes

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below::

The implementation text should be amended to reflect the degree to which benefits and services arise from assets that are a hybrid of natural and cultural process over long timescales: that some of the most highly valued habitats and landscapes owe their origin to cultural practices over centuries and even millennia of human activity.

North East, North West, South West

3 Do you have any other comments on Section 5.25 (Net gain and natural capital)?

Please include any comments or revised text in the box below::

Objectives

1 By reference to the sections on objectives, and particularly Table 1 of the Technical Annex, do you agree that the relevant high level marine objectives are appropriate to use as the marine plan objectives for the South East Inshore Marine Plan?

Yes

Please state the reason for your answer including any comments and proposed objectives in the box below::

2 Do you agree that the marine plan objectives, as set out in the sections on objectives and particularly Table 1 of the Technical Annex, will lead to the achievement of the Draft South East Inshore Marine Plan Vision Statement (Section 2.1 of the Draft Marine Plans)?

Not Answered