Response ID ANON-CT2Z-2M2R-6

Submitted on 2015-04-23 23:34:16.357848

Confidentiality

1 Do you want your response to be confidential?

No

If you said yes to this question please state your reason:

Your details

2 What is your name?

Name:
R A Yorke

3 What is your e-mail address?

E-mail address:
robert.yorke@btinternet.com

4 What sector of work/interest do you represent?

Please choose:
Archaeology

5 What sub sector do you belong to?

sub sector:
Maritime Archaeology

6 If you are from an organisation, which organisation are you part of?

Organisation:
Joint Nautical Archaeology Policy Committee

7 Does your response relate to a specific site or sites?

No

8 If you answered yes to the previous question, please indicate what site(s) you are commenting on.

Submitting Evidence

Site specific questions applicable to all proposed second tranche sites

9 Do you agree that this site and specified features should be designated?

Not Answered

Please explain and provide evidence to support your views as necessary.:

The Joint Nautical Archaeology Policy Committee (JNAPC) welcomes the opportunity to respond to this consultation on proposed second tranche MCZs. Our response applies to all MCZs and is not specific to particular ones.

The JNAPC believes that well evidenced MCZs are a benefit to the marine natural environment and supports, in principle, the proposed designation of the MCZs subject to reservations expressed below.

The JNAPC has major concerns, outlined later in this response, that insufficient consideration has been given to the marine historic environment and that current proposals could reduce access by divers and archaeologists to marine historic assets within currently proposed MCZs.

The United Kingdom has been a world leading maritime nation for many centuries both with its Royal Naval fleet and and its merchant vessels. There are many thousands of wrecks of these historic vessels on the seabed around the UK, including vessels from other nations that have foundered in the UK Marine Area. This is a vast, non-renewable and highly important historical resource that should not be ignored. Many of these wrecks will lie within MCZs.
These historic assets need to be safeguarded and this may require active management processes. Access to, and work on, these historic assets should not be

restricted by the designation of MCZs.

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10 Are there any additional features not currently proposed for designation located within this site that should be protected?

Please explain and provide evidence to support your views as necessary.:
It must be recognised that the proposed sites will contain many elements of the historic environment, as defined in section 2.6.6 of the UK Marine Policy Statement. The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged.

It is important to recognise that these heritage assets (as defined in section 2.6.6 of the UK Marine Policy Statement) represent a unique aspect of our cultural heritage. In addition to its cultural value, paragraph 2.6.6.2 of the UK Marine Policy Statement notes that heritage assets are of social, economic and environmental value. When designating Marine Conservation Zones, Defra may have regard to the economic or social consequences of doing so, inclusive of the historic environment, so it is important to define precisely what kind of activities might be considered to affect adversely the condition of an MCZ interest feature, and whether access to, and investigation of, heritage assets are included in this definition.

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11 Should any changes be made to the boundary of the site? If so what changes would you propose?

Please explain and provide evidence to support your views and proposal.:
Heritage assets designated under the Protection of Wrecks Act 1973 or the Ancient Monuments & Archaeological Areas Act 1979 and military remains designated under the Protection of Military Remains Act 1986 may comprise spatial management measures that may overlap with proposed MCZs.

Heritage assets are a finite and often irreplaceable resource and can be vulnerable to a wide range of human activities and natural processes. They are also often unique and identical or similar examples will not exist elsewhere in the UK Marine Area. Paragraph 2.6.6.3 of the UK Marine Policy Statement notes that opportunities should be taken to contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly if a heritage asset is at risk of being lost.
In some cases, when considering a MCZ for designation attention should be given to how the boundary of the designated area may need to be reviewed and altered to ensure that opportunities to capture information from heritage assets is not compromised.

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12 Is there any additional evidence to improve scientific data certainty for features within this site? If yes, please provide evidence together with the data submission form.

Please provide some brief details of that data you are submitting:
The known heritage sites are listed in the UK Hydrographic Office (UKHO) database which contains spatial data that is easily processed in a GIS. Additional potential data could be obtained from the UKHO AML database, looking at the database of Large Bottom Objects (>5m) and Small Bottom Objects (<5m): (http://www.ukho.gov.uk/Defence/AML/Pages/Home.aspx). The National Monuments Record (NMR) (http://www.english-heritage.org.uk/professional/archives-and-collections/nmr/) is another extensive source. The NMR also includes the contents of Richard Larn's extremely comprehensive wreck database, which has an immense quantity of reported wrecks with approximate positions. This should show the potential for an area. A typical record is like this one: http://www.pastscape.org.uk/hob.aspx?hob_id=919773 Spatial data on designated heritage assets in waters adjacent to England is also available from:
http://services.english-heritage.org.uk/NMRDataDownload/

The national programme of Rapid Coastal Zone Assessment Surveys (RCZAS) by English Heritage can also provide further data (http://www.english-heritage.org.uk/professional/advice/advice-by-topic/marine-planning/shoreline-management-plans/rapid-coastal-zone-assessments/). Finally some work has been done in predicting where submerged archaeology feature may be located. For example see http://archaeologydataservice.ac.uk/archives/view/navigation_eh_2007/.

It is abundantly clear that Historic Environment Records (HER) data held at both a national and local level, provide a large data set of qualified information regarding known sites and give an indication of archaeological potential. In short the data that the regional groups and DEFRA need to deliver a more quantifiable cost / benefit analysis of the adverse consequences posed by the designation of MCZ's is readily available and owned by government institutions. The Minister, in the Foreword to the Consultation Document of December 2012, stated that "A key aspect in formulating our plans has been the quality of the evidence base. ". There is no clear evidence whatsoever that the Regional MCZ Project groups have sought to access these data sets, notwithstanding that they are held within the public domain. In para. 3.3.10 of the Consultation Document it is stated that it has not been possible to quantify costs for the archaeological sector "because the

necessary information to do so was not available". As noted above there are in fact extensive data sets available and publicly accessible. It is conceded that these data sets will not give a precise location to within a few Metres, but given the geographical scale of the MCZ's proposed such precision is not required. These data sets will give sufficient geographical accuracy for an impact assessment to be made of adverse restrictions being placed upon access, including intrusive access, to these cultural heritage assets. This apparent failure by the Regional MCZ Project groups to consult such evidentiary resources is considered a significant and fundamental one which requires remedial action before further consideration can be given to the designation of any MCZ's.

Additionally, although the Impact Assessment of 13/12/2012 gives an indication of the extent of the evidence of archaeological features in MCZ's (para. 3.2.20) the values expressed therein appear rather low. The resource around the coast of the UK has international significance because of its volume (more wrecks per mile of coastline than any other nation) and breath and in terms of date and diversity. Many of the sites around the coast have significance for other nations, e.g. Dutch East Indiamen, German U-boats & aircraft, French merchant ships etc. Sites are often unique, they don't breed and they cannot be moved without the considerable expense of excavation, They do require monitoring and occasionally intervention. While it is accepted that exact quantification cannot be achieved, due to a lack of knowledge as to exactly what work will be required and / or permission applied for, there is little or no evidence that the MCZ process has convincingly attempted to address the quantity or volume of the archaeological resource from available data sets, nor that it has addressed the consequences of denying intrusive access thereto. This raises the unfortunate spectre of a policy conflict arising between MCZ objectives and the heritage objectives of the UK Marine Policy. This potential conflict needs to be mitigated by further and adequate consideration be given to this matter by DEFRA prior to designation of second tranche MCZ's.

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13 Are there any additional activities (that may have an impact on the recommended features) occurring within this site that have not been captured within the Impact Assessment and site summary documents?

Please provide evidence to support your views.:
It must be recognised that paragraph 2.6.6.3 of the UK Marine Policy Statement notes "the view shared by the UK Administrations is that heritage assets should be enjoyed for the quality of life they bring to this and future generations, and that they should be conserved in a manner appropriate and proportionate to their significance. Opportunities should be taken to contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly if a heritage asset is to be lost", due either to human intervention or natural forces.

You are referred to the evidence set out in the comments in A.3 above. The Impact Assessments have not adequately taken account of the effect (economic and social) of MCZ designation on archaeological projects and activities nor addressed the full impacts of designation on heritage assets particularly where proposed MCZs conservation objectives might stop historic environment research, education and public enjoyment..

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14 Do you have any new information on costs to industry not covered in the Impact Assessment that would be directly attributable to these MCZs as opposed to costs stemming from existing regulatory requirements? If yes, please provide evidence.

Please provide details:
No

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15 Do you have any new information on the quantified benefits of designation? If yes, please provide evidence.

Please provide details:
Paragraph 2.6.6.2 of the UK Marine Policy Statement notes that the historic environment of coastal and offshore zones represents a unique aspect of our cultural heritage. In addition to its cultural value, it is an asset of social, economic and environmental value. As noted above it can be a powerful driver for economic growth, attracting investment and tourism and sustaining enjoyable and successful places in which to live and work. This evidence was outlined in the answer to question 3.

Also as noted above there is an evidentiary gap in the original Impact Assessment for the 'Historic Enviornment' sector that has not been adequately addressed; there will be costs of MCZ designation with regard to capturing evidence from the historic environment. There will also be non-monetized negative costs to society if material evidence is lost because intervention is prohibited (as indicated in paragraph 3.2.22 of the Impact Assessment). The best estimated annual cost with regard to designated heritage assets is likely to be £0.5m/yr (in the absence of management measures coupled with potential material loss).
Paragraphs 3.2.20 to 3.2.38 of the Impact Assessment fail to adequately take into account heritage assets that do not have statutory protection: there are many thousands of archaeological sites around our coasts that have been positively identified as holding a degree of significance. The view shared by the UK Administrations is that heritage assets should be enjoyed for the quality of life they bring to this and future generations, and that they should be conserved in a manner appropriate and proportionate to their significance.

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Questions applicable to all additional features proposed for first tranche sites

16 Do you agree that the additional feature or features should be added to the existing MCZs?

Not Answered

Do you agree that the additional feature or features should be added to the existing MCZs? Please explain and provide evidence to support your views as necessary.:
No specific comments

Please upload your evidence here:
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17 Do you have any new information on costs to industry of these additional features not covered in the Impact Assessment? Please note that relevant costs are only those directly attributable to adding these features to the MCZs as opposed to costs stemming from existing regulatory requirements or stemming from the existence of the MCZs with their current features. If yes, please provide evidence.

Please provide details:
No

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General comments

18 You may wish to provide comments on any other aspects the MCZs proposed. Where you disagree with the proposed approach, please provide evidence where possible to support your views.

Please give details:
The JNAPC believes that Defra has not sufficiently considered the impact on historic assets within either first or second tranche MCZs, nor has it addressed how the management of the historic environment will be addressed within MCZs. We raised this problem in the initial consultation in 2013 but it appears that these serious concerns have still not been addressed.

We are told by Defra that management of the historic environment within MCZs has been delegated by Defra to the MMO and to the IFCAs but in discussions with both these bodies it is clear that Defra has given them neither guidelines nor resources to carry out this task.

Defra now needs to address this shortcoming urgently and to provide the MMO and the IFCAs with sufficient expertise and resources to fulfill their responsibilities.

Please would Defra confirm that it proposes to do this.

19 If you have any further evidence you would like to share as part of your reponse, please upload this here.

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