



ENGLISH HERITAGE

Marine Planning and Coastal Integration Team
Defra
Area 2 C
Nobel House
17 Smith Square
London
SW1P 2AL

Our ref: Defra/MPS

15th February 2010

Dear Sir/Madam,

Response to Defra consultation on marine plan areas within the English inshore and English offshore marine regions

Thank you for the request to comment on the proposed marine plan areas as relevant to England. This response represents the collective view of English Heritage.

Introduction

English Heritage is the UK Government's statutory adviser on all aspects of cultural heritage including the English area of the UK territorial seabed, as provided for under the National Heritage Act 2002. English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport and we report to Parliament through the Secretary of State for Culture, Media and Sport. In the delivery of our duties we work in partnership with central government departments, local authorities, voluntary bodies and the private sector and we aim to carry out our duties within the framework of a set of *Conservation Principles*. These principles can be summarised as follows:

- The historic environment is a shared resource
- Everyone should be able to participate in sustaining the historic environment
- Understanding the significance of places is vital
- Significant places should be managed to sustain their values
- Decisions about change must be reasonable, transparent and consistent
- Documenting and learning from decisions is essential

In consideration that this consultation addresses planning matters within UK Controlled Waters adjacent to England any advice we offer is given without prejudice and we therefore advise you to contact DCMS and us should you wish to discuss such matters further.

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Our responsibility under the Protection of Wrecks Act 1973, within the English area of the UK Territorial Sea, is to consider applications and recommendations for designation, re-designation and de-designation of shipwreck sites. On the basis of our advice the Secretary of State is responsible for designating restricted areas around sites which are, or may be, shipwrecks (and associated contents) of historic, archaeological or artistic importance. The Secretary of State is also responsible for the issuing of licences to authorise certain activities in restricted areas that otherwise constitute a criminal offence. At the end of the Committee's reporting year in March 2009 there were 46 sites designated within the English area of the UK Territorial Sea.

The Marine Historic Environment

The number of protected historic shipwrecks is very small (ranging from possible prehistoric seafaring craft with associated cargos through to prototype submarines) and they are only one aspect of English Heritage's interests in promoting the understanding, management and public enjoyment of the historic environment. It is therefore important for us to describe the marine historic environment as also comprising submerged and often buried prehistoric landscape areas and elements, together with archaeological sites and remains of coastal activities (e.g. fish traps) dating from all eras of history. We therefore consider it essential to ensure the management and use of the full range of the historic environment, is conducted in a manner that best serves the public understanding and enjoyment of the whole, and not just of the designated and protected sites.

We support the High Level Marine Objectives (*Our seas – a shared resource*), published in 2009, by the UK Government and Devolved Administrations which provide an essential starting point in the process of developing an integrated approach to marine planning. Consequently, we value the attention paid to marine cultural heritage and that a long term view is taken to promote appropriate management of this resource as a component of a healthy, productive and biologically diverse marine environment.

The following annex provides a set of responses to the questions in the consultation document.

Yours faithfully,

Christopher Pater

Cc Ian Oxley (Head of Maritime Archaeology, English Heritage)
Pat Aird (Head of Planning and Regeneration, English Heritage)
Peter Murphy (Coastal Strategy Officer, English Heritage)
Liz Ager (Head of Heritage Protection, DCMS)

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ANNEX – Tabulated response to questions

| Question | Comment |
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| <i>1) Do you agree with this set of considerations? Are there any other considerations of which we should take account?</i> | Yes. The considerations set out address common principles. |
| <i>2) Do you agree with this set of criteria with which to assess any identified plan areas? Are there any other criteria we should consider?</i> | Yes. The matter of appropriate scale is important, but consideration of scale, in all spatial dimensions, should also consider temporal inclusiveness of exclusiveness. |
| <i>3) Do you agree with the plan areas identified?</i> | We support the configuration of offshore plan areas as set out within the consultation document. In regard to the inshore planning areas identified, we appreciate the requirement to adopt a scale that will appeal to local authorities, coastal communities and other stakeholders. However, we suggest if a co-ordinating framework is established that links adjacent inshore plan areas that it should be possible to merge inshore plan regions. For example, South Inshore and West Inshore with South West Inshore. We also support the approach adopted for the North West and we encourage Government to consider further opportunities for merging inshore and offshore plan areas, for example South East Inshore with South Offshore. |
| <i>4) Do any of the proposed areas create difficulties which may hinder the development or implementation of the plan or its integration with planning and management on land?</i> | If there is no substantial difference in the proportion of activities that occur either inshore and/or offshore, then we suggest one plan should be prepared. Attention should then focus of sub-plan area detail, if necessary, for example the zone of overlap between the terrestrial plans and the marine plan. |
| <i>5) Will the proposed inshore plan areas provide an effective scale for local authority and stakeholder involvement in the marine planning process?</i> | It is suggested that it is not the relative size of the inshore plan area that is important, but how the respective planning regimes (statutory and non-statutory) address any area of spatial overlap (e.g. the foreshore zone) in a manner that facilitates delivery of policy objectives (national and regional). |
| <i>6) Do you agree that these criteria should inform decisions on the order in which marine plans should be prepared?</i> | The sections preceding this question provide a useful review of generic considerations, but they do not seem to set out criteria that could support any particular consideration of applying an order to plan development. |
| <i>7) Are there any other criteria which should also be considered?</i> | A key consideration should be where is there a pressing need for planning to provide the framework for decisions due to the existence of activities that are spatially and temporally related. |
| <i>8) Do you agree with these considerations and their classification? If not, how would you classify them, and why?</i> | Broadly yes. We appreciate the caveats stated in Section 5.5 (Relative weight of considerations), but with particular regard to “integrating management of border areas”, we would suggest that any consideration of this matter should be informed by an assessment of the “complexity of activities in the area” which use criteria that support examination of spatial and temporal relationships. |

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| <p><i>9) If you suggested any changes to the considerations in response to questions 6 and 7, how do you think they should be reflected in this table?</i></p> | <p>Attention should be directed, in the first part of the table, at “Existing sustainability of activities/uses and other processes taking place in the area” and how this relates to perceived notions of “Complexity of activity in the area” as stated in the second part of the table. As stated previously, criteria should be adopted that support temporal and spatial examination as the basis for prioritising marine plan preparation.</p> |
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Additional Comments:

1. In paragraph 3.12 (Human Activity) we suggest that particular attention should be given to the structured programme of environmental evaluation as applied to the marine minerals industry (e.g. Regional Environmental Characterisation studies funded under the Aggregates Levy Sustainability Fund and Regional Environmental Assessments commissioned directly by the marine minerals industry). Also relevant is the English Heritage programme of Historic Characterisation studies to address inshore and offshore areas.
2. Paragraph 5.3 mentions that it might be necessary to “prioritise between areas” and we therefore encourage Government to come forward with frameworks for how prioritisation might be determined. In addition, in section 5.3.6 (national significant infrastructure projects) we noted the reference to National Policy Statements, but we encourage similar attention is given to Planning Policy Statements, which will be relevant where respective marine and land planning systems overlap.
3. To expand on our response to Question 3, we suggest that consideration of the inshore and offshore region in one plan would be particularly helpful if consideration is given to the types of activity which will span these regions, for example while an Offshore Wind Farm turbine array might be “offshore”, the cable route to the landfall location, will of course, be “inshore”.
4. To expand on our response to Question 9, we recommend that particular attention is directed at the actual area of overlap between terrestrial and marine planning competencies to ensure that policies are reflected appropriately to support delivery and in proportion to the overall area subject to planning under either regime. In this regard, the details provided in section 3.6 (Contribution to Integration) and in Annex A, Section 7.2 (Human Activity) provide a useful starting point to designing the new planning framework.

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our Customer Services department:
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