



Historic England

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20<sup>th</sup> July 2018

Dear Sir/Madam,

**Marine Conservation Zones – Consultation on Sites Proposed for Designation in the Third Tranche of Marine Conservation Zones (dated June 2018)**

Thank you for your letter, dated 8<sup>th</sup> June 2018, regarding the consultation exercise for the Third Tranche of sites proposed for designation as Marine Conservation Zones within the English inshore and offshore marine planning areas.

Historic England is an Executive Non-departmental Public Body sponsored by the Department for Digital, Culture, Media and Sport (DCMS), and has its general powers set out under section 33 of the National Heritage Act 1983, as amended by the National Heritage Act 2002 and it is our role to advise the Secretary of State DCMS on designation of listed buildings, scheduled monuments and protected wreck sites and certificates of immunity from listing. We also provide advice to the Marine Management Organisation for the English inshore and offshore marine planning area, as provided for under the Marine and Coastal Access Act 2009. It is therefore our role to champion and protect England's historic places, providing expert advice to planning authorities, developers, owners and communities to help ensure our historic environment is understood, enjoyed and cared for by all.

We understand that the focus for attention in this consultation exercise are the proposed designation of 41 Marine Conservation Zones (MCZs) and to add new conservation features to 12 designated MCZs. We therefore offer the following response to the questions included within Part J (Consultation Questions) of the consultation document.

Please note that this response addresses common matters for all the proposed MCZs and an Annex to this letter highlights those designated heritage assets as may be found within or extending into any proposed MCZ listed in Tranche Three.



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1. *Do you agree that this site and specified features should be designated? Please explain and provide evidence to support your views as necessary.*

We have no comment to offer for any of the proposed MCZs in regard to how or why they were selected for nature conservation interests associated with marine flora, fauna, marine (natural) habitats or other geological and geomorphological criteria.

2. *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.*

We have no comment or advice to offer regarding any proposed site boundaries as relevant to protect any spatially identified marine flora, fauna, marine (natural) habitats or geological and geomorphological features as might merit protection within a MCZ.

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

We have no response to offer regarding this question.

4. *Are there any additional activities (that may have an impact on proposed features) occurring within this site that have not been captured within the Impact Assessment and site factsheets? Please provide evidence to support your views.*

We have no response to offer regarding this question.

5. *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.*

We have no response to offer regarding this question.

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

It is important matter that when designating MCZs, the designating authority takes account of economic and social consequences of doing so, as provided through section 117(7) of the Marine and Coastal Access Act 2009, as explained within Chapter 2 (problems under consideration) of the accompanying Impact Assessment. The Impact Assessment exercise does recognise activities as might be directed at the historic environment and we noted in paragraph 3.1 how the concept of ecosystem services are considered inclusive of “less tangible cultural benefits, derived from a good quality marine environment.” We have commissioned projects to examine matters to do with cultural services as a component of ecosystem services and we will look to provide further advice regarding such matters to Natural England and the MMO in regard to measures prescribed through General Management Approaches (GMAs), as described within Box 1 (MCZs, conservation objectives and management measures).

Impact Assessment Table 1 (Summary of baseline cost to private industry and public bodies) requires amendment as it refers to English Heritage. English



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Heritage<sup>1</sup> is now a non-governmental organisation responsible for public membership and access to the national collection of sites, buildings and monuments. Incidentally, the national collection does not include historic shipwreck sites, so it is therefore important that this Impact Assessment exercise should only refer to Historic England<sup>2</sup>. Furthermore, paragraph 6.15 (Archaeological Heritage – no extra costs quantified) should also be updated to refer to Historic England (not English Heritage Trust). We note the attention given to differentiating between assessments as might be necessary regarding possible effects on broad scale habitats and other habitats and species identified as Features of Conservation Importance (FOCI) within the MCZ network. We confirm that the approach taken should consider the character of licensed activities as might be directed at historic shipwreck sites designated under the Protection of Wrecks Act 1973 or projects conducted on scheduled heritage assets designated under the Ancient Monuments and Archaeological Areas Act 1979 (see Annex to this letter). In reference to the marine planning area, it is important to add that designated heritage assets only represent a small proportion of sites and similar attention should be directed at those sites designated under other legislation, such as the Protection of Military Remains Act 1986. However, we are not aware of any specific requests for information received regarding those sites proposed for designation in Tranche Three and therefore we must take issue with the assertion in paragraph 6.16 regarding “preliminary and informal consultation” which we are not aware as having taken place.

Furthermore, in consideration of additional costs as might be associated with any assessments as necessary to determine (detrimental) impact to broad-scale habitats and the identification of GMAs, we are of the opinion that the types of archaeological investigations that require consent under the Protection of Wrecks Act 1973 and any associated licence required under the Marine and Coastal Access Act 2009 should be compatible with MCZ conservation objectives. Additional evidence to demonstrate this matter is provided by the project we commissioned: *Historic Environment Projects and Activities within Marine Conservation Zones* (Marine Planning Consultants & Fjordr, 2017)<sup>3</sup>. In particular, Table 2 mentions that archaeological excavations might be prohibited in MCZs with exposed peat and clay beds with a “recover conservation objective”, but the text states that this is not applicable to any MCZ proposed in the Third Tranche sites, as none have this feature in an unfavourable condition. However, proposed MCZs:

- Beachy Head East; and
- Yarmouth to Cowes.

Are both identified as containing this feature with a GMA to “recover to favourable condition”. In addition, the Yarmouth to Cowes proposed MCZ is considered inclusive of a feature “Bouldner Cliff geological feature” with a GMA of “maintain in favourable condition”. It is notable that this geological feature also comprises peat<sup>4</sup> and therefore we see the identification in the published factsheet for this proposed MCZ, that “activities not likely to be affected” as inclusive of “archaeological heritage”. A clear statement to this effect from Natural England is requested to recognise archaeological activities as might be directed at this place

<sup>1</sup> <http://www.english-heritage.org.uk/>

<sup>2</sup> <https://historicengland.org.uk/advice/hpg/has/>

<sup>3</sup> <http://research.historicengland.org.uk/Report.aspx?i=15869>

<sup>4</sup> <http://www.maritimearchaeologytrust.org/bouldnor>



as being compatible with its conservation objectives and fully accounted for in determination of “social consequences” of designation, so that future archaeological projects may continue.

We also understand from the Impact Assessment that there could be other restrictions on vessels anchoring over sensitive features such as seagrass beds. However, from the information presented to us in this consultation exercise it would appear that none of the Third Tranche sites, which contain this habitat type, presently contain any seabed designated Historic Shipwreck Sites.

7. *Do you agree that the additional features proposed should be added to the existing MCZs? Please explain and provide evidence to support your views as necessary*

We have no comment or advice to offer regarding any additional feature(s), as detailed within Annex F, to be added to the existing and designated MCZs as relevant to selection criteria for flora, fauna, marine (natural) habitats or geological and geomorphological features as might merit protection within a MCZ.

8. *Is there any additional evidence to improve the scientific data certainty for the recommended additional features within this site? If yes, please provide evidence using the data submission form*

We have no response to offer regarding this question.

9. *Do you have any new information on costs to industry of these additional features that are 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.*

We have no response to offer regarding this question.

10. *You may wish to provide comments on any other aspects of the consultation proposals. Where you disagree with the proposed approach, please provide evidence where possible to support your views.*

We noted in all the MCZ factsheets that under the heading “what activities are not likely to be affected” included a category “archaeological heritage”. We are not readily familiar with the application of such a term (although we commented on its use during the MCZ Tranche Two consultation exercise, our response dated 24<sup>th</sup> April 2015) and we encourage you to apply the established term of “heritage asset”, as defined within the UK Marine Policy Statement<sup>5</sup>. It is also a relevant matter that for MCZs, such as Berwick to St Marys that has a specific mobile species conservation feature (Common eider (*Somateria mollissima*) with an objective to “recover to favourable condition” that recreational activities identified for attention are primarily in-water and as such the relevance to interactions with coastal heritage assets should be fully addressed through the accompanying Impact Assessment exercise. For example, it would be hoped that established procedures for managing coastal habitats, as favourable to the common eider, will continue to accommodate activities as might be directed at heritage assets such as identified in the Annex to this letter.

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<sup>5</sup> See UK Marine Policy Statement paragraphs 2.6.6.4 and 2.6.6.5



In the future, should such heritage assets (designated or non-designated) be identified as co-located with this habitat or any other habitat type of conservation importance, we hope that constructive dialogue, as informed by our published research on archaeological activities within MCZs will allow for mutually compatible partnership working.

The comment made in Table 2 that “no impact monetised due to uncertainty on number of licence applications” we suggest could have been addressed if information had been requested from us. Furthermore, the Small and Micro Business Impact Assessment (paragraphs 6.55 – 6.58) should consider matters as relevant to services that support access to designated heritage assets e.g. dive boat operators that operate under licence to allow access by (recreational) scuba-divers or other enterprises that support public access to our shared historic environment. In particular we refer you to *The Social and Economic Benefits of Marine and Maritime Cultural Heritage* (published by the Honor Frost Foundation, 2015)<sup>6</sup> as a means to expand on the marine goods and benefits (re cultural service) identified within Table 3 and 4 (and Box 3). The additional detail provided in Annex C was useful and requires further attention such as how “cultural services” might be identifiable in association with physical evidence of cultural heritage as represented by “marine landscape and underwater objects present”. To support action that might enable some degree of monetisation you may wish to request from us details regarding project work as has recently been conducted on foreshore and seabed excavations (e.g. Historic England and the Dutch Cultural Heritage Agency are diving, excavating and recording the site of protected wreck the Rooswijk which sank on Goodwin Sands in 1740)<sup>7</sup>.

In conclusion, while we acknowledge responsibilities under S. 125 (and S. 126) of Marine and Coastal Access Act 2009 which sets out “duties of public authorities” and that relevant public bodies must exercise their functions in a manner that best furthers the conservation objectives of a (designated) MCZ, or least hinders the achievement of those objectives. We consider it to be of crucial and equal importance that Defra and their advisors consider how designation might affect other activities conducted in the public interest (i.e. the social consequences), and thereby acknowledge how a body such as Historic England actively promotes the public’s enjoyment of, and knowledge about, the historic environment throughout the coastal and marine environment.

Yours faithfully,



Christopher Pater  
**Head of Marine Planning**  
**Historic England**

Cc Andy Brown (Historic England, Planning Director – Public Value Framework)  
Vince Holyoak (Historic England, Head of Rural and Environmental Advice)

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<sup>6</sup> [http://honorfrostfoundation.org/wp/wp-content/uploads/2015/11/HFF-Report\\_Social-Economic-Value-of-Marine-and-Maritime-Cultural-Heritage.pdf](http://honorfrostfoundation.org/wp/wp-content/uploads/2015/11/HFF-Report_Social-Economic-Value-of-Marine-and-Maritime-Cultural-Heritage.pdf)

<sup>7</sup> <https://historicengland.org.uk/get-involved/visit/rooswijk-shipwreck-excavation/>



## ANNEX – DESIGNATED HERITAGE ASSETS AND TRANCHE THREE PROPOSED MARINE CONSERVATION ZONES

MCZ	MCZ Conservation features and GMAs	Designated heritage asset
Beachy Head East	Includes “Peat and clay exposures” with a GMA of “recover to favourable condition” Activities not likely to be affected include “archaeological heritage” which should be considered inclusive of licensed foreshore archaeological excavation	<i>Amsterdam</i> ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000055">http://list.historicengland.org.uk/result/single.aspx?uid=1000055</a> )
Bembridge	Although the site is described as encompasses the intertidal it appears from the identified features that these are primarily subtidal and that activities not likely to be affected include “coastal infrastructure” which we take to include matters as relevant to maintenance of heritage assets e.g. St Helen’s Fort	St Helen’s Fort ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1017370">http://list.historicengland.org.uk/result/single.aspx?uid=1017370</a> )
Berwick to St Marys	Given the species feature, common eider ( <i>Somateria mollissima</i> ) and the GMA to “recover to favourable condition” we note that activities not likely to be affected include “coastal infrastructure” which we take to include structural management matters as relevant to maintenance of heritage assets.	Dunstanburgh Castle ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1007507">http://list.historicengland.org.uk/result/single.aspx?uid=1007507</a> ) St Ebba’s chapel and monastic site ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1008563">http://list.historicengland.org.uk/result/single.aspx?uid=1008563</a> ) Coastal Artillery Battery on Blyth Links ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1021401">http://list.historicengland.org.uk/result/single.aspx?uid=1021401</a> )
Camel Estuary	The conservation features include estuarine and intertidal habitats, but that activities not likely to be affected include “archaeological heritage” which we take to include structural management matters as relevant to maintenance of heritage assets	Late medieval and 19th century bridge at Wadebridge ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1020814">http://list.historicengland.org.uk/result/single.aspx?uid=1020814</a> )
Dart estuary	Features identified with a GMA of “recover to favourable condition” include intertidal estuarine habitats although activities not likely to be affected include “coastal infrastructure” which we take to include structural management matters as relevant to maintenance of heritage assets	D-Day landing craft maintenance site on the River Dart, 560m south of Waddeton Court ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1020911">http://list.historicengland.org.uk/result/single.aspx?uid=1020911</a> )
Erme estuary	The habitat and species features proposed for designation are “maintain in favourable condition” and no additional management is expected.	Erme Estuary Wreck ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000071">http://list.historicengland.org.uk/result/single.aspx?uid=1000071</a> )
Goodwin Sands	Two habitat types (subtidal sand and subtidal course sediment) are identified as “Maintain in favourable condition” and the factsheet highlights that activities not likely to be affected includes “archaeological heritage”	<i>Sterling Castle</i> ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000056">http://list.historicengland.org.uk/result/single.aspx?uid=1000056</a> ) <i>Restoration</i> ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000057">http://list.historicengland.org.uk/result/single.aspx?uid=1000057</a> ) <i>Northumberland</i> ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000058">http://list.historicengland.org.uk/result/single.aspx?uid=1000058</a> ) <i>Admiral Gardner</i> ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000062">http://list.historicengland.org.uk/result/single.aspx?uid=1000062</a> )



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Purbeck Coast	Maerl beds are identified as sensitive to mobile bottom-abrading gears and one species, black seabream ( <i>Spondyliosoma cantharus</i> ) is sensitive to fishing activities (e.g. trawling and angling) and potting if placed on nesting sites. Although, the heritage assets are not included under activities not likely to be affected it should be considered that the types of archaeological activity as might occur here are not likely to damage any MCZ features	HM Submarine A3 ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1422537">http://list.historicengland.org.uk/result/single.aspx?uid=1422537</a> ) HMT Arfon ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1432595">http://list.historicengland.org.uk/result/single.aspx?uid=1432595</a> )
Wyre- Lune	Given the fish species feature identified for this MCZ is Smelt ( <i>Osmerus eperlanus</i> ) and that activities not likely to be affected includes “archaeological heritage” which we take to include matters as relevant to maintenance of heritage assets such as Glasson Dock	Glasson Dock ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1005091">http://list.historicengland.org.uk/result/single.aspx?uid=1005091</a> )
Yarmouth to Cowes	Bouldnor Cliff (geological feature) is identified as “Maintain in favourable condition” although peat and clay exposures are identified as “Recover to favourable condition”. The fact that activities not likely to affect MCZ features are inclusive of “archaeological heritage” it is important that further clarity is provided	Unknown wreck of Thorness Bay ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1402103">http://list.historicengland.org.uk/result/single.aspx?uid=1402103</a> ) Yarmouth Roads wreck ( <a href="http://list.historicengland.org.uk/result/single.aspx?uid=1000044">http://list.historicengland.org.uk/result/single.aspx?uid=1000044</a> )



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