



ENGLISH HERITAGE

Marine Planning Team
Marine Management Organisation
**Response submitted through on-line
questionnaire**

Our ref: MMO/marine planning

Your ref:

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1) EAST INSHORE AND OFFSHORE MARINE PLANS – DRAFT PLANS CONSULTATION

Question 1

Would you like to tell us a bit about your organisation or area of interest?

English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport (DCMS) and we report to Parliament through the Secretary of State for DCMS. It is our responsibility to provide advice to the Government on all aspects of the historic environment in England. The National Heritage Act (2002) gave English Heritage responsibility for maritime archaeology in the English area of the UK Territorial Sea, modifying our functions to include securing the preservation of monuments in, on, or under the seabed, and promoting the public's enjoyment of, and advancing their knowledge of such monuments. We therefore act as the primary advisor to the MMO for projects requiring a marine licence, as required by the Marine and Coastal Access Act 2009, which might affect the historic environment.

In the delivery of our duties we work in partnership with central government departments, local authorities, voluntary bodies and the private sector within the framework of our published Conservation Principles which are 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; and
- documenting and learning from decisions is essential.

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Our responsibility under the Protection of Wrecks Act 1973 (section 1: Historic Shipwrecks), 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 (DCMS) 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. There are presently 48 sites designated within the English area of the UK Territorial Sea. Within the East Inshore Marine Plan area there is one site: Dunwich Bank.

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. historic ports) dating from all eras of history. However, we 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 designated and protected sites.

Question 2

Do you consider Chapter 1 provides adequate background information on the marine planning process and the East Inshore and Offshore Marine Plan areas?

Yes.

In our response to the draft plan we understood that the marine plan authority must engage with numerous terrestrial planning authorities and support delivery of government policy with respect to the matters set out in National Policy Statements. We accept that such policy is seldom spatially specific and it would seem difficult for the East Inshore Marine Plan to be specific about matters such as port infrastructure. We also appreciate the attention that must be directed at supporting a sustainable marine economy, but we are concerned that the plan policies relating to the historic environment do not directly mention how proposals should be assessed to ensure the historic environment of the plan area is appropriately conserved. We accept the extent of background information that is provided, but we believe the document ought to include a plan which identifies the extent of the land-based element of the plan area and also show how it overlaps with the Adopted and emerging Local Plans. For example, Figure 10 is so small-scale, that it is impossible to ascertain how far inland the plan area might extend.

Question 3

Do you agree with the 20 year Vision (page 15) described for the East Marine Plan areas?

No.

We noted that the vision only addresses one potential development type – offshore wind energy. We must therefore encourage you to consider how these plans should offer a long-term Vision for other types of development that are likely to occur in this area e.g. decommissioning and removal of oil and gas rigs, port-related developments, mineral extraction, carbon capture and

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storage and associated infrastructure etc. As a Vision for the next twenty years the text in the draft plan should have a broader perspective as it is too limited to one industry, as already provided for in Objective 3 (“To realise sustainably the potential of renewable energy, particularly offshore wind...”).

Question 4

Do you agree with the Objectives (page 14-16) and consider they contribute effectively to achievement of the Vision?

No.

The draft Vision is focused on electricity generation from offshore wind infrastructure while the Objectives capture a broad range of matters of relevance to marine planning within the East Inshore and East Offshore areas. In consideration of our responsibilities for the historic environment we have focused our attention on Objective 5. We consider the text of the first part of this Objective is acceptable (“To conserve heritage assets...”), but we noted in the second part that this is the only Objective which makes reference to the need for decisions to “consider” how proposals might affect a particular aspect of the plan area. It would be far better if the second part of this Objective was framed in a positive manner which sought to ensure that any harm to the local character of the area is minimised. Consequently it is suggested that this Objective is amended as follows: “... and ensure that the character of the local area is maintained”. We recommend this amended because it will support the statement made in paragraph 55, second sentence that: “It recognises the need to consider if developments are appropriate to the area they would be located in and have influence upon and as far as possible do not compromise the value of such assets and characteristics.”

Question 5

The core of the draft East Marine Plans are the plan policies which address the topic and sector activities relating to the sustainable development of the East Inshore and Offshore marine areas. Please set out below your support or/and concerns for the plan policies including any suggested changes.

You will need to cite the specific Policy and paragraph numbers which your comments refer to

| Policy | Paragraph | Comment | Suggested alternative |
|--------|-----------|--|--|
| SOC2 | NA | <p>Criterion (a) – In terms of the land-based aspects, it would be preferable to utilise the same terminology as the NPPF. Therefore, rather than using “compromise” it would be preferable to refer to “harm”.</p> <p>Criterion (b) – Potentially, a development could have a positive impact upon a heritage asset which is something that we would encourage.</p> | <p>It is suggested that Criterion (a) is replaced with: <i>“that they will not harm elements which contribute to the significance of the heritage asset”</i></p> <p>It is suggested that Criterion (b) is amended to read: <i>“how, if there is harm to a heritage asset, this harm will be minimised”</i></p> |

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| | | <p>Criterion (c) - On land-based planning, the test is that the public benefits of the development should outweigh the harm to the heritage asset. The more important the heritage asset, the greater the public benefits required (see NPPF, Paragraph 133 and 134). In order to ensure consistency between existing Local Plans, similar tests should be applied in this plan.</p> | <p>It is suggested that Criterion (c) is amended as follows:- <i>“the public benefits of the proposal outweigh the harm to the heritage asset”</i></p> |
| SOC3 | 147 | <p>This Policy does not actually provide much protection for the character of either terrestrial or marine areas. It merely requires those proposing development to “consider” the potential impacts without placing any onus on them to do anything that will minimise harm to that character. However, it is important for us to add that if character is linked to relatively recent industrial development (e.g. offshore hydrocarbon exploration, extraction and transportation) then change through redundancy and installation of new technologies (i.e. offshore renewable power generation) does not necessarily infer an impact on character (positive or negative), but rather change in character which necessitates an assessment of how such change can be accommodated.</p> | <p>It is suggested that this Policy is amended as follows: <i>“Proposals should evaluate the potential impacts on the terrestrial and marine character of the area and seek to ensure that any harm is minimised.”</i> Through this amendment it will reinforce the action necessary to address the statement made in paragraph 147 (“Where an application or proposal is found to have a negative impact on character, the applicant or proposer should need to demonstrate what measures have been taken to minimise impacts on the areas character.”)</p> |
| GOV I-3 | 210 | <p>Table 2 (local planning authority plans) identified that the majority of planning-making bodies included historic environment policies, so it is appropriate that plan policies GOVI- 3 are considered as Contributing Policies to Objective 5.</p> | <p>Amend Table I</p> |
| FISHI | 382 | <p>It is uncertain how FISHI, as presently drafted, acts as a</p> | <p>It is recommended that Table I is amended so that this policy is</p> |

| | | | |
|-----|-----|---|--|
| | | Contributing Policy to Objective 5 as the explanation provided in this paragraph is focused on new activities that may effect stock recruitment and access to fishing grounds. Presumably if a new seabed activity is excluded it will therefore provide an indirect benefit to seabed heritage assets by reducing possible impact, but this principle could be applied to any and all seabed-impacting developments. | removed as a “contributing (indirectly) policy” to Objective 5 (Heritage Assets). From the detail of the policies GOVI, 2 and 3 are more beneficial and a corresponding relationship should be identified with Objective 5. |
| TR1 | 409 | Attention should also be given to describing the changing nature of the east coast with particular reference to the legacy of activities and settlements now abandoned due to dynamic coastal conditions and the fact that such locations now draw visitors for that reason e.g. Orford Ness, Dunwich | Amend second sentence to: <i>Furthermore, tourism and recreation rely on a healthy marine environment including good water quality, clean beaches, abundant wildlife and a healthy ecosystem to attract people. However, the east coast in particular is a highly-dynamic environment which results in new discoveries such as ice-age fossils and ancient human artefacts, but we also accept that such conditions have caused places to be lost and will continue to affect numerous settlements on the east coast.</i> |
| TR3 | 427 | It is of particular relevance in the application of Policy TR3 to acknowledge that attention should be directed at sensitive and sustainable use of Heritage Assets to deliver economic benefits inclusive of tourism and/or recreation related businesses. | An additional figure could have been included to illustrate maritime-related tourist infrastructure within the plan area e.g. Tide & Time Museum in Great Yarmouth, Dunwich Museum (Suffolk). |

Question 6

Do you have any other comments about the draft east marine plans not covered above?

Yes.

Figure 2 (Heritage Assets) – The historic shipwreck designate under the Protection of Wrecks Act 1973 (“Dunwich Bank”) is not identified. The sites which are identified as “war graves” should be re-titled as “Protection of Military Remains Act 1986 sites” with a footnote given to explain status as either “controlled sites” or “protected places”. The sites identified as “historic shipwrecks” requires explanation and we therefore require a reference to be given to the English



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Heritage Designation Selection Guide – *Ships and Boats: Prehistory to Present* (published 2012). It was also noticeable that at the scale of reproduction used for this figure that it is impossible to adequately illustrate Heritage Assets that are located within or extend into or across the intertidal zone.

Figure 3 (East inshore and offshore character areas) – Why are the terms “East Anglia” and “East Midlands” used to describe zones that are offshore and beyond 12nm limit of the English area of the UK Territorial Sea? It is arguable that such areas could be considered to hold character related to English regional names. It would seem more appropriate to recognise such zones as parts of the North Sea which are characterised by certain human activities such as shipping routes and gas fields.

Question 7

Please indicate your level of agreement with the following statement:

The Marine Plans adequately provide for the sustainable development of the East Inshore and Offshore marine areas.

Neither agree nor disagree.

It is very difficult to provide a definitive statement as these are the first marine plans to be produced. The information provided to us in the draft plans does reflect the ambition of the UK High Level Marine Objectives and the detail of the UK Marine Policy Statement. The primary factors that are relevant and applicable seem to be included in the draft plans and therefore, subject to effective delivery by competent parties, inclusive of development consents for Nationally Significant Infrastructure Project, which only have to have regard to the marine plans, then it should be possible to ascertain if, how and what “sustainable development” has been provided for through marine plans.

Question 8

Please indicate your level of agreement with the following statement:

The MMO has taken all reasonable steps to engage with people or groups with an interest in marine planning in the East as outlines in the approved Statement of Public Participation.

Agree.

Yes the MMO have applied sufficient effort to ensure we were informed about the mechanisms employed to produce the marine plans and organised and delivered useful events to support plan preparation.



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2) EAST INSHORE AND OFFSHORE MARINE PLANS – SUSTAINABILITY APPRAISAL

Question 1

Do you feel that the Sustainability Appraisal for the draft East Inshore and East Offshore Marine Plans has adhered to the process outlined in chapters one and two and fulfilled the requirements of the Strategic Environmental Assessment Directive? In particular, has it addressed the:

- **Baseline data, issues and context**
- **Assessment and choice of alternatives**
- **Assessment of the plans and mitigation**
- **Monitoring of the plans**

Free text:

Yes the approach adopted for this exercise does seem to have followed the process described in chapters one and two. In terms of the analysis presented it was noted that a relationship was identified between plan policies and the Objective for Heritage Assets. While we have considered the detail provided regarding baseline data, alternatives and mitigation we add the observation that procedures for effective monitoring now require particular attention and resourcing.

Question 2

Do you agree with the findings of the Sustainability Appraisal report for the draft East marine plans? Are there further issues that could have been addressed in relation to the:

- **Baseline data, issues, context**
- **Assessment and choice of alternatives**
- **Assessment of the plans and mitigation**
- **Monitoring of the plans**

Free text:

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The report provides a clear review of the process of policy assessment. However, while we appreciate the requirement for marine plans to adopt terminology as used by the UK Marine Policy Statement (MPS), we do consider it relevant that appropriate attention is given to how the East Inshore Marine Plan applies language and thereby sets tests for policies where there is spatial co-existence with terrestrial planning as directed by the National Planning Policy Framework (NPPF).

Question 3

Do you have any further comments on the Sustainability Report?

Free text:

The attention given to direct and indirect effects on cultural heritage through plan policies (e.g. EC3, WIND1 and AGG2), and the environmental contexts in which archaeological evidence might be found, does provide the detail necessary to inform this SA exercise with particular reference to how marine plan have capacity to support particular sectors, in particular offshore wind infrastructure (e.g. more cable seabed burial) and aggregates extraction. Regarding available “controls” we note that prominence given to project-level Environmental Impact Assessment and legal procedures to designate defined heritage assets, especially shipwreck. However, numerically the number of designated sites is very small and section 4.5 (cultural heritage) does mention the protocol we have devised and implemented with the marine aggregates industry, but we add that similar action (through the support of The Crown Estate) has been taken to devise a protocol with the offshore renewable sector. We also noted the statement made in this section regarding the Dogger Bank SAC as an “important location in terms of marine heritage”, but careful consideration is needed of the diverse nature of what comprises the historic environment. For example, if the SAC conservation feature comprises sandbanks then it is possible for archaeological materials to be persevered in-situ and thereby indirect protection is afforded to heritage assets if disturbance is limited with the boundary of the SAC. However, for the shallow areas of Dogger Bank, for which no SAC features can be identified, it is possible that policies that favour development might occur where there is an equal or possibly greater potential to disturb prehistoric landscape features that are now submerged. Mention is also made of monitoring and we must ask what attention will now be directed at devising a programme – particularly in reference to “significant effects”. Therefore in reference to Section 5 (monitoring) we noted the monitoring measures identified for cultural heritage and we must direct your attention to work commissioned through the English Heritage National Heritage Protection Plan (NHPP) which is broader and supersedes previous aggregate-related research supported by MALSF. The position set out in section 4.9 (landscape and seascape), does acknowledge the role of perception in the definition of seascape character (inshore and offshore) and the approach adopted in consideration of the MPS seascape definition, which is more focused on “...landscapes with views of the coast or seas...” We noted reference made to the offshore renewable energy sectors’ non-statutory Zone Appraisal Planning (ZAP) exercise and we must ask the extent to which ZAP, to date, has supported high level consideration of seascape?

In reference to “review of archaeological assessments and surveys completed as part of development consent processes” (Table 5-1), we recommend attention is directed at completion of OASIS records whereby professionally produced and completed archaeological reports are



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added to a national public archive for the historic environment. Regarding “landscape and seascape” we noted reference to review by MMO every 3 years and we must ask how this review process will be enacted?



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