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Rural Affairs and Environment Committee  
Room T1.01  
The Scottish Parliament  
Edinburgh  
EH99 1SP

11th June 2009

**FAO: Rural Affairs and Environment Committee  
Marine (Scotland) Bill - written evidence**

I am pleased to submit written evidence on behalf of the Marine Bill Historic Environment Taskforce (facilitated by BEFS – membership of the taskforce is given at the end of this paper). The taskforce has focused on the treatment of the underwater cultural heritage/historic assets in this draft bill. It has already engaged with the stakeholder consultation process leading up to the publication of the bill – see references below.

Members of the taskforce broadly welcome the general thrust of the Bill, and in particular the ability to designate historic MPAs, and the definition of historic asset which includes at 63 (5) (f) deposits, artefacts or groups of things which evidence previous human activity. We also express support for Robin Harper's successful amendment (S3M-3528.2) to motion S3M-3528 in the debate on the Marine Bill consultation (26/02/09), which advocated environmentally sustainable economic development and the need to improve the stewardship of the marine environment. We would like at this stage to raise a number of issues which warrant further consideration in order to ensure that historic assets are effectively safeguarded under the new proposals.

**Scottish zone, historic assets and cross-border responsibilities**

Under current proposals, responsibility for managing historic assets will not be devolved in the 12-200nm zone. We wish to see this amended in order to ensure that historic assets will be treated consistently with natural environment assets. Clarity is also sought in respect of how the proposed spatial planning, licensing, and consultation processes will work in sea areas which are shared between Scotland and the UK, for example, the Solway Firth which is split between Scotland and England.

**Scottish Marine Area: definition of sea**

How is mean high water spring tide to be defined? This is particularly relevant in areas of rapid erosion. It may be resolved in circumstances where MPAs extend onto the seashore.

## **National and regional Marine Plan – protection of non-nationally important assets**

UK high level objectives to be introduced in the 'UK Marine Policy Statement' do include non-designated assets. It is important that Scottish Ministers if they do not sign up to the UK Marine Policy Statement make similar provisions within a Scottish National Marine Plan. These in turn can be integrated into Scottish Regional Marine Plans and the licensing process to ensure that all potential assets are effectively considered.

## **Marine Protection and Enhancement: the Scottish Marine Protected Area**

Clarification is sought on the implications of this paragraph 58 (2), which states that the SMPA can include any island in that area of sea. Would the entire island be designated, or just the seashore and if the latter, why is it necessary to make this specification?

### *Relationship between historic MPAs and nature conservation MPAs:*

There is a need for greater clarity over the relationship between nature conservation MPAs and historic MPAs. Circumstances could arise whereby a Marine Conservation Order imposed for natural heritage may prevent work on historic sites if in the same area. This would prevent survey of actively eroding archaeological sites which may have been covered at the time of designation as a nature conservation MPA. A solution could be to require a full archaeological survey of an area prior to placing an order.

### *Paragraph 91 3 a: Reporting to Parliament:*

Would this lead to the establishment of targets?

## **Resource issues**

It is questionable whether the resource implications identified in the Explanatory Notes: *Table D: Historic Environment Resource Provisions* will be sufficient to support the policy intention behind the bill. Issues relate to the availability of data on marine historic assets, and the availability and location of specialist advice on these assets.

### *Designation of historic Marine Protection Areas – data requirements:*

Lack of data is a key issue when it comes to marine historic assets which will impact upon the potential to designate historic MPAs. In order to designate marine historic environment assets, and therefore historic MPAs, effective interpretation of existing and new data will be required. This will have significant resource implications and a collaborative approach to data collection will undoubtedly be required. Greater clarity is sought on the detail of how this might be achieved. It is advocated that a strategic approach to designating historic assets is preferable to designation taking place in the context of threat, or a perceived risk to an asset.

### *Specialist advice on the marine historic environment:*

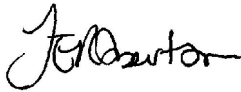
Roles at strategic level: Clearer distinction is required on the roles undertaken by Historic Scotland and Marine Scotland in relation to the management of marine historic assets. It is understood that Marine Scotland will have an involvement with undesignated marine historic assets with Historic Scotland remaining the main organisation responsible for designated assets.

What is the relationship to be in terms of source of advice and decision-making between the two bodies? Specialist advice on the marine historic environment must be available to, and ideally embedded within, Marine Scotland.

Roles at regional level: Clarity is sought on the powers, role and need for additional resources of local authorities in relation to managing 'undesigned' marine historic assets, particularly given very limited capacity at this level. Non-nationally important assets need to be explicitly recognised within the bill, and cared for in line with policy principles outlined in the Scottish Historic Environment Policy and Scottish Planning Policy 23. Local authority archaeologists would need the support of specialist advice and whether this would be located within Marine Scotland or Historic Scotland needs further detail.

We hope that this information is helpful in considering the broad thrust of the bill and implications for more detailed issues arising at stage 2. We would be pleased to provide further comment/background information as required.

Yours sincerely



*pp* Dan Atkinson (Taskforce convener)

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<sup>i</sup> BEFS Marine Bill Historic Environment Taskforce:

BEFS member organisations:

- Institute of Field Archaeologists – Scottish Group
- National Trust for Scotland
- SCAPE Trust
- Society of Antiquaries of Scotland

BEFS subscriber organisations:

- Association of Local Government Archaeological Officers: Scotland

Individuals:

- David Caldwell, Martin Dean, John Lawson, Colin Martin, Paula Martin, Peter Pritchard, Jack Stevenson

<sup>ii</sup> Previous responses/briefing:

Briefing for Marine bill Consultation Debate 26/02/09: Safeguarding Scotland's cultural maritime legacy

Consultation response: Sustainable Seas for All 03/10/09

Consultation response: SHEP on the Marine Historic Environment 30/05/09