

Recipient: EAC Committee (eacom@parliament.uk)

Sender: Chartered Institute for Archaeologists (rob.lennox@archaeologists.net)

17 January 2025

**Re: ClfA evidence submission on Governing the Marine Environment inquiry**

Dear EAC Committee,

The Chartered Institute for Archaeologists (ClfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

ClfA has over 4,000 members and more than 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the public and industry.

ClfA's Marine Archaeology Special Interest Group represents 400 professionals whose work relates to maritime archaeology. Its members include leaders in the practice of marine archaeology in the UK, from commercial businesses and charitable organisations delivering services to clients on marine planning, to academics and regulators.

Our key points are as follows:

- Heritage is an important component of the value that the marine environment can deliver for people and is important to coastal communities' identity and economy.
- It is important to ensure that law, policy, and management of the marine environment explicitly includes and consistently integrates heritage/the historic environment.
- For example, the historic environment sector has promoted the need for better integration of heritage with Marine Protected Areas in recent years.
- The historic environment's integration in marine spatial planning also has scope for improvement.
- Fisheries management should also be better at ensuring that opportunities to safeguard heritage are enabled.

Consultation questions:

**1. Does the Government have an adequate strategy to address the actions required to ensure alignment with its environmental obligations under multiple international marine treaties?**

The UK has various obligations to marine heritage under international law. These obligations derive from

- the European Landscape Convention, Council of Europe 2000 (hereinafter ELC)
- the European Convention on the Protection of Archaeological Heritage, Council of Europe 1992 (the Valetta Convention)
- the World Heritage Convention, UNESCO 1972 (WHC)
- the UN Convention of the Law of the Sea, UN 1982 (LOSC)

The UK Government has also adopted as best practice the principles of the Annex of the UNESCO 2001 Convention on the Protection of Underwater Cultural Heritage (hereinafter UCH Convention), and as such are factored into operational management by responsible bodies including Historic England. We understand that Government is also currently exploring the potential to formally ratify the Convention.

We would strongly encourage the ratification of the UNESCO 2001 UCH Convention, which would send a strong message about the UK's commitment to the protection of marine heritage in an era of increasing seascape pressures. It would also strengthen the UK's obligations to engage positively with other nations on issues relating to heritage assets, such as British Navy wrecks which are located in foreign waters, as well as wrecks of other national origins in British waters. It would also benefit the UK presentation of soft power to be engaged and committed to positive outcomes in these areas.

**2. How effectively are the UK's obligations in respect of marine protection under environmental treaties being implemented in UK law?**

Broadly, the UK has a mostly adequate framework for covering heritage obligations under these treaties. For example, the Marine and Coastal Access Act 2009 establishes a framework that ensures heritage assets are considered in marine planning, licensing and consenting by the MMO, and Marine Conservation Zones. Historic England, as statutory advisor on marine planning and other marine management areas upholds the principles from the UNESCO 2001 UCH Convention Annex, as well as Valetta and European Landscape Convention. Most World Heritage Sites with marine areas are subject to management plans with engagement from marine and maritime landowners, regulators, and other stakeholders. Marine licensing provides good coverage of obligations under the Valetta Convention.

We do not think, however that all area- based management regimes for the marine environment take adequate account of the European Landscape Convention (ELC), which would require the understanding of the potential historical and social significance of all landscapes to be understood more holistically, and better integrated into management processes.

We welcome positive integration of heritage in some data gathering, such as seabed mapping initiatives, and recent work with Inshore Fisheries & Conservation Authorities to include heritage in provisions for monitoring compliance with fisheries regulations (e.g. Remote Electronic Monitoring).

However, we have a general concern that the integration of heritage into some aspects of marine management has significant room for improvement (see our answers below).

**3. How does the UK's performance compare to other UN ratifiers in delivering its environmental obligations under international marine treaties?**

No comment.

**Marine Planning and Protection**

**4. What are the existing pressures on the marine environment?**

The UK has some of the richest marine heritage in the world, with over 37,000 known shipwrecks in UK waters, dating from the bronze age to the 20<sup>th</sup> Century, and rich archaeological landscapes such as the submerged plains of 'Doggerland' – home to Mesolithic hunter gatherers during the last ice age, which have revealed artefacts and environmental data of rich value to our understanding of both human population movements and lifestyles, and climate change.

Marine heritage assets face major challenges as a result of natural environmental factors like seabed erosion and biological degradation – in some cases accelerating as a result of climate change – as well as human factors, such as impacts of fishing, marine development, and diving or salvage activities which can result in the removal of artefacts from heritage sites.

Overarching these concerns is the general paucity of resources and capacity available to safeguard sites, conduct emergency archaeological work to mitigate sites which are eroding or at risk, and collect data to evidence the value of sites.

**5. Does the UK have a sufficiently integrated and effective marine spatial planning strategy?**

Archaeologists work closely with marine developers to ensure that regulations for the assessment and mitigation of potential impacts on heritage assets from off-shore development are correctly implemented.

This work includes the scoping of works to identify potential impacts, appropriate Environmental Impact Assessment, and if necessary, the design of strategies to avoid, or mitigate impacts to heritage assets. This activity helps to de-risk programmes for applicants, enabling much needed public benefits such as renewable energy generation. The potential for impacts to heritage will virtually never stop marine development, but managing impacts to ensure development is sustainable for the marine environment and balances social, economic, and environmental outcomes.

However, there are significant opportunities to enhance the contribution of heritage to marine spatial planning to seek greater positive outcomes for coastal communities and better knowledge gain and protection outcomes for heritage assets, which can currently be left at risk after being discovered during development works with no plan for safeguarding.

For example, better integration of heritage protection into provision for Marine Protected Areas (MPAs) and fisheries management. The lack of heritage provision in MPAs is a significant missed opportunity to take advantage of potential overlapping benefits from protection and synergistic management. In the past, poor understanding of heritage has led to preservation objectives being seen as incompatible with conservation objectives of Highly Protected Marine Areas, and has led to legitimate archaeological activities restricted as a result.

Additionally, an extension to MPA regulations to allow for the designation of areas specifically for their heritage significance (e.g. the Goodwin Sands) would be a huge advance in the available options for designation in England (better legislation existing in Scotland for Historic Marine Protected Areas). As well as advancing protection for heritage, a key element of this is better integrating natural and historic environmental management objectives, maximising synergistic outcomes.

Additionally, there is scope for better consideration of the social aspect of heritage management in future iterations of marine plans, with social benefit outcomes of heritage investigation more creatively encouraged as outcomes of marine development work – as happens in the terrestrial planning systems but is much rarer on marine development. For example, ensuring that marine development contributes to social benefit for coastal communities using heritage assets to bolster the local visitor economy, or to local community pride and sense of place.

## **6. Are the economic, social, environmental, and scientific demands on the marine environment adequately balanced in the context of marine spatial planning?**

As stated above, there is scope to ensure more work is done to balance the delivery of social value and economic benefits of marine development to coastal communities through marine planning and maximise integration of natural and historic marine

environmental management (including fisheries management, and marine conservation).

**7. What actions should be taken to ensure the UK's marine spatial planning function is fit for the future?**

See our answers above.

**8. How does the UK Government work with devolved nations to ensure that commitments such as '30 by 30' are met across the four nations in a fair and equitable way?**

No comment.

**9. How can the consenting process for marine developments be improved to ensure effective collaboration between planning officers and developers, while balancing environmental protection and economic growth?**

As stated above, we would welcome marine policies that more clearly recognised the range of options

**10. Do UK regulations give sufficient protection to the environment covered by Marine Protected Areas in domestic waters?**

As stated above, MPAs need to do a better job integrating management objectives for heritage assets into the regime. We strongly support the development of Historic Marine Protected Areas as an element of the regime, or a parallel programme, and would welcome a more collaborative approach with opportunities for Historic England to work closely with Defra, JNCC, and others to deliver improvements.

Yours sincerely,



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