



Matt Cartney
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19 June 2012

Dear Mr Cartney,

Consultation on Registrable Marine Activities and on Marine Licence Applications requiring Pre-Application Consultation

Thank you for the opportunity to comment upon the consultation on registrable marine activities and on marine licence applications requiring pre-application consultation.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 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 community, industry and the commercial and financial sectors. The IfA's Scottish Group has over 200 members practising in the public, private and voluntary sector in Scotland.

In matters relating to maritime archaeology IfA is assisted by its Maritime Affairs Group (MAG), to which most professional maritime archaeologists belong. The Group exists to:

- advance the practice of maritime archaeology by promoting professional standards for the management, conservation, understanding and enjoyment of the maritime archaeological resource;
- provide advice and commentary to IfA on matters relating to maritime archaeology;

- aid in the development of professional guidelines and standards for the execution of maritime archaeological work;
- promote the training of archaeologists and others in maritime archaeological practice; and,
- facilitate the exchange of information and ideas about maritime archaeology and to communicate these to the wider profession.

Registrable Marine Activities and on Marine Licence Applications requiring Pre-Application Consultation

General Comments

IfA supports the marine licensing system established under the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 in pursuit of a plan-led and fit for purpose licensing regime.

The Institute also recognises the need for a workable licensing system which does not unnecessarily burden users with administrative requirements. With that in mind IfA generally supports the proposal to avoid the burdens of licensing in suitable cases (where the effects on the marine environment are negligible) by permitting certain activities without a licence but subject to less onerous registration requirements. However, as highlighted in section 2.6.6.2 of the UK Marine Policy Statement *'heritage assets are a finite and often irreplaceable resource and can be vulnerable to a wide range of human activities and natural processes'*. Such activities and processes can often be small-scale and can significantly impact upon both known and hitherto unknown material of archaeological interest. Consequently, great care needs to be taken to ensure that significant damage to the marine historic environment is not unwittingly permitted by the relaxation of licensing requirements. This is particularly relevant to the fifth proposed class of registrable activity (as to which, see the answer to question 5 below).

IfA generally supports the requirement for pre-application consultation in cases where the exceeding of thresholds indicates potential for material harm to the marine environment (including the marine historic environment). The concerns in this regard raised below reflect a desire to ensure that any consultation engages those best able to inform early consideration of impacts upon the marine historic environment.

In answering the consultation questions below, the Institute confines itself to issues affecting the marine historic environment.

Questions

Q1. What are your views on the overall costs and savings identified in the Impact Assessments?

This question is better answered individually by our members and Registered Organisations.

Q2. Do you agree with the registration process as described?

Yes, save that the location of designated historic sites should be added to the requirement to identify the location of any nearby Natura sites.

Q3. If not, what changes would you propose to the process?

See above.

Q4. Do you agree that the listed activities should be registrable, rather than licensable?

No. (See the answer to question 5 below)

Q5. Do you have further comments regarding the activities listed above?

The fifth class of activity identified (the use of air filled flotation bags capable of lifting less than 100 kg from the sea bed) is one that could significantly harm the marine historic environment. The importance of archaeological remains is not commensurate with their weight. Any 'specified threshold of environmental impact' in relation to archaeological materials as defined in Regulations must recognise this and recognise the fragility and irreplaceable nature of those remains. Wherever such materials are involved the use of air filled flotation bags for lifting should not be a registrable activity.

Q6. Are there any other classes of activity that should be registrable?

No comment.

Q7. Do you agree that statutory consultees should not be specified in legislation for the pre-application consultation process?

No

Q8. If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?

Historic Scotland and/or other stakeholders able to inform consideration of the impacts of activities upon the marine historic environment.

Q9. Do you agree with the classes of activity that will be subject to pre-application consultation?

No comment.

Q10. If not, what activities would you add or remove from the list?

No comment.

Q11. Do you believe that the above proposals discriminate disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief.

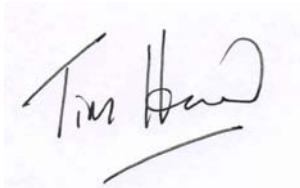
No.

Q12. If you answered yes to Question 7, in what way do you believe the proposals to be discriminatory?

Not applicable.

If there is anything further that I can do to assist, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tim Howard", with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor