

Response to the marine Bill consultation

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Dear Sir

We are very disappointed and concerned that there is no specific mention of maritime archaeology in the Bill. We see the failure to recognise the importance of maritime cultural heritage and as a serious omission from the Northern Ireland Bill. In support of our request we would point out that the Scottish Act, which is stronger on Marine conservation, specifically mentions the protection of historic monuments and further specifies the creation of Historic Marine Protection Zones. We quote the relevant section of the Scottish Act below.

73 Historic MPAs: additional requirements etc.

1. *(1)An area may be designated by a designation order as a Historic MPA if the Scottish Ministers consider it desirable to do so for the purpose of preserving a marine historic asset of national importance which is, or which they are satisfied may be, located in the area.*
2. *(2)The order must—*
3. *(a)specify any marine historic asset located, or which the Scottish Ministers are satisfied may be located, within the area,*
4. *(b)state the preservation objectives for the asset and the area,*
5. *(c)identify the area's boundaries.*
6. *(3)For the purpose of subsection (2) (c), an order may provide for the boundary to be determined by, or by reference to, mean high water spring tide.*
7. *(4)A Historic MPA may include (in addition to an area of sea referred to in section 67(1)) an area of seashore lying above mean high water spring tide if the area of seashore adjoins the area of sea.*
8. *(5)For the purposes of this Part, a marine historic asset is any of the following—*
9. *(a)a vessel, vehicle or aircraft (or a part of a vessel, vehicle or aircraft),*
10. *(b)the remains of a vessel, vehicle or aircraft (or a part of such remains),*
11. *(c)an object contained in, or formerly contained in, a vessel, vehicle or aircraft,*
12. *(d)a building or other structure (or a part of a building or structure),*

13. (e) a cave or excavation,
14. (f) a deposit or artefact (whether or not formerly part of a cargo of a ship) or any other thing which evidences, or groups of things which evidence, previous human activity.

A short but important provision is included in the **Marine and Coastal Access Act 2009 (the UK Act)**, which states under the grounds for designation of a MCZ a reference to *The reference in subsection 7.....includes a reference to any social consequence of doing so for any site in that area (including any site comprising or comprising the remains of, any vessel, aircraft or marine installation) which are of historic or archaeological interest (Marine and Coastal Access Act 2009 117:8)*. They also note that included in the Maritime Environment are features of archaeological or historic interest (ibid 186).

Statutory protection of cultural material on the seabed or in intertidal zone in Northern Ireland is covered principally under two legislative measures.

1 The Protection of Wrecks Act 1973

2 Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995.

Both have inadequacies regarding their ability to protect archaeological sites or material on the seabed and the proposed act provides the opportunity to rectify this.

Suggested amendment

An ideal scenario would be to follow the Scottish route and have Historic Marine Protection Zones and copy their clauses into the Bill. Failing this we suggest that at the very least that in the section 3 of the bill concerning the grounds for designation of Marine Conservation Zones (MCZ) clause 12 which reads '*(c) features of geological or geomorphological interest*', that a phrase **or of archaeological interest** be added here. If this is done it may or may not be necessary to insert qualifying phrase in other relevant places.