# Marine Licensing and Underwater and Foreshore Archaeology

## Marine Management Organisation
The Marine and Coastal Access Act 2009 introduced a new system of marine management. Part 1 of the Act established an independent body, the Marine Management Organisation (MMO).

The MMO is an executive non-departmental public body (NDPB) and reports formally to Parliament through the Secretary of State. The principle objective of the MMO is to make a significant contribution to sustainable development in the English marine area of the UK Territorial Sea (to 12 nautical miles offshore) and the adjacent area of the UK Continental Shelf (to a maximum of 200 nautical miles offshore). In doing so the MMO prepares marine plans and acts as the appropriate marine licensing authority.

## Marine Licensing
The marine licensing system covers a broad range of activities, inclusive of projects directed at historic or archaeological sites, as described in section 66 of the 2009 Act.

Section 69 of the 2009 Act details how the MMO (as appropriate licensing authority) in determining an application must have regard to 'the need to protect the marine environment'. This is defined in section 115(2) as inclusive of 'any site (including and site comprising, or comprising the remains of, any vessel, aircraft or marine structure) which is of historic or archaeological interest'.

We therefore acknowledge that activities (as described in section 66 and not subject to any exemption order) directed at seabed historic or archaeological sites will require a licence from the MMO.

## English Heritage's Role
The UK Marine Policy Statement, jointly published by all UK Administrations in 2011, recognises the need to protect and manage marine cultural heritage according to its significance.

In order for the MMO to determine the significance of seabed historic or archaeological sites, English Heritage is the primary advisor to the MMO for all marine works requiring consent that affect the marine historic environment under the new Marine Licensing system in England. Our advice is given to the MMO; i) without prejudice, ii) within the framework of the *Rules annexed to the 2001 Unesco Convention on the Protection of Underwater Cultural Heritage*, iii) within the framework of the *UK Marine Policy Statement* and iv) within the framework of our *Conservation Principles*, which can be 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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<u>Pre-Application Advice</u>
If you are planning to undertake an archaeological project underwater or on the foreshore we encourage you to contact the MMO before you submit a marine licence application. The MMO will advise you on the level of pre-application preparation required, as it will depend on what you propose to do. For example, it might be sufficient to look at the main issues governing underwater and foreshore archaeology combined with the need to address other issues as relevant to marine licensing (e.g. navigation safety, natural habitat protection etc) and they will help you to deal with those issues relevant to your application.

The MMO may also request that you contact English Heritage's National Planning & Conservation Department to discuss how the proposed project might affect the historic environment. Such pre-application advice is encouraged as it helps the MMO to support a co-ordinated approach and will verify a list of requirements to address historic environment matters, taking into account associated planning policies or any other matters as relevant to your proposal.

**We strongly advise you to consult with the Marine Management Organisation and then English Heritage before submitting a marine licence application for projects aimed at underwater and foreshore archaeology.**

**All legal requirements to report 'wreck' as defined by the Merchant Shipping Act 1995 remain applicable in addition to securing any marine licence consent.**

<u>Contacting English Heritage</u>
English Heritage has nine local offices around England. Details of your nearest National Planning & Conservation Department team is available from:
http://www.english-heritage.org.uk/about/contact-us/offices/

For general enquiries, please contact our Customer Services department on 0870 333 1181.

<u>Guidance for Divers</u>
Specific guidance for divers in relation to marine licensing has been issued by the Marine Management Organisation:
http://www.marinemanagement.org.uk/licensing/marine/activities/divers.htm

<u>Marine Planning</u>
Further information on marine planning and its relationship to the historic environment is available from English Heritage:
http://www.english-heritage.org.uk/professional/advice/our-planning-role/consent/marine-planning/


**English Heritage
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<u>References</u>
*Rules annexed to the 2001 Unesco Convention on the Protection of Underwater Cultural Heritage*
*http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/annex-of-the-convention/*

*UK Marine Policy Statement*
*http://www.defra.gov.uk/publications/2011/09/30/pb13654-marine-policy-statement/*

*Conservation Principles*
*http://www.english-heritage.org.uk/professional/advice/conservation-principles/ConservationPrinciples/*

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