

## Historic Environment Activities and Marine Conservation Zones

### Working Paper on Historic England's implementation of its responsibilities under s. 125 and s. 126 of the Marine and Coastal Access Act 2009

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#### 1 Introduction to Project

Marine Planning Consultants (MPC) and Fjordr Ltd are working together to provide Historic England with a better understanding of how the management of Marine Conservation Zones (MCZs) could affect historic environment activities, and to help identify the actions Historic England needs to take to ensure that the activities it supports are compatible with the conservation objectives of MCZs. Overall the project will support Historic England in fulfilling its duties under the Marine and Coastal Access Act 2009.

This working paper has been prepared as an initial account of the interaction between MCZs and historic environment activities, especially in terms of obligations upon Historic England. The working paper provides our initial thoughts on the issues under consideration, outlines a preliminary assessment methodology and will help inform a stakeholder consultation seminar that will take place in London in May.

Please note that legal provisions have been paraphrased in this account. For a full understanding reference must be made to the legislation in force (via <http://www.legislation.gov.uk/>) rather than the abridged forms presented here.

#### 2 Marine Conservation Zones

MCZs are designated under the Marine and Coastal Access Act (MCAA) 2009 to protect a range of nationally important, rare or threatened habitats, marine wildlife, geology and geomorphology. MCZ can be designated anywhere in English and Welsh territorial waters and UK offshore waters.

There are 50 MCZs in waters around England (see Map). These were designated in two tranches after a process closely involving stakeholders. During the first tranche of MCZs in 2013, 27 MCZs were designated. A further 23 MCZs were designated during the second tranche in 2016, bringing the total area protected to 7,886km<sup>2</sup>. A third tranche of MCZs are currently being consulted upon with a forecast date for designation in 2018. The MCZs will contribute to an ecologically coherent network of conservation sites in the UK and further afield.

Each MCZ is designated (and, if necessary, amended) by way of secondary legislation in the form of a Statutory Instrument (SI). All the SIs are available online as pdfs via <http://www.legislation.gov.uk/>

Each MCZ has a defined boundary that can be viewed and downloaded as a GIS layer via the JNCC Interactive Viewer: <http://jncc.defra.gov.uk/page-5201>.

The Protected Features for which an MCZ has been designated are identified for each MCZ. Protected Features are either habitats, species or geological features. A list of Protected Features for currently designated MCZs is set out in Appendix I.

Each MCZ has a stated Conservation Objective. The Conservation Objective usually takes the following form:

that the protected features

- (a) so far as already in favourable condition, remain in such condition; and
- (b) so far as not already in favourable condition, be brought into such condition, and remain in such condition.

'Favourable Condition' is generally defined as follows, according to whether a protected feature is a habitat, species or geological feature:

Favourable Condition ...

... with respect to a **species** of marine fauna within a Zone, means that the quality and quantity of its habitat and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers which enable it to thrive.

with respect to a **habitat** within the Zone, means that—

- (i) its extent is stable or increasing; and
- (ii) its structures and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it remains in a condition which is healthy and not deteriorating;

with respect to the **feature of geological interest** within the Zone, means that—

- (i) its extent, component elements and integrity are maintained;
- (ii) its structure and functioning are unimpaired; and
- (iii) its surface remains sufficiently unobscured for the purposes of determining whether the conditions in paragraphs (i) and (ii) are satisfied.

Details of each MCZ are set out in MCZ factsheets on the GOV.UK web site here:

<https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england>. Conservation advice packages for MCZs can also be found online, which include onward links to Natural England's Designated Sites System which also has links for supplementary advice, advice on operations and condition assessment: <https://www.gov.uk/government/collections/conservation-advice-packages-for-marine-protected-areas>.

Site Information Centres for the Offshore MCZs for which JNCC is the Statutory Nature Conservation Body (SNCB) are available online here: <http://jncc.defra.gov.uk/page-4525>.

### 3 Historic England's obligations towards MCZs

Historic England is a public authority that exercises functions and takes authorisation decisions that *could* affect the protected features of an MCZ or the processes on which their conservation depends. As such, Historic England has obligations under the MCAA 2009 under s. 125 in respect of the exercise of its functions and under s. 126 for its authorisation decisions.

#### 3.1 Authorisation Decisions (s. 126)

The two principal forms of authorisation decisions taken by Historic England are decisions in respect of a) licences to carry out activities on Protected Wrecks by virtue of the Protection of Wrecks Act 1973; and b) Scheduled Monument Consent (SMC) for works on Scheduled Monuments by virtue of the Ancient Monuments and Archaeological Areas Act 1979. As these designations extend only to territorial waters, they relate only to MCZs for which Natural England is the SNCB.

Currently, eight Protected Wrecks intersect with six MCZs, and 47 Scheduled Monuments intersect with 15 MCZs. Here, 'intersect' means that the designated area overlaps fully or partially with the area of an MCZ. See Appendix II for details.

Protected Wrecks can only be designated below high water. Where a designated area might otherwise extend above high water (by virtue of a radius drawn from a point), the area above high water is excluded from the designation<sup>1</sup>.

Many of the Scheduled Monuments that intersect with MCZs are predominantly above high water, but part of their area extends below high water. Authorisation decisions relating to Scheduled Monuments – including for works taking place wholly above high water – could affect the protected features of an MCZ or the processes on which their conservation depends, hence Historic England's s. 126 obligations apply to these Scheduled Monuments also. In addition to Scheduled Monuments that are largely above high water, a number are located in the intertidal zone and some also extend below low water.

There are further forms of designation relating to heritage assets that are relevant to MCZ obligations, namely World Heritage Sites, Listed Buildings, Registered Battlefields and Registered Parks and Gardens. Historic England has roles and responsibilities in respect of heritage assets subject to these forms of designation, authorisation decisions are taken by other authorities. Hence Historic England's obligations under s. 126 do not extend to these forms of designated heritage asset. Historic England's obligations towards these forms of designated heritage asset under s. 125 (exercise of functions) are addressed in the relevant sections below.

Some heritage assets are designated as protected places or controlled sites under the Protection of Military Remains Act 1986 (PMRA 1986). However, implementation of the PMRA 1986 (including designation and licensing) is administered by the Ministry of Defence; activities in respect of the PMRA 1986 do not fall within Historic England's responsibilities towards MCZs.

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<sup>1</sup> See e.g. Moor Sand, SI 1979/56  
[http://www.legislation.gov.uk/ukxi/1979/56/pdfs/ukxi\\_19790056\\_en.pdf](http://www.legislation.gov.uk/ukxi/1979/56/pdfs/ukxi_19790056_en.pdf).

### 3.2 Exercise of functions (s. 125)

Historic England's exercise of functions is much broader than the scope of its authorisation decisions. In the coastal and marine sphere its functions encompass advice to Government and its agencies, funding or providing other support or advice for investigations by third parties, encouraging public access, or any other actions to deliver Historic England's corporate plan<sup>2</sup>. Advice to Government and its agencies includes advising on the designation of heritage assets; advising on applications for marine licences and national infrastructure development consents (i.e. Development Consent Orders); and advising on a wide range of policy issues relating to the historic environment.

As noted above, Historic England does not have s. 126 obligations towards authorisation decisions in respect of World Heritage Sites, Listed Buildings, Registered Battlefields and Registered Parks and Gardens, but it does have s. 125 responsibilities towards these designated heritage assets in exercising its functions by advising on designation and policy, and responding to planning authorities regarding consents for Grade I and II\* Listed Buildings, for example.

There are significant intersections between these forms of designation and MCZs. Of the currently designated MCZs, two MCZs intersect with two World Heritage Sites; one MCZ intersects with one Registered Battlefield; and three MCZs intersect with five Registered Parks and Gardens. Intersections between MCZs and Listed Buildings are also numerous (see Appendix II), but as Listed Buildings are currently mapped only as points rather than extents, it is not possible to identify and quantify the overlap. Many waterside buildings and structures are designated as Listed Buildings, including harbour walls, quays, piers, lighthouses and waterfront properties. The entirety of these structures is designated, and these structures often form or fall within the high water mark, which is the landward boundary of most coastal MCZs. Activities relating to such infrastructure could very well take place in, or affect, MCZs in some way.

Notwithstanding the large number of designated heritage assets, most heritage assets – both on land and at sea – are not designated. As the UK Marine Policy Statement (MPS) states, 'the absence of designation for such assets does not necessarily indicate lower significance' (UK MPS para. 2.6.6.5). The exercise of many of Historic England's functions is concerned with non-designated heritage assets, and examples of such non-designated assets can be expected to be present in all MCZs.

Historic England advises the Marine Management Organisation (MMO) on marine licences and the Planning Inspectorate on national infrastructure planning applications. Both forms of consent may include historic environment considerations that have implications for MCZs.

Historic England's role in supporting activities to deliver its Corporate Plan or by third parties (through commissioned projects, for example) could also affect the protected features of an MCZ or the processes on which their conservation depends.

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<sup>2</sup> <https://historicengland.org.uk/about/what-we-do/corporate-strategy/>

### 3.3 General Duties with respect to Exercise of Functions

Under s. 125(2) Historic England must exercise its functions in the way that it considers the stated conservation objectives of an MCZ are best furthered or (if this is not possible) least hindered. If it considers that the exercise of its functions might significantly hinder MCZ conservation objectives, then Historic England must inform the relevant SNCB (s. 125(3)).

Historic England must also inform the MMO and the relevant SNCB if there have been any offences in relation to which Historic England exercises functions which Historic England considers will or may significantly hinder the achievement of conservation objectives (s.125(8-10)).

Further to these general duties, Historic England may wish to draw the attention of third parties engaged in historic environment activities in the vicinity of MCZs of the existence of MCZ feature and byelaw offences<sup>3</sup>, to encourage overall compliance with the requirements of MCZs by the archaeological community and to help prevent inadvertent infringements. This provision would apply where Historic England is not otherwise involved in the activity through its authorisation decisions or the exercise of its functions.

### 3.4 Obligations in Respect of Activities

The obligations on Historic England in respect of activities carried out in exercising its functions (s. 125) or which it authorises (s. 126) are broadly similar:

If Historic England believes there may be a significant risk of an act (or omission) hindering the stated conservation objectives of an MCZ then Historic England must notify the appropriate SNCB.

Historic England must not decide to carry out or grant authorisation for the act until 28 days after having notified the SNCB.

There is an exception to the 28-day period if the SNCB has already provided Historic England with specific advice or guidance about activities carried out in exercising its functions (s. 125(4-6)).

There are also exceptions in relation to both the exercise of functions and authorisation decisions if the SNCB has already notified Historic England that it need not wait, or if Historic England thinks there is an urgent need for the act (s. 125(7); s. 126(3-4)).

Historic England must have regard to any advice or guidance given by the appropriate SNCB (s. 125(12); s. 126(10)). SNCBs can request an explanation for what the SNCB regards as a failure of Historic England to comply with the obligations to notify the SNCB under s. 125 and s. 126, or to act in accordance with the advice or guidance given by the SNCB (s.128).

With respect to authorisation decisions, an authorisation must not be granted unless the applicant satisfies Historic England that there is no significant risk of the act hindering the stated conservation objectives of the MCZ. There is an exception to this requirement on applicants in the following circumstances:

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<sup>3</sup> Offences of contravening byelaws and damaging protected features apply directly to individuals. HE is exempt from feature and byelaw offences insofar as its activities are done in accordance with its general duties under s. 125. Activities authorised in accordance with s. 126 are also exempt from feature and byelaw offences (s. 141(1)).

- there is no other means of proceeding which would create substantially lower risk, and
- the benefit to the public clearly outweighs the risk of damage to the environment,
- and the person will undertake or arrange measures of equivalent environmental benefit to the damage (s.126(5-8)).

Where this exception is invoked, Historic England must make its authorisation subject to conditions that require the measures of equivalent environmental benefit to be undertaken (s.126(9)).

#### 4 Four Stages in Making Decisions about Activities

From the above, it can be seen that Historic England has to go through four stages in making decisions about historic environment activities in the vicinity of MCZs:

<b>1 Screening</b>	Establish whether the activity is subject to s. 125 and s. 126 obligations.
<b>2 Assessment</b>	Establish whether the activity presents a significant risk of hindering stated conservation objectives, taking into account (in the case of applications for authorisation) the applicant's assurances or exceptional circumstances under s. 126(5-8).
<b>3 Consult SNCB</b>	Inform SNCB (unless the SNCB has advised otherwise or it is a case of urgent need) and have regard to SNCB advice or guidance.
<b>4 Decision</b>	To include conditions on authorisation if necessary.

These stages apply to all relevant decisions by Historic England that could affect the protected features of MCZs, including authorisations decisions under the PWA 1973 and AMAA 1979, decisions relating to activities on which Historic England has been consulted, funding decisions, decisions relating to designation, decisions relating to policy advice, and so on.

In order to navigate the proposed assessment methodology a series of flow diagrams have been provided in Appendix IV, comprising of:

- Step 1 – Screening
- Step 2 – Assessment
- Step 3 – Consult
- Step 4 – Decision

#### 4.1 Third-party Assessment Procedures

Historic environment activities in the vicinity of MCZs may also be subject to third-party consents, such as marine licensing administered by the MMO. The risk of hindering MCZ conservation objectives arising from an activity for which a marine licence is required will be assessed by the MMO in accordance with its procedures as set out in *Marine Conservation Zones and Marine Licences* (MMO, April 2013). For example, the following activities in the vicinity of MCZs arising from Historic England decisions would also be subject to the MMO's own consideration of risk to protected features:

- activities subject to authorisation decisions under the Protected Wrecks Act (PWA) 1973 or Ancient Monuments and Archaeological Areas Act (AMAA) 1979 for which a marine licence is also required;
- activities funded by Historic England on non-designated assets for which a marine licence is required; and
- activities prompted by Historic England planning advice for which a marine licence is required.

Duplication, unnecessary complication and elongation of administrative processes, and the potential for inconsistency in outcomes are all inconsistent with principles of good regulation. Consequently, it is proposed that Historic England's duties towards MCZs in respect of any activity subject to third party consents are met by Historic England making its decisions conditional on the third-party consent satisfying the requirements of s. 125 and s. 126 of the MCAA 2009. In the case of an activity subject to a marine licence, for example, Historic England's decision will be conditional on the activity receiving a marine licence in accordance with the procedures set out in *Marine Conservation Zones and Marine Licences* (ibid).

#### 4.2 Screening (see Step 1 flow diagram)

Screening is used here to refer to the process of determining whether the act to be decided upon intersects with an MCZ such that the protected features of the MCZ may be affected.

Decisions about all activities in the vicinity of an MCZ will be assessed by Historic England unless they are screened out.

Decisions about activities that involve physical intervention (i.e. some form of fieldwork) will be assessed. Activities that do not involve fieldwork (e.g. strategic studies; desk-based research) will not be assessed. Fieldwork includes all such work by third parties, e.g. where advice by Historic England requires a third party to make some form of physical intervention.

For the purposes of screening, an activity will be regarded as being in the vicinity of an MCZ if the proposed activity is to take place within the MCZ or within a set distance of the MCZ boundary. The following set distances are proposed:

- activities above high water line: 100m
- activities below high water line: 500m

The differences in set distance reflect the fact that effects on the protected features of MCZs can be transmitted over greater distances in the sea than on land.

To facilitate the identification of authorisation decisions that may have implications for MCZs, it is recommended that HE introduce a 'flag' on its internal data and administrative systems for the eight Protected Wrecks and 47 Scheduled Monuments that intersect with MCZs.

As noted above, if the activity is subject to a third-party consent procedure under which risk to the conservation objectives of an MCZ is addressed – such as marine licensing procedures – then the activity will not be subject to a duplicate assessment by Historic England.

### 4.3 Assessment of Significant Risk (see Step 2 flow diagram)

Having concluded that the act to which the decision requires assessment by Historic England, Historic England must determine whether there is a significant risk that the conservation objective of an MCZ will be hindered by the activity that is subject to decision.

For authorisation decisions, the applicant must satisfy Historic England that there is no significant risk of the act hindering the stated conservation objectives of the MCZ (unless the 'no other means' provisions apply). Historic England will be able to draw upon the applicant's risk assessment and accompanying information in conducting its own risk assessment. Historic England may need to amend its guidance for consent under the PWA 173 and AMAA 1979 to the effect that in the case of applications that may affect an MCZ, applicants will need to satisfy Historic England that there is no significant risk to the MCZ's conservation objectives.

The question of significant risk concerns the conservation objectives framed in terms of the favourable condition of protected features. As noted above, the definition of favourable condition is different for habitats, species and geological features, hence the question of significant risk is different for these three types:

<b>Habitat</b>	<p>Is there a significant risk that the activity will hinder a protected <i>habitat</i> remaining in – or being brought into – a condition whereby the extent of the habitat is stable or increasing and the habitat is healthy and not deteriorating?</p> <p>(Where the health of the habitat reflects its structures and functions, quality, and composition of its characteristic communities).</p>
<b>Species</b>	<p>Is there a significant risk that the activity will hinder a protected <i>species</i> remaining in – or being brought into – a condition whereby the population is maintained in numbers which enable it to thrive?</p> <p>(Where the ability of the species to thrive reflects the quality and quantity of the habitat and the composition of the species' population in terms of number, age and sex ratio?).</p>
<b>Geological Feature</b>	<p>Is there a significant risk that the activity will hinder a protected <i>geological feature</i> remaining in – or being brought into – a condition whereby: its extent, component elements and integrity are maintained; its structure and functioning are unimpaired; and its surface remains sufficiently unobscured.</p>

Many historic environment activities are non-intrusive and as a matter of Government policy and professional standards, intrusive activities are kept to a minimum and must always be justified in their application. Most intrusive activities will also be subject to a marine licence and their implications for MCZs will be assessed through the marine licensing process, rather than through the process outlined here.

In very general terms, historic environment activities – especially ones that are not also subject to a marine licence – are not likely to present a significant risk that the maintenance or achievement of favourable condition will be hindered. Also – and in equally general terms – the footprint of historic environment activities, especially intrusive activities, will have a very small footprint relative to the footprint upon which the favourable condition of the



protected feature is based. Historic environment activities are also generally temporary and of short duration, with little persistent effect once the activity has ceased<sup>4</sup>.

Beyond this very general appraisal, it is likely that historic environment activities will differ considerably between each other in the details of their footprint, instrumentation, effects on substrate and water column, location relative to protected features, frequency, density and so on. Accordingly, an event-based approach to assessing risk is proposed, rather than an activity-based approach. Each instance where an activity in an MCZ is to be decided upon will be assessed by Historic England, rather than the general form of activity being assessed (as in the approach taken to fisheries, where the generic sensitivity of protected features to different forms of fishing activity have been assessed<sup>5</sup>).

In assessing whether there is a significant risk that a conservation objective will be hindered, a risk assessment matrix is proposed that considers both severity (negligible; marginal; critical; catastrophic) and probability (unlikely; equivocal; probable, highly likely) of the effect of the activity on favourable condition:

		Severity of effect on favourable condition			
		Negligible	Notable	Critical	Catastrophic
Probability of effect on favourable condition	Unlikely	less than significant risk	less than significant risk	less than significant risk	significant risk
	Equivocal	less than significant risk	less than significant risk	significant risk	significant risk
	Probable	less than significant risk	significant risk	significant risk	significant risk
	Highly Likely	less than significant risk	significant risk	significant risk	significant risk

As noted above, historic environment activities should be assessed on a case-by-case basis as discrete events, but an activity-based risk assessment has been appended to this document to illustrate this matrix and the range of historic environment activities that might be subject to assessment (see Appendix III).

In carrying out the assessment, reference can be made to Natural England's Designated Sites System (DSS) and JNCC's Site Information Centres. The DSS includes Advice on Operations for each MCZ that indicates the sensitivity of protected features to the pressures

<sup>4</sup> For example, the depression left by the excavation and recovery of much of the remaining hull of the *Mary Rose* – the largest ever archaeological intervention in English waters – is 45m long x 40m wide x 4m deep. The continued presence of the sheet pile cofferdam partially around the wreck of the *Amsterdam* is a unique example of the persistence of large scale infrastructure on an underwater archaeological site. No archaeological intervention on the scale of the *Mary Rose* or *Amsterdam* has been attempted in the UK since the 1980s illustrating the highly infrequent nature of major intrusive works.

<sup>5</sup> See *Managing Fisheries in Marine Protected Areas: approach and process overview*. MMO, January 2016

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/538394/Approach\\_and\\_Process\\_overview\\_-\\_Managing\\_Fisheries\\_in\\_MPAs.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538394/Approach_and_Process_overview_-_Managing_Fisheries_in_MPAs.pdf).

associated with different operations, including a risk profile. Historic environment activities are not included in the operations covered by this advice, but the advice could be used in the course of assessment to identify equivalent pressures that might arise from historic environment activities.

Assessment of access-related activities should bear in mind that – except for Protected Wrecks – access to the sea is not restricted. Access to an MCZ by boat, walking on the shore, diving, and their ancillary activities may occur irrespective of Historic England's decisions. With respect to access, Historic England's assessment need only concern itself with whether the activity will increase access above a threshold such that there is a significant risk of hindering favourable condition, not that access itself presents a significant risk.

If Historic England concludes that the activity upon which they are deciding presents a significant risk of hindering the favourable condition of protected features, then Historic England is obliged to notify the relevant SNCB.

#### **4.4 Consulting Appropriate SNCB (see Step 3 flow diagram)**

As required by ss. 125(5) and 126(2), Historic England will notify the relevant SNCB in cases where Historic England believes there is a significant risk of an act hindering a conservation objective. Historic England should prompt the SNCB to indicate that they wish to make use of the full 28-day period or that the SNCB is of the view that Historic England need not wait.

Historic England need not notify the relevant SNCB of significant risk if Historic England thinks there is an urgent need for the activity to take place. However, although not an obligation, it is recommended that where Historic England believes there is no significant risk to the MCZ's conservation objectives – or there is a significant risk but the need for the activity is urgent – Historic England should contact the relevant SNCB as a matter of course to inform them of the activity and of the result of its assessment. Informing the relevant SNCB where Historic England does not believe there is a significant risk (or the need is urgent) will help discharge Historic England's general duties with respect to MCZs and build a corpus of examples upon which the SNCBs can draw if there is a need to revisit Historic England's approach.

#### **4.5 Decision (see Step 4 flow diagram)**

After 28-days (or earlier if the SNCB has indicated Historic England need not wait), Historic England can decide whether the activity can go ahead.

In its decision, Historic England must have regard to any advice or guidance given by the appropriate SNCB.

In the case of authorisation decisions where the 'no other means of proceeding' clauses apply, Historic England must make its authorisation subject to conditions that require measures of equivalent environmental benefit to be undertaken.

## **5 Conclusion**

This document sets out a procedure that enables Historic England to satisfy its duties as a public authority arising from the Marine and Coastal Access Act 2009 in respect of MCZs. Generally, many of the potential historic environment activities that can take place are not likely to present a significant risk that the maintenance or achievement of protected

features' favourable condition will be hindered. The footprint of historic environment activities will usually be very small relative to the footprint upon which favourable condition is based. Historic environment activities are also generally temporary and of short duration, with little persistent effect. Intrusive historic environment activities will in any case be subject to marine licensing, to which the procedures as set out in *Marine Conservation Zones and Marine Licences* will apply.

Nonetheless, historic environment activities differ considerably between each other in their details, so the procedure set out here provides for proportionate and targeted consideration of each instance where a historic environment activity in an MCZ is being decided upon by Historic England. The procedure takes into account third party licensing procedures (such as the marine licensing process administered by the MMO) and aims to provide a decision making process consistent with the principles of good regulation i.e. considering the need to eliminate or reduce duplication of effort, and unnecessary complication and elongation of the administrative processes.

## Appendix I: Features of Conservation Interest

### Habitats

Blue mussel (*Mytilus edulis*) beds (HOCl)  
 Cold-water coral reefs (HOCl)  
 Coastal saltmarshes and saline reedbeds  
 Deep-sea bed  
 Estuarine rocky habitats (HOCl)  
 Fragile sponge and anthozoan communities  
 on subtidal rocky habitats (HOCl)  
 High energy circalittoral rock  
 High energy infralittoral rock  
 High energy intertidal rock  
 Honeycomb worm (*Sabellaria alveolata*) reefs  
 (HOCl)  
 Infralittoral muddy sand (Non-ENG)  
 Infralittoral rock and thin sandy sediment  
 (Non-ENG)  
 Infralittoral sandy mud (Non-ENG)  
 Intertidal biogenic reefs  
 Intertidal coarse sediment  
 Intertidal mixed sediments  
 Intertidal mud  
 Intertidal sand and muddy sand  
 Intertidal under boulder communities (HOCl)  
 Littoral chalk communities (HOCl)  
 Low energy infralittoral rock  
 Low energy intertidal rock  
 Maerl beds (HOCl)  
 Moderate energy circalittoral rock  
 Moderate energy infralittoral rock  
 Moderate energy infralittoral rock and thin  
 mixed sediment (Non-ENG)  
 Moderate energy intertidal rock  
 Native oyster (*Ostrea edulis*) beds (HOCl)  
 Peat and clay exposures (HOCl)  
 Ross worm (*Sabellaria spinulosa*) reefs (HOCl)  
 Sea pens and burrowing megafauna (HOCl)  
 Seagrass beds (HOCl)  
 Sheltered muddy gravels (HOCl)  
 Subtidal biogenic reefs  
 Subtidal chalk (HOCl)  
 Subtidal coarse sediment  
 Subtidal macrophyte-dominated sediment  
 Subtidal mixed sediments  
 Subtidal mud  
 Subtidal sand

### Species

Couch's goby (*Gobius couchi*) (SOCl)  
 Black seabream (*Spondyllosoma cantharus*)  
 (Non-ENG)  
 Defolin's lagoon snail (*Caecum armoricum*)  
 (SOCl)  
 Giant goby (*Gobius cobitis*) (SOCl)  
 Lagoon sand shrimp (*Gammarus insensibilis*)  
 Long snouted seahorse (*Hippocampus*  
*guttulatus*) (SOCl)  
 Native oyster (*Ostrea edulis*) (SOCl)  
 Ocean quahog (*Arctica islandica*) (SOCl)  
 Peacock's tail (*Padina pavonica*) (SOCl)  
 Pink sea-fan (*Eunicella verrucosa*) (SOCl)  
 Sea-fan anemone (*Amphianthus dohrnii*)  
 (SOCl)  
 Short snouted seahorse (*Hippocampus*  
*hippocampus*) (SOCl)  
 Smelt (*Osmerus eperlanus*) (SOCl)  
 Spiny lobster (*Palinurus elephas*) (SOCl)  
 Stalked jellyfish (*Haliclystus auricula*) (SOCl)  
 Stalked jellyfish (*Lucernariopsis campanulata*)  
 (SOCl)  
 Stalked jellyfish (*Lucernariopsis*  
*cruxmelitensis*) (SOCl)  
 Tentacled lagoon-worm (*Alkmaria romijni*)  
 (SOCl)

### Geological Features

Clacton Cliffs and Foreshore  
 Folkestone Warren  
 North Norfolk coast (Subtidal)  
 Spurn Head (Subtidal)

### Key:

HOCl	Habitats of Conservation Interest
SOCl	Species of Conservation Interest
Non-ENG	Non-Ecological Network Guidance features <sup>6</sup>

<sup>6</sup> Non\_ENG features are habitats and species included as Non-Ecological Network Guidance (ENG) features. The ENG sets out the guidelines used to identify MCZs.

## Appendix II: MCZs (English Inshore Region) and Designated Heritage Assets

MCZ Name	Protected Wrecks	Scheduled Monuments	Listed Buildings (indicative)	World Heritage Sites	Registered Battlefields	Registered Parks & Gardens
Allonby Bay				Frontiers of Roman Empire		
Aln Estuary			Multiple			
Beachy Head West	Brighton Marina	Camp near Belle Tout	Beachy Head Lighthouse			
Bideford to Foreland Point		Wrecks at Westward Hoe! and Northam Burrows	Multiple			
Blackwater, Crouch, Roach and Colne Estuaries		multiple	Multiple		Battle of Maldon 991	
Chesil Beach and Stennis Ledges						
Coquet to St Mary's			Multiple			
Cromer Shoal Chalk Beds			Cromer Pier			
Cumbria Coast						
Dover to Deal						
Dover to Folkestone						
Folkestone Pomerania						
Fylde						
Farnes East						
Hartland Point to Tintagel		Tintangel	multiple			
Holderness Inshore						
Isles of Scilly: Bishop to Crim	Tearing Ledge		Bishop Rock Lighthouse			
Isles of Scilly: Bristows to the Stones						
Isles of Scilly: Gilstone to Gorregan	Association					
Isles of Scilly: Hanjague to Deep Ledge		Prehistoric field systems etc.				
Isles of Scilly: Higher Town		Prehistoric field systems etc.				
Isles of Scilly: Lower Ridge to Innisvouls						



MCZ Name	Protected Wrecks	Scheduled Monuments	Listed Buildings (indicative)	World Heritage Sites	Registered Battlefields	Registered Parks & Gardens
Isles of Scilly: Men a Vaur to White Island		Prehistoric field systems etc.				
Isles of Scilly: Peninnis to Dry Ledge		Prehistoric field systems etc.				
Isles of Scilly: Plympton to Spanish Ledge		Prehistoric linear boundary				
Isles of Scilly: Smith Sound Tide Swept Channel		Prehistoric field systems etc.				
Isles of Scilly: Tean		Prehistoric field systems etc.				
Kingmere						
Lundy	Gull Rock; Iona II	Medieval settlement				
Medway Estuary		multiple	multiple			
Mounts Bay			Harbour Walls, St. Michael's Mount			St. Michael's Mount
Newquay and The Gannel		multiple	Old Lifeboat House and slipway			
Offshore Overfalls						
Padstow Bay and Surrounds		multiple				
Pagham Harbour						
Poole Rocks						
Runnel Stone		Treryn Dinas Promontary Fort				
Runswick Bay		Alum Quarries				
Skerries Bank and Surrounds	Moor Sand; Salcombe Cannon Site	multiple	Start Point Lighthouse			
South Dorset						
Tamar Estuary Sites		multiple	multiple	Cornwall and West Devon Mining Landscape		Port Eliot; Antony; Cotehele
Thanet Coast			multiple			
The Manacles						
The Needles	The Needles Site		multiple			
The Swale Estuary			Slipway, Whitstable			
Torbay		multiple	multiple			Princess Gardens and Royal Terrace Gardens



MCZ Name	Protected Wrecks	Scheduled Monuments	Listed Buildings (indicative)	World Heritage Sites	Registered Battlefields	Registered Parks & Gardens
Upper Fowey and Pont Pill		Lerryn Bridge	multiple			
Utopia						
West of Walney						
Whitsand and Looe Bay			Piers and Quays, Looe			
Total MCZs	5 MCZs	15 MCZs	19 MCZs	2 MCZs	1 MCZ	3 MCZ
Total Designated Heritage Assets	8 PWs	47 SMs		2 WHS	1 Battlefield	5 P&G

### Appendix III: Illustrative assessment of risk to the favourable condition of protected features from historic environment activities

Activity Group	Activity	Marine Licence required <sup>7</sup>	Risk to Favourable Condition								
			Protected Species			Protected Habitats			Protected Geological Feature		
			Severity	Probability	Risk	Severity	Probability	Risk	Severity	Probability	Risk
Access	Anchoring		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Equivocal	Less than Significant
	Mooring to an existing mooring		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Equivocal	Less than Significant
	Use of shotlines		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Equivocal	Less than Significant
	Vessel traffic		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Vehicle traffic		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Equivocal	Less than Significant
	Diving		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Walking		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Equivocal	Less than Significant
	Incidental foraging for e.g. lobsters, crabs, scallops, flatfish		Negligible	Equivocal	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Unlikely	Less than Significant
Non-intrusive Activities	Measured survey		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Photographic survey		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Photogrammetric survey		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Marine geophysical survey		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant

<sup>7</sup> See <https://www.gov.uk/government/publications/marine-licensing-exempted-activities/marine-licensing-exempted-activities>; <https://www.bsac.com/page.asp?section=4586&sectionTitle=Marine+Licensing+%2D+guidance+for+divers>



Activity Group	Activity	Marine Licence required <sup>7</sup>	Risk to Favourable Condition								
			Protected Species			Protected Habitats			Protected Geological Feature		
			Severity	Probability	Risk	Severity	Probability	Risk	Severity	Probability	Risk
	Walked geophysical survey		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Drone survey		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Install mooring	x	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
	Install dive trail		Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant	Negligible	Unlikely	Less than Significant
Intrusive Activities	Surface recovery		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Unlikely	Less than Significant
	Sediment / timber / artefact sampling		Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Unlikely	Less than Significant
	Evaluation (sondage; test pit; trench)	x	Negligible	Unlikely	Less than Significant	Negligible	Equivocal	Less than Significant	Negligible	Unlikely	Less than Significant
	Area excavation	x	Notable	Equivocal	Less than Significant	Notable	Probable	Significant	Notable	Probable	Significant
	Removal of structural remains	x	Notable	Equivocal	Less than Significant	Notable	Probable	Significant	Negligible	Unlikely	Less than Significant
	Secondary effects - sediment plumes	x	Critical	Equivocal	Significant	Critical	Probable	Significant	Notable	Probable	Significant
	Secondary effects - topographic changes	x	Critical	Equivocal	Significant	Critical	Probable	Significant	Notable	Probable	Significant
	Secondary effects - changes to habitat structure	x	Critical	Equivocal	Significant	Critical	Probable	Significant	Negligible	Unlikely	Less than Significant
Stabilisation and monitoring	Sandbagging	x	Notable	Equivocal	Less than Significant	Notable	Probable	Significant	Notable	Probable	Significant
	Geotextiles	x	Notable	Equivocal	Less than Significant	Notable	Probable	Significant	Notable	Probable	Significant
	Structures	x	Notable	Equivocal	Less than Significant	Notable	Probable	Significant	Notable	Probable	Significant

Activity Group	Activity	Marine Licence required <sup>7</sup>	Risk to Favourable Condition								
			Protected Species			Protected Habitats			Protected Geological Feature		
			Severity	Probability	Risk	Severity	Probability	Risk	Severity	Probability	Risk
Incidental Impacts	Clearing vegetation		Critical	Probable	Significant	Critical	Probable	Significant	Negligible	Unlikely	Less than Significant
	Hand fanning		Notable	Equivocal	Less than Significant	Notable	Equivocal	Less than Significant	Notable	Probable	Significant