

SCOTTISH HISTORIC ENVIRONMENT POLICY SERIES

THE MARINE HISTORIC ENVIRONMENT

ANALYSIS REPORT

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22 August 2008

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ACKNOWLEDGEMENTS

Historic Scotland would like to thank all those who responded to this consultation document and also the Built Environment Forum for Scotland for organising a workshop to gather stakeholder views on the draft SHEP document.

1. INTRODUCTION

1.1. This document fulfils the requirement for an ‘Analysis Report’ set out in the Scottish Government’s good practice guidance on consultation. The objective of this report is to analyse and report on the responses made to the consultation on The Marine Historic Environment Scottish Historic Environment Policy (SHEP), not to set out Scottish Ministers’ comments on or responses to those suggestions. The inclusion of a comment or suggestion does not imply that any contribution is accepted as accurately characterising the actual policy position or operational practice; footnotes provide more information where necessary.

1.2. The SHEP series is a new series of documents which sets out Ministers’ policy for the historic environment and is intended to provide clearer policy direction for Historic Scotland. The SHEPs have the same authority as and sit alongside the Scottish Planning Policy series and other relevant Ministerial policy documents.

1.3. The SHEPs arise from a recommendation in the review of Historic Scotland in 2003-04 that an ‘Executive endorsed policy statement for the historic environment in Scotland should be developed in consultation with stakeholders...’. The newly-revised Framework Document of 2008 sets out the role and responsibilities of Historic Scotland, and the respective roles of Scottish Ministers and the Chief Executive, who is accountable to Ministers for the operation of the agency. The SHEPs are mainly about the policies and roles of Ministers, although some operational matters are touched upon.

1.4. The SHEPs vary in content. *SHEP 1: Scotland’s Historic Environment* sets out strategic policy for the historic environment and provides a framework for the day-to-day work of organisations that have a role and interest in managing the historic environment. These include the Scottish Government, local authorities and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland.

1.5. Other SHEPs deal in more detail with established areas of policy, such as Scheduling and Listing and the related consent processes, and for these subjects the SHEPs are intended largely to consolidate and clarify the status of existing policy, while providing an opportunity for public comment on a range of policy and some operational issues. Other SHEPs deal with less-developed areas of policy, such as Gardens and Designed Landscapes or Battlefields. These documents are more exploratory and the consultation versions will often also include more questions about operational matters.

1.6. The draft SHEP on the Marine Historic Environment sets out Scottish Ministers’ policy on the management of marine historic sites. It explains the legislative and policy framework for the care, management and legal protection of those sites. It also invited views on Scottish Ministers proposals for new legislative measures within Scotland’s Marine Bill to protect marine historic assets according to the criterion of ‘national importance’.

1.7. The consultation document was published on 5 March 2008 and the consultation period closed on 30 May 2008. Approximately 350 copies of the consultation document were sent to a variety of organisations and individuals. 33 organisations and individuals responded and this represents a c.10% return. Respondents are listed in Annex A and a breakdown of responses is provided below. In most cases, responses formed the official response of the organisation. Responses from consultees who agreed that their submissions be made public are available at:

Table 1: Responses to consultation by interest group

	Local Authorities	Industry	Heritage organisations	Professional bodies	Public Bodies (e.g NDPBs)	Private Individuals and the voluntary sector
Number of Respondents)	7	6	10	2	4	4

1.8. During the consultation period, Historic Scotland ran a workshop in conjunction with the Built Environment Forum for Scotland (BEFS). BEFS has published a copy of the report from this workshop on their website. A hyperlink to this report is provided here: <http://www.befs.org.uk/08.03.07.MarineHistoricEnvironment.WorkshopReport.pdf>). Its findings are not included in this analysis report but they will be used to inform Historic Scotland’s consideration of the issues.

1.9. The response to the consultation was overwhelmingly positive.

2. METHODOLOGY

2.1. The response data were recorded, organised and summarised on a spreadsheet. A record was made of positive and negative responses and key themes. A frequency count was made of the overall number of responses by interest group and of the responses to each question. A qualitative analysis of the data was then carried out using this framework. The summarised data for each question were reviewed and key themes and contrasting views were identified.

2.2. The findings of the report are specific to the consultation exercise and do not necessarily reflect the weight or range of views within the population as a whole.

3. BREAKDOWN OF RESPONSES

3.1. The consultation asked ten questions inviting respondents’ views. Each question elicited a range of responses, some of which expressed approval for existing policy or sought minor amendments or clarification, while others made suggestions which would require policy or legislative change. A breakdown of responses is provided below.

Table 2: Breakdown of Responses to Questions

Questions	Question Answered				Question not answered
	Agree/ Yes	Disagree/ No	Qualified agreement with statement	Suggestions for change	
1. Do you agree with Scottish Ministers' proposed policies for the marine historic environment?	14	1	10	9	8
2. Is anything missing?	16	5	4	19	8
3. Is 'national importance' as defined in Annex A the appropriate	13	0	8	16	12
4. Are the guidance and criteria for determining national importance set out in Annex A those which should be applied? If not, what would you suggest?	12	0	7	8	14
5. Do you agree with proposals for new legislation in this area?	12	0	13	17	8
6. Do you have any views as to how duties in relation to the marine historic environment might be split between Historic Scotland and any Marine Management Organisation?	20	N/A	N/A	N/A	13
7. Do you consider that anything is missing? In your response, please note that matters relating to salvage are the concern of international maritime law and regulation of shipping. Such matters are reserved to the Westminster Parliament under the terms of the Scotland Act 1998.?	13	5	N/A	15	15

Questions	Question Answered				Question not answered
	Agree/ Yes	Disagree/ No	Qualified agreement with statement	Suggestions for change	
8. What do you think might be the role of the local authorities and their historic environment advisors in relation to the marine historic environment and what are the key issues that need to be overcome?	N/A	N/A	N/A	N/A	12
9. What new mechanisms and procedures might be required to provide for the management of change in relation to planning matters in connection with Scotland's marine historic environment?	N/A	N/A	N/A	N/A	15
10. Given that science and recording has a major role to play in improving knowledge about sites and monuments on the seabed, how can Scottish Ministers and agencies charged with relevant responsibilities best assist in progressing knowledge about Scotland's marine historic environment?	N/A	N/A	N/A	N/A	16

4. KEY THEMES

'.....this is a very positive document which makes an important step towards protecting the marine historic environment'

(Private individual and voluntary sector)'.

4.1. The consultation revealed that stakeholders are generally happy with the draft policies set out by Scottish Ministers, and by the proposals for new legislation to protect nationally important marine historic assets. Many respondents recognised that Scotland's Marine Bill

would be the principal tool to develop the necessary framework to underpin sustainable development of and protection for Scotland's outstanding marine environment, including its historic dimension. Scottish Government launched its consultation *Sustainable Seas for All* on 14 July 2008 and the consultation will run until 14 October 2008. Respondents across the range of sectors indicated that they felt there would be a need to take on board the responses to the SHEP consultation during Scottish Government's deliberations on the provisions of Scotland's Marine Bill. In turn, the responses suggested that it would be necessary to revisit the final SHEP in light of responses to *Sustainable Seas for All* and to delay publication of the SHEP until the passage of Scotland's Marine Bill through the Scottish Parliament.

4.2. As can be seen from Table 2, a substantial number of respondents have requested changes, although the majority of these relate to matters of detail and emphasis. Some, however, relate to the challenges that respondents argue need to be tackled in order to develop a satisfactory framework for managing change to historic assets in the marine area around Scotland. The dominant emerging themes from the consultation responses are explored immediately below.

4.3. The consultation document itself invited views on the contribution that science and recording could make in improving our knowledge about sites and monuments on the seabed, in order to inform decision making. Many of the respondents suggested that a lack of knowledge limits our ability to make sound decisions but that survey technology is improving rapidly. They indicated the need for a coordinated and systematic approach to data gathering, better sharing of and accessibility to existing data sources, and enhancement of historic environment records if we are to develop the baseline knowledge to underpin a coherent management framework.

4.4. Proposals to develop improved legislation to protect nationally important historic assets were generally welcomed, particularly the proposal to broaden the range of historic assets that can be protected on the basis of national importance. There appears to be a consensus that consultation in advance of designation is a positive step as is making information about the designation process and designated sites more available to the general public. While some respondents from industry welcomed a pragmatic approach and an emphasis on improving the effectiveness of the legislation, a number of heritage organisations cautioned against an overly conservative statement within the SHEP of the scale of any designation programme.

4.5. Most respondents welcomed the intention to apply the criterion of national importance and to adopt for the marine area (with minor amendments) the guidance on determination of national importance set out in SHEP 2 *Scheduling: protecting Scotland's nationally important monuments..* However, some respondents sought reassurance within the guidance that an emphasis on national importance would not exclude historic wrecks that might be of international significance with origins and ports of destination far distant from Scotland.

4.6. Several respondents also suggested that the policies were strong in the area of nationally important and designated historic assets, but that there needed to be a stronger emphasis on how sites of regional and local importance would be managed within the planning process and within the future provisions of Scotland's Marine Bill.

4.7. While reinforcing the value of local involvement in decision making in relation to coastal/marine planning, responses from local authorities and heritage organisations identified a lack of expertise and a shortage of resources as being barriers to be overcome as regards involvement offshore, in addition to the problem of lack of data. Any integrated approach delivered at local/regional level would require additional resources and access to specific expertise. Such a system would inevitably take time to put in place.

4.8. Table 2 on page 5-6 provides a statistical summary of the responses and should be read in conjunction with section 5, Summary of Responses.

5. SUMMARY OF RESPONSES

Question 1: *Do you agree with Scottish Ministers' proposed policies for the marine historic environment?*

5.1. Of the 25 respondents who answered this question, 21 stated that, overall, they agreed with the proposed policies and one raised an issue. There were some common themes discussed in various responses. These were:

- how much of an impact the activity will have on the environment and its habitats;
- there should be a strategic approach to designation in the marine environment, as happens with scheduling on land, rather than designation on the basis of importance but only in the face of risk;
- a technique should be developed where data sharing can be a core process;
- the difficulty of achieving consensus on matters relating to the marine environment should be recognised;
- one respondent indicated that the policy's wording in relation to sustainability did not conform to the Bruntland definition of sustainable development.

Question 2: *Is anything missing?*

5.2. Of the 25 respondents who answered this question 19 pointed out matters that they felt needed to be addressed. All were broadly similar and could be grouped as follows:

- consideration for the protection and management of sites that do not meet the criteria for designation but might have regional or local significance;
- consideration of the setting of a marine historic site;
- suitable resources should be allocated to allow the development of a systematic approach for the acquisition and collation of information;
- the need to address the issue of salvage through more explicit policy statements;
- the matter of climate change in relation to Scotland's marine historic environment was raised, and, further, the importance of offshore renewable energy in responding to the challenges of climate change;
- there was a recommendation that control of the 12-200 nautical mile area around Scotland be devolved to the Scottish Government in order to aid overall management of the marine historic environment across boundaries at sea adjacent to Scotland.

5.3. The question of development-led change was raised by several respondents. One heritage organisation suggested that there was a need for a clear statement by Scottish

Ministers that responsibility for anticipating the effects of change on the marine historic environment, and in mitigating those effects, rested with the body that intended to cause the change:

In terms of development, this is often stated as the ‘polluter pays’ principle and although it is enshrined in the Valletta Convention, to which the draft SHEP refers in paragraph 3.1, its application to the marine historic environment is by no means widely accepted by developers, especially if they have statutory powers of their own.

Question 3: Is ‘national importance’ as defined in Annex A the appropriate criterion for designating marine historic assets?

5.4. Of the 21 respondents who answered this question all generally agreed that ‘national importance’ would be the appropriate criterion for designation. However there were a few issues raised:

- there is a concern that in the marine environment only sites of national importance will be designated, with no apparent scope for creating parallels to the on-land protection of sites of regional and local significance currently managed through the planning system;
- there is a need for further clarification of the notion of ‘national importance’ itself. There are many sites, and wrecks in particular, which are of importance within a UK context or internationally, but not necessarily in a Scottish context;
- there is concern that the designation decision will not take into account the implications of designation - environmental, social or economic and a suggestion that some nationally important sites might have to be less well protected if considered against demand on the seabed in the ‘national interest’.

Question 4: Are the guidance and criteria for determining national importance set out in Annex A those which should be applied? If not, what would you suggest?

5.5. All of the 19 respondents who answered this question broadly agreed with the guidance and criteria as set out although some raised concerns:

- two respondents stated that the criteria were too subjective: ‘*For example, (c) states ‘its contribution, or the contribution of its class to the wider marine historic environment and/or the wider marine environment’. How much of a contribution? A little or a lot?’*;
- several respondents wished to see commitment to the principle of Scotland as ‘host’ country, respecting and protecting historic wrecks of vessels that originated in different countries;
- it was pointed out that in considering cultural significance, contextual and associative characteristics have particular value in relation to marine historic environment assets;
- one respondent suggested the need to develop a risk assessment framework for decision-making with respect to marine historic assets: ‘*Whilst marine historic environment assets are important and some will have the highest priority for preservation and conservation, others may have to be less-well protected if considered against other demands on the seabed and measured against other aspects of the ‘national interest’.*’

Question 5: Do you agree with proposals for new legislation in this area?

5.6. Of the 25 respondents who answered this question, 12 stated that they agreed with the proposals, and a further 13 qualified their agreement with some suggestions. There were no disagreements.

5.7. The range of responses generally reflect the particular interest group. However, there are some common strands of support for:

- an integrated approach within wider marine management frameworks;
- mechanisms to reduce burdensome licensing where it is not required;
- consultation procedures prior to designation;
- availability of information on designated historic assets and clear citations of each designation;
- appeal procedures;
- application of clear criteria to define ‘national importance’ consistent with criteria applied for scheduling on land.

5.8. Responses from heritage organisations and professional organisations were generally supportive of the proposals, welcoming a broadening of the scope of what can be protected. The following suggestions were provided in relation to the definition of marine historic assets eligible for protection:

- ‘submerged palaeo-landscapes, not just human altered landscapes’;
- inclusion of ‘archaeological deposits’;
- explicit mention of human and animal bones is superfluous contingent on an appropriate understanding of the already included term ‘archaeological site’;
- inclusion of ‘setting’ and buffer zones eligible for designation.

5.9. Most respondents supported the intention to improve the effectiveness of existing legislation but several heritage organisations questioned the rationale behind Scottish Ministers’ intention not to increase significantly the number of designated marine historic assets and to publish such a statement in the SHEP. The respondents affirm that such a policy position is overly conservative and that it could be prejudicial to the process of designation:

*Designation should not be based on risk but on national importance alone.
Designated sites should be those considered to be, or likely to be so important that they should be retained for present and future study and enjoyment.*

5.10. Respondents from industry and public bodies representing industry generally expressed understanding of the need for new legislation in this area but the following points were raised:

- concerns that a broadening of the scope of what sites can be protected, allied with a mechanism for interim protection and the ability for third parties to nominate a site for designation could result in hundreds of nominations motivated primarily by a desire to prohibit legitimate activities in the marine area such as sea fisheries (public body);
- mechanisms for de-designation are seen as being sensible and pragmatic (industry);
- the need to ensure that the range of controls applied to a site does not restrict non-damaging activities with resulting socio-economic impacts;
- possible limitations on the effectiveness of the legislation beyond six nautical miles taking into account the Common Fisheries Policy (public body);
- the benefits of a voluntary approach based on education and awareness when the difficulties of enforcing legislation at sea are so considerable;

- expression that the marine environment is a dynamic one and it would be unreasonable to expect owners of designated marine historic assets to contribute to their conservation – such costs should be the responsibility of the designating body.

Question 6: *Do you have any views as to how duties in relation to the marine historic environment might be split between Historic Scotland and any Marine Management Organisation?*

5.11. 20 respondents answered this question but many expressed uncertainty in defining any division of responsibilities without the necessary information on what a Scottish Marine Bill might mean for Scotland. It might be necessary to revise considerations once a consultation on a Scottish Marine Bill had been published.

5.12. Notwithstanding these uncertainties over division of responsibilities, several common themes were apparent:

- the need to focus on outcomes, for instance as suggested by one heritage organisation, to deliver the desired state of the marine historic environment as referred to by the Advisory Group on Marine and Coastal Strategy (AGMACS):
Damage to the marine cultural heritage – including wrecks, sub-surface structures and drowned landscapes – has been reduced to acceptable levels, by effective mapping of these features, and by the introduction of protective measures under Integrated Coastal Zone Management (ICZM) to maintain and allow access to this heritage, supported by statutory protection where necessary.
- organisation(s) must be supported by sufficient capacity (expertise and resources sufficient to enable investigation);
- there must be clear lines of communication and a clear division of responsibility;
- there must be direct access to high quality and comprehensive data, both about the marine historic environment and about the conditions and processes that affect its management.

5.13. On the basis of the information so far available, there appear to be at least two schools of thought on the best division of responsibilities. The two answers from industry supported simplification, with one organisation being made responsible for the management of Scotland’s seas, incorporating the functions currently held by a number of public bodies. As one respondent suggested:

We would strongly suggest that the relevant Marine Management Organisation (MMO) should be the body with final decision making powers over designation and de-designation, with Historic Scotland as a statutory advisor. Should this not be the case, we believe it would detract from the ability of the MMOs to control the sustainable management of the Scottish and UK seas. It would also seem to work against the process of simplification of the marine licensing regime, which is a key objective of both the UK and Scottish Marine Bills. (Industry)

Responding heritage organisations indicated that they would expect, as a minimum, HS to work closely with a MMO. Two heritage organisations envisaged a split along the following lines:

Whereas we would expect to see Historic Scotland leading on all curatorial and designation aspects, we would expect a MMO to lead on spatial planning, marine mapping, licensing, policing and enforcement, thereby ensuring that many of the overall management issues are covered by one organisation.

The responses from local authorities recommended that the divisions of responsibilities should generally reflect the position on land, that is with Historic Scotland taking the lead in designation and management of nationally important historic assets and an MMO/local authorities having a duty of care over the wider historic environment through any planning functions in the marine area.

Question 7: *Do you consider that anything is missing? In your response, please note that matters relating to salvage are the concern of international maritime law and regulation of shipping. Such matters are reserved to the Westminster Parliament under the terms of the Scotland Act 1998.?*

5.14. Of the 18 respondents who answered this question, five indicated that there was nothing missing and 15 offered suggestions for consideration. Some of the suggestions relate to policy proposals subsequently set out in Scottish Government's consultation on a Scottish Marine Bill; others relate directly to the SHEP proposals.

5.15. A common theme in responses from local authorities and heritage organisations was that the legislation focused on designation of nationally important historic assets and was generally comprehensive in this regard. However, it needed to be broader in scope and to incorporate appropriate mechanisms to manage change in relation to all marine historic assets. Two heritage organisations recognised that marine planning processes, such as might be provided for in Scotland's Marine Bill, could provide the most appropriate tools. Their suggestions included introducing a duty on public authorities to exercise their functions with proper regard for the marine historic environment and formally adopting as best practice the Annex to the 2001 UNESCO Convention for consents related to seabed development that has an impact on marine historic environment assets

5.16. While recognising that salvage matters are reserved to the Westminster Parliament, several respondents indicated that Scottish Ministers should be discussing with UK Ministers opportunities through forthcoming UK legislation to mitigate the impacts of salvage activity on the underwater cultural heritage in line with international conventions. In any event however, several respondents suggested that the licensing reforms in Scotland's Marine Bill could be used to mitigate the effects of human activities on marine historic assets whether through development or salvage. The legislation could also help to improve reporting, for instance by introducing a duty to report discoveries at sea, and by placing a duty on the Receiver of Wreck to report to Historic Scotland the recovery of items of 'wreck' from Scottish territorial waters. Several organisations raised the need to put in place a reporting mechanism for finds that are not from shipwrecks (and therefore are not covered by the Merchant Shipping Act 1995). Such a mechanism should take account of Treasure Trove and the work of the Scottish Archaeological Finds Allocation Panel (SAFAP) in Scotland.

5.17. In addition to this, specific suggestions for consideration within the SHEP's proposals for new legislation included:

- a heritage organisation suggested repealing section 3(3)(b) in the Protection of Wrecks Act 1973 (this section has the effect of exempting organisations with statutory powers from the consequences of designation);
- a public body suggested the need to ensure that the legislation can allow for the protection of the marine natural environment associated with marine historic assets where these

might be at threat from the historic asset (for instance through pollution) or through use of it (eg. tourism).

Question 8: *What do you think might be the role of the local authorities and their historic environment advisors in relation to the marine historic environment and what are the key issues that need to be overcome?*

5.18. 21 respondents answered this question. Again, many respondents expressed the view that consideration of roles and responsibilities would probably need to be revisited once a Scottish Marine Bill came into being.

5.19. There were some common strands in the responses from across the range of interest groups. These responses stressed the strengths of local authorities and their historic environment advisors in managing change at the local level:

- local authority archaeology services offer specific expertise in relation to the archaeology of their own particular region;
- local authority archaeology services are already key holders of information on the marine historic environment;
- local authority archaeology services already advise on planning applications in the marine area that are caught by the terrestrial planning system.

5.20. The seven local authority archaeology services who responded to this question confirmed support in principle for local authority archaeology services to have a role in connection with the marine historic environment. One local authority suggested that at the very least, there should be close liaison between the local authorities, their archaeological advisors, any marine management organisation and Historic Scotland over the recording, management and interpretation of marine historic sites. Another suggested that the role should be analogous to that on land, namely that the local authority archaeology services should advise on planning matters in relation to undesignated marine historic assets within their areas of responsibility. Their responses identify the following key issues that would need to be overcome:

- capacity – local authority archaeology services are already overstretched in providing a service on land and the further burden of new tasks in the marine environment would require additional resources;
- data – there is a lack of sufficient data offshore to inform the management of change and the scope of local authority historic environment records would necessarily need to expand to take on new responsibilities;
- knowledge, skills and expertise – the required level of all of these does not currently exist across local authority archaeology services.

5.21. The responses from professional bodies, industry, and heritage organisations concur with these views for the most part, confirming the importance of regional and local involvement in the management of the historic environment in any local coastal/marine area but also reiterating the need for back-up from central government. There was however an acknowledgement that the precise role of local authorities was likely to be defined in response to the broader range of challenges posed by Scotland's Marine Bill, and that the historic environment sector would necessarily have to adapt to fit.

Question 9: What new mechanisms and procedures might be required to provide for the management of change in relation to planning matters in connection with Scotland's marine historic environment?

5.22. 18 respondents offered their views on this question. Several key themes appear in responses from across industry, professional bodies, heritage organisations, and other respondents. These are identified briefly in the paragraphs below.

5.23. Five of the respondents identified that improving our baseline data and information resource would be particularly important to inform decision making through better targeted and strategic survey (heritage organisation); improved accessibility to and sharing of existing data sets between data owners and curators with management responsibilities (local authority); positive involvement of recreational diving organisations in enhancing historic environment records (private individuals and the voluntary sector); the enhancement of local and national inventories of maritime sites to consistent standards and the application of common data standards defined at national level and applied at local level too (local authority).

5.24. Five respondents identified as a priority the need to manage development related change better in the marine area through marine planning processes, through environmental impact assessment and appropriate scrutiny of seabed consents:

Marine spatial planning, as on land, must include all historic environment assets, including undesignated ones. (heritage organisation)

5.25. Four respondents suggested that additional capacity would be required, particularly at local level to address the staffing issue and a lack of expertise and specialist knowledge that would arise from significant new responsibilities being placed on local curators. One local authority respondent suggested:

...with increased resources to Local Authority Archaeology Services to address the local skills and access issues, the issue of high level technical expertise could be dealt with by establishing a centre of excellence for advice and support within Historic Scotland, to which the planning authority could refer, and from which it could receive practical and technical support.

5.26. The following additional comments were received:

- there should be a statutory 'duty of care' towards the historic environment on all public authorities and institutions managing or proposing works in the marine sector;
- the changes required are significant and should be made incrementally, to allow the gradual development of capacity;
- a system of liaison will be needed between an MMO and local authorities who hold data;
- the need for awareness raising amongst the marine development sector in Scotland;
- monitoring, policing and enforcement of activities in designated areas, and of compliance with seabed consent conditions, will be a key area to get right. As this is problematic in practice at sea, such activities might best be carried out by an MMO working with the Maritime and Coastguard Agency and Historic Scotland, in order to make use of existing capability offshore.

Question 10: Given that science and recording has a major role to play in improving knowledge about sites and monuments on the seabed, how can Scottish Ministers and

agencies charged with relevant responsibilities best assist in progressing knowledge about Scotland's marine historic environment?

5.27. 17 respondents answered this question and the following common strands were evident in responses:

- the lack of data on the location of marine historic environment assets was seen as a fundamental issue. An additional resource should be allocated for the development and support of gathering and interpreting baseline data;
- it was also recommended that there would be a need for the establishment of a centre of excellence at a national level;
- it was suggested that following a systematic seabed survey, data and information relating to historic sites could be made available to the public through the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS);
- it was recognised that the creation of a systematic survey and development of a baseline data base would be expensive; one respondent recommended the sharing of physical logistics with other groups in the marine science industries.

6. OTHER ISSUES

6.1. Most of those who responded to the consultation also took the opportunity to comment on the document as a whole and on wider operational issues as set out below:

- while no new additional resources might be required to operate a designation system, new resources would certainly be required to provide sufficient data and to develop sufficient capacity in order to inform appropriate consideration of the wider historic environment under Scotland's Marine Bill;
- rapidly evolving technology has the potential to transform our knowledge of what sites exist on the seabed;
- Historic Scotland should commit to listen carefully to third party proposals for designation;
- education and skills training needs to be broadened to develop capacity, bringing in also schools, higher education courses and decision makers;
- the working together of stakeholders will be vitally important, particularly with the demise of HEACS. Historic Scotland should consider developing a parallel model of the Historic Rural Settlement Working Group, which was set up four years ago from a stakeholder advisory group;
- consideration of how offshore oil installations fit into the policy as surely they are part of our 'heritage'; during the decommissioning of oil platform, Historic Scotland would have to make a commitment that the heritage value of the object over-rides any requirement to decommission it. In such circumstances, it would be reasonable for the obligations to be passed onto Historic Scotland;
- clarification on marine boundaries – Mean High Water Springs suggested as the term in place of Mean High Water.

7. CONCLUSION

7.1 The consultation on the Marine Historic Environment SHEP generated a wide ranging and complex debate about the protection and management of the marine historic environment. This document was generally welcomed as an important step forward in advance of Scottish Ministers' consultation on Scotland's Marine Bill.

7.2 Scottish Ministers (and on operational matters, Historic Scotland) will give careful consideration to all of the views expressed as part of the consultation process on Scotland's Marine Bill and will consider the policy document further in light of these comments.

Annex A
List of Respondents

Key	LA	Local Authority
	HO	Heritage organisation
	PB	Professional Body
	PUB	Public Body
	Ind	Industry
	PI	Private individual/voluntary sector

Type	Name
LA	Aberdeen City Council
HO	Archaeology Scotland
HO	Association of Local Government Archaeological Officers
HO	Built Environment Forum Scotland
LA	Comhairle nan Eilean Siar
LA	Dumfries and Galloway Council
LA	East Ayrshire Council
Ind	Glasgow Chamber of Commerce
HO	Headland Archaeology Ltd
HO	Institute of Field Archaeologists
PI	Kermode, Neil
LA	Lisroe, Steve (Fife Council)
PUB	National Museums Scotland
HO	National Trust for Scotland
PI	Professional Association of Diving Instructors
PB	Royal Town Planning Institute in Scotland
HO	Royal Society of Edinburgh
PUB	Sea Fish Industry Authority
Ind	Scottish and Southern Energy
PUB	Scottish Environment Protection Agency
PUB	Scottish Natural Heritage
Ind	Scottish Power
Ind	Scottish Renewables
PI	Scottish Sub Aqua Club
Ind	Scottish Water
HO	Society of Antiquaries of Scotland
LA	The City of Edinburgh Council
Ind	The Crown Estate
LA	The Highland Council
PB	The Law Society of Scotland
HO	The Joint Nautical Archaeology Policy Committee
HO	Wessex Archaeology
PI	Caroline Wickham-Jones