

December 2018

Fisheries Bill Committee Stage

Historic England is the government's statutory adviser on all matters relating to the historic environment in England. We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for. We provide advice on how to manage change to listed buildings, conservation areas and archaeological sites, and our work helps to deliver sustainable development.

Our shared historic environment is identified as an important aspect of our maritime responsibilities as demonstrated by the UK Marine Policy Statement which gives specific attention to how it influences the character of marine plans. The historic character includes evidence of prehistoric landscapes and maritime activities over the centuries during peace and war. It is an important matter to recognise that only a minority of sites at sea are afforded any form of statutory designation and government policy is clear that non-designated sites where significance is identifiable should be subject to the same policy principles as designated sites.

KEY POINTS SUMMARY:

- The overall objective of Clause 1 is that aquaculture and fisheries activities avoid the degradation of the marine environment.

We understand that the “ecosystem objective” is closely associated with established interpretation of what comprises the “marine environment” as separate to any definition used in this bill for the “marine and aquatic environment” (vis. Clause 40). We would support any amendment to Clause 1 that makes a more direct reference to UK Marine Policy Statement aims and objectives, such as to “ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets”. In addition, the use of the term ‘aquatic’ is very open and we would welcome further clarification about what might be considered relevant when this term is used within this bill.

- Clause 2 provides for “a Joint Fisheries Statement” in which the fisheries policy authorities state their policies for achieving, or contributing to the achievement of, the fisheries objectives. Subsection 2(2) allows for “a Secretary of State Fisheries Statement” (“an SSFS”) in which the Secretary of State states policies which presently does not make specific reference to the “marine and aquatic environment”.

Historic England position – subject to amendment in Clause 1 we believe that it should be possible to see Clause 2 also changed so that attention is given to UK Marine Policy Statement.

- Clause 28 allows for an equivalent scheme of the EU European Marine Fisheries Fund which could include conservation, enhancement or restoration of the marine and aquatic environment

Historic England position – we support this clause as a possible means to support heritage projects as relevant to definition provided by clause 40.

- Clause 31 allows regulations for conservation purposes includes for the purpose of protecting the marine and aquatic environment from the effects of fishing

Historic England position – we support this clause as “a conservation purpose” is considered inclusive of paragraph 31(b) “...protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;”

- Schedule 1 (Fisheries Statements: Preparation and Publication) we look forward to consultation on draft as an interested persons

Historic England position – we support this schedule. During the debate on these schedule, it would be welcome if the Government could expand on who these “interested persons” might be. We would argue that Historic England should be identifiable as “interested persons” to comment on a consultation draft and it would be helpful if the Government could confirm this.

- Schedule 2 (Sea Fishing Licences: Further Provision) for action that will conserve or enhancing the marine and aquatic environment

Historic England position – we support this schedule as the use of conditions attached to a “sea fishing licence” (including conditions which do not relate directly to fishing)” could be used for the purposes of conserving or enhancing the marine and aquatic environment and therefore inclusive of the historic environment as defined by Clause 40.

- Schedule 7 (Powers relating to the exploitation of Sea Fisheries Resources)

We understand the purpose of this schedule is to give powers to the Marine Management Organisation (and other UK authorities) to make byelaws or orders relating to marine conservation, in connection to fishing through amendment of MCAA 2009, as we understand that at present action can only be taken within Marine Conservation Zones (MCZs). We suggest that for clarity it would be helpful to explain if the use of byelaws for conservation purposes outwith of MCZs might also benefit other aspects of the “marine and aquatic environment” as defined in Clause 40.

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