



# Ports: the impact of development on the maritime historic environment



ENGLISH HERITAGE

This policy statement is intended to inform developers and others about the importance and relevance of the historic environment in relation to ports, and how it must be taken into account in development proposals. It focuses mainly on the marine aspect of new developments, but also touches on the development of existing ports and inland impacts of development, and gives pointers to useful policy documents to inform these aspects.

## INTRODUCTION

England's ports provide vital links for trade and travel. Many are historic and have adapted successfully to meet modern needs. Such changes need to be managed carefully to ensure that valued historic assets are not lost. Equally, where new ports are developed, it will be important to do so with full knowledge of the surrounding historic environment.

Historic environment assets include evidence for past environments, archaeological sites, historic buildings and the historic aspects of the wider landscape. These assets are unique and once they have been damaged or destroyed they cannot recover or be re-created. However, conservation of historic assets need not prevent development and change. English Heritage recognises that the most effective way to conserve cultural values is to manage change by promoting awareness of the values that will be affected.

Port development can have a wide range of impacts on the historic environment. Assets affected can include marine archaeology, historic towns, historic dock structures, lighthouses and monuments. The wider impacts of port development may include new roads or rail links for onward transport of goods. However, this policy statement has been developed in recognition of the need for more guidance on the marine aspect of port development, given that English Heritage has only recently taken over responsibility of this area. It also briefly touches on other factors that should be taken into account, and provides details of where further advice is available.

### Maritime archaeology

Maritime Archaeology comprises the study of the evidence of all past human activity related to the sea around our shores. The maritime resource includes prehistoric sites

that were once land, historic military defence features, port and harbour infrastructure (e.g. Liverpool's mercantile architecture designated as World Heritage status or historic ships such as the *Cutty Sark* in London) and the wrecks of boats, ships and aircraft on and within the seabed.

English Heritage aims to discover, enhance and make more widely available knowledge about our maritime culture. To help understand how our maritime cultural heritage has shaped today's society we need to understand the significance, meaning and function of the traces of maritime activity in the archaeological record. To do this we need to see maritime discoveries as part of the whole archaeological record, seamlessly from inland to off-shore. If we are able to understand and explore this unique record we will be better informed about our past and better placed to protect our heritage for the benefit of present and future generations.

## IMPACTS OF PORT DEVELOPMENT

Port development may impact on the maritime historic environment in a number of ways. Direct damage to historic harbour structures and buildings may be caused by the construction and related processes necessary for the port to function. Particular operations such as capital dredging projects to aid navigation may result in localised changes to currents, which could result in damage to wrecks of archaeological interest, or cause buried items to be exposed. Redevelopment projects that involve advancing the line of the quayside could result in burial of, and compaction damage, to near-shore structures and wrecks.

In all such cases, there are likely to be known historic environment assets and previously undiscovered features which should, where possible and appropriate, be examined and recorded or excavated prior to development. In the case of unknown features, it may be possible to

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A Whitby Harbour, North Yorkshire.  
The *Endeavour* in port. Photograph  
Peter Murphy, © English Heritage

B Whitby Harbour, aerial view.  
Photograph © English Heritage



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predict the likelihood of finds given the local history and topography, but even thorough appraisal prior to development may miss some important finds, and it will therefore be important to have a mitigation strategy in place and provision, including financial allowance, to deal with the extra work and delay if unexpected finds are discovered.

As well as the impacts on the marine historic environment, port development is likely to have a significant impact inland. This will include the marine-side development itself and the impacts of the means of onward transport of imported goods. English Heritage's policy statement, ***Transport and the Historic Environment***, sets out our overarching transport policy. To ensure that change is managed in a way so that it enhances rather than damages the historic environment, the statement urges that transport policy at a national, regional and local level:

- encourages walking, cycling and use of public transport and promotes planning policies that help to reduce the need to travel;
- seeks imaginative solutions to transport problems that do not rely upon road based outcomes;
- encourages small-scale, innovative transport management measures; and
- requires a comprehensive and holistic assessment of potential impacts on the historic environment at the earliest possible stage.

### Nature of potential impacts in the maritime environment

- **Marine archaeology.** The character of marine resource is far more complex and diverse than the remains of ships and boats. It also includes sites and landscapes that were submerged by sea-level rise; the remains of other types of vessel, such as aircraft; scattered material relating to ships and shipping (e.g. lost cargoes and anchors); debris related to coastal activity (e.g. projectiles from coastal batteries and dumped rubbish); the sub-tidal elements of coastal features (usually relating to exploitation of, or defence from, the sea);

and sea-bed emplacements (such as trans-oceanic communication cables and pipelines).

- **Inter-tidal archaeology.** This could include wooden structures (e.g. trackways, houses etc); prehistoric human and animal footprints; occasional stone structures, such as early stone port facilities like the Iron Age jetties at Poole Harbour; sea walls and structures relating to drainage and reclamation; and defensive structures and remains of aircraft (e.g. V2 rocket engines in the Essex estuaries). Methodologies for appraisal and mitigation are outlined in *Coastal Defence and the Historic Environment* (English Heritage 2003).
- **Coastal archaeology.** This includes structures directly linked to historic use and exploitation of the sea (e.g. former commercial port and sea-plane base at Felixstowe and historic ports going back to Roman or medieval times such as London, Boston and Ipswich). Historic buildings of interest should be recorded, with retention and re-use of significant structures where possible. Included within this category are historic or prehistoric sites that are now terrestrial because of inter-tidal land claim or other flood risk management intervention.

## APPRAISAL AND MITIGATION OF IMPACTS

The preliminary appraisal process is set out in *A project appraisal framework for ports* (Department for Transport), which is based on the Government's Transport Appraisal Guidance, available at [www.webtag.org.uk](http://www.webtag.org.uk). The terrestrial planning regime, as set out in various Planning Policy Guidance notes, only applies as far as mean low water, but it is generally agreed that the principles should nonetheless be applied to other approval and consents (e.g. see *Modern Ports: A UK Policy*, paragraph 2.5.19). Where planning consent is required, the policies set out in *Planning Policy Guidance 15: Planning and the Historic Environment* and *Planning Policy Guidance 16: Archaeology and Planning* will need to be taken into account. In addition, all major developments would be subject to an Environmental Impact Assessment (EIA).

### Environmental Impact Assessment

Significant port development is likely to be subject to Environmental Impact Assessment under the provisions of the EIA Directive<sup>1</sup>.

Development down to the low water mark is subject to Town and Country Planning EIA Regulations. For works below mean low water, the requirements of the Directive are covered by the Harbour Works (Environmental Impact Assessment) Regulations 1999. The appropriate Minister (generally the Secretary of State for Transport)

is responsible for deciding whether EIA is required and, if so, whether the works should proceed in the light of the assessment and the comments of environmental bodies.

Environmental Impact Assessment requires the developer to compile an Environmental Statement describing the likely significant effects of the development on the environment and proposed mitigation measures. The Environmental Statement must be circulated to statutory consultation bodies, including English Heritage. Its contents, together with any comments, must be taken into account before any consent is given.

English Heritage encourages early engagement with developers to help ensure that all aspects of the historic environment are taken into account in developing the Environmental Statement. English Heritage is able to offer advice on any areas of special interest that could be affected by the proposed development, and comment on their significance. We are able to offer advice in mitigation strategies, including investigation and recording.

### Evaluating the impacts

Decisions regarding the need for and timing of any evaluation will depend on many factors. The key benefit of evaluation is that it provides direct evidence of the actual presence (or absence) of archaeological remains in the area, thereby increasing confidence in the measures envisaged to reduce any adverse effects. The key costs of evaluation are, as in the case of all marine investigations, the time and expense of carrying out the work.

In seeking to match the benefits and costs of evaluation, developers may find it useful to adopt a staged approach. In essence, initial low-cost extensive investigations are used to identify specific targets for intensive investigation.

The implementation of a staged approach will be subject to the requirements of the decision-making process for approval of the works. For example, some evaluation results may be required in the course of EIA so that they can inform decision-makers.

The staged approach to evaluation can be made even more cost-effective by integrating preliminary archaeological evaluation with investigations for other purposes, such as resource mapping or environmental sampling. In particular, specifications for surveys should be drawn up with archaeological advice. Survey results should be interpreted by suitably competent archaeologists working in collaboration with the other specialists engaged in



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C Cracknore Hard, Southampton Water, Hampshire. *Photograph Peter Murphy, © English Heritage*

E Eling, Southampton. *Photograph Vincent Griffin*

D Charlestown Harbour, Cornwall. *Photograph Peter Murphy, © English Heritage*



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the survey. In specifying survey work, known wrecks and features can be targeted to confirm their location, extent and morphology, and the entire application area should be scanned for any other features that may be of archaeological interest (see case study).

## KEY PLAYERS AND THEIR RESPONSIBILITIES IN RELATION TO THE HISTORIC ENVIRONMENT

### English Heritage

The National Heritage Act (2002) enabled English Heritage to assume responsibilities for maritime archaeology in English coastal waters, modifying the agency's functions to include securing the preservation of ancient monuments in, on, or under the seabed, and promoting the public's enjoyment, and advancing their knowledge of ancient monuments, in, on, or under seabed. English Heritage's duties include administration of The Protection of Wrecks Act 1973. As with all aspects of the historic environment, English Heritage's role in relation to marine archaeology is threefold:

- to conserve and enhance the historic environment
- to broaden public access to the heritage
- to increase people's understanding of the past.

English Heritage has a statutory role in relation to changes to Grade I or II\* listed buildings, or for developments that affect the setting of such buildings or affects the character or appearance of a conservation area or a registered park and garden. English Heritage also handles all applications for scheduled monument consent. We are a statutory consultee on local authority plans and government Strategic Environmental Assessment (SEA) exercises.

However, there is also the present system for consenting and licensing developments within the intertidal zone and on the seabed of the Territorial Sea with which we engage as consultee with the following Government departments:

- Defra's Marine Environment and Consents Unit for consents under Coast Protection Act 1949 and Food and Environment Protection Act 1985;



F Great Yarmouth Toll House.  
 Photograph Peter Murphy, © English Heritage

G Poole Harbour, Dorset. Photograph Vincent Griffin

H A tall ship in port at Southampton. Photograph Vincent Griffin



- DTI's Offshore Renewable Consent Unit for consent under Electricity Act 1989 and Energy Act 2004; and
- ODPM for evaluation of commercial marine sand and gravel extraction proposals through the non statutory Government View procedure.

As with all development English Heritage will, where necessary, provide independent advice to relevant government departments on the implications for the historic environment. We aim to engage proactively from early stages and throughout the application process.

### Port and harbour authorities

Port and harbour authorities have a responsibility (under section 48 of the Harbours Act 1964 as amended by the Transport and Works Act 1992) to consider the environment in their management of a port or harbour. This includes having regard to any building, site or object of archaeological, architectural or historic interest.

However, the port authority (as distinguished from a commercial port operator) also has a statutory function to ensure safe navigation under their own enabling legislation (e.g. Port of London Act 1968) to raise and remove vessels sunk and likely to become an obstruction, impediment or danger to the safe and convenient navigation. In such instances, English Heritage encourages early consultation and involvement, and is able to offer advice on assessment and the practicalities of archaeological excavation. English Heritage urges port and harbour authorities to develop a strategic approach to marine archaeology within the port limits, to identify and plan for future needs.

The reasonable costs of recording remains which are identified as being of interest and which will be damaged as a result of any development should always be considered from the outset as part of the cost/benefit analysis of the proposal. They should also be incorporated within the total costs of the project and reflected alongside other environmental mitigation costs.

## Developers

As with all major developments, English Heritage would expect the developer to carry out the necessary evaluation, and develop appropriate mitigation strategies. English Heritage welcomes early involvement in such work and experience has shown that this can save time and money for all parties. English Heritage is able to offer specialist advice, but the adjacent local authority archaeological service would also have a key role to play in relation to the planning process. The developer should employ appropriately qualified archaeological consultants to advise on action. Developers are also encouraged to obtain from the Crown Estate a copy of the revised **Code of Practice for Seabed Developers** produced by the Joint Nautical Archaeological Policy Committee.

## Owners and occupiers

In the marine zone, issues of ownership rights and responsibilities in relation to the seabed, "built" heritage (wrecks or drowned structures) and artefacts, are very different to the terrestrial historic environment. Major differences of legal reporting and involvement of the original owner occur according to whether the historic asset is "wreck" (i.e. from a sunken vessel or aircraft) or whether it is non-"wreck". The implications of the recovery of wreck must be reported to, and reconciled by, the Receiver of Wreck. Non-wreck would be regarded as being owned by the landowner – in most cases in relation to the seabed, the Crown Estate. In all cases, if the disturbance of such assets is planned, proper attention must be paid to determining their importance and factoring in the appropriate mitigation.

## Local authorities

In many cases the local planning authority will be the first point of contact, particularly for the on-shore and intertidal aspects of development. Local authority conservation officers deal mainly with historic buildings and archaeological officers curate local Historic Environment Records (HERs) including Sites and Monuments Records (SMRs). SMRs, typically held by county councils, are a record of all known archaeological remains, both designated and undesignated, within the areas of each local authority. In the majority of cases, conservation officers and archaeological officers are situated in planning departments at the district, unitary or county level and they are involved in the formulation of strategic planning and development control advice.

## Case study:

**Swash Channel Wreck, Poole Harbour, Dorset** - The wreck of an early seventeenth century vessel was discovered in the Swash Channel at the entrance to Poole Harbour during geophysical investigations carried out as part of the archaeological assessment for a channel deepening scheme. The subsequent examination of the wreck and related debris merited emergency designation in December 2004 under the Protection of Wrecks Act 1973 due to its archaeological significance, and in particular the remarkable survival and condition of the largely coherent hull structure. The exposed remains of the wreck cover c.200m<sup>2</sup>, including c.75m<sup>2</sup> of delicate exposed remains, with a particularly vulnerable, undercut area of hull structure of c.20m<sup>2</sup>.

The archaeological examination of the site concluded that it was under threat of exposure and deterioration due to dynamic seabed conditions and from the proposed 'capital' dredge. Approximately two hundred sandbags were installed on the site by diving archaeologists in order to protect the exposed remains and secure the area of undercut hull structure adjacent to the harbour channel. The stabilised site will be photographically recorded to produce a photomosaic for monitoring purposes, and reference points established against which change can be measured. Due to the statutory protection afforded to the site, all works within the designated area of the wreck requires a licence from the Secretary of State for Department of Culture, Media and Sport. However, positive engagement with the Poole Harbour Commissioners from an early stage has meant that the mitigation project proposal with clear archaeological objectives was developed and implemented. Such a case study demonstrates that mitigation is possible and that a negotiated outcome to the satisfaction of English Heritage and developers could be achieved.



J Chichester Harbour, West Sussex.  
 Photograph Peter Murphy, © English Heritage

## FURTHER READING:

Many of these documents are available on the English Heritage website [www.english-heritage.org.uk](http://www.english-heritage.org.uk) or from the guidance library at [www.helm.org.uk](http://www.helm.org.uk).

## Policy

*Taking to the Water: English Heritage's Initial Policy for the Management of Maritime Archaeology in England*

*Transport and the Historic Environment* (English Heritage 2004)

## Guidance

*Coastal Defence & the Historic Environment* (English Heritage 2003)

'Protection of Wrecks Act': Guidance for Divers and Archaeologists (English Heritage)

*Marine Aggregate Dredging and the Historic Environment* (BMAPA)

*Military Aircraft Crash Sites* (English Heritage)

*Informed Conservation - An Introduction to the Guidelines* (English Heritage)

*Planning and Development in the Historic Environment. A Charter for English Heritage Advisory Services* (English Heritage 2005)

## Legislation

*Marine Archaeology Legislation Project* (University of Wolverhampton)

## Reports

*Identifying Skills Needs in Maritime Archaeology* (Institute of Field Archaeologists)

## Contacts:

It is helpful to all parties if English Heritage is informed of developments at an early stage. Given the range of potential interests, initial contacts should first be made both with the relevant regional office and the Maritime Archaeology Team at Fort Cumberland.

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