

## **Deposits for the Purpose of Temporary Stabilisation of the Seabed to protect the Historic Environment**

(1) Article 4 applies to a deposit made for the purpose of temporarily stabilising the seabed for the purpose of protecting the historic environment.

(2) Paragraph (1) is subject to the conditions that

(a) notice of the deposit is given to the licensing authority within 7 days of the activity having been carried out

(b) the area covered by the deposition does not exceed 10 square metres in area

(3) But article 4 does not apply—

(a) to any such activity that causes, or is likely to cause, obstruction or danger to navigation; or

(b) to any such activity—

(i) that falls within sub-paragraph (a), (b) or (c) of paragraph (5); and

(ii) that is not directly connected with or necessary to the management of the site or zone (as the case may be) referred to in that sub-paragraph.

(5) An activity falls within this paragraph if—

(a) it is a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;

(b) it is likely to have a significant effect on a Ramsar site; or

(c) it is capable of affecting (other than insignificantly)—

(i) the protected features of an MCZ; or

(ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(6) In paragraph (5)(a) and (b), “likely” has the same meaning as in the Habitats

Directive.

### **NOTE**

*There have been instances where due to rapid seabed depletion historic material has been exposed in a very short time frame. This has resulted in the degradation or even total loss of potentially significant historical material due to rapid biological infestation or displacement by tidal action. In particular organic material such as wood is especially vulnerable to degradation resulting in the loss of surface markings and / or tool marks. This exemption would permit immediate, isolated emergency stabilisation of an area or individual artefact, typically by the deposition of material such as sandbags, thereby achieving temporary in situ preservation while necessary archaeological and other permissions were obtained. This exemption has no adverse implications for the historic*

*environment since the deposition activity is protective. In terms of the natural environment it is submitted that the implications are minimal since:*

*(i) the area occupied by archaeological sites is de minimis in the context of the natural environment*

*(ii) in any event the deposition will only be undertaken when there is already significant seabed erosion which will be or have been equally destructive of the natural environment that existed previously in that location as it will or has been of the historic environment*

*(iii) the exemption is restricted to 10 square metres and will not be applicable to sites of natural environment sensitivity*