

# SCOTLAND'S HISTORIC MARINE PROTECTED AREAS



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## Scotland's historic marine protected areas

This booklet explains what historic marine protected areas are and our role in advising the Scottish Government in designating these areas.

Scotland's historic environment has been shaped by people for over 10,000 years. Past generations have left their mark on our towns and cities, and the countryside around us. The sea has also played a crucial role in shaping Scotland's history, providing a source of food and energy, a means of defence from invasion, and a springboard for trade and communication between neighbouring communities and across oceans.

Measures to protect our built environment first became law in the United Kingdom in 1882. The first historic marine protected areas came into existence in 2013.

Historic marine protected areas identify marine historic assets of national importance which survive in Scottish territorial waters. These can be wrecks of boats or aircraft or more scattered remains, such as groups of artefacts on the seabed from a submerged prehistoric landscape.

They range from the wrecks of 17th-century warships, a 17th-century Dutch merchant trading vessel and HMS *Campania*. Once a Blue Riband-winning transatlantic liner, *Campania* was converted by the Admiralty in 1915 for military use. The first flight from an aircraft carrier with a permanent flight deck took place on 5 May 1915 from the deck of HMS *Campania*.

The historic character of our environment is important to our quality of life and it helps us to understand who we are. Historic marine protected areas contribute to making Scotland a great place to live, work and visit. They also contribute to the Scottish Government's vision for 'clean, healthy, safe, productive, biologically diverse marine and coastal environments, which are managed to meet the long-term needs of people and nature'.

Today's sea users have an important part to play in managing our heritage. They can help to make sure that future generations will be able to enjoy our historic marine protected areas.

**Cover:** An archaeologist examines the stern section, including door, of the Duart Point wreck, Sound of Mull © Historic Environment Scotland (Drs Colin and Paula Martin Collection) **Left:** Historic photograph of ships in Charlestown, showing what Scotland's harbours once looked like © Historic Environment Scotland (Erskine Beveridge, N. Mayland Collection)



## What are historic marine protected areas?

Historic marine protected areas (historic MPAs) are the way that 'marine historic assets' of national importance which survive in Scottish territorial waters (out to 12 miles offshore) are protected by law.

The power to create historic MPAs is under Part 5 of the Marine (Scotland) Act 2010 see [legislation.gov.uk/asp/2010/5/contents](https://legislation.gov.uk/asp/2010/5/contents). In Scotland they have replaced use of section 1 of the Protection of Wrecks Act 1973.

The term 'marine historic assets' is defined in law and can include remains of a wide variety of man-made structures, including wrecks of boats and aircraft. It can also include more scattered remains such as groups of artefacts on the seabed from a submerged prehistoric landscape.

The purpose of historic MPAs is to preserve marine historic assets of national importance. Planning permission and marine licences may be required for some types of work and other activities within historic MPAs. It is also a criminal offence to remove, alter or disturb marine historic assets, or carry out activities which could damage or interfere with a marine historic asset or have a significant effect on the protected area.

Historic MPAs began in 2013. To become a historic MPA a marine historic asset must be of national importance and meet the criterion of national importance (see page 7). We advise Marine Scotland and the Scottish Ministers decide whether to designate sites.

As well as historic marine protected areas, there are also nature conservation marine protected areas and demonstration and research marine protected areas. These types of designation are managed by Marine Scotland.



**Left:** The carved face of a winged cherub, a human arm bone, and remains of a wooden cask – Duart Point wreck, Sound of Mull © Historic Environment Scotland (Drs Colin and Paula Martin Collection) **Above:** A brass protractor and rule inscribed 'Johan Lewis Dub: Fecit' recovered from HMS Dartmouth', Dartmouth HMPA, Sound of Mull © Historic Environment Scotland (Drs Colin and Paula Martin Collection)



Above: Cannon and anchor, Kinlochbervie HMPA, Sutherland © Historic Environment Scotland

## Assessing marine sites

We consider each site on its own merits before providing our advice to Marine Scotland. Historic MPAs must be of national importance to qualify for the designation.

For a marine historic asset to be considered of national importance it must first have a particular cultural significance which relates to its artistic, archaeological, architectural, historic, traditional, aesthetic, scientific, or social interest.

Our understanding of cultural significance can change over time, especially if there is new information, or there are changing ideas and values about our heritage.

Our designation policy and selection guidance explains how we assess marine historic assets for designation. Go to [historicenvironment.scot/designation-policy](https://historicenvironment.scot/designation-policy) for more details.

We consider cultural significance under the following headings.

- **Intrinsic characteristics**

How the physical remains of a site or place contribute to our knowledge of the past.

- **Contextual characteristics**

How a site or place relates to its surroundings and to our existing knowledge of the past.

- **Associative characteristics**

How a site or place relates to people, practices, events, and historic and social movements.

When deciding national importance, a marine historic asset should demonstrate one or more of the following.

- It makes a significant contribution to our understanding or appreciation of the past, or has the potential to do so. It may do so in itself, or as an example of a specific type of marine historic asset or as a geographical group of related marine historic assets.
- It retains structural, technical, decorative or other physical attributes, which make a significant contribution to our understanding or appreciation of the past. The remains can be upstanding fabric, evidence of buried archaeological structures and deposits, scatters of artefacts or a combination of these.
- It is a rare example of a marine historic asset type when assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world.
- It is a particularly representative example of a type of marine historic asset when assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world.
- It has research potential which could significantly contribute to our understanding or appreciation of the past.

- It makes a significant contribution to the marine historic environment and wider marine environment. This may include the relationship of the marine historic asset and its parts with other marine historic assets or features in its surrounding area.
- It has significant associations with historical, traditional, social or artistic figures, events or movements that are of national importance.

We also consider the implications of the designation. Even if a marine historic asset may otherwise meet the criteria, it may not always be appropriate to designate it. For example, offshore oil installations may be historically significant but, as they have to be decommissioned at the end of their life to meet international commitments, designation would not be appropriate.



**Above:** Diver investigating guns and hull structure on the seabed within the Drumbeg HMPA, Sutherland  
© Historic Environment Scotland

## Designation proposals and reviews

Anyone can propose a site for designation as a historic MPA or ask us to amend or remove an existing designation.

You can do any of this by filling in our application form. The form is available on our website at [historicenvironment.scot/designation-application](https://historicenvironment.scot/designation-application), or we can post you a copy.

Once we receive your form, we will acknowledge your application and decide how best to deal with your request. In some circumstances we may not go ahead with an application. If we decide not to go ahead, we will let you know as soon as possible. You can find more detailed information on how we assess sites and places, including our criteria and selection guidance, in our designation policy at [historicenvironment.scot/designation-policy](https://historicenvironment.scot/designation-policy).

Our assessments will normally include research and choosing which of the heritage designations is most appropriate for the site that you've proposed (see page 17 for information on all our heritage designations). We may also visit the site. For underwater sites, we work with partners in the Scottish Marine Protected Areas project to share information from marine surveys and we can commission site visits through our underwater archaeology services contract. These sometimes involve specialist geophysical survey and visual evaluations by skilled diving archaeologists and can take a considerable amount of time to complete.

The aim of the investigation is to assess the site against the set criteria (see page 7) before we give our advice to Marine Scotland.

Before the Scottish Government decides to designate a historic MPA, Marine Scotland will normally expect us to consult a wide range of people likely to be interested in or affected by the proposal. We follow the same process for amending and removing existing designations.

We can make the case for an exception if there is an urgent threat to a marine historic asset – for example if a recently discovered historic wreck site is at risk of salvage. In these cases, Scottish Ministers can designate immediately without consultation but the designation is limited to a maximum of two years. This gives time for further research and full consultation to take place.

Once a statutory change has taken place, we tell interested people and publish a report of handling, giving information about the decision on our online portal.

As knowledge of Scotland's seas increases, we welcome information about new discoveries.

If you find a site that you think may be of historic importance, you can help by recording its position and as many details about it as you can, ideally without disturbing it. You should report any discoveries to the UK Receiver of Wreck and to us so that we can record your information on Canmore, our online catalogue of heritage sites. See [historicenvironment.scot/canmore](https://historicenvironment.scot/canmore).



## Historic marine protected area records

Each historic MPA is given a record to help people understand why the site is of national interest.

You can search the records online on our website.

Each record has:

- a description of the site
- a statement of national importance
- a map showing the boundaries of the designation (where individual sites such as wrecks are being protected, these will normally be small circular protected areas around the centre of the site)
- preservation objectives for the area – these set out what the designation aims to achieve, depending on what is considered practical in each case
- information relating to survival and condition of the site – based on monitoring information we collect
- references and links to reports – for example to our other online sources of information
- photographs and other images, and

- advice on man-made activities which can hinder preservation objectives and which sea users and public authorities should take into account. We also outline any regulations relevant to managing the area, such as marine conservation orders which might restrict or forbid a particular activity.

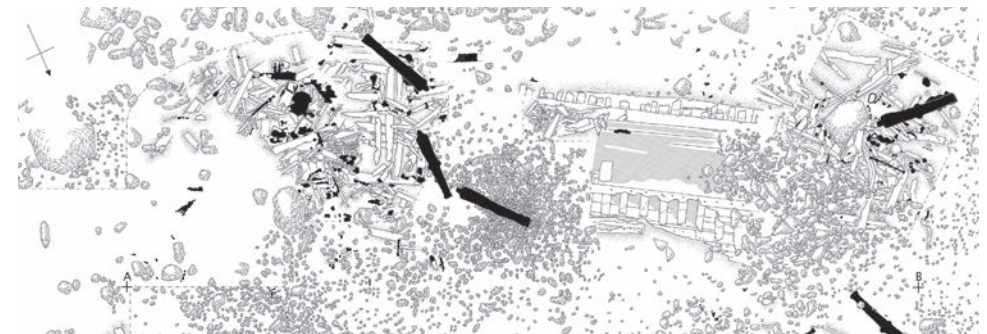
You can also download geographic information about historic MPAs from our website [portal.historicenvironment.scot/spatialdownloads](https://portal.historicenvironment.scot/spatialdownloads) for use in geographic information systems or find out about historic MPAs through National Marine Planning interactive [gov.scot/Topics/marine/seamanagement/nmpihome](https://gov.scot/Topics/marine/seamanagement/nmpihome).

The boundaries of historic MPAs also appear on marine charts.

If you notice an error on one of our historic marine protected area records, you can ask us to correct it using our application form

[historicenvironment.scot/designation-application](https://historicenvironment.scot/designation-application).

**Left:** The site of the Drumbeg wreck, Drumbeg HMPA, Sutherland © Historic Environment Scotland  
**Below:** Archaeologist's site plan of the Duart Point wreck, Sound of Mull © Historic Environment Scotland (Drs Colin and Paula Martin Collection)





## Visiting and working with historic marine protected areas

Unless there are separate restrictions in place, you are welcome to visit historic MPAs. We encourage people to record, appreciate and conserve our marine heritage.

You can take photographs and measurements and record marine life, but you must not remove objects from the site.

It is a criminal offence to intentionally or recklessly remove, alter or disturb marine historic assets, or carry out activities which could damage or interfere with a marine historic asset or significantly hinder a protected area's preservation objectives.

If you are in any doubt, please read our historic MPA records, which provide guidance about what activities can take place at each site.

### Planning permission and marine licences

You don't need a specific type of permission to carry out work inside a historic MPA. However, you may need planning permission or a marine licence (or both). You can apply for planning permission from your local authority and for marine licences from Marine Scotland's Licensing Operations Team see [www2.gov.scot/Topics/marine/Licensing/marine](http://www2.gov.scot/Topics/marine/Licensing/marine).

**Left:** A recreational diver explores the Duart Point HMPA, Sound of Mull. Visitors are welcome on this site © Historic Environment Scotland (Drs Colin and Paula Martin Collection)

Developments such as marine aquaculture will need planning permission. Activities that need a marine licence may include:

- depositing substances or objects into the sea or onto the seabed
- removing substances or objects from the seabed
- construction, alteration and improvement work, and dredging.

Local authorities and Marine Scotland may ask for our view on certain proposals which will affect historic MPAs. We are happy to discuss proposals with applicants at an early stage and we encourage you to contact us.

### Marine conservation orders

In some cases the Scottish Government may decide there is a need to ban, restrict or regulate particular activities and will normally do this through marine conservation orders, an extra legal power that supports the preservation objectives of historic MPAs. We advise Marine Scotland on the need for marine conservation orders and keep these under review.

### Commercial fisheries

Within historic MPAs, fishermen should try to avoid disturbing historic assets on the seabed and we work to make sure that fishermen are aware of their location. If the Scottish Government needs to restrict or forbid particular types of commercial fishing in a historic MPA,

they would do this through existing fisheries regulations or marine conservation orders.

### Public authorities

Public authorities (such as harbour authorities with responsibilities for maintaining navigation channels, and government organisations, marine planning partnerships and planning authorities with responsibilities for planning, such as preparing regional marine plans and local development plans) are expected to carry out their duties in a way that respects the preservation objectives of historic MPAs.

We provide expert advice to these public authorities with the aim of making sure that work and activities at sea can be planned in such a way as to keep the effect on historic MPAs to a minimum.

### Advice about management plans

Non-statutory management plans are useful in helping to co-ordinate effective partnership approaches to investigating, protecting and managing historic MPAs. We are happy to provide advice on developing management plans.

### Archaeological projects

If you would like to get involved in recording and monitoring historic MPAs, you can get the necessary skills and take part in organised projects, such as those run by the Nautical Archaeology Society [nauticalarchaeologysociety.org](http://nauticalarchaeologysociety.org). Community projects can be a great way of adding to the educational and recreational potential of historic MPAs.

**Below:** HMS Campania in 1917 © The Scotsman Publications Ltd.



17 HMS Campania (wreck 172) after alterations with twin funnels forward. Photo: Imperial War Museum

1917 - OUT OF COPYRIGHT

If you want to carry out 'intrusive' archaeological investigations (for example, excavate and recover objects), you need to contact us as you will need a marine licence from Marine Scotland. When advising applicants and Marine Scotland, we recommend that projects follow the best-practice standards set out in the annex of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage [unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention](http://unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention).

### Reporting finds

All wreck material recovered from the seabed, no matter how small or seemingly insignificant, must be reported to the Receiver of Wreck under the Merchant Shipping Act 1995, [gov.uk/government/groups/receiver-of-wreck](http://gov.uk/government/groups/receiver-of-wreck).

**Below:** Brass lid with engraved windmill from the wreck of the Kennemerland, Out Skerries HMPA, Shetland © Colin J M Martin.







**Above:** A diving archaeologist conducting a metal-detector survey of the wreck of the Adelaar, Barra  
© Historic Environment Scotland (Drs Colin and Paula Martin Collection)

## Other heritage designations

We are responsible for designating other types of heritage assets, including listed buildings, scheduled monuments, gardens and designed landscapes, and historic battlefields.

There is more information about these on our website [historicenvironment.scot/advice-and-support](https://historicenvironment.scot/advice-and-support).

Scotland has over 600 conservation areas which are designated by local authorities. Local authorities must decide which parts of their areas are of special architectural or historic interest, and they may designate these as conservation areas. The public will normally be consulted on any proposal to designate conservation areas or to change their boundaries.

World Heritage Sites are recorded by UNESCO (The United Nations Educational, Scientific and Cultural Organisation) as places of outstanding universal value in terms of their cultural or natural heritage [whc.unesco.org](https://whc.unesco.org).

Scotland currently has six World Heritage Sites. Information on these is given on our website [historicenvironment.scot/world-heritage-sites](https://historicenvironment.scot/world-heritage-sites).

The Ministry of Defence is responsible for administering the Protection of Military Remains Act 1986 which deals with war graves. For enquiries about shipwrecks and the Protection of Military Remains Act 1986, please email Navy Command Third Sector at: [navyse-3rdsectorheritage@mod.uk](mailto:navyse-3rdsectorheritage@mod.uk).

**Search for historic marine protected areas, other designations and our decisions**

You can search for all of our designations on our online portal at [portal.historicenvironment.scot](https://portal.historicenvironment.scot). You will also find information about our designation decisions. If you are still not sure whether the area you are interested in is a historic marine protected area, you can email or phone us for help. Our contact details are at the end of this booklet.

Scotland's Environment website at [environment.scotland.gov.uk](https://environment.scotland.gov.uk) also has a map-based search as well as more environmental information, including conservation area boundaries.

There is information about existing MPAs protected for biodiversity purposes within inshore waters on Scottish Natural Heritage's website [nature.scot](https://nature.scot).

You can find information about MPAs designated for biodiversity purposes within Scottish offshore waters on the Joint Nature Conservation Committee website [jncc.gov.uk](https://jncc.gov.uk).

## Further information

There is more information about historic marine protected areas on our website [historicenscotland.scot/advice-and-support](http://historicenscotland.scot/advice-and-support).

### Advice on development proposals

If your proposals need planning permission, contact your planning authority. For marine licences, contact Marine Scotland's Licensing Operations Team [gov.scot/Topics/marine/Licensing/marine](http://gov.scot/Topics/marine/Licensing/marine).

We also provide advice about managing a historic marine protected area. There is more information about this on our website at [historicenscotland.scot/managing-change-guidance-notes](http://historicenscotland.scot/managing-change-guidance-notes). You can also phone us on 0131 668 8716.

### Grants

Historic Environment Scotland offers various grants and funding schemes. Individuals and organisations can apply for financial help with projects and works that benefit the historic environment. For more information about our grants see our website at [historicenscotland.scot/grants-and-funding](http://historicenscotland.scot/grants-and-funding).

### Relevant laws and policy

- The Marine (Scotland) Act 2010 [legislation.gov.uk/asp/2010/5/contents](http://legislation.gov.uk/asp/2010/5/contents).
- Historic Environment Policy Statement for Scotland [historicenscotland.scot/heps](http://historicenscotland.scot/heps).
- Scotland's National Marine Plan: [www2.gov.scot/Topics/marine/seamanagement](http://www2.gov.scot/Topics/marine/seamanagement).

- Historic MPA guidelines - for more detailed guidance on how historic MPAs are designated and managed, see our website [historicenscotland.scot/advice-and-support](http://historicenscotland.scot/advice-and-support).

### Suggestions and complaints

We welcome feedback about historic marine protected areas. Please let us know what you think by sending an email to [designations@hes.scot](mailto:designations@hes.scot).

We are committed to providing high-quality services. We value complaints and use information from them to help us improve our services.

If something goes wrong or you are not happy with our services, please tell us.

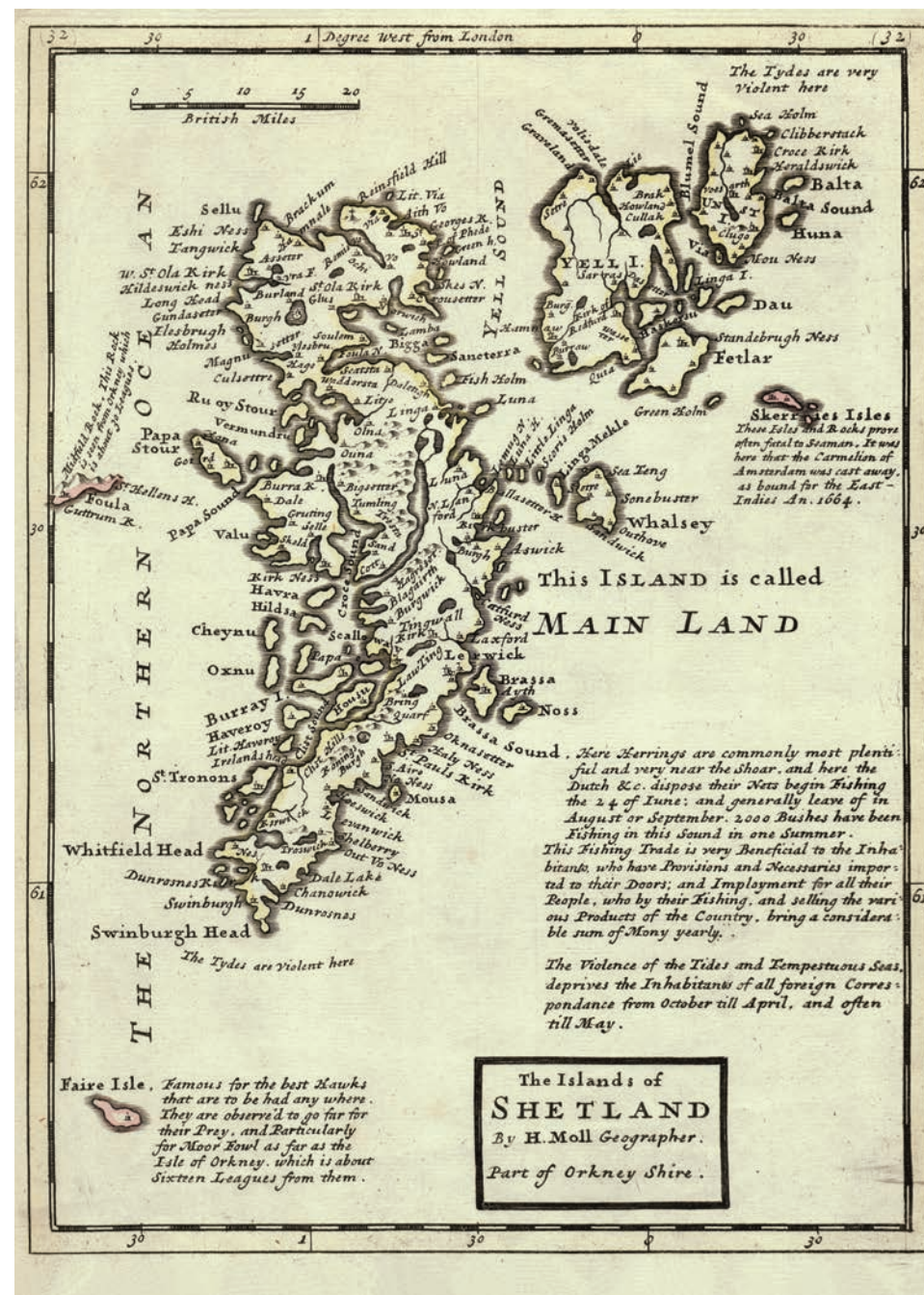
### Complaints Officer

Historic Environment Scotland  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

**Phone:** 0131 668 8600

**Email:** [complaints@hes.scot](mailto:complaints@hes.scot)

You can find out more about our complaints procedure on our website at [historicenscotland.scot/complaints](http://historicenscotland.scot/complaints).



**Above:** The islands of Shetland. This map by Herman Moll (1655-1732) refers to the wrecking of Kenmemerland (as 'Carmelian of Amsterdam', Out Skerries), in 1664 © Shetland Museum & Archives

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Historic Environment Scotland is a Non Departmental Public Body (NDPB) and a registered Scottish Charity (SC045925). One of our functions is to advise the Scottish Government on historic marine protected areas.

This booklet explains what a historic marine protected area is and how we help to assess them for designation. It is also available in Gaelic as Raoin Mara Tèarainte Eachdraidheil.

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Any enquiries regarding this document should be sent to us at:

Historic Environment Scotland  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

**Phone:** +44 (0) 131 668 8600

**Website:** [www.historicenvironment.scot](http://www.historicenvironment.scot)

You can download this publication from our website at [historicenvironment.scot](http://historicenvironment.scot)



### Historic Environment Scotland

Designations  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

**Phone:** 0131 668 8914

**Email:** [designations@hes.scot](mailto:designations@hes.scot)

**Website:** [historicenvironment.scot](http://historicenvironment.scot)

