

# **Heritage Partnership Agreements for Undesignated (Marine) Sites: A Pilot Study.**

**Interim Report 2 –  
Dissemination, feedback and development of methodology**



**June 2013**

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## 1. Introduction

The Hampshire and Wight Trust for Maritime Archaeology (HWTMA) has been commissioned by English Heritage (EH) to provide a practical approach to the implementation of Heritage Partnership Agreements (HPAs) on undesignated marine sites. Partnership agreements are seen as a generic term for any form of non-statutory management agreement between the owner of a heritage asset, or group of assets, and the statutory authorities (see English Heritage, 2011a). Research on the benefits of HPAs has already been undertaken and includes a recommendation for the introduction of statutory management agreements (see DCMS and EH, 2005). Importantly, the National Heritage Protection Plan directly addresses HPAs and model management plans (English Heritage, 2011b: 31-32). Directly concerning HPAs, the *Enterprise and Regulatory Reform Act* (ERRA) received Royal Assent in April 2013 and makes specific reference to the provision of HPAs to aid the management of heritage assets.

English Heritage has also noted (2011a: 5; c.f. DCMS and EH, 2005: 3) that a HPA can be of great benefit for 'Sites of a single or similar asset type in different locations perhaps under a single ownership or management.' The range and distribution of undesignated marine assets in England would seem to fill this definition perfectly. The same document (EH, 2011a: 6) also specifically lists marine sites in consideration of HPAs, although the wording indicates that this is mainly in consideration of designated, protected wreck sites, rather than the undesignated sites that comprise the greatest part of England's currently identified underwater cultural heritage.

There is a gap in the understanding of how such future HPAs might work in the context of the marine environment. By seeking to develop methodologies for HPAs on undesignated marine sites, this project is directly addressing national priorities while filling a gap in our present understanding regarding site management. More importantly, the proposed work is, in the long term, contributing to developing a more streamlined management for marine sites that are not being protected and/or managed under the current system (see English Heritage, 2011a: 6).

Phase One of the Heritage Partnership Agreement (HPA) Project resulted in the production of an Interim Report (HWTMA, 2012) that was submitted to EH in the summer of 2012 and revised in October 2012 following a meeting with Mark Dunkley and Lucy Oldnall (EH). The report included a review of existing methods of managing undesignated and designated assets in the historic and natural environment. A provisional methodology was also included that set out how HPAs might be applied to undesignated heritage assets in the marine zone. This methodology was modelled on the successful *environmental stewardship* programme that has been successfully implemented by Natural England on agricultural land. During the winter of 2012/13 the provisional methodology was presented to a series of stakeholders in order to gain direct feedback, allowing further refinement and the production of a draft HPA as required by the Project Design. This report describes the process of dissemination and the feedback provided by stakeholders before discussing and setting out a draft HPA for use on one of the five HPA Pilot Study sites.

## 2. HPA Project Phase Two

Phase Two of the HPA Project began in autumn 2012 following the submission and revision of the interim report detailing the outcome of Phase One (Review) of the project. Phase Two has been concerned with the dissemination of the results of this review, in conjunction with developing a draft HPA to allow the implementation of pilot HPAs during the spring and summer of 2013. With this in mind, Phase Two has disseminated the findings of Phase One through a range of methods with the intention of engaging the broadest possible range of stakeholders in the limited timescale available. This process of dissemination and engagement had three main objectives;

- Presentation of the provisional HPA methodology developed during Phase One.
- Revision and refinement of the provisional HPA methodology, based on stakeholder discussion and comments.
- Identification of potential partners for involvement in the pilot HPAs.

The following sections describes the methods used for dissemination of Phase One (Section 2.1), provide an outline of the various stakeholder groups and individuals that were consulted (Section 2.2) and set out the methods used to gather feedback relating to the development of the draft HPA methodology (Section 2.3).

### 2.1 DISSEMINATION

A number of different approaches were taken in order to ensure that the widest possible group of stakeholders had the opportunity to learn about the HPA project, provide feedback on the methodology and possibly take part in the pilot HPAs. These approaches can be summarised as follows;

- **Information Leaflet:** A two-page information leaflet was produced which outlined the basic nature and scope of the project, what it hoped to achieve and how. The leaflet included contact information to allow readers to directly contact the HPA project for further information if required. The range of groups that this leaflet was circulated to is outlined in Section 2.2. The information leaflet is included here in Appendix 1.
- **Public Talks:** Where interest was expressed following initial contact, a public talk was given. This took the form of a thirty minute illustrated presentation covering the project background, aims, objectives, pilot sites and provisional methodology. Further time was then given for extended discussion and questions from the floor.
- **Website:** Project webpages ([www.hwtma.org.uk/hpaums](http://www.hwtma.org.uk/hpaums)) were created and hosted by the HWTMA. These pages mirrored the information provided in the information leaflet as well as providing greater detail on the provisional methodology and the pilot study sites. The webpages also offer a means to contact the HPA project directly via email and to provide formal feedback.
- **Newsletter Publication:** Regional and national engagement through relevant networks was achieved through the publication of two newsletter articles in January 2013. A short article was published in the bi-annual newsletter of the Solent Forum (HWTMA in *Solent News*, Issue 33). The Solent Forum is a broad regional group representing a wide range of individuals, organisations and institutions concerned with the management of all aspects of the Solent. A second, longer article was published as the feature article in the quarterly newsletter of the Nautical Archaeology Society (Whitewright in *Nautical Archaeology*, Winter 2013). The Nautical Archaeology Society is the primary specialist group for nautical archaeology within the UK and is concerned with all elements of the discipline, including site management.

## **2.2 STAKEHOLDER CONTACT**

Existing literature (EH, 2011a: 7-9) concerning the development and use of HPA has identified the need for HPAs to involve (either formally or consultatively) all parties who might have an interest in the site in question. Accordingly, the broadest possible range of stakeholders have been contacted in order to present the project to them and to seek their opinion regarding its methodological approach.

### **Avocational Organisations/Individuals**

Review of the NAS Adopt-a-Wreck Scheme as part of Phase One of the project illustrated its popularity with avocational sports divers and highlighted the potential of this group of stakeholders for future engagement as heritage partners. With this in mind, fourteen sub-aqua clubs (SACs) were identified within Hampshire and the Isle of Wight. All were contacted, provided with an electronic copy of the project information leaflet to circulate to their members and asked if they were interested in being involved in the project in any capacity. Six SACs replied expressing interest in the project and public talks were eventually provided to members of four of these clubs;

- Nautical Archaeology Sub-Aqua Club (NASAC).
- Solent Archaeological Divers Sub-Aqua Club (SADSAC).
- Southdown Divers Sub-Aqua Club (SDSAC).
- Wight Dolphins Sub-Aqua Club (WDSAC).

Attendance at the HPA talks by members of these clubs represented 60-70 individuals with a broad range of basic interest in sports diving. This cross-section included people with substantial archaeological experience, for example existing licensees of designated wreck sites, from NASAC and SADSAC. It also included individuals with no experience of archaeological diving, from SDSAC and WDSAC, but who were nevertheless interested in the concept of the project.

### **Professional Organisations/Individuals**

In addition to the avocational groups and individuals discussed above, a number of professional organisations and individuals were identified and contacted. Some of these were drawn from the archaeological or heritage management community, while others were representative of wider interest groups or were simply non-archaeological in nature;

- British Sub-Aqua Club (BSAC) – Heritage Policy Advisor.
- British Marine Aggregates Producers Association (BMAPA).
- Crown Estate (CE).
- Centre for Maritime Archaeology, University of Southampton (CMA).
- Hampshire and Wight Trust for Maritime Archaeology (HWTMA).
- Natural England (NE)
- Nautical Archaeology Society (NAS).
- Receiver of Wreck (RoW).
- Solent Forum (SF).
- Hampshire and Isle of Wight Trust for Wildlife (HIWTW).

Public talks were given to the Centre for Maritime Archaeology, University of Southampton and to the Solent Forum. The former offered the chance to present the HPA project to a group of academic staff and postgraduate students who were able to comment on the project from a highly informed position regarding heritage management and public engagement with maritime archaeology. In contrast, contact with the Solent Forum offered the opportunity to present the HPA project to a quarterly meeting where a range of non-archaeological, coastal and marine management interests were represented. This included representatives from;

- ABPMer
- Bembridge Angling Club
- British Marine Federation
- Chichester District Council
- DEFRA

- Earth to Ocean
- Eastern Solent Coastal Partnership
- Environment Agency
- Geodata Institute
- Hampshire County Council & Chichester Harbour Conservancy
- Havant Borough Council
- Isle of Wight Estuaries Project
- Langstone Harbour Board
- Marine Management Organisation
- Mary Rose Trust
- National Trust
- Natural England
- New Forest National Park Authority
- Portsmouth City Council
- QHM Portsmouth
- Royal Haskoning
- RYA
- Solent Cruising and Racing Association
- Solent Forum
- Solent LEP
- Solent Protection Society
- Southern Water
- University of Portsmouth Environment Network
- Vectis Boating and Fishing Club

### **Pilot Study Take-Up**

During and following the various forms of stakeholder contact it was made very clear that the project would be reliant on the implementation of the pilot HPAs as a means of fine tuning the eventual HPA programme. It is disappointing that at the time of writing, only one organisation (Wight Dolphins SAC) has expressed a formal interest in signing-up to a pilot HPA. The selection of sites made available for Pilot Study HPAs may be partly responsible for this and further discussion of future site selection policy is included in Section 3.5.

### **2.3 FEEDBACK STRATEGY**

Planning of Phase Two of the HPA project highlighted the need for a coherent system to provide feedback from a potentially wide range of people accessing a variety of different dissemination methods. While it was seen as inevitable that much feedback would be non-quantifiable in nature, it was considered desirable to be able to extract quantifiable information at the end of this process. Likewise, many stakeholders who were provided with information about the project and asked to comment upon it would not have the opportunity for face-to-face verbal discussion. Therefore, in order to give stakeholders the greatest possible capacity and incentive to respond, three different methods of providing feedback were utilised;

- **Informal Email Response:** Some stakeholders that were contacted simply replied via email with their thoughts, suggestions and opinions on the project in a relatively informal manner. These responses have been considered in the same way as purely verbal responses or discussion.
- **Verbal Discussion:** All of the public talks given by the HPA project generated considerable discussion between those present. This ranged from direct comment on the potential usefulness of the project, through to suggestions and observations as to how things could be improved or altered in the opinion of that stakeholder. These comments were noted and used to inform the way the draft methodology was formulated. In other examples, one-to-one

meetings took place with individuals who were not able to attend a public talk, but who nevertheless wished to discuss the project in more detail.

- **Questionnaire:** In order to provide a more quantifiable means of gathering feedback and to save valuable time in recording verbal feedback a questionnaire was developed which all those who were contacted or who attended public talks were encouraged to complete. The questionnaire asked seven yes/no questions to which respondents could give a graded number rating from 10(yes)-to-1(no) as well as give specific comments if they wished. A final, eighth, question was open in nature and provided the opportunity to leave further comments on subjects not covered in the previous seven questions. The nature of the initial questions were set to gauge the appetite of people for the concept and potential of HPAs as a means of managing undesignated marine sites. Following this, the questions addressed a number of discussion points that were raised in the Interim Report of Phase one of the Project (HWTMA, 2012). These included subjects such as whether or not HPA sites should be afforded legal protection, or whether the scheme could/should be incentivised through some sort of financial reward. The questionnaire is included in Appendix 2 and the results are discussed as part of the Feedback Results in Section 3.

### **3. Feedback Results**

As noted in Section 2.3, a number of different feedback methods were utilised, ranging from simple discussion and email comments to a more formal questionnaire. The results and interpretation of this feedback are now discussed and the framework for this discussion is provided by the project questionnaire (Appendix 2), itself informed by the discussion comments outlined in the Phase One interim report. In total thirty-six completed questionnaire were returned, representing a reasonably broad cross-section of sports-divers, marine archaeologists, heritage professionals seabed developers/managers and other professional marine users such as dive-boat operators. In addition, a number of constructive informal comments were verbally received and through email, from respondents who did not complete a questionnaire.

#### **3.1 OVERALL VIEW OF PROJECT**

Taken as a whole the project can be said to have been well-received by those who attended public talks, responded via email and who completed a questionnaire. Responses were entirely positive with a high average rating (8.5) relating to whether or not the application of HPAs to undesignated sites was in fact a good idea (question 1). Similarly, respondents gave a high average rating (8.2) on the subject of whether or not HPAs had the potential to increase public engagement with underwater cultural heritage (question 2).

Specific comments in this area were fairly general in nature, with most people indicating a positive view towards the project. For example the fact that HPAs had potential to bring public attention to, and increase awareness of, sites that had largely been previously overlooked because they were not designated sites. Nearly all those engaged with the project subscribed to the view that underwater cultural heritage merited protecting and managing on a wider scale to that currently available (i.e. to the 47 English Protected Wrecks). Some warning was given by a marine developer with experience of voluntary projects in other sectors, of the potential for work to be undermined by third party actions by those not involved, because of the multi-user nature of the marine environment.

A further informative comment was made regarding online engagement/dissemination. This was that such work should be done through a single website/portal that contained information on all of the HPAs, rather than allowing each HPA to distribute, promote or disseminate the work independently. The merit of such a centralised approach is perhaps born-out by reference to the NAS Adopt-a-wreck programme, where there is little centrally available information via the NAS website and information provided by participants varies in quality and quantity from website to website.

#### **3.2 LEGAL STATUS OF HPA SITES**

The Interim Report arising from Phase One of the project highlighted the question of whether or not sites selected for HPAs should be afforded some kind of legal protection. The rationale for this was twofold; Firstly, the selection criteria of only putting forward sites of 'national importance' for HPAs, suggested that such sites were therefore worthy of protection. Secondly, legal protection as a means of helping to safeguard the investment, in time and financial resources, put into an HPA site by stakeholders and EH, from outside interference. Accordingly, question 3 asked for a simple opinion as to whether or not HPA sites should be afforded legal protection as a means to help prevent damage from other parties.

Responses to this question are generally affirmative, with a medium/high average rating (6.9) indicating a widespread desire for sites to be given some sort of legal status. The overall ratings returned utilised the full scale of available responses from 10-1, with several respondents indicating that they thought that sites should remain undesignated and free from legal encumbrance. Detailed comment responses were more informative, in particular a desire for any protection that might be given to continue to allow general public access; public exclusion from sites as a result of protection was seen in a very negative light. A further line of argument noted by several respondents was that

legal protection might have the effect of discouraging public engagement, presumably because of the increased 'official' nature of sites.

On a wider scale of consideration, a slightly different viewpoint was offered by one respondent, a dive boat operator and maritime historian, who noted that the majority of damage to wrecks was done through fishing activity (trawling, potting and angling) rather than through the casual removal of artefacts. They felt that unless these threats could be somehow mitigated then general legal protection was probably not very effective.

The potential implementation of HPAs on undesignated marine sites is significantly different from existing HPAs on designated terrestrial assets. The undesignated nature of the sites in question means that, unlike the terrestrial HPAs already in use, there is no element of 'permission' involved. The undesignated sites are freely accessible by the public and in general no permission is required to undertake most of the types of archaeological work that are likely to be specified. Some complex activities may require licensing from the Marine Management Organisation (MMO) through the Marine and Coastal Access Act (2009), while any raised artefacts are required to be declared to the Receiver of Wreck under the Merchant Shipping Act (1994). However, both of these would be obligations for any comparable work done in the marine zone, regardless of the designation status of the site. The general point is that HPAs for undesignated sites differ from their terrestrial counterparts because they cannot include any element of defined, permitted work. They can only include a scheme of work that it is desirable to see implemented in a consistent way across a large number of sites.

One clear result of affording HPA sites legal protection prior to the drafting of any HPA agreement is that it would immediately bring the resulting HPAs more into line with existing terrestrial HPAs that are in place on designated heritage assets such as ancient monuments or listed buildings. For example, the ERRA makes specific provision (Section 60) via an amendment to the Planning (Listed Buildings and Conservation Areas) Act 1990 to include Heritage Partnership Agreements (Section 26A and B). Such agreements are clearly intended to be implemented on designated/scheduled/listed assets. Applying this approach to HPAs in the marine zone might increase the overall coherency of the application of HPAs across the marine and terrestrial zone by removing the clear differences in implementation that are likely to result from differences in site status.

In contrast to this, maintaining the undesignated status of sites greatly reduces the bureaucracy associated with site management and also greatly simplifies the drafting of the HPAs themselves, because there is no need to operate within a legislated consent system. A policy to resolve this choice was put forward by one respondent who felt that the strength of the HPA scheme for maritime sites was its ability to be implemented relatively rapidly and to potentially engender protection through community based curation. Following this, the results of the HPA work might be used to generate a sufficient evidence base in support of future scheduling/designation, where appropriate.

### **3.3 SUITABILITY OF A TIERED SYSTEM OF PRESCRIBED WORK**

A central part of the provisional methodology described in the Phase One Interim Report was the concept of a tiered system of prescribed work, based on the system used in Natural England's (NE) Environmental Stewardship (ES) scheme. The aim of this was to allow HPAs to be taken up by groups of differing archaeological ability and experience, potentially reducing exclusion and increasing the overall capacity of maritime archaeology, especially in the a-vocational sector. This idea was explained in detail during public talks and on the project website and was covered in question 4 of the questionnaire, which simply asked respondents if they thought that a tiered system was a good way to guide archaeological work on HPA sites.

The response to this was positive, with a high average rating (8.1) and no responses in the lower half of the scale. Specific comments were able to illustrate some of these responses a little more; most notably that several respondents from an experienced sport diver background noted that most dive clubs are already doing many of the tasks that might be prescribed for a Level 1 HPA. Useful

information is already being collected and the HPA scheme offers a chance for such information to be collated in a central way to inform site management. The breadth of activity was also seen as a strength and a way to encourage participation from individuals who may not be directly interested in maritime archaeology, but who have a passion for marine biology, photography, technical underwater work, etc.

One aspect that many respondents felt strongly about was the provision of some sort of training or mentoring as a means to introduce people to the lower end of the tiered system. It was clear that there was a reluctance to undertake work 'blind' but at the same time a desire for non-archaeologists to be able to participate in the HPA scheme. A further problem when resolving this is that supplying training/mentoring is clearly outside the remit of the HPA scheme as it is currently proposed. Several respondents suggested the use of the Nautical Archaeology Society (NAS) Training scheme as a means to provide a basic level of archaeological expertise that could then be developed over the course of a Level 1 HPA. Likewise, a respondent from the marine environment community was very positive on the use of the Seasearch programme as a way to gather biological evidence, but pointed out that users require basic training in order to use the system correctly and to allow the results to be validated. The concept of training provision is returned to below with regard to potential ways of incentivising the HPA scheme.

### **3.4 INCENTIVISATION OF THE HPA SCHEME**

As noted above, the provisional methodology developed during Phase One of the project drew heavily on the ES scheme operated by NE. A central part of that scheme is the system of financial rewards offered to those who sign up to the scheme; offering incentives for completing tasks within each type of stewardship agreement. A broadly similar system was initially proposed for the provisional HPA methodology which would potentially result in the costs incurred in carrying out HPA tasks being met. It was identified that this was a potentially controversial element of the methodology and so the suitability of this approach deliberately formed part of informal discussion as well as comprising two parts of the questionnaire. Firstly, question 5 asked whether or not some of the financial costs of being a heritage partner, associated with conducting archaeological work should be met. Secondly, question 6 simply asked if having fieldwork expenses met would make an HPA a more attractive prospect for a potential partner.

Both question 5 and 6 received positive responses with an average rating of 8.5 and 9.1 respectively indicating that respondents felt that some of the costs of work should be met and that doing so would be likely to make the HPA scheme more attractive to take part in. The majority of respondents for both questions were in the positive half of the scale (6-10), a few of which were grouped towards the 'possibly' centre numbers. One respondent offered a rating of 4 in response to question 5. In general, it can therefore be concluded that there is a positive desire to see some sort of incentive, possibly financial, as a means to encourage participation in the HPA scheme. The comment of one heritage professional perhaps summarised the situation when noting "I think that essential costs should be supported where possible, but that the notion that this will enable free diving opportunities should be discouraged."

Discussion of this raised a number of interesting and valuable ideas. Firstly, the notion of simply covering the costs of doing HPA related work was generally well received and seen as a way for the HPA scheme to avoid asking for 'something for nothing' from heritage partners. It was also noted that people are generally very willing to participate in schemes such as this, but that they often simply cannot afford to do so, this has become even truer at times of rising fuel costs. One respondent suggested that the scheme should only cover a percentage of any costs, with the remainder being matched by the heritage partner. This would be similar to existing schemes such as heritage lottery grants. As a variant to this, a respondent from Natural England suggested that a central fund of money could be established to which HPA participants could then apply to receive a small grant. This could then be used as a way to facilitate HPA work. With regard to the authority of EH to provide financial incentives, the Enterprise and Regulatory Reform Bill (2013) notes (60(2)26A(6)(g)(i)) that a

HPA may provide for a relevant public authority to make payments or specified amounts and on specified terms 'for, or towards the costs of any works provided for under the agreement'. Indicating that EH can potentially provide a financial incentive to the scheme if it chooses.

It was noted in Section 3.3 that several respondents expressed a strong desire for the scheme to include some provision for training, normally in advance of participating in a Level 1 HPA. It was noted that such training would greatly help in recruiting non-archaeologists to sign up to the scheme. Several respondents at a number of different discussions independently suggested the use of the NAS training program as a means to provide basic instruction. NAS training could be undertaken prior to conducting HPA work with the HPA Scheme then paying the costs of completing their NAS part 1, once the required number of HPA tasks had been completed. Potentially, this might be a very attractive way of providing an incentive to potential HPA partners. There is clearly a desire for training, which the HPA scheme is not in a position to provide. The NAS route offers a means to utilise a proven training system that is internationally recognised. Furthermore, it would ensure that training was provided in a consistent fashion, in turn raising the capacity and awareness of maritime archaeology within England.

### **3.5 SITE SELECTION**

The final discussion point arising from the Interim Report concerned site selection; namely as to what type of sites would be selected for inclusion in the HPA Scheme. During public talks, the selected pilot study sites were introduced and outlined to the audience and it was emphasised that HPAs would ideally cover a broad range of site types in order to be reflective of the breadth and extent of England's maritime archaeological heritage. As a means to stimulate discussion about site selection, question 7 asked if respondents thought that the pilot sites represented a broad cross-section of English maritime archaeological sites. The responses to this were generally positive with an average rating of 6.4 with individual responses that ranged across the entire available scale.

Detailed responses to this question were of further interest and highlighted several points. Firstly, across the full spectrum of site types, some respondents felt that there was an emphasis on recent sites and that prehistoric sites could be better represented. This is actually potentially encouraging as an indication of the levels of interest in submerged prehistoric sites as well as the more traditionally dived shipwreck material. In a similar way, the absence of inter-tidal sites was noted by some respondents and the future inclusion of such sites in the HPA scheme requires clarification. Secondly, responses were mixed when it came to the 'significance' of the sites that might be included in the HPA scheme. Some respondents felt that sites such as Bouldnor Cliff should not be included because 'they are too important'. The implication of this was that such sites should be left directly to EH or a similarly qualified professional organisation to manage. This issue can be dealt with through the tiering system that has been proposed and the use of Level 3 HPAs, with partners of proven competence, on sites of great fragility or significance.

Thirdly and finally, there was significant discussion about who should be responsible for site selection. The use of a centrally selected (EH derived) list of sites for which HPAs are desirable offers the best way to maintain the proactive management element of the scheme; allowing sites to be selected to meet national research/management frameworks/agendas (e.g. Ransley and Sturt, 2013). For example it was noted at the interim meeting with EH in October 2012 that HPA sites would be restricted to those of 'National Importance and Significance'. However, sites that are attractive to professional bodies from such perspectives are not always attractive for the a-vocational groups/individuals that are likely to form a substantial part of the future HPA scheme. This could lead to a low take-up of sites and result in the scheme failing in its objective of improving management and information collection. An alternative was put forward by a number of respondents that would allow heritage partners to select the sites that they were interested in, subject to those sites being approved by EH or being deemed significant enough to merit the expenditure of resources upon them. Such an approach is likely to increase the overall take-up of the HPA scheme, however, such a site selection policy would greatly reduce the ability of EH to direct the type of sites selected for HPAs, except in the

very broadest of terms. This approach also runs the risk of stakeholders applying to have their chosen sites included, only for such sites to be turned down (for example on the grounds of significance), resulting in disheartenment and disengagement by the stakeholder.

One respondent, in the field of marine management, raised the point that while the Solent region is rich in groups conducting vocational and a-vocational maritime archaeology, other areas are less well covered. Their concern was that this unequal spread of ability around the country could be reflected in an unequal spread of HPAs, based on geographical location of interested parties, rather than a reflection of management requirements. This would seem to be another reason why overall site selection should be centrally managed by EH, thereby allowing EH to ensure that the HPA scheme does not suffer from a geographical bias or skew.

With this in mind, it seems that the bulk of site selection should be carried out by EH on a proactive and forward looking basis. However, there should be some capacity for stakeholders to propose specific sites for HPA status, providing that they can demonstrate that the sites are suitable. This potentially mirrors the procedure for the formal designation/scheduling of sites which is largely done by EH, but has the potential for public nomination/application as well.

### 3.6 FEEDBACK CONCLUSION: SUMMARY

The process of public engagement, presentation and feedback produced a number of valuable comments and suggestions that can be carried forward for the implementation of the draft HPA methodology to the pilot sites and also to the main HPA scheme. The main conclusions as well as some specific recommendation are summarised below.

1. **Public Perception:** The HPA project was positively received and accepted as a potentially effective way to manage underwater cultural heritage that currently lies outside of the legal framework.
2. **Dissemination:** Any dissemination of HPA work should be carried out through a central source, rather than on an individual basis. The model for this might be the Protected Wreck section of EH's website, where basic site information is provided, together with specific reports and documentation for download, as such material is produced.
3. **Legal Status:** On the whole it would be desirable for HPA sites in the marine zone to be afforded some sort of legal status. Partly to protect the work of the heritage partner and partly to allow such sites to be seen in a consistent way with terrestrial sites that are subject to HPAs and which are all scheduled. The most effective framework for such protection is the AMAAA (1979) which would prohibit unspecified interference but would still allow full public access. The AMAAA also makes provision for the use of statutory management agreements (Section 17) to allow specified works to be undertaken on a site. However, on balance it seems that the scheme will operate more efficiently if the undesignated status of sites is maintained. One long-term aim of the each individual HPA should be to build up an evidence base that can be used to make an informed scheduling/designation selection decision, as required.
4. **Tiered System of Work:** The concept of a tiered system of activity was very well received. It is clearly a potentially effective way to access the existing skills and specialities of HPA groups in a relatively consistent way, while providing an overall framework for such groups to work within.
5. **Incentivisation:** There is clearly a desire to see some form of incentive put in place to encourage participation in the scheme. Unfortunately, it is clear from liaison with EH that during the present economic climate, no funding will be forthcoming for the incentivisation of the HPA scheme within the marine zone. However, several potential routes for doing this were put forward by respondents which can be recorded here for future reference and can be summarised as follows;
  - a. Payment of costs incurred by heritage partners; e.g. boat fuel, air fills, etc.
  - b. Partial payment of costs (e.g. 50%) as a way of matching the economic commitment of the heritage partner.

- c. Provision of a 'pot' of money to which heritage partners could apply, receiving a grant to facilitate work done through the HPA scheme.
  - d. Facilitation of training, via an organisation such as NAS, to allow more fulfilling participation by inexperienced partners at the lowest tier. Similar training could be provided for more specific elements, such as ecological surveys, at all tiers.
6. **Site Selection:** Sites put forward for HPAs should be primarily selected by EH. However, some provision should be made for public nomination of sites as a way to widen engagement. Sites included in the HPA scheme should be demonstrably of 'national importance', which the present project has interpreted as meaning 'of medium to high significance'. Site significance should be clearly assessed by EH, or other suitably competent contracted body, as part of the site selection process. As discussed below, such an assessment should form part of the HPA for each chosen site

## 4. Draft HPA Methodology

The following section sets out the rationale and thinking used to formulate the proposed draft HPA methodology for use on undesignated marine sites in England. This is based on a number of documents and processes, namely;

- The project Interim Report (HWTMA, 2012) submitted to EH in October 2012.
- The consultation feedback described in Section 3 above.
- An example terrestrial HPA supplied by EH, between the University of Sussex, Brighton and Hove City Council and English Heritage relating to listed buildings on the University of Sussex campus (EH, 2012).
- EH documentation relating to HPAs (EH, 2011a).
- The Enterprise and Regulatory Reform Act 2013 (ERRA), section 60 of which amends the Planning (Listed Buildings and Conservation Areas) Act 1990 to include Heritage Partnership Agreements (Section 26A and B).

As an example, a full, draft HPA for the pilot site of HMS *Velox* is provided as an accompanying document which should be read in conjunction with the discussion below. The structure and order of that draft HPA is based on the order of the 'Guide Model Headings' referred to above (EH, 2011a: Appendix A). These also serve to provide the structure to the discussion (below) of a number of specific elements of the draft HPA.

### 4.1 HPA PARTNERS

The HPA should clearly set out who the partners are. As a minimum, this should include the stakeholder partner, English Heritage and the owner of the asset if one can be positively identified. The latter is especially critical where the ownership of the site is known and it is expected that material will be raised from the vessel. If the HPA is at Level 3 and is likely to result in excavation, then the seabed owners, for example the Crown Estate, must also be included. The ERRA notes (60(2)26A(2)(g)) that any other person who appears to the relevant planning authority as 'having special knowledge of, or interest in' the site can be party to a HPA. In the example of HMS *Velox* this might include organisations such as the HWTMA, who have worked on the site in the past.

### 4.2 LEGISLATION

It is presumed that sites selected for an HPA will be undesignated and this should be noted at this point in the document; if sites are scheduled under the AMAAA (1979) then this should be noted. It is also helpful to remind the heritage partners of their legal requirements to comply with the Merchant Shipping Act (1994) and the Marine and Coastal Access Act (2009). This can be included at this point as a standard form of words.

### 4.3 TERMS OF THE AGREEMENT

#### Duration & Review

The duration of a full HPA will be five years, as suggested through discussion with EH (Lucy Oldnall pers. Comm.). This expands upon the three years suggested by EH guidance (EH, 2011a: 11), but will mirror the approach now being taken on terrestrial sites, where five year agreements are being introduced, increasing consistency between terrestrial and marine assets. A formal annual review (see EH, 2011a: section 13) of the HPA will be held between diving seasons (during the winter) on an annual basis. It is suggested that an informal meeting may be held during the summer of each season at the request of the heritage partner in order to maintain and encourage lines of communication. After five years the HPA may be renewed if both parties are happy to do so. This satisfies the requirement set out by the ERRA (60(2)26B(1)(c)) that a HPA must 'make provision for its termination and variation' (see also the section below on variation). For the purpose of the pilot HPAs the duration of the HPA will be one year, due to the limited timescale of the present project, with an informal review after six months.

## **Variations**

As suggested by the HPA guidelines, any minor variation can be negotiated and confirmed by email consultation between all the partners to the HPA. As present it is not clear what such variations might be as the tasks described in the different tiers are quite generic. This is likely to remain the situation, as a means of prescribing general types of work to be carried out across a range of site types. It may be noted at this point that this is one of the key differences between the application of HPAs to the marine zone, and undesignated sites in particular, in contrast to their previous use on listed buildings where a detailed schedule of works is required on a case by case basis in order to maintain the fabric and quality of the building.

## **Monitoring & Reporting**

In most cases there is likely to have been previous work done on the site. This work should be identified and serve to provide the baseline against which future monitoring of any positive/negative effects of the HPA on the site is done. However, the naturally degrading nature of most marine archaeological sites means that this is not as much of a consideration as it is with a listed building for example, where maintenance of the building's fabric is a prime concern. It is also of use for any legislative or planning constraints to be identified at the outset, along with a basic assessment of archaeological significance and assessment of any threats/risks to the site. All of this work can be done to a standard format which can be included as an annex to the HPA, such inclusion will also indicate that the heritage partner accepts and acknowledges the previous work done on the site and any. An example annex is included in the draft HPA for HMS *Velox*, set out in Appendix 3.

Reporting of work carried out on an HPA site may be done through a standardised template that all heritage partners will be expected to use. It is recognised that the nature of maritime archaeological activity can mean that work (such as survey) takes place over an often extended period of time within a distinct window, itself dependant on the suitability of tides and weather. Accordingly, to eliminate unnecessary paperwork, both in creation and processing, monitoring of activity will encompass a summary account of each period of work that takes place; dates and hours of diving carried out, main tasks undertaken, general outcome of tasks, etc. Ideally, such a process will mainly be a 'tick box' or drop-down list procedure to allow basic information to be collected in a consistent way across all HPA sites.

In addition to this summary reporting, the heritage partner will be expected to maintain a detailed archive of the work that they have undertaken, in the form of dive logs, original site records, photographs, etc. As far as possible these will be created in a digital format, or transferred to a digital format to facilitate storage and central archiving. A copy of these archives will then be deposited to EH via the National Record of the Historic Environment (NRHE) at Swindon. This will be accompanied by the mandatory submission of an annual HPA site report. Such reports will be written to a standard template to ensure a measure of consistency across all HPAs.

## **Notification Periods**

When establishing an HPA for a designated terrestrial site, it is normal for the English Heritage to be notified in advance of any work that is to be undertaken, particularly if that work may be outside any schedule of previously agreed activity. Work that may be considered 'standard' or of 'low-impact' may be agreed in advance, according to a written schedule and undertaken without notification. In relation to the application of HPAs to undesignated marine site it is proposed that most general types of work set out in the task list for each level of HPA are of a non-intrusive nature. Accordingly, there seems to be no need for any formal notification period to be required as part of the HPA. The clear exception to this is where excavation might be included as part of a Level Three HPA; the potentially destructive nature of this dictates that there must be a clear requirement for excavation to be demonstrated in advance. The planning of that activity may then include a detailed calendar of work which will be communicated to EH as part of the overall planning and justification of the excavation.

With all of the above in mind, and to maintain some consistency between terrestrial and marine HPAs, it is suggested that heritage partners provide a provisional list of periods (for example a spread of dates) during which they intend to visit and carry out work at the site. Taking such a broad approach will also allow for the flexibility required by the vagaries imposed by the variability of weather and sea conditions that inevitably impact on work conducted in the marine zone.

### **Dispute Resolution**

The HPA guidance indicates (EH, 2011a: 14) that a third party should be identified and agreed at the outset by the HPA partners, for the purpose of mediation of any subsequent dispute. The Local Planning Authority has been identified (Lucy Oldnall pers.comm.) as a potential mediator in the unlikely event of a non-reconcilable dispute.

### **Funding and Grants**

The ERRA notes (60(2)26A(6)(g)(i)) that a HPA may provide for a relevant public authority to make payments or specified amounts and on specified terms 'for, or towards the costs of any works provided for under the agreement'. Indicating that EH can potentially provide a financial incentive to the scheme if it chooses. The HPA guidance notes provide (EH, 2011a: 14) an entry for Funding and Grants to be included in any HPA agreement which will 'State how the HPA or associated works will be commissioned and/or funded'. Section 3.4 (above) provided an overview of the feedback provided by respondents as to how they thought the HPA scheme might be incentivised and the suggested options were listed in Section 3.6 No.5. If any of these suggestions are considered worthwhile by EH, then they can be included in the HPA agreement at this point. It may be noted that different types of incentivisation may be applied to different Levels of HPA and so will be HPA specific, rather than generic to all HPAs. For example a Level 1 HPA may offer subsidised NAS training as a means to encourage initial participation, while a Level 2 HPA may simply defray a proportion of costs. Finally, a Level 3 HPA might recognize the increased complexity of work by offering to defray 100% of costs and offering a fund to apply to for additional financial support. In this way, the level of incentive could be tiered, along with the HPAs themselves.

#### **4.4 HPA PART 2: CONSERVATION FRAMEWORK**

It is not clear, which, if any existing heritage conservation frameworks are applicable to the use of HPAs for undesignated marine sites. Therefore this section, as set out in the HPA Guidance Notes (EH, 2011a) has been included in the draft HPA included in Appendix Three, but not populated. This can be altered if required, following comment from EH. One further document that might be referenced in the future with regard to standards and principles is the Project Planning Note for Marine projects that is currently under production by the HWTMA for marine archaeological projects in England.

#### **4.5 HPA PART 3: WORKS WHICH ARE SUBJECT TO THE AGREEMENT**

The ERRA notes (60(2)26A(6)(c)(f)) that a HPA can specify or restrict the type of work than can be carried out on a site. The wide range of types of work/activity that might be undertaken as part of any HPA were identified and set out as part of the HPA Interim Report. The feedback process described in Section 3 found that this tiered arrangement of work and the types of work listed was seen as suitable by respondents. Accordingly, this has been retained for the draft HPA agreement contained in Appendix Three. It should be noted that because the draft HPA is a Level 1 agreement, only the work considered suitable for that level has been included and described in Part 3 of the agreement. It is presumed that while the various types of work that will be included in an HPA will be described in relatively generic terms, each HPA will include a different list of works; these will be dependent on the nature of the site and the level of HPA that is being drafted. There may for example be a Level 3 HPA, but which has the possibility of excavation as a work task intentionally omitted during the drafting stage because of the fragility of the site and the desire to preserve remains in-situ. Such omission would be in keeping with the guidance set out in the ERRA (above).

#### **4.6 HPA PART 4: APPENDICES**

In accordance with the guidance to drafting HPAs (EH, 2011a) part four of the draft HPA agreement included here contains a number of documents that are referenced earlier in the draft HPA. These include a standard summary reporting form and a standard dive log pro-forma. It is likely that on further consultation with pilot HPA partners, further material will be identified that can be included in these appendices. Electronic versions of these files will be supplied to each partner in the HPA.

## **5. Conclusion**

This report has outlined, presented and discussed Phase 2 of the HPA project. This was concerned with the dissemination of findings from the Phase 1 Review, principally of the provisional methodology that was developed during that phase. Feedback was then gathered from a range of stakeholders and was subsequently used to inform on the formulation and development of a draft HPA for implementation on the HPA pilot sites.

A number of primary conclusions can be drawn, based on the dissemination and feedback process; most notably that the concept of using HPAs to manage undesignated sites is seen in a very positive light. The approach proposed in the Interim Report of using a tiered system of archaeological activity was also welcomed and was noted as representing a meaningful way to cater for a broad spectrum of site users.

The great majority of those consulted also thought that the scheme should include some form of incentive to encourage participation and maintain activity. A financial system of providing costs to heritage partners had been proposed in the provisional methodology. Based on stakeholder feedback, a range of further options were developed and using several of these together may represent a flexible and nuanced way to provide an incentive to those interested in participating with an HPA, without simply providing a financial lump sum. Further development of this area is obviously dependent on the provision of financial resources from the NHPP budget set aside for HPAs over the four year period to 2014/15. At the time of revision of this report it was clear that no financial resources would be available to support the marine HPA initiative. It is hoped that this will be revisited in the future.

A further issue that was highlighted in the Interim Report and discussed during dissemination was the status of sites as undesignated and therefore unprotected. Arguments can be made both for scheduling under the AMAAA and for maintaining HPA sites in the marine zone as undesignated. On balance, the bureaucratic streamlining provided by an undesignated status is probably more helpful for establishing the HPA scheme as a meaningful way to manage sites, than creating an entirely new consent regime for carrying out work on ancient monuments located in the marine zone. HPAs are perhaps better seen as a mechanism for developing local community protection of sites and for providing a corpus of baseline information that may potentially be used in the future as evidence to support a scheduling application, if it is apparent that an individual site would benefit from increased protection.

Overall, Phase 2 of the project has established that HPAs have the potential to be welcomed by the marine community and effectively implemented as a means for managing England's underwater cultural heritage. There are still a number of areas where further discussion between the HPA Project team and EH are required, notably with regard to incentivisation of the scheme. It is disappointing that at the time of writing only one group has come forward expressing a wish to enter into a pilot HPA. However, this pilot HPA will still be extremely valuable in developing the processes for formally implementing, monitoring and reporting that will be the subject of the next element of the Project.

## 6. References

- DCMS & EH, 2005 Heritage Protection Review. Introducing Heritage Partnership Agreements. In [http://www.heritagelink.org.uk/docs/HPR\\_update\\_HPAs.doc](http://www.heritagelink.org.uk/docs/HPR_update_HPAs.doc)
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## 7. Appendices

### APPENDIX 1: HPA PROJECT INFORMATION LEAFLET

**Heritage  
Partnership  
Agreements**

*for  
Undesignated  
Marine Sites  
in England*

ENGLISH HERITAGE

Hampshire & Wight Trust  
for  
MARITIME  
Archaeology

# Heritage Partnership Agreements

for  
Undesignated  
Marine Sites  
in England



## Pilot Study Sites:

Bouldnor Cliff (c.6000BC)

*Campen* (1627)

*HMS Impregnable* (1799)

*HMS Velox* (1915)

*SS Britannia* (1917)

Images (© HWTMA):  
Top: The iconic coastline of the Needles and Alum Bay, site of the *Campen* and a number of other undesignated sites as well as the Needles protected wreck site.

Bottom: Archaeological divers working in collaboration during survey work on the wreck of *HMS Impregnable*.

## Creating New Partnerships in Maritime Archaeology

The Hampshire and Wight Trust for Maritime Archaeology (HWTMA) is undertaking an English Heritage (EH) funded project to develop a methodology for establishing Heritage Partnership Agreements (HPAs) for maritime archaeological sites. HPAs can be an innovative method for managing individual sites without the need for recourse to the formal designation process. As such, the HPAs will be aimed at undesignated marine sites and will include shipwrecks as well as submerged landscapes.

Examples of such a range of archaeological site types can be found within the Solent Region and this makes it an ideal area to develop the use of HPAs for maritime archaeology within England. Several such sites will be used as pilot studies for the development of HPAs and these range from the Mesolithic submerged landscape of Bouldnor Cliff on the north-west coast of the Isle of Wight, through the remains of *HMS Impregnable* (1799) in the eastern Solent, to the wreck of the *SS Britannia* (1917) located in deep water to the south-west of the Isle of Wight.

HPAs will allow engagement with stakeholders, including non-professional archaeologists and sports divers, as a way to manage sites that are deemed to be of national importance, but which are not designated. The project is still in its initial phases, but has developed an outline approach in which heritage partners are provided with guidance about the type of archaeological activity that could be undertaken on a particular site to improve our understanding and management of it. These activities might include tasks such as conducting a non-intrusive survey or monitoring the fabric of the site to gauge its deterioration.

The HWTMA is currently seeking opportunities to discuss the possible implementation of maritime HPAs with the broadest possible range of people, including amateur and professional archaeologists, dive clubs, and other interested parties. Following this informal consultation, the HWTMA will use feedback to refine the development of the draft HPA methodology and to implement a number of pilot HPA agreements using sites (listed on the left) located within the wider Solent Region.

If you are interested in the potential of the maritime HPA project or would like to offer your advice or opinion on it as the project develops then please get in touch by email to: [info@hwtma.org.uk](mailto:info@hwtma.org.uk) (subject: HPA)

**APPENDIX 2: HPA PROJECT FEEDBACK QUESTIONNAIRE**



How would you describe yourself, relative to maritime heritage (*circle all that apply*)?

*Sports Diver, Heritage Professional, Academic, Marine Developer, Marine Manager, Other (.....)*

*For each question please circle the most appropriate number and leave any additional comments below.*

1) Do you think that applying the concept of HPAs to undesignated marine sites is a good idea?

Yes					Possibly					No
10	9	8	7	6	5	4	3	2	1	

*Additional Comments:*

2) Do you think that HPAs can result in better engagement between members of the public and their underwater heritage?

Yes					Possibly					No
10	9	8	7	6	5	4	3	2	1	

*Additional Comments:*

3) If a site is selected for an HPA, should it be afforded legal protection to help prevent damage by other parties?

Yes					Possibly					No
10	9	8	7	6	5	4	3	2	1	

*Additional Comments:*

For each question please circle the most appropriate number and leave an additional comments below.

4) From your perspective, do you think that the application of tiered heritage tasks is a good way to guide archaeological work on HPA marine sites?

Yes							Possibly			No
10	9	8	7	6	5	4	3	2	1	

Additional Comments:

5) Do you think that some of the financial costs to the Heritage Partner of conducting work on a site should be met under the terms of the HPA?

Yes							Possibly			No
10	9	8	7	6	5	4	3	2	1	

Additional Comments:

6) Would having some of the fieldwork expenses covered, make an HPA a more attractive prospect for potential heritage partners?

Yes							Possibly			No
10	9	8	7	6	5	4	3	2	1	

Additional Comments:

7) In your opinion, do the HPA Pilot Study sites represent a broad cross section of English maritime archaeological sites? If no, please suggest some additional sites.

Yes							Possibly			No
10	9	8	7	6	5	4	3	2	1	

Additional Comments:

8) Please add any other comments that you would like to make about HPAs for undesignated marine sites.