



MINISTRY OF DEFENCE



department for  
culture, media  
and sport

# **PUBLIC CONSULTATION ON OPTIONS FOR THE MANAGEMENT OF THE WRECK SITE OF HMS VICTORY (1744)**

**REPORT BY THE MINISTRY OF DEFENCE AND THE  
DEPARTMENT FOR CULTURE, MEDIA AND SPORT**

## EXECUTIVE SUMMARY

The Ministry of Defence and the Department for Culture, Media and Sport launched on 25<sup>th</sup> March 2010 a public consultation on the future management approach that should be adopted towards the wreck of HMS *VICTORY* (Balchin's *VICTORY*), lost in 1744. The consultation sought views on three proposed management options for the site, together with suggestions regarding possible funding sources for those options which had more significant cost implications.

The launch of this consultation in March predated the General Election and the formation of the Coalition Government. Since coming to power, the Coalition has launched far-reaching initiatives<sup>1</sup> both to reduce public expenditure with the aim of cutting the national deficit and also to create the "Big Society", whereby civil society organisations<sup>2</sup> are enabled to play a role in the delivery of services and outputs that hitherto have been the sole responsibility of the State. The Coalition Government's policies provide the framework for consideration of the options for *VICTORY* 1744.

Although the majority of respondents opted for one of the three options set out in the consultation paper, several contributors suggested approaches which combined the options or elements of them. There was almost universal acceptance of the perceived historic value of the wreck site and its potential as an educational resource, though some commentators pointed out that this had to be seen in context. Opinions varied on the nature and level of the perceived threat to the site, and on the measures that might be required to mitigate any threat.

Government is faced with two interlinked decisions with regard to the *VICTORY* site; how best to manage it and how might any management regime be implemented. As the consultation document itself made clear, the Government's aim is to ensure the appropriate management of the wreck site in accordance with archaeological good practice, as outlined in the Annex to the UNESCO Convention.

Taking into account all the views expressed by respondents to the consultation and as proposed by a number of contributors, the Government intends to adopt a **phased approach** to the management of the site. In line with the provisions of the rules of the annex to the UNESCO Convention, *in situ* management will be adopted as an initial approach, pending further study of the site, before deciding on any further physical intervention.

As it is unlikely that Departmental funds can be made available at this time to take work forward, other funding options have to be explored. The Government, therefore, supports the proposal to set up a charitable trust to manage the site, subject to appropriate archaeological safeguards.

---

<sup>1</sup> *The Coalition: our programme for government*. HM Government, May 2010.

<sup>2</sup> "Civil society organisations" is an umbrella term encompassing mutuals, cooperatives, charities and social enterprises.

## Introduction

1. In February 2009, the US deep-sea exploration company ODYSSEY MARINE EXPLORATION (OME) announced that it had discovered in the English Channel the wreck of HMS *VICTORY* (“Balchin’s *VICTORY*”) which was understood to have been lost in 1744. Following an independent assessment made by Wessex Archaeology, HMG confirmed in September 2009 that the wreck site was that of HMS *VICTORY*<sup>3</sup>.

2. In view of the unique importance of the *VICTORY* for British naval heritage and its intrinsic interest as underwater cultural heritage, MOD and the Department for Culture, Media and Sport launched on 25<sup>th</sup> March 2010 a public consultation on the future management approach that should be adopted towards the wreck. The consultation sought views on three proposed options for the site:

- Management of the wreck *in situ*; (essentially, monitoring and site stabilisation where appropriate)
- Recovery of the wreck artefacts that are visible on the sea bed (including various bronze cannon) and management of the remainder of the site;
- A more extensive archaeological evaluation and excavation.

The consultation also sought views and suggestions regarding possible funding sources for those management options which have more significant cost implications. Whilst responses to the consultation would inform thinking and the approach to be taken to the wreck’s management, the consultation document made clear that the final decision would rest with Government.

3. The consultation document was made available on the websites of both Departments and in hard copy. Seventy-two replies were received, broken down as follows:

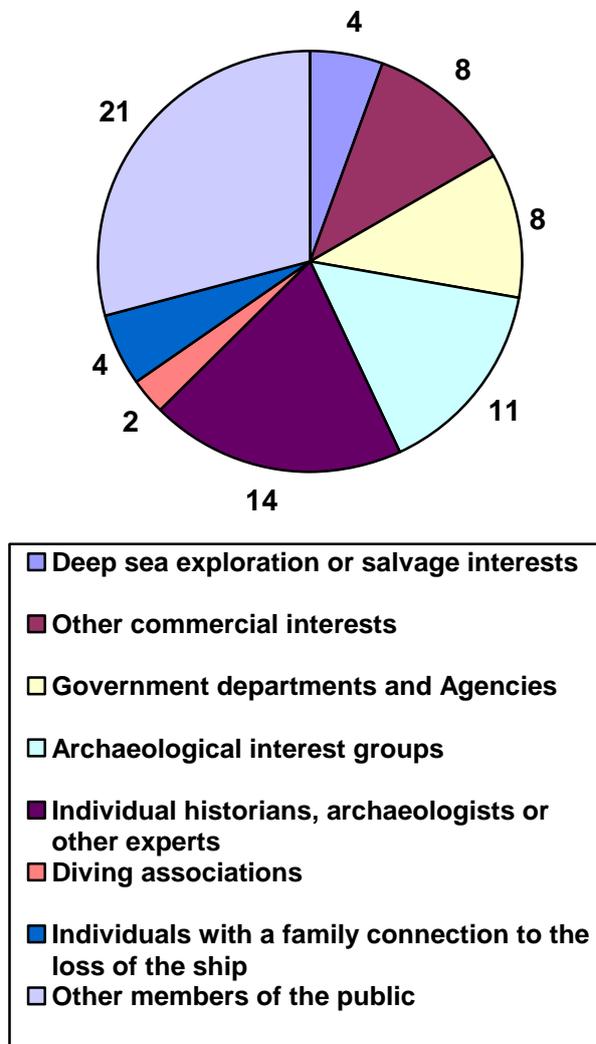
- 4 representing deep sea exploration or salvage interests
- 8 representing other commercial interests
- 8 from Government departments or agencies (incl. international bodies)
- 11 representing archaeological interest groups
- 14 from individual historians, archaeologists or other experts
- 2 from diving associations
- 4 from individuals with a family connection to the loss of the ship
- 21 from other members of the public<sup>4</sup>

---

<sup>3</sup> Notwithstanding its age, the wreck of HMS *VICTORY* remains the property of the Crown. As such, it is “Sovereign Immune” and no intrusive action can be taken on it without the express consent of Her Majesty’s Government. The site cannot however be designated under the Protection of Wrecks Act 1973 because it lies outside British territorial waters.

<sup>4</sup> It was evident from examination of the responses that a number of the individuals concerned had a financial interest in the excavation of the wreck, usually as investors in one of the companies interested in carrying out the work

## CONTRIBUTORS TO CONSULTATION EXERCISE



Contributors to the consultation are listed at **Annex A**. Both Departments would like to express their appreciation for the responses provided and to thank contributors for their inputs.

4. In general the consultation paper was well received and its aims supported, though responses to it varied considerably. Although the majority of respondents opted for one of the three options set out in the consultation paper, several contributors suggested approaches which combined the options or elements of them. There was almost universal acceptance of the perceived historic value of the wreck site and its potential as an educational resource, though some commentators pointed out that this had to be seen in context; the VICTORY came from a well-documented period of naval history and while the find was significant and interesting it did not represent ‘a

submerged equivalent of Tutankamen's tomb'. Opinions varied (sometimes markedly) on the nature and level of the threat to the site, and on the measures that might be required to mitigate it.

5. Perhaps unsurprisingly, given the diversity of views put forward by respondents to the consultation, no one solution for the management of the wreck site was identified that would meet the wishes of all the interests.

#### Responses to consultation

### **QUESTION 1: WHAT ARE YOUR VIEWS ON THE OPTIONS FOR MANAGEMENT OF THE WRECK SITE IN THE LIGHT OF THE EVALUATION PRODUCED BY WESSEX ARCHAEOLOGY?**

#### **Option1 (Management of the wreck in situ; (essentially, monitoring and site stabilisation where appropriate))**

6. This option was in the main favoured by archaeological bodies, many of whom pointed out that *in situ* management of historic wreck sites was the preferred option of the guidelines set out in the Annex to the 2001 UNESCO Convention for the protection of the Underwater Cultural Heritage. (Although the UK has not ratified the Convention it has endorsed the provisions of the Annex as representing best practice). The general view, based on the report of the desk-based site assessment and geophysical survey produced by Wessex Archaeology and appended to the consultation document, was that the site itself appeared to be stable and that the threat to it from trawling and other fishing activities was, if not non-existent, at a low level. A number of respondents however considered that the potential threat to the site from marine salvors and recreational divers "souvenir hunting" was nevertheless a real one. Some respondents felt that *in situ* management by itself offered insufficient physical protection, and that better protection could be achieved by reburial or the placing of "mattresses" over the core of the site.

7. Contributors favouring option 1 in the main felt that there was insufficient information available to them at present to justify more intrusive measures such as limited surface recovery. Several respondents referred to the fact that an *in-situ* management regime is a proactive programme involving further research to determine the extent and nature of the site, monitoring and the development of management strategies to mitigate risk to the wreck site from commercial fishing and intrusive salvage/diving operations. In this context a number of contributors identified potential for involving avocational recreational (technical) divers in any monitoring programme, on a voluntary basis.

8. Several respondents who supported option 1 also pointed out that the three options taken together and implemented consecutively represented a viable phased management programme for the site in the longer term, which follows good archaeological practice. Others however were strongly opposed as a matter of principle to any form of intrusive excavation on the site unless it was clearly and directly threatened, which these respondents did not believe was the case. Several contributors pointed out that whatever option was

chosen, an archaeological archive would be generated which would require to be deposited in an appropriate public repository to ensure its accessibility for future generations.

**Option 2 (Surface recovery of some artefacts with *in situ* management for the remainder of the site)**

9. This option received less support from respondents than either option 1 or 3; supporters were a diverse group including archaeologists, ordnance experts, persons with a commercial interest and members of the public.

10. A programme of surface recovery would focus in the main on the 41 brass cannon which are dispersed on the surface of the wreck site, though other small items and possibly larger pieces of the ship's remaining structure might be recovered. Some contributors felt that the threats to the site should not be underestimated and drew attention to the nature of VICTORY's cannon, pointing out that as they were made of bronze (a relatively soft metal) this made them more vulnerable to trawling damage than iron cannon. This situation was exacerbated by the fact that such cannon did not develop a shell of concretion in seawater as did iron guns, due to the former's copper content. These contributors felt that, given the relatively high price of bronze, the cannon presented a tempting target for unscrupulous salvors. Other respondents suggested that a limited programme of recovery would prove effective in stimulating public interest in the wreck as well as providing material for archaeologists and historians to study. Such increased public visibility and appreciation of the site could be used to generate funding to preserve the site as a whole. Contributors favouring this option also pointed out that publicising the removal of the cannon should have the effect of deterring future unregulated salvage. While removal of the cannon might affect the long-term stability of the site, it was thought that this could be mitigated by replacing them with inert objects of similar mass and dimensions or a similar weight of loose gravel.

**Option 3 (Full archaeological evaluation and excavation)**

11. The option attracted support mainly from respondents from the USA and from organisations with deep sea exploration, salvage or other commercial interests. A number of these respondents shared the view, expressed strongly by the wreck's finders, that the site was at significant risk from offshore fishing activities, a dynamic sea bed environment and illicit salvage attempts and were actively seeking that company's future involvement with excavations on the site. Contributors who favoured this option tended to dismiss Option 1, fearing that anything less than a constant on-site presence would leave the site open to damage and interference and considered that Option 2 represented an inadequate response which would do little more than advertise the location of the site to the ill-disposed.

Several respondents expressed the wish that any human remains at the site (HMS VICTORY sank with the loss of over a thousand men) be recovered for

military burial<sup>5</sup>. Others, including at least one individual with a family link to the wreck, would prefer all the human remains to be left undisturbed.

**QUESTION 2: WOULD YOU SEEK TO OFFER ANY SUPPORT, WHETHER PHYSICAL OR FINANCIAL, TOWARDS THE FUTURE MANAGEMENT OF THE SITE AND ITS ARTEFACTS?**

12. Diving associations who responded suggested that recreational divers could assist with on-site activities and a number of individual divers offered their services. A number of respondents offered technical assistance on a repayment basis. One contributor, a charitable foundation and supportive of Option 1, offered to monitor the wreck site for a year at its own expense, using its own manned submarines and remotely operated vehicles. A programme of five visits was envisaged, and all raw and processed data would be made available free of charge.

13. No offers of financial assistance were received against any of the options, although one contributor held out the possibility of grants being made available for research activity. A number of respondents expressed scepticism regarding the budgetary costs quoted for the three options in the consultation paper, considering them to be significantly underestimated. One respondent indicated that he would be willing to set up a charitable trust for the reclamation and exhibition of artefacts recovered from VICTORY.

14. One respondent, a private company, submitted an outline proposal for the survey, excavation, recovery and conservation of the VICTORY, under an arrangement with HMG which would allow for the company's costs to be offset against compensation for the recovery of coins, bullion or other valuable artefacts<sup>6</sup>. It would be a matter for HMG to decide whether the entire artefact collection should be kept intact, whereby the company would be paid direct for its services or whether duplicate coins or other artefacts would be sold to meet the project's expenses. Prior to sale, all artefacts would first be comprehensively recorded. The company considers that this model, which they view as being similar to the UK's Treasure Trove ex-gratia payment arrangements, could in addition to compensating the company provide an income stream to HMG.

**QUESTION 3: WOULD YOU SEEK TO OFFER ANY SUPPORT, WHETHER THROUGH EXPERTISE, INTERPRETATION OR FUNDING TOWARDS FURTHERING THE GREATER PUBLIC UNDERSTANDING OF NAVAL HERITAGE WHICH MAY BE GAINED FROM THE SITE?**

15. Responses from the archaeological community and other experts (e.g. in the field of ordnance) were characterised by generous offers of advice and expertise. This mainly took the form of assistance with strategic historic and

---

<sup>5</sup> This would however be contrary to customary practice in this area which is where possible, to leave the wreck undisturbed.

<sup>6</sup> As stated in the consultation document, the independent desk-based assessment conducted by Wessex Archaeology has concluded that it is unlikely that bullion or other cultural assets of monetary value, with the exception of the cannon, exist at the site.

wreck site management in support of Option 1, although some contributors also indicated a willingness to assist with public education aspects. Several contributors however expressed the view that regretfully they could only offer assistance on the basis of repayment. A number of contributors proposed involving media outlets in the exploration of (and any recoveries from) the site, suggesting that this may provide an income stream.

### Summary and discussion

16. Government is faced with two interlinked decisions with regard to the VICTORY site; how best to manage it and how might any management regime be implemented. As the consultation document itself made clear, the Government's aim is to ensure the appropriate management of the wreck site in accordance with archaeological good practice, as outlined in the Annex to the UNESCO Convention, and the consultation was intended to seek views on the suggested options, together with any funding proposals. The final decision would however rest with Government and there was no question of this being made as a result of "votes" for one option or another. Nevertheless, it is interesting to review the levels of support evinced for the individual options. Of the three management options outlined in the document, option 2 (essentially, a half-way house between *in situ* management and full excavation) was the least favoured; support was evenly split between options 1 and 3. In the main (though not exclusively), responses from archaeological interest groups favoured Option 1. whilst Option 3 was supported by members of the public, some of whom at least appeared to have a financial interest, and commercial salvage groups. While a number of offers of assistance with aspects of the wreck's management were made, these took the form of offers of diving services and advice on archaeological and historic issues rather than funding.

17. The extent to which the VICTORY wreck site was under threat (over and above the natural process of decay) was the subject of considerable debate. In general, respondents who favoured a regime of *in situ* management were sceptical about the extent of the threat posed by trawling and other forms of commercial fishing. On the other hand, those who supported a more interventionist approach to the site tended to be persuaded of the threat from this source. The Government's view is that the extent of the threat to the VICTORY site from commercial fishing operations remains insufficiently proven at this time. The Government will consider further research on fishing damage and its impact on such sites being prepared by English Heritage and DEFRA's Sea Fish authority. In accordance with our independent expert advice to date we remain of the opinion, however, that unlicensed salvage remains the main risk to the site's integrity.

18. Inevitably, the issue of resource availability is crucial to future consideration of the site's management. As the consultation document indicated, there is little likelihood that significant amounts of public funding can be made available to support and safeguard the site; indeed several respondents have suggested that if funding were available it would be better used to secure the futures of those historic wrecks already identified and designated in UK waters. The situation is exacerbated by the fact that the site

lies outside our territorial waters. The consultation document predated the findings of the Comprehensive Spending Review released in October. While the detailed implications of the CSR settlement are still being worked through by departments and their sponsored bodies, current spending options do not include provision for substantive work of any sort on the VICTORY site. On the other hand, with the exception of an offer from a charitable foundation to carry out a year's monitoring of the site free of charge, no offers were received from contributors to provide financial assistance with the management of the site. One respondent proposed setting up a charitable foundation for the management and excavation of HMS VICTORY; there are advantages with such an arrangement as the body would be able to raise funds independently, using funding pathways which are not open to Government. (Any future plans should not however assume that Lottery funding will be available for such a project; there must be a clear public interest demonstrated). This approach is not dissimilar to that used in the Mary Rose project, leading to the wreck's excavation and recovery in 1982.

19. The offer by a private company to survey, recover and conserve the Victory remains was fully considered by both Departments. However, as indicated in the previous paragraph, current spending plans militate against the Government providing funding for any significant operations on the VICTORY site. Further HMG is not convinced that the threat to the site is such as to justify its early excavation. HMG also has reservations about some aspects of the proposal, particularly those relating to the recovery of artefacts and their display or disposal. On balance therefore the two departments do not intend to accept the company's offer at this time.

### Conclusion

20. The launch of this consultation in March predated the General Election and the formation of the Coalition Government. Since coming to power, the Coalition has launched far-reaching initiatives both to reduce public expenditure with the aim of cutting the national deficit and also to create the "Big Society", whereby civil society organisations are enabled to play a role in the delivery of services and outputs that hitherto have been the sole responsibility of the State. The Coalition Government's policies provide the framework for consideration of the options for VICTORY 1744.

21. Taking into account all the views expressed by respondents to the consultation and as proposed by a number of contributors, the Government intends to adopt a **phased approach** to the management of the site. In line with the provisions of the rules of the Annex to the UNESCO Convention, *in situ* management will be adopted as an initial approach pending further study of the site, before deciding on any further physical intervention. In this regard, the Government intends to accept the offer made by a charitable foundation to carry out non-intrusive monitoring of the site for twelve months, referred to in para. 12 above.

22. Irrespective of whether a public, private or civil society organisation delivers the outcomes for the site, the extent to which this phased approach can be progressed will be dependent on funding availability. As foreshadowed

in the consultation document and discussed in more detail at para 18 above, it is unlikely that Departmental funds can be made available to take work forward and as a result other funding options will require to be explored. The Government, therefore, has decided to support the proposal to place responsibility for the future management of the site on a charitable trust. We will look to develop this approach further by means of an Interdepartmental Steering Group, to define the role of the charitable trust in respect of the wreck and the safeguards for the management of the site to ensure that accepted archaeological principles are adopted.

**List of Contributors in response to the public consultation on options for the management of the wreck site of HMS VICTORY (1744)**

Advisory Committee on Historic Wreck Sites  
Advisory Council on Underwater Archaeology  
Alderney Maritime Trust  
Archaeologist – Bournemouth University  
Archaeologist – University of St Andrews  
Augurship 320 Ltd  
Representatives of the Balchin Family  
Representative of the Temple-West Family  
BG Energy Holdings Ltd  
British Sub Aqua Club  
Council for British Archaeology  
Diver - British Sub Aqua Club  
English Heritage  
Falmouth Divers Ltd  
Former Premier of Bermuda  
G P Resorts (USA)  
History Hunters International  
International Committee on Underwater Cultural Heritage  
Joint Nautical Archaeology Policy Committee  
Lecturer in Archaeology – Institute of Archaeology  
Maritime Historian  
Mary Rose Trust  
Members of the Public, from the UK and overseas (mainly USA)  
Ministry of Defence – Defence Equipment & Spares (Salvage and Moorings Operation)  
National Maritime Museum  
Nautical Archaeology Society  
Nelson Society  
Odyssey Marine Exploration  
Ordnance Historian  
Ordnance Researcher  
Planet Electronics Ltd  
ProMare UK  
Professional Association of Diving Instructors  
Professor of Archaeology – Institute of Archaeologists  
Receiver of Wreck  
Rescue – The British Archaeological Trust  
Retired Archaeologist  
Seaquest Ltd  
Searex Inc  
Society of Antiquaries  
Student of Archaeology – Warwick University  
UNESCO  
USA Publisher  
Wreck Watch



MINISTRY OF DEFENCE

Navy Command  
Third Sector Organisation  
MP1-3  
Leach Building  
Whale Island  
Portsmouth PO2 8BY  
[www.mod.uk](http://www.mod.uk)



department for  
**culture, media  
and sport**

2-4 Cockspur Street  
London SW1Y 5DH  
[www.culture.gov.uk](http://www.culture.gov.uk)