

Minutes of the first meeting of the HMS VICTORY (1744) Advisory Group, held on 1 Feb 2012 at MOD Main Building London SW1

Present:

Advisory Group members

Mr Simon Routh – MOD (Chairman)
Prof. Dominic Tweddle – DG NMRN
Mr Ian Oxley – English Heritage

Observer

PERSON A – DCMS

In attendance

Lord Lingfield – Chairman, Maritime Heritage Foundation
PERSON B – Secretary, Maritime Heritage Foundation
PERSON C – Wreckwatch
PERSON D – Augurship 320 Group
PERSON E – Augurship 320 Group
PERSON F – Augurship 320 Group

Secretary

PERSON G – MOD

Item 1: Chairman's opening remarks and introductions

1. The Chairman welcomed members and attendees to the inaugural meeting of the Advisory Group. The remains of VICTORY (1744) had now been gifted to the Maritime Heritage Foundation (MHF) by virtue of the Deed of Gift signed by Minister on 12 January but the gift was by no means unconditional; the approval of Secretary of State was required before the MHF could 'disturb, remove from the seabed, sell, charge, lease or otherwise dispose of' anything transferred. The SofS and the MHF would in turn be guided by the professional advice given by the Advisory Group. The goal of this meeting would be to establish collectively how matters ought to be taken forward.

Item 2: Approval of Terms of Reference

2. The Chairman proposed, and the Group agreed, that the AG would conduct its business as follows:

- if the AG was content with a particular proposal, the consent of the SofS would be assumed;
- if the AG could not agree on a particular issue, a decision would be sought from SofS;

- the Chairman in his judgement may in any case wish to advise SofS on the AG's activities;
- the need for openness and transparency in the AG's operations was recognised and thus the AG's minutes would be published on the MOD website. The AG was however engaged in the business of providing advice to ministers and its minutes would where necessary be redacted in accordance with the relevant sections of the FOI Act.

3. The TORs of the AG, which had been circulated prior to the meeting, were approved. (*Post-meeting note: both the Deed of Gift and the TORs of the AG are available to view on the MOD website¹*)

Item 3: MHF presentation on future plans for VICTORY (1744) wreck site

4. Lord Lingfield, introducing the topic, commented that the wish of the MHF was ultimately to recover artefacts from the site for public display. The Foundation intended to utilise Odyssey Marine Exploration (OME) to provide specialist archaeological advice and services; OME had discovered the wreck and under authority from the MOD recovered two cannon which he understood were to go on display at the NMRN after conservation was completed. The MHF recognised that it had to proceed in accordance with the provisions of the Deed of Gift and in step with the Advisory Group; the Foundation was however keen to start work as quickly as possible and wished OME to be allowed to proceed at least with non-intrusive survey work. In response to questions from Mr Oxley and the Chairman, PERSON E confirmed that the contract had not yet been signed and that it was enabling in nature, consisting of a series of options covering the full spectrum of potential works that might be required.

5. PERSON C advised that a Project Design (PD) would be provided, making use of a multidisciplinary approach. A phased approach would be proposed, with each phase compartmentalised. Initial work was proposed to consist of three phases. The first phase would encompass non-intrusive survey (including sidescan and multibeam analysis, video and photographic survey and environmental analysis). The second would involve trial trench excavations, particularly in the area around the wreck's rudder and anchor; the third would encompass further trial trenching, this time around the area of the stern. Work would then stop and a report would then be submitted to the AG; the first three phases together would take about a month.

6. In response to a question from Mr Oxley regarding surveillance and monitoring, PERSON C confirmed that some monitoring had been carried out by OME and sacrificial materials placed on the wreck site. PERSON C was not aware of the requirements for Marine Management Organisation marine licensing (pursuant to the Marine and Coastal Access Act 2009) which Mr Oxley raised in relation to authorisation for the disturbance of the marine environment.

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7. AG members confirmed that they would be most interested to see the PD. Lord Lingfield said that MHF trustees would meet on 6 February and instruct OME to produce the design. The Chairman commented that the Advisory Group's relationship was with the MHF, not with OME and in consequence whatever arrangements MHF made with OME to produce a PD were a matter for them; the MHF would however need to determine that it was content with whatever was produced before it was put to the AG for consideration. Lord Lingfield concurred; although the MHF were keen to make progress, the Foundation would need to be sure that the AG was content with the proposed way ahead.

8. Prof Tweddle commented that the PD should not proceed from the assumption that excavation of the site was the *de facto* preferred option; any proposed disturbance would need to be supported by a rationale. Discussion focused on the need for an evidence-based plan for all aspects of the future proposals for the heritage asset. Mr Oxley referred to the English Heritage Conservation Management Plan approach, the over four decades of historic wreck management experience in the UK, and the extensive information widely available on the internet. Furthermore, the strong UK marine archaeological consulting and contracting, academic and curatorial sectors were mentioned as useful sources of advice. The Chairman, concurring, commented that the PD should encompass a menu of options; it would be a matter for discussion and agreement as to how many (if any) of the options would be taken up.

9. The offer by Promare, made in the course of the public consultation, to carry out a programme of non-intrusive survey of the wreck site was discussed but was considered to be unnecessary by Lord Lingfield. Secondly PERSON C said that OME's technology surpassed that of Promare. The Secretary was tasked to contact Promare and decline the offer, with thanks.

Actions:

- 1. MHF to submit endorsed Project Design for AG consideration: target date end Feb** (*Post meeting note: submitted*)
- 2. Secretary to decline Promare offer of survey** (*Post-meeting note: action complete*)

Item 4: Augurship 320 presentation on North Norfolk wreck

10. The AG noted with appreciation a short presentation given by Augurship 320 on their group's discovery. In response to a question from Lord Lingfield, Augurship stated that the group considered itself to be salvor in possession of the wreck and accordingly had arranged for a special marker buoy to be deployed on this site. The Chairman commented that as the wreck was likely to be that of an English warship and thus a Crown asset, the site was in fact sovereign immune, a view which Augurship respected. Augurship advised that the site surroundings were unstable and its location made it vulnerable to interference; the wreck site was thus considered to be under significant threat.

The Group recognised that the wreck was potentially of considerable importance and that early management action was needed; the question of governance arrangements for the site could be addressed in slower time, in discussion with the various parties.

11. The AG advised that *in situ* management of the site should be viewed as the first option although recovery of the most vulnerable material should be considered at an early stage. As a first step, arrangements for the site's surveillance and monitoring should be put in place and if the proposed photomosaic work could also be carried out that would be valuable.

Augurship confirmed that the group would carry out surveillance and monitoring activity whilst a way ahead was being determined.

12. Augurship expressed concern that the requirement to seek MMO licencing for work on the wreck site may have the undesirable effect of revealing the site's position. The Chairman commented that this was an issue which was not unique to this case; MOD together with DCMS would take up the issue of confidentiality with DEFRA. Lord Lingfield said that he would seek the view of his trustees as to whether in principle the MHF would be willing to take on the task of managing the North Norfolk wreck site as well as that of VICTORY 1744.

Actions:

3. MOD/DCMS to discuss with DEFRA the issue of confidentiality in respect of MMO licencing