

## Response ID ANON-TFXX-H134-A

Submitted to Managing Change Underwater Heritage  
Submitted on 2024-03-05 11:34:48

### Your Data

1 Please confirm that you agree to the privacy notice:

I agree to the privacy notice

2 Historic Environment Scotland would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish with name

### About You

3 Are you responding as an individual or an organisation?

On behalf of an organisation, public body or charity

If you have answered other, please specify here: :

4 What is your name?

Please add your answer in the text box:  
Dr Rob Lennox

5 What is the name of your organisation, local authority, business or community group?

Please add your answer in the text box:  
Chartered Institute for Archaeologists

### Key Messages

6 Underwater heritage enriches Scotland's landscape, charts an important part of our history, and makes a positive contribution to wellbeing and the economy.

Strongly agree

7 The cultural significance of underwater heritage sites is an important consideration when investigating and managing the impacts of change.

Strongly agree

8 Underwater heritage has intrinsic value due to its cultural significance but will also have value due to other factors such as its contribution to underwater habitats, biodiversity and the economy.

Strongly agree

9 Underwater sites, as well as terrestrial sites, areas and buildings with underwater elements, have equal status with land-based sites in national policy and strategy for the historic environment.

Strongly agree

10 Development in and use of freshwater and marine environments should protect, and where appropriate, enhance underwater heritage in a manner proportionate to its significance.

Strongly agree

11 Our underwater heritage is still poorly understood and there are practical difficulties in implementing policies to investigate and protect it. This is largely because of the relative inaccessibility of underwater sites and the generally higher costs and complexity of conducting work under water.

Neutral

12 Our underwater heritage is in an environment that is dynamic and changing.

Strongly agree

13 Are there any key messages that we have missed out or should change?

Please add your answer in the text box below:

We agree that "our underwater heritage is still poorly understood..." etc. However this, 'key message' is unlike the others, as it is not a statement of value, but rather a simple observation that begs greater analysis. We are unsure why it is included as a key message in its current form, since there does not appear to be an strategic imperative (a 'should', or a 'must' statement) or a value judgement in the message.

If our UCH is poorly understood, one might expect that there would be an imperative to invest in understanding it better. However, as the guidance in section 2 makes very clear, following the mitigation hierarchy is predominantly an exercise in avoidance in the marine sphere. This implies that our underwater heritage is destined to remain poorly understood.

We are also note that the explanation of this key message refers to underwater sites being generally less accessible, and subject to greater cost and complexity. This thought is also not complete. Does it mean because it is less accessible it is generally subject to change scenarios less often, and therefore remains uninvestigated more? Does it mean that because it is expensive and complex to investigate that we accept a lower level of investigation when compared to a similar terrestrial asset when subject to an adverse impact? Or that 'avoidance' is more likely to be the solution, rather than investigation?

We feel that HES needs to consider whether it wishes to use this key message to make a point. Either to set expectations about the nature of UCH investigation or consider whether this is the optimum condition for UCH or not.

Ideally, we would like to see this key message be about how UCH is often considered to be more expensive and complex, as well as harder to access, and this tends to lead to it being poorly understood. We would welcome a stronger and ambitious line from HES that there are opportunities to investigate (using cost effective methods like sonar and photogrammetry) and improve understanding of UCH and that we should not simply accept a lower bar for these sites. This type of strength is what is needed if we are to overcome perceptions of UCH being less important than terrestrial heritage, raise awareness, and improve understanding.

## Scope and Approach

14 The guidance identifies relevant policy considerations and how they apply to decision-making.

Strongly agree

15 The guidance clearly sets out the different ways underwater heritage is protected.

Strongly agree

16 The guidance sets out a clear approach to managing natural and human impacts to underwater heritage through following the principles of the mitigation hierarchy.

Strongly agree

17 The guidance sets out a clear approach to exploring and investigating underwater heritage safely, including what to do with discoveries.

Strongly agree

18 Do you agree with the scope and approach of the guidance?

Yes

19 Do you have any comments on the scope and approach of the guidance?

Please add your answer in the text box below:

We would welcome a reflection on skills to deal with UCH, particularly within local authorities.

## Usability and Clarity

20 Who to speak to if you need advice on managing impacts to underwater heritage?

Very confident

21 Where to get more detailed information and advice about underwater heritage sites?

Very confident

22 Where to find out more about protecting underwater heritage, including consents and permissions that apply?

Very confident

23 Where to find national policy on the historic environment, including underwater heritage?

Very confident

24 Where to find other relevant guidance for decisions affecting the historic environment, including underwater heritage?

Very confident

25 Where to find more information on understanding cultural significance?

Very confident

26 Do you have any additional comments on the usability and clarity of the guidance?

Please add your answer in the text box below:

We note that the link to WSI guidance does not point to the most recent 2021 document on the Crown Estate website.

We would also welcome some extra detail in the explanation of mitigation strategies, for example, relating to AEZs, and protection for significant sites beyond 12 nm.

### Climate and Nature Response

27 We think that Part 2: Impacts on Underwater Heritage is particularly relevant to this topic. Do you have any comments on how we have covered this?

Please add your answer in the text box below:

We recognise that HES policy is to aim to ensure that cultural heritage contributes to the maximisation of the response to the climate and biodiversity crises, and the guidance states this, but it is not clear how this could be done in this section, so the guidance is not terribly helpful. Examples at this point may be useful to illustrate the "opportunities" that the guidance hints towards.

Additionally, while the contribution to responses to climate and biodiversity crises is important, the other aspect of climate change and UCH is the fact that it is often associated with the acceleration of degradation of the condition of sites. It would also be useful if the guidance reflected in a more strategic way about what this means for possibilities for action. For example, are sites which are subject to accelerated decline likely to be treated differently in terms of priorities for mitigation? Does HES take a looser view on the principle of preservation in situ where a site is subject to climate change driven degradation? Should the guidance include a statement of how HES urges managing expectations regarding the possibility that some sites will be left to decline and how such choices are made?

We would also welcome inclusion of statements relating to the integration of heritage management with activities such as fishing, which can ensure that these practices are sustainable for all aspects of the environment (i.e. not just natural).

28 Are there any other areas of the guidance where we should highlight issues around the climate and nature crises?

Please add your answer in the text box below:

As stated above, we recommend considering whether reference to how assets subject to accelerated natural erosion, increased susceptibility to shipworm, or other natural factors related to climate change may change the consideration of approach to applying the mitigation hierarchy. A reference to this could be added in the 'avoiding impacts' section on page 15, for example.

### Inclusion and Accessibility

29 Do you have any comments on how we covered accessibility in this section of the guidance?

Please add your answer in the text box below:

30 Are there any other areas of the guidance where we should highlight issues around inclusion?

Please add your answer in the text box below:

31 We tried to use language that is clear and accessible in this document. To what extent do you think we have achieved this?

Very well

32 What could we improve? Please add your suggestions below:

Please add your answer in the text box below:

## Case Studies

33 Do you have any comments on the principle of supporting the guidance with case studies?

Please add your answer in the text box below:

We would strongly support the addition of case studies.

34 Please order these potential topics for case studies according to how important you think each would be (1 = Most important, 10 = Least important)

Ranking of potential topics for case studies - Investigating underwater heritage:

4

Ranking of potential topics for case studies - Unlawful removal of artefacts:

3

Ranking of potential topics for case studies - Impacts of climate change on coastal heritage:

6

Ranking of potential topics for case studies - Managing development impacts in Historic Marine Protected Areas:

8

Ranking of potential topics for case studies - Promoting underwater heritage:

10

Ranking of potential topics for case studies - Local stewardship:

7

Ranking of potential topics for case studies - Writing a Written Scheme of Investigation and using the Protocol for Archaeological Discoveries:

5

Ranking of potential topics for case studies - Improving the accessibility of underwater heritage:

9

Ranking of potential topics for case studies - Reducing natural and human impacts:

2

Ranking of potential topics for case studies - Monitoring natural and human impacts:

1

35 Do you have any suggestions for examples which would make a good case study? Please give details below:

Please add your answer in the text box below:

36 If you have suggested a case study, please provide your email address so that we can contact you for further information.

Please add your answer in the text box below:

## Anything Else?

37 Do you have any other comments or feedback on the draft guidance?

Please add your answer in the text box below:

We wonder whether the coverage of freshwater UCH could be a little more prominent in the guidance? References to crannogs, as a well recognised type of asset in freshwater are welcome, but a couple of paragraphs exploring the wider range of freshwater UCH would potentially be really useful. For applicants or local authority staff involved in development-led work in this sphere, experience with freshwater UCH is variable, so specifically highlighting its value and character is likely to be important.

We consider that it may be useful to clarify details relating to obligations relating to the conservation of unexpected finds, reported wreck and material recovered when avoidance isn't an option. For example, liaison and temporary conservation and storage needed to comply with Receiver Of Wreck obligations or the Merchant Shipping Act.

38 This guidance note is part of a series. Are there any other policies or issues that you think would benefit from similar guidance in the future?

Please add your answer in the text box below: