

## DCMS Tailored Review of Historic England

### Response by Honor Frost Foundation Steering Committee on Underwater Cultural Heritage

The Honor Frost Foundation (HFF) Steering Committee on Underwater Cultural Heritage (UCH) welcomes this opportunity to contribute views to the Department for Digital, Culture, Media & Sport on its Tailored Review of Historic England.

Through its Steering Committee on UCH, HFF has been active in several areas that fall within the scope of Historic England, and has communicated directly with Historic England on matters relating to its effectiveness (see letters attached).

The extension of Historic England's (formerly English Heritage's) responsibilities in 2002 to include heritage within England's Territorial Sea was a major positive step. Since that time, English Heritage / Historic England has had a profound impact on the management of marine and maritime heritage through designation, through its input into the planning and licensing of marine activities, through research, and through public engagement. All told, this is a very positive story with many highlights to be celebrated.

Accordingly, the HFF Steering Committee on Underwater Cultural Heritage would like to underline its very strong support for Historic England. It plays a vital role in advising Government on the historic environment and in championing the importance of historic places in society at large. The Steering Committee is also of the view that Historic England is engaging seriously with the need to adapt to changing circumstances, and we hold the expertise and commitment of its staff in high regard.

Nonetheless, there are several aspects of Historic England's activity in the marine and maritime spheres where its capabilities and effectiveness warrant attention. It is our view that these are largely a consequence of constraints on resourcing on one hand and limitations in Government policy on the other. These issues are exacerbated by a failure to fully recognise the distinct and additional role that Historic England plays in the marine sphere over and above its functions on land, and by a degree of 'seableness' in an organisation that is predominantly focussed on land-based heritage.

As previous work by HFF has shown, marine and maritime heritage offer tremendous opportunities for generating substantial social and economic benefits<sup>1</sup>, for transforming the effectiveness of how disparate public bodies manage assets such as shipwrecks<sup>2</sup>, and for extending the UK's soft power internationally<sup>3</sup>. Whilst it sometimes appears that marine and maritime heritage is considered in Government and by Historic England as an awkward 'special case' that detracts from core responsibilities, the UK's marine and maritime heritage is an exceptional asset served by a sector in which the UK has world-leading expertise. Making more of its marine and maritime heritage could

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<sup>1</sup> [http://honorfrostfoundation.org/wp/wp-content/uploads/2015/09/HFF\\_Report\\_2015\\_web-4.pdf](http://honorfrostfoundation.org/wp/wp-content/uploads/2015/09/HFF_Report_2015_web-4.pdf)

<sup>2</sup> <http://honorfrostfoundation.org/wp/wp-content/uploads/2018/07/Managing-Shipwrecks-April-2018-web.pdf>

<sup>3</sup> <https://honorfrostfoundation.org/wp/wp-content/uploads/2018/11/HFF-Response-to-Soft-Power-Strategy-030918.pdf>

be a major 'win' domestically and internationally, but it requires rebalancing in Government and, in consequence, in Historic England.

Over the years, Government has accepted commitments in international law that include obligations with respect to marine and maritime heritage, including:

- United Nations Convention on the Law of the Sea (1982);
- European Convention on the Protection of the Archaeological Heritage (revised) (1992);
- European Landscape Convention (2000).

The Government has also committed itself to implementing the principles of the Annex of the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001). Moreover, decision-making by all public bodies in the UK is subject to express policies on the historic environment set out in the statutory UK Marine Policy Statement (MPS) by virtue of the Marine and Coastal Access Act 2009. As Government has made these commitments in both international and domestic law, then Government must empower and enable Historic England to advise on and deliver these obligations across their full range.

In dealing with heritage in the marine and maritime sphere, Historic England is plainly hampered by several issues, which are set out in the following paragraphs.

Inconsistency in Government policy towards marine and maritime heritage has led directly to Historic England having to field unnecessary and wasteful casework, as has occurred through poor handling of the *Sussex* and HMS *Victory* shipwrecks by the Ministry of Defence over many years. DCMS must lead the development of a unified policy towards marine and maritime heritage across Government; enabling Historic Environment to advise Government on the basis of a coherent position to which all public bodies are committed.

In addition to heritage in the UK Territorial Sea, Government has responsibilities towards marine and maritime heritage linked to the UK in the following zones:

- the area outside the UK Territorial Sea but within the UK Marine Area;
- other waters for which UK Government takes responsibility (such as the water surrounding UK Overseas Territories);
- international waters beyond national jurisdiction;
- domestic waters of other countries.

Although Government has responsibilities in these zones, Historic England has at best only an indirect remit, raising questions in respect of its statutory powers and resourcing. This presents a major gap in the Government's advice that is repeatedly highlighted by casework. Historic England should be given an express role in advising Government in all these zones, and resourced accordingly.

Several public bodies have legal or policy responsibilities that encompass marine and maritime heritage but have failed to develop their own in-house expertise and capabilities, allowing the burden to fall by default on Historic England. Public bodies with responsibilities that encompass marine and maritime heritage should be required to develop their own capabilities or – if they chose to rely on Historic England – to contribute to Historic England's costs in this respect.

Historic England delivers services in the marine sphere such as advising on marine and coastal plan-making and providing heritage input to all applications for consent (not just those that affect designated assets). On land, these services are provided by local government through local authority historic environment staff. In the marine sphere, Historic England also provides a Historic

Environment Record (HER), again in contrast to the situation on land where HERs are provided by local authorities. DCMS should acknowledge that this role as the sole curatorial body in the marine environment far exceeds the role that Historic England plays in land-based planning; and that the full weight falls on Historic England with no support equivalent to the (albeit diminished) resource of local authority historic environment staff on land. Historic England's additional roles in the marine environment warrant express recognition by DCMS (and other Government Departments that benefit) and should be taken into account in resourcing.

Looking specifically at marine data and Historic England's role in providing the sole HER for the marine zone, it is essential that Historic England moves swiftly to rejuvenate its provision for marine heritage data. Such data – especially data on the large number of non-designated heritage assets (see below) – needs to be made available in a modern format. Currently, Historic England is missing out on the revolution that is occurring in marine heritage data just at the point when it could be leading.

Historic England gained responsibility for marine heritage at a later stage than its responsibilities on land and, undoubtedly, land-based considerations are a major preoccupation. Historic England share in the 'seablindness' common to many organisations and apparent in society generally, whereby the continuing importance of the sea to the UK is overlooked. On too many occasions, Historic England's advice in respect of heritage is wholly focussed on heritage on land and fails to recognise the relevance or implications for heritage in the marine sphere. Documents that offer very sound advice on planning and heritage, for example, refer only to the land-based planning system and omit the equal application of such advice to the marine planning system (and to national infrastructure planning, which is important for major projects at sea). It is striking that 'number of planning applications decided' is one of Historic England's Heritage Indicators<sup>4</sup>, but there is no equivalent measure of 'number of marine licences decided' even though (as noted above) Historic England is the sole curator in the marine sphere. In fact, there are no marine measures at all amongst the Heritage Indicators for 'Managing Positively'.

The disproportionate burden borne by Historic England with respect to marine planning and licensing requires commensurate resources. However, dissatisfaction that is being voiced with the outcomes of Historic England's involvement in marine planning and licensing – in respect of sand extraction from the Goodwin Sands, for example – is only partly a question of resources. Historic England's blindspot towards marine matters appears to be contributing to a lack of consistency in expectations between marine development and land-based development. Outcomes for heritage within the marine planning and licensing system are below the standards that would be expected on land. DCMS should expect Historic England to demonstrate a seamless approach to delivering all its functions across land and sea.

Historic England does very good work on designating marine heritage assets and managing those assets once designated, especially by engaging with volunteers. Historic England's recent moves towards using scheduling to protect heritage assets below low water is especially welcome. However, designation is used to manage a much smaller proportion of heritage assets at sea than on land. Designation using marine heritage legislation has always been used sparingly: there are only 55 wrecks designated under the Protection of Wrecks Act 1973 in contrast to many thousands of scheduled monuments and listed buildings on land. Although there are thousands of wrecks that could be regarded as historic, the vast majority are protected as non-designated assets through the marine licencing system (although this provides protection only in respect of 'licensable activities').

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<sup>4</sup> <https://historicengland.org.uk/content/heritage-counts/pub/2018/hc2018-heritage-indicators/>

Indicators and other drivers that are framed in terms of designated assets – including Heritage at Risk – militate against marine heritage assets because so few assets are designated in the first place. As well as overlooking the risk to non-designated assets, the allocation of attention and resources according to ‘Heritage at Risk’ or designation statistics will be automatically unfavourable to marine heritage.

The bias against marine and maritime heritage arising from a focus on designation is exacerbated by a siloed approach to the different forms of designation and the environments in which heritage assets are situated. Designated assets in the marine sphere are more numerous than might first appear, because there are many scheduled monuments, listed buildings and even conservation areas that are partly within the marine zone: examples include piers, jetties, harbour walls, seafront buildings, sea forts and so on. Moreover, many heritage assets that are firmly on land are thematically linked to maritime activities such as fishing, commerce, transport, shipbuilding, defence of the coast and so on. However, these connections in terms of environments and themes appear to be unheeded in Historic England; marine and maritime matters are regarded as very narrow in scope such that they can be safely disregarded by much of the organisation. This problem is illustrated by Heritage Action Zones, several of which have a distinctive marine / maritime character. Given the fundamental importance of the sea to so many aspects of England’s history, Historic England’s lack of joining-up on marine and maritime matters across environments and designation types is particularly unfortunate.

Bearing in mind that marine and maritime heritage is pervasive in England’s historic environment, both DCMS and Historic England need to address the lack of information relating to coastal and marine spheres amongst the suite of indicators and research under the Heritage Counts and Taking Part initiatives. The Steering Committee has previously underlined the importance of collating identifiable coastal/marine data in its report on the social and economic benefits of marine and maritime cultural heritage, referred to above. The lack of data available to DCMS and Historic England under-represents the important role that heritage already plays socially and economically at the coast and offshore, and undermines the case for further investment. The apparently poor understanding in DCMS and Historic England of the contribution of marine and maritime heritage is likely to impede efforts across Government to address the challenges that face coastal communities, just when marine and maritime heritage could be playing a very positive role in regeneration and place-making.

The insufficiency of resources directed expressly towards the marine environment means that Historic England is also not well equipped to make the most of the important opportunities that England’s marine and maritime cultural heritage presents. Heritage assets and the historic environment – championed by Historic England – could be making a much greater contribution to the delivery of Government’s 25 Year Environment Plan in the marine zone. There are many positive initiatives and programmes occurring in Government focussed on marine matters where heritage could add considerable value and facilitate delivery of broader objectives; yet opportunities are too often missed because Historic England has insufficient capacity to engage.

Weaknesses in Historic England’s regard for marine and maritime heritage may be related to an apparent lack of express provision in Historic England’s governance. Marine or maritime expertise is absent from the Historic England Commission and from its Committees. The ending of the Historic Wrecks Panel – which took up the mantle of the Advisory Committee on Historic Wreck Sites established under the Protection of Wrecks Act 1973 – is to be regretted; there is now no mechanism through which Historic England can regularly obtain broadly-based external advice on marine and maritime matters. In principle, Historic England’s senior managers and staff can draw

upon specialists in the Expert Advisory Group, but for marine and maritime matters this mechanism appears moribund.

In sum, there are several serious lacunae in Government policy towards marine and maritime heritage that do not simply represent lost opportunities: they result in tangible costs, inefficiencies and reputational damage from avoidable crises. Historic England would be better able to deliver Government policy – to use its resources productively rather than retroactively – if Government were to address these lacunae. Some of the most pressing have been set down by the Steering Committee in its report and statement (attached) on Managing Shipwrecks. They include introducing a joined-up policy on shipwrecks across Government and taking a consistent approach to dealing with Government-owned shipwrecks.

Historic England's remit and resources must be fully commensurate with Government's obligations, including Government responsibility for marine and maritime heritage beyond England's Territorial Sea.

DCMS should acknowledge explicitly the functions that Historic England delivers in the marine and maritime sphere that it does not provide on land, as Historic England is the sole curator for the historic environment outside the area of local authorities. In plan-making, consenting and providing heritage data, Historic England plays a unique and insufficiently supported role. Historic England also carries the burden of those public bodies with responsibilities towards the historic environment that have not troubled to develop relevant expertise or capability themselves.

In acknowledging the functions that Historic England delivers in respect of marine and maritime heritage, and which it ought to go on to deliver in future, DCMS should provide clear, express expectations. Throughout its operations, Historic England needs to overcome its 'seabindness' and siloed approach; it needs to develop an evidence base on the social and economic value of marine and maritime heritage; and it needs to properly champion England's marine and maritime heritage and the benefits it can bring. Indicators that do not discriminate against marine and maritime heritage should be introduced, and proper provision made within governance. Correspondingly, DCMS must ensure that adequate resources – ring-fenced as necessary to protect marine functions that have no land-based equivalent – are made available to Historic England to enable comprehensive delivery of Government's responsibilities towards heritage at sea.

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The Honor Frost Foundation (HFF) is a UK-based charity founded in 2011 to support maritime archaeology in the Mediterranean. Honor Frost was an early pioneer in the field of underwater archaeology. When Honor died in 2010 she left the bulk of her estate to establish the Foundation to promote marine and maritime archaeology with a focus on the eastern Mediterranean.

HFF's mission is to promote the advancement and research, including publication, of maritime archaeology in the eastern Mediterranean and elsewhere, with an emphasis on Lebanon, Syria and Cyprus.

This response has been drafted by HFF's Steering Committee on Underwater Cultural Heritage (UCH), which provides advice to HFF and helps to shape its policy towards UCH. The HFF Steering Committee on UCH identifies potential public policy issues, considers the way to strengthen relationships with key audiences, advises on how to communicate activities, and implements its programme of work accordingly.

For further information about HFF please see <http://honorfrostfoundation.org/>.