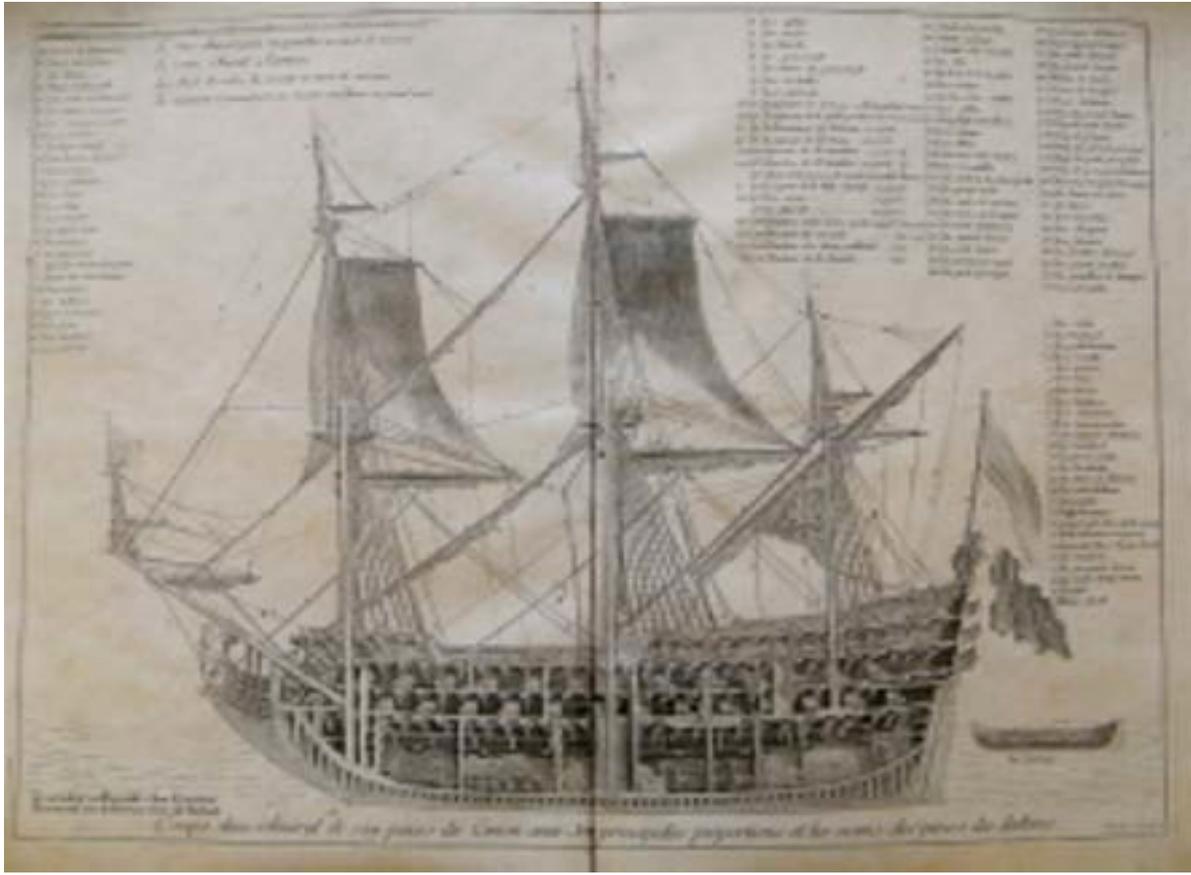


HMS VICTORY 1744: OPTIONS FOR THE MANAGEMENT OF THE WRECK SITE



A Public Consultation by the Ministry of Defence and the Department for Culture, Media and Sport

Foreword

At the launch of the National Museum of the Royal Navy on 18 Sept last year Baroness Taylor, the Minister for International Defence and Security, announced that the Ministry of Defence and the Department for Culture, Media and Sport would launch a public consultation on how best to manage the site of the historic wreck, now confirmed to be that of “Balchin’s *VICTORY*”, which was lost with all hands in 1744 and recently located in the English Channel.

This is a “once in a generation” find. However the case of HMS *VICTORY* (1744) presents a number of challenges. There is no doubt that her discovery is of major historic importance but as the remains of the ship lie outside British territorial waters we need to think collaboratively and constructively around the options open to us. The Ministry of Defence and the Department for Culture, Media and Sport have been working together to ensure our approach is as consistent as possible with the management approach of Designated wreck sites within UK waters and the guidelines for good practice as set out in the Annex to the UNESCO Convention on the Protection of Underwater Cultural Heritage 2001.

We recognise the expertise available amongst those with an interest in the future of this wreck and we welcome the views of all with an interest in naval heritage, not just historians and maritime archaeology professionals but also of the wider public and all those concerned with Britain’s naval and maritime heritage. We need to decide how best to manage properly this significant find. We hope that however the site is managed in the future, her story will add to our knowledge of naval heritage of that period, and the Royal Navy’s role in the development of our culture as a maritime nation. This consultation aims to make use of your expertise and suggestions to inform our thinking and approach, while recognising that the final decision will properly be one for Government.

Margaret Hodge
Minister for Culture and Tourism
Department for Culture, Media and Sport

Kevan Jones
Minister for Veterans
Ministry of Defence

* Cover illustration is taken from an untitled atlas in the collection of the Naval Historical Branch of the Ministry of Defence (call number Ve 77), which contains, in addition to 16 charts of the Mediterranean dating from between 1715 and 1726, this plate showing a cross-section through a 1st rate ship of the line

Executive Summary

In view of the unique importance of the *VICTORY* as a British naval wreck for naval heritage and its intrinsic interest as underwater cultural heritage, MOD and the Department for Culture, Media and Sport have decided to undertake a process of consultation on the future management approach that should be adopted towards the wreck. Notwithstanding its age, this wreck 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.

This consultation, which is supported by a desk-based site assessment and geophysical survey prepared by Wessex Archaeology (the latter with the support of the Royal Navy) on behalf of Government, also seeks views and suggestions regarding possible funding sources for those management options which have more significant cost implications.

The consultation is seeking 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.

Interested parties are requested to respond by the closing date of **30th June 2010**. The final decision will be made by the Government.

Introduction

1. On Monday 2 February 2009, the US deep-sea exploration company ODYSSEY MARINE EXPLORATION (OME) announced that it had discovered the wreck of HMS *VICTORY* ("Balchin's *VICTORY*") which was understood to have been lost in 1744. The possible discovery of the wreck was considered to be a significant find. Following consultation across Government and with advice from English Heritage, a detailed assessment has been made of the site by Wessex Archaeology, on behalf of Government, building on information helpfully shared by Odyssey, and on Wessex's own observations of the wreck site in June 2009. With the benefit of this independent assessment, HMG confirmed in September 2009 that this wreck site is that of HMS *VICTORY*.

2. There has been a great deal of public interest in this wreck site coupled with recognition of its unique place in naval heritage. Although the site cannot be designated under the Protection of Wrecks Act 1973 because it lies outside British territorial waters, there is a clear national interest in its future management although we recognise that views may vary as to the way forward.

Historical background

3. HMS *VICTORY* was a First Rate three decked man-of-war constructed in Portsmouth naval dockyard by the Master Shipwright Joseph Allin and launched in 1737. The direct predecessor of Nelson's flagship of the same name, the 1737 *VICTORY* possessed similar features and dimensions to her more famous namesake. At the time of her launch she would have been possibly the most powerful and technically advanced warship of her generation and unusually bore a complete complement of bronze cannon, more than a hundred guns in total.

4. HMS *VICTORY* was the flagship of Admiral Sir John Balchin¹ when he led a strong force to relieve a French blockade of the River Tagus in Portugal, where a British convoy with stores for Gibraltar was blockaded. The blockade was lifted, the French retreated to Cadiz and Admiral Balchin escorted the convoy to Gibraltar. On the fleet's return journey a terrible storm blew up and HMS *VICTORY* became separated from the rest of the fleet. The ship, and her crew of over a thousand, was never seen again; it was thought that she was lost on 5th October 1744 on the notorious Casquet rocks off Alderney. In fact the wreck site discovered by OME lies some way west of Alderney in the Western English Channel.

Archaeological context and identification

5. As far as we are aware, the site consists in the main of at least 41 bronze cannon, an array of ship-borne artefacts, iron ballast, loose wooden planking and rigging, parts of two anchors and a rudder. No substantial elements of the hull of the wreck are visible and may well not have survived intact. Although no full excavation has been carried out within the site, small scale excavations around the site carried out by OME with the approval of MoD in order to confirm the identity of the wreck, including the recovery of two cannon from the surface of the sea bed have identified some buried material, including human remains. Further independent assessment by Wessex Archaeology on behalf of Government has confirmed that this wreck site is that of HMS Victory.

6. Wessex Archaeology's desk based assessment report and geophysical survey are available on their website, www.wessexarch.co.uk.

Location

7. The wreck site lies within the Western English Channel, off Torbay Devon at a depth of some 80 metres. It is outside the territorial waters of both the United Kingdom and France. The actual position of the wreck is known to HMG but as there are concerns regarding possible unauthorised intrusion this is not being released at this time.

Importance of the site

8. The discovery of the remains of an 18th century warship of this size and importance is an extremely rare event and therefore the wreck site is considered to be of national and

¹ Admiral Balchin's name was sometimes spelled as Balchen during his life but he was born in Godalming in 1669, the son of John and Ann Balchin. We recognise the historic connection of the Balchin family to this wreck and would welcome comments from them as part of this consultation.

international importance. A detailed assessment of the factors used in this determination is given in the report produced by Wessex Archaeology (Section 5.4 refers).

Potential for the presence of valuable cargo

9. 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. The evidence for and against this conclusion is assessed in detail by Wessex Archaeology in their report (Section 5.5 refers).

Risks to the Site

10. The nature of the wreck site and the degree of potential threat to it is detailed in the report produced by Wessex Archaeology (Sections 4 and 5 of the report refer). The threats to the site can be summarised as follows:

- Natural processes
- Degradation of the surviving archaeological remains due to the lowering of sand levels in the area around the wreck affected by occasional trawler passes over the site
- Physical damage to and the removal of artefacts from the site by trawlers or other fishing activity
- Unlicensed salvage

Natural processes

11. The site does not appear to have been significantly affected by natural processes and indeed the evidence suggests that without outside interference the site would be substantially stable (albeit subject to the gradual process of decay present on all shipwreck sites).

Trawler passes

12. While some level of past physical damage to the site by trawling is evident, research has suggested that the frequency of direct impacts is low. There is some evidence to indicate slight movement of some cannons, and possibly the dragging of some cannon by 10m – 20m but that this did not happen recently.

Unlicensed salvage

13. The greatest threat to the site – which lies at some 80m. depth, within the range of technical (trimix) divers - is likely to come from unauthorised attempts to recover items such as the bronze cannon or to search destructively for bullion and other valuables (despite the fact that there is little evidence for the presence of these last). As there is no way to ensure that such a recovery would be carried out in an archaeologically sensitive manner, irreparable damage to the wreck site could result. If such a threat were to come to the attention of the Government we would naturally seek to assert rights of sovereign

immunity over the site, but inevitably there is a risk that a salvage attempt might only be detected after it had been made, potentially with adverse impact to the site.

Options for future management of the site

14. Were the site to have been discovered within territorial waters, the Government would have sought to designate the wreck under national law. Because of the wreck's location however, this option is not open to us.

15. We therefore consider there to be three options for the site, using the model of management of wrecks designated under the 1973 Act and taking account of the principles outlined in the Annex to the UNESCO Convention

- Management *in situ*
- Surface Recovery, with management *in situ* for the remainder
- More extensive archaeological evaluation and excavation

Each of these options is discussed in more detail below.

Management *in situ*

16. Current archaeological best practice for underwater heritage sites advocates management *in situ* as the preferred option. This approach recognises that such sites represent a finite and irreplaceable heritage resource; that much can be learned from the non-intrusive examination of wreck sites and that rather than seeking to excavate such sites with currently available technology there is a value in waiting for future technology which might allow the recovery of artefacts without unduly disturbing their context.

17. This option would involve ensuring that the site is subject to periodic monitoring by an appropriate organisation on behalf of Government, with the help of naval survey vessels and equipment. This approach to the site is in line with the approach being used for sites designated under the Protection of Wrecks Act 1973 i.e. that of monitoring the site, identifying and providing evidence of risk and basing further work on the evidence thus gathered. The cost of this monitoring work would be of the order of **£20 – 50K per annum**.

Surface Recovery of some artefacts with *In Situ* Management for the remainder of the site

18. In order to further mitigate the risk of unlicensed salvage and any further damage to the site that this might incur, and to further the knowledge of marine heritage of this period, the second option would involve the recovery of some or all of those artefacts presently lying scattered on the surface of the sea bed, The artefacts would be retained for conservation, study and display. They would include cannon, small items and possibly

larger pieces such as the ship's rudder. The recovery works would need to be carried out using a remotely operated vehicle (ROV) operated from a surface ship.

19. Once recovered the artefacts would require appropriate conservation and curation. Some may be suitable for display but their condition would need to be stabilised first. Archaeological data generated in the recovery and subsequent study of the artefacts would need to be archived. A suitable repository for both the artefacts and the archive would have to be identified in advance, according to recognised good practice in this area.

20. This option would have the benefit of reducing the threat to the site posed by unlicensed salvors by removing the more commercially valuable items, which are the bronze cannons. Other buried remains would be left undisturbed; as well as providing protection, this would leave material for future generations to explore (though there is some risk that the removal of surface artefacts may expose to erosion other elements of the wreck). There would also be the additional public benefit of being able to see some of the artefacts from this wreck at first hand and for enhancing naval research of the period. The option would however inevitably involve a measure of disturbance to the site, including possibly to human remains. Were any human remains to be recovered they would be handled with sensitivity according to established procedures.

21. The cost of a surface recovery programme would depend on its scale – the number and size of artefacts removed. A budgetary estimate of the cost of recovery, conservation study and display of surface artefacts is of the order of **£1,000,000+**. It may be that a charitable trust of interested parties might be prepared to assist with this.

22. Once the surface recovery work was complete, the site and its remaining artefacts would be managed *in situ* with periodic monitoring, essentially as described under the previous option.

Full Archaeological Evaluation and Excavation

23. This option would involve a detailed excavation of a range of archaeological remains at the site, both surface and buried, preceded by a detailed scientific evaluation to determine the likely extent of surviving material through a trial excavation. Costs associated with this option are not simply limited to those related to the careful recovery of objects, as information would need to be recorded during investigations as well as provision made for post excavation activities in the same way as for the surface recovery option.

24. Again, a suitable repository would need to be identified for the artefacts recovered and data archive generated; and clearly the scope involved would be greater for the full excavation than the surface recovery option.

25. This option would have the benefit of completely mitigating the potential threat to the site, as it would be 'replacement by record'. Such an evaluation/excavation programme might be likely to attract public attention on the scale of that experienced in the 1980s by those excavating the *Mary Rose*, and has the potential to bring a positive benefit in enhancing archaeological and historical knowledge of vessels of this period. However, the *VICTORY's* hull and organic remains are not believed to be as complete as in the case of the *Mary Rose*.

26. This option would inevitably disturb any human remains within the site area which would need to be treated with appropriate respect as with human remains in a terrestrial context.

27. Costs are likely to be in the order of **several million pounds** spread over the full length of the recovery, conservation, study, display and publication phases of the project.

Discussion

28. In dealing with the management of this unique naval heritage resource, our overriding aim is to ensure that appropriate management options are developed in accordance with archaeological good practice, as outlined in the Annex to the UNESCO Convention 2001. The Government will continue to assert Sovereign Immunity rights over this wreck and control any activity on it, though as paragraph 13 above recognises, this of itself does not completely remove the threat to the wreck.

29. Within this context however, we are entirely open to innovative proposals from consultees for the future management of the site particularly relating to funding, as we can offer no guarantee that significant amounts of public funding can be made available for the work. We appreciate that this subject is a sensitive issue in some quarters and that differing positions are held; we are keen to listen to the views of all interested parties before coming to a final decision.

30. While we are interested to receive the views of respondents on any and all aspects of this consultation, specifically we would appreciate views on the following questions:

Question 1: What are your views on the options for management of this wreck site in the light of the evaluation produced by Wessex Archaeology?

Question 2: Would you seek to offer any support, whether physical or financial, towards the future management of the site and its artefacts?

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?

Availability of the Consultation, Questions and Submission of Responses

An electronic version of this document is available on both the DCMS and MOD websites [http://www.culture.gov.uk/reference_library/consultations/default.aspx and <http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/ConsultationsandCommunications/PublicConsultations/>]

Additional hard copies of the consultation paper may be requested from The Culture Team, Department for Culture, Media and Sport, London SW1Y 5DH (Annabel.Houghton@Culture.gsi.gov.uk) Tel.no. 0207 211 2372.

If you have any questions on the consultation, you should contact the Culture Team at the address above. Responses to the consultation, either by post (marked “**VICTORY 1744 Consultation**” or e-mail, should also be sent to this address, by no later than 30 June 2010.

Annex: Consultation criteria

Consultation criteria

1 Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.

2 It should be clear who is being consulted, about what questions, in what timescale and for what purpose.

3 A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.

4 Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.

5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.

6 Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.

7 Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure the lessons are disseminated.