

# Managing Change – Underwater Heritage

## Consultation Questions

You can respond by completing our Citizen Space online survey which can be found here: <https://haveyoursay.historicenvironment.scot/heritage/managing-change-underwater-heritage/>

### Overview

The Managing Change guidance series supports good decision-making and explains how to apply the policies in the [Historic Environment Policy for Scotland](#) (HEPS) and the [National Planning Framework 4](#) (NPF4). It will also help anyone interested in a decision on a specific topic to understand the decision-making process.

Historic Environment Scotland (HES) is seeking your views on the draft Managing Change guidance on Underwater Heritage. This guidance outlines conserving underwater heritage around the coasts of Scotland and in freshwater environments such as lochs and rivers.

It includes information about the cultural significance of underwater heritage, current management practices, natural and human impacts on conservation, and safe exploration and investigation.

### Why Your Views Matter

We want to hear your thoughts and ideas about the proposed content of this guidance.

We welcome your feedback on any part, but particularly on whether you think we have identified the right key messages and considerations to guide decision-making. This includes considerations on the climate and nature crises and relevant plans and policies such as the National Planning Framework 4, UK Marine Policy Statement and the Scottish National Marine Plan.

We would like to hear your views on accompanying this guidance with case studies that demonstrate its practical application and if you have any suggestions for possible case studies.

You can provide feedback by completing the [short online survey](#).

If you prefer, you can download the [full set of consultation questions](#) [PDF, 229KB] in advance. You can also download a copy of the [draft guidance](#) PDF, 554KB].

### Providing Feedback in Other Ways

If you would like a copy of the draft guidance and associated consultation questions in a different format, please let us know.

If you would like to provide feedback differently, such as over the phone, by email or via online meeting (on Microsoft Teams, Zoom or similar), please let us know and we would be happy to arrange this.

Please contact the Heritage Policy team via email at [heritagepolicy@hes.scot](mailto:heritagepolicy@hes.scot) or via phone on 0131 668 8657.

## **Background**

This proposed guidance has two key audiences:

1. Practitioners and decision-makers who encounter underwater heritage in the course of their duties. This includes individual or organisations involved in:
  - Heritage management
  - Terrestrial and marine planning
  - Water-body management
  - Archaeological and environmental consulting or development
2. Those who interact with underwater heritage for recreation, including scuba diving, or in the course of their work, such as commercial fishers.

The guidance aims to increase understanding of underwater heritage. It also aims to be a practical guide on identifying and managing the impacts of change in underwater heritage while protecting the cultural significance of these sites.

## **Contents**

The draft guidance is split into three parts:

1. Getting Started:
  - Key messages
  - Relevant policies
  - Understanding underwater heritage
  - Cultural significance
  - Protecting underwater heritage
2. Impacts on Underwater Heritage:
  - Identifying impacts
  - Managing impacts
3. Exploration, Investigation and Discoveries
  - Principles of preservation in situ
  - Excavation and recovery
  - Recreational activity including scuba diving
  - Commercial fisheries

## Your Data

We believe you should always know what data we collect from you, why we need it and how we look after it.

### What data will you be sharing?

To help us understand who we are engaging with and to allow us to follow up on some responses, we'll be asking you about some personal data information. This includes:

- Your email address
- Your name

All of your answers are optional.

### Why do we need this data?

Following your submission, we will send you an acknowledgement using your email address and if you give your permission and contact information, we may approach you about suggestions you have made in the consultation and the outcomes of this consultation in the future.

### What will we do with your data?

Our [privacy notice](#) explains your rights and our role in protecting the information that you share with us.

We will process your Personal Data in strict accordance with the General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018.

You can read our [consultation privacy policy](#) on Citizen Space.

Information for organisations or communities only:

Permission to Publish

The option '**Publish response only (without name)**' refers only to your name, not your organisation's or community's name. If this option is selected, the organisation or community name will still be published.

If you choose the option '**Do not publish response**', your organisation or community name may still be listed as having responded to the consultation in, for example, the analysis report.

- 1. Please confirm that you agree to the privacy notice:** (Required)
  - I agree to the privacy notice
- 2. Historic Environment Scotland would like your permission to publish your consultation response. Please indicate your publishing preference:** (Required)
  - Publish response with name

- Publish response only (without name)
- Do not publish response

## About You

Please note that the only question that you are required to answer in this section is question three.

**3. Are you responding as an individual or an organisation? (Required)**

- As an individual
- On behalf of an organisation, public body or charity
- On behalf of a local authority
- As a private business, such as an architect or developer
- Representing a community group
- Other

If you have chosen 'Other', please specify here:

**4. What is your name?**

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

## Key Messages

The draft sets out seven key messages which are the principles behind the approach the guidance takes.

Please indicate to what extent you agree that each of these statements should be a key message of the guidance.

**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
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

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

- Strongly agree
- Agree
- Neutral

- Disagree
- Strongly disagree
- Not sure
- No view

**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
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

**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
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

**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
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

**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.**

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

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

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

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

**Scope and approach**

This guidance aims to cover the principles of conserving underwater heritage. It focuses on the cultural significance of underwater heritage, the natural and human impacts to conservation, and how these impacts can be managed through the mitigation hierarchy.

It aims to be a practical guide to support the safe exploration and investigation of underwater heritage as well as how knowledge about it can be shared accessibly.

Where relevant, the guidance identifies further information relating to historic marine protected areas, planning permissions, marine licenses and the safe exploration of underwater heritage.

To what extent do you agree with the following statements:

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

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

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

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

**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
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

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

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

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

- Yes
- No
- Not Sure

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

### **Usability and Clarity**

The guidance does not go into detail about best practice in underwater heritage management, but it aims to be a first reference point with links to further information.

Having read the guidance, how confident are you that you understand:

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

- Very confident
- Somewhat confident
- Neutral
- Not confident
- Don't know

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

- Very confident
- Somewhat confident
- Neutral
- Not confident
- Don't know

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

- Very confident
- Somewhat confident
- Neutral
- Not confident
- Don't know

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

- Very confident
- Somewhat confident
- Neutral
- Not confident
- Don't know

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

- Very confident
- Somewhat confident
- Neutral
- Not confident
- Don't know

**25. Where to find more information on understanding cultural significance?**

- Very confident
- Somewhat confident
- Neutral
- Not confident
- Don't know

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

## **Climate and Nature Response**

In all of our guidance, we aim to identify issues that relate to the climate and nature crises. This includes climate adaptation, climate mitigation and nature restoration.

**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?**

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

## **Inclusion and Accessibility**

In our guidance we aim to identify any specific areas where decisions should focus on issues of equity, diversity and inclusion.

Part 3: Exploration, Investigation, and Discoveries includes this section on accessibility:

*'Accessibility to our underwater heritage is also important for the majority who cannot dive and visit these sites in person. You can provide virtual access to underwater sites through archives, museums, and online interpretation to address this,' (Page 18).*

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

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

**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
- Well
- Neutral
- Badly
- Very badly
- No view

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

## **Case Studies**

Because the guidance does not go into technical detail on underwater heritage, we think there is the opportunity to give more information via case studies.

**33. Do you have any comments on the principle of supporting the guidance with 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)**

- Investigating underwater heritage
- Unlawful removal of artefacts
- Impacts of climate change on coastal heritage
- Managing development impacts in Historic Marine Protected Areas
- Promoting underwater heritage
- Local stewardship
- Writing a Written Scheme of Investigation and using the Protocol for Archaeological Discoveries
- Improving the accessibility of underwater heritage
- Reducing natural and human impacts
- Monitoring natural and human impacts

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

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

## **Anything Else?**

If you would be interested in being informed of other consultations on guidance notes that are part of the Managing Change series, please [sign up to The Lintel](#).

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

**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?**

## **Almost Done...**

You are about to submit your response. By clicking 'Submit Response' you give us permission to analyse and include your response in our results. After you click Submit, you will no longer be able to go back and change any of your answers.

If you provide an email address you will be sent a receipt and a link to a PDF copy of your response: