22nd April 2013

Dear Sir,

Call for written evidence for the Historic Environment Scotland Bill

ALGAO:Scotland represents Local Authority and National Park archaeological services in Scotland and is part of the UK-wide organisation, ALGAO:UK. We welcome this opportunity to comment upon the Historic Environment Scotland Bill

1. How will the creation of Historic Environment Scotland help to improve the overall management and promotion of Scotland’s historic environment? Will it help to make Scotland’s historic environment more attractive to communities, families and tourists?

The Bill primarily is focused on the merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). We are pleased to note that the functions of the Commission are embedded into the new body.

There are many organisations involved in the overall management and promotion of Scotland’s historic environment, key of which is the role undertaken by local authorities. The recently published document *Our Place in Time – the Historic Environment Strategy for Scotland* recognises that collaborative working practices across the historic environment sector will achieve better results. We welcome section 2 (8) of the Bill which requires HES to have regard to ‘relevant policy or strategy published by the Scottish Ministers’. With HES following this position within the Bill, and working in partnership with groups such as ALGAO:Scotland and the Local Authorities, the Bill will help with the overall management and promotion of Scotland’s historic environment.
The increased interest in the archaeology at a local level and the demand for development of its assets currently outstrips resources within Local Authorities, with only 24.6 Local Authority archaeologists working in Scotland. To achieve better management and greater economic benefit from our archaeological assets and therefore make Scotland even more attractive to communities, families and tourists there needs to be a greater investment in archaeology at a local level in order that the aims of the Historic Environment Strategy and Bill can be met.

2. Are the functions proposed for Historic Environment Scotland the correct ones or are there any omissions? Are the outcomes expected of the new body ambitious enough or could they be strengthened?

On the face of it the Bill and the definition of the role of HES seems to cover the responsibilities of local authorities as well. It should be pointed out that HES will only have management responsibility still for the areas they currently cover as Historic Scotland, and not for the remaining c95% of the historic environment resource managed by Local Authorities (principally through the planning system). The preservation and conservation of sites and the historic landscape character relies on the interest and goodwill of landowners, developers, crofters/farmers and local communities, with support and advice from the individual Local Authority Archaeology Services. The advisory relationship between HES and Local Authorities should be more explicitly recognised.

3. Does the Bill establish a clear and appropriate relationship between Historic Environment Scotland and all other public and private bodies with an interest in Scotland’s historic environment?

As drafted the generic breadth of coverage of HES’ role and the functions applying to the historic environment means that there is confusion about where HES’ responsibilities end. There are a number of organisations involved in the management and promotion of Scotland’s historic environment and HES is not the only player. It is important to recognise that Local Authorities are a major player with consenting and advisory responsibilities. As well as this, Local Authorities undertake a broad range of activities, facilitating community engagement and managing often complex projects, to ensure the appropriate protection and conservation of both designated and, far more extensively, undesignated assets. We would like to see the intent recognised in SHEP within the ‘partners in the vision’ section 1.19 (a) that HES will continue to work in partnership with ‘local authorities, which are key agents in protecting the historic environment and in harnessing the potential of the historic environment to contribute to Scotland’s economic and social success’ translated into the Bill.

Currently we feel neither the strategy nor the Bill directly acknowledges those responsibilities that local authorities have in managing the historic environment, and a clearer relationship between HES and the local authorities
should be developed. We welcome the opportunity to work with the new body and others to develop further these new working relationships.

4. In what ways will the Bill help you/ your organisation to better manage and promote Scotland’s historic environment?

ALGAO:Scotland provides a forum for local authority archaeological services to address strategic issues of interest. As such the relationship between HES and the local authorities is relevant to all of ALGAO:Scotland members. The move of Historic Scotland’s policy unit into central Government has been significant, and we hope that the Historic Environment Policy Unit will continue to promote the historic environment as it has done over recent months. At the same time the Historic Environment Policy Unit should look to increasing its level of communication between central and local Government given that local authorities are such a key player in managing and promoting the historic environment. ALGAO:Scotland looks forward to its role of ensuring that local authorities can successfully implement large elements of the new Historic Environment Strategy while working in partnership with HES.

5. Are there any areas of the Bill that you consider could be strengthened or improved?

ALGAO:Scotland believes that it would be useful to include a definition of 'historic environment' (as in the policy memorandum) in the main text of the Bill. We recognise that definitions change with practice, however there is a precedent with the 1991 Natural Heritage (Scotland) Act and we think this would help those using the Bill understand its scope, as well as helping to effect the concept of mainstreaming in advocacy.

Greater transparency is one of the key tenets of the Bill, especially in the operation of consents for Scheduled Monuments where HES is the applicant, consents for Listed Buildings and Conservation Areas and also in the power to award grants. The policy memorandum indicates at paragraphs 123 (regarding Scheduled Monument consents) and 134 (regarding grants) the expectation that HES will publish all consent applications and decisions, and details of Ministerial authorisations and grant decisions. This is such an important area we believe this policy intention ought to be articulated in the main text of the Bill. It would also be useful to have some form of commitment to publishing criteria for grant schemes, and also demand for grants – to get a measure of the level of demand for grant in relation to supply. These wider aspects could be published as part of regular monitoring reporting by HES.

6. Do you consider that the Bill’s Policy Memorandum adequately sets out: the Bill’s policy objectives; whether alternative ways of meeting the objectives were considered; the consultation undertaken on the objectives; the Bill’s effects on equal opportunities, human rights, island communities, local government and sustainable development?
A theme within this written evidence is how HES’ roles and responsibilities relate to those of other bodies. This is recognised at paragraph 87 of the policy memorandum, where it is stated that the functions have been drafted to take account of concerns – to ensure that there is a clear link for all functions to the general functions of investigating, caring for and promoting the historic environment. However, since other organisations are also responsible for undertaking these types of activity, there is still a lack of clarity at this stage on the detail of roles and responsibilities, largely because the general functions are so broadly specified in the Bill.

7. The Scottish Government’s newly published historic environment strategy also seeks to improve enjoyment and understanding of Scotland’s historic environment. The Committee does not wish to repeat the extensive consultation undertaken on the strategy, but would welcome your views on whether it and the Bill together:

- establish clearly who is responsible and accountable for delivering the strategy;
- will involve appropriately all those public and private bodies with a role in improving the historic environment;
- How will the Strategy lead to demonstrably better access to, and enjoyment and management of, the historic environment?

ALGAO:Scotland has welcomed the publication of the Strategy Our Place in Time – the Historic Environment Strategy for Scotland. The Strategy provides, at the highest level, a focus for identifying and promoting, and indeed monitoring and assessing, overall impact right across the sector. The governance structure for the Strategy, and performance measurement framework, are currently being developed. Once in place, these should support practitioners by providing high-level, common strategic objectives and a means of assessing overall impact across the sector. However clear emphasis needs to be placed on who is responsible and accountable for delivering the strategy in order to ensure that the collaborative partnerships required for the sector as a whole are successful.

Yours sincerely

John A Lawson
Chair ALGAO:Scotland