ARCHAEOLOGY SCOTLAND RESPONSE

Historic Environment Scotland Bill – Call for evidence

The future management of Scotland’s historic environment, and how it should be championed, is to be considered by the Scottish Parliament’s Education and Culture Committee. The Committee has issued a call for evidence as part of its scrutiny of the Historic Environment Scotland Bill. This is Archaeology Scotland’s written evidence in support of this process.

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 creation of Historic Environment Scotland will not in itself improve the overall management and promotion of Scotland’s historic environment, but together with the creation of the Historic Environment Policy Unit in Government, the continued support for a vibrant public, private and voluntary sector and funding for appropriate services within local authorities to help deliver “Our Place in Time – The Historic Environment Strategy for Scotland”, this objective has the potential to be achieved.

It is unclear as to whether the new organisation will be focused on the wider historic environment rather than just Scheduled Monuments and Listed Buildings (and to a lesser extent Inventory sites) and Properties in Care. Scheduled Monuments represent only c8% of the archaeological monument record which means that the other c92% of archaeological assets fall under the remit of planning authorities. Local authority archaeology services are under increasing pressure due to the current economic climate and their non-statutory status makes them vulnerable to cuts. There is a difference between giving advice and enforcing the law and we are keen to ensure HES is able to fully represent the interests of the historic environment in the planning system and that the new set up recognises the importance of having local expert advice available.

The creation of a new lead public body for the sector cannot be de-coupled from the need for support for the other players and the need to find ways of implementing the Historic Environment Strategy and the forthcoming Archaeology Strategy. Whilst it is laudable that the new body should lead and enable, it should be recognised that there is much expertise and commitment out with the new body, both at community level and at organisational level (especially within local authorities and the voluntary sector). The success of the new body and delivery strategy will depend on real partnerships being developed through co-production approaches to delivery (See http://www.coproductionscotland.org.uk/about/what-is-co-production/) and a strong advocacy and regulatory role for HES coming through in its Corporate Plan. One of the major benefits to the public will be having one clearly defined organisation as an advisory and information resource as well as a repository of archives and the collections of SCran. This will greatly help our customers, clients and networks to understand, celebrate and enjoy the historic and cultural environment.
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?

Archaeology Scotland is concerned that promoting the historic environment is not seen as a particular function of HES (Para. 2.2) though it is identified as a general function (para. 1.2 and 2.5).

Furthermore, in relation to Strategic Environmental Assessment, the Bill does not explicitly envisage HES taking on this role. As a statutory consultee at present, “Historic Scotland is well placed to help Scotland’s public bodies focus their assessments on the key environmental issues facing the country and to help them fully embrace today’s environmental challenges by finding new and innovative ways to address them in the plans and programmes they prepare”. (The Strategic Environmental Assessment Review http://www.scotland.gov.uk/Resource/Doc/921/0119892.pdf)

There is ambiguity in the policy roles of Historic Environment Scotland in relation to Historic Environment Policy Unit and while these may be teased out through time as HES and HEPU develop, a more ambitious and clearer statement is needed on how HES will promote the Historic Environment beyond its statutory duties. The policy objectives of the Bill are that HES will deliver on a range of National Outcomes and this is to be welcomed. The recent inaugural BEFS lecture by Sir Harry Burns on wellness and the links to the built environment is a good example of the relationships to national outcomes http://www.ads.org.uk/urbanism/features/sir-harry-burns-s-befs-lecture-on-wellness

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?

It is to be welcomed that the Bill will place an obligation on Historic Environment Scotland to work collaboratively. The functions of the new body have the potential to make Scotland’s historic environment more attractive to communities, families and tourists but this will have greater impact if partnerships with local authorities, other public and private bodies and the voluntary sector are developed.

Whilst Archaeology Scotland see this as an exciting opportunity, there are issues that remain unclear within the Historic Environment Scotland Bill such as how far will the proposed partnership arrangement go? Will partners be expected to deliver on KPI’s set by HES? If there are conflicts of interest, how will these be resolved? If Board members of HES are not partners, where do partners have a voice?

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

There have been accusations in the past about the Scottish historic environment sector being fragmented and cluttered. HEACS, in their “Report and Recommendations on the infrastructure of the historic environment”, were unconvinced that the voluntary sector is overcrowded and took the
view that the current number of bodies is a measure of the breadth of interest and considerable public commitment to the historic environment. Furthermore, HEACS urged that Historic Scotland should be more proactive at making links with wider policy objectives of the Scottish Government.

Archaeology Scotland with our focus on community engagement (e.g. Adopt-a-Monument and Dig It! 2015) and learning (e.g. Heritage Heroes and online resources) has an active role in promoting Scotland’s historic environment. Historic Scotland has been supportive of these initiatives and we would hope that HES would continue to see such support as central to its role. The Bill as currently proposed does not make this support for strengthening the sector explicit, nor does it identify the need for skills development as a priority. The lack of clarity regarding how HES will engage with the sector is a concern.

Having HES an NDPB will hopefully allow members of the new organisation to take informed positions on issues managing and promoting the historic environment without having the same constraints that exist for civil servants who report directly to Scottish Ministers. We note, however, that SNH, a similar NDPB, appears externally to be fairly constrained in its ability to champion issues of natural heritage concern.

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

In relation to the regulatory functions of the new body in managing change the text is generally weak and could be strengthened. In the Natural Heritage (Scotland) Act 1991, SNH may, and if so requested by the Secretary of State or any general, regional or district planning authority shall, advise the Secretary of State or, as the case may be, the authority in relation to any matter arising under the [1972 c. 52.] Town and Country Planning (Scotland) Act 1972 which affects the natural heritage of Scotland.

There could be more emphasis on mainstreaming the historic environment and engaging with the wider community.

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?

This memorandum sets out the policy objectives in only the broadest terms and further clarity is needed on how the non-statutory functions of the new body will be promoted.

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;
The new HES Board and the Working Groups established with CoSLA, BEFS and others in the sector, including representation from Archaeology Scotland, will develop how the strategy will be delivered. We do have some concerns that the Strategy is for the whole of Scotland and the responsibility for its success lies collectively, therefore implementation is key. With reduced funding available, especially for local authority heritage services, Archaeology Scotland have concerns over the capacity for the strategy to be delivered effectively and that potential conflicts of interest may arise.

- will involve appropriately all those public and private bodies with a role in improving the historic environment;

The structure of the implementation is evolving and it is not clear that this strategy can set more than the broad parameters for this to be done. The voluntary sector too has an important role to play here.

- lead to demonstrably better access to, and enjoyment and management of, the historic environment.

This is the crucial outcome and it is perhaps too early to assess whether this will happen. Having a historic environment strategy and a historic policy unit based within central government are good first steps in ‘mainstreaming’ historic environment in all government policies. Setting out how success will be measured is a key element of current work stream activity within the sector.

Please also add any further comments that you consider would assist the Committee’s scrutiny of the Bill, including on more specific areas such as:

- the possible benefits and disadvantages of Historic Environment Scotland being granted charitable status;

The benefits are unclear at this point as the charitable objectives are not yet defined but one of the objectives should be to safeguard the collections including SCRAN. We do have some concerns about competition for funding from Trusts and Foundations that support the historic environment sector with the new NDPB being on a larger scale and on the face of it with greater in-house expertise. It has been stated that the new body will help to “grow the cake” and we would like to see more details of how this will be done.

The perceived reputation or ‘clout’ of a large NDPB might influence the decisions taken by boards of companies or trusts and outweigh any application made by a smaller organisation even though the smaller body meet the criteria and will deliver desirable outputs and outcomes.

A major source of funding for the sector, the Heritage Lottery Fund, is over-subscribed and continued grant aid for the voluntary sector through the new body is uncertain in the longer term, yet much is being and could be achieved with more long-term or core funding for voluntary sector organisations or for reciprocal membership arrangements with the new body.

- the implications for staff in Historic Scotland and RCAHMS of the creation of Historic Environment Scotland;
Whilst we are concerned about the potential loss of skills arising from the restructuring, this is a continuing problem for all organisations as people retire or seek other employment. The commitments for voluntary severance payments, to guarantee job positions for two years and to transfer personnel to other posts within the Scottish Government seems generous from the position of the voluntary and commercial sectors. We are more concerned that the new organisation will retain and attract the professional skills necessary to protect and promote Scotland’s historic environment.

- whether the Bill will improve existing policy and practice in relation to grants and loans; scheduled monuments; and listed buildings.

The Bill in itself will neither improve nor make the management any of these issues worse. It is the implementation of the new structure and the working relationship with other organisations such as local authorities and other partners that will decide the success or failure of these. This implementation will itself depend on how successful the new Board and the Working Groups are at instigating better practices and more joined up working. One of the main contributory factors to improving policy and practice in relation to scheduled monuments will be the relationship with local authorities and others and making accessible information on condition of these monuments and the expertise and knowledge of the staff assessing these sites within HS at present. Sharing of data and transparency of processes are fundamental to improving these areas.

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