10 April 2014

Stewart Maxwell MSP
Convener
Education & Culture Committee
Room T3.40
Scottish Parliament
EDINBURGH
EH99 1SP

by email to Stewart.Maxwell.msp@scottish.parliament.uk

Dear Mr Maxwell

**Historic Environment Scotland Bill**

Thank you for the opportunity to comment on the above Bill. This matter was considered at recent meetings of COSLA’s Executive Groups for Development, Economy & Sustainability and Community Well-Being.

COSLA welcomes the publication of the Historic Environment Bill and the simultaneous publication of the first Historic Environment Strategy for Scotland.

Local government planning practitioners have been in discussion with Scottish Government officials to ensure that the options being proposed in the Bill will deliver a streamlined system more closely aligned with other areas of planning policy and with the principles of better regulation and simplification.

We note that under the proposals planning authorities will have to consult the new body on receipt of an application for Listed Building Consent (LBC). The new body will review the application within a statutory time period and has power to register an objection to a proposal although the local authority will determine the application.

We also note that local authorities will become able to determine applications for LBC for works to properties in their own ownership consulting with the new body as appropriate. The current advice giving role (currently carried out by Historic Scotland) may diminish under the new arrangements provided by the new body. COSLA members noted that this may impact on local government planning and other services.

This highlights a general need to safeguard access to specialist expertise around the country. COSLA leaders have previously discussed access to a broad range of specialist services including the potential for creation of joint units as recently proposed in relation to opencast.
coal and energy consents. We therefore recognise the need for flexible approaches to be considered to maintain access to expertise across the spectrum of local government services but would stress that such joint arrangements need to be locally agreed.

COSLA welcomes the publication of the strategy, its overarching objective in demonstrating a commitment to the protection and promotion of the historic environment and its recognition of the contribution already made by local government alongside that of other stakeholders from the public, private and voluntary sectors.

COSLA acknowledges the importance of the historic environment in contributing to a sense of place, locally and nationally, as well as its role in supporting the wider economy in terms of tourism, construction, regeneration, education etc. and in fostering community well-being.

Given the resource pressures facing all sectors, COSLA agreed last year to work in partnership with Scottish Government and other stakeholders to agree principles and actions to ensure proportionate and appropriate approaches to managing the historic environment. In line with COSLA’s Vision for Local Government these may vary according to local authority priorities and will require negotiation at appropriate levels.

COSLA will continue to work with the Scottish Government through the joint Historic Environment Working Group, referred to in the Historic Environment Strategy which was set up following the publication of the consultation last year.

This joint working group has significant representation from local government practitioners across a range of services (e.g. archaeology, conservation, planning, sustainability, community planning, culture and leisure) working alongside their Scottish Government and Historic Scotland counterparts as our contribution to the ‘mainstreaming the historic environment’ agenda within a context of dwindling resources.

It is via this joint group with political oversight from COSLA members that we will work to ensure that matters in relation to service provision and access to expertise are addressed collaboratively given the challenging economic circumstances we face.

I also look forward to continuing to work with the Cabinet Secretary on matters relating to the historic environment and to COSLA’s involvement in the overarching governance arrangements to be set up by the Government in due course.

Yours sincerely

Cllr Stephen Hagan

COSLA Spokesperson
Development, Economy & Sustainability

Copy to:
Ms Fiona Hyslop, Cabinet Secretary for Culture & External Affairs
Mr Derek Mackay, Minister for Local Government & Planning
Clerk to Education & Culture Committee, Scottish Parliament