Historic Environment Scotland Bill – Call for Evidence

Preliminary Statement

New Lanark Trust welcomes the opportunity to provide written evidence to the Scottish Parliament’s Education and Culture Committee in relation to the Historic Environment Scotland Bill. The Trust is an independent charity which is the main custodian of the New Lanark World Heritage Site, and this being the case, we wish to reiterate our comments provided in response to the 2013 Consultation on the proposed merger of RCAHMS and Historic Scotland with specific reference to World Heritage Sites. Since it has recently prepared the nomination for a sixth site in Scotland for World Heritage status – the Forth Bridge – there can be little doubt that the Scottish Government values the international recognition and kudos that is conferred by inscription on the World Heritage List. It is also clear that World Heritage Sites, having been independently assessed as being of “Outstanding Universal Value” should be a high priority for the new body. Therefore it is imperative that the Historic Environment Scotland Bill sets out clearly and unambiguously the means by which the country’s World Heritage Sites will be will be protected, enhanced and managed for the benefit of the nation.

We offer the following responses to the specific questions posed by the Education and Culture Committee:

Question 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?

In terms of management of the historic environment, New Lanark Trust would wish to see Historic Environment Scotland’s responsibilities towards the protection, promotion and enhancement of
Scotland’s World Heritage Sites very specifically laid down in the Bill, for the reasons set out in the preliminary statement above. In relation to World Heritage matters, the UK Government is the State Party, i.e. the signatory to the UNESCO World Heritage Convention, and the body responsible for compliance with this convention. Under present arrangements, these responsibilities for World Heritage Sites in Scotland are devolved to the Scottish Government. Scottish Ministers identify and put forward sites for nomination to the department for Culture, Media and Sport. They are also responsible for ensuring compliance with the UNESCO convention. Focusing on cultural Sites, Historic Scotland carries out these roles on behalf of Scottish Ministers, as part of its wider responsibility towards the historic environment. There is a World Heritage Co-ordination unit located within Historic Scotland.

The Committee must consider whether these responsibilities could be satisfactorily delegated by Scottish Ministers to an NDPB with charitable status. The Historic Environment Policy Unit has been transferred from Historic Scotland to the Culture and Heritage Directorate within Scottish Government, and this may indicate that matters relating to World Heritage are to remain in core Government. If so, this needs to be clearly stated, and the future roles and responsibilities, including those of Local Authorities in relation to the management of World Heritage Sites, require to be clarified.

It is clear that HES will play a major role in the promotion of Scotland’s historic environment, given that it is expected to have direct responsibility for the management of close to 350 historic properties. Judging by the generally high standards achieved by Historic Scotland as operators of some of the country’s most important historic properties (such as Edinburgh Castle and Stirling Castle) the new body should be able to make a very significant contribution to the achievement of success against National Performance Indicators, including the improvement of the state of Scotland’s historic sites, an increase in cultural engagement, improvement of people’s perceptions of their neighbourhood, and improvement of Scotland’s reputation. The new body aspires to be the leading heritage tourism provider in 10 years’ time. This, however, begs the question – which existing heritage tourism providers will be pushed further down the league? It is hard to come to any conclusion other than that it will be the independent charities like New Lanark Trust, and voluntary organisations such as local museum trusts, who are passionate and committed, but lack the resources to fulfil their potential, and generally under-perform.

**Question 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?**

We have some concerns (shared with the National Trust for Scotland) in relation to the proposal that
Historic Environment Scotland should be both the regulator for all historic properties and the operator of a large number of Scotland's heritage attractions. There is significant potential for conflict of interest, real or perceived. Consideration should be given to the separation of the regulatory function from the role of heritage charity and manager of the Properties in Care. New Lanark Trust would wish to see specific provision in the Bill for the protection, management and promotion of Scotland’s World Heritage Sites. It is on the state of conservation and interpretation of these Sites, independently assessed as having Outstanding Universal Value, that Scotland may be judged by a discerning international audience, and potentially found wanting as a responsible custodian of some of the world’s most important historic properties.

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?

The relationship between HES and the local authorities, in their role as development and planning regulators, must be very carefully defined. There are some useful comparisons to be made with the way in which legislation applying to the natural environment (via Scottish Natural Heritage) is framed, e.g. with regard to sustainable development, and the requirement to balance social, economic and environmental concerns. It is not clear whether Historic Environment Scotland would take on the consultative role of Scottish Ministers (currently carried out by Historic Scotland) in relation to Strategic Environmental Assessments. These are increasingly important for the protection of the historic environment when major planning and development applications are under consideration, and any weakening of the general regulatory arrangements would be potentially very detrimental.

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

New Lanark Trust welcomes the generally strong support for the historic environment expressed by the Scottish Government and the Scottish Parliament. However, we do have some reservations as to whether the presence of such a large and powerful single operator in the heritage field will be entirely beneficial to small independent organisations such as New Lanark Trust. The legislation must allow for smaller, non-governmental players in the heritage field to flourish and to fulfil their potential to assist in the delivery of the historic environment strategy for Scotland.
5. Are there any areas of the Bill that you consider could be strengthened or improved?
We reiterate our fundamental concern that there is a real potential for problems of conflict of interest presented by the proposed combination of roles within a single organisation. HES will become the regulator, grant-funder, heritage attractions operator and recipient of charitable donations.

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?

The Committee should seriously consider the separation of the regulatory role from the heritage operator function. Alternative models are possible – c.f. the decision of DCMS that English Heritage, in its proposed new incarnation as a charitable body, will not carry out the regulatory function in relation to the historic environment.

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?

The vision expressed in the Scottish Government’s Historic Environment Strategy is generally commendable, but as yet there is no clear identification of an action plan for delivery, or indeed to the provision of sufficient resources to enable its delivery. In particular, we would like to see the role and responsibilities of local authorities in relation to the delivery of the Strategy very clearly defined.

With specific reference to the improved accessibility, enjoyment and management of the country’s inscribed World Heritage Sites, we would welcome clarification on the way in which Historic Environment Scotland will achieve effective working partnerships with the heritage organisations and other stakeholders involved.
New Lanark Trust urges the Committee to examine very carefully the potential for the proposed new Historic Environment Scotland to impact adversely on the work of voluntary and charitable bodies in the heritage sector. These currently make a very significant contribution to achieving the desired outcomes for Scotland, and (though certainly unintended) it would be most regrettable if this were to be the consequence of the merger of HS and RCAHMS. A collaborative approach, whereby all organisations which contribute to the safe-guarding, promotion and appreciation of the historic environment of Scotland can be supported and encouraged to develop their full potential, would deliver very significant rewards.

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