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*By email and letter*

14<sup>th</sup> March 2007

Dear Elizabeth Burns

**Re: *The initial response of the Minister for Tourism, Culture and Sports to the HEACS Reports on ...*** Heritage Protection Legislation; the Role of Local Government; Criteria for taking properties into Care; Skills and Materials.

The Built Environment Forum Scotland (BEFS) is replying to your letter of 1<sup>st</sup> February 2007 inviting comments on the Minister's initial response.

Discussion between Members at the recent BEFS General Meeting (23.02.07) generated the following initial commentary:

**1. *Minister's response welcomed:*** Members welcomed the Minister taking the time to respond given the position in the electoral-cycle, and in the process Members are encouraged that:

- agreement has been established in relation to a significant number of recommendations, or the need for further discussion has been noted;
- there is commitment to complete discussions over the next 6 months, leading to the production of 'definitive responses to all recommendations'.

**2. *The review of historic environment legislation:*** the rather hesitant response from the Minister to option 3, a comprehensive review of historic environment legislation, has been noted by members. As you know, the BEFS Workshop Report<sup>1</sup>, on historic

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<sup>1</sup> See <http://www.befs.org.uk/06.11.17.WorkshopReport.HEACSReps.pdf> for a c; the Workshop was held on 17.11.06 and was attended by 19 stakeholders.

environment legislation and on the role of local authorities, discussed this issue in depth, concluding:

*'Participants endorsed unanimously the third option put forward by HEACS: that a review of heritage protection legislation should be set in train.'*

*'Participants acknowledge that there would be risk in undertaking a comprehensive review, but that given the broad range of problems associated with implementing current legislation, a review is necessary simply to enable the system to function effectively.'*

*'Care must be taken to ensure that elements of the current legislation that do work well are not lost. Instigation of a review should not prevent progress being made on those improvements that do not require a change in primary legislation.'*

The General Meeting of BEFS Members continues to hold with these broad views, recognising, like the Minister, that a review has associated risks and should not stop work on what can be achieved outside of primary legislation ... *but*, as well, that such a review is essential if we are to maintain and develop an effective system of legislation for the protection of the historic environment.

**3. Resourcing a review of legislation, and the historic environment sector:** The Minister's concern for resource implications, both direct costs and opportunity costs, of such a comprehensive review of legislation complements BEFS Members' own concerns with the difficulties that lack of resources would present for such a review; difficulties that are already present more generally within the historic environment sector.

Members highlighted the *Scottish Executive Strategic Spending Review* as a crucial opportunity for us to make the case for additional resources, to be used to support:

- a legislative review
- the work of HEACS
- the development of the whole historic environment sector.

Members saw this Spending Review as a crucial opportunity, both, to:

- increase funding to Historic Scotland
- and, for all Scottish Ministers from departments across the Executive to give commensurate consideration to recognising the need for, and providing, additional funding for, the sector.

**4. Supporting further discussion through publication of all HEACS research data:**

The excellent series of HEACS reports to the Minister have to be, by their nature, summary documents of 2 years of substantial research undertaken by the Council. The data that supports the Council's research process will be invaluable in the 6 month period of discussions that the Minister proposes. BEFS Members would therefore value access to this data, perhaps through the Internet, to support their, and other stakeholders', involvement in such discussions. Members also recognise that future

HEACS research would greatly benefit from increased resourcing, to allow the evidence base generated to be more immediately accessible to all stakeholders.

**5. Further discussion of the HEACS reports leading to coordinated action:**

Members recognise that the Minister's response indicates agreement with a significant number of recommendations within the HEACS reports. For instance, within 'Skills and Materials' 11 recommendations were recorded as 'agreed', and many others as 'noted' for further discussion. *However* they are concerned about the next stage of the development process. How will the proposed period of discussion be used to turn such agreement into planned and then coordinated action? And how will such action be resourced and supported not just from within the historic environment sector but across different Executive Departments? Again this was considered to be an important issue for the Scottish Executive Strategic Spending Review to consider.

Thank you for asking for initial feedback from BEFS Members. Please do get back to us if you need further clarification of any of the issues raised above.

Yours sincerely

James Henderson  
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