



BEFS WORKSHOP REPORT: SHEP consultation document on Properties in Care.

... held at the Macdonald Rooms, Hanover Housing Association, Edinburgh on 7th June 2007

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Introduction

As part of the Historic Scotland (HS) series of consultations on the Scottish Historic Environment Policy (SHEP) documents, this BEFS/HS consultation workshop was an opportunity to bring together stakeholders to consider and comment on the draft SHEP policy document, 'Properties in the Care of Scottish Ministers'.

The workshop was attended by stakeholders representing four organisations (see appendix 1 attached). HS was represented by Gordon Barclay, Head of Policy, Doreen Grove, Head of Properties in Care, and Scott Elliot, Policy team.

Introduction – Peter Burman, Chair for the workshop (BEFS/National Trust for Scotland)

The SHEP policy documents and the related public consultations were welcomed by Peter Burman as a means of providing a consensus on good practice and shared understandings.

Peter Burman considered it important that the HEACS recommendations contained in the document 'Report and recommendations on the criteria that should be used to assess whether a property should be taken into state care' were referred to in Question 1 of the SHEP document; the full recommendations from this HEACS report form part of a longer term process of developing policy.

Introduction to the SHEP series – Gordon Barclay, HS

Gordon Barclay recognised the value of BEFS consultation workshops, which in the past had provided the opportunity for helpful discussion, and where points of substance have been made which impacted on the final policy documents.

Some background was given to the introduction of the SHEP series, which had resulted from an internal review of HS in 2003-2004. One of the HS key performance targets for this year is to launch four SHEPs for consultation and/or in final form. It is anticipated that SHEP 3 will be published soon and potentially the SHEPs on Scheduled Monument Consent and Properties in Care could be finalised by the end of the year.

The consultation closes for this SHEP on 6th July 2007 after which an analysis of the responses will be compiled and published.

Full discussion and main points arising

Question 1

In the light of the conclusions in the HEACS report, do you agree with the draft policies set out in paragraphs 4.3 to 4.5? If not, why not?

Composition of the estate

4.2 Scottish Minister's duty to maintain an estate of properties:

- HS explained that para 4.2 is firmly based on an understanding of present legislation: Ancient Monuments and Archaeological Areas Act 1979 . The estate includes both architecture and archaeology which possess cultural and historical significance
- HS explained that the word 'preserved' is used within the Act, and confirmed that the term *representative collection* is modern, but in essence was made possible and indeed was actively pursued after 1919 when the remit of the ancient monuments act was broadened.

4.3 Consideration when adding to the estate:

- It was suggested that a policy statement was required to provide a description of practice relating to the representativeness of the portfolio.
- HS confirmed that in some cases the cultural significance of a property in care was decided by one element contained within the property.
- Within discussion surrounding the nature of guardianship, it was highlighted that often properties had a long standing association with a particular family and this was an important element in the interpretation of cultural significance, e.g. Caerlaverock, where the land has been in the ownership of the same family for around 800 years. If a property incorporates active burial lairs then these are respected.
- It was commented that the portfolio of properties in care to be balanced more widely with consideration given to the geographical spread of properties and also to give consideration to the portfolios held by other organisations.
- One participant mentioned the National Trust for Scotland (NTS) as having a good geographical balance within its portfolio of properties.

4.4 Criteria for disposal of properties in care:

It was commented by HS that until the 1979 legislation there was no provision in statute for Scottish Ministers to rescind guardianship of a property in care, and this has rarely happened since. HS added that if in the future legislation made rescinding guardianship easier (the present legislation sets very tight constraints on the removal of properties from the portfolio) then it ought to be part of a strategic plan which recognises that properties in care being taken out of guardianship require to be maintained adequately and public access maintained and consideration given to the

part the monument plays in the interpretation of Scotland's past as part of the national estate.

4.5 HEACS recommendations on the criteria for assessing whether a property should be taken into state care:

- Appropriateness: it was suggested that the term 'operators' had a commercial overtone and should be replaced with the term 'custodians'.
- It was confirmed by HS that all of the criteria should be met when assessing a property, with eligibility (cultural significance) as the first, necessary criterion. The remainder of the criteria would vary in weight depending on the particular example. In exceptional circumstances a property may be considered when it does not fit all of the criteria but where it adds something to the group of existing properties.
- It was asked if the observation in section 46 of the HEACS report (on Properties in Care) that good candidates for state care appear to be rejected on financial grounds, due to a lack of policy for reviewing the status of properties currently in care and the lack of a policy for disposal, bore any reality? HS argued that they take a reasoned view on any property that is brought to their attention and financial consideration is not the only one to be taken into account. If the need can be demonstrated as being of overriding national interest it remained possible for HS to bid for additional funding - Iona Abbey was given as an example of this.
- HS also confirmed that the significance of the property is the first consideration and that the current Act sets out future preservation of the monument as the principal consideration for the rescinding of guardianship. It is impossible for a property to be taken out of care purely for financial expediency. It was pointed out therefore that Scottish Ministers have to be very careful when considering an addition to the portfolio because of the long term financial implications it holds.

Question 2:

Do these policies give a clear indication of how properties in care will be managed and why; and do they achieve the right balance between preservation, access and enjoyment of the properties. If not, why not?

Conservation of properties

4.6 Principle of long term preservation: no further comments made (see 4.8).

4.7 Scottish Ministers principle consideration - long term preservation:

- In response to a query HS explained that the process of internal assessment of works is called properties in care clearance. This is the equivalent of scheduled monument consent and all proposed works to properties in care are subject to this system of clearance which is undertaken by HS Inspectorate.

4.8 *Duties to preserve and provide public access:*

- It was asked how HS strikes the balance between preserving the property in care whilst providing access for events. HS reported that consideration is given to each request for access or use of a property in care for activities such as shooting films or events. Each request is considered on its own merit but HS ensures that each request will be without impact on the fabric of the monument and will not have an adverse impact on the dignity of the monument.

4.9 *Works proposed by third parties:*

- It was commented that a great deal hangs on the word 'works' ;HS explained that there is a fuller description of what constitutes works set out in the 1979 Act.

4.10 *An assessment of significance:*

- HS confirmed that they invest heavily in developing the conservation knowledge of their staff.
- A suggestion was made that 'education for others' be brought into the final sentence of 4.10.
- Within the internationally recognised criteria (Note 7 gives these criteria) a suggestion was made to include 'scientific'. It was pointed out however by HS that the criteria are defined by the Act.
- It was suggested that Note 7 be expanded to explain the international conservation criteria that have been used for assessment of works i.e. Venice and after.
- A suggestion that 4.10 should include the fact that the statements of significance for properties in care can be accessed through the HS web-site. HS confirmed that eventually it hoped to do this, once they have been peer reviewed.
- Recognition was given to community councils as a vehicle for establishing the local impact and benefits that the monuments brings to the local community.
- It was suggested that the monuments in state care should have their monument management plans reviewed every ten years. HS confirmed that monument management plans exist and include condition, interpretation, education and conservation of a monument, and that the condition surveys are reviewed regularly, for complex monuments that may be as frequently as quinquennially by HS.
- It was suggested that further explanation be given within clause 10 of the *evaluation of significance*. It was explained by HS that the SHEP policy documents have a long term shelf life and that greater detail is given within HS's operational policies which are updated more frequently; appropriate specialist knowledge is sought when writing operational policies..
- HS plan to consult publicly on their operational policy for access and properties in care.

4.11 *Appropriate records:*

- It was reported that formal records of the work carried out on properties in care will be put into a GIS based sites and monuments record that will eventually be available on HS's web-site.

4.12 *Proper management and implementation of conservation:*

- The group thought that this was statement was well put.

4.13 *Balancing the disturbance of archaeology with enhancing knowledge through excavation:*

- The group agreed with this statement.

4.14 *Protecting authenticity:*

- Clarification was sought whether the range of new elements to a building to provide better access facilities included platforms, staircases and visitor centres.

4.15 *Major interventions – public benefit and national significance:*

- Discussion of public benefits and developing understanding of a monument, and how these might outweigh impacts on its cultural significance. It was asserted by a participant that public benefits and national significance are clearly the same thing. It was suggested that the statement be strengthened to clarify national significance.

4.16 *Holistic approach to conservation:*

- The group thought that this statement was put well and conveyed the magic of the properties.
- Recognition of wind farms and the threat to particular landscapes and settings.
- It was suggested that 4.16 should be expanded to further emphasise its 'recognition of landscape and wider setting'.

4.17 *Recording decision-making and learning from it:*

- It was asked if the public had access to HS's archive of plans and drawings. It was explained by HS that because they do not possess a reading room access to the archives is difficult but not ruled out altogether. The PIC team do have an archive and information officer, and responses are always given to requests for information.

- It was confirmed that early records on properties in care are held at the Public Records Office.
- It was suggested that a declaration should be made within the document which indicates that HS are willing to provide access to their archive material.

Access to Properties

4.18 Access and sustainable management:

- Broadening physical access was discussed.
- There was a recognition that some properties have prohibitive public parking facilities which inhibits access. It was recognised that this is a problem which, if there is willing, can be addressed by local authorities.
- It was suggested by the floor that HS could promote a greener approach to transport by highlighting the link between walking and health. Direct links to the Scottish Government's focus could be made by reference to the new Administration's five key strategies, which includes a Greener Scotland and a Healthier Scotland, and the political will to create a more sustainable Scotland.

4.19 Improving all forms of access and understanding:

- It was suggested by the floor that the term 'all forms of access' could be developed to provide clear examples.
- A general point was made that some prior knowledge is required in order to understand the SHEP documents and for the lay person perhaps the notes could be expanded.

4.20 Working with constraints to access – see also 4.21:

- Examples were given by HS of some of the initiatives that were in place to assist in the interpretation of visits to sites. These initiatives included visitor packs and audio/visual aids as well as the development in some instances of virtual 'tours'.
- HS noted that they were developing an equalities policy as an operational policy. It was suggested that further information on this could be included within the notes for this document.

4.21 Standards for presentation and interpretation – including community participation:

- It was pointed out by HS that, for interventions to buildings that would be damaging or visually intrusive to the property, the Disability Discrimination Act states that reasonable attempts should be made to provide access.
- It was recognised that the implications of health and safety legislation on access to buildings and the requirement for additions such as handrails and ramps has

seen the biggest visual impact on buildings over the last 100 years. HS added that this was an area which required careful management and that they sought expert advice from disability groups on managing the challenge of creating physical access to monuments.

- The floor were pleased to hear of the positive steps that were taken in consulting with specialist groups over access and thought that perhaps the document could incorporate some details of these relationships to bring richness to clause 4.21.
- The suggestion was made that perhaps HS could use the services of volunteers to assist in providing staff cover for properties and in the interpretation processes.
- There was a strong feeling that developing a volunteer network within HS properties would be a very good way of establishing links with local communities.
- HS commented that they are looking at updating their interpretation and signage at properties through a national interpretative strategy.
- It was confirmed by HS that a volunteer policy was in an advanced stage of preparation.

4.22 Limited access and temporary closures:

- It was confirmed by HS that the managing of temporary closures and advertisement of opening times etc would be detailed within the proposed access policy – an operational policy that would give more detail.

4.23 Access for learning and teaching:

- In response to a question as to whether informal education is eligible for free educational access to properties in care, HS replied that it wasn't, and that education had to involve 'formal' students; they have to draw a boundary so that not every tour party becomes an educational visit. It was felt by HS that this issue could be more appropriately considered under access and charging (see 4.24).

4.24 Admission and charging:

- It was reported by HS that in some cases, the properties in care do not have any on-site facilities for visitors; instead mobile caravans are used to provide shelter for a member of staff.
- It was reported by HS that vandalism is a threat to HS property but as yet they do not have a policy on vandalism. Instead HS work with the local authority responsible in that particular area.

HEACS Report: Main points arising from discussion on HEACS Report - 'the criteria that should be used to assess whether a property should be taken into state care'.

Recommendation 2

Acquisitions policy and regular review of the portfolio of properties in care.

HS reported that the current legal framework would not support a formal review of the portfolio with a view to establishing whether there were any properties whose long-term care would be more appropriately secured outwith state care. It was confirmed however that careful and strategic consideration is given to properties that are being considered as candidates for being taken into care, and that there was a process of reviewing if not a review. It was confirmed by HS that an operational policy on acquisitions would be implemented in the next couple of years.

Rescue Policy

It was suggested by a participant that a Rescue Policy should be implemented to safeguard properties, under threat, for an interim period. There was a sense from the floor that there are buildings and monuments that possess *national significance* but are neither listed or scheduled. These monuments face the risk of falling into disrepair and ruin unless appropriate action is taken to safeguard their care.

Recommendation 4

HS noted that transparency is difficult to achieve, consultation fatigue can set in, and there can be a lack of relevant knowledge from communities when they are consulted. The group noted that consultation can add 'something' when communities are consulted.

Recommendation 7

National Collections to include the Properties in Care portfolio

Historic Scotland take the view that its portfolio of properties in care already forms a 'National Collection' but we are unsure how a collection of national collections would work. We do of course recognise that the that the geographical and period balance of our collection could be improved in the longer term and to this end, the Agency's approach to acquisitions and disposals policy will be considered in our operational policy papers, currently being planned. But there is unlikely to be any radical increase or shift of collecting policy, because of the provisions of the Ancient Monuments Act .

General considerations and summing up

HS was asked how they meet equality issues, and what their equality impact assessment for this SHEP involved (see annex) with regard to access and properties in care. HS noted that for those on low income they run an Open Doors day to all their properties in care and that they offer free weekends. HS welcomed further comments on equality issues.

The question of balancing commercial pricing whilst promoting access and education to monuments was raised, and it was perceived that perhaps HS policy had shifted too far towards commercialisation, but has now shifted back again.

It was thought that the SHEP policy document could give clearer information about the process.

It was felt that the SHEP documents could be better animated in line with the SHEP 1 document which contained fuller notes and a range of images.

The Chair, Peter Burman, thanked everyone for their participation in what he considered had been a gentle, enthusiastic, thorough and insightful consultation process. In conclusion he drew attention to the powerful debate that had taken place on volunteers (see 4.21 in particular) and also requested of HS that a lively and animated SHEP document with some good examples would be welcomed. It was important that the SHEPs communicated effectively to readers who are not specialists as well as to those who were.

It was noted that the deadline for submissions of consultation responses was Friday 6th July 2007.

Appendix 1

Properties in Care Attendance List

Participants:

Alex Adamson, Scottish Civic Trust

Eila Macqueen, Council for Scottish Archaeology

Malcolm Bangor-Jones, Historic Environment Advisory Council for Scotland

Peter Burman, Director of Conservation and Buildings at the National Trust for Scotland (Chair of the workshop)

For BEFS:

Robin Burley (BEFS)

Fiona Binning

James Henderson

For Historic Scotland:

Doreen Grove, Head of Properties in Care

Gordon Barclay, Head of Policy

Scott Elliot, Policy Team

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- all the participants (as above);
- Historic Scotland and their staff;
- the Chair for this consultation, Peter Burman.

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