



Historic Environment Scotland Bill

Stage 1 debate Briefing – Thursday 19th June 2014

BEFS brings together over twenty professional and voluntary non-governmental organisations¹ to influence strategic policy relating to the protection, management and enhancement of Scotland's built environment. This briefing has been prepared by a taskforce within BEFS focusing on the Historic Environment Scotland Bill. Key points:

- The advisory relationship between Historic Environment Scotland (HES) and planning authorities should be explicitly recognised in the Bill, bringing together local knowledge with national oversight
- The collaborative ethos advocated in the Historic Environment Strategy '*Our Place in Time*' should be reflected more strongly within the Bill
- The operational detail around the delegation of functions relating to Properties in Care will be critical in safeguarding owner interests (whether public or private)
- The inclusion of the definition of 'historic environment' within the Bill would provide helpful clarity of the term within this enabling legislation

Advisory relationship with local authorities: The relationship between HES and planning authorities is critical in achieving overall effective management of Scotland's historic environment. We would like to see stronger emphasis in the Bill on the advice that HES will provide to planning authorities. This could be achieved by inserting provisions (at Part 1, Section 11: advice, information and assistance) which could enable HES to provide advice to planning authorities at any time and require it provide such advice when requested. . This would provide the same coverage for the historic environment as Scottish Natural Heritage already provides for the natural environment.

BEFS continues to advocate that, at local level, planning authorities must have access to appropriate expertise on the historic environment, to ensure that decision-makers have the best information and advice possible when it comes to determining applications for consent. Currently the availability of expertise at local level varies - a recent [scoping report](#) by the Institute of Historic Building Conservation on Scotland's local authority conservation services found three authorities provide planning services with no specialist local conservation advice. It also highlighted that local planning services are cost-effective hosts for conservation services as staff, the main cost, represent only some 0.5% of national planning expenditure. We believe that the historic environment is best served by local and national expertise working together to make the most of local knowledge and national oversight. We very much welcome COSLA's recognition of the need to safeguard access to specialist expertise in their written evidence.

Collaborative approach: Scrutiny of the Bill has explored the extent to which HES will ‘lead’ the sector, and if it secures charitable status, the extent to which this might place other organisations within the sector at a disadvantage. The Historic Environment Strategy ‘*Our Place in Time*’ advocates a collaborative approach to working across the public, private and third sectors. More can be achieved through the rich diversity of, often small, organisations working together. We would like to see stronger reflection of this collaborative approach within this Bill (e.g. at Part 1, Section 2: general functions (5)(d/e)) to safeguard the voluntary sector

Delegation of functions relating to Properties in Care: Currently Scottish Ministers manage an estate of 345 Properties in Care (PIC) for long term preservation for public benefit (the majority of these, 263, are privately owned). The draft bill enables management of PIC to be delegated not only to HES but also ‘any other person Ministers consider appropriate’. The policy objective is to allow for greater flexibility, recognising that properties in the care of Ministers could be best managed by other bodies - such as community-based interests. As yet there is limited detail around how the delegation of functions in relation to PIC (section 3) will operate. We wish to highlight here that the conditions attached by Ministers to any scheme of delegation will be critical in order to ensure the appropriate level of ongoing care of the specific property/group of properties, and to avoid any conflict of interest between the chosen agent (who will not be ultimately responsible for the condition of the property) and the owner/guardian (who will)..

Definition: The Bill as currently drafted does not include a definition of the term ‘historic environment’ – this is included within the Strategy ‘*Our Place in Time*’. However we would welcome inclusion of the definition of ‘historic environment’ within the Bill since we believe this would help explain the scope of the organisation which the legislation is establishing, as well as enable more effective advocacy on behalf of the historic environment. The definition given in the Strategy is broad enough to stand the test of time: *“Scotland’s historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand”*

This briefing has been prepared on behalf of the BEFS Historic Environment Scotland Bill Taskforce for the stage 1 debate on Thursday 19th June 2014.

Further information on the Bill and Historic Environment Strategy ‘Our Place in Time’ can be found at: <http://www.befs.org.uk/themes/sector>

ⁱ **Members:** Archaeology Scotland (AS); Architectural Heritage Society of Scotland (AHSS); Association of Preservation Trusts - Scottish Committee (SAPT); Association for the Protection of Rural Scotland (APRS); Garden History Society in Scotland (GHS); Historic Houses Association for Scotland (HHA); Institute for Archaeologists – Scottish Group (SGIfA); Institute of Historic Building Conservation – Scottish Branch (IHBC); National Trust for Scotland (NTS); Royal Institution of Chartered Surveyors in Scotland (RICS); Royal Town Planning Institute in Scotland (RTPI); Scottish Civic Trust (SCT); Society of Antiquaries of Scotland (SoAS).

Associates: Association of Local Government Archaeological Officers in Scotland (ALGAO); Central Scotland Forest Trust (CSFT); Edinburgh World Heritage (EWH); Institute of Conservation Scotland group; Royal Incorporation of Architects in Scotland (RIAS); Royal Society of Arts Fellows’ Media Creative Industries, Culture & Heritage Network (RSA- MCICH); Planning Aid Scotland (PAS); University Campus Suffolk – heritage futures; War Memorials Trust