

## Historic Environment Scotland Bill

Stage 3 debate Briefing – Tuesday 4<sup>th</sup> November 2014

BEFS brings together over twenty professional and voluntary non-governmental organisations<sup>i</sup> 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. Our comments focus on collaboration and the relationship between HES and local planning authorities.

**Collaboration:** At Stage 1 BEFS stated “Scrutiny of the Bill has explored the extent to which Historic Environment Scotland (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. Scotland’s [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 very much welcome the Stage 2 amendment which gave emphasis to HES working collaboratively with stakeholders.

**Advisory relationship with local planning authorities:** We welcome the fact that this Bill sets out the advisory function of the new HES clearly in statute and that discussion during the Stage 2 Committee process highlighted the need for a positive and supportive relationship between Local Authorities and HES.

**Local Authority capacity:** BEFS continues to highlight the importance of HES and local planning authorities working together to protect and care for the historic environment. We welcomed the amendment (62) to Part 6 of the Bill put forward at Stage 2 (and subsequently withdrawn) which sought that “Local authorities must, in exercising their functions in relation to the historic environment, have regard to appropriate information and expert advice.” This was also reflected in the COSLA written evidence to the Committee which states: “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.”

We note the comments made by the Cabinet Secretary on this issue and welcome the references to relevant policy which highlight the need for planning authorities to have access to sufficient information and expertise on the historic environment in their area. This is necessary to ensure that planning authorities are able to deliver on relevant planning policies such as [Scottish Planning Policy](#)<sup>ii</sup> and [Planning Advice Note 2/2011](#)<sup>iii</sup>.

The Strategy *Our Place in Time* clearly sets out an overarching ambition for collaborative working. This is particularly relevant on this point about specialist advice where good outcomes for the historic environment rely on effective partnership working between HES, planning authorities and indeed the wider voluntary sector. **We remain concerned that the budget challenges faced by local authorities will result in the further erosion of frontline services relating to the protection and management of Scotland's historic environment.**

With less than 8% of Scotland's historic environment protected by law, local authority archaeologists and conservation professionals can play a proactive role in advising on the management, regeneration and development of Scotland's places as part of Scottish Government's placemaking agenda. **Any future diminution in capacity at local level will place greater demands on HES.**

**Provision of advice by HES:** The Bill allows for planning authorities to secure advice from HES through consultation, which brings arrangements into line with those in the planning system and allows HES to provide advice at an earlier stage – this is welcome. Determining which consent applications HES sees is a matter to be addressed in secondary legislation and BEFS will engage proactively on this aspect during the forthcoming consultation phase. We recognise that HES needs to use its own expertise as effectively as possible – the strategic question is where should the attention of the national advisory NDPB be most effectively deployed? We look forward to working with HES to ensure that arrangements are sufficiently flexible to ensure that planning authorities can get the support that they need from HES, as and when they need it.

**This briefing has been prepared on behalf of the BEFS Historic Environment Scotland Bill Taskforce for the stage 3 debate on Tuesday 4<sup>th</sup> November 2014.**

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<sup>i</sup> 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 Green Network Trust (CSGNT); 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

<sup>ii</sup> Published earlier this year, the new Scottish Planning Policy recognises a) the need for planning authorities to care for and protect the undesignated as well as statutorily protected

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sites across Scotland b) the need for planning authorities to have access to information on the historic environment held in a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) to inform understanding of the importance of heritage assets.

iii PAN 2/2011 – this establishes the historic environment, whether designated or not, as a material consideration in the planning process, and highlights the need for expert advice to inform local authority decision making.