

A Joint Consultation on the Historic Environment Strategy for Scotland and the Merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS).



RESPONDENT INFORMATION FORM Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

ALGAO:Scotland

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

John

Forename

Lawson

2. Postal Address

c/o City of Edinburgh Council Archaeology Service

Museum of Edinburgh

142 Canongate

Edinburgh

Postcode EH8 8DD

Phone

Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available *OR*

Yes, make my response available, but not my name and address *OR*

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

Group/Org Type (please tick one)

- | | | | |
|-----------------------------------|-------------------------------------|-------------------------|--------------------------|
| Local Authority | <input checked="" type="checkbox"/> | Commercial Organisation | <input type="checkbox"/> |
| Professional Body | <input checked="" type="checkbox"/> | Voluntary Organisation | <input type="checkbox"/> |
| Contractor/Developer | <input type="checkbox"/> | Housing Provider / RSL | <input type="checkbox"/> |
| Designer/Consultant | <input type="checkbox"/> | NDPB/Agency | <input type="checkbox"/> |
| Academic Body | <input type="checkbox"/> | Advisory Body/Committee | <input type="checkbox"/> |
| Industry Association/Manufacturer | <input type="checkbox"/> | Other (Please Specify) | <input type="checkbox"/> |

(d)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

4. I will be responding to:

Please tick as appropriate

Both parts of the consultation

Part 1 - Historic Environment Strategy

Part 2 – Business case for the Merger

CONSULTATION QUESTIONS

To select an answer click one of the tick boxes. To change your answer click in the box again e.g. Yes No

To enter comments please use the blue comments boxes as below which will automatically expand as you type.

Comments

Part 1 Historic Environment Strategy for Scotland

Q1. Do you agree that the definition appropriately describes the 'historic environment'?

Yes what do you like about it?
No how do you think it could be improved?

ALGAO:Scotland agrees with the broad scope of the definition. However, this could be improved by expanding the definition to include more specific assets: monuments; historic buildings, landscapes and spaces; and archaeological remains.

Q2. Does the Vision take account of your aspirations for the historic environment?

Yes what do you like about it?
No what would you change?

There should be a more direct reference to the historic environment being managed in a way that fully realises its contribution to the economic, social and cultural life of the nation.

Q3. Are the overarching principles the right principles to guide our activities over the next 10-15 years?

Yes what do you like about them?
No what would you change?

Yes – these are comprehensive.

In planning how to deliver the aims and vision of the strategy, staff worked in collaboration with stakeholders to produce a series of high level strategic priorities, these included cross cutting overarching priorities and a series of priority areas for the sector.

Q4. Cross-cutting

(i) Does the overarching aim reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

Yes, as it also reflects the aims and ambitions of Local Authorities.

(ii) Do the cross-cutting priorities take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

Comments

We feel that the four cross-cutting strategic priorities are broadly of equal weight as they are all interdependent for delivering what is best for Scotland's Historic Environment. Mainstreaming the Historic Environment at the heart of National and Local Authorities' thinking will provide the best outcomes to ensure the delivery of these strategic aims.

Although ALGAO:Scotland broadly agree with the priorities, we have concerns about the detail of implementation, particularly the suggested use of Community Planning Partnerships (in policy mapping summary and in leadership and collaborative working). These bodies vary widely across Scotland in their roles and responsibilities - many only consider high level strategy and they are not all currently equipped to deal with delivery and implementation of policy.

(iii) Do the suggested high level, cross-cutting actions provide a reasonable basis to begin to take the Strategy forward?

Yes which actions are particularly important?
No what actions should be taken forward and which need to be changed or added?

Yes - ALGAO welcomes the proposed establishment of a unit at the heart of Government to champion and mainstream the historic environment; the importance given to the requirement to ensure that decisions are underpinned by evidence; and the requirement for appropriate skills and resources within the sector.

We are therefore pleased to note that the first of these actions, namely the establishment of a Historic Environment Policy Unit within Scottish Government, has already occurred.

The action to undertake regular surveys is commendable and indeed welcomed as we feel that accurate information about our sector is vital to manage our work. ALGAO already submits information to the Scottish Government, for instance for inclusion in SHEA, and looks forward to further collaborative work. We would however like to see clarification of how the collation of new evidence and surveys will integrate with our needs and requirements and also with the existing remit of SHEA. For example - is much of this survey work to be undertaken outwith the SHEA umbrella, as independent projects or will SHEA be augmented to offer more frequent surveys and wider ranging information?

(iv) How will the cross-cutting proposals impact on you and how will you be able to contribute to its success?

These proposals will have a significant impact upon the work of ALGAO:Scotland members as Local Authorities have a central role in delivering all of the stated aims, in particular the care and protection of over 90% of Scotland's heritage which is not designated. Accordingly ALGAO:Scotland looks forward to establishing close links with central government and the new body which comes from the merger of HS/RCAHMS to discuss how these cross-cutting proposals will work in detail.

Q5. Investigate and Record

(i) Does the aim for investigate and record reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

No comment

(ii) Do the priorities for investigate and record take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

In the section 'Knowledge developed' we are disappointed in the lack of emphasis given to the amount of research generated through activities managed by local authorities principally through the Planning System.

Although the location of developer-funded work is driven by where development is undertaken, the resulting work that either responds to a planning condition or pre-determination evaluation work that precedes it, all such work is driven by a defensible, reasoned archaeological reason. These archaeological research questions conform to existing archaeological research frameworks, which are continually tested and when required updated to take account of the new information. This is an iterative process of adding new information to, and broadening our understanding of the Historic Environment, which complements more traditional research into those elements of the HE that are already known.

The scale of this developer-funded archaeological work managed by Local Authority Archaeologists as a whole outstrips the work undertaken or sponsored by Historic Scotland, RCAHMS or National Museums Scotland and we feel deserves far greater recognition in this document.

(iii) Do the suggested high level actions for investigate and record provide a reasonable basis to begin to take the Strategy forward?

- Yes which actions are particularly important?
No what actions do you think should be taken forward and which need to be changed or added?

The research contribution of archaeology undertaken under the planning system, in the commercial sector, should be clearly acknowledged along with the particular need to integrate and synthesise this information for dissemination and greater public benefit. Additionally, taking forward the recommendations of the Scottish Historic Environment Database (SHED) Strategy will help the members provide better access to historic environment information and thereby improving advice and management.

(iv) How will proposals for investigating and recording the historic environment impact on you and how will you be able to contribute to its success?

ALGAO: Scotland members are developing and delivering the SHED strategy and our principal roles in managing and protecting the historic environment make us key to the success of this Historic Environment Strategy. The detail of the implementation is yet to be seen, but we look forward to further involvement.

Q6. Care and Protect

(i) Does the aim for care and protect reflect your ambition for the historic environment?

- Yes what do you like about it?
No what would you change?

Yes as the policy clearly states the priorities and requirements needed to care for and protect the historic environment.

(ii) Do the priorities for care and protect take account of what you think is important for the future of the historic environment?

- Yes which priorities do you like most?
No what would you change?

Yes as the three priorities accurately reflect the sector's requirements. It is particularly important that professional capacity is maintained to ensure appropriate delivery of advice.

(iii) Do the suggested high level actions for care and protect provide a reasonable basis to begin to take the Strategy forward?

- Yes which actions are particularly important?
No what actions do you think should be taken forward and which need to be changed or added?

The proposal for the establishment of a collaborative working group is welcomed. This would potentially provide a valuable forum for the ongoing management of the historic environment and would raise its profile, and we welcome our invitation to participate in these discussions.

(iv) How will proposals for caring for and protecting the historic environment impact on you and how will you be able to contribute to its success?

The proposals relate directly to the existing work undertaken in this area by the ALGAO:Scotland members.

Q7. Share and Celebrate

(i) Does the aim for share and celebrate reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

(ii) Do the priorities for share and celebrate take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

(iii) Do the suggested high level actions for share and celebrate provide a reasonable basis to begin to take the Strategy forward?

Yes which actions are particularly important?
No what actions do you think should be taken forward and which need to be changed or added?

(iv) How will proposals for sharing and celebrating the historic environment impact on you and how will you be able to contribute to its success?

The proposals relate directly to promotion, outreach and community engagement work already undertaken in this area by the ALGAO:Scotland members.

Q8. Delivering the Vision

Do you agree that the Strategy will help the historic environment to remain in a position to:

(i) Continue to deliver positive outcomes?

Yes

No

Comments

(ii) Harness available opportunities for the historic environment?

Yes

No

Comments

(iii) Address the challenges it faces?

Yes

No

These ambitions for delivering the vision are welcomed. However, their delivery will be dependent on appropriate funding levels.

(iv) If yes, which aspects of the Strategy do you support in particular? If no, what is missing?

Comments

Q9. Do you agree with the proposed structure which will govern how we realise the ambition set out in the Strategy?

Yes what do you like about it?

No what would you change?

The proposed high level involvement is welcomed as it will raise the profile of the historic environment and the proposed three-tier structure is sound. The effectiveness of this will depend on the make-up of the groups and funding levels. ALGAO:Scotland would expect local authorities and ALGAO to be fully involved, given their key role in caring for the historic environment.

Q10. What do you think success will look like for the Strategy and how do you think success should be measured?

Please indicate below if you would like to be involved in further discussions about measuring success.

Yes No

We would welcome investigations into the scale, quality and quantity of planning-led archaeological work in Scotland and its impact both in terms of sustainable economic growth but also in education, research and tourism. ALGAO:Scotland would like to be involved in any further discussions.

Q11. Do you think that the proposals presented in the Strategy might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation or gender identity? If so, please tell us more.

No more than at present

Q12. Do you think that the proposals presented in the Strategy might impact on businesses, the third (voluntary) sector or have any regulatory impact? If so, please tell us more.

No more than at present

Q13. Do you think that the strategic environmental assessment has identified the key issues associated with the environmental implications of the Strategy?

Yes

No what is missing or needs to be changed?

Comments

Q14. Please use this section to provide any other comments you think are relevant to the Strategy

None

- End of Part 1 -

Part 2 Merger of Historic Scotland and RCAHMS

To select an answer click one of the tick boxes. To change your answer click in the box again e.g. Yes No

To enter comments please use the blue comments boxes as below which will automatically expand as you type.

Comments

Q15. Do you agree with the functions set out for the new body (see p. 24 of Consultation paper)?

Yes No

If there is anything missing, what, and why should it be included?

In general we have no issue, but we have particular concerns over the wording of this section, as it can be read that the proposed new body will be significantly increasing powers relating to consultation on planning applications beyond currently undertaken by Historic Scotland and also RCAHMS.

We therefore recommend that the wording of the sections relating to the provision of advice and guidance should be amended. For example, advice and guidance on the conservation and protection of of undesignated archaeological and heritage assets is a primary function of local authorities. As such the new body should have no or limited remit when dealing with heritage issues affecting undesignated assets. This function falls within the roles and responsibilities of local authorities and accordingly if this is not intended then this section must be amended as suggested to clarify this.

Q16. Do you agree that the values are an appropriate foundation for the culture, ethos and behaviour of the new organisation?

Yes
No If not, what values should the organisation adopt?

Comments

Q17. Do you agree that the desired outcomes will provide a good measure of the success of the merger?

Yes
No If not, what should the desired outcomes be?

Yes, but we think that the following outcome should be added to include a specific reference to protection: 'The continued protection of the historic environment through collaborative working with partners'

Q18. Do you agree that the proposed approach to the discharge of Scottish Ministers' Heritage Management functions is appropriate?

Yes
No If not, what should the desired outcomes be?

The scope of the Heritage Management functions have been too narrowly drawn. The text concentrates only on the statutory elements and does not recognise the wider role and input of Historic Scotland's Inspectorate as a partner to the local authority planning service (eg working groups and pre-application advice).

This section 'Commenting on planning applications which have the potential to impact on the historic environment' is ambiguous and could be read to include undesignated assets. As noted above, these fall within the role and function of local authorities. Amendments are required to clarify whether this is an intentional extension of powers or simply unclear wording.

Q19. Which approach to the management of Scheduled Monument Consent for properties in the care of Scottish Ministers is most appropriate?

Option 1
Option 2
Option 3

Tell us why?

Option 3 This mirrors existing Council working practices. What is critical is that the process is seen to be fair, open and transparent. The key issue is transparency, with the processes open to public scrutiny with details of decisions and related papers (as with planning applications) made available online. It is essential that all decisions are seen to be above board and consistent with those made for applicants outwith the organisation.

Q20. Do you agree that the principle of exempting certain aspects of the organisation's work from Ministerial direction provides an appropriate balance between public accountability and scrutiny and the need to provide for independent professional decision making?

Yes
No If not, why and what approach should be adopted?

Q21. Are there any other areas of work where there should be additional safeguards to ensure operational independence from Ministers?

Yes If so, please specify
No

no comment

Q22. Is this the right approach with regards to collections in the Care of Scottish Ministers (see p. 30 of Consultation paper)?

Yes
No If not, what approach should be used?

No Comment

Q23. Do you agree that the functions established for the new organisation and the development of clear transparent policy in relation to the operation of those functions is sufficient to handle any perceived conflict?

Yes
No If not, what additional provisions are appropriate?

No Comment

Q24. Do you agree that the functions and activities of the new organisation will fulfil the charitable purposes set out on p32 of the consultation paper?

Yes
No If not, why not?

No Comment

Q25. Are there functions of the new organisation that do not fit the proposed charitable purpose?

Yes No

Please specify what those functions are

No comment

Q26. Is there any reason why Ministers should not disapply the Ministerial direction clause in the Charities Act to enable the new organisation to apply for charitable status?

Yes If so, please specify
No

No Comment

Q27. Do you agree that existing brand names should be retained?

Yes
No If not, why not?

No Comments

Q28. Do you agree that the new organisation should have a new name and identity?

Yes If so, what should it be called?
No If not, why?

No Comment

Q29. Do you think that the proposed legislation might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation or gender identity?

If so, please tell us more

No more than at present.

Q30. What is the likely impact of the proposed creation of a new organisation on business?

No change is anticipated

Q31. Do you expect the proposed creation of a new organisation to impact on you or any particular group of stakeholders?

If so, how?

The creation of the new organisation will have an impact upon our current working relationships with the two organisations. It is unclear at present what this impact will be but we look forward to working together.

Q32. What is the likely impact of the proposed creation of a new organisation on Scottish firms?

No comment

Q33. What is the likely impact of the proposed creation of a new organisation on competitiveness?

No comment

Responding to the consultation

Please send your completed response together with the **Respondent Information Form** (first page of this document) by the **31st July** to:

Email: HEstrategy_merger@scotland.gsi.gov.uk

Post: Strategy/Merger Consultation responses
Room 2.31
Longmore House

Salisbury Place
EDINBURGH
EH9 1SH

Queries

Any queries about the consultation process, accessing the various documents, or responding to the consultation should be directed to:

Hannah Eamer for the strategy or Lorna Aird for the merger on 0131 668 8600