

LINK Written Evidence to the Education and Culture Committee on the Historic Environment (Scotland) Bill

by the Scottish Environment LINK

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Summary

We support strongly any improvement in the effective, expert regulation and management of the historic environment for the benefit of Scotland, but have (a) general concerns as to whether this will be achieved effectively by the new Historic Environment Scotland (HES) as proposed and (b) specific concerns as to whether HES will be hindered by the breadth of functions it has to perform.

Introduction

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for this community in communications with decision-makers in Government and its agencies, Parliaments, the civic sector, the media and with the public.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through Taskforces – groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

We welcome the opportunity to offer views on the Historic Environment (Scotland) Bill.

General Comments

Scotland's historic environment is inextricably linked to its natural environment. Our landscape, and valued natural environments, reflect the human traces, artifacts, buildings, monuments and other aspects of our history and cannot be separated from our historic land use practices and maritime activities.

Education and Culture Committee questions

In this section we provide answers to the Education and Culture Committee's specific questions.

Question 1: How will the creation of Historic Environment Scotland help to improve the overall management and promotion of Scotland's historic environment? Will it help to make Scotland's historic environment more attractive to communities, families and tourists?

There are over 8,000 scheduled monuments in Scotland, 28 nationally important battlefields, 390 nationally significant gardens and designed landscapes, and 47,600 listed buildings (of which 3,800 are of the highest standard), and these are only the designated sites and properties. CANMORE, the National Monuments Record for Scotland, lists over 300,000 archaeological, architectural, maritime and industrial sites throughout Scotland and this list is not exhaustive. LINK notes that HES will be expected to manage directly only 344 of these sites and properties. Others are controlled by the state in the hands of various bodies and agencies. The vast majority of sites and our wider heritage landscapes are, however, in private or civic ownership.

To be a success the new body will be absolutely dependent on its regulatory, advisory, survey and recording duties. These will link HES to the huge majority of the sites of importance in the historic environment – not ownership. LINK is concerned that the emphasis in the Bill, the Strategy and the questions are too heavily weighted towards the 344 sites as "attractive to communities, families and tourists". Our history is (and should be) a major contributor to our economy, but our view is that the management of sites to this end is not the central purpose of state involvement in this field.

As in our work with the natural environment, LINK believes that Government should never forget the intrinsic value of our history, and while its contribution to the economy of modern Scotland should be encouraged and regulated, it is the intrinsic value that is of the essence, not the provision of tourist or domestic 'attractions'.

Question 2. Are the functions proposed for Historic Environment Scotland the correct ones or are there any omissions? Are the outcomes expected of the new body ambitious enough or could they be strengthened?

In our 2012 publication, Governance Matters, LINK argued that there are dangers when the regulatory, advisory and technical functions of government are mixed together with the management of services, within the same government departments or agencies – especially where they are not the only provider of such services. We fear, very much, that this may be the situation in the new body. It will be left, as proposed, regulating its own 344 sites and all the other sites defined as being of national importance. This creates a clear conflict of interests, and might damagingly mix government and non-government functions.

LINK suggests that the Committee should carefully consider whether the range of functions proposed for HES is too broad. We believe that there would be major advantages in separating the regulatory, etc. functions from the service provision functions – in separate bodies.

<http://www.scotlink.org/files/publication/LINKReports/LINKGovernanceMatters.pdf>

Question 3. Does the Bill establish a clear and appropriate relationship between Historic Environment Scotland and all other public and private bodies with an interest in Scotland's historic environment?

LINK has particular concerns over the relationships that might emerge between government bodies and non-government bodies under the structure proposed. Where there will be only one body with a regulatory function (HES) - but there will be many involved in the marketing and management of historic sites – with only one as the regulator and all the others in the private or civic sectors. We

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believe that this could be a recipe for mistrust between Government and the private and voluntary organisations concerned.

We are particularly concerned at suggestions that the new body might have charitable status. First, we question whether the new HES will be suitable free from Ministerial control to allow it to become a charity under existing charity law. Second, we have fears that it might end up in competition for grants and other benefits with the private and voluntary sector organisations in the field.

As the new body will be providing for the historic environment what Scottish Natural Heritage already provides for the natural environment, we would recommend that the bill incorporate similar provisions and that the two organisations work closely together. LINK is of the view that the natural and historic environment is, in large measure, one and the same thing.

Question 4. In what ways will the Bill help you/ your organisation to better manage and promote Scotland's historic environment?

We can see several ways in which the Bill will affect our current work protecting and promoting the historic environment – and these are encapsulated within the various strands of this evidence.

Question 5. Are there any areas of the Bill that you consider could be strengthened or improved?

LINK supports the submissions of the National Trust for Scotland, Archaeology Scotland and others in our membership with regard to sustainable development and operating principles.

Question 6. Do you consider that the Bill's Policy Memorandum adequately sets out: the Bill's policy objectives; whether alternative ways of meeting the objectives were considered; the consultation undertaken on the objectives; the Bill's effects on equal opportunities, human rights, island communities, local government and sustainable development?

LINK is not satisfied that sustainable development is adequately addressed in the Bill's Policy Memorandum. At paragraph 155 it states that "The historic environment has potential to contribute to sustainable economic growth and the Strategy provides the overarching direction to unlock these potential benefits". Sustainable economic growth is not the same as sustainable development – as has been explained many times by Scottish Government Ministers. This section of the Memorandum does not, therefore, discuss sustainable development.

If the Bill is to cover sustainable development the section must discuss the economic, social and environmental benefits we can achieve by the proper management of our historic environment.

Question 7. The Scottish Government's newly published historic environment strategy also seeks to improve enjoyment and understanding of Scotland's historic environment. The Committee does not wish to repeat the extensive consultation undertaken on the strategy, but would welcome your views on whether it and the Bill together:

- establish clearly who is responsible and accountable for delivering the strategy;

LINK believes this is clearly established.

- will involve appropriately all those public and private bodies with a role in improving the historic environment;

We have expressed above our concerns at how the proposed measures to mix regulatory and service management functions within one body might create conflicts of interest and areas of mistrust.

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- lead to demonstrably better access to, and enjoyment and management of, the historic environment.

We have some fears that “access, enjoyment and management” to sites is too much at the centre of this legislation and policy, and that the intrinsic value of Scottish history is seriously underplayed.

Additional matters. Please also add any further comments that you consider would assist the Committee’s scrutiny of the Bill, including on more specific areas such as:

- the possible benefits and disadvantages of Historic Environment Scotland being granted charitable status;

We are particularly concerned at suggestions that the new body might have charitable status. As above, we question whether the new HES will be suitable free from Ministerial control to allow it to become a charity under existing charity law. In addition, we have fears that it might end up in competition for grants and other benefits with the private and voluntary sector organisations in the field.

- the implications for staff in Historic Scotland and RCAHMS of the creation of Historic Environment Scotland;

We have no view on this issue.

- whether the Bill will improve existing policy and practice in relation to grants and loans; scheduled monuments; and listed buildings.

We repeat our fears that HES might be perceived to be favouring “star attractions” by the private and civic organisations that control the vast majority of Scotland’s historic environment.

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