REPORT TO INFRASTRUCTURE SERVICES COMMITTEE: 22 AUGUST 2013

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

1 Recommendations

The Committee is recommended to:-

1.1 Approve the attached response to the proposed Historic Environment Strategy for Scotland and the merger of Historic Scotland with the Royal Commission on the Ancient and Historical Monuments of Scotland. (RCAHMS) (Appendix 1)

2 Background/Discussion

2.1 The above consultation comes in two parts: the first sets out a draft Strategy for Scotland’s Historic Environment for the next 15 years. The second focuses on its delivery, with the establishment of a new lead, Non Departmental Public Body (NDPB) for the historic environment, through the merger of Historic Scotland and RCAHMS.

2.2 Aberdeenshire Council adopted its own Historic Environment Strategy in June 2010; the publication now, for the first time, of a national Strategy is welcomed. It reflects the rising profile of care for our historic environment within Scottish Government, based on a recognition that our historic assets are not only valuable in their own right, but generate much wider social and economic benefits.

2.3 Within Aberdeenshire, the contribution of the historic environment to the tourist economy, in particular, is critical. The publication of the Scottish Strategy affords an opportunity to refocus on the significance of our own historic assets, and sets a wider context for any review of the Council’s own Historic Environment Strategy and associated resources.

2.4 The new national Strategy is designed to take account both of present and future challenges, and has been based on opinions across the wide range of players involved in care of the historic environment. Strategic priorities identified to support its delivery, are based around the following:

- The need to be cross-cutting, to ensure the historic environment lies at the heart of future agenda in achieving common outcomes to place-making, employment and climate change;
- The need to investigate and record our historic environment;
- The need for care and protection of assets for future generations;
- The need to value the significance of our historic environment.
2.5 The new Non Departmental Public Body is intended to be more resilient, sustainable and effective in dealing with the challenges associated with the historic environment and pressures on funding. The organisation will have charitable status subject to application and approval by the Office of the Scottish Charities Regulator.

2.6 It is not clear at this stage to what extent there may be any additional burden on local authorities as a result of the new arrangement. This will become clearer during ongoing discussion on the Joint Working Agreement, and emergence of the legislation establishing the new NDPB and setting out the functions the organisation is to carry out.

2.7 The new body will deliver on a core ‘placemaking’ agenda through the following headline outcomes:-

- A national cultural institution focused on the historic environment.
- The celebration of Scotland’s heritage;
- A highly motivated and respected organisation, providing informed and enabling leadership;
- Building knowledge, understanding and enjoyment of the historic environment;
- Organisational and financial resilience and sustainability of functions.

2.8 Full details of the consultation can be accessed at:

http://www.scotland.gov.uk/Publications/2013/05/1373

2.9 An officer level response has been forwarded as per Appendix 1 to meet the closing date of 31 July. However, should Members wish to make amendments or additions, the opportunity is afforded to forward these to the Scottish Government.

2.10 The Head of Finance and Monitoring Officer within Corporate Services have been consulted in the preparation of this report and have no comment to make.

3 Equalities, Staffing and Financial Implications

3.1 An equalities assessment is not required because the recommended action will not have a detrimental impact on people with protected characteristics.

3.2 There will be no financial or staffing implications arising from the content of this report. However, further delegation of responsibilities may be passed down to local authorities as a result of the merger, and these will have to be examined in the Joint Working Agreement and with the emergence of new legislation.

Stephen Archer
Director of Infrastructure Services
Report prepared by Irina Birnie & Shaun Norman (Environment Planner)
8 July 2013
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**
   
   Aberdeenshire Council

2. **Postal Address**
   
   Gordon House
   
   Blackhall Road
   
   Inverurie

   **Postcode** AB52 3WA
   
   **Phone** 01467 628466
   
   **Email** irina.birnie@aberdeenshire.gov.uk

3. **Permissions - I am responding as…**

   **Group/Org Type (please tick one)**

   - **Local Authority**
   - **Professional Body**
   - **Contractor/Developer**
   - **Designer/Consultant**
   - **Academic Body**
   - **Industry Association/Manufacturer**
   - **Commercial Organisation**
   - **Voluntary Organisation**
   - **Housing Provider / RSL**
   - **NDPB/Agency**
   - **Advisory Board/Committee**
   - **Other (Please Specify)**

   **(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 one of the following boxes

   - 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
   - Yes, make my response available, but not my name and address
   - 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 one of the following boxes

   - Yes
   - No
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?

It reflects the diverse nature of the historic environment and acknowledges the importance of intangible heritage. When the definition is read in conjunction with the explanation on pg 5-6 of the strategy document it is easy to understand. However without this explanation the part which states 'and includes the associations we can see, feel and understand' may not be clear to a lot of people.

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?

It covers all elements that are important

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?

The recommended principles are appropriate.

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?
(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

(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?

Most actions sit well under this theme, but would be strengthened if training could sit in the context of longer term capacity building. Training in the context of apprenticeships for example, to increase skills capacity across the sector.

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

Given the scope of a Scottish wide Strategy, some of the proposals are fairly broad, and as such hard to relate to the day to day work within a local authority. However, in terms of underpinning our decisions by evidence, Aberdeenshire Council continues to monitor its performance not only in terms of the more easily recorded functions (such as determination of applications), but also in terms of public satisfaction with the Conservation Area Review process and the Design Award Scheme, both of which relate to public's value of the historic environment.

Details of the surveys in respect of skills and resources required are not clear at this stage, but organisations such as the Scottish Traditional Skills Centre based at Fyvie Castle are key to improving capacity in the traditional skills sector in Aberdeenshire and require further support in order to achieve this.

The work carried out by regional trusts such as the North East Scotland Building Preservation Trust is vital for the successful restoration of locally and nationally important buildings outside large cities. Increased collaboration with and funding for organisations such as these would improve the conservation of built heritage in more rural areas.
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?

Comments

(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?

Making the knowledge we already have, accessible, would be a preferred priority. Large organisations can be at risk of investing significant resources towards new technologies, without yielding proportionate benefits. In many circumstances non-technological solutions may be available, and less resource intensive (in terms of funding, hardware, energy and disposal). Whole life costing should be required in this area, together with full risk analysis underpinning investment proposals - taking account of obsolescence, energy supplies, ongoing systems support etc.

(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?

Comments

(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?

Aberdeenshire already contributes to investigating and recording the historic environment in a number of ways. The extent to which it will continue to do so, and possibly strengthen its contribution, will depend on the nature of detailed proposals for managing and regulating the Historic Environment which will emerge from the Strategy. Aberdeenshire hopes to input into these discussions through representation on the Historic Environment Working Group.

Q6. Care and Protect

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

Most priorities are supported, but we would query the extent to which community planning partnerships input into management of historic environment at present. There is limited scope through project work (e.g. THIs or CARs) but it’s difficult to see how this could be significantly extended. Moreover, work with communities is dependant on the enthusiasm and ability to commit, of individuals at a particular time and place.

The priorities and proposed actions could also include something more specific regarding the importance of continued investment in suitably qualified staff, and why this is essential for the effective management and protection of the built environment.

(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?

See above

(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?

This depends on detailed outcomes on the Strategy; see 5 (iv) above.

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?

Comments
(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?

Comments

(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?

Comments

(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?

See above 5 (iv)

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 ☐

The Strategy itself will help to focus priorities, but their delivery will depend on continued funding being available. This is particularly true in the case of building and retaining capacity to deliver basic functions.

(ii) Harness available opportunities for the historic environment?
Yes ☒
No ☐

Comments

(iii) Address the challenges it faces?
Yes ☒
No ☐

Comments

(iv) If yes, which aspects of the Strategy do you support in particular? If no, what is missing?
The commitment to ensure capacity; supporting this aspect will in turn support delivery of other parts of the Strategy.

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?

Comments

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 ☐

One aspect of success is that elements of the past will endure within communities that exist, and those not yet built; that future generations remain aware of the past, and the contributions it brings to the present in terms of physical structures, values and ideas. A measurement of success related to this would be in the area of education, in particular the perceptions and values of primary school age children.

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.

Age - see above. A tendency to construct communities devoid of elements of history and culture will impact on the young growing up within them, especially those with less opportunity to make visits to historic sites and places. That part of the Strategy related to placemaking, and making values of the historic environment accessible to everyone, merits particular support.

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.

Comments

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

Yes ☒ what is missing or needs to be changed?
No ☐
Q14. Please use this section to provide any other comments you think are relevant to the Strategy

Comments

- 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? Comments

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?

One of the key desired outcomes should surely be delivery of the vision articulated in the Strategy? (That is: ‘An historic environment that is understood and valued, cared for and protected, enjoyed and enhanced.’) This could replace the somewhat vague ‘Celebration of Scotland’s heritage’ and create a clearer link between the desired outcomes of the merger, and the delivery of the Strategy.

There is insufficient reference to the advisory and regulatory functions which will continue to perform a critical role in underpinning the ‘Celebrations’.

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?

Broadly, although at this stage it is still not clear exactly how these functions will be discharged.
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   | X |

Tell us why?

This appears to be a reasonably straightforward option, requiring less in terms of resources.

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?

It is important that the new body is afforded some independence in terms of its operational decisions.

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

Yes [ ] No [ ] If so, please specify

No comment; although this question requires greater scrutiny within the context of the Historic Environment Working Group.

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

Yes ☐ No ☒

Please specify what those functions are

Comments

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 ☐ No ☒ If so, please specify

Comments

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

Yes ☒ No ☐ If not, why not?

The brand name of Historic Scotland should be retained as it is widely recognised; re-inventing the brand would also incur significant costs.

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?

See above

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

If it supports effective delivery of the Strategy, and in so doing assists local authorities with the delivery of functions in respect of the historic environment, then Scotland could offer a better, more attractive environment for certain businesses - in particular those that benefit from a strong sense of place and cultural identity. (Tourism and retail related businesses, as well as construction - in terms of a greater willingness to invest in traditional buildings and places.)

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

If so, how?
No comments

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

Firms could benefit from a better, more attractive investment environment, where Scotland offers a robust brand and identity - as per Q 30 above.

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

If the new organisation supports effective delivery of the Strategy, then a positive impact on Scotland's competitiveness, particularly as a tourist destination is likely. However, the promotion of Scotland's landscape as a heritage destination risks being undermined in some areas by the spread of renewables, in the form of wind turbines. These can introduce an industrial element into a landscape, which, in its wider context, has traditionally been valued as a place of natural beauty and historic interest. While it is appreciated that individual applications are decided on their merits, controversy around this area remains high throughout the Northeast - and the impact of wind turbines on the historic environment is one element of this. In short, there is an argument that any increase in competitiveness with regard to tourism or wider quality of life, risks being offset by the negative impacts of the spread of wind energy development. (Note that were the 2020 target to be reached, Scotland would need to double numbers of turbines already present - and Aberdeenshire may be required to accommodate a share of this.) The regional Land Use Strategy Pilot currently underway in Aberdeenshire will be highlighting some of these areas of conflicting government objectives.

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