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20 August 2010

Historic Environment (Amendment) (Scotland) Bill

Written evidence submitted on behalf of the members of Built Environment Forum Scotland

This evidence is submitted on behalf of members of the Built Environment Forum Scotland (BEFS); a forum which brings together 21 non-governmental organisations – both professional and voluntary – representing interests within the historic and contemporary built environment sector. Established in 2003, BEFS has played a significant role in bringing together those bodies with a strategic interest in historic environment policy development. BEFS is now, thanks to funding from Historic Scotland, developing as the strategic intermediary for this sector. Through its members¹, BEFS connects with over 325,000 individuals through 540 organisations. This written evidence has been prepared by a taskforce² leading on the Bill within the Forum. Along with some of its members, BEFS will be giving oral evidence on 15th September 2010.

1 Endorse provisions

- 1.1 Members of BEFS **strongly endorse the provisions set out in the Bill**, which will go a significant way towards closing gaps and loopholes in the current legislative framework.
- 1.2 We **welcome in particular the harmonising elements** within the Bill, which seek to ensure consistency between elements of the historic environment legislation with the planning regime, and align aspects of the listing and scheduling systems, for example clauses relating to increasing levels of fines, enforcement powers and consent processes. We also welcome the removal of defence of ignorance and development of scheduling criteria, as these measures represent a proportionate response to strengthening the management of our unique resource.

2 Why this legislation is important

- 2.1 Overall, the historic environment sector is estimated to contribute **in excess of £2.3 billion to Scotland's national GVA**³, directly supporting 41,000 FTE (full-time equivalent) employees. The greater share of economic impacts relate to tourism expenditure attributable to the

¹ A list of BEFS members and subscribers is available at:
http://www.befs.co.uk/index.php?option=com_content&view=article&id=72&Itemid=72

² A list of taskforce members is available at:
http://www.befs.co.uk/index.php?option=com_content&view=article&id=86&Itemid=79

³ *Economic Impact of the Historic Environment in Scotland* (Ecotec, 2008),
<http://www.heacs.org.uk/documents/2009/ecotec.pdf>

historic environment (representing nearly £1.3 billion in respect of GVA). Recent data released by Historic Scotland highlights this value, indicating a 7% increase in visitor figures in the last 12 months⁴.

- 2.2 The historic environment is not only a major contributor to the Scottish economy, but also sits at the heart of place-making – acting as a catalyst for **regeneration** and an opportunity for people to **get involved** with their local ‘place’. Research in 2008 identified that 12,449 volunteers carry out a total of 167,721 hours per annum⁵ - a clear indication of people’s enthusiasm for the historic environment. The historic environment provides the context for achieving quality places that are valued (and therefore valuable), that work for people and that are **distinctly Scottish**.
- 2.3 The historic environment is valuable in many ways and it is therefore important to ensure that the legislative framework that manages change within this significant resource is fit for purpose. The provisions in the Bill, as introduced, will simplify processes without weakening controls, and close some loopholes that presently allow unacceptable threats to the historic environment. However, Members of BEFS believe that there is **scope for the Bill to go further** in pursuit of the aim ‘to improve the management and protection of our historic environment’.

3 Proposals

- 3.1 We ask Ministers to consider that the Bill:
- provide for a **responsibility on all public bodies to protect, enhance and have special regard to Scotland’s historic environment in exercising their duties**.
 - ensure that **planning authorities have access and give special regard to appropriate information and expert advice on the local historic environment in exercising their duties**.
- 3.2 Members of BEFS fully recognise the current challenging economic climate and the Government’s view that it should not impose new statutory duties and burdens. It is not the intention that these additional proposals represent additional burdens. The objective behind the first proposal is to place stronger emphasis on the **use of existing duties**, so that in undertaking their functions public bodies take cognisance of the historic environment. It would also provide a legislative context for Scottish Ministers’ policy on the historic environment⁶. The objective behind the second proposal is to ensure that public bodies **continue to have access** to appropriate information and expertise on the historic environment. We believe that these proposals would indeed complement and help reinforce the provisions already set out in the Bill, for the reasons set out below.

4 Rationale behind these proposals

- 4.1 We believe that a *responsibility on all public bodies to protect, enhance and have special regard to Scotland’s historic environment in exercising their duties*, is necessary because it will:

⁴ http://www.historic-scotland.gov.uk/news_search_results.htm/news_article.htm?articleid=28639

⁵ *Volunteering and the historic environment* (Volunteer Development Scotland, 2008), <http://www.heacs.org.uk/documents/2008/vds.pdf>

⁶ *Scottish Historic Environment Policy*, p14, paragraphs 1.40-1.41 <http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm>

- i. Help ensure that public bodies protect and sustainably manage our unique and irreplaceable historic environment for future generations, especially in extremely challenging financial circumstances.
- ii. Underpin the future care of Scotland's historic environment as an integral component in the wider management of resources, by providing a stronger emphasis within the strategic operational context of public bodies.
- iii. Provide a baseline provision and legislative context for the Government's strategic policy on the historic environment.
- iv. Help ensure better assessment of the significance of historic assets (both those currently unrecognised or unprotected as well as those afforded statutory protection through scheduling, listing etc.).
- v. Inform understanding of what is important, which enables us to assess the impact of development proposals and identify better, sustainable solutions for change in the historic environment.

4.2 *Planning authorities to have access and give special regard to appropriate information and expert advice on the local historic environment in exercising their duties.*

We see this piece of legislation as providing an opportunity to ensure that communities of interest can secure expert advice on the local historic environment through the planning system. The principle is important because:

- i. **The vast majority⁷ of our historic environment is not protected by statutory designation** and therefore not covered by the provisions set out in this Bill. Both designated and undesignated assets are managed at local level through the planning process. Expert advice is therefore essential to help communities protect and appreciate important local assets.
- ii. Understanding what is significant or valuable about a historic environment asset is essential to inform the management, protection and enhancement of such assets. In the absence of appropriate information and expert advice, understanding is reduced, to the potential detriment of the historic environment.
- iii. Understanding the wider context of our designated historic environment is vital, since it informs decisions on what is nationally and locally significant and worthy of designation, protection and sensitive management.

5 Summary

- 5.1 The examples⁸ below highlight the positive outcomes that can be achieved when the 'conditions' are right; when the historic environment is prioritised and/or expert advice involved. We believe that the two proposals set out above would strengthen the operational context and help provide the right 'conditions' for achieving good outcomes for both the historic environment and the people that value and appreciate it.

⁷ For example, referring to data provided by *Scotland's Historic Environment Audit*, it can be calculated that 81% is unprotected (this calculation uses the RCAHMS dataset as the basis for the total record of 'known' historic environment assets: on this basis listed buildings and scheduled monuments comprise 19% of the dataset – 81% is therefore undesignated). The proportion rises further to 95% in relation to archaeological assets only. In relation to historic buildings, the number of listed buildings as a proportion of 'historic buildings erected pre-1919' (and therefore likely to be of traditional construction technique) stands at 89%. <http://www.heritageaudit.org.uk/final-theme-a-2008-baseline-data-23-march-2009.pdf>

⁸ For further information contact the BEFS office: Jo Robertson, Historic Environment Officer (jrobertson@befso.org.uk)



Killearn House: *Reuse of unlisted former country house as housing, Killearn*

Why valuable: Killearn House was built around the core of a 1688 house in c.1850. Stone-built in a Tudor Gothic style. Unlisted, and by early 1990's in ruinous condition.

How: Scottish Civic Trust and Architectural Heritage Society of Scotland commented on several schemes for the site. Both organisations encouraged the retention of the maximum amount of historic fabric and a clear relationship between the old and new parts, along with a reduction in the scale of the development, respecting both the building's character and its setting. With no statutory designations to protect the building, without interest and **expert advice both from the voluntary sector and the local authority** the building could have been converted very unsympathetically or demolished, despite being of capable of reuse and having some historic and architectural interest. The earliest schemes submitted for the building appear to have proposed significant demolitions which would have destroyed any archaeological evidence of the earlier 1688 house.

Outcome: Building successfully converted into 3 houses and 10 luxury apartments, completed in 2008. A 2-bed property currently for sale has an asking price of £395,000!



M74 Upgrade: *Major series of excavations including work at the former Govan Iron Works and the Caledonian Pottery at Rutherglen*

Why valuable: Significant new evidence on the industrial development of South Glasgow from early 19th century to present day.

How: In advance of the M74 Completion an extensive programme of archaeological works was funded by Transport Scotland, Glasgow City Council, South Lanarkshire Council, and Renfrewshire Council under the supervision of the **West of Scotland Archaeology Service (WoSAS) which advises all three Councils**. WoSAS and Glasgow Museums service worked with the contractors to provide the brief, standards and make sure that community involvement was central to the project. Careful planning allowed the excavation work to be carried out prior to construction work taking place and thus causing minimum delay to the project.

Outcome: Recording of significant new evidence. High level of community engagement, with local people appreciating revelations on their past.



Greenlaw Town Hall: *Reuse of A listed building and new affordable housing, Greenlaw, Scottish Borders (due for completion in November 2010)*

Why valuable: A Category A listed building designed by John Cunningham in 1829 to celebrate being the County Town of Berwickshire. In the Building at Risk Register, despite being the centre piece of the town, there was a real risk that the building would be demolished.

How: A **unique partnership approach** between private trust, a local landowner and the local authority. Crucially, this project involved a unique solution to fundraising. Also, the site was not in the Local Plan and this required an innovative planning policy solution.

Outcome: This project has saved a building that is intimately tied into the identity and sense of place of Greenlaw. The restored building will provide 242 m² of rented office space and a community hall. There will likely be indirect benefits such as employment generation and increased footfall to local shops. A key benefit is the purchase of a site which will in turn lead to the construction of 16 new affordable housing for rent within the village but not compromising the setting of the heritage asset.