

**Scotland**  
38 Thistle Street  
Edinburgh EH2 1EN

**Telephone**  
0131 225 9450  
**Facsimile**  
0131 225 9454

**Textphone**  
020 7591 6255  
**Website**  
www.hlf.org.uk



30 July 2008

Policy Team  
Historic Scotland  
Room 2.9  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Email response sent to: HS.policy@scotland.gsi.gov.uk

**HERITAGE LOTTERY FUND RESPONSE TO CONSULATION PAPER:  
THE ANCIENT MONUMENTS AND LISTED BUILDINGS (AMENDMENT) (SCOTLAND) BILL  
[CON 1153]**

**The Heritage Lottery Fund**

- 1.0 The Heritage Lottery Fund (HLF) is the largest dedicated funder of the UK's heritage, with £180 million a year to invest in new projects. Our view of heritage is broad, progressive and inclusive, encompassing historic buildings, archaeology and public parks, museums, collections and archives, but also the natural environment and local history, languages and traditions. We believe that understanding, valuing and sharing diverse histories changes lives, brings people together and provides the foundation of a confident, modern society.
- 2.0 Since 1995 HLF has committed over £4.4 billion to more than 29,800 heritage projects across the UK. Our primary aims in distributing this funding are:
- to conserve the UK's diverse heritage for present and future generations to experience and enjoy;
  - to help more people, and a wider range of people, to take an active part in and make decisions about their heritage; and
  - to help people to learn about their own and other people's heritage.

*Continued/*

*/continued*

### **The Ancient Monuments and Listed Buildings (Amendment) (Scotland) Bill**

- 3.0 HLF welcomes the opportunity to respond to the public consultation on the draft Bill. Whilst HLF is not directly involved in the operation of the planning system, we do have a strong interest in the conservation and sustainability of Scotland's heritage, having allocated over £500m to projects in Scotland since we were established.
- 4.0 We recognise that the principal tool for the conservation of Scotland's historic environment is the legislative and regulatory planning system. Ultimately that system is about recognising a public interest in private property, and part of that public interest lies in the diverse values people attach to their heritage.
- 5.0 In order to be effective, we consider it essential to have in place a regulatory system that is clear, consistent and pragmatic. With this in mind, we welcome all of the proposed amendments in the draft Bill. We believe the amendments comprise a straightforward series of pragmatic steps that effectively harmonise the legislative processes of the three principal Acts whilst also recognising the different objectives and mechanisms required for the conservation and management of ancient monuments and historic buildings.
- 6.0 HLF considers that the proposed amendments will achieve a more robust system of heritage protection, by strengthening the control of works affecting scheduled monuments legislation, by removing the 'defence of ignorance' and by the introduction of enforcement and stop notices. We recognise these measures are in effect additional bureaucratic controls, but ones that will only impact upon those whose actions are considered to be damaging to the conservation of Scotland's historic environment. Likewise, we agree with the conclusions of the Financial Assessment, in that the proposed amendments are likely to introduce additional financial costs only for those who contravene the legislation.
- 7.0 However, we do question whether the proposed figure of £50,000 as a statutory maximum fine for offences under sections 2 (10) and 28 (4) of the 1979 Act and section 8 (4)(a) of the 1997 Act is likely to be a sufficient deterrent in all circumstances (particularly where high-end land values are involved).
- 8.0 HLF welcomes the proposed measures for providing owners and developers with greater certainty and clarity. The intention to provide more specific information about grant recovery will aid the preparation of financial plans and business models for those organisations that operate as revolving fund trusts, for example.
- 9.0 We are also pleased to see the provisions of the 1979 Act extended to include protection for evidence of previous human activity, as this should help achieve greater security for sites of early human habitation, remains of which are often very sensitive to change in land-use.

*Continued/*

*/continued*

10.0 Finally, we commend the proposed introduction of a new power of financial assistance to the Scottish Ministers to award grants for the promotion and understanding of the historic environment. HLF strongly believes that activities that aim to increase learning and participation with our heritage are as important as those that seek to conserve it.

In summary, therefore, we fully support the proposed amendments as set out in the draft Bill.

Yours faithfully,

**Colin McLean**  
Head of HLF, Scotland