

SCOTTISH HISTORIC ENVIRONMENT POLICY SERIES

PROPERTIES IN CARE

ANALYSIS REPORT

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Historic Scotland
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ACKNOWLEDGEMENTS

Historic Scotland would like to thank all those who responded to this consultation document and also the Built Environment Forum for Scotland for organising a workshop to gather stakeholder views on the draft SHEP document.

1 INTRODUCTION

1.1 This document fulfils the requirement for an ‘Analysis Report’ set out in the Scottish Government’s good practice guidance on consultation. The objective of this report is to analyse and report on the responses made to the consultation on the Properties in Care Scottish Historic Environment Policy (SHEP), not to set out Scottish Ministers’ comments on or responses to those suggestions. The inclusion of a comment or suggestion does not imply that any contribution is accepted as accurately characterising the actual policy position or operational practice; footnotes provide more information where necessary.

1.2 The responses to the consultation process seemed to suggest that Historic Scotland should provide more information about the purpose and context of the SHEP series. The SHEP series is a new series of documents which sets out Ministers’ policy for the historic environment and is intended to provide clearer policy direction for Historic Scotland. The SHEPs have the same authority as and sit alongside the Scottish Planning Policy series and other relevant Ministerial policy documents.

1.3 The SHEPs arise from a recommendation in the review of Historic Scotland in 2004-05 that an “Executive endorsed policy statement for the historic environment in Scotland should be developed in consultation with stakeholders...”. The Framework Document of 2004 sets out the role and responsibilities of Historic Scotland, and the respective roles of Scottish Ministers and the Chief Executive, who is accountable to Ministers for the operation of the agency. The SHEPs are mainly about the policies and roles of Ministers, although some operational matters are touched upon.

1.4 The SHEPs vary in content. *SHEP 1: Scotland’s Historic Environment* sets out strategic policy for the historic environment and provides a framework for the day-to-day work of organisations that have a role and interest in managing the historic environment. These include the Scottish Government, local authorities and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland.

1.5 Other SHEPs deal in more detail with established areas of policy, such as Scheduling and Listing and the related consent processes, and for these subjects the SHEPs are intended largely to consolidate and clarify the status of existing policy, while providing an opportunity for public comment on a range of policy and some operational issues. Other SHEPs deal with less-developed areas of policy, such as Gardens and Designed Landscapes or Battlefields. These documents are more exploratory and the consultation versions will often also include more questions about operational matters.

1.6 The draft SHEP on Properties in Care sets out Scottish Ministers’ policy on the conservation of and access to, the properties in their care which are looked after by Historic Scotland on their behalf. It explains the legislative and policy framework for the care, management and legal protection of those sites. The document asked two detailed questions which encompass a range of issues relating to the management and protection of properties in care.

1.7 The consultation document was published on 26 March 2007 and the consultation period closed on 6 July 2007. Approximately 350 copies of the consultation document were sent to a variety of organisations and individuals. 17 organisations and individuals responded. One organisation provided two separate responses. These are listed in Annex A.

A break down of responses is provided below. In most cases, responses formed the official response of the organisation. Responses from consultees who agreed that their submissions be made public are available at:

<http://www.historic-scotland.gov.uk/index/consultations/pastconsultations/repsonsetoconsultationonpropertiesincare.htm>

Table 1: Responses to consultation by interest group, excluding BEFs

	Local Authorities ¹	Heritage Bodies	Non Departmental Public Bodies (NDPBs)	Private Individuals
Number of Respondents)	11	4	2	0

1.8 During the consultation period, Historic Scotland ran a workshop in conjunction with the Built Environment Forum for Scotland (BEFS). The workshop was attended by representatives of four organisations with an interest in properties in care. Historic Scotland has received a report from this workshop (available at: <http://www.befs.org.uk/issues.htm>) and although its findings are not included in this analysis report they will be used to inform Historic Scotland’s consideration of the issues.

2 METHODOLOGY

2.1 The response data were recorded, organised and summarised on a spreadsheet. A record was made of positive and negative responses and key themes. A frequency count was made of the overall number of responses by interest group and of the responses to each question. A qualitative analysis of the data was then carried out using this framework. The summarised data for each question were reviewed and key themes and contrasting views were identified.

2.2 The findings of the report are specific to the consultation exercise and do not necessarily reflect the weight or range of views within the population as a whole.

¹ Including National Park Authorities

3 SUMMARY OF RESPONSES

Question 1 – ‘In the light of the conclusions in the HEACS report, do you agree with the draft policies set out in paragraphs 4.3 to 4.5 (of the Consultation Paper)? If not, why not’

3.1 Eleven consultees responded to this question. The policies were generally thought by respondents to be clear and concise and there was general agreement on the policy statements setting out Scottish Ministers’ criteria for taking properties into care, in the light of the conclusions of the HEACS report.

3.2 Several respondents qualified their agreement with additional comments. One local authority suggested that an element of pragmatism be incorporated into the possibility of long-term preservation of some archaeological sites that are in the care of Scottish Ministers as some natural processes such as coastal erosion make the preservation in perpetuity of a monument effectively impossible. Another local authority stated that properties that fulfil the criteria for being taken into care should only be done so after consultation with the local authority and community groups while another believed it should be more explicitly acknowledged that taking a property into care was not a management option for the vast majority of Scotland’s historic buildings.

‘The importance of a site may be of national importance but its importance to the local community and the treatment of the wider landscape in which it sits must also be given appropriate weight.’

Local Authority.

3.3 One Non-Departmental Public Body (NDPB) suggested that reference should be made to any legal obligations that may arise concerning nature conservation legislation. A heritage body questioned the notion of keeping properties in care ‘in perpetuity’ and suggested that Historic Scotland could limit its role in certain cases to stabilisation and preservation and allow the private sector to undertake a management role, while one local authority suggested that there should not be a presumption against a property ever leaving the care of Scottish Ministers, using the analogy of museum collections.

3.4 Responses from local authorities were largely supportive of the balance that the draft policies achieved between the often conflicting areas of preservation, access and wider enjoyment, and one noted the evolution of properties in care from protection to promoting access linked to broad social, cultural and economic goals. On para 2.10 however, one local authority described the system for handling proposed works at properties as ‘complex’ and asked if there was scope to reduce red tape for those seeking to carry out work at properties in care.

3.5 Responses from heritage bodies were more diverse in their scope, often reflecting the locus of the particular group. One stated that while conservation and preservation was the overriding objective of taking properties into care, objectives of access and enjoyment were key. Another recognised that while the long term preservation of the historic environment involved properties in care remaining in the care of Scottish Ministers, selecting sites should involve public consultation. Given the statement in 4.3 that ‘The legislation envisages monument and sites being taken into care in perpetuity’, one heritage body suggested that once a property was taken into care it would be useful to clarify the position on ownership

and ownership rights. A NDPB quoted para 53 of NPPG 18 and stated that it would be useful to include in the final policy document a statement on how consideration of contemporary design may be incorporated into new buildings (ie visitor centres) at properties in care.

Question 2 – Do these policies give a clear indication of how properties in care will be managed and why; and do they achieve the right balance between preservation, access and enjoyment of properties?

3.6 This question was answered by nine respondents, six of whom explicitly stated that Historic Scotland policy, with regards to managing properties in care, had achieved the right balance between preservation, access and enjoyment of properties. One local authority added that, should these priorities conflict, the need to preserve should take precedence but stated that it was considered that the policy document adequately reflected that position.

3.7 One heritage group welcomed paragraph 4.7, which set out arrangements for Historic Scotland's own works at properties in care. The same group expressed a wish to see greater emphasis on the use of volunteer support from local communities to maintain access and preserve the fabric of properties in care. Another local authority would like to have seen more emphasis given to increased understanding of properties through controlled survey and excavation, while another suggested an assessment be made on whether a monument had sufficient access potential to be classed as an 'attraction' and questions the automatic translation from minority attraction to an argument for public investment as a visitor attraction.

3.8 Paragraph 4.16 was highlighted by one NDPB which expressed particular support for Historic Scotland's commitment to protecting the wider landscape setting of historic monuments. This recognition of the wider historic landscape was welcomed by a local authority which stated it would welcome more details of arrangements that Scottish Ministers have in place to do this.

4 OTHER ISSUES

4.1 Just over half of those who responded to the consultation took the opportunity to comment on the whole of the consultation document as well as responding to the specific questions. Four themes emerge from these general comments which are explored in more detail below. The themes are:

- a) Greater transparency and accountability;
- Historic Scotland to ensure the list of properties in care be accessible to the wider public. (local authority)²
- Clarification of ownership of sites taken into care. (heritage body)
- Further discussion on the criteria for selecting properties in care. (local authority)
- Reference to be made to any legal obligations that may arise concerning nature conservation. (NDPB)

² HS notes that the list of Properties is already available through a wide range of media.

- Statements on ‘evaluation of significance’ to be made publicly available on the Historic Scotland website (heritage body)
 - Part of properties in care conservation archive to be made accessible to the public. (heritage body)
- b) Sustainability
- Support for Scottish Ministers’ commitment to ‘sustainable use and management of the historic environment.’(local authority)
- c) Equality
- Support for Historic Scotland’s commitment to eliminate inequalities. (local authority)
- Consultation with community groups before a property is taken into care. (local authority)
- d) Value
- Reconsideration of presumption against disposal. (local authority and heritage body)
- Admission fees to reflect those of comparable, privately-owned attractions. (heritage body)

4.2 The consultation on the Properties in Care SHEP generated a broad and complex debate about the principles and application of taking properties into the care of Scottish Ministers. There was a good spread of responses from heritage bodies, NDPBs and local authorities. Although there was overwhelming support for most of the draft SHEP, a number of respondents made suggestions for change. Historic Scotland will give careful consideration to all of the views expressed as part of the consultation process and will consider the policy document further in light of these comments.

Annex A
List of Respondees

Key **LA** Local Authority
 HB Heritage Body
 NDPB Non Departmental Public Body

No	Type	Name
1	NDPB	A + D Scotland
2	LA	Aberdeenshire Council
3	LA	Comhairle nan Eilean Siar
4	HB	Council for Scottish Archaeology
5	LA	Dumfries and Galloway Council
6	LA	East Ayrshire Council
7a	LA	Falkirk Council-Development Services
7b	LA	Falkirk Council-Heritage and Learning
8	LA	Glasgow City Council
9	HB	Historic Houses Association for Scotland
10	LA	North Ayrshire Council
11	LA	North Lanarkshire Council
12	NDPB	Scottish Natural Heritage
13	HB	Society of Antiquaries of Scotland
14	LA	South Ayrshire Council
15	LA	The City of Edinburgh Council
16	LA	The Highland Council
17	HB	The National Trust for Scotland
18	BEFS	BEFS Scotland