

HEACS

HISTORIC ENVIRONMENT
ADVISORY COUNCIL
for SCOTLAND

Report and recommendations on the role of local authorities in conserving the historic environment

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July 2006

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HISTORIC ENVIRONMENT ADVISORY COUNCIL FOR SCOTLAND

Report and recommendations on the role of local authorities in conserving the historic environment

Foreword

The report is submitted by HEACS, the Historic Environment Advisory Council for Scotland, which provides Scottish Ministers with strategic advice on issues affecting the historic environment.

In seeking to explore the role of local authorities in conserving the historic environment HEACS has worked on the basis of evidence collection and analysis. HEACS has spoken to a wide range of bodies in the public and voluntary sectors that have working experience either directly in local authority historic environment

management or have been the recipients of engagement by local authorities. HEACS has also sought through general discussions to understand the process of community planning as it is currently practised. HEACS is grateful to the many organisations that gave freely of their time to provide their comments.

The report should be read in conjunction with the HEACS report on whether there is a need to review the heritage protection legislation in Scotland.

EXECUTIVE SUMMARY

Role of local authorities

(i) The role of local authorities in conserving the historic environment was one of the five priority matters remitted for consideration by the Historic Environment Advisory Council for Scotland (HEACS) by the Minister for Tourism, Culture and Sport. However, HEACS considers it impossible to examine the role of local authorities without examining both the role and function of Scottish Ministers exercised through Historic Scotland and the voluntary sector.

(ii) The part played by local authorities in the stewardship and management of the historic environment is of fundamental importance. Local authorities have the major responsibility for managing the historic environment in each of the 32 council areas of Scotland primarily through the planning system.

(iii) No detailed analysis of Scottish local authorities' performance in relation to the historic environment is available though a major study in England concluded it was unlikely local authorities would be able to properly address their responsibilities without more resources, a national framework of standards and associated performance indicators. The situation in Scotland is not dissimilar.

(iv) HEACS is aware of the broader and more fundamental changes taking place to modernise the planning system and to bring forward a new Planning Bill. Given that most decisions about the historic environment are delivered through the planning system the Bill will have a major impact on the future direction of policy.

(v) A key part of the question from the Minister related to the recognition that local authority performance in dealing with the historic environment was patchy. A major element of HEACS assessment of this issue, therefore, has been to establish why that should be the case. The main reasons can be identified as:

- economic issues relating to overall budgetary provision in each council and the level of resources available for the historic environment;
- social, political and managerial issues relating to the importance attached to the historic environment in the broader local authority context, the existence or otherwise of informal champions and the degree to which the historic environment is perceived as contentious; and
- staffing issues relating to the structure of local authority departments, shortages of qualified and experienced staff and the introduction of single status agreements.

Role of Scottish Executive

(vi) Historic Scotland is the Scottish Executive agency which interacts with local authorities in relation to the historic environment and invests significant amounts of effort in offering informal advice and support to local authority staff. HEACS has noted the recent changes within the organisational structure of Historic Scotland and is aware that the agency has moved to the establishment of regional Inspectorate teams covering all aspects of the historic environment, one result of which will be a closer relationship with the local authorities on a more systematic basis.

(vii) Within the wider Scottish Executive, however, understanding the value and benefits of the historic environment is not necessarily fully shared by all departments or considered as a priority area for the allocation of resources.

(viii) HEACS has considered the situation in England where positive action is in train to produce closer involvement of the local authorities in the management of the historic environment. The envisaged programme of reform in England needs local authorities to be strengthened, and increasing local capacity is seen as the route forward to providing enhanced coherence and consistency.

Historic environment and community planning

(ix) Community planning has a key role in improving public service delivery in Scotland, placing communities at the heart of decision making. Local authorities are placed at the centre of the process and provide democratically accountable leadership for their communities. From the evidence presented to HEACS inter-agency working on community planning within local authority areas is reasonably well advanced at a strategic level, but there is variable progress across Scotland.

(x) In general, there is little recognition of the historic environment in community plans, except perhaps tangentially through a topic such as neighbourhood development or countryside access. Yet when communities are questioned about the importance of the historic environment, it is given a high rating in terms of well being: people do feel that it is important as part of their cultural identity.

(xi) HEACS has been particularly impressed by the amount of both local authority and community involvement with the historic environment that has emerged outside the envelope of community planning.

Scottish Natural Heritage and community planning

(xii) A comparative analysis with Scottish Natural Heritage (SNH) has been explored. SNH saw community planning at the outset as an opportunity and has tried to influence both the legislation and the guidance issued by the Scottish Executive as it developed. It is clear from the SNH experience that community planning is a resource hungry process, that the initial and continuing stages require the involvement of high levels of staff. SNH also claims that it may find it easier to engage with the community planning process than an executive agency such as Historic Scotland by virtue of its status as an NDPB.

Conclusions

(xiii) The role of the local authorities in relation to the historic environment cannot be isolated from the role of Historic Scotland, the role of the voluntary sector and the private sector. All levels of the partnership require to be strengthened, irrespective of any more fundamental change and has to be linked both to impending changes to the planning system and to community planning.

(xiv) A fundamental starting point has to be the introduction of a statutory duty of care for the historic environment not just for the local authorities but for other public bodies.

(xv) HEACS throughout this work has been hampered by a lack of basic evidence. As a first stage either through the newly constituted Historic Environment Audit Group, or as an independent exercise, and in conjunction with relevant stakeholders, a survey similar to that carried out in England should be undertaken to provide a detailed insight into the current local authority working arrangements and resource availability for the historic environment.

(xvi) Despite this current lack of knowledge it is concluded the local authorities prime role in protecting the historic environment through the planning system should not only be continued but strengthened, even though at present there are undoubted financial and other issues to be resolved. Whilst it should be an aspiration to have an effective historic environment service in each of the 32 councils, it is recognised that some councils are too small and joining together of adjacent local authority services may well be appropriate and is consistent with Scottish Executive policy.

(xvii) Whilst not an immediate solution, both local authorities and Historic Scotland can respond to the challenges faced by the historic environment sector with a more overt separation of their respective functions. This should separate those strategic functions that should properly be delivered nationally and those local decisions that can and should be delivered at the local level. It is acknowledged that legislation may be required to promote this reorganisation, and any changes would undoubtedly need to be achieved incrementally over a period of time as resources permit and expertise develops.

(xviii) As well as possible legislative change these structural improvements would require compacts or service level agreements between CoSLA, each individual local authority and Historic Scotland to be put in place on a comprehensive basis. The agreements would require to focus on the mechanisms that would be introduced locally to meet new training initiatives, an overall improvement in effective historic environment services and the central monitoring arrangements to be applied to ensure delivery against agreed performance indicators.

(xix) The importance of the historic environment should be underpinned by continued positive Scottish Executive recognition and declaration of support for the sector and the principle of a more inclusive approach to understanding the benefits of the historic environment to the broader Scottish Executive agenda should be developed.

(xx) The historic environment, with some notable exceptions, has not figured to any extent within local authority community planning processes to date and considering how the historic environment could best be addressed has not proved to be straightforward. Community planning is the mechanism that increasingly directs resources to local authority operations and absence from that process could mean a dearth of financial support. On the other hand, many useful historic environment projects emerge and progress outside the formal community planning process.

(xxi) Community planning for most local authorities is still a process in its development stage. As a more complex structure evolves and as more agencies are engaged there is increasing scope for the environmental agenda to appear. In that regard it is vital that Historic Scotland evolves a relationship with the community planning process, especially in those areas with concentrations of heritage interests.

RECOMMENDATIONS TO SCOTTISH MINISTERS

Improvements to the historic environment sector

1. Introduce a statutory duty of care for the historic environment for local authorities and other public bodies and agencies.
2. Commission an independent survey of current local authority policies, staffing and resource levels for the historic environment at the earliest opportunity.
3. Reassess the balance of working between Historic Scotland and local authorities to separate those functions that should properly be delivered nationally and those that can and should be delivered at a local level as part of the wider initiative on community involvement and culture change within the planning system.
4. Develop appropriate concordats with individual local authorities to facilitate this transfer of functions between Historic Scotland and local authorities (see also recommendation 20).
5. Encourage the establishment of joint historic environment services for adjoining local authorities in areas not capable of supporting individual specialist staff.

Setting new standards of performance for local authorities

6. Establish a recommended set of key performance indicators for local authorities dealing with historic environment matters.
7. Develop minimum national standards for a quality local authority historic environment service including professional standards, staffing and resources.
8. Review the allocation of resources to and within Historic Scotland to allow it to expand its involvement and build capacity with the local authorities and the voluntary sector.
9. Reconvene the Local Authority Historic Environment Forum and empower it to deliver an agenda of service delivery improvements.
10. Develop and facilitate a skills training programme and provide financial support for professional historic environment staff linked to national occupational standards.
11. Explore specific grant mechanisms to fund specialist posts within local authorities on the SNH model to support the development of a quality historic environment service.

12. Promote the principle of staff exchange between local authorities and Historic Scotland.
13. Build into Historic Scotland's next Corporate Plan specific performance measurements in relation to developing working relationships with local authorities.

Improving Scottish Executive internal communication

14. Provide clear guidance on the significance of the historic environment to broader Scottish Executive policies on economic development, regeneration and social inclusion.
15. Promote a broader understanding within Scottish Executive departments of the benefits of and impact on the historic environment in respect of their own departmental interests and encourage the allocation of appropriate resources.
16. Provide continued support for the further development of a linked historic environment data base involving local authorities and Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) for use across government.
17. Continue to develop Scottish Historic Environment Policy papers (SHEPs) through partnership working with the historic environment sector.

Community planning and the historic environment

18. Develop a set of qualitative and quantitative performance indicators for including the historic environment in community planning.
19. Establish the recommended concordat with CoSLA to promote an enhanced quality historic environment service.
20. As part of recommendation 4, develop appropriate concordats between Historic Scotland and individual local authorities to provide advice and assistance on matters relating to the historic environment either directly or through local authority staff.
21. Explore with CoSLA the establishment of a Scottish version of the Historic Environment Local Management (HELM) initiative that already exists in England, including the promotion of local authority champions of the historic environment.

SECTION ONE: BACKGROUND

Purpose of Report

1 The focus on the role of local authorities in conserving the historic environment was one of the five priority matters remitted for consideration by the Historic Environment Advisory Council for Scotland (HEACS) at its establishment in 2003 by the Minister for Tourism, Culture and Sport.

2 The remit was expressed in the following terms:

“Local authorities are in many instances the first line of defence in protecting and conserving the historic environment, for example through their planning powers and policies. We know that the performance of local authorities is mixed, with varying degrees of priority and resources being applied to their role in relation to the historic environment. Advice from HEACS on the role of local authorities and how the historic environment could best be considered in the context of community planning would be very useful”.

3 Although the remit given to HEACS is directed towards addressing the role of the local authorities as first-line defenders of the historic environment, by definition there are other “defenders” behind that first line including the voluntary sector and the many private owners of that resource. HEACS, therefore, considers it impossible to examine the role of local authorities without examining both the role and function of Scottish Ministers exercised through Historic Scotland, and by the voluntary sector through such mechanisms as building preservation trusts and national

and local historic environment amenity bodies and pressure groups. In seeking to respond explicitly to the role of defenders there clearly also needs to be a recognition that local authorities have a potentially powerful proactive role in both creative management and advocacy for the historic environment. In many instances this interaction is empowered by legislation. This interaction also applies to the process of community planning where again there is a statutory role for Scottish Ministers, local authorities and the community at large.

4 This response to the Ministerial question is primarily focused on the role local authorities play in dealing with the historic environment through the planning system. Whilst HEACS is conscious that local authorities can interact with the historic environment through a wide range of other services, for example the provision of education, road improvement, culture, museums, archives, etc. these roles are not addressed in this report. It should be noted, however, the educational responsibilities of local authorities in relation to the historic environment have been identified by HEACS as an area for potential future detailed study.

5 In seeking to explore the issues raised by this question HEACS sought to speak to a wide range of policy makers and practitioners in both the public and voluntary sectors, concentrating primarily on those whose main purpose was to either work within or interact with the planning system. A continuous thread was also to explore in what ways the process might change as a result of the development of community planning. HEACS also felt the need to seek some general advice on the process of community planning and how both people and organisations sought engagement with this relatively new process.

6 As a result of this preliminary scoping HEACS identified five key areas for consideration:

- the roles played by both Scottish Ministers and local government in managing the historic environment, the role of the voluntary sector in contributing to the development of the historic environment, and the balance of working between the three elements;
- the human and financial resource available to local authorities to deliver a planning system that provides a sympathetic and coherent historic environment management process;
- the community planning process within local authorities across Scotland and the potential place of the historic environment within that system;
- the wide range of community involvement, either directly or indirectly, with local authorities in relation to the historic environment; and
- the integrated approach emerging in England through the Department of Culture Media and Sport (DCMS) and English Heritage in seeking to address the resource issue for heritage management in local government, including through new legislation.

Analysis of these issues would allow for conclusions to be drawn on improvements to the delivery of the historic environment service at both Scottish and local authority levels and the potential for interaction with community planning.

SECTION TWO: ROLES AND RESPONSIBILITIES

The role of local authorities in managing the historic environment

Introduction

7 The part played by local authorities in the stewardship and management of the historic environment is of fundamental importance. Local authorities have the major responsibility for the conservation of the historic environment in each of the 32 council areas of Scotland primarily through the planning system. To give an idea of scale, in Scotland it is estimated there are some 47,000 listed buildings of architectural and/or historic importance, in the order of 650 conservation areas of which 230 are outstanding, about 8,000 designated scheduled ancient monuments and some 350 gardens on the Inventory of Historic Gardens and Designed Landscapes. There are also an unknown number of unscheduled archaeological sites (a report in 2001 suggested that scheduled ancient monuments represented only 7% of the archaeological records in the national database held by RCAHMS), about 4,000 known historic gardens and designed landscapes, and a small number of battlefield sites that make up the historic environment asset (*Scottish Environment Audits: No 4 The Historic Environment Dr C.B. Swanson 2001*).

Legal and policy framework

For a fuller analysis of the statutory legal framework covering the historic environment please see the HEACS report on the need to review the heritage legislation in Scotland.

8 Although *Scottish Planning Policy 1 (SPP1)* identifies the maintenance and

enhancement of the quality of the natural heritage and built environment as a primary objective of the planning system, there is no specific statutory duty on local authorities to care for the historic environment. The *Town and Country Planning (Scotland) Act 1997* and the *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997* require planning authorities to formulate development plans, and determine applications for planning permission and listed building and conservation area consent.

9 Local authorities have a statutory duty to formulate proposals for the designation and enhancement of conservation areas and powers to intervene where historic buildings are falling into a state of disrepair or altered without consent. Local authorities also have the power to make grants for the repair and maintenance of the historic environment. They have delegated responsibility within the planning system with regard to Category C(S) listed buildings.

10 Local authorities' main responsibility for dealing with archaeology lies directly through the planning system, where it is a material consideration in dealing with planning applications. The planning system also plays a key role in protecting unscheduled sites of interest, the setting of scheduled ancient monuments, and can play a role in promoting local archaeology initiatives either directly through other council departments or externally by trusts. The *Ancient Monuments and Archaeological Areas Act 1979* gives local authorities powers in relation to taking into care archaeological sites and monuments, but this power seems to be seldom used, as do the powers to grant aid archaeological excavation.

11 As well as statute, there are a range of Scottish Executive policies that impact on the work of local authorities in the conservation of the historic environment. The key publications are:

- *National Planning Policy Guideline (NPPG) 18: Planning and the Historic Environment* (1999) sets out wider expectations in relation to the operation of the planning system as far as it effects the historic environment. For example, it seeks to ensure that planning authorities can call on sufficient specialist conservation advice to inform their decision-making and to advise owners of historic buildings and other members of the public.
- *National Planning Policy Guideline 5: Archaeology and Planning* and *Planning Advice Note 42: Archaeology* (1994) explain how planning authorities are expected to deal with the archaeological resource, particularly in relation to regulating development. For example, it states that all planning authorities should have access to a professionally maintained Sites and Monuments Record.
- *Planning Advice Note 71: Conservation Area Management* (2004) complements NPPG 18 and provides further advice and guidance on conservation area management.
- *The Memorandum of Guidance on Listed Buildings and Conservation Areas* (1998) sets out Scottish Ministers expectations and is the document to which all planning authorities are directed by Scottish Office Development Department Circular 13/1998 in their consideration of listed building consent matters or of proposed changes to historic buildings.

Some of that advice is now dated, and a revision and amalgamation of NPPG 5 and NPPG 18 is programmed for consultation as a draft in 2006.

12 Local authorities have considerable delegated authority to allocate their budgets and discharge their planning powers according to local circumstances and priorities. As Scottish Ministers determine only a very small proportion of applications for planning permission and listed building and conservation area consent, local authorities are largely responsible for regulating the pace and scale of change in the historic environment and are generally able to decide for themselves the priorities for their services.

13 This level of autonomy, together with local circumstances and diversity in the nature of the heritage resource inevitably leads to a varied response to the way in which local authorities organise themselves to care for the historic environment. Also crucial to this role is the relationship between statutory and non-statutory functions in local authorities as funding tightens. For some time there have been calls to introduce a statutory duty of care for the historic environment both for local authorities and other public bodies and agencies. This could provide an important catalyst in developing a more consistent and coherent approach to development impacting on the historic environment, and requires serious consideration.

The performance of local authorities

14 No detailed analysis of Scottish local authorities' performance in relation to the historic environment is available at the present time. English Heritage and the Institute of Historic Building Conservation commissioned Oxford Brookes University to undertake a major research project into the level of local authority conservation provision in England in

2003 as a result of a previous survey in 1997 that showed resources under pressure. Its conclusion was that:

“The overwhelming impression emerging from the survey is of a conservation service that is often stretched, under-resourced and operating without many of the necessary ‘building blocks’ that would ensure an effective, efficient and balanced service...In the context of rising development pressures, it seems unlikely that local authorities will be able to properly address their responsibilities for managing the historic environment without more resources, a national framework of standards and associated performance indicators.”

The situation in Scotland, from the anecdotal evidence presented to HEACS is not dissimilar. Interestingly, evidence also suggests that in the late 1960s and 1970s performance may well have been better, with resources less of an issue.

15 Through recent publications, however, HEACS has been able to gain some understanding of the performance of local authorities in dealing with the historic environment. The *Seventh Annual Report of the Planning Audit Unit* (SEDD, December 2005) shows in the period October 2003 to September 2004 that there were some 3706 applications for listed building or conservation area consent, with the councils of Glasgow, Edinburgh and Fife accounting for almost 50% of applications or about 7% of the total caseload. Only 34% of applications were processed within the two month target figure, compared to the average for all applications of 65% (the actual Government target for the two month period is 80%). The report does not go into reasons for this apparent poor performance, but concludes “There continues to be considerable variation in the speed with

which local authorities deal with applications for listed building and conservation area consent.”

16 The Scottish Executive Development Department report (*Resources for Planning: SEDD Social Research 2005*) also allows some further insight into the workings of the planning service and, to some degree, figures relating to specialist conservation and heritage staff. Detailed findings of this report have not been made available to HEACS, but the picture is one of a planning service in general under considerable stress. The report suggests that of some 1,600 planning staff in Scotland some 9% are employed as specialist conservation and heritage staff, but this figure cannot be regarded as robust. Listed building and conservation area consents are currently non-fee earning applications, but are currently thought to cost the planning service some £2.27 million per annum (Table 6.4 *Resources for Planning: SEDD Social Research 2005*).

17 In a further section on skills required by planning departments, the pooled arrangements in place for archaeological advice are seen as a potentially useful approach in relation to specialist skill areas. It is further noted, however:

“The vast majority of local authorities use in-house planning service staff for specialist expertise in relation to listed and historic buildings...(but with) one authority sharing staff with another authority, and several authorities used consultants on an ad hoc basis. One authority used consultants to handle all historic and listed building issues” (*para 9.34*).

18 One further interesting insight into the skills debate was a survey of junior staff that indicated confidence that their planning degrees had equipped them with sufficient historic environment skills. Their superiors, however, did not agree, suggesting that most

junior staff were ill equipped to deal with this issue when arriving from university (*para. 10.70*).

19 HEACS has found it impossible to gain an accurate and detailed assessment of the number, extent, range, skills and appropriate qualifications of staff employed by local authorities in dealing with the historic environment. On the basis of evidence taken, our best estimate is that whilst all but two of Scotland's local authorities have some form of archaeological advice – often on a shared basis, perhaps two-thirds have listed building and conservation officers, often working alone except in the largest towns and cities, and with varied levels of appropriate skills.

20 The detailed survey carried out in 2003 by Oxford Brookes University of the local authority heritage sector was a seminal document in setting a course for the future on the relationship between central and local government in dealing with the historic environment in England. Its influence can be seen today in much of the joint thinking about future directions instigated by English Heritage. A survey of that type would be extremely helpful in setting a future course for Scotland.

Modernising the planning system

21 During the course of this investigation HEACS has been aware of the broader and more fundamental changes taking place to modernise the planning system and to bring forward a Planning Bill that has now been laid before Parliament. Although the Bill has little of direct relevance to the historic environment, the White Paper on which it was based did signal the intent not only to update consent processes but also the need to examine the scope for more radical improvements to consent mechanisms (for a discussion on this issue see HEACS report on need to review heritage protection legislation).

22 Given that most decisions about the historic environment are delivered through the planning system, however, the modernisation programme will undoubtedly have a major indirect impact on the future processing of policy. Scottish Ministers are determined to see an improved planning system that seeks to “rebuild trust with communities by listening and taking their views into account” by engaging with developments early in the process and ensuring there is “a whole new approach that will work in the interests of our communities and our environment”.

“Local authorities will be required to maintain up to date relevant and accessible development plans that have been drawn up with the full participation of local people and with a full assessment of their environmental impact. Decisions will be devolved to local authorities wherever possible and accountability between Councils and their communities will be strengthened” (Scottish Executive News Release 20/12/05: Malcolm Chisholm, Communities Minister, The Future for Planning).

23 Clearly, therefore, fundamental change can be expected in the delivery of the planning system, but with a recognition that there will need to be culture change within the planning process at local authority level. There has also been a recognition by the Scottish Executive that the planning service has not been given the resource priority it has needed to operate effectively in recent years (see *Planning Reforms: An Impact Assessment*, Scottish Executive Social Research December 2005). This sea change could have profound beneficial effects on the handling of the historic environment in the planning system and chimes well with the development of the community planning process described later.

Variations within local authority provision

24 A key part of the question from the Minister related to the recognition that local authority performance in dealing with the historic environment was patchy. A major element of HEACS assessment of this issue, therefore, has been to establish why that should be the case. As a result of the discussions with the wide range of bodies a series of linked themes can be drawn as conclusions, and they are presented in the following paragraphs.

Economic issues

25 The key factors underlying how well a local authority performs its function in relation to the historic environment are the economic situation that pertains in each authority, the levels of budgetary constraint and its perceived impact on the importance of the historic environment to the economy. The level of the budget varies widely across local authorities as the historic environment has to find its place within competing priorities not only within departmental budgets but also within overall council budgets.

26 The wider benefits of the historic environment to economic development, social inclusion, tourism and regeneration need to be understood and accepted if adequate resources are to be allocated and the widely varying nature and size of authorities means that acceptance is not universal. Where there is a good local record of high profile success or where importance to the economy is recognised then resources are more likely to follow. However, many useful projects fail to get off the ground as the local authorities are unable to find sufficient resources to provide the required matched funding.

Social/political issues

27 A host of social and political matters account for substantial variation across the local authorities. The degree of local consciousness of the historic environment varies from community to community and depends for the most part upon a high level commitment both by local members and by key managers, and often supported by the voluntary sector. That consciousness is most obvious where there are local informal champions whether within council operations or within the community. Much depends also on whether change to the historic environment is a contentious issue.

Managerial issues

28 Variations also arise amongst authorities from different levels of partnership with other key players such as Historic Scotland, where a number of authorities have achieved regular input of help and advice while others have not sought similar engagement. Within councils the degree of emphasis on development control performance targets varies as does the use of performance indicators for environmental activities. The level of inter-departmental co-operation on the historic environment is itself a major differential amongst authorities and highly positive approaches are as much due to the configuration of departmental services as to the personal outlook of managers.

Structural issues

29 On the ground, the major variation between authorities seems to arise from the number and type of specialist staff in post. Their qualifications, knowledge and experience differ substantially across authorities as do their numbers. Small authorities clearly find it difficult to justify employing historic

environment specialists and, even if they do recruit such staff, their remit is often substantially extended due in part to the multi-tasking expected of such council employees. The size of the local heritage resource is another factor in the equation as this either imposes considerable strain on staff or results in them being diverted to a wide range of duties outside their specialist area. From the evidence presented to HEACS it has not been possible to draw conclusions about the relationship between size of local authority, size of heritage resource and numbers of qualified staff.

30 Organisational structures also vary enormously. Some specialists work autonomously, others form part of a wider team of planning professionals. Some archaeology services form part of the planning service, others are provided as part of cultural services, three are provided by private trusts, one is a very large joint service and others are bought in from neighbouring authorities, for example, Angus from Aberdeenshire. Specialists in building conservation and archaeology have traditionally been seen as mutually exclusive, although recent years have seen them integrated in at least one local authority, Stirling Council, to good effect.

Staffing

31 Few authorities outside the four city authorities have more than one or two appropriately qualified staff with the knowledge and expertise in the management of the historic environment. A considerable minority of local authorities do not employ or have access to specialist expertise for listed building or conservation area advice and this undoubtedly compromises their ability to take appropriate measures. Moreover, this situation is compounded by the lack of understanding of the historic environment generally across local authority workforces. It can also put pressure on Historic Scotland staff, who often become the first point of contact for advice.

32 Where cover does exist it can be variable and deployed in a wide range of ways. Few local authorities would claim to have sufficient appropriately qualified and experienced staff to carry out much proactive work. As specialist posts are not supported by any specific statutory provision they are often at threat during financial cutbacks because the range of social, economic and other benefits that can result from a properly resourced service are not recognised.

Conservation Officers

33 Conservation officers are critical to the effective protection of the historic environment and whilst there are adequate numbers of conservation officers currently being produced by universities, they do not seem to be employed by local authorities. In addition, according to the evidence submitted to HEACS, existing conservation officers are increasingly obliged to take on additional and more broadly based tasks, particularly as it seems that currently urban design has become more of a priority than conservation in some local authority areas. As a corollary many local authorities also seem to obscure the definition of conservation officers by other titles, or employ less well qualified staff, in order to give flexibility in the development of single status agreements. Conservation practice for many local authorities in Scotland should be a mainstream activity but reports from many interviewees indicate that such expertise as exists can be diverted to administrative duties related to statistical deadlines and performance indicators. There are too many tasks that conservation officers are called upon to do. There are signs that with changes to working practices within local authorities, for example career structures, single status review and generic job titles, the function of conservation officer will still struggle for recognition.

Archaeologists

34 Although most local authorities now have access to archaeological advice, the problem is that several archaeologists are employed as singletons, with the result that relatively few recruits are currently being trained in professional practices and processes. All of the archaeological services claim to be under resourced for the scale of the task they are expected to do or to allow them to be proactive. Local authority archaeologists provide advice not just to local authorities and their planning departments, but also to some substantial ultimate clients including the Scottish Executive Environment and Rural Affairs Department (SEERAD) and the Forestry Commission. These organisations do not contribute any resources to the archaeological service although Historic Scotland does provide small annual grants to support the provision of agri-environment advice.

Resources

35 There is evidence that local authorities' expenditure on the historic environment has substantially declined in real terms in recent years. Where local authorities operate a conservation grant scheme for example, the sums involved are not significant and only a very small proportion of designated conservation areas are subject to enhancement schemes. Local authority interest in grant assistance from the Historic Scotland Town Schemes has also dwindled, largely because its success depends on councils matching the Historic Scotland contribution.

36 At the same time, however, Historic Scotland funding for Heritage Trusts and the Heritage Lottery Fund sponsored Townscape Heritage Initiative (THI) have been successful in creating jobs for specialists and in stimulating considerable partnership support from local authorities on a project basis. The survival

of these jobs after the end of the THI project, however, and the consequent removal of funding for posts, remains a concern.

37 Grant resources for positive archaeology projects within local authorities, such as management and interpretation, are in very short supply and traditionally any local projects have looked to Historic Scotland's rescue budget for archaeology. There is concern that this budget has not increased in real terms in the last ten years.

Service delivery

38 Whilst levels of staffing and resources are significant in determining the quality of the service to the historic environment that local authorities are able to provide, the way in which they are deployed is just as important. Other than in the context of Scottish Executive Planning Audits, which have concentrated on process, no evaluation has been undertaken of the quality of service offered by local authorities, individually or collectively in relation to stewardship of the historic environment. Nor has there been any comprehensive assessment undertaken into the extent to which local authorities are delivering the policies contained in *The Memorandum of Guidance on Listed Buildings and Conservation Areas*, NPPG5 or NPPG18.

The role of Historic Scotland in managing the historic environment.

39 Historic Scotland is the Scottish Executive agency that interacts with local authorities in relation to the historic environment. Historic Scotland invests significant amounts of effort in offering informal advice and support to local authority staff, particularly in relation to listed building and conservation area casework and consultations, and on development plans and planning applications.

40 The agency also works closely with local authorities to get general agreement on approaches to the protection of archaeological sites in which the Inspectorate within Historic Scotland play an important advisory role and act as the major contact points for local authorities with the Agency. Historic Scotland and RCAHMS also participate in the Sites and Monuments Records (SMR) Forum that is currently convened by the council archaeologists. The Forum is active in raising the profile, identifying best practice and developing the role of SMRs in line with recommendations set out in an independent review of them in 1999.

41 Under a new initiative arising from the Cities Review, Historic Scotland has taken forward new measures to promote interaction with a number of local authorities in setting up City Heritage Trusts in Aberdeen, Dundee, Stirling and Inverness in partnership with each city for the benefit of the local historic environment. This initiative includes revenue support to enable them to employ professional specialists.

42 The *Environmental Assessment (Scotland) Act 2005* recognises Scottish Ministers (through Historic Scotland) as one of three Scottish consultation authorities. This gives Historic Scotland a prominent role in assessing the effects of all plans and programmes on the historic environment through Strategic Environmental Appraisal (SEA). SEA is a key component of sustainable development and establishes new measures for protecting the environment and engaging communities. For the purposes of the Act, Historic Scotland provides advice on the cultural heritage as it relates to the historic environment.

43 The 2003 Quinquennial Review of Historic Scotland recognised that, while the agency interacted with all local authorities to some

extent, the interaction was not systematic and called upon Historic Scotland to work with CoSLA and the local authorities to prepare concordats or service charters and to clarify the roles of both local authorities and the agency. HEACS has noted the recent changes within the organisational structure of Historic Scotland and is aware that Historic Scotland has moved to the establishment of regional Inspectorate teams covering all aspects of the historic environment, one result of which will be a closer relationship with the local authorities on a more systematic basis.

44 Understanding the value and benefits of the historic environment within the Scottish Executive is, in HEACS view, not necessarily fully shared by all departments of the Executive or considered as a priority area for the allocation of resources, for example, within SEERAD and Forestry Commission Scotland. This seems to be particularly prevalent where the historic environment is peripheral to the main interests of the lead body. As an example, the contribution of the historic environment to other Scottish Executive policies of, for example, sustainability and inclusiveness as well as to tourism appears to be rarely recognised throughout other Scottish Executive departments.

45 Moreover, it seems that the historic environment in general has not always figured prominently in Parliamentary concerns, except in the negative context where Historic Scotland has been obliged to take protective action, in line with its remit and statutory obligations. Views are often polarised, with Historic Scotland seen by many as an impediment to development rather than the proper defender of public realm interests, and by others as not sufficiently supportive of historic environment interests against development considered to be inappropriate. HEACS recognises this is a difficult balance to strike.

46 As an agency Historic Scotland is located in Edinburgh and broadly operates from a centralised base. HEACS is concerned that at this level it is not possible to provide a uniform localised support system for all the local authorities, though the four regional casework teams recently initiated by Historic Scotland will go some way towards a more effective link. Historic Scotland has established a forum for meetings with local authorities in an attempt to create partnership working (but this seems currently to be in abeyance) and also meets once a year with Scottish Society of Directors of Planning to discuss matters of mutual concern. It is noted, however, that Historic Scotland's Corporate Plan contains few performance measurements that relate to effectiveness in relating to local authorities.

The role of the voluntary sector in managing the historic environment

47 The voluntary sector can have a major impact on the performance of both Local Authorities and Historic Scotland in the discharge of their duties to the historic environment. Some voluntary bodies are statutory consultees in relation to development control functions, but many provide expert comment on a voluntary basis. Various groups such as Building Preservation Trusts and local amenity societies often undertake actual development projects with the aid of funding from a variety of sources. Other groups raise consciousness as pressure groups in relation to local and central government about significant environmental issues. The voluntary sector can frequently articulate local concerns without the bureaucratic restraints that attach to government.

48 However, whilst some parts of the voluntary sector employ small numbers of staff, by definition the voluntary sector relies in part on volunteers and the sector is inevitably fragile as the supply of both interested and committed individuals cannot always be guaranteed. In addition most voluntary bodies struggle to find adequate funding. The main requirement of the voluntary sector is the existence of a structure to support its work. Historic Scotland has sought to bolster support for the voluntary sector directly, and provides grant aid in some cases (usually to national bodies).

This topic will be covered in more detail in a future report from HEACS and as such is limited in scope here. It is included only for completeness and to affirm the significance of the voluntary sector to the broader debate on the historic environment.

The English approach to the management of the historic environment

49 HEACS has considered the situation in England where positive action is in train to produce closer involvement of the local authorities in the management of the historic environment. The key concept within the English approach is that of devising a new programme where responsibility for the historic environment between national and local government is more transparent and is delivered at the most appropriate level. Consequently there is an awareness that improved delivery requires improved support in terms of guidance and training and, more importantly, the recognition that barriers which exist - political, legal, economic - need to be addressed and overcome.

50 HEACS has noted with interest that the principles underlining the projected changes are expressed in the terms that proposals have to be realistic and achievable, that greater efficiency and cooperation are needed, that good practice and expertise need to be shared, and that funding and management arrangements need to be considered and agreed. It is significant that the envisaged programme of reform in England needs local authorities to be strengthened, and that increasing local capacity is seen as the route forward to providing enhanced coherence and consistency. It is apparent that English Heritage is intent upon reworking the balance between itself and the English local authorities and Ministers are disposed to introduce new legislation and funding to achieve that desirable equilibrium.

51 There is also recognition from English Heritage that it can work positively with the local authorities to build capacity. One of the first results of this new co-operation between English Heritage and local authorities is the development of the Historic Environment Local Management (HELM) initiative. Web-based but with substantial printed material available on request, HELM provides accessible information, training and guidance to decision makers in local authorities and other organisations whose actions affect the historic environment. HELM is seen as providing the tools to assist the management of change in the historic environment. One key element of this initiative is the promotion of the concept of local authority Heritage Champions, where an identified officer and elected member work to champion the cause of the sector in a local area, whilst receiving support from English Heritage. It is understood that more than 40% of English local authorities have now appointed historic environment champions to provide leadership on heritage issues.

SECTION THREE: COMMUNITY PLANNING AND THE HISTORIC ENVIRONMENT

The role of local authorities in community planning

General comments

52 Community planning is intended to have a key role in improving public service delivery in Scotland, placing communities at the heart of decision making, leading to healthier, safer, more vibrant communities.

The key concepts underlying community planning are:

- collective engagement by agencies with communities to improve the delivery of public services;
- effective joint working between public, private, voluntary and community bodies with a view to the development of a joint vision for the area;
- improved connection of national priorities with those at local and neighbourhood level. The role of community planning is to provide a forum in which national priorities can be interpreted and pursued at local level; and
- a key overarching framework from which all other plans and initiatives should flow.

53 The Local Government in Scotland Act 2003 gave statutory underpinning to community planning by placing a statutory duty on local authorities to “initiate, facilitate and maintain” the community planning process, and on key public bodies to participate in the process. Community planning is therefore still at an early stage of development, though building on the previous practice of partnership working and “pathfinders” experience. The relevant

legislation ensures consistency of approach but it is not prescriptive and therefore allows flexibility to take account of local circumstances.

54 Local authorities were placed at the centre of the process as they are expected to provide democratically accountable leadership for their communities in general and for the community planning process in particular. The process is intended to promote joined-up government and community involvement at local authority level and at neighbourhood level. A wide range of public bodies is required by statute to participate with responsibility for coordination and the overall management of the process resting with local authorities.

55 Importantly, it should be noted that under the Act, Scottish Ministers also have a duty to promote and encourage community planning in the discharge of their functions. While, therefore there are differing responsibilities at different levels of government, there is a close link between the roles of central and local government in relation to community planning; the roles are actually complementary.

Strategic networking

56 From the evidence presented to HEACS, inter-agency working on community planning within local authority areas is reasonably well advanced at a strategic level, but there is variable progress across Scotland. The variance is partly attributable to the fact that the pathfinder areas enjoyed a head start but also to a range of other factors related to local circumstances and local leadership which have dictated different ways of approaching community planning. Some local authorities also seem to have interpreted community

planning fairly narrowly and regarded it mainly in terms of service delivery improvement.

Others have been more visionary in considering the wider application in terms of broader community engagement.

57 This evidence is confirmed by a recent publication from Audit Scotland, entitled *Community Planning: An Initial Review* (Audit Scotland: June 2006) this report reviews early progress made by Scotland's community planning partnerships to improve public services and community well being. The key findings from the report finds that:

- all councils have established community planning partnerships but there is little evidence yet of their effectiveness in improving services;
- different geographic boundaries make it difficult for partners to work together;
- the large number of national policy initiatives each with their own funding arrangements can make it difficult for partnerships;
- whilst some partnerships have sought to prioritise based on need, in others progress is slower; and
- partnerships now need to do more to demonstrate improvements for communities.

With these strategic issues still to the fore, it is no surprise that although the environment theme is noted as appearing within many local authority community plans, a detailed breakdown of topics within the environment section shows no recognition of the historic environment, except perhaps tangentially through a topic such as neighbourhood development or countryside access (*Community Planning: An Initial Review* Appendix 4, page 43, Theme Performance Indicators). It is ironic, however, that published documents often contain many visual images of the particular council's historic environment

that are seen to be representative of cultural identity.

58 This evidence from Audit Scotland supports an earlier study by Heritage Futures on the interaction between community planning and the historic environment as assessed by interrogating published community plans of all local authorities in Scotland (*The Historic Environment and Community Planning* (Heritage Futures Report 1) Baxter and Baxter Glasgow Caledonian University 2004). The principal finding was that out of 32 councils only four community plans made mention of the historic environment.

59 Community planning generally, therefore, has not addressed historic environment issues in the first round of operations. Community Planning Partnerships appear at this time to be largely focused on getting the major organisations to speak to each other and to deliver headline policies. The key themes of community planning until now have tended to be social and economic rather than environmental. This would seem to be due in part to Scottish Ministers' emphasis upon these topics, but also to the statutory role and functions of the organisations involved with local authorities in community planning finding common ground in these aspects, for example in the delivery of integrated children's services.

60 Yet, as HEACS is aware, when communities are questioned about the importance of the historic environment, it is given a high rating in terms of well being: people do feel that it is important as part of their cultural identity. (*See Falkirk Council Strategic Community Plan 2002-2005 and Draft Built Heritage Strategy* (2005). HEACS has encountered the view that it is simply a matter of time before the historic environment is seen as an integral component of the community planning process and, in individual instances, this seems to be happening.

61 In examining the role of the local authorities in relation to community planning HEACS has spoken to a wide range of participants and has taken advantage of informal discussions with CoSLA, Audit Scotland and the Scottish Executive Community Planning Unit. Our evidence suggests there are certain barriers within the current working of community planning that make it difficult to make a judgement about how best to link the historic environment to the process. In particular, for example, there has been no strategic guidance from Scottish Ministers on the relationship between environmental issues in general and the development of community planning. Moreover if community planning is to be ultimately successful it surely must reflect local circumstance, and by definition this could mean as many processes as councils.

62 Some respondents describe community planning guidance in general as lacking both coherence and consistency, and hence the wide variations amongst the authorities are fully understandable. Local authorities can find themselves caught between local accountability and strategic responsibilities, with the balance both unclear and ambiguous, particularly in relation to resources. There may also be conflicting positions with community planning partners whose operational procedures may differ considerably from local authority norms. It may also be that too much is expected of community planning at this stage.

63 Local authorities are clearly conscious that as yet they lack capacity at the centre of the community planning process and hence that leadership, governance and performance management are inhibited by this incapacity. We have heard of incidences of poor internal communication about what is anticipated from community planning and a number of examples of conflict within Partnerships where the compartmentalised departmental structures clash with integrated service

delivery. Community planning is about change management and this needs managers who understand the processes, which failing, can inhibit the advance of general community well-being.

Community engagement

64 The second strand of community planning, that of getting local people genuinely engaged, seems to have proved more difficult for local authorities, with differences between urban and rural areas becoming apparent. Some partnerships appear to be struggling with the problems of establishing a process that enables community involvement. HEACS understands that monitoring Community Planning is now part of Best Value Audits carried out by Audit Scotland to ensure compliance with the 2003 Act but that Performance Indicators cannot emerge until a baseline is established.

65 HEACS has been particularly impressed by the amount of both local authority and community involvement with the historic environment that has emerged outside the envelope of community planning. Many community initiatives have come forward regardless of community planning. However, access to resources remains difficult, and as the community planning approach continues to be developed as a means of local resource allocation and delivery, the need for engagement of communities in promoting the historic environment will become more pressing.

66 It is recognised that a properly resourced capacity building role within community planning would enable local groups to become more active and vocal, indeed, there is a role for funding the voluntary sector to provide this additional training capability. For example, the Scottish Executive consultation paper on engaging young people in the community planning process lists as exemplars a large number of community based projects that

have emerged through ad hoc partnerships and have not depended on finding a place within the community planning processes. Clearly alternative routes to securing historic environment projects exist and are utilised as methods for securing funding, but this may not be the case in future.

The roles of Historic Scotland and Scottish Natural Heritage in community planning

67 HEACS is aware that Historic Scotland has had some limited involvement in the community planning process, for example with Orkney Islands Council, but notes the absence of any reference to community planning in the agency's Corporate Plan. Since policy advice on community planning and the historic environment was remitted to HEACS at its establishment in 2003, our understanding is that Historic Scotland will await the production of this current report and the Minister's decision regarding its conclusions and recommendations before deciding on appropriate action. Historic Scotland has not therefore formulated a policy towards community planning, nor taken a view as to engagement with local authorities. Any activity that has taken place, therefore, is limited and it is largely a matter for individual staff to determine the level of involvement.

68 Historic Scotland has, however, been involved with many positive partnerships with local authorities outside the community planning process. HEACS notes that Historic Scotland has provided comments on some community plans and has attended relevant meetings, for instance, those relating to the Cairngorm and Loch Lomond and the Trossachs National Parks. Historic Scotland has had more substantial involvement in Orkney due to the nature of the World

Heritage Site and the local importance of the historic environment for tourism, but that involvement seems essentially tangential rather than central to the community planning process. Historic Scotland's involvement in the promotion of the Antonine Wall is another example of an issue-based approach that has seen much done in partnership with local authorities without impact on community planning.

69 Having been advised in the process of scoping the topic that Scottish Natural Heritage (SNH) appears to engage successfully with community planning, and with SNH being seen as a similar type of environmental agency, HEACS has considered the experience of SNH in relation to the community planning process. From discussions with senior staff at SNH it is clear that from the start of earliest consultations on community planning SNH has sought to engage with the development of the process at all levels, with the Scottish Executive, CoSLA, and the local authorities.

70 SNH has clearly seen community planning at the outset as an opportunity and has tried to influence both the legislation and the guidance issued by the Scottish Executive as it developed. SNH's overall experience of community planning is regarded by senior staff as positive, although tending to be successful with more rural as opposed to urban local authorities, mainly because it is an organisation which can influence land management. Community planning is seen, therefore, as helping SNH make connections that were there but not recognised, for instance, between outdoor recreation and the health agenda. In addition, environmental management and public safety connections had been exposed and addressed by the process.

71 The key factor in engagement with the community planning process, however, is seen as the development of a close working relationship with CoSLA, for instance over structural funds and the Community Planning Task Force. This close working relationship had been forged over many years based on regular liaison meetings and is seen as giving SNH high credibility with local authorities. In addition, SNH's view is that as a Non Departmental Public Body (NDPB) it is placed in an excellent position to build relationships with local authorities as its operational culture is based on influence and negotiation.

72 It is clear from the SNH experience that community planning is a resource hungry process and that the initial and continuing stages require the involvement of high levels of staff. This means both setting the highest priority on community planning and having a devolved structure that guarantees capacity on the ground. The willingness of SNH to support local level initiatives in prioritising resources seems also a key to its success, as is a willingness to consider the nature of initiatives stemming from the community planning process and how they could be aligned with its own Corporate Plan.

73 HEACS is of the view that the success of SNH in getting involved with Community Planning is related firstly to the amount of staff resources which could be invested and secondly to the physical distribution of those resources. There may also be a broader understanding of the significance of the natural environment through the many well-funded pressure groups that exist. The Regional team structure, where SNH senior management has geographical responsibilities, made it easy to engage with local authorities. The ability of SNH to fund posts, such as Access Officer or Biodiversity Officer gave it a ready entry to the local authority ambit. This ongoing funding relationship was helpful, as funding could help to redress the negativity of regulatory function.

SECTION FOUR: CONCLUSIONS

Structural improvements to the historic environment sector

74 It is clear that the role of the local authorities in relation to the historic environment cannot be isolated from the role of Historic Scotland, the role of the voluntary sector or indeed that of the private sector. There are key challenges faced both by Historic Scotland and the local authorities in the stewardship and management of the historic environment. These include:

- demonstrating and convincing their respective constituencies of the value and benefits of the historic environment;
- establishing a clearer statement of the priority that should be given to the historic environment and a wider recognition of its significance;
- identifying and communicating best practice;
- finding mutually-acceptable ways to measure, monitor and make improvements in service delivery; and
- tackling under-investment and variable performance.

75 In practice there exists a partnership for the protection and enhancement of the historic environment, with the local authorities, Historic Scotland the voluntary and private sectors all fulfilling crucial roles, some formal and many informal. All levels of the partnership require to be strengthened, irrespective of any more fundamental change and have to be linked both to impending changes to the planning system and to community planning. HEACS conclusions, however, focus specifically on the future role of local authorities in the protection and promotion of the historic environment.

76 HEACS considers that a fundamental starting point has to be the introduction of a statutory duty of care for the historic environment not just for the local authorities but for other public agencies. It seems anomalous that the *Nature Conservation (Scotland) Act 2004* places a duty to further the conservation of biodiversity for the natural environment yet there is no such duty in any current or proposed legislation for the historic environment. This is compounded by the fact that both the *Local Government in Scotland Act 2003* and the *Planning (Scotland) Bill* require local authorities to discharge their duties in a way that contributes to the achievement of sustainable development. It is a matter for the local authorities to determine how that duty of care is to be discharged but clearly the introduction of a statutory duty must also be accompanied by adequate resources. This single step, in the medium to long term, would set the tone for how the historic environment sector can be developed and improved.

77 Primary responsibility for the delivery of historic environment services rests with local authorities and Historic Scotland. However, the key solution to determining an efficient and effective service lies in developing the complementary functions that local authorities and Historic Scotland can and should discharge.

78 HEACS work on this topic has been consistently hampered by a lack of basic evidence on a wide range of issues. Acceptance by the Minister of the previous report by HEACS on the need for an Audit of the historic environment is most welcome and in time should produce the desired results. Nevertheless there is a lack of reliable information about local authority support

for the historic environment either in terms of staff, capital and revenue funding or the degree to which a commitment to the historic environment is embedded in local authority governance.

79 The survey carried out by Oxford Brookes University in England in 2003 gives a detailed insight into the workings of the local authority system, and although HEACS presumes the situation in Scotland today not to be remarkably different, we do not have the facts to make detailed judgement on the workings of local authorities in this area. The survey carried out by the Scottish Executive Development Department on resources for planning gives a tantalising glimpse of some initial results, but that study was for a different purpose. HEACS therefore recommends that as first stage either through the newly constituted Historic Environment Audit Group, or as an independent exercise, and in conjunction with relevant stakeholders, a survey similar to that carried out in England be undertaken.

80 HEACS has considered carefully the operation of the current mechanisms for the protection of the historic environment and where they are best placed for the most effective future delivery. Even on the limited evidence currently available to us it is concluded that the local authorities prime role in protecting the historic environment through the planning system should not only be continued but strengthened. Indeed the 2003 Local Government (Scotland) Act which legislates for Scotland-wide community planning and the whole thrust of increased participation and the involvement of communities envisaged by the new Planning Bill point to an enhanced role for local authorities in this regard. This conclusion is put forward in the knowledge that there are, as yet, undoubted substantial current financial and other issues to be resolved and that current legislation is not fit for purpose (see HEACS report on whether there is a need to review heritage protection legislation).

81 HEACS recognises the practical resource difficulties of local authorities throughout Scotland, their day-to-day pressures and the limited numbers of employed and suitably qualified staff available to fulfil those tasks. Whilst it should be an aspiration to have an effective historic environment service in each of the 32 councils, it is recognised that some councils are too small in relation to the provision of those services. Some local authorities have already addressed this issue of scale by the use of shared services, particularly for archaeological advice. This does not seem to have happened for listed buildings/conservation and is something that might usefully be explored and indeed promoted to councils by Historic Scotland, and is consistent with Scottish Executive policy on encouraging councils to share their services where practicable for resource efficiency.

82 HEACS believes that such an arrangement would be cost-efficient if the local authorities were to work together on a joint basis such as the arrangements that apply to Fire and Police or the new Regional Transport Partnerships. It is anticipated that, over time, such an arrangement would allow centres of excellence to emerge through economies of scale, and, again it responds well to the Ministerial challenge for local authorities to seek partnership working and new and improved methods of service delivery.

83 In addition, and whilst not an immediate solution, HEACS would suggest that both local authorities and Historic Scotland can respond to the challenges faced by the historic environment sector by a more overt separation of their respective functions. The further development of community planning, and the “culture change” to the planning system predicated by the Planning Bill and *Modernising the Planning System*, will give a new impetus to the local authority planning process. The historic environment must benefit from this broader improvement and it is to be hoped that in the changes proposed

to the planning system there is no sense of decoupling matters relating to the historic environment.

84 Within the context of this culture change, therefore, the opportunity exists to reassess the balance of working between Historic Scotland and local authorities. One possible approach would be to separate those strategic functions that should properly be delivered nationally and those local decisions that can and should be delivered at the local level. Clearly this reassessment of the balance will not happen with all local authorities at the same time or in the same way and cannot be achieved unilaterally - being conditional on binding agreements, the availability of increased resources and effective performance monitoring.

85 It is acknowledged that legislation following from the proposed heritage protection legislation review proposed by HEACS may be required to promote this reorganisation, and any changes would mostly be dependent on that and achieved incrementally over a period of time as resources permit and expertise develops. Apart from providing appropriate resources where required this re-allocation of responsibilities would also, it is believed, go a considerable way towards resolving the confusion that can arise in public perception where the local authorities and Historic Scotland deal with the same issues.

Setting new standards of performance for local authorities

86 As well as a possible legislative change, these structural improvements would clearly require compacts or service level agreements between CoSLA, each individual local authority and Historic Scotland to be put in place on a comprehensive basis. The agreements would require to focus on the mechanisms that would be introduced locally to meet the statutory duty of care if enacted, new training initiatives, an overall improvement

in effective historic environment services and the central monitoring arrangements to be applied to ensure delivery against agreed performance indicators. This would bring about the public visibility of decisions and would undoubtedly raise the whole profile of the historic environment. It is to be hoped that an early start to the comprehensive survey of local authority historic environment services would be helpful in setting appropriate measures in place.

87 It is acknowledged that these proposals are only part of the solution to the resource problems so evident in the historic environment sector. There would still be the need for additional financial resources at central and local levels and the voluntary and private sector. HEACS believes that the contribution the historic environment makes to the Scottish economy is seriously underrated and is currently reviewing methodologies that would seek to identify a systematic basis for understanding. Once this has been completed consideration can be given to examining the level of Historic Scotland's overall budget and to explore options for increasing resources for local authorities and the voluntary sector in order to underpin their key role in protecting and enhancing the historic environment. Once again this may require new legislation. Additional resources would also be required for training at all levels.

Improving Scottish Executive internal communication

88 The importance of the historic environment should be underpinned by positive Scottish Executive recognition and declaration of support for the sector. HEACS commends the principle of a more inclusive approach to understanding the benefits of the historic environment to the broader Executive agenda, and is pleased to note that progress is being made towards publication and consultation of a series of Scottish Historic Environment Policy (SHEP) papers. There is some evidence to suggest that not all

Scottish Executive departments recognise the positive contribution that their own policies and programmes can make to the improvement of the historic environment and a positive steer from Scottish Ministers is welcome. HEACS recommends that SHEPs be completed with some urgency, and on the basis of wide consultation, in order to be and to be seen as fully inclusive.

Community planning and the historic environment

89 The historic environment, with some notable exceptions, has not figured to any extent within local authority community planning processes to date. In this context we must also raise the question as to whether the community planning process offers the appropriate strategic and operational frameworks for the effective and efficient management of the historic environment.

90 Considering how the historic environment could best be addressed in terms of community planning has not proved to be straightforward. HEACS has found there to be considerable activity on community planning within local authorities. HEACS takes seriously the view that community planning is currently over-burdened with tasks that are all designated as priority items. HEACS therefore faces a dilemma. Obviously community planning is the mechanism that increasingly directs resources to local authority operations and absence from that process could mean a dearth of financial support. On the other hand, many useful historic environment projects emerge and progress outside the formal community planning process as there are a range of mechanisms and processes that function effectively within departmental and voluntary operations.

91 Community planning for most local authorities is still a process in its development stage. By necessity the initial issues covered are of a social and/or economic nature with little regard for the environment, either natural or historic. As a more complex structure evolves and as more agencies are engaged there is, however, increasing scope for the environmental agenda to appear. In that regard it is vital that Historic Scotland evolves a relationship with the community planning process, especially in those areas with concentrations of heritage interests.

92 With the lack of current involvement, and the recognised difficulties in trying to catch up on a process gaining ever-increasing momentum, it seems that Historic Scotland must quickly establish more direct relationships with local authorities both at national and local level. This can best be done both by establishing concordat working arrangements with CoSLA and individual councils, and by pursuing a more decentralised working model, enabling officers to react more effectively to local priorities. The recent changes to the Inspectorate may well facilitate that. Interaction with, and direct support for, funding and service level agreements with local authority planning departments would at least ensure a means through which the debate on community planning might be engaged.

SECTION FIVE: RECOMMENDATIONS TO SCOTTISH MINISTERS

Improvements to the historic environment sector

1. Introduce a statutory duty of care for the historic environment for local authorities and other public bodies and agencies.
2. Commission an independent survey of current local authority policies, staffing and resource levels for the historic environment at the earliest opportunity.
3. Reassess the balance of working between Historic Scotland and local authorities to separate those functions that should properly be delivered nationally and those that can and should be delivered at a local level as part of the wider initiative on community involvement and culture change within the planning system.
4. Develop appropriate concordats with individual local authorities to facilitate this transfer of functions between Historic Scotland and local authorities (see also recommendation 20).
5. Encourage the establishment of joint historic environment services for adjoining local authorities in areas not capable of supporting individual specialist staff.

Setting new standards of performance for local authorities

6. Establish a recommended set of key performance indicators for local authorities dealing with historic environment matters.
7. Develop minimum national standards for a quality local authority historic environment service including professional standards, staffing and resources.
8. Review the allocation of resources to and within Historic Scotland to allow it to expand its involvement and build capacity with the local authorities and the voluntary sector.
9. Reconvene the Local Authority Historic Environment Forum and empower it to deliver an agenda of service delivery improvements.
10. Develop and facilitate a skills training programme and provide financial support for professional historic environment staff linked to national occupational standards.
11. Explore specific grant mechanisms to fund specialist posts within local authorities on the SNH model to support the development of a quality historic environment service.
12. Promote the principle of staff exchange between local authorities and Historic Scotland.
13. Build into Historic Scotland's next Corporate Plan specific performance measurements in relation to developing working relationships with local authorities.

Improving Scottish Executive internal communication

14. Provide clear guidance on the significance of the historic environment to broader Scottish Executive policies on economic development, regeneration and social inclusion.
15. Promote a broader understanding within Scottish Executive departments of the benefits of and impact on the historic environment in respect of their own departmental interests and encourage the allocation of appropriate resources.
16. Provide continued support for the further development of a linked historic environment data base involving local authorities and Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) for use across government.
17. Continue to develop Scottish Historic Environment Policy papers (SHEPs) through partnership working with the historic environment sector.

Community planning and the historic environment

18. Develop a set of qualitative and quantitative performance indicators for including the historic environment in community planning.
19. Establish the recommended concordat with CoSLA to promote an enhanced quality historic environment service.
20. As part of recommendation 4, develop appropriate concordats between Historic Scotland and individual local authorities to provide advice and assistance on matters relating to the historic environment either directly or through local authority staff.
21. Explore with CoSLA the establishment of a Scottish version of the Historic Environment Local Management (HELM) initiative that already exists in England, including the promotion of local authority champions of the historic environment.

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