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Linda Fabiani MSP
Minister for Europe, External Affairs and Culture
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11 April 2008

Dear Ms Fabiani

HEACS Report on the Need to Review Heritage Protection Legislation in Scotland

Thank you for your letter of 21 December 2007 responding to the HEACS report on whether there is a need to review heritage protection legislation in Scotland. I refer also to the addendum of 29 January 2008, received direct from Historic Scotland.

It has not been HEACS' practice to respond to Ministerial responses to its reports, but at its meeting on 14 March Council was agreed that it must do so in this case because of the nature of the response.

Council was naturally disappointed that the Government had decided not to promote a review of the legislation. We were also concerned that neither the original response, in your letter of 21 December, nor the subsequent addendum, provided a properly argued response to the case made for a review, and were disconcerted by the lack of detail on the 'various legislative changes that might merit consideration'.

The main reason for writing, however, is the manner in which the response has been framed. It is our view that the addendum raises serious questions about the nature of the

consultation process undertaken by Historic Scotland following submission of the HEACS report. We are particularly concerned at how the HEACS report and the subsequent consultation process have been represented in the addendum, and how this may have affected the advice provided to you by Historic Scotland. The attached paper sets out detailed reasons for our concern.

We are aware of disappointment and concern within the wider sector about both the response and the addendum, and we are concerned that this could cast doubt on the willingness of Government and its agencies to seek or make use of independent advice in the future.

We hope that there will be a clear statement in the near future on the priorities for legislative change and an indication of the process and timescale by which these could be achieved.

Yours sincerely

Elizabeth K Burns CMG OBE
Chair

Cc John Graham, Chief Executive, Historic Scotland