SUBMISSION FROM ARCHAEOLOGY SCOTLAND

Who we are

1. We are a key centre for knowledge and expertise for Scottish archaeology, providing support and education for those interested and involved in archaeology and promoting Scotland’s archaeological heritage for the benefit of all. We have been in existence for over 60 years (as Council for British Archaeology (CBA) Scotland, Council for Scottish Archaeology and now known as Archaeology Scotland) and we are a citizen-led organisation.

General principles of the Bill

2. We are strongly supportive of the general principles and provisions within this Bill to amend aspects of the law relating to ancient monuments and listed buildings, including provision in relation to unauthorised works, powers of enforcement in connection with such works, offences and fines, powers of entry to ancient monuments, the control and management of certain ancient monuments, and liability for the expenses of urgent works on listed buildings; to make provision for the creation of inventories of gardens and designed landscapes and of battlefields; to provide for grants and loans in respect of the development and understanding of matters of historic and other interest, and for connected purposes.

Concerns

3. We still believe, as noted by the Historic Environment Advisory Council for Scotland (HEACS)
   1, that a problem remains unsolved in that the existing legislation is focussed on the designated assets and, consequently, this narrow view does not enable a holistic, sustainable approach to managing the historic environment to be taken. These points were raised in our consultation response on the draft Bill
   2.

4. The Built Environment Forum Scotland (BEFS) response clearly indicates what additional provisions need to be made within the Bill. Archaeology Scotland strongly support these asks that the Bill—
   
   • Provide for a responsibility on all public bodies to protect, enhance and have special regard to Scotland’s historic environment in exercising their duties.

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2Responses to the consultation can be found at the following web address—http://www.historic-scotland.gov.uk/index/about/consultations/consultation-responses-bill.htm
• Ensure that planning authorities have access and give special regard to appropriate information and expert advice on the local historic environment in exercising their duties.

Rationale

5. We would argue that since all local authorities currently have access to appropriate information and expert advice on the historic environment, that making this a legislative requirement will not add any burdens to local authorities, and the benefits to the public and to the understanding of our past will be significant. Local authority archaeology services, outsourced trusts and other organisations that currently provide services are a mainstay of public engagement in, and promotion of, the historic environment.

6. Annual public programmes organised by local authority archaeology services such as Highland Archaeology Fortnight, Perthshire Archaeology Month and East Lothian Local History and Archaeology Fortnight attract thousands of visitors each year and contribute significantly to the local economy.

7. For our members in local archaeological societies and those interested in learning more about their local historic environment, initiatives such as these are very important aspects, increasing their quality of life and helping to deliver the Scottish Government's National Outcome 12: “We value and enjoy our built and natural environment and protect it and enhance it for future generations”.

8. There are different models of how a planning authority can access the expert advice necessary to manage change in the historic environment. Archaeology Scotland agree with the Institute for Archaeologists (IfA) that the best mechanism for accessing expert advice is through a Historic Environment Records (HER) Service.

9. A lack of local curatorial advice will affect the quality and quantity of mitigation work leading to irreplaceable archaeology being lost or not adequately dealt with. There will also be an impact on archaeological companies that work with developers to mitigate damage to, and enhance the return from, the historic environment.

10. The historic environment is a highly significant contributor to the Scottish economy. Tourism expenditure attributable to the historic environment, but not including museums, is estimated to support some 37,000 full time equivalent employees in Scotland. This represents nearly £1.3 billion in respect of gross value added (GVA).

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3 The ALGASO Scotland newsletter can be found at the following web address—http://www.algao.org.uk/Association/Scotland/ScotIntro.htm
11. Archaeology Scotland is concerned that, especially in the current financial climate, but also with regard to the heritage legacy we leave for the future, a lack of legislation with regard to the unprotected archaeological assets (which make up around 95% of our known heritage assets)\(^5\) will mean a real loss in terms of the quality of place left for future generations.

12. HEACS supported the case for providing for a duty of care provision in heritage protection legislation for public bodies\(^6\) and BEFS, which brings together the key organisations in the historic environment in Scotland and of which Archaeology Scotland is a member, has also agreed that this is a priority.

Summary

13. Additional provisions need to be made within the Bill to—

- Provide for a responsibility on all public bodies to protect, enhance and have special regard to Scotland’s historic environment in exercising their duties.

- Ensure that planning authorities have access and give special regard to appropriate information and expert advice on the local historic environment in exercising their duties.

Eila Macqueen
Director
20 August 2010

\(^5\) The figure of 95% is derived from the 144,000 archaeological sites on the NMRS database (www.rcahms.gov.uk), as listed on the latest Scottish Historic Environmental Audit, in proportion to the 8,021 scheduled monuments. In contrast to the 12% of the area of Scotland designated for its natural heritage, less than 0.3% is statutorily protected for its historic or archaeological heritage.