

Historic Environment Scotland (www.historicenvironment.scot) is currently reviewing and replacing *the Historic Environment Scotland Policy Statement (HESPS)*. A full public consultation on the draft of the new policy document will take place in August 2018.

As part of the review, HES has been engaging with stakeholders on the approach being taken to the new policy. After holding a number of engagement events, HES published a survey which they introduced as follows: “we intend to produce a high level, principles-based document that sets out how all of Scotland’s historic environment should be looked after and managed. What we are asking you to comment on in this survey is whether you agree with this approach, and we are also looking for your views on what it should contain.”

INHERIT has contributed to a number of the focus groups and other engagement events that have taken place during the first half of 2018 as part of the policy review process. We submitted a written response to the HES survey on 15th June 2018. This policy brief communicates and expands upon our answers to the survey questions.

Target audience: Historic Environment Scotland, the historic environment sector, community bodies and associations, development and human rights organisations, nature conservation and environmental organisations.

HES Survey Question 1: *We have committed to withdrawing the existing Historic Environment Scotland Policy Statement and introducing a new policy which we intend will set expectations and support good decision-making across the historic environment. Should HES, as the lead body for the historic environment, lead the preparation of this document?*

INHERIT response: Yes. This leadership role is consistent with HES’ functions as defined in the *Historic Environment Scotland Act 2014* and *Our Place in Time: the Historic Environment Strategy for Scotland*. Coordination and leadership from HES is welcome, provided that HES exercises that role in an open, collaborative and ethical manner, includes diverse others and takes account of different perspectives, interests and concerns.

HES Survey Question 2: *Scope of the policy document. Should this policy cover all aspects of the historic environment?*

INHERIT response: Yes

HES Survey Question 3: *We think it is important that this policy complements existing planning policy that involves the management of the historic environment (such as Scottish Planning Policy), but that it should go further to cover wider strategic decision-making that can have an impact on how heritage is cared for. Should this policy seek to influence decision-making in its widest sense?*

INHERIT response: Yes

HES Survey Question 4: *Thinking about your own role, how might you use such a policy document in support of your work?*

INHERIT response: Provided that the new policy contains relevant principles, we see the potential for using this policy in various aspects of our work. INHERIT has the mission of enabling people to use heritage to transform their lives. We see value in a modern statement of principles that moves beyond the conservation versus development thinking of the post-War era and, instead, promotes the conservation and wise use of the historic environment *as part of*: a) the sustainable development of communities and places; b) the progressive fulfilment of people's human rights; and c) the empowerment of communities.

We undertake research on the potential of cultural heritage for the sustainable development of communities and places, and on how this potential can be realised more fully and effectively. A statement of historic environment policy principles which is fit-for-purpose for the 21st century could provide a valuable means of framing and structuring research in this area, and of helping to ensure that research is relevant to policy, practice and people's needs.

INHERIT also works in practice with communities, to support them as they strive to use their heritage for the purposes of the sustainable development of their communities and places. A policy containing principles relevant to this mission would be a useful tool in framing on-the-ground community action in relation to the historic environment and in garnering wider support for such action.

INHERIT also has an education and advocacy function and, as part of this, we seek with others to promote positive change – there is great potential in a new statement of policy principles as a means of encouraging much-needed change, not least in the culture and practice of heritage professionals in the public, private and third sectors.

HES explanatory statement on the content of the policy document: *through early discussions with stakeholders, it has been suggested that this policy document should include: a high level vision for managing change (and associated key outcomes); core principles for managing change ...; advice around cross-cutting or thematic areas that play an important part in caring for our heritage ...*

HES Survey Question 5: *How much do you agree with this approach?*

INHERIT response: 'strongly agree' [selected from the three options 'strongly agree', 'neither agree or disagree', 'strongly disagree']

HES Survey Question 6: *Are there any particular issues or topics you think should be included in the vision, principles or thematic areas?*

INHERIT response: The new policy provides an opportunity to set a new aspiration and expectation for all those who work with or engage with historic environment. We strongly feel that the new policy should explicitly promote (1) sustainable development, (2) human rights and (3) community empowerment. Together, these principles provide a solid foundation for a 21st-century approach to the historic environment.

These principles and rights came to the fore in our recent research on *Community Empowerment & Landscape*, undertaken in collaboration with Community Land Scotland (www.inherit-institute.org/cls). This research looked at the relationship between current historic environment, landscape and natural heritage conservation practice, on the one hand, and the development of communities and their places, on the other. The report will be published in June 2018.

Adopting these principles would also serve to align the policy with wider developments in law, policy and strategy that have taken place in Scotland in recent years.

[The following statement is published here as an expansion on our survey response, which was confined to the two paragraphs above.]

1. Sustainable Development

The principle of sustainable development is already embedded in relevant areas of law, policy and strategy, e.g. the *Planning (Scotland) Act 2006*, *Scottish Planning Policy (SPP)*, the *European Landscape Convention (ELC)* and *Our Place in Time: the Historic Environment Strategy for Scotland (OPiT)*.

In our *Community Empowerment & Landscape* report, we define sustainable development as follows: “The purpose of sustainable development is to address people’s needs and improve their quality of life. To be sustainable, development must be fair – promoting justice and reducing inequalities. It must also serve both the interests of people in the present and the interests of future generations. It must seek to balance, and ideally to integrate, social, cultural, economic and environmental concerns (the ‘four pillars’ of sustainability).”

We believe that the above definition is consistent with the principles of sustainable development as promoted by SPP and the ELC, and with the ‘key aim’ of OPiT (i.e. “to ensure that the cultural, social, environmental and economic value of our heritage continues to make a major contribution to the nation’s wellbeing”).

We wish to see the principles outlined in the above definition being promoted in the new policy. We also feel that the policy should set a high-level direction of travel for the implementation of these principles in practice. One important aim would be to ensure that historic environment decisions, processes and actions (e.g. those relating to the act of designation and to the management of designations) must take account of the potential social and economic consequences. We recognise that HES has already begun to move in this direction, e.g. by including consideration of social and economic factors in making decisions about the management of Historic Marine Protected Areas (*Marine Protected Areas in the Seas around Scotland: Guidelines on the Selection, Designation and Management of Historic Marine Protected Areas*, 2015). The new policy should promote the wider development and adoption of social and economic impact assessment. Importantly, any ‘impact assessment’ process must focus on enabling the meaningful participation in the process of those potentially affected by a decision, i.e. the people who will have to live with the decision and understand best what its consequences (positive and negative) will be for them (see below).

2. Human Rights

The principles of sustainable development relate closely to human rights.

It is worth referring here to certain developments in Scottish land reform law and policy, which are relevant here because decisions about the historic environment are, often, decisions about land. The *Land Reform (Scotland) Act 2016* requires Ministers to prepare a *Land Rights & Responsibilities Statement*. In preparing this, Ministers are directed to have regard to promoting respect for and observance of human rights. The Act refers inter alia to the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

The *Land Rights & Responsibilities Statement* – published in 2017 – promotes ICESCR rights including the right to work, the right to an adequate standard of living, the right to health, the right to education and the right to cultural life. These rights are germane to the new historic environment policy. To take the example of the right to work, the *Land Rights & Responsibilities Statement* says “land is a key enabling resource, and decisions about land [including, we would argue, historic environment decisions] can block or unblock economic opportunities, including the opportunity to work”. To take the example of the right to cultural life, the Statement says “land is a necessary ingredient in cultural life, not only for practical reasons, relating to provision of land for sports fields, community hubs and religious centres, etc, but also because in and of itself land in Scotland carries cultural significance. For instance, in the formation of our sense of identity as individuals, communities, and as a nation”. Decisions about land (including about its historic environment components) are therefore likely to have an impact upon cultural life, whether in a practical sense or in terms of people’s ability to enjoy the cultural significance that particular lands and particular features of the land hold for them.

The ICESCR promotes not just respect for rights but their progressive realisation. In other words, decisions and actions should pro-actively enable people to fulfil their rights.

We consider that the new historic environment policy should explicitly promote the progressive realisation of ICESCR and other rights.

3. Community Empowerment

Implementing principles of sustainable development and human rights requires the empowered participation of people in decisions, processes and actions that affect them.

The *Historic Environment Scotland Act 2014* recognises the need to involve people and to consider their interests. For example, Section 2 of the Act directs HES, in exercising its functions, to promote the diversity of persons accessing the historic environment, to work in collaboration with other persons and to have regard to the interests of local communities. Individual and community participation is also promoted in other relevant areas of law, policy and strategy, such as the *Community Empowerment (Scotland) Act 2015*, the various *Land Reform Acts*, *Scottish Planning Policy* and the current *Planning (Scotland) Bill*, the *Land Rights & Responsibilities Statement*, the *Land Use Strategy for Scotland 2016-2021* and the *European Landscape Convention*.

Importantly, recent years have seen an increased emphasis not just on participation but on empowerment, i.e. on enabling people to have a more meaningful say in plans and decisions that affect them and to take on responsibility for land and other assets and, more generally, for the development of their communities and places.

Despite the now widespread recognition of the principle of empowered participation, there is much to do to ensure that this principle is implemented in practice. Our *Community Empowerment & Landscape* research has identified a significant 'participation deficit' in historic environment (and landscape and natural heritage) decision-making processes.

As such, we feel that the new historic environment policy needs to contain some strong statements of principle regarding empowered participation, demonstrating leadership in this area. The policy should also set out a direction of travel with regard to the delivery of such participation in practice.

In terms of the statement of principle, we feel that the emphasis should be placed on *community* participation, to help ensure that multiple and varied perspectives and interests are brought into dialogue and into the same frame when making decisions. We feel that, while well-established forms of participation (such as consultation) will continue to play a role, a clear emphasis has to be placed on the promotion of *empowered* participation, because this is where the gap lies. Empowered participation means that people have genuine opportunities to influence decisions that affect them and to become decision-makers themselves. Promoting the principle of empowered participation is essential if the policy is to create a framework that helps to ensure that the wider value of the historic environment is realised and that historic environment decisions and processes support rather than hamper people's efforts for the sustainable development of their communities, culture, livelihoods and places, and for the progressive realisation of their human rights.

In terms of setting a direction of travel for implementing this principle, we would recommend that the policy promotes cultural change within historic environment institutions and organisations, across the sector. We also feel that the policy should promote a particular focus on developing and improving relationships between historic environment institutions and organisations, on the one hand, and communities, community bodies and local third sector organisations, on the other. We recommend too that the policy explicitly promotes the empowerment of communities and community bodies to take the lead, wherever possible, in relation to decisions and actions concerning their local historic environment.

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