**Draft CIfA response to the Scottish Government Consultation on Land Rights and Responsibilities**

**Submitted by online form**

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**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

Chartered Institute for Archaeologists

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

**NOTE - If you are responding on behalf of an organisation, anonymous publishing refers only to your name, not your organisation’s name. If this option is selected, organisation name will still be published.**

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**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes.

**Consultation questions:**

1. **Have we captured the range of policy areas to which you think the land rights and responsibilities statement should be relevant?**

No.

As archaeologists, we understand how the landscape has been shaped by people over thousands of years, and how the remains of the past help us to understand our relationship with landscapes in the present. We are pleased that the Scottish Government’s Land Use Strategy appreciates that there must be an integrated approach to land management and that the use and management of landscapes cannot be viewed separately to their perception by people and their cultural, social, and economic significance.

The historic environment is one element within this integrated approach to landscape. However, the historic environment is sparsely mentioned in this document, and archaeology is not mentioned at all. We are concerned that aspects of the historic environment, including most archaeological remains could be perceived as being excluded from the definition of land given in the glossary, and therefore from the rest of the principles in the document.

Built heritage is referenced by the Minister in her Foreword, and the historic environment is noted in the diagram under paragraph 20. The mention of ‘buildings’ in the definition of Land, and the use of the phrase ‘land and buildings’ throughout the document, could be seen to exclude many archaeological features from being considered within this definition. An additional descriptor such as ‘land, buildings, and other structures’ is more obviously inclusive of, for instance, ruined buildings, monuments, and man-made landscape features. In addition, unseen or buried remains are also part of a landscape and should be explicitly included in this definition.

The Historic Environment Strategy for Scotland ‘Our Place in Time’ is referenced in the table under paragraph 21, but not within the text. Scotland’s Archaeology Strategy is not referenced at all. Although paragraph 21 states that the table cannot be fully comprehensive, we do not feel it is acceptable to not make every effort to include all relevant national policies. If it is genuinely felt that this task is impossible, the title of the box for ‘Related National Policies’ should be changed to include an appropriate caveat.

We feel that these concerns have the effect of making it difficult to recognise the importance of the historic environment within the wider discussions of land rights and responsibilities.

We would, therefore, like to suggest the following minor alternations:

* Insert ‘and other structures’ after ‘buildings’ in the definition of Land in the glossary.
* Insert ‘conserved;’ after ‘regenerated;’ in the definition of Land management in the glossary.
* Ideally, insert reference to Scotland’s Archaeology Strategy in the table of Related National Policies under paragraph 21.
* Or, failing this, change the title of the ‘Related National Policies box in the table under paragraph 21 to ‘Examples of Related National Policies’ and add a ‘\*’ denoting that ‘Other national policies exist which have equal relevance to land rights and responsibilities. It will be important for land managers to be aware of the wide-reaching nature of influences on their activities and all relevant policies’.
1. **Do you agree with the Scottish Government’s proposed “human rights based approach” to the Land Rights and Responsibilities Statement?**

Yes.

No further comment.

1. **Do you agree with the Vision of the Land Rights and Responsibilities Statement?**

Yes.

Aside from our concerns set out above, relating to the potential for heritage assets and landscape features to be viewed as falling outside the definition of ‘land and buildings’, we feel that the Vision is a strong one.

As stated, it is important that issues such as the responsibility of landowners to, for example, conserve historic assets on their land, or for communities to have opportunities to take ownership or management of heritage sites is covered by this vision. A single explicit reference to this inclusion would help to achieve this.

1. **Do you agree with Principle 1 of the Land Rights and Responsibilities Statement?**

Yes.

Reference could be made to the Historic Environment Strategy for Scotland, which has a number of aims which could fit within this Principle.

1. **Do you agree with Principle 2 of the Land Rights and Responsibilities Statement?**

Yes.

Reference could be made to Historic Environment Scotland’s draft guidance on asset transfer.

1. **Do you agree with Principle 3 of the Land Rights and Responsibilities Statement?**

Yes.

No additional comment.

1. **Do you agree with Principle 4 of the Land Rights and Responsibilities Statement?**

No.

The Principle in this section is a vital one, however, it is hard to appreciate the range of factors which would go into this from the limited information given. In this case, we think the balance between brevity and detail is not appropriate. Additional description of how the principles of stewardship and sustainability may affect processes of land management would be useful.

Once again, we would welcome an explicit mention of stewardship of the historic environment and heritage assets. For example, the Historic Environment Strategy for Scotland, ‘Our Place in Time’ (p.18) identifies the responsibility of owners and managers to care and protect for the historic environment, and the role of professional bodies and policy makers to support them.

1. **Do you agree with Principle 5 of the Land Rights and Responsibilities Statement?**

Yes.

No additional comment.

1. **Do you agree with Principle 6 of the Land Rights and Responsibilities Statement?**

Yes.

No additional comment.

1. **We would like to hear real life stories about the relationship between Scotland’s land and people. Please provide any case studies which you feel illustrate the vision or principles.**

There are many examples of fantastic projects which illustrate the relationship between people and land in Scotland. We highlight the following particularly for their approach in drawing on the importance of the cultural and natural heritage, whether commercial or conservation projects, these benefits are possible.

Examples include, on a small scale, AOC Archaeology and Forestry Commission Scotland’s Dun Deardail hill fort excavations – part of the Nevis Landscape Partnership, or the many sites brought forward under Archaeology Scotland’s Adopt a Monument project.

1. **Do you have any further comments?**

The historic environment is not directly mentioned within the text of this document, and although this may be partially by design, as the document is high-level and not concerned with setting out the full range of implications of the principles outlined, we consider there is need for more explicit mentions of examples featuring the historic environment in the document. Land management is a hugely important process in caring for the historic environment and, in many ways, provides the most appropriate scope through which to view the importance of heritage assets to people and places. We therefore have a direct interest in the operation of a well-integrated land management policy.

Furthermore, the archaeological and wider cultural value of landscape is of immense value in the production of public benefits with many opportunities for benefit drawing on both natural and cultural significance of these resources. It is vital that joined-up approaches to formulating policies and seeking benefits are in place and that synergies are observed.

About CIfA:

CIfA is the leading professional body representing archaeologists working in the UK and overseas. CIfA promotes high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provides a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,200 members and nearly 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

CIfA’s Scottish Group has over 250 members practising in the public, private and voluntary sectors in Scotland. Furthermore, CIfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.