



HISTORIC HOUSES ASSOCIATION

FOR SCOTLAND

Response to the Land Reform Review Group

1. The Historic Houses Association for Scotland (HHAS) represents around 250 individually owned historic castles, houses and gardens throughout Scotland. Of these, some 40 are regularly open to the public, with another 100 or so available for public access on a less frequent or formal basis: nearly 60 run educational programmes. Collectively, HHAS member properties make a major contribution to employment in Scotland, often in fragile rural economies with few alternative sources of jobs available and to the Scottish economy as a whole.

2. The bulk of Scotland's built heritage is in independent ownership which means that its future stewardship is secured for the benefit of Scotland and the Scottish people, not least as a key part of the nation's tourism offer, at little or no public expense.

3. Scotland's castles and historic houses are a major reason for overseas tourists to visit our country instead of the many other tourist destinations on offer around the world. The HHAS is delighted to be able to take part in attracting these overseas visitors. At the same time, however, HHAS is conscious of the equally important part it plays in conserving these assets for the Scottish people both now and for future generations. They are an integral part of our national life, conserving cultural treasures in their historical setting, telling stories of the families who have looked after them and those who care for them today, creating inspiring places for learning and providing spaces for people to come together and enjoy a shared history.

4. The HHAS vision, which it believes is shared by the Scottish Government, is for continued stewardship and creative management enabling our heritage to play a vital part in contributing to sustainable economic growth, building a low carbon economy and championing Scotland's rich heritage.

5. To allow historic houses to make a key contribution to Scotland's heritage, a sympathetic legislative and policy framework is necessary. As such, the HHAS would support the broad objectives of this consultation except where they are unclear, impractical or would not help achieve the objective of positive land management, stewardship of heritage and economic growth.

6. A strong and effective private ownership within a sector which encompasses diverse models of ownership, each operating to their own strengths, is the best form of ownership for Scotland's needs.

Community Access and Sense of Identity

7. The historic environment is of great and enduring importance to Scotland. Historic houses provide character, distinctiveness and, within the local community, a sense of place and help create pride in Scotland. As James Irvine has said, 'property may be privately owned, but the knowledge of the past

can and must be the property of us all...we need history. Without it we are like foundlings left on the doorstep of the future'.¹

8. Those who own and manage historic houses are aware of the importance of a positive relationship with their local communities. Of the HHA member houses in Scotland, 99 offer free local access and 11 more plan to introduce such a scheme, with around 50 local Friends' membership schemes either in existence or due to come into being.²

9. Owners of historic houses have actively co-operated with the Core Paths scheme created by the Land Reform (Scotland) Act of 2003, understanding that enabling access supports a sustainable sense of community identity, as well as stimulating tourism.

10. Historic houses not only provide a sense of community, but are also key providers of community facilities, offering attractive and exciting venues for a wide range of events and activities, from theatre and music to sporting and charitable events.

11. However, in order to maintain and improve community access and a sense of identity it will be essential for any legislation to be clear about the precise nature of community, exactly what any increase in involvement would mean and whether any such role would actually contribute to economic growth. Independent private ownership has an essential role to play in any mixed economy. The majority of Scotland's heritage, including its natural heritage, is independently owned. It has survived, and is able to contribute positively to Scotland's future, because of the dedication of successive owners, who have invested their time, resources and commitment to its long term stewardship and maintenance, sometimes when economic viability appeared a very distant goal. This is a task that could not have been pursued by the public sector, and for the future independent ownership still offers the best long term prospect for sustainable – economic, environmental and social - management for much of this natural heritage. Any consideration of community involvement should, therefore, have regard to its likely contribution to the essential aim of securing the long term viability of the land in question. Does it help or hinder independent owners to underpin and attain that very desirable policy objective?

Education

12. Equally important to Scotland are the benefits offered by historic houses as educational facilities. They provide a powerful way to involve children in all kinds of learning and the impact goes even further: educational activities at historic places fire the imagination, channel creative thought and help people to develop new skills. More than half of Scotland's HHA members see themselves as a key resource for learning about local history and around 20% employ or plan to employ an education officer to manage their programmes.³

13. Some of these education schemes lead to employment opportunities. Cambo Gardens, for example, has been training garden students for many years, establishing their own training structure. For the past three years students have been placed at Cambo in conjunction with the Historic and Botanic Garden Bursary Scheme, which funds half the student's wages. To date the majority of Cambo students have gone on to find positions as Head Gardeners, as a result of their training.

¹ *Why History Matters* (2007)

² *HHA Survey of Members* (2009)

³ *HHA Survey of Members* (2009)

14. Teaching and learning are not confined to those of school and college age, of course and historic houses play an active role in skills training for adults. Scottish HHA member Penicuik House, for example, has played an active role in supporting the Scottish Lime Trust. The Trust promotes the knowledge and training in the traditional skills required for the conservation, repair and maintenance of the historic built environment.

Economy and Tourism

15. When it comes to the Scottish economy, historic houses are key players in their local communities, particularly in rural areas, where other opportunities for employment and business activity are often limited. HHA members in Scotland provide paid employment of one form or another to nearly 2,000 people, while around 2,000 more are in employment as a consequence of letting of business space by owners.⁴

16. Tourism is a major industry for Scotland and heritage and culture are always cited as the principal reason for international visitors, who constitute 35% of all tourist expenditure, coming to Scotland⁵. As such, the added value provided to the larger Scottish economy by historic houses and their operations is of great significance.

17. The operation of many of these tourist attractions relies on extremely tightly-run operations, which are anything but a 'cash cow' suitable for milking. In spite of the fact that it is one of Scotland's most visited attractions, Blair Castle, for example, only aims to break even after paying for necessary repairs and investing in the visitor experience. These businesses are viable, and positive contributors to the wider economy, but are fragile and vulnerable to excessive regulation.

18. It is this fragility and vulnerability which makes it essential that owners are able to control the settings of historic houses, because many need the income from surrounding land for their properties to be sustainable. A Community Right to Buy should not enable the 'cherry-picking' of areas, effectively stripping houses of their surrounding land and thereby rendering them unviable.

Sustainability

19. Historic houses have also been standard bearers for sustainability and the pioneering of schemes to develop renewable energy projects. Between them Scottish HHA members have implemented 87 renewable energy schemes, including biomass, hydro and solar power, with a further 92 planned.⁶

Current Ownership Arrangements

20. The current arrangements for property ownership in Scotland are already very diverse. In addition to private ownership, there are many other models for the ownership of historic houses, including by: Historic Scotland; the National Trust; private companies; local authorities; and trusts, including charitable trust and building preservation trusts. In general, the particular type of ownership in each case tends to have developed in order to meet the specific needs of the property in question. A 'one size fits all' approach, whether provided by the private sector or community ownership, risks making the management of these properties worse rather than better.

⁴ *HHA Survey of Members* (2009)

⁵ *Visit Scotland Survey* (2006)

⁶ *HHA Survey of Members* (2009)

21. The mode of ownership is not the point of principal significance when it comes to the survival of a historic building, but the issue of what makes a property financially sustainable. Owners would, for example, positively welcome any innovation which could find ways to spread the annual cost of repairs to HHAS houses amounting to more than £13m and the backlog of major repairs totalling more than £172m⁷.

22. Any change in ownership arrangements would constitute a very significant erosion of individuals' rights, as enshrined in national and international case law and Conventions.

23. If land were to be taken from one ownership to another, it would need to be demonstrable beyond any doubt that the conservation of historic houses and positive land management of integrated rural estates would be made more viable – not less – and that the changes did not increase dependence on public funding. It would also be necessary to provide compensation, paid from the public purse. Property law has established the requirement for compensation under such circumstances and it is required under the European Convention on Human Rights to be fair and timely.

Community Ownership

24. The stake which communities already have in Scotland's heritage in independent ownership is considerable in terms of the economy, education, sustainability and community identity. This is a good time to articulate that involvement that communities have and to identify the positive roles they could play.

25. It will be necessary for the Land Reform Group to establish what it means by the term 'community'. There are, of course, a wide range of quite distinct communities within Scottish society, ranging from geographically identified local communities, both urban and rural, to communities of interest which may be commercial or in the public interest.

26. If a model is proposed wherein local communities have 'a greater say in how land is managed and used'⁸ via local authorities, this system must not inhibit owners' and managers' capacity to manage property effectively. In practice, there is already a mechanism for communities to influence how their local areas develop via the process of the local plan. However, the way in which local authorities currently consult on local plans does not stimulate community involvement or empowerment. Creating effective community dialogue over local plans within those plans would significantly enhance the community role.

27. Community ownership does not of itself guarantee benefits for a community. The management of historic properties and their associated land is complex and requires experience and professionalism for it to be carried out successfully. Transferring ownership of land to a community does not mean that such knowledge and professionalism will be available or applied.

28. If communities, however they are defined, are to have a stake in land and other assets, it must be clear what the purpose of their involvement would be, how it would be achieved and how such involvement would lead to better management of one of Scotland's key assets.

⁷ *HHA Survey of Members* (2009)

⁸ *Land Reform Review Group: Call for Evidence* (2012)

29. In addition, the Land Reform Review Group should identify unambiguously what community ownership of land actually means. The suggestion that the Land Reform (Scotland) Act of 2003 might be amended, ‘to make it easier for communities to obtain ownership of land and/or other assets,’⁹ raises serious issues. The rule of law has historically protected the ownership of private property and owners’ rights to sell to whomever they wish. A provision to enable communities of any type to acquire property against the wishes of the owner would amount to a right of confiscation applied selectively against a particular group, namely owners of land or buildings, and as such would be contrary to widely accepted principles of property ownership, as well as contrary to human rights established in Scots law by international treaty and statute.

30. The provision for a Community Asset Register, as part of the Localism Act in England and Wales, threw into sharp relief the difficult and conflicting issues which the expansion of community ownership must confront if it is to be successful.

Conclusion

31. Historic houses are of vital importance to tourism and consequently to the Scottish economy and society. The HHAS appreciates the importance of relationship between historic castles, houses, parks and gardens and their communities. The HHAS supports a diverse pattern of ownership of land and built property, but such diversity should not become an object in and of itself, because it cannot address the critical issue of ensuring the viability of historic houses in the long term, for the benefit of the Scottish nation and its people. If it cannot be demonstrated that a change in the mode of ownership will make historic buildings more rather than less financially viable, that it will make them more rather than less efficiently run as a key part of the Scottish economy, particularly in rural areas, and that it will not infringe the established right of owners to manage their own properties, then such change cannot be justified and should not be introduced.

⁹ *Land Reform Review Group: Call for Evidence* (2012)