

Cabinet Secretary for Culture, Europe and External Affairs
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In 2014 Scotland Welcomes the
World



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Dear Michael,

You emailed me on 1 December and we subsequently spoke about the Tinkers' Heart with reference to the petition currently before the Public Petitions Committee.

Historic Scotland has always recognised that the Tinkers' Heart is a culturally significant site and a symbol of the important contribution made by the Traveller community to the history of Scotland. In my view, both Historic Scotland and RCAHMS have been consistently positive and supportive of efforts to help preserve the Heart for the future.

These efforts are detailed in Mr Walford's letter to the Committee. For example, when you first raised the case in 2012, RCAHMS thoroughly surveyed and recorded the Heart and that record is now available in the National Monuments Record of Scotland. The Heart was also added to the Argyll Sites and Monuments Record in 2012 to help ensure that it would be managed and protected within the planning system. Since then, Historic Scotland has several times invited an application for grant support from the Traveller and/or the local community to improve the management and presentation of the feature (very unusually in the case of an undesignated monument), although no application for grant has been received. Historic Scotland also arranged for Archaeology Scotland to offer to work with the Traveller and/or the local community to 'adopt' the monument to improve its condition and interpretation (the very successful 'Adopt a Monument' scheme was initiated by Historic Scotland and is also supported with grant aid by Historic Scotland). This offer was also not taken up, but I was very glad to hear that the Heart has now been fenced off by its owner and is protected from cattle damage – no doubt as a result of the attention it has received recently.

Historic Scotland assessed the Heart for scheduling as a monument of national importance when it was first brought to their attention in 2012, using the criteria laid out in the Scottish Government's Scottish Historic Environment Policy (2011). Their assessment highlighted the cultural significance and associations of the Tinkers' Heart, but concluded that it did not meet the criteria for scheduling. Historic Scotland has clearly explained both the assessment process that they follow (which is in line with published government policy) and the reasons for their decision in this particular case. The current scheduling criteria were subject to public consultation before their adoption and they align closely with those used in systems for protecting important historic assets across the UK and in most of Europe. In his letter, Mr Walford also illustrated how the policy has been applied consistently to other similar monuments, such as the Hood Stones, which are also commemorative and have significant associations, but have not been scheduled. Of course the majority of historic and archaeological monuments in Scotland do not meet the criteria for scheduling, where the bar is necessarily set very high.

I must also repeat what has been explained previously: that scheduling a monument would not automatically bring the benefits that the Traveller community is seeking for the Tinkers' Heart. Scheduling sites and monuments does not affect land ownership. Neither does scheduling place any onus on an owner to maintain or provide access to a monument, although Historic Scotland does of course work with owners and others wherever possible to support the beneficial management of monuments, as in this case.

In your evidence to the Committee you rightly referred to the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage, which is relevant to this case. I agree with you that the mechanisms for recognising and protecting intangible cultural heritage may be inadequate. This is emerging as an area requiring further consideration in work around the Historic Environment Strategy, *Our Place in Time*, which is a focus for all those involved in the historic environment sector. In my reply to the Committee, I also referenced the work of Edinburgh Napier University and Museums Galleries Scotland (MGS) in this area. The definition of the historic environment, as set out in *Our Place in Time*, is all-embracing and would certainly include the Tinkers' Heart.

Finally, you will be aware that several parliamentary questions have been asked in recent days about diversity awareness in Historic Scotland. I assure you that Historic Scotland addresses and celebrates the full spectrum of cultural diversity in all of its activities, and this includes the Traveller community. Diversity is a key principle in all of Historic Scotland's developmental programmes and in its induction package for new staff. The success of this approach is endorsed by the Coalition for Racial Equality and Rights (CRER), which states on its website that: "Historic Scotland is fully compliant with its obligations under the Equality Act 2010. As a main Agency of the Scottish Government, Historic Scotland contributes towards the Scottish Government's equality outcomes and mainstreaming report which is published on their website".

FIONA HYSLOP