

**A COMMUNITY CHARTER:  
To establish the Cultural Heritage of Larbert, Stenhousemuir and Torwood,  
and to declare our Rights and Responsibilities for its Improvement and Protection**

**DECLARATION**

We the Community Council and Peoples of Larbert, Stenhousemuir and Torwood have produced this Charter to set out our “Cultural Heritage” for the purposes of assessment under the EIA directive, and to declare our basic rights and responsibilities for improving and safeguarding it against coal bed methane extraction and other risks in the future. We welcome other Community Councils and residents of Falkirk who may share our Assets to join us in the adoption of this document.

We declare our Cultural Heritage to be the sum total of the local tangible and intangible assets we have collectively agreed to be fundamental to the health and well-being of our present and future generations. These constitute an inseparable ecological and socio-cultural fabric that sustains life, and which provides us with the solid foundations for building and celebrating our homes, families, community and legacy within a healthy, diverse, beautiful and safe natural environment. This is the basis of a true economy, one which returns to its root meaning (*oikos* - home, *nomia* - management).

Thus, this Charter pertains to any development within our territory which impacts on our Cultural Heritage and, as this Charter is a direct expression from the people, it must be a material consideration in planning processes and decision-making, is a factor for impact assessment under environmental legislation, and must be given equal weight to other factors in the evaluation of whether development is sustainable.

Collectively, we have agreed that our Assets are:

- our goal of a clean and safe environment, and our achievements to date;
- our children and that which promotes their wholesome development;
- our homes as our sanctuary and investment;
- the resilience and continuity of our community;
- the diversity and stability of our local Ecosystem;
- our natural resources and our aspiration for them to be used sustainably;
- our food security;
- our restorative countryside;
- our beautiful views;
- our central location;
- our vision of a truly sustainable local economy, and our achievements to date;
- our local historical and natural attractions;
- our reputation;
- our goal of sharing mutual trust and respect with our elected representatives and third parties;
- the life-enhancing qualities which our Assets bring forth;
- a collective commitment to sustaining and improving all of the above.

If Cultural Heritage is harmed, then life is diminished. Thus, we make a commitment to truly Sustainable Development, which we define as those activities which represent an overall long term benefit or zero harm to our Assets. We acknowledge that individual opinions may differ on such matters but believe that, through a dialogue in which all stakeholders are given equal voice, a wise collective assessment can be reached. In turn, this necessitates a process for Participatory Planning in relation to developments relevant to this Charter, the principles for which we propose below under Article 3 of our Basic Rights and Responsibilities.

Equally, if a threat to our Cultural Heritage is perceived then we have a fundamental right and responsibility to play an integral role in related decision-making and, should activities proceed without our social license, to peaceful and civil representation to prevent harm to the Assets upon which our community and Ecosystem depend.

In drafting this Charter we have come to realise that our Cultural Heritage and its constitutive Assets underpin qualities which not only sustain us, but also all other beings with whom we share our territory, country and the Earth, and we shall remain mindful of the consequences of our decisions and actions upon our wider community, both human and nonhuman.

Below, we detail our Assets; our Definitions for important terms; our Basic Rights and Responsibilities in relation to our Assets; and the wider Framework and Context for the Charter.

## OUR ASSETS

We the Community Council and Peoples of Larbert, Stenhousemuir and Torwood have come together and agreed that the following tangible and intangible Assets constitute our Cultural Heritage and underpin the qualities fundamental to the health, well-being, cohesion and identity of our communities, our natural environment and of the Earth itself.

As each Asset intertwines and transcends social, cultural, economic and ecological categories, we deem any definition of Cultural Heritage that does not encompass all of these to be a betrayal of our lived experience.

- (1) **Our goal of a clean and safe environment, and our achievements to date:** our ongoing commitment to freeing our water, soils and air from industrial pollution and its risks to the health, peaceful existence and future prosperity of the human and nonhuman inhabitants of our territory.
- (2) **Our children and that which promotes their wholesome development:** a diverse and healthy natural environment; safe roads and tracks; great schools and services; and a mutually trusting, self-sustaining and stable community.
- (3) **Our homes as our sanctuary and investment:** the fruit of our labours and somewhere we chose carefully as a good and right place to settle and raise our children.
- (4) **The resilience and continuity of our community:** our local groups, events, businesses and services; our friendly interrelationships and economic interdependencies; and our visions, values, history and culture, all of which when shared, bind us together and provide good traditions, solid foundations and shining examples for generations to come.
- (5) **The diversity and stability of our local Ecosystem:** our thriving Natural Community, including woodpeckers, swans, migrating birds, great crested newts, otters, water voles, bats, bees, fish and a myriad of other plants and animals that are thriving in and returning to our territory, which are a source of peace, enjoyment, learning and great pride in our responsible stewardship, and are essential to the resilience and adaptability of our local ecology to future environmental challenges.
- (6) **Our natural resources and our aspiration for them to be used sustainably:** to never allow our renewable resources to be diminished faster than they are generated, to ensure our non-renewable resources are reused and recycled effectively, and to avoid all related activities that might compromise our Ecosystem.
- (7) **Our food security:** the ongoing fertility and productivity of local soils and pasture; the purity of our watercourses and aquifers; the availability of uncontaminated locally-sourced food; the vital importance of these to the sustenance and security of present and future generations; and our confidence in those public bodies whose role it is to ensure such matters are responsibly stewarded.
- (8) **Our restorative countryside:** filled with opportunities and motivation for exploration and exercise; the woods, fields and peat lands; the walking and cycle tracks; our freedom to roam safe and undisturbed by nearby industrial activities and traffic.
- (9) **Our beautiful views:** the open vista of a predominantly unspoilt and unchanging rural landscape set against the backdrop of the Ochils and the mountains, which we never grow tired of and always love coming home to.
- (10) **Our central location:** allowing convenient access for tourists to our territory, and for local residents to the opportunities, attractions and benefits of both the city and our local community and countryside, which enable us to make the best of our lives.
- (11) **Our vision of a truly sustainable local economy, and our achievements to date:** our commitment to developing a local economy based on managing and improving our Assets through, for example, leisure activities, tourism, renewable energy, ethical business and farming, recovering and restoring our historical and natural heritage, in ways which promote civic pride and continuity for present and future generations.

Our aspiration for local economic development which offers long term job security and satisfaction for our children and prosperity and time to enjoy our lives; where locally generated money remains in local circulation; that paves the way to an economy that does not risk the long term integrity, viability and resilience of our planetary boundaries, and thus contributes to the overall well-being of our community and ecosystem.

- (12) **Our local historical and natural attractions**, including the Helix, the Pineapple, Dunmore Woods, Letham Moss, Skinflats RSPB Reserve, the grounds of the former RSNH site and also the Forth Valley Royal Hospital site, the Canal, the Antonine Wall, the Falkirk Wheel, the Carron River and Carron Dams, for enjoying alone and with family and friends, and for showing off to our visitors.
- (13) **Our reputation** as a beautiful and welcoming place to live, to visit and to take holidays. The hard work, values and commitment that have contributed to this achievement and the win-win rewards it delivers for our local economy, our visitors, and our people and natural surroundings.
- (14) **Our goal of sharing mutual trust and respect with our elected representatives and third parties:** to trust they genuinely value and foster our knowledge, experience, needs and feelings; and whose leadership, policies and actions demonstrate they seek to sustain and improve our Assets.
- (15) **The life-enhancing qualities which our Assets naturally bring forth**, these further Intangible Assets are:
  - a. **Hope and confidence in a better future** for our community and the Earth.
  - b. **Good health**, which is fundamental to the quality of life and economy of present and future generations.
  - c. **The peace-of-mind and happiness** that comes from tranquil natural surroundings, and the knowledge that we, our children, our land and our homes are safe from violence and pollution.
  - d. **Contentment in our choice of place to settle** and raise future generations.
  - e. **Opportunities for escape, sanctuary and restoration** from life's trials and tribulations.
  - f. **Rich and diverse experiences:** individual, social, natural and economic.
  - g. **Stable foundations** - sociocultural and ecological - upon which to build identity, meaning, community and legacy.
  - h. **A sense of a caring relationship with, and responsibility towards, our local Ecosystem.**
  - i. **Beneficial interrelationships with our local wildlife and natural surroundings.**
  - j. **Civic pride** in our local reputation, history, culture, places, traditions and our goal of a sustainable economy.
  - k. **Mutual trust** within our community, and with government leaders, policies and processes; and developers and newcomers.
- (16) **A collective commitment to sustaining and improving all of the above**, taking great pride in our achievements over the past few decades and maintaining our ambition with our future aspirations.

These Assets were collectively agreed over a series of public meetings. In their descriptions, care has been taken to remain faithful to how they were perceived and expressed by the people, both in their finer detail and in the inclusion of some features which lie beyond the geographical boundaries of our council area but which were still deemed to be constitutive of our shared local Cultural Heritage.

## DEFINITIONS

- (1) **“Assets”** means those matters, qualities and assets (both tangible and intangible) listed above under “Our Assets”, which our communities have agreed to be the factors within our territory that we value as fundamental to maintaining the integrity, stability and beauty of our Cultural Heritage for present and future generations.
- (2) **“Cultural Heritage”** means a group of resources inherited from the past which are identified, independently of ownership, as a reflection and expression of a community’s constantly evolving values, beliefs, knowledge, practices and traditions. It includes all experiences of the cultural, social and ecological environment resulting from the interaction between people, places and ecosystems through time; and includes but is not limited to the Assets within that community’s territory.
- (3) **“Ecosystem”** shall include but not be limited to, wetlands, streams, rivers, aquifers, and other water systems, and the atmosphere, as well as naturally occurring habitats that sustain wildlife, people, flora and fauna, soil-dwelling, aerial or aquatic organisms.
- (4) **“Natural Communities”** means communities of wildlife, flora, fauna, soil dwelling, aerial and aquatic organisms that have established sustainable interdependencies and interrelationships within a proliferating and diverse matrix of organisms within a natural ecosystem, and thus also have sustainable interdependencies and interrelationships with human communities. “Natural Community” means all such Natural Communities.
- (5) **“Participatory Planning”** means collaborative decision-making processes, operating within existing planning law, which are ongoing and dynamic and centred on direct, effective and engaged participation by residents of our communities, in a manner which is fair, non-hierarchical and transparent and which is facilitated by an independent and impartial third party. Principles for these processes are set out at article 3.
- (6) **“Precautionary Principle”** means that, when an action raises threats of harm to human health or the environment then, in the absence of scientific consensus that it is harmful, those proposing the act must bear the burden of proof in proving that it is not.
- (7) **“Sustainable Development”** means any development within our territory which, following the process for Participatory Planning, is found to represent an overall long term benefit or zero harm to our Assets; thus recognising and giving equal weight to Cultural Heritage with other social, economic and environmental factors and ensuring we bequeath it to our future generations in a better state than we inherited it, to help meet the 5 guiding principles in the UK Shared Framework for Sustainable Development (2005).

## **BASIC RIGHTS AND RESPONSIBILITIES**

We the Community Council and Peoples of Larbert, Stenhousemuir and Torwood declare the following basic rights and responsibilities as fundamental to safeguarding the integrity, stability and beauty of our Cultural Heritage through the improvement and protection of its constituent Assets.

### **Article 1: Basic Right to Self Agency**

- (1) This Charter declares a basic right for the peoples of a community to have agency over those Assets in its territory it has agreed are integral to human and environmental health and well-being, for both present and future generations.
- (2) In exercising the basic right under sub-article (1), the peoples of a community:
  - (a) have a right to promote the integrity, stability and beauty of their Cultural Heritage, through the sustenance and improvement of its constitutive Assets; and
  - (b) have a right to Sustainable Development.

### **Article 2: Basic Responsibility**

We have a basic responsibility towards improving and safeguarding the Assets in our territory insofar as our rights under article 1 are not infringed.

### **Article 3: Principles for Participatory Planning**

- (1) In fulfilling our responsibility under article 2 in relation to an application for development made within our territory, we:
  - (a) declare the Precautionary Principle as the basic test for evaluating the effect of any proposed activity within our territory;
  - (b) have a right to Participatory Planning which upholds and does not infringe our rights under article 1;
  - (c) have a right, as an outcome of Participatory Planning, to an integral role in stewarding planning agreements, conditions or social licenses to safeguard our rights under article 1.
- (2) In exercising the right under sub-article 1(b), we have a shared responsibility with other stakeholders to:
  - (a) ensure all stakeholders, including our councils, developers, Natural Communities including protected species, and other relevant third parties, are represented and are equally engaged and heard;
  - (b) acknowledge a right to life for all species and beings known or reasonably suspected to reside within our territory on the basis of their intrinsic value and contribution to the integrity, stability and beauty of the Natural Community upon which the well-being of our present and future generations depend;
  - (c) remain mindful of the limitations of human culture, knowledge and perception in decision-making, particularly in relation to the lives of human and Natural Communities, locally and further afield, and the systemic and transboundary consequences of actions within our territory.
- (3) As a direct expression from the people, we declare a right for any decisions emerging from the process under this article to be a material consideration in related decision-making processes on the basis that our people and natural environment bear the burden of any risk.

### **Article 4: Right to Peaceful and Civil Preventative Representation**

In fulfilling our rights and responsibilities under articles 1, 2, and 3, we have a right under the principles of lawful necessity and lawful excuse to peaceful and civil preventative representation if such rights and responsibilities are ignored or abused.

## FRAMEWORK AND CONTEXT

We the Community Council and Peoples of Larbert, Stenhousemuir and Torwood have produced this Charter;

- (1) Conscious that the Aarhus Convention<sup>1</sup> recognises the responsibility on each person to protect and improve the environment for the benefit of present and future generations, with a right to participate in environmental decision-making as well as a right to access the information needed to do so effectively. Conscious also of the recognition in the Convention that every person has the right to live in an environment adequate to his or her health and well-being. Noting also the ecosystems approach in the Convention on Biological Diversity which recognises that people with their cultural and varied social needs are an integral part of ecosystems<sup>2</sup>; and the recognition by Scottish Natural Heritage that Nature is essential for human life which we are not separate from, and that mental well-being is greater when natural surroundings and beautiful landscapes can be experienced<sup>3</sup>;
- (2) Noting the requirement in the EIA Directive<sup>4</sup> for applicable projects on which to assess impacts on cultural heritage; the recognition given in guidance that such intangible assets as community cohesion and identity, and cultural identity and association, and individuals' sense of personal security<sup>5</sup> can be affected by projects falling within the ambit of the said Directive; the recognition given in the proposal for a revised EIA Directive<sup>6</sup> to building on definitions and principles relating to cultural heritage in the Council of Europe Framework Convention on the Value of Cultural Heritage for Society; and said Convention defining Cultural Heritage as a reflection and expression of constantly evolving values, beliefs, knowledge and traditions, which includes all aspects of the environment resulting from the interaction between people and places through time; and an obligation on signatory States to promote cultural heritage protection as a central factor in the mutually supporting objectives of, amongst others, sustainable development;
- (3) Noting the support in the draft Scottish Planning Policy ("Draft SPP")<sup>7</sup> to the guiding principles of "sustainable development" set out in the UK Shared Framework for Sustainable Development (2005) being: (a) living within the planet's environmental limits, (b) ensuring a strong, healthy and just society, (c) promoting good governance, (d) using established science responsibly and (e) achieving a sustainable economy; believing that the first 4 principles will give rise to the latter; and noting the intent of Falkirk Council's Local Plan to ensure the delivery of "improved prosperity and quality of life for each community";
- (4) Noting the acknowledgement in the National Planning Framework 3 ("NPF 3")<sup>8</sup> that, for its spatial strategy to be sustainable, it is essential that the most efficient use of existing assets are made – natural resources, land, towns and cities and infrastructure; however, noting a lack of recognition of such intangible Assets as set out in this Charter are of equal weight to the tangible assets mentioned in the NPF 3; and noting that "cultural heritage" to be protected in the NPF 3 and Draft SPP relate only to built heritage and National Parks;
- (5) Noting the recognition in the Climate Change (Scotland) Act 2009 that transitioning to a low carbon and sustainable economy and reducing greenhouse gas emissions will help build a more successful country "with opportunities for all of Scotland to flourish" and conscious of the binding national commitments contained within this document<sup>9</sup>;
- (6) Noting the absence of recognition given to a wider appreciation of cultural heritage in applicable policy, but aware of historic declarations that culture is the highest social and historical expression of our spiritual development and that it is our duty to preserve, practice and foster culture by every means within our power<sup>10</sup>;
- (7) Conscious, therefore, of the intention in planning policy to seek a balance between economic, social and environmental considerations, but aware that such policy has placed emphasis on the built environment and tangible facilities and services of a community, with a lack of recognition to Cultural Heritage and the values

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<sup>1</sup> United Nations Economic Commission for Europe: Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998)

<sup>2</sup> <http://www.cbd.int/ecosystem/>

<sup>3</sup> "Sustaining Nature's Services: Adopting an Ecosystems Approach" (November 2010)

<sup>4</sup> 85/337/EEC as amended and codified into Directive 2011/92/EU

<sup>5</sup> <http://ec.europa.eu/environment/eia/eia-guidelines/g-scoping-full-text.pdf>

<sup>6</sup> COM(2012) 628 final (26 October 2012)

<sup>7</sup> <http://www.scotland.gov.uk/Resource/0042/00421076.pdf>

<sup>8</sup> <http://www.scotland.gov.uk/Resource/0042/00421073.pdf>

<sup>9</sup> <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/climatechangeact>

<sup>10</sup> American Declaration of the Rights and Duties of Man (1948)

and intangible assets through which the peoples of a community live; thereby such planning policy proving inadequate to protect basic rights for community identity and cohesion and quality of life including the protection of the ecosystem of which the community forms part;

- (8) Committed to the Precautionary Principle which enables rapid response in the face of a possible danger to human, animal or plant health, or to protect the environment. In particular, where scientific data do not permit a complete evaluation of the risk, recourse to this principle may, for example, be used to stop distribution or order withdrawal from the market of products likely to be hazardous;
- (9) Concerned therefore to ensure that the democratic participatory procedures embedded in town and country planning law act to safeguard our Assets and Cultural Heritage, and convinced that effective participation in such processes enhances principles for sustainability and well-being;
- (10) Conscious of the Land Ethic principle by Aldo Leopold which states “that a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community, and that it is wrong when it tends otherwise”<sup>11</sup>, and extending this basic principle to encompass the entire community, human and natural;
- (11) Aware of and affirming the emerging consensus for an international crime of Ecocide as an amendment to the Rome Statute of the International Criminal Court<sup>12</sup>; an emerging paradigm that declares that the protection of the environment depends on the recognition of rights for Natural Communities and Ecosystems, including in the constitution of Ecuador in 2008, the constitution of Bolivia in 2011 and local ordinances made in multiple municipalities in the USA<sup>13</sup>; and the movement towards community self governance through such local ordinances.



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<sup>11</sup> Leopold, A. “The Land Ethic”, A Sand County Almanac: And Sketches Here and There (1949) pp224-225

<sup>12</sup> [eradicatingecocide.com](http://eradicatingecocide.com)

<sup>13</sup> see “ordinances” at <http://www.celdf.org>