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# HISTORIC ENVIRONMENT SCOTLAND

Response to a report by Lichfields  
UK: 'Battlefields: Planning Best  
Practice'

November 2023

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# 1. INTRODUCTION

## 1.1. Background

Scotland's historic battles are an important part of our identity and culture, remembered through memorials, music, poetry and literature.

Historic Environment Scotland (HES) is the lead public body for Scotland's historic environment. Part of our role is to compile and maintain an inventory of historic battlefields in Scotland.

Since its introduction in 2011, the inventory has identified 40 sites where a nationally important battle took place and provided information about them to inform their management through the planning system.

Scotland's most important battlefields range from the first battle of Dunbar in 1296 in East Lothian through to Culloden in the Highlands, where the final pitched battle in Britain took place in 1746.

When a battlefield is included on the inventory it becomes a material consideration in the planning process. This means that it has to be taken into account when deciding planning applications.

In 2021, following two petitions in the Scottish Parliament calling for stronger protection for Scotland's battlefields, HES commissioned Lichfields UK to provide evidence-based recommendations that inform best practice in the designation and management of Inventory battlefields in the planning system.

The study by Lichfields concluded that:

'while the Inventory and the policy protections which exist around it are functioning as intended, a number of changes could improve its working, provide greater clarity both in terms of designation and guidance for those working with battlefields, manage battlefield archaeological impact more effectively and thereby promote a greater confidence in the system.'

## 1.2. Purpose of this document

Historic Environment Scotland published the [Lichfields report](#) on the HES website on 11 August 2022.

We then opened a consultation, to invite feedback on the report and its recommendations from battlefield stakeholders. We have set out our analysis of this feedback in the [Annex](#) to this report.

We have considered both the Lichfields recommendations and the feedback we received, to arrive at a series of actions we propose to take that we consider will deliver improvements to how the inventory of battlefields is working in the planning system.

This document sets out the actions we intend to take in response to the Lichfield report and the feedback we received.

## 2. RESPONSE TO THE LICHFIELDS REPORT

As the lead public body responsible for compiling and maintaining the inventory of historic battlefields and with a mandate to ensure that the historic environment delivers positive impacts for the people of Scotland, we welcome the report by Lichfields UK, and the feedback we received from battlefield stakeholders.

We do not consider that major changes are required to how battlefields are protected in the planning system at this stage.

The following sections set out a series of actions to deliver improvements. Some of these actions relate directly to the role of HES in compiling and maintaining the inventory. There are other recommendations and potential actions which we cannot implement ourselves, as the responsibilities primarily sit with other partners in the planning system.

### 2.1. Designating historic battlefields

Battlefield designations cover large areas of land, some of which have been developed after the battle took place. They need to be considered when changes are being proposed within the planning system as they are a material consideration in planning decisions.

Whether in built up or rural areas, the designations therefore have implications for people who live inside inventory boundaries. There may be additional constraints, including the removal of certain permitted development rights, and potentially additional costs in relation to planning and mitigation of any significant impacts.

Lichfields recommendation 1 – ‘Boundaries of inventory areas should be redrawn to exclude areas (particularly redeveloped areas) which no longer ‘exhibit some level of preservation and/or significance in terms of its special qualities and landscape characteristics through which it can contribute to our understanding.’

Recommendation 1 divided opinion amongst respondents to our survey.

We endorse this recommendation in the sense that it is clear to us that those areas which do not exhibit any level of preservation and/or significance in terms of special qualities and landscape characteristics should not be included in inventory boundary areas. However, we consider that this does not in all cases apply to built-up areas. Some built-up areas continue to contribute to the understanding, appreciation and commemoration of battlefields. In response to this recommendation:

- We will review the sites on the Inventory. Once the revisions to the selection guidance and inventory record templates have been completed (see recommendations 2 and 3), we will recommence the review of [Pinkie](#). This case began before the Lichfields work but was paused pending possible changes to policy and selection guidance. We will subsequently identify which other sites are priorities for review and a timetable for this work. The process for reviewing individual records will involve public and stakeholder engagement, in line with a consultation protocol which is being developed by our designations service.
- In undertaking reviews of individual sites. we will ensure that each designation is robust, and that what is included is defensible, evidence-based and clearly

explained. The process for review of individual records needs to be open and transparent, involving key battlefield stakeholders and taking the latest research into account.

### Lichfields recommendation 2 – HES should provide clarity in its Selection Guidance regarding how the boundary of Inventory sites is defined

There was widespread support for recommendation 2. We accept that there is a need to improve clarity around how we define boundaries of inventory battlefields, and what aspects we include in the designation.

- We aim to review the selection guidance for the battlefields inventory through public consultation with a view to replacing the existing battlefield annex of the [Designation Policy and Selection Guidance](#) by end March 2024 . We will keep this date under review.

### Lichfields recommendation 3 (Inventory battlefield records) – The documentation which was prepared to support the designation decisions (particularly the Summary and the Deployments maps) should be separated from the Inventory entry itself. While these should remain easily available from the Inventory entry, it should be clear that these were prepared for the purpose of designation.

Inventory records are a key tool for informing planning and landuse-management. At present, each record is long, containing extensive information about a battlefield event. We believe that inventory records should focus more clearly on informing management of the surviving landscape and less on the ‘event’. We intend to develop a more succinct designation record that summarises the event, explains clearly what is protected, and why it is important. Each entry should be supported by effective mapping of boundaries and key surviving landscape/physical features. The detail requires further work but, in line with the feedback we received, we will ensure that any information that no longer forms part of the inventory record itself, will remain accessible through our online information resources.

- Taking account of the outcomes of our review of selection guidance, we will prepare a revised format for inventory records during 2024. This work will build on wider work through our Heritage Hub project, an initiative to bring together our various online records in one place. This revised record template will form the basis of future inventory reviews.

## **2.2. Management of inventory battlefields in the planning system**

### Recommendations 4 – Building on HES’ “Managing Change” guidance, detailed guidance should be developed for the assessment of cultural significance of battlefields and the impact of proposals and the identification of effective mitigation and enhancement (potentially generating examples or templates). This should aim to establish accepted standards for assessment by any of those working with battlefields.)

The feedback we received indicates that there is widespread support for improved guidance on historic battlefields to benefit from experience over the last decade. We endorse this recommendation:

- The current version of the HES publication Managing Change: Historic Battlefields was published in 2016. We commit to updating this managing change guidance as part of discussions on other aspects of national-level battlefields guidance set out in this document. We aim to have agreed a publication plan by Summer 2024.
- We also agree that the production of case studies would be helpful, and we will progress this as part of the review of guidance

Recommendation 5 – Planning authorities should be encouraged to develop management guidance (preferably in line with accepted standards) for their inventory battlefields.

We recognise the benefits of site-specific management guidance and endorse this recommendation. Lichfields identified some examples where this has been successful. The feedback we received was also supportive of this approach, with some discussion around definition of ‘accepted standards’, different approaches across local authority areas, and potential issues around capacity within planning authorities.

In the context of NPF4, while the overarching policy for managing battlefields is now provided at the national level, local authorities do have the option of providing specific local-level policies for individual battlefields in their Local Development Plans (LDPs). These policies could incorporate spatial components (e.g. a map identifying values for different parts of a battlefield). Planning Authorities may also wish to produce guidance on the management of battlefields in their areas and provide further information on what would be expected from development in or around these areas. Some planning authorities already produce site-specific battlefield guidance and there is potential to expand this.

- We consider that this recommendation is primarily for Heads of Planning Scotland (HOPS) and individual Planning Authorities to consider. We will engage with Heads of Planning Scotland on this issue to endorse the benefits of including individual battlefield management policies within LDPs and will discuss with them how we can assist. There may, for example be a role for HES in providing advice on any local level policies and associated planning guidance as well as setting national standards in our managing change guidance.

Lichfields Recommendation 6 – Planning authorities should, where appropriate, require applications which have the potential to affect a battlefield, to be supported by a suitable assessment of impact (preferably in line with accepted standards) either individually, or, preferably, through the amendment of HOPS Validation and Determination Guidance for Planning Applications.

Existing managing change guidance for inventory battlefields already advocates assessment of impacts in relation to development proposals within inventory battlefields. However, the evidence suggests that application of assessments is inconsistent.

While feedback was supportive of making impact assessments a requirement, questions were raised about defining activities with the potential to affect battlefields, roles and responsibilities, and the setting of standards. We continue to consider impact assessments of value for historic battlefields in advance of development. However, we think that it would be disproportionate to make this a requirement, particularly for smaller scale developments. In our view, amendment of HoPS Validation and Determination Guidance would be a step too far.

- We will make the case to Scottish Government and HOPS about the value of specific impact assessments in support of planning applications for development proposals which have the potential to affect a battlefield significantly. We do not consider this a new burden, as our existing managing change guidance already advocates the value of such assessments.

Lichfields Recommendation 7 – HES as the lead public body, should request the amendment of wording of NPF4 to allow for the assessment of setting impact where appropriate. Suggested wording is provided here 'Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect, and, where appropriate, enhance a battlefields' cultural significance, key landscape characteristics, physical remains and special qualities.'

This recommendation was made at a time when the Scottish Government was consulting on a draft National Planning Framework 4 (NPF4). Historic Environment Scotland provided advice to Scottish Government and took the Lichfields recommendations into account at that time. NPF4 has now been finalised and is published at [www.gov.scot/publications/national-planning-framework-4/pages/3](http://www.gov.scot/publications/national-planning-framework-4/pages/3). The relevant policy 7 (j), states:

*'Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities'*

No further action is required at this time.

### **2.3. Archaeology and training**

Lichfields Recommendation 8 – Archaeological evaluation, impact and mitigation should be closely incorporated into the relevant strands of site assessment required to inform planning decisions.

We endorse this recommendation. Feedback was supportive, but with comments around the practicalities pre- and post-consent, and around the proportionality of the recommendation particularly for small-scale development. There were also observations of issues with existing practice, and the need for standardised methodologies and inter-disciplinary approaches to evaluation.

- When we are making the case to Scottish Government and Heads of Planning Scotland about the value of specific impact assessments in support of planning applications for development proposals (recommendation 6), we will promote the importance of incorporating archaeological evaluation, and other inter-disciplinary approaches into this work. We will also ensure that updates to national level battlefields guidance cover these matters.

Lichfields Recommendation 9 – Archaeologists (both as curators and contractors) working in this area (or their professional groups) should be encouraged to prepare best practice guidance on the investigation and recording of historic battlefields.

The feedback we received indicates widespread support for preparing best practice guidance on the investigation and recording of historic battlefields. Historic Scotland

previously commissioned the Centre for Battlefield Archaeology to prepare content for potential guidance on this subject in 2013. Although this was never published due primarily to concerns over roles/responsibilities, it may provide useful evidence to inform future guidance.

As lead body for the historic environment, we endorse the need for new guidance to be published on this topic via the most appropriate mechanism. Further discussions are required across the sector about the scope of the guidance and agreement on how it should be produced. HES will work with partners in the sector to determine the nature and scope of the guidance. Our view is that this guidance is likely to be best delivered through co-production across the sector, facilitated by HES.

- As part of discussions on other aspects of national-level battlefields guidance set out in this document, HES will organise a workshop with key stakeholders in the sector (primarily LA archaeologists) to agree the content, scope, mechanism for producing the guidance, and timetable for this work. We aim to have agreed a publication plan by summer 2024.

Lichfields Recommendation 10 – Opportunities should be explored for highlighting what is lost through irresponsible metal-detecting and promoting its responsible pursuit.

We endorse this recommendation and do not propose to pursue further change regarding regulation. Feedback suggests that there is continued support for this approach, recognising both the risks and benefits of metal detecting. While several respondents raised the need for greater regulation of metal detecting on inventory battlefields, incentivisation of responsible metal detecting was also mentioned.

- We are committed to revisiting our existing metal detecting leaflet in consultation with ALGAO Scotland and the Treasure Trove Unit via the Scottish Heritage Crime Group. We will ensure that revisions to this document promote responsible practices and we will continue to work with partners on these issues in relation to historic battlefields.

Lichfields Recommendation 11 – HES, working with others in the sector, should organise an event (or series of events) which could be in person or virtual into explore the established guidance around battlefield assessment as a way of devising and promulgating accepted standards for the assessment of cultural significance and impact on battlefields (as suggested in Recommendation 4 above)

The idea of an event(s) organised by HES with others in the sector to explore the established guidance around battlefield assessment as a way of devising and promulgating accepted standards received significant, though not unanimous support. There were some respondents who felt that an event might best be organised by others than HES, and also some doubts about how beneficial previous events have been.

We consider that engagement with stakeholders on all historic environment issues is business-as-usual and regularly engage with a wide range of third-sector bodies, including specific battlefield groups such as the Scottish Battlefields Trust.

At this stage, we don't intend to organise a specific event ourselves beyond the workshop on guidance mentioned above (see recommendation 9) but will keep the need for one in our minds in discussion with the sector, in the course of implementation of the actions in this report.



## **2.4. Conclusions**

The Lichfields report has provided useful evidence of how the inventory of battlefields is working in the planning system, now that the inventory has entered the second decade of its existence.

While we do not consider that radical change is necessary at this time, the work undertaken by Lichfields, and the feedback we received from stakeholders has helped to identify a series of actions that the sector can take forward together.

We aim that these actions will deliver improvements in how our most important battlefields are managed for current and future generations.

We will begin our work on implementation, and report on progress through our annual planning performance reports. You can read about these on our website.

In the meantime, we thank Lichfields UK for their report, and battlefields stakeholders for giving their time and sharing their information and insights to inform this review.

# ANNEX – CONSULTATION ANALYSIS

The purpose of this part of the document is to analyse the feedback we received from battlefields stakeholders to the Lichfields Report. We gathered this feedback by launching a consultation/online questionnaire on our [Citizen Space pages](#).

## 3. METHODOLOGY

### 3.1. How did we distribute, advertise and encourage participation in the consultation?

We launched our consultation on 11 August on our Citizen Space pages. The consultation was due to close on 3 November but was extended to 17 November following a request by a member of the public.

To inform responses to the consultation, we provided a copy of the [Lichfields report](#) and an executive summary of the key findings.

We publicised the report and our consultation by promoting a press release on the HES website.

We also targeted feedback from battlefields stakeholders directly by sending out an email notification to 25 interested parties. These included organisations and umbrella bodies that had previously been invited to participate in the Lichfields study, and others that had contacted HES to request an opportunity to contribute views.

In some cases, more than one individual from an organisation was contacted – so for example, the email may have been sent to more than one contact within a local authority.

We encouraged those whom we notified to circulate our invite to others who they considered might also have an interest in the report and its findings.

### 3.2. What questions did we ask?

We invited participants to answer a survey consisting of 19 questions.

Question 1: What is your name?
Question 2: What is your email address?
Question 3: If you give your permission, we may contact you by email to discuss your response in more detail. Are you content for Historic Environment Scotland to contact you again in relation to this consultation exercise?
Question 4: Do you use the Inventory of Historic Battlefields? (Select all that apply)
Question 5: Are you responding as an individual or an organisation?
Question 6: Historic Environment Scotland would like your permission to publish your consultation response. Please indicate your publishing preference

Question 7: Our privacy notice explains your rights and our role in protecting the information you share with us. Please confirm that you have read the privacy policy and consent to the data you provide being used as set out in the policy
Question 8: How do you view this conclusion?
Question 9: How do you view the following: 'Boundaries of Inventory areas should be redrawn to exclude areas (particular redeveloped areas) which no longer "exhibit some level of preservation and/or significance in terms of its special qualities and landscape characteristics through which it can contribute to our understanding"?'
Question 10: To what extent do you agree or disagree that 'HES should provide further clarification in its Selection Guidance regarding how it defines the boundary of Inventory sites'?
Question 11: How do you view the following: 'The documentation which was prepared to support the designation decisions (particularly the Summary and the Deployments maps) should be separated from the Inventory entry itself. While these should remain easily available from the Inventory entry, it should be clear that these were prepared for the purpose of designation'?
Question 12: How do you view the following: 'Building on HES' "Managing Change" guidance, detailed guidance should be developed for the assessment of cultural significance of battlefields and the impact of proposals and the identification of effective mitigation and enhancement (potentially generating examples or templates). This should aim to establish accepted standards for assessment by any of those working with battlefields'?
Question 13: To what extent do you agree or disagree that 'Planning authorities should be encouraged to develop management guidance (preferably in line with accepted standards) for their Inventory battlefields'?
Question 14: How do you view the following: 'Planning Authorities should, where appropriate, require applications which have the potential to affect a battlefield to be supported by a suitable assessment of impact (preferably in line with accepted standards) either individually or, preferably, through amendment of HOPS Validation and Determination Guidance for Planning Applications'?
Question 15: To what extent do you agree or disagree that 'HES, as the lead public body set up to investigate, care for and promote Scotland's historic environment, should request the amendment of the wording of NPF4 to allow for the assessment of setting impact where appropriate. Suggested wording is provided here: Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield's cultural significance, key landscape characteristics, physical remains and special qualities'?
Question 16: To what extent do you agree or disagree that 'Archaeological evaluation, impact and mitigation should be closely incorporated into the relevant strands of site assessment required to inform planning decisions'?
Question 17: How do you view the following 'Archaeologists (both as curators and contractors) working in this area (or their professional groups) should be encouraged to prepare best practice guidance on the investigation and recording of historic battlefields'?
Question 18: To what extent do you agree or disagree that 'Opportunities should be explored for highlighting what is lost through irresponsible metal detecting and promoting its responsible pursuit'?
Question 19: How do you view this recommendation? – 'HES, working with others in the sector, should organise an event (or series of events) which could be in person or virtual to explore the established guidance around battlefield assessment as a way of devising

and promulgating accepted standards for the assessment of cultural significance and impact on battlefields’.

Question 20: Do you have any other comments on the recommendations?

### **3.3. How did we analyse the responses?**

All collation and analysis work has been conducted in-house by HES.

All respondents completed the Citizen Space questionnaire. One consultee also provided a copy of their response by email; another who had completed their response during the initial window, provided additional material by email when the consultation was extended. We have integrated these comments into the relevant sections of this report.

Initial analysis was primarily undertaken through the survey software to provide quantitative outputs and a spreadsheet of responses to each of the questions.

We then considered each question in turn. When undertaking our analysis and reporting, we have followed a principle of ‘inclusion’, setting out to consider each of the 29 submissions equally without bias.

Some questions contained an agree/disagree scale tick box option to allow respondents to indicate their response (typically ranging on a 5-point scale from strongly agree to strongly disagree). Results from these questions are presented in graph format.

Free text comments in response to each question were examined to identify emerging themes and similar issues or ideas. We have therefore clustered responses to create summaries of the arguments being made. Sample quotes have been included to illustrate the range of views expressed.

The following sections of this report document the substance of the analysis. Whilst all responses have been taken into account it has not been realistic to set out the qualitative content of every single response in equal detail, because of the volume and length of report that would ensue. However, where we have permission to do so, responses have separately been published in full so that consultees can read exactly what was said.

## **4. SUMMARY OF RESPONSES**

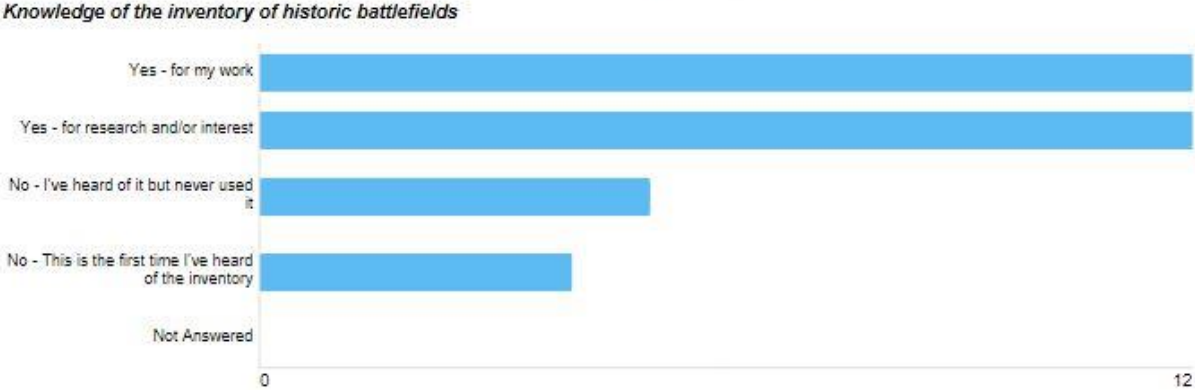
### **4.1. How many responses did we receive and who were they from?**

We received 29 responses to our Citizen Space survey. Of these, 18 responded as individuals, and 11 as organisations. A list of those who responded as organisations is included in Section 6.

While the consultation gave all those who wished to comment an opportunity to do so, the response rate was relatively small. Furthermore, participation was on a self-selection basis driven by interest in the topic. The figures and opinions presented offer merely a small snapshot of opinion on a highly specialised topic and cannot be extrapolated to the wider population.

We asked respondents if they used the Inventory of Historic Battlefields (see figure below for question 4). Most responses came from people/organisations who use the inventory for work/research and interest. However, we also had responses from people/organisations who have not previously used the inventory at all.

Question 4: Do you use the Inventory of Historic Battlefields? (Select all that apply)



**4.2. The headlines - what did people say?**

We have published responses in full, where we have the necessary permissions, on our [Citizen Space pages](#).

In summary:

- Most respondents (82%) broadly agreed with the conclusion by Lichfields UK ([Q.8](#)), but we received some comments about the degree of protection afforded by the inventory, the role of HES in compiling and maintaining inventory records – in particular the need for greater clarity and transparency - and the need to promote awareness of the inventory and its purpose.
- Views were divided ([Q.9](#)) on the recommendation that inventory boundaries should be redrawn to exclude areas (particularly redeveloped areas) which no longer ‘exhibit some level of preservation and/or significance in terms of its special qualities and landscape characteristics). Some practical suggestions were made including twin boundaries, and management guides.
- There was a very high level of agreement (86%) that HES should provide clarity in its Selection Guidance regarding the boundary of Inventory sites is defined ([Q.10](#)). Clarity and transparency should also be provided in designation assessments about how individual site boundaries are decided.
- There was moderate support (55%) for separating the information prepared in support of designation decisions from the Inventory entry itself ([Q.11](#)) but with a significant number expressing no opinion or remaining undecided. Wherever this information does go, it should remain readily available and accessible from the inventory.
- There was significant support (79%) for developing guidance for the assessment of cultural significance of battlefields, the impact of proposals and the identification of effective mitigation and enhancement ([Q.12](#)). It was pointed out that such guidance had been prepared but never published. Any guidance should be wide ranging in

scope, incorporate case studies, and it should be easily updateable as understanding changes.

- There was widespread agreement (82%) with the recommendation that planning authorities should develop management guidance for their inventory battlefields ([Q.13](#)). Aspects that would need to be considered include definition of 'accepted standards'. We would need to consider the risk of inconsistent approaches across different local authority areas, and potential issues around capacity within planning authorities.
- Most (82%) respondents broadly agreed that planning authorities should, where appropriate, require applications which have the potential to affect a battlefield to be supported by a suitable impact assessment ([Q.14](#)). Questions were raised about defining activities with the potential to affect battlefields, roles and responsibilities, and the setting of standards for impact assessments.
- There was strong overall support (82%) for Lichfield's recommended changes to the proposed battlefield policies in the draft NPF4 ([Q.15](#)). However, there was some debate about the pros and cons of including assessment of 'setting' impacts on battlefields, particularly where this might have implications outside inventory boundaries. Questions were also raised about where management guidance for battlefields would sit if supplementary planning guidance no longer existed under NPF4.
- The recommendation to incorporate archaeological evaluation, impact and mitigation incorporated into the relevant strands of site assessment ([Q.16](#)) was supported by c.70% of respondents, but with comments around the practicalities of this pre- and post-consent, issues with existing practice, the need for standardised methodologies and inter-disciplinary approaches to evaluation.
- There was almost unanimous support (89%) for preparing best practice guidance on the investigation and recording of historic battlefields ([Q.17](#)), with comments on the scope of guidance, who should lead in producing it and who should be involved.
- Around 75% of respondents agreed that opportunities should be explored for highlighting what is lost through irresponsible metal detecting and promoting its responsible pursuit ([Q.18](#)). The risks and benefits of metal detecting were highlighted. Several respondents raised the need for greater regulation of metal detecting on inventory battlefields. Incentivisation of responsible metal detecting was also mentioned.
- The idea of an event(s) organised by HES with others in the sector to explore the established guidance around battlefield assessment as a way of devising and promulgating accepted standards was supported by 65% of respondents ([Q.19](#)). Comments included suggestions to make this a success. However, there were some respondents who felt that an event might best be organised by others (not HES). Also, doubts were expressed about how beneficial previous events have been.
- Finally, respondents provided a wide range of closing comments and feedback ([Q.20](#)), covering the Lichfield reports as a whole, roles and responsibilities for battlefields, the work of HES, inventory records, the strength of protection available for historic battlefield, and battlefield management in the planning system.

## 5. ANALYSIS OF RESPONSES

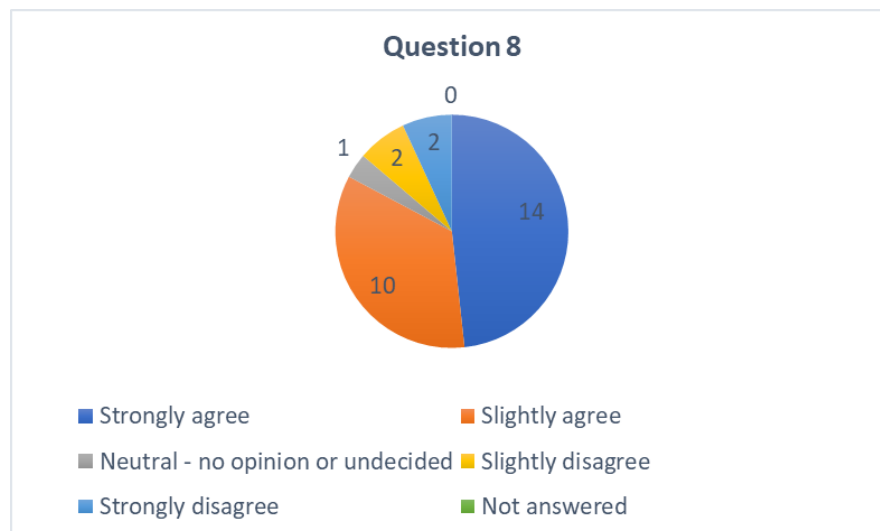
Questions 1-7 related to personal information about those completing the survey (name, contact details, organisation, use of inventory, privacy information etc.) as summarised in section 3.

### 5.1. The conclusion by Lichfields UK

**Question 8** invited respondents to comment on how they viewed the following overall conclusion:

'While the Inventory and the policy protections which exist around it are functioning as intended, a number of changes could improve its working, provide greater clarity both in terms of designation and guidance for those working with battlefields, manage battlefield archaeological impact more effectively and thereby promote a greater confidence in the system.'

29 respondents answered this question (see figure below for Q8). Of these, 82% of responses either agree or strongly agree with the conclusion.



18 respondents provided further comments.

A respondent who slightly disagreed with the conclusions commented that they considered that 'the system works well as it is, though a national standard for investigating battlefields would be welcome'. One of the two respondents who strongly disagreed commented that the inventory offers 'no real protection in use'; the other commented 'would the "number of changes" be in line with stopping the building of houses, farm buildings, holiday resorts on battlefields?'

Comments from those who either slightly agreed or strongly agreed with the conclusion by Lichfields UK were wide-ranging, covering the degree of protection afforded by the inventory, the role of HES, and practical suggestions for improvements.

Fiona Grahame queried the level of awareness about the inventory, suggesting 'there are many organisations and individuals who are unaware of the inventory therefore there needs to be more publicity about it and how it functions'.

Two respondents mentioned the original purpose of the inventory when it was introduced in 2011:

- Killiecrankie, Fincastle & Tummel Community Council suggested that the purpose was unclear beyond a 'vague idea of strengthening protection for those sites that are included in the Inventory'. They argued that 'Clarification is needed on how to safeguard the various elements of a battlefield that are listed in the Inventory; who is responsible for safeguarding; and what weight the Inventory has in the planning system and in schemes that sit outside the planning system.'
- One respondent commented 'the Inventory was hobbled from the start because it was required to be non-statutory, cost-neutral, and requiring no additional legislation. The environment may well have changed since its inception, meaning that these restrictions no longer apply. However, they absolutely shaped the nature of the Inventory at the time.'

The degree of protection afforded by the inventory was the focus of six responses. An individual commented that the conclusion 'requires some mention of the protection of battlefields'. David James Smith argued that planning policies/laws should be amended to give a greater focus to preservation of historic battlefields.

The National Trust for Scotland commented

'while the Inventory provides a means by which battlefield boundaries may be considered, it currently has only limited weight in decision-making, and offers weaker protection than that provided for in England. The Inventory is now recognised within decision-making but does not always have the weight or effectiveness it should have'.

Furthermore, they commented

'at present, the designations have a lot of grey areas whereby developers, perceiving areas of the designated battlefield as less pertinent to a battlefield narrative, are able to impinge and thus change the character of the historic landscape... Much of the problem seems to be with protecting the setting of some of the wider areas – often beyond the limit of the designated battlefield boundary.'

Several respondents referred to the Battlefield of Culloden in this context. The National Trust for Scotland observed

'...we are still seeing inappropriate developments coming forward, which then have to be contested, and on occasion these have been approved (e.g. Viewhill at Culloden).

One respondent commented

'Very simply, you are not doing enough to defend The Culloden Battlefield from land and real estate development. Which is infringing on not only an historic Battlefield but War Graves as well. Put your fists down and say no and change the laws that need to be changed.'



The role of HES in compiling and maintaining the inventory was the focus of the response by Geddes Consulting, drawing on their experience of applying to HES to review the inventory record for the Battle of Pinkie and as a consultee to two recent applications to modify this record.

Geddes Consulting commented agree that procedural changes should be made to the way which HES manages the inventory, indicating that these are essential to improve public confidence and provide an appropriate framework for decisions regarding battlefields. In particular, 'greater transparency is required in respect of how it HES defines the Inventory record for each battlefield and how it manages change in the system'. They highlighted the following three fundamental principles that need to be addressed: 1. A proper public consultation process for a proposed modification to the Inventory. 2. Appropriate publication of the findings from new research on the Inventory website with a facility to download pdfs. And 3. Robust and independent scrutiny of the evidence, as well as consideration by HES. Without public involvement in the process, Geddes Consulting commented that it lacks legitimacy, and it will be more difficult for HES to secure the necessary public support. Other issues with previous/current practice identified by Geddes Consulting include not publishing the assessments against the selection guidance that determine decisions by HES on individual battlefield cases, alongside the record. On the question of provision of mapping as part of inventory records, Geddes Consulting commented

'No maps are published by HES to guide the protection, conservation and enhancement of Scotland's battlefields. This is a major omission in our opinion.'

Geddes Consulting suggest that inventory records should be accompanied by a management guide, to help guide the management of the protection, conservation and enhancement of the battlefield. Geddes Consulting commented that

'this Management Guide should be soundly based on the battle manoeuvres (shown on the Deployment Map) and used to protect important elements of the remaining battlefield landscape such as the inter-visibility of armies during the battle action, possibly the direction of movement of armies across the battlefield, or proven areas where significant conflict may have happened during the battle. This type of guidance and mapping is that expected to help define a heritage trail to explain the battle to the public as an example of enhancement. This Management Guide can be used to guide public action within the battlefield to enhance the understanding and knowledge of the battle.'

Geddes Consulting suggested such a guide could be used to define planning obligations and financial contributions through the planning system which can be used to help enhance the battlefield and its interpretation. An example of this might be establishing interpretation trails and signage or restricting development to areas with low sensitivity to physical change within a battlefield. They argue that this Management Guide needs to be part of the published guidance from HES on the Inventory website and should not be delegated to another process within the development plan system such as supplementary guidance.

Society of Antiquaries of Scotland) commented that they would welcome any work that improves clarity and transparency of the inventory.

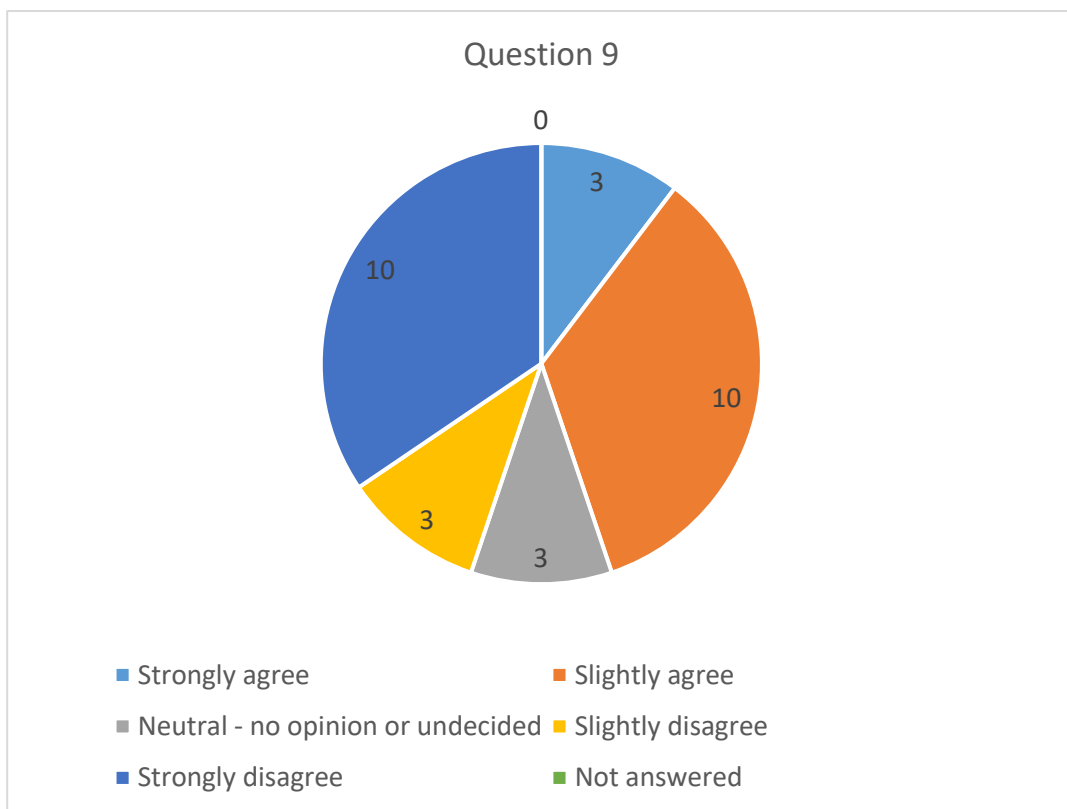
Other comments covered the following:

- Addition of the Battle of Corrichie in Aberdeenshire to the inventory. This is the site of a large development project (individual).
- The development of management plans for designated battlefields would help address many of these issues, setting out how the public interest in conserving the battlefield can best be advanced, and helping manage other land uses in a clear, predictable and sustainable way (National Trust for Scotland).
- 'The current criteria for consideration of Fields of Conflict, according to number of combatants and historical significance, is too limited in its scope. Many clan battles, battles of the Covenanter Risings and indeed sieges of fortified castles and manor houses, fall completely outside the remit applied to battlefield designation, despite being just as significant.' (National Trust for Scotland).
- Improvements to the working of the Inventory and guidance would help voluntary and educational understanding of battlefields and changes allowed within them (Colin Davenport).

## 5.2. Setting boundaries

**Question 9** invited respondents to comment on how they viewed the following recommendation:

'Boundaries of inventory areas should be redrawn to exclude areas 'particularly redeveloped areas) which no longer 'exhibit some level of preservation and/or significance in terms of its special qualities and landscape characteristics through which it can contribute to our understanding.'



There were 29 responses to this question. The numbers of respondents to this question were divided equally between those who disagree with this recommendation by Lichfields and those who agree with it.

One respondent commented on how the current system arose.

Built up areas 'were initially excluded during the design phase, but it was felt that doing so introduced a lack of consistency and that what should be mapped was the likely boundary of the battlefield irrespective of subsequent land use. This is why urban areas and quarries were still included.'

Furthermore, that

'the original boundaries were established under the stricture that they could not be constraint maps and we could not treat them as such. They were intended to be a trigger to alert planners to the fact that there was an issue that they might want to take into account in planning decisions. In that light, it did not matter if urban areas or quarries were included because the planners would be able to see that there was a low chance of any archaeology surviving there and could then say that they had considered the battlefield aspect but it was not affected by the application. It was intended as information and not instruction for planners.'

There was some consensus in a number of areas regardless of whether respondents agreed or disagreed with this recommendation:

- The question of boundaries relates to the purpose of the inventory designation itself. According to the National Trust for Scotland, boundaries should therefore be drawn to 'to provide the basis for understanding and further research, and to protect the remaining battlefield landscape.'
- The need for clarity and transparency for how boundaries are drawn and areas included, both in selection guidance, and individual designation records. Furthermore, the rationale and evidence behind boundary decisions needs to be clearly explained and set out.

Arguments were presented in support of and against the recommendation by Lichfields.

Of those who slightly/strongly agreed with the recommendation, Geddes Consulting commented that

'if the aim of the inventory is to help improve the protection, conservation and management of the battlefields... it therefore seems logical that urban development within an Inventory area should be excluded since their inherent value to protect, conserve or conserve the battlefield is already permanently lost.'

Geddes Consulting suggested that urban areas in a battlefield should become, in effect, 'excluded areas' without constraints placed on future development, with the possible exception of 'major development' (as defined in planning legislation) which might be required to undertake an archaeological assessment to investigate whether there are any buried remains associated with the battle on the site under investigation.

AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell observed that this recommendation could exclude a great number of battlefields or large elements of them. In their response, they queried if

‘large areas at Linlithgow Bridge and Pinkie might be excluded due to former quarrying/mining activities. Or would all of Bothwell Bridge excepting the Covenanters Field be excluded on the basis that the rest of the area is now urban/suburban?’

On this basis, AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell advised that it would be important to set out clearly in selection guidance the factors that would be taken into account in deciding if a battlefield has been so altered that it appears to have lost its special qualities and landscape characteristics, such that it will not be included in the Inventory.’ This would need to take account both of the ‘extent of alteration,’ but also the ‘type of alterations which would result in loss of special qualities and landscape characteristics.’

Of those who slightly/strongly disagreed with the recommendation, one individual commented that they like the flexibility of the system ‘it’s fairly obvious that areas within the boundaries have greater or larger significance. But context is all’. A significant concern on behalf of several respondents is that changes to boundaries would hinder protection of battlefields. The National Trust for Scotland commented that limiting the scope of the areas identified as being associated with a battle runs the risk of further undermining the conservation of these sites.’ Les Ames commented ‘there has been too much encroachment into boundaries already by developers!’. A response from an individual commented: Redrawing boundaries seems like another way of saying "let the land be sold and built on for profit." The example of Culloden was raised by David Learmonth in the context of areas of developed land at Culchunaig, Viewhill and Muirfield Farm, at a strategically important location on the battlefield, where events took place that contributed to the outcome and where hand to hand combat took place. He poses the question ‘Why then should such an important battlefield location be omitted?’

Other arguments presented against redrawing boundaries were as follows.

- ‘Redrawing boundaries to exclude areas would negate one clear purpose of the inventory as recognised through the review to aid understanding outside of the planning process.’ (Society of Antiquaries of Scotland).
- Why would a battlefield “no longer exhibit some level... qualities etc”? It must have indicated something when it was originally placed on the inventory (Individual).
- Built up areas may still contain important objects, burials or archaeological remains as evidenced by test-pitting in people's gardens (Iain Banks; Colin Davenport; an individual).
- Quarry sites where the land has been reinstated can allow the setting and location of the battlefield to be understood even if all of the artefacts have been removed from that area (Iain Banks).
- The question assumes current knowledge and technology; ignoring recognised boundaries might compromise future comprehension, interpretation and understanding of a site (Les Ames).

A number of practical suggestions to the question of boundary setting arose.

- The idea of two boundaries for inventory sites (particularly for complex sites) was promoted by several respondents. The Society of Antiquaries suggested that this

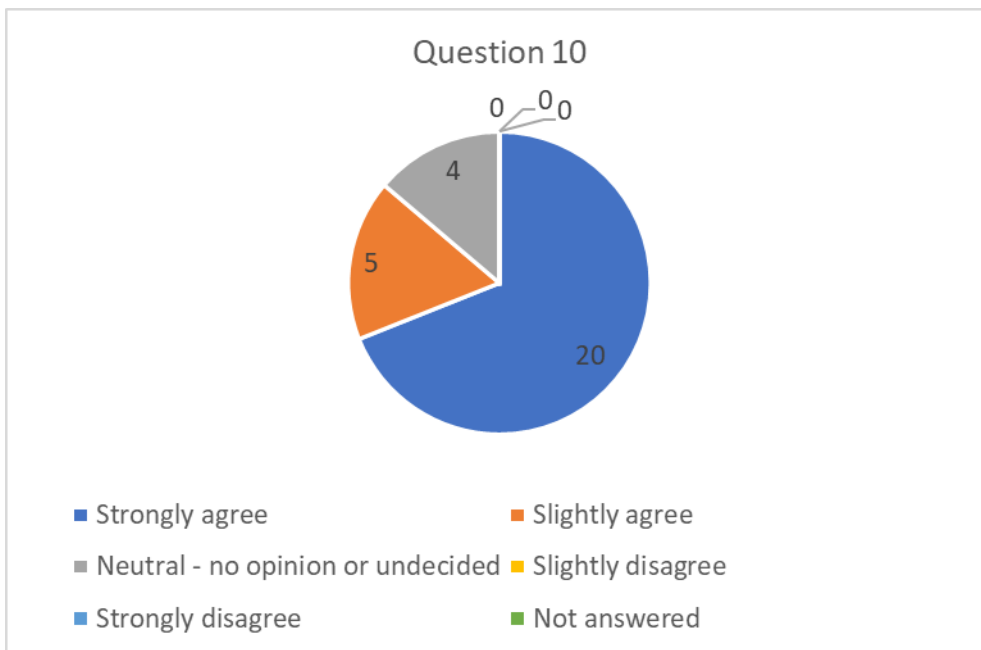
would ensure that the inventory retains its broader purpose, beyond that of management. Ideas for this included variously the idea of a core, and wider context for understanding (Perth and Kinross; Society of Antiquaries of Scotland), ‘an inner and then an outer for redeveloped areas to show context’ (David James Smith); an overall boundary of a battlefield/ battle landscape based upon research and a boundary which is focused upon impacts/potential (ALGAO Scotland/East Lothian Council). ALGAO Scotland commented that the latter idea ‘would require the Inventory to be more responsive and to take account of new work and research undertaken. It would make it more usable in terms of the management through planning and would allow the exclusion of urban areas etc without losing the understanding of the historic event/ battle landscape as a whole.’

- Mapping of areas of low sensitivity in a management guide for each battlefield (Geddes Consulting). These guides could delineate urban areas as 'excluded areas'. This guide should inform the development plan and development management process.

### 5.3. Inventory documentation

**Question 10** asked:

‘To what extent do you agree or disagree that ‘HES should provide further clarification in its Selection Guidance regarding how it defines the boundary of Inventory sites’?



Of the 29 responses to this question, there was almost unanimous agreement with this recommendation calling for total clarity and transparency in selection guidance on boundary setting. There was no disagreement, and only four responses were neutral/undecided.

The National Trust for Scotland observed that:

‘currently, it can seem that little to no clarification is offered. For example, it is not obvious to a lay person how the boundaries of the Bannockburn or Sauchieburn

sites have been defined, even with specialist knowledge of those events. Presumably the boundaries are designed to give the maximum scope of the area in which engagements took place, but that is not always apparent when consulting the Inventory.'

Respondents made the following arguments in favour of clarifying such aspects in HES selection guidance:

- Development control often looks at things from a landscape perspective in a map environment and understanding/reasoning behind the process can only help. (Perth and Kinross Heritage Trust)
- Clarification on this would 'allow greater flexibility in determining impacts upon a battle landscape. As the majority of management of the battle landscape are carried out via spatial planning then knowing when and why a hard line on a map is based upon sound research and when it is based upon convenience will go some way to counter the 'in' and 'out' mentality.' (East Lothian Council; ALGAO Scotland)

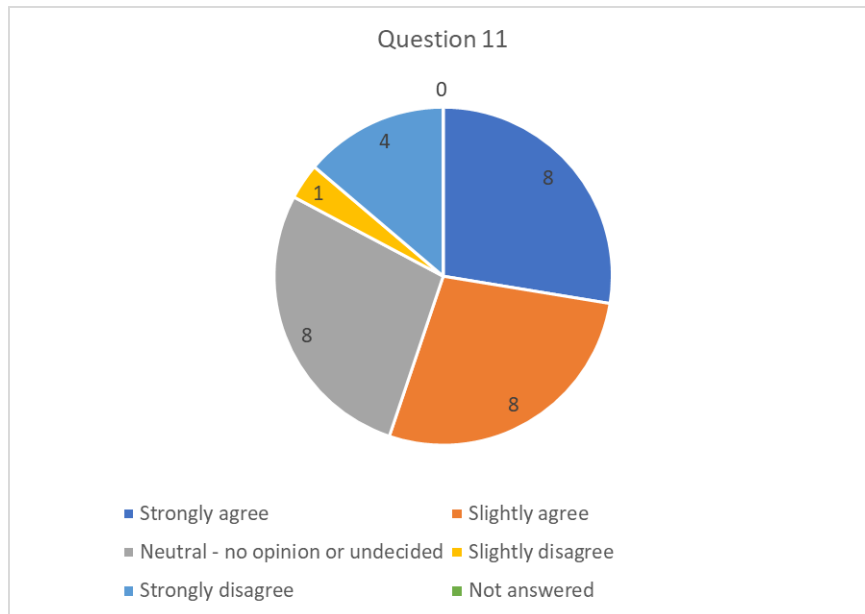
The following additional points were made for aspects that merit clarification in selection guidance:

- Guidance should clarify how 'HES takes into consideration contemporary academic and archaeological studies, which in many cases, such as Culloden, are painting a much different and significantly more detailed understanding of troop positions, actions and movements on the field etc. (David Learmonth).
- Selection guidance should ensure that inventory records include references to publications that are publicly accessible, including through publication on the inventory website. (Geddes Consulting).
- Inventory assessments by HES should be published along with the inventory record. (Geddes Consulting).
- The importance of public consultation on proposed changes. (Geddes Consulting)
- It is important to refer to the 'arguments that relate to which areas have been included in the battlefield boundary, recognising that these can often be very complicated and in depth depending on which interpretation of a battle is being followed or currently in favour. The current boundary will be the product of a number of different interpretations.' (National Trust for Scotland).
- Clarification on boundary setting should include consideration of setting and other wider landscape attributes (such as views) where they contribute to the key landscape characteristics and special qualities of site. (Society of Antiquaries of Scotland)
- Similarly, there needs to be further clarity on what extent 'lack of certainty of their location' influences decisions to designate a site on the inventory (AOC Archaeology et al.). Examples given were the 2nd day of fighting at Bannockburn and of Sauchieburn, both on the Inventory.

**Question 11** asked:

How do you view the following:

'The documentation which was prepared to support the designation decisions (particularly the Summary and the Deployments maps) should be separated from the Inventory entry itself. While these should remain easily available from the Inventory entry, it should be clear that these were prepared for the purpose of designation'?



There were 29 responses to this question. Approximately half of the respondents either agreed or strongly agreed that the information prepared in support of designation decisions should be separated from the Inventory entry itself. However, one and four respondents disagreed slightly and strongly, respectively. A significant number expressed no opinion or remain undecided.

A common caveat noted by respondents, either in support or neutral towards this approach, is that the information should remain readily available and accessible from the inventory.

One response in support of the proposals from the Centre for Battlefield Archaeology at the University of Glasgow, states that the inventory was originally envisioned to have different 'layers' of information, with the inventory entries themselves forming the basis of planning decisions whilst the research informing the designation etc. would be separately available to the public. AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell noted that a similar approach is already undertaken by The Highland Council and Stirling Council. Perth & Kinross Heritage Trust noted the production of unsourced interpretation maps by the applicant during the Public Local Inquiry for the A9 Dualling at Killiecrankie, and that robust, readily available and sourced maps may help avoid this issue in future.

Of those that strongly disagreed with the proposals, Geddes Consulting and the Society of Antiquities stated the importance of deployment maps and the importance of mapping when understanding inventory battlefields. Geddes Consulting noted that all Summary and Deployment Maps should form a core element of the designation, and must be regularly updated with any modifications requiring safeguards, such as;

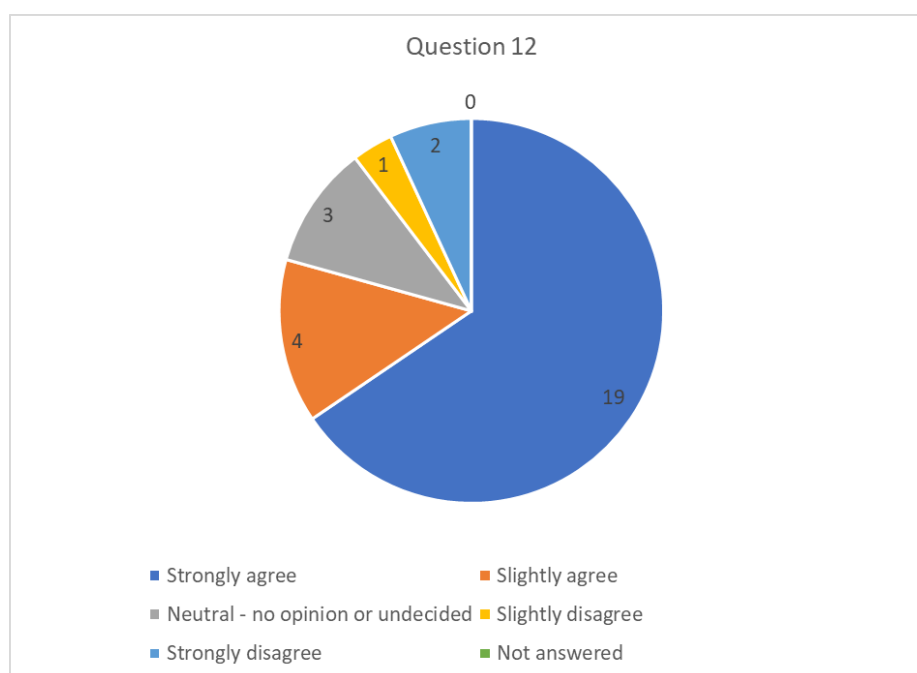
- Applications to amend these Summary and Deployment Maps must be available to the public.
- The Summary and Deployment Maps should be accompanied by a Management Guide required to highlight the various relationships which exist across the battlefield and are important to manage for the protection, conservation or enhancement of the battlefield.

## 5.4. Managing change

**Question 12** asked:

How do you view the following:

'Building on HES' "Managing Change" guidance, detailed guidance should be developed for the assessment of cultural significance of battlefields and the impact of proposals and the identification of effective mitigation and enhancement (potentially generating examples or templates). This should aim to establish accepted standards for assessment by any of those working with battlefields?'



There were 29 responses to this question. A significant majority (c.80%) strongly or slightly agreed with this recommendation. Less than 10% of respondents either slightly or strongly disagreed.

Of those that agreed with the proposal, one respondent noted it was envisioned that guidance for standards of assessment would be produced as the 'Phase 3' of the development of the Inventory, and;

"This was created by consulting conflict archaeologists across the world, all of whom were very experienced in undertaking fieldwork and working with metal detectorists. The guidance that was produced as a result was given to the then HS, but it has never been published... [which] means that there have been a range of approaches to battlefield mitigation in the years during which the Inventory has been in operation."

Respondents from local authorities and curatorial bodies such as the National Trust for Scotland were unanimous in the view that further detailed guidance and a standardised best practice would be beneficial. Both Aberdeenshire Council and ALGAO Scotland



specifically note that further guidance around forestry on historic battlefields would be particularly welcome.

A key point provided by numerous positive respondents was that any guidance should take care to be flexible enough to apply to the unique nature individual of historic battlefields, as the National Trust for Scotland noted:

“The definitions used should be broad rather than narrow if the end goal is the protection and conservation of these sites. The guidance should encourage those working with battlefields to consider the widest possible scope of the site and its significance. There should be recognition of battlefields as living landscapes that will change over time as the relationships and values evolve with each generation. This reflects to contemporary heritage practice in understanding of how value is ascribed to places and things by people over time”

In addition to these points numerous respondents such as Geddes Consulting and AOC Archaeology Group et al., offered example case studies to be used to inform the creation of additional standards and guidance, such as an assessment in advance of development within the inventory boundary of the Battle of Pinkie and Culloden.

As for the respondents that disagreed with the proposals, the main reservation is summated succinctly by one respondent who said:

“Understanding evolves and overtakes any guidance”

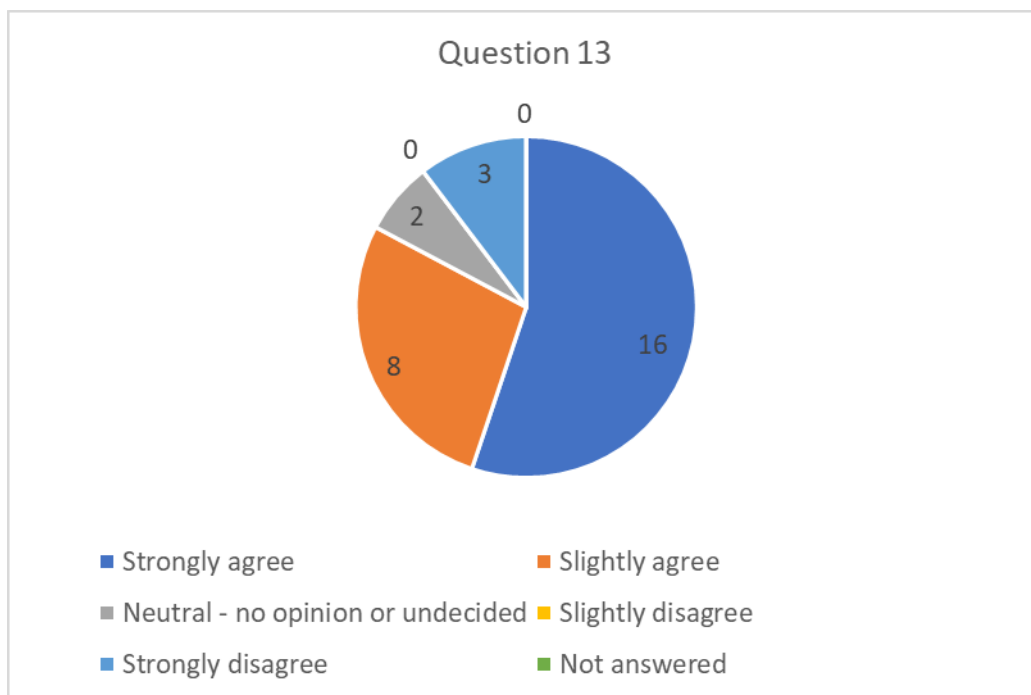
Whilst supportive of the idea, The Killiecrankie, Fincastle and Tummel Community Council also note that;

“...there is always a risk that the (accidental) omission of any aspect or asset on a battlefield could give a green light to a development on what is actually a highly sensitive area. Being overly prescriptive may be as dangerous as relying on professional judgment to determine what is key. At Killiecrankie, developments (both within the planning system and outside it, such as the proposals for the nationally important A9 dualling project) refer to the Inventory and then look to guidance on the assessment of impact from 'Managing Change in the Historic Environment: Historic Battlefields'.

All historians who have studied the site agree where the battle was concentrated and where the central clash occurred. But that area is not listed in the Inventory and therefore has no value assigned to it.”

**Question 13** asked

‘To what extent do you agree or disagree that ‘Planning authorities should be encouraged to develop management guidance (preferably in line with accepted standards) for their Inventory battlefields’?



There were 29 responses to this part of the question, of which 18 responses provided comments. More than 80% of the responses agreed that planning authorities should be encouraged to develop management guidance (preferably in line with accepted standards) for their Inventory battlefields. Two responses were neutral and 3 strongly disagreed.

Whilst Local Authorities were broadly positive of the proposal, a main caveat provided in their responses is summarised by Aberdeenshire Council:

“Further clarification of what is meant by ‘accepted standards’ would be welcome.”

and that once clarified, Perth and Kinross Heritage Trust note:

“ALGAO wide guidance would be an effective delivery of management guidance with potential considerations for specific battlefields”.

Further similar qualifications for support are provided by other respondents regarding the importance of consistency of management guidance across Local Authority boundaries that reflect the unique nature of historic battlefields. As noted by one respondent; ‘battlefields individually represent a fragment of time at a specific location... [and are] entirely unique and unrepeatable.’

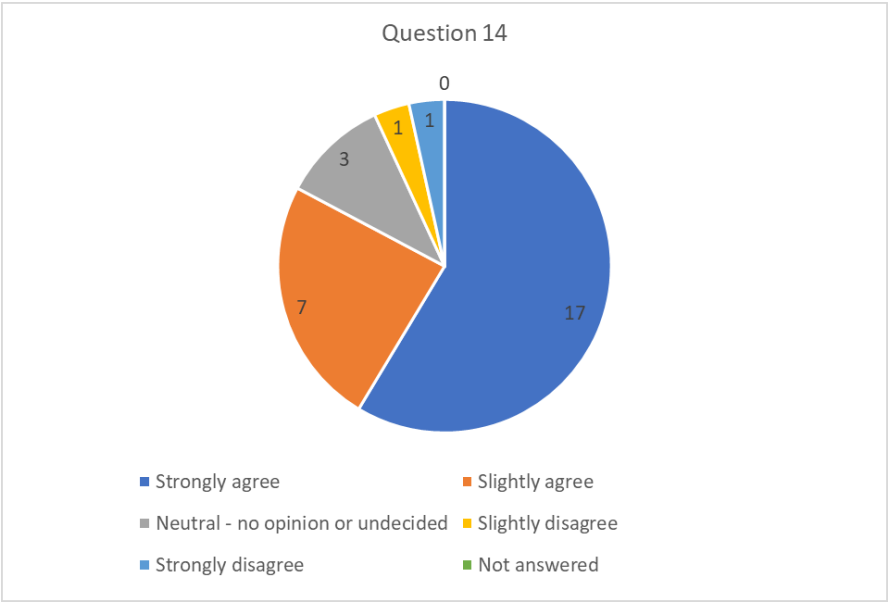
Geddes Consulting also note that their support for the idea is slight as they consider numerous potential issues:

- It will inevitably lead to different interpretations and approaches across each planning authority leading to inconsistencies across all the Inventories. This does not seem appropriate for a national designation.
- Planning authorities have different resources and expertise to assess and develop management guidance and different outcomes would be inevitable

**Question 14** asked

How do you view the following:

'Planning authorities should, where appropriate, require applications which have the potential to affect a battlefield to be supported by a suitable assessment of impact (preferably in line with accepted standards) either individually or, preferably, through amendment of HOPS Validation and Determination Guidance for Planning Applications'? – Requirement to assess impact"



There were 29 responses to this question of which 15 responses provided comments. More than 80% agree with this recommendation.

Those who slightly/strongly disagreed with this statement commented as follows:

- 'There should never be a case for building on a battlefield' (individual).
- 'Phrase 'the potential to affect a battlefield' needs better definition' (Colin Davenport).

Two responses raised development management as specific battlefields (Pinkie; and Culloden) as evidence for why this is necessary. A further two responses (an individual; and the National Trust for Scotland) expressed views that the onus should be placed firmly on developers to consider impacts of proposals in advance.

The responses from individuals representing local authorities or local authority heritage trusts were broadly supportive of this recommendation. Aberdeenshire Council and East Lothian Council pointed out that it would be key to identify who decides what constitutes potential impact when an application is submitted and to encourage pre-application advice to be sought whenever possible.

These parties raised the following additional points:

- Assessments would need to be undertaken objectively and by appropriately qualified persons, in line with revised standards and guidance (Perth and Kinross Heritage Trust; Aberdeenshire Council).

- Assessments of impacts should also include mitigation proposals and if no mitigation is proposed reasons should be given (Aberdeenshire Council; East Lothian Council).
- Dialogue with battlefield experts should also be included in the consultation of appropriate mitigation (Perth and Kinross Heritage Trust).

The National Trust for Scotland also advocated the importance of assessments being carried by archaeological organisations with experience of conflict heritage.

The response from Aberdeenshire Council pointed out the following potential risk:

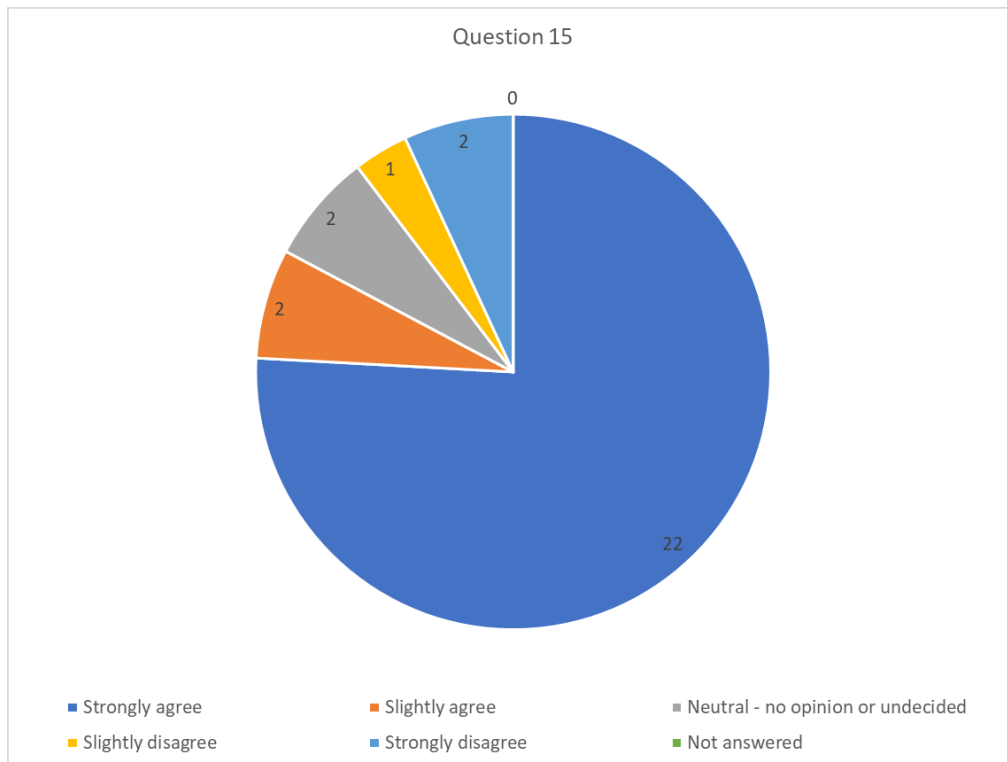
‘There is also a risk that any proposed development will have a submitted assessment written in such a way that it supports the development as it finds there is ‘no impact’. This is the case currently with the majority of developer-submitted engineering justifications for demolition of historic vernacular buildings, rather than retention and reuse. Introducing such a requirement may give pause to the developer as they seek to justify building within a battlefield, but any accompanying justification assessment needs to be robust. The default position should be stated as preservation of the character and setting of the core areas of the Battlefields, and the assessment looks at whether the proposed development changes that default outcome.

Geddes Consulting advocated that HES should promote a standard methodology for these assessments. They commented that such assessments are also relevant during the preparation of local development plans. As an exemplar of this approach, Geddes Consulting highlighted a multi- disciplinary Heritage Assessment undertaken and published with AOC which was submitted to HES and East Lothian Council as part of a site promotion exercise to the emerging local development plan for East Lothian.

#### **Question 15** asked

To what extent do you agree or disagree that

‘HES, as the lead public body set up to investigate, care for and promote Scotland’s historic environment, should request the amendment of the wording of NPF4 to allow for the assessment of setting impact where appropriate. Suggested wording is provided here: Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield’s cultural significance, key landscape characteristics, physical remains and special qualities?’ (NPF4 policies for inventory battlefields)



There were 29 responses to this question of which 16 responses provided comments. More than 80% agree with this recommendation.

Several responses noted that there was some ambiguity in the previous NPF4 policy drafting around the meaning of ‘site’. Killiecrankie, Fincastle & Tummel Community Council commented ‘voiding ambiguity and making setting a factor in preservation and enhancement of a historic site is vital.’

The National Trust for Scotland also supported taking setting of the wider battlefield into account ‘in the same way we would consider the impact on the setting of a listed building or a Scheduled Monument.’

Aberdeenshire Council, East Lothian Council and Perth and Kinross Heritage Trust observed that the issue of assessing and commenting on impacts upon setting is not the sole remit of HES, and as such the request for the change in wording should be made jointly with the Local Authorities. To this ALGAO Scotland added that they would welcome a joint request from HES to recommend this change.

While agreeing with the recommendation, the response from AOC Archaeology, CFA Archaeology Ltd & David Caldwell questioned how, following adoption of NPF4, with local development plans (LDPs) no longer providing individual management policies and with supplementary planning guidance (SPGs) no longer being a material consideration, will the management of battlefields be undertaken. They point out that for many local authorities it is SPGs where information on sensitive areas, key views etc are set out and that the inventory entries do not do this clearly.

Of those who disagreed with this recommendation. an individual commented that this recommendation ‘feels as if it would halt development in Battlefields. Given the size of the designated area this may be too much’.

Geddes Consulting expressed concern about undertaking assessments on setting impacts on battlefields, which could extend some way beyond existing boundaries, given that these boundaries

‘already provide a substantial buffer around where battle manoeuvres occurred which in many cases, will already therefore encompass the “setting” of the battlefield proper. ‘

Geddes Consulting suggest that far reaching questions would need to be addressed such as

‘what criteria would determine the setting of a battlefield? In practical terms, how far outside the Inventory boundary does a development need to be so it is not caught up in this type of assessment? What scale and type of development should be required to undertake this type of assessment? ‘

Furthermore, in their view, a credible assessment methodology would be required. They conclude that:

‘the addition of a Management Guide to the Summary and Deployment Maps would be adequate to protect, conserve or enhance these relationships within the Inventory area without challenging development proposals beyond the boundary of Inventory area.’

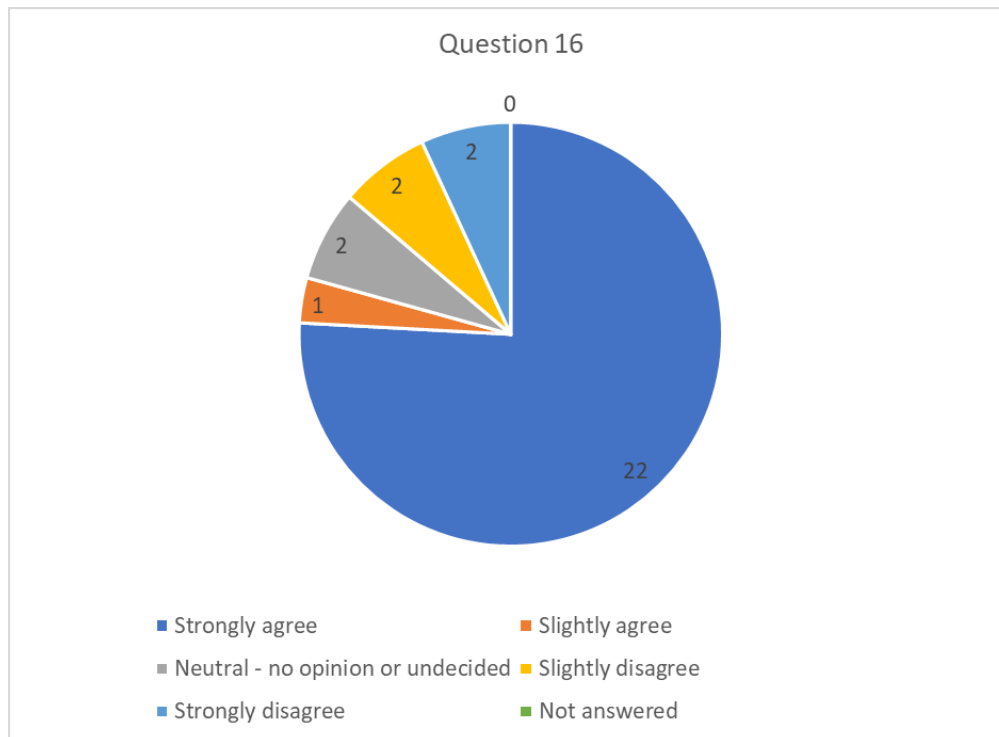
Finally, RWE Renewables commented that they felt that NPF4 could have been more positive towards developments that have no significant impacts on historic battlefields or their setting, particularly where they can be designed to minimise impacts through the design process. They also expressed some concern about the level of enhancement that could be proposed and also the type and extent of impacts that could be interpreted as "affecting" these nationally important battlefields.

## **5.5. Archaeology and training**

**Question 16** asked

To what extent do you agree or disagree that:

'Archaeological evaluation, impact and mitigation should be closely incorporated into the relevant strands of site assessment required to inform planning decisions?'



There were 29 responses to Question 16 (see above) of which nearly 80% were in agreement with the recommendation by Lichfields. 11 respondents provided additional comments.

Three responses from Local Authority Archaeologists and/or ALGAO Scotland commented that most developments within battlefields are small scale and will not have funding to undertake mitigation such as archaeological evaluations ahead of determination:

“As such, while assessing setting impacts is appropriate pre-determination of an application, other mitigation involving on-site physical works would be better Conditioned as part of the Decision Notice.”

These responses suggested variously that ‘mitigation and guidance needs to be flexible but perhaps scalable dependent on impact’, or that ‘there may be a benefit for larger applications to undertake some pre-application surveys in consultation with the Local Authority Archaeology advisor.’ A local authority archaeologist commented ‘standing building survey levels are really great for clarity and perhaps a model like that could be used for battlefields?’

On the limitations of existing practice, one respondent said:

‘the archaeological conditions applied to applications at Culloden are, at the minimum, laughable. Simple metal detecting of a few trial trenches is inappropriate and inevitably leads to the conclusion ‘nothing relevant pertaining to the battle was found’.

The same respondent suggested that ‘limitation to metal detection of small areas is clearly in favour of the developers. Human remains, amongst others, will not be uncovered by this method, for example.’

Two responses commented on the importance of undertaking archaeological evaluation, and in particular metal detecting, to consistent and agreed methodologies that are appropriate for battlefield archaeology. On the priorities for archaeological evaluation, one respondent commented:

'The artefactual imprint of the battle survives in the topsoil, and there is rarely any trace in the subsoil of cut features. This means that the priority in methodology needs to be the recording and collection of material in the topsoil, largely through metal detecting. Geophysical survey and trial trenching should only be used where there is a strong justification to do so, because they are unlikely to detect the traces of conflict on their own.'

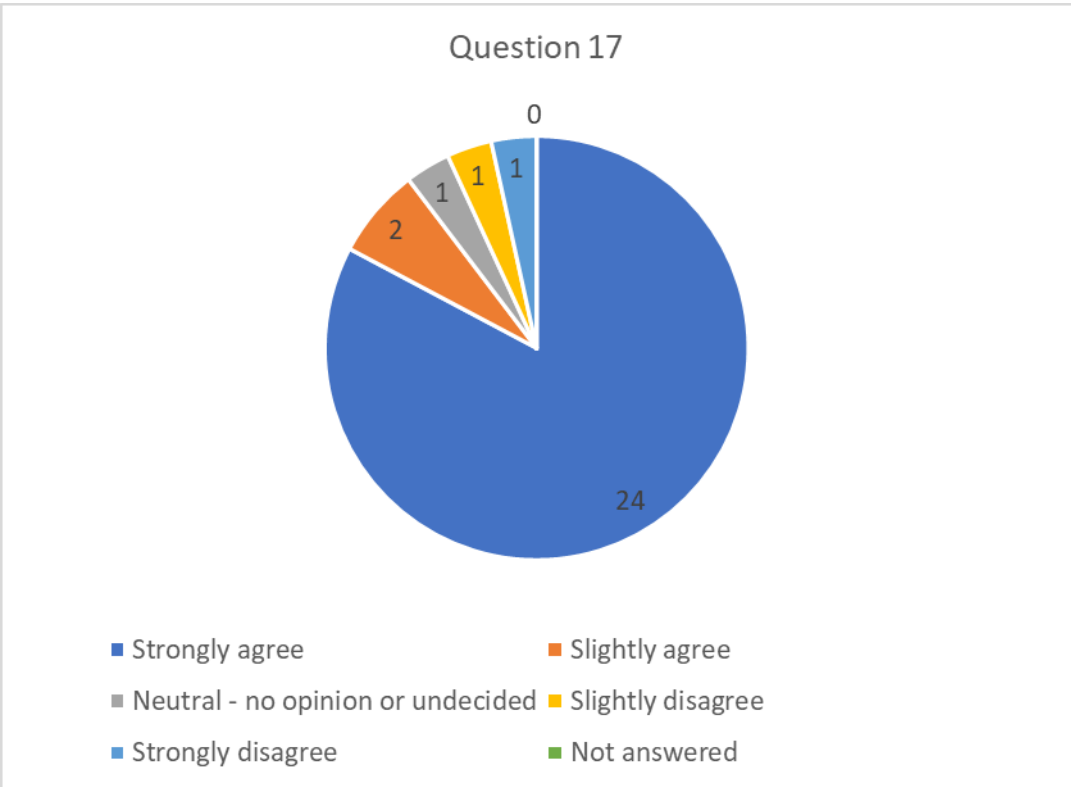
While acknowledging that investigation of archaeology forms a key part of the process, the response from National Trust for Scotland advocated a more interdisciplinary approach to evaluation 'that recognises the value of historical, literary, and even artistic research. This 'would seem to be valuable if our primary interest is the conservation of Scotland's historic battlefields, their understanding and appreciation.'

**Question 17** asked

How do you view the following:

'Archaeologists (both as curators and contractors) working in this area (or their professional groups) should be encouraged to prepare best practice guidance on the investigation and recording of historic battlefields?'

There were 29 responses to Question 17 (see above) of whom nearly 89% were in agreement with the recommendation by Lichfields.





14 respondents provided additional comments. These focussed on who should be responsible for leading on the guidance, who should be involved, and its scope.

One individual indicated that HES should take the lead in preparing this guidance. Another suggested it should either be led by HES or CiFA. However, four responses from local authority archaeologists and ALGAO Scotland indicated that 'ALGAO Scotland would be best placed to develop this guidance, in conjunction with the Federation of Archaeological Managers and HES, given such a document would be primarily used in the development management process.' Finally, the Society of Antiquaries of Scotland offered its assistance in bringing archaeologists and historians together to prepare such guidance.

In terms of who should be involved, Geddes Consulting suggested that archaeologists should prepare the guidance but with input from a landscape architect in relation to assessment of impacts on battlefield landscape and setting'. The response from National Trust for Scotland however suggested that we should 'think in broader terms than 'archaeologists' on the basis that conservation of Scotland's historic battlefields interests people from a diverse range of professional fields '. One respondent suggested that amateur archaeologists and heritage groups should be considered as additional contributors.

In terms of the scope of the guidance, Geddes Consulting suggested that standard methodology defined in the guidance should be modifiable to account for 'different evidence which may be required at different times in history.' The response from the National Trust for Scotland suggested that the guidance should cover aspects such as metal detecting, but also use of LIDAR and viewshed analyses.

One respondent suggested that preparation of the guidance should involve a panel of conflict archaeologists rather than non-specialist contractors:

'If the priority is to protect battlefields, then the best practice needs to focus on the particular archaeology of battlefields. If that is not the priority, then what will result is best practice that is driven by cost and expediency; this would not be in the best interests of battlefield preservation.'

In response to question 19, this respondent made further comments about the scope and preparation of best practice guidance that best fit in this section:

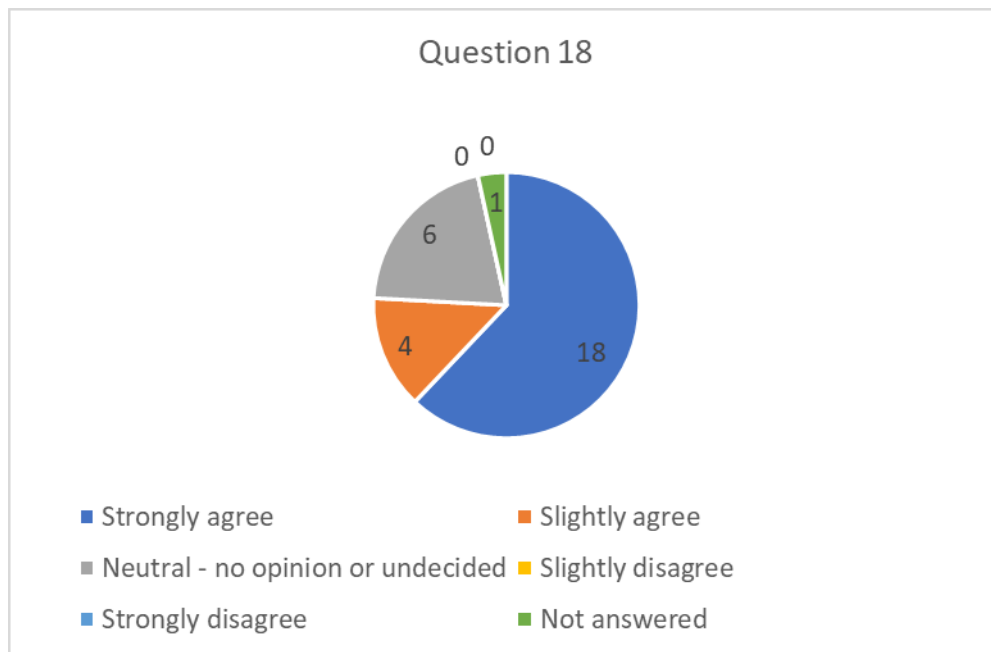
'A best practice needs to be in place because having a situation where a contractor with no background in conflict archaeology might end up doing the mitigation for a battlefield is less than ideal. We have seen things like this before, where a contractor's report made a great fuss about having found a single musket ball, but said nothing about the extensive WWII remains within the development area. Work on the line of the upgrade to the A9 at Killiecrankie involved trial trenching and geophysical survey with no justification for the use of these techniques; this was a waste of money and resources. With a best practice guidance, it would remove a lot of guesswork from the bidding and mitigation phases, and those assessing the WSIs should theoretically be comparing like with like. It should also be noted that the best practice guidance should apply to anyone trying to investigate battlefields, whether that be individual metal detectorists or academics.'

**Question 18** asked

To what extent do you agree or disagree that:

'Opportunities should be explored for highlighting what is lost through irresponsible metal detecting and promoting its responsible pursuit'?

There were 28 responses.



Around 75% of responses were in agreement with this recommendation, and around 20% expressed a neutral opinion or were undecided.

13 respondents provided additional comments. Responses highlighted the benefits and risks of metal detecting on battlefields and made suggestions on how to manage impacts.

Three respondents highlighted the negative impacts of metal detecting in terms of removal of undeclared finds and poorly recorded discoveries. One respondent raised anecdotal evidence that "bucketloads" of material have been removed from Culloden by detectorists on battlefield areas outside the NTS property, that would have greatly contributed to a better understanding of the battle already." Another respondent suggested that metal detecting as an activity increased in 2020 due to lockdown as it was something people could do safely during the Covid pandemic.

One respondent identified both risks and benefits:

'Metal detecting is critical to investigating battlefields, so is the strongest tool available to deal with battlefields. Metal detecting is also the biggest threat to battlefields because even limited unrecorded detecting will be altering the apparent distribution of artefacts across the landscape. Most metal detectorists can appreciate this fact, so education on the impact of irresponsible metal detecting needs to be undertaken. There is also the fact that metal detectorists working on their own can produce really good information battlefields as long as they are

recording properly, ensuring that each artefact can be mapped, and that the material is available for further study.'

Responses from local authority archaeologists and/or ALGAO Scotland contrasted some battlefields that have been targeted by metal-detectorists with only anecdotal reporting yet which yield very little evidence when subject to formal archaeological assessments; conversely there are examples where detecting has been prohibited by the landowner and subsequently examined through archaeological techniques, uncovering significant remains.

In terms of steps that should be taken, several responses highlighted the value of education, and a positive approach. One respondent 'would like to see a positive campaign launched on how metal detecting should be conducted and the conditions around it. Perhaps with workshops but certainly clear online easily accessible information and short instructional videos.'

Two responses suggested that the use of cases studies in guidance would be useful, both to illustrate the positive contribution metal detecting can make, but also the negative impacts.

The responses from local authority archaeologists indicated that they would welcome guidance while highlighting that ALGAO members already support and promote responsible recording and reporting of their finds to ensure information for understanding the battles are not lost.

However, several respondents suggested there was a need for some form of regulation for metal detecting on battlefields through permits/licenses/token charges for permission. The response from NTS stated:

'Metal detecting for the recovery of artefacts should be banned within battlefield areas and only allowed with a permit similar to a Scheduled Monument Consent application. We think this should be the top priority for any future battlefield guidance and best practice, along with introducing management planning.'

NTS also highlighted that, views on metal detecting are divided and this issue, unless sensitively handled, could drive them further apart. NTS suggested that 'a system of beneficial incentivisation and communication is needed within both academic archaeology and the hobby metal detecting communities to ensure a working dialogue that reduces the impact on the potential archaeological record.'

Along the same lines, another respondent mentioned the example of Towton battlefield society which has a statement of best practice and active policy of working with landowners for agreed metal detection on the battlefield.

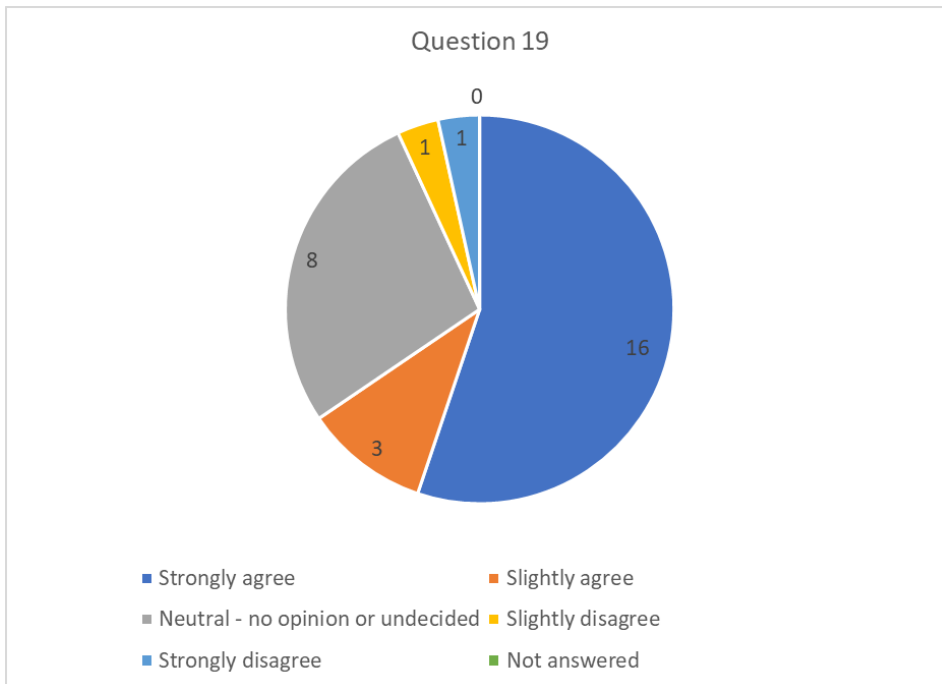
**Question 19** asked:

How do you view this recommendation?

'HES, working with others in the sector, should organize an event (or series of events) which could be in person or virtual to explore the established guidance around battlefield assessment as a way of devising

and promulgating accepted standards for the assessment of cultural significance and impact on battlefields’

There were 29 responses.



Around 65% of respondents were in agreement with the recommendation by Lichfields, and around 27% expressed a neutral opinion or were undecided. 2 respondents disagreed with the recommendation.

12 respondents provided additional comments.

Of the two responses that disagreed with this recommendation, the Society of Antiquaries of Scotland suggested that an event would be better organised by a third-party organisation, not HES. One respondent stated that such an event would ‘reduce the impact of the primary object’ (i.e. the message that preservation of battlefields in-situ should be paramount).

Respondents who agreed with the recommendation made the following suggestions

- ‘This is excellent opportunity to promulgate good practice. Geddes Consulting is willing to share our expertise on research into battlefields.’
- Event should be undertaken with conflict archaeologists to ensure that the focus is on how to protect unique archaeological sites, not on issues of cost. (Iain Banks)
- The event should be both in person and online so it is accessible to all.

One respondent made a number of suggestions of researchers into the battlefield at Culloden with whom HES should engage on this topic. RWE Renewables UK Ltd. advocated developing close partnerships with the Renewables Industry through events such as this.

By contrast the responses from local authority archaeologists and/or ALGAO Scotland all adopted a neutral position on this recommendation, stating that ‘ Such events have been held in the past looking at the same issues, but no tangible results were forthcoming.’

Perth and Kinross Heritage Trust suggested that the priority should be

‘to get the guidance and supporting documentation organised to help our battlefields now, to safeguard what we have left and assist in responsible management going forward. The next stages, practical guidance on how to assess visual impact, how to undertake field survey and evaluation, how to prepare management plans, for dealing with the day-to-day issues around Battlefields would be more useful.

The response from ALGAO Scotland made the point that

‘..... this may not be for HES alone to develop but in conjunction with others such as ALGAO and FAME. It should be remembered that these designations are active now and there is considerable experience outside of HES about the day-to-day issues around battlefields and ALGAO would advise that it would be far more beneficial to engage around these issues (as noted previously HES are not the decision-making authority in the vast majority of cases).’

In its response to Question 19, the NTS suggested an annual meeting hosted by HES. Individual inventory battlefields could be represented by their managers, contractors, local authorities, and other necessary stakeholders. The purpose of the meeting would be to discuss changes in planning as well as for individual battlefields to promote shared learning and best practice. ‘The venue of this meeting should be held near to individual sites’.

## **5.6. Other comments**

In **Question 20**, consultees were invited to provide any other comments in free text on the Lichfields recommendations.

Two respondents reinforced the overall importance of preserving Scotland’s battlefields . An individual stated:

‘Cultural and national identity are very important to Scotland in many ways, a large part of which brings lots of tourist £’s in and interest in Scotland across the globe. These battlefield need protecting from encroaching development into their boundaries.’

Detailed comments covered the following topics:

### *The level of protection of inventory battlefields and issues with individual battlefields*

Two respondents raised issues in relation to the battlefield of Culloden. ‘Paul’ suggested that ‘HES has shown complete lack of respect towards Culloden battlefield and should no longer be involved with battlefields’. David Learmonth expressed concern that at Culloden, ‘developments get through on the first, second or third application. If an application is refused by the local authority, only the developer has the right to appeal a refusal, which is

relatively cheap and on percentage, has a high probability of getting an overturning of the local authority's decision.' This prompted the suggestion that for inventoried battlefields, particularly Culloden,

'a special provision should be created wherein third parties would be given an equal opportunity to lodge appeals to the Scottish Government DPEA division against developments approved locally or at national level.'

#### *Battlefields selection criteria*

An individual requested 'that the consultation consider the selection criteria for battlefields, and why this specific battlefield (Corrichie Battlefield in Aberdeenshire) is not included in the inventory.'

#### *Roles and responsibilities*

The response from Killiecrankie, Fincastle & Tummel Community Council suggested that 'there is an urgent need to clarify the objectives of the Inventory and the role of HES in maintaining and enhancing it. Moreover, there needs to be a clearer definition of the roles of the various bodies within the planning system. This would help all parties to understand their responsibilities better.'

#### *Inventory battlefield records*

Geddes Consulting referred to recent experience in responding to consultations on proposed amendments by HES to the inventory entry for the battle of Pinkie. Their response highlighted a number of criticisms arising from these experiences about the procedure the HES follows for compiling and maintaining the battlefields inventory and the format of inventory records.

Geddes Consulting stated that the battlefields inventory bibliography is inaccessible to the public – inventory entries are written without any direct references to the research in the Bibliography. This approach does not allow the public to follow or understand how the research in the bibliography has been used to guide the findings in the Inventory entry. In addition, there is no public access to many of the publications listed in the bibliography. This has significant implications in relation to the ability of the public to place trust in the battlefields inventory.

In response to this criticism, Geddes make the following recommendations

'Recommendation 1 – all Inventories should be updated to add proper referencing (academic standard required) to the supporting Bibliography

Recommendation 2 – all Inventories need to publish the references in the Bibliography on each Inventory website'

Concerns about referencing in inventory entries were also raised in the response from AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell.

'the Inventory entry for the Battle of Pinkie makes no reference to the large amount of research that has been taken on this battlefield. Whilst the grey literature relating to that work is listed in bibliography to the Inventory entry, no attempt has been made to address the evidence in those reports within the text of the Inventory entry

– a reader who did not choose to consult all of the evidence within the grey literature reports would be left with no understanding that there was, to say the least, some debate about the battle. This means that the details, assumptions and interpretations made in the text of the Inventory by HES cannot be easily scrutinised or followed up.’

AOC Archaeology et al commented that the inventory needs to include more up to date findings. However, they observed that Lichfields should have added a clear recommendation to this effect.

In their response, they suggested that the battlefields inventory should strive to be of equivalent authority and utility to the Inventory of Gardens and Designed Landscapes which they described as ‘self-contained and can be used reliably to make planning decisions. They indicated that this is not always the case with the battlefields inventory given issues with currency of records and lack of referencing.

AOC Archaeology et al observed experience by CFA Archaeology that at Public Local Inquiry (PLI) the inventory battlefield record was considered to be the sole authority and evidence that contradicted the Inventory entry was ignored. The response stated that AOC Archaeology have also been previously informed that the Inventory forms the battlefield baseline, despite new research and information. They suggested that

‘Either (a) there needs to be a binding commitment somewhere that Inventory entry statements can be contradicted/superseded by research and that that research will be adopted in assessing planning applications, or (b) the Inventory has to be rapidly updated when new information becomes available. The Lichfield report seems to be indicating a preference for approach(a), in which case this approach has to find its way into Planning Guidance and Law. Local Plans need to acknowledge that the Inventory is well respected, but that aspects on the Inventory entries can be superseded by research conducted by reputable commercial archaeologists and that any such evidence must be treated seriously in judging planning applications.’

#### *HES procedure for compiling and maintaining the inventory*

Geddes Consulting observed that the ‘HES current system to update the Inventory fails to leave an understandable audit trail’. Their response describes the three consultations held by HES on the proposed changes to the inventory record for Pinkie and highlights significant criticisms in relation to the procedures followed by HES. These include ‘proceeding on the basis that the Inventory text and its maps are correct’, a lack of ‘proper accountability for its actions’, ‘a failure to take account of additional research’, a lack of ‘focus on process behind modifications’. These criticisms and experience with the Pinkie case prompt the following recommendation for a change in procedure:

Recommendation 3 – modifications to the Inventory should be undertaken on a different basis to that now used by HES. It is proposed that the future approach for HES to adopt is to promote a modification to the Inventory or its maps as a standalone process. An application for a modification sought should have clearly documented supporting evidence and the application and applicant’s details should be published in full on the Inventory website. Only this package of information is subject to public consultation and through the feedback from the consultation process, HES determines what modification is to be made to the Inventory text or mapping, including amending the proposed modification subject to the application.

No other changes should be made to the Inventory by HES during the consultation process, in order to maintain its integrity."

#### *Other details in the Lichfields report*

In relation to the discussion by Lichfields of different landuse between battlefields (see table in 4.2 of the report), AOC Archaeology et al observed that

'the discussion on landuse... appears to only take account of current landuse. But large areas, of for example, Linlithgow Bridge and Pinkie have been quarried in the past and that land has subsequently been reinstated. In table 4.2 Pinkie is shown as having no areas of energy, extraction or waste. But large bings are still in existence at the base of Carberry Hill and in Wallyford and historic mapping, aerial photography and research note significant further areas of mining/extraction was taking place across the landscape historically. This seems an inherent flaw especially when in para 4.16 the report notes that 'areas subject to mineral extraction such as open-cast quarries will lack any archaeological sensitivity' but the report doesn't identify historical areas of disturbance which would also indicate lack of archaeological sensitivity.'

AOC Archaeology et al questioned justification for the chosen period of review for case studies (between April 2016 and August 2018) and suggested that a larger review period would have identified more relevant cases to understand how impacts upon battlefields have been dealt with by planning authorities and by HES. The same would have been the case if withdrawn applications had been considered.

Furthermore, AOC Archaeology at al observed that participants from CFA and AOC didn't recall being asked any questions on policy, in relation to paragraph 6.73 of the Lichfields report section on Policy responses of interviewees, which states 'The Contractors did not volunteer any clear views on the strengths and weaknesses of existing policy.'

The response from Killiecrankie, Fincastle & Tummel Community Council queried the basis on which Killiecrankie was discarded from assessment (see Lichfields report Appendix 4, Planning Cases). As a result, in the community council's view, Lichfields does not distinguish how the Inventory sits in relation to a development of national importance promoted by Scottish Ministers as with Killiecrankie (under the Roads (Scotland) Act 1984). The community council considers that the Public Local Inquiry (PLI) for Killiecrankie may be the first (and only?) time the inventory has been tested when a development of national importance is involved. There are lessons to be learned from some of the experiences of that PLI. Recommendations by the community council are to 'make a site visit compulsory at every stage of the applicable planning process', and to 'define the core area of a battlefield in the inventory and simultaneously strengthen the Managing Change guidance to reflect its inclusion.'

The response from Killiecrankie, Fincastle & Tummel Community Council also queried the description of the 'campaigner' group of interviewees on page 151, comprising those who take an active interest in battlefield preservation outwith their full-time employment, and that the table did not contain 'anyone who would fit that description.' In their view, the Scottish Battlefields Trust have professional status having employed staff as independent 'advocates of Scotland's battlefield and associated heritage.'



### *Management of battlefields including NPF4*

The NTS response agreed with the observations by Lichfields that ‘planning protections for battlefields are further advanced in England than they are in Scotland. NTS called for revised NPF4 to bring the Scottish standards into line with those in England. In particular, to introduce management planning to ensure that the identified public interest in battlefield conservation can be delivered.

The response by RWE Renewables UK Ltd. highlighted the practices already employed by the renewables industry in ensuring proper assessment and sensitive consideration of historic assets through the EIA procedure and reiterated that

‘it is important that any battlefield guidance is fully considered alongside the revised draft NPF4, with the overall aim being to align with national policies that promote the deployment of renewable developments. There needs to be understanding across all sectors that climate change targets need to be met and that the scale of measures to reduce impacts on cultural heritage assets, such as historic battlefields, will have to be balanced against the overall aim of tackling climate change.

One respondent commented that he would like to see more public engagement possibly through local heritage groups in the planning process.

The NTS response suggested that it would be good to see further research into Scottish battlefields to examine some of the issues in the Lichfields report, including interpretation methods on battlefields, and also that it would be beneficial to have a fund set aside for battlefield protection, enhancement and interpretation.

## **6. ORGANISATIONS WHO RESPONDED**

Responses to the Citizen Space consultation were received from the following named organisations, companies or local authorities:

Flodden 1513 Ecomuseum Ltd.  
Killiecrankie, Fincastle & Tummel Community Council  
Aberdeenshire Council  
Perth and Kinross Heritage Trust  
Geddes Consulting  
ALGAO:Scotland  
East Lothian Council  
Society of Antiquaries of Scotland  
AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell  
The National Trust for Scotland  
RWE Renewables UK Ltd.



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