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To Whom it May Concern,

Celebrating Scotland's Battlefields: East Lothian Council Consultation response to the Inventory of Historic Battlefields

Within East Lothian, East Lothian Council is responsible for the conservation of 95% of the historic environment that is not afforded statutory protection. This historic environment encompasses both buried and upstanding archaeology, the built environment and historic landscapes. East Lothian Council provides both a strategic framework for the protection of historical and archaeological sites at local level, and the policy context for appraising, evaluating and managing change on a case-by-case basis through day-to-day advice and information.

The historic environment is an important cultural, environmental, social and economic asset that makes a major contribution to the quality of people's lives and community identity. Archaeological resource management in local government plays a fundamental role in the management of the historic environment, working to deliver government objectives in protecting and sustaining the historic environment for the benefit of current and future generations, and in promoting awareness, understanding, appreciation and enjoyment of this unique resource.

We very much welcome the Battlefield Inventory. It comes at a time when many battlefields are being increasingly impinged on and impacted upon by development and the Inventory will help support Local Authorities striving to find ways to preserve their fragile remains. We welcome this opportunity to comment upon the Inventory of Historic Battlefields consultative draft (deadline February 11th 2011) and we acknowledge that comments have been invited specifically on:

   a) The list of sites proposed for inclusion in the Inventory;
   b) The site descriptions and boundaries for the first 17 sites (Summary Reports);
   c) A booklet explaining the purpose of the Inventory, and;

d) The additional information (Further information) which is to compliment the Summary Reports, which will be available online.

At this stage we would prefer to leave comment on the choice of the 17 proposed sites **(a)** and inclusion or not of other potential sites to representatives to the individual Local Authorities concerned. Detailed comments on the full descriptions and boundaries of the East Lothian sites **(b, d)** and the guidance **(c)** can be found below.

The draft version of the guidance note *Managing Change in the Historic Environment: Historic Battlefields* will be commented upon in a separate consultation response in addition to Appendix One, Two and the SEA report (deadline March 9th 2011). We note that the selection criteria have previously been determined and are set out in Annex 5 of the SHEP.

1. Comments arising from the booklet "A Guide to the Inventory of Historic Battlefields"

The Guide clearly describes the importance of battlefields and how they contribute to our archaeological and historical knowledge; the wider public's sense of identity and sense of place; how they have contributed to the arts, music and literature and how they are, and can have, an enormous potential to attract visitors and tourists.

The Guide clearly describes the background to the Inventory; how battlefields have been selected; what research has been undertaken; which aspects of the battlefield landscape have been appraised and importantly, how battlefields are living, working landscapes and that any future development and/or impacts need to be sympathetically designed.

However, there are a number of weaknesses within the Guide and the proposed Inventory battle site reports and we would suggest the following changes in order to make this Guidance and Inventory a more useful and practical document.

Inventory of Historic Battlefields (page 2):
"*The Inventory of Historic Battlefields is a list of nationally important battlefields in Scotland.*." needs to be amended to make it clear that it is a list of nationally important sites that meet a list of selected criteria and not just a list of nationally important sites. Although we appreciate that this is mentioned in the following section on the Principles for Selecting Battlefields, we feel it should be made very clear from the outset that there are other battlefields which are recognised as being of national importance but because they do not meet the Inventory's criteria then they cannot be included at this stage (although it is always possible that they could be included at a later date if further information comes to light).

Researching sites (page 2-3):

While we are fully supportive of a properly maintained Inventory we feel that to assist with the protection of these sites more constructive information should be gathered, which would help to define areas better. We agree that '*it must be possible to define the site on a modern map with a reasonable degree of accuracy.*', however we would argue that, although considerable background research has been undertaken, without further work it is not possible to be certain about their exact location and extent, particularly regarding medieval battles such as Pinkie. Desk-based research can only go so far.

As has already been proven, at what were already considered to be well-known battlefields such as Culloden and Prestonpans, battlefield archaeology can alter the original perception/ conception of where the battle was actually fought. We would therefore suggest that such a survey should be undertaken on each Battlefield in the Inventory, or at the very least provision made to grant support future projects which may be developed by other parties (Local Authorities, research organisations, local community groups etc). Battlefield archaeology would strengthen both Planning and Management decisions by having firmer evidence than that based on documentary evidence, which can be altered over time.

Understanding the battlefield landscape (page 3):

In the fourth paragraph where it says "*While the landscape will usually have changed to some extent since the time of the battle, it often retains key characteristics of the terrain at the time…*" we would also like to see included an acknowledgement that:
   a) Artefacts can also still be preserved in the ground and,
   b) Even if subsequent land use has removed much of the key characteristics of the terrain and/or artefacts pertaining to the battle, it has not removed the fact that a battle has still been fought in that location.

How info is presented in the Inventory (page 4):

Although we appreciate that there has been a move away from defining a battlefield in terms of an inner and outer battle core, we believe that the current depiction of the Inventory boundaries will be difficult to use within development management. Our fuller views on this can be found in section 2.1 below.

Conserving Battlefields (page 5):

In paras 4 and 5, the Guide states that

"The Inventory is non-statutory, which means that there are no new legal restrictions on the area identified by the Inventory maps. Instead, Inventory sites are given particular consideration in the planning process and planning authorities take the Inventory sites into account when preparing development plans and considering development proposals for their areas.

Planning authorities are encouraged to establish policies within their development plans and may give battlefields additional protection through conservation area status or other local landscape designation. They are advised to develop appropriate conditions and agreements to protect and enhance sites on the Inventory, and set out criteria to guide their decision-making."

1. We feel that that this level of guidance is not clear enough. We would suggest that Historic Scotland should either provide model policies for local development plans, distinguishing between Inventory and non-Inventory sites, for Local Authorities to consider; or as an alternative, make good practice examples of such available. This would accord with para 2.73b of the Scottish Historic Environment Policy (SHEP). Otherwise, in view of the insufficient guidance so far provided by Historic Scotland, there is a danger of differing protective designations and policies being developed by different Local Authorities. Provision of draft Supplementary Planning Guidance, which could be adapted, and then adopted, by local authorities for inclusion in local development plans might be another one way forward.

2. There will be circumstances where Conservation Area designation may be appropriate for a battlefield site. However, this will clearly not always be appropriate, for example, if the battlefield contains built up areas whose built form does not merit Conservation Area designation. If there is to be an '*other local landscape designation*', then it should be made clear in the guidance what this could be. It might be preferable for all such sites in Scotland to have similar designations rather than varying designations between local authority areas. Another alternative is to recommend that local authorities include the defined boundaries of battlefields within local development plans with appropriate policies and development management guidance attached to the defined areas.

3. The Guide encourages local planning authorities to ensure battlefields are recognised and impacts upon them considered. This can only be done in the context of the statutory land use planning system and it must be recognised that some alterations to the landscape- farming, forestry and public utilities for example- lie out with the land use planning system. We would like to see a clear steer in the Guidance for those in the Forestry,

Agricultural and Public Utility sectors to ensure that battlefields are protected and/or sympathetically managed and developed.

4. In para 7 it says that "*Many battlefields that have not been included in the Inventory will be of local significance…*" is not quite correct. There will be examples of national and regional battlefields that are not in the Inventory either, because they do not fulfil the criteria.

5. We are concerned at the statement in para 7 that says that *"Planning authorities **may** consult Historic Scotland on development proposals considered to affect an Inventory battlefield"*

Not only does this wording not accord with SHEP (para 2.65), which refers to a requirement to consult Historic Scotland and take Historic Scotland's views into account as a material consideration, we consider there should be a **requirement** for Local Authorities to consult Historic Scotland in proposals affecting Inventory Battlefield sites (see also FAQ's below and the Role of Historic Scotland). We note that an appendix to the draft Managing Change guidance for Historic Battlefields looks at this matter in more depth and we will be responding more fully on this matter in our reponse to that consultation.

7. Additionally, in para 8 it says that "*Other public bodies with responsibilities…should also develop policies and guidance…*" The Guide needs to include suggested model policies. As above, "*They may also wish to consult HS…*" needs to be changed to "*They **should** also consult HS…*"

Management Plans (page 7):

We agree that for landscape designations such as battlefields,-with different land owners, stakeholders, needs and impacts- management plans are crucial if we are to attempt to conserve important battle remains. It is, therefore, disappointing to see such an important part of this guidance described in only one paragraph. Much more information and guidance is required in terms of how to go about such a huge exercise, what should be the key considerations, examples of best practice etc. Although the Guidance suggests that "*Anyone can take the lead…*" the Guidance should state what should be considered as a minimum and where advice and financial support can be found.

Notwithstanding the comments on page 6 of the guidance leaflet (Living and Working within an Inventory battlefield) which refer to Scottish Ministers principles for simplifying designations and avoiding placing significant new burdens on local government or the private sector, without more central government direction there could be several differing protective designations, policies and management plan approaches to battlefields which may not be welcomed by the private sector or the public.

The lack of mapping to identify the significance of key areas of battle activity within the Inventory boundary will in fact place a considerable burden on the local authority to prepare and consult on management plans and to develop polices and supplementary planning guidance in local development plans for the protection and enhancement of battle sites.

For example, the defined battle area for the Battle of Pinkie includes the majority of the built up area of Musselburgh. Without any indication of significance within this area there will be an immediate and onerous burden on the local authority to make sense of it and to develop policies, supplementary planning guidance and procedures to deal with development proposals in the area and in addition to prepare management plans for its protection and enhancement.

FAQs (page 8-10):

In the "What will happen to sites that do not qualify for inclusion in the Inventory?" paragraph (page 9), the sentence "*make an important contribution to the local historic environment...*" should read "make an important contribution to the local, regional and national historic environment…". As this paragraph says, "…*there are many sites across Scotland that do not meet the criteria set for national importance…*" but that should not mean that they are now regarded as not nationally or regionally important, just that they do not meet the criteria. For example, you may have a nationally important battle site but it is difficult to map. This does not mean it should be demoted to 'local significance'.

In the "What is Historic Scotland's Role?" we think it is confusing that in paragraph one it says Historic Scotland "…*are responsible for protecting and providing advice on the management of the most important parts of Scotland's historic environment*" but in the second paragraph "*It is for other authorities to manage the impact on Inventory sites…*" even though the battle sites included on the Inventory are classified as nationally important. This section could describe why there is this divergence and perhaps give examples of where else this sort of set up exists and how well it works i.e JWA, gardens and designed landscapes. We will return to this matter in more detail in our response to the consultation on the Managing Change guidance for battlefields and the specific questions in Appendix 1 about the options for consultation with Historic Scotland by planning authorities.

Setting and Buffer Zones

While we are fully supportive of a properly maintained Inventory we consider there to be a need for further guidance on the issues of setting and buffer zones in relation to historic battlefields. Although we appreciate that there is a Managing Change: Settings leaflet, we feel that this Battlefield Inventory Guidance deserves a section on Setting and Buffer Zones.

Metal Detecting

In addition we are surprised and concerned that there is not a section and clear statement on the use of unauthorised metal detectors on battle sites. Metal detecting on battle sites is an increasing problem, with few of the artefacts being reported to Local Authority Archaeology Services or Treasure Trove. The Battle of Prestonpans has already been the site of one of the first organised mass rallies in Scotland but we are also aware of individuals and small groups undertaking metal detecting activity on all battle sites across the county. We feel very strongly that there should be a clear national steer on metal detecting on battlefields which are not part of a formal archaeological research project.

2. East Lothian Inventory Battle Sites:

2.1 General:

We very much welcome the fact that Pinkie, Prestonpans and Dunbar II will all be included in the Inventory and we are also pleased to see that Athelstaneford, Dunbar I and Carberry Hill are also being considered as candidate sites. We would like to suggest that the Siege of Haddington is also considered as a candidate site.

We welcome a Summary and Further information sections for each inventory site. However, we have a number of concerns:

1) We have major concerns about the mapping quality and the delineation of the inventory boundaries for each battlefield.

The mapping used to show the location and extent of each battle is out of date. To make the inventory more of a practical management tool, the maps for each battle site should ideally show:
- Areas of new housing
- Areas of future development sites contained in the adopted development plan.
- Areas of archaeological work
- Either on it, or be accompanied by another map, the places referred to in the Summary and Further information reports for each battlefield
- New map titles explaining more clearly their function

In any case the maps should be the most up to date coverage available.

2) The battle site inventory boundaries are also very disappointing and not helpful. Although we appreciate that there has been a move away from defining a battlefield in terms of an inner and outer battle core, we believe that the current depiction of the Inventory boundaries will be difficult to use within local development plans and development management. The use of the term 'overall area considered to be of interest' is going to be a bit of a stick that will be used to argue against examination of areas that may lie outside the line i.e the English camp and Baggage area at Pinkie. In addition, the boundary line is presented with little information as to how it was arrived at. In places it does seem rather arbitrary and this will create problems where part of a field/ housing estate falls within the area and part out with. It is appreciated that a historic battlefield will not necessarily follow modern boundaries but some clarification as to the extents needs to be included.

If one of the compulsory criteria of a battle site to be included in the Inventory is that it can be mapped, then the extent of the battle site needs to be more defined. Although we appreciate that there has been a move away from a solid boundary line, a loose dashed circle around the site of the battle is not

particularly useful for local development plans nor development management purposes.

Although we agree with the representation of a dashed line, we feel that the following alternatives should be considered:

A) Defining the 'currently known' extent of the battle site by using topographical features within the landscape and/or
B) Adopting the early Burgh Survey Series method of blurring the edge of the defined area so that is clear that once you move into the blurred area you are moving into an area of uncertainty and further advice and information is required

Whatever method is adopted it needs to be clear, both in the text and on the map legend, what the line is supposed to represent. In addition, it needs to be clear whether land beyond the dashed line is considered to be part of the peripheral battle landscape. A comparative example might be the way in which World Heritage Sites are mapped.

3) Finally, photographs or illustrations through the report would not only be useful in visualising some of the places/features/artefacts being described but would also help to make more meaty sections easier to understand and digest.

2.2 Inventory Summaries:

The Inventory Summaries for each battle site are very useful and give a useful outline of the battle, however, we think it would greatly benefit from the following statements, which were present in the 2007 *Statement of Significance* Inventory overviews, but unfortunately now appear to be missing:

- Historical and military significance, and;
- Management issues (ownerships, different land uses, different stakeholders, present and future development impacts, current designations etc)

In addition to:

- The Inventory map, or an accompanying map, showing the key places referred to in *The Battle* and *Battlefield Landscape* sections, and;
- The Inventory map, or an accompanying map, showing the areas defined and described in bullet points under Inventory Boundary.

3. Battle of Pinkie

3.1 Inventory Summary

Overview

This section should include the paragraph from the 'Outcomes' section of the Pinkie Further Information document:
This is likely to have been one of the largest battles fought on Scottish soil, with at least 40,000 troops involved. It is also particularly noteworthy in representing the first effective integrated application in Britain of the key military innovations of the 16th century: the combined used of pike and shot, together with artillery and cavalry. Battlefields of this crucial transitional period in military practice are very rare in Britain.

The Battle

Key elements of the battle (Scottish camp, Falside Hill, Inveresk Church, English ships etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map.

Physical Remains & Potential

Third paragraph: artefacts have also been located to the south-east <u>and south-west</u> of Wallyford. Third paragraph: "<u>Further</u> co-ordinated metal detector survey within the context of an archaeological research project…"

As above, descriptions of features and/or artefacts should be cross-referenced to either the Inventory map or an accompanying map.

Cultural Association

An annual commemorative ceremony is not held at Carberry Mains Farm. The memorial stone stands just off Salters Road on the slip road down to Eskfield Cottages and this is where the annual memorial service is held every year.

Battlefield Landscape

Third paragraph: van should be vanguard. Final paragraph: 'seem' should be 'seen' As in The Battle section, key elements of the battle (Scottish camp, Falside Hill, Inveresk Church, English ships etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map

Inventory Boundary

Key areas (land to west of Esk, Carberry Hill, Falside Hill etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map.

Inventory Map (see additional comments in 2.1 and 2.2.)

1) The accompanying map is out of date and does not show extensive areas of new housing at Longdykes and Edinburgh Road in Prestonpans.
2) The simple dashed ring delineating the boundary of the Inventory site does not include the approximate location of the English Camp

3.2 Further Information

In essence, the 2011 Battle of Pinkie Inventory Further Information report is the same as the report compiled in 2007 but with the addition of a 'Participants' section.

We are rather perturbed to see that all mention of the 'Howe Mire' appears to have been removed from the 'Location' section of the report. Although it is touched upon in the Summary report, there is no further information about it or its potential significance in the fuller Further Information document. If the 'Howe Mire' is believed to be a red herring, similarly to the 'Wagonway' at Prestonpans, then this should be explained in the text as its location is seen to be key to locating strategic aspects of the battle.

Action
As above, key elements of the battle (Scottish camp, Falside Hill, Inveresk Church, English ships etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map to aid the reader in understanding the battle landscape.

Outcomes
The second paragraph "*This is likely to be one of the largest battles fought on Scottish soil...*" is an incredibly important statement. It needs to be brought forward and put into the Overview section of the Summary report.

Physical Remains & Potential
Although largely the same as the 2007 report, this section needs to be reorganised into a Past Discoveries, Recent/Ongoing Work and Areas of Potential. At the moment both past discoveries and potential have been lumped together under 'Physical Remains'. Paragraph three should introduce this section; paras one and two should be under Past Discoveries/Fieldwork; paras 4-7 need to be under Potential.

We are pleased to see that the archaeological work that has been undertaken at Pinkie is summarised in the Summary report but this archaeological work is not mentioned in this Further Information report. This archaeological work needs to be mentioned again in this section and expanded to describe what has been found and what conclusions can be drawn at this juncture.

As above, descriptions of features and/or artefacts should be cross-referenced to either the Inventory map or an accompanying map.

Cultural Association

This section needs to include the Battle of Pinkie memorial stone, which stands just off Salters Road on the slip road down to Eskfield Cottages in addition to the annual memorial service which is held every year at the stone.

Terrain

This section is the same as the 2007 report, however, similarly to the Prestonpans Further Information 'Terrain' section, this section could be expanded upon to discuss some of the issues (Howe Mire, the slough, main battle area etc) which have been researched and discussed since the 2007 report.

Battlefield Landscape

As in The Battle section, key elements of the battle (Scottish camp, Falside Hill, Inveresk Church, English ships etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map

Inventory map-see previous comments above

4. Dunbar II

4.1 Summary

Overview

The Overview states that this was a battle between the English Parliamentarian army and the Scottish Royalist army yet the Overview for the Battle of Pinkie states that its date, 1547, was the last major battle between Scotland and England – does the battle of Dunbar not count as a battle between Scotland and England? If not, perhaps this ought to be explained.

The following paragraph from the Outcomes section of the Dunbar II Further Information document should also be included in the Overview:

Dunbar was one of the most important battles of the British Civil Wars. It was an action where a clear plan of battle, developed with tactical flair by one of the great generals of the 17th century, was implemented by an army of highly experienced professional troops against odds of about 2:1. Exploiting key elements of the terrain and serious failures in the enemy deployment, the English achieved a devastating victory. It was one of Cromwell's greatest military successes. It played a key role in completing his rise to political power and, together with Inverkeithing (1650) and then Worcester (1651), resulted in the conquest of Scotland and destruction of any serious potential for the restoration of Charles II, who was forced into exile.

The Battle

Key elements of the battle (Doon Hill, the poor house, Broxmouth House etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map.

Physical Remains
As above, descriptions of features and/or artefacts should be cross-referenced to either the Inventory map or an accompanying map.

Battlefield landscape

As in The Battle section, key elements of the battle (Doon Hill, the Parish Church, Broxmouth House, the Brox Burn etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map

Inventory Boundary

Key areas (Doon Hill, Broxmouth designed landscape, Meikle Pinkerton Farm etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map.

Inventory Map (see additional comments in 2.1 and 2.1)

The accompanying map is out of date and does not show extensive areas of housing and other development at Dunbar constructed since 2001.

Further Information

In essence, the 2011 Battle of Dunbar II Inventory report is the same as the report compiled in 2007 but with the addition of a 'Participants' section.

Action

The key events and locations described in this section need to be represented on the Inventory map or on an additional map to aid the reader in understanding the battle landscape.

Outcomes

"*Dunbar was one of the most important battles of the British Civil wars….*" Similarly to the Pinkie report, the Outcomes section is incredibly important and needs to brought to the forefront of the report and included in the Overview section of the Summary report.

Physical Remains & Potential

We are pleased to see a Physical Remains & Potential in the Summary report but feel that this section could be enlarged upon in the Further Information report by perhaps outlining other areas of archaeological potential, for example Brox Burn crossing points, Doon Hill, Broxmouth Estate, Brands Mill etc.

As above, descriptions of features and/or artefacts should be cross-referenced to either the Inventory map or an accompanying map.

Cultural Association

Although mentioned in the Summary report, there is no mention of the memorial stone located within a small passing place on the east side of the A1087.

Battlefield landscape

As above, key elements of the battle (Doon Hill, the Parish Church, Broxmouth House, the Brox Burn etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map

Inventory map (see earlier comments in 2.1 and 2.1)

5. Battle of Prestonpans

5.1 Summary

Overview

The Overview section could benefit from including the following paragraph from the Outcomes section of the Dunbar II Further Information document:

This was the first battle of the 1745 uprising and was a resounding victory for the Jacobite army. It was a dramatic demonstration of the effectiveness of a Highland charge in the face of well equipped troops using the current best military practice. The Government defeat was later blamed on the inexperience of the greater part of the Government army, and there can be no doubting that later engagements, involving battle-hardened troops, were not to prove so easy for the Jacobites.

The Battle

Key elements of the battle (Seton, Preston Village, Tranent churchyard, Bankton House etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map.

Physical Remains & Potential

In para 1 and 7 'Seaton' should be spelt 'Seton'

"*The coal wagonway…..was still in use in the 20th century*" may need to be checked.

Descriptions of features and/or artefacts in this section should be cross-referenced to either the Inventory map or an accompanying map.

Battlefield Landscape

As above, key elements of the battle (Seton, Preston Village, Tranent churchyard, Bankton House etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map

Inventory Boundary

In this section the bullet point wording is unclear, particularly if the reader is not familiar with the battle site.

In the third bullet point, it should this read "lands to the **east** and **north-east** of Tranent up to Seton" and not west and north-west.

In the third and fourth bullet points-'Seaton' should also be spelt 'Seton'

Key areas (Tranent Churchyard, Northern part of Tranent, Seton etc) should be numbered and cross-referenced to either the Inventory map or an accompanying map.

Inventory map (see additional comments in 2.1 and 2.1)

The accompanying map is out of date and does not show extensive areas of housing and other development in/around Prestonpans and Tranent, for example new housing at Longdykes and Edinburgh Road in Prestonpans.

5.2 Further information

Essentially, the 2011 Battle of Prestonpan Inventory report is the same as the report compiled in 2007 but with the addition of a 'Participants' section and an expanded 'Terrain' section.

Action

The key events and locations described in this section need to be represented on the Inventory map or on an additional map to aid the reader in understanding the battle landscape.

Outcomes

"*This was the first battle of the 1745 uprising…*" first paragraph should be represented in the Overview section of the Summary report.

Physical Remains & Potential

We are pleased to see a Physical Remains & Potential in the Summary report but feel that this section could be enlarged upon in the Further Information report. "*…recent archaeological work…*" should be expanded upon to describe the work undertaken to date and this section.

We very much you will be able to take on board these comments in the next Inventory draft. Our comments on the Managing Change in the Historic Environment: Historic Battlefields will form part of a separate consultation response.

[signed]