

SCOTTISH HISTORIC ENVIRONMENT POLICY SERIES

HISTORIC BATTLEFIELDS

ANALYSIS REPORT

National Policy Team
Historic Scotland
October 2008

CONTENTS

Acknowledgements

1. Introduction
2. Methodology
3. Breakdown of Responses
4. Key Themes
5. Summary of Responses
6. Other Issues
7. Annex

ACKNOWLEDGEMENTS

Historic Scotland would like to thank all those who responded to this consultation document and also the Built Environment Forum for Scotland for organising a workshop to gather stakeholder views on the draft SHEP document.

1. INTRODUCTION

1.1 This document fulfils the requirement for an ‘Analysis Report’ set out in the Scottish Government’s good practice guidance on consultation. The objective of this report is to analyse and report on the responses made to the consultation on the Historic Battlefield SHEP, not to set out Scottish Ministers’ comments on or responses to those suggestions. The inclusion of a comment or suggestion does not imply that any contribution is accepted as accurately characterising the actual policy position or operational practice; footnotes provide more information where necessary.

1.2 The Scottish Historic Environment Policy (SHEP) series is a new series of documents which sets out Ministers’ policy for the historic environment and is intended to provide clearer policy direction for Historic Scotland. The SHEPs have the same authority as and sit alongside the Scottish Planning Policy series and other relevant Ministerial policy documents.

1.3 The SHEPs arise from a recommendation in the review of HS in 2003-04 that an ‘Executive endorsed policy statement for the historic environment in Scotland should be developed in consultation with stakeholders...’. The Framework Document of 2008 sets out the role and responsibilities of Historic Scotland, and the respective roles of Scottish Ministers and the Chief Executive, who is accountable to Ministers for the operation of the agency. The SHEPs are mainly about the policies and roles of Ministers, although some operational matters are touched upon.

1.4 The SHEPs vary in content. *SHEP 1: Scotland’s Historic Environment* sets out strategic policy for the historic environment and provides a framework for the day-to-day work of organisations that have a role and interest in managing the historic environment. These include the Scottish Government, local authorities and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland.

1.5 Other SHEPs deal in more detail with established areas of policy, such as Scheduling and the related consent process, and for this sort of subject the SHEPs are intended largely to consolidate and clarify the status of existing policy, while providing an opportunity for public comment on a range of policy and some operational issues.

1.6 The draft SHEP on Historic Battlefields sets out Scottish Ministers’ policy for the protection of Historic Battlefields. It put forward proposals for how these sites might be protected. The document asked a number of questions about definitions, principles and criteria for the inclusion of sites in an Inventory, roles and responsibilities, the provision of guidance and ongoing management.

1.7 The consultation document was published on 30 April 2008 and the consultation period closed on 25 July 2008.

1.8 Approximately 350 copies of the consultation document were sent to a variety of organisations and individuals. A total of 70 responses was received, representing a 20% response rate. A list of respondents is attached as an Annex. A breakdown of responses is provided below. In most cases, responses formed the official response of the organisation. Responses from consultees who agreed that their submissions be made public are available at <http://www.historic-scotland.gov.uk/index/about/consultations/consultation-responses-battlefields.htm>

1.9 Some respondents raised issues not directly relevant to the consultation. We have recorded these as ‘other issues’ in section 6 of this document and have noted them for further consideration within Historic Scotland.

Table 1: Responses to consultation by interest group

| Respondent Type | Number |
|-------------------------------|---------------|
| Private Individuals | 27 |
| Local Authority | 14 |
| Heritage Organisation | 10 |
| Local/ Community Organisation | 6 |
| Private Sector | 4 |
| NDPB | 4 |
| Professional Body | 3 |
| University | 2 |
| Total | 70 |

1.10 During the consultation period, Historic Scotland ran a workshop in conjunction with the Built Environment Forum for Scotland (BEFS). The workshop was attended by 16 individuals and representatives of organisations with an interest in historic battlefields. A report on this workshop has been published at : <http://www.befs.org.uk/issues.htm> . While its detailed findings are not included in this analysis report they are reflected in the response from BEFS and will be used to inform consideration of the issues.

2. METHODOLOGY

2.1 The response data were recorded, organised and summarised on a spreadsheet. A record was made of all issues raised. A frequency count was made of the overall number of responses by interest group and of the responses to each question. A qualitative analysis of the data was then carried out using this framework. The summarised data for each question were reviewed and key themes and contrasting views were identified.

2.2 It is important to note that the findings of the report are specific to the responses made to the consultation exercise and cannot reflect the weight or range of views likely to be found within the population as a whole.

3. BREAKDOWN OF RESPONSES

3.1 Seventy responses were received, many of which were detailed. Table 1, above, shows the distribution of responses received.

3.2 The consultation asked eleven questions, all of which invited yes/no responses as well as respondents’ views. A breakdown of responses is provided below.

Table 2: Breakdown of Responses to Questions

| Questions | Question Answered | | | | Question not answered |
|--|------------------------|--------------------------|------------------------------------|------------------------------------|-----------------------|
| | Agree/Yes (No comment) | Disagree/No (No comment) | Qualified agreement with statement | Substantial suggestions for change | |
| 1. Do you agree that a policy for the protection and sustainable management of historic battlefields is necessary? If not, what alternative course of action would you suggest and why? | 7 | 1 | 6 | 45 | 11 |
| 2. Do you agree with the scope of the definition? If not, what changes would you propose and why? | 8 | 0 | 14 | 25 | 23 |
| 3. Are there other reasons for valuing battlefields that should also be considered? | 2 | 16 | 18 | 2 | 32 |
| 4. Do you support the proposal to create a non-statutory Inventory of nationally important battlefields? If not, what alternative approaches should be considered? | 4 | 0 | 11 | 29 | 26 |
| 5. Should an Inventory of Historic Battlefields be given the same status currently enjoyed by Gardens and Designed Landscapes within the planning system? | 9 | 1 | 17 | 15 | 28 |

| | | | | | |
|--|----|---|----|---|----|
| 6. Do you agree with the purpose of the proposed Inventory? If not, what changes would you suggest and why? | 25 | 0 | 25 | 6 | 14 |
| 7. Do you believe that the criteria set out in Annex A are suitable? If not, what alternative criteria would you suggest and why? | 18 | 2 | 28 | 3 | 19 |
| 8. Do you agree with the proposed definition of the area of interest? If not, what changes would you suggest and why? | 14 | 1 | 29 | 4 | 22 |
| 9. Do you agree that policies are needed for both the overall area of the battlefield and specific areas within it? If not, what changes would you suggest and why? | 28 | 0 | 25 | 1 | 16 |
| 10. Do you agree that best practice guidance would be useful? If so, who should lead in developing this? If not, what alternative approaches should be considered? | 11 | 0 | 36 | 2 | 21 |
| 11. Do you agree with the roles identified here? If not, what changes would you propose and why? Are there other key stakeholders who have significant roles to play? | 25 | 1 | 26 | 3 | 15 |

4. KEY THEMES

The responses received cover a wide spectrum of views that were often opposed. The following issues attracted particular comment.

4.1 There was a wide range of views on whether or not any designation should be statutory or non-statutory. Some felt that a statutory system was needed, although the reasons given varied, with some respondents feeling that the planning system would not offer robust enough protection, while others considering that statutory protection would convey greater symbolic importance. Against this, some felt that there should be no statutory protection as this would place too great a burden on planners and developers and increase the centralisation of planning controls. Others expressed concern that designated sites would become targets for illicit metal-detecting.

4.2 Some felt that there was a need for wider policies than those included in the draft SHEP, with various suggestions offered, including: the need for a wider strategy to address the care of all designated battlefields; support for a management plan for every battlefield; the need to address non-planning issues such as protection from metal-detecting and agricultural activities; better recognition of the tourism value of battlefields; and the need to commemorate battlefields for their inherent educational value and contribution to people's sense of national and local identity. Some respondents proposed that the SHEP should be linked to, or even incorporated within, national planning guidance and local plans; some also considered that the proposed best practice guidance should form supplementary planning guidance.

4.3 Several respondents wished the scope of the policy to be extended to include other types of conflict, such as civil disturbance, sea battles, sieges, and clan battles. Views varied considerably about the definition of a battle: while many were happy with the 500 participants figure, others felt that it should be a guide only or suggested alternative definitions.

4.4 Some respondents felt that only sites of the highest importance should be given protection in the Inventory, others thought sites should be ranked on the basis of relative importance or on condition. A few disagreed with the need for an Inventory at all, while some felt that the criteria for selection needed further clarification. Others argued that the Inventory should not be restricted to sites of national importance, but should include sites of regional and local importance. Several respondents expressed the view that the policy should include more explicit encouragement for the protection of local sites.

4.5 There were conflicting views on the definition of the areas of importance, ranging from some taking the view that only the core areas should be included in the Inventory to others considering that the ability to map the area precisely should not be a prerequisite for inclusion. Some suggested that there should be flexibility to deal with individual circumstances, and others recommended that there should be provision for buffer zones for and considering setting issues. There were also diverging views on the policies that might operate for the defined areas, with some feeling that all areas were important, albeit of different character, and others arguing that only the core was significant.

4.6 There was a similarly broad range of views on the issue of modern disturbance within battlefields. Some felt that the current state of a battlefield, particularly the extent to which it

was affected by modern development, should not prevent designation, some commented that surviving areas might be significant even if small, while others suggested that damaged areas could be enhanced through remedial action. In terms of responding to new impacts, some respondents took the view that there could be no justification for any development that did not enhance the battlefield, aid its preservation or increase its educational value; some considered that different levels of control could be exercised across a battlefield (e.g. on areas that were relatively clear and on those that were built-up), while others commented that there should be provision for mitigation and creative design in response to development proposals.

4.7 Many suggestions were made about extending the range of stakeholders. There was particular support for the recognition of the key role of local communities in all aspects of their local sites, from consultation on designation proposals to a lead role in future management.

5. SUMMARY OF RESPONSES

Question 1: Do you agree that a policy for the protection and sustainable management of historic battlefields is necessary? If not, what alternative course of action would you suggest and why?

5.1 Of the 59 respondents who answered this question, over 45 agreed that a policy for the protection and sustainable management of historic battlefields was necessary. Despite this, the majority of respondents felt changes to the current proposal were required.

5.2 Most respondents felt that there was a need for a statutory system to protect and manage historic battlefields. The reasons, where given, varied:

- some private individuals and heritage organisations raised concerns about how a non-statutory Inventory would create a ‘material consideration’ in the planning process;
- if sites were identified as of national importance, they should be supported by legislation; moreover, statutory protection would also be stronger and carry greater symbolic importance.

5.3 There were also some common themes discussed in various responses, these were:

- planning policy should be sufficiently robust, and battlefields should be identified within local plans;
- a broader strategy was needed, while a policy should promote preservation, education and commemoration;
- local communities and community groups should be involved in the designation and management of historic battlefields, and the SHEP should include local communities as stakeholders;
- there should be a clearer definition of certain key phrases and concepts such as ‘sustainable management of change’, ‘national’, ‘significant’ and ‘best practice guidance’.

5.4 However, there were a few exceptions to these overall comments. These included:

- one private sector organisation considered that the proposed policy was not necessary: *‘We do not agree that a new national policy...is necessary as the protection and sustainable management of archaeological remains, including battlefield sites, is*

already included in planning considerations, in accordance with NPPG 5 and Planning Advice Note 42¹; two respondents felt that elements of this SHEP could be incorporated within SPP 23 as it would consolidate and co-ordinate national policy on the historic environment more effectively. In particular, one local authority stated that doing so would *‘increase the strength and awareness of Historic Scotland’s policy on historic battlefields among planning practitioners and other relevant stakeholders’*;

- some private individuals and heritage organisations felt that the proposals were limited and *‘aimed primarily at already well-known, well researched sites and will do little to encourage the investigation and protection of small and as yet unknown sites’*;
- it was suggested that the policy should cover the wider cultural landscape so protecting the landscape context as well as the battlefield area.

Question 2: Do you agree with the scope of the definition? If not, what changes would you propose and why?

5.5 Of the 47 respondents who answered this question, 22 generally agreed with the scope and definition provided. However, 25 respondents provided suggestions for change. There were a mixture of responses on the definition of a battle and they can be grouped as follows:

- the scope of the definition should be broadened to include all significant types of conflict, including riots, skirmishes, sieges and sea battles;
- designation and guidance should extend to sites of less than national importance, ie include locally important sites;
- there should be more emphasis on the historic importance or significant outcome of conflicts rather than defining battlefields by size or the number of combatants. Although several were content with the 500 participant figure, others felt that using the number of combatants as part of the definition was misleading and might cause important sites to be excluded from the Inventory;
- many respondents suggested a tiered or zoned system of protection, which could categorise sites from A-C with A representing those of national importance, or alternatively those in the best condition;
- although problems with delineation were acknowledged, some commented that the lack of ‘mapability’ of many battlefields should not impede sites from being included on the Inventory;
- the scope should take into consideration the physical area of battlefield, related physical areas and landscape setting;
- a clearer definition of ‘nationally important’ battlefields, which could include a basic list of requirements, was requested by some;
- the role of local authorities needed to be clarified.

5.6 Several respondents also encouraged some flexibility in the definition, but mainly in relation to locally important sites. One university respondent commented that: *‘Any definition of a battle should include a statement that the purpose of the action is to inflict lethal force against the opposing force. This makes a significant distinction from a large scale action such as a riot, where lethal force is not the governing principle but is a potential outcome, or a massacre where lethal force is inflicted on a group that does not constitute an opposing force.’*

¹ Battlefields are not mentioned in NPPG 5 or PAN 42, but in NPPG 18, which is due to be replaced by Scottish Planning Policy 23 during 2008.]

5.7 However, two private sector organisations provided an opposing viewpoint stating that the definition and scope of battlefields should be more focused on tangible aspects: *'We strongly object to the introduction of less tangible aspects, such as the significance of implications arising from an event, to be used as criteria for the definition of the significance of any specific battle, as it is not the protection and sustainable management of the battle but the battlefield which the national policy seeks to address'*.

Question 3: Are there other reasons for valuing battlefields that should also be considered?

5.8 Of the 38 respondents who answered this question, 16 agreed that the proposals captured the main reasons for valuing battlefields. However, 18 respondents felt that others factors could be included. These were:

- educational value;
- tourism/ economic benefits;
- ecological and geodiversity value;
- family history;
- intertwined nature of natural heritage and cultural interests of sites;
- sense of ownership, place and identity held by local communities as well as a national feeling for a site;
- contribution to local culture, social cohesion, community regeneration, and socio-economies;
- contribution to public green space, access and recreation;
- the sense of battlefields as 'hallowed ground' and places for 'quiet contemplation';
- these sites would have been the location of mass graves for those involved with the battle and therefore should receive appropriate treatment.

5.9 However, two private sector organisations raised their concerns about the intangible values being considered when valuing battlefield sites. They both stated that this was because *'it is the protection and sustainable management of tangible, physical remains, as per paragraph 2.7, that the national policy seeks to address'*.

Question 4: Do you support the proposal to create a non-statutory Inventory of nationally important battlefields? If not, what alternative approaches should be considered?

5.10 Of the 44 respondents who answered this question, only 9 gave unqualified support to the proposal to create a non-statutory Inventory of nationally important battlefields. Stated qualifications included the following:

- an Inventory is a useful guide, but it is important that it contains accurate information;
- policy guidelines coupled with an Inventory would ensure consistency in management and protection;
- a non-statutory system is adequate at present and is a step towards further policy development and more robust protection;
- many respondents said they would support a non-statutory Inventory if battlefields were to be treated as a 'material consideration' within the planning system;

- Historic Scotland should work with local authorities' archaeological services in preparing the Inventory;
- compromised sites should be included, although the emphasis may be on awareness and commemoration rather than their physical protection;
- key battlefield features should have statutory protection using existing designations;
- there should be provision for battlefields in land-use policy and grant schemes as well as through the planning system.

5.11 Additionally, two respondents believed that a non-statutory Inventory could be supported by being linked to the Scottish Planning Policy 23: Planning and the Historic Environment. One private individual stated that, *'if the Inventory is non-statutory there should be appropriate reference to SPP 23 so that it is quite clear what protection must be offered to battlefields in the planning process'*. Several heritage organisations supported this view believing that any policy relating to the protection of battlefields should be cross-referenced in SPP 23.

5.12 However, many respondents expressed concerns that a non-statutory Inventory would not adequately protect either nationally or locally important battlefields. Consequently, respondents provided comments and suggestions for change. The following comments were made by several heritage organisations, local community groups and private individuals:

- an Inventory should be statutory and should prevent development on sites included in it;
- subsequent review and a commitment to legislate if the system proves ineffective, would be preferable if a statutory system is not to be created. One heritage organisation commented that, *'Appendix B could include the option for fully statutory protection, including protection beyond the planning system, which will be required if it is shown that the non-statutory protection is not working in practice'*;
- further clarification on how the non-statutory Inventory would work in the planning process is needed;
- a national strategy and standard for identifying and recording these sites is required;
- support is needed for local authorities because without this the range of extra work involved could result in a patchy uptake across Scotland.

5.13 Several local authorities raised specific concerns and points related to how the proposed policy would affect their work and priorities. They are as follows:

- plans for the protection of battlefields might not be consistent and comprehensive over the whole of Scotland as there are differing levels of local authority commitment to the historic environment in addition to the local resources, knowledge and skills available;
- no financial help was indicated for local authorities to produce development frameworks;
- the onus appeared to be on local authorities to manage battle sites and attempt to conserve them on behalf of the nation;
- if the list was to be non-statutory, the national list should be added to at a local level to cover locally significant battlefields, in the same way that Councils defined environmental sites.

5.14 Some private sector organisations and private individuals opposed the creation of a non-statutory Inventory. Their reasons included:

- whether statutory or not, an Inventory would allow central governmental influence on planning proposals and introduce further centralisation of planning consent;
- an Inventory was not necessary and would have a detrimental effect on existing sites. One private individual stated that, *'the creation of a register offers heightened recognition of battlefields leading to much increased illicit metal detecting reducing the quantity of surviving artefacts'*;
- an Inventory would provide protection only from development and not from activities outside the planning system, for example, agricultural activities or metal-detecting;
- it was requested that the Historic Scotland should be cautious in changing the status of battlefields so that an Inventory creates an added burden on planning authorities or hampers the development of well-designed schemes where mitigation of significant adverse effects is possible.

Question 5: Should an Inventory of Historic Battlefields be given the same status currently enjoyed by Gardens and Designed Landscapes within the planning system?

5.15 Of the 42 respondents who answered this question, 26 agreed that battlefields should be given the same status as Gardens and Designed Landscapes (GDL), although many qualified their agreement. All were broadly similar and could be grouped as follows:

- in the absence of statutory recognition, the Inventory should be given at least the same status as GDL within the planning system, while recognising that the two assets were fundamentally different in character;
- as battlefields were less easily delineated than GDL, different levels of protected status should be granted to battlefields and the areas of surrounding importance based upon specific factors (e.g. battlefield approaches, troop encampments, battlefield hospitals and campaign stores);
- in the case of 'compromised' battlefields, a greater degree of flexibility was required;
- designation and protection should be appropriate, not just exclusive to the central core zone of battle, and may include buffer zones.

5.16 However, some heritage organisations and private individuals did not agree that historic battlefields should be given the same status as GDL in the planning system. The reasons varied, but included:

- the status of historic battlefields should be unique;
- the comparison was unreasonable as battlefields should have a higher status;
- historic battlefields should have statutory protection;
- even though many battlefields were less easily delineated than GDL, 'compromised' sites should not be ignored;
- comparison between the two was misleading, as GDL were usually clearly defined areas of land whereas very few battlefields were equally well defined. One respondent stated that, *'the result of this comparison could be the disproportionate attribution of status to physical and tangible landscapes which possess only a dubious and/ or intangible relationship to a specific historic event'*.

Question 6 - Do you agree with the purpose of the proposed Inventory? If not, what changes would you suggest and why?

5.17 Of the 56 respondents who answered this question, 50 stated that overall they agreed with the proposed policies and 6 raised an issue. There were some common themes discussed in various responses, these were:

- if the Inventory was to be meaningful then it should be given statutory status to help Local Authorities protect battlefields against future development;
- there needed to be wider discussion and definition on the issue of what constituted 'national importance' and greater clarity in distinguishing between national and local importance;
- Inventory should be extended to sites of local importance or at least encourage their protection as well;
- more information should be made available on how the Inventory could act as a resource for interpretation, education and research: it was suggested that this be linked to the Centre for Battlefield Archaeology at Glasgow University;
- the suggestion that the Inventory could also include sieges, riots and other historical turning points of national and local relevance;
- emphasis was given by the private sector that the burden for planners and developers should be kept to a minimum;
- management objectives should be set for each site;
- the Inventory should list all nationally important battles to allow for future consideration and promotion even if the area cannot be protected;
- the reasons for inclusion should be clearly stated;
- there should be provision for monitoring Inventory sites;
- local community groups should be consulted on proposed inclusions.

Question 7 - Do you believe that the criteria set out in Annex A are suitable? If not, what alternative criteria would you suggest and why?

5.18 Of the 49 respondents who answered this question, 46 stated that, overall, they agreed with the proposed policies, while three raised issues. There were some common themes in the responses:

- that the criteria would not allow for the ranking of battlefield sites by their perceived importance;
- that there should be increased flexibility in assessing the impact of development on and use of a site subsequent to the battle when assessing its addition to the Inventory. It should be possible to include sites which survive only partially, especially if these can aid interpretation, while the potential for rehabilitation of damaged sites should be borne in mind;
- further consideration should be given to the landscape setting and protection of the site views;
- that the criteria should be placed centrally within the document and not as an Annex;
- further consideration and definition was required to explain how a battlefield would be included on the Inventory if it were to meet only some of the criteria. Could a folklore element be included for sites such as Bannockburn, where there was no physical evidence?
- several respondents raised the issue of mapping, with views ranging from there being no need to define the exact area to mapping being essential. In more detail, some questioned which maps should be used, as they could be of different type and quality;

while others stressed that there would be issues of defining a battlefield in the absence of physical evidence or because of secondary skirmishes;

- a company in the private sector strongly recommended that only core conflict zones in a formal battle array should be eligible for inclusion. They recommended four themes which would guide conservation: authenticity; visual amenity; integrity; and accessibility;
- one respondent disagreed with all the criteria apart from (a) as physical remains were rare due to loss over time, while ‘clear landscape context’ was problematic as land use had changed significantly. Instead, each site should be evaluated on individual circumstances and evidence;
- one heritage organisation recommended that the criteria should be re-visited regularly due to changes and the emergence of new data from research;
- some suggested that there needed to be a clear methodology for assessing sites, showing how the criteria would work in practice, while one suggested that the approach taken to GDLs should be adopted;
- there were some suggestions about the need for criteria for locally important sites.

Question 8 - Do you agree with the proposed definition of the area of interest? If not, what changes would you suggest and why?

5.19 Of the 48 respondents who answered this question, 44 stated that, overall, they agreed with the proposed policies while four raised issues. There were some common themes discussed in various responses, these were:

- concerns about the loss of potential sites; for example, early battlefields where there was little evidence or information to support it or where battlefields had been developed and there was a lack of field analysis;
- there were suggestions that a tiered approach could be taken, in which separate core areas and buffer zones could be identified; this might be particularly helpful where a battlefield was hard to locate, or where significant landscape features had to be considered;
- recommendations were made that battlefields which did not meet the criteria for national significance should be managed locally and guidance provided to help manage such sites;
- a private individual suggested that a tiered approach could be taken whereby a battlefield could be included in the Inventory using definition of status of site, its area of interest and a statement of probability that the battle occurred in a particular core and periphery;
- some private sector groups strongly recommended that only the core area of a battlefield should be listed in the Inventory, while other respondents were content that two areas should be identified. Some also suggested that other relevant features should also be included even if they lay outwith the main area(s) of interest;
- a Local Authority disagreed with the definition, suggesting it should include an acknowledgement that it is sometimes difficult to delineate a battlefield core and its periphery area which might include mass graves and other outliers. Another suggestion was to include the wider area in the Inventory, but to refine this for management purposes;
- the need to support the assessment of areas through research in advance of development was highlighted.

Question 9 - Do you agree that policies are needed for both the overall area of the battlefield and specific areas within it? If not, what changes would you suggest and why?

5.20 Of the 54 respondents who answered this question, 53 stated that, overall, they agreed with the proposed policies, while one raised an issue. There were some common themes:

- some parties recommended taking an overall view of the site to include both core and buffer zones, while others suggested that core areas be scheduled and buffer zones be added to the Inventory;
- in addition to the Inventory a management plan should be developed for each site, providing more detail and definition on the meaning of the zoning. This would aid clarity for Local Authorities in terms of what was and what was not acceptable use of these areas;
- the policies would need to be supported robustly in the face of planning or development applications, or, in the case of the peripheral area, an approach that would allow for sensitive development which would balance the requirement of any environmental, social or economic objectives;
- some would like to see more guidance as to what the policies would be based upon e.g. related to significance values that must be explicitly identified, collectively agreed and documented;
- views differed as to whether different areas should be accorded different levels of importance. One respondent argued that a tiered approach would encourage the view that the protection of the core area was more important than the peripheral area, while others argued that the core area was the most important;
- a policy was needed to address issues of setting and views;
- there was a need for clear management objectives, or management plans, taking natural heritage interests and landscape character into account. Management should also aim to improve the condition of sites and enhance their potential for interpretation and tourism;
- there was a need to allow for the potential of mitigation and creative design in response to development, as an alternative to conservation.

Question 10 - Do you agree that best practice guidance would be useful? If so, who should lead in developing this? If not, what alternative approaches should be considered?

5.21 Of the 49 respondents who answered this question, 47 stated that overall they agreed with having access to best practice, while two raised issues. There were some common themes discussed in various responses, these were:

- Historic Scotland should lead in the development of the best practice guidance in consultation with other key stakeholders, including: Local Authorities; National Parks; National Trust for Scotland; specialist landscape architects; Scottish Natural Heritage; local communities; Glasgow University Centre for Battlefield Studies; Battlefield Trust; and RCAHMS;
- the best practice guidance should tie in with Scottish Planning Policy and should be structured between a planning advice note and a technical advice note. Inventory sites

- one respondent disagreed, stating that the guidance might hinder what could be achieved in individual cases and recommending that each local trust be allowed to design its own strategy to be approved by the First Minister and the local community;
- the guidance should form the basis for each Local Authority's supplementary planning guidance on battlefield sites at national, regional and local scale;
- a private individual suggested that the guidance should be developed and managed by a group of leading, non-governmental, archaeologists and representatives of developers;
- specific suggestions were made for topics that might be covered by guidance, including metal-detecting, setting, natural heritage interests, protocols for resolving conflict, community involvement, locally important sites;
- there should be consultation on the draft guidance, and this should aim to be inspirational rather than restrictive;
- there is a need for training as well as guidance;
- several local authorities commented that it would be helpful if Historic Scotland provided additional guidance/advice to local authorities on how locally important sites might best be treated – e.g. what sort of level of protection should they be given, should they ideally be incorporated into the development plan as well as the nationally important sites.

Question 11 - Do you agree with the roles identified here? If not, what changes would you propose and why? Are there other key stakeholders who have significant roles to play?

5.22 Of the 55 respondents who answered this question, 52 stated that overall they agreed with roles identified, while three raised issues. There were some common themes discussed in various responses, these were:

- disagreed with the responsibilities assigned to the key stakeholders and that the stakeholder group identified was too narrow. It was recommended that further consultation should be sought in both the private and public sector and, in particular, local communities;
- several private companies and professional bodies recommended that great care ought to be given to the selection of stakeholders who would help Historic Scotland develop the Inventory. Particular reference was made to the inclusion of landscape architects who would give consideration to the management and planning aspects of any site;
- it was suggested that there should be representation of an English body on the stakeholder list to acknowledge that battles often involved English formations;
- particular emphasis was given to the inclusion of the local communities, societies and education establishments who could both assist in and benefit from the interpretation of local battlefield sites;
- Historic Scotland should undertake a promotional role at national level to complement the role of planning authorities;
- one respondent did not have confidence in Historic Scotland in fulfilling its role.

6. OTHER ISSUES

Some of those who responded to the consultation also took the opportunity to comment on the document as a whole and on wider operational issues as set out below:

6.1 It was noted that there were very few experts in the field of battlefield archaeology and that this might cause a problem when Local Authorities needed to access specific expertise.

6.2 It was recommended that any management plan and its ownership by Local Authorities should be incorporated as Supplementary Planning Guidance.

6.3 Some disappointment was expressed about the level of protection offered by the consultation SHEP in contrast to hopes raised by the election manifesto.

6.4 Several local authorities also asked who would have overall responsibility for recommending the appropriate level of archaeological mitigation at sites; how would such mitigation be monitored and enforced; and would there be incentives such as grant aid to sustainably manage battle sites with particular reference to access and interpretation?

6.5 Several private individuals requested that specific battlefields were recognised for protection, namely Culloden, Bannockburn, Sheriffmuir, Prestonpans and Dunnichen.

6.6 It was noted, in relation to the Partial Regulatory Impact Assessment that there could be significant impacts on business plans.

ANNEX A

HISTORIC BATTLEFIELD CONSULTATION RESPONDENTS

Heritage Organisations

1745 Association
The Battlefields Trust
ALGAO
1st Marquis of Montrose Society
Archaeology Scotland
The National Trust for Scotland
Scottish History Society
Society of Antiquaries of Scotland
BEFS
Scottish Civic Trust

Local Authorities

Aberdeen City Council
East Dunbartonshire Council
Orkney Islands Council
Falkirk Council
East Ayrshire Council
Stirling Council
City of Edinburgh Council
North Ayrshire Council
The Highland Council
East Lothian Council
Glasgow City Council
Aberdeenshire Council
Fife Council
Midlothian Council

Local/ Community Organisation

Stirling Before Pylons
Ballater and Crathie Community Council
Musselburgh Museum Committee
Larbert, Stenhousemuir & Torwood Community Council
Prestonpans Heritage Trust
The Old Musselburgh Club

NDPBs/Public Bodies

Scottish Natural Heritage
SEPA
NHS Dumfries and Galloway
Royal Commission on the Ancient and Historical Monuments of Wales

Private Individuals

Margaret Palmer-Brown
Alex Orr
Bill MacDonald
Gregory Sheridan
Michael J Snell
Sandy Nicol
Virginia Wills
Eileen Wilson
David Bryce
Professor B. P. Lenman
Philip Hargreaves
Rosemary Leckie
Paul Taylor & Catherine Boyles
Norma Duncan
John D. Pitts
Halcyon Martin
Jim McGugan
Graeme Cruickshank
Caroline Patterson
Dr Evelyn Stevens
Dr Lewis Stevens
Dr Claire Fyvie
Dr Rebecca Boyd
Professor Robert Martin
Colin M Edgar
Howard Wallace
Stuart Kermarck

Private Sector

Mactaggart & Mickel Ltd
AOC Archaeology Group
Scottish Renewables
CFA Archaeology & History Tomorrow - Tim Neighbour, Prof Richard Oram & Dr Alasdair
Ross

Professional Body

Royal Town Planning Institute
Royal Institute of Chartered Surveyors in Scotland
Landscape Institute (Scotland)

University

University of Aberdeen
GUARD - Glasgow University Archaeological Research Division