

The Clan Macrae Society

**2 Bellevue Place
Edinburgh
EH7 4BZ
0131 466 2304**

13 August 2009

Policy Team
Historic Scotland
Room 2.9
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Dear Sirs

**THE ANCIENT MONUMENTS AND LISTED BUILDINGS
(AMENDMENT) (SCOTLAND) BILL – CONSULTATION**

We are responding to the proposed provisions of the above draft bill as a society with a professed interest in the heritage of Scotland in general and the heritage of our own international clan interests in particular. The clan society has, in the past, funded a number of monuments to the memory of events in clan and Scottish history, all of which remain in private ownership.

The most prominent recent focus for concern and interest has been in respect of the battlefield at Sheriffmuir. The society contributed evidentially to the public inquiry concerned with the Beauly to Denny powerline. The clan society erected in 1915 upon that battlefield a substantial monument which was, until recently, the only visible sign of the site of this politically significant yet inconclusive battle. The conduct of the battle has left the unmarked graves of many clansmen scattered over the site.

The society is keen not have this response regarded as either negative or, more importantly, irrelevant to the consultation. It is well aware of the consultation which took place in respect of the draft Scottish Historic Environment Policy (SHEP) and individual members responded to that consultation on behalf of the society. It is also aware of the announcement of the intention to publish in 2011 a non-statutory inventory of battlefields which will presumably include Sheriffmuir,

However, it is the society's view that this draft bill excludes statutory consideration of and legislation for the overall protection of the heritage of Scotland and that the Government, in consequence, does not consider that statutory protection to be necessary. This does not sit well with the fact that a very substantial piece of draft legislation, the Draft Heritage Protection Bill, awaits parliamentary debating time at Westminster. There appears to be little doubt that overall protection for heritage south of the border is seen as necessary.

Ironically, the draft Scottish bill seeks to amend a piece of UK legislation. Effectively, it seems to the society, it can be seen as a demonstration that statutory protection of heritage *per se* in Scotland is being abandoned. It appears that it may be sought to justify this on the sole grounds of potential but unspecified expense on public and private bodies.

The purpose of the consultation is stated *inter alia* as considering "part of a wider programme for change in the operation of the system for the protection and management of our patrimony" yet it is "a tightly-focused technical amending Bill". The society would therefore seek reassurance that this Bill does not seek to close the debate on statutory protection of heritage in general and battlefields in particular. The promise of a non-statutory inventory of battlefields is all very well but there does not appear to be any indication of what events or proposals might trigger more positive protection of battlefields and our view of the likelihood that this would come too late. An example of this is seen as the perceived statutory obligation on the Forestry Commission for re-afforestation at Sheriffmuir when a golden opportunity presents itself to remove that obligation following the recent harvesting of woodlands which were planted before the need for consultation on such issues was plain.

Yours sincerely

James McRae
Clan MacRae Society