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Managing Change in the Historic Environment Guidance Note: Historic Battlefields



Environmental Assessment (Scotland) Act 2005
Environmental Report
26 January 2011

1. Non technical summary	3
1.1 Introduction	3
1.2 Context	3
1.3 Assessment of the environmental effects of the draft guidance	4
1.4 Mitigation measures	4
1.5 Monitoring	4
1.6 Consultation	4
2. Introduction	5
2.1 Background.....	5
2.2 Content of the draft guidance note	6
2.3 The SEA process	7
3. Environmental objectives and scope of assessment	9
3.1 Other plans and programmes and environmental objectives	9
3.2 Scoping the environmental topics to be included in the assessment	12
4. Environmental baseline, problems and evolution	14
4.1 Environmental baseline.....	14
4.2 Environmental Issues.....	15
4.3 Evolution of the environment without the guidance.....	16
5. Assessment approach and methods	17
5.1 Scoping the level of detail of the assessment	17
5.2 How was the draft guidance note assessed?	17
5.3 Alternatives	18
6. Assessment findings	19
6.1 Effects of the overarching policy	19
6.2 Effects of the key principles for developments affecting battlefields	20
6.3 Effects of the proposed changes to the DMPR	22
6.4 Cumulative effects	25
7. Mitigation and monitoring	26
7.1 Recommendations	26
7.2 Monitoring	26
8. Next steps	27

1. Non technical summary

1.1 Introduction

Following the launch of Ministers' policy on battlefields in the [Scottish Historic Environment Policy](#) (SHEP 2009) Historic Scotland has been working to create an Inventory of historic battlefields of national importance, the first tranche of which was published for consultation on 13 December 2010.

In line with a commitment in paragraph 2.73b of SHEP 2009, Historic Scotland has now prepared a guidance note to aid decision making in the management of change within Inventory battlefield sites. The guidance forms part of the [Managing Change in the Historic Environment Guidance Notes](#) series which support the Scottish Historic Environment Policy (SHEP) and the historic environment chapter of the consolidated Scottish Planning Policy (SPP). The notes are designed to offer clear, consistent advice to professionals, developers and applicants.

SEPA and SNH were consulted on the approach taken to the environmental assessment, and **Annex A** shows how their comments have been taken into account.

This Environmental Report:

- Describes the legislation and policy content of the guidance
- Describes the relevant aspects of the environmental baseline
- Explains how the environmental assessment was carried out, and which parts of the guidance were assessed
- Sets out the findings of the environmental assessment
- Makes recommendations for improving the positive effects of the guidance
- Proposes indicators for monitoring significant or unknown effects

1.2 Context

One of the early stages of the SEA process is to consider the relationship of the guidance to other relevant policies, plans, strategies and environmental objectives. This allows key environmental issues to be identified for consideration during the plan preparation process. It is also important to identify both the plans and strategies that will influence the guidance and those that will be influenced by the guidance. Annex B sets out the review of the legislation, policies, plans and strategies that are considered to be of most direct relevance to the draft guidance note.

To help consider the environmental effects of the draft guidance note information about relevant aspects of the environmental baseline was gathered. Because the guidance provides advice about Battlefields sites across the whole of Scotland a national baseline was established. This included information on landscape, historic environment, human health and population as the topics considered likely to be affected by the guidance. **Section 4** of the Environmental Report summarises the environmental baseline.

1.3 Assessment of the environmental effects of the draft guidance

A framework has been used to help predict the environmental effects of the draft guidance. This is shown in **Table 4** and allows questions to be asked whilst stepping through the requirements of SEA helping to make the assessment systematic and consistent.

It was found that the guidance has the potential to result in significantly positive effects on the historic environment and landscape. There may also be minor positive effects for population and human health. No negative effects were identified through the assessment.

The detailed results of the assessment are described in **section 6** of the report.

1.4 Mitigation measures

No significant negative effects were predicted during the course of the assessment which would require specific mitigation measures to be identified. However it was possible to make a number of recommendations to further improve the clarity and coverage of the draft guidance to enhance the positive effects identified. These recommendations are explained in **sections 6.2.1** and **6.2.2** of the report and summarised in **section 7.1**.

1.5 Monitoring

Although no significant negative effects are predicted it will be important to ensure that it is understood how the guidance is affecting the environment once it is being implemented. As such ways to monitor the impacts of the guidance have been suggested in **section 7.2** of the report.

1.6 Consultation

This Environmental Report accompanies the draft guidance note for an eight week of public consultation from **26 January 2010** to **9 March 2011**. Any comments that you would like to make on either document are welcomed. A number of questions have been included in the draft guidance note which you may use to help your response. These are also listed in the Response Form which you are encouraged to use to help structure your response to the draft guidance note and this Environmental Report. With regards to the Environmental Report the main questions to consider is:

Do you agree with the results of the environmental assessment and have the key issues associated with managing change in historic battlefields been identified?

2. Introduction

2.1 Background

Battles were often iconic events in Scottish history, and battlefields form an important part of our historic environment. Historic Scotland is working to improve the protection of this aspect of our cultural heritage and published Ministers' policy for their protection on 27 July 2009, in the [Scottish Historic Environment Policy](#) (SHEP 2009).

With the launch of Ministers' policy on battlefields Historic Scotland is working to create an Inventory of historic battlefields of national importance, the first tranche of which was published for consultation on 13 December 2010. The Inventory will be compiled in accordance with the policy set out in paragraphs 2.72-3 and the criteria in Annex 5 of SHEP 2009. For each site included, the Inventory will identify the designated area of the landscape within which the events of the battle took place and where associated remains occur and archaeological evidence may be expected.

In line with the commitment in paragraph 2.73b of SHEP 2009, Historic Scotland intends to prepare guidance to aid decision making in the management of change within Inventory sites. The guidance forms part of the [Managing Change in the Historic Environment Guidance Notes](#) series which support the Scottish Historic Environment Policy (SHEP) and the historic environment chapter of the consolidated Scottish Planning Policy (SPP). The notes are designed to offer clear, consistent advice to professionals, developers and applicants.

Table 1 sets out the key facts about the guidance including the area it covers and its purpose.

Table 1: Key Facts

Responsible Authority	Historic Scotland
Title of PPS	Managing Change in the Historic Environment Guidance Note: Historic Battlefields
PPS subject	Historic environment
Period covered by the guidance	Undefined
What prompted the guidance?	Scottish Ministers published an Inventory of Historic Battlefields for consultation on 13 December 2010. Criteria and policies for the identification and protection of historic battlefields were included in an updated and consolidated version of the SHEP which was published in July 2009. The guidance note provides more detail and advice on the implementation of these policies for those involved in managing change in historic battlefields identified on the Inventory

Frequency of updates	As required
Area covered by the guidance	The guidance note applies to all battlefield sites identified on the national Inventory, the first tranche of which was published for consultation on 13 December 2010 with the second following before March 2012.
Purpose of guidance	The guidance note provides advice for planning authorities, developers, other public bodies and key stakeholders on the implementation of policies for the protection of Historic Battlefields as set out in the Scottish Historic Environment Policy (SHEP 2009)
Contact point for queries on the guidance	Battlefields MCG Room G46 Historic Scotland Longmore House Edinburgh, EH9 1SH Hs.battlefieldsconsultation@scotland.gsi.gov.uk
Contact point for queries on the SEA	Hannah Garrow Senior Development Assessment (SEA) Officer Room E7 Historic Scotland Longmore House Edinburgh, EH9 1SH 0131 668 8744 hannah.garrow@scotland.gsi.gov.uk

2.2 Content of the draft guidance note

Scottish Ministers' policy for the protection of historic battlefields is set out in paragraphs 2.62-2.73 of SHEP 2009, and their policies for the treatment of these are set out in paragraph 3.66. These make Inventory battlefields a material consideration in the determination of planning applications and require planning authorities to have regard to their specific qualities and character. They recommend planning authorities to include appropriate policies for their protection within development plans and other key strategies; and to use appropriate conditions and agreements to protect and enhance Inventory sites.

The purpose of the Managing Change in the Historic Environment Guidance Note on Battlefields is to build upon the SHEP policies by introducing more detailed advice for planning authorities and developers, as well as other public bodies and key stakeholders, involved in making decisions about new developments within historic battlefield sites. The guidance seeks to ensure that the overall character and specific qualities of Inventory sites are protected. It covers the following topics:

- Key Issues
- Why are battlefields important?
- The Inventory of Historic Battlefields

- Establishing policies for battlefields
- Managing the impact of change
- Management Plans
- Involving Others

As indicated in paragraph 3.66 of SHEP 2009, Historic Scotland also intend to introduce amendments to the Development Management (Procedure) (Scotland) Regulations 2008 (DMPR) to introduce a requirement for consultation with Historic Scotland on certain developments proposed for land within the area of an Inventory battlefield that currently has no buildings on it. Details of our proposals for the regulations are included in the consultation draft of the guidance note.

2.3 The SEA process

The requirement for SEA comes from the European Directive 42/2001/EC on the assessment of the effects of certain plan and programmes on the environment (commonly known as the SEA Directive). This is implemented in Scotland through the [Environment Assessment \(Scotland\) Act 2005](#).

The purpose of SEA is to ensure that information on the environmental effects of a plan or programme is gathered and made available to plan-makers and decision takers as the plan is prepared and implemented. The overarching aim of SEA is to promote sustainable development.

Under section 5(4) of the Act, plans, programmes and strategies with the potential to have significant environmental effects are to be subject to environmental assessment prior to adoption. As Historic Scotland considered that the Guidance Note on Battlefields has the potential to result in significant environmental effects they submitted a joint Screening and Scoping Report to the Scottish Government's SEA Gateway on 7 October 2010 to seek the views of the Consultation Authorities (SNH and SEPA). SNH agreed that the guidance is likely to have significant environmental effects for landscapes, but SEPA did not consider that it would result in significant effects for environment topics within their interest (climatic factors, air, water and soil). However helpful comments were received from both organisations who were generally supportive of our proposed approach. Annex A summarises the comments provided by SNH and SEPA and shows how these have been taken into account in progressing the SEA. As a result of the consultation Historic Scotland determined that an SEA would be undertaken of the guidance note. The determination notice was published on **26 January 2011**.

Following on from the scoping stage, an environmental assessment of the draft guidance note was carried out as it was being developed. This Environmental Report (ER) presents the results of that environmental assessment, sets out the measures proposed to mitigate the potentially adverse effects of the plan and suggests indicators to monitor the effects of the plan. This Environmental Report accompanies the draft guidance note for an eight week period of public consultation from **26 January 2011** to **9 March 2011**.

Once the consultation period is complete, the need for changes to the guidance note will be reviewed. Where significant changes are made which could result in significant environmental effects, an assessment will be undertaken of their impact, and reported in the SEA Post Adoption Statement. This will be published along with the final guidance.

3. Environmental objectives and scope of assessment

3.1 Other plans and programmes and environmental objectives

One of the early stages of the SEA process is to consider the relationship of the guidance to other relevant policies, plans and strategies. This allows key environmental protection objectives to be identified for consideration during the plan preparation process. It is also important to identify both the plans and strategies that will influence and those that will be influenced by the guidance note itself. An understanding of the context and the hierarchy that the guidance note sits within is useful for giving early thought to any required mitigation measures and where they may be best implemented.

Table 2 sets out the review of the current legislation, policies, plans and strategies that are considered to be most directly relevant to the draft guidance note. It has been assumed that the key environmental objectives for each of the environmental parameters identified in schedule 3 of the Act are translated into national policy and strategy and the environmental protection framework provided by European legislation has not been reviewed in detail. Instead, the focus has been to review the key areas of legislation relevant to the guidance note and its assessment.

Table 2: Policy Context for the Battlefields Guidance Note

SEA Topic	Summary of Environmental Objectives	Plan, Programme or Strategy
Biodiversity, Flora and	Biodiversity policies from international to local levels aim in particular to conserve habitats, species and ecosystems. Halting the decline of key species is important, and where possible remedial action and enhancement should be implemented in degraded areas. Policies also note the importance of an ecosystem approach – an holistic, landscape approach to biodiversity conservation that goes beyond the traditional emphasis on protecting individual sites.	Council Directive 79/409/EEC on the conservation of wild birds Council 92/43/EEC the conservation of natural habitats and of wild fauna and flora Wildlife and Countryside Act 1981 Conservation (Natural habitats &c.) Amendment (Scotland) Regulations 2007 Nature Conservation (Scotland) Act 2007 UK Biodiversity Action Plan Scotland's Biodiversity – It's In Your Hands.
Population and Human Health	Policy outlines the need to seek to improve health and quality of life.	Improving Health in Scotland – the Challenge

Soil	Policies on soil seek to protect resources from a range of impacts, including soil sealing by development, increased susceptibility to erosion and soil pollution.	Scottish Soil Framework (2009)
Water	Water related policies aim to protect water resources, and achieve an improvement in their ecological condition where appropriate. River Basin Management Plans, which were prepared under the Water Framework Directive and WEWS Act set specific objectives for the protection and improvement of water resources within each river basin.	Water Framework Directive 2000/60/EC Water Environment and Water Services (Scotland) Act 2003 (WEWS) Act Scotland River Basin Management Plan (2009)
Air	Air quality targets have been set at the European and UK levels. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland sets objectives for Particulate Matter (PM), oxides of nitrogen (NO _x), sulphur dioxide (SO ₂) and ozone (O ₃) amongst others. Good progress is being made towards meeting them.	2008/50/EC Directive on ambient air quality and cleaner air for Europe The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)
Climatic factors	Policies focus on the need to cut greenhouse gas emissions. National targets are for an 80% reduction by 2050 making a contribution to climate change abatement targets set at the UK, EU and international levels. Energy policy highlights the importance of energy efficiency, and the need to achieve a shift from fossil fuels to renewable sources of energy. In addition the importance of adequate, planned adaptation to future climates is noted in order to increase the resilience of communities, and natural and economic systems.	UK Climate Change Act 2008 Climate Change (Scotland) Act 2009 Climate Change Delivery Plan (2009) Climate Change Adaptation Framework (2009) UK Low Carbon Transition Plan (2009) Conserve and Save: Consultation on the Energy Efficiency Action Plan (2009)

Cultural heritage	Historic environment policies aim to identify and protect historic buildings and sites from inappropriate development and damage. Policies extend beyond specific designated sites to reflect the value of wider townscapes, the setting of monuments and historic buildings, and wider cultural landscapes.	Scottish Historic Environment Policy (SHEP) 2009 Scottish Planning Policy (SPP) Managing Change in the Historic Environment Guidance Notes (consultation drafts)
Landscape	Landscape policies aim to not only safeguard protected areas, but to recognise and conserve wider landscapes. These may not be formally designated but make an important contribution to the quality of environment.	Council of Europe, European Landscape Convention (2000) SNH Landscape Policy Framework SNH Wildness in Scotland's countryside SNH Natural Heritage Futures SNH National Scenic Areas Programme
Material assets	Agricultural and forestry policies promote sustainable land use, environmental protection and stewardship, and emphasise the importance of delivering public goods out with market mechanisms. Policy sets a target of increasing forest cover to 25% of land cover. The planning system highlights the need to allow the development of high quality, well designed, energy efficient housing. Efficient design will contribute to climate change abatement targets, as will transport emission reductions.	Scottish Forestry Strategy Strategic Transport Review Project National Transport Plan Local Housing Strategy Scottish Planning Policy A Vision for Scottish Agriculture The Zero Waste Plan for Scotland

The key environmental objectives identified from the review of legislation, policies, plans and strategies are:

- To protect and where appropriate enhance the historic environment
- To halt the loss of biodiversity and continue to reverse previous losses through targeted action for species and habitats
- To protect and enhance species and habitats
- To increase awareness, understanding and enjoyment of the natural and historic environment
- To protect and enhance the water environment (with a requirement to ensure that the status of all waters are protected from deterioration)
- To promote and encourage opportunities for people of all abilities to enjoy access to wildlife and the countryside

- To manage access appropriately to avoid damage to archaeological sites or habitats, and disturbance to wildlife, especially breeding birds, by heavy public use of sensitive areas
- To protect, enhance and, where appropriate, restore landscape character, local distinctiveness and scenic value.
- To protect soil resources and promote soil function
- To reduce the exposure of sensitive receptors to poor air quality
- To promote sustainable development
- To reduce our contribution to climate change and be positioned to respond to the predicted effects of climate change

3.2 Scoping the environmental topics to be included in the assessment

A key part of the SEA process is identifying the environmental parameters (from schedule 3 of the Act) that are likely to be affected by the guidance. This can lead to some environmental topics being “scoped out” of the assessment and helps to focus the SEA on the key environmental issues. A Scoping Report was prepared in October 2010 which set out the proposed scope and level of detail of the assessment and comments were sought from SNH and SEPA.

Based on the environmental protection objectives above the scoping report identified the environmental parameters that are likely to be affected by the draft guidance note. **Annex A** summarises the comments SNH and SEPA provided on the scope of the assessment. Following the consultation the scope of the assessment has been revised to exclude Soil. Soil was originally scoped in to the assessment on a provisional basis as there was uncertainty about the nature and content of the guidance. During the drafting process however it became clear that the advice contained in the guidance note would not have a significant effect on soil capacity or function and as such the topic has now been scoped out of the assessment.

Table 3 below sets out the scope of the assessment with reference to the environmental topics included in Schedule 3 of the Act. Justification is provided for those environmental topics that are scoped out of the assessment.

Table 3: Scoping in/out

Environmental parameter	Scoped in/out	Potential issues arising from the guidance and justification for scoping in/out
Biodiversity, Flora and Fauna	Out	Although there may be some indirect effects for biodiversity, flora and fauna simply as a result of protecting battlefield sites the guidance focuses on the process for assessing whether new development will adversely affect the historic character and special cultural qualities of Inventory Battlefield sites. As such it does not include advice or policies relating to natural heritage of battlefield sites and does not replace or alter existing national or local policies for these topics.

Environmental parameter	Scoped in/out	Potential issues arising from the guidance and justification for scoping in/out
Population and Human Health	In	The guidance may address issues regarding access and interpretation of Inventory Battlefields and may therefore result in indirect effects on population and human health through providing for the protection of sites of cultural and educational interest.
Soil	Out	There may be some indirect effects for soil as a result of protecting battlefield sites and associated archaeology. However the guidance will focus on the process for assessing whether new development will adversely affect the historic character and special cultural qualities of Inventory Battlefield sites. As such it does not include advice or policies relating to specific land uses or activities which would affect soil function, capacity or erosion.
Water	Out	The advice and policies in the guidance do not address water quality, flow, flooding or pollution.
Air	Out	The policies and advice in the guidance note do not significantly improve air quality or lead to higher levels of pollution.
Climatic Factors	Out	The implementation of the guidance note will neither contribute to the causes of climate change nor to mitigation or adaptation to the effects of climate change.
Material Assets	Out	The advice and policies in the guidance will have no effect on existing forestry and agricultural activities.
Cultural Heritage	In	The main purpose of the guidance and policies are to provide for the protection of historic battlefields that will be designated on a national Inventory prepared by Historic Scotland. For this reason it is considered that the guidance will have significantly positive effects for the historic environment.
Landscape	In	Some of the areas covered by the Inventory sites may also be designated for their natural landscape value and are currently largely rural and open. The guidance will be addressing the appropriate scale and land use of developments within these sites and it is therefore considered that it could also significantly effect landscapes.

4. Environmental baseline, problems and evolution

4.1 Environmental baseline

In order to establish the environmental effects of the draft guidance note it is necessary to understand the environmental baseline of the area that is likely to be affected. Schedule 3 of the Act lists the environmental parameters that should be considered in SEA. To focus the SEA, baseline information has been gathered on the environmental issues that are likely to be affected by the guidance. For that reason information has not been gathered on those environmental parameters scoped out of the assessment (**Table 3** sets out the environmental topics that are scoped in/out of the assessment). Given that the historic battlefields that are the subject of the guidance are located across the whole of Scotland a national baseline has been provided. The key baseline information for each environmental topic is set out below.

4.1.1 Cultural Heritage

Scotland has five World Heritage Sites, over 47,000 listed buildings and more than 600 conservation areas. 386 sites are currently identified in the Inventory of Gardens and Designed Landscapes. The actual extent of archaeological remains in Scotland is unknown with 8,151 Scheduled Monuments representing only a small proportion of the archaeological sites for which the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) holds records and the many more unrecorded sites and unknown resources throughout the country

Designated historic resources are protected and help to preserve the historic and cultural environment. It is important that consideration goes beyond the designated buildings and sites to reflect the value of wider townscapes, the setting of historic resources and wider cultural landscapes such as battlefields. Battlefields are an important part of Scotland's historic environment and contribute to our sense of history and national identity. They are a significant historical and archaeological resource. The physical remains and artefacts can inform our understanding of important aspects of Scottish history and help clarify the events of a battle.

Historic Scotland published for consultation on 13 December 2010 the details of sites to be included on a national Inventory of battlefields. This first phase of the Inventory contains 17 battlefields considered to be of national importance for the contribution they make to Scotland's archaeology and history. These include the most significant and iconic battlefields and provide information to aid their protection, management, interpretation and promotion. More information on the Inventory can be found on the battlefield pages of our website:

<http://www.historic-scotland.gov.uk/index/heritage/battlefields.htm>

4.1.2 Landscape

Scotland has a rich variety of landscapes, not limited to places where there has been no development. More than one million hectares are designated as National Scenic Areas, reflecting areas of the highest landscape value and National and Regional

Parks afford protection to scenic areas of national and regional importance, respectively. Landscapes are dynamic, shaped by the interaction of natural processes and human activities. They can be strongly influenced by built development and land management. The pace and scale of landscape change has increased with technological progress.

Landscapes are a key part of our cultural heritage having huge economic potential and are a vital part of our sense of place and general well-being. Scottish Planning Policy requires consideration of development impacts on landscapes and emphasises the importance of a sympathetic approach. Consideration should be given to landscapes outwith designated areas and should be managed to safeguard and enhance their distinct identity. Designated areas should be managed in such ways that are consistent with safeguarding their scenic value.

Battlefield sites have a distinct and significant landscape context. The landscape in which a battle took place is often crucial to our understanding of the course of events and the association can contribute to our sense of place and local distinctiveness. Battlefields can encompass substantial areas, taking in arenas of conflict, routes of key movements of troops across the landscape, landscape elements that were important to the course of events and other important locations such as the position of camps, burials or vantage points. Many of the sites proposed for inclusion in the first phase of the national Inventory are part of wider landscapes which are designated as national scenic areas or local areas of landscape value (e.g. Killiecrankie).

4.1.3 *Population and Human Health*

The environment provides a variety of services that are beneficial to human health including opportunities for education and recreation. Access to historic environment sites, forests, woodlands and nature conservation sites as well as the wider environment can help to promote healthier lifestyles having positive effects on both physical and mental health. Battlefields are therefore an important resource for education, recreation and tourism, allowing visitors to experience and understand the location of a major historical event first hand.

The quality of the environment in which we live can also impact on our quality of life. High quality urban environments like high quality natural landscapes can create a sense of place, influencing well being. For these values to be retained battlefields need to be managed in a sustainable way to ensure that the positive and distinctive contribution they can make to our landscape, sense of history and identity, sense of place and well being can be realised.

4.2 Environmental Issues

Currently historic battlefields do not receive protection in their own right. Some physical features, buildings or memorials associated with battle sites are scheduled or listed and some battlefields are protected through the planning process with policies in local development plans or as conservation areas. For planning related

issues, responsibility lies with the individual planning authorities. Many battlefields are located are at risk from urban or outward development.

Battlefields in rural contexts may also be affected by a range of developments, such as wind-farms, or land-uses such as forestry. The impact of these may affect the overall character of the battlefield landscape, specific physical features (natural or built) associated with the battle and/or known or potential archaeological deposits. Additional activities such as uncontrolled metal detecting can also damage sites by removing important evidence from its archaeological context.

4.3 Evolution of the environment without the guidance

If the policies and advice in the guidance note are not developed the current situation of uncontrolled and cumulative impacts on battlefields will continue. This would not necessarily lead to any additional negative effects for any of the environmental parameters but would mean that the designations were not supported by any regulation and may cause confusion for those assessing new developments within the designated Inventory sites. Opportunities for positive effects arising from the enhanced protection of our historic battlefields or safeguarding of landscapes are not likely to be achieved. This could, in turn, lead to a reduced awareness and understanding of battlefield events.

5. Assessment approach and methods

5.1 Scoping the level of detail of the assessment

At the scoping stage it was suggested that the environmental assessment would be undertaken at a level of detail that is appropriate to the guidance note. We noted that in reaching a view on the level of detail it is necessary to understand the place of the guidance in the overall hierarchy of management and protection for the historic environment. As part of a suite of Managing Change in the Historic Environment Guidance Notes the document sits alongside and supports policies for the protection and management of the historic environment in the SHEP and SPP. It is hoped that its content will influence policies in local authority Local Development Plans for historic battlefields as well as decisions taken on individual planning applications for developments within Inventory sites. The guidance may also influence other public policies such as those for forestry.

As the format of the guidance was still being developed and has been influenced by the SEA we did not include detailed information on its likely content in this scoping report, but the assessment framework described was developed to be flexible to take account of this uncertainty. We now know that the guidance sets out the overarching policy for the protection of battlefields as published in the SHEP and provides further detail by establishing a number of key principles for those implementing the policy. The consultation draft also contains the proposed amendments to the DMPR.

5.2 How was the draft guidance note assessed?

The environmental assessment has considered all aspects of the guidance that are likely to result in significant environmental effects. As noted above, the following elements of the draft guidance note were identified for inclusion in the assessment:

- Overarching policy
- Key principles for developments affecting battlefields
- DMPR proposals

At scoping stage an assessment framework was developed to provide a consistent way of assessing the draft guidance. Based on an initial analysis of the environmental issues relevant to the guidance it was considered that the assessment should focus on four questions. These have now been reduced to reflect the amended scope of the document. They are:

- **Historic Environment:** Will the policy, principles and DMPR amendments provide for enhanced protection of historic battlefield sites and other historic environment resources located within the designated areas?
- **Landscape:** Will the policy, principles and DMPR amendments help to protect and enhance landscape character and scenic value of designated sites?

- **Population and Human Health:** Will the policy, principles and DMPR amendments promote access to the cultural and natural environment for recreation or education?

These questions formed the foundations for the proposed approach to the assessment which will look thematically at the guidance reflecting the SEA environmental topic areas (now just landscape and cultural heritage). **Table 4** below sets out a proposed framework for this assessment. This structure allows these questions to be asked whilst stepping through the requirements of SEA.

Table 4: Proposed Assessment Structure

Part of the Guidance subject to assessment (Principle, Policy, Criteria)
SEA Topic: e.g. Landscape
Which landscape issues could the guidance address (baseline)?
Is this issue addressed by the guidance?
Are there any alternatives that could further improve / optimise the benefits of the guidance with respect to landscape?
Could any of the measures within the guidance (or alternatives to them) have direct or indirect impacts on landscapes?
How significant would these effects be?
Is mitigation recommended?
Are there opportunities to enhance the guidance to provide more positive effects for the wider environment as a whole?

5.3 Alternatives

The commitment to preparing additional guidance for Inventory battlefields was made in paragraph 2.73b of SHEP 2009. As such, strategic alternatives to its preparation have not been considered as reasonable. In terms of alternatives the SEA has assessed the environmental effects of alternatives that have been considered during the plan preparation process. In considering the effects of the proposed amendments to the DMPR for example a number of different options are proposed. These have been assessed against the same framework and a recommendation made on the best environmental option.

6. Assessment findings

6.1 Effects of the overarching policy

The policies included in 3.66 of SHEP 2009 make the effect of proposed development on Inventory battlefields a material consideration in the determination of a planning application. They state that planning authorities should have regard for the special qualities and characteristics of battlefield sites and extend protection to battlefields through the inclusion of appropriate policies in their development plan. The policies also encourage the use of management plans to manage change within battlefield sites.

6.1.1 *Historic Environment*

The policies in the SHEP address the issue that battlefield sites currently do not enjoy any form of formal protection. By making battlefields a material consideration in the planning process the SHEP policies should result in **significant positive effects** for the historic environment leading to better protection of these important areas. The policy also provides details of how these effects can be capitalised upon through the recommendation that planning authorities should include policies for the protection of battlefields within their development plans and take account of them in other plans and programmes. Promotion of management plans as a land-management tool would also likely result in further benefits.

6.1.2 *Landscape*

Key issues for landscapes include the poor landscape settings of many urban and per-urban communities, loss of landscape diversity and local distinctiveness, generally poor design standards, loss of natural and cultural features and erosion of the rural character of lowland Scotland as a result of deterioration and loss of key features. It is quite difficult in this case to draw a distinction between the natural and cultural aspects of the landscapes but it is considered overall that providing more protection to battlefield sites through the application of the SHEP policies could also result in **significant positive effects** for the protection of landscapes.

Although the battlefield designation is a cultural one, the sites cover quite large areas and may form part of wider landscapes valued for their natural features. The significance of the effects for the natural aspects of the battlefield site will depend on the nature of the special qualities and characteristics that are being protected and this will vary depending on the battlefield site in question. These are, however, likely to include elements such as viewpoints and lines of sight which tell us how the landscape was used during the battle. For this reason the judgement has been made that there is the potential for the additional layer of protection to be significant. The recommendation to encourage the formulation of management plans should bring further benefits for landscapes by bringing together different aspects of the sites, both natural and cultural.

6.1.3 Population and Human Health

Protecting the special qualities and characteristics of battlefield sites by increasing their prominence within planning decisions should help to ensure that the positive and distinctive contribution they can make to our sense of history and identity, sense of place and well being is retained. Given the correlation between these factors and population and human health there is the potential that the implementation of the SHEP policies could result in positive effects for these environmental topics. Whether the effects are significant however would likely dependent on the content of policies and management plans that come forward. At present the SHEP policies do not actively seek to increase or promote access to the sites for recreation or enjoyment. It is therefore difficult to say that the policies, as written, would result in physical changes to the way in which people appreciate battlefield sites.

Recommendation: Consider whether SHEP 2009 should be updated to include policies which promote access to and interpretation of battlefield sites.

6.2 Effects of the key principles for developments affecting battlefields

Building upon the overarching policy in the SHEP the guidance sets out a number of key principles for developments affecting battlefield sites. These can be found in the guidance but for ease of reference are set out below.

Key principles for managing change within battlefields include:

- ◆ Avoid large-scale proposals on key aspects of the landscape context, such as areas of fighting or troop movements; or on specific qualities or archaeological deposits;
- ◆ Avoid small-scale proposals that could lead to detrimental cumulative impacts;
- ◆ Avoid the visual or physical disruption of a site by linear features cutting across, for example, important lines of sight or troop deployments;
- ◆ Consider the impacts of land movement, such as mineral extraction, which cause substantial physical and visual changes to the landscape, diminishing our comprehension and appreciation of the battlefield and potentially impacting on the archaeology of the site;
- ◆ Proposals for change should allow for positive management and enhancement of a battlefield landscape. For example, by ensuring that key characteristics and specific qualities are protected through thoughtful and creative design or re-design of existing features; and
- ◆ Secure the long-term sustainability of the battlefield by making sure that proposals for change allow its understanding and appreciation to continue into the future, even where sites are already heavily developed.

6.2.1 *Historic Environment*

The draft principles contained in the guidance note should help those responsible for decision making to understand the types of developments which should be avoided due to their likely adverse impacts on the special qualities and characteristics of battlefield sites. The provision of principles such as this should result in **significant positive effects** for the historic environment by helping to influence the type and scale of development coming forward. It is particularly useful where the principles provide an explanation of how certain changes can affect battlefield sites e.g. linear features can disrupt visual elements of a site by cutting across battle lines. The principle which proposes enhancement of battlefield landscapes through, for example, forestry restructuring could help to restore important elements of the battlefields to increase understanding and appreciation of the landscape.

In assessing the first iteration of the draft principles improvements were suggested to further ensure positive effects are obtained. In particular it was recommended that principles which began 'Consider...' might be effectively reworded to provide more clarity on the types of development/effects which should be avoided. For example the principle "Consider the impacts of land movement such as mineral extraction ..." could be amended to read "*Proposals for mineral extraction should not significantly diminish our comprehension and appreciation of the battlefield and impact on the archaeology of the site*".

Recommendation: Amend the wording of the principles beginning ‘consider’ to provide more clarity on the desired outcome.

6.2.2 Landscape

As above, the draft principles should help those responsible for decision making to understand the types of developments which should be avoided due to their likely adverse impacts on the special qualities and characteristics of battlefield sites. The effects of the principles on landscapes should be positive, but as with the more general policies, it is more difficult to say whether these would be significant. This is because the significance of effects will depend on the nature of the application and the specific qualities of the battlefield site which are being taken into consideration. However given the restrictions that the principles impose for large scale development, forestry and mineral extraction it seems reasonable to assume that the principles have the potential to result in **significant positive effects** for landscapes. As with the historic environment assessment above the principles could be strengthened to provide more clarity on the types of development which should be avoided and the rationale for this.

The assessment has also considered whether there is potential for conflicts to arise between the safeguarding of landscapes and the protection of battlefields. Overall the judgement has been taken that while it is potential that measures to enhance battlefield sites e.g. forestry restructuring could potentially be at odds with landscape objectives it seems more likely that changes would be mutually beneficial.

Recommendation: Consider whether the guidance should include a caveat that enhancement measures should not negatively affect landscape character and scenic value.

6.2.3 Population and Human Health

The draft principles identified in the guidance for developments affecting battlefield sites deal with the types of developments which might come forward. As such they do not seek to encourage physical access to battlefield sites for recreation or enjoyment. Minor positive effects may arise indirectly as a result of protecting the qualities of battlefield sites for understanding and appreciation by the public and the principle for positive management and enhancement may even increase understanding of the historical context/layout of battlefield sites. It is unlikely, however, that these effects will be significant.

6.3 Effects of the proposed changes to the DMPR

The proposed DMPR amendments seek to address whether there is a need for formal statutory consultation with Historic Scotland on applications for development proposed within Inventory Battlefield sites. The introduction of such a regulation would bring battlefield sites in line with other designated elements of the historic

environment such as gardens and designed landscapes. Three alternative options offering different degrees of consultation are proposed.

1.2 Possible wording

Option 1 (wide criteria): consult Historic Scotland on “*development within an Inventory battlefield that would have a significant impact on the specific qualities and overall character of the battlefield landscape*” would cover development of interest.

Option 2 (narrower criteria): consult Historic Scotland on “*development within an Inventory battlefield that would have a significant impact on the specific qualities and overall character of the battlefield landscape; excluding development within the curtilage of a dwelling house or within existing industrial/retail parks.*”

Option 3 (no consultation): no requirement to consult Historic Scotland.

The guidance also considers whether there is a need to amend section 13(2) of the DMPR to include battlefields as one of the categories which require local tier developments to be accompanied by a design statement.

6.3.1 Historic Environment

The proposals to introduce a statutory requirement for local authorities to consult Historic Scotland on applications within Inventory battlefield sites should lead to enhanced protection of battlefield sites. While in theory the application of policies for historic battlefields included in local development plans and supplementary guidance should be enough to protect battlefield sites from significant negative effects, in practice the double checking of permissions would prevent potentially significant changes falling through the net.

For this reason both the options which offer statutory consultation under wide and narrow criteria are considered to have **significant positive effects** for the historic environment. For the option which proposes indiscriminate consultation (wide criteria) there would be a heavy resource burden which, although economic in nature and therefore outwith the scope of the environmental assessment, may also have negative implications for the protection of the historic environment by distributing the focus of Historic Scotland's work too thinly.

By contrast the option proposing no statutory consultation would result in a continuance of the current situation with development decisions being made by local authorities. The effects would therefore likely be neutral although potentially a long term negative effect for battlefield sites could arise as a result of misinterpretation of national policy or difficulties in defining significance.

It seems unlikely that amending section 13(2) of the DMPR to require design statements for all developments would result in significant positive effects for the historic environment. While the provision could have localised benefits by

encouraging developers to give more consideration to how their applications take account of the special characteristics and qualities of the sites it seems unlikely, given the scale of local developments, that this would be significant. Major developments which by virtue of their scale are more likely to result in significant effects on battlefield sites will require a design statement as a matter of course. For this reason the decision not to amend the regulation should still see positive effects for the historic environment.

Recommendation: Amend the DMPR to require consultation with Historic Scotland on “any development within an Inventory battlefield that would have a significant impact on the specific qualities and overall character of the battlefield landscape; excluding development within the curtilage of a dwelling house or within existing industrial/retail parks.”

Recommendation: Do not amend Section 13(2) of the DMPR to require design statements for all levels of development within Inventory battlefields

6.3.2 Landscape

There is some uncertainty about the potential effects of the proposed amendments for landscape character and scenic value. While the heightened protection accorded to battlefields as a result of the requirement for statutory consultation (options 1 and 2) may result in indirect positive effects for landscapes it seems unlikely that this would be significant. This is because the criteria with which Historic Scotland make decisions are focused on the cultural aspects of the landscape and do not take account of its natural character or scenic value. Consultation with Historic Scotland would therefore be unlikely to have any impact on planning authority decisions about developments which have a detrimental effect on these aspects of battlefield landscapes. The effects of third option which proposes no consultation would be neutral.

Amending section 13(2) of the DMPR to require design statements for local level developments could result in positive effects for landscapes by encouraging developers to take account of natural character and scenic value. The significance of this effect would depend on the degree to which design statements are used in decision-making and whether local scale developments are considered to have the potential to significantly effects these areas. As major developments require a design statement as a matter of course the decision not to amend the regulations should still be positive for landscapes.

6.3.3 Population and Human Health

The proposed amendments to the DMPR would be unlikely to result in improved access to the historic or natural environment for enjoyment or recreation. As such the effect on population and human health of all options is deemed to be neutral.

6.4 Cumulative effects

The cumulative effects of the policies, guidance and DMPR amendments for the environment as a whole will likely be **significantly positive**. This is mainly due to the significant benefits which have been identified for the historic environment (cultural heritage) and landscape topics as well as the potential minor positive effects for population and human health. No negative effects have been identified through the assessment which could accumulate and in fact the majority of other environmental factors have been scoped out of the assessment because the guidance does not affect these in any significant way.

7. Mitigation and monitoring

7.1 Recommendations

Through the strategic environmental assessment, mitigation can be achieved in a number of different ways. Mitigation can involve making changes to the guidance itself e.g. amending principles or policies, mitigation can also involve adding environmental aims or objectives to the guidance to strengthen the inclusion of environmental issues and mitigation can also include proposing more detailed measures that should be considered as the guidance is implemented.

No significant negative effects were predicted during the course of the assessment which would require specific mitigation measures to be identified. However it was possible to make a number of recommendations to further improve the clarity and coverage of the draft guidance to enhance the positive effects identified. These recommendations are explained in **sections 6.2.1** and **6.2.2** of the report and summarised below:

- Consider whether SHEP 2009 should be updated to include policies which promote access to and interpretation of battlefield sites.
- Amend the wording of the principles beginning ‘consider’ to provide more clarity on the desired outcome.
- Consider whether the guidance should include a caveat that enhancement measures should not negatively affect landscape character and scenic value.
- Amend the DMPR to require consultation with Historic Scotland on *“any development within an Inventory battlefield that would have a significant impact on the specific qualities and overall character of the battlefield landscape; excluding development within the curtilage of a dwelling house or within existing industrial/retail parks.”*
- Do not amend Section 13(2) of the DMPR to require design statements for all levels of development within Inventory battlefields

7.2 Monitoring

Although no significant negative effects have been predicted through the assessment it will still be important to understand how the guidance is affecting the environment once it is being implemented. This will help to identify any effects arising which were not predicted through the assessment and allow appropriate mitigation to be sought. Monitoring of the guidance will likely rely on local authority planning application data i.e. no. applications consented which have a significant effect on a battlefield site.

8. Next steps

The public consultation period on the draft guidance and environmental report ends on **9 March 2011**. A final version of the guidance note will be prepared following the consultation period to take into account comments made. All changes will be screened to consider if they raise significant environmental issues that have not already been considered in the environmental assessment

It is a requirement of the SEA Act to demonstrate how the ER (and all the comments expressed on it) has been taken into account in the adopted guidance note. This will be explained in the SEA Post Adoption Statement which will be published along with the final version of the guidance. The SEA Post Adoption Statement will also include a final version of any monitoring indicators to take into account comments made on this report.

Annex A: Scoping Comments

Comment	Action taken
Add Zero Waste Plan for Scotland to the list of PPS under material assets.	PPS has been added to those reviewed and summarised in Table 2.
The accompanying list of relevant plans / programmes / strategies could usefully be expanded to include SNH's Landscape Policy Framework and its wild land policy. The national programme of landscape character assessment may be more appropriately noted in the Environmental Baseline section.	Table 2 updated to include review of SNH's Landscape Policy Framework and Wildness in Scotland's Countryside statements.
The key environmental objective for landscape might be more helpfully expressed as "to protect, enhance and – where appropriate – restore landscape character, local distinctiveness and scenic value" instead of "safeguard landscapes" as currently worded.	The key environmental objective for landscape has been updated.
Table 3, for landscape, currently focuses on designations rather than all landscapes, despite the intentions noted in the Context section. We recommend that SNH's national programme of landscape character assessments is referenced here, and also our search areas for wild land. For designated areas, SNH's Special Qualities of National Scenic Areas work will be relevant, and the NSA citations in 'Scotland's Scenic Heritage'	The information provided suggests a spatial approach to the guidance. As the guidance is general and deals with battlefield sites all over Scotland it is difficult to make use of such specific information in determining its effects. However the baseline section tries to provide an overview of landscape considerations in Scotland and references NSAs, Landscape Character Assessment and Wild Lands.
SNH may also be able to be a source of information on access and recreation issues. We would be happy to provide further help here as the guidance is more fully developed	Noted. As the guidance developed the focus moved away from access and recreation to protection.

Comment	Action taken
<p>We note that biodiversity, flora and fauna have been scoped out. We recommend that this be scoped in as a precaution until the contents of the guidance note are developed more fully. As well as any potential negative impacts arising from the conservation of the site or from increased visitor use, there may also be opportunities to enhance biodiversity interests in the sites on the back of proposals for cultural heritage enhancements. Impacts on individual sites might not be significant unless these are considered cumulatively</p>	<p>While we agree there may be opportunities to enhance aspects of biodiversity on the sites we do not consider that these effects would arise from the implementation of the guidance, but from development applications which come forward. The guidance doesn't promote access to the sites for recreation and doesn't propose any specific enhancement measures or projects. For this reason we maintain that impacts for biodiversity as a result of implementing this guidance would not be significant. The guidance does place additional requirements on authorities or bodies.</p>
<p>We agree that landscape should be scoped in. However, the text in the Landscape section focuses too heavily on designated landscapes. Again, there should be recognition that non-designated areas are also important</p>	<p>Noted. The baseline section aims to take account of landscapes generally not just designated areas.</p>