

**Analysis Report on the Consultation on Historic Scotland's
Guidance Note – Managing Change in the Historic
Environment: Historic Battlefields**

**Analysis Report
Historic Scotland
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Section 1: Acknowledgements

1. Historic Scotland would like to thank all those who responded to this consultation by providing written comments.

Section 2: Executive Summary

2. Historic Scotland is pleased to announce the findings of the consultation on Historic Scotland's Guidance Note – Managing Change in the Historic Environment: Historic Battlefields. This guidance note is one of a series of notes created to support the reform of Scotland's planning system by providing advice in an accessible, clear and consistent manner.
3. The advice sets out the principles that responsible authorities should apply to managing change within battlefields as part of the historic environment and cultural diversity of Scotland's landscape. It supports the policies contained in the Scottish Historic Environment Policy (SHEP, 2009) <http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm>, The Scottish Planning Policy (2010) (SPP, PDF 299K) and the Scottish Forestry Strategy (2006) (PDF 3.1MB); and reflects the principles of the European Landscape Convention (Council of Europe's website).
4. The guidance note is intended to help local authorities, public bodies with responsibility for landscape, land-use and land management and other interested parties manage the impact of change on historic battlefields in a sympathetic way that respects their inherent value and their potential for providing social and economic benefit in the context of a dynamic and changing environment.
5. The main focus of the note is the battlefields included in Historic Scotland's Inventory of Historic Battlefields. However, the principles also apply to other battlefields, though these are likely to be less well understood in relation to the modern landscape.
6. Between 27 January and 9 March 2011, Historic Scotland ran a public consultation which sought the views on new guidance produced to support decision-making in relation to the new Inventory of Historic

Battlefields. The consultation sought comments on the general content of the guidance and associated environmental report, and views on proposed amendments to the Development Management Procedure Scotland (DMP) Regulations, 2008.

The consultation received 16 responses.

Section 3: Introduction

Background to the Consultation

7. The consultation on Historic Scotland's Guidance Note – Managing Change in the Historic Environment ran between 27 January 2011 and 9 March 2011. It is available at <http://www.historic-scotland.gov.uk/index/about/consultations/closedconsultations.htm#con16>. The consultation invited views on the guidance set out in the document, as well as the proposed amendments of the DMP Regulations and the associated environmental report.

Report Objectives

8. 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 Historic Scotland's Guidance Note – Managing Change in the Historic Environment: Historic Battlefields.
9. This report does not 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 what may be taken forward into the finalised document.

Methodology

10. The response data was recorded, organised and summarised on a spread-sheet. A record was made of the key themes and 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 was then carried out using this framework. The

summarised data for each question was reviewed and key themes and views were identified.

11. The findings of this report are specific to the consultation and do not necessarily reflect the weight or range of views within the population as a whole.

Distribution and Advertising

12. This consultation was advertised in Historic Scotland's website on 27 January, 2011. Key stakeholders including local authorities, relevant Government departments and Agencies, and representative bodies, were notified by email and invited to participate in one of two stakeholder workshops.

Section 4: Responses

Introduction

13. The following statistical analysis sets out the number of organisations and individuals who responded to the consultation document by interest group/sector and compares them to the numbers that were notified about the consultation exercise. The consultation asked 9 questions and a general breakdown of the responses to questions asked is provided.
14. Some organisations represent more than one interest. In these cases the general nature of the response has been used as a guide in order to facilitate the statistical analysis.

Breakdown of Responses

Responses by Interest Group/Sector

15. The consultation attracted 16 responses. A breakdown of responses by interest group/sector is provided in table 1 below.

Respondent Type	Number	% of all respondents
Private individual	0	0
Local authority	6	37.5
Heritage body	1	6.25
Amenity group	0	0
Private sector	3	18.75
Public body	3	18.75
Professional body	3	18.75
Total	16	100

Table 1: Responses by interest group/sector.

Section 5: Findings

Breakdown of Responses to Consultation Questions

16. A breakdown of the responses to the consultation questions is set out below.

Question 1

Question 1	Yes	No	Preference not indicated	Question not answered
Should Inventory boundaries follow modern features, such as field boundaries?	4	7	2	3

11 respondents qualified their answer with a statement.

Key points raised:

- Following modern boundaries could reduce the level of historical accuracy and therefore, could potentially, lack meaning and robustness.
- Using modern features would be easier and more convenient.
- Following modern boundaries is not always possible. Suggestion that topographical features could also be used to aid demarcation.
- Modern features can alter over time and therefore render the boundaries obsolete.
- General indicative boundaries would be less easy to define on local development plans and maps.
- The evidence for the boundary must be strong and readily justifiable should it be subject to legal challenge.

- Proposed that in cases where the boundary is less clearly defined a buffer zone could be used to emphasise its indicative nature.
- Concern that the boundary could be treated as a constraints map.
- Guidance is required as to whether land outside the line should be regarded as part of the peripheral battle landscape.
- It would be useful if key elements of the site could be highlighted in text and annotated on the Inventory maps to remove any uncertainty with boundaries.
- Spatial guidance is required on the width of the boundary line. One respondent observed that some lines appear to be 50m wide on the ground.
- Boundary needs to be designed as a polygon that can be defined on GIS.

Question 2

Question 2	Yes	No	Neither agreed or disagreed	Question not answered
Do you agree that these are the key principles for managing change?	5	5	2	4

11 respondents qualified their answer with a statement.

Key points raised:

- Prior to moving onto key principles, the document should identify the need for early engagement between developers and the local authority. This is a proactive approach rather than a reactive one.
- It was noted that it is not just linear features that can cut across key views.
- Key principles should attempt to address other types of development that can threaten battlefields.

- Definition of what a small scale proposal comprises would be useful.
- Suggestion that section 6.10 should refer to impact on 'land character' rather than simply 'character'.
- 'Impact on sense of place' also requires further clarification.
- Clear distinction needs to be made between direct and indirect impacts on battlefields - section 6 seems to blur these together. Guidance should identify criteria based policies to aid assessment of direct and indirect impacts.
- Principles should be reworded in a way that emphasises the positive aspects that could be achieved through change.
- Areas of significance or sensitivity should be identified on Inventory maps. This should be based on sound evidence rather than conjecture.
- Historic Scotland (HS) should compile a further appraisal and a management plan for each Inventory site to assist in the management of land use change. Without this the site cannot be sustained in the long term and enhancement and meaningful interpretation will not be possible.

Question 3

Question 3	Answer given	Question not answered
Are there any other key principles that need to be considered as well?	13	3

Key points raised:

- An additional principle is needed to address other associated management issues, especially those which lie outside development management control. Issues mentioned included access, biodiversity, forestry and agricultural impacts.

- Unauthorised metal detecting should be mentioned in the guidance. A clear national steer is required on the issue.
- Change in emphasis of wording would make guidance more meaningful and robust. Clearer more direct language required which moves away from general or 'vague' expressions.
- Guidance needed on how to determine when social or economic benefits outweigh the retention of a battlefield. Where harm is unavoidable, can it be offset by some other public benefit?
- The importance of evidence-based planning to establish policies and inform change was highlighted, including the following points:
 - there should be detailed information on the key features and areas of significance within each battlefield, as this was viewed as key to managing the sites effectively.
 - the Inventory should identify these key areas on maps.
 - such plans needed to be informed through further consultation with stakeholders.
 - concern that without a reliable 'evidence based appraisal' for each site, there is a danger that there could be blanket restrictions placed across the entire designation.
- The key role local authorities play in the planning process was stressed, emphasising the need for their early engagement.
- Guidance should make it clear to local authorities that battlefields should be considered as part of built heritage policy, and a model policy could be included to help maximise consistency across local authorities.
- Guidance required on a mechanism for monitoring impacts on battlefields.
- Arrangement for access to sites and other associated benefits should be mentioned in the key principles.
- Importance of Historic Environment Records (HERs) should be highlighted within the guidance.

Question 4

Question 4	Answer given	Question not answered
Is the emphasis (of the key principles) correct?	12	4

Key points raised:

- Suggestion that point 5 ‘Proposals for change should allow for positive management...’ could be the overarching principle with the rest following on from this.
- Language needs to be strengthened for the guidance to be useful and effective.
- Stronger emphasis on enhancement and setting out a vision for each site, otherwise the key principles come across as negative and restrictive.
- It should be emphasised that the guidance can be applied to non-Inventory sites.
- Key principles suggest that large scale development will have a negative impact: the emphasis of this should be changed.
- Greater emphasis needed on forward planning/early engagement with local authorities.
- Stronger emphasis on role of the local authority.
- There should be more emphasis on identifying appropriate methods of interpretation as a means of enhancement.

Question 5

Question 5	Option 1	Option 2	Option 3	Preferred option not stated.	Question not answered
What are your views on the DMPR proposals and what is your preferred option?	5	5	0	5	1

11 respondents qualified their answer with a statement.

Key points raised:

Option 1

- It was suggested that 'significant' and 'overall' be removed from wording. One respondent questioned whose job it is to judge what is significant.
- It would be helpful if the views HS expressed under this option would become a 'material consideration' in any further decision making process.

Option 2

- It was suggested that option 2 should read 'excluding development within existing built up areas'.
- A separate respondent mentioned that there was unnecessary additional wording as it will be obvious to local authorities that they do not need to consult on development around existing dwellings etc.
- It was noted that this option was not feasible without specialist expertise within the local authority.

Option 3

- It was noted that this option is contrary to paragraph 2.65 of the Scottish Historic Environment Policy (SHEP).
- It was also noted that this option was not feasible without specialist expertise within the local authority.

Suggested alternative options

Suggested alternative options were:

- HS should only be consulted to development that affects special areas with the site: these should be identified within the Inventory.
- HS should be consulted on new development within an Inventory boundary that would have a significant impact upon the specific qualities and overall character of the key areas of significance.
- HS should also consider impact of land use changes that are outwith the remit of the local authority.

Questions 6 and 7

Question 6	Yes	No	Question not answered
Do you think this is a reasonable approach (to Design and Access Statements)?	6	8	2

Question 7	Answer given	Question not answered
If not, what alternative would you propose and why?	10	6

Key points raised:

- An Impact Assessment should be undertaken for each battlefield in the Inventory with regard to any development in or surrounding them that might impact of the specific qualities or character of the battlefield. This may include further archaeological investigation, landscape character assessment and management planning, dependent on the nature of the application. Such an impact assessment would be preferable to a 'Design Statement': However, one of these would certainly be required for any proposal with potential impact.

- Local developments should be accompanied by a design statement and this should be added to the historic environment categories set out in regulation 13(2). If they were not included it would suggest that battlefields were not on a par with other historic environment categories of national importance.
- As battlefields in the Inventory do not have any additional legal protection, the need for a Design and Access Statement is potentially confusing.
- Not including battlefields as a category would make it difficult to control small scale cumulative development within an Inventory site, and would conflict with section 6 of the Managing Change Guidance which points out that small-scale development can have a cumulative impact.
- As nationally important designations, battlefields should be treated similarly to other nationally important categories such as Conservation Areas and National Scenic Areas
- A distinction should be made between nationally important (Inventory) battlefields and local designations, as to treat the two in the same way would be against national policy. Locally important battlefields should be protected using local planning policy and an appropriate new local cultural heritage designation.
- Private sector respondents stated that it was not appropriate to use conservation areas as a means of protection for battlefields. Specific areas within a site should be protected under their own merit.
- Paragraph 2.1 of the guidance needs to be restated. The emphasis should be that any development proposed affecting a battlefield should be assessed by a relevant expert. In connection with this, appropriate advice regarding developments should be available to applicants. A system where powers can be delegated to planning authorities who have demonstrated their expertise in assessing proposals (similar to category B listed buildings) would ensure that HS were only consulted on proposals where specialist expertise was unavailable.

Question 8

Question 8	Agreed	Disagreed	Question not answered
Do you agree with the results of the environmental assessment and have the key issues associated with managing change been identified?	2	7	7

8 respondents qualified their answer with a statement.

Key points raised:

- It was noted that local authorities review Local Development Plan policies at different times, and that this will inevitably lead to delays in battlefields policies being included in Local Development Plans. Therefore, there is a need for national policy guidance to be put in place as soon as possible. Model policy wording in the guidance would also be useful.
- Two respondents pointed out that small scale development can sometimes have as much impact as large scale developments.
- The environmental report has not considered how increased levels of development may impact on the development of renewables to meet UK Climate Change Act Targets.
- There is scope for introducing reference to setting out a vision for individual battlefields, not just their protection and management.
- An understanding of the battlefield and its specific historical significance must be established before the impact of changes can be fully assessed.
- Reference should also be given to the wider historical and geographical contexts of battles, and a database collated so that local authorities may identify sites more easily. Otherwise it may be difficult for local authorities to include appropriate policies for dealing with such sites.

Summary of General Comments on the Draft Guidance

- **Development Planning:** More guidance required on how planning authorities should take battlefields into material consideration when preparing local development plans. Model policy wording or good practice guidance would be helpful in this instance. Additionally, a steer is needed on how planning authorities should treat sites already allocated for development in the development plan.
- **Policy Making:** Historic Scotland should recognise that if planning authorities have to establish their own policies, this will cause a significant time delay in their implementation.
- **Management Plans:** More guidance is required on this. For example, who should produce these, how should they be used and how should they be funded? It was pointed out that the production of management plans would be resource intensive and it would be unlikely that planning authorities would be able to undertake them for all sites. Best practice advice is needed from central government on how to produce these, otherwise there will be a multitude of different approaches. Should management plans be treated as formal supplementary guidance or as a material planning consideration.
- **Impact Assessments:** The guidance should stipulate that developers should be asked to submit a 'Battlefield Impact Assessment' on proposed developments that could potentially impact on the battlefield.
- **Early Engagement:** The guidance should contain a greater emphasis on forward planning and the need for early engagement between developers and the planning authority.
- **Inventory Descriptions:** It is important that the finalised Inventory provides sufficient information on sites to assist planning authorities in making informed decisions.
- **Development Pressures:** The guidance needs to address the balance between high development pressures on many sites and the importance of the battlefield. When do economic and social benefits outweigh retaining a battlefield?
- **Knowledge and Expertise:** How are planning authorities supposed to acquire additional information and knowledge, and who is qualified to assess significance? Lack of expertise may be particularly difficult if planning authorities are challenged on the extent and description of the Inventory site.

- **Locally Important Sites:** More clarification needed on ‘locally’ important sites, how they should be treated and whether they are a material consideration in the determination of the planning application.
- **Woodland Management and Expansion:** The management of existing woodland and potential for woodland expansion are issues that should be well considered in both the Inventory and the associated guidance.