

Our Ref:
Ask For: Tom Shearer
Your Ref:
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SHEP on Battlefields
Historic Scotland
Room 2.9
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Dear Sirs,

East Lothian Council welcomes this opportunity to comment upon this latest Scottish Historic Environment Policy (SHEP) on Historic Battlefields produced by Historic Scotland on behalf of the Scottish Government and would like to offer the following comments and recommendations.

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?

ELC welcomes Scottish Ministers' recognition of the significance of historic battlefields and their desire to establish a Scottish Historic Environment Policy (SHEP) for nationally important battle sites. East Lothian is home to a number of nationally important battlefields such as the Battle of Pinkie, Prestonpans and Dunbar and the Council, in addition to the wider public, have increasing concerns about their future survival, management, promotion and interpretation.

A strong and comprehensive policy for the protection and sustainable management of **all** historic battlefields, in addition to other 'fields of conflict' such as sieges, massacres, skirmishes etc is absolutely crucial and one, that in principle, East Lothian Council wholeheartedly supports. However, East Lothian Council does have a number of concerns particularly in relation to issues surrounding the long-term sustainable protection of battlefields, their management, current and future development impacts, research, community and interpretation issues.

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

ELC does have concerns about the scope and definition of which battles would be classified as 'nationally important' and, as such, would therefore be included on the Inventory.

The consultation document defines a 'battle' as 1) involving more than 500 combatants 2) not a siege, massacre, riot, civil action or sea battle 3) an action involving wholly or largely military forces, and; 4) the combatants to be deployed in formal battle array. At least one of the following three criteria must be met in order for a battlefield to be classified as of 'national importance' and, therefore, included on the Inventory. A) be associated with historical events or figures of national significance; B) have significant physical remains and/or archaeological potential and/or; C) have a clear landscape context that allows the events of the battle to be understood or interpreted. The following criterion must be met in every case D) to be capable of definition on a map.

Although we appreciate that it is essential for development, land management and legal purposes that a battle should be capable of being drawn on a map ELC has a number of concerns with the remaining criteria.

- i) By including only those sites classified by the above criteria to be nationally important, ELC would be very concerned that other battlefields and 'fields of conflict' would automatically be labeled as 'only of local importance' and therefore of lesser value and significance. For example, a battle site may not meet all the necessary criteria but that does not mean that they do not contribute a significant part to the historic environment;
- ii) Whether the battle site area still contains significant or potential physical remains and/or has an intact landscape context East Lothian Council believe should not be criteria for determining whether a battle is nationally important and/or important enough to be included on national Inventory. The lack of artifacts or physical features does not mean that a battle did not take place, merely that little evidence has survived with in the ground.

For example, the Battle of Pinkie has been categorized as being of national, if not European, importance. Recent historical research on behalf of a commercial archaeological unit has, however, discovered wide scale soil removal across the Pinkie battle landscape during the 18th and 19th centuries as part of estate improvements and management. This, together with centuries of other agricultural practices, may account for there being less than expected artefactual remains surviving in certain parts of the battle landscape but it does not, and should not be, used to discount this battle as a major battle site worthy of inclusion on a Inventory.

Similarly, just because a landscape may have been drastically changed (for example, truncated by housing, roads, railways, power lines etc) does not mean that the landscape cannot still be regarded as meaningful nor does it mean that it is not interpretable.

The Battle of Prestonpans has been massively impinged upon by modern housing and services, however, the battle site itself, plus the very many influences it has given birth to (art, literature, poetry etc), are still highly interpretable and readily accessible.

East Lothian Council would recommend:

- that any Battlefield SHEP should list all significant 'fields of conflict' (significant being defined by meeting a series of basic requirements);
- that these 'fields of conflict' are then categorized in terms of national or regional importance (similarly to the Listed A and B building categorizations. [For example, you might have a nationally important battle site but it cannot be drawn on a map. It doesn't mean it is not nationally important merely that it is too difficult to ascribe it protection and management];
- that of the nationally defined types, those that follow certain 'national' criteria (as proposed in the consultation document) are more comprehensively described and defined in terms of protection and management issues.
- that of the regional types, those that follow certain 'regional' criteria are also described and defined in terms of protection and management issues

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

East Lothian Council supports the number of reasons described by Historic Scotland for valuing battlefields but would also add the following:

- the value battlefields have contributed to popular culture (folklore, etc)
- the value battlefields can contribute to local education
- the value battlefields can contribute to social cohesion and community regeneration
- the value battlefields can contribute to socio economics and tourism
- the value battlefields contribute to natural heritage interests
- the value battlefields contribute to public green space, access and recreation
- the value battlefields can contribute to local and national identity (Single Outcome Agreement No. 13)

As section 4.5 describes, battlefields hold a significant place in the national consciousness and have a strong resonance in Scottish culture. East Lothian Council feels that they also have a strong resonance in local consciousness and local culture and it is often local communities who have to find ways of interpreting and promoting the battle site on their doorstep.

For these reasons, any Inventory and corresponding SHEP should engage with the local community and allow local communities an opportunity to express their opinions as to which battlefields should be regarded as significant and, in their opinion, why it is significant to them. They must also be given the opportunity to determine what forms of development are acceptable and how that land should be managed for the future.

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?

East Lothian Council has a number of concerns about a non-statutory Inventory. In the 2007 SNP Manifesto, it clearly states that there is no statutory protection for battlefields in Scotland and that current legislation for the built heritage is complex and piecemeal. Our main query would be, if certain battlefields are regarded as nationally important to the Scottish Nation, why couldn't they be regarded in the same light as Scheduled Ancient Monuments or Category A Listed Buildings?

The SHEP states that Historic Scotland would compile and maintain the Inventory but that battle sites on the Inventory should then be managed through the planning process. Through the GDPO this would then ensure that any development impacts upon an Inventory battle site are afforded material consideration in the planning process. The non-statutory Inventory, therefore, would operate in a similar manner to the Inventory of Gardens and Designed Landscapes.

East Lothian Council perceive the following possible problems with this approach:

1. The assumption that Local Authorities and in particular, Local Authority Archaeology Services, will have the knowledge and skills bases to be able to comprehensively deal with battle sites as a material consideration in the planning process;
2. At a local level, non statutory designations are sometimes regarded to have no teeth, that there is no overall protection merely codes of practice and guidance;
3. That some Local Authorities may grasp the opportunity to take the responsibility of creating development policy frameworks for battle sites in their area but others may not. With increasing pressures on planning authorities there is the real concern that the extra work

involved in terms of creating policy frameworks together with potential management and development impact plans would mean that battle sites did not receive the level of protection and management that they deserve;

4. That there will be different levels of protection and management for battlefields across Scotland because of the differing levels of Local Authority commitment to the historic environment in addition to the resources, knowledge bank and skills available;
5. That no financial help is indicated for Local Authorities to produce development frameworks;
6. That the onus is on Local Authorities to determine management plans for nationally important battle sites and the type and scale of development that is acceptable for a battle site;
7. That the onus is on Local Authorities to police battle sites and attempt to conserve them on behalf of the nation;
8. If national and local government do not have the resources to protect and manage battlefields, it is community groups and charitable organisations who will most probably take the initiative and lead. If, these groups are the ones who will actively promote and undertake research they will need help, support, specialist advice and financial help.

East Lothian Council believe that a Battlefield SHEP should seriously consider:

- A statutory Inventory
- A tiered inventory with perhaps national and regional levels
- An inventory which is easily updateable and non static
- Including a section on minimum archaeological fieldwork standards, minimum mitigation levels, etc
- The provision of a battlefield officer/team within Historic Scotland to be able to respond to consultations, queries, advice etc.
- The creation of a specialist panel, which would provide assistance and advice to Local Authorities, community groups and researchers.
- Resources to enable Local Authorities to create development frameworks, management plans etc and to engage with the local community in defining management plans and policies for battlefields.
- A national discussion on the types and scales of development that are appropriate to battle sites

In essence, if Local Authorities are to take responsibility for part of the nation's heritage then nationally sourced resources should be put in place for them to adequately undertake this serious and responsible task.

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

Although the Inventory of Gardens and Designed Landscapes is an obvious non-statutory parallel, East Lothian Council would have the following concerns about battlefields also having a similar status.

1. Battle sites should perhaps not be compared with gardens and designed landscapes. Battle sites often do not have hard and fast boundary edges and they are more than often made up of both tangible and intangible elements.
2. With gardens and designed landscapes, planning authorities are required to consult with Scottish Ministers on 'development which may affect a historic garden or designed landscape', however, if this were the same principle applied to the battlefield Inventory then it has not been made clear.
3. If a battlefield Inventory were to have the same status as Gardens and Designed Landscapes, East Lothian Council would wish to know who would be responsible for recommending the appropriate level of archaeological mitigation, how this would be monitored and enforced?
4. How would battle sites avoid being damaged by development impacts from developments such as forestry, agriculture and permitted developments?
5. How would battle sites avoid individual and group metal detecting exercises?
6. If the Inventory was to be like the Inventory for Gardens and Designed Landscapes, would there be incentives (i.e. grant aid) to sustainably manage battle sites especially for access and interpretation
7. Should alternative landscape designation, such as Conservation Areas, be looked at?

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

Although East Lothian Council supports the purposes of the Inventory we would prefer if the SHEP considered both national and regional sites of importance. If only national, sites not included on the Inventory could be regarded of much lesser importance. In addition, the onus would then be on the Local Authority's to determine what significance other battlefields would have.

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?

Much of this has been covered in Question 2 above but East Lothian Council agree that nationally important battlefields included in an Inventory must be capable of being defined on a map and that they must also be associated with historical events or figures of national significance. We do not agree, however, that they necessarily need to have significant physical remains and/or a clear archaeological potential nor a clear landscape context.

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

East Lothian Council agree that battle sites need to be defined on a map, however, we do not agree with 5.7 whereby a battle site could be excluded from the Inventory if the landscape has been heavily disturbed (see above).

ELC agree with the concept of a battle core area and a wider battle area where specific features may be located in addition to evidence over a more dispersed area. East Lothian Council appreciate that historical research can go a long way in defining the location and extent of a battle site but that a true picture of the battle site and its place within the landscape cannot be totally accurate without comprehensive fieldwork. East Lothian Council is concerned that fieldwork is not mentioned in the consultation document. It should be made clear that any battlefield included in the Inventory has been defined as a consequence of historical research and that fieldwork is vital. Any developments, which will affect part of a battle site should have pre-determination fieldwork and the results of this work may determine whether development is acceptable and if so, what form of archaeological mitigation is required.

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?

Yes, East Lothian Council agree that policies are required for both the core and periphery areas although it must be made clear that one does not necessarily have a higher value than the other. The types of battle archaeology should be described and the key management objectives need to be defined for each area in it. The minimum requirements for policy frameworks should be described in addition to the minimum acceptable standards for archaeological fieldwork (to be undertaken pre-determination).

If the Inventory is to be non-statutory, the SHEP should include Model Policies for both development and management to aid Local Authorities in putting together their own policies for battlefields within their jurisdiction.

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?

East Lothian Council agrees that best practice guidance will be absolutely necessary. Best practice guides should also be made available to cover:

- A critical appraisal of different development types and scales on core battle areas
- A critical appraisal of different development types and scales on periphery areas
- Minimum archaeological fieldwork mitigation, methodology and standards

- Best practice guidance on the promotion of battlefields, their interpretation and access
- Best practice guidance to situations with multiple land owners and land users

Many of these best practice guidance's should be multi-disciplinary and cross-organisational and involve the IFA, Historic Scotland, ALGAO, SNH, The Battlefield Trust, Glasgow University Centre for Battlefield Studies, National Trust for Scotland etc.

If Local Authorities are to be responsible for the sustainable management of part of the nation's nationally important heritage then they should be given the resources and support to enable them to do that properly.

It is not just a matter of the planning authority taking into material consideration battlefields but having the skills and knowledge base as to know what development is appropriate and where; how to manage that landscape; what type of archaeological fieldwork is necessary and when; how is that to be enforced; how to deal with developments such as forestry and agri-environmental, etc. A national framework of managing battlefield landscapes needs to be put together to aid Local Authorities in making informed decisions.

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?

One of the key stakeholders that appears to be missing in 6.4 is the local community. In the absence of national and local government having the resources to research, interpret and promote battlefields, increasingly the responsibility will fall to local communities and charitable organizations. If this is the future, then these groups need to be given the support, resources and access to specialist advice in order to do that.

We hope that our comments and recommendations are incorporated within the final document.

Yours sincerely,



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