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Dear Sir/Madam

SCOTTISH HISTORIC ENVIRONMENT POLICY CONSULTATION: HISTORIC BATTLEFIELDS

Fife Council has noted the above consultation paper and welcomes the opportunity to comment.

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?

Yes, a that a policy for the protection and sustainable management of nationally important historic battlefields is necessary and would be a welcome addition to the level of protection accorded to Scotland's historic environment.

Question 2:

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

A battlefield is defined here as the area of land over which a battle was fought. A battle is defined as an action involving wholly or largely military forces, normally deployed in formal battle array. The number of combatants will have varied, but is expected to have been in the order of at least 500 on

each side.

The definition is too rigid. What about camps where armies spent the night before? Sometimes entrenched positions became redundant when outflanking operations resulted in the contact point, *ie* the battlefield, being in a position distant from the fixed battlefield entrenchments. A situation might easily arise whereby a battlefield site is protected but development discovers military camps associated with the engagement, but not protected as part of the battlefield site. Perhaps the definition should be expanded to something like “the area of land over which a battle and its directly associated military activities took place”.

A battle should not be defined or assessed by the number of combatants involved. It's the nature, outcome and the feeling the engagement left in the national consciousness that is of importance. The definition of a battle based on the number of combatants gives the misleading impression that the number of combatants has a direct relationship to the importance of the engagement. Too rigid a definition based on numbers of combatants could lead to future occasions where nationally important battle sites fail the “number of combatants” test and so are excluded from protection.

The present policy proposal would benefit from having its scope widened. Other types of conflict, such as sieges, massacres, riots, civil actions or sea battles should not be excluded from the policy simply because they present greater issues of definition, location and evaluation. Battlefield sites themselves can present all of these complications. Rather, the proposed list of criteria as outlined in Annex A should be widened and should be applied to all types of conflict, including sieges, massacres, riots, civil actions and sea battles when determining suitability for inclusion in the Inventory.

A major sea battle may result in a concentration of physical remains on the seabed including a wider distribution of cannon shot. The argument that the physical remains themselves should be protected through the Protection of Wrecks Act rather than as battlefield site is no different from arguing that the important elements of a battlefield should simply be scheduled without the need for a separate battlefield protection order.

Question 3:

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

The reasons given are comprehensive, wide-ranging and persuasive. Perhaps, however, the importance of battlefields in relation to national identity and national consciousness could be given greater weight. Unlike almost any other class of archaeological site, the significance of battlefield sites rests as much on their enduring influence on the modern public mind as they do on their ability simply to shed light on past military strategy, tactics and the material culture of historic conflict.

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?

Yes, Fife Council supports the proposal to create a non-statutory Inventory of nationally important battlefields.

Question 5:

Should an Inventory of Historic Battlefields be given the same status currently enjoyed by Gardens and Designed Landscapes within the planning system (see Note 6)?

Yes.

Question 6:

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

Yes.

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?

The importance of battlefields in relation to national identity and national consciousness should be included as a criterion. Unlike almost any other class of archaeological site, the significance of battlefield sites rests as much on their enduring influence on the modern mind and the national consciousness as much as they do on their ability simply to shed light on past military strategy, tactics and the material culture of historic conflict. Cultural significance to living communities, although hard to measure, is important and should be considered as a criterion for consideration.

Question 8:

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

No. The definition is too rigid. Consider camps where armies spent the night before battle? Sometimes entrenched positions became redundant when outflanking operations resulted in the contact point, ie the battlefield, being in a position distant from the fixed battlefield entrenchments. A situation might easily arise whereby a battlefield site is protected but development discovers military camps associated with the engagement, but not protected as part of the battlefield site. Perhaps the definition should be expanded to something like "the area of land over which a battle and its directly associated military activities took place".

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?

No, Fife Council does not agree that policies are needed for both the overall area of the battlefield and specific areas within it. No such distinction is made in relation to Inventory garden/designated landscape sites. Decisions on landuse change in relation Inventory battlefield sites should be handled in the same manner that decisions on landuse change in relation Inventory garden sites are handled. A two-tiered approach to the zoning of Inventory battlefield sites would immediately result in the interpretation that only the higher tiered core zones are worthy of determined efforts of protection.

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?

Yes, Fife Council agrees that best practice guidance would be useful. Historic Scotland should lead in developing this.

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? Fife Council agrees with the identified roles. The proposal appears to include all key stakeholders.

In conclusion, Fife Council looks forward to publication of detailed policy on the treatment of battlefield sites in Scotland and to the creation of a national inventory of battlefield sites. Indeed, with the welfare of the nation's historic environment in mind, Fife Council believes that along with a non-statutory Inventory of nationally important battlefields, the final published policy should also give encouragement to the creation of regional lists of significant non- Inventory battlefield sites.

This sentiment is expressed throughout the consultation document, however the repeated use of the phrase "may wish" does not sufficiently reinforce the notion that to establish regional non-Inventory lists would represent best practice, and would be in line with Scottish Ministers' vision on sustaining the historic environment. The creation, by local authorities, of regional non-Inventory lists should be stated in the final SHEP as a recommendation, not an option.

In summary, Fife Council welcomes the Minister's approach to further protecting Scotland's historic environment and looks forward to the publication of this policy document.

I hope that these comments prove to be of some help. Please do not hesitate to contact me if you require any further information or clarification of any of the points raised in this letter.

Yours sincerely

Douglas A Speirs
Archaeologist