

Historic Battlefields SHEP

Response from GUARD

GUARD has, through the Centre for Battlefield Archaeology, an interest in the success of the SHEP because of our involvement in work for the proposed Inventory. GUARD therefore welcomes the SHEP and endorses broadly the proposals within the draft version. There are some elements on which we would wish to comment, which are presented below. These comments are within the answers to the guideline questions from the SHEP.

Q1. 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?

GUARD agrees completely in the need for a policy for the protection and sustainable management of historic battlefields. Battlefields are a rich source of information about fundamental historic events in the development of Scottish history, but are a very fragile resource. Losing that potential information will limit what can be known about the historical events that shape the nation. In addition, battlefields represent a major resource for tourism that is currently under-utilised. A lack of protection will allow this resource to diminish and waste a major opportunity to increase and enhance Scotland's largest industry.

Q2. Do you agree with the scope and definition? If not, what changes would you propose and why?

Broadly, GUARD would accept the scope and definition. However, we have one disagreement and one observation. The disagreement relates to section 4.3 and the statement that a battle should be expected to have involved at least 500 on each side. The use of a particular number is a hostage to fortune that can be manipulated to the detriment of the archaeological resource and we would propose that no number is given. We would also suggest that any definition of a battle should include a statement that the purpose of the action is to inflict lethal force against the opposing force. This makes a significant distinction from a large scale action such as a riot, where lethal force is not the governing principle but is a potential outcome, or a massacre, where lethal force is inflicted on a group that does not constitute an opposing force.

The observation is that, while we agree with the reasons for excluding other types of conflict sites from the Inventory, some thought needs to be given to recognising the importance of these types of conflicts in the history of Scotland and how such sites should be treated. It is difficult to see how such sites will generate a specific policy to protect and manage them unless it is a part of the process to cover battlefields. There is a very real danger that such non-military conflict sites will slip between the cracks and remain with no protection.

Q3. Are there other reasons for valuing battlefields that should also be considered?

The reasons provided are fundamental in explaining the importance of battlefields, but GUARD is of the opinion that these reasons do not have sufficient impact in the current presentation. The issue of 'hallowed ground' arises from the fact that these are sites where large numbers of individuals died fighting for a cause or a belief. The potential presence of human remains emphasises this, particularly when considering the respect accorded to any feature from the recent past that could be considered a 'war grave'. The presentation of recognising the value needs to make more of this aspect of battlefields; it is something fundamental that designed

landscapes and historic gardens do not have. The spilling of blood at these sites makes a qualitative difference in the way that battlefields should be approached, and the SHEP should be more reflective of this. There are sensibilities involved in battlefields that do not arise for structural remains.

GUARD would suggest that recreation and natural heritage be added to the reasons for valuing battlefields.

Q4. Do you support the proposal to create a non-statutory Inventory of nationally important battlefields? If not, what alternative approaches should be considered?

GUARD supports the proposal for the creation of an Inventory of nationally important battlefields. However, we would see this as being the minimum acceptable outcome. We understand the reasons why the proposal is being considered as a non-statutory measure, but we would prefer if the Inventory were to be statutory. While recognising that there is little political will for further regulation, we feel that there are aspects of battlefields that might assist in obtaining a better status for the Inventory. Battlefields are each unique; there can never be a second example of a particular battlefield. It is therefore easier to convince the public of the particular importance of that location, and far easier than for a structure that can be modelled or repeated elsewhere. The concept of hallowed ground also makes it easier to convince the public of the need for formal protection. It should also be noted that the number of sites that would be included within the Inventory is small, and it would be difficult to argue that a statutory register was significantly adding to the burdens of regulation. It is also the case that the class of 'nationally significant battles' is one that is not going to increase over time, so there will not be an increasing burden through a statutory inventory. Finally, having a statutory Inventory will make a strong statement to the rest of the world that Scotland values its military and historical heritage, a heritage that resonates across the English-speaking world and for which the Scottish people act as custodians for all of the descendants of the Scottish diaspora.

Q5. Should an Inventory of Historic Battlefields be given the same status currently enjoyed by Gardens and Designed Landscapes within the planning system?

For the reasons given in answer to Q5 above, GUARD would argue that an Inventory of Historic Battlefields must have no lesser status than that given to Gardens and Designed Landscapes. It is a real mistake to consider battlefields as being any less significant than gardens and designed landscapes, and the SHEP should not be written in such a way that suggests that battlefields are in any way a less important category of site. GUARD would argue strongly that battlefields should be given a higher status than gardens and designed landscapes: battlefields are landscapes whose significance is written in the blood of those who were killed or maimed within that landscape and it does their memory a disservice to equate the battlefield with aesthetic products such as gardens.

Q6. Do you agree with the purpose of the proposed Inventory? If not, what changes would you suggest and why?

GUARD agrees with the purpose of the proposed Inventory, but would propose the addition of something to recognise the curatorial duty of the Scottish nation to the descendants of the Scottish diaspora, to recognise the greater context and importance of Scottish battlefields.

Q7. Do you believe that the criteria set out in Annex A are suitable? If not, what alternative criteria would you suggest and why?

GUARD believes that the criteria in Annex A are suitable, but would suggest that section 5.4 make a more specific link to the annex because the criteria are set out in greater detail in the annex; it is important that any reader is aware of the full range of criteria rather than the summary given in section 5.4. We would also suggest that 5.4 (c) should be 'and/or' rather than 'and'.

Q8. Do you agree with the proposed definition of the area of interest? If not, what changes would you suggest and why?

GUARD would accept the proposed definition as a minimum but would make an observation. The observation is that while we accept the point of section 5.7, which notes that a site may be excluded on the grounds that the landscape has been so heavily disturbed that the site effectively no longer exists as a battlefield, we would note that extensive landscape does not remove all potential data, and a heavily urbanised area may still have patches of undisturbed battlefield in gardens or public parks. While it is difficult to incorporate this within the wording of a policy document, we would hope that there will be some way to keep this potential within the scope of the planning process. Furthermore, we would argue very strongly that the wording of section 5.6 suggests that sites will not qualify for the Inventory unless they can be securely mapped. This may be the intention, but if so, it is a mistake in our opinion. It is a reasonable position to adopt for battles that are known only as a placename, such as *Mons Graupius*, which is unlikely ever to be located. However, it is less reasonable for a site where the general location is known but cannot be mapped with any certainty; such sites may well be capable of being mapped following fieldwork, and their exclusion from the Inventory would then remove them from the protection of the Inventory. If the site is of national significance on historical or cultural grounds, and has the potential to be located through fieldwork, we would argue that it should be included to avoid a situation where development takes place and destroys any chance of that site being located.

Q9. 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?

GUARD believes that there should be differing approaches according to the nature of the part of any battlefield under consideration. The proposal that we would make is that the Inventory should deal with battlefields through two zones: an area of primary activity and an area of interest. The area of primary activity will cover the locations of fighting during the battle, while the area of interest will cover camps, baggage trains, routs, potential grave sites etc. We would propose that the area of primary activity be one where the battlefield **may** be used as a reason to refuse permission for development, and that it **may** be reason in itself for refusal. We would emphasise the use of the word 'may' and would not suggest that battlefields should become a burden on development, but that they should be a material consideration in whether a development on a battlefield takes place. The area of interest would differ in that the potential presence of material relating to a battle could not in itself be a reason for refusing development, but might be used to support a range of reasons to reject a proposal. In addition, in both areas, in the event that development is granted permission, it should be a requirement that fieldwork following a suitable battlefield methodology take place prior to any other disturbance of the area.

Where there are parts of the battlefield that have been destroyed through later development, these should be recognised as being within the area of the battlefield. However, for such areas there should be a lighter touch. This should consider the impact of further development in terms of any impact on the remainder of the battlefield, but otherwise should not impede development.

Q10. 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?

GUARD would agree that best practice guidance would be useful, and that there are two separate areas where this is necessary. The first is in cultural resource management terms, and should be led by Historic Scotland in developing models for managing battlefields. It should be remembered that the relatively small number of battles overall will make it difficult for council archaeologists to develop a particular expertise in dealing with battlefields; this is where a national body can successfully provide the lead.

The other area where best practice guidance is necessary is for fieldwork. Battlefields differ from many other archaeological sites by existing largely as artefact scatters in the ploughsoil, while the landscape aspects are also of great importance. Battlefields are thus very sensitive to development, and they are also very sensitive to the nature of the data collection methodologies. Given that there are few people currently working on battlefield archaeology either in contracting units or within council archaeology sections, it would seem prudent for there to be a guide to best practice in fieldwork so that both units and council archaeologists are clear about what techniques and levels of recording are required. This will create a level playing-field for all units, and will reduce the dangers of the nature of commercial archaeology undermining the process of preserving battlefields through record. The lead in this should come from a professional body such as the IFA to ensure that the best practice is both seen to be appropriate and is likely to be adhered to.

Q11. 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?

GUARD would agree with the roles identified. The addition that we would suggest is that there ought to be something to recognise the interests of the descendants of the Scottish diaspora, who have a strong interest in battlefield sites and who will provide most of the economic benefits through tourism. How this could be best achieved within the document is not obvious, although it might be done through the clan societies, perhaps as an insert into 6.4 (c) on the voluntary sector. Equally, the role of the museum sector in curating and presenting material relating to battlefields should be recognised.