

**Department of Corporate Support**  
*Planning & Economic Development Division*

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**Our Ref:** BE 2 (AD/JC)

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SHEP on Historic Battlefields  
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Dear Sir/Madam

**RESPONSE TO SHEP ON HISTORIC BATTLEFIELDS**

I write in response to the recently published consultation paper on the draft SHEP on Historic Battlefields.

I have attached a separate sheet outlining East Ayrshire's comments in response to certain questions asked in the consultation paper, as well as some general comments.

I trust these comments will be of use to you in compiling the finalised SHEP.

Yours faithfully



**Karl Doroszenko**  
**DEVELOPMENT PLANNING & REGENERATION MANAGER**

Enc

HistoricBattlefieldsLetterJC



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## SHEP on Historic Battlefields

### General comments

In general terms, East Ayrshire Council is supportive of the development of a SHEP, which will focus on Historic Battlefields. The document, as it is currently drafted, is generally clear and concise and is considered to be an appropriate addition to the SHEP series.

### 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, it is considered that some form of protection is necessary for the battlefields of historic importance. A Historic Scotland policy on this topic should be developed, which could then if necessary and appropriate be taken on board by local authorities by incorporating it into local plans.

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

The definition proposed in the consultation paper seems reasonable. However, the definition should not be overly rigid so as to allow a degree of flexibility in deciding what can be included as a protected battlefield. For instance, the paper suggests that to be included a battle should have included at least 500 people on each side. It is considered that, although this may provide a benchmark, the definition should not be rigidly enforced to prevent a battle of significance, but that had less participants, being included within the inventory.

### 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?

It is considered that a non-statutory inventory of nationally important battlefields is an appropriate way to introduce some protection to important battlefields. It is accepted that only those sites that can be classed as 'nationally important' be included on the inventory and that battlefields that a local authority may consider to be of local importance, be treated as the planning authority sees appropriate. It would be helpful if Historic Scotland were able to provide additional guidance/advice to local authorities on how locally important battlefields may best be treated i.e. what sort of level of protection should they be given, should they ideally be incorporated into the development plan as well as the nationally important sites?

### Question 7: Do you believe that the criteria set out in Annex A for determining what should be included in the proposed inventory are suitable? If not, what alternative criteria would you suggest and why?

It is considered that although broadly suitable, the criteria set out in Annex A is not altogether clear. Annex A identifies three criteria, which a battlefield

must meet one of in order to be included in the inventory. These comprise; (i) an association with historical events or figures of national significance; (ii) evidence of significant physical remains and/or archaeological potential and (iii) a clear landscape context that allows the events of the battle to be understood or interpreted. The wording of the annex implies that only one of these criterion need to be met to ensure inclusion on the inventory. However, under the third of these criterion, it is stated that a battlefield may be excluded if the landscape has been so heavily disturbed that it is no longer possible to understand the events in context. However, because a battlefield only needs to meet one of the three criterion it is unclear as to whether the deterioration of the battlefield so that events can no longer be understood, means that the site can still be included on the inventory so long as it meets one of the other two criteria e.g. that it is associated with a figure of national significance. To use an example from East Ayrshire, Loudoun hill Battleground could potentially be included as it is associated with Robert the Bruce. However, quarrying has disrupted much of the site, so as it may no longer be well understood. It is suggested that some clarification be added to address this issue.

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

The draft SHEP indicates that to be included on the inventory, the exact location of the battlefield must be identified and its extent and boundaries mapped, on the basis of available knowledge. It is considered that this relatively strict requirement will limit the number of battlefields to be included on the list quite considerably, as there are relatively few battlefields where enough information is known to be able to accurately plot the location boundaries. Should this prove to be the case, there may be further scope and indeed a further necessity to identify sites at a local level, which although important cannot be included on the national register due to problems in identifying exact boundaries. This again highlights the need for some kind of guidance as to how local authorities, through the local plan should look to identify and preserve battlefields of more local importance.

Question 10: Do you agree that best practice guidance would be useful? If so, who should lead in developing this?

It is considered that best practice guidance should be developed in order to provide advice to local authorities as to how best historic battlefields should be managed and treated within local plans. It is accepted that this should primarily focus on the sites included within the national inventory, but, as indicated above, it is also considered that any best practice guidance should also address how locally identified sites should best be identified and dealt with within local plans.