

CONSULTATION: SHEP ON SCOTTISH BATTLEFIELDS

1. A policy for the protection and sustainable management of historic battlefields is certainly necessary, but this must have force and direction if it is to fulfil the aims set out by the Scottish Government responsible for these important sites.
2. The problem of defining and locating the sites of certain past conflicts is difficult but the body given the responsibility for protecting these sites, even those considered to be of less importance in Scotland's history, should not find this insurmountable. A first step, as indicated here, is the protection of nationally important sites as defined in this section.
3. The historical significance of the events which took place on a battle site, including their importance in cultural terms, as well as the fact that they are inevitably the burial ground of participants, must all be considered. A relatively unspoiled landscape which allows the interpretation of these events is a bonus, but there are now so many battlefields which have suffered despoliation and neglect that this cannot be a criterion. The archaeology, although of interest, is of less importance in determining the value or otherwise of a site, as almost inevitably the battlefield will have been plundered by the victors and by scavengers at that time and since. Because of this an archaeological survey of a site cannot always give reliable information about the main areas of conflict. It is important that this be kept in mind.
4. An inventory will be a useful guide, but it is important that this contain accurate information. There is reason to know from recent work on the inventory that this may not be the case. The body preparing the inventory should draw on the expertise of historians, including military historians. The non-statutory nature of such an inventory as proposed, however, would render such an inventory as little more than a guide.
5. The non-statutory protection of Gardens and Designed Landscapes may be adequate because these sites are readily located and described, and in a sense by their nature, are often already protected, but as reflections of historic fashion and the tastes of individuals and families they are clearly in a different category from Scotland's battlefields, for obvious reasons. Although the description of a battlefield and its position is more difficult, these sites, by their special nature, should have statutory protection. This will require more effort, sound investigation and research, but it is very important to carry this out in order to preserve what remains of these significant reminders of Scotland's past.
- 6 and 7. The purpose of the proposed inventory as described is clearly flawed. Although every major battlefield will satisfy at least one of the three criteria set out in Annex A, it is easy to see that, given earlier neglect, few may have significant physical remains or archaeological potential, and even fewer a clear landscape allowing the events of the battle to be understood. This should not, however, be an obstacle to their definition on a map. Nor indeed should this be an obstacle to their rehabilitation. The obvious example of this is, of course, Culloden where plantations over 70% of the site were removed to restore the battlefield to something of its original state. To deny such a historic site a place in the proposed inventory because the landscape has been "heavily disturbed" would be without justification. There should be more to the policy of protection than the listing of historic sites in an inventory simply as a guide for planning authorities and local councils, without a legal obligation to prevent developments on these sites.

The section MANAGING CHANGE (4.15 and 4.16), which considers the possibility of having to reduce "inadvertent damage and adverse impacts, and mitigating the effects of development" on these nationally important sites is alarming. There can be no justification for any development other than that which would enhance the potential of the site to preserve it and to educate the public about its significance.

The inventory is a meaningless exercise if Scotland's important battlefields are not given legal recognition and protected against all future development. The purpose set out in 5.1 would leave these sites in much the situation they are already in, at the mercy of government agencies, landowners and developers, to say nothing of local governments, who may have no interest in the protection of historic sites. This is not good enough if we are determined to leave what we can of our past to future generations.

8. See above. There are a number of battlefields, particularly of the eighteenth century, where there is so much documentation that there should be little difficulty in defining and mapping their location, but this may be a problem with earlier sites. The lack of such specific information, however, should certainly not be an obstacle to the listing of the battlefield in the inventory. Such sites also deserve protection.

9. This is certainly the case. Efforts to restore battlefields to something approaching their original appearance have been shown to be possible. Sometimes it is a matter of clearing plantations, achieved with such effect at Culloden, or rolling back unnecessary developments on the ground. It is important not just to concentrate on small portions of a battlefield but to take a more complete view and give protection to the larger site.

10. It is not clear here what is meant by 'best practice guidance'. If it means essentially carrying on as in the past, without statutory protection of the battlefields, it is unacceptable. Ireland offers an outstanding example of what may be achieved by government agencies. The great Jacobite battlefield of the Boyne near Dublin, under the Department of Public Works, and where a new visitor centre has just been opened, seems like 'best practice guidance'. It is not really clear why Scotland can show so little effort in protecting its historic sites.

11. The responsibilities accorded to these bodies and individual 'key holders' is unacceptable. To begin with, Historic Scotland is not the body to have a role in the protection of Scotland's battlefields. Their failure recently to object to the adverse impact of a major development on several scheduled sites, as well as in the destruction of one of the country's most important battlefields, strongly suggests that the responsibility for the protection of historic sites should lie elsewhere.

There is uncertainty about the reference here to 'local Historic Environment Records', but as the Royal Commission on the Ancient and Historic Monuments of Scotland has already gathered and recorded details about Scotland's battlefields, perhaps this should be the body to carry forward the compilation of the inventory. The expertise of the academic sector should certainly be consulted further.

It would be very unwise to place the final responsibility for the protection of historic sites in the hands of planning departments and local councils. Too often, as we know, applications for major developments on environmentally sensitive landscapes or sites of historic importance, may see a planning department oppose a development, only to have this decision reversed by the local council, while the Scottish Government may then ignore these decisions and make its own judgment. Scotland's battlefields deserve better protection than this whimsical, sometimes ill-informed system offers.

As for other interested parties, there is nothing at the moment to prevent a landowner, whether farmer, the Forestry Commission, the Ministry of Defence or other body, from carrying on developments on a site of historic interest with little or no consultation, certainly without public consultation. A recent

example of this was the proposal by the Forestry Commission to turn part of one of Scotland's most important battlefields into the site for a Christmas tree business, with all the disturbance which this would cause and without archaeological investigation (Historic Scotland, although aware of the plan, did not object.) There was no requirement to inform the public and the plan would have gone ahead but for the intervention of an individual, with chance information of the plan, who pointed out the historical significance of the site.

The inventory of battlefields which is proposed, although a necessary first step, will be an empty gesture towards the protection and management of these sites if individuals or bodies do not wish to take this information into consideration in proposing developments on this historic landscape. The smothering plantations across one of Scotland's major battlefields is an example of the failure of landowners to acknowledge the significance of such a site. This neglect will continue as long as Scotland's battlefields remain unprotected in legal terms. They must be preserved and carefully managed before it is too late, with far more done to inform the public, including the younger generation, of their significance. If the financial cost of such an enterprise must be a consideration, it is important to remember the considerable returns from tourism.