



## Battlefields: Planning Best Practice – summary report of feedback on a report by Lichfields UK

11/08/2022 to 17/11/2022

This report provides summary statistics of responses to the above consultation.

Where questions invited free text comments, responses have been published in full. We have only provided responses with the names of individuals (in brackets after each comment), if we have been given permission to do so.

Responses to this survey: **29**

**Questions 1-3 concern personal data – not reported here.**

**Question 4: Do you use the Inventory of Historic Battlefields? (Select all that apply)**

Option	Total	Percent
Yes - for my work	12	41.38%
Yes - for research and/or interest	12	41.38%
No - I've heard of it but never used it	5	17.24%
No - This is the first time I've heard of the inventory	4	13.79%
Not Answered	0	0.00%

**Question 5: Are you responding as an individual or an organisation?**

There were 29 responses to this part of the question.

Option	Total	Percent
Individual	18	62.07%
Organisation	11	37.93%
Not Answered	0	0.00%

### Organisation name

There were 11 responses to this part of the question.

- Flodden 1513 Ecomuseum Ltd.
- Killiecrankie, Fincastle & Tummel Community Council

- Aberdeenshire Council
- Perth and Kinross Heritage Trust
- Geddes Consulting
- ALGAO:Scotland
- East Lothian Council
- Society of Antiquaries of Scotland
- AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell
- The National Trust for Scotland
- RWE Renewables UK Ltd.

Questions 6-7 concern handling of personal data – not reported here.

#### Question 8: How do you view this conclusion (the conclusion by Lichfields UK)?

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	14	48.28%
<b>Slightly agree</b>	10	34.48%
<b>Neutral - no opinion or undecided</b>	1	3.45%
<b>Slightly disagree</b>	2	6.90%
<b>Strongly disagree</b>	2	6.90%
<b>Not Answered</b>	0	0.00%

#### Do you have any comments?

There were 18 responses to this part of the question.

- I think the system works as it is, though a national standard for investigating battlefields would be welcome (Individual).
- I think there are many organisations and individuals who are unaware of the inventory therefore there needs to be more publicity about it and how it functions (Fiona Grahame)
- The claim that 'while the Inventory and the policy protections which exist around it are functioning as intended' at Culloden in particular cannot possibly be substantiated given the number of adverse developments since 2014, which have not been subject to objection ny HES. I have reservations that in future HES will be adopting a more rigorous approach, based on ongoing academic research that is widely available even to the public (David Learmonth).
- Requires some mention of the protection of battlefields (Individual)
- My query relates to the inventory of 40 battlefields, and why Corrichie Battlefield in Aberdeenshire is not included in the inventory, and therefore not subject to any protection. A large development project has just been proposed to the Scottish Government across this area (Individual).
- We do not make enough use of the Inventory to give a meaningful opinion (Flodden 1513 Ecomuseum Ltd.)
- No real protection in use. (Paul).

- Very simply, you are not doing enough to defend The Culloden Battlefield from land and real estate development. Which is infringing on not only an historic Battlefield but War Graves as well. Put your fists down and say no and change the laws that need to be changed. (Paul McGillivray).
- 'Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect and, (where appropriate), enhance a battlefield's cultural significance, key landscape characteristics, physical remains and special qualities'. (Remove (where appropriate) as this opens the door to 'want' rather than overwhelming 'need' to preserve what remains in context- as when it's gone its then lost to visitors forever! Planning law needs urgent amendment to make this the overriding primary object to be met. (David James Smith)
- I believe certain battlefields, ie, Culloden, need better delineation of the true extent of the battlefield and the archeological and historic significance in preserving all this properly for posterity. (Individual)
- Would the "number of changes" be in line with stopping the building of houses, farm buildings, holiday resorts on battlefields? Battlefields considered iconic with Scotland's history and way of life. (Individual)
- Any sites of historical importance especially Culloden Etc should not be built on in anyway and should have protection set in law. (Individual)
- It is unclear exactly what function was intended when it was created beyond a vague idea of strengthening protection for those sites that are included in the Inventory. Fiona Hyslop in a written answer at Holyrood in March 2018 wrote: ""The inclusion of a battlefield on the Inventory identifies it as an area of added protection where particular consideration must be given to impacts on the site."" There could be numerous interpretations of 'particular consideration' in the planning system. Clarification is needed on how to safeguard the various elements of a battlefield that are listed in the Inventory; who is responsible for safeguarding; and what weight the Inventory has in the planning system and in schemes that sit outside the planning system. (Killiecrankie, Fincastle & Tummel Community Council)
- Geddes Consulting has been involved in research into several Scottish battles to assess the potential impacts of future development on Inventory battlefields. This involves reviewing the statements and maps in the Inventories prepared by HES alongside all the other available evidence. It includes participating in multi-disciplinary project teams to undertake new research needed to fully assess the impact on the important features within a battlefield with the aim of protecting, conserving and enhancing important relationships. These assessments follow the assessment approach defined in the Selection Guidance defined by Historic Environmental Scotland (HES). Geddes Consulting's approach always seeks to rigorously and objectively follow all of the available evidence. Geddes Consulting also has experience of promoting an application to a modification to the Battle of Pinkie Inventory. Despite the new and substantive evidence submitted with this application, which highlights that the culmination of the battle was fought further south than presented in the Inventory, the proposed modification to text and the evidence was rejected by HES. Geddes Consulting has also been a consultee to two recent applications to modify the Battle of Pinkie Inventory. The outcomes from these applications have yet to be published by HES. It is understood that a further application by HES is proposed which seeks to remedy substantive legal issues raised during these consultation processes. Our experience in participating in this change process is highlighted as part of our feedback to the

findings in the Report prepared by Lichfields on behalf of HES. In our experience, it is important not to assume that every Inventory and its supporting Summary and Deployment Maps are correct, or appropriately reflect all the available evidence. The preparation of the battlefield Inventories across Scotland was a major exercise, and it is inevitable that mistakes have been made in their formative preparation. If this is accepted by HES then it is not surprising that updates to the Inventories will be necessary to correct misunderstandings and errors. Nor is it surprising that the public has raised two petitions to Scottish Parliament as the present Inventory system is not a guide to help the public's understanding of the battle or its protection, conservation or enhancement. We agree (with Lichfield's recommendation to HES) that procedural changes should be made to the way which it manages the Battlefield Inventory system. These are required and essential to improve public confidence in the system and provide an appropriate framework for decisions regarding battlefields, as highlighted in the findings noted in this HES commissioned Report and the two petitions made to Scottish Parliament. In our experience, the Inventory system set up by HES needs to introduce greater transparency in how HES defines the Inventory for each battlefield and how it manages change in the system. Any changes to the present system must be done through meaningful public involvement in a consultation process that follows best practice. We welcome such a change.

Feedback on making modifications to an Inventory - We have been involved in promoting a change to the Inventory text for the Battle of Pinkie. This arose because of comprehensive research undertaken about where the engagement between the Scottish and English armies was fought as compared to the published position in the Inventory and the over reliance on the interpretation of unfounded evidence that this location was based on. New research suggests that the culmination of the battle was fought further to the south than shown on the Deployment Map. This modification to the Inventory was rejected by HES. In making this rejection, HES did not follow best practice in consultation. HES did not consult with any other party and did not share the research findings with other parties who may have had an interest in the battle. However, our experience in this Inventory process has highlighted the following flaws and issues in the system.

1. No public consultation - Firstly, this proposed modification in 2016 was not subject to any valid public consultation. It was a private matter with HES as the only adjudicator. Although valid evidence from current research was submitted in support of the proposed modifications, there was no independent or, we would argue, objective scrutiny of this evidence. Judgements were simply made by HES about the Inventory it had itself compiled. In explaining its decision not to modify the Inventory, HES was concerned that the submission's outcome was 'binary' – if the new evidence was correct then the Inventory's description was wrong. Of course, the case and the more up to date evidence simply highlighted that the Inventory required modification to reflect additional (and arguably better) information and consequently, which would improve the understanding of the history of the battle. HES had no mechanisms in place to publicise the process of making changes to the Inventory which would have facilitated review and commentary by other interested parties and therefore provide a more complete and more informed picture of where and how the battle played out. This could have included interested academics (nominated by HES), local community groups with battlefield interests or simply been subject to open and transparent public consultation. If greater public confidence is to be delivered in an updated and improved Inventory system, then public involvement in the

Inventory process is essential, publication of all research about the battle needs to be available on the Inventory website including the research assessments used by HES to establish the Inventory boundaries. 2. No publication of existing or new research - Secondly, each Inventory has its Bibliography of published and unpublished research. But this research is not accessible on the Inventory website. The use of the Inventory website as a research and educational resource for the public is consequently lost. New research on which the proposed modification was based, was submitted to HES to assist in improving the public's understanding of the battle and the manoeuvres across the battlefield. We regard it as a fundamental failing that this research was not made available to the public by HES. In our opinion, this additional research should have been published on the Inventory website, possibly added as a notable feature and made public. This new research was (and still is) of public interest. Until these three fundamental principles are addressed:

1. A proper public consultation process for a proposed modification to the Inventory
2. Appropriate publication of the findings from new research on the Inventory website with a facility to download pdfs, and
3. Robust and independent scrutiny of the evidence, as well as consideration by HES

then the public is not properly involved in any part of the Inventory process. Without public involvement in the process, it lacks legitimacy and it will be more difficult for HES to secure the necessary public support in its Inventory system. These are the drivers for improvements to the system. 3. Publication of the outcome from the Selection Guidance used for each battlefield - All Inventories are based on the published Selection Guidance. However, none of assessments informing the designation of the Inventories and its mapping are published on the Inventory website. Accordingly, there is a lack of any published assessments undertaken by HES (using its Selection Guidance) to define the Inventory. The public again is totally unaware of the reasoning informing the designations. These assessments have important research findings, useful mapping and conclusions about the key issues in the battlefield. These findings require to be protected, conserved or enhanced. If this type of guidance is published, then it provides the foundation for determining the missing management guidance, highlighted in the Lichfield Report. In our opinion, the lack of this rigorous guidance and mapping on the management requirements needed over the battlefield is the fundamental reason why there are doubts about the effectiveness of the present system and lie behind HES' decision to start the consultation anew on the Battle of Pinkie. 4. No guidance on protecting, conserving or enhancing the battlefield - The other missing part of the Inventory system, which is highlighted in the Lichfield Report, is the need for HES to have regard for the legislative purpose of the battlefield designation – its remit. The Inventory system needs to introduce mechanisms which can be seen (and be used) to protect, conserve and enhance battlefields and provide the most accurate interpretation of battlefields. As recognised in the Lichfield Report, the Deployment Maps were produced to help inform the designation boundary for the battlefields. Any mechanisms to protect, conserve and enhance battlefields will need to use mapping from the assessments which helped define the battlefield

highlighted in the Deployment Maps (suitably updated to take account of more recent research where available) in a different and more meaningful way. The Selection Guidance for battlefields is set out in Annex 4: The Inventory of Historic Battlefields. The Selection Guidance is listed in paragraph 14 and is based on three types of assessment: 1. Historical association 2. Significant physical remains and/or archaeological potential, and 3. Battlefield landscape. It is interesting to note that this Selection Guidance is referred to by HES as 'categories of assessment' and leads to a conclusion on the battlefield's cultural significance. However, it is a significant omission that these important assessments are not published by HES on the battlefield website. In our opinion, this omission not only fails to build up the public's knowledge and confidence in the defined battlefield boundary but also the conclusions from these three assessments effectively define the relationships within the battlefield, which guides decisions to protect, conserve or enhance. We regard it as unacceptable that these relationships are not an integral part and explicit in the Summary and Deployment Maps which are used to define the Inventory boundary. 5 New mapping and advice is required to protect, conserve and enhance a battlefield - No maps are published by HES to guide the protection, conservation and enhancement of Scotland's battlefields. This is a major omission in our opinion. This is a priority for HES to address if it wishes to secure greater public confidence in its statutory role. Much of the work is potentially done by HES to address this omission as presumably it is part of the Selection Guidance assessments undertaken to define the Inventories. Additional research work since these assessments were prepared would add even greater confidence to the establishing the relationships which need to be protected, conserved and enhanced across the battlefield. Further work is inevitably required by HES to help establish the value and importance of the relationships established during the battle which in turn require to be protected, conserved or enhanced. Fundamentally, this is what the public expect to view when accessing an Inventory website. This exercise of establishing meaningful relationships requires additional guidance and another map for the system. In our opinion, new text and mapping addresses fundamental issues raised in this consultation exercise about public confidence and the need for the most accurate guidance as required by the planning system to help protect, conserve or enhance the historical aspects of the battlefield. We have termed this missing guidance and mapping the Management Guide as its purpose is to help guide the management of the protection, conservation and enhancement of the battlefield. This Management Guide should be soundly based on the battle manoeuvres (shown on the Deployment Map) and used to protect important elements of the remaining battlefield landscape such as the inter-visibility of armies during the battle action, possibly the direction of movement of armies across the battlefield, or proven areas where significant conflict may have happened during the battle. This type of guidance and mapping is that expected to help define a heritage trail to explain the battle to the public as an example of enhancement. This management Guide can be used to guide public action within the battlefield to enhance the understanding and knowledge of the battle. For example, it can be used to define planning obligations and financial contributions through the planning system which can be used to help enhance the battlefield and its interpretation. An example of this might be establishing interpretation trails and signage or restricting development to areas with low sensitivity to physical change within a battlefield. The Management Guide needs to be part of the published guidance

from HES on the Inventory website and should not be delegated to another process within the development plan system such as supplementary guidance. It should act as informed judgement from HES helping secure greater public confidence in the Inventory system. Conclusions - Implementing all of these new measures, in our opinion, will engender greater public confidence in the Inventory system and protect HES from accusations that the system lacks transparency and accountability. All of these measures help HES avoid being judge and jury on all matters relating to a battlefield. Adopting all of these measures of change will help ensure that HES is not open to unnecessary criticism and challenge to its decisions. Far better to promote a robust and transparent process to secure the widest possible agreement on issues of fact and record. Given the strength of public opinion about the role played by HES in protecting, conserving and enhancing the battlefields, the need for public consultation on defining a Management Guide for each Inventory incorporating clear referencing of evidence and the latest research findings will significantly improve accountability and transparency. (Geddes Consultancy)

- The Inventory was hobbled from the start because it was required to be non-statutory, cost-neutral, and requiring no additional legislation. The environment may well have changed since its inception, meaning that these restrictions no longer apply. However, they absolutely shaped the nature of the Inventory at the time (Iain Banks)
- Any work that improves clarity and transparency is welcomed. (Society of Antiquaries of Scotland)
- Improvements to the working of the Inventory and guidance would help voluntary and educational understanding of battlefields and changes allowed within them. (Colin Davenport)
- While the Inventory provides a means by which battlefield boundaries may be considered, it currently has only limited weight in decision-making, and offers weaker protection than that provided for in England. The Inventory is now recognised within decision-making but does not always have the weight or effectiveness it should have. We are still seeing inappropriate developments coming forward, which then have to be contested, and on occasion these have been approved (e.g. Viewhill at Culloden). Better promotion and application of the Inventory, and improved support through Scottish Planning Policy, would see more sympathetic development proposals being brought forward, reducing conflict, and ensuring battlefields are conserved. The development of management plans for designated battlefields would help address many of these issues, setting out how the public interest in conserving the battlefield can best be advanced, and helping manage other land uses in a clear, predictable and sustainable way. At present, the designations have a lot of grey areas whereby developers, perceiving areas of the designated battlefield as less pertinent to a battlefield narrative, are able to impinge and thus change the character of the historic landscape. Arguably a tiered system of designation, directly attached to the National Planning Framework, whereby consideration is given to outlying sites of interest associated with the battle and directly applying to the historic character of the battlefield, is needed. The system does at least flag up where there are planning issues within designated battlefield boundaries. Much of the problem seems to be with protecting the setting of some of the wider areas – often beyond the limit of the designated battlefield boundary. We would also argue, the current criteria for consideration of Fields of Conflict, according to

number of combatants and historical significance, is too limited in its scope. Many clan battles, battles of the Covenanter Risings and indeed sieges of fortified castles and manor houses, fall completely outside the remit applied to battlefield designation, despite being just as significant. We also consider more could be done to encourage the use of the Inventory, and its development, by researchers. (The National Trust for Scotland)

## 9: How do you view the following:

**‘Boundaries of Inventory areas should be redrawn to exclude areas (particular redeveloped areas) which no longer “exhibit some level of preservation and/or significance in terms of its special qualities and landscape characteristics through which it can contribute to our understanding”?’**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	3	10.34%
<b>Slightly agree</b>	10	34.48%
<b>Neutral (no opinion or undecided)</b>	3	10.34%
<b>Slightly disagree</b>	3	10.34%
<b>Strongly disagree</b>	10	34.48%
<b>Not Answered</b>	0	0.00%

## Comments on drawing boundaries to exclude areas

There were 22 responses to this part of the question.

- I like the flexibility of the system, its fairly obvious that areas within the boundaries have greater or larger significance. But context is all. Some built up areas may still contain important objects or burials in garden areas.(Individual)
- As better archaeological techniques are made use of and there is an improvement in historical research it is logical to redraw some boundary lines. The wider landscape in which battles/conflicts take place are important to the understanding of the strategies employed by each side. It is therefore crucial that the wider landscape is not altered in such a way that the deeper understanding of military strategy is lost and its social impact on the local communities at the time. (Fiona Grahame)
- At Culloden, a particularly upsetting development was the Scottish Government's approval for conversion of a steading located at Culchunaig into a 'family home'. This was a strategically important location on the battlefield, where events took place that contributed to the outcome and where hand to hand combat took place. Why then should such an important battlefield location be omitted? The same could be said of developments at Viewhill, Muirfield Farm and so on. (David Learmonth)
- Redrawing boundaries seems like another way of saying "let the land be sold and built on for profit". (Individual)



- The question assumes current knowledge and technology ; ignoring recognised boundaries might compromise future comprehension, interpretation and understanding of a site. (Les Ames)
- Boundaries are there for a reason and should not be encroached upon. (Paul)
- Two boundaries should be drawn an inner and then an outer for redeveloped areas to show context. (David James Smith)
- There has been too much encroachment into boundaries already by developers! (Individual)
- I think you would have to be very careful in adjusting boundaries of any battlefield. Why would a battlefield “no longer exhibit some level ..... qualities etc”? It must have indicated something when it was originally placed on the inventory. Unless it has been built on since being placed on the inventory, in which case .... why was that allowed or even contemplated? (Individual)
- It should be protected (Individual)
- I think it is important to record the full extent in some way even if this does not form part of the designation. The inventory functions on many levels and the academic information (which I would class this as part of) forms an important part of understanding the significance of the battlefield. (Individual)
- Our only relevant knowledge of boundaries is to do with the site at Killiecrankie. In this case, the boundary encompasses the key areas of the battle including part of the routes the two sides took to reach Killiecrankie; battle lines; and escape routes. Unlike some battlefields, Killiecrankie's built-up area is tiny. Lichfield put it at 1.19% plus transport area of 4.29%. It is entirely rural with none of the pressures that exist in urban areas. Consequently its special qualities are relatively easy to read. It is worth noting that HES (and others involved in cultural heritage such as Cairngorms National Park Authority, Perth and Kinross Heritage Trust) effectively apply an inner boundary and outer boundary. Planning applications are considered in terms of whether they sit within the core battlefield where fighting was concentrated or in the outer ring. It is difficult to say if this makes much difference in the impact assessment on landscape characteristics and special qualities of the battlefield but it certainly does when deciding what archaeological potential exists. Development applications made on the periphery do not receive the same archaeological scrutiny. While this approach seems the correct one, it would perhaps be best to formulate a policy consistent with this approach so it is clear to those involved in the planning system that extra care is needed in the core areas of battlefields. (Killiecrankie, Fincastle & Tummel Community Council).
- Clear statements should be provided for each Battlefield detailing how the boundaries were chosen, e.g for ease of locating on a map or on the ground; they reflect current understanding of where the battle happened; etc. As such two ‘boundaries’ may be required, the first is one is an overarching boundary which reflects the historical understanding of the extent of the battlefield, the second the core area/s which are worth preserving as they exhibit some level of preservation/significance. This would allow the exclusion of urban areas where applicable without losing our understanding of the historic event as a whole. (Aberdeenshire Council)
- I think the inclusion of clearly defined boundaries and the reasoning behind the decision making of this is really important. I also like the idea of perhaps two boundaries for complex sites – perhaps core and wider context which allows clarity on current interpretation. It's important that all up to date archaeological event information is used to inform this, and worth bearing in mind some of which may be

within development control and not yet through OASIS. (Perth and Kinross Heritage Trust)

- As stated in the response to Question 8, the Selection Guidance for battlefields (set out in Annex 4: The Inventory of Historic Battlefields) is based on three types of assessment: 1. Historical association; 2. Significant physical remains and/or archaeological potential, and 3. Battlefield landscape. It is interesting to note that this Selection Guidance is referred to by HES as 'categories of assessment' and lead to a conclusion on the battlefield's cultural significance. The initial research and the three assessments about the battlefields helped inform the definition of the Inventory area which were guided by the Deployment Maps. Significant urban areas were included within the Inventory boundary. However, the reasons for their inclusion is neither evidenced or known. The initial research and the subsequent three assessments about the battlefields are not published on the Inventory website and is not publicly available. Therefore, interested members of the public are unable to independently check, specific aspects which they have a legitimate interest. Nor is there any evidence as to why urban areas within the battlefield are included. This lack of understanding can only engender the feeling and view from interested parties that only HES is allowed to have access to all the information and knowledge about the battle. HES may consider its role to be the 'custodian of the battlefield' but in reality, the petitions demonstrate clearly that the public wishes, and has a legitimate right, to be involved in this custodial role as well. This is not surprising given the importance of these battles to the heritage of Scotland. Full and proper transparency and public involvement in the information underpinning the research into the Inventories is needed for the public to have confidence in the system and feel 'ownership' of the decisions taken in its name. Having explored battlefields across Scotland, there are several battlefields with substantial urban areas within the Inventory area. If the aim of a revised Inventory system is to help improve the protection, conservation and management of the battlefields then existing and extensive urban development within the Inventory offers little or no opportunity to promote these aims. It therefore seems logical that urban development within an Inventory area should be excluded since their inherent value to protect, conserve or conserve the battlefield is already permanently lost. Accordingly, there should not be any constraints placed on future development on sites within urban areas in a battlefield. This could be acknowledged and shown in the proposed Management Guide for each battlefield as an 'excluded area'. Of course, sites could still be studied and yield information from archaeological investigations carried out when a site within an urban area is subject to proposals for redevelopment. Therefore, given the importance of the three assessments to battlefield research as defined by HES (historical association, significant physical remains and/or archaeological potential, and battlefield landscape), we recommend that 'major development' (as defined under planning legislation) within an 'excluded area' should be required to undertake an archaeological assessment to investigate whether there are any buried remains associated with the battle on the site under investigation. Urban areas within the Battlefield Inventory which are to be excluded, should be defined on the recommended new Management Guide and not the existing Summary and Deployment Maps. This helps separate the different roles which these Maps play in managing the protection, conservation and enhancement of the battlefields. In response to the supplementary question about what should happen if an area of the battlefield 'no longer exhibits some level of preservation and/or significance in terms of its special qualities etc', it is our opinion that this area could be marked up on a modification to the proposed Management Guide, subject to appropriate public consultation. This has the same status as the 'excluded area' in

our representation. As well as existing urban areas, a development plan may promote new areas for development within a battlefield. This could include infrastructure projects such as new roads or public buildings such as a school or hospital as well as proposals for affordable housing. The development plan process also needs to take account of the proposals and priorities promoted by the new local place making process by local communities. These legitimate projects which require land within a battlefield, must also be factored into the Inventory process of managing change. The battlefield Inventory with its new Management Guide will inform the development plan making process identifying where areas of low sensitivity exist and which can be considered for carefully controlled development. (Geddes Consulting)

- These areas were initially excluded during the design phase, but it was felt that doing so introduced a lack of consistency and that what should be mapped was the likely boundary of the battlefield irrespective of subsequent land use. This is why urban areas and quarries were still included. It was considered that some level of archaeology might survive even in urban areas (test-pitting in people's gardens has produced some level of material culture), while quarry sites where the land has been reinstated will allow the setting and location of the battlefield to be understood even if all of the artefacts have been removed from that area. It is essential to note that the original boundaries were being established under the stricture that they could not be constraint maps and we could not treat them as such. They were intended to be a trigger to alert planners to the fact that there was an issue that they might want to take into account in planning decisions. In that light, it did not matter if urban areas or quarries were included because the planners would be able to see that there was a low chance of any archaeology surviving there and could then say that they had considered the battlefield aspect but it was not affected by the application. It was intended as information and not instruction for planners. (Iain Banks)
- Clear statements should be provided for each Battlefield detailing how the boundaries were chosen, e.g for ease of defining on a modern map or on the ground or they do they reflect current understanding of where the battle happened; etc. While the overall boundary of a battlefield/ battle landscape based upon research is important it would be useful to consider having a boundary which is focused upon impacts/ potential as well. This would require the Inventory to be more responsive and to take account of new work and research undertaken. It would make it more usable in terms of the management through planning and would allow the exclusion of urban areas etc without losing the understanding of the historic event/ battle landscape as a whole. (ALGAO:Scotland)
- Clear statements should be provided for each Battlefield detailing how the boundaries were chosen, e.g for ease of defining on a modern map or on the ground or they do they reflect current understanding of where the battle happened; etc. While the overall boundary of a battlefield/ battle landscape based upon research is important it would be useful to consider having a boundary which is focused upon impacts/ potential as well. (East Lothian Council)
- Redrawing boundaries to exclude areas would negate one clear purpose of the inventory as recognised through the review to aid understanding outside of the planning process. Perhaps it would be better to have two boundaries, one of which is, as per the current situation, relevant to the history of the battle and its understanding, and another which delineates areas which have the potential to retain remains of the battle and its aftermath itself (i.e. excluding those areas as per the statement)? Clarity and transparency is required to ensure that users understand the

difference and also understand the processes that were used to define the different boundaries. This would ensure that the inventory retains its broader purpose, beyond that of management. (Society of Antiquaries of Scotland)

- Remove ...'no longer exhibits some level of preservation'...Archeological remains may still be present beneath developed areas. (Colin Davenport)
- There should be more clarity in the designation criteria and setting of boundaries. Criteria suggests that if 'a battlefield has been so altered that it appears to have lost its special qualities and landscape characteristics it will not be included in the Inventory.' The extent of alteration should not only be taken into account, but the type of alterations which would result in loss of special qualities and landscape characteristics. needs to be clarified. On the face of it this statement could exclude a great number of Battlefields or large elements of them. For example, would large areas at Linlithgow Bridge and Pinkie be excluded due to former quarrying/mining activities. Or would all of Bothwell Bridge excepting the Covenanters Field be excluded on the basis that the rest of the area is now urban/suburban? Similarly, there needs to be further clarity on to what extent 'lack of certainty of their location' influences decisions to designate. There is certainly a lack of certainty about the locations of the 2nd day of fighting at Bannockburn and of Sauchieburn in general, but both are included on the Inventory. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
- The question illustrates the need to better define what the purpose of designation is – is it to provide the basis for understanding and further research, or to protect the remaining battlefield landscape, or both? From our own work, and from Scottish planning policy, we would think the designation has both effects – both understanding, and protection - and should be applied on this basis. The boundary needs to reflect the widest known extent of the battlefield and then can be used to determine how much has already been lost. This can then lead to stronger arguments for the conservation of the significant areas that remain. The boundaries are also intended to offer an accurate sense of the area involved in a given battle, rather than merely indicating where a visitor might get an idea of what the area would have been like at the time of the battle. Limiting the scope of the areas identified as being associated with a battle runs the risk of further undermining the conservation of these sites and opening them up to development that would negatively impact the 'special qualities and landscape characteristics' alluded to in the consultation. (National Trust for Scotland)

**10: To what extent do you agree or disagree that ‘HES should provide further clarification in its Selection Guidance regarding how it defines the boundary of Inventory sites’?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	20	68.97%
<b>Slightly agree</b>	5	17.24%
<b>Neutral – no opinion or undecided</b>	4	13.79%
<b>Slightly disagree</b>	0	0.00%
<b>Strongly disagree</b>	0	0.00%
<b>Not Answered</b>	0	0.00%

**Comments on adding clarification in selection guidance on boundary setting**

There were 15 responses to this part of the question.

- It will be critical to understand how HES is taking into consideration contemporary academic and archaeological studies, which in many cases, such as Culloden, are painting a much different and significantly more detailed understanding of troop positions, actions and movements on the field etc. (David Learmonth)
- Review of guidance is always positive after such has been in place for a while. Refinement is always necessary but only following review. (Les Ames)
- HES has ignored the Culloden battlefield boundaries and expert opinion. (Paul)
- As per 9 above. (David James Smith)
- We the interested public need to see total transparency from HES on all these matters.(Individual)
- In view of your recent lack of gumption when it came to refusing the amount of building applications, specifically on Culloden, then yes you do! (Individual)
- Development control often looks at things from a landscape perspective in a map environment and understanding/reasoning behind the process can only help. (Perth and Kinross Heritage Trust)
- The Selection Guidance for battlefields is set out in Annex 4: The Inventory of Historic Battlefields. The Selection Guidance is listed in paragraph 14 and is based on three types of assessment: 1. historical association ; 2. Significant physical remains and/or archaeological potential, and 3. battlefield landscape. It is interesting to note that this Selection Guidance is referred to be HES as 'categories of assessment'. These assessments lead to an assessment of the cultural significance of the battlefield. It should be noted that none of these assessments are published on an Inventory website. Until the public understand why a battle has been designated and its important events or relationships, then it is not surprising that there is public uncertainty in the system. Explaining the outcome and being consistent The Inventory boundaries have been defined by the initial research into the battlefields using these assessments. The research used in this process is thought to be the references stated in the Bibliography

referred to on the Inventory website. Please note that most of these references are not publicly accessible. Again, HES is managing an information system in which it is the only organisation with access to the information. This cannot engender public confidence where that information is not open to public scrutiny. Adopting this assessment methodology then provides a consistent and rigorous assessment process which can be used to manage the process of change within the battlefield. If these assessments were used as the basis on which a battlefield boundary was defined then it is essential that any and all assessments carried out and approved by HES should be published on the Inventory websites and used as the baseline reference point for future amendments. With the publication of this information, the public can have full knowledge of why the battlefield was designated, and a proper understanding of the importance and sensitivity to change of the various areas within the battlefield. Our recommendation is that these three separate assessments (referred to its Selection Guidance) for each Battlefield Inventory and HES' cultural significance conclusions should be published as soon as possible on each battlefield's website. It should be noted that if HES has these unpublished assessments and the cultural significance conclusions to define each the battlefield boundary then it has all the information and analysis to protect, conserve and enhance the battlefield. This information and analysis then allows HES to produce the proposed Management Guide (as recommended by this consultee) to help protect, conserve and enhance the battlefield. Subsequent modifications to Inventory boundary The methodology presented by the Selection Guidance presents the baseline for the definition of the Inventory boundary. All subsequent changes to the boundary should refer to this baseline position. To remain consistent with the designation process, these 'three categories of assessment' are therefore the assessments to be included in any further battlefield impact assessment (to coin an easily understood term for this specific assessment used by HES to define the Inventory boundaries). If a third party proposes a change to the Inventory boundary, the application to HES should work within this Selection Guidance and use this to set out its evidence for the change and propose an update to the Inventory boundary with justification. Such changes to the Inventory text, its mapping or the boundary, we believe, must be subject to public consultation. If there is a case for a change, then it is reasonable and indeed necessary, to provide a comprehensive update to the cultural significance conclusions from these three separate assessments to make the case for the boundary change. It is noted that HES has recently sought to make a change to the Inventory boundary for the Battle of Pinkie. The proposed extension to this battlefield boundary is not based on any published update to these three assessments nor the consequential update to the cultural significance conclusions. This is unacceptable. It is simply best practice that HES follows its own guidelines as set out in the Selection Guidance, when publishing an application to modify a battlefield boundary. Ongoing methodology for and publication of battlefield impact assessments - It is not known whether HES has updated all Inventory websites to take account of new research findings and publications since the Inventory was published. It is known that planning authorities which have battlefields subject to development pressure will have requested impact assessments to be carried out through the development management process. There is no known 'battlefield impact assessment' methodology or guidance but regard can be made to the Selection Guidance promoted by HES. It is our opinion that the planning process within the Inventory

battlefield, requires specialist research to be undertaken to assess impacts of proposed development on the battlefield. We recommend HES' Selection Guidance which defines the assessment requirements is adopted to secure a consistent approach across all Scottish battlefields. This requires a multi-disciplinary approach, and, in our experience, this assessment should not simply be restricted to an archaeological investigation. Additional requirements should include a visual impact assessment on key relationships identified on the proposed Management Guide. The methodology for undertaking these battlefield impact assessments should be published on each Inventory website. These assessments need to be made available to HES by the planning authority, and then published by HES on the Inventory website. This new research may lead to modifications to the Inventory and HES should invite applications from these research groups to help promote the public's understanding of the battle and its battlefield. (Geddes Consulting)

- Since the way that the boundaries have been defined has been subject to change since the inception of the Inventory, with HES developing the process internally, clarity on the process is really important. (Iain Banks)
- This would allow greater flexibility in determining impacts upon a battle landscape. As the majority of management of the battle landscape are carried out via spatial planning then knowing when and why a hard line on a map is based upon sound research and when it is based upon convenience will go some way to counter the 'in' and 'out' mentality. (ALGAO:Scotland)
- This would allow greater flexibility in determining impacts upon a battle landscape. As the majority of management of the battle landscape are carried out via spatial planning then knowing when and why a hard line on a map is based upon sound research and when it is based upon convenience will go some way to counter the 'in' and 'out' mentality. (East Lothian Council)
- Clarification and transparency on the processes used to define these boundaries is essential. This also includes the setting and other wider landscape attributes (such as views) where they contribute to the key landscape characteristics and special qualities of site. (Society of Antiquaries of Scotland)
- Agree but not only in respect of level of preservation, special qualities and landscape characteristics. (Colin Davenport)
- See comments above for question 9. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
- We think it would be good to include the arguments that relate to which areas have been included in the battlefield boundary, recognising that these can often be very complicated and in depth depending on which interpretation of a battle is being followed or currently in favour. The current boundary will be the product of a number of different interpretations. We think this is highly important in providing clear transparency on how and why battlefields receive designations. This will also assist in any the revision of existing battlefield sites, or the designation of further battlefields. Currently, it can seem that little to no clarification is offered. For example, it is not obvious to a lay person how the boundaries of the Bannockburn or Sauchieburn sites have been defined, even with specialist knowledge of those events. Presumably the boundaries are designed to give the maximum scope of the area in which engagements took place, but that is not always apparent when consulting the Inventory. (National Trust for Scotland)

**11: How do you view the following: ‘The documentation which was prepared to support the designation decisions (particularly the Summary and the Deployments maps) should be separated from the Inventory entry itself. While these should remain easily available from the Inventory entry, it should be clear that these were prepared for the purpose of designation’ ?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	8	27.59%
<b>Slightly agree</b>	8	27.59%
<b>Neutral – no opinion or undecided</b>	8	27.59%
<b>Slightly disagree</b>	1	3.45%
<b>Strongly disagree</b>	4	13.79%
<b>Not Answered</b>	0	0.00%

#### **Comments on separation of information from the inventory record**

There were 13 responses to this part of the question.

- If this was done it may be make them more accessible to all users. (Fiona Grahame)
- So long as HES will taking into consideration contemporary academic and archaeological studies, and credit the respective authors, no real issue so long as the documents are published and available to the general public. (David Learmonth)
- Label accordingly. (David James Smith)
- There is some duplication of information which affects the ease of use of the designation information. A more streamlined format which still includes easily available background information would be a more effective way of getting the information across. (Individual)
- Documents that are prepared for the purpose of designation are of intrinsic interest to anyone consulting the Inventory. It is hard to see why having them separated but ""easily available from the Inventory entry"" would be more useful. Deployment maps are only as good as the data that has informed them. These could well change as more information becomes available. For the Public Local Inquiry in January 2020 about Transport Scotland's proposals to dual the A9 through Killiecrankie battlefield, Jacobs, advising Transport Scotland, positioned the Government battle line in a place that better suited the planned alignment of the new road. This was nothing more than Jacobs' view of events. No evidence was produced to convince anyone at the PLI. Yet it was presented in a document called ""Battle of Killiecrankie Factual Report"". The document was not produced until after HES had wholly withdrawn from the entire Killiecrankie investigation and so was presented at the PLI without any vetting by a qualified consultee. This would support having Deployment Maps as an integral part of the Inventory. (Killiecrankie, Fincastle & Tummel Community Council)



- The Summary and Deployment Maps were originally mapped by third parties. It is not known what level of scrutiny was carried out by HES on the findings published in the Inventory text and the information presented in the Summary and Deployment Maps. These Maps are an invaluable resource and provide the basis to plan for the protection, conservation or enhancement of the battlefield. They are an integral part of the Inventory and without this mapping, the public's understanding of the battle and its knowledge of the battlefield, will be significantly diminished. Unlike listed buildings, key features of a battle (in particular, key events during the battle) are invisible to any member of the public viewing the designated site. Everyone will paint their own picture of events in reading the Inventory text. Without mapping, the public's understanding of the geography of the battle (rather than its history) is lost. The Inventory becomes meaningless without mapping. The mapping of events helps deliver consistency in interpretation by all interested parties. The Inventory text without its mapping does not inspire public confidence and certainly, its value as an education resource is lost. In our use of the Inventory to date, its major shortcoming is the lack of reference to the Bibliography and mapping of research findings, diagrams and the use of historic maps to support the descriptions and conclusions in the Inventory text. A battle and the battlefield is about its geography at the time it took place and then, promoting an understanding of how these events occurred in the landscape as it has altered over time. Mapping is at the heart of the public's understanding of the relationships to protect, conserve and enhance battlefields. Its absence makes public understanding of any battle and the importance and interpretation of remaining features next to impossible to follow. With many other public organisations adopting geographical information systems to manage data and with that, handling public enquiries on-line, there is an opportunity for HES to introduce a proper evidence based mapping system for each Inventory battlefield. This allows the public to access research on the battle and also provides a valuable, learning resource for the public. In addition, the Summary and Deployment Maps must be able to be updated through the findings from ongoing research. Separating these Maps from the Inventory entry has no benefits in terms of administration. However, any subsequent modifications to these maps requires safeguards to be introduced such as:

1. Applications to amend these Summary and Deployment Maps must be available to the public.

2. The Summary and Deployment Maps should be accompanied by a Management Guide required to highlight the various relationships which exist across the battlefield and are important to manage for the protection, conservation or enhancement of the battlefield.

If HES wishes to help secure the trust of the public in its management of battlefields, then the Summary and Deployment Maps must remain as an integral part of the Inventory.(Geddes Consulting)

- It was always the intention in the design phase that the detailed information should be a different layer from the summary of the entry, where the summary would give the essential information as succinctly as possible, but the detail would be available to anyone wanting more specific information. This would increase the usability of the Inventory so that it would be more than a planning

tool, being also a baseline statement of current knowledge about a specific battlefield; it would also provide a bibliography for the battlefield, and would analyse the primary historical sources. It was considered important to separate the detail from the summary because large amounts of information would make the Inventory hard to use and therefore less likely to be used. The intention was to make the Inventory something that planners would feel comfortable using, but which also meant that all the research that had been done on the battlefields in preparation of the Inventory would still be available to the public who had funded the Inventory through taxation. (Iain Banks)

- As highlighted in the report there is a difference in how the inventory is used and seen by different stakeholders. While the documentation is welcome and useful it is not particularly suited to making decision making easier and at times can hinder the decision making process. The peculiar nature of the battlefield designation in the Historic Environment (in that it is designating and short term event, albeit on a landscape scale, rather than a tangible site) is that often there is significant historical documentation which while useful is not something which the current planning processes can easily assimilate directly into decision making processes. Separating out the designation documentation and the supporting documentation (while still retaining it) would seem sensible. (ALGAO:Scotland)
- As highlighted in the report there is a difference in how the inventory is used and seen by different stakeholders. While the documentation is welcome and useful it is not particularly suited to making decision making easier and at times can hinder the decision making process. The peculiar nature of the battlefield designation in the Historic Environment (in that it is designating and short term event, albeit on a landscape scale, rather than a tangible site) is that often there is significant historical documentation which while useful is not something which the current planning processes can easily assimilate directly into decision making processes. Separating out the designation documentation and the supporting documentation (while still retaining it) would seem sensible. (East Lothian Council)
- The purpose of the inventory, even as stated by HES themselves, is not solely for management through the planning system. The information contained in these documents is crucial to an understanding of the sites, and therefore goes beyond their use simply for designation. The Act does not specify what the inventory is to be used for, simply specifying that sites so included must be of "national importance". Any understanding of why a site is of national importance will require the information in these documents. As noted in the review, it is policy (separate from the Act which created the inventory) which provides specific aims. However, this inventory information must be updatable as understanding changes. If the aim of this proposal is to provide clearer guidance for management of sites, then this can be provided in separate documentation, in addition to that available for the understanding of the sites. There is nothing in the Act which would preclude different information being provided for the same site ("in such form as they think fit") to address different aims. Such separate documents might for example directly support the separate boundary maps produced to aid management. There is an interesting discussion in the review which compares the level of information in the inventory for individual sites with other designations, suggesting that there is more and that the inventory record is acting like a HER record. However, why shouldn't it? Perhaps the HER records should simply refer and link directly to the inventory record for a site? These

- places have after all been chosen to be designated by an Act due to their importance. (Society of Antiquaries of Scotland)
- Supporting (and referenced) documents must be easily available if removed from the Inventory. Only agree if documentation remains open to inspection. (Colin Davenport)
  - We think that there needs to be significant change in the way the Inventory is written and presented. In relations to the Lichfield Report we would note the following: At 3.4.7 the report discusses Culloden Muir and the Character Area Appraisal. It notes the following: “The Conservation area at Culloden Muir was first designated in 1968 specifically to recognise the battlefield. While it has been updated and enlarged (now including areas whose cultural significance is not related to the battle), the battlefield remains central to the designation, identification of significance and management recommendation in the Culloden Muir Conservation Area Character Appraisal and Management Plan. The document makes use of a report commissioned from AOC at the time of the redefinition of the boundaries of the conservation area; Proposed Culloden Muir Conservation Area, Highland Visual Setting Assessment, AOC Project Number 22838, February 2015. This sets out a comprehensive approach to understanding the sensitivities of the landscape, identifying key views and visual inter-relationships. While the Character Appraisal does not bind itself to the recommendation of the AOC report, it does commit to “a presumption against developments which are likely to result in an adverse impact on individual historic environment assets, their settings or the wider cultural landscape of the Culloden Muir Conservation Area”. The Lichfield Report seems to indicate that this is a good approach. Recommendations 4 and 11 deal with this, but perhaps not strongly enough. We believe it should go further and recommend that an approach, such as that used for Culloden Muir Conservation should be undertaken for all battlefields. This does not necessarily mean that battlefields should be designated as Conservation Areas; but that Inventory entries should clearly and succinctly define relevant setting/character and that landscape assessments should be undertaken to identify key views and sensitivities. Further this work should be undertaken as part of the Inventories and not just be done under Recommendation 5, which indicates that planning authorities should be encouraged to produce management plans. This is especially true as Lichfield’s states at 4.15 that “The documentation contains very little in the way of recommendations for the management of the battlefield. As designation documentation, this is to be expected. However, with such large areas, which frequently lack visible features related to the battles, the relationship between the information in the documentation and what this might mean in terms of sensitivity of various areas is not obvious. The value of this resource in managing battlefields is as a basis for detailed consideration of the contribution of specific locations and features to the cultural significance of the battlefield which requires a level of expertise.” This seems to us to be identifying a weakness with the battlefield designation and inventory. And 6.19 of the Lichfield report goes on to state ‘the majority of planning authority participants expressed that they would like the Inventory entries to effectively identify the key landscape features and important characteristics of the battlefields. Currently they are not outlined in a way that would allow a non-specialist to identify and interpret them.’ See also 6.40 of the Lichfield Report where developers interviewed advised ‘that from a non-specialist view point it was not obvious what were the key landscape characteristics that should be preserved or whether some features had more

importance than others. Section 7.33 of the Lichfield Report states: ‘However, simply because such analysis may be difficult does not mean that it cannot be, or indeed has not, been undertaken. Both Highland Council’s Culloden Muir Conservation Area Character Appraisal and Management Plan and Stirling Council.’ Historic Battlefields Supplementary Guidance have undertaken this sort of analysis. The approach taken by Highland Council focuses on the landscape qualities of the site while Stirling Council has also incorporated a consideration of archaeological sensitivity. Both of these use a combination of mapping and text to set out a framework of recommendations for managing the particular battlefield.’ Whilst the Inventory entries might not need to set out management recommendations they should at least be clear in setting out key characteristics and sensitivities so these can be more easily managed. This could perhaps mirror the approach taken for the Inventory of Gardens and Designed Landscapes. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)

- We think the summary and deployment maps are very useful to show the basic overview of a battle. They should be kept where they are but with a caveat – a statement they are indicative only, and were part of the development process. As our state of knowledge for each site improves, it will be useful to refer back to these. Summaries, landscape regression and deployment models need to be directly attached to each Inventory. Failure to do so could increase the frequency of battlefield threats, giving adverse developments the excuse that the relevant information was not freely available. By directly tying designation documentation together, all in one place, then applicants can efficiently and effectively inform their planning proposal with the correct current information, and communities can better engage in the process. (National Trust for Scotland)

## 12: How do you view the following:

**‘Building on HES’ “Managing Change” guidance, detailed guidance should be developed for the assessment of cultural significance of battlefields and the impact of proposals and the identification of effective mitigation and enhancement (potentially generating examples or templates). This should aim to establish accepted standards for assessment by any of those working with battlefields’?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	19	65.52%
<b>Slightly agree</b>	4	13.79%
<b>Neutral – no opinion or undecided</b>	3	10.34%
<b>Slightly disagree</b>	1	3.45%
<b>Strongly disagree</b>	2	6.90%
<b>Not Answered</b>	0	0.00%

## Comments on managing change guidance

There were 15 responses to this part of the question.

- Each battlefield is unique, the current system allows a degree of flexibility which I support. (Individual)
- The cultural significance of Culloden Battlefield is beyond discussion. The nonsense argument that development proposals must 'preserve or enhance' the Inventory Boundary and/or Conservation Area simply provided planning agents the opportunity to provide documents alleging the minimal impact of proposals and the identification of effective mitigation measures. There should be a presumption against any development within the Inventory Boundary of Culloden in terms of any new homes, particularly on greenfield sites. (David Learmonth)
- Understanding evolves and overtakes any guidance. (David James Smith)
- It would be good if it was in plain English, or have examples of what you are trying to get at. (Individual)
- While recognising the need for detailed guidance, there is always a risk that the (accidental) omission of any aspect or asset on a battlefield could give a green light to a development on what is actually a highly sensitive area. Being overly prescriptive may be as dangerous as relying on professional judgment to determine what is key. At Killiecrankie, developments (both within the planning system and outside it, such as the proposals for the nationally important A9 dualling project) refer to the Inventory and then look to guidance on the assessment of impact from 'Managing Change in the Historic Environment: Historic Battlefields'. All historians who have studied the site agree where the battle was concentrated and where the central clash occurred. But that area is not listed in the Inventory and therefore has no value assigned to it. Thus, more attention is paid to, say, a particular hillside terrace that gets a mention in the Inventory than to the area of intense fighting. It seems perverse that the area which saw most mortal combat is not offered any special protection. Without that, efforts made to allow viewers to understand the choreography of the battle are hugely diluted. Nevertheless, it would be helpful to have some indication of the value of tangible and intangible qualities on a battle site. As stated, some landscape features and other assets surrounding the central battle area are named and therefore receive a degree of protection. It is more difficult with an intangible such as 'setting'. For instance, Jacobs, on behalf of Transport Scotland, rated a B-Listed Garden Wall which is associated with the battle as the site of an enclosure in front of which General Mackay centred his battle line, as a Medium value asset that would suffer Slight impact during construction and Slight impact when the new road is in operation even though the Compulsory Purchase Order boundary comes up to the Garden Wall and a new embankment would finish within a few feet of the base of the wall. Even a regular Planning Application would require "special regard" to the physical structure and its setting. In more recent Planning Applications relating to house demolition and erection of a new dwelling on the core of the battlefield, there is no reference made to setting by any consultee dealing with cultural heritage. Given what is already known from archaeological and historical archive investigations about Killiecrankie, it is surprising that no consideration appears to be given to the relationship of one structure to another or group of structures on the battlefield. 'Managing Change in the Historic Environment: Setting' states that the setting of a historic asset may incorporate relationships with other features, both built and natural. The factors that contribute to the notion of 'setting' are clearly identified in the guidance. Yet it is never clear how they have been considered nor which organisation is responsible for assessing. According to Table 3.1 in Lichfields

- report, CNPA has a policy on Setting but it seems that, like Perth & Kinross Council, they expect HES to carry out all assessments. It has to be clarified which organisation is responsible. We have noticed a reluctance by HES to visit the battle site to assess in situ, preferring to rely on desk-based assessments. It is undoubtedly time-consuming but, in our experience, a physical inspection is always worthwhile. (Killiecrankie, Fincastle & Tummel Community Council)
- Not only would a standardised mitigation and reporting approach be welcomed by both the curators and contractors involved in the management of battlefields, but the provision of guidance also tackling the specific issue of setting impacts of development and forestry on battlefields would go a long way to removing much of the uncertainty in decision making around active management of battlefields. (Aberdeenshire Council)
  - Standard mitigation and flexible approach to be employed by curators, HES. other HE professionals across battlefields would be really welcome. Alongside this decent guidance through all stages for arch contractors. This should be across industry from housebuilding to forestry, and the impacts and considerations for each. Positive case studies might be useful here in order to demonstrate best value. As ever ALGAO would be well placed to help develop mitigation guidance. (Perth and Kinross Heritage Trust)
  - There needs to be a consistent and robust assessment methodology as an essential requirement. We have suggested that this is referred to as a battlefield impact assessment with its methodology to follow the criteria set out in HES' Selection Guidance. We wish to highlight the following 'Heritage Assessment' undertaken and published by AOC and Geddes Consulting as an example and case study which contains the key elements of a battlefield impact assessment. This was submitted to HES and East Lothian Council as part of a development promotion exercise to the emerging local development plan for a site which was adjacent to an existing urban area but located within the Battle of Pinkie battlefield: [https://www.dropbox.com/s/avsmu5ggg7w4nvf/15%2005%2008%20Heritage%20Appraisal%20Final-Compiled\\_e%20file.pdf?dl=0](https://www.dropbox.com/s/avsmu5ggg7w4nvf/15%2005%2008%20Heritage%20Appraisal%20Final-Compiled_e%20file.pdf?dl=0) This impact assessment was based on the Selection Guidance adopted by HES. The impact assessment however carefully considered the historic landscape which would have been relevant at the time of the battle and not the current landscape. By stripping away the later urban and other landscape changes such as changes to the coastline and ignoring urban intrusions such as the A1 motorway, Edinburgh to London railway line and urban areas which did not exist at the time of the battle, the relationships across the historic battlefield were better understood. Importantly, this innovative assessment process allowed a proper consideration of whether these contemporary battle relationships can still be seen in the modern landscape. This assessment adopted a multi-disciplinary approach as highlighted by the following method statement in paragraphs 1.2 and 1.3 of the Introduction: '1.2 This Assessment has been informed by historic research, of both primary and secondary sources by AOC, site visits across the Inventoried area and a thorough appraisal of historic and current mapping along with visualisations and three dimensional (3D) mapping of the Inventory Area produced by Geddes Consulting. 1.3. This 3D mapping is based on a simulation of the battlefield landscape known at the time of battle using available historical information. This 3D modelling allows a 'fly thru' to be undertaken over the battlefield at different heights and vantage points, exploring and identifying historic relationships and their relative importance. It is also an important management tool to establish objectively the impact of modern development on

key understandings and relationships across the whole of the battlefield' These heritage (or possibly renamed as battlefield) impact assessments will by their nature, be multi-disciplinary. The type of analysis which should be undertaken is:

1. cultural heritage assessment
2. archaeological site investigation including metal detecting
3. establishing a historical map base (as close to the date of the battle as possible)
4. assessment about impact of future development on key visual relationships using the guidelines published by the Landscape Institute.

Impact Assessments should clearly consider the information contained in any approved Management Guide for the battlefield in question. Assessing the potential impact of development using a properly prepared Management Guide as the baseline will help to secure public confidence and support in the battlefield regime. (Geddes Consulting)

- As it happens, part of the phase 3 (I think) of the Inventory involved creating guidance for standards of assessment. This was created by consulting conflict archaeologists across the world, all of whom were very experienced in undertaking fieldwork and working with metal detectorists. The guidance that was produced as a result was given to the then HS, but it has never been published. Given that the guidance document was paid for through public money, this seems rather strange. It also means that there have been a range of approaches to battlefield mitigation in the years during which the Inventory has been in operation. The example of Pinkie shows how problematic this can be as the work carried out by four different contractors on four separate occasions produced finds assemblages that cannot be compared because of the differences in methodologies. The area concerned cannot be revisited to do a proper job because the Council went ahead with house-building despite the fact that the area had only had evaluations and no full scale mitigation. The views on the battlefield are badly affected by this recent development because now, from the likely location of the Scottish vanguard, all that can be seen is housing rather than the slope down which Grey's cavalry charged them, and from where they were hit with arquebus fire. (Iain Banks)
- Not only would a standardised mitigation and reporting approach be welcomed by both the curators and contractors involved in the management of battlefields, but the provision of guidance also tackling the specific issue of setting impacts of development and forestry on battlefields would go a long way to removing much of the uncertainty in decision making around active management of battlefields. Care however should be taken in developing a standardised mitigation methodology as it should retain the flexibility to be used by individual curators and contractors for specific battlefields/ battle landscapes. Any standardised methodology would also need to take into account that it will mostly be employed through the planning regime and so should have cognisance of the requirements of planning conditions and we would advise that any standardised mitigation methodology is developed in conjunction with ALGAO. (ALGAO:Scotland)
- Not only would a standardised mitigation and reporting approach be welcomed by both the curators and contractors involved in the management of battlefields,

- but the provision of guidance also tackling the specific issue of setting impacts of development and forestry on battlefields would go a long way to removing much of the uncertainty in decision making around active management of battlefields. Care however should be taken in developing a standardised mitigation methodology as it should retain the flexibility to be used by individual curators and contractors for specific battlefields/ battle landscapes. Any standardised methodology would also need to take into account that it will mostly be employed through the planning regime and so should have cognisance of the requirements of planning conditions and we would advise that any standardised mitigation methodology is developed in conjunction with ALGAO. (East Lothian Council)
- Anchored in a need to ensure greater clarity and transparency for decision-making, such guidance and indeed the development of standards would be welcomed. (Society of Antiquaries of Scotland)
  - Cultural significance is largely subjective. The requirements of documentation for assessment should not be too onerous or require arbitrary documentation standards to be adhered to. (Colin Davenport)
  - See comments under question 11 above. It is considered that several good examples of such work exist. See for example AOC work at Culloden and Sauchieburn and also AOC and CFA work at Pinkie. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
  - We agree that it would be good to have guidance and examples for the assessment of cultural significance for a wide range of different battlefield aspects. The definitions used should be broad rather than narrow if the end goal is the protection and conservation of these sites. The guidance should encourage those working with battlefields to consider the widest possible scope of the site and its significance. There should be recognition of battlefields as living landscapes that will change over time as the relationships and values evolve with each generation. This reflects to contemporary heritage practice in understanding of how value is ascribed to places and things by people over time (and subsequently how that value grows as time passes and more people value it). (National Trust for Scotland)

**13: To what extent do you agree or disagree that ‘Planning authorities should be encouraged to develop management guidance (preferably in line with accepted standards) for their Inventory battlefields’?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	16	55.17%
<b>Slightly agree</b>	8	27.59%
<b>Neutral – no opinion or undecided</b>	2	6.90%
<b>Slightly disagree</b>	0	0.00%
<b>Strongly disagree</b>	3	10.34%
<b>Not Answered</b>	0	0.00%



## Comments on planning authority management guidance

There were 18 responses to this part of the question.

- Yes this is a good idea and once it's in place (as in Stirling) it allows the system to work very effectively. (Individual)
- Of course, but the planning department of Highland Council have neglected their own recommendations drawn up in 2015 for Culloden. (David Learmonth)
- Battlefields and immediate areas should not be built on. (Paul)
- A Primary Object as above is sufficient. Competing secondary objects would need to be measured against primary and case law developed accordingly freely available as guidance. (David James Smith)
- To include no building of houses etc! (Individual)
- Agree but this should come with support from HES as there is a shortage of specialist conservation staff and considerable pressure on those who are in post. (Individual)
- On Killiecrankie battlefield, the local authority always defers to HES and actively directs enquiries about impact on the battlefield relating to regular planning applications to HES. CNPA also has a historic environment policy in effect here though it was not consulted when an application was approved in 2021 for erection of a new house within the Inventory battlefield. The number of local, regional and national policies and guidance is bewildering. The number of rungs in the hierarchy of importance cannot be conducive to protecting and enhancing sites of historic importance. Having three organisations overseeing protection of the historic environment and cultural heritage on Killiecrankie battlefield already makes the system less secure. Having three sets of management guidance would be pointless. We would like simplification not more guidance from other authorities plus agreement about clear definition of roles. (Killiecrankie, Fincastle & Tummel Community Council)
- Further clarification on what is meant by 'accepted standards' would be welcome, along with a template to ensure consistency in approach across Scotland. Given the importance of such guidance, consideration should be given to national guidance being developed in the first instance, led by an organisation such as the Association of Local Government Archaeological Officers (ALGAO) in order to develop best practice across Scotland at a consistent level. (Aberdeenshire Council)
- What are the standards - these need clarified and ALGAO wide guidance would be an effective delivery of management guidance with potential considerations for specific battlefields in their patch that have a specific sensitivity or attribute. (Perth and Kinross Heritage Trust)
- "QUALIFIED SUPPORT - As stated in this response, we consider that it is essential that HES as the statutory authority, accepts responsibility for the preparation of the management guidance for a battlefield. Delegating this responsibility to a planning authority could undermine public confidence in the process for the following reasons: • it will inevitably lead to different interpretations and approaches across each planning authority leading to inconsistencies across all the Inventories. This does not seem appropriate for a national designation. • Planning authorities have different resources and expertise to assess and develop management guidance and different outcomes

would be inevitable. It is far more important for HES to develop the Management Guide as recommended in this consultation response, for each Inventory, referring back to the assessments prepared by HES and its reasons for making the designation. These Inventory specific Management Guides produced by HES will provide each planning authority with consistent and essential briefing to protect, conserve and enhance the battlefield. Where planning authorities do prepare supplementary guidance on managing change within battlefields, it should be subject to independent scrutiny by HES and public consultation to ensure the process is robust and transparent which should enhance its value to the public and the planning process. (Geddes Consulting)

- It will be vital that their guidance be consistent between authorities. What needs to be taken on board is that battlefields individually represent a fragment of time in a specific location. If you damage or destroy a part of a battlefield, that is completely lost. It would be utterly appalling to declare a battlefield like Culloden a type-site, with all other battlefields less important to preserve because we have the best preserved type site. Each is entirely unique and unrepeatable. Council areas with several battlefields can't decide that they have plenty so that one can go under development. Consistency will also assist the contractors and developers because they will know what to expect in terms of mitigation and methodology. (Iain Banks)
- We would request further clarification on 'accepted standards' and reiterate the point made above (Q12) that any overarching guidance should be developed in conjunction with ALGAO. (ALGAO:Scotland)
- We would request further clarification on 'accepted standards' and reiterate the point made above (Q12) that any overarching guidance should be developed in conjunction with ALGAO. (East Lothian Council)
- If national guidance is produced there would be no need for such local authority guidance. However, given that individual sites can be very different in their current preservation, landscape setting, scale and sensitivity to change, it would be useful to have specific management guidance for each site - this could be produced at national scale or through individual planning authorities, but should be held by the inventory. (Society of Antiquaries of Scotland)
- There should be no need to duplicate effort. (Colin Davenport)
- See comments under question 11 above. We do not feel that this recommendation is strong enough and focus should perhaps be slightly redirected. As noted above the Inventories should be clear in setting out key characteristics and sensitivities so these can be more easily managed. Further, planning authorities should not just be encouraged to produce management plans but should be supported in doing so by HES. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
- Yes, if planning authorities take the lead then this will include all landowners and interested communities and provide joined-up thinking on managing this area of public interest. In terms of land reform, there is increasing interest in management planning for large areas of land, and battlefield landscapes have an explicit public interest to deliver against. Management plans can assist in this. It is vitally important for the conservation of these heritage sites that planning authorities take their cultural significance into account, and the Inventory is – or should – be a useful tool to facilitate this. A standardised, peer reviewed approach to mitigating impacts to battlefields is also important, not only in making sure all planning authorities are aware of the impacts proposed development can

- cause, but also making sure that good practice is common practice. It can also reduce the frequency of adverse planning applications or indeed decisions – e.g. the Viewhill housing development at Culloden. By anchoring the protection of battlefields in national planning policy, both initial decisions and appeals will be subject to the same tests of public interest. (National Trust for Scotland)
- Consistent standards are required by the renewables industry and we would expect any planning authority guidance to be in line with national standards. We would be concerned by localised onerous restrictions that limit development opportunities. (RWE Renewables UK Ltd.)

#### 14: How do you view the following:

**‘Planning Authorities should, where appropriate, require applications which have the potential to affect a battlefield to be supported by a suitable assessment of impact (preferably in line with accepted standards) either individually or, preferably, through amendment of HOPS Validation and Determination Guidance for Planning Applications’?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	17	58.62%
<b>Slightly agree</b>	7	24.14%
<b>Neutral – no opinion or undecided</b>	3	10.34%
<b>Slightly disagree</b>	1	3.45%
<b>Strongly disagree</b>	1	3.45%
<b>Not Answered</b>	0	0.00%

#### **Comments on requiring an assessment of impact for applications which have the potential to affect an inventory battlefield**

There were 15 responses to this part of the question.

- Highland Council have failed to request an 'EIA' for any development on Culloden. (David Learmonth)
- It generally needs to be harder for planning authorities to approve a battlefield site for building. (Individual)
- Planning Authorities should require applications which have the potential to affect a battlefield to be supported by assessment of impact. (David James Smith)
- There should never be a case for building on a battlefield. (Individual)
- The impetus should be on the developer/applicant to identify and mitigate impacts and benefits rather than the planning authority. (Individual)

- See above. (Killiecrankie, Fincastle & Tummel Community Council)
- Key here will be identifying who decides what constitutes potential impact when an application is submitted and to encourage pre-application advice to be sought whenever possible. There is also a risk that any proposed development will have a submitted assessment written in such a way that it supports the development as it finds there is 'no impact'. This is the case currently with the majority of developer submitted engineering justifications for demolition of historic vernacular buildings, rather than retention and reuse. Introducing such a requirement may give pause to the developer as they seek to justify building within a battlefield, but any accompanying justification assessment needs to be robust. The default position should be stated as preservation of the character and setting of the core areas of the Battlefields, and the assessment looks at whether the proposed development changes that default outcome. Suitable assessments would need to be undertaken by an appropriately qualified person; recommendations on what mitigation is required should the development proceed would also be a useful inclusion at this stage. (Aberdeenshire Council)
- This would need to be undertaken objectively, in line with the revised standards and guidance, and assessed against its application as is usual practice for supporting HE documentation. Dialogue with battlefield experts should also be included in the consultation of appropriate mitigation to ensure well considered archaeological responses – i.e. metal detecting spacing, trenching in spits within core battlefield etc. (Perth and Kinross Heritage Trust)
- A standard methodology for these assessments should be promoted by HES. Whilst the focus of Lichfield research was based on planning applications, submissions to HES and a planning authority about the heritage value of land within a battlefield will also be made during the preparation of a local development plan. We wish to highlight and commend the following Heritage Assessment undertaken and published by AOC and Geddes Consulting which was submitted to HES and East Lothian Council as part of a site promotion exercise to the emerging local development plan:  
[https://www.dropbox.com/s/avsmu5ggg7w4nfvf/15%2005%2008%20Heritage%20Appraisal%20Final-Compiled\\_e%20file.pdf?dl=0](https://www.dropbox.com/s/avsmu5ggg7w4nfvf/15%2005%2008%20Heritage%20Appraisal%20Final-Compiled_e%20file.pdf?dl=0) This assessment adopted a multi-disciplinary approach as highlighted by the following method statement in paragraphs 1.2 and 1.3 of the Introduction: 1.2 This Assessment has been informed by historic research, of both primary and secondary sources by AOC, site visits across the Inventoried area and a thorough appraisal of historic and current mapping along with visualisations and three dimensional (3D) mapping of the Inventory Area produced by Geddes Consulting. 1.3. This 3D mapping is based on a simulation of the battlefield landscape known at the time of battle using available historical information. This 3D modelling allows a 'fly thru' to be undertaken over the battlefield at different heights and vantage points, exploring and identifying historic relationships and their relative importance. It is also an important management tool to establish objectively the impact of modern development on key understandings and relationships across the whole of the battlefield' These heritage (or possibly renamed as battlefield) assessments will by their nature, be multi-disciplinary. The type of analysis which should be undertaken is: 1. cultural heritage assessment ;2. archaeological site investigation including metal detecting; 3. establishing a historical map base (as close to the date of the battle as possible); 4. assessment about impact of future development on key visual relationships using the guidelines published by the

Landscape Institute. If these impact assessments are to have meaning then agreed relationships need to be identified in the recommended Management Guide which has been suggested in addition to the Summary and Deployment Maps. We submit this Heritage Assessment as an example good practice for a battlefield impact assessment. (Geddes Consulting)

- Absolutely. The case of Pinkie (above) shows the importance of visual impact. (Iain Banks)
- Key here will be identifying who decides what constitutes potential impact when an application is submitted and to encourage pre-application advice to be sought whenever possible. All assessments of impacts should also include mitigation proposals and if no mitigation is proposed reasons should be given for this conclusion. This ties in strongly with comments on Q12 when looking at a standardised methodology. There would still need to be assessment of developer submitted impact assessments to ensure that they are competent and appropriate to individual development proposals. (ALGAO:Scotland)
- Key here will be identifying who decides what constitutes potential impact when an application is submitted and to encourage pre-application advice to be sought whenever possible. All assessments of impacts should also include mitigation proposals and if no mitigation is proposed reasons should be given for this conclusion. This ties in strongly with comments on Q12 when looking at a standardised methodology. There would still need to be assessment of developer submitted impact assessments to ensure that they are competent and appropriate to individual development proposals. (East Lothian Council)
- This is a question for those handling planning applications. (Society of Antiquaries of Scotland)
- Phrase 'the potential to affect a battlefield' needs better definition. (Colin Davenport)
- This approach would put the onus on developers to think seriously about the impact of proposals in advance. Expert representation to the planning committee is also needed, in order to be able to make an informed decision around cultural impact. In addition, approved developments on battlefields should always be accompanied by a preliminary survey, and watching brief, just as with any typical site of archaeological significance. The watching brief should be carried out by archaeological organisation, with a proven track record of battlefield recording, survey and archaeology. From past experience, a number of battlefield surveys have unfortunately, been undertaken by generic service providers, with little or no experience of conflict archaeology. We would recommend that any proposed guide to standard practice should also include specifying archaeologists with suitable experience. (National Trust for Scotland)

## 15: To what extent do you agree or disagree that

**‘HES, as the lead public body set up to investigate, care for and promote Scotland’s historic environment, should request the amendment of the wording of NPF4 to allow for the assessment of setting impact where appropriate. Suggested wording is provided here: Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield’s cultural significance, key landscape characteristics, physical remains and special qualities’?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	22	75.86%
<b>Slightly agree</b>	2	6.90%
<b>Neutral – no opinion or undecided</b>	2	6.90%
<b>Slightly disagree</b>	1	3.45%
<b>Strongly disagree</b>	2	6.90%
<b>Not Answered</b>	0	0.00%

## Comments on policies in NPF4

There were 16 responses to this part of the question.

- This feels as if it would halt development in Battlefields. Given the size of the designated area this may be too much.(Individual)
- Please do this. (Fiona Grahame)
- Development proposals affecting battlefields within the Inventory of Historic Battlefields rarely protect or enhance a battlefield’s cultural significance, key landscape characteristics, physical remains and special qualities. In fact, the wording used in application approvals is usually along the lines of 'the development will not have a significant detrimental impact', which is NOT the same as protection or enhancement. (David Learmonth)
- Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect and enhance a battlefield’s cultural significance, key landscape characteristics, physical remains and special qualities’? (David James Smith)
- Yes as long as it is not social housing, hotels, public houses, cafes, holiday homes etc. (Individual)
- We understand that this question relates to the ambiguity regarding the word "site". Consequently the draft NPF4 may remove the need to consider the impact of a development on setting. Avoiding ambiguity and making setting a factor in preservation and enhancement of a historic site is vital. (Killiecrankie, Fincastle & Tummel Community Council)

- The issue of assessing and commenting on impacts upon setting is not the sole remit of HES, and as such the request for the change in wording should be made jointly with the Local Authorities as well. (Aberdeenshire Council)
- The issue of assessing and commenting on impacts upon setting is not the sole remit of HES, and as such the request for the change in wording should be made jointly with the Local Authorities as well. (Perth and Kinross Heritage Trust)
- It is noted that the current wording in Draft NPF 4 is 'Development proposals affecting sites within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield's cultural significance, key landscape characteristics, physical remains and special qualities.' Essentially, this question is promoting a possible change from assessing a development proposal's impact on sites within a battlefield to assessing a development proposal's impact on the battlefield. This is a significant change in emphasis to include development proposals beyond the Inventory boundary and essentially introduces battlefield impact assessments about the impact on the setting of a battlefield. This consultee has highlighted that HES has not published the outcomes from its assessments referred to the Selection Guidance. This consultee has also highlighted that HES has not published any guidance on the value of relationships across the battlefield which is proposed to be published by HES as the Management Guide for the battlefield. Without any HES guidance on its conclusions as to the value of battlefield relationships to protect, conserve and enhance about the battle, undertaking setting assessments for developments beyond the Inventory boundary is not supported. As HES knows, Inventory boundaries are already 'loosely drawn' and the area within most battlefield boundaries is largely conjecture and not evidence based. The Inventory boundaries already provide a substantial buffer around where battle manoeuvres occurred which in many cases, will already therefore encompass the "setting" of the battlefield proper. Before the concept of "setting of a battlefield" could be introduced to national policy there are far reaching questions that would need to be addressed. What criteria would determine the setting of a battlefield? In practical terms, how far outside the Inventory boundary does a development need to be so it is not caught up in this type of assessment? What scale and type of development should be required to undertake this type of assessment? Using the example of the Battle of Pinkie, should the development of a new grade separated junction at the entrance to Queen Margaret University (just outwith the designated battlefield boundary) have been subject to this setting assessment. The impact of this new infrastructure would have been adverse due to its significant change in the local landscape character, its visual impact on the battlefield and converting more land to urban use. What would have been the outcome of this assessment by HES – negative and this application refused? Extending battlefield assessments to include proposals outwith the designated area and on an invisible series of events, not supported by deployment mapping as proposed by HES, would simply add to the HES workload. A credible assessment methodology cannot be defined. It is important that the public has confidence in the protection which HES affords battlefields and that decisions taken balance the preservation of appropriate battlefield areas whilst enabling appropriate development on areas of lesser historical significance. A battlefield by its nature is about the engagement process between the two armies. The addition of a Management Guide to the Summary and Deployment Maps would be adequate to protect, conserve or enhance these relationships within the

- Inventory area without challenging development proposals beyond the boundary of Inventory area. (Geddes Consulting)
- That's what it always should have said. (Iain Banks)
  - The issue of assessing and commenting on impacts upon setting is not the sole remit of HES, and as such the request for the change in wording should be made jointly with the Local Authorities as well. It should be noted that while HES are not the determining agency for planning applications impacting upon Battlefields their voice carries significant weight regarding designations and how they are dealt with via the planning process and a joint request would be welcome by ALGAO. (ALGAO: Scotland)
  - It should be noted that HES are not the determining agency for planning applications impacting upon Battlefields and issue of assessing and commenting on impacts upon setting is not the solely the remit of HES, and as such the request for the change in wording should be made jointly with the Local Authorities as well. (East Lothian Council)
  - The para in the NPF4 draft already states: "Development proposals affecting sites within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield's cultural significance, key landscape characteristics, physical remains and special qualities." (Society of Antiquaries of Scotland)
  - In addition to comments on NPF above it is noted that paragraph 3.5.6 of the Lichfield's report notes that following adoption of NPF4 LDPs will no longer provide individual management policies such as the approach to conservation and protection of the historic environment (earlier it notes that on adoption of NPF4 SPGs will no longer be a material consideration). On this basis how will the management of battlefields be undertaken, given that for many local authorities it is SPGs where information on sensitive areas, key views etc are set out and that the Inventory entries, as noted above and by interviewees, do not clearly do this? (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
  - Yes, the setting of the wider battlefield should be taken into consideration in the same way we would consider the impact on the setting of a listed building or a Scheduled Monument. The protection and enhancement of Scotland's historic battlefields should be one of the key purposes of the Inventory, and this should be reflected in the language of National Planning Framework 4. Landscape character should also include sense of place, that defines how the landscape is currently formed against how it would have looked historically. Where areas of the battlefield or its setting have been substantially developed, these areas may still form part of the known battlefield and can potentially act as a buffer zone to protect against other damaging developments. (National Trust for Scotland)
  - We believe NPF4 wording could have been more positive towards developments that have no significant impacts on historic battlefields or their setting, particularly where they can be designed to minimise impacts. In particular, it should be recognised that wind farm developments go through a thorough design process considering all potential constraints, including cultural heritage, and are designed to minimise and/or mitigate any impacts. We note in the revised draft NPF4 that ""Development proposals affecting battlefields within the Inventory of Historic Battlefields..." has been replaced by ""Development proposals affecting nationally important battlefields..."". We still have some concern about the level of enhancement that could be proposed and also the type and extent of impacts



that could be interpreted as ""affecting"" these nationally important battlefields.  
(RWE Renewables UK Ltd.)

**16: To what extent do you agree or disagree that 'Archaeological evaluation, impact and mitigation should be closely incorporated into the relevant strands of site assessment required to inform planning decisions' ?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	22	75.86%
<b>Slightly agree</b>	1	3.45%
<b>Neutral – no opinion or undecided</b>	2	6.90%
<b>Slightly disagree</b>	2	6.90%
<b>Strongly disagree</b>	2	6.90%
<b>Not Answered</b>	0	0.00%

**Comments on archaeological evaluation within site assessment**

There were 11 responses to this part of the question.

- Absolutely essential. (Individual)
- The archaeological conditions applied to applications at Culloden are, at the minimum, laughable. Simple metal detecting of a few trial trenches is inappropriate and inevitably leads to the conclusion 'nothing relevant pertaining to the battle was found'. Limitation to metal detection of small areas is clearly in favour of the developers. Human remains, amongst others, will not be uncovered by this method, for example. Also experts such as xxxxxx are convinced that many deposits will now be further underground and undetectable by the standard survey methods. (David Learmonth)
- Absolutely. Informed opinion on battlefields, even archaeological informed opinion should always be sought. (Individual)
- The nature of most developments within Battlefields is small-scale, and as such will not have the funding in place to undertake mitigation, for example archaeological evaluations, ahead of a planning application being determined. As such, while assessing setting impacts is appropriate pre-determination of an application, other mitigation involving on-site physical works would be better Conditioned as part of the Decision Notice. (Aberdeenshire Council)
- Setting and wider context would be important as art of pre-apps – but realistically given the nature of development ie single house builder, the likelihood is any mitigation will be conditioned in full planning consent stage. Therefore, as above the mitigation and guidance needs to be flexible but perhaps scalable dependent on impact. The standing building survey levels are really great for clarity and perhaps a model like that could be used for battlefields? (Perth and Kinross Heritage Trust)
- This is fundamental but because of the importance of various metal finds to aid interpretation, any archaeological investigation needs to give weight to all the

relevant archaeological techniques including metal detecting. Metal detecting needs to be undertaken to an agreed standard and methodology which should be defined as part of the battlefield impact assessment methodology. Our feedback on the methodology to adopt is presented in responses to other questions (12 and 14) posed in this consultation. (Geddes Consulting)

- It needs to be done with a consistent methodology and for the methodology to be appropriate to the differences between battlefield archaeology and mainstream archaeology. The artefactual imprint of the battle survives in the topsoil, and there is rarely any trace in the subsoil of cut features. This means that the priority in methodology needs to be the recording and collection of material in the topsoil, largely through metal detecting. Geophysical survey and trial trenching should only be used where there is a strong justification to do so, because they are unlikely to detect the traces of conflict on their own. (Iain Banks)
- The nature of most developments within Battlefields is small-scale, and as such will not have the funding in place to undertake pre-determination or pre-application mitigation. The assessment of setting impacts is appropriate pre-determination of an application. For the majority of other applications impacting upon a battlefield intrusive mitigation is often best conditioned as part of the Decision Notice. (ALGAO:Scotland)
- The nature of most developments within Battlefields is small-scale, and as such will not have the funding in place to undertake pre-determination or pre-application mitigation. The assessment of setting impacts is appropriate pre-determination of an application. For the majority of other applications impacting upon a battlefield intrusive mitigation is often best conditioned as part of the Decision Notice. However, there may be a benefit for larger applications to undertake some pre-application surveys but this should always be done in consultation with the Local Authority Archaeology advisor. (East Lothian Council)
- Archaeological evidence is too easily lost. (Colin Davenport)
- Yes, archaeology forms a key part of the process but so does historical research and other aesthetic aspects. We consider that a more interdisciplinary approach may be advisable here also. Archaeological evaluation is obviously important, but explicit recognition of the value of historical, literary, and even artistic research would seem to be valuable if our primary interest is the conservation of Scotland's historic battlefields, their understanding and appreciation. The absence of current physical evidence should not be used as an excuse to proceed with proposed developments at battlefields sites. Stirling Bridge, Bannockburn, and Sauchieburn are useful cases in point (though this is true of many medieval battlefields) where most what we know about the battle site comes from historical, not archaeological research. In the case of Bannockburn, the site's role in inspiring art and literature (such as Burns' 'Scots Wha Hae' and various paintings of the site) add to its cultural significance in ways that may not be addressed by strictly archaeological evaluation. (National Trust for Scotland)

**17: How do you view the following 'Archaeologists (both as curators and contractors) working in this area (or their professional groups) should be encouraged to prepare best practice guidance on the investigation and recording of historic battlefields'?**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	24	82.76%
<b>Slightly agree</b>	2	6.90%
<b>Neutral – no opinion or undecided</b>	1	3.45%
<b>Slightly disagree</b>	1	3.45%
<b>Strongly disagree</b>	1	3.45%
<b>Not Answered</b>	0	0.00%

**Comments on best practice guidance for investigating and recording historic battlefields**

There were 14 responses to this part of the question.

- I agree but HES has to take the lead. (Individual)
- See above. (David Learmonth)
- Distracts from the primary object. (David James Smith)
- The Association of Local Authority Archaeological Officers (Scotland) would be best placed to develop such a guidance document in conjunction with the Federation of Archaeological Managers and HES, given such a document would be primarily used in the development management process. (Aberdeen Council)
- The Association of Local Authority Archaeological Officers (Scotland) (ALGAO:Scotland) would be best placed to develop such a guidance document in conjunction with the Federation of Archaeological Managers (FAME) and HES, given such a document would be primarily used in the development management process. (Perth and Kinross Heritage Trust)
- In our opinion, the archaeologist should prepare best practice guidance on the investigation and recording of historic battlefields. The preparation of this guidance should also include input from a landscape architect in terms of understanding the landscape and inter-visibility within the landscape of the battlefield. An archaeologist should also be the lead consultant for a 'battlefield impact assessment' for any proposal. From our experience, this needs to be a multi-disciplinary team. Other core skills needed should again include a landscape architect to assess impacts of any development on the battlefield landscape, especially in terms of impacts on inter-visibility of significant battlefield events, as well as the impact on the setting of any identified important battlefield features. Depending on the date and period of the battle, it is expected that the standard methodology should be modified to account for different evidence which may be required at different times in history to seek relevant evidence. (Geddes Consulting)

- This needs either to be led by HES or by ClfA. However, this should involve a panel of conflict archaeologists rather than non-specialist contractors. If the best practice is produced by those who have considerable experience in battlefield archaeology and of the issues etc of conflict archaeology, then it won't matter if non-specialist archaeological contractors are the ones carrying out the work. It all depends on the level of commitment to battlefields as part of cultural heritage. If the priority is to protect battlefields, then the best practice needs to focus on the particular archaeology of battlefields. If that is not the priority, then what will result is best practice that is driven by cost and expediency; this would not be in the best interests of battlefield preservation. (Iain Banks)
- The Association of Local Authority Archaeological Officers (Scotland) (ALGAO:Scotland) would be best placed to develop such a guidance document in conjunction with the Federation of Archaeological Managers (FAME) and HES, given such a document would be primarily used in the development management process. (ALGAO:Scotland)
- ELCAS agrees that best practice guidance is essential for work on battlefields and while it may be appropriate to undertake this at council level to account for local circumstances it would also be useful to have a wider set of guidance as a standardised 'baseline' the creation of this would need to involve ALGAO and FAME. (East Lothian Council)
- The Society may be able to help bring both archaeologists and historians together to discuss and prepare such guidance. (Society of Antiquaries of Scotland)
- Clarify position of amateur archaeologists and heritage groups as contributors. (Colin Davenport)
- See answers to question 12 above. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
- Yes, it would be good to have better defined methodologies for archaeological practice including metal detecting but perhaps also use of LIDAR and viewshed analyses. Again, we think broader terms than 'archaeologists' ('researchers' perhaps?) would be preferable. The conservation of Scotland's historic battlefields interests people from a diverse range of professional fields and the current wording risks limiting both perspectives on the sites and their significance as well as the degree of protection afforded to these sites. (National Trust for Scotland)
- Centrally prepared best practice for others to conform to would be more appropriate in these circumstances. (RWE Renewables UK Ltd.)

**18: To what extent do you agree or disagree that 'Opportunities should be explored for highlighting what is lost through irresponsible metal detecting and promoting its responsible pursuit'?**

There were 28 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	18	62.07%
<b>Slightly agree</b>	4	13.79%
<b>Neutral – no opinion or undecided</b>	6	20.69%
<b>Slightly disagree</b>	0	0.00%
<b>Strongly disagree</b>	0	0.00%
<b>Not Answered</b>	1	3.45%

**Comments on metal detecting**

There were 13 responses to this part of the question.

- Metal Detecting as an activity increased in 2020 due to lockdown as it was something people could do safely during the Covid pandemic. In recognition of the growth of this I would like to see a positive campaign launched on how metal detecting should be conducted and the conditions around it. Perhaps with workshops but certainly clear online easily accessible information and short instructional videos. (Fiona Grahame)
- There is plenty of anecdotal evidence that 'bucketloads' of material have been removed from Culloden by detectorists on battlefield areas outside the NTS property, that would have greatly contributed to a better understanding of the battle already. (David Learmonth)
- Towton battlefield society have a statement of best practice and active policy of working with landowners for agreed Metal Detection by detectorists on the battlefield. (Anthony Dawbarn Sheppard)
- Unlawful unless licensed with conditions. (David James Smith)
- Ad hoc metal detecting done in private ruins the value of finds and can disturb for the worse areas scavenged over! Perhaps a token cost licence reqt for those wishing to detect on these lands could help, as guidance can be given and standards maintained whilst not excluding interested amateurs. (Individual)
- We have examples where Battlefields used to regularly produce finds for metal-detectorists but which now produce none during archaeological assessments. Battlefields are well known and easily targeted sites for detectorists, and responsible recording and reporting of their finds should be promoted whenever and wherever possible in order to ensure information for understanding the battles are not lost. The use of positive case studies could perhaps aid in promoting this message. (Aberdeenshire Council)
- Definitely an important part of it, given they are not a finite resource and even a small find can contribute a lot to the overall picture. Case studies of impact of

metal detecting would be really handy to demonstrate this in the real world.  
(Perth and Kinross Heritage Trust)

- No comment (Geddes Consulting)
- Metal detecting is critical to investigating battlefields, so is the strongest tool available to deal with battlefields. Metal detecting is also the biggest threat to battlefields because even limited unrecorded detecting will be altering the apparent distribution of artefacts across the landscape. Most metal detectorists can appreciate this fact, so education on the impact of irresponsible metal detecting needs to be undertaken. There is also the fact that metal detectorists working on their own can produce really good information battlefields as long as they are recording properly, ensuring that each artefact can be mapped, and that the material is available for further study. (Iain Banks)
- We have examples where Battlefields have been targeted by metal-detectorists over a number of years with only anecdotal reporting. When these sites have been subject to formal archaeological assessments prior to development or as part of research very little artefactual evidence remained. This is a significant material loss to understanding and managing these sites. Conversely there are examples where detecting was prohibited (by the landowner) and subsequently examined through archaeological techniques significant remains were uncovered which has led to a greater understanding of the battle landscape. While Battlefields are well known and easily targeted sites for detectorists, ALGAO already supports and promotes responsible recording and reporting of their finds to ensure information for understanding the battles are not lost. We would welcome this statement wholeheartedly. (ALGAO:Scotland)
- We have examples where Battlefields have been targeted by metal-detectorists over a number of years with only anecdotal reporting. When these sites have been subject to formal archaeological assessments prior to development or as part of research very little artefactual evidence remained. This is a significant material loss to understanding and managing these sites. Conversely there are examples where detecting was prohibited (by the landowner) and subsequently examined through archaeological techniques significant remains were uncovered which has led to a greater understanding of the battle landscape. ELCAS already promotes and supports responsible metal detecting and would support this ambition. (East Lothian Council)
- There are opportunities but also risks in highlighting metal detecting on battlefields specifically and trying to define a responsible pursuit. There are views on both sides of this discussion which are very far apart and unless sensitively handled this could drive them further apart. The core issue for battlefields is that it is not illegal to prospect on them under the current legislation - the simplest answer here would be to make it illegal within one or both of the boundaries (see above) for a battlefield site. (Society of Antiquaries of Scotland)
- Yes, the gradual removal of undeclared finds and poorly recorded discoveries is an ongoing threat to battlefields, their conservation, and the opportunities to understand their history. Metal detecting for the recovery of artefacts should be banned within battlefield areas and only allowed with a permit similar to a Scheduled Monument Consent application. We think this should be the top priority for any future battlefield guidance and best practice, along with introducing management planning. Like any archaeological site, illicit metal detecting has a huge impact, not only on the conservation of the battlefield landscape, but on future interpretation. With a discipline such as conflict

archaeology, that is so dependent on small finds to interpret a landscape's extent, it should be highlighted that illegal, or unregulated metal detecting, is cumulatively just as detrimental to loss of knowledge and understanding, as built development. In the case of a number of battlefields, where farming activity is taking place, it is our understanding that on occasion metal detecting rallies have taken place, with loss of objects and therefore knowledge. A system of beneficial incentivisation and communication is needed within both academic archaeology and the hobby metal detecting communities to ensure a working dialogue that reduces the impact on the potential archaeological record. (National Trust for Scotland)

### 19: How do you view this recommendation?

**'HES, working with others in the sector, should organize an event (or series of events) which could be in person or virtual to explore the established guidance around battlefield assessment as a way of devising and promulgating accepted standards for the assessment of cultural significance and impact on battlefields'**

#### **Battlefield event**

There were 29 responses to this part of the question.

Option	Total	Percent
<b>Strongly agree</b>	16	55.17%
<b>Slightly agree</b>	3	10.34%
<b>Neutral – no opinion or undecided</b>	8	27.59%
<b>Slightly disagree</b>	1	3.45%
<b>Strongly disagree</b>	1	3.45%
<b>Not Answered</b>	0	0.00%

#### **Comments on battlefields event(s)**

There were 17 responses to this part of the question.

- This needs to be in person and online so that it is easily accessible to all. (Fiona Grahame)
- Yes. At Culloden, HES should take on board the research and knowledge of Professors xxxxxx and xxxxxx, as well as the former manager of Culloden Battlefield, namely Mr. xxxxx. These three gentlemen, amongst others, have a wealth of knowledge both on paper and on the terrain, and would be great assets to HES in attaining their objectives as proposed. (David Learmonth)

- Organise an online facility for battlefield visitors to assess/score battlefields as to how user friendly they are. (Anthony Dawbarn Sheppard)
- This could be cumbersome. (Flodden 1513 Ecomuseum Ltd.)
- Reduces the impact of the primary object. (David James Smith)
- Please include virtual events - there seems to be a move towards completely abandoning virtual or hybrid events which leaves those of us in more remote areas unable to access CPD due to travel costs. It is worth noting that it can be easier to justify travel to longer events, possibly pulling together other elements of CPD. (Individual)
- Such events have been held in the past looking at the same issues, but no tangible results were forthcoming. The fact that a Battlefield is included within the Inventory means its cultural significance has already been established. The next stages, practical guidance on how to assess visual impact, how to undertake field survey and evaluation, how to prepare management plans, for dealing with the day-to-day issues around Battlefields would be far more useful. I think we need to get the guidance and supporting documentation organised to help our battlefields now, to safeguard what we have left and assist in responsible management going forward. The next stages, practical guidance on how to assess visual impact, how to undertake field survey and evaluation, how to prepare management plans, for dealing with the day-to-day issues around Battlefields would be more useful. (Aberdeenshire Council)
- This is excellent opportunity to promulgate good practice. Geddes Consulting is willing to share our expertise on research into battlefields. (Geddes Consulting)
- As I said before, this needs to be done with conflict archaeologists. This would remove any sense of having the fox guard the henhouse. Once that set of standards is in place, then all contractors are on a level playing-field in terms of how to bid for an assessment of a battlefield. All council archaeologists and planners will be on a level playing-field in terms of what mitigation might be necessary. The focus of the best practice guidance will be on how to protect unique archaeological sites, not on issues of cost etc. (Iain Banks)
- There have been several such event previously held with little or no outcomes. Any further events would need to have tangible outcomes. What would be welcome is looking at practical guidance and methodologies on dealing with and assessing impacts. Although this may not be for HES alone to develop but in conjunction with others such as ALGAO and FAME. It should be remembered that these designations are active now and there is considerable experience outside of HES about the day-to-day issues around battlefields and ALGAO would advise that it would be a far more beneficial to engage around these issues (as noted previously HES are not the decision making authority in the vast majority of cases). (ALGAO: Scotland)
- There have been several such event previously held with little or no outcomes. Any further events would need to have tangible outcomes. It may be better to look to work with others in the sector (who have considerable experience and knowledge of day-to-day management of battlefields) to ascertain what is actually wanted and needed in the terms of standards/ methodologies etc. (East Lothian Council)
- HES should certainly support such activity, but given its role in both designation and as a consultee in the matter, it might be more profitable to have a third party organise such event(s). The Society may be able to help in this matter as the



- independent developer and host of the Scottish Archaeological Research Framework and Dig It!. (Society of Antiquaries of Scotland)
- I would participate.(Colin Davenport)
  - See also answer the question 12 above. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)
  - Events exploring the guidance and standards used for assessing Scotland's historic battlefields seems like an ideal way of promoting wider engagement on these issues. They would hopefully also provide arenas in which a wider range of people could feedback on the guidance and standards and draw on a wider pool of experience. (National Trust for Scotland)
  - Close working partnerships across the renewables industry are vital to ensure positive recommendations and high quality developments. (RWE Renewables UK Ltd.)

## 20: Do you have any other comments on the recommendations?

There were 16 responses to this question.

- At Culloden, developments get through on the first, second or third application. If an application is refused by the local authority, only the developer has the right to appeal a refusal, which is relatively cheap and on percentage, has a high probability of getting an overturning of the local authority's decision. On Inventoried Battlefields, particularly Culloden, a special provision should be created wherein third parties would be given an equal opportunity to lodge appeals to the Scottish Government DPEA division against developments approved locally or at national level. (David Learmonth)
- None. (Anthony Dawbarn Sheppard)
- I ask that the consultation consider the selection criteria for battlefields, and why this specific battlefield (Corrichie Battlefield in Aberdeenshire) is not included in the inventory. (Individual)
- HES has shown complete lack of respect towards Culloden battlefield and should no longer be involved with battlefields. (Paul)
- Make the primary message paramount. (David James Smith)
- Cultural and national identity are very important to Scotland in many ways, a large part of which brings lots of tourist £'s in and interest in Scotland across the globe. These battlefield need protecting from encroaching development into their boundaries. (Individual)
- I would like to pass on my thanks for a genuinely enjoyable and productive consultation process and that the recommendations are a good reflection of the issues raised. (Individual)
- No. (Aberdeenshire Council)
- No. (Perth and Kinross Heritage Trust)
- We have considerable experience in participating in Inventory modifications promoted to the Battle of Pinkie Inventory by applicants in a consultee role and we have promoted an application for a change to the Battle of Pinkie Inventory text reflecting the findings of the most comprehensive research available into the battle. This further research substantiated that the culmination of the battle between the Scottish and English armies was fought further south than shown on the Deployment Map and as described in the text. This evidence was based on

the following: detailed mapping of the movement of the armies to establish the relationships referred to by Patten; mapping of the movement of the armies across the battlefield using historic maps; building up verifiable evidence from multiple sources of information on battlefield relationships; confirming or discounting inter-visibility of battlefield relationships using 3D mapping; researching and confirming the lack of any evidence to support the location suggested in the Inventory for the culmination of the battle; promoting a more southern location for the culmination of the battle based on this new research and evidence, and finally, undertaking metal detecting in this more southerly location which yielded Tudor finds of military origin. These Tudor finds are the only evidence about the battle found to date. This new research was dismissed by HES without any public consultation or third party review. These applications (three now) make interesting case studies for HES to examine with other stakeholders to help the organisation define its systems and procedures to modify an Inventory. There are now three consultation processes ongoing for the Battle of Pinkie. The first consultation concerns an application to update the Inventory to take account of recent research which has not been published on the Bibliography. No outcome is known. The second consultation relates to an application to extend the Inventory boundary but this extension is not justified and supported by any published evidence, which seems remarkable. No outcome is known. The third consultation, which has just been launched (31 October 2022), seeks to address various criticisms about HES's consultation processes to date on this case. Those criticisms of the earlier consultations highlighted a number of flaws in how HES undertook these consultation processes (we have not yet had an opportunity to properly consider the approach now proposed by HES in consultation 3 and our comments below relate to the first and second consultations referred to above). These are listed as follows. 1. Inventory Bibliography is inaccessible to the public - The Inventory is written without any direct references to the research in the Bibliography. The Inventory is produced as a statement and does not allow the public to follow or understand how the research in the bibliography has been used to guide the presentation of the findings in the Inventory. The lack of reference to evidence (using footnotes to refer the reader and member of public to the original research is a preference) is unacceptable. It is not surprising that the public does not have confidence in the system if they are unable to validate or verify the findings being presented by HES. The lack of use of a referencing system in the Inventory discourages the public from finding out more about a battle, and leaves conclusions open to challenge at a time when HES is seeking to make the process more robust. The Inventory should be an invaluable learning resource for the public. In addition, there is no public access to many of publications listed in the Bibliography. Again, HES operates the Inventory system where it is the only organisation with access to all the relevant data and information. This is unsatisfactory and unacceptable where public consultation must surely follow best practice and be a core tenet of a modification or management system for Scottish battlefields. The current position is that Inventory and its mapping is only understood by HES and it has decided not to reference that understanding. It is understandable why this approach is source of frustration to the public as there is no independent means to validate and verify the conclusions presented in Inventory. The process self evidently fails to follow best practice and not fulfil HES' legal obligations in that regard as a public body. If the purpose of this consultation is to add to the Inventory system by producing mapping which helps manage the battlefield then

these changes are necessary to accommodate a move towards management mapping. Recommendation 1 – all Inventories should be updated to add proper referencing (academic standard required) to the supporting Bibliography; Recommendation 2 – all Inventories need to publish the references in the Bibliography on each Inventory website.

2. HES current system to update the Inventory fails to leave an understandable audit trail - in our experience, HES consultation about the changes to be made in the Inventory system is proceeding on the basis that the Inventory text and its maps are correct. Our experience of significant research into the battle movements for the Battle of Pinkie Inventory has highlighted inaccuracies in the Inventory. Inaccuracies have also been highlighted by other interested parties with an interest in the battle – it is a generic not specific concern. Knowledge about these inaccuracies has led to three applications to modify the Inventory to date. Research into battles is ongoing whether through academic research, private research and research undertaken to examine the impact of development within a battlefield requested through the planning process. The preparation of guidance on the methodology to adopt on a consistent basis across battlefields will be useful. This will promulgate the required standards in the methodologies to adopt and therefore help to support the validity of the findings and conclusions from this research. There are two matters which need to be clarified before the recommendations from this consultation are introduced into the Inventory system: a. How does this new research with its findings and conclusions enter the Inventory Bibliography with HES noting the significance of the new research and b. If there are new findings and conclusions which give rise to a material change in the Inventory, how will this be incorporated into the Inventory through the modification process. The current modification process is simply one where an applicant promotes the change to HES. The applicant has remained anonymous in this process although this may change. No evidence is presented to consultees to justify the modification and HES has already made the modified update to the Inventory or its maps in its consultation. We do not feel that HES can be seen to have carried out its obligations as a public body by adopting such an approach. At present, there is no published audit trail for the change which the public can follow. It becomes a comprehensive review of the Inventory text by a consultee without evidence being presented for the modification. Different consultees will promote different changes to the full text which then results in HES making even more changes to justify its position and understanding. The consequence of this process is the wholesale change made by HES to the Inventory text for the Battle of Pinkie. This was never justified or necessary and does not serve any heritage interests that we can see. The difficulty with the existing HES approach is that there is no focus in the process about the modification/s being presented. It is also understood that HES intends to make all modifications to the Inventory subject to public consultation. However, there are no published procedures explaining how this should be carried out. We wish to highlight our experience of participating in three applications made to modify the Inventory for the battle of Pinkie. Application 1 to Battle of Pinkie Inventory - This application was submitted in 2016 for the Battle of Pinkie Inventory as an applicant and HES rejected the proposed modifications to the text. Although issued to HES for its information, the research supporting the modification was not included in the Bibliography (at that time) by HES; the modification sought was not subject to any public consultation by HES and the findings from the research were not shared with the public or subject to any independent scrutiny. It was treated as a private matter by HES.

This system simply demonstrates that HES had/has no proper public accountability for its actions and in our opinion, failed to properly take account of additional research into the battle which had relevance and interest to the public. Subsequently, this research led to an exercise of metal detecting (following a rigorous and approved methodology) in an area identified as the possible culmination of the battle. This metal detecting unearthed metal finds from the tudor period. These are the only finds on the battlefield which are contemporary with the period of the battle. This evidence has been provided to HES but this was not published for public information on the Inventory website. Applications 2 and 3 to Battle of Pinkie Inventory - We have acted as a consultee on these two applications. HES has recently introduced public consultation into Application 1 seeking to promote change the text and maps to the Battle of Pinkie Inventory based on references to new research which should be included in the Inventory. There have been two rounds of consultation on Application 1. HES did not respond directly to each consultee and simply responded to consultations by amending the Inventory text, introducing its own interpretation, citing new evidence but not providing public access to it. There are no direct links between the new modifications being made by HES and the provision of any supporting evidence to justify it. The outcome from this ongoing consultation process is that HES has made significant and we believe unjustified modifications to the Inventory text (a tracked change version can be provided). In our opinion, HES has made the modification process and its subsequent consultation impossible to understand far less, follow. There is no audit trail which is the cornerstone of any publicly consulted modification process. The cause of this problem is that HES modifies the Inventory text directly (and without following due process in our opinion) rather than focusing on determining the case for modification being sought on the evidence presented. It should be noted that HES subsequently promoted its own modifications to the Inventory text which are not related to the modification promoted by an applicant, or any other evidence based information that we can determine. In all cases, HES did not submit a reasoned justification to support its own modifications. This type of unilateral change should not be within the HES remit. It is unacceptable and poor practice that HES can make modifications to the Inventory without publishing its own research or justifying said modification. Any modification promoted solely by HES changing the text or maps without supporting evidence, will generate more consultee modifications to these changes. In one consultation, HES was (we believe rightly) challenged as 're-writing history' because it introduced landscape features not known or referred to at the time of the battle. Whilst Application 2 is still ongoing, Application 3 is made to change the Inventory boundary. Again, this modification was not supported by a separate submission explaining the evidence for the change. Without a supporting case presented, there is no basis to support the modification. All of this illustrates why these consultation processes failed and progressively became meaningless as it no longer had a structure on how to deal with consultee responses. There is no outcome known from any of these consultations. These case studies highlight the shortcomings and failures to the modification process to date. Recommendation 3 – modifications to the Inventory should be undertaken on a different basis to that now used by HES. It is proposed that the future approach for HES to adopt is to promote a modification to the Inventory or its maps as a standalone process – application form, proposed modification sought and the case with evidence supporting the modification. An application for a modification sought should have clearly

documented supporting evidence and the application and applicant's details should be published in full on the Inventory website. Only this package of information is subject to public consultation and through the feedback from the consultation process, HES determines what modification is to be made to the Inventory text or mapping, including amending the proposed modification subject to the application. No other changes should be made to the Inventory by HES during the consultation process, in order to maintain its integrity. (Geddes Consulting)

- The recommendations are, by and large, reasonable. A best practice needs to be in place because having a situation where a contractor with no background in conflict archaeology might end up doing the mitigation for a battlefield is less than ideal. We have seen things like this before, where a contractor's report made a great fuss about having found a single musket ball, but said nothing about the extensive WWII remains within the development area. Work on the line of the upgrade to the A9 at Killiecrankie involved trial trenching and geophysical survey with no justification for the use of these techniques; this was a waste of money and resources. With a best practice guidance, it would remove a lot of guesswork from the bidding and mitigation phases, and those assessing the WSIs should theoretically be comparing like with like. It should also be noted that the best practice guidance should apply to anyone trying to investigate battlefields, whether that be individual metal detectorists or academics. (Iain Banks)
- I would like to see more public engagement possibly through local heritage groups in the planning process. (Colin Davenport)
- Taking the overall Lichfield's report we have the following comments to make: Para 4.9 of the report states that: "The information [In the Inventory] is detailed in nature and accessible for all readers. It is a useful tool for those seeking a starting point for information on battlefields, whether the individual is seeking the information for a professional purpose or otherwise. We would contest this. It is not a useful tool for starting research (which is often required to be undertaken for professional and academic purposes) as the text does not provide references. As an example, the Inventory entry for the Battle of Pinkie makes no reference to the large amount of research that has been taken on this battlefield. Whilst the grey literature relating to that work is listed in bibliography to the Inventory entry, no attempt has been made to address the evidence in those reports within the text of the Inventory entry – a reader who did not choose to consult all of the evidence within the grey literature reports would be left with no understanding that there was, to say the least, some debate about the battle. This means that the details, assumptions and interpretations made in the text of the Inventory by HES cannot be easily scrutinised or followed up. In relation to this para 6.16 states 'It is generally recognised that because the development process requires clearly evidenced reasoning the Inventory is ultimately more significant in this context than it had been previously anticipated. ' But, as per the above evidence for inventory interpretations isn't always clearly evidenced. Para 6.13 states 'There was a general agreement that the system around maintaining the battlefield Inventory is reactive rather than proactive. This could be partially addressed through an Inventory entry which is more transparently updateable. There was strong feedback for the Inventory to include more up to date findings.' See also para 6.37. But there is no recommendation to make the inventory more readily and transparently updateable. It is considered that the Lichfield report should have also recommended that the inventories need to be clearly referenced and be transparently updateable. Para 8.9 states: 'The documentation

that accompanies the Inventory entry is well respected for its content but there is an impression that this should be able to encapsulate everything that is needed to manage the battlefield and be rapidly updateable. This is not a demand that is made of other heritage designations.' This is because other designations are largely subject to consent processes before any work can be undertaken and as such any work that is undertaken which brings new information to light is updated within the designation in this way. Entries within the Inventory of Gardens and Designed Landscapes are pretty much self-contained and can be used reliably to make planning decisions. The Inventory should at least strive to be of equivalent authority and utility. They are both landscape designations. Furthermore, it is our (CFA) experience that at PLI the Inventory entry was considered to be the sole authority and our (CFA) evidence that contradicted the Inventory entry was ignored. We (AOC) have also been previously informed that the Inventory forms the battlefield baseline, despite new research and information. Either (a) there needs to be a binding commitment somewhere that Inventory entry statements can be contradicted/superseded by research and that that research will be adopted in assessing planning applications, or (b) the Inventory has to be rapidly updated when new information becomes available. The Lichfield report seems to be indicating a preference for approach(a), in which case this approach has to find its way into Planning Guidance and Law. Local Plans need to acknowledge that the Inventory is well respected, but that aspects on the Inventory entries can be superseded by research conducted by reputable commercial archaeologists and that any such evidence must be treated seriously in judging planning applications. In addition, we would make the following general comments. The discussion on landuse, and the table at 4.2 in particular, appears to only take account of current landuse. But large areas, of for example, Linlithgow Bridge and Pinkie have been quarried in the past and that land has subsequently been reinstated. In table 4.2 Pinkie is shown as having no areas of energy, extraction or waste. But large bings are still in existence at the base of Carberry Hill and in Wallyford and historic mapping, aerial photography and research note significant further areas of mining/extraction was taking place across the landscape historically. This seems an inherent flaw especially when in para 4.16 the report notes that 'areas subject to mineral extraction such as open-cast quarries will lack any archaeological sensitivity' but the report doesn't identify historical areas of disturbance which would also indicate lack of archaeological sensitivity. The chosen period of review for case studies (between April 2016 and August 2018) is questioned. What is the justification of this chosen period of review. If a larger review period had been used it is possible that there would have been more relevant cases to understand how impacts upon battlefields have been dealt with by planning authorities and by HES. The same would have been the case if withdrawn applications had been considered. In the section on Policy responses of interviewees, para 6.73 states 'The Contractors did not volunteer any clear views on the strengths and weaknesses of existing policy.' We (CFA and AOC) don't recall being asked any questions on policy. (AOC Archaeology Group, CFA Archaeology Ltd & David Caldwell)

- Battlefield protection is currently under review as part of the development of National Planning Framework 4, which will also incorporate Scottish Planning Policy. The Lichfields report correctly identifies that planning protections for battlefields are further advanced in England than they are in Scotland. The report states: "Battlefields on the English Register (and their setting) are given considerable protection in planning policy, afforded the same status as scheduled

monuments, protected wrecks, highly graded listed buildings, registered parks and gardens and World Heritage Sites.”Whereas protection in Scotland “is comparable to the protection afforded to Designed Landscapes in the same policy statement but is less strongly worded than for a listed building which “should be protected from demolition of other work that would adversely affect it or its setting” or scheduled monuments where development which would have an adverse effect on the monument or its setting should only be permitted where there are exceptional circumstances.” Given the importance of the historic environment to Scotland, we are looking to the revised NPF4 to bring the Scottish standards into line with those in England. In particular, to introduce management planning to ensure that the identified public interest in battlefield conservation can be delivered. It would be good to see further ongoing research into Scottish battlefields to examine some of the issues discussed above. It would also be useful to review the range of interpretation methods that can be deployed. Perhaps having a fund set aside for battlefield protection, enhancement and interpretation would be useful. A further recommendation is that battlefields on the Inventory could be represented by their managers, contractors, local authorities, and other necessary stakeholders in an annual meeting hosted by HES to discuss changes in planning as well as for individual battlefields to promote shared learning and best practice. The venue of this meeting should be held near to individual sites. (National Trust for Scotland)

- RWE is a leading global energy generator and one of the world’s largest renewables developers. We produce around 15% of the UK’s electricity, generating enough power for over 10 million homes, with a diverse portfolio of onshore and offshore wind, hydro, biomass and gas across England, Scotland and Wales. RWE is a key partner in the delivery of renewable energy across the UK, providing home grown secure electricity in support of the government’s Net Zero ambitions. The company expects to invest up to £15 billion gross in new, green technologies and infrastructure by 2030 as part of its Growing Green strategy. RWE welcomes the consultation on the Lichfields report. We would like to highlight the practices already employed by the renewables industry in ensuring proper assessment and sensitive consideration of historic assets through detailed EIAs. EIA chapters focusing on planning policy and the historic environment accompany all onshore windfarms and other utility scale renewable developments, such as solar farms. Through sensitive siting and design, renewable developments can be deployed with minimum impact on historic assets and where there are any direct impacts, further mitigation to minimise these impacts can be discussed and agreed with the relevant authorities. With this in mind, it is important that any battlefield guidance is fully considered alongside the revised draft NPF4, with the overall aim being to align with national policies that promote the deployment of renewable developments. There needs to be understanding across all sectors that climate change targets need to be met and that the scale of measures to reduce impacts on cultural heritage assets, such as historic battlefields, will have to be balanced against the overall aim of tackling climate change. (RWE Renewables UK Ltd.)
- In our view there is an urgent need to clarify the objectives of the Inventory and the role of HES in maintaining and enhancing it. Moreover, there needs to be a clearer definition of the roles of the various bodies within the planning system. This would help all parties to understand their responsibilities better. Regarding Lichfields report, there are a couple of comments: The first concerns Appendix 4, Planning Cases. Killiecrankie is listed on page 127. In the column headed

'Discarded?' it states 'Yes'. We are not clear who discarded Killiecrankie or why. As Killiecrankie features in other tables, it appears to have been included elsewhere in the study. The second comment concerns the description of groups of interviewees on page 151. The group called 'Campaigners' comprised those who take an active interest in battlefield preservation outwith their full-time employment. Looking at the table of those interviewed, we cannot see anyone who would fit that description. (Killiecrankie, Fincastle & Tummel Community Council)

Following clarifications on a number of questions in relation to the report, a follow up response to Q20 was provided by Killiecrankie and Fincastle & Tummel Community Council in addition to their response above:

- There are two categories of developments on an Inventory battlefield that relate to the planning process. The first are those that require local Planning Authorities approval and the second are those that are outside the regular planning structure and promoted by Scottish Ministers. Transport Scotland's plan to dual the A9 road over the Killiecrankie battlefield came within the scope of Lichfields' review. It included 30 records (Appendix 5) concerning the project in Killiecrankie and both Transport Scotland and Jacobs contributed to the survey and were interviewed. The two categories follow different planning processes. Although the guidance about developments on an Inventory battlefield that applies to the first category vaguely informs planning of proposed developments in the second, it is important to clarify the stark differences. Lichfields' report did not do this and therefore it remains unclear to what extent, if any, protection could be improved for battlefields that find themselves affected by a major development. The legislation, policy and guidance relating to historic battlefields are fully explained for the first category of development (Chapter 3). Lichfields does not distinguish how the Inventory sits in relation to a development of national importance. The work promoted at Killiecrankie comes under the Roads (Scotland) Act 1984 and therefore falls into the second category. The Public Local Inquiry into the dualling plans at Killiecrankie in January 2020 was the first (and only?) time that the Inventory has been tested at this level. As active participants, we can attest to the weaknesses of the planning process in protecting an Inventory battlefield when it involves a development of national importance. Given Killiecrankie's unique status in the history of the Inventory as a means of protecting cultural assets, it is worthwhile rehearsing some details of this particular case. HES is not empowered to fulfil its role of offering what Fiona Hyslop, as Cabinet Secretary for Culture, called "front line protection of our heritage assets" when operating as a statutory consultee on a national project, such as the A9 dualling. The constraints on HES are spelled out in a series of Written Answers given by the Scottish Parliament in January 2019 (Reference: S5W-21028; S5W-21030; S5W-21031; S5W-21032; S5W-21034; S5W-21035). HES has a responsibility to provide advice and comment in the course of planning. Ultimately Scottish Ministers can reject both. In a project of this nature, the protection of the battlefield is only one of many environmental issues that is to be examined. The quality of the advice and comment that HES offers depends on the quality of information given by the promoter. The Design Manual for Roads and Bridges (DMRB) prescribes the processes and standards for the design of the new A9. It



is a 3-stage process that eventually leads to the final proposal. Key decisions are taken at each stage. Once the plan has passed to the next stage, there is no turning back. So it is imperative that HES, as statutory consultee, is fully briefed on all the implications of each option at each stage. By the time that the plan for Killiecrankie was finally presented, it became apparent that insufficient information had been given to HES to make a complete assessment of the impact on key aspects of the battlefield at stages 1 and 2. As far as protection of the battlefield is concerned, that failure translated into fundamental design flaws that could not be undone in stage 3 although an effort was made to mitigate by “refining”. The upshot was that Transport Scotland delivered a plan that failed to give the best protection, let alone enhancement, to an important heritage asset. We have already given our views on the recommendations that Lichfields make. However, we think that they do not go far enough. The report presents a good opportunity to reinforce the Inventory and its objective when a major development impacts a historic battlefield. One recommendation that we would make to improve HES’s understanding of likely impacts of major proposals and thus bolster the Inventory and HES’s clout in the planning process would be to make a site visit compulsory at every key stage of the applicable planning process. HES made only one visit to the battlefield when Transport Scotland was following the DMRB process and that was in December 2017 after the road plan had been finalised. Only then was there a full appreciation of how the siting of lay-bys, design of road, alignment of road and drainage would impact the battlefield. Another recommendation would be to define the core area of a battlefield in the Inventory and simultaneously strengthen the “Managing Change” guidance to reflect its inclusion. As explained in our response submitted on 27 October 2022, Transport Scotland at the PLI attempted to score its refined plan against a checklist of points contained in the Inventory and guidance. The promoter argued that the core area was not of particular sensitivity because it was not listed in the Inventory. At Killiecrankie, the core area is the central part where fighting was concentrated. Today, when considering a planning application made under Town and Country Planning Regulations, HES routinely gives advice based on whether a proposed development lies within the core or not. As it is so material for, say, an application for a house extension, it seems perverse that a promoter can ignore the core when considering a major development. A third recommendation would be that if or when a promoter changes its assessment of impact on cultural heritage after the final plan has been published that the evidence for the change must be presented to HES for comment. HES’s review of any changes should then be made public. Finally, further to our question on the identity of “Campaigners” as stated at point 6.5 (page 41) of the report, it seems extraordinary that Lichfields characterises the Scottish Battlefields Trust as “those who take an active interest in battlefield preservation outwith their full-time employment”. The organisation describes itself as “a new independent advocate for Scotland’s battlefield and associated heritage.” As an entity that is employed full time in battlefield preservation, it is supremely qualified to contribute to the report and should be acknowledged as having professional status.