



Historic Battlefields SHEP: Consultation Workshop

Report of workshop held 23rd June 2008

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1 Executive Summary

This workshop explored proposals for a Government-endorsed policy (Scottish Historic Environment Policy, or SHEP) on Historic Battlefields, and creation of a non-statutory Inventory. Key points arising from the workshop included: yes there is support for a policy on historic battlefields and preparation of an Inventory, even on a non-statutory basis, as this represents a positive step forward. On scope for inclusion in an Inventory, issues included the significance of regional battles and collective importance of smaller battles; the intangible values associated with battlefields; and the importance of landscape context as a criterion for inclusion. On management issues, the need for clear definition of boundaries was recognised as necessary, even though this is problematic. Varying views were given on whether different policy approaches should be adopted in core and peripheral areas (sites may have several cores). The Inventory and also Management Plans will help identify values, flesh out management objectives and bring together owners. Development of best practice guidance should be led by Historic Scotland in collaboration with stakeholders (the community and local trusts are key stakeholders). In creating the Inventory, an expert panel should be convened and the Inventory should be subject to periodic review. Historic Scotland needs to have in place expertise to support Local Authority officers in implementing the policy objectives.

2 Introduction

Robin Turner, Head of Archaeology at the National Trust for Scotland (NTS) and Vice-Chair of BEFS, welcomed everyone to the workshop, making the following opening remarks. The European Landscape Convention is about 'cultural landscapes'; and battlefields are an important type of cultural landscape. People value landscapes because of what they know about them as well as what is there physically or structurally. Battlefields are a good place to start when thinking about the concept of cultural landscapes because people *perceive* them to be hugely significant, even though they have few, if any, structural remains. Because landscapes are concerned with what people value, not just what physically exists, it can be difficult to know what precisely it is that we are trying to protect.

St Kilda has world-wide recognition as a World Heritage cultural landscape of 'outstanding universal value', although World Heritage Site status offers little additional protection. The Conservation Area designation is a statutory form of cultural landscape, and this designation has been used with some success at Culloden.

The NTS is responsible for a number of battlefields – each exhibiting different levels and types of 'evidence' of the battle; for example at Culloden, there is no tangible structural evidence from the battle itself, although there is archaeological evidence in the scatter of artifacts in the soil; at Bannockburn the precise location of the core of the battle is a matter for debate - the area of the battle was large and took place over more than one day; at Glenshiel there is physical evidence from the time of the battle, and those features are scheduled.

Both Bannockburn and Culloden were critical battles in the history of Scotland. It will be interesting to know what people think about whether both of these sites would be sufficiently protected under the proposals put forward in this draft SHEP. There are key issues relating to the level of protection (statutory or non-statutory), the definition of

boundaries, and identification of intangible qualities – a particularly pertinent characteristic given the significance of these areas of land as fields of conflict.

3 SHEP on Historic Battlefields

Gordon Barclay, Head of National Policy at Historic Scotland, gave an overview of the context for the current consultation as part of the developing series of policy statements on the historic environment. The SHEP (Scottish Historic Environment Policy) series grew out of a review of Historic Scotland in 2003-4 which recommended a government endorsed statement on the historic environment. From this, the SHEP programme grew. Its purpose is to consolidate existing policy, while it also presents an opportunity for discussion on key principles. Some explore specific areas of policy, such as the SHEP on gardens and designed landscapes; some explore less developed policy areas, such as the SHEP on the marine historic environment. As they introduce new policy areas, both the SHEPs on the marine historic environment and battlefields contain content that you would not expect to be included in the final policy: for example, the proposals for an inventory would not form part of the final policy. Rather the final SHEP will comprise the core of ministerial policy on the topic.

Referencing the wider Scottish Government policy context, the key aim of the Scottish Government is for sustainable economic growth. There is unlikely to be any appetite for increasing the reach of statutory protection systems. Recent suggestions in the media that there be automatic protection of battlefields, banning all development, even when boundaries are unclear, do not take into account the human rights of property owners. It is important to be able to justify designation otherwise Government would be expropriating peoples' rights to use their property. The content of the finalised SHEP will need to be proportionate, in recognition of this context.

Lesley Macinnes, Head of Strategy and Operations, Inspectorate, Historic Scotland, introduced the consultation paper, making the following key points: The protection of battlefields is generally perceived as being a gap in heritage protection; battlefields play a key role in understanding Scottish history; they help convey a sense of national identity, and have active cultural associations. It is therefore in the public interest to address this perceived gap.

To date, Historic Scotland (HS) grant aided the Battlefield Trust in 2004-5 to produce a database report on battlefield issues and an initial gazetteer of key sites: this is available on the Battlefield Trust's web-site. HS subsequently commissioned GUARD/ Centre for Battlefield Archaeology and the Battlefield Trust to explore the gazetteer sites further, including issues of accurate location. This work has informed the development of this current (2008) consultation exercise.

Key provisions of the current consultation are as follows:

- scope and definition – key characteristic will be that the number of combatants on either side was at least 500
- creation of a non-statutory Inventory
- identification of locally important sites via the planning system
- sites to be highlighted as a 'material consideration'

The purpose of the proposed Inventory is to:

- raise awareness
- aid understanding and inform protection in the context of 'sustainable management of change'
- provide a resource for interpretation

In considering the selection of sites for inclusion in the Inventory, the workshop may like to consider whether sites could be selected on the basis of associative characteristics alone, as well as on physical characteristics. In defining the area of the battlefield, the workshop might discuss what is considered appropriate: for example, should attempts be made to map core and peripheral areas? Would indications of lines of deployment be considered too spurious to be useful? Finally, battlefields cover large areas that are not homogenous. The proposals do not intend to 'fossilise' large areas, so how can we deal effectively with their scale and variety?

The following questions were raised with the introductory speakers:

Q Clarification was sought on the proposed status of the register as non-statutory.

A Listed Buildings, Scheduled Monuments, Conservation Areas are covered in sections in statute. The Gardens and Designed Landscapes register is created and maintained on a non-statutory basis because they are not included in an Act. The teeth are provided in secondary legislation by a General Development Procedure Order (GDPO), which refers to the Inventory. The GDPO is updated every time the Inventory is updated. In this way, the content of the Inventory is taken as a material consideration in the development context.

Q How could the Conservation Area designation be applied to battlefields?

A The Conservation Area designation can be applied although there are not many rural Conservation Areas, and arguably this is not really the core purpose of this designation.

Q In England battlefields are promoted as tourism assets – should this not be the case in Scotland? This SHEP could do more to promote the wider economic values associated with battlefields.

A Yes – battlefields form an important part of cultural tourism. The SHEP has not addressed this in particular, because there are not many battlefields in the ownership of just a few – generally there are many owners involved. However, the new visitor centre at Culloden is a great success and many local trusts are involved in managing and interpreting their local sites.

Q As a single event, the extent of a battlefield should be easy to define.

A The public perception is that they should be easy to define, but in reality it is difficult to locate such fluid events on the ground today. Commemoration is another option where it is not possible to precisely define a site.

Q With a figure of 500+ combatants, what would happen with sites 'on the cusp'?

A The focus at this stage is on getting the policy framework right rather than considering particular sites.

Participants then considered the consultation document in detail in two break-out sessions of two groups, focusing firstly on issues relating to scope, values and the creation of an Inventory, and secondly on issues relating to policy and management. Comments made by Historic Scotland are marked in italics.

4 Scope, values and creation of Inventory

4.1 Scope

Q1 Do you agree that a policy for the protection and sustainable management of historic battlefields is necessary? If not, what alternative course of action would you suggest, and why?

Workshop participants felt that a policy is necessary. It was also suggested that a wider policy on cultural landscapes – of which battlefields is one type – would be appropriate. Points raised covered the importance of protecting the landscape context as well as physical archaeological remains (reference was made to Culloden); the feeling that a great deal of people's cultural history is attached to these areas (sites revealing information on, for example, living methods and supplies); the challenges of investigating and interpreting sites that have already been developed (reference was made to the sewage works site in Aberdeen, significantly impacted upon by 19th century industrialisation); and the challenges association with precise definition of the battlefield area.

Status of SHEP on Historic Battlefields: It was suggested that the status of the SHEP, and an indication of its longevity, be clearly set out.

HS confirmed that the SHEP will reflect current government policy and that the content of a SHEP remains from one administration to another until the new administration amends the policy.

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

Participants discussed the use of a figure of 500+ combatants as the definition for inclusion in an Inventory. It was noted that that this is a better level than the figure used in England of 1000+, but that there needs to be flexibility in how this figure is applied (particularly in relation to earlier sites). Size of the battle is not necessarily the key issue. It was also commented that it may be preferable in fact not to include a figure in the policy. Key issues raised in discussion were as follows:

- A concern about the level of protection afforded to battlefields of non-national status, given the significance in Scotland of activity at regional level (clan battles – for example smaller battles in the Western Isles). There was less concern about recognising activity at local level although...
- The significance of sieges that evolved into battles was raised (the proposed exclusion of sieges could be problematic).
- Similarly, the significance of smaller events that collectively have greater significance as part of a larger campaign.
- The need for awareness of the difference between a professional view of importance and a folklore view.
- The significance of the military array as a criterion for inclusion. Participants felt that instances of civil disobedience should be included if the actions resulted in implications of national significance.
- The capacity of Local Authorities to manage non-national sites.

HS comment – there is a difference between acknowledging that a particular conflict occurred, and including it in an Inventory. Often sieges are already covered through the Scheduling mechanism (it was noted that earthworks are usually in close proximity to the main structure). In the past Scotland was made up of diverse regional entities – Scotland did not exist as a nation state in the modern sense. Activity at regional level has contributed to nation’s development.

Tiered system: There was discussion on the scope for a system of tiering, rather than a sole focus on sites of ‘national’ significance. It was suggested that the options are to have an inclusive definition of a battlefield, but exclusive criteria for the Inventory, or to adopt an inclusive approach in developing the Inventory, with different levels of designation/protection within it. It was questioned whether a tiered system of national and regional sites would make any difference in practice. It was noted that Local Authorities have to varying extent developed policies to guide management. Still, while in the process of defining sites of national importance it could be worth going a little further to look at the regional level. The process of defining sites should at the very least be taken further to develop a framework of advice for Local Authorities on how to deal with sites of regional and local importance. In addition, work on defining sites for inclusion should be used to guide further research, and to inform the possible expansion of the Inventory in the future.

Overall, it was agreed that the proposals represent an improvement on the current situation in supporting the management of battlefields – with currently battlefields being treated as ‘unscheduled archaeology’. It was noted that fieldwork will be needed strengthen the case for inclusion of a site on the Inventory.

4.2 Values

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

Intangible value: Intangible associations have particular importance when it comes to battlefield sites and in this respect battlefields, as a form of historic environment asset, differ from other types of asset. They engender a special sense of place as locations of violent activity. They constitute hallowed ground which, even if now built upon, can engender a strong emotional response as the places where conflict occurred.

Additional values were identified as follows: tourism and economic value; genealogy; nature conservation, recreation, green networks and accessibility. These additional values demonstrate wider relevance and will offer opportunities to secure additional funds.

HS commented that the availability of funding from Historic Scotland for landscapes listed in the Inventory for Gardens and Designed Landscapes is very minimal.

It was suggested that the proposed Inventory for battlefields would help support the expression of these wider values. It was also commented that a focus on economic benefit can be a hindrance – reference being made to a failed application for world heritage site status. It was noted that values will be particular

to each site. Reference was made to battles at sea - it was believed that these are addressed via other mechanisms.

'Significant': There is a need for greater understanding and/or elaboration about what we mean by the term 'significant' – a term that is regularly used in the document.

4.3 Creation of Inventory

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

Participants did express some disappointment that the statutory option was not explored through this consultation document; the concern being the strength of the non-statutory status. However, in the context of the current proposal for a non-statutory Inventory, this was welcomed as a positive step forward. Implementing the proposals will help determine whether the non-statutory status will have sufficient 'teeth'. If this proves not to be the case, the status of the Inventory should be reviewed with a view to making it statutory.

HS commented that, as for Gardens and Designed Landscapes, the 'teeth' would come via secondary legislation in the form of the GDPO, meaning that in the context of a planning application, the Local Authority must take into account, as a material consideration, the content of the Inventory which sets out levels of involvement and consultation requirements. A particular characteristic of battlefields is that they are not homogenous in the way that gardens and designed landscapes are.

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

In the absence of statutory protection, it was agreed that battlefields should have at least the same status as Gardens and Designed Landscapes within the planning system. This will enhance the level of protection currently in available. Concern was expressed over the capacity of Local Authorities to deliver. Clarification will be required on the status of advice provided by both Historic Scotland and the Local Authority archaeology service.

HS comment: the priority afforded to battlefields will depend upon the priority afforded by each Local Authority to the historic environment in general.

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

Participants were comfortable with the purpose of the proposed Inventory. It was suggested that the document could flag up with wider values identified above in outlining purpose. The Inventory should start to develop key management objectives for each site (see also Management Plans below).

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

Participants supported the phrasing at paragraph 5.4b ('have significant physical remains and/or archaeological potential; *and/or*') because this allows for a site to be included on the basis of the landscape context alone. Participants supported the line conveyed in the consultation that events can still be interpreted even when the site has been built over. Battlefields have special value in that they constitute hallowed ground – the intangible values are therefore particularly strong. There is still potential for piecemeal archaeological work to bring out information over time.

It was suggested that some explanation of the options conveyed at 5.4 through the use of the term "and/or" be included at the beginning of the annexes. The information within Annex A is very important – the reference at 5.4 to 'more detail at Annex A' needs to highlight that this information must be read.

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

'Indicative area': Given that the exact location of a battle can be hard to map, it was commented that it may be better to use the term 'indicative area' – rather than speak in terms of 'defining' an area.

Exclusion from Inventory where landscape heavily disturbed: The proposal at 5.7 was discussed. Circumstances at Prestonpans provide a good example for considering this issue; to what extent is it possible or appropriate to make sense of the battlefield area which has been developed and used as an opencast mine? A key aspect will be the extent to which the place still holds value for people (refer also to comments on intangible value). There is a need to move away from a focus on the physical evidence only and use local landscape designations to help define context and setting (this document should refer to Scottish Planning Policy SPP14 on landscape). It is not only about what can be seen, but what is also felt and imagined.

Core-periphery: The core-periphery approach can be problematic in that it implies different levels of value, however there will be elements of particular value in the periphery. Expectations over what the archaeology will produce, and the approach taken by planners as a result, will differ. (See also comments on management responses in the core and periphery.) Participants advocated the use of Management Plans in bringing out key areas, although the preparation of these should not be overly bureaucratic. Management in the peripheral area would benefit from guidance available in SPP14. Attempts to 'define' core areas would have to be sufficiently robust to withstand scrutiny. It was observed that where historical information is imprecise, situations will arise where there may be several potential sites (such as at Bannockburn) – in such circumstances it would be appropriate to at least map the potential sites.

Definition and boundaries: It was generally recognised that defining boundaries with certainty is problematic. However it was also recognised that for planning purposes, boundaries do need to be clearly defined (note – it was commented that experience of defending, at public local inquiry, the boundaries of gardens and designed landscapes identified by dotted as opposed to solid line has been difficult).

Key elements: Participants were supportive of the inclusion of indications of key elements, as they do help flag up key issues. It was observed that in relation to gardens and designed landscapes – indications of essential setting and key views have helped to clarify the approach to take in decision-making processes.

HS anticipates that the Inventory should be able to give developers an idea of what is likely to be acceptable.

5 Policy and management issues

Q9 *Do you agree that policies are needed for both the overall area of the battlefield and specific areas within it? If not, what changes would you suggest and why?*

Management response in the core and periphery: Various views were offered. There is potential danger in developing different policies for core and peripheral areas as it implies difference in value in the context of managing development. A core-periphery approach would ensure that greater priority is afforded at the core. It is anticipated that development would be more acceptable in the periphery than the core.

However it was also argued that while the core usually represents the main locus of action, the peripheral areas can comprise areas of pursuit where many also would have fallen. It was noted that graves, if specifically located, can be scheduled. There could be scope for a tiered approach within sites, with the core subject to a greater level of control (this would probably require further consultation).

Realistically, the management of development at sites would most likely require different policy approaches to be followed according to the type of development proposal. It would be necessary to set out the type of fieldwork associated with the policy approach being adopted.

On the whole, views were given in support of both whole site recognition, and the development of different policies relating to the core and peripheral areas. It may be appropriate to describe sites as having several cores.

Management Plans: Management Plans were identified as a key tool both in identifying values and also in bringing landowners together into taking a collective approach to site management. Reference was made to a voluntary Management Agreement in place at Pilrig, and to experience at Prestonpans where a Management Plan was put in place demonstrating the need for all parties to be involved. The involvement of local communities via the community planning process will support this type of engagement. Character Assessments (such as used in National Scenic Areas) could be usefully applied.

Funding the preparation of Management Plans: The availability of funds for the preparation of Management Plans was raised. With circa 20-30 sites of national significance, it was considered a realistic goal that a Management Plan could be in place for each of these within the next five years. Sites of regional significance would be in the order of 200-300 (these would typically include clan battles and

skirmishes). Adopting a multi-agency approach, linkage to other policy areas (such as nature conservation, access, agriculture) will unlock funding sources.

Model Policy: As is already the case for other historic environment assets, a model policy for battlefields should be developed. Management Plans for each site would flesh out this strategic policy statement. It was observed that many Local Authorities do already have a policy, effective on their own land. The Battlefield Trust is also working on a policy.

Q10 Do you agree that best practice guidance would be useful? If so, who should lead in developing this? If not, what alternative approaches should be considered?

Participants supported the development of best practice guidance, with Historic Scotland taking the lead, working in collaboration with stakeholders (reference was made to the Technical Advice Note of Recording Historic Buildings). Guidance is needed on: approaches to take in managing different types of development; management of setting; prioritising the management of sites through development of management plans; and on the recognition of other events of smaller scale as publication of the Inventory will most likely raise interest at local level. Case study material would be useful. Fieldwork standards need to be developed (possibly with the Institute of Field Archaeologists taking the lead). With the publication of an Inventory, management of metal detection activity will need to be prioritised. It was noted that English Heritage has looked at licensing however policing and enforcement is a key problem.

HS commented that guidance prepared by Local Authorities on cultural landscapes will be relevant.

Q11 Do you agree with the roles identified here? If not, what changes would you propose, and why? Are there other key stakeholders who have significant roles to play?

Community and local trusts: Participants felt that the community is a key stakeholder and should be specifically recognised as such. The process of developing the Inventory will hopefully encourage local communities and trusts to come forward.

Other stakeholders: In its work at Culloden, the National Trust for Scotland was recognised as a key stakeholder, as was ALGAO Scotland in their role of advising councillors. Curatorial and museum interests should be recognised.

Interpretation: It was suggested that signage/plaques be installed on routes leading into a site in order to raise awareness. This would have particular value in defining the wider area of a battle and the limited numbers of sites of national significance would help enable this. Reference was made to Bothwell Bridge where there has been a lot of change in the landscape but interpretation material still gives a good idea of the battle. All agreed that visual interpretation is very important. It was mentioned that funding should be available for interpretation of sites of national importance. Also the scope for government to take ownership of battlefield sites was raised.

HS commented that the involvement of local communities with a site would be a major factor in making a case for support.

Expert panel: there was strong support for establishing an expert panel representing a wider constituency of interests, which would help inform decisions on which sites should go into the Inventory. This would have a finite life, but be reconvened for periodic review of the Inventory.

Expertise: Once the Inventory is in place, Local Authority staff will need to be able to have access to specific expertise. There was strong support for specific resource within Historic Scotland focusing on battlefields, which would be able to provide Local Authority staff with a strategic perspective and national overview. It was also observed that there are very few experts in this field and that it can be difficult to get independent advice. Often archaeological consultants are driven by cost and in such circumstances it can be more challenging to achieve best practice.

5.12 *Reviewing the Inventory*

Periodic review: Participants were supportive of a process of periodic review of the Inventory, to incorporate new information, knowledge and understanding, and also in recognition of changing values over time. It is understood that the General Development Procedure Order (GDPO) would, in any case, require regular update. It was suggested that the Inventory be marked up as 'work in progress' to help convey to the reader that the process is ongoing (and to therefore curb negative reaction in response to the inclusion or exclusion of particular sites).

6 **Plenary discussion**

In the plenary session, the following points were discussed:

- Intangible values and popular importance: An overriding factor that has come across in the course of the workshop is the popular and cultural importance of battlefields, and their intangible qualities
- Regional and local events: it will be important to manage the significance of regional and local battles, which often built up to bigger events, appropriately.
- *HS commented that, given this particular characteristic, it will be necessary to develop a way of engaging effectively with stakeholders (including local communities of interest and owners) in the process of preparing the inventory.*
- Timing of implementation: Local Plans are up for review in the next couple of years.
- Levels of information: It was suggested that it will be necessary to make clear the level of information we are working with; for example it would be wrong to exclude Bannockburn 'on a technicality' – equally it would be appropriate to include sites about which very little is known.

- Annex C provides an Equality Impact Assessment. It is useful to note that further back in time armies were much more diverse (in terms age, ability, gender) than in present times – the document should recognise this.

7 Acknowledgements

The workshop was facilitated by BEFS (with support from Historic Scotland), and hosted by the Association of Local Government Archaeological Officers in Scotland at the City of Edinburgh Council's Business Centre, Edinburgh.

Thanks go to everyone that participated in the workshop, and in particular to Lesley Macinnes and Gordon Barclay (Historic Scotland) for the presentations; Robin Turner (National Trust for Scotland) for chairing; and John Lawson (Association for Local Government Archaeological Officers in Scotland); Nikki Sinclair (National Trust for Scotland), Jo Robertson (Built Environment Forum Scotland) and Anne Wilkinson (Built Environment Forum Scotland) for administration and facilitation of the event.

8 Participants

The workshop was attended by individuals from the following organisations:

Aberdeenshire Council

ALGAO Scotland

AOC Archaeology

Archaeology Scotland

Battle of Prestonpans (1745) Heritage Trust

Battlefields Trust

East Lothian Council

GUARD

Historic Scotland

National Trust for Scotland

Scottish Covenanter Memorials Association

Scottish Government

Scottish History Society

Scottish Natural Heritage

Society of Antiquaries of Scotland

Stirling Council