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Date: 09 March 2011  
Our Ref: IHBC/11/03/RC  
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Dear Kevin

**HISTORIC SCOTLAND'S CONSULTATION on Managing Change in the Historic Environment: Historic Battlefields**

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Scottish branch of the Institute of Historic Building Conservation (IHBC) welcomes the opportunity to respond to this consultation. Our response comprises the following:

1. Specific Comments on the Leaflet
2. Answers to Consultation Questions

If you wish for clarification or further discussion on any matter raised by us, please contact myself initially

Yours sincerely,

Richard Cartwright  
Scottish Consultations Secretary, Institute of Historic Building Conservation

## Specific Comments

### Key Issues

Whilst the key issues around Battlefields are indeed referred to, the language used currently represents wishful thinking only and must be changed if the document is to be effective. We suggest the following changes in wording to 5 of the key issues would result in more useful and potentially effective guidance:

- 1. Battlefields are an important element of Scotland's historic environment, form a distinctive part of the landscape and contribute to our sense of national identity.**
- 2. ~~It is important that~~ Change affecting them **must be** is managed in a sympathetic and sustainable way to retain their key characteristics and important features for the future.**
- 3. Planning authorities and other public bodies should take account of battlefields in their plans, policies and programmes, and within their decision-making frameworks.**
- 4. ~~The creation of a m~~ **Management plan s should be prepared by Planning Authorities** ~~is a useful tool in the formation of~~ **to establish** a long-term strategy for the protection and management of battlefield sites.**
- 5. Change within a battlefield should not **be permitted if it will** significantly **detrimentally** affect our understanding and appreciation of the site ~~, and should bear in mind the possibility of enhancement~~ .**
- 6. Where changes are proposed within a battlefield, **those proposing the change must submit an Assessment of** ~~it is important to assess~~ how the proposed change would impact on the battlefield landscape, key features and archaeological potential.**
- 7. An assessment of impact should **must** identify:**
  - how the proposed change is likely to affect understanding or appreciation of the battlefield;**
  - the likely extent of any impact on the landscape, character, key features, archaeological potential, setting and integrity of the battlefield;**
  - options for avoiding or mitigating any detrimental impacts, and any opportunities for enhancement.**

### Introduction

1.1 The first line refers to the document being both guidance and advice. IHBC understands that the Managing Change series provides policy guidance and the reference to advice should be deleted as confusing and erroneous.

1.3 The balance of this needs to be changed to make clear that not all modern demands are capable of being accommodated without significant adverse impact, which must be avoided. This could be done by amending the last phrase as follows:

“, whilst accepting the need **for some change to** the landscape to accommodate modern

demands, **within the terms of this guidance.**”

## **Policy Context**

3.1 Whilst it is very helpful to include the key sections of SHEP which relate to Battlefields, these must be expanded to also list sections 2.71 and 2.73.

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## **Establishing Policies for Battlefields**

5.1 The Institute believes that it would not be best to encourage a plethora of local policy designations for battlefields, but rather for Historic Scotland to set out appropriate national policy designation criteria, perhaps by developing model policies, or at the very least setting out examples of good practice policies. Historic Scotland is wanting to recognise Historic Battlefields further as a policy area, and yet in a climate of Local Authority cutbacks which threaten resources being devoted to the historic environment sector, unless further help is given to LA's by this means then the good intentions of Historic Scotland may remain wishful thinking.

General Comment- Planning Authorities should be specifically encouraged to define locally important battlefield sites through the local plan/ SPG process, to which relevant policies will apply; with a reference to para 2.71 of SHEP.

## **Managing the Impact of Change**

Paras 6.7 to 6.14- The thrust of this section needs to be re-written in order to provide effective guidance that can be used and applied by Local Authorities. It is all very well setting out 3 stages in some detail for Assessing and Resolving Impacts, but with the present wording, LA's will not be able to make this happen! Some examples of the inadequate wording are:

- 6.8 at end “Steps should be taken to ensure .... are assessed”- The questions raised here are: “Will they be?” and “How can LA's require that this be done?”
- 6.11 “Many techniques ... exist... can be used..” The question raised is: will they be unless this Managing Change guidance gives teeth to LA's?”
- 6.14 final bullet point “opportunities for enhancement ... should be considered” This is very weak wording as it allows consideration then rejection of all opportunities.

This section 6.7 to 6.14 needs to be rewritten to say that anyone proposing development which in the LA's view would potentially impact on a historic battlefield must submit an Assessment (perhaps call it a Battlefield Impact Assessment) with a planning application which addresses the issues covered in 6.7- 6.14.

## **Key Principles 6.15**

Whilst the key principles around Battlefields are indeed referred to, the language used currently represents wishful thinking only and must be changed if the document is to be effective. We suggest the following changes in wording would result in more useful and potentially effective guidance:

6.15 Key principles for managing change within battlefields include:

- ~~Avoid~~ **Refuse** large-scale proposals on key aspects of the landscape context, such as areas of fighting or troop movements; or on specific qualities or archaeological deposits;
- ~~Avoid~~ **Refuse** small-scale proposals that could lead to detrimental cumulative impacts;
- ~~Avoid~~ **Refuse proposals which would result in** the visual or physical disruption of a site by linear features cutting across, for example, important lines of sight or troop deployments;

- Consider the impacts of land movement, such as mineral extraction, which cause substantial physical and visual changes to the landscape, diminishing our comprehension and appreciation of the battlefield and potentially impacting on its physical remains and archaeological potential;
- Proposals for change ~~should~~ **must** allow for positive management and enhancement of a battlefield landscape, **where appropriate**. For example, by ensuring that key characteristics and specific qualities are protected through thoughtful and creative design or re-design of existing features;

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- ~~Secure~~ **Promoting** the long-term sustainability of the battlefield by ~~making sure that~~ **requiring** proposals for change allow its understanding and appreciation to continue into the future, even where sites are already heavily developed.

### **Management Plans**

General Comment- it would be helpful if guidance on the content for these is included.

7.1 penultimate line- amend to read “.. developing ~~the our~~ knowledge base and..”

### **Involving Others**

8.1 This section needs to be rewritten to spell out who it is for and how it should be used. We suggest that once so revised, it would be best added to a revised Section 6 (see comments above)

8.2 Amend line 4/5 to read: “A local community or historic group can **assist** ~~lead the way~~ in the management of a battlefield..” As written, the wording may well tempt a LA to think of abdicating what should be its own responsibility, along with Historic Scotland.

### **Appendix 1**

#### **1.Consultation with HS by Planning Authority**

1.1 This section contains terms that need to be more clearly defined:

‘significant’ in line 1

‘a significant impact’ in line 5

‘battlefield that currently has no buildings on it’ (but if the battlefield designated area is wide it almost certainly will have *some* building on it)

It also contains other poor wording:

‘The general expectation is...’ line ¾

‘HS would not want to be consulted on..’

1.2 The wording set out in this paragraph (and Option 3) is totally contrary to Scottish Historic Environment Policy (ie para 2.73, which has been missed out of Section 3 Policy Context of this Draft), so this is NOT an option.

1.3 Possible Wording (3 Options) – see Answer to Question 5 below, for suggested improved wording to Option 1.

#### **2.Design and Access Statements**

2.1 IHBC strongly disagrees that no Statement should be required to accompany a proposal potentially impacting on a historic battlefield- see full answer to Question 7 below.

## **Appendix 2 Response Form (Consultation Questions)**

### **Principles for Managing Change**

Q1.Should Inventory boundaries follow modern features, such as field boundaries?

No, not necessarily.

Q2. Do you agree that these are the key principles for managing change? NO

Q3. Are there any others that need to be considered as well?

YES- see comments made under Section 6.15 of text above.

Q4. Is the emphasis correct? NO

### **Appendix 1: Proposed Amendments to the Development Management Procedure Regulations (DMPR)**

Q5. What are your views on these (DMPR) proposals and which is your preferred option?

Option 3 is NOT a realistic option and is contrary to SHEP para 2.65.

Option 2's additional wording is unnecessary, as it will be evident to LA's that development within the curtilage of a dwelling house or within existing industrial/ retail parks would not require consultation.

A modified version of Option 1 is IHBC's preferred option, with wording amended as follows to parallel wording on when listed building consent is required:

Option 1 (wide criteria): consult Historic Scotland on "development within an Inventory battlefield that would ~~have a significant~~ impact on the specific qualities ~~and overall~~ or character of the battlefield landscape".

Q6. Do you think this is a reasonable approach? NO

Q7. If not, what alternative would you propose and why?

A "Battlefield Impact Assessment" should be required for any proposal that may impact on the specific qualities or character of a battlefield site (as determined by the Planning Authority). Such an impact assessment would be a preferable route to a "Design Statement". But one of these certainly should be required for any proposal with potential impact.

### **Environmental Report**

Q8. Do you agree with the results of the environmental assessment and have the key issues associated with managing change in historic battlefields been identified?

A brief perusal of this document leads us to identify two issues of concern:

1. (Arising eg from 5.1, 6.1.1, 6.3.1) It seems to us that there may be a long wait for Local Plan Policies to cover battlefield protection to effectively be put into place, in light of (a) periodic only local plan reviews, typically 5 years; reducing LA resources. In light of this, IHBC considers there is a need for national policy guidance to be put in place NOW, preferably including model policy wording, for

consideration and use in local plan reviews.

2. (Arising eg from 6.3.1) IHBC would suggest that local scale development proposals (non “major”) could have an adverse impact on a battlefield site.

**Q9. Any other comments.**

The Consultation Draft will not be of much assistance to Planning Authorities responsible for managing change to battlefield sites as currently drafted.