

Briefing for the Public Petitions Committee

Petition Number: [PE01696](#)

Main Petitioner: Jack Gallacher MA on behalf of Bothwell Historical Society

Subject: Preserving Scottish Battlefields

Calls on the Parliament to urge the Scottish Government to introduce legislation to prevent the development on battlefields as listed on Historic Environment Scotland's Inventory of Historic Battlefields.

Background

[Historic Environment Scotland \(HES\)](#) is an Executive NDPB (non-departmental public body). Based in Edinburgh, it was set up, on 1 October 2015, under the provisions of the [Historic Environment Scotland Act 2014](#), as the lead public body to investigate, care for and promote Scotland's historic environment.

HES's role includes designating and preserving Scotland's nationally important battlefields, and, to that end, it maintains the [Inventory of Historic Battlefields](#).

The Inventory is a list of nationally important battlefields in Scotland that meet the criteria published in the Scottish Historic Environment Policy 2011.

The Inventory of Historic Battlefields is a major resource for:

- enhancing the understanding and appreciation of battlefields
- promoting education about important battles in Scotland's history
- stimulating further research
- developing battlefields' potential as attractions for visitors.

Some individual features of battlefields can also be designated as [scheduled monuments](#) or [listed buildings](#).

The booklet, [Scotland's Inventory of Historic Battlefields 2016](#), explains what being on the inventory means and how HES assesses battlefield sites for the inventory.

Scottish Government Action

There have been a number of PQs on the question of developments and historic battlefields, see below.

In her response to a question [S5W-14821](#), by Murdo Fraser in March 2018, on the protection from development for historic battlefields, the Cabinet Secretary for Culture, Fiona Hyslop, stated that [Scottish Planning Policy](#) sets out the matters planning authorities should seek to protect in determining planning applications relating to historic battlefields, including protecting, conserving and enhancing their key landscape characteristics and special qualities.

She also highlighted that [Historic Environment Scotland's Policy Statement](#) states that other public bodies should ensure that nationally important battlefields are given consideration within relevant strategies, plans and programmes.

She informed Mr Fraser that the [Town and Country Planning \(Neighbouring planning authorities and Historic Environment\)\(Scotland\) Direction 2015](#) sets out when Ministers have to be notified over planning proposals affecting historic battlefields, which the Government believes provides an added layer of scrutiny around battlefields.

The Cabinet Secretary reiterated some of these points in her response to Mr Fraser's oral question, S5O-02012, taken in the Chamber on 28 April 2018, see below.

Scottish Parliament Action

There have been a number of PQs on the topic of planning developments and the Inventory. The most recent oral PQ, [S5O-02012](#), asked by Mr Fraser, related to a specific project, the dualling of the A9 at the meeting on 25 April 2018.

Ms Hyslop told Mr Fraser that:

“The effect of a proposed development on inventory battlefields is a material consideration in the planning system. Scottish planning policy sets out the matters that planning authorities should consider in determining planning applications relating to historic battlefields, including protecting, conserving and enhancing their key landscape characteristics and special qualities.

A further layer of scrutiny is provided by a planning direction from 2015, which sets out when ministers have to be notified over planning proposals affecting historic battlefields. Where development is not within the planning system, for example in forestry or trunk roads proposals, Historic Environment Scotland's policy statement sets out that public bodies should ensure that nationally important battlefields are given consideration in their plans”.

She confirmed that the Scottish ministers would be called on to determine the case for the A9 dualling in due course. It was therefore not appropriate for the Cabinet Secretary to comment on the proposals or the objections that have been raised. However, she was aware that Historic Environment Scotland, as part of the process had already made known its concerns about the issue.

In an answer to a previous question, [S4W-25211](#), lodged by Kevin Stewart, in March 2015, the Cabinet Secretary had confirmed Historic Scotland's role as statutory consultee in the planning system.

In its role as a statutory consultee, Historic Scotland provides advice to local planning authorities on the impacts of change in the historic environment. Historic Scotland can formally object to a planning application if it considers that the new development would have a serious adverse impact on sites on the Inventory of Historic Battlefields This can either be an adverse impact directly on the site, or on its setting, or both. An objection must be lodged at the consultation stage, prior to the planning authority determining the planning application. If the planning authority then decides to grant planning permission, while there remains an objection from Historic Scotland, the application must be notified to the Scottish Ministers (other than for inventory gardens and designed landscapes) to consider whether or not to call in the application for their own determination.

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