

Briefing for the Public Petitions Committee

Petition Number: [PE1852](#)

Main Petitioner: George Kempik on behalf of the Group to stop the development at Culloden

Subject: Increase planning protection for Scottish battlefields

Calls on the Parliament to urge the Scottish Government to designate historic battlefields with a heritage status and implement a stricter planning framework to protect them.

Background

The Historic Environment (Amendment) (Scotland) Act 2011 placed a duty on Scottish Ministers to compile and maintain an inventory of nationally important battlefields. [The Inventory](#) is managed by Historic Environment Scotland and identifies sites which meet the following criteria:

- **Historical associations:** the battlefield should have strong associations with historical events or figures of national significance.
- **Physical remains:** there should be some significant physical remains of the battle, or archaeological potential for remains.
- **Landscape of the battle:** there should be evidence for the wider battlefield landscape around the battle site. This may include vantage points, lines of sight, earthworks, camps, or burials.

It must also be possible to define the battle site with confidence on a modern map.

There are over 40 battlefields listed in the Inventory, ranging from the first battle of Dunbar in 1296 in East Lothian through to Culloden in the Highlands, where the final pitched battle in Britain took place in 1746.

Inclusion in the Inventory offers battlefields no specific protection from development. However, the [Scottish Planning Policy](#) is clear that:

“Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.”

Historic Environment Scotland provides detailed guidance to planning authorities on the application of this policy in [Managing Change in the Historic Environment: Historic Battlefields](#), which advises that:

“When a battlefield is included in the Inventory, the information in the Inventory record must be taken into account when making decisions on planning applications. No additional consent is needed for undertaking works within an Inventory battlefield.

Planning authorities should consult Historic Environment Scotland on proposed developments that might affect a battlefield included in the Inventory. They should then take Historic Environment Scotland’s advice into account when deciding whether permission should be granted for the development. If the advice is that the development should not go ahead, the planning authority must notify Scottish Ministers of this.”

Additionally:

“Strategic and local development plans should set out policies and criteria that apply to the protection, conservation and management of Inventory battlefields. Planning authorities should refer to these policies when considering planning applications.”

A battlefield, or sections of a battlefield, may also be subject to additional planning and/or heritage designations that afford additional protection from development, including listed building, ancient monument, or green belt designations.

Scottish Government Action

The Scottish Government has not taken any recent action to further strengthen planning protections afforded to historic battlefields.

Scottish Parliament Action

The Public Petitions Committee previously considered petition [PE1696: Preserving Scottish Battlefields](#), which was lodged by Jack Gallacher on behalf of Bothwell Historical Society on 25 June 2018. This petition was closed on 30 May 2019, when the Convenor stated:

“...we will close the petition under rule 15.7 of the standing orders on the basis that the Government considers that there are sufficient safeguards to protect historic battlefields from development and that there is evidence that they have been used in practice.”

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March 2021

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