

PE1852/A

Scottish Government submission of 17 March 2021

The Scottish Government is pleased to offer the Committee our views on the action called for in the above petition, specifically:

to designate historic battlefields with a heritage status and implement a stricter planning framework to protect them.

The Scottish Government greatly values the contribution the historic environment makes to our culture and economy and recognise battlefields as an important part of our identity and culture. We consider our heritage has an important role to play in shaping our future, so we must ensure it is protected to benefit future generations. Our shared heritage defines who we are as a nation and is hugely inspirational, helping to create a powerful sense of place and providing a backdrop against which we live, work and have fun.

We consider the significance of the local landscapes where momentous historical events took place are vital due to the data they may contain about the course of the battle through physical remains and artefacts still present today. It is also equally important we continue to recognise and respect our Battlefields as sites of remembrance, we are sensitive these sites all over Scotland are places where people fought and died and may have been buried.

Designation

The Scottish Government delivers support for the historic environment through sponsorship of Historic Environment Scotland (HES). HES is Scotland's leading public body for the historic environment whose purpose is to investigate, care for and promote Scotland's historic environment. As such, HES is responsible for designating scheduled monuments, listed buildings, inventory gardens and designed landscapes and inventory battlefields.

Since 2011 HES has identified nationally important battlefields by designating them. Proposed sites are assessed under Section 32b(1) of the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act). Where a site meets the criteria HES adds it to the inventory. This is a list maintained by HES which currently contains around forty significant battlefields in Scotland. Designation provides additional consideration in the planning system both in terms of local development plans and individual planning applications.

HES encourages participation in its decision-making, to ensure the inclusions of shared knowledge and local understanding. HES is primarily concerned with views that relate to the understanding of the cultural significance of the sites or places and will also consider comments on the purpose and implications of designation for local places and communities.

Each site included on the HES Battlefield Inventory has an entry on their searchable online portal accessible at <http://portal.historicenvironment.scot>.

HES has published an informative booklet to explain what being on the inventory means and the assessment process it uses for adding battlefields to the inventory. You can find this online here <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=c59262de-b652-4e68-b88d-a5fe008ff1c8>

There are also other forms of recognition open to sites and significant places in Scotland by consideration for inclusion in online records such as the National Record of the Historic

Environment or the War Memorials Register. Where sites and places have particular associations with significant people or events, they could also be recognised through the Commemorative Plaque Scheme.

The Scottish Government, alongside HES, encourage local communities, local authorities and any other decision-makers to work together to use ways to recognise the sites and places of value to them.

Planning

We have strengthened the safeguards that we have in place for designated battlefields in the planning system. In March 2019 we issued a notification direction requiring authorities to alert us to new planning cases for non-householder development that may affect any of our designated historic battlefields. <https://www.gov.scot/publications/historic-battlefields-notification-chief-planner-letter/>

This allows us to have a national overview of development in the planning system that is affecting designated Historic Battlefields and offers us the opportunity to put in place additional safeguards, and intervene, if necessary.

We can demonstrate the effectiveness of this system as to date, Scottish Government's Planning and Architecture Division (PAD) has been notified of 167 applications within historic battlefields under the Historic Battlefields Direction.

Recognition and protection for Battlefields is already set out in legislation, planning regulations, national policy and related guidance. We welcome discussion about any specific concerns individuals, or groups, have with development proposals affecting Battlefields and we note there is provision in the planning processes for wider views to be considered as part of any planning application.

The responsibility for dealing with planning proposals and local planning matters rests, in the first instance, with the local planning authority. Planning legislation requires that planning applications are determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and representations submitted to them.

Whilst Scottish Ministers do have powers to call in certain planning applications for ministerial consideration, they do so sparingly and only where a proposal raises issues of national importance. This results in Ministers intervening in a very small proportion of cases each year and, overall, we expect this to continue.

Last year Ministers called in a planning application for the conversion of an existing steading to form a house and the erection of outbuildings at Culchunaig, near Westhill, Inverness (Full details can be found on the planning portal of the Highland Council website - Reference No. 15/02941/FUL). In November 2020, Ministers refused the application due to its adverse impact on Culloden Battlefield.

In conclusion, given there is already a system in place which follows a clear assessment process to designate Historic Battlefields and which affords them additional consideration in both development plans and planning procedures, the Scottish Government believes we already recognise, value and protect the precious cultural heritage contained in our Battlefields.