

Celebrating  
**60**  
years

# **The Inventory of Historic Battlefields Battlefield Planning Best Practice**

**Research and Analysis undertaken by Lichfields UK**

Historic Environment Scotland

March 2022

**LICHFIELDS**

63807/01/NWO/ASL  
20132216v10

**LICHFIELDS**

# **Lichfields is the pre-eminent planning and development consultancy in the UK**

**Celebrating 60 years  
of innovation in planning.**

**[lichfields.uk](http://lichfields.uk)**

© 2022 Nathaniel Lichfield & Partners Ltd, trading as Lichfields. All Rights Reserved. Registered in England, no. 2778116. The Minster Building, 21 Mincing Lane, London, EC3R 7AG  
Formatted for double sided printing.  
Plans based upon Ordnance Survey mapping with the permission of Her Majesty's Stationery Office.  
© Crown Copyright reserved. Licence number AL50684A  
61909/01/JW/jfr  
20132216v10

## Executive Summary

This report has been prepared by Lichfield's on behalf of Historic Environment Scotland (HES). HES commissioned the report in the context of petition PE1852 introduced to the Scottish Parliament on 3 February 2021 calling for increased planning protection for Scotland's battlefields. The purpose of the document is to provide evidence-based recommendations that inform best practice in the designation and management of Inventory battlefields in the planning system.

Figure 1.1 Pinkie and Prestonpans



Source: © [Thomas Nugent \(cc-by-sa/2.0\)](#)

The report sets Scotland's Inventory in an international context relating to the appreciation and management of battlefield sites before setting out in detail the legal and policy context within which battlefields are designated and managed. This review identifies that nationally and at a planning authority level the recognition of battlefield is generally consistent. It highlights only slight variation between planning authorities and highlights that Highland Council and Stirling Council have both invested considerable effort in guidance aimed at the effective management of Inventory battlefields.

A review of the Inventory itself considers what the Inventory contains and how it is documented. It identifies that the documentation of the Inventory is more expansive than for other heritage designations. A statistical analysis of land-use and heritage designations helps to give an understanding of the level of protection, preservation and pressure on each of the 40 Inventory battlefields. This identifies that virtually all

battlefields have seen a degree of subsequent development which might be considered to be damaging but the extent of this is very variable.

A review of planning casework relied on information provided by Historic Environment Scotland and the Scottish Government. Most of this data had been collected for different purposes than this report and so our analysis of the process of casework cannot be considered to be an entirely comprehensive review of every case related to an Inventory battlefield but is sufficient to identify patterns. This analysis of case data has been complemented by detailed discussions with a range of those involved in the protection, management and investigation of battlefields.

Arising from this analysis the report discusses a number of issues in relation to the Inventory:

- The purpose of the Inventory is well understood and supported but some parties wish to see it provide a greater degree of protection.
- The greatest threat to Inventory battlefields is generally seen as being development. However, generally the management of battlefields through the planning process is seen as being effective but there remains a lack of confidence that the process can be relied upon to protect battlefields.
- Some parties wish to see a far greater level of protection for battlefields, but consideration of casework suggests that this would be out of proportion to other planning and heritage protection interests.
- The Inventory entries are lengthy and highly regarded as an information source but are less helpful when it comes to informing questions relating to the management of Inventory sites.
- While it is necessary to draw a boundary to a protected area, battles rarely had a hard edge and so there is always the potential for boundaries to appear arbitrary.
- The approach to setting in relation to battlefields is not explicitly defined in national policy but is addressed in the approach of many planning authorities and has the benefit of reducing the perception that all protection ends abruptly at the boundary.
- The nature of land use, particularly in built up areas which have lost much of their special characteristics, is not currently reflected in Inventory designations. Accordingly, built-up areas are now subject to the removal of a range of Permitted Development Rights without much obvious heritage benefit.
- Battlefield archaeology has characteristics that distinguish it from other areas of archaeology with a greater emphasis on the patterns of distribution of material over a wide area. The piecemeal development-led recording of small areas in the absence of consistent techniques for investigation and recording reduces the effectiveness of this mitigation.
- Both Stirling Council and Highland Council, in particular, have set out clear guidance intended to provide greater clarity regarding the issues around the management of battlefields in their area.
- While additional resources would always be welcomed, most of those we spoke to feel that they have the sufficient resources and expertise to fulfil their own role but lacked confidence that others were capable of fulfilling their functions effectively.

The report concludes that while the Inventory and the policy protections which exist around it are functioning as intended, a number of changes could improve its working, provide greater clarity both in terms of designation and guidance for those working with battlefields, manage battlefield archaeological impact more effectively and thereby promote a greater confidence in the system.

There will always be differences of opinion on the protection and management of emotive heritage assets such as battlefields. It is hoped that the changes proposed in this report should help to narrow the debates

---



and engender greater confidence in the Inventory as an effective tool in the management of Scotland's historic battlefields.



# Contents

<b>1.0</b>	<b>Introduction</b>	<b>1</b>
	Purpose of Study	1
	About Lichfields	1
	Background	1
	Methodology	2
	Structure of the Report	2
<b>2.0</b>	<b>Battlefields as a Heritage Asset</b>	<b>3</b>
	Factors that contribute to the significance of battlefields	5
	Overview of battlefield recognition in the home countries	6
	Wales	6
	England	6
	Scotland	7
<b>3.0</b>	<b>Legislation, Policy and Guidance</b>	<b>8</b>
	Legislation	8
	Planning Policy	10
	Forthcoming changes to Planning Policy	16
	Historic Environment Scotland Policies	18
	HOPS Validation and Determination Guidance for Planning Applications	22
<b>4.0</b>	<b>The Inventory</b>	<b>23</b>
	Battlefield Designation	23
	Inventory Entries	25
<b>5.0</b>	<b>Review of Planning Casework</b>	<b>32</b>
	Methodology	32
	Location of casework	33
	Case Handling	35
	Key trends arising from assessments	37
<b>6.0</b>	<b>Review of Interviews</b>	<b>40</b>
	Questions	42
	General Responses	42
	Designation Responses	45

---

	Policy Responses	48
	Management Questions	49
	Conclusions	51
<b>7.0</b>	<b>Discussion of issues</b>	<b>52</b>
	Purpose of the Inventory	52
	Threats	53
	Level of Protection	54
	Documentation	54
	Boundaries	55
	Setting	56
	Land use	56
	Archaeology	57
	Models for management	57
	Availability of resources	58
<b>8.0</b>	<b>Conclusions and Recommendations</b>	<b>59</b>
	The Inventory	59
	Management of Inventory battlefields in the Planning Process	60
	Archaeology	61
	General	61

---

# Appendices

- Appendix 1 Local Planning Policy
- Appendix 2 Inventory areas by land use
- Appendix 3 References
- Appendix 4 Planning Cases
- Appendix 5 Location of origin for HES and SG Data
- Appendix 6 Petitions to the Scottish Parliament
- Appendix 7 Extract from Stirling Council Historic Battlefields SPG
- Appendix 8 Culchunaig Reports
- Appendix 9 Project Brief





## 1.0 Introduction

### Purpose of Study

- 1.1 This report has been prepared by Lichfields on behalf of Historic Environment Scotland (HES). HES commissioned the report in the context of petition PE1852 introduced to the Scottish Parliament on 3 February 2021 calling for increased planning protection for Scotland's battlefields. The purpose of the document is to provide evidence-based recommendations that inform best practice in the designation and management of Inventory battlefields in the planning system.

### About Lichfields

- 1.2 Lichfields is the pre-eminent planning and development consultancy in the UK. Our specialists deliver insight, innovation and advice to create great places for future generations. We were established in 1962 and have more than 220 staff employed across nine offices across Britain; in Birmingham, Bristol, Cardiff, Edinburgh, Leeds, London, Manchester, Newcastle and Thames Valley. In the past three years, Lichfields has acted for more than 600 clients.
- 1.3 Our team includes Royal Town Planning Institute (RTPI) membership with a wealth of experience in Scottish town planning legislation and policy. We have a dedicated heritage team of professionals accredited by the Institute of Historic Building Conservation (IHBC) and the Chartered Institute for Archaeologists (CIfA) who specialise in providing advice on heritage planning matters in relation to historic sites for both the private and public sectors. Our extensive private and public sector experience enables the company to facilitate effective engagement and collaborations with planning authorities and Historic Environment Scotland.
- 1.4 We have been recognised for our innovative approach to delivering planning services, a fact demonstrated by a series of RTPI Planning Consultancy of the Year awards in recent years, supplemented by several Research Excellence Awards in 2019. We provide planning, development and economic consultancy services, underpinned by expertise in specialist areas such as heritage, environmental assessment, planning law, viability, masterplanning and urban design, GIS and spatial analytics, community engagement, estate strategy and expert witness.
- 1.5 The team working on this project has been led by our Heritage Director, Nick Bridgland. He has over 25 years' experience working in the historic environment sector and is a full member of both the CIfA and the IHBC. After 13 years as an Ancient Monuments Inspector with Historic Scotland he led English Heritage/Historic England's designation team for the North of England for a decade. During that time, he convened Historic England's Battlefields Advisory Panel and was the main author of Historic England's *Battlefields Selection Guide*. Oversight of the project was provided by Nicola Woodward MRTPI, Senior Director with support from Tabitha Howson MRTPI, Senior Planner and Arabella Stuart-Leslie MRTPI, Senior Planner.

### Background

- 1.6 The Inventory of Historic Battlefields was launched in 2011 and there are now 40 designated Inventory Battlefield sites. HES maintains the Inventory under the terms of the Ancient Monuments and Archaeological Areas Act 1979. As set out in the Act (see 3.2 below), the purpose of the Inventory is to identify sites of national importance. As explained further by HES in their Designation Policy and Selection Guidance (see 3.63 below) the Inventory provides information about battlefields to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts, such as landscape and land-use management.

- 1.7 In 2017, HES undertook a survey of external stakeholders to gauge experience of the battlefields Inventory since its creation. An analysis of the responses to the survey was published in April 2018. This analysis highlighted mixed views on behalf of stakeholders as to how management of Inventory battlefield sites works in practice.

## **Methodology**

- 1.8 Our approach of appraising the management of battlefields by planning authorities was informed by an initial detailed review of HES’s policy and guidance on the selection of Inventory battlefields and the categories of reasons for designation, as well as an understanding of the significance and cultural values of battlefields as defined in other contexts.
- 1.9 We then undertook an initial review of the dataset provided by HES, including but not limited to relevant planning cases, planning authority plans and policies relevant to management of the Inventory battlefields, casework files and statistics. During the review the data was tabulated to allow us to make conclusions regarding current trends and common practices across the entire data set. During the review of current trends and practices, key case studies which emerged as either successful or unsuccessful examples of designation, plan/policy-making and development management were flagged for further analysis.
- 1.10 Once this initial review was completed, we engaged in consultation with the stakeholders identified in the Invitation to Tender, as well as any others identified as relevant during the review of past planning cases (for example, the Scottish Land & Estates). An engagement strategy was agreed with HES prior to the consultation being undertaken. Consultation was undertaken via email, phone or video-calls as necessary. Consultation allowed us to discuss the issues of designation, plan/policy-making and management in more detail, to understand the issues in the round, from the point of view of a wide range of stakeholders.
- 1.11 Following consultation, we completed a review of how the legislation, policy and guidance is working in practice. This identified the opportunities and constraints of the existing system and identified whether there are aspects of the existing system of designation and management which have caused unintended consequences. This was undertaken alongside a review of existing and emerging policy and development pressures, to inform an understanding of where changes might be made to improve the system.

## **Structure of the Report**

- 1.12 The document is structured in a straightforward manner:
- Section 2.0 “Battlefields as a Heritage Asset” sets out some context for the protection and management of battlefields as features of the historic environment.
  - Section 3.0 “Legislation, Policy and Guidance” and Section 4.0 “The Inventory” set out the basis for the inventory and its current characteristics.
  - Section 5.0 “Review of Planning Casework” and Section 6.0 “Review of Interviews” sets out our analysis of issues identified through reviewing the progress and content of casework and through our discussions with parties involved in the management of inventory battlefields.
  - Section 7.0 “Discussion of issues” brings together the information gathered in the preceding sections to focus attention on specific issues requiring attention.
  - Section 8.0 “Conclusions and Recommendations” sets out the conclusions and makes key recommendations for addressing the issues.

## 2.0 Battlefields as a Heritage Asset

2.1 Battlefields are emotive places; the sites of great drama, both victory and defeat, where many risked their lives fighting for a cause. They can play an important role in national consciousness and a sense of identity, and battles are often commemorated in music, poetry, literature and memorials. Battlefields are the landscapes where the battles took place, and they hold the potential to provide information about the battle through physical remains and artefacts. They are also places of remembrance where soldiers fought and were often buried and therefore can hold particular cultural value and significance for groups and individuals.

2.2 As the arena of military engagements, they have long attracted the attention of military historians, seeking to understand the decisions of the armies' commanders and learn from the outcomes. Over the last 50 years, battlefields have increasingly become the focus of study by archaeologists, seeking to understand not just the course of the battle but also what its conduct can tell us about both warfare and life at the time. The best of this work has been truly interdisciplinary involving archaeologists, documentary historians, historians of weaponry, landscape specialists, historiographers, placename specialists and scientists such as ballistic experts.

---

Figure 2.1 Mamayev Kurgan with the sculpture "The Motherland Calls", Volgograd



Source: Administration of the Volgograd Region ([www.volganet.ru](http://www.volganet.ru)) under [CC BY-SA 3.0](https://creativecommons.org/licenses/by-sa/3.0/)

2.3 Many battlefields across the world are treasured, some because they represent a great national victory (such as Mamayev Kurgan which saw intense fighting during the Siege of Stalingrad) and some which were seen as defeats (such as Little Bighorn, Montana). It is worth noting that historic defeats are frequently as important in national consciousness as historic victories and frequently play an important role in the formation of identity.

Figure 2.2 Little Bighorn, Montana



Source: Lichfields

2.4 There is no one mechanism to recognise or protect battlefields. The approach taken in different countries varies greatly and can be strongly influenced by contemporary ideas of the role of past conflict and the military in the formulation of national identity. National identity is a particularly important factor here since the protection of battlefields is frequently undertaken at a national level. For example, in the United States this is primarily a function of the National Parks Service which can make agreements with landowners and provide conservation easements and grants to communities to care for and even purchase historic battlefields. By contrast, in Germany post-war sensitivity to anything that could be seen as glorifying conflict has led to marked reticence to engage with battlefields as heritage sites<sup>1</sup>.

2.5 Attempts have been made internationally to recognise the cultural value of sites of conflict, particularly through the Vimy Declaration for the Conservation of Battlefield Terrain. This was first drafted in 2000 and an updated draft was prepared in 2009<sup>2</sup>. This was never taken forward by ICOMOS to become an adopted International Charter (perhaps due to the marked differences in attitudes to conflict sites referred to above) but is helpful in setting out the ways in which sites of conflict may be of cultural significance. It should be noted that the Vimy Declaration gives no advice on how to determine how important a battlefield (or battle) is but simply identifies the ways in which it may be of interest.

- 1 Physical evidence of the battle or preparation for it
- 2 Pre-existing built and topographic features, particularly where they have had a bearing on the course of the battle
- 3 Legibility and character of the battlefield terrain
- 4 Commemoration, including monuments and memorial activities

---

<sup>1</sup> Shürger, Andre, *Battlefield Protection in Germany and the Lützen Project* in Smith, S. D. (ed.), *Preserving Fields of Conflict: Papers from the 2014 Fields of Conflict Conference and Preservation Workshop*, Columbia, 2016.

<sup>2</sup> <https://www.veterans.gc.ca/eng/remembrance/memorials/overseas/first-world-war/france/vimy/declaration>

- 5 Memories, folk tales, histories
- 6 Evolving cultural, social and political perceptions and interpretations

## **Factors that contribute to the significance of battlefields**

- 2.6 The varied responses to the significance of battlefields shown by different cultures underlines that, as with all cultural significance, the appreciation of historic assets is a product of the culture in which it occurs. It also follows that as cultures continually evolve so does their approach to the significance of their heritage. This is particularly true of battlefields where the appreciation of history and one's place in history can be felt particularly powerfully but can shift as our own understanding shifts regarding ideas such as nationhood, religion, ethnicity, empire, authority and the role of the individual.
- 2.7 The following factors can be identified as contributing to the cultural significance of a battlefield. Not every battlefield will exhibit every characteristic.

## **The topographical and built features which existed at the time of the battle**

- 2.8 These may have had a bearing on the course of the conflict and their survival can both inform interpretation of the events on the day as well as provide a direct visual connection to the battle.

## **Remains or traces generated from the battle or its immediate aftermath**

- 2.9 These could relate to scattered archaeological material such as projectile scatters, constructed features such as fieldworks, damage from conflict such as building scars (or subsequent repairs), graves or other features. These finds can provide important information about the course of the engagement and, particularly for projectile scatters, they can be far more informative in aggregate than as individual finds.
- 2.10 Such remains also have a value in providing a direct physical connection with the battle. Research in England has indicated that archaeological survival from pre-artillery battlefields (pre-c.1400) should be thought of as exceptional<sup>3</sup>. Extensive investigation by GUARD and others on the Battle of Bannockburn between 2011 and 2014 supports this position with only one item (a decorated English cross harness pendant) having a strong association with the battle. While this adds little to our existing understanding of Robert the Bruce's great victory, it is a physical manifestation of an event which lives primarily in histories and the imagination and has particular value for that reason.

## **Landscape character**

- 2.11 While land use will often have evolved since the time of a battle, its broader landscape character may still contribute to the appreciation of the site, facilitating an imaginative response from the viewer. The extent to which the battlefield can be appreciated on this level will depend on the current landscape character and how it compares with the conditions at the time of the battle.

## **The historic interest of the conflict**

- 2.12 This is often expressed in terms of the impact the battle had (or could have had if it had gone differently) on history or the way in which a battle has come to be seen as marking the start or end of an era. Historic interest may also derive from the individuals involved and the battle's role in their personal biography. The battlefield may also have a notable place in the history of warfare, exhibiting an innovation in the strategy, tactics or technology of warfare.

---

<sup>3</sup> Foard, G, *The Archaeology of England Battlefields*, Council for British Archaeology, 2012



## Commemoration

- 2.13 There are a wide number of forms of commemoration ranging from private contemplation to formal regular commemoration events to literary or folkloric accounts. Monuments may have been raised on or near the site and place names may reflect the impact that the battle had on how subsequent generations have responded to the location.

## Overview of battlefield recognition in the home countries

- 2.14 Wales, England and Scotland each have systems to recognise battlefields which reflect their respective histories and characteristics. While none of these make reference to the Vimy Declaration, they are broadly consistent with its principles.

## Wales

- 2.15 The Inventory of Historic Battlefields in Wales<sup>4</sup> is an information resource maintained by the Royal Commission on the Ancient and Historical Monuments of Wales which collates evidence of conflict across Wales. The existence of the Inventory derives from S.35 of the Historic Environment (Wales) Act 2016 which requires that Ministers compile and maintain an historic environment record for each planning authority area. Subsection (2)(e) requires that this should include ‘details of every conflict site in the authority’s area which the Welsh Ministers consider to be of historic interest’. A ‘conflict site’ is defined as:

*(a) a battlefield or a site on which some other conflict involving military forces took place; or*

*(b) a site on which significant activities relating to a battle or other such conflict as is mentioned in paragraph (a) occurred.*

- 2.16 This is a broad definition which reflects that the conflicts which have contributed to the history of Wales are frequently not securely located and may be of comparatively small scale. The key limiting factor in the definition is that the conflict must have had a military character, rather than being purely an outbreak of civil unrest.
- 2.17 The Welsh Inventory contains over 700 entries of conflict sites, many of which are only imprecisely located, but does not bring any specific protection for these sites either through legislation or planning policy.

## England

- 2.18 The English Register of Historic Battlefields was established in 1995 and contains 47 entries. It derives from Section 8c of the Historic Buildings and Ancient Monuments Act 1953 which authorised Historic England “*to compile a register of gardens and other land situated in England and appearing to them to be of historic interest*”. The reference to “other land” gives Historic England the authority to create the Register of Historic Battlefields.
- 2.19 The definition given of a battlefield adopted by Historic England for this purpose is the site of “*battles fought on land involving wholly or largely formed bodies of armed men, deployed and engaged on the field under formal command*”. This is a far tighter definition than that used in Wales and consciously excludes conflict such as skirmishes, smaller engagements, or sieges. This perhaps reflects the history of the warfare in England (with a greater legacy of pitched battles) as well as the early championing of these sites by historians of military tactics.

---

<sup>4</sup> <http://battlefields.rcahmw.gov.uk/>



2.20 The first sites on the Register were defined on the basis of a series of reports prepared by the National Army Museum. These reports are still accessible through the National Heritage List for England but are identified as sources rather than as part of the designation documentation.

2.21 Battlefields on the English Register (and their setting) are given considerable protection in planning policy, afforded the same status as scheduled monuments, protected wrecks, highly graded listed buildings, registered parks and gardens and World Heritage Sites.<sup>5</sup>

## Scotland

2.22 Scottish Ministers published their policy indicating the establishment of the Inventory which is the subject of this study in the *Scottish Historic Environment Policy 2009*. The Inventory would “*identify nationally important sites and provide information to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts, such as landscape and land-use management*”<sup>6</sup>.

2.23 The Inventory was launched in 2011 by Historic Scotland and now numbers 40 sites. The Inventory derives from s.32B of the Ancient Monuments and Archaeological Areas Act 1979 with requires Historic Environment Scotland to compile and maintain and Inventory of Battlefields of national importance. It defines “battlefield” as

*(a) an area of land over which a battle was fought; or*

*(b) an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area).*

2.24 Historic Environment Scotland’s own guidance adds a definition of a battle as being “*a combative engagement involving wholly or largely military forces with the aim of inflicting lethal force on an opposing army*”<sup>7</sup>. This definition requiring military forces on both sides, is narrower than the Welsh definition but broader than the English one, allowing for engagements which might be regarded as skirmishes or be less formal than pitched battles. Accordingly, Scotland’s Inventory can, according to this definition, recognise a broader range of military engagements which are of national importance.

2.25 Battlefields on the Inventory are afforded protection through the planning process by Para 149 of the Scottish Planning Policy (Dec 2020).

*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.*

2.26 This is comparable to the protection afforded to Designed Landscapes in the same policy statement but is less strongly worded than for a listed building which “should be protected from demolition of other work that would adversely affect it or its setting” or scheduled monuments where development which would have an adverse effect on the monument or its setting should only be permitted where there are exceptional circumstances.

2.27 The following section explores the context of legislation, policy and guidance in Scotland in more detail.

---

<sup>5</sup> Para 200, National Planning Policy Framework, DCMS, 2021

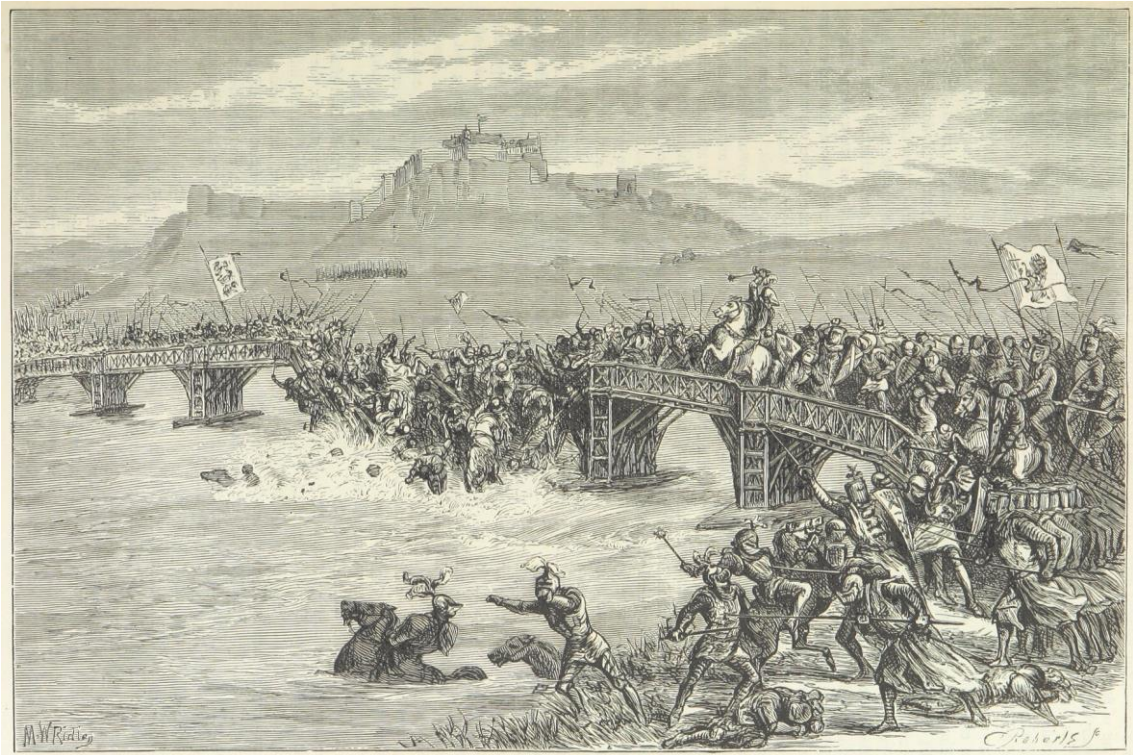
<sup>6</sup> Para 2.64, *Scottish Historic Environment Policy 2009*

<sup>7</sup> P.17, *Designation Policy and Selection Guide*, Historic Environment Scotland., 2019

## 3.0 Legislation, Policy and Guidance

- 3.1 This section outlines relevant legislation, policy and guidance which relates to historic battlefields. This information is publicly available and has been obtained via the Scottish Government, relevant Planning Authorities and Historic Environment Scotland.

Figure 3.1 Battle of Stirling Bridge



Source: James Grant, *British Battles at Land and Sea*, 1873-5

## Legislation

### Ancient Monuments and Archaeological Areas Act 1979

- 3.2 Historic Environment Scotland assesses historic battlefields for the Inventory under Section 32B(1) of the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act) which states that “*Historic Environment Scotland must compile and maintain (in such form as it thinks fit) an Inventory of such battlefields as appear to it to be of national importance*”.
- 3.3 The legislation defines “battlefield” as:
- a an area of land over which a battle was fought; or
  - b an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area).
- 3.4 The legislation does not define the criteria of what would constitute national importance. The legislation also provides no further guidance as to the expectations of the battlefield Inventory, merely that one must be kept.

## **The Historic Environment Scotland Act 2014**

- 3.5 The Historic Environment Scotland Act 2014 sets out Historic Environment Scotland’s role and legal status, including changes in processes for the designation of monuments and buildings (scheduling and listing) and for consents relating to scheduled monuments, listed buildings and conservation areas.
- 3.6 Prior to this point the Ancient Monuments and Archaeological Areas Act 1979 referenced the Scottish Ministers rather than Historic Environment Scotland. The onus is now entirely on Historic Environment Scotland to maintain the battlefield Inventory.

## **Statutory Instruments**

### **Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)**

- 3.7 This statutory instrument has removed permitted development rights from a wide range of works within the boundaries of an Inventory battlefield. These range from the extension to various types of existing buildings, the installation of car charging points, ramps outside non-domestic buildings, vending machines, erection of buildings associated with agriculture or forestry, erection of various elements of electronic communications apparatus, and works by public authorities to address emergencies and pandemics.
- 3.8 In removing these PD Rights, Inventory battlefields are generally treated in the same way as Gardens and Designed Landscapes or Conservation Areas, albeit with minor differences.

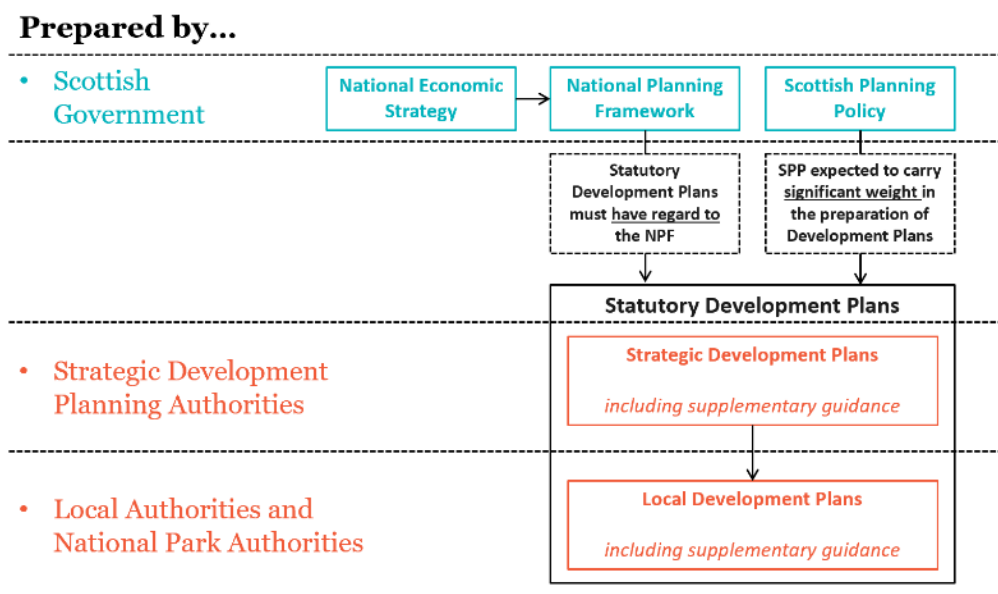
### **Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

- 3.9 Schedule 5 requires Planning Authorities, before determining an application for planning permission for development, to consult Historic Environment Scotland in the case of development (other than householder development) which may affect a historic battlefield.
- 3.10 Regulation 31 permits Scottish Ministers by Direction to require Planning Authorities to provide them, or others with information related to planning applications or their handling.
- 3.11 Regulation 32 permits Scottish Ministers by Direction to restrict the grant of planning permission by a planning authority, either indefinitely or during such period as may be specified in the direction, in respect of any development or any class of development, as may be so specified.
- 3.12 Directions made with reference to these Regulations include:
- The Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015: this requires Planning Authorities to notify Ministers where, having been consulted on non-householder development affecting a historic battlefield, Scottish Ministers or Historic Environment Scotland advises against development (or wants to attach conditions which the planning authority does not intend to attach). The Planning Authority must not grant planning permission for a notified development for 28 days.
  - Town and Country Planning (Notification of Applications) (Historic Battlefields) (Scotland) Direction 2019: this requires Planning Authorities to notify Scottish Ministers of any new applications for non-householder development that may affect Inventory battlefields. This notification is intended to permit a “national overview of development in the planning system that is affecting designated historic battlefields”.

## Planning Policy

- 3.13 The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019 and, once in force, will amend The Town and Country Planning (Scotland) Act 1997. The new Planning Act will amend the hierarchy of ‘development plan’ and will give NPF4 (which is in draft form and currently out for consultation) an enhanced status. The details of these changes are outlined in the section on Forthcoming changes to Planning Policy below.
- 3.14 The 'development plan' is the relevant set of documents against which applications are assessed. The development plan currently comprises Strategic Development Plans (regional) and Local Development Plan. The NPF3 and Scottish Planning Policy (SPP) are separate documents that, whilst at the top of the hierarchy of documents, sit outside of the development plan.

Figure 3.2 Current Development Plan Structure



Source: Lichfields

## National Planning Policy

### National Planning Framework 3 (NPF3)

- 3.15 The National Planning Framework 3 was published in June 2014 and sets out a long-term vision for development and investment across Scotland over the next 20 to 30 years. The document sets out visions for Scotland which include it being:
- a successful, sustainable place
  - a low carbon place
  - a natural, resilient place and
  - a connected place
- 3.16 The historic environment is considered under “a natural, resilient place” and advises that “the historic environment is an integral part of our well-being and cultural identity. Scotland currently has five World Heritage Sites, and many historic cities, towns and villages with a rich variety of buildings and townscapes. Our archaeological sites reflect our long history of human settlement”.

3.17 Outside of this statement, as NPF3 is a strategic document it focuses more heavily on major cities, locations and projects in Scotland rather than providing specific policy. This broader narrative does not mention battlefields, but more generally does recognise the historic environment.

3.18 NPF3 is currently under review and a draft of the NPF4 was published in November 2021 for consultation. The consultation period ends on 31 March 2022.

### **Scottish Planning Policy (SPP)**

3.19 SPP was published in 2014 and revised in December 2020 (but subsequently withdrawn). The document is a policy statement on how nationally important land use planning matters should be addressed across the country. Battlefields are directly recognised in this document at paragraph 149 which states “*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*”.

3.20 Whilst the policy is short, the concise nature of it makes it clear what the expectation is of the planning authority which is to conserve, protect and enhance. The policy does not explicitly recognise archaeology in respect of the battlefield sites. However, archaeology is more broadly addressed in other areas of the SPP and can be seen as one of the “special qualities” of a battlefield. It is also worth noting that there is no specific recognition of the role of setting in the consideration of Inventory battlefields (although this could potentially be included in the “key landscape characteristics” of the site).

3.21 The SPP sets out policy on a range of heritage concerns including listed buildings, conservation areas, scheduled monuments, historic marine protected areas, World Heritage Sites, Gardens and Designed Landscapes, Archaeology and Other Historic Environment Assets. Therefore, the historic environment is comprehensively considered under SPP.

3.22 Whilst the SPP is currently a material consideration for the preparation of Local Development Plans and their policies, which is discussed below, it is a non-statutory document which sits outside of the ‘development plan’. This means that it is approved and endorsed but is not technically ‘adopted’ by a council, allowing planning authorities to have the flexibility to reflect local circumstances.

3.23 With SPP being incorporated in the NPF4, there will be greater importance on the wording as it is set out in NPF4 as the NPF4 will be within the scope of the development plan.

### **Local Policy and Guidance**

3.24 Each of Scotland's 32 council areas, two national parks and four largest city regions are currently required to produce a development plan under the terms of the Town and Country Planning (Scotland) Act 1997. Planning authorities and national park authorities produce Local Development Plans (LDPs) and city regions currently produce Strategic Development Plans (SDPs) in addition. These help to deliver the wider strategies and policies put forward in the NPF and SPP. The NPF and SPP are material considerations in the preparation of development plans and development management decisions however planning authorities have the flexibility to reflect local circumstances, which will be explored in this section. As set out above this is set to change shortly in line with the 2019 Act – NPF4 will incorporate the SPP and become part of the development plan alongside LDPs; SDPs will cease to exist.

3.25 Out of the 34 Planning Authorities (32 council areas and 2 National Parks) 17 have Inventory battlefields. 19 have historic environment policies which reference battlefields (all 17 Planning



Authorities with Inventory Battlefields, Eilean Siar and Aberdeen City). Table 3.1 below sets out:

- which planning authorities have Inventory battlefields
- whether they have references to battlefields in their adopted policies
- whether the policy is in the Local Development Plan or Supplementary Guidance
- whether the policy follows the SPP or its wording
- whether there is a specific policy for battlefields
- whether they include a specific consideration of archaeology or setting.

3.26

Full details of the policies are set out in Appendix 1.

Table 3.1 Breakdown of Local Planning Policies

Planning authority	No. Inventory battlefields	Battlefield Policy?	Type <sup>8</sup>	Year adopted	In line with SPP?	Specific policy?	Archaeology?	Setting?
Aberdeen City Council	0	Yes	LDP	2017	Yes		Yes	Yes
Aberdeenshire Council	4	Yes	LDP	2017				Yes
Argyll and Bute Council	0	No						
Cairngorms National Park Authority <sup>9</sup>	2	Yes	LDP	2021	Yes			Yes
City of Edinburgh Council	0	No						
Clackmannanshire Council	0	No						
Comhairle nan Eilean Siar (Western Isles Council)	0	Yes	LDP	2018		Yes	Yes	Yes
Dumfries and Galloway Council	1	Yes	LDP	2019	Yes	Yes	Yes	
			SG	2020		Yes		
Dundee City Council	0	No						
East Ayrshire Council	1	Yes	LDP	2017	Yes	Yes		
East Dunbartonshire Council	0	No						
East Lothian Council	4	Yes		2018	Yes	Yes	Yes	
East Renfrewshire Council	0	No						
Falkirk Council	3	Yes	LDP	2020		Yes		
Fife Council	1	Yes	LDP	2017			Yes	
Glasgow City Council	1	Yes	LDP	2017	Yes			
			SG	2017		Yes		
Highland Council	8	Yes	LDP	2012				Yes
			SG	n.d.		Yes	Yes	
Inverclyde Council	0	No						
Loch Lomond and the Trossachs National Park	0	No						

<sup>8</sup> Local Development Plan or Supplementary Guidance

<sup>9</sup> Cairngorms National Park Authority sets the Local Development Plan for the National Park but development management is undertaken by the relevant planning authorities unless CNPA calls in an application for their determination.



Planning authority	No. Inventory battlefields	Battlefield Policy?	Type <sup>8</sup>	Year adopted	In line with SPP?	Specific policy?	Archaeology?	Setting?
Midlothian Council	2	Yes	LDP	2017	Yes	Yes		
Moray Council	1	Yes	LDP	2020		Yes	Yes	Yes
North Ayrshire Council	0	No						
North Lanarkshire Council <sup>10</sup>	1	No	LDP	2012				
Orkney Islands Council	0	No						
Perth and Kinross Council	5	Yes	LDP	2019	Yes	Yes		
Renfrewshire Council	0	No						
Scottish Borders Council	3	Yes	LDP	2016	Yes	Yes	Yes	
Shetland Islands Council	0	No						
South Ayrshire Council	0	No						
South Lanarkshire Council	2	Yes	LDP	2020	Yes	Yes		Yes
Stirling Council	4	Yes	LDP	2018		Yes	Yes	Yes
			SG	2019		Yes	Yes	Yes
West Dunbartonshire Council	0	No						
West Lothian Council	1	Yes	LDP	2018	Yes	Yes	Yes	Yes
			SG	2021		Yes	Yes	Yes

Source: Lichfields

3.27 Out of the 4 city regions, 1 (Tayplan) directly recognises battlefields. Since these plans are strategic in focus and soon to become obsolete (see 3.50 below), further analysis has not been pursued.

3.28 In this section we explore the key themes of the local development policies which are present across the 18 planning authorities which have relevant battlefield policies, highlighting how these work in relation to the aims of battlefield protection and conservation.

3.29 We note all of the policies discussed were adopted after 2011 when the Inventory was introduced. Meaning that all of the LDPs should have given material consideration to the aims of NPF3 and SPP. North Lanarkshire is the only Planning Authority which has an Inventory battlefield but which lacks recognition in their policies. Their draft Local Development Plan includes reference to battlefields but, as of March 2022, has not been adopted.

### Accordance with National Policies

3.30 Eleven planning authorities have policies whose wording is consistent with that set out in the SPP or which specifically reference the SPP (see 3.19 above).

3.31 The remaining councils have opted for differing terminology, moving away from “protect, conserve and where appropriate enhance” to allowing development as long as it does not “adversely impact”, “cause harm” or “compromise” the battlefield. These policies are more likely to allow for mitigation and allow development where there is overriding public need for it or where the adverse impacts are outweighed by social/economic benefits.

<sup>10</sup> North Lanarkshire Council’s draft Local Development Plan Modified Proposed Plan requires that “Development should avoid causing harm to the character or setting of sites” in relation to Kilsyth Battlefield. Once adopted, this policy would be in line with SPP and represent a specific policy which also recognises setting.

- 3.32 This highlights a near 50/50 split in how councils choose to assess and handle applications in relation to battlefields. As emphasised above, the policy as set out in SPP should be a material consideration in the preparation of plans but planning authorities have the right to deviate from them if they so wish. It should be noted, though, that no correlation has been found between the determination of planning applications and differences in whether planning authorities' policies follow SPP wording or not.
- 3.33 These variations in policy are ultimately a result of each planning authority's development pressures. The variations on policy terminology will ultimately lead to differing stances taken on battlefield development. Moving forward to the adoption of NPF4, this is likely to standardise the planning policy context for the whole of Scotland.

### **Existing Development**

- 3.34 As explored in Section 4.0, a clear majority of the 40 designated battlefields have experienced some form of built development. Most local planning policies make no reference to the fact that parts of a battlefield may already have seen significant change.
- 3.35 Falkirk Council's policy PE11 Battlefield Sites reflects that parts of the battlefields within the council area have already experienced development:
- There will be a presumption against development outwith the Urban or Village Limits which would destroy, erode, or adversely affect battlefield sites listed in the Inventory of Historic Battlefields, as identified on the Proposals Map.*
- 3.36 This form of words helps create a robust policy. It recognises that it is possible to retain the wider battlefield Inventory boundary whilst acknowledging existing built-up areas. Currently the planning authorities with the most development-impacted battlefields (Glasgow Council, Stirling Council and Highland Council) do not explicitly recognise areas which have in effect already been lost to development in their LDP policies.
- 3.37 Stirling Council has, though, acknowledged this fact within their supplementary guidance (See below). In addition, it outlines "*Areas Potentially Peripheral to Key Components or Less Sensitive to Change*" which may establish greater flexibility in development management in these circumstances.

### **Relationship with other aspects of the Historic Environment**

- 3.38 Of all the 18 Planning Authorities with policies, 14 have distinct policies on battlefields separate from other historic environment policies. Whilst battlefields are actively acknowledged in the remaining 6 Planning Authorities with policies, they are grouped more generally into the heritage policies.
- 3.39 For example, Fife Council's adopted LPD (2017) Policy 14 Built and Historic Environment states in relation to designated sites and buildings states that "*development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage... Inventory Historic Battlefields*". This policy does not clearly separate between listed buildings and structures and Inventory landscapes and battlefields which could lead to an assumption that the way in which impact should be assessed is similar. It is though worth noting that Fife, with one of the most heavily developed Inventory battlefields, Inverkeithing II, (see Figure 4.2 below) states for each site allocation within the Inventory area that "*Proposals should have regard to the landscape characteristics and special qualities of the battlefield site*".

### Archaeology

- 3.40 Archaeology is not a specific consideration in the SPP although it appears broadly understood as one of the “*the key landscape characteristics and special qualities*” of an Inventory battlefield.
- 3.41 Of the 18 planning authorities with adopted policies, 10 of them make specific reference to archaeology (or the involvement of their archaeologist) in relation to battlefields.

### Setting

- 3.42 While the SPP makes no direct mention of the protection of setting for Inventory battlefields, it is worth noting that 9 Planning Authorities make provision for the setting of battlefields in their own policies. The wording of the SPP requires the consideration of “*key landscape characteristics and special qualities*” without defining what these are. This ambiguity seems to allow for the consideration of the role that setting plays in these aspects of battlefields’ significance.

### Supplementary Guidance

- 3.43 A number of planning authorities have adopted supplementary guidance on battlefields. These include:
- Dumfries and Galloway’s *Historic Built Environment, 2020*
  - East Lothian’s *Cultural Heritage and the Built Environment, 2018 and Special Landscape Areas, 2018*
  - Glasgow’s SG9: *Historic Environment, 2017*
  - Highland Council’s *Historic Environment Strategy, 2013*
  - South Lanarkshire’s *Supplementary Guidance 9 Natural and Historic Environment, nd.*
  - Stirling Council’s *Historic Environment - Battlefields, 2019*
  - West Lothian’s *The Historic Environment, 2021*
- 3.44 In most instances the supplementary guidance outlines the information already available through the HES guidance as well as the battlefield history rather than providing new information on the specifics the council would be looking to consider through an application. Minor points of difference emerge on close reading.
- Dumfries and Galloway, while reproducing the Inventory map of the Battle of Sark, recommends to the reader that “*the exact extent of the battlefield should be confirmed with the Council’s appointed Archaeologist*”, reflecting the challenges with defining boundaries for battlefields.
  - South Lanarkshire allows for the consideration of the setting of battlefields (para. 3.20) although this is not spelled out in Policy NHE5 Historic Battlefields.
  - East Lothian’s guidance on landscapes accords value to Special Landscape Area 7: Doon Hill to Chesters for “*significant viewpoints over the Battles of Dunbar I and II*”.
- 3.45 Stirling Council’s guidance stands out from all the others. This document provides a careful consideration of each of the battlefields in the council’s area.
- Stirling Bridge
  - Bannockburn
  - Sauchieburn
  - Sheriffmuir

- 3.46 For each battle guidance is provided on which parts of the Inventory area may be considered the most sensitive. Using both text and mapping, key components which have survived subsequent development are identified and consideration is given to the contribution of different parts of the Inventory area to the appreciation of the battle. Recommendations are given for the treatment of differing elements of each battlefield and key views across and beyond the battlefield are identified.

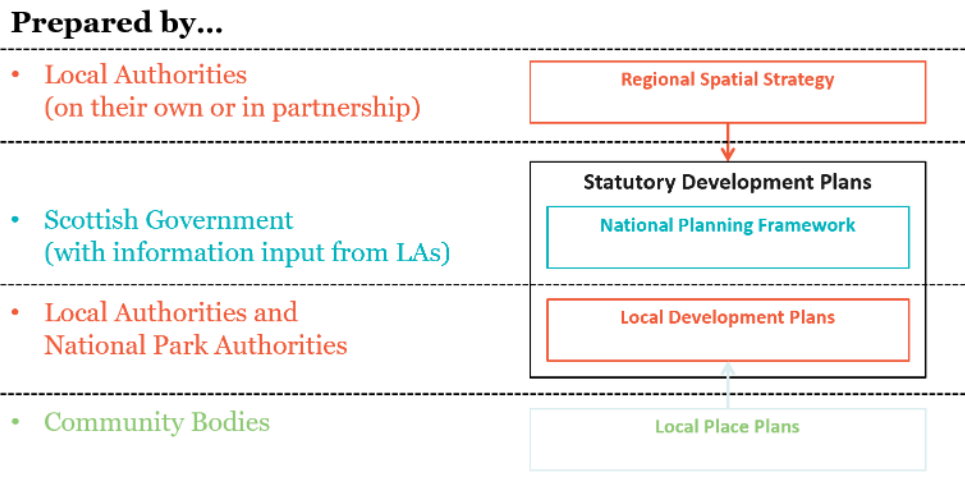
#### **Culloden Conservation Area Character Appraisal**

- 3.47 The Conservation area at Culloden Muir was first designated in 1968 specifically to recognise the battlefield. While it has been updated and enlarged (now including areas whose cultural significance is not related to the battle), the battlefield remains central to the designation, identification of significance and management recommendation in the Culloden Muir Conservation Area Character Appraisal and Management Plan. The document makes use of a report commissioned from AOC at the time of the redefinition of the boundaries of the conservation area; *Proposed Culloden Muir Conservation Area, Highland Visual Setting Assessment*, AOC Project Number 22838, February 2015. This sets out a comprehensive approach to understanding the sensitivities of the landscape, identifying key views and visual inter-relationships. While the Character Appraisal does not bind itself to the recommendation of the AOC report, it does commit to “*a presumption against developments which are likely to result in an adverse impact on individual historic environment assets, their settings or the wider cultural landscape of the Culloden Muir Conservation Area*”.

#### **Forthcoming changes to Planning Policy**

- 3.48 We note that with the adoption of NPF4, Supplementary Guidance will no longer be statutory and part of the development plan. This means it will no longer have significant weight attributed to its consideration when councils are assessing applications.
- 3.49 Under the Planning (Scotland) Act 2019, NPF4 (which will replace NPF3) and its successors will have an elevated status as part of the statutory development plan. NPF4 will provide a national spatial strategy until 2050 and will subsume SPP. SPP will be deleted as a document in its own right, but the detailed policy guidance which it contains will be updated and incorporated into NPF4 thereby also becoming part of the development plan. LDPs already in place or at published plan stage by June 2022 and their associated statutory Supplementary Guidance in place and/or put in place within 24 months of the 2019 act coming into force will be the Development Plan with the new NPF4 until they are replaced by plans made under the arrangements of the new act.

Figure 3.3 New Development Plan Structure



Source: Lichfields

- 3.50 As a result of the change in legislation, Strategic Development Plans will be abolished, replaced by Regional Spatial Strategies that sit outside the development plan. These will cover all planning authority areas.
- 3.51 Local Development Plans will remain but their process of preparation and lifetimes will change. A LDP will be for a 10-year period, rather than 5 years. In addition, Local Development Plans (LDPs) will no longer set out detailed planning policy on the range of topics they currently cover as many will be covered in the NPF. LDPs will be focussed on the spatial solution to meeting the targets in the NPF plus any locally specific policy that is either not included in the NPF or warrants area-specific departure from it.
- 3.52 In addition, Supplementary Guidance will no longer be statutory and part of the development plan although there is an expectation that Planning Authorities may provide greater guidance on more localised heritage matters than can be dealt with in NPF4.
- 3.53 Once the new legislation comes into force, all planning authorities are expected to have a new style local development plan (prepared under the 2019 Act) in place within 5 years. Assuming the NPF4 is adopted in 2022, then all LDPs would be replaced by 2027. These documents will technically be superseded at the point NPF4 is adopted and the newer document will have more material consideration.
- 3.54 As discussed above, The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019 and will amend The Town and Country Planning (Scotland) Act 1997. Strategic Development Plans will be abolished and will be replaced by Regional Spatial Strategies that sit outside the ‘development plan’. Therefore, this assessment will not actively consider existing Strategic Development Plans and will focus primarily on Local Development Plans.
- 3.55 We note that whilst this assessment will focus on existing Local Development Plan policies, as part of the reform of the development plan, The National Planning Framework 4 will gain development plan status. In doing so it is anticipated that it will subsume SPP and the policy guidance currently in SPP will in turn gain development plan status.
- 3.56 As a result, it could be expected that Local Development Plans will no longer provide individual development management policies on issues which are common across Scotland, such as approach to conservation and protection of the historic environment. Only where the planning

authority deviates from or expands on the national policy would it be expected that a specific policy would be included within the Local Development Plan.

3.57 As mentioned above, currently SPP is expected to carry ‘significant weight’ in the preparation of Local Development Plans and authorities must have regard for the policy requirements as set out in the NPF3 and SPP but can introduce their own flexibility. This flexibility at a local level had led to different interpretations of the national guidance, with some planning authorities opting for wording closely reflecting the SPP and others having adopted policies which could facilitate development. This deviation is to a degree unavoidable as the SPP sets out no parameters for allowing development.

3.58 **The draft NPF4 includes a section on Historic Assets and Places.** It highlights a commitment to “*protect and enhance our historic environment, and to support the reuse of redundant or neglected historic buildings.*” It also states that “*The planning system should protect and enhance historic environment assets and places and recognise their cultural heritage benefits and associated social, environmental and economic value to our national, regional and local economies, cultural identity, and for their potential to support health and wellbeing, the circular economy, and climate change adaptation.*”

3.59 In terms of draft policy 28 part j) is concerned with battlefields stating:

***Development proposals affecting sites within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield’s cultural significance, key landscape characteristics, physical remains and special qualities.***

3.60 NPF4 offers the following definition in the glossary:

*Historic Battlefields: The Inventory of Historic Battlefields recognises sites where a nationally important battle took place, soldiers fought and died, and where significant military activities happened. Their selection, assessment and designation is carried out by Historic Environment Scotland.*

3.61 The inclusion in NPF4 of reference to “physical remains” makes it clear that archaeology and historic features are included in the consideration of Historic Battlefields. In practice they already are so, while this clarification is welcome, it will probably make little difference to the status quo.

3.62 Comparison with the wording in the SPP (see 3.19 above) shows one subtle shift which is the restriction of the policy to sites *within* the Inventory. This restriction does not exist in the SPP and, currently allows the potential for planning authorities to consider issues of setting as 9 have explicitly chosen to do in their policies (see Table 3.1 above). This may be a product of the ambiguity regarding the wording where “site” could be a development site or an Inventory battlefield. **Accordingly, the changes being brought in with NPF4 as drafted can be read as removing the potential for considering the impact of developments on the setting of Inventory battlefields.**

## **Historic Environment Scotland Policies**

### **Designation Policy and Selection Guidance**

3.63 The document was published on 05 April 2019 and sets out the policy and selection guidance used by Historic Environment Scotland when designating historic sites and places at the national level. The text was entirely rewritten in comparison with the earlier version of the “*Criteria for Determining Whether a Battlefield is of ‘National Importance’ for Inclusion in the Inventory*” which was first drafted in the *Scottish Historic Environment Policy 2009*.



3.64 The document advises that HES assesses battlefields for the Inventory under Section 32B(1) of the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act) as discussed in earlier in this chapter. While the legislation contains a definition of a battlefield (See 3.3 above), the definition of a battle is set out in policy.

*A ‘battle’ is an engagement involving wholly or largely military forces that had the aim of inflicting lethal force against an opposing army.*

3.65 It goes on to outline the principal designation criteria to decide if a battlefield is nationally important. To establish if a battlefield is nationally important HES will examine a battlefield against cultural significance under three headings:

- Historical association
- Significant physical remains and/or archaeological potential
- Battlefield landscape

3.66 The Designation Policy and Policy Selection Guidance states that “*a battlefield is likely to be of national importance if it contributes significantly under some or all of these categories of assessment to understanding the history of Scotland, or the linked regional histories that preceded its establishment as a nation*”. This statement indicates that all elements are considered equally, and one area of importance is enough to support a designation. However, the guidance also explains (para 13) “*if a battlefield has been so altered that it appears to have lost its special qualities and landscape characteristics, it will not be included on the Inventory even if it retains strong associative value*”. Taken together these suggest that while historical association is important, it is not sufficient to justify the inclusion of a battlefield if the site lacks significant remains, archaeological potential or a discernible battlefield landscape.

3.67 These headings are expanded on below and provide further detail as to the specific considerations that warrant a battlefield to merit registration on the Inventory.

Table 3.2 Considerations for aspects of National Importance

Historical association	Significant physical remains/ or archaeological potential	Battlefield landscape
Military history, strategy and tactics, such as significant military innovations or occurrences associated with the battle	Built structures that were present at the time of the battle, such as field walls or buildings, route ways like roads, bridges and paths, or elements resulting from the battle itself, including earthworks or graves	Features of terrain such as hills and other high ground, or valleys – these might provide or restrict vantage points and lines of sight
Associations with nationally significant historical individuals or groups and their interactions	Archaeological evidence that can support and enhance documentary records and provide details about events, weaponry and combatants that are not available through other sources – it may be in the form of artefacts such as bullets, arrowheads and personal effects – it could also be potential for buried archaeological deposits, such as the remains of earthworks, camps, burials or entrenchments	Natural obstacles such as watercourses, bogs and cliffs – these can obstruct movement

Historical association	Significant physical remains/ or archaeological potential	Battlefield landscape
Associations with nationally significant event or campaign	The contribution or potential contribution of the archaeological and physical remains of the battle to our understanding of the broader archaeology and history of Scotland	Areas providing concealment such as slopes, ditches and woodland
Documentary and historic map evidence that may enhance our understanding of historical events		Routes of movement and manoeuvre such as paths and narrow passes
The place of the battle in the national history and consciousness – this can be reflected through literature, oral tradition and evidence of the role that the battlefield plays for communities		historic settlements – battlefields often have relationships with settlements that were present at the time of the battle
		memorials – these are often located to relate to elements of the battlefield landscape, and they may or may not be detached from the main areas of the battle – they contribute to our understanding and appreciation of a battle and its associations

Source: Historic Environment Scotland

- 3.68 The document is aimed at Corporate Interest Users, Planners and Owners and that is clear from layout of the guidance and is accessible for a range of readers. It sets out clear parameters of which Historic Environment Scotland will consider inclusion of a battlefield into the Battle Inventory, leaving no ambiguity around the aspects considered under each heading.
- 3.69 The assessment considerations are all-encompassing, recognising the importance of secure identifiable location, battlefield landscape features as well as recognising associations the battlefields with historical figures.
- 3.70 One shortcoming regarding the Designation Policy and Selection Guide is that it provides no guidance on how boundaries are defined. Some clarification is provided in HES’s information leaflet Scotland’s Inventory of Historic Battlefields (2019) but the status of this document is not clear, and it explains what the boundaries seek to include without explaining how the line is chosen.

*We define an area of interest for every site included on the inventory using the research that has been carried out. The boundary includes the locations where the main events of the battle are thought to have taken place, where physical remains and archaeological evidence associated with the battle have been found or may be expected to be found, and where additional parts of the landscape, such as strategic viewpoints and important land features, may lie.*

*Who currently owns the land does not affect how we define the boundary.*

### **Historic Environment Scotland Circular 2019**

- 3.71 Historic Environment Scotland Circular was published 05 April 2019 and sets out the process HES undertakes to fulfil its regulatory and advisory roles in relation to:
- The designation of monuments of national importance and buildings of special architectural or historic interest
  - Its role in the planning system and the procedures for consulting us
  - Scheduled monument consent (SMC) applications and decisions
  - Listed building consent (LBC) and conservation area consent (CAC) applications
  - Appealing decisions made by Historic Environment Scotland
- 3.72 There is no statutory right of appeal against inclusion on the gardens and designed landscapes and historic battlefield inventories, however, anyone can write to Historic Environment Scotland to ask them to review a decision.
- 3.73 In accordance with Scottish Government’s Development Management Procedure (see above) the Circular states that a planning authority must consult Historic Environment Scotland before determining a planning application if the development (other than householder development) may affect a historic battlefield.
- 3.74 The document is aimed at planners, applicants and owners and is therefore more procedural in nature although it remains accessible for all audiences. It sets out clearly the circumstances in which HES should be consulted on planning applications. In relation to designation decisions, it sets out that an individual can ask HES to review a decision relating to the Inventory but that this is not a statutory right.

### **Managing Change in the Historic Environment: Historic Battlefields**

- 3.75 Managing Change in the Historic Environment: Historic Battlefields was published on 19 August 2016 (updated 03 February 2020) and is a non-statutory document aimed at providing guidance to planning authorities, public bodies and others involved in planning and land management activities relating to historic battlefields. As this document is aimed at several groups it a highly accessible document set out of 6 sections:
- 1 The Significance of Historic Battlefields
  - 2 The Inventory of Historic Battlefields
  - 3 Legislative and Policy Context
  - 4 Roles and Responsibilities
  - 5 Development Planning Process
  - 6 Development Management Process
- 3.76 Sections 1 and 2 are consistent with the information provided in Designation Policy and Policy Selection Guidance, highlighting why they are importance and the criteria for the inclusion within the Inventory.
- 3.77 Section 3 remains consistent with the information provided in the Historic Environment Scotland Circular 2019, noting that planning authorities should consult Historic Environment Scotland on proposed developments that might affect a battlefield included in the Inventory. It expands slightly emphasising the importance of national planning policy which states that changes to battlefields should seek to protect, conserve and, where appropriate, enhance historic

battlefields before stating that planning authorities have to consider national policies for planning and the historic environment.

- 3.78 Section 4 on Roles and Responsibilities sets out the respective roles of Scottish Government, HES and planning authorities in managing battlefields.

### **HOPS Validation and Determination Guidance for Planning Applications**

- 3.79 Heads of Planning Scotland (HOPS) prepared a guidance document for Validation and Determination Guidance for Planning Applications which was last updated in October 2017. The guidance was introduced after an independent report concluded that there were inconsistent validation requirements across different planning authorities in Scotland and it appeared to be compounding the problem of information management.
- 3.80 The document sets out the requirements as a guide to what planning authorities look for in terms of supporting documentation as part of your planning application submission. It advises of the relevant scales which plans should be produced to, and the details that should be shown in order for them to be considered acceptable. It also outlines which additional documents may be necessary, such as Environmental Impact Assessments (EIA) and Design and Access Statements.
- 3.81 Currently the guidance makes no reference to the heritage information that may be sought when an application related to a recognised heritage asset.

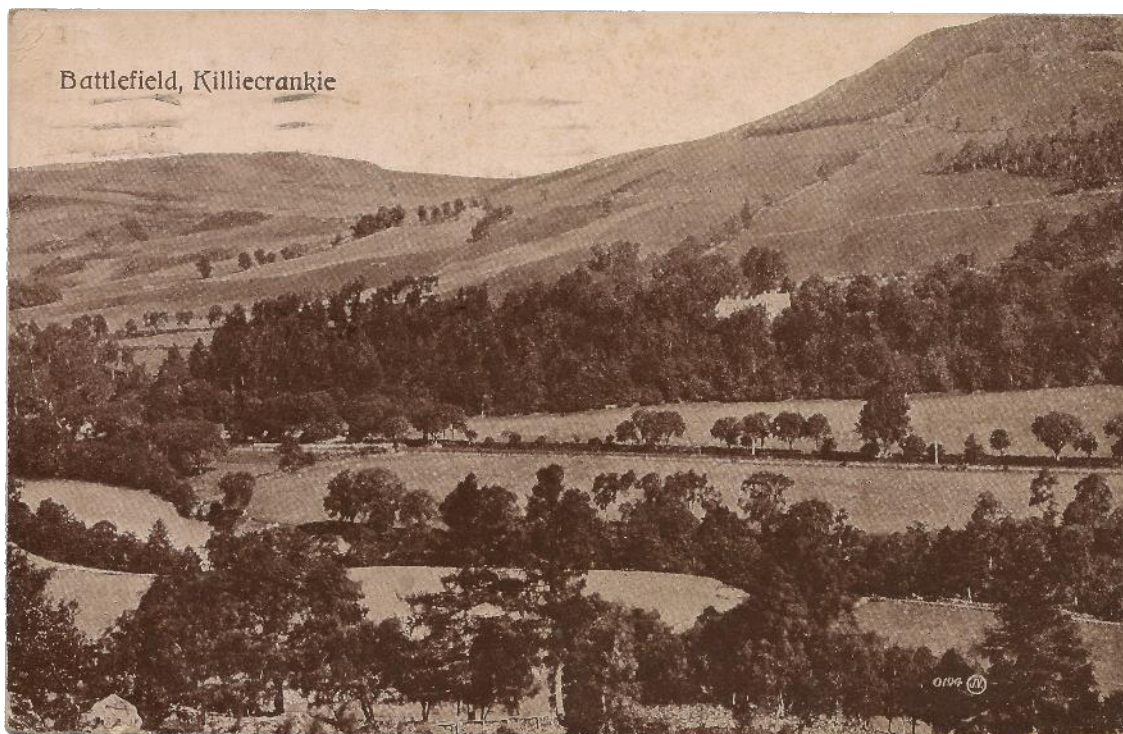
## 4.0 The Inventory

### Battlefield Designation

- 4.1 As set out above, the assessment of battlefields for inclusion in the Inventory follows Annex 4 of HES's Designation Policy and Selection Guide. As with all designation activity, the decision-making around designation requires considerable exercise of professional judgment. The selection of sites for inclusion in the Inventory can always attract differences of opinion but this is no different from other designations.
- 4.2 In determining the how the designation process has been functioning it is helpful to understand not just which battlefields have been accepted onto the Inventory but also which have been turned down. The reasoning for these refusals can be informative. It is worth pointing out that there was general consensus from our interviewees that the Inventory contains sites which merit inclusion (see 6.41 and following below) but some felt that further sites might also merit recognition in the Inventory.

---

Figure 4.1 Killiecrankie c.1910



### Battlefields turned down for inclusion in the Inventory

- 4.3 There are currently 40 Battlefields on the Inventory. 17 were on the Inventory when it was established in March 2011 (Tranche 1) with a further 11 were added in November that year (Tranche 2). Another 11 were added in 2012 (Tranche 3) at which time the earlier 28 inventory entries received updates. The most recent addition, Sark, was added in 2016. The entry for Prestonpans was amended in 2019 following the submission to Historic Environment Scotland of additional research. This resulted in additional information being added to the documentation and a small area of additional land being included in the Inventory area.
- 4.4 Since the Inventory's inception at least 16 battlefields have been assessed by HES for inclusion in the Inventory but excluded. The most common reason for exclusion is the lack of certainty

regarding the location. This is one of only two absolute criteria (along with national importance) and the battles excluded for this reason are generally poorly documented largely because of their early date. The Battle of Carberry Hill was excluded because, while the site is known and the armies drew up, it resulted in the surrender of Mary, Queen of Scots before a battle was fought. While the event may be nationally important it was concluded that this was beyond the scope of the Inventory.

Table 4.1 Battlefields excluded from the Inventory

Battlefield	Report Date	Reason for not adding to the Inventory
Battle of Aberdeen II	11 July 2016 <sup>11</sup>	Site Developed
Battle of Athelstaneford		Lack of certainty of Location
Battle of Carberry Hill		Beyond scope
Battle of Dun Nechtain		Lack of certainty of Location
Battle of Largs		Lack of certainty of Location
Battle of Methven		Lack of certainty of Location
Battle of Mons Graupius		Lack of certainty of Location
Battle of Solway Moss	No report <sup>12</sup>	Not in Scotland (on English Register)
Battle of Bordie 1038		Insufficient Evidence
Battle of Carrie Blair (C9)		Insufficient Evidence
Battle of the Pass of Brander	22 February 2017	Lack of certainty of Location
Battle of Glen Trool	11 July 2017 <sup>13</sup>	Lack of certainty of Location
Battle of Haddon rig	26 October 2017	Lack of certainty of Location
Battle of Renfrew	04 April 2019	Insufficient Evidence
Battle of Blairnacoii	13 November 2019	Insufficient Evidence
Battle of Luncarty	24 September 2021	Insufficient Evidence

- 4.5 The Battle of Aberdeen II was excluded from the Inventory on the basis that virtually the entirety of the battlefield is now occupied by subsequent development. This appears to have been the only battlefield turned down on the basis of survival of significant remains, archaeological potential or a discernible battlefield landscape. This is the only example of Para 13 of the Designation Policy and Selection Guidance (See 3.66 above) becoming the critical element of the assessment.<sup>14</sup>
- 4.6 The first battle of Falkirk (1298) was also researched around the time of Tranche 3, but the research has not yet been published due to its complexities and the challenges in finalising a suitable report.

<sup>11</sup> Date of publication of report recording the assessment of these sites under Tranche 3 in 2012.

<sup>12</sup> Information from HES pers comm. No report published but assessed as part of Tranche 3.

<sup>13</sup> Glen Trool had previously been assessed as part of Tranche 3.

<sup>14</sup> In June 2016, the *Historic Environment Scotland Policy Statement* was published including in Annex 6 “the Criteria for Determining Whether a Battlefield is of ‘National Importance’ for Inclusion in the Inventory”. This was unchanged from *Scottish Historic Environment Policy 2009* and does not include a comparable paragraph to Para 13 of the 2019 *Designation Policy and Selection Guidance*. It would therefore appear that decision not to add the Battle of Aberdeen II to the Inventory pre-empted the redrafting of policy in 2019.

## Inventory Entries

4.7

The Inventory currently contains the following entries.

Table 4.2 Inventory Battlefields by Planning Authority

Planning Authority	Battlefield
Aberdeenshire	Battle of Alford
	Battle of Barra
	Battle of Fyvie
	Battle of Harlaw
Dumfries and Galloway	Battle of Sark
East Ayrshire	Battle of Loudoun Hill
East Lothian	Battle of Dunbar I
	Battle of Dunbar II
	Battle of Pinkie
	Battle of Prestonpans
Falkirk	Battle of Falkirk II
	Battle of Kilsyth (part)
	Battle of Linlithgow Bridge (part)
Fife	Battle of Inverkeithing II
Glasgow City	Battle of Langside
Highland	Battle of Auldearn
	Battle of Carbisdale
	Battle of Cromdale
	Battle of Culloden
	Battle of Glenshiel
	Battle of Inverlochy I
	Battle of Inverlochy II
	Battle of Mulroy
	Blar na Léine
	Midlothian
Battle of Rullion Green	
Moray	Battle of Glenlivet
North Lanarkshire	Battle of Kilsyth (part)
Perth and Kinross	Battle of Dunkeld
	Battle of Dupplin Moor
	Battle of Killiecrankie
	Battle of Sheriffmuir (part)
	Battle of Tippermuir
Scottish Borders	Battle of Ancrum Moor
	Battle of Darnick
	Battle of Philiphaugh
South Lanarkshire	Battle of Bothwell Bridge
	Battle of Drumclog
Stirling	Battle of Bannockburn
	Battle of Sauchieburn

Planning Authority	Battlefield
	Battle of Sheriffmuir (part)
	Battle of Stirling Bridge
West Lothian	Battle of Linlithgow Bridge (part)

National Parks	
Cairngorms National Park	Battle of Cromdale
	Battle of Killiecrankie (part)

### Documentation

4.8 Each Inventory entry is accessible through a web page on the HES Portal and contains three documents for download.

- Legal Documents
- Summary
- Maps

4.9 The information is detailed in nature and accessible for all readers. It is a useful tool for those seeking a starting point for information on battlefields, whether the individual is seeking the information for a professional purpose or otherwise.

### Legal Documents

4.10 For each battlefield, this document sets out a background to the Inventory and some basic factual information:

- Alternative Names
- Date of the Battle
- Planning authority
- Grid Reference
- Date added to the Inventory
- Date of last update

4.11 It then sets out an overview of the battle and its historic significance before describing the boundary of the Inventory entry. This boundary description begins with standard text describing what the boundary seeks to include before a bulleted list of areas to be included.

4.12 The final element in the Legal Documents is a map showing the extent of the Inventory Entry using modern OS mapping as a base.

### Summary

4.13 This document includes everything in the Legal Documents but with a far greater level of information regarding the understanding of the battle structured as follows:

- Historical Background to the Battle
- Events and Participants
- Battlefield Landscape
- Archaeological and Physical



- Remains and Potential
- Cultural Association
- Select Bibliography

### Maps

- 4.14 For each battlefield there are up to three maps:
- Boundary – this is the same as the map shown at the end of both the Legal Documents and the Summary
  - Features – this is the Boundary map with selected features mentioned in the text identified.
  - Deployments – this shows the Boundary map overlain with a schematic map showing initial troop deployments and movements. This map does not exist for some battles where information is lacking.
- 4.15 The documentation contains very little in the way of recommendations for the management of the battlefield. As designation documentation, this is to be expected. However, with such large areas, which frequently lack visible features related to the battles, the relationship between the information in the documentation and what this might mean in terms of sensitivity of various areas is not obvious. The value of this resource in managing battlefields is as a basis for detailed consideration of the contribution of specific locations and features to the cultural significance of the battlefield which requires a level of expertise.

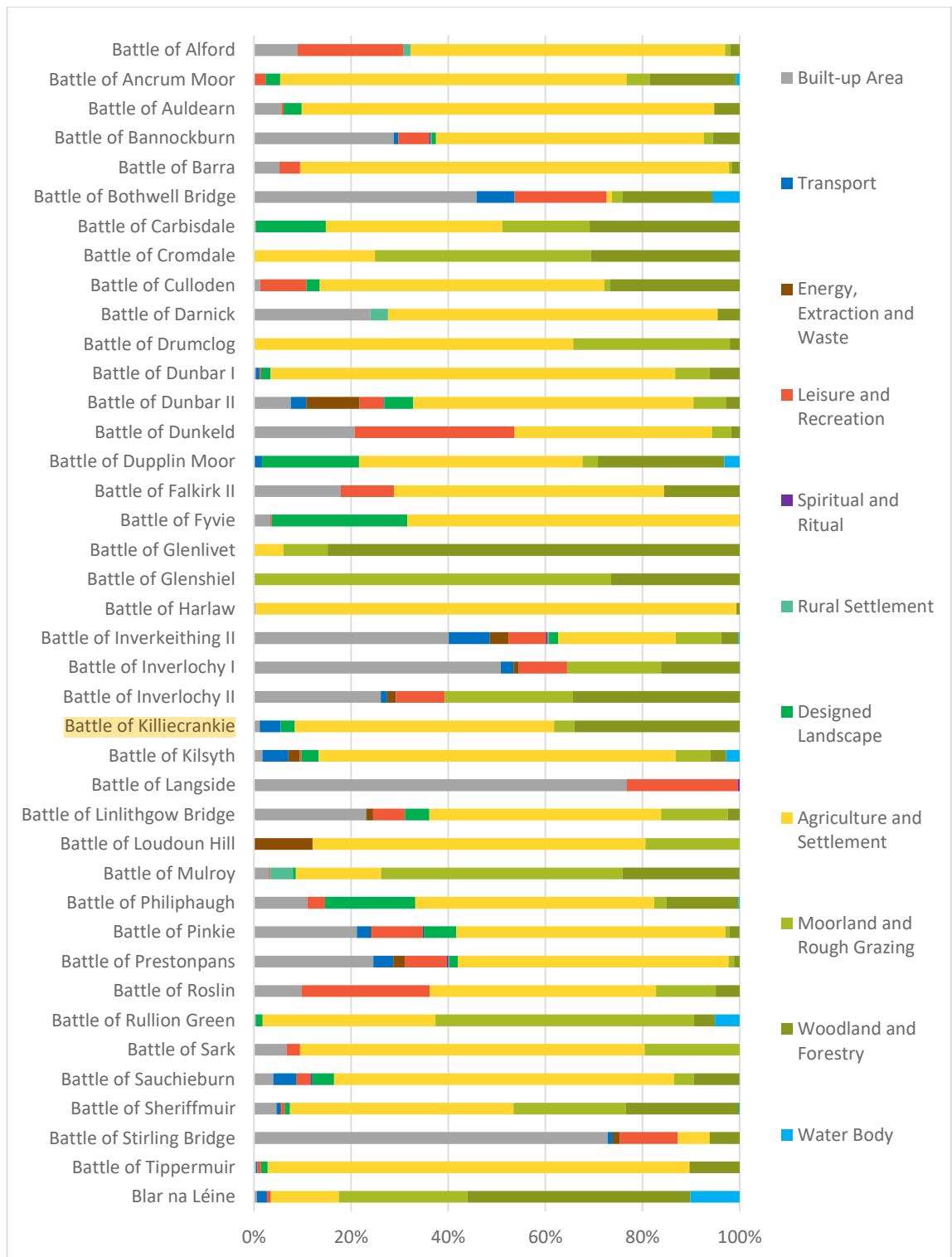
### Land use

- 4.16 The extent of the Inventory entries has been defined on the basis of an understanding of the extent of land where *“the main events of the battle are thought to have taken place, where physical remains and archaeological evidence associated with the battle have been found or may be expected to be found, and where additional parts of the landscape, such as strategic viewpoints and important land features, may lie”*. In doing so, it focuses on identifying the area which had a relationship with the conflict at the time of the battle without, necessarily considering *“the key landscape characteristics and special qualities of sites”* which are the focus of national planning policy. Looking at the current land use gives some insight into the current characteristics and qualities. For example, areas which have been subject to mineral extraction such as open-cast quarries will lack any archaeological sensitivity. Similarly, areas which have seen subsequent urban development are likely to have seen significant change to their landscape characteristics.
- 4.17 The graph at Figure 4.2 below shows, for each battlefield, the percentage of its area allocated to different categories of land use<sup>15</sup>. Farmland, moorland and rough grazing makes up the majority of land. Leisure and recreation uses predominantly consist of public parks or golf courses. Transport uses largely relate to dual carriageways, motorways, canals and railways. Energy, extraction and waste uses are predominantly quarries or open-cast mines. From this it is clear that there is considerable variation in the current land use of individual battlefields: Harlaw is almost entirely agricultural in character; Glenlivet includes considerable areas of forestry; Langside is heavily urbanised.
- 4.18 This does not reflect the extent of areas where changes may already be consented or where Local Development Plans may include long-standing allocations of parts of inventory battlefields for future development.

---

<sup>15</sup> Based on 2015 modern Land Use data from HLAMap.

Figure 4.2 Inventory Battlefields by %age land use



Source: Lichfields (based on data from HES Inventory and Historic Land-use Assessment)

4.19

These categories of “*Built-up Area*”, “*Transport*” and “*Energy, Extraction and Waste*” appear to represent development which is consistently harmful (both physically and visually) to the special characteristics of battlefields. Other land use categories may include developments which might be considered harmful but this is not as clear cut.

4.20 Seen in this light the vast majority of Inventory Battlefields contain some area which might be considered to have been harmed. This is to be expected of any area designation such as this but several exhibit this to a considerable degree. The battlefields which have seen the most development in relation to their designated area are:

- 1 Battle of Langside
- 2 Battle of Stirling Bridge
- 3 Battle of Inverlochy I
- 4 Battle of Bothwell Bridge
- 5 Battle of Inverkeithing

### Other Heritage Designations

4.21 Different types of heritage designation address different aspect of the historic environment and bring with them differing degrees of protection and forms of regulation. It is entirely reasonable for there to be considerable overlap between them. There are only two Inventory battlefields which contain no other heritage designations (Glenlivet and Loudon Hill) while others, such as Rullion Green, contain so few other designations that their presence makes little difference to the management of a large area designation such as an Inventory battlefield.

4.22 The number of listed buildings within a battlefield has a greater relationship with the degree of development than reflecting the special characteristics of the battlefield although there will be some listed buildings (and scheduled monuments) such as memorials or pre-existing structures which are more closely related to the battle.

Table 4.3 Inventory Battlefields and Other Designations

Battlefield	Total Battlefield Area (HA)	Number of Listed Buildings	%age Conservation Area	%age Gardens and Designed Landscapes	%age WHS and Buffer	%age Scheduled
Battle of Alford	492.9	10				<1%
Battle of Ancrum Moor	1,308.9	3		18%		<1%
Battle of Auldearn	314.3	6				<1%
Battle of Bannockburn	1,557.3	45	2%			<1%
Battle of Barra	590.3	6				1%
Battle of Bothwell Bridge	136.4	8	6%			
Battle of Carbisdale	289.5	4				
Battle of Cromdale	653.8	2				<1%
Battle of Culloden	654.5	8	95%	5%		<1%
Battle of Darnick	116.5	19	7%			
Battle of Drumclog	131.4	3				
Battle of Dunbar I	1,108.3	39	1%			2%
Battle of Dunbar II	1,598.7	65	1%	9%		1%
Battle of Dunkeld	80.4	65	15%	67%		6%
Battle of Dupplin Moor	1,143.8	6		28%		<1%

Battlefield	Total Battlefield Area (HA)	Number of Listed Buildings	%age Conservation Area	%age Gardens and Designed Landscapes	%age WHS and Buffer	%age Scheduled
Battle of Falkirk II	378.0	4			10%	2%
Battle of Fyvie	657.1	22		39%		<1%
Battle of Glenlivet	698.5					
Battle of Glenshiel	615.2	1				1%
Battle of Harlaw	518.5	3				
Battle of Inverkeithing II	949.6	90	3%		<1%	<1%
Battle of Inverlochyl	174.1	2				1%
Battle of Inverlochyl II	197.4	1				1%
Battle of Killiecrankie	446.7	12				<1%
Battle of Kilsyth	875.6	2		4%	33%	3%
Battle of Langside	359.4	275	10%			<1%
Battle of Linlithgow Bridge	235.9	8				1%
Battle of Loudoun Hill	145.1					
Battle of Mulroy	466.7	4				<1%
Battle of Philiphaugh	552.9	106	2%	15%		1%
Battle of Pinkie	1,774.8	360	9%	11%		6%
Battle of Prestonpans	1,111.3	75	4%	1%		<1%
Battle of Roslin	255.5	2	5%	24%		<1%
Battle of Rullion Green	484.1	2				<1%
Battle of Sark	165.6					<1%
Battle of Sauchieburn	1,353.8	25	<1%			<1%
Battle of Sheriffmuir	2,456.1	26	2%			1%
Battle of Stirling Bridge	253.6	17	4%	<1%		<1%
Battle of Tippermuir	965.5	4				<1%
Blar na Léine	893.7	4				2%

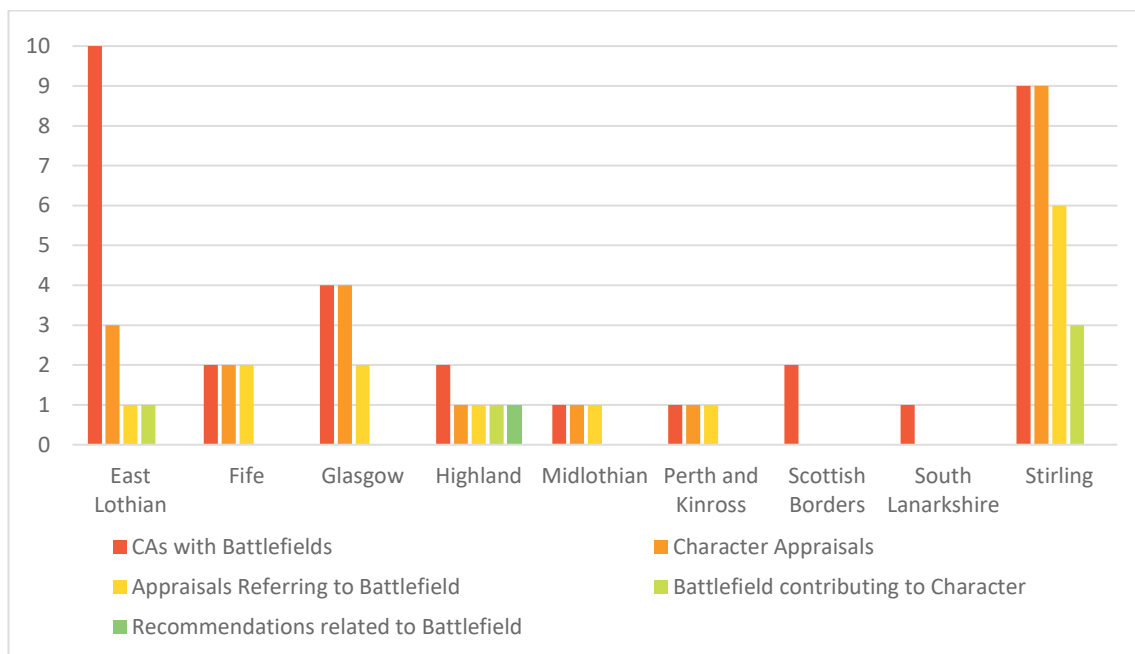
Source: Lichfields using HES Data (figures rounded to nearest percentage point)

4.23

Of more interest in terms of the management of battlefields are Conservation Areas. 95% of the Inventory area at Culloden lies within one of two Conservation Area (Culloden Muir and Culloden: House Policies) (see 3.47 above) which effectively allows the battlefield to be managed using the provision of conservation area legislation and policy.

- 4.24 33 Conservation Areas coincide with Inventory battlefields (with at least 0.5 hectares of overlap). Figure 4.3 shows, for each planning authority, the number of:
- Conservation Areas which overlap with Inventory battlefields
  - these which have a character appraisal
  - character appraisals which make any reference to the Inventory battlefield
  - character appraisals which recognise the battlefield as contributing to the character of the conservation area
  - character appraisals which make any recommendations related to the management of the battlefield.

Figure 4.3 Conservation Areas with Battlefields - Character Appraisals



- 4.25 8 Conservation Areas lie entirely within the boundaries of one or more Inventory battlefield.

Table 4.4 Conservation Areas entirely within Inventory Battlefields.

Conservation Area	Battlefield	Planning authority
Inveresk (Musselburgh)	Pinkie	East Lothian
Preston	Prestonpans	East Lothian
Spott	Dunbar I & Dunbar II	East Lothian
Darnick	Darnick	Scottish Borders
Bridghaugh	Stirling Bridge	Stirling
Bruce Street	Stirling Bridge	Stirling
St Ninian's	Bannockburn	Stirling
Bannockburn	Bannockburn & Sauchieburn	Stirling

- 4.26 Other than Culloden, no Conservation Areas have character appraisals or management plans which give detailed consideration of the special characteristics of the battlefield.

## 5.0 Review of Planning Casework

- 5.1 The review of planning casework was undertaken in order to shed light, more fully, on the handling of battlefield-related cases in the Planning Process. The review was deliberately broad to understand how the system works rather than to investigate the course of particular cases.

Figure 5.1 Monument to the Battle of Langside



Source: Photo © [Thomas Nugent \(cc-by-sa/2.0\)](#)

## Methodology

- 5.2 The list of cases was derived from HES casework data and Scottish Government data on notifications from Planning Authorities. This data had not been collated for the purposes of this study and required processing in order to make it usable. The HES data listed 1093 items of casework between **April 2016 and August 2018**. However, 783 of these entries contained no information and no planning application reference number and of the remaining 310 entries, 85 entries related to 37 cases (a single case was referred to by a number of entries). It should be stressed that the HES data was collated for different purposes than this study.
- 5.3 The Scottish Government Data listed 195 entries relating to 194 unique cases, many of which corresponded with the cases identified in the HES data. Correlation between these two data sets identified a preliminary case list of 275 cases for assessment. Of these 275 cases it was noted that a small number of the applications were duplicates of the same development but at different application stages such as a pre application notification (PAN) followed by a formal

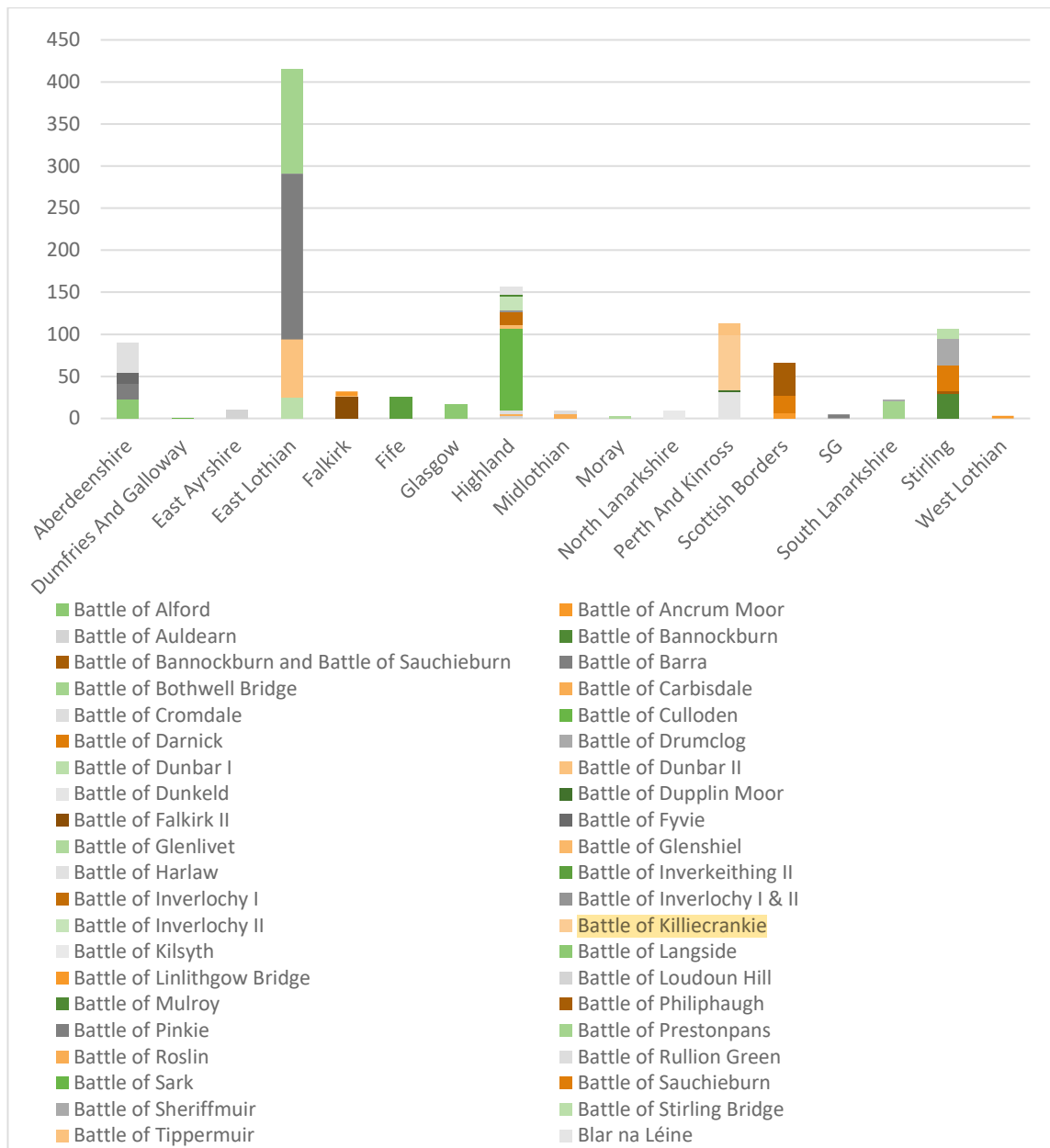
application submission. Where this occurred, a review was undertaken of the full planning application.

- 5.4 Using the planning portal for each planning authority, each of the applications was then assessed and tabulated in a spreadsheet (as shown at Appendix 4). Where no documents were available on the Council's portal, or where they made no reference to battlefields or were undetermined at the time of the review and therefore had no officer's report to review, these applications were discounted.
- 5.5 However, this meant that there were a number of limitations that prevented a full assessment of a particular case being undertaken.
- A number of Planning Authorities appear to remove the documents from the planning portal once the application has been determined and therefore we were unable to review any technical information related to the applications.
  - In many cases it was not possible to view the technical documents submitted as part of the application and the review had to be based on the assessment within the planning officer's report of handling or the committee report.
  - There were also a large number of applications which did not have the consultee comments available to view on the Council's portal and in some cases, it was not clear who had responded to the consultation.
  - It was only possible to see the list of consultees that the Planning Authority had consulted and the review was therefore based on the summary of consultee responses within the officer's report of handling or committee report.
  - In a number of cases, there was no report of handling or the application was withdrawn or undetermined and Lichfields was unable to undertake a detailed review of the how battlefields were assessed.
  - Where objections were raised in respect of battlefields, the applications were often withdrawn or remained undetermined after a long period of time. This resulted in Lichfields being unable to analyse how such issues were dealt with by applicants or the Planning authority.

## **Location of casework**

- 5.6 While the raw data from HES and the Scottish Government required considerable processing to identify individual cases for analysis. The HES data covered all aspects of their casework, ranging from formal consultations on major developments to individual pieces of correspondence. Figure 5.2 sets breaks down these pieces of work by planning authority area and Inventory battlefield. The numbers are set out in Appendix 5.

Figure 5.2 Location of origin for HES Data



5.7 Because this HES data relates to more than just planning consultations it can be seen as also capturing a “controversy” factor; the degree to which an issue relating to a battlefield can generate additional correspondence.

5.8 The Scottish Government data relates to the notifications from Planning Authorities for non-householder development. Figure 5.3 breaks down these notifications by planning authority area and Inventory battlefield. The numbers are set out in Appendix 5.





notify the Scottish Government or there was no evidence to confirm whether they had been notified. This was either due to the comments being unavailable on the Council's application search or no comments were received. In many cases, this was due to the applications being for householder development and therefore no notification with Scottish Government is required (see 3.9 above). It is also possible that as only notification is required by Planning Authorities, this does not fall under their formal consultee list for comments. Where Scottish Government was notified, they confirmed they had no comments to make or no comments were received and it was assumed there were no objections. Since the purpose of notification to the Scottish Government is primarily to enable an overview of the operation of the planning process in relation to Inventory battlefields, their lack of involvement in individual cases is to be expected.

- 5.11 A review of consultee comments identified that Historic Environment Scotland frequently provided comments related to the impact on the battlefield as an historically significant landscape whereas the internal heritage or archaeological advisor often focused their comments on the management of archaeological remains (if applicable)<sup>16</sup>.
- 5.12 It is clear that, where consultee responses are provided by Historic Environment Scotland and/or the internal advisors, these have been used to form the basis of the officer's report of handling when assessing the development and its impact on the relevant battlefield. If no objections were raised, the Planning Authority generally concluded that the development was acceptable in terms of battlefields. Where no comments were received or consultees confirmed that they had no comments to make, it was concluded that there were no objections.

### **Assessment of Battlefields**

- 5.13 A review was undertaken of the report of handling and application consultee comments, where available, to determine key trends that arose of the assessment of battlefields within applications.
- 5.14 All applications have been assessed against a specific battlefields policy (where the Planning Authority has one) or a policy on the historic environment which includes the impact on battlefields. In addition, HES guidance and the SPP are routinely referenced as key guidance and policy considerations when assessing battlefields.
- 5.15 When assessing the impact on the battlefields, the key considerations were the impact of the development on the visual impact of a battlefield and applications were often supported where they were concentrated in an existing built-up area rather than in an isolated location which resulted in development expanding further into the battlefield. For example, one application (ref. 19/01233/FUL submitted to Highland Council) was for a catering trailer at the Visitor Centre of Culloden Battlefield. It was considered that the location would result in an expansion of visitor facilities outwith the existing visual envelope of the centre and extending into undeveloped ground where it would be visible from across the core of the battlefield. The development was subsequently moved to be entirely within the built-up ground around the visitor centre which was considered acceptable by consultees and the Planning Authority.
- 5.16 During the review of how Planning Authorities assess the impact on battlefields, it was noted that a number of assessments concluded that no impact would be had on the appearance, key features or character of a battlefield. However, the assessments did not provide further explanation other than stating that there would be no impact on the battlefield and therefore, it was difficult to understand what Planning Authorities assessed development on. For example, East Lothian often concluded that development would not have any impact on the key features but there was no further explanation provided within the assessment. It is possible that further,

---

<sup>16</sup> It is understood (pers comm) that HES has moved away from this "division of labour" in current casework but this change is not yet evident in the data analysed.

more detailed responses on this were provided by consultees, however, these were not available to view for a number of applications.

## Key trends arising from assessments

5.17

The first key trend that has been identified is that almost all the applications that were reviewed concluded that there would be no harm to the battlefields. This was due to a number of reasons which are set out below.

- In some cases, it is simply due to the nature of the development with over 50% of the applications reviewed being for minor or householder development. Accordingly, there was little in the way of assessment of significance or impact but also there is presumed to have been less in the way of actual impact. Such a proportionate approach to justifying proposals and determining applications is not unreasonable.
- For many of the cases the location of development was within a largely built-up area and the proposed development will be seen within the setting of existing development as identified in the Culloden example (ref. 19/01233/FUL) See 5.15 above. Planning Authorities often concluded that the impact of the development on the battlefield is considered minimal due to the impact which the battlefield has already received from previous development. Similarly, in archaeological terms, in many instances the ground was already considered to have been heavily disturbed from previous development. Therefore, the likelihood of archaeological remains from the battlefield still being located on site was minimal.
- Applications which were located in an area allocated for specific development, such as allocated housing sites, were frequently concluded to have no harm on the battlefield on the basis that these had already been assessed through the Local Plan process and concluded that no harm would be had to the battlefield or suitable mitigation could address any impact.<sup>17</sup> For example, an application submitted to Stirling Council (ref. 17/00946/FUL) formed part of the Stirling Gateway allocation and the officer's assessment concluded that the impact of development, including the extent and height of buildings, against the setting of the battlefields has already been assessed.
- In a small number of cases, the temporary nature of the development was considered to outweigh any impacts on the battlefields given that these would only be short term impacts. This was evident in application 21/01841/FUL submitted to Highland Council for temporary classrooms and it was considered that the temporary nature would result in minimal impact. Notwithstanding this, consideration was still given to potential remains associated with Culloden Battlefield and the Historic Environment Team (Archaeology) noted that while no extensive groundworks would be required due to the temporary nature, it would be appropriate to evaluate the potential for buried historic remains to survive that could be impacted by this development.
- A small number of applications were related to the battlefield such as a visitor centre or signage to advertise the battlefield and planning authorities often considered that they would be beneficial to the battlefield as it is likely to generate more visitors/tourism to the area. Given the nature of development, it was concluded that these would not impact negatively on the battlefield and had been sensitively designed and located within the Inventory.

5.18

Since almost all cases reviewed identified no harm to the battlefields it is not possible to identify patterns in the way in which planning authorities have handled cases of harm; how much weight

---

<sup>17</sup> It should be noted that such assessments at allocation stage may or may not have addressed the impact on battlefields and they would be unlikely to have given weight to this issue prior to the establishment of the Inventory.

they placed on harm in considering the wider planning issues, what sort of mitigation they sought to offset the harm.

- 5.19 It should be noted that the analysis of proposed development and the impact this may have on battlefields is very limited in a large proportion of the applications. Whilst a large proportion of these were considered to be due to the reasons outlined above, it is also considered that the limited assessment of battlefields in a number of the applications could also be due to the limited knowledge or expertise in how to assess development and their impact on battlefields, both on behalf of the applicants and within planning authorities' planning departments. A large number of applications were not accompanied by any assessment of significance or impact. Their determination relied on consultee comments to inform the assessment of the degree to which the development would affect the characteristics and qualities of the battlefield. Whilst this is always a key consideration when assessing applications, there was often lacking any assessment or commentary to go with it.
- 5.20 In a number of applications, the assessment of impact on battlefields was simply summarised by stating consultees had no objections and therefore, the development was considered acceptable. This was often based upon consultee comments submitted by Historic Environment Scotland with the archaeological deliberation and management of any remains the focus of comments by the internal advisors (if applicable). In such cases, no further assessment was provided by the planning officer's themselves and the development was considered acceptable in terms of battlefields. This was a pattern not just identified within one planning authority but was a common theme across almost all of the applications within various planning authorities.
- 5.21 Only one application (among those assessed in detail) submitted to Highland Council and located within the Inventory areas of Inverlochry I and Inverlochry II, was refused with the conclusion that there would be harm to the battlefields (application reference: 19/00086/FUL). The report of handling concluded that the proposals consisting of large industrial works would be likely to result in a significant detrimental impact upon both battlefields and the setting of Inverlochry Castle (Scheduled). The proposals would add considerably to the existing modern development there and further detract from the ability to understand and appreciate the battlefields. The assessment provided by the applicant was not considered sufficiently robust to support many of the conclusions made or to enable either HES or the Council to come to an informed view as to the extent of probable impacts. Nor had the potential for mitigation been fully explored and this was one of the reasons for refusal.
- 5.22 There were only a small number of other applications where consultees objected to the proposal on heritage grounds. In the majority of cases, the responses requested further assessment and justification regarding the development's impact on the battlefield. However, the applications were either withdrawn by the applicant or remained undetermined and therefore, no further analysis can be undertaken here due to there being no assessment by the planning authority available to view. Due to the lack of information, which is limited to the consultee responses uploaded to the planning authority's portal in these cases, it is difficult to draw a conclusion as to why these applications were withdrawn or left undetermined for a long period of time. It is possible that the applicants were unable to address the consultee concerns and therefore, demonstrate that there would be no harm to the battlefield. It should also be noted that there may be other reasons unrelated to the battlefields which have resulted in such applications being withdrawn or undetermined, but this remains speculation.

### **Management of Archaeological Remains**

- 5.23 The majority of applications received some form of assessment of archaeological remains by the planning authority (although very few were accompanied by a report from the applicant). These considered the potential of surviving remains on site and the management was often assessed by

the internal heritage or archaeological advisor if the planning authority had one. In the small number of cases where an assessment had been undertaken by the applicant and which concluded that there would be no harm to the battlefield or suitable mitigation could be put in place and the planning authority concluded that this was sufficient.

5.24 There were also some cases where planning authorities concluded that while there was the potential of impact on the archaeological remains, previous development has likely to have destroyed or removed any material associated with the battle and made the area less sensitive to change. Accordingly, the proposals were deemed acceptable or required no mitigation.

5.25 Where there was high potential for archaeological remains to be on site, this was not considered to be a reason to justify a refusal but was more likely to require appropriate mitigation. In the majority of cases, it was deemed acceptable subject to a pre-commencement condition for an archaeological assessment. In such instances any archaeological remains were therefore more likely to be recorded and removed rather than left in situ.

## 6.0 Review of Interviews

Figure 6.1 Bannockburn, Statue of Robert the Bruce



Source: [kim traynor](#) / Bannockburn Monument - On a glorious day / [CC BY-SA 2.0](#)

- 6.1 Lichfields undertook a series of interviews for the qualitative research element of this study. The interviews were undertaken between 4 November and 9 December 2021. This method had been chosen as it required greater levels of social interaction over a survey or questionnaire. It was also appreciated that a survey into the views on the Inventory had already been undertaken in 2017<sup>18</sup> and it was felt that a different approach could help bring another perspective to the subject. The hope was that more fluid discussion with the participants would lead to more informative insights regarding the Inventory.
- 6.2 The interviews took a standardised format, meaning that the same series of questions were asked to each of the interviewees in the same order. The session finished with the opportunity to make any further comments. This frequently led to more flexible discussion, allowing the participants to raise matters which they felt had not been addressed in the set questions.
- 6.3 The groups interviewed are set out in the table below. Due to the volume of interviews proposed, some interviews were put into groups of either people in their specialism or line of work. These groups were chosen purposefully to gain a perspective of that individual group, such as archaeological contractors for example. This generated a productive dynamic as it allowed the participants to respond to each other and comparing their experience and the particular perspectives of particular roles.

---

<sup>18</sup> HES, Analysis Report: Survey on the Inventory of Historic Battlefields 28 August - 4 October 2017

6.4 It was agreed at the outset that we would avoid direct attribution of comments to particular individuals in order to encourage open discussion. Most of the interviewees attended in a professional capacity although some, particular those contacted through the Scottish Battlefields Trust, attended as private individuals. A number of other groups were also approached but declined the opportunity to be involved.

Table 6.1 Organisations interviewed

Organisation/Company/Group
Aberdeenshire Council
Association of Local Government Archaeological Officers (ALGAO Scotland)
AOC Archaeology Group
Built Environment Forum Scotland (BEFS)
Centre for Battlefield Archaeology
CFA Archaeology
East Lothian Council
Forestry and Land Scotland
Glasgow Council
Highland Council
Historic Environment Scotland
Jacobs
National Trust for Scotland
Perth and Kinross Council
Perth and Kinross Heritage Trust
Scottish Battlefields Trust
Scottish Forestry
Scottish Government
South Lanarkshire Council
Stirling Council
Transport Scotland
West of Scotland Archaeology Service

6.5 This section provides a descriptive analysis of those interviews. For ease of discussion within the analysis and to ensure anonymity of the respondents, the participants have been grouped into the following:

- Curators (planning professionals, cultural resource managers etc),
- Managers (those directly involved in the active management of battlefields such as owners or their consultants)
- Contractors (those involved with undertaking works within battlefields) and;
- Campaigners (those who take an active interest in battlefield preservation outwith their full-time employment).
- Developers

6.6 It should be stressed that these are not hard and fast categories; some individuals could be reasonably considered to be within more than one category. The categories are being used purely to simplify the reporting.

## Questions

6.7 Set out below are the standard and fix questions we asked all interviewees.

### General

- What do you think the Inventory is seeking to do?
- Do you think the Inventory should be doing anything else which it currently isn't doing?
- What do you think could improve the quality of heritage and planning decision-making?

### Designation

- Do you feel that the right sites are protected?
- Do you feel that the boundaries are right?
- Do you feel that the scope of the Inventory is right?

6.8 Depending on the focus group in being interviewed additional fixed questions were asked as shown below. Some or all these questions may have been asked.

### Policy

- What policies are you aware of?
- Do you think that these policies are effective?

### Management

- Do you feel that enough resources (information, staffing, financial) are available to assess applications for battlefields?
- Do you have enough understanding of battlefields to address the issues effectively?
- Do you think that Heritage Statements are an effective tool?
- What do you see as the main pressures on battlefields?
- Discussions

## General Responses

### Summary

6.9 All interviewees agreed to varying extents that the function of the Inventory of battlefields is to raise awareness of the battlefields and to aid in their protection by recognising aspects of significance. The importance and extent of this awareness and protection varied slightly depending on the party interview.

6.10 Some interviews were very confident with the role and function of the Inventory, whilst others noted some confusion of the fundamental purposes of it.

6.11 It was also noted that those who operate within an area where there is a recognised SPG on the battlefield, both the planners and managers of that battlefield, felt more contented with the system at present.

6.12 The desire for more succinct and effective information was also expressed when questioning what the Inventory should be doing. The Inventory is recognised as a valued academic tool, but key and significant features of battlefields should be outlined in a more accessible manner.



- 6.13 There was a general agreement that the system around maintaining the battlefield Inventory is reactive rather than proactive. This could be partially addressed through an Inventory entry which is more transparently updateable. There was strong feedback for the Inventory to include more up to date findings.

### **Curators**

- 6.14 Those within planning and the development management sector have a more flexible view of the battlefield Inventory than other interviewed parties, this is presumably due to the emphasis on planning balance e.g. comparing the benefits of a proposed development with the harm it would cause.
- 6.15 The vast majority agree that the Inventory is seeking to protect the key characteristics of historic battlefields within a modern context whilst recognising that it will not be possible to preserve everything. The Inventory in essence allows for there to be explicit consideration of battlefields in planning decisions, which prior to its creation was not guaranteed in the same manner.
- 6.16 Those in policy creation see the Inventory more as a source for promotion and understanding which provides factual information regarding a designated battle. The Inventory of battlefields was established to introduce an element of protection on battlefield landscapes and to ensure their consideration in planning which did not exist previously (see 2.22 above). It is generally recognised that because the development process requires clearly evidenced reasoning the Inventory is ultimately more significant in this context than it had been previously anticipated.
- 6.17 Those in working in policy roles highlight that there seemed to be a gap between what the general public think the Inventory does in terms of protection and how the Inventory works in actuality. There is recognition that this gap is more noticeable where the general public have taken a specific interest in a site. Not being able to predict public interest in some battlefields over others makes it difficult to establish if the Inventory should be doing anything further than it is now.
- 6.18 In general terms, those planning authorities with access to a battlefield specialist seemed more confident regarding the purpose of the Inventory and comfortable that any issues relating to the battlefield Inventory would be adequately addressed. Similarly, those with adopted SPGs are more comfortable that the parameters around development are clearer and therefore planning decisions are more defensible.
- 6.19 As explored above in the summary of the general questions, when questioned on what they believed the Inventory should be doing, the majority of planning authority participants expressed that they would like the Inventory entries to effectively identify the key landscape features and important characteristics of the battlefields. **Currently they are not outlined in a way that would allow a non-specialist to identify and interpret them.**
- 6.20 The Inventory entries as they stand are academic in nature, providing dense but well-evidenced information which focuses on the specialist rather than the general reader. From a planner's perspective when trying to assess development, they do not provide assistance in relation to what the key features are, as many are open landscapes. This position is recognised by the policy makers.
- 6.21 Those in policy roles also advised that they felt the Inventory could do more to emphasise the public benefits that could potentially come from interpretation of battlefields and physically marking them on the ground. This will allow communities and tourists better opportunities to engage with them. These opinions were also voiced by planning authorities.

6.22 There is a general overlap in discussions of how the Inventory should be working and the designations discussions below, partially regarding mapping.

### **Managers**

6.23 The organisations interviewed regarding the management of the battlefields had very different involvement in the managing of those landscapes. Some groups managed those from a heritage perspective whilst the others managed them from an environmental perspective. Ultimately this led to a range and variety of answers.

6.24 Those involved within the management of the historic environment saw the Inventory as a mechanism to allow for greater public interest and to provide an academic overview of the events.

6.25 When questioned on how the Inventory could be improved upon, they explained that while it contains significantly valued research it lacks strength when it comes to planning decisions. There was discussion of the inclusion of key views in Inventory entries which continue beyond the boundaries as a method to improve concerns regarding the impact of development outside the Inventory boundaries on the battlefields. A further suggestion was the scheduling of the battlefields so that they hold the same standing as scheduled monuments.

6.26 Those involved in landscape management also saw it as a mechanism to promote, identify and inform people about Scotland's cultural landscapes. They also considered it as a useful mechanism within the planning system, to ensure identification of landscape elements but not necessarily as full protection.

6.27 Regarding improvements to the Inventory, they advised that while the documentation around the Inventory discusses managing and mitigating change there are limited examples of how this is achieved in the Managing Change document. Respondents would seek to have good mitigation practices clearly outlined within the document. This opinion was echoed to a degree by planning authorities who would also like clear examples.

6.28 In line with the comments from curators, those in landscape management touched upon the length of the Inventory entries in comparison to other heritage listings such as scheduled monuments and historic gardens. It was questioned whether all this information assists in the management of the historic battlefields.

6.29 It was thought that the documents did not fully address planning balance, a matter raised also by Campaigners. Respondents noted that battlefield preservation appears to take precedence over other matters, including environmental benefits.

### **Contractors**

6.30 The contractors we interviewed considered that the Inventory is a historic account of the battlefield which is also a useful planning document to be used by planning authorities in planning decisions. They highlighted that this put the onus on planners to make the decisions regarding battlefields and whilst the maps had not been originally intended to be used as constraints maps, inevitably that is how they were now being viewed.

6.31 All the interviewees noted that the Inventory could be improved by being a more updateable source which takes account of recent works in relation to the battlefields. The fact that the Inventory entries are static in nature does not allow them to be used as a valuable planning tool.

6.32 Some of the parties interviewed noted that a potential improvement would be that the Inventory became a designation with its own statutory consents process (akin to Listed Building Consent or Scheduled Monument Consent) to ensure greater levels of protection. Whilst other suggested

emphasising key views either through the entries or through area appraisal. These would contribute to the understanding of the battlefield. Local policy creators acknowledge this feedback and have considered methods such as different mappings, 3D models, etc. but state there must be recognition of budgeting and staff resources.

### **Campaigners**

- 6.33 The campaigners we engaged with considered that the purpose of the Inventory is to highlight that battlefields are historically and culturally significant, to ensure they are maintained and enhanced in terms of condition, education, interpretation, access and archaeological understanding, as well as being an aid to planners. There is an opinion that whilst the Inventory has been a tool used within the planning system, it has not necessarily directly lead to improvements of the battlefields.
- 6.34 When questioned about what the Inventory should be doing, these respondents advised that the purpose of organisations such the Scottish Battlefields Trust was in a sense to address the shortfall in what the public expected the Inventory to achieve.
- 6.35 Campaigners would like to see improvements to the Inventory to ensure greater levels of protection for the battlefields. They would also seek the introduction of development management plans and guidance on how battlefields should be appropriately managed.
- 6.36 Moving away from strengthening protection, Campaigners would like to see a more proactive approach to enhancing understanding of the battlefields and allow for greater accessibility to those sites which is not actively encouraged.
- 6.37 Furthermore, they echo the thoughts of other interviewed groups and would like to see a greater level of flexibility in the entries to ensure they reflect the most up to date thoughts and findings.

### **Developers**

- 6.38 The developers we engaged with saw the Inventory clearly as a method to protect nationally important battlefields within Scotland.
- 6.39 The Developers viewed the Inventory as a helpful tool which outlined the designation and key information in relation to it. Specifically, the defined area provided a strong basis to move forward with discussions.
- 6.40 The Developers did reiterate comments expressed by other interviewees which was that the Inventory entries were information-rich but potentially did not provide much information in terms of development. They advised that from a non-specialist view point it was not obvious what were the key landscape characteristics that should be preserved or whether some features had more importance than others.

## **Designation Responses**

### **Summary**

- 6.41 Most of the interviewees agreed that it was unlikely that any further battlefields would be suitable for the national designation. They did recognise that enthusiasts were likely to want further recognition of other events not included currently on the Inventory of battlefields however the vast majority agreed that the right sites are protected currently.
- 6.42 In relation to questions regarding the boundaries of the existing battlefields we experienced vast and varied responses. Whilst the issues with the boundaries and proposed solutions to the

issues varied from party to party there was consistent feedback that the reasons for the red line boundaries in their current locations were not transparent.

- 6.43 Many recognised that this was likely due to the Inventory maps using modern boundaries for identification. However, many noted that these were hard to justify, particularly in the planning and development management sector.
- 6.44 Most respondents, again particularly from the planning and development sector noted a desire for further information to be available on the maps, such as “heating mapping” to identify key areas of the battlefield. There was recognition that in some instances the lack of information on the battlefield would pose as a barrier to providing this.
- 6.45 Whilst most interviewees were supportive of some form of heat mapping, the feedback from managers and enthusiasts was a concern that any areas outside the core battlefield would then potentially be suitable for development.

### **Curators**

- 6.46 The planning authorities and policy advisors overall agree that the right sites are protected by the Inventory of battlefields as explored above. The criteria to be worthy of national designation is very clear and therefore few battlefields are likely to meet the criteria.
- 6.47 The perspective on whether the boundaries of the designations are correctly drawn differed between planners, Managers and Campaigners. Many of the councils provide similar feedback in relation to the boundary treatment which is explored below.
- 6.48 Planning authorities find that the boundary treatments are not consistent. Some follow built up areas and modern landscape features whilst others appear to go through landscapes and include development areas. There is a general feeling that the modern boundaries detract from the historical land use and therefore weaken them. These boundaries are difficult to justify when considering potential developments and their impacts on the historic environment. A greater transparency about why boundaries are where they are could be a way to improve this.
- 6.49 Whilst it was not intended for the battlefields boundary to be a constraints boundary, ultimately in the planning system the lines noted are interpreted as constraint lines by members of the general public. The point is emphasised by the policy makers, that the line should not be seen as a hard boundary and is not there to completely stop all development. Regardless of the emphasis, there is a public opinion that anything outside the red line boundary of the Inventory is acceptable and anything within is not, which is not the case. It is noted that this concern surrounding the boundaries and how they are defined has been a point of discussion ever since the Inventory’s inception.
- 6.50 The Inventory battlefield boundaries currently include built-up areas and there were mixed views as to if this approach was the most suitable. There is a view that the land and landscape has been so significantly altered that its inclusion within the Inventory boundary poses no benefit and causes unnecessary layers within the planning system. Others are of the view that the larger the boundary, the more guarantee of the protection and as householder applications should not be going out for battlefield consultation then no officer time is wasted.
- 6.51 There seems to be general misunderstanding between some councils regarding whether householder applications should be being sent to Historic Environment Scotland for consultation. HES and the Scottish Government have advised that this should not be happening yet in practice it still does.<sup>19</sup>

---

<sup>19</sup> The consultation requirements are set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. (See 3.9 above)

## **Managers**

- 6.52 When asked if the right sites were protected, those in historic landscape management advised that they would like to see a more open process for adding or removing sites upon reflection or further study.
- 6.53 Those involved with the management of the historic landscape advised that the defined boundary engenders black and white thinking (yes, it is in or no, it is out) and makes the management of the historic landscapes more difficult. This is because development outside the boundary could still have an impact on the significance of the specific landscape. Therefore, the Inventory boundaries set as they are do not necessarily respond to new discoveries beyond the boundaries; thereby limiting the opportunity to address issues which may be pertinent to the battle but beyond the Inventory battlefield.

## **Contractors**

- 6.54 There was little discussion regarding whether further sites should be included within the Inventory and the conversation focused largely on the boundaries of the existing battlefields. Of those interviewed many expressed that they did not see a problem with having a larger area identified as it scopes a largely searchable area for potential evidence of the battlefield.
- 6.55 Whilst the interviews agreed on the idea of a larger designated area, some added that they did not believe necessarily that this whole area is nationally important. Whilst others noted concern regarding potentially heat mapping or annotating the core and periphery areas as it is essentially saying some areas had more importance than others.
- 6.56 Similar to the responses received by planning authorities, frustrations were raised regarding the nature of the Inventory boundaries. With boundaries following established fence boundaries it can be difficult to establish the battlefield on site. As emphasised elsewhere in discussions, the Inventory boundary is effectively interpreted as a hard line and perhaps another method could be introduced to emphasise it is an indicative area.

## **Campaigners**

- 6.57 When questioned on whether the right sites are protected, the Campaigners thought that the right sites were protected. However, they believed there were additional sites which would be viable entries. They also advised that there are other siege or skirmish sites which would warrant protection but as they do not fit the scope of the Inventory, receiving any protection or support for them is more problematic.
- 6.58 The Campaigners discussed that they feel the Inventory boundaries as they are presently drawn are more for the aid of developers and planners, rather than for an explanation of what happened on site. The Inventory boundaries are fixed boundaries, compared to the battle which would have been a moving event.
- 6.59 Similarly, as with the Contractors, there was appreciation for the wider designated area as it allows for a wider area of flexibility if new data suggests a move in the battle line for example however there was split in opinion around further definition of that area. Some were supportive of the inclusion of core and periphery areas on the understanding that all were of national importance anyway and this would aid in the appreciation of the battlefields. Others had concern that this would suggest that some areas were less important than others. There was general agreement that in some instances, regardless of opinion, this would not be possible due to the lack of information surrounding the battle.

- 6.60 To echo other parties' comments regarding the boundaries, there was discussion over the boundaries being arbitrary, particularly where they follow modern features. However, it is recognised that there is not a strong alternative to this system. In addition, they wish to emphasise that development outside the boundaries can have impacts on key views and this is an aspect that needs consideration.
- 6.61 There was general agreement that many would like the consideration for designation to be widened to include things that aren't solely about landscape management, such as engaging with local communities and the local economy.

## Policy Responses

### Summary

- 6.62 As outlined at the beginning of the analysis, the policy and management questions were asked, where appropriate to the group context. The implication of the upcoming NPF4 formed the heart of discussion with all parties interviewed on the matter.

### Curators

- 6.63 As mentioned in the general observations of this interview, those planning authorities with access to heritage expertise seemed more confident regarding historic environment policy. All emphasised that each of their areas had a relevant battlefield related policy.
- 6.64 Planning authorities with draft SPG's or adopted SPGs again seem more satisfied that the policy element of assessing historic battlefields where been appropriately addressed. Some planning authorities had concerns around the standing of those documents once the NPF4 is approved as these documents will no longer have statutory standing within the development plan (as shown in Figure 3.3 above). Others did not seem actively engaged with this upcoming change.
- 6.65 There was discussion on the lack of consistency between councils regarding SPG's as some have relevant documentation and others don't. This was recognised both by planning authorities and policy makers.
- 6.66 Some interviewees noted that the policy wording as it stands in SPP states that battlefields should be protected, conserved and enhanced. From a planning perspective that can be difficult to quantify. Largely this wording has been maintained in the draft NPF4. None of the planning authorities' interviewees had strong opinions on the draft wording. However, many did not expect there to be any strengthening of the policy context. This stance was echoed by policy advisors.
- 6.67 Many planning authorities referenced the 'Managing Change' documentation produced by HES. Therefore, the document appears to be being used practically. The discussion of the document frequently sought further real examples of managing change and enhancement of battlefields.
- 6.68 Discussion was had regarding the general accessibility of the Managing Change guidance. This was also recognised on the part of the policy maker. Whilst they believe the documentation is fit for purpose (e.g. aimed at planning professionals), interest in the Inventory has evolved over the last decade as have expectations regarding documentation. The format of guidance should evolve to reflect this.

### Managers

- 6.69 Those involved with the management of the historic landscape expressed that they felt the existing policy lacked real substance and failed to adequately protect battlefields. They advocated that stronger wording at national policy level is required to make a difference.

6.70 The comments made by the planning authorities regarding the Managing Change guidance are echoed by those involved in historic and landscape management. These respondents were of the view that it would be beneficial if the document addressed all pressures and provided examples of how sites should be managed. Those in landscape management would like recognition that landscape management is fundamentally different for other development pressures.

6.71 Those involved in landscape management note that the works they undertake are removed from the planning application system and subject to different regulations. Therefore, direct comments on planning policy and the upcoming NPF4 were not as directly relevant to them.

6.72 Furthermore, there was discussion surrounding the competing interests in terms of the landscapes in the sense that we have both policies for environmental improvement and for battlefield protection and enhancement.

### **Contractors**

6.73 The Contractors did not volunteer any clear views on the strengths and weaknesses of existing policy.

### **Campaigners**

6.74 The Campaigners interviewed were well-versed in the planning system and the relevant planning policy. Many are of the hope that the NPF4 will ensure greater protection surrounding battlefields now that their importance is more actively expressed in the public forum than the last time the framework was considered.

6.75 Some of the issues raised surrounding battlefield policies were in relation to planning balance and the weighting given to the historic battlefield vs other considerations such economic and environmental benefits. They expressed that none of the HES guidance nor planning authority policy was explicit in this.

6.76 As with those involved with the historic management of the battlefields, the Campaigners felt that policies did not go far enough to adequately protect the battlefields. They believe the policy should be strengthened in line with national designation e.g. unless a development is of national importance it should not be to permitted to impact an Inventory battlefield.

6.77 In order to achieve this, the Campaigners are of the opinion that HES must take a more significant role in responding to planning consultations, providing strong objections in cases where developments are not nationally important.

6.78 Those interviewed also want to see greater clarity regarding what counts as enhancement for battlefields, ideally in the form of adopted policy and HES' consultation responses.

## **Management Questions**

### **Summary**

6.79 As outlined at the beginning of the analysis, the management questions were asked where appropriate to the group context. These questions are likely more applicable to planning authority planners than any other group.

6.80 Many of those interviewed spoke about strains on resource, both regarding time and financial constraints.

6.81 The majority considered that including heritage impact assessments within the validation requirements might be a positive move but there were reservations from all parties regarding the quality of these assessments.



- 6.82 Whilst the different interested parties described a range of different pressures faced by battlefields, the number one aspect was development in general. Whilst the traditional pressures, such as housing, remain prevalent, there is growing pressure from forestry, in line with the climate change agenda.
- 6.83 Whilst it was not a fixed question, a key theme on future management of battlefields was a desire for guidance that standardised a method of battlefield archaeology. This was feedback from most interviews we engaged with.
- 6.84 Similarly, many parties interviewed advised that metal detecting on battlefield sites was a consistent problem for their management.

### **Curators**

- 6.85 As discussed with other elements of the interviews, councils with specialist input were more comfortable that they had enough resource to address applications that had an impact on battlefields adequately.
- 6.86 The majority of planning authorities reported a strain of resource and most agreed that further training on battlefields would be beneficial. They advised that supplementary guidance writing and updating, alongside Character Area Appraisals are substantial pieces of work which require significant resource.
- 6.87 Policy makers in both planning authorities and national bodies note that where battlefields have piqued public interest, any planning application and response will require much more resource in terms of addressing them due to public aspirations for the site.
- 6.88 This constraint of resource is recognised on the policy side of management. There is recognition that further works and more modern methods of information (such as 3D modelling etc) would be of aid in our understanding of battlefields but these again require substantial resource both in time and financially.
- 6.89 The majority of those interviewed agreed that if heritage impact assessments were a validation requirement there could be an improvement in the consideration of the battlefields in the context of planning applications. There were concerns over how you would regulate the quality of those documents and how you would determine whether or not they would be appropriate.
- 6.90 The perspective on what the main pressures on battlefields were varied from area to area to include housing, wind farms, solar panel farms, forestry but ultimately the main pressures are development (as opposed to neglect, decay or damage). The view is constant between the planning authorities and the policy writers. The majority of those interviewed also expressed a concern with metal detecting on battlefield sites and would seek further methods of regulation.

### **Managers**

- 6.91 Those involved with historic management felt they have enough expertise due to their chosen profession and organisation. However, they did feel that there were instances where the planning authorities did not have enough specialised knowledge of the battlefields. This situation is ultimately exacerbated when planning applications are decided upon at planning committee.
- 6.92 Those involved in landscape management tend to hire specialist forestry planners who are well versed in their specific field. The issues they come up against are usually landowners or occupiers who have little understanding of the designation, and the planning authorities lacking flexibility around forestry management. Landscape managers would actively encourage organisations to engage with them to ensure the best outcomes outside the planning system.



### **Contractors**

- 6.93 Those working with battlefields due to their profession (e.g. archaeology) expressed concern regarding the ability of planning authorities to assess battlefields. Similar to those involved in historic landscape management, some expressed concern that planning authorities may not have the specialised expertise or the required resource to assess planning applications which impact upon battlefields.
- 6.94 While they considered that the provision of heritage impact assessments might be useful they expressed concern regarding the quality of them.
- 6.95 Those involved in contracting work noted specific pressures on battlefields around city centre locations for housing due to the advantages of their strategic positioning. Also, the increased pressure from forestry which continues to expand as the climate change agenda gains more importance.
- 6.96 Some of those in contracting work note they would like to see guidance on standardised methodology regarding battlefield archaeology to ensure consistency in the data collected from sites.

### **Campaigners**

- 6.97 As mentioned in summary, the management questions were more framed to those actively working in relation to battlefields however the interviewees questioned were supportive of better practice guidance in terms of battlefield archaeology to ensure site specific management.
- 6.98 The Campaigners also saw the benefit in anything that would improve the quality of applications relating to battlefields and more clearly outline mitigation would be to general benefit.

### **Conclusions**

- 6.99 In 2017 HES undertook a survey of external stakeholders working with Inventory battlefields. Comparison with the findings of the survey, has shown remarkable consistency in responses. While the survey was essentially quantitative in its approach and our interviews have been more qualitative, they present a consistent picture of support for the existence of the Inventory as a protection mechanism but with a greater range of opinions on the usefulness of documentation, and its handling of battlefields in the planning process.

## 7.0 Discussion of issues

7.1 The protection of battlefields has been the subject of two petitions to the Scottish Parliament within the last four years (see Appendix 6). In both cases, the organisers were calling for greater protection for battlefields from development following concerns related to specific battlefields (Bothwell Bridge and Culloden). Both petitions referenced the existence of the Inventory and felt that it does not provide the level of protection that they feel is required. The fact that there are two recent petitions with a combined tally of over 22,000 signatories indicates particular strength of feeling. However, this must be balanced with the Parliament's Public Petitions Committee responses which, having looked into the issue, felt that the appropriate safeguards were in place. This report seeks to investigate whether there is anything about the Inventory or its operation which can be improved to reduce this heightened degree of concern about the protection of battlefields.

7.2 Based on the research above a number of topics are discussed further below to explore this matter.

---

Figure 7.1 Culloden, c.1920



### Purpose of the Inventory

7.3 HES has described the purpose of the Inventory as being:

*... to provide information about nationally important battlefields, to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts such as landscape and land-use management<sup>20</sup>.*

7.4 This reflects the original statement of purpose set by Scottish Ministers in 2009 (See 2.22 above). The related aspects of providing information and enabling protection and management have always been closely bound together. The legislation (see 3.2 above), established the

---

<sup>20</sup> P.17 HES, Designation Policy and Selection Guidance, 2019

Inventory as a record of nationally important battlefields with policy (see 3.19 above) aiming to protect, conserve and enhance battlefields. These two aspects of the Inventory's purpose have existed from its introduction and the interviews conducted for this report make it clear that this purpose is broadly understood by those who engage with it.

- 7.5 However, the group we referred to as Campaigners, while they understand the purpose of the Inventory, have higher expectations for what it should be able to achieve. A telling comment was made by Campaigners that the reason that organisations such as the Scottish Battlefields Trust existed was because many did not feel that the Inventory was safeguarding battlefields as they felt it should (See 6.34 above). Suggestions that battlefields should be protected as Scheduled Monuments (see 6.25 above) might be at the extreme end of the scale when it comes to protection but it does suggest a lack of confidence in the planning process to protect battlefields from harmful development.
- 7.6 The issue therefore is not that the purpose of the Inventory is poorly understood but that for some people it does not provide sufficient protection for the battlefields.

## Threats

- 7.7 It is an irony that the first petition to Parliament calling for stronger protection for battlefields was a response to the successful objection to a planning application for 15 houses on the Covenanters' Field within the boundary of the Battle of Bothwell Bridge (HM/13/0296). Historic Scotland, WoSAS (and many others) objected to this proposal which was withdrawn in late 2013. The petition was prompted not by the failure of the planning system to protect the battlefield but from a fear that it might fail in the future. Our own research of planning cases has identified no instances where consent was granted in the face of objection from statutory consultees. Had a planning authority been minded to grant such consent, they would be required to notify the case to Ministers (See 3.12 above) For reasons set out above (see 5.2 and following) there could be instances where this happened but there is nothing to indicate a systemic failure to protect battlefields through the planning process.
- 7.8 There was general consensus from the interviewees that the greatest threat to battlefields comes from development pressures. Irresponsible metal-detecting was also identified as an issue. This falls beyond the scope of the planning process and is discussed under Archaeology below. Many of those interviewed expressed a lack of confidence in aspects of the planning process to function effectively in relation to battlefields; Contractors were concerned that some planning authorities lacked sufficient resources and expertise, some Curators questioned whether requiring applications to be accompanied by some form of impact assessment would result in documentation of suitable reliability. It is worth pausing to note that while those we spoke to felt that they had the resources and expertise to fulfil their own role, they were less confident about those in different roles
- 7.9 The development pressure on particular battlefields, as gauged by the number of planning applications (see Appendix 5), is real and is most pronounced for those battlefields on or near the edge of cities or towns: Pinkie, Prestonpans, Dunbar, Culloden. The comparative lack of consultations and notifications for heavily urbanised sites such as Langside or Stirling Bridge may reflect that the Inventory areas are now heavily residential to the extent that most applications within these areas are for householder development.
- 7.10 One area of pressure on battlefields stemmed from expansions of forestry. This is seen as being likely to increase as part of the response to climate change. However, while the drivers for forestry activities differ from other sorts of development, the impacts can be destructive and long-lasting. The processes for approval of new forestry are managed by Scottish Forestry but involve consultation with the relevant planning authority and HES.

## Level of Protection

- 7.11 Much of the concern around the Inventory has stemmed from this concern that it does not provide sufficient protection. As set out above, this is not borne out in the survey of cases but seems to stem from a lack of confidence that protection will hold in the future.
- 7.12 One other important aspect of thoughts about the level of protection came through in the analysis of cases. One case, in particular, which progressed further during the writing of the report raised some interesting issues. The proposal concerned the conversion to domestic use of a set of disused farm buildings, Culchunaig, within the boundaries of the Culloden battlefield (20/04611/FUL) (see Appendix 8). The proposals were largely within the envelope of the existing building, with comparatively minor additions, and the report to committee recommended that the development should be permitted; giving a new use to a redundant traditional building in keeping with the Culloden Muir Conservation Area and the Inventory battlefield. The National Trust for Scotland objected, arguing that any development in this area would have a significant negative impact on the cultural and historic value of the battlefield, voicing a concern that Culloden is experiencing an ever-increasing pressure of development. The Committee did not accept the recommendations of their officials and refused the application in February 2021.
- 7.13 At appeal this refusal was overturned in December 2021, with the Reporter finding that the proposals represent no significant adverse effects on the historic battlefield and that they would preserve or enhance the character or appearance of the conservation area. Consideration of this case draws attention to a difference of expectation in how battlefields should be managed. It places a very precautionary concern for the prevention of harm to the battlefield ahead of all other concerns, including finding a viable reuse for a traditional farm building. As with the comments in 7.5 above, this suggests an approach to battlefield management which is essentially single-minded and which has a far higher expectation of the degree to which the Inventory will protect battlefields from any change.

## Documentation

- 7.14 One aspect of the purpose which drew a fair amount of comment was the nature of the documentation of each Inventory entry. As a source of information on Scottish battlefields, it is not unreasonable for the Inventory to have some of the most informative entries of any heritage designations. The ready access to the fully referenced research which has informed the decision to add the particular battlefield to the Inventory is very valuable and has the potential to inform the wider education, recreation and tourism benefits which many felt could flow from the appreciation of battlefields. The Inventory entries are a useful tool for those seeking a starting point for information on battlefields, whether that individual is seeking the information for a professional purpose or otherwise.
- 7.15 While the information for each Inventory entry is detailed in nature and accessible for general readers, many of those we interviewed commented that the Inventory entries were “academic” in their approach and did not address the management issues facing battlefields. **General consensus from consultees is that the information is valuable but many have expressed a wish to see greater detail regarding which areas of each battlefield might be considered to be particularly sensitive.** As a product of the designation process it is perhaps not surprising that the documentation is not focused on future management. This does not take anything away from the quality of the research but there are limits to its utility.
- 7.16 The Stirling Council SPG (see extract in Appendix 7) makes an interesting comparison in terms of the documentation which is very much focused on how the battlefield might be managed. This approach goes some way to address the interest in “heat mapping” for areas of sensitivity

across battlefields (see 6.44 and 6.55 above). It sets out which parts of the Inventory area are considered to retain key components of the battlefield and which areas might be considered to be less sensitive to change. It identifies areas which retain archaeological potential, which permit an appreciation of the battle and which respond to important views extending beyond the Inventory boundaries. Even for those areas which have been degraded by subsequent development it identifies potential enhancement which might be sought in the future.

- 7.17 It may be worth expanding on reasons for this. Battlefield inventory records are a combination of event/place information – and have become ‘the’ place where information about the battle is located. Given the scale of the designations, including the overall area of interest, and the degree of academic debate sometimes on where/how the battle played out within the boundary, based on varying degrees of evidence, the records include a level of detail that we wouldn’t include in other designations, and therefore attract debate, albeit in a small number of high-profile cases.
- 7.18 The level of documentation for Inventory battlefields is far greater than that available for most other heritage assets but it does raise an interesting issue. The more expansive the documentation, the greater the expectation that the information will be entirely comprehensive – that it will contain all the information needed by the reader. As discussed above, many of those we interviewed felt that the information was not presented in a way which addressed their management concerns. However, a further issue is that some commented that it should be easier to update the Inventory entry with new findings. In effect, the Inventory entry was being expected to take the role of the Historic Environment Record in providing access to all information related to the battlefield, being updated regularly to reflect new surveys and research. In trying to reflect in the Inventory entry the course of academic debates (e.g. where/how the battle played out within the boundary, based on varying degrees of evidence), the records include a degree of detail not found in other designations. As a result the drafting itself can become the forum for such debate. This role is an expectation placed on the Inventory which is not placed on other heritage designations.

## **Boundaries**

- 7.19 While most of those we interviewed were content that the Inventory had, to a large degree, identified the right battlefields for inclusion, there was considerable discussion about boundaries.
- 7.20 For some the definition of boundaries was inherently problematic; the nature of warfare means that battles never had neat edges. The appreciation of battlefields can often rely on the understanding of these places on a landscape scale so the idea that recognition of the battlefield should stop at a hard line is not entirely comfortable for some of the interviewees. There is a fear that it would lead to differential treatment on either side of an arbitrary line.
- 7.21 The use of modern features for defining the extent of a battlefield was raised as troubling for some since it emphasised that the boundaries could be seen as arbitrary. They were not opposed to the Inventory entries being defined on the ground but felt that arbitrary boundaries complicated discussions of what was significant about parts of the battlefield. A clear example of this approach is Inverlochry II where, in order to draw a reasonable boundary across an open hillside the line of electricity pylons has been used. It is noticeable that battlefields in more moorland/mountain settings, the boundaries have been drawn more widely than may be obviously justifiable. Both Blar na Léine and Invershiel include large areas of steep hillside which can have seen little if any military engagement even though the steep topography of their surroundings undoubtedly influenced the conduct of the battle below.



- 7.22 There was one cluster of comments related to boundaries which wanted wider boundaries to be drawn to protect areas which future research might identify as significant. This precautionary approach to designation appears premature but it does reflect one thread of thinking.
- 7.23 The decision not to add the Battle of Aberdeen II to the inventory (see 4.5 above) was taken on the basis that the battlefield was now essentially entirely built up. This appears to be a reasonable decision in the light of the selection guidance for battlefields. However, it is not clear why this consideration is not brought to bear in the definition of boundaries; areas of battlefield which have lost their landscape character, physical features and archaeological potential could be excluded from the Inventory for similar reasons.

## Setting

- 7.24 Some of the concerns regarding boundaries was their “binary” character; they define what receives protection and what does not as part of the Inventory battlefield. Currently the SPP requires 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*”. There is nothing here to rule out the consideration of setting issues where they contribute to the key landscape characteristics and special qualities of site. This is followed by a number of planning authorities (see Table 3.1 above). Stirling Council supplementary guidance specifically identifies key views to and from locations beyond the Inventory boundaries as being important characteristics to be managed through the planning process.
- 7.25 The changes introduced with NPF4, as drafted (see 3.59 above), have the potential to limit, if not remove, the setting of battlefields as a consideration in their management. Since NPF4 will form part of the development plan and it restricts policy consideration for battlefields to “*sites within the Inventory*”, developments which may be beyond the boundaries of the battlefield but which interfere with the sort of views identified by Stirling Council will not be subject to this policy. To an extent the application of this policy may be open to interpretation, but this ambiguity does not appear helpful.

## Land use

- 7.26 The Inventory entries as they are currently drawn include some areas which, due to subsequent development have seen the loss of their key landscape characteristics and special qualities. Battlefields such as Langside or Stirling Bridge are now heavily built over. The fact that the requirement for consultation with HES and notification to the Scottish Government does not apply to householder applications stems, perhaps from an appreciation that the sort of minor works to people’s houses in these built-up areas will have no bearing on the battlefield’s qualities. This would be certainly borne out by the planning decisions where the impact on the battlefield was considered to be minimal in the context of the existing development. While this approach to minor development within built up areas appears entirely reasonable and pragmatic, it should be remembered that permitted development rights have been withdrawn from a wide range of works within the boundaries of an Inventory battlefield.
- 7.27 It should be noted that because the cases for assessment in this study were based on those cases which were notified to the Scottish Government or whether HES was consulted, this will not have approached the vast majority of householder applications. It is not possible therefore in this study to quantify how many of these householder applications were made necessary by the removal of permitted development rights in areas which are already built-up

## Archaeology

- 7.28 The earliest study of battlefields was undertaken by those wishing to understand the achievements of great military leaders and what military lessons could be learned from great victories or defeats. Only in the later 20<sup>th</sup> century did it become an established branch of archaeology. Its techniques differ from other areas of archaeology with its greater focus on the distribution of unstratified material in topsoil. It also places a great emphasis on inter-disciplinary research, looking at how landscapes have evolved, how place name evidence and careful historiography can shed new light on our understanding. In 2012, The Council for British Archaeology published “Research Report 168: The Archaeology of English Battlefields” reviewing the state of understanding of the potential of, techniques for and threats to battlefield archaeology. While being entirely focused on English battlefields, it contains much information of relevance within Scotland. Interestingly, 10 years ago this report’s conclusions included the following comment:

*The most urgent requirement is for a guide to the best practice in the location, investigation and conservation management of battlefields and siege sites.*

- 7.29 This closely parallels the comments which came from contractors in particular in relation to the investigation of areas of battlefields. This is an issue not simply because standard approaches to investigation and recording would streamline discussions regarding archaeological mitigation but because consistent techniques for survey, retrieval and recording of material (particularly projectile scatters) can be crucial in being able to draw reliable conclusions from the findings.

- 7.30 Since most development-led archaeological investigation is undertaken as part of a condition of consent (rather than pre-determination) there is an issue that localised piecemeal recording, using varying techniques, can make it more difficult to use this information to understand the wider battlefield area and the distribution of material across it.

- 7.31 Many curators and consultants flagged concern with irresponsible metal-detecting on battlefields but quantifying the scale of actual threat was beyond the scope of this report. Since metal-detecting is not an activity that requires planning permission, designation in the Inventory does not restrict or regulate this in any way. Responsible, methodical metal-detecting is an important strand in the public engagement with archaeology and battlefields, but a fear was expressed that much metal-detecting is undertaken in a far less rigorous manner, resulting in the permanent destruction of information about our past. This has been investigated in far more detail in GUARD Archaeology’s 2016 study of the hobbyist metal detecting Scotland (commission by HES and the Treasure Trove Unit)<sup>21</sup> but the report did not address illegal metal-detecting. The CBA report stated in 2012 that in England “*metal detecting outside the framework of archaeological survey is almost certainly the greatest threat to historic battlefields*” and the interviewees demonstrated that it remains a real concern in Scotland. Introducing a regulation scheme (such as licencing) as suggested in interviews (see 6.90 above) would be likely to require an amendment to legislation and is unlikely to make a significant impact on any metal-detecting activity which is already illegal.

## Models for management

- 7.32 HES’s Managing Change guidance clearly sets out important principles for managing historic battlefields. The reference to this by interviewees indicates that it is a document which is found useful in the development management process. However, many interviewees did express an interest in seeing a greater degree of site-specific guidance. Discussions of “heat mapping” for

---

<sup>21</sup> <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=3de69b89-5f55-481e-9819-a70c00990d96>

individual battlefields recognise that, in a landscape-scale designation there will be some locations which can absorb change more easily than others. The preparation of such mapping is not without its challenges; particular locations may be of particular interest for a range of different reasons; archaeological potential, historic association, visual prominence, commemorative function, appreciation of the course of the battle. Even if such a map is prepared, there may still be the need to consider the battlefield in its entirety.

- 7.33 However, simply because such analysis may be difficult does not mean that it cannot be, or indeed has not, been undertaken. Both Highland Council's *Culloden Muir Conservation Area Character Appraisal and Management Plan* and Stirling Council's *Historic Battlefields Supplementary Guidance* have undertaken this sort of analysis. The approach taken by Highland Council focuses on the landscape qualities of the site while Stirling Council has also incorporated a consideration of archaeological sensitivity. Both of these use a combination of mapping and text to set out a framework of recommendations for managing the particular battlefield.

### **Availability of resources**

- 7.34 Many interviewees expressed concern about the expertise and resources available to those involved in considering the impact of development proposals on battlefield sites. Curators, on occasion, expressed some concern about whether they had the information and guidance to form a robust view on impact, although those working in areas with clearly local guidance, particular in the form of SPGs, expressed more confidence. Contractors expressed similar concerns regarding the planning authority provision but their call for more standardised approach to investigation, in part at least, suggests that they might be looking for reassurance in relation to their own expertise. Since the Inventory is a fairly new designation type combining a concern for archaeology, landscape and historic association, it is to be expected that expertise will build gradually and that accepted standards would emerge over time.
- 7.35 One particular comment from Contractors related to the expertise of those on planning committees and their understanding of the purpose of the Inventory. There was particular concern (see 6.91 above) that decisions taken by committees may not be based on a sound understanding of the issues around battlefield management.
- 7.36 It is noticeable that in consultee responses to planning applications a pattern emerges that HES has been more likely to focus their comments on the impact of the development on the ability of a viewer to appreciate the landscape and the course of the battle that took place there. Planning authority consultees, perhaps because frequently they have a background in archaeology, have focused on the potential for archaeological remains and how they may be managed through the development process. The tendency for this "division of labour" is not problematic in itself but seems to have emerged as HES and the Planning authority adviser have played to their existing strengths.



## 8.0 Conclusions and Recommendations

8.1 This review of the way in which Inventory of Historic Battlefields has been managed through the planning system has considered:

- the legislation, policy and guidance available at both a national and local level;
- a consideration of imminent changes in the planning system;
- a review of the handling of cases on which HES was consulted of the Scottish Government notified;
- Interviews with those involved in the management of battlefield in a range of capacities.

8.2 In drafting recommendations, consideration has been given to the terms of the brief (See Appendix 9) as well as the principles of Historic Environment Policy for Scotland.

8.3 The recommendations do not necessarily identify who should be responsible for taking each of them forward although for many of them a clear lead may be obvious. For many of the recommendations successful progress will rely on a cross-sector approach; planning authorities working with archaeological contractors will be able to explore areas of common interest more effectively together; harnessing the expertise and energy of enthusiasts and special interest groups could greatly assist the development of Inventory revisions or management guidance.

8.4 The conclusions and recommendations have been grouped according to a number of themes.

### The Inventory

8.5 The Inventory is a respected resource, identifying nationally important battlefields and providing considerable levels of reliable information on each battlefield.

8.6 HES' judgement on the selection of sites is respected. There may be differences of opinion on particular sites but this is common to all heritage designations and is not exceptional.

8.7 The boundaries of sites on the Inventory in many cases include areas of heavily developed ground which have lost much, if not all, of their landscape character, physical features and archaeological potential. There is no clear benefit from having such areas protected by their inclusion in the Inventory, especially given the removal of permitted development rights that goes with this. In 2019 HES updated its Selection Guidance to include consideration of whether a battlefield retains "*its special qualities and landscape characteristics*" (see 3.66 above). Other than the Battle of Aberdeen I, it is not clear than any battlefields assessed before this date have been considered in this light. Such consideration could justify boundaries which do not include built-up areas.

8.8 It is essential that boundaries can be drawn for the Inventory to be an effective tool in the planning process but clarification of the reasoning behind these boundaries can reduce the chance that their significance is misinterpreted.

8.9 The documentation that accompanies the Inventory entry is well respected for its content but there is an impression that this should be able to encapsulate everything that is needed to manage the battlefield and be rapidly updateable. This is not a demand that is made of other heritage designations.

### Recommendations

1. Boundaries of Inventory areas should be redrawn to exclude areas (particular redeveloped areas) which no longer "exhibit some level of preservation and/or significance in terms of its

special qualities and landscape characteristics through which it can contribute to our understanding”<sup>22</sup>.

2. HES should provide further clarification in its Selection Guidance regarding how it defines the boundary of Inventory sites.
3. The documentation which was prepared to support the designation decisions (particularly the Summary and the Deployments maps) should be separated from the Inventory entry itself. While these should remain easily available from the Inventory entry, it should be clear that these were prepared for the purpose of designation.

## Management of Inventory battlefields in the Planning Process

- 8.10 Battlefields form only one aspect of the Historic Environment, which itself, is only one element in the planning process. It is reasonable to expect that battlefields will be given due consideration in the complex decisions that govern conservation and development.
- 8.11 The system for managing Inventory battlefields in the planning process, by and large, works in the way intended. No instances were identified of cases where existing procedures allowed unjustified harm to a battlefield as gauged by the guidance in “*Managing Change in the Historic Environment: Historic Battlefields*”.
- 8.12 The Scottish Inventory and its management through the planning process is comparable with systems elsewhere in the UK as well as the principles set out in the unadopted Vimy Declaration for the Conservation of Battlefield Terrain (see 2.5 above). Direct comparisons are not possible because of some of the fundamental differences in designation policy and planning policy, but the situation in Scotland brings a greater degree of protection than the Welsh Inventory while, perhaps, being less onerous than the English Register.
- 8.13 While public sector resourcing remains a general concern (and is beyond the scope of this study), most groups felt that, since the introduction of the Inventory, they have developed the expertise and resources to fulfil their own roles. However, they lacked confidence that other parties working in the sector have the resources (in the broadest sense) to fulfil their respective roles effectively.
- 8.14 All planning authorities with Inventory battlefields have policies in the Local Development Plans (adopted or emerging) which address the management of battlefields. Some planning authorities, particularly Highland Council and Stirling Council, have gone further and been innovative in their approach to providing clear management guidance for their Inventory battlefields. We are aware that others have similar work in progress.
- 8.15 NPF4 as currently drafted, has the potential to reduce effective protection for the “landscape characteristics and special qualities” of an Inventory battlefield by restricting its effect to sites within Inventory battlefields. This could reduce the potential to address issues of setting for battlefields.

## Recommendations

4. Building on HES’ “Managing Change” guidance, detailed guidance should be developed for the assessment of cultural significance of battlefields and the impact of proposals and the identification of effective mitigation and enhancement (potentially generating examples or templates). This should aim to establish accepted standards for assessment by any of those working with battlefields. (See also Recommendation 11 below).

---

<sup>22</sup> Para 13, Annex 4, Historic Environment Scotland, Designation Policy and Selection Guidance, 2019

5. Planning authorities should be encouraged to develop management guidance (preferably in line with accepted standards) for their Inventory battlefields.
6. Planning Authorities should, where appropriate, require applications which have the potential to affect a battlefield to be supported by a suitable assessment of impact (preferably in line with accepted standards) either individually or, preferably, through amendment of HOPS Validation and Determination Guidance for Planning Applications.
7. HES, as the lead public body set up to investigate, care for and promote Scotland's historic environment, should request the amendment of the wording of NPF4 to allow for the assessment of setting impact where appropriate. Suggested wording is provided here:

*Development proposals affecting battlefields within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield's cultural significance, key landscape characteristics, physical remains and special qualities.*

## Archaeology

- 8.16 The archaeology of battlefields in the planning process is frequently managed through post-determination evaluation and recording which allows little opportunity to determine whether preservation in situ would be more appropriate.
- 8.17 The variability of techniques for the archaeological investigation and recording of the battlefields means that it can be difficult to produce meaningful results from collating the findings of individual investigations.
- 8.18 Concerns exist regarding the impact of irresponsible (or indeed illegal) metal-detecting. Regulation of metal-detecting is likely to require legislation which, given the benefits that responsible metal-detecting has brought to the investigation of battlefields, may be controversial. Standards already exist for some areas of archaeological investigation (such as building recording) and a similar approach can be applied here.

## Recommendations

8. Archaeological evaluation, impact and mitigation should be closely incorporated into the relevant strands of site assessment required to inform planning decisions (See Recommendation 4 above).
9. Archaeologists (both as curators and contractors) working in this area (or their professional groups) should be encouraged to prepare best practice guidance on the investigation and recording of historic battlefields.
10. Opportunities should be explored for highlighting what is lost through irresponsible metal-detecting and promoting its responsible pursuit.

## General

- 8.19 Battlefields as a heritage asset are fundamentally different from other heritage designations. The battlefield Inventory does not seek to protect something specifically created (e.g. a building, a garden, a ship) but rather focuses on an historical event and its association with a specific place and will therefore be assessed differently. This difference may go some way to explain why so many interviewees expressed a lack of confidence in how the system as a whole operates.

## Recommendations

11. HES, working with others in the sector, should organise an event (or series of events) which could be in person or virtual to explore the established guidance around battlefield

assessment as a way of devising and promulgating accepted standards for the assessment of cultural significance and impact on battlefields (as suggested in Recommendation 4 above).

# Appendix 1 Local Planning Policy

Table 8.1 Extracts from Local Planning Policy related to Battlefields

Aberdeen City Council
Aberdeen Local Development Plan, 2017
<p>Policy D4 Historic Environment</p> <p>The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. There will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to their character. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.</p> <p>The physical in situ preservation of all scheduled monuments and archaeological sites will be supported. Developments that would adversely impact upon archaeological remains, including battlefields, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need. In any such case, the applicant must at their own expense:</p> <ul style="list-style-type: none"> <li>• take satisfactory steps to mitigate adverse development impacts; and</li> <li>• where the preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development and the publication/ curation of findings.</li> </ul>
Aberdeenshire Council
Aberdeenshire Local Development Plan, 2017
<p>Policy HE2 Protecting historic and cultural areas</p> <p>We will not allow development, including change of use or demolition, that would not preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its setting.</p> <p>The design, scale, layout, siting and materials used in development within a conservation area must be of the highest quality and respect the individual characteristics for which the conservation area was designated. All details must be provided under the cover of a full application and any trees contributing to the setting should be retained. Appendix 6 provides details on the controls provided by the 38 conservation areas in Aberdeenshire.</p> <p>Development on or outwith a battlefield, designated historic garden or designed landscape will only be permitted if the proposal would not have an adverse impact that compromises the objectives of the designation or the overall integrity, character and setting of the designated area, or any significant adverse effects are outweighed by long-term social or economic benefits of overriding public importance and there is no alternative site for the development. In either case, measures and mitigation must be taken to conserve and enhance the essential characteristics of the site as appropriate.</p>
Cairngorms National Park
Cairngorms National Park Local Development Plan, 2021
<p>Policy 9.2 Cultural and historic designations</p> <p>Development affecting a scheduled monument, inventory garden, designed landscape and/or battlefield should:</p> <ol style="list-style-type: none"> <li>a) have no adverse effect on a structure or other remains of human activity or their setting. This may require remains to be preserved in situ, within an appropriate setting; and</li> <li>b) conserve and where appropriate, enhance any structure or other remains; and</li> <li>c) enhance its character, and the contribution it makes to the cultural heritage of the National Park.</li> </ol> <p>Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and</p>

<p>requirements should be sought at an early stage.                  Development affecting an inventory battlefield should be designed to conserve and, where appropriate, enhance the key landscape characteristics and special qualities of the designation.</p>
<p>Comhairle nan Eilean Siar (Western Isles Council)</p>
<p>Outer Hebrides Local Development Plan, 2018</p>
<p>Policy NBH6: Historic Areas                  Battlefields                  Any development proposal within the boundary of Feith na Fala (the ditch of blood) site of the Battle of Carinish (1601) must demonstrate that it takes appropriate measures to preserve any archaeological and physical remains relating to the battle, and does not have an adverse effect on the setting of the battlefield.</p>
<p>Dumfries and Galloway Council</p>
<p>Local Development Plan 2, 2019</p>
<p>Policy HE7: Historic Battlefields                  Where it would not have an adverse impact on the character, appearance, setting or key features of the battlefield, the Council will support development within a site listed in the Inventory of Historic Battlefields.                  The siting, scale and design of development, new buildings or alterations and extensions to existing buildings must preserve, conserve or enhance the key characteristics of the battlefield. These may include landscape characteristics, key viewpoints which assist the understanding of the battle and any historic assets (including the potential for archaeological deposits found in situ).                  The Historic Built Environment Supplementary Guidance identifies where this policy applies.</p>
<p>East Ayrshire Council</p>
<p>East Ayrshire Local Development Plan, 2017</p>
<p>Policy ENV5: Historic Battlefields                  Historic Battlefields included in the National Inventory are protected, conserved and managed, so as to conserve their important features and enable greater understanding of their historic importance and role.                  Development will not be supported where it will significantly impact upon the key landscape characteristics and important features that underpin understanding and appreciation of the Battlefield.                  Where development on a Battlefield is deemed appropriate, any adverse impacts should be avoided or mitigated, through location and design details.                  Where possible, opportunities for positive enhancements should be identified, which will help improve interpretation and understanding of the Battlefield</p>
<p>Falkirk Council</p>
<p>Falkirk Local Development Plan 2, 2020</p>
<p>PE11 Battlefield Sites                  There will be a presumption against development outwith the Urban or Village Limits which would destroy, erode, or adversely affect battlefield sites listed in the Inventory of Historic Battlefields, as identified on the Proposals Map. In assessing impacts, guidance provided in the relevant Historic Environment Scotland 'Managing Change in the Historic Environment' guidance note will be followed. Proposals for the sensitive management and interpretation of battlefield sites will be supported</p>
<p>Fife Council</p>
<p>Fife Local Development Plan, 2017</p>
<p>Policy 14 - Built and Historic Environment                  Six qualities of successful places                  The Council will apply the six qualities of successful places when considering development proposals. New development will need to demonstrate how it has taken account of and meets each of the following six qualities:                  1. distinctive;                  2. welcoming;</p>

<p>3. adaptable;</p> <p>4. resource efficient;</p> <p>5. safe and pleasant; and</p> <p>6. easy to move around and beyond.</p> <p>Guidance on how these qualities will be interpreted by the Council and addressed by those proposing development will be provided in the Making Fife's Places Supplementary Guidance.</p> <p>Designated sites and buildings</p> <p>Development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage:</p> <ul style="list-style-type: none"> <li>• the Outstanding Universal Value of the World Heritage Site and its setting;</li> <li>• the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans;</li> <li>• listed buildings or their setting, including structures or features of special architectural or historic interest;</li> <li>• sites recorded in the Inventory Historic Gardens and Designed Landscapes and other non-inventory gardens and designed landscapes of cultural and historic value;</li> <li>• Scheduled Ancient Monuments, including their setting;</li> <li>• patterns of traditional orchards and medieval garden riggs;</li> <li>• inventory Historic Battlefields; or</li> <li>• the preservation objectives of Historic Marine Protected Areas</li> </ul> <p>For all historic buildings and archaeological sites, whether statutorily protected or not, support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building or character or appearance of the conservation area . Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future.</p> <p>All archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where:</p> <ul style="list-style-type: none"> <li>• remains are preserved in-situ and in an appropriate setting; or</li> <li>• there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.</li> </ul> <p>In all the above, development proposals must be accompanied with the appropriate investigations. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations.</p>
Glasgow City Council
Glasgow City Development Plan, 2017
<p>CDP 9 Historic Environment</p> <p>The Council will protect, preserve and, where appropriate, conserve and/or enhance the historic environment, in line with Scottish Planning Policy, Historic Environment Scotland Policy Statement, and this policy together with associated supplementary guidance (SG), for the benefit of our own and future generations. For clarity, historic environment encompasses, in this context, world heritage sites, listed buildings, conservation areas, scheduled monuments, archaeological sites, Inventory and non-Inventory gardens and designed landscapes and Inventory battlefields. The Council will assess the impact of proposed developments that affect historic environment features and/or their settings according to the principles set out in relevant SG. The Council will not support development that would have an adverse impact on the historic environment, unless SG criteria are fully satisfied.</p> <p>Figure 16 illustrates the extent of designated historic environment assets, with the exception of listed buildings (which is available online).</p>

<p>SG9: Historic Environment (Supplementary Guidance), 2017</p>
<p>7. BATTLEFIELDS</p> <p>7.1 Historic battlefields are important locally, nationally and internationally. In addition they often:</p> <ul style="list-style-type: none"> <li>a) play an important part in defining an area’s sense of cultural identity, place and local distinctiveness;</li> <li>b) help to promote an understanding of cultural heritage;</li> <li>c) promote and foster ownership and pride in communities;</li> <li>d) contain physical memorials in and around the site itself;</li> <li>e) improve understanding and enjoyment of the past;</li> <li>f) contribute to local economies through tourism;</li> <li>g) offer a rich resource of material for lifelong learning and research;</li> <li>h) have potential for leisure and recreation; and</li> <li>i) are places of remembrance and reflection.</li> </ul> <p>7.2 Historic Environment Scotland maintains an Inventory of nationally important battlefields in Scotland. It provides information on sites to raise awareness of their significance and assist in their protection and management for the future.</p> <p>7.3 There is one Historic Battlefield in Glasgow. This is the Battle of Langside. Further detailed information on the Battle of Langside, including a map, can be found on Historic Environment Scotland’s website at <a href="http://portal.historic-scotland.gov.uk/designations">http://portal.historic-scotland.gov.uk/designations</a></p> <p>7.4 Like other parts of the historic environment, historic battlefields are a fragile and finite resource. Historic Environment Scotland has advised planning authorities and other relevant public bodies to ensure that they take Inventory sites into account in their plans, policies and through the decision-making processes to ensure that the the impact of any development proposal on a historic battlefield is carefully considered.</p>
<p>Highland Council</p>
<p>Highland Wide Local Development Plan, 2012</p>
<p>Policy 57: Natural, Built and Cultural Heritage</p> <p>All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:</p> <ol style="list-style-type: none"> <li>1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.</li> <li>2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.</li> <li>3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.</li> </ol> <p>Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.</p>



<p>The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:</p> <ul style="list-style-type: none"> <li>• to provide mapping of wild areas;</li> <li>• to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;</li> <li>• to give advice on what an unacceptable impact is; and</li> <li>• to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.</li> </ul> <p>In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:</p> <ul style="list-style-type: none"> <li>• Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;</li> <li>• It sets a proactive, consistent approach to the protection of the historic environment.</li> </ul>
<p>Highland Historic Environment Strategy (Supplementary Guidance), n.d.</p>
<p>11. HISTORIC BATTLEFIELDS - BLÀRAN-BATAIL EACHDRAIDHEIL</p> <p>Battlefields are recognised as an important element of the historic environment that contributes to our sense of national identity.</p> <p>Battlefields have value for a variety of reasons; they may have contributed to historical developments both within Highland and beyond; the battlefield may contain physical remains, including burials; they may have the potential to yield important evidence not available through other sources. The landscape in which a battle took place is important to our understanding about the course of events. An Inventory of nationally important battlefields has been prepared by Scottish Ministers to raise awareness of their significance and assist in their protection and management for the future. For a battlefield to be included in the Inventory it must meet the criteria as laid out in SHEP (2009) including the ability to define its boundary on a map. In Highland there are currently seven battlefields included within the inventory with a further two currently under consideration.</p> <p>Sites that do not meet the criteria set out in SHEP (2009) cannot be included in the inventory although they can still be recorded in Highland Historic Environment Record.</p> <p>Battlefields are a material consideration in the planning system which enables Highland Council to offer them a degree of protection and to enable change to be managed. Culloden Battlefield is further protected through its conservation area designation.</p> <p>Strategic Aim 15:</p> <p>That nationally important battlefields are recognised in the development planning process and to ensure that impacts upon them are a material consideration in development management.</p>
<p>Midlothian Council</p>
<p>Midlothian Local Development Plan, 2017</p>
<p>Policy ENV 21</p> <p>Nationally Important Historic Battlefields</p> <p>Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have an adverse effect on the key landscape characteristics and special qualities of the battlefield.</p>
<p>Moray Council</p>
<p>Moray Local Development Plan, 2020</p>
<p>EP11 BATTLEFIELDS, GARDENS AND DESIGNED LANDSCAPES</p> <p>Development proposals which adversely affect nationally designated Battlefields or Gardens and Designed Landscapes or their setting will be refused unless;</p> <ol style="list-style-type: none"> <li>a) The overall character and reasons for the designation will not be compromised, or</li> <li>b) Any significant adverse effects can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits.</li> </ol> <p>The Council will consult Historic Environment Scotland and the Regional Archaeologist on any proposals which may affect Inventory Sites</p>

Perth and Kinross Council
Perth and Kinross Local Development Plan 2, 2019
<p>Policy 30: Protection, Promotion and Interpretation of Historic Battlefields</p> <p>The Council will seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of those battlefields listed on the Inventory of Historic Battlefields. The Council encourages the creation of a Conservation Plan for historic battlefield sites as a means of developing an overall vision and strategy for protecting, conserving and enhancing public awareness of battlefields through a partnership approach.</p>
Scottish Borders Council
Scottish Borders Council Local Development Plan, 2016
<p>Policy EP8: Archaeology</p> <p>[A] NATIONAL ARCHAEOLOGICAL SITES</p> <p>Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other national important sites will not be permitted unless:</p> <p>a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and</p> <p>b) there are no reasonable alternative means of meeting the development need.</p> <p>[B] BATTLEFIELDS</p> <p>The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.</p> <p>[C] REGIONAL OR LOCAL ARCHAEOLOGICAL ASSETS</p> <p>Development proposals which will adversely affect an archaeological asset of regional or local significance will not be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.</p> <p>In all the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.</p> <p>Any proposals that will adversely affect a historic environment asset of its appropriate setting must include a mitigation strategy acceptable to the Council.</p>
South Lanarkshire Council
South Lanarkshire Local Development Plan 2, 2020
<p>Policy NHE5 Historic Battlefields</p> <p>Any development affecting sites listed in the current Inventory of Historic Battlefields shall take cognisance of the battlefield and its setting and shall demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.</p> <p>Development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource</p>
Stirling Council
Stirling Local Development Plan, 2018
<p>Primary Policy 7: Historic Environment</p> <p>The historic environment contributes in a unique way to the character of the Stirling area. It is important in forming the identity of places and providing a cultural, educational, social, and economic resource. The historic environment and, where appropriate, the settings of its component features, will therefore be safeguarded, preserved and enhanced. Developments and other proposals that would have a negative impact on these assets will not normally be supported. The historic environment will be managed, and relevant development proposals assessed, in line with statutory requirements, government policy, and the following:</p> <p>(a) The Historic Landscape Assessment reports, the Inventory of Gardens and Designed Landscapes and the Inventory of Battlefield sites.</p>

<p>(b) Historic Environment Scotland’s Managing Change and Inform documents (as an interim measure, pending production where necessary of more detailed Supplementary Guidance specific to the context of the Stirling Plan area).</p> <p>(c) Conservation Area Character Appraisals.</p> <p>(d) Current local Planning guidance on the historic environment.</p> <p>(e) The Council’s Sites &amp; Monuments Record.</p> <p>(f) The potential for sites or structures to harbour undiscovered heritage assets including archaeology.</p> <p>SG: Historic Environment will be relevant for proposals considered under Primary Policy 7.</p> <p>...</p> <p>Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes</p> <p>(a) Development which would have a significant adverse effect upon the archaeology, landscape features, character and setting of sites listed in the Inventory of Historic Battlefields will not be supported unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Where approved, proposals and developments affecting Inventory sites will require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority) must be taken to conserve and enhance the essential characteristics, aesthetics, archaeological, historical value and setting of the battlefield.</p> <p>(b) Development affecting sites within Gardens and Designed Landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value. Such protection will apply to Inventory sites and also to other designed landscapes of more local interest.</p> <p>[Supplementary Guidance: Historic Environment supports this policy by providing further guidance on the number and nature of Battlefield Inventory sites in the Stirling Plan area, their key characteristics, the potential types of required mitigation and the broader policy context].</p>
<p>Historic Environment: Battlefields (Supplementary Guidance), 2019</p>
<p>Historic Environment Scotland maintains the Inventory of Historic Battlefields in Scotland, while inclusion in the inventory does not carry any new statutory restrictions, it is a material consideration in the planning process. The definitions of the battlefield area and the reasons for their inclusion in the Inventory are explained in the Inventory itself, as well as in Historic Environment Scotland’s The Inventory of Historic Battlefields in Scotland: An Introductory Guide, and Managing Change in the Historic Environment: Historic Battlefields. These documents also expand upon the merits and value of battlefields to wider society. It is important to stress that the focus of Historic Environment Scotland’s guidance is to assist with the sympathetic management of change within the battlefield rather than automatic preservation in situ in perpetuity.</p> <p>Each Inventory report reflects the best interpretation of the extent of battlefield, based on informed opinion; and identifies key characteristics, important features and archaeological potential of the battlefield landscape. This information, together with the managing Change Guidance note is intended to support the management of the battlefield in the planning context in such a manner as to conserve and enhance the essential characteristics of the battlefield.</p> <p>The key components of battlefields can include a wide variety of material, including natural landscape features such as hills, gorges and water courses, views, upstanding structures such as barriers and buildings, buried features such as graves and pits and objects associated with the battle surviving in the topsoil such as weapons and horse gear.</p> <p>... [DETAILED ASSESSMENTS OF THE FOUR INVENTORY BATTLEFIELDS] ...</p> <p>As stated above the intention behind the Inventory is not to preserve the entirety of the defined area in situ in perpetuity, but rather to identify its key components and to manage change in a development context. Development proposals should take the battlefield into account in a positive way, including demonstrating how it will conserve or enhance the resource. Any development proposals that are approved will have to be associated with an appropriate level of developer funded mitigation. At the time of writing Historic Environment Scotland is preparing best guidelines regarding archaeological mitigation on Inventory Battlefields, and Stirling Council’s Archaeology Officer can provide specific advice on this issue. While the precise nature, scope and scale of any such mitigation will vary with the location and nature of the proposal it is likely to involve some or all of the following:</p>

<p>1 Desk Based Assessment</p> <p>2 Detailed close contour survey of the proposal area (lidar etc)</p> <p>3 Walkover survey</p> <p>4 Photographic survey</p> <p>5 Geophysical survey</p> <p>6 Field-walking</p> <p>7 Metal detecting</p> <p>8 Archaeological test-pitting</p> <p>9 Archaeological trial trenching</p> <p>10 Archaeological investigation</p> <p>11 Community engagement and involvement in any archaeological mitigation excavation</p> <p>12 Preservation in situ of battlefield features such as graves and pit defences, etc</p> <p>13 Technical reporting</p> <p>14 Conservation of finds</p> <p>15 Post-excavation assessment</p> <p>16 Post-excavation analysis</p> <p>17 Academic publication in an appropriate journal</p> <p>18 Teachers packs for local schools</p> <p>19 Disposal of find according to the published policies of the Treasure Trove Unit</p> <p>20 Articulation, enhancement and development with existing routeways and heritage trails</p>
<p>West Lothian Council</p>
<p>West Lothian Local Development Plan, 2018</p>
<p>Policy ENV31</p> <p>Historic Battlefields: Battle of Linlithgow Bridge (1526)</p> <p>Proposals for the sensitive management and interpretation of battlefield sites such as Linlithgow Bridge will be supported in principle.</p> <p>There is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse affect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield.</p> <p>Where it can be demonstrated that the overall integrity of the battlefield will not be compromised and there will be no adverse impact on the archaeology, character, appearance, setting or the key landscape features of the battlefield, proposals and developments affecting battlefield sites will require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority). The siting, scale and design of any new development, or extensions to existing buildings, must preserve, conserve or enhance the key characteristics of the battlefield. These may include landscape characteristics, key viewpoints that assist in the understanding of the battle and historic assets (particularly archaeological deposits found in-situ). However, minor developments such as household extensions will in most cases be exempt.</p>
<p>The Historic Environment (Supplementary Guidance), 2021</p>
<p>While there is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield; minor developments, such as household extensions, in this part of Linlithgow Bridge, will in most cases be exempt. HES do not need to be consulted on householder developments (as per Appendix 1 of the Historic Environment Scotland Circular (2019).</p>

## Appendix 2 Inventory areas by land use

	Built-up Area	Transport	Energy, Extraction and Waste	Leisure and Recreation	Spiritual and Ritual	Rural Settlement	Designed Landscape	Agriculture and Settlement	Moorland and Rough Grazing	Woodland and Forestry	Water Body
Battle of Alford	8.97%			21.84%		1.43%		64.76%	1.08%	1.92%	
Battle of Ancrum Moor				2.41%			2.99%	71.30%	4.76%	17.72%	0.82%
Battle of Auldearn	5.66%			0.43%			3.72%	84.93%		5.26%	
Battle of Bannockburn	28.78%	0.95%		6.34%	0.26%	0.23%	0.93%	55.16%	1.83%	5.52%	
Battle of Barra	5.24%			4.24%				88.32%	0.66%	1.53%	
Battle of Bothwell Bridge	45.86%	7.77%		18.97%				1.14%	2.10%	18.54%	5.62%
Battle of Carbisdale	0.35%						14.43%	36.38%	17.99%	30.85%	
Battle of Cromdale	0.06%							24.86%	44.47%	30.60%	0.01%
Battle of Culloden	1.26%			9.54%			2.73%	58.61%	1.17%	26.69%	
Battle of Darnick	23.92%			0.04%		3.63%	>0%	67.91%		4.50%	>0%
Battle of Drumclog								65.75%	32.26%	1.99%	
Battle of Dunbar I	0.37%	0.78%		0.30%			1.97%	83.32%	7.05%	6.21%	
Battle of Dunbar II	7.58%	3.14%	11.01%	4.93%	0.18%		5.92%	57.75%	6.75%	2.74%	
Battle of Dunkeld	20.76%			32.90%				40.69%	3.89%	1.76%	>0%
Battle of Dupplin Moor		1.67%					19.98%	46.02%	3.17%	25.99%	3.17%

	Built-up Area	Transport	Energy, Extraction and Waste	Leisure and Recreation	Spiritual and Ritual	Rural Settlement	Designed Landscape	Agriculture and Settlement	Moorland and Rough Grazing	Woodland and Forestry	Water Body
Battle of Falkirk II	17.78%	0.07%		10.97%				55.60%		15.59%	
Battle of Fyvie	3.36%			0.30%			27.92%	68.39%		0.03%	
Battle of Glenlivet								6.06%	9.11%	84.83%	
Battle of Glenshiel									73.58%	26.42%	
Battle of Harlaw	0.33%							99.01%		0.66%	
Battle of Inverkeithing II	40.11%	8.44%	3.86%	7.71%	0.35%	0.28%	1.88%	24.16%	9.37%	3.59%	0.23%
Battle of Inverlochy I	50.81%	2.61%	1.12%	9.93%					19.33%	16.19%	>0%
Battle of Inverlochy II	26.12%	1.33%	1.80%	10.04%					26.38%	34.33%	>0%
Battle of Killiecrankie	1.19%	4.29%					2.92%	53.40%	4.13%	34.07%	
Battle of Kilsyth	1.71%	5.39%	2.33%	0.34%		>0%	3.54%	73.53%	7.10%	3.31%	2.76%
Battle of Langside	76.78%	>0%		22.85%	0.37%						
Battle of Linlithgow Bridge	23.09%		1.46%	6.54%			5.02%	47.71%	13.74%	2.44%	
Battle of Loudoun Hill			12.05%					68.55%	19.40%		
Battle of Mulroy	3.00%			0.25%		4.78%	0.57%	17.53%	49.71%	24.10%	0.05%
Battle of Philiphaugh	11.05%			3.59%			18.56%	49.21%	2.59%	14.78%	0.22%
Battle of Pinkie	21.20%	2.85%	0.20%	10.50%	0.21%		6.71%	55.38%	0.81%	2.09%	0.06%
Battle of Prestonpans	24.61%	4.06%	2.50%	8.57%	0.29%	0.17%	1.77%	55.75%	1.17%	1.12%	

	Built-up Area	Transport	Energy, Extraction and Waste	Leisure and Recreation	Spiritual and Ritual	Rural Settlement	Designed Landscape	Agriculture and Settlement	Moorland and Rough Grazing	Woodland and Forestry	Water Body
Battle of Roslin	9.77%			26.37%			0.01%	46.62%	12.30%	4.91%	
Battle of Rullion Green	0.36%						1.40%	35.62%	53.24%	4.31%	5.07%
Battle of Sark	6.70%			2.80%				70.91%	19.58%		
Battle of Sauchieburn	3.96%	4.78%	0.09%	2.78%	0.30%		4.55%	70.06%	4.09%	9.33%	0.05%
Battle of Sheriffmuir	4.62%	0.82%	0.19%	0.67%			1.10%	46.02%	23.13%	23.30%	0.14%
Battle of Stirling Bridge	72.85%	1.02%	1.47%	11.96%				6.52%		6.18%	
Battle of Tippermuir	0.41%	0.29%		0.76%			1.35%	86.86%		10.34%	
Blar na Léine	0.56%	2.07%	>0%	0.82%				14.01%	26.49%	45.90%	10.15%





## Appendix 3 References

AOC Archaeology, *Proposed Culloden Muir Conservation Area, Highland: Visual Setting Assessment*, AOC Project Number 22838 February 2015

[https://www.highland.gov.uk/download/downloads/id/12822/aoc\\_culloden\\_muir\\_visual\\_setting\\_assessment.pdf](https://www.highland.gov.uk/download/downloads/id/12822/aoc_culloden_muir_visual_setting_assessment.pdf)

Foard, Glenn and Morris, Richard. *The Archaeology of English Battlefields: Research Report 168*, CBA, 2012

Heads of Planning Scotland, *A Guidance Note on the National Standards for the Validation AND Determination of Planning Applications and Other Related Consents in Scotland*, 2017

<https://hopsotland.files.wordpress.com/2013/03/hops-validation-determination-guidance-280317.pdf>

HES, *Analysis Report: Survey on the Inventory of Historic Battlefields 28 August - 4 October 2017*

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=55b84002-7477-4dd5-bd29-a8b700b53074>

HES, *Designation Policy and Selection Guidance*, 2020

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=8d8bbaeb-ce5a-46c1-a558-aa2500ff7d3b>

HES, *Historic Environment Scotland Circular*, 2019

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=a768f3cb-eb44-4473-be7b-aa2500e4892b>

HES, *Managing Change in the Historic Environment: Historic Battlefields*, 2020

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=b7a05b45-f2a9-4c71-8450-a60b0094c62e>

Highland Council, *Culloden Muir Conservation Area Character Appraisal and Management Plan*, November 2015

[https://www.highland.gov.uk/download/downloads/id/15815/culloden\\_muir\\_conservation\\_area\\_character\\_appraisal\\_and\\_management\\_plan.pdf](https://www.highland.gov.uk/download/downloads/id/15815/culloden_muir_conservation_area_character_appraisal_and_management_plan.pdf)

Supplementary Guidance

- Dumfries and Galloway, *Historic Built Environment SPG*, 2020  
[https://www.dumgal.gov.uk/media/22626/Historic-Built-Environment/pdf/HBE\\_SG\\_LDP2\\_Adopted.pdf?m=637184921646730000](https://www.dumgal.gov.uk/media/22626/Historic-Built-Environment/pdf/HBE_SG_LDP2_Adopted.pdf?m=637184921646730000)
  - East Lothian, *Cultural Heritage and the Built Environment SPG*, 2018  
[https://www.eastlothian.gov.uk/download/downloads/id/27907/cultural\\_heritage\\_and\\_the\\_built\\_environment\\_spg.pdf](https://www.eastlothian.gov.uk/download/downloads/id/27907/cultural_heritage_and_the_built_environment_spg.pdf)
  - East Lothian, *Special Landscape Areas SPG*, 2018  
[https://www.eastlothian.gov.uk/download/downloads/id/27910/special\\_landscape\\_areas\\_spg\\_part\\_1.pdf](https://www.eastlothian.gov.uk/download/downloads/id/27910/special_landscape_areas_spg_part_1.pdf)  
[https://www.eastlothian.gov.uk/download/downloads/id/27912/special\\_landscape\\_areas\\_spg\\_part\\_2.pdf](https://www.eastlothian.gov.uk/download/downloads/id/27912/special_landscape_areas_spg_part_2.pdf)  
[https://www.eastlothian.gov.uk/download/downloads/id/27911/special\\_landscape\\_areas\\_spg\\_part\\_3.pdf](https://www.eastlothian.gov.uk/download/downloads/id/27911/special_landscape_areas_spg_part_3.pdf)
  - Glasgow City Council, *SG9: Historic Environment SPG*, 2017  
<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=36521&p=0#:>
-

[:text=1.10%20City%20Development%20Plan%20Policy.of%20existing%20and%20future%20generations.](#)

- Highland Council, Historic Environment Strategy SPG, 2013  
[https://www.highland.gov.uk/download/downloads/id/11047/highland\\_historic\\_environment\\_strategy.pdf](https://www.highland.gov.uk/download/downloads/id/11047/highland_historic_environment_strategy.pdf)
- South Lanarkshire, Supplementary Guidance 9 Natural and Historic Environment SPG, nd.  
[https://www.southlanarkshire.gov.uk/download/downloads/id/9921/natural\\_and\\_historic\\_environment.pdf](https://www.southlanarkshire.gov.uk/download/downloads/id/9921/natural_and_historic_environment.pdf)
- Stirling Council, Historic Environment – Battlefields Supplementary Guidance, 2019  
[https://my.stirling.gov.uk/media/20526/sg-battlefields-27\\_02\\_2019.pdf](https://my.stirling.gov.uk/media/20526/sg-battlefields-27_02_2019.pdf)

West Lothian, The Historic Environment SPG, 2021

[https://www.westlothian.gov.uk/media/49586/PG-Planning-Guidance-The-Historic-Environment-Adopted-April-2021/pdf/2021-06-30\\_-\\_PG\\_-\\_The\\_Historic\\_Environment\\_-\\_Adopted\\_Version\\_for\\_Web\\_Pdf\\_Version\\_CORRECTED.pdf?m=637618685194230000](https://www.westlothian.gov.uk/media/49586/PG-Planning-Guidance-The-Historic-Environment-Adopted-April-2021/pdf/2021-06-30_-_PG_-_The_Historic_Environment_-_Adopted_Version_for_Web_Pdf_Version_CORRECTED.pdf?m=637618685194230000)

[The Historic Environment -](#)

[Adopted Version for Web Pdf Version CORRECTED.pdf?m=637618685194230000](#)

---

## Appendix 4 Planning Cases

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to battlefields?	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
18/0084/PPP	East Ayrshire	Yes		Newlands Farm U6 Newlands From A71 To U5 Passford - Yondercroft At Winkinfield Darvel East Ayrshire KA17 0LU - Planning permission in principle for dwelling house	Yes	Yes	No	Yes	Yes	Yes	No	No	No					
16/00118/PPM	East Lothian		Battle of Pinkie	Galt Terrace, Musselburgh Residential Development	Yes		Yes	No	No	No	No	No	No					
16/01029/AMM	East Lothian		Battle of Pinkie	Former Tesco Store and Adjacent Land, Mall Avenue, Musselburgh East Lothian - Approval of matters specified in conditions of planning permission in principle 06/00770/OUT - Erection of 140 flats and associated works	No	Yes	Yes	Yes			No			Assessed against Policy CH5 (Battlefields)	No	Whether the development would result in significant harm to the battlefield landscape.	No	Yes
17/00157/PP	East Lothian		Battle of Pinkie	Land at Meadowmill, Tranent, East Lothian - Planning permission in principle for housing development	No	Yes	No	Yes	Yes	No	No	No		Assessed against Policy CH5 (Battlefields)	No	Little commentary other than stating the site is within the battlefield site of the Battle of Pinkie	No	Yes
18/00582/PM	East Lothian	Yes		Former Edenhall Hospital, Edenhall Road, Musselburgh, EH21 7TZ - Alterations and change of use to former Pinkieburn House to form 8 flats, alterations, re-roofing and change of use of former stable block to form 3 houses, alterations, re-roofing and extension to former Gardeners Cottage to form 1 house, erection of 52 houses and 12 flats and associated works	Yes	Yes	No	No	No	No	No info	No info	No info	Application was undetermined. Appeal against non-determination was dismissed and no reference to battlefields.	No	N/A	No info	No
18/00821/EOL	East Lothian	Yes		Overhead Lines from Kennelbrae And Doon Steading, Dunbar - Erection of replacement of 11kv overhead line														
18/00984/P	East Lothian		Battle of Pinkie	Carberry Tower Whitecraig Musselburgh East Lothian EH21 8PY - Erection of banqueting pavilion marquee, toilet block, fencing, gates, trellis screens, pergola, installation of heating units and formation of hardstanding areas (Retrospective)	Yes	Yes	No	Yes	No	No	No	No	No	No reference to Battlefields policy (CH5)	Yes	Limited commentary - officers report states that HES had no comment in relation to the location within the Battlefield of Pinkie and no further assessment was made by the Council.	No	Yes
18/01064/PCL	East Lothian		Battle of Dunbar II	Dunbar Leisure Centre Car Park, Victoria Street, Dunbar, EH42 1EU - Installation of 2 electrical feeder	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	Yes	Given its position and relatively small size, it was considered the development would not be	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				units, 2 charging points and associated works											detrimental to the historic character or appearance of the battlefield. A programme of archaeological works were recommended.			
18/01224/P	East Lothian		Prestonpans	Change of use of woodland area to extend the plot of planning permission 08/00103/FUL, formation of hardstanding area, retaining wall and steps (Retrospective) - Woodside Cottage, 5 Burnside Cottage, Seton Mains, Longniddy	No	Yes	No	Yes	Yes	No	No	No	No info	Assessed against Policy CH5	No	Given its containment within the settlement of Seton Mains, it would not have an adverse effect on the key features of the Prestonpans Battlefield and would not have a harmful impact on the understanding of the designated Prestonpans Battlefields	No	Yes
21/02413/FUL	Highland	Yes		Lochaber Smelter North Road Fort William PH33 6TH - Construction of an aluminium recycling and billet casting facility, associated hardstanding, infrastructure and landscaping	No	Yes	Yes	Yes	Yes	No	No	No	No info					
17/02770/FUL	Highland	Yes		Land 120M South of Wester Lethendry, Cromdale - Erection of dwelling-house (Amended design from Reference 16 / 04321/FUL) - NEW RESPONSE DATE OF 2 WEEKS TIME)														
17/03396/FUL	Highland	Yes		Viewhill, Inverness - Amendment to road layout and provision of drainage infrastructure														
18/02403/FUL	Highland	Yes		Land 300m NW of Stablehollow, Westhill, Inverness - Erect farmhouse for operational needs (NEW RESPONSE DATE OF 02/07/18)	No info													
18/03023/FUL	Highland	Yes		Land 35M West of Sealladh Na Gleann, Culloden Moor, Inverness - Erection of detached house and garage, formation of access and associated services.	Yes	Yes	No	Yes	Yes									
18/03493/FUL	Highland		Culloden Battlefield	Land to SW of Borodale, Viewhill, Inverness - Temporary Marketing Suite, access off of existing Culloden Road.	No info	Yes	No	Yes	Yes	No	No	No		Assessed against Policy 57 - Natural Built and Cultural Heritage and the Highland Historic Environment Strategy (2013)	Yes	it is not within an area where key events of the battle are understood to have occurred, including areas of fighting and would be outside the Inventory boundary. Consequently, any adverse impacts on the significance on the battlefield	No	No

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
18/04194/FUL	Highland		Culloden Battlefield	Land 120m SW of Culchunaig Farmhouse, Westhill, Inverness - Conversion of steading to form house and erection of outbuildings (amended design to planning permission 15/02941/FUL)	No info	Yes	No	Yes	No	No	No		Assessed against Policy 57 - Natural Built and Cultural Heritage and the Highland Historic Environment Strategy (2013)	No	Concerns were raised about the proposed development being another example of encroachment into the battlefield environment. It would be visible from the battlefield and would have some impact on views that contribute to an appreciation of the flat topography over which the Government troops may have advanced and formed their lines. However, it was considered a minor change in this sensitive part of the battlefield and would not have a significant adverse impact upon the battlefield's key characteristics.	No	No	
18/04719/FUL	Highland		Culloden Battlefield	Land NE of Cairnside, Westhill, Inverness IV2 5BP - Erection of shed for agricultural and storage use.	No info	Yes	Yes	Yes	Yes	No	No		Assessed against Policy 57 - Natural Built and Cultural Heritage and the Highland Historic Environment Strategy (2013)	Yes	Although it is within a sensitive part of the battlefield, in an area likely to have been close to Jacobite lines at the start of the battle, and within ground likely to have been charged and retreated over, the shed would not have a substantive adverse impact on an appreciation of Stable Hollow. The area has high potential to contain archaeological remains, in particular artefacts relating to the battle. The proposed development would entail ground disturbance that could remove, destroy, or damage any such remains and a condition was recommended for an archaeological assessment to be carried out pre-commencement.	No	Yes	
17/00940/DPP	Midlothian			Land South East of Old Rullion Green Cottage, Penicuik - Erection of heritage centre; alterations to	No info	Yes	Yes	Yes	Yes	No	No		Assessed against Policy ENV21: Nationally Important	Yes	Whether the development would result in significant harm to the battlefield landscape.	No	Yes	

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				access and formation of access road and car parking and associated works									Historic Battlefields to determine whether the development would result in any harm to the battlefield.		The officer report also acknowledged that the nature of the use could be beneficial in bringing more people to the battlefield.			
18/00947/FLL	Perth And Kinross	Yes		The Old Telephone Exchange, Killiecrankie, Pitlochry PH16 5LN - Erection of a garden building.														
18/00139/FUL	Scottish Borders		Battle of Darnick	Plots 3 And 4, Darnick Green, Abbotsford Road, Darnick, Scottish Borders - Change of house type on plots 3 and 4 (amendment to previous consent 14/00426/FUL)	No	Yes	Yes	Yes	Yes	No	No	No	Assesses against Policy EP8 (Archaeology)	Yes	Conditions were attached to the original planning permission to address any potential archaeological impacts and Historic Environment Scotland and the Council's Archaeology Officer have no objections to the proposal. No further assessment.	No	Yes	
17/00721/PPM	SG			Goshen Farm Residential Development	No	Setting	No	Yes	No	No	No		Assessed against Policy 57 - Natural Built and Cultural Heritage and the Highland Historic Environment Strategy (2013)	No	Concerns have been raised about the proposed development being another example of encroachment into the battlefield environment Whilst the development would be visible from the battlefields and have some impacts on views, it is not within an area where key events of the battle are understood to have occurred, including areas of fighting and would be outside the Inventory boundary. Consequently, any adverse impacts on the significance on the battlefield are likely to be limited.	No	No	
17/00946/FUL	Stirling			Land to South of Croftside Farm and North of Hillhead Farm Steadings, Stirling - Erection of 85 dwelling houses, formation of new access, associated infrastructure and open space.	No info	Yes	No	Yes	No	No	No		Assessed against Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes to ensure the development would not have a significant adverse effect upon the landscape features, character	Yes	The site has not been previously developed and there is potential for the survival of hitherto undiscovered sub-surface archaeological remains therefore a programme of archaeological evaluation works was recommended in the Assessment. The Planning Authority were content for the development to proceed with the inclusion of a condition	No	No	



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				hardstanding areas, installation of lighting, seating areas, cctv, siting of sculpture and associated groundworks, Victoria Harbour, Dunbar														
19/00082/PCL	East Lothian			Land to South of Public Toilets, Westgate, Dunbar, East Lothian - Installation of 2 electrical feeder units, 2 charging points and associated works	No info	Yes	Yes	Yes	Yes		Yes	Yes		Assessed against Policy CH5 (Battlefields) and SPP to determine if the application would have adverse impacts on the cultural significance or key features of the Battlefields.	Yes	Considered that in its position and by its virtue of its relatively small size, there would be no adverse effect on the Battlefield.	No	Yes
19/00086/FUL	Highland			Install a low head hydro power plant and associated infrastructure - land 110M SW of Old Inverloch Cottage, North Road, Fort William	Yes	Yes	No	Yes	Yes	No	Yes	Yes		Assessed against Policy 57 - Natural Built and Cultural Heritage, the Highland Historic Environment Strategy (2013) and SPP	Yes	The proposals consisting of large industrial works would be likely to result in a significant detrimental impact upon both battlefields and the castle's setting. The proposals would add considerably to the existing modern development there and further detract from the ability to understand and appreciate the battlefields. The assessment provided was not considered sufficiently robust to support many of the conclusions made or to enable either HES or the Council to come to an informed view as to the extent of probable impacts. Nor was the potential for mitigation been fully explored.	Yes	No
19/00115/FUL	North Lanarkshire	Yes		Three Detached Dwellinghouses														
19/00161/FUL	Stirling	Yes		Formation of forecourt extension and vehicle storage compound with associated works and formation of new access (Millhall Road, Stirling)														
19/00162/P	East Lothian			Change of use of woodland for the siting of 2 glamping pods for holiday let and associated works - land to the North/West of Keepers Cottage and Kennels, Spott Home Farm, Dunbar	No info	Yes	No	Yes	Yes	No	No	No		Assessed against Policy C5 (Battlefields)	No	Not considered to raise issues of national significance with regard to the effect on the historic environment. Due to the scale of proposals, was considered relatively low impact on an already disturbed area.	No	Yes



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
19/00183/FUL	Stirling			Erection of a freestanding two storey McDonald's restaurant with drive thru facility, car parking, landscaping and associated works - land adjacent and North of Morrisons Filling Station, Springkerse Retail Park, Stirling	No info	Yes	Yes	No	No	No				Assessed against Policy 7.8 (Development Affecting Battlefields, Gardens and Designed Landscapes) to determine whether the proposal will affect the character and setting of the battlefield.	No	The proposal satisfied Policy 7.8 since the overall integrity and character of the battlefield area will not be compromised.	No	Yes
19/00192/P	East Lothian	Yes		Erection of gates	No info									No assessment against battlefield policies	No	No assessment against battlefields	No	Yes
19/00205/FUL	Stirling			Erection of Nursery building with enclosed courtyards along with additional spaces, new paving, parking spaces, fencing, a pathway, walls and an outdoor play space with a perimeter fence - Braehead Nursery School, Springfield Road, Stirling	No	Part	Yes	No	Yes	No		No		Policy 7.8 (Development Affecting Battlefields, Gardens and Designed Landscapes) to assess whether it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised	Yes	While the proposed development will have an impact on the setting of both battlefields, the area has been made less sensitive to change by previous development and the location within an established housing estate. It's likely that any objects associated with the battle have been destroyed by previous development.	No	Yes
19/00211/FUL	Stirling			Alteration to existing hardstanding area to form car park and installation of an interpretative panel	No	Yes	No	No	No	No	No info	No info	No info	Policy 7.8 - safeguarding the setting of the historic battlefield	No	It was considered that there is no material or increased impact on the setting of the battlefield. The proposed signage would also promote and display information on the battlefield.	No	Yes
19/00213/NAG	Stirling	Yes		Erection of agricultural shed - Gateside, Dunblane														
19/00214/FUL	Stirling			Installation of an arena and erection of stables - Gateside, Dunblane	No		No	No	No	No	No info	No info	No info	Policy 7.8 included in the considerations, but no detailed assessment made.	Yes	No reference to battlefields. Whilst not formally consulted, a suspensive condition to undertake a programme of archaeological works was agreed by the Council's archaeology officer.	No	Yes
19/00219/P	East Lothian			Installation of ATM machine (Retrospective)	No	Yes	Yes	Yes	No	No	No	No info	No	Assessed against Policy CH5 (Battlefields)	No	By its size and virtue and given that it is seen within the existing shopfront, it would not harm the Pinkie Historic Battlefield site.	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?	
								HES	Internal Advisers	SG	HES	Internal Advisers	SG						
19/00241/P	East Lothian			Erection of 1 house and associated works	No	Yes	Yes	No	No	No	No info	No info	No info	The officers report does not state that it was formally assessed against any Battlefield policies.	No	Considered that due to the position of the house in a built-up area, and the longstanding settlement context, it would affect the key features of the battlefield.	No	Yes	
19/00242/AMC	East Lothian			Approval of matters specified in conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 1) of planning permission in principle 14/00768/PPM	No	Yes	Yes	Yes	No	No	No	No info	No info	Assessed against Policy CH5 (Battlefields)	No	It was considered that the proposed road would not have a significant adverse effect on the key features of the Battlefield and therefore was considered in accordance with policy CH5.	No	Yes	
19/00292/P	East Lothian			Installation of bicycle lockers and formation of hardstanding areas	No	Yes	Yes	Yes	No	No	No	No info	No info	Assessed against Policy CH5 (Battlefields)	No	Considered that the proposed development would not harm the key qualities of the battlefield.	No	Yes	
19/00301/PP	East Lothian			Planning permission in principle for the erection of 1 house - land to west of 1 Birsley Road, Tranent	No	Yes	Yes	Yes	Yes	No	No	No		Assessed against Policy CH5 (Battlefields)	Yes	Due to urban setting, it was not considered the development of one house would be harm to the battlefield and the area was already disturbed so the potential for archaeological remains is low.	No	Yes	
19/00307/CLU	East Lothian	Yes		Certificate of Lawfulness - Erection of 2 houses and associated works - land adjacent to The Steading, High Road, Spott	No	Yes													
19/00310/FUL	Stirling			Durieshill Residential Development	Yes	Yes	No	Yes	Yes	Yes	No	No	No	Assessed against SPP and Primary Policy 7 (Historic Environment), Policy 7.1 and Policy 7.2 and PAN2/2011 (Planning and Archaeology)	Yes	It was considered that with regards to the Battle of Bannockburn, the application site is outwith the boundaries and therefore will not impact the inventory site. The Bloody Fault area separated by a minor road is considered disarticulated from the main area and therefore would not have significant impacts. The development would impact on the landscape characteristics of the Battle of Sauchieburn as the landscape will change from rural agricultural to urban residential. As no archaeological remains have been found on site and the landscape of the battlefield is	No	Yes	

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																not clearly understood, it was considered there would be no significant impact and it would be 'moderate' and with mitigation the proposals accord with Policy 7.1.		
19/00347/FUL	Stirling	Yes		Erection of agricultural shed (retrospective) and siting of static caravan														
19/00355/FUL	Stirling			Land 40M West of Gartclush Farmhouse, Bannockburn - Erection of dwelling house	No	Yes	Yes	Yes	Yes	No	No	No		Assessed against Policy 7.8 (Developments Affecting Battlefields, Garden and Designated Landscapes)	No	It was considered that due to the modern road it is unlikely that the proposed development contains any objects associated with the battle and that this area is less sensitive to further change. The proposed dwelling house would form part of an existing agricultural complex, and despite being a new addition, increasing the area of this complex, it is not likely to significantly affect the context or character of the battlefield.	No	Yes
19/00378/FUL	Stirling			Erection of 3Nos. dwelling houses - land adjacent and South East of Hillhead Farm Steadings, Pirnhall Road, Bannockburn	No	Yes	No	No	No	No	No	No				The proposed development impacts directly on an element of the Battle of Bannockburn Inventory Battlefield and while a portion of the site has been previously developed it is unclear if this will have had any impact on any putative archaeological remains. A portion of the proposed development site is still under grass and could therefore contain objects associated with the Day 1 Camp as well as previously unrecorded remains. A condition is required for archaeological programme of works.	No	Yes
19/00383/FUL	Stirling			Construction of a multi-user footpath	No	Yes	No	No	Yes	No	No info	No	No info	Assessed against Policy 7.8 (Developments Affecting Battlefields, Garden and Designated Landscapes)	Yes	Although the path is located within the Sheriffmuir Battlefield site, the path will not compromise the overall integrity and character of the battlefield area due to the nature of the development, in	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																accordance with Policy 7.8. A condition was requested regarding a Programme of Archaeological Works in order to safeguard and record the archaeological potential of the area.		
19/00432/FUL	Highland	Yes		Viewhill Farmhouse, Inverness, IV2 5EA - Complete Demolition in a Conservation Area of redundant farmhouse														
19/00438/P	East Lothian			Erection of fencing and gate - land adjacent to roadway to Meadowmill Sports Centre, Tranent	No	Yes	No	No	Yes	No	No info	No	No info	Assessed against Policy CH5 (Battlefields)	No	The proposals will not harm the integrity of the battlefield site or landscape. He also advises that this area of land has been previously disturbed during the landscaping of the bing (also known as 'The Pyramid').	No	Yes
19/00442/P	East Lothian			Installation of lighting, solar panels, erection of fencing, gate and feeder pillar	No	Yes	Yes	Yes	No	No	No	No info	No info	Assessed against Policy CH5 (Battlefields)	No	Considered that the proposed development would not have a significant adverse effect on the key features of the Historic Battlefield (BTL7 - Battle of Dunbar II) and there was no objection to the proposals.	No	Yes
19/00462/MSC	Stirling			Application for Approval of Matters Specified in Conditions for 14/00783/PPP for erection of 265 homes and associated infrastructure - land adjacent to North of Bearside House and South of Clayhill Cottage, Polmaise Road to Carron Reservoir, Stirling	No	Yes	No	Yes	No	No	No	No info	No info	Assessed against Primary Policy 7: Historic Environment	No	The potential impact on the Inventory Historic Battle of Bannockburn (BTL 4)	No	No
19/00473/PCL	East Lothian			Alterations to A1/Queen Margaret University road junction by formation of slip roads, underpass, retaining wall, roundabout, foot and cycle paths and SUDS ponds	No	Yes	Yes	Yes	Yes	No	No	No	No	Assessed against SPP, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH5 of the ELLDP	Yes	The application site lies in an area of known archaeological remains from prehistoric through to modern - a programme of archaeological works is required.	No	Yes
19/00482/FUL	Stirling			Land 185M West of Cairnston Steadings, Dunblane - Erection of farmhouse and 2No. eco pods.	No	Yes	No	Yes	No	No	No	No info	No info	Assessed against Primary Policy 7: Historic Environment and supplementary guidance.	Yes	There is potential for unknown archaeological deposits relating to the battle and that the Council should consider undertaking a cultural heritage assessment. The proposed development is on the fringes of the designated zone, and is effectively a buffer zone which	No	No

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																is unlikely to contain objects associated with the fighting		
19/00491/FUL	Stirling			Formation of forecourt extension and vehicle storage compound with associated works and formation of new access - land adjacent and West of Arnold Clark Renault, Millhall Road, Stirling	No	Yes	Yes	Yes	No	No	No	No info	No info	Assessed against Primary Policy 7: Historic Environment and supplementary guidance.	No	An extensive programme of archaeological works in line with the Councils policy, which demonstrated that there was no surviving remains or objects. Given the nature of the development, it was also considered there would be no adverse impact on the character or setting.	No	Yes
19/00497/FUL	Stirling	Yes		Rear extension to the existing nursing home to increase the size of the kitchen and the laundry														
19/00522/FUL	Stirling			Land Some 200m To North West of 1 West Plean (plot 6), Bore Row, Plean - Revised house type on plot 6	No	Yes	Yes	Yes	Yes	No	No	No	No info	Assessed against Primary Policy 7: Historic Environment and supplementary guidance.	No	As the proposed structure would form part of a pre-existing row of housing and would replace a series of small semi-permanent structures in the same area, it is not likely to significantly change the character and context of the battlefield. It is unlikely any archaeological remains are within the site due to previous development.	No	Yes
19/00537/PPP	Scottish Borders	Yes		Erection of dwellinghouse - land south of 17 West Port, Halliwells Close, Selkirk	No		Yes											
19/00583/FLL	Perth And Kinross	Yes		Formation and alterations to access tracks (in retrospect)														
19/00588/FUL	North Lanarkshire	Yes		Change of Use of Dwellinghouse to Holiday Accommodation	No		Yes											
19/00588/P	East Lothian			Erection of equipment testing facility, ancillary office, storage structures (Class 5) and associated works for a temporary period of 5 years (Former Cockenzie Power Station Site, Prestonpans)	No	Yes	No	Yes	Yes	No	No	No		Assessed against Policy CH5	Yes	The site lies within the boundary of the Inventory battlefield for Prestonpans and there are Scheduled Archaeological remains in close proximity. However, the area has been heavily disturbed and as a limited footprint and low visibility from heritage receptors. It was therefore considered there was limited potential for direct or indirect impacts.	No	No

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
19/00589/FUL	Scottish Borders	Yes		Change of use from former post office and alterations to form dwellinghouse														
19/00619/P	East Lothian	Yes		Erection of 1 house and associated works														
19/00620/AMM	East Lothian			AMSC for remediation of site and creation of new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works (Blindwells)	No	Yes	Yes	Yes	No	No	No		Assessed against Policy CH5	No	Little commentary - it was considered the proposals are consistent with Policy CH5.	No	Yes	
19/00628/FUL	Stirling			Formation of new access and gates	No	Yes	Yes	No	Yes	No		No	Assessed against Primary Policy 7	No	In theory will have both a physical and setting impact on the battlefield. However, it is clear that such is the minimal scale of the development that is unlikely to have any impact on the battlefield. In addition, previous development has made the area less sensitive to further change	No	Yes	
19/00633/LBC	Scottish Borders	Yes		Internal alterations - Waverley Castle Hotel, Melrose	No													
19/00635/FUL	Stirling	Yes		Erection of 2 dwelling houses - land opposite and North West of Croftside Cottage, Stirling														
19/00646/FUL	Stirling			Erection of 44 dwellings of two and three storey flats and houses, with associated roads, parking, landscaping, boundary treatments and infrastructure - St Ninians, Stirling	No	Yes	Yes	Yes	Yes	No	No		Assessed against Primary Policy 7	No	The proposed development will have an impact on an element of an inventory battlefield, however given that it is a brownfield site, it is likely that previous development will have destroyed any such putative objects.			
19/00654/FUL	Stirling			Erection of 3 polytunnels - Bannockburn House, Bannockburn	No	Yes	No	Yes	Yes	No	No		Assessed against Policy 7.1	Yes	The proposal has the potential to impact on previously unknown archaeological remains, with respect to Policy 7.1, Stirling Council Planning Archaeology Officer recommended a programme of archaeological works takes place prior to the development of the site.	No	Yes	

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
19/00654/LBA	Glasgow			Structural works including internal and external alterations to flatted dwellings.	No		Yes	Yes	No	Yes	No info	No	No info	City Development Plan Policy CDP 9 – Historic Environment	No	No reference to battlefields.	No	Yes
19/00655/FUL	Glasgow			Structural works and external alterations to flatted dwellings.	No		Yes	No	No	Yes	No	No	No	City Development Plan Policy CDP 9 – Historic Environment	No	No reference to battlefields.	No	Yes
19/00660/FUL	Stirling			Extension to shop	No	Yes	Yes	No	No	No	No	No	No	Assessed against Policy 7.1	No	The proposed development will directly impact on an area designated in the Inventory of Historic Battlefields by HES, however the proposed development represents no impact on the available resource as the site is already developed.	No	Yes
19/00672/P	East Lothian			Change of use of public open space for use as additional play area for existing children's nursery and erection of fencing	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No			
19/00678/P	East Lothian			Alteration and heightening of building	No	Yes	Yes							Assessed against Policy CH5	No	No commentary - considered that the proposed development would not have any adverse impact.	No	Yes
19/00688/NSM	Stirling	Yes		Proposed removal and replacement of existing 15m pole with new 15m pole, installation of ancillary equipment within existing cabinets, new 1No Lancaster cabinet and new 1No. POD cabinet	No													
19/00701/P	East Lothian			Installation of telecommunications cabinet (Retrospective) - West Holmes Gardens, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	Considered the cabinet would not have a significant adverse effect on the key qualities of the Battle of Pinkie.	No	Yes
19/00704/FUL	Stirling	Yes		Erection of residential care home with associated car parking, infrastructure and landscaping (Randolph, Road Stirling)														
19/00712/FUL	Stirling	Yes		Change of use from Public House (sui generis) to Car Hire Facility (sui generis) with erection of hire office, wash bay, and associated external parking, totem and mounting for signage, lighting and landscaping (Kersehill, Stirling).														
19/00727/P	East Lothian			Installation of 1 electrical feeder unit, 2 charging points and associated works	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	In their position and by virtue of their relatively small size, the proposed electric charging	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																points, electricity feeder unit and associated works would not have a significant adverse effect on the Battle of Dunbar II Historic Battlefield.		
19/00747/LBC	Scottish Borders	Yes		Internal alterations														
19/00762/FUL	Stirling			Erection of class 6 warehouse for storage and distribution - Caledonian Marts, Millhall Road, Stirling	No	Yes	Yes	No	No	No	No	No	No	No assessment against relevant policies.	Yes	The Council's archaeologist advised that while the proposed development will have an impact on a designated battlefield, previous development has likely destroyed any objects associated with the battle, as well as making the area less sensitive to further change and therefore there can be no objection to the development and no need for any mitigation	No	Yes
19/00776/FUL	Stirling	Yes		Erection of 2 dwelling houses (Glassingall, Dunblane)														
19/00796/AMM	East Lothian			Approval of Matters Specified in Conditions of planning permission in principle 17/00020/PPM - Erection of 115 houses and associated works	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy CH5, SPP and PAN 2/2011	Yes	Potential for archaeological related remains to be located within the site and a programme of archaeological works was requested prior to the commencement of development	No	Yes
19/00800/P	East Lothian	Yes		Alterations and change of use of storage/distribution (Class 6) to business (Class 4), assembly and leisure (Class 11), car valeting (Sui Generis) and formation of hardstanding area - Spott Road Industrial Estate, Spott Road, Dunbar														
19/00801/FUL	Stirling	Yes		Erection of 24No. dwelling houses and cottage flats and associated external works (Land Bounded by Ledi View, Montgomery Way, Adamson Place and Johnston Avenue Cornton, Stirling)														
19/00809/P	East Lothian			Alterations, extensions to building, erection of kiln building, siting of storage container and associated works (Seton Sands)	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	The proposed development would not have a significant adverse effect on the key	No	Yes



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																features of the designated Prestonpans Battlefield.		
19/00831/P	East Lothian			Alterations, change of use of warehouse storage/office building (class 6) to form children's soft play area with cafe, change of use of open space to form pedestrian access and associated works - Dunbar Business Centre, Spott Road Industrial Estate, Dunbar	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH6	No	As part of an existing building of the industrial estate that is within an urban area, the proposed alterations to the external appearance of the part of the existing building that is the subject of this application, and the use of it as a children's soft play venue with café would not have an appreciable effect on the key features of the designated battlefield of the Battle of Dunbar II.	No	Yes
19/00836/FUL	Stirling	Yes		Extension to service station building to form changing places toilet (Motorway Services, Bannockburn Interchange)														
19/00861/P	East Lothian			Erection of 1 house and associated works	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5.	No	As HES did not raise any object it was considered that the development would not have a detrimental impact on the historic character of appearance of the battlefield.	No	Yes
19/00863/FUL	Scottish Borders	Yes		Change of use from offices and alterations to form dwellinghouse	No		Yes											
19/00869/AMM	East Lothian			Approval of matters specified in conditions of planning permission in principle 17/00917/PPM - Erection of 230 houses, 20 flats and associated works - East of Cowpits Road, Whitecraig	No	Yes	No	No	Yes	No	No	No	No	Assessed against Policy CH5.	No	Consideration was given to the impact on battlefields in the PPP application which confirmed no adverse effect	No	Yes
19/00871/FUL	Stirling	Yes		Erection of dwelling house - land adjacent and South of Avenuehead Cottage, Bannockburn														
19/00879/FUL	Glasgow	Yes		Erection of single storey side extension and alterations to dwellinghouse														
19/00890/FUL	Stirling			Land and Buildings at Orchard House Site, Back O'Hill Road, Raploch, Stirling - Mixed use development	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Primary Policy 7 (Historic Environment), Policy 7.1 (Archaeology) and Policy 7.8 (Development affecting battlefields,	No	No archaeological evidence relating to the Battle of Stirling Bridge has been uncovered from excavations that significant impacts on the battlefield were unlikely, although HES note that no assessment of impact on the	No	No

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
														gardens and designated landscapes)		battlefield landscape seemed to have been undertaken.		
19/00893/P	East Lothian			Formation of pumping station	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	HES raised no objection and on that basis, it was considered in accordance with Policy CH5.	No	Yes
19/00914/PIP	Highland			Land 25m West of Tannach Farmhouse, Culloden Moor, Inverness - Erection of house - further info	No	Yes	No	Yes	Yes	No	Yes	Yes		Undetermined	Yes	An objections was raised by HES stating that planning permission in principle is not appropriate in a site of such sensitivity and also recommend that the applicant takes steps to 1) confirm the (lack of) archaeological potential at the site due to previous topsoil removal, 2) produce a series of visualisations to show the dwellinghouse within the landscape (we can advise on viewpoint locations), and 3) that a heritage impact assessment is produced.	No info	No info
19/00921/PPP	Scottish Borders	Yes		Erection of two dwellinghouses	No	Yes	Yes	Yes	Yes	Yes	No	No info	No info					
19/00928/P	East Lothian	Yes		Installation of ATM machine (Retrospective)														
19/00929/ADV	Glasgow	Yes		Display of one illuminated digital LED advertisement hoarding														
19/00933/P	East Lothian	Yes		Installation of BT cabinet														
19/00934/P	East Lothian	Yes		Installation of BT cabinet														
19/00953/P	East Lothian			Installation of solar panels, erection of fencing, gate, feeder pillar and formation of hardstanding area (Kellie Road Roundabout, Dunbar)	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No commentary - concluded that the proposed development would not have a significant adverse effect on the key features of the Historic Battlefield (BTL7 - Battle of Dunbar II).	No	Yes
19/00959/P	East Lothian			Installation of floodlighting	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	In their location the proposed floodlights would not have a significant adverse effect on the key features of the Battle of Pinkie Historic Battlefield.	No	Yes
19/01040/P	East Lothian			Erection of agricultural building (Spott Home Farm, Dunbar)	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	In its isolated position away from public roads, it was considered the building would not be highly visible and therefore not impact on the	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																character setting or understanding of the Battle of Dunbar I Historic Battlefield		
19/01061/P	East Lothian			Erection of wall - Preston Grange House, Royal Musselburgh Golf Club, Prestonpans	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5 and Historic Environment Scotland's Managing Change in the Historic Environment guidance.	No	As it is a replacement for the existing length of stone boundary wall, the proposed length of wall would not have an appreciable effect on, and thus would not be harmful to, the character and appearance of the area including the Battle of Pinkie.	No	Yes
19/01101/P	East Lothian			Alterations, extension to building, formation of hardstanding areas, erection of bicycle racks and fencing (Cockenzie And Port Seton Health Centre)	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	As HES raised not objection, the proposal would not have a detrimental impact on the setting of the Battle of Prestonpans Historic Battlefield and as such would not conflict with Policy CH5	No	Yes
19/01165/P	East Lothian			Erection of plant units, fencing and gate (Olivebank Retail Park, Newhailes Road, Musselburgh)	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	Little commentary - the proposed development would not have a significant adverse effect on the key features of the Historic Battlefield (BTL15 - Battle of Pinkie). Historic Environment Scotland raise no objection to the proposals.	No	Yes
19/01233/FUL	Highland			Visitor Centre, Culloden Battlefield, Culloden Moor IV2 5EU - Replace and improve entrance signage, siting of catering trailer at visitor centre (NEW RESPONSE DATE 28/5/19)	No	Yes	No	Yes	Yes	Yes	No	No	No	Assessed against Policy CH5	No	Concerns about the level of impacts and appropriateness of the extension of facilities further into the core of the battlefield. The potential impacts upon the battlefield do not appear to have been considered as part of this application, nor has any justification been provided as to why this initial location has been proposed. Impacts could be mitigated by relocating the proposal within the car park and HES strongly recommend the Planning Authority explores these issues with the applicant. Location amended to site within the built up ground of the visitor centre which would	No	

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																result in considerably less impact.		
19/01234/ADV	Highland			Display signs for Culloden Battlefield to advertise arrival, opening times, pay and display parking, orientation and the visitor offer, mainly free standing or affixed to natural stone walls	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy CH5	Yes	Given the proximity to the core of the battlefield there is potential, albeit limited, for archaeological deposits associated with the battle to be present in the area affected by any new foundations and archaeological mitigation is suggested. HET- initial concerns related to the construction of two entrance cairns with linking walls which would add a dominant built element to the core of the battlefield and create an artificial boundary which could be misconstrued as the entrance to the battlefield. Such a feature is liable to misrepresent the true extent of the battle. Further to reviewing the proposal's amended entrance design, which retains the stone walls but no longer proposes any new cairns, HET confirm that this design is now acceptable.	No	Yes
19/01278/P	East Lothian	Yes		Erection of building for business use, New Hope (Dunbar)														
19/01290/P	East Lothian			Change of use of Shop (class 1) to nail bar (class 2) - 179A North High Street, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	Considered to have no adverse impact	No	Yes
19/01299/PCL	East Lothian			Change of use of open space for the formation of footpath, erection of bicycle shelter and associated works (Ashfield Cycleway, Dunbar)	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	As no objection received by HES it was considered there would be no detrimental impact	No	Yes
19/01311/PP	East Lothian	Yes		Planning Permission in Principle for the erection of building (for class 4 use - office/business/distribution/light industry/research), vehicular access and associated works - West Lodge, Prestongrange Road, Prestonpans					No									
19/01321/AMM	East Lothian			Craighall Residential Development	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Assessed against Policy CH5, SPP and PAN 2/2011	Yes	Written scheme of investigation makes it clear that an archaeological programme of	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																works is required prior to development still, however, this is secured by a condition under the original PiP permission		
19/01366/FUL	Scottish Borders	Yes		Part change of use and alterations to form dwellinghouse														
19/01409/FUL	Scottish Borders			Erection of 1 No membrane building and 5 No borehole buildings - Water Treatment Works, Howden Wells, nr Howden Farm, Selkirk	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy EP8(Archaeology)	Yes	There is a high potential for encountering buried archaeology anywhere within the battlefield core including items associated with the battle and burials of those who fought. Given the above, a condition is therefore attached to this permission for archaeological survey to be undertaken. The proposal is considered to meet the general aims of Policy EP8.	No	Yes
19/01481/FUL	Scottish Borders			Extension to restaurant and installation of new play equipment	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy EP8(Archaeology)	Yes	The development site is in an area suspected to have been at the core of the Battle of Philiphaugh fought in 1645 between the forces of the Marquis of Montrose and the Covenanters led by David Leslie. There is a high potential for encountering buried archaeology anywhere within the battlefield core including items associated with the battle and burials of those who fought. Given the above, a condition is therefore attached to this permission for archaeological survey to be undertaken. The proposal is considered to meet the general aims of Policy EP8.	No	Yes
19/01687/PPP	Scottish Borders			Land North East of The Lodge, Philiphaugh Mill, Ettrickhaugh Road, Selkirk, Scottish Borders - Residential development with associated works and new access	No	Yes	No	Yes	Yes	Yes	No	No	No	Assessed against Policy EP8(Archaeology)	Yes	There are no known archaeology implications for this proposal and no listed buildings feature within the immediate area. However, the site is within the 'Battle of Philiphaugh' battlefield designation. Given the previous use of the site associated with	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																the former sawmill, it is assumed that the land has been disturbed. A condition for a written scheme of investigation as attached to ensure compliance with Policy EP8.		
				Residential development with associated works and new access - land North East of The Lodge, Philiphaugh Mill, Ettrickhaugh Road, Selkirk														
19/01789/FUL	Highland	Yes		Demolition of existing workshop and erection of replacement workshop														
19/02413/FUL	Highland	Yes		Erection of extensions to house and garage, Whiteleys														
19/03083/FUL	Highland			Inverlochy Mains, North Road, Fort William PH33 6TQ - Alterations (involving demolition and new build) to create production area with ancillary shop and cafe, associated access, parking, infrastructure and landscaping.	No	Yes	No	Yes	Yes	No	No	No	No		Yes	HES comments - Potential to affect Inverlochy Castle (a Scheduled Ancient Monument) and Inverlochy I and II Battlefields. As the development is largely confined to the footprint of the existing building, HES consider the development is unlikely to have an impact on the setting of the scheduled monument or on the character of the battlefield. Planning Authority made no reference to battlefields in their assessment.	No	Yes
19/03385/FULL	Fife			Old Signal Station, Lothian View, Rosyth, Dunfermline, KY11 2UY - Erection of dwellinghouse	No	Yes	No	Yes	Yes	No	No	No	No	Policies 1 and 14 of the FIFEplan state that development will not be supported where it is considered that they will harm or damage inventory Historic Battlefields and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note.	Yes	As it would affect a relatively small proportion of the battlefield area that already has similar built development it was not considered to have an adverse impact. Fife Council's Archaeological officer was also consulted on this application and has advised that a condition relating to archaeological works should be attached to any consent.	No	Yes
19/0343/PP	East Ayrshire			Erection of poultry unit comprising of 3 poultry houses	No	Yes	No	Yes						Policy ENV5 regarding the impact on key landscape		Probably that the sheds will be visible from the battlefield of Loudoun Hill and could affect	No	Yes



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				studio and weight room (class 11) (Retrospective) - Unit L, Hawthorn Road, Prestonpans														
20/00108/PM	East Lothian			Erection of care village, comprising 59 care bedrooms and 171 residential accommodation and care units (47 Care Suites and 124 Care Apartments) for people in need of care (Class 8), with communal facilities and associated works - site at Kirk Park, Eskmills Road, Inveresk, Musselburgh	Yes	Yes	No	Yes	No	No	No	No	Assessed against policy CH5	No	HES raise no objection to the impact of the proposed development on the Battle of Pinkie Battlefield Site, being satisfied that it would not have a significant adverse effect on the key features of the battlefield.	No	Yes	
20/00110/PM	East Lothian	Yes		Erection of 202 houses, 40 flats and associated works - Hallhill North, Dunbar														
20/00157/P	East Lothian			Land opposite 5 Eskside West, Musselburgh - Installation of 2 BT cabinets (Retrospective).	No	Yes	Yes	Yes	No	No	No	No	Assessed against Policy CH5	No	As no objection was raised, the development is considered to not detrimentally impact on the character or significance of the Battle of Pinkie.	No	Yes	
20/00159/P	East Lothian			Change of use of grass verge to form 2 vehicular accesses and associated works - land at Newtonlees Farm, Dunbar	No	Yes	Yes	Yes	No	No	No	No	Assessed against Policy CH6	No	As no objection was raised, the development is considered to not detrimentally impact on the character or significance of the Battle of Dunbar II	No	Yes	
20/00162/FUL	Stirling			The Battle of Bannockburn Centre, Glasgow Road, St Ninians, Stirling, FK7 0LJ - Installation of an electric vehicle charging point in existing visitor centre car park	No	Yes	No	Yes	No	No	No	No	Assessed against Policy 7.8	No	Due to the proposed scale of development, the proposal would not negatively impact essential characteristics, aesthetics or historical value and setting of the Battlefield.	No	Yes	
20/00164/P	East Lothian			Change of use of agricultural land to equestrian/dog exercise yards, erection of associated amenity building and associated works (retrospective) - Pleasance Farmhouse, Spott, West Barns, Dunbar	No	Yes	No	Yes	No	No	No	No	Assessed against Policy CH5	No	As no objection was raised, the development is not considered to not detrimentally impact on the character or significance of the Battle of Dunbar II	No	Yes	
20/00172/P	East Lothian	Yes		Alterations to house and formation of decked area - 9 Beulah, Windsor Park, Musselburgh														
20/00173/P	East Lothian			Erection of 1 house and associated works - Garden ground of Venross Cottage, Monktonhall Road, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	Assessed against Policy CH5	No	As no objection was raised, the development is not considered to not detrimentally impact on the character or significance of the Battle of Pinkie.	No	Yes	



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
20/00188/PP	East Lothian	Yes		Planning permission in principle for the erection of 1 house - Garden ground of 2 Bankpark Crescent, Tranent	No	Yes	Yes											
20/00207/P	East Lothian			Change of use of warehouse storage/office building (class 6) to form music school/recording studio, installation of bicycle racks - Dunbar Business Centre, Spott Road Industrial Estate, Dunbar	No	Yes	Yes	Yes	No	No	No	No	Assessed against CH5	No	As part of an existing building of the industrial estate that is within an urban area, the proposed bicycle parking rack and the alterations to widen the existing footpath, and the use of the part of the existing building that is the subject of this application as the proposed music school would not have an appreciable effect on the key features of the designated battlefield of the Battle of Dunbar II.	No	Yes	
20/00291/FUL	Stirling	Yes		Land 320M North West of The Highland Gate Drip Road Raploch Stirling - New office development (Use Class 4) with associated landscaping, parking and site infrastructure														
20/00341/P	East Lothian			Pinkie House Garden Loretto School 1-7 Linkfield Road Musselburgh - Erection of buildings with associated decked areas and canopies for a temporary period of 3 years (Part Retrospective)	No	Yes	Yes	Yes	Yes	No	No	No	Assessed against CH5	Yes	It Little commentary - concluded it would not adversely affect the Pinkie Battlefield and does not conflict with Policy CH5 of the adopted East Lothian Local Development Plan	No	Yes	
20/00359/LBC	East Lothian	Yes		Preston Grange Wall Royal Musselburgh Golf Club Prestonpans East Lothian - Erection of wall	No													
20/00360/P	East Lothian			Siting of 9 storage containers - Seton Mains, Longniddry	No	Yes	No	Yes	No	No	No	No	Assessed against CH5	No	As no objection was raised, the development is not considered to not detrimentally impact on the character or significance of the Battle of Pinkie.	No	Yes	
20/00362/P	East Lothian			Erection of wall after collapse - Preston Grange House wall, Royal Musselburgh Golf Club, Prestonpans	No	Yes	No	Yes	No	No	No	No	Assessed against Policy CH5	No	As a replacement for the existing length of collapsed stone boundary wall, the proposed length of wall would not have an appreciable effect on, and thus would not be harmful to, the character and appearance of the area. Nor would it have a significant	No	Yes	

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																adverse impact on the key features of the designated battlefield of the Battle of Pinkie.		
20/00373/FUL	Glasgow			32 Mansionhouse Road, Langside, Glasgow G41 3DN - Demolition of dwelling and erection of flatted residential development (20 units), associated parking and landscaping.	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against CDP 9 and SG 9 - Heritage Environment	No	There is no reference to battlefields within the Council's own assessment, however, HES and WoSAS considered that given that it is a brownfield site Equally, the proposed development would have no setting impact upon the battlefield as it exists today, as it would represent a redevelopment of an existing residential unit.	No	No
20/00373/P	East Lothian			Erection of 1 house and associated works (retrospective) - land to South of Stoneyhill Farmhouse, The Orchard, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	The proposed house and associated boundary enclosures and hardstanding would not be harmful to the designated area of the Battle of Pinkie Battlefield.	No	Yes
20/00445/P	East Lothian			Renewal of planning permission 17/00231/P - Erection of 1 house and associated works Land to South West of Seton Mains House, Seton Mains, Longniddry	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	Historic Environment Scotland raise no concerns with regards to the impact of the proposed development on the designated area of Prestonpans Battlefield and no further assessment is made.	No	Yes
20/00475/P	East Lothian	Yes		Reroofing of building - Police Station, 174 High Street, Musselburgh														
20/00503/P	East Lothian			Whitecraig Farm, Cowpits Road, Whitecraig, East Lothian EH21 8LY - Erection of agricultural building	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy CH5	Yes	The potential impacts arising from this development are disturbance of as yet unidentified buried remains and a condition was requested for a programme of works to mitigate any impacts.	No	Yes
				Erection of agricultural building - Whitecraig Farm, Cowpits Road, Whitecraig														
20/00537/P	East Lothian			Alterations and change of use of shop (class 1) to form 1 flat. - 55 Eskside, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	Given the site's location within the Battle of Pinkie Historic Battlefield, Historic Environment Scotland were consulted on the application.	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																They have responded to confirm that they do not have any comment to make on the proposal and as such no objection is raised. Accordingly, the proposal would not have a detrimental impact on the setting of the Battle of Pinkie Historic Battlefield and as such would not conflict with Policy CH5		
20/00548/P	East Lothian			Change of use of shop (class 1) to hot food restaurant/takeaway (class 3/sui generis) - Unit 1B, Moray Way, Pinkie Braes, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	Little commentary - the proposed development would not have a significant adverse effect on the key features of the Historic Battlefield (BTL15 - Battle of Pinkie). Historic Environment Scotland raise no objection to the proposals.	No	Yes
20/00554/P	East Lothian			The Stables Broxmouth Broxburn Dunbar East Lothian EH42 1QW - Alterations, extensions to buildings and erection of building, gates and gate piers	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy CH5 and SPP	No	The development would only occupy a small part of the land and the alterations have been sensitively designed within the landscape and it was considered there would be minimal impact on the battlefield as the stable and courtyard area is likely to be of low archaeological value. It was concluded that the development and alterations would not be an intrusive or incongruous form of development and would not, by virtue of its siting, size, form, scale and design, have a detrimental impact on the interpretation, understanding and key features of the designated battlefield.	No	Yes
				Alterations, extensions to buildings for use as a wedding/function venue including ceremony hall, bar, dining hall, 7 units of holiday letting accommodation and associated works - The Stables, Broxmouth, Broxburn, Dunbar														
20/00556/P	East Lothian			Formation of pumping station, substation and associated works -	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	The proposed development would not have a significant	No	Yes



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				Showrooms, 1- 5 Salters Road, Wallyford														
20/00733/P	East Lothian		Battle of Dunbar II	Erection of sales cabin, fencing and formation of car parking for a temporary period of 12 months - land to the South of Bowmont Terrace, Dunbar	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on the Battle of Dunbar II Historic Battlefield and accords with Policy CH5	No	Yes
20/00746/P	East Lothian			Installation of 2 vehicular charging points (retrospective) - Tesco Stores Ltd, Olivebank Road, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	assessed against Policy CH5	No	In their position and by virtue of their relatively small size, the electric charging points do not have a significant adverse effect on the Battle of Pinkie Historic Battlefield.	No	Yes
20/00779/FUL	Scottish Borders			Erection of four dwellinghouses and associated works - Land South Of 1 Forest Road, Forest Road, Selkirk														
20/00806/P	East Lothian			Erection of agricultural drier (Retrospective) - Hillhead Farm, Whitecraig, Musselburgh	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
20/00916/P	East Lothian	Yes		Formation of roads, footpaths, installation of street lighting and associated works - Land to The East of Kellie Road Roundabout, Dunbar														
20/00952/FLL	Perth And Kinross			Former Water Reservoir, Blairgowrie Road, Dunkeld - Erection of a dwellinghouse and change of use of former reservoir building to form ancillary accommodation.	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy 30 (Historic Battlefields/Assets)	No	The site itself is not considered to be one of the key areas of the battle, and whilst there may still be some archaeological remains, these have already been disrupted by some development so interest in it is low.	No	Yes
20/00967/FUL	Highland	Yes		Land 730M NW Of King's Stables Cottage, Westhill, Inverness - Erection of house at Muirfield Farm														
		Yes		Erection of house, Land 730M NW Of King's Stables Cottage, Muirfield Farm, Westhill														
20/00975/P	East Lothian	Yes		Erection of 1 house and associated works - Land North West of 24 Hercus Loan, Musselburgh														
20/00976/P	East Lothian			Alterations and extension to building as design changes to the	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	The proposed development would not have a significant		

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				scheme of development subject of planning permission 16/00280/P - 10 Whitecraig Road, Whitecraig, Musselburgh,												adverse effect on the key features of the Battle of Pinkie Cleugh Historic Battlefield Site.		
20/01138/PCL	East Lothian	Yes		Tesco Stores Limited Inveresk Road Musselburgh East Lothian - Variation of condition 1c of planning permission 17/00849/PCL to extend the time period for a further 3 years														
		Yes		Variation of condition 1c of planning permission 17/00849/PCL to extend the time period for a further 3 years. - Tesco Stores Limited, Inveresk Road, Musselburgh														
20/01201/P	East Lothian	Yes		Erection of 1 house and associated works - 241 Church Street, Tranent														
20/01216/PCL	East Lothian			Erection of 24 flats, 4 houses and associated works - land South of Block 1 Elder Court, Elder Court, Tranent	No	Yes	Yes	Yes	Yes	No	No	No	No	Assessed against Policy CH5	No	Given the site is in the town centre it was not considered to have an unacceptable impact on the Battlefield of Prestonpans.	No	Yes
20/01217/P	East Lothian			Installation of defibrillator cabinet - St Martins Church Hall, High Street, Tranent	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on the Battle of Prestonpans and accords with Policy CH5	No	Yes
20/01220/P	East Lothian			Installation of defibrillator cabinet - 24 Winton Place, Tranent	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on the Battle of Prestonpans and accords with Policy CH5	No	Yes
20/01267/P	East Lothian			Part change of use of hairdressers (class 1) to beauty salon (class 2) retrospective - 115 North High Street, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
20/01356/P	East Lothian			Field to The North East of Fa'side Castle Tranent East Lothian - Change of use of agricultural land for the siting of 4 glamping pods for holiday let, associated office building and works	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																Pinkie Battlefield and accords with Policy CH5		
				Change of use of agricultural land for the siting of 4 glamping pods for holiday let, associated office building and works - field to the North East of Fa'side Castle, Tranent														
20/01357/P	East Lothian			Change of use of grassed area to form a vehicular/pedestrian access for a temporary period until 1st March 2021 - land to the South of Bowmont Terrace, Dunbar	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
20/01380/P	East Lothian	Yes		Erection of 44 flats and associated works - land North West of 1 Campie Road, Olivebank Road, Musselburgh														
20/01381/P	East Lothian			Part change of use of shop (class1) to beauticians (class 2) and assembly and leisure (class 11) - 175-181 High Street, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
20/01429/PM and 20/01437/PM	East Lothian	Yes		Section 42 application to vary Condition 5 of planning permission in principle 15/00537/PPM to amend the number of annual housing completions ; and Section 42 application to vary Condition 5 of planning permission in principle 14/00903/PPM to amend the number of annual housing completions - land located to the South and East of Wallyford and at Dolphingstone														
20/01453/P	East Lothian			Section 42 - Variation of condition of planning permission 09/00303/FUL - Drummohr Caravan Park, Prestonpans	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
20/01695/FLL	Perth And Kinross			Land 1000m North East of The Bothy, Orchilmore, Killiecrankie -	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy 9.1 (Cultural	No	As no objections were raised it was considered the development is unlikely	No	Yes







Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
21/00003/P	East Lothian			Alterations and Change of Use of Shop (class 1) to Hot food takeaway (sui generis) and installation of flue -122 North High Street, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
21/00003/PNOT	Moray			Mains of Morinsh Glenlivet Ballindalloch Moray AB37 9DT - Formation of forestry track	No	Yes	No	Yes	No	No	No	No	No	No policy or guidance referenced - application relating to prior approval	No	The proposals would alter the setting of the approach route from the south but would not have a significant impact upon the setting of the battlefield, as the majority of the action occurred to the north of Tom Cullach. The likelihood of encountering buried archaeological deposits or artefact scatters associated with the battle in the area of the proposed works is also limited, as the action and subsequent rout of Argyll's forces after the battle took place to the north.	No	Yes
21/00009/P	East Lothian			Change of use of office (class 4) to private gym studio (class 11) - Suite 2, The Old Stables, Eskmills Park, Station Road, Musselburgh	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
21/00033/PCL	East Lothian			Change of use of public open space to form footpath - Ashfield Cycleway, Dunbar	No	Yes		Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Dunbar II Battlefield and accords with Policy CH5	No	Yes
21/00068/P and 21/00067/LBC	East Lothian			Alterations to building - 1 Bridge Street, Tranent	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Prestonpans Battlefield and accords with Policy CH5	No	Yes
21/00070/PM	East Lothian			Erection of learning campus and associated works - site West of Masons Way, Wallyford	No	Yes	Yes	Yes	Yes	No	No	No	No	Assessed against Policy CH5	Yes	Due to the existing built form of Wallyford and the wider expansion area, the proposed campus was not considered to	No	Yes



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				development and associated infrastructure														
21/00231/PM	East Lothian			Section 42 application to vary condition 3 of planning permission 15/00192/PM to allow Sunday working during the period time of 0800 to 1700 hours - Smeaton Recycling Centre, Whitecraig	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes
21/00235/FLM	Perth And Kinross			Land 90 Metres South West of Noah's Ark, Old Gallows Road, Perth - Installation of a 49.9MW energy storage facility	No	Yes	No	Yes	Yes	No	No	No	No	Policy 30: Protection, Promotion and Interpretation of Historic Battlefields	Yes	The intervisibility will be limited and not considered to cause adverse impact on the setting of listed buildings or associated cultural heritage assets in the wider area. The location is, however, considered archaeologically sensitive, being on the periphery of key cultural heritage receptors. A programme of archaeological work was recommended to ensure no adverse impact on qualifying interests.	No	Yes
21/00260/PPP	Stirling	Yes		Land at Crookbridge To South of Wickes And North of Kerse Road, Muirton Road, Stirling - Mixed use development (NEW RESPONSE DATE 18/08)														
21/00263/P	East Lothian	Yes		Change of use from vehicle sales area and car valeting to coach parking class 6 and erection of fence and gates (Part retrospective) - Tranmere Service Station, Haddington Road, Tranent														
21/00290/PPM	East Lothian			Planning permission in principle for onshore substation, underground electricity cables and associated temporary and permanent infrastructure to export electricity from the Seagreen Offshore Wind Farm into the national electricity transmission network - Edinburgh Road, Cockenzie	Yes	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy CH5, SPP and PAN 2/2011	Yes	The application site and wider area has been heavily and repeatedly developed, landscaped and disturbed in the past; the original landform has been altered and the survival potential for remains relating to the battle is small, although the discovery of human remains of varying dates in the vicinity shows that pockets of archaeological material can survive, even in areas where there has been extensive prior	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
																disturbance. Subject to mitigation identified in the EIA and a programme of archaeological works prior to development, no issues were raised		
21/00323/FUL	Stirling			Land and Building 50M South East of Lair Hill Farm Dunblane - Erection of dwellinghouse	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy 7.8	No	As the development is a replacement of an existing cattle shed, there has already been a visual impact on the battlefield and some ground disturbance. Due to the scale of the proposed dwelling and given the site is brownfield the likelihood of undisturbed archaeological remains being present is low	No	Yes
21/00367/P	East Lothian	Yes		Replacement windows - 19 Bridge Street, Musselburgh														
21/00398/FLL	Perth And Kinross			Inverlune Killiecrankie Pitlochry PH16 5LR - Erection of an agricultural building	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy 9 and 9.2 - cultural and historic designations	No	Given the size of the proposal, the fact the site is located in forestry plantation and the subsequent fairly low potential for archaeological remains (both in relation to the battlefield and other unknown buried archaeology).	No	Yes
21/00412/P	East Lothian	Yes		Conversion of office building to form 4 flats - 21 Eskside West, Musselburgh														
21/00467/P	East Lothian	Yes		50 Ravensheugh Road, Musselburgh, East Lothian EH21 7SY - Extension to house, erection of domestic ancillary building, walls and gates														
21/00493/P	East Lothian			Siting of 2 storage containers with associated lean-to canopy for a temporary permission for 12 months (Retrospective) - Hillhead Farmhouse, Carberry	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy CH5	No	The storage containers do not impact on the special character or appearance of the Battle of Pinkie Historic Battlefields and would comply with Policy CH5	No	Yes
21/00505/FUL	Stirling			Land South of Abercromby Court Kerse Road Stirling - Erection of 6No. Class 4, 5 and 6 units (NEW RESPONSE DATE 12/07)	No	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy 7.8	Yes	Potential to contain items of archaeological interest. Condition attached to this planning consent requiring that in advance of work commencing on site, an experienced and suitably qualified archaeological	No	Yes



Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				House, Broxmouth Park, Broxburn, Dunbar, East Lothian														
21/00684/P	East Lothian	Yes		Siting of mobile snack van (retrospective) - Site at Intersection of Links Road and Fisher Road, Port Seton														No
21/00697/P	East Lothian			Spott House Spott Dunbar East Lothian EH42 1RL - Change of use of agricultural land to domestic tennis court and associated works	No	Yes	No	Yes	No	No	No	No	Assessed against Policy CH5	No	HES raised no objection to this application being satisfied that the proposals do not raise historic environment issues of national significance. It was therefore reasonably deduced that the proposals would not harm the designated Battle of Dunbar I and II Inventory Battlefield Site	No	Yes	
21/00709/P	East Lothian			Part change of use of shop to dwelling and associated works - 148 North High Street, Musselburgh	No	Yes	No	Yes	No	No	No	No	Assessed against Policy CH5	No	No objections were raised by consultees and the proposal therefore would not have a detrimental impact on character or appearance of the Battle of Pinkie Battlefield and accords with Policy CH5	No	Yes	
21/00719/FUL	Highland			Land 260M NW Of Culloden Inn Culloden Moor Inverness - Upgrade of access and formation of turning point	No	Yes	Yes	Yes	Yes	No	No	No	Assessed against Policy 57, SPP and HES guidance	No	The works will not materially reduce an ability to appreciate the flat topography over which the Government troops may have advanced and mustered in advance of the battle. Given the low potential for archaeological remains we are content that any predicted impacts on remains can be successfully mitigated	No	Yes	
				Upgrade of access and formation of turning point - land 260M NW of Culloden Inn, Culloden Moor, Culloden														
21/00734/FUL	Highland	Yes		Erection of workshop - 21A Ben Nevis Drive, Ben Nevis Industrial Estate, Fort William									Assessed against Policy 57 and SPP	No				
21/00736/FLL	Perth And Kinross			Land 90 Metres North East of North Lodge Dunkeld - Erection of 2 dwellinghouses	No	Yes	No	Yes	Yes	No	No	No	Assessed against Policy 26B	Yes	Potential for remains to still exist on site. Given the nature of battlefield archaeology it may be an archaeological watching brief on ground-breaking works alongside metal detecting the	No	No	







Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
APP/2018/2411	Aberdeenshire			Land Adjacent to Broomiebank, Alford, Aberdeenshire - Erection of 3 Dwellinghouses and Detached Garages.	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy HE1 and HE2	No	the location and nature of the site mean that no specific archaeological mitigation is required. As such it is considered that there would be no impact on the designation and the proposal therefore meets the requirements of Policy HE2: Protecting historic and cultural areas	No	No
APP/2019/1127	Aberdeenshire	Yes		Prior Notification for Demolition of Buildings														
APP/2019/1152	Aberdeenshire			Installation of Wood Biomass System and Flue in Existing Agricultural Shed (Retrospective)	No	Yes	No	Yes	No	No	No	No	No	Assessed against Policy HE2	No	Given the nature of development however, and the fact that the biomass boilers are located within an existing shed; the impact of the development on the Battle of Barra battlefield is non-existent.	No	Yes
APP/2019/1467	Aberdeenshire	Yes		Extension to form additional kitchen space														
APP/2019/1704	Aberdeenshire	Yes		Planning Permission in Principle for Erection of Dwellinghouse at site to South of Muggarthaugh Hotel, Alford														
APP/2020/1351	Aberdeenshire			Erection of Kiosk (Retrospective), 2 Dugout Shelters and 18m Fence and Siting of 2 Storage Containers - Fyvie Playing Fields, Fyvie	No	Yes	No	Yes	No	Yes	No	No	No	Assessed against Policy HE2	No	The land lost to the development would be minimal in scale, and it would not have any detrimental impact on the functionality of the existing sports pitch. No significant earthworks would be required so any disturbance of the ground is likely to be negligible and there would not result in any damage or loss of land to the Battle of Fyvie battlefield.	No	Yes
APP/2020/2474	Aberdeenshire			Retention of Temporary Building for Class 6 Storage Without Compliance with Condition 1 (Temporary Time Period) of Planning Permission Reference APP/2016/0227 - Unit 1, Barra Business Park, Mounie Drive, Oldmeldrum	No	Yes	Yes	Yes	No	Yes	No	No	No	Assessed against Policy HE2	No	the site is on land previously developed and the structure is located within an established industrial estate and therefore would have no more impact than the existing structures on the Barra Battlefield.	No	Yes
APP/2021/0354	Aberdeenshire			Scottish Water Waste Water Treatment Works, Oldmeldrum,	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy HE2	No	It was confirmed that no significant adverse impact is anticipated from this	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
				Aberdeenshire - Installation of Plant & Associated Works												development, given that the site is existing and would not further encroach upon the historic battlefield. No mitigation is required.		
APP/2021/1236	Aberdeenshire			Land West of Murrayview Alford Aberdeenshire - Erection of Dwellinghouse and Formation of Access	No	Yes	Yes	Yes	Yes	No	No	No	No	Assessed against Policy HE2	No	The site lies within the battle of Alford Archaeological site and in an area in close proximity to supposed Covenanter lines. HES confirmed they hold no objection, and the Council's Archaeological Service requested that a condition for a programme of archaeological works is attached to any consent. This will ensure the safeguard and record the archaeological potential in the area.	No	Yes
APP/2021/1533	Aberdeenshire	Yes		Site Adjacent to Hy Ridge, Parkhill Road, Alford, Aberdeenshire AB33 8FE - Change of Use from Agricultural Land to Storage Yard (Class 6 - Storage and Distribution)														
EPW-340-2	Perth And Kinross	Yes		A9 Dualling - Killiecrankie to Glen Garry														
HM/17/0204	South Lanarkshire	Yes		1 Hamilton Road, Bothwell - Demolition and Erection of Care Home *	No		Yes											No
		Yes		1 Hamilton Road, Bothwell - Demolition and Erection of Care Home *														
P/19/0487/FUL	Falkirk			Land to The West of Bridge House, Linlithgow - Erection of 2 No. Holiday Cottages and Detached Garage.	No	Yes	No	Yes	Yes	No	No	No	No	Assessed against Policy D13	Yes	Not considered to destroy, erode or adversely affect the battlefield for the Battle of Linlithgow Bridge, however, a condition was recommended to carry out a scheme of archaeological work prior to commencement	No	No
P/19/0801	South Lanarkshire	Yes		Erection of dwellinghouse (renewal of planning consent HM/16/0201)	No													
P/19/0804/FUL	Falkirk			Bridge Inn Whitecross Linlithgow EH49 7PX - Alterations and Extension to Restaurant/Bar and Associated Groundworks	Yes	Yes	Yes	Yes	No	No	No	No	No	Assessed against Policy PE11		Considered a modest enlargement to an existing building and therefore would not erode or adversely affect	No	Yes

Portal Reference	Planning Authority	Discarded?	Battlefield	Description	Accompanied by specialist report?	Within the Inventory area?	In built-up area?	Who did the Planning Authority consult on battlefields for the application?			Were there objections to the application			How were the relevant Local Plan Policies and guidance taken into account when assessing the application?	Archaeological dimension to	Key Issues	Planning Authority	Did it get consent?
								HES	Internal Advisers	SG	HES	Internal Advisers	SG					
P/19/1710	South Lanarkshire	Yes		Land 58M West of Stobieside Lodge C136, Drumclog Highway, Drumclog, Strathaven, South Lanarkshire - Demolition of existing stables and erection of 1 1/2 storey dwellinghouse												the battle of Linlithgow battlefield.		
P/21/1127	East Ayrshire	Yes		Mill Rig Wind Farm														
PPA-210-2085	SG			Goshen Farm Residential Development	Yes	Yes	No	Yes	No	No	No	No	Assessed against Policy CH5	No	Investigations on the appeal site, including a metal detecting survey and trial trenching, have found no evidence to support this hypothesis, and it is suggested that the location of the camp was further to the east. The reporter agrees with the comments by HES who are content that the development could be accommodated without significant impacts on its special qualities and key landscape characteristics of the Battle of Pinkie battlefield.	No	No	
17/00966/FUL	Stirling	Yes		Land Between Bannock Burn New Line Road and West of Glasgow Road, Whins of Milton - Proposed residential development and associated works														
18/00189/PPM	East Lothian	Yes		Inch Cape Onshore Works	Yes													
		Yes		Inch Cape Onshore Works														
17/00966/FUL-ML	Stirling	Yes		Durieshill Residential Development														
20/00667/IPM	Perth And Kinross			Perth West Residential Development	Yes	Yes	No	Yes	Yes	No	No	No	Assessed against Policy 30 - Protection, Promotion, and Interpretation of Historic Battlefields	Yes	The key focus for HES was the need for a Battlefield Conservation Plan (BCP), to ensure the development takes full cognisance of the national designation and any development proposals are fully informed by an understanding of the asset and opportunities for positive outcomes which was submitted as part of the application. Considered there will be an effect of major significance on the battlefield	No		





## Appendix 5 Location of origin for HES and SG Data

Table 8.2 Historic Environment Scotland raw data by location

Planning Authority	Inventory battlefield(s)	Count of Cases
<b>Aberdeenshire</b>	Battle of Alford	23
	Battle of Barra	19
	Battle of Fyvie	12
	Battle of Harlaw	36
<b>Dumfries &amp; Galloway</b>	Battle of Sark	1
<b>East Ayrshire</b>	Battle of Loudoun Hill	10
<b>East Lothian</b>	Battle of Dunbar I	25
	Battle of Dunbar II	69
	Battle of Pinkie	197
	Battle of Prestonpans	124
<b>Falkirk</b>	Battle of Falkirk II	26
	Battle of Linlithgow Bridge	6
<b>Fife</b>	Battle of Inverkeithing II	26
<b>Glasgow</b>	Battle of Langside	17
<b>Highland</b>	Battle of Auldearn	3
	Battle of Carbisdale	2
	Battle of Cromdale	5
	Battle of Culloden	97
	Battle of Glenshiel	4
	Battle of Inverlochy I	15
	Battle of Inverlochy I & II	3
	Battle of Inverlochy II	16
	Battle of Mulroy	2
	Blar na Léine	9
<b>Midlothian</b>	Battle of Roslin	5
	Battle of Rullion Green	4
<b>Moray</b>	Battle of Glenlivet	3
<b>North Lanarkshire</b>	Battle of Kilsyth	9
<b>Perth And Kinross</b>	Battle of Dunkeld	31
	Battle of Dupplin Moor	3
	Battle of Killiecrankie	65
	Battle of Tippermuir	14
<b>Scottish Borders</b>	Battle of Ancrum Moor	7
	Battle of Darnick	20
	Battle of Philiphaugh	39
<b>SG</b>	Battle of Pinkie	5
<b>South Lanarkshire</b>	Battle of Bothwell Bridge	20

Planning Authority	Inventory battlefield(s)	Count of Cases
	Battle of Drumclog	2
<b>Stirling</b>	Battle of Bannockburn	29
	Battle of Bannockburn and Battle of Sauchieburn	3
	Battle of Sauchieburn	31
	Battle of Sheriffmuir	32
	Battle of Stirling Bridge	11
<b>West Lothian</b>	Battle of Linlithgow Bridge	3

Table 8.3 Scottish Government raw data by location

Planning Authority	Inventory battlefield(s)	Count of Cases
<b>Aberdeenshire</b>	Battle of Alford	1
	(blank)	2
<b>Aberdeenshire Council</b>	Barra	2
	Fyvie	1
<b>East Ayrshire</b>	(blank)	1
<b>East Lothian Council</b>	Dunbar I	7
	Dunbar II	23
	Pinkie	56
	Prestonpans	28
	Prestonpans (not Pinkie)	1
<b>Glasgow City Council</b>	Langside	2
	(blank)	3
<b>Highland Council</b>	Battle of Mulroy	1
	Blar na Léine	2
	Culloden	12
	Inverlochy I	5
	Inverlochy I & II	3
<b>North Lanarkshire</b>	(blank)	2
<b>Perth and Kinross</b>	(blank)	1
<b>Scottish Borders Council</b>	Battle of Darnick	1
	Battle of Philiphaugh	7
	Philiphaugh	3
<b>South Lanarkshire</b>	(blank)	1
<b>Stirling Council</b>	Bannockburn	6
	Battle of Bannockburn	4
	Battle of Bannockburn and Battle of Sauchieburn	2
	Battle of Sauchieburn	7
	Battle of Sheriffmuir	2
	Battle of Stirling Bridge	2
	Sheriffmuir	7



## **Appendix 6 Petitions to the Scottish Parliament**

- 6.1 PE01696 Preserving Scottish Battlefields
- 6.2 PE01852 Increase planning protection for Scottish battlefields



The Scottish Parliament  
Pàrlamaid na h-Alba

**PUBLIC PETITION NO.**

**PE01696**

### **Name of petitioner**

Jack Gallacher MA on behalf of Bothwell Historical Society

### **Petition title**

Preserving Scottish Battlefields

### **Petition summary**

Calling on the Scottish 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.

### **Action taken to resolve issues of concern before submitting the petition**

We have discussed the issues raised in the petition with Margaret Mitchell MSP.

### **Petition background information**

Historic Environment Scotland (HES) has designated 39 significant battlefields as sites worthy of preservation. Local planning authorities may take this into consideration when applications are made for developments on these sites but despite the recommendations of HES, the battlefields are not protected by any legislation enacted by Parliament. We consider that these battlefields are an important part of the national heritage and should be protected by legislation for the benefit of present and future generations.

In common with many other historical communities, we are aware of the economical benefits of tourism and that many people visit our country because of its history. We would suggest that our turbulent history as represented by our battlefields is worthy of protection, not only for their heritage value but also for the potential for economic benefits they might provide for local people.

The Bothwell Historical Society was formed to promote interest in the history of Scotland and in particular to provide information about, and to protect, 'Historic Bothwell'. In 2005 there had been a planning application for a luxury housing development on the Covenanters Field, the last remaining undeveloped portion of our local battlefield, the 1679 Battle of Bothwell Bridge. This application was refused thanks to local opposition. Again in 2013, the Field was subject to a planning application for a housing development.

Thanks to a continuing vigorous local opposition and the support of HES's designation of the field as a site of historical significance, the application was withdrawn. Our belief is that developers take the long term view and are happy to await the opportunity to submit further application. We also appreciate that cash strapped local authorities may be tempted to a short term view and sell these sites to developers. We are also aware that developers use the history of these sites as a selling point. Our experience has led us to conclude that the people of Scotland are interested in their heritage but that we need the support of Parliament to protect it.

The Bothwell Historical Society exists to promote an interest in community spirit through developing an awareness not only of our local heritage but also in the history of our country. We are aware of other communities across Scotland who share our concern for the future of our heritage and our submission is that all battlefields designated by Historic Environment Scotland should be protected by, and benefit from, parliamentary legislation.

We have links to other local organisations, the churches and particularly local schools with whom we have a very close involvement. A local sister group has plans for how the Bothwell Bridge battlefield might be used for heritage purposes. We are sure that similar plans are in place at other battlefield sites. Our Honorary President, Professor Sir Tom Devine and local South Lanarkshire councillors are aware of our concerns for the battlefields.

#### Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/battlefieldpreservation>

#### Related information for petition

#### Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

#### How many signatures have you collected so far?

0

#### Closing date for collecting signatures online

25 / 06 / 2018

#### Comments to stimulate online discussion

Do you agree that it is vital that legislation is laid down now before any further inappropriate developments on any of the battlefields as listed on the Inventory of Historic Battlefields?





The Scottish Parliament  
Pàrlamaid na h-Alba

**PUBLIC PETITION NO.**

**PE01852**

### **Name of petitioner**

GEORGE KEMPIK on behalf of Group to Stop the development at Culloden

### **Petition title**

Increase planning protection for Scottish battlefields

### **Petition summary**

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

### **Action taken to resolve issues of concern before submitting the petition**

We have sought the support of local MSPs and Councillors, liaised with groups who are seeking to protect other battlefield sites in Scotland and campaigned to have these sites recognised as war graves.

We have also engaged with National Trust for Scotland and Historic Environment Scotland to express our grave concerns about the ease of obtaining planning permission on or near important historical sites, under the current legislation.

### **Petition background information**

Since the planning application at Viewhill, near Culloden, was approved, there has been an increase of applications for holiday resorts and residential proposals that, if granted, would see a huge increase in the footprint of development at Culloden Moor. We are aware from our contact with other groups that this is not an issue unique to Culloden Moor battlefield. Other areas of historical significance are under threat from developers across Scotland.

We do not believe that current planning law/regulations safeguards sites of historic significance. We believe planning applications for such sites should be considered out-with the routine planning considerations, and that a more stringent procedure be established, in order to preserve them for future generations.

There is usually no shortage of other, much more suitable land in the area around battlefields that could be developed without historical detriment. Therefore, we do not believe that awarding battlefields special protection would adversely impact local economies. In fact, we believe it could benefit local economies, in terms of tourism

economies. In fact, we believe it could benefit local economies, in terms of tourism.

It is our view that Historic Environment Scotland, who are charged with protecting Scotland's heritage, has not followed its own guidance as, in many cases, it has not actively sought to limit or prevent development on or at the edge of our battlefields. We therefore believe that it is failing to protect battlefields from the ever-increasing threat of being subsumed by inappropriate development.

We have raised two petitions on these issues using change.org

- <https://www.change.org/p/stop-no-housing-development-at-culloden-battlefield>  
Original petition with 113,186 signatures
- <https://www.change.org/p/the-scottish-government-meaningful-planning-protection-for-scottish-battlefields>

You can find out more about our group at on our [website](#)

We also have a Facebook page <https://www.facebook.com/groups/817550814926691>

#### Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/ProtectourBattlefields>

#### Related information for petition

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

YES

**How many signatures have you collected so far?**

1

**Closing date for collecting signatures online**

17 / 03 / 2021

#### Comments to stimulate online discussion

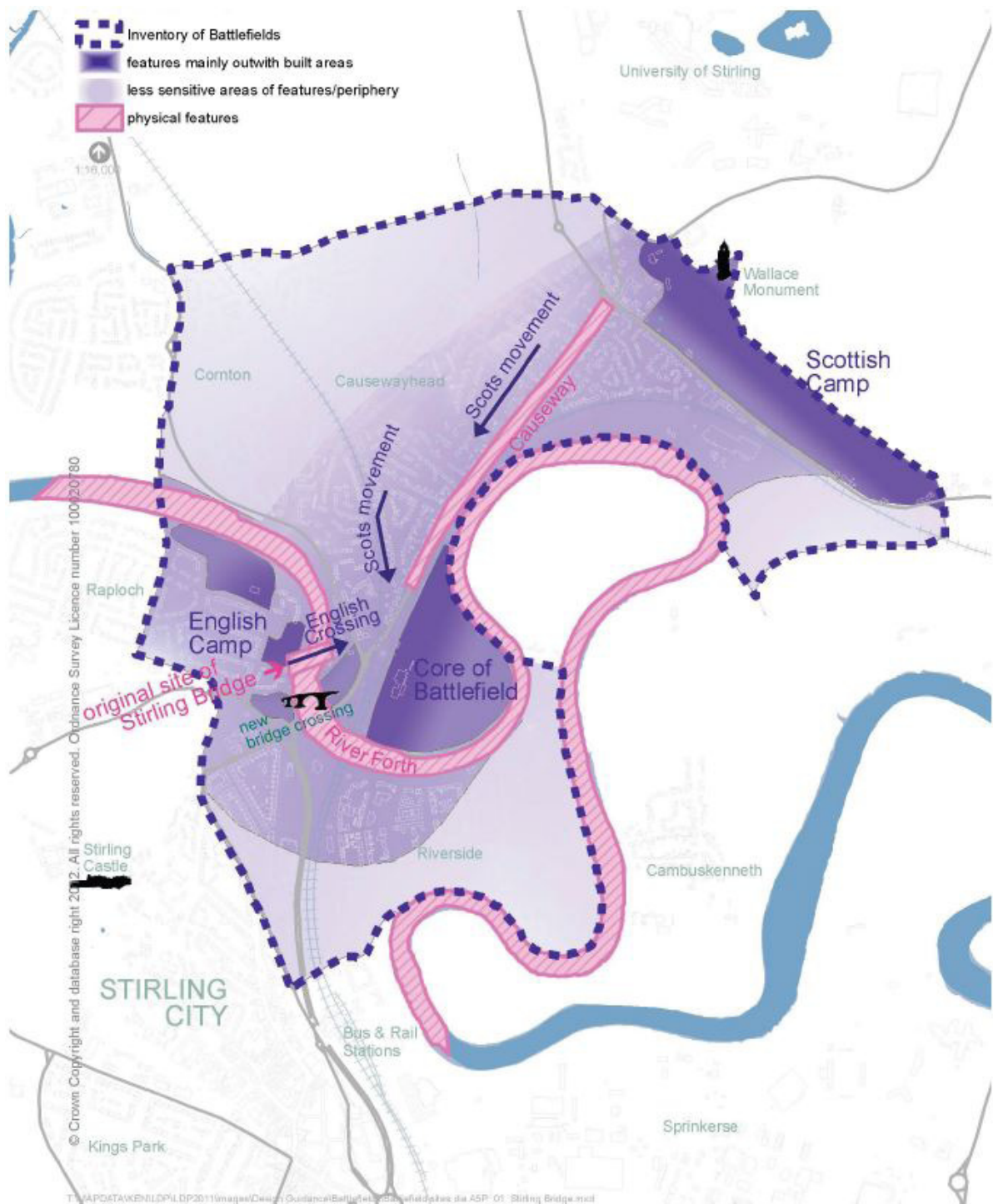
Do you believe the current level of planning protection afforded to Scottish battlefields is adequate?

Do you agree that new legislation is needed to give Scottish battlefields much greater planning protection?



# **Appendix 7 Extract from Stirling Council Historic Battlefields SPG**







## 2. Battle of Stirling Bridge (11<sup>th</sup> September 1297)

- 2.1 The battle took place on one day (11th September 1297) between the Scots led by William Wallace and Andrew Moray and the English led by John de Warenne and Hugh de Cressingham on behalf of King Edward I. Stirling Bridge marks the high tide mark in Scottish resistance to Edward I, following his defeat of the Scottish army at Dunbar in 1st March 1296. Andrew Moray was killed at Stirling Bridge and Wallace was defeated at Falkirk in July 1298 and subsequently captured and executed in 1305.
- 2.2 While Stirling Bridge represented a significant defeat for the English, it was not a decisive blow. However, it demonstrated that an English army could be beaten by the Scots and laid the foundations for King Robert I's eventual success at Bannockburn in 1314. At an international level, Stirling Bridge was the defeat of professional cavalry by an infantry army of peasant-amateurs, in a way that anticipated the much better known Battle of Courtaiz in 1302. In addition, it represents the first time during a period of centuries, that a purely national army had opposed and defeated a powerful feudal array in defence of national integrity
- 2.3 Wallace's achievements are of course commemorated by the magnificent Wallace Monument on Abbey Craig, located within an earlier hillfort, originally thought to be Wallace's base, but now confirmed by archaeological excavation to date to the 7th-8th Centuries AD.

- 2.4 The English army which comprised c 13,400 troops, assembled on the south of the River Forth between Raploch and Riverside, while the Scottish army (c 6580) was positioned at Abbey Craig from Causewayhead to Craigmill. The only bridge across Forth, a narrow wooden structure was located immediately upstream of the current 15th century stone bridge. The bridge was located at the open end of a huge horseshoe meander of the Forth, which stretches from Bridgehaugh to the rugby club. Across the open end of the meander ran a causeway that led from the bridge to the Abbey Craig. The bulk of this causeway is followed by the modern Causewayhead Road.
- 2.5 The English army began to move across the bridge and to muster on its eastern side. When sufficient numbers of the English army had crossed the bridge, the Scots advanced along the causeway and blocked the bridge to prevent both English reinforcements and retreat. The English army was therefore trapped in the meander and panic ensued. The bulk of the army probably remained west of the Forth both at the Raploch/Riverside Camp and Stirling Castle and watched their comrade's defeat.
- 2.6 At this point in the battle The Steward of Scotland and the Earl of Lennox who had been attempting to negotiate with the English at their camp on the Raploch side of the Forth led their troops against the English and captured their baggage train. At the conclusion of the battle some 5400 English troops fell during the battle and one of the English commanders, Cressingham had his skin divided into small parts as an insult. No figures are given for Scottish losses, although of course Andrew Moray died.

- 2.7 While no artefacts have been recovered from the battle, the location of the original Stirling Bridge has been recorded and the broad character of the battlefield is identifiable, and in particular the meander remains substantially undeveloped. This means that there are sufficient open areas and interconnecting views to allow the overall pattern of the battle to be understood and followed on the ground and the integrity of the battlefield to be preserved and enhanced.
- 2.8 In addition, any undeveloped areas of the battlefield have the potential to contain either features or artefacts associated with the battle. The key known features and components of the battlefield were identified above in the sequence they were impacted upon by the battle and are identified again below in their own right in relation to other surviving aspects. Comments are also made on those portions of the battlefield that are already built up. In addition, it is clear that there are portions of the area defined by the battlefield inventory that are either peripheral to key events or are less sensitive to change given modern development in their vicinity.
- 2.9 Finally it is anticipated that those features considered to be key components to the understanding of the battlefield should be excluded from development on archaeological grounds. Those areas that have already built upon or are considered either peripheral to key components, or less sensitive to change, a development proposal should take the battlefield into account in a positive way, including demonstrating how it will conserve or enhance the resource

- 2.10 The two key views of the battlefield: that from Stirling Castle and the Wallace Monument are not in fact part of the designated area, although it is likely that Wallace, Moray or an element of their command observed troop movements from Abbey Craig and English troops observed the battle from Stirling Castle. The maintenance of open views of the core of the battlefield to and from these two locations is essential to the public's understanding and engagement with the battlefield.
- 2.11 The meander of the Forth at Bridgehaugh is the core of the battlefield and its single most important element. The bulk of the meander remains undeveloped, although the majority of it is separated from the original Stirling Bridge by the railway embankment. This area has considerable potential to contain artefacts associated with the battle. It may even contain the graves battlefield dead. Limited archaeological evaluation of the area around Bridgehaugh appears to suggest that there are no alluvial deposits at this location and thus limited potential for the burial of archaeological features and objects under deep deposits.
- 2.12 With regard to views, both the area to the east and west of the railway embankment has views to the Castle and to Abbey Craig and these are essential to the understanding of the battlefield and its integrity. To the west of the railway, the current stone bridge blocks the views to the location of the original Stirling Bridge, however, the open views to and from either side of the Forth at this point are very evocative and aid the comprehension and integrity of the battlefield.

- 2.13 At present there are two open areas to the North and South of Laurencecroft Road, the area to the south has been landscaped while the area to the north is wasteground. In the recent past both of these areas have been developed. This area covers the English Camp, the South-West side of the original Stirling Bridge and the scene of the attack of the English by the Earl of Lennox
- 2.14 It is not clear what if anything survives of the battle or the indeed the original bridge (in the northern area) in these locations. It may be that all associated features and artefacts have been destroyed, or alternatively it may be that the battle layers are sealed under flood deposits and the original ground surface was much lower, although archaeological evaluation work on the east side of the Forth suggests that there are no alluvial deposits on this side. It is argued that there is some potential for remains to survive in this location.
- 2.15 Regardless, of the presence or absence of remains associated with the battlefield these open areas provide some indication of the contemporary character of the battlefield and aid the comprehension of the battlefield. The buildings of Bridgehaugh and the 15th century stone bridge block the views from the site of the original Stirling Bridge to the meander, although there are clear views to and from the meander from the southern greenfield area. These open views to and from either side of the Forth at this point are very evocative and aid the comprehension and integrity of the battlefield.

- 2.16 The public park at Ochil Crescent lies on the periphery of the English camp and the scene of the attack of the English by the Earl of Lennox. There is a possibility that this area contains artefacts associated with either the English Camp or the subsequent fighting. In addition, the open nature of this area helps to communicate something of the original nature of the battlefield
- 2.17 The area between Alloa Road Public Park and Parkmill to the north of Alloa Road is the only surviving substantial undeveloped area of the Scottish Camp. There is a good chance of artefacts associated with the Scottish army surviving in this location. In addition, the wooded character of the bulk of the area is very evocative of the Scottish army lying in wait for the English to cross Stirling Bridge and is an essential element of the battlefield.
- 2.18 Approximately 70-80% of the area defined by the Inventory has already been developed and this will have in the majority of cases destroyed any archaeological resource associated with the battlefield, although there may be pockets of survival within this area and any proposed development within such areas should explore this potential.
- 2.19 In addition, in any redevelopment within built up areas attention should be paid improving information about and access to the various surviving elements of the battlefield and the view lines between them.

## Areas Potentially Peripheral to Key Components or Less Sensitive to Change

2.20 While the whole area included within boundary of the Inventory entry is likely to have witnessed conflict, the movement of troops or to be associated with the battle in the local consciousness, some of the area defined can be considered as potentially peripheral to key components or less sensitive to change due to the existing extent of modern development. These areas are as follows:

1. the land around Cornton Road, to the south of Strathmore Crescent,
2. the land in Causewayhead at gap sites at end of Dumyat Road,
3. the land around Wallace High School,
4. the land to the east and west of Ladsyneuk Road, to the south of the railway.

2.21 Development proposals should take the battlefield into account in a positive way, including demonstrating how it will conserve or enhance the resource. Where development is approved archaeological mitigation ahead of development will be required.





## Appendix 8 Culchunaig Reports

- 8.1 Highland Council, report to South Planning Applications Committee: 20/04611/FUL: Mr & Mrs M Hornby, Land 120M SW Of Culchunaig Farmhouse, Westhill, Inverness, 3 February 2021 [Architects Drawings removed. Available through Highland Council Planning Portal]
- 8.2 Scottish Government, Report to Scottish Ministers, Case reference: PPA-270-2239, 15 July 2021.

Agenda Item	6.10
Report No	PLS-013-21

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 03 February 2021  
**Report Title:** 20/04611/FUL: Mr & Mrs M Hornby  
Land 120M SW Of Culchunaig Farmhouse, Westhill, Inverness  
**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Change of use and conversion of steading to form house

**Ward:** 19 – Inverness South

**Development category:** Local

**Reason referred to Committee:** Five or more objections from members of the public

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 This proposal is for the conversion and change of use of a redundant traditional, stone built agricultural steading building to form a single detached dwelling house. The site sits to the SW of the National Trust owned section of Culloden Battlefield and is within both the Inventory of Historic Battlefields area and Culloden Muir Conservation Area.
- 1.2 This proposal follows on from a recent planning application which was granted by the South Planning Applications Committee on 17 September 2019 (18/04194/FUL) but later refused by Scottish Ministers on 17 November 2020. The 2018 proposal included additional outbuildings as well as the conversion of the steading, and the Minister's Decision letter stated that *"It is considered that this part of the battlefield is so sensitive that it cannot support any additional development beyond the sensitive conversion and adaptation of the existing steading"*. In response to the issues raised in the Ministerial decision this current application is for a scaled back version of the 2018 proposal, with all outbuildings and extensions removed and the focus being on the repair and refurbishment of the building in its current form and within its current footprint.
- 1.3 Building works comprise the internal conversion of the building to create living accommodation. Externally the alterations are relatively minor, with the existing form of the building retained in its present form; all stonework being repointed; the majority of windows inserted into existing openings; insertion of rooflights and one small dormer; creation of a fully glazed corridor linking the northern and southern wings; retention and repointing of the stone walls which form the courtyard; and repair and retention of boundary walls.
- 1.4 The site is accessed via a private track leading from the B9006 which already serves 3 properties and provides access to the adjacent fields. Drainage will be provided by septic tank and soakaway. An existing area of hardstanding will be gravelled over to provide a parking and turning area.
- 1.5 Pre-Application Consultation: None
- 1.6 Supporting Information: Archaeological Survey; Bat Survey and Species Protection Plan; Design Statement; Private Access Checklist; Contamination report
- 1.7 Variations: Drawings updated to clarify hardstanding area and materials and minor amendments to elevations.

## **2. SITE DESCRIPTION**

- 2.1 The existing steading building sits to the south west of Cuilchunag Farmhouse within grassland with mature trees along its northern boundary. The u-shaped building is derelict and unused, with walls to wallhead level and roof largely intact. It is enclosed by a stone dyke and post and wire fencing and is accessed via a private track off the B9006. The proposed development is located within Culloden Battlefield as identified by the national inventory, just to the south of the National Trust owned land.

It is also located within the Culloden Muir Conservation Area and around 300m NW of the Clava Cairns Scheduled Monument.

### 3. PLANNING HISTORY

3.1	02 Oct 2015	15/02941/FUL – Conversion of steading to form dwelling and erection of outbuildings	Planning Permission Granted
3.2	17 Nov 2020	18/04194/FUL – Conversion of steading to form house and erection of outbuildings (amended design to planning permission 15/02941/FUL)	Planning Permission Refused by Scottish Ministers

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Section 65, Affecting a Conservation Area and Unknown Neighbour

Date Advertised: 04.12.20

Representation deadline: 04.01.21 (25.12.20 plus 10 days to account for holiday period)

Timeous representations: 38

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Proposal is contrary to HwLDP Policy 57 as it would have a negative impact on the special sense of place and character of the area.
- b) Battlefield's wider area should be sacrosanct; an important site of pilgrimage for descendants of the Scottish diaspora; the site must be preserved as the historic battlefield that it is.
- c) Current application has the same footprint as the recently refused application, being essentially the same this application should be refused.
- d) The historical and cultural significance of this site has been well documented by Dr Christopher Duffy and others which was duly recognised by the Scottish Ministers in their recent determination.
- e) Will result in the urbanisation of the Culloden Battlefield and surrounding area.
- f) Impact on environment and biodiversity.
- g) No demonstration of a need to develop the site has been provided. Proposal fails to address policies 28, 29, 35 and 57 of HwLDP.
- h) Culloden Moor is a war grave and should be protected as such.
- i) Site contains an unsightly, derelict building. Development will sympathetically upgrade these buildings and repurpose them into a family home; will preserve the character of the building; will make safe a hazardous structure.
- j) Proposal is situated within a rural location which makes a significant contribution to the cultural and historic landscape of Culloden Battlefield. This development would be detrimental to its character and appearance.
- k) The Managing Change in the Historic Environment: Historic Battlefields guidance sets out the importance of identifying less tangible values such as its

contribution to our sense of place or cultural identity. Proposal would have a negative impact on the sense of place and character of the area and is therefore contrary to these policies.

- l) No developments within the battlefield should ever be considered.
- m) Steading is in a location used during the battle and as such has historic significance.
- n) Applicant has taken on board the previous reasons for refusal and has amended the proposal, highlighting a desire to keep the design sympathetic and respectful to the site and original building. The renovation of an existing ruinous building is the complete opposite to being disrespectful to our history.
- o) Not permitting developments that will have a negative impact on the area but local residents being able to renovate and improve their properties to a design sympathetic to the traditional builds of the area. Otherwise we are in danger of living in a museum town.
- p) Scottish Ministers refused the previous application despite it bringing an existing building back into use, stating that the adverse benefits would significantly outweigh these benefits.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Flood Risk Management Team:** No objection

5.2 **Historic Environment Team (Archaeology):** No objection. Pre-determination works were carried out in advance of the previous application; this included metal-detecting, trenching and building recording. This work noted significant disturbance in the area from its use as a steading and an agricultural hub and that much of the topsoil surrounding the steading has been scraped back and laid down as bunds at the edges of the site, in addition to the presence of imported material surrounding parts of the steading. The applicant notes that as the area has previously been stripped back to hard surfaces, it is likely that material will be laid down on top of this, rather than further stripping being necessary. Nevertheless, there remains the potential for buried remains to survive. Despite the negative results of the archaeological work (with regard to evidence for the Battle of Culloden), the limited groundworks required for the development may still impact on surviving buried remains. The impacts have been significantly reduced by the removal of three outbuildings from the previous application, though works such as stripping back the interior of the courtyard, drainage and any undergrounding of overhead cables are still relevant here. The potential for buried remains to survive and to be impacted by these works is considered to be low, but as a precaution a watching brief is recommended where stripping works are necessary and resulting spoil must be examined using a metal detector. A condition is recommended.

5.3 **Historic Environment Team (Conservation):** No objection. "The steading is currently in reasonable condition but is starting to show signs of deterioration which will continue to accelerate giving rise to increased dereliction resulting in a building at risk contributing negatively to the character and appearance of the conservation

area. As is the case in all conservation areas, a proactive approach to the repair and reuse of historic buildings is encouraged and welcomed.

The building remains a good example of a traditional steading and it retains the potential to make a positive contribution to the wider character and appearance of the conservation area. Policy 1 of the Conservation Area Management Plan allows for the sensitive repair, reuse and conversion of redundant traditional buildings provided the design and finish is sensitive to the original building. It is noted that the current proposal has been refined from the previous refused application. Importantly, the outbuildings/ancillary structures have been deleted and the scheme is now confined to the existing footprint and plan form of the steading only. Extensive areas of hardstanding, formal lawns and soft and hard landscaping have also been removed from the current scheme, although a small area of additional hardstanding (extending an existing area, and to be finished in gravel) to provide parking is proposed. The proposal to raise the height of the roof has also been deleted and the existing slates will now be re-used for all roofs; a positive amendment with regard to retaining the character and integrity of the building and ensuring that there are no additional impacts relating to increased scale, height and indivisibility with other parts of the conservation area. The choice of materials and finishes is sensitive and appropriate to the traditional character of the building. The design overall is considered to be sympathetic with the most substantial contemporary addition/alteration well contained within the central steading courtyard, which is largely screened from public view.

The proposal is, however, located close to the core area of both the Inventory Battlefield and Conservation Area and the site is therefore sensitive to change. Taking cognisance of Scottish Ministers' comments in their refusal of the previous application (particularly Para 17) and Policy 1 of the Conservation Area Management Plan, it is considered that – on balance – the proposal for residential re-use of an otherwise redundant and unoccupied building will not significantly harm the character and appearance of the conservation area. The renovation and occupation of the building will halt and reverse the ongoing deterioration of what is a good example of traditional vernacular architecture ensuring the preservation and long-term viable use of this historic traditional building within the conservation area; this is a positive outcome. There are no additional buildings proposed and landscaping within the wider site is to be retained in its natural condition, with minimal additions to hard surfaces. In conservation terms, the proposal can therefore be supported.”

- 5.4 **Transport Planning Team:** No comments received
- 5.5 **Environmental Health (Contaminated Land):** No objection or comment
- 5.6 **Historic Environment Scotland:** No objection. “The Battle of Culloden was a significant event in Scotland’s national story. The proposed conversion of the existing steading would not significantly change the character of this sensitive part of the battlefield landscape and does not raise issues of national significance. We therefore do not object to this application. We do, however, recommend that additional information is sought on access and related infrastructure and that archaeological mitigation is conducted during any related ground-breaking works.

This application follows the refusal of a previous application (18/04194/FUL) which was called in for determination by Scottish Ministers. In their refusal, Scottish

Ministers signalled what might constitute an acceptable scheme at this location. The 2018 application was itself an amended design to a previously consented scheme (15/02941/FUL). We did not object to the 2018 application but offered substantial comments pertaining to the requirement for adequate archaeological works to be undertaken prior to determination. Our predecessor organisation Historic Scotland did not object to the 2015 application. We are not aware of any significant research having been undertaken subsequent to the 2018 application that might alter or improve our understanding of the battlefield and its landscape in the Culchunaig area. The baseline against which this application should be assessed had not, therefore, changed.

Contemporary records indicate that the Jacobite lines initially anchored their left and right flanks on stone enclosures (Culloden Parks to the north and Culwhiniac to the south) to block the Government army's approach across the Muir and towards Inverness. The Government Left engaged the Jacobites across a hollow, possibly to the northwest of, or somewhere close to, the present Culchunaig farm and steading. The north wall of the Culwhiniac enclosure (thought to have been located to the east of the application site on the other side of the access road) was used as cover by other Government troops. The Jacobite Right wing's advance collapsed, shortly followed by the rest of the army. A staggered retreat westward followed, possibly with some standing somewhere near the present Culchunaig farm and steading, but ultimately resulting in many Jacobites fleeing in all directions. The battle was followed by massacres of fleeing, injured and captured Jacobites. Whilst many of the dead were buried in mass graves, some have suggested that others were buried where they fell.

The farmstead, labelled Culchuinach, comprised a group of buildings as shown on the first edition Ordnance Survey map surveyed in the late 1860s. The second edition Ordnance Survey map surveyed in 1903 suggests that the group of buildings were replaced by the existing steading and a new dwelling to the northeast, now labelled Culchunaig. The present Culchunaig steading therefore appears to have been built in the later 19<sup>th</sup> Century on the site of an earlier farmstead. It is possible that physical remains relating to the earlier farmstead exist below ground or even incorporated into the walls of the steading.

Limited trial trenching undertaken as part of the 2018 planning application uncovered what appear to be the footings of buildings close to the Culchunaig steading, but the function, date and potential relationship with the battle remains unclear. Whilst a metal detecting survey was undertaken as part of the 2018 application, this was limited in scope and efficacy by the presence of vegetation and modern debris in the area, and therefore its nil return findings must be treated with an element of caution. The archaeological potential of the area is therefore relatively high, there may be remains within the development footprint, the topsoil also could contain artefacts related to the battle.

Open fields lie on all sides of the development site, with a cluster of residential dwellings a short distance to the east at Culchunaig farm. It remains relatively easy to appreciate the topography of this part of the battlefield and the likely locations of important features. Apart from minor transient screening from hedges, it can be seen from the broad area where the Jacobite Right initially lined up at the Culwhinniac enclosure, it also forms the ground the Government Right probably passed through in order to perform the flanking manoeuvre in the latter stages of the battle.

The conversion would result in some visual changes to the steading; it would become occupied rather than derelict, and windows and doors would be inserted into currently open openings. Although not clear from the application the surrounding area would presumably be used as a garden and contain some parking and other related infrastructure. As such, it would not have a significant impact on the way that the battlefield landscape is appreciated and understood.

It is possible that the development site might contain archaeological deposits associated with the battle, including artefacts and potentially human remains. Whilst the existing steading was built in the later 19<sup>th</sup> century and is not likely to be the same as the farmstead that was standing during the battle, there is nevertheless the potential for remains to survive somewhere in the proposed development area, be it below ground nearby, under the existing farmstead or incorporated into the existing structure.

It is recommended that a precautionary approach be adopted in respect of any groundworks associated with the development. Archaeological excavation and recording, including metal detecting, should be carried out as advised by the Council's Historic Environment Team (Archaeology). This should take place prior to the final agreement of the design and layout of foundations, services, etc. and any impacts on sensitive buried remains should be avoided."

5.7 **Scottish Government (Historic Battlefields):** Noted in records. Advise no further comment.

5.8 **Scottish Water:** No objection.

5.9 **National Trust for Scotland** "Object to the application on the grounds that the proposal represents a threat to the historic character of Culloden Battlefield, in the light on new and ongoing historic and archaeological research. We did not object to the previous application as we misunderstood the full implications of this application, and the impacts it could have on what we now realise is a very important part of the Battle of Culloden. All historians and archaeologists agree that this is land which was fought over during the battle and as such there is much more for us to learn about this area, and the responsibility to protect it, as set out in national policy. Research suggests that this specific area played host to pivotal 'pincer movements' which could have played a decisive role in the outcome of the battle. To this end NTS are currently interoperating LIDAR data that could provide physical landform evidence to support and strengthen historical evidence.

Any development in this area could have a significant negative impact on the cultural and historical value of the site. It certainly would not enhance the historic character in any way. Since the original application back in 2015 Culloden Battlefield has come under ever-increasing pressure from development and the NTS wholeheartedly agrees with the Scottish Ministers' opinion that this cumulative development represents a 'creeping suburbanisation' which is totally unacceptable.

NTS is very keen to increase access and understanding of the Battle of Culloden and should the current ongoing research confirm the vital role that this site played we should like to open this area up for interpretation and visitor access. This would not be possible if this area is significantly developed.



The Highland Council Conservation Area Management Plan refers to modern developments on the periphery of the Conservation Area and notes that future development towards the Conservation Area will need to be carefully controlled to prevent any adverse impact upon the character and appearance of the Conservation Area from urbanisation of the cultural landscape. The proposed application fits within this description and constitutes significant encroachment on to what we now realise is an important part of the known battlefield. In light of our increased historical knowledge, this application also contravenes Scottish Planning Policy 2014 with regard to battlefields.”

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

28 – Sustainable Design  
29 – Design Quality & Place-making  
30 – Physical Constraints  
31 – Developer Contributions  
35 – Housing in the Countryside (Hinterland Areas)  
57 – Natural, Built & Cultural Heritage  
58 – Protected Species  
64 – Flood Risk  
65 – Waste Water Treatment  
66 – Surface Water Drainage

### **6.2 Inner Moray Firth Local Development Plan 2015**

No site specific policies

### **6.3 Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Developer Contributions (March 2013)  
Flood Risk and Drainage Impact Assessment (Jan 2013)  
Highland Historic Environment Strategy (Jan 2013)  
Highland’s Statutorily Protected Species (March 2013)  
Housing in the Countryside and Siting and Design (March 2013)  
Sustainable Design Guide (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

SPP

### **7.2 Historic Environment Scotland**

Historic Environment Policy for Scotland (2019)

Managing Change in the Historic Environment: Historic Battlefields

### 7.3 **Highland Council Non-statutory planning guidance**

Culloden Muir Conservation Area Character Appraisal and Management Plan (2015)

## 8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority has to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

### **Determining Issues**

8.3 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

8.4 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) planning history and issues raised by Scottish Ministers;
- c) historic environment;
- d) archaeological impact;
- e) siting and design;
- f) infrastructure; and
- g) any other material considerations.

### **Development plan/other planning policy**

8.5 The site sits within the Hinterland of Inverness therefore the Council's Housing in the Countryside policy applies. Proposals must demonstrate that they meet one of the exceptions to the policy as set out in the Council's Housing in the Countryside and Siting and Design Supplementary Planning Guidance in order to be supported. One such exception is for the redevelopment of traditional rural buildings where it can be shown that the character of the building can be retained. The proposal is considered to meet the terms of this exception.

8.6 Policy 57 (Natural, Built and Cultural Heritage) states that for features of local or regional importance (concluding conservation areas) developments will be allowed if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource. For features of national importance (including historic battlefields) developments that can be shown not to

compromise the natural environment, amenity and heritage resource will be permitted.

- 8.7 However, there are a number of other key local and national policy considerations against which the development must be assessed, including the siting, layout and design of the proposal and the impact of development on natural and cultural heritage features. This includes the potential impacts on the landscape setting and other natural, built and cultural heritage assets, and compliance with national policies relating to Historic Battlefields and set out in the Historic Environment Scotland “Managing Change in the Historic Environment: Historic Battlefields”, and Historic Environment Policy for Scotland publications. All development proposals need to be assessed against the importance and type of heritage features, form and scale of development and impact on the feature or setting. Subject to the proposal having no significant detrimental impact on the aforementioned considerations the development would comply with the Development Plan.

### **Planning history and issues raised by Scottish Ministers**

- 8.8 Planning permission was granted under delegated powers in 2015 for the conversion of the steading into a house and erection of outbuildings (15/02941/FUL). The 2018 application (18/04194/FUL) sought to amend the design of the 2015 permission. This was granted by the South Planning Applications Committee on 17 September 2019 and notified to the Scottish Ministers on 25 September 2019 in line with Regulations. The application was called in for determination on 21 November 2019 and was considered by procedure notice with an accompanied site inspection plus an unaccompanied inspection of the wider battlefield by a Reporter appointed by Scottish Ministers for that purpose. The Reporter’s report was submitted to Scottish Ministers on 14 April 2020 with a recommendation to grant planning permission subject to conditions, however the final decision was taken by Scottish Ministers to refuse the application on 17 November 2020.
- 8.9 In their decision letter, Scottish Ministers agreed with the Council and the Reporter that the proposal complied with the development plan policies relating to siting and design and associated Supplementary Guidance. Ministers also agreed that that the conversion of a traditional building which is currently derelict and unused provides the policy exception against housing in the countryside. The Ministers did not, however, agree that the proposal accords with some parts of local Development Plan Policies 28 (Sustainable design) and 29 (Design quality and place-making). In particular the Ministers considered that the proposed development – including the erection of 3 new outbuildings (a garden room, a garage and a greenhouse) and the formation of hardstanding to accommodate six car parking spaces and a trailer set down area – represents overdevelopment of the site in what is a very sensitive part of Culloden Battlefield and would represent a suburbanisation of the site, causing a high level of harm to the significance that the battlefield draws from its rural setting. Ministers acknowledged that the proposed conversion of the existing steading would retain a traditional stone building that is falling into disrepair, however considered the redevelopment of the site, as proposed, would have an unacceptable suburbanising effect upon the existing countryside near to the core of Culloden Battlefield. Ministers considered that the area has a high sensitivity to all types of development due to the national historic significance and cultural associations of the battlefield. Ministers considered that the development would result in cumulative negative visual and

landscape impacts upon the local character of this part of the battlefield and would have an adverse effect on the character and appearance of the Culloden Muir Conservation Area.

- 8.10 However, the Ministerial Decision goes on to state that *“It is considered that this part of the battlefield is so sensitive that it cannot support any additional development beyond the sensitive conversion and adaptation of the existing steading”*. The Ministers note that the first planning policy within the Culloden Muir Conservation Area: Character Appraisal and Management Plan states that there will be a presumption against all development within the designated Battlefield unless it would result in a development commensurate with the principal designation of the site as a Battlefield. The policy states that one such ‘commensurate’ development would include proposals for the repair, reuse and conversion of a redundant traditional building, of a sensitive design and finish, subject to any subsequent impact being considered appropriate in the context of the Battlefield designation.
- 8.11 The Ministers decision appears to offer a clear signal that while the 2018 proposal was unacceptable, a “sensitive conversion and adaptation of the existing steading” with no outbuildings would be capable of support in this location. Taking the Scottish Ministers’ comments into account, the current application has sought to considerably scale back the proposal, and has removed all outbuildings and extensions, focussing instead on the repair and conversion of the building in its current form.

### **Historic environment**

- 8.12 According to the Inventory of Historic Battlefields the Battle of Culloden is one of the most important battles in the history of the British Isles and has international significance. The battle holds a prominent place within the Scottish cultural legacy, frequently depicted and commemorated in art, music, literature and film. The NTS owned section of the battlefield is one of Highland’s most visited tourist attractions and the site holds a particular high significance and emotional connection to many within Scotland and to the ancestors of those who migrated from Scotland. This is evident from the number and geographical spread of those making representations on the planning application.
- 8.13 It is, therefore, imperative that any planning application for new development within the Battlefield area undergoes additional scrutiny in order to ensure that it does not negatively impact upon this important national resource. This is ensured through the battlefield’s inclusion in both the Inventory of Historic Battlefields, and its designation as a Conservation Area. It is, however, important to clarify that such designations do not necessarily act as a barrier to development; rather they aim to ensure that any proposed change is properly scrutinised, and if acceptable, managed in a sympathetic way. This means avoiding unnecessary damage to, and being respectful towards, the integrity of the historic battlefield landscape and its constituent elements.
- 8.14 Scottish Planning Policy (2014) (SPP) is the main national statement for managing change in land use planning. It acknowledges that the historic environment is a key cultural and economic asset and that the planning system should seek to enable positive change in the historic environment, informed by a clear understanding of the importance of these assets. Change should be sensitively managed to minimise or

avoid adverse impacts. The SPP also states 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”*.

- 8.15 The Scottish Government’s recently adopted ‘Historic Environment Policy for Scotland (2019)’ states that *“decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations”* and *“changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate”*.
- 8.16 HEPS is supported by specific guidance notes including “Managing Change in the Historic Environment: Historic Battlefields” which offers more specific guidance and states that *“including a battlefield in the Inventory is not intended to be simply a barrier to development. The intention is to identify an area of added protection where particular consideration must be given to impacts on the site. This should focus on the special qualities and landscape characteristics of the battlefield. Planning authorities have to consider proposals carefully and determine whether development will significantly detract from the importance of the battlefield”*, and in addition notes that *“development on a battlefield can have an impact on the physical remains of the battle or the landscape of the battlefield. The development management process should identify and assess these impacts, and if possible, mitigate them”*.
- 8.17 Historic Environment Scotland provides expert advice in historical matters to planning authorities throughout Scotland, and it is important to note that it has not objected to this application (nor, indeed to the 2015 or the 2018 applications) subject to appropriate archaeological surveying. It states that it is not aware of any significant research having been undertaken subsequent to the 2018 application that might alter or improve their understanding of the battlefield and its surroundings, therefore the baseline against which this application should be assessed has not changed. It advises that *“the proposed conversion of the existing steading would not significantly change the character of this sensitive part of the battlefield landscape and does not raise issues of national significance”*.
- 8.18 HES further note that the steading building under consideration was not in existence at the time of the battle, but that an earlier group of buildings were replaced with the existing building sometime in the later 19<sup>th</sup> Century. Open fields lie on all sides of the development site, with a cluster of residential dwellings a short distance to the east at Culchunaig farm. They state that it remains relatively easy to appreciate the topography of this part of the battlefield and the likely locations of important features. While the conversion will result in some minor visual changes (windows inserted into openings etc) and the site would become occupied rather than derelict; its conversion will not have any significant impact on the way that the battlefield landscape is appreciated and understood.
- 8.19 The Culloden Muir Conservation Area was extended in 2015 and a Character Appraisal and Management Plan prepared. This does not preclude development but stresses the importance of ensuring that any new development does not adversely impact upon the character or appearance of the area. With regard to traditional buildings, the Appraisal states that *“although limited in number, traditional buildings in the Conservation Area make a valuable contribution to its character and*

*appearance” and that “it is essential that traditional features within the Conservation Area are appropriately repaired and maintained to preserve the area’s overall character and appearance”. The Appraisal clarifies that while the objective is to preserve and enhance the character of the conservation area, there are situations where development can be supported. These include where “the proposal is for the repair, reuse and conversion of a redundant traditional building within the battlefield and is of a design and finish sensitive to the architectural design, scale and finish of the original building”.*

- 8.20 The Council’s Historic Environment Team state that the building remains a good example of a traditional steading and it retains the potential to make a positive contribution to the wider character and appearance of the Conservation Area. This complies with Policy 1 of the Character Appraisal and Management Plan. It further notes that this scaled back proposal limits the development to the existing footprint of the building only; has removed all outbuildings / extended hardstanding; reuses existing slates for all roofs; and utilises a sensitive and appropriate choice of traditional materials. Overall HET consider the revised proposal to be a sympathetic design with the only contemporary addition (glazed corridor) being well contained within the central steading courtyard, which is largely screened from public view. It considers that despite the site’s close proximity to the core of the battlefield, the proposal for residential use of the building will not significantly harm the character and appearance of the conservation area and its renovation will halt and reverse the deterioration of what is a good example of a traditional vernacular building ensuring its long term preservation, all of which is a positive outcome. The proposal is therefore considered to comply with the Culloden Muir Conservation Area Character Appraisal and Management Plan.
- 8.21 National Trust for Scotland (NTS) did not object to the 2015 or 2018 applications, however, has formally objected to this proposal on the grounds that it represents a threat to the historic character of Culloden Battlefield. It should be noted that NTS are a non-statutory consultee. Its representation makes reference to ‘creeping suburbanisation’ and ‘urbanisation of the landscape’ which would impact upon future hopes to open up views of this part of the landscape. It goes on to state that this application constitutes significant encroachment on to what we now realise is an important part of the known battlefield. Were this an application for a new build house or a steading conversion with multiple extensions and alterations, such terminology as ‘urbanisation’ would be more relevant, however the building in question is a traditional stone built building which is thought to have been in existence since the late 19<sup>th</sup> Century. Given that the building is already there, the impact upon any views across the battlefield as a consequence of its conversion will be minimal. Furthermore, the archaeological investigations which will be carried out as part of the development – both to date and in the future – will make a useful contribution to the archaeological resource for the area.
- 8.22 It is important to note that the proposed development does not introduce any significant new development to the battlefield. It will simply restore and rejuvenate an existing traditional building, which itself has historic significance and which will otherwise collapse over time. NTS’s concerns about creeping suburbanisation are noted, however these appear more relevant to proposals which will introduce new buildings to the landscape, which is not the case in this instance. Taking this and

the expert advice from HES into account it is considered that the proposal will not result in any significant visual impact to the site or its surrounding landscape; or to one's ability to understand and appreciate the site's topography or our understanding of the Battle of Culloden. It is therefore considered that this scaled back proposal preserves the appearance and character of the Conservation Area and complies with all national and local planning policies relating to the historic environment.

### **Archaeology**

- 8.23 Prior to determination of the 2018 application a Level 1 Building Survey, metal detector survey and trial trenching survey were carried out on the site in line with recommendations from the Council's Archaeology Team and HES. The metal detection survey and trenching works were hampered by vegetation, modern debris lying around the site, soil bunds and fences, and while sweeping of the trenches and spoil from them did not reveal any archaeological artefacts, the Archaeological Survey Report (April 2019) notes that despite the lack of any significant archaeological remains uncovered during the evaluation, there is still the potential for artefacts related to the Battle of Culloden to be buried on the site. They therefore recommend an archaeological watching brief be carried out for any ground-breaking work associated with the steading conversion.
- 8.24 In its consultation response HES noted that the extent of proposed groundworks should be clarified and an appropriate level of archaeological mitigation carried out prior to the final agreement of the layout of foundations, services and drainage etc, and any impact to buried remains avoided.
- 8.25 The Council's Archaeology Team agree that there remains the potential for buried remains to survive and that targeted archaeological evaluation should be carried out in any areas where stripping works are necessary, and the resulting spoil examined using a metal detector. This will inform the location of services and drainage.
- 8.26 The applicant has confirmed that limited works will be required to provide services as water and power are both on site and linked to the building, and the proposed area for parking and turning will consist of gravel over existing hardstanding with no groundworks required. The required groundworks are therefore likely to be limited to drainage works and foundation work within the walls and footprint of the existing structure. A planning condition can ensure that no groundworks can commence until a further watching brief and mitigation strategy, prepared by a professional archaeological contractor, has been agreed with and implemented in agreement with the Council's Archaeology team.

### **Siting and Design**

- 8.27 This revised proposal seeks to bring an existing, traditional, derelict building back into use as a single family home. The u-shaped building is largely intact, with all walls and roof in a reasonably good structural condition. It is of random rubble stone construction, typical of such agricultural steading buildings, and displays clear evidence of previous use as an agricultural building. The upper floor area is limited to the central section, with single storey wings making up the u-shaped courtyard formation.

- 8.28 The proposal seeks as far as possible to keep intact the traditional form of the building. All existing openings will be retained and utilised. Openings in the east facing gables will be widened to incorporate additional glazing; 2 new accesses will be formed in the west elevation; new rooflights will be introduced; and one small dormer facing into the courtyard will be added in order to meet Building Standards escape regulations. All windows and doors will be timber framed and all existing lintels and quoins will be retained. The only addition to the building will be a simple glazed walkway, situated adjacent to the eastern elevation of the central block (within the courtyard) which will form a corridor between the side wings and will allow the stone walls to remain visible within. Its position within the courtyard will ensure that it is well screened from public view. The existing low stone walls which enclose the courtyard will be retained and will form the private garden area. The surrounding area will be largely unaltered, with boundaries defined by repaired stone walls and post and wire fencing. An area of existing hardstanding to the east and north of the house will form the parking area, which will be surfaced in natural gravel with no additional groundworks required.
- 8.29 The 2018 proposal (18/04194/FUL) that was refused was also considered to represent a sensitive and high-quality redevelopment, however its use of glazing, stained timber and metal roofing did result in a more contemporary feel to the overall design. In response to the findings of the Scottish Ministers the design ethos has changed to ensure that this scaled down proposal is as sympathetic as possible to the original building. While the key amendment is the removal of the outbuildings from the proposal, other alterations to the design include the retention of slate roofing, reduction of glazing, removal of extensions and reuse of existing openings. The resultant design is considered to be extremely sensitive to the character of the existing building, with as few changes to the fabric of the building as could be reasonably expected in order to convert it to a family home. The retention of the stone walling which defines the garden area also helps to preserve the historic footprint of the development.
- 8.30 In terms of siting, the building is already in existence and will not be extended, therefore there will be little change to the landscape as a consequence of this development. There are two existing houses within close proximity of the steading, both of which are closer to the NTS section of the battlefield. The steading itself is not visible from the NTS owned portion of the battlefield, or from the main road; a point which is corroborated by the DPEA Reporter to the Scottish Ministers who confirmed that he was unable to obtain any view of the steading building from the NTS owned section of the battlefield or the public road; and that the proposal would not disrupt one's ability to appreciate the landscape of this part of the battlefield or the locations of important features to the battle such as the Culwhiniac enclosure.
- 8.31 While the steading building itself was not in existence at the time of the Battle of Culloden, it did replace buildings which were important to the understanding of the battle and as such it has some historical significance. While in reasonable condition, holes have begun to appear in the roof and without attention there is little doubt that the building will eventually be lost. This proposal offers an opportunity for this historically significant derelict building to be sensitively and sympathetically restored and brought back into use as a single family home, for the benefit of generations to come. It is therefore considered that it complies with Policy 28 (Sustainable



Development) as it demonstrates high quality and sensitive design in keeping with its character and historic environment.

### **Infrastructure**

- 8.32 Drainage will be provided by a septic tank and soakaway system, which will be designed in accordance with Scottish Water and Building Regulations Guidance. The exact location of the drainage system shall be conditioned for prior approval by the Planning Authority in order to allow for its placement to take consideration of any archaeological findings that may arise from the survey work. There is sufficient space within the site to enable a satisfactory drainage solution.
- 8.33 The South Planning Applications Committee requested the construction of a passing place along the private access track during its determination of the 2018 application on 17 September 2019. The Reporter to the Scottish Ministers did not feel that this was necessary and did not request the additional passing place in his recommendation. It has not therefore been included as part of this application, however the applicant has indicated that should Members be of the opinion that a passing place is necessary, this can be achieved and secured by planning condition.

### **Other material considerations**

- 8.34 The steading building and its environs have potential for the presence of bats, which are a protected species. A bat survey has been carried out. This found a single non maternity roost within the building which would be affected by the proposed works. As such the applicant will be required to obtain a bat license from Scottish Natural Heritage and a Species Protection Plan has been prepared. This recommends a number of mitigation measures including the placement of a bat box; supervision of certain works by a licensed bat ecologist; and working measures to limit disturbance to roosting bats. A planning condition will ensure that the mitigation and compensatory measures set out in the Species Protection Plan shall be implemented in full.
- 8.35 A relatively large number of public representations relate to the impact of the development on the battlefield. This demonstrates the significance of the battlefield both locally and internationally. The impact upon the battlefield has been carefully considered by Historic Environment Scotland and the Historic Environment Team as detailed above and it is its conclusion that the proposal will not have a detrimental impact upon this key part of the battlefield.

### **Non-material considerations**

- 8.36 A number of the representations received in connection with this application seek amendments to planning policies relating to the way planning applications are considered within the Battlefield area. This is a matter for the relevant bodies to discuss independently, however this application must be determined in line with currently adopted policies and guidance.

### **Matters to be secured by Section 75 Agreement**

- 8.37 None

## Developer Contributions

- 8.38 In line with Policy 31 of the HwLDP (Developer Contributions) a contribution towards education provision at Balloch Primary and Culloden Academy of £1,194 (index linked) is required. This is set out in Appendix 2 and, as agreed with the applicant, is to be paid upfront prior to the issue of any planning permission.

## 9. CONCLUSION

- 9.1 This proposal will sensitively and sympathetically restore a derelict traditional steading building while retaining its character and bringing it back into active use as a single family home. The building is unused and while it is in reasonable structural condition at present, over time it will deteriorate to the point where reuse is no longer a viable option and without intervention it will eventually collapse into ruins.
- 9.2 While the site sits within both Culloden Muir Conservation Area and the Inventory of Historic Battlefields, this does not mean that no development can take place. It does mean that there is a greater level of scrutiny afforded to any development proposal so that it does not cause unnecessary damage or affect the integrity of the historic battlefield or cause harm to the character and appearance of the conservation area. For the reasons set out earlier within this report it is considered that the proposal does preserve the character and appearance of the Conservation Area and complies with national and local policy and guidance, designed to protect such historic and cultural assets.
- 9.3 It is acknowledged that a previous application to convert the building to domestic use was refused by Scottish Ministers, and such a refusal is a material consideration in respect of any future proposals of its type. However, in this case, the Ministers gave a clear steer that the only type of development that could be supported in this sensitive location is “***the sensitive conversion and adaptation of the existing steading***”. By removing the outbuildings from the proposal and by limiting the extent of the external alterations as far as possible, it is considered that the proposal represents an extremely sympathetic and sensitive conversion of a historical building, which will have little visual impact on the site or its surrounding landscape and which will not impact upon our ability to comprehend and appreciate the topography and landscape of the battlefield, or our understanding of the Battle of Culloden itself. It is therefore considered that the proposal complies with all relevant local and national planning policies and can be supported.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to the following:

### Conditions and Reasons

1. The house hereby approved shall not be occupied until the vehicular access into the site from the private track has been constructed in accordance with the approved drawings and the Council's Access to Single Houses and Small Housing Development supplementary guidance.

**Reason:** In the interests of road safety.

2. No development shall commence until full details of all foul and surface water drainage has been submitted to and approved in writing by the Planning Authority. Thereafter all drainage infrastructure shall be installed in accordance with the approved details prior to the first occupation of the house. For the avoidance of doubt, this shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

**Reason:** To ensure that the site is adequately drained and in the interests of public health.

3. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

**Reason:** In order to protect the archaeological and heritage interest of the site.

4. No development shall commence until a scheme for the storage and collection of refuse and recycling within the application site has been submitted to and approved in writing by the Planning Authority. The

approved scheme shall be implemented prior to the first occupation of the house and thereafter maintained in perpetuity.

**Reason:** In the interests of road safety.

5. No development shall commence until mitigation and compensatory measures have been agreed in writing with the Planning Authority based on the measures identified in the Species Protection Plan (26 August 2019). Thereafter, the development shall be undertaken in accordance with the agreed details.

**Reason:** In the interests of reducing risks to bats and birds.

6. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

**Reason:** To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work

commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if

the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Area Planning Manager – South  
Author: Christine Macleod  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 2015-26-MRH-203 REV A: Location and Site Layout Plan  
Plan 2 - 2015-26-MRH-100: Existing Elevation Plan  
Plan 3 - 2015-26-MRH-101: Existing Floor Plan  
Plan 4 - 2015-26-MRH-200 REV A: Proposed Elevation Plan  
Plan 5 - 2015-26-MRH-201 REV A: Proposed Section Plan  
Plan 6 - 2015-26-MRH-202: Proposed Floor Plan

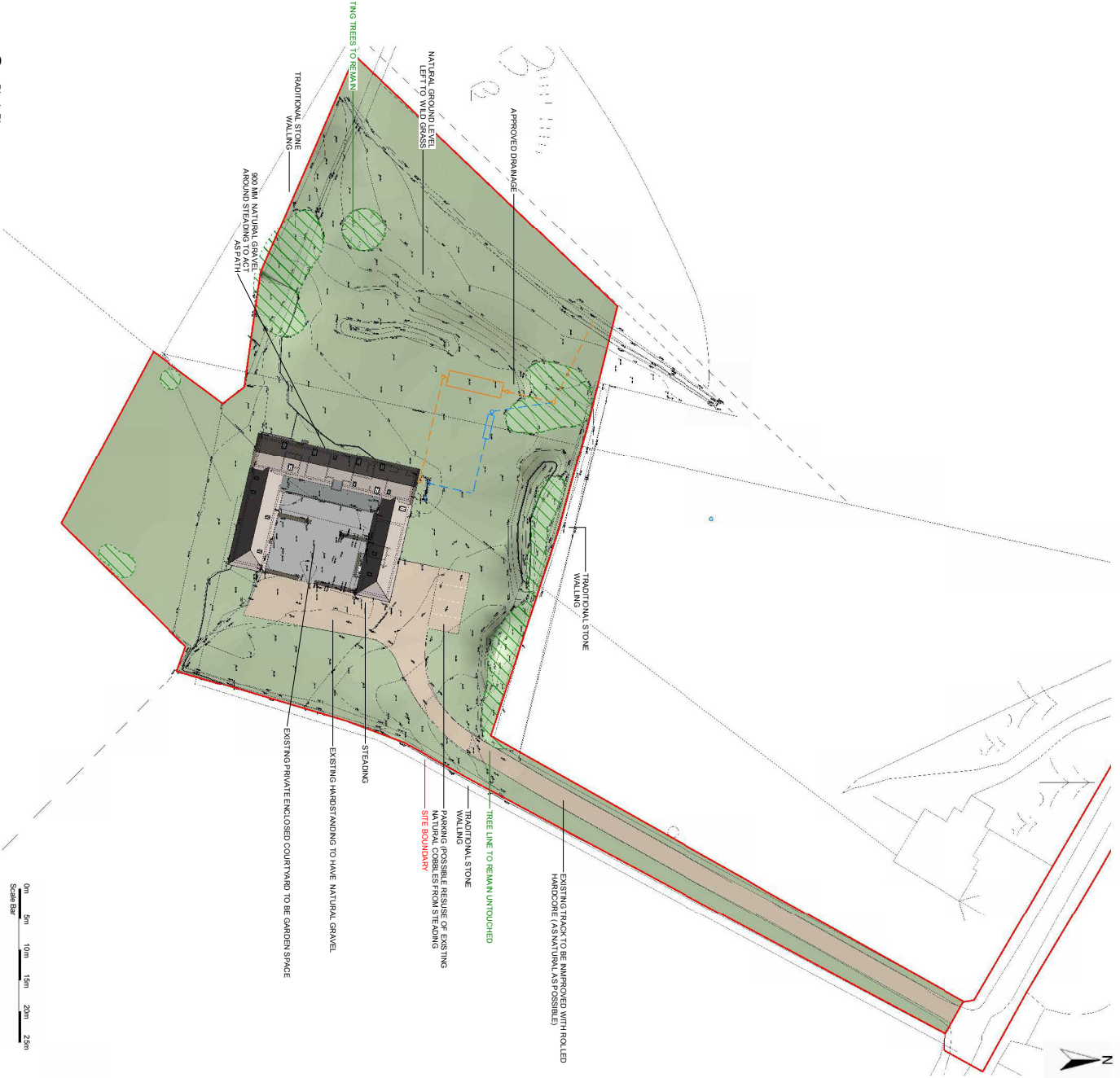
Appendix 2

COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS					REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked*1	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
<b>Schools<sup>2</sup></b>									
Balloch Primary – Build Costs	Classroom extension	£434.00	£0.00	£434.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	N/A
Primary – Land Costs	N/A	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Culloden Secondary – Build Costs	New school	£741.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	N/A
Culloden Secondary – Land Costs	N/A	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	

<sup>1</sup> If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

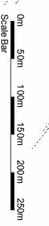
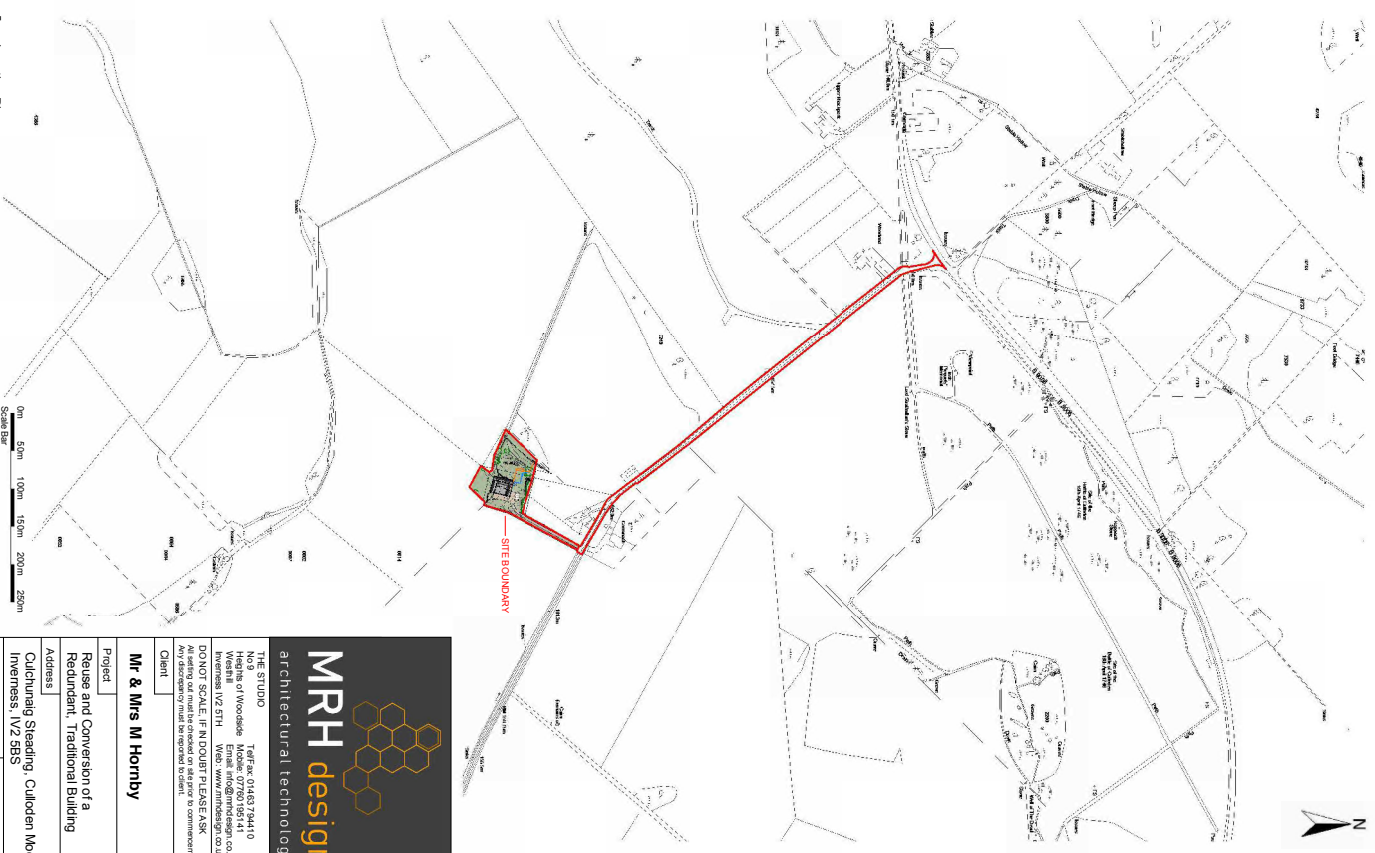
<sup>2</sup> Indicate whether or not 1 bed houses/flats are exempt





TOTAL SITE AREA = 6327m<sup>2</sup>  
= 1.57ha

**2** Block Plan  
1 : 500



**1** Location Plan  
1 : 5000

REPRODUCTION BASED UPON THE ORNANCE SURVEYS  
WITH THE PERMISSION OF THE CROWN  
COPYRIGHT RESERVED

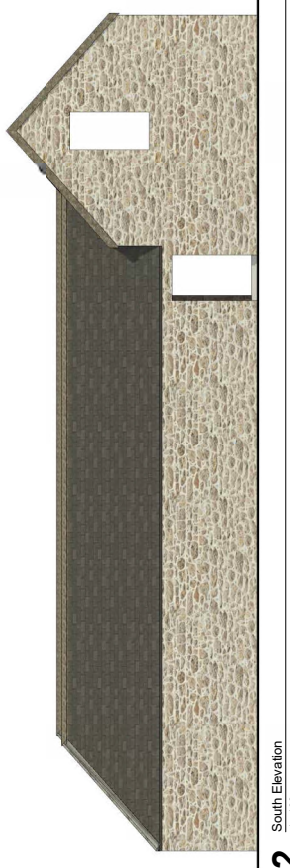
<b>MRH design</b> architectural technology	
<b>THE STUDIO</b> No 8 Wendell Inverness IV2 5TH DO NOT SCALE IF IN DOUBT PLEASE ASK Any discrepancy should be referred to the architect	<b>TEL/FAX</b> 01463 794410 <b>EMAIL</b> info@mrhdesign.co.uk <b>WWW</b> www.mrhdesign.co.uk
<b>Client</b> <b>Mr &amp; Mrs M Hornby</b>	
<b>Project</b> <b>Reuse and Conversion of a Redundant, Traditional Building</b>	
<b>Address</b> <b>Culchunaig Steading, Culchoden Moor, Inverness, IV2 5BS</b>	
<b>Date</b> <b>Nov 2020</b>	<b>Project No.</b> <b>2015-26</b>
<b>Drawn by</b> <b>KH</b>	<b>Drawing No.</b> <b>2015-26-01-03</b>
<small>© Planning and should be the order of approval without prior consent</small>	

CULCHUNAIG STEADING  
EXISTING



3

3 East Elevation  
1 : 100



2 South Elevation  
1 : 100



3

3 East Elevation  
1 : 100



4 North Elevation  
1 : 100

**MRH design**  
architectural technology

THE STUDIO  
Tel: +44 (0)1462 74410  
No 9  
Wicks of Woodside  
Inverness IV2 5TH  
Westhill  
Inverness IV2 5TH  
Web: www.mrhdesign.co.uk  
Email: info@mrhdesign.co.uk  
Web: www.mrhdesign.co.uk

DO NOT SCALE. IF IN DOUBT PLEASE ASK  
This drawing is the sole copyright of MRH design & should not be reproduced without prior consent. Any discrepancy must be reported to client.

Client: **Mr & Mrs M Hornby**

Project: **Reuse and Conversion of a Redundant, Traditional Building**

Address: **Culchunaig Steading, Culloeden Moor, Inverness, IV2 5BS**

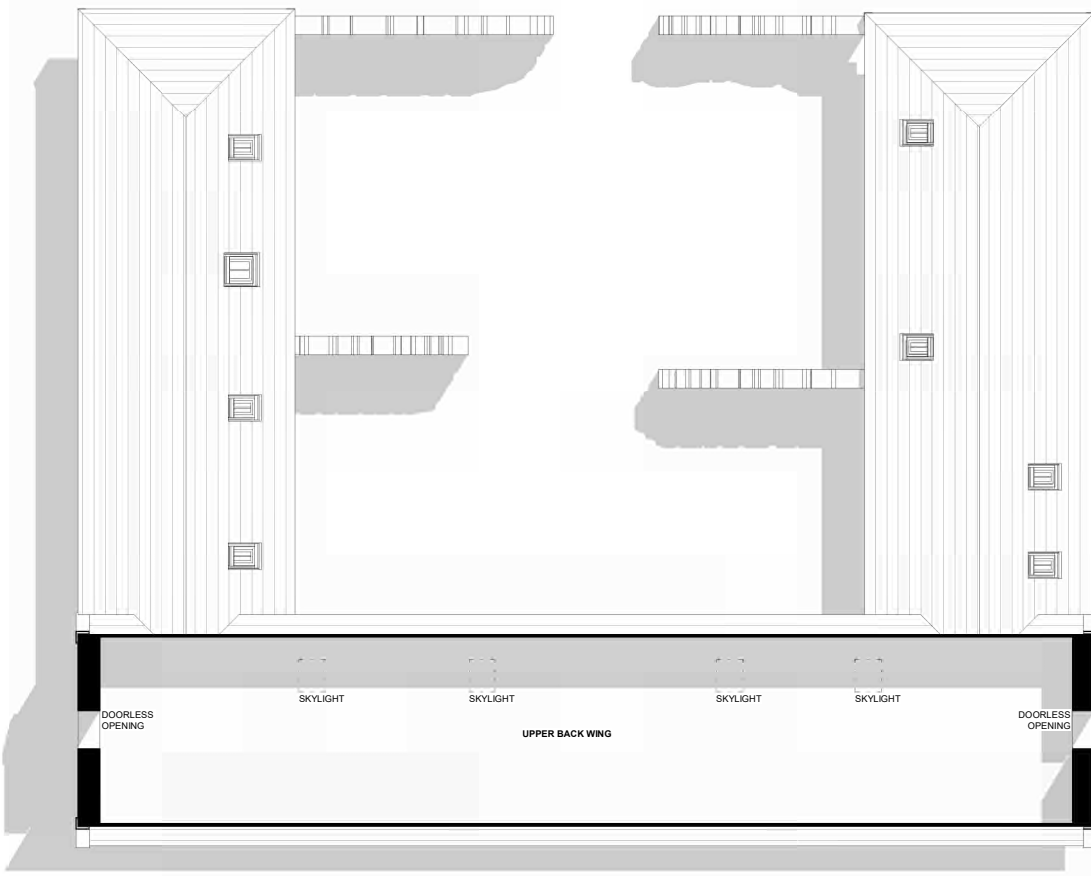
Scale: **1 : 100** Project No: **2015-26**

Date: **Nov 2020** Drawing No: **2015-26-MRH-100**

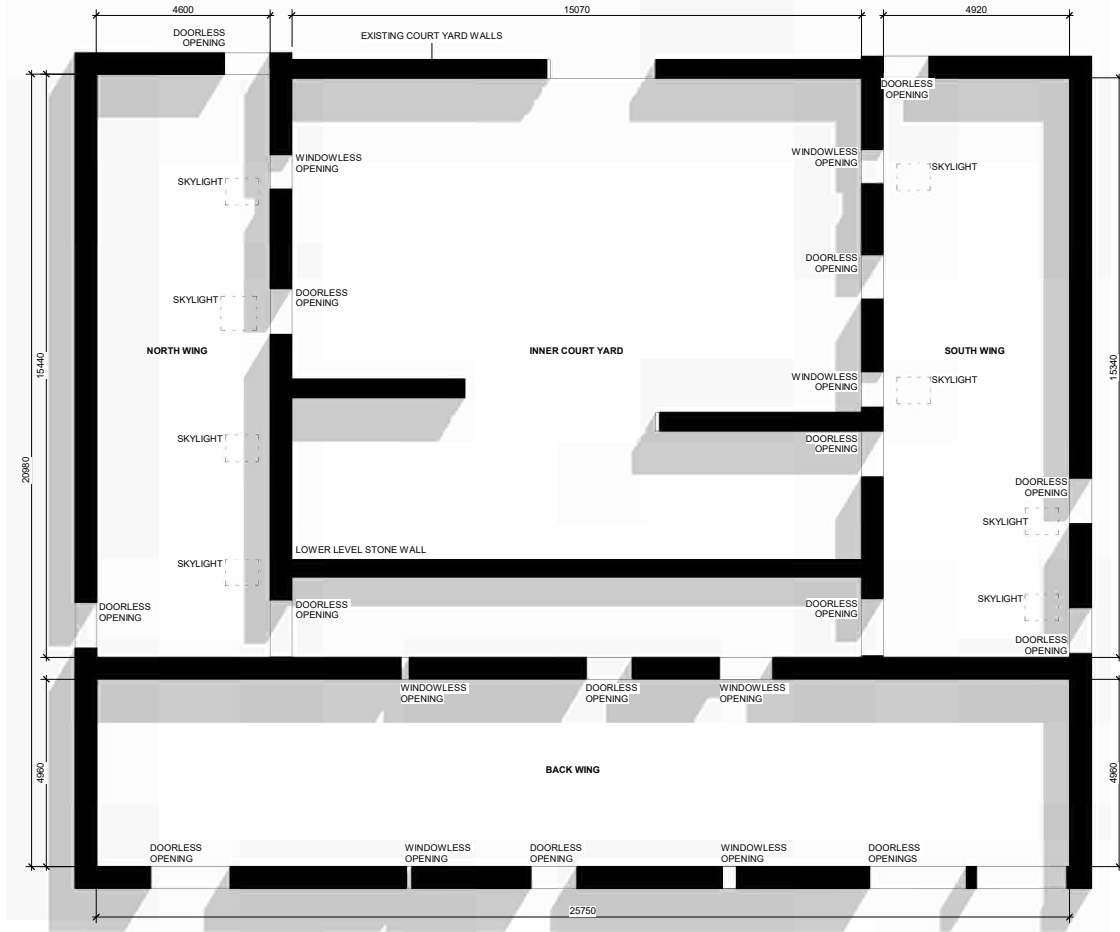
Drawn by: **KH**

This drawing is the sole copyright of MRH design & should not be reproduced without prior consent.

CULCHUNAIG STEADING  
EXISTING



**2** First Floor Plan  
1 : 100



**1** Ground Floor Plan  
1 : 100

GROUND FLOOR AREA = 274m<sup>2</sup>  
FIRST FLOOR AREA = 119m<sup>2</sup>  
TOTAL FLOOR AREA = 393m<sup>2</sup>

**MRH design**  
architectural technology

THE STUDIO No 9 Haighs of Woodside Westhill Inverness IV2 5TH		Tel/Fax: 01463 794410 Mobile: 07760195141 Email: info@mrhdesign.co.uk Web: www.mrhdesign.co.uk	
DO NOT SCALE, IF IN DOUBT PLEASE ASK All settings out must be checked on site prior to commencement. Any discrepancy must be reported to client.			
Client <b>Mr &amp; Mrs M Hornby</b>			
Project Reuse and Conversion of a Redundant, Traditional Building			
Address Culchunaig Steading, Culloden Moor, Inverness, IV2 5BS			
Scale	1 : 100	Project No.	2015-26
Date	Nov 2020	Drawing No.	2015-26-MRH-101
Drawn by	KH		
rev.			A2
© This drawing is the sole copyright of MRH Architectural Design & Planning and should not be copied or reproduced without prior consent.			



**CULCHUNAIG STEADING  
PROPOSED**



**1** West Elevation  
1 : 100



**2** South Elevation  
1 : 100



**3** East Elevation  
1 : 100



**4** North Elevation  
1 : 100

**MRH design**  
architectural technology

THE STUDIO  
No 9  
Woods of Woodside  
Inverness IV2 5TH  
Tel: 01468 794410  
Mobile: 07792 076416  
Email: info@mrhdesign.co.uk  
Web: www.mrhdesign.co.uk

DO NOT SCALE. IF IN DOUBT PLEASE ASK  
For more information, please contact the studio.  
Any discrepancy must be reported to client.

Client  
**Mr & Mrs M Hornby**

Project  
**Reuse and Conversion of a  
Redundant, Traditional Building**

Address  
**Culchunaig Steading, Culoden Moor,  
Inverness, IV2 5BS**

Scale  
1 : 100

Date  
Dec 2020

Drawn by  
KH

Project No.  
2015-26

Drawing No.  
2015-26-MRH-200

Sheet  
1 of 1

© This drawing is the sole copyright of MRH design & should not be used or reproduced without prior consent.

**CULCHUNAIG STEADING  
PROPOSED**



**5** West Sectional Elevation  
1: 100



**6** South Sectional Elevation  
1: 100



**7** North Sectional Elevation  
1: 100

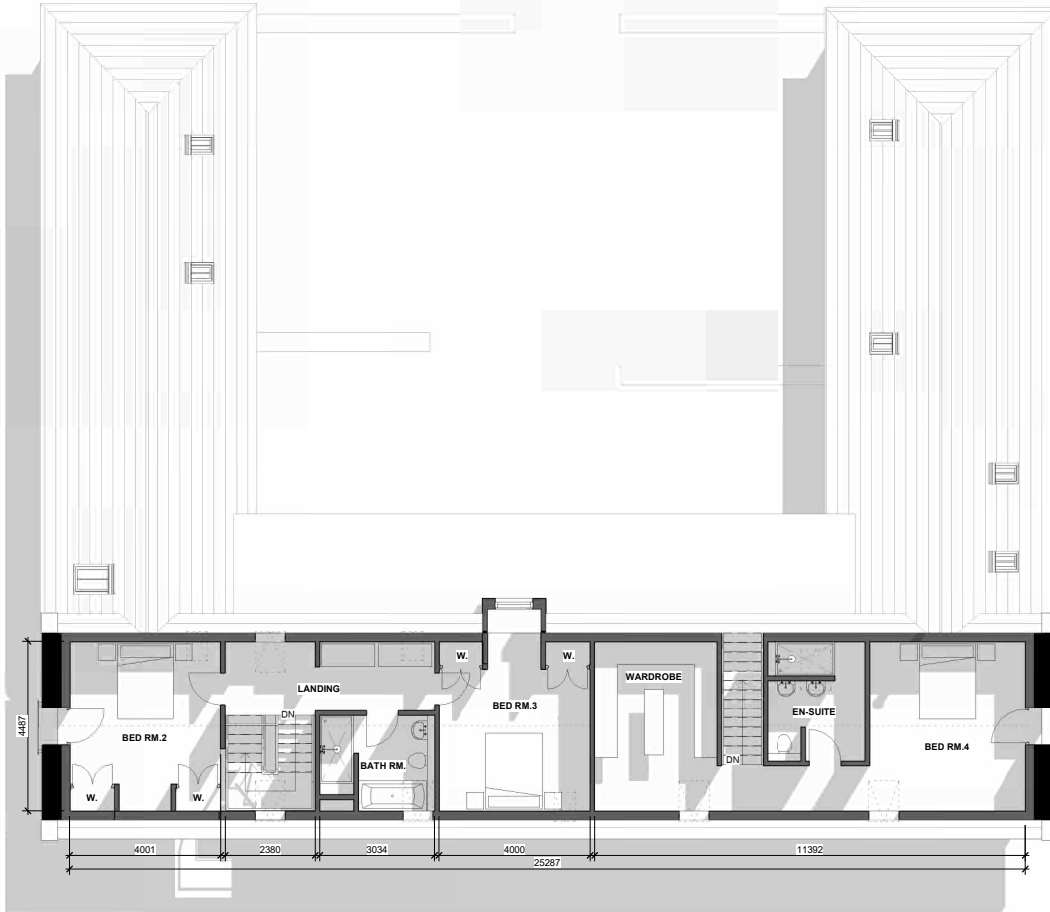


**MRH design**  
architectural technology

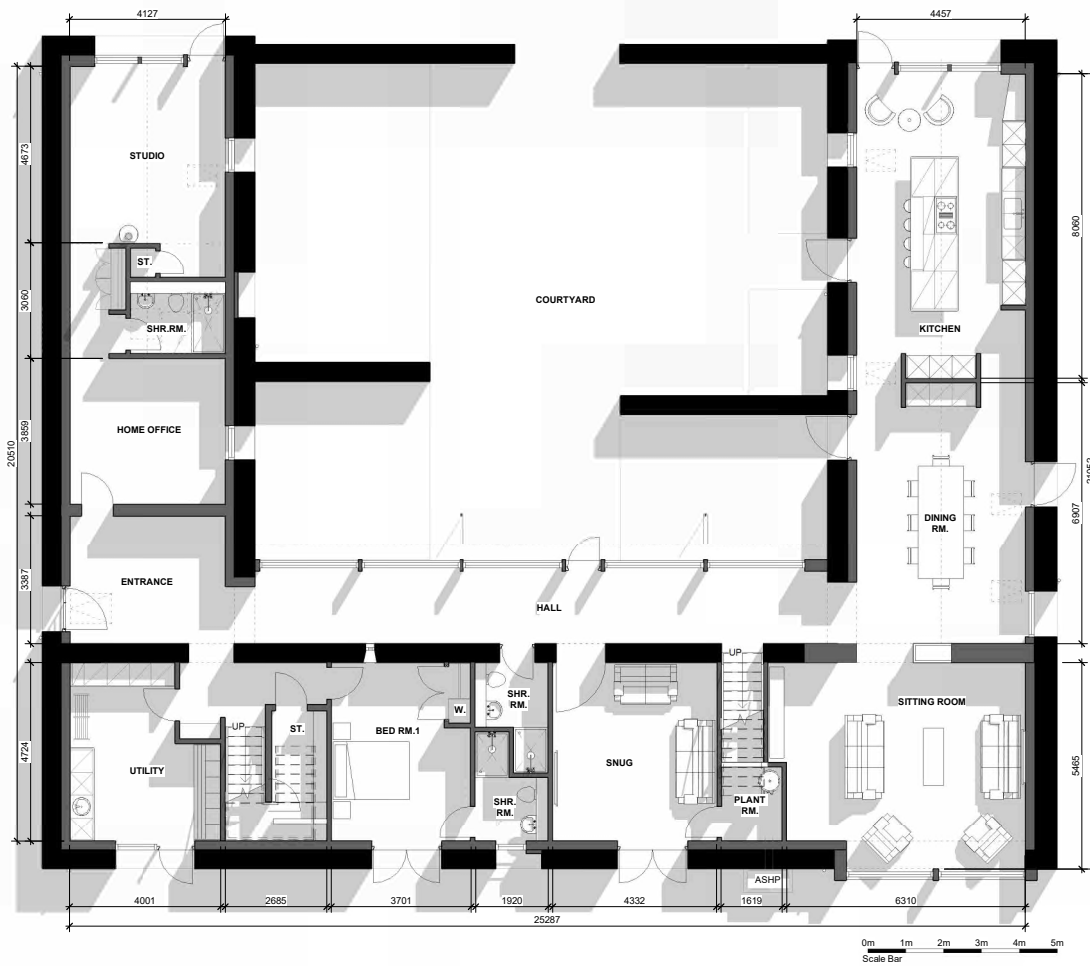
THE STUDIO  
No 9  
Wells of Woodside  
Inverness IV2 5TH  
Tel: 01468 294410  
M: 07792 070416  
Email: info@mrhdesign.co.uk  
Web: www.mrhdesign.co.uk

DO NOT SCALE. IF IN DOUBT PLEASE ASK  
FOR CLARIFICATION. THIS DRAWING IS FOR INFORMATION ONLY.  
Any discrepancy must be reported to client.

Client	Mr & Mrs M Hornby		
Project	Reuse and Conversion of a Redundant, Traditional Building		
Address	Culchunaig Steading, Culoden Moor, Inverness, IV2 5BS		
Scale	1: 100	Project No.	2015-26
Date	Dec 2020	Drawing No.	2015-26-MRH-201
Drawn by	KH	Checked by	AS
<small>This drawing is the sole property of MRH design &amp; should not be copied or reproduced without prior consent.</small>			



**2** First Floor Plan  
1 : 100



**1** Ground Floor Plan  
1 : 100

TOTAL GROUND FLOOR AREA = 285m<sup>2</sup>  
TOTAL FIRST FLOOR AREA = 113m<sup>2</sup>  
TOTAL FLOOR AREA = 398m<sup>2</sup>

**MRH design**  
architectural technology

THE STUDIO No 9 Haighs of Woodside Westhill Inverness IV2 5TH		Tel/Fax: 01463 794410 Mobile: 07760195141 Email: info@mrhdesign.co.uk Web: www.mrhdesign.co.uk	
DO NOT SCALE, IF IN DOUBT PLEASE ASK All settings out must be checked on site prior to commencement. Any discrepancy must be reported to client.			
Client			
<b>Mr &amp; Mrs M Hornby</b>			
Project			
Reuse and Conversion of a Redundant, Traditional Building			
Address			
Culchunaig Steading, Culloeden Moor, Inverness, IV2 5BS			
Scale	1 : 100	Project No.	2015-26
Date	Nov 2020	Drawing No.	
Drawn by	KH	2015-26-MRH-202	
rev.			A2
© This drawing is the sole copyright of MRH Architectural Design & Planning and should not be copied or reproduced without prior consent.			



## Report to the Scottish Ministers

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

---

Report by Steve Field, a reporter appointed by the Scottish Ministers

- Case reference: PPA-270-2239
- Site Address: land 120 metres south-west of Culchunaig Farmhouse, Westhill, Inverness, IV2 5BP
- Appeal by Mr Mark Hornby, MRH Design against the decision by The Highland Council
- Application for planning permission, reference 20/04611/FUL dated 23 November 2020, refused by notice dated 10 February 2021
- The development proposed: change of use and conversion of steading to form a private dwelling
- Date of site visit: 3 May 2021

Date of this report and recommendation: 15 July 2021

---



## CONTENTS

### Page

Summary Report	2
Preamble	7
Abbreviations	8
<b>Chapters</b>	
1. Background	9
2. Policy and guidance	17
3. Summary of the appellant's case	24
4. Summary of the council's case	35
5. Conclusions and recommendation	38
Appendix 1: documents produced by the appellant and council	54
Appendix 2: drawings	56
Appendix 3: recommended planning conditions	57
Appendix 4: recommended advisory notes	61





## Summary of Report into Recalled Planning Appeal

### Proposed change of use and conversion of steading to form private dwelling

• Case reference	PPA-270-2239
• Case type	Planning appeal
• Reporter	Steve Field
• Appellant	Mr Mark Hornby, MRH Design
• Planning authority	The Highland Council
• Other parties	38 representations to the council (two supportive; 36 objections) and 41 representations to DPEA (five supportive; 36 objections)
• Date of application	23 November 2020
• Date case received by DPEA	25 February 2021
• Method of consideration and date	Written submissions and unaccompanied site inspection on 3 May 2021
• Date of report	15 July 2021
• Reporter's recommendation	Grant planning permission

### The proposed development

The planning appeal is for the proposed change of use and conversion of a derelict, but substantially intact, farm steading at Culchunaig to form a single house. Culchunaig is situated some 750 metres south-east of the B9006 Inverness to Croy road. The site is within the Inventory of Historic Battlefields boundary for the Battle of Culloden and the Culloden Muir Conservation Area. The site is surrounded by agricultural land with the nearest property being Culchunaig farmhouse, located 120 metres to the north-east.

### Site history

Planning permission for the conversion of the steading to form a house and to erect outbuildings was granted by The Highland Council (the council) in 2015 but this permission was not implemented and has lapsed. A further application for conversion to form a house and to erect outbuildings was called in by Scottish Ministers in 2019 because of the potential impact on Culloden as a battlefield of national importance. Ministers did not accept the reporter's recommendation that permission be granted and refused the application. The reasons for refusal were because it was considered that the proposals would have an adverse impact on the character of the battlefield, would not preserve or enhance the conservation area and would not comply with the local development plan, Scottish Planning Policy or Historic Environment Scotland policy and guidance.

## **Representations**

Two representations were made to the council and five representations were made to the Planning and Environmental Appeals Division (DPEA) in support of the proposals. There were 36 representations made to the council and 36 representations made to DPEA in opposition to the proposals.

## **Consultations**

Historic Environment Scotland (HES) does not object to the application as the proposals would not alter the character of this sensitive part of the battlefield significantly and would not raise issues of national significance. The HES response details the historic and cultural significance of the Battle of Culloden and refers specifically to a decisive encounter towards the end of the battle which took place in the vicinity of the present steading. HES advises that the site may contain archaeological deposits associated with the battle, including human remains, so a precautionary approach is required including excavating and recording in any areas of ground-breaking, along with metal detecting, all of which may impact on the final site layout.

The council's Historic Environment Team (HET) supports the repair and reuse of the building, the continued deterioration of which could otherwise detract from the conservation area. It is considered that the proposals take account of the reasons for refusal by Scottish Ministers of the previous application and would have an acceptable impact on the conservation area. The HET consultation notes that archaeological deposits may survive on the site and, if permission is granted, recommends use of a planning condition requiring a watching brief during site preparation and examination of spoil with a metal detector.

The National Trust for Scotland objects to the application on the grounds that it represents a threat to the nationally important battlefield because it could compromise the cultural and historical character of this part of the site before its full significance is understood.

Scottish Water and the council's flood risk and contaminated land teams do not object to the proposals. The council's transport planning team did not submit a consultation response. Scottish Government: Historic Battlefields had no comments to make.

### Consideration by the council and appeal

The application was recommended for approval by officers, subject to conditions. However, the planning committee refused permission because members considered that the proposals would have an adverse impact on the battlefield and conservation area, contrary to local and national policy. The applicant appealed against refusal of permission. Scottish Ministers directed that, because of the potential impact of the proposals on the battlefield, they would determine the appeal rather than delegate the decision to a reporter.

### Development plan and other material considerations

The development plan policies for assessing the proposed development are to be found in the Highland-wide Local Development Plan. Key amongst these are policies relating to housing in the countryside, design and place-making, and natural, built and cultural heritage.

Other material considerations are the Culloden Muir Conservation Area: Character Appraisal and Management Plan, Scottish Planning Policy, HES's Historic Environment Policy for Scotland and Managing Change in the Historic Environment: Historic Battlefields and the Inventory of Historic Battlefields – Battle of Culloden.

### Summary of the appellant's case

The appellant is of the view that the proposed development:

- would not have an adverse effect on the landscape characteristics or special qualities of the battlefield or conservation area;
- complies with national and local policy on development in a conservation area and designated battlefield and represents an appropriate use of an existing building;
- preserves or enhances the appearance of the conservation area by reason of its sympathetic design, scale and form;
- complies with the policies of the Culloden Muir Conservation Area: Character Appraisal and Management Plan;
- complies with the design, place-making and heritage policies of the local development plan and related supplementary guidance;
- complies with Scottish Planning Policy and Historic Environment Policy; and
- is consistent with the decision of Scottish Ministers on the previous application.

The appellant has produced a design statement, species protection plan and archaeological investigation report in support of the proposals.

### Summary of the council's case

The council is of the view that the proposed development is not sensitive to the character and appearance of the conservation area and the key landscape characteristics and special qualities of the battlefield. In particular, it is considered that:

- all elevations of the steading are publicly visible from the surrounding countryside;
- the proposed enlargement of openings in the east elevation of the side wings would result in excessive and harmful use of glazing;
- the introduction of a modern box-style dormer window on the east elevation is inappropriate on a traditional farm building;
- the proposed use of rooflights on the east elevation lacks the coherence of the existing arrangement and is considered harmful;
- the impact of the external hallway and office window in the courtyard is difficult to assess due to the lack of detail provided;
- the proposed design and arrangement of doors, windows and rooflights on the west elevation would present a restless and fussy appearance, uncharacteristic of a traditional farm building;
- the proposed heat pump on the west elevation would have a utilitarian appearance;
- the remodelled opening to the sitting room on the west elevation would be surrounded by a large, protruding frame structure;
- the dormer window referred to above would protrude into the view of the north elevation;
- a rooflight would be installed on the north elevation where, currently there is no rooflight;

- two modern flues would be alien-looking and conspicuous; and
- the proposed location of the flues is driven by the design of the internal layout without considering how they would affect the external appearance of the building.

Overall, the council is of the view that the proposed changes would not preserve or enhance the conservation area, as required by the legislation, nor protect, conserve or enhance their surroundings with regard to the battlefield inventory site under the terms of national and local planning policy.

The council is also of the view that the intrinsic character of the building will be marred and its authenticity as a traditional asset in the landscape lost by insensitive development involving more than modest changes.

The proposals are considered to be contrary to the development plan and in conflict with other material considerations. The council considers that a suitable scheme could conserve the steading to the benefit of both the building itself and the wider protected landscape but did not consider the current proposals would achieve these objectives.

### Reporter's conclusions

As the proposed development would entail the conversion of a derelict, traditional farm steading, I consider that the proposals would qualify as an exception to the presumption against new housing in the countryside set out in local development plan (LDP) Policy 35 Development in the Countryside (Hinterland Areas). I also find that, with the use of a planning condition, the proposals would meet the siting and design criteria in the associated supplementary guidance.

As I consider that the proposed development would make a positive contribution to the architectural and visual quality of the place where it is located and would incorporate the six qualities of successful places, I find that the proposals would comply with LDP Policy 29 Design Quality and Place-making. I also find that, with the use of planning conditions, the proposed development would comply with LDP Policy 28 Sustainable Design and the associated Sustainable Design Guide.

I find that the proposals would not have any significant adverse effects on the historic battlefield and would meet the statutory test of preserving or enhancing the character or appearance of the conservation area. Consequently, I find that the proposed development would comply with LDP Policy 57 Natural, Built and Cultural Heritage. I also find that the proposals would comply with the relevant policies of the Culloden Muir Conservation Area: Character Appraisal and Management Plan and, with the use of a planning condition relating to archaeological investigation, with the Highland Historic Environment Strategy Supplementary Guidance. I also consider that the proposals comply with Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Historic Battlefields, which are material considerations in this appeal.

Additionally, I find that the proposals comply, or with the use of conditions, could be made to comply with LDP policies and related supplementary guidance relating to physical constraints, developer contributions, travel, protected species, flood risk, waste water treatment and sustainable drainage.

I conclude that the proposed development accords overall with the development plan and there are no material considerations which would justify refusing to grant planning permission. I also conclude that the proposed development would preserve or enhance the character or appearance of the conservation area.

### **Recommendation**

I recommend that planning permission be granted subject to the conditions listed in Appendix 3.

Scottish Government  
Planning and Environmental Appeals Division  
Hadrian House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

DPEA case reference: PPA-270-2239  
The Scottish Ministers  
Edinburgh

## Ministers

I conducted an unaccompanied site inspection on 3 May 2021 in connection with an appeal against the refusal of planning permission at land 120 metres south-west of Culchunaig Farmhouse, Westhill, Inverness, IV2 5BP.

The planning application was refused by The Highland Council's South Planning Applications Committee on 10 February 2021. The appellant submitted an appeal to Scottish Ministers against the refusal of planning permission on 25 February 2021. The Scottish Ministers directed that they intend to determine the appeal instead of a person appointed by them on 22 March 2021. The decision to recall the appeal related to the potential impact of the proposed development on Culloden Battlefield, which is of national importance.

My report takes account of the appellant's planning application and grounds of appeal, consultation responses and representations submitted to the council, development plan and national policy, other material considerations, the council officer's recommendation to committee, the committee's decision to refuse planning permission and observations I made during my site inspection.

The report is laid out in five chapters. The first outlines background information, the second summarises policy and guidance, the third provides a summary of the appellant's case, the fourth provides a summary of the council's case and the final chapter sets out my conclusions and recommendation. Appendices list the documents produced by the appellant and council, application drawings, recommended planning conditions and recommended advice notes.

## **Abbreviations**

CACAMP – Culloden Muir Conservation Area: Character Appraisal and Management Plan

The council – The Highland Council

DPEA – Scottish Government Planning and Environmental Appeals Division

HEPS – Historic Environment Policy for Scotland

HES – Historic Environment Scotland

HET – The Highland Council Historic Environment Team

LDP – Highland-wide Local Development Plan

NTS – National Trust for Scotland

SPP – Scottish Planning Policy

SEPA – Scottish Environment Protection Agency

SuDS – Sustainable drainage system

## CHAPTER 1: BACKGROUND

### The proposed development

1.1 The appeal proposals are for the proposed change of use and conversion of a farm steading building situated 120 metres to the south-west of Culchunaig farmhouse. The steading has a traditional U-shaped plan around a south-east facing yard. The proposals would entail the change of use of the steading to create a single house with a kitchen/dining room, sitting room, snug, bedroom, utility room, office and studio on the ground floor and three bedrooms and a bathroom on the first floor.

1.2 The steading is currently derelict but remains substantially intact. The existing plan form would be retained with the addition of a hall on the north-west side of the existing yard area. The conversion would entail the repair and repointing of the stone walls, repair of the slate roof, installation of new windows, doors, a dormer window to the central first floor bedroom, rooflights and flues.

1.3 Drainage would be to a septic tank and soakaway. Access would be taken from the existing track to the B9006 which also serves Culchunaig farmhouse, two further houses and fields and forestry. A parking and turning area would be formed at the north-east corner of the building. Stone dykes on the site boundary would be retained and repaired.

### The application site

1.4 The site is situated approximately 750 metres south-east of the B9006 Inverness to Croy road. The National Trust Culloden battlefield visitor centre is situated approximately one kilometre to the north-east. The Clava Cairns scheduled monument is situated approximately 1200 metres to the south-east. The site is surrounded by agricultural land.

1.5 The site is within the Inventory of Historic Battlefields boundary for the Battle of Culloden and the Culloden Muir Conservation Area.

1.6 The site is owned by Culloden Estates, Conon Bridge.

### Site history

1.7 Planning permission for the conversion of the steading to form a dwelling and for the erection of outbuildings was granted by The Highland Council in 2015 (reference 15/02941/FUL). This permission was not implemented and has now lapsed.

1.8 A further planning application for the conversion of the steading to form a house and for the erection of outbuildings was made to the council in 2018 (reference 18/04194/FUL). Scottish Ministers issued a Direction calling in the application for their own determination on 21 November 2019. The Direction was given due to the potential impact of the proposed development on Culloden Battlefield as a battlefield of national importance.

1.9 Scottish Ministers did not accept the reporter's recommendation that planning permission be granted, subject to conditions. Ministers considered that the proposed development would have an adverse impact on the character of the inventory battlefield and would not preserve or enhance the character or appearance of the conservation area. Ministers also considered that the proposals were not in accordance with the Highland-wide Local Development Plan and were contrary to the overarching principles of Historic Environment Policy for Scotland and the Historic Environment Scotland guidance note



Managing Change in the Historic Environment: Historic Battlefields. Accordingly, Scottish Ministers refused planning permission.

### Representations

1.10 There were 38 representations on the appeal proposals submitted to the council and 41 representations submitted to the Planning and Environmental Appeals Division (DPEA).

1.11 Issues raised in the two representations to the council made in support of the proposals and the five supportive representations received by DPEA can be summarised as follows:

- The proposals would represent a sensitive conversion and adaptation of the steading.
- The proposals would preserve the character of the building.
- The proposals would make safe what looks to be a hazardous structure.
- A precedent for approval has been set by the planning permission granted in 2015.
- The proposals address the concerns set out by Scottish Ministers in the appeal case.
- Refusal of such proposals would lead to local people being forced to live in a 'museum town'.
- Any requirement for further archaeological investigation can be dealt with by Scottish Ministers.
- Historic Environment Scotland did not object to the proposals.
- The proposed development would preserve and enhance the character or appearance of the conservation area.
- The proposals would be consistent with National Planning Framework 3 policy to protect, restore and enhance cultural heritage assets.
- Failure to restore the steading would blight the conservation area.
- The steading cannot be seen from most public spaces on the battlefield.
- The proposals conform to policy.

1.12 Issues raised in the 36 representations to the council and the same number of representations received by DPEA in opposition to the proposals can be summarised as follows:

- The proposals would result in the desecration of war graves and sacred ground.
- The proposed development would encroach on one of the most historic sites in the highlands.
- Culloden is of national and global significance.
- Culloden is one of the biggest tourist attractions in Scotland.
- The battlefield is an important site of pilgrimage for the Scottish diaspora.
- Culloden is the most iconic and historic battlefield in Scotland.
- It is important to preserve the whole battlefield from development.
- There should be no development within the battlefield.
- The converted steading would be visible to battlefield visitors.
- Conversion to a house would set a dangerous precedent.
- The proposals would add to urban sprawl/creeping urbanisation.
- The proposals would contribute to negative landscape and visual impacts.
- The steading is situated in one of the most sensitive parts of the battlefield.
- The proposals would ruin the special atmosphere of the battlefield.

- The proposed conversion could destroy remains which would aid understanding of how the events of the battle unfolded.
- In information that is only now coming to light, Professors Christopher Duffy and Murray Pittock have shown that the appeal site was at the centre of hand to hand fighting between the Jacobite and British forces.
- The appeal site might be accorded a higher value 50 to 100 years from now.
- It is important to stand in the way of cultural vandalism.
- There is no clear need for the proposals.
- The building would be transformed from agricultural to urban in character.
- The archaeological survey that has been carried out is inadequate.
- It is unlikely that any archaeological finds will be logged or recorded.
- The design is unsympathetic.
- The proposed extensive use of glass would be incongruous.
- The steading should be removed rather than converted.
- The proposed road access would cut across Culloden Muir.
- The proposals would be detrimental to biodiversity, including through tree loss and soil erosion.
- The proposals would cause pollution.
- The National Trust for Scotland objected to the proposals.
- Many of the concerns expressed by Scottish Ministers on the previous proposals still apply.
- The proposed development would not preserve or enhance the conservation area.
- The proposals would be contrary to Scottish Planning Policy.
- The proposals would not be consistent with Historic Environment Scotland policy and guidance.
- The proposals would not comply with Highland-wide Local Development Plan policies 28, 29, 57 and 64.

## Consultations

1.13 Nine consultation responses on the planning application were received by the council. These are summarised below.

### (i) Historic Environment Scotland

1.14 Historic Environment Scotland (HES) did not object to the application. This was on the basis that the proposed conversion of the steading would not alter the character of this sensitive part of the battlefield landscape significantly and does not raise issues of national significance. However, HES recommended that additional information be sought on access and related infrastructure and that archaeological mitigation is carried out during any ground-breaking works.

1.15 The consultation response details the historic and cultural significance of the Battle of Culloden and notes that the site was included in the Inventory of Historic Battlefields in 2011. HES goes on to summarise how the battle unfolded, making specific reference to a decisive period toward the end of the conflict when the battle dragoons of the Government Left carried out initial, then secondary, flanking manoeuvres on the Jacobite Right in the vicinity of the present Culchunaig steading. This led to the collapse of the Jacobite Right wing and, shortly thereafter, that of the rest of the army, followed by the final retreat and massacre. HES advises that whilst many of the dead were buried in mass graves, others may have been buried where they fell.

1.16 The consultation response explains that the enclosure at Culwhiniac, to the north-east of the access road to Culchunaig steading, played an important role in the battle by providing cover for Government troops firing into the Jacobite flank and the associated farmstead, which no longer exists, may itself have played a role during the battle or its aftermath.

1.17 The present Culchunaig steading appears to have been built in the late 19<sup>th</sup> Century on the site of an earlier farmstead known as Culchuinach. It is possible that physical remains of the earlier farmstead exist below ground or are incorporated into the walls of the steading. There is also potential for remains relating to the former Culwhiniac farmstead to survive below ground nearby, under the steading or incorporated into the existing structure.

1.18 HES advises that limited trial trenching undertaken as part of the 2018 planning application uncovered what appeared to be the footings of buildings close to the current steading but their function, date and potential relationship with the battle is unclear. A metal detecting survey was carried out at the same time with a nil return. However, the presence of vegetation and modern debris means this result must be treated with caution and the archaeological potential of the area is relatively high. There may be remains within the development footprint and topsoil could contain artefacts related to the battle.

1.19 In terms of indirect impacts on the battlefield landscape, HES concludes that, although the conversion would result in some visual changes to the steading, in that it would become occupied and the environs would contain parking, other infrastructure and garden ground, it would not have a significant impact on the way the battlefield landscape is appreciated and understood.

1.20 In terms of direct impacts, as the site may contain archaeological deposits associated with the battle, including artefacts and, potentially, human remains, HES recommends a precautionary approach. In particular, areas of ground-breaking should be subject to archaeological excavating and recording, including metal detecting. This should take place prior to final approval of the design and layout of foundations and services. Impacts on any sensitive buried remains should be avoided.

1.21 A further consultation response from HES in relation to additional information on proposed ground works reiterated the advice already provided on the need for an archaeological scheme of works.

(ii) The Highland Council – Historic Environment Team: Archaeology

1.22 Restoration and conversion of the derelict building is welcomed but comments are limited to the impacts other than those on the building itself, which are covered by the conservation officer (see below). The archaeologist notes that buried artefacts, features or deposits may survive within the site boundary, not just those associated with the Battle of Culloden but also, given the proximity of a scheduled prehistoric cairn to the south of the site, much earlier features unrelated to the battle.

1.23 The archaeologist advises that works carried out in advance of the previous application noted significant disturbance of the site arising from its agricultural use including scraping and bunding of topsoil and importation of material. The appellant's view is that further stripping back is unlikely to be required. It is considered that, despite the negative results of the archaeological work carried out with regard to evidence of the battle, the limited groundworks required may still impact on buried remains. The potential for this is

low but, as a precaution, a watching brief carried out by a professional archaeological contractor is recommended where stripping work is required and resulting spoil must be examined with a metal detector. This should be covered by a planning condition if permission is granted.

(iii) The Highland Council – Historic Environment Team: Conservation

1.24 The council's conservation officer considers that the building is a good example of a traditional steading with the potential to make a positive contribution to the wider character and appearance of the conservation area. The steading is said to be in reasonable condition but starting to show signs of deterioration with the roof being of particular concern. It is noted that, unless addressed, this will result in a building at risk which would detract from the conservation area. A proactive approach to repair and reuse is encouraged.

1.25 The conservation officer advises that Policy 1 of the conservation area management plan allows for the sensitive repair, reuse and conversion of redundant, traditional buildings, provided that the design and finish is sensitive to the original building. The officer summarises the changes from the previous application as follows:

- deletion of proposed outbuildings/ancillary structures;
- development restricted to the existing footprint of the steading only;
- extensive areas of hardstanding, lawns and landscaping have been removed, leaving a small hardstanding area for parking;
- deletion of proposals to raise the height of the roof;
- re-use of existing slates for all roofs; and
- choice of materials and finishes which are sensitive and appropriate to the traditional character of the building.

1.26 Overall, the design is considered to be sympathetic with the most substantial contemporary addition (the glazed external hall) well contained within the courtyard, which is largely screened from public view. Given the location close to the core of the inventory battlefield and conservation area, the site is regarded as being sensitive to change. However, taking account of the comments of Scottish Ministers in their refusal of planning permission for the recent application and Policy 1 of the conservation area management plan, on balance, the conservation officer considers that the proposals would not cause significant harm to the character and appearance of the conservation area and, in conservation terms, the proposal can be supported.

1.27 If permission is granted, it is advised that planning conditions are used to ensure the use of appropriate materials and finishes for the steading and landscaping, including boundaries.

(iv) National Trust for Scotland

1.28 As a close neighbour to the site and guardian of a significant part of the Culloden Battlefield, in light of new and ongoing historic and archaeological research, the National Trust for Scotland (NTS) objects to the application on the grounds that it represents a threat to the historic character of the battlefield. The trust advises that archaeologists and historians agree the site is land fought over during the battle in a pivotal pincer movement which could have played a decisive role in the outcome of the battle. It is considered that there is much more to learn about the area. To that end, the trust is currently interpreting

Light Detection and Ranging (LiDAR) data which may provide physical landform evidence to support and strengthen the existing historical evidence.

1.29 Any development could have a significant negative impact on the cultural and historical value of the site. The site should be protected, in line with national policy. The NTS agrees with the Scottish Ministers' view, expressed in relation to the previous application on the site that the cumulative development pressures on the battlefield represent 'creeping suburbanisation', which is unacceptable. The trust cites its Culloden 300 report, *Living with the Battlefield*, published in 2020, as a demonstration of how strongly the public feels about the special character of the battlefield and, in particular, the critical role of the open, natural spaces and big views in creating an all-important sense of place.

1.30 The trust notes that Culloden is included in the Inventory of Historic Battlefields in recognition of the battle being a pivotal moment in history, with political and cultural consequences that have shaped modern Scotland. The NTS also notes the support in Scottish Planning Policy for protecting, conserving and enhancing the key landscape characteristics and special qualities of historic battlefields.

1.31 The trust highlights two references in the council's conservation area management plan in support of its objection. The first reference is in relation to potentially managing forestry planting 'to re-open historic views which positively contribute to the authenticity of the cultural landscape'. The trust comments that, if research confirms the vital role that the appeal site played in the battle, it would like to open this area up for interpretation and visitor access which would not be possible if the area is developed significantly.

1.32 The second reference is to the need to control carefully future development to prevent any adverse impact on the conservation area from urbanisation of the landscape. It is considered that the proposals would constitute significant encroachment on to an important part of the battlefield.

1.33 In conclusion, the NTS states that the battlefield is of enduring national significance and the proposed development should not be allowed because it could compromise the cultural and historical character of this part of the site before its full significance is understood.

(v) Scottish Government: Historic Battlefields

1.34 Noted in records; no comments.

(vi) Scottish Water

1.35 No objection.

The Highland Council - other consultation responses

1.36 The council's flood risk management and contaminated land teams advised that they had no comments on the proposals. The transport planning team did not respond to the consultation request.

## Consideration by the council

1.37 As the planning application attracted five or more objections from members of the public, it was referred to the council's South Planning Applications Committee for determination on 3 February 2021. The Area Planning Manager-South considered that the proposal accorded with the principles and policies of the development plan and was acceptable in terms of all other material considerations. In particular, the planning officer concluded that:

- The proposals would ensure the sensitive and sympathetic restoration of a derelict, traditional steading building which may otherwise deteriorate to the point where reuse is not a viable option and it becomes ruinous.
- The location of the site in a conservation area and within an historic battlefield does not mean that development cannot take place, rather that a greater level of scrutiny is required.
- It is considered that the proposals would preserve the character and appearance of the conservation area.
- In refusing the previous application, Scottish Ministers indicated that the only type of development that could be supported on the site would be 'the sensitive conversion and adaptation of the existing steading'. It is considered that the revised proposals would represent an extremely sensitive and sympathetic conversion which will have little visual impact on the site or the surrounding landscape and will not impact on the ability to comprehend and appreciate the topography of the battlefield or understanding of the battle itself.

Members were asked to agree the recommendation to grant planning permission, subject to conditions relating to vehicular access, drainage, archaeological and heritage interest, refuse and recycling, protected species and site compounds and storage.

1.38 Having considered the area planning manager's report, the committee decided to refuse planning permission for six reasons, which I summarise below:

- The proposals would not preserve or enhance the character or appearance of the conservation area as it relates to the battlefield.
- The proposed development would be contrary to Policies 28 and 29 of the Highland-wide Local Development Plan as it would have an adverse impact on the character of the battlefield inventory site and conservation area.
- The proposed development would be contrary to Policy 57 of the Highland-wide Local Development Plan as it would have an unacceptable impact on the natural environment, amenity and heritage resource of a site of local/regional and national importance.
- The proposals would not comply with Scottish Planning Policy as they would not conserve or enhance key landscape characteristics and special qualities of a site in the Inventory of Historic Battlefields.
- The proposals would not overcome the presumption against all development within the designated battlefield set out in Policy 1 of the Culloden Muir Conservation Area: Character Appraisal and Management Plan, nor would it result in development commensurate with the principal designation as a battlefield.
- The proposals would not overcome the presumption against any development which is likely to have to have an adverse impact on the setting of important historic

environment assets set out in Policy 8 of the Culloden Muir: Conservation Area Character Appraisal and Management Plan.

Appeal against refusal of planning permission

1.39 The applicant appealed to the Scottish Ministers against the refusal of planning permission on 25 February 2021.

1.40 On 22 March 2021, in accordance with paragraph 3(1) of Schedule 4 of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers directed that they would determine the appeal instead of a person appointed by them. The reason for this was because of the potential impact of the proposed development on Culloden Battlefield as a nationally important battlefield.



## CHAPTER 2: POLICY AND GUIDANCE

### Development plan

2.1 Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that the determination of a planning application shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the application site is the Highland-wide Local Development Plan 2012 and the Inner Moray Firth Local Development Plan 2015 with the associated supplementary guidance. The policies relevant to this appeal are to be found in the Highland-wide Local Development Plan. I summarise below the key elements of these policies as they relate to the appeal proposals.

### Policy 28 Sustainable Design

2.2 The council will support development which promotes and enhances the social, economic and environmental wellbeing of the people of Highland. Proposals will be assessed on the extent to which, amongst other things, they:

- make use of brownfield sites, existing buildings and recycled materials;
- impact on cultural heritage; and
- demonstrate sensitive siting and high quality design in keeping with local character and the historic and natural environment and in making use of appropriate materials.

2.3 All development must demonstrate compatibility with the Sustainable Design Guide Supplementary Guidance which requires that development should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise environmental impact; and
- enhance the viability of Highland communities.

### Policy 29 Design Quality and Place-Making

2.4 New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. Applicants must demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layout in their proposals. The design and layout of new residential development shall incorporate the six qualities of successful places:

- distinctive;
- safe and pleasant;
- easy to get around;
- welcoming;
- adaptable; and
- resource-efficient.

Proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be integrated into the settlement.



## Policy 30 Physical Constraints

2.5 Developers must consider whether proposals would be in an area of constraint set out in the Physical Constraints Supplementary Guidance. Where a proposed development is potentially affected, it will be necessary to demonstrate compatibility with the constraint, or constraints, or propose appropriate mitigation measures.

## Policy 31 Developer Contributions

2.6 For development proposals which create a need for new or improved public services, facilities or infrastructure, the council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement, as necessary.

2.7 Developer Contributions Supplementary Guidance sets out the requirements for contributions to schools, community facilities, affordable housing, transport, green infrastructure, water, waste and public art.

## Policy 35 Housing in the Countryside (Hinterland areas)

2.8 There will be a presumption against housing in the open countryside except where, amongst other criteria, the proposal involves conversion or reuse of traditional buildings. Where exceptions are justified, proposals must accord with Housing in the Countryside/Siting and Design Supplementary Guidance.

2.9 The supplementary guidance states that it is important to secure the retention of historically valuable and traditional buildings which are no longer required for their original use. There is a preference for the conversion and rehabilitation of redundant traditional buildings over demolition and replacement.

2.10 Proposals for the conversion or rehabilitation of redundant traditional buildings will be supported subject to:

- the building being substantially complete, including having walls intact to wall head level;
- the building being of a scale that is commensurate with a habitable building without recourse to substantive alterations; that is, any new extensions shall not dominate the original building;
- existing openings are reused where feasible and new openings placed on elevations away from public view;
- unbroken roof slopes are retained; and
- the character of the building is not significantly altered to an unacceptable degree.

A structural report will generally be required to demonstrate that the conversion or rehabilitation of traditional buildings is achievable.

## Policy 56 Travel

2.11 Development proposals involving travel generation must include sufficient information to enable the council to consider the likely on and off-site travel implications, including modal shift from private car use, maximising opportunities for walking and cycling, design

for the safety and convenience of all potential users and providing an appropriate level of parking provision.

2.12 Access to Single Houses and Small Housing Developments Supplementary Guidance provides detailed information on the design of private access roads.

#### Policy 57 Natural, Built and Cultural Heritage

2.13 Development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development and any impact on the feature and its setting in the context of the policy framework detailed in Appendix 2 of the plan.

2.14 Culloden Battlefield includes a number of listed buildings and scheduled monuments and is designated as a conservation area. Appendix 2 lists scheduled monuments as being of national importance and conservation areas as being of local/regional importance. The preamble to Policy 57 indicates that historic battlefields are of national importance.

2.15 In relation to features of national importance, development will be allowed that can be shown not to compromise the national environmental, amenity and heritage resource. When there may be significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. In relation to features of local/regional importance, development will be allowed if it is demonstrated satisfactorily that it will not have an unacceptable impact on the natural environment, amenity and heritage resource.

2.16 Proposals will also be required to comply with Highland Historic Environment Strategy Supplementary Guidance. This includes strategic aims to ensure that impacts on nationally important battlefields are a material consideration in development management and that potential archaeological assets are interpreted, protected and recorded, as appropriate.

#### Policy 58 Protected Species

2.17 Where there is good reason to believe that a protected species may be present on a site or may be affected by a proposed development, before an application is determined, it will be necessary to carry out a survey to establish any such presence and, if necessary, prepare a mitigation plan to avoid or minimise any impact on the species. Development likely to have an adverse effect individually and/or cumulatively on European Protected Species, protected bird species or other protected animals and plants will only be allowed when specific conditions set out in the policy are met.

2.18 Highland's Statutorily Protected Species Supplementary Guidance provides information on biodiversity, statutory background, protected species in Highland, survey requirements and mitigation.

#### Policy 64 Flood Risk

2.19 Development proposals should avoid areas susceptible to flooding and promote sustainable flood management. Proposals within or bordering medium to high flood risk areas will be required to demonstrate compliance with Scottish Planning Policy through the submission of suitable information which may be in the form of a flood risk assessment.

2.20 More information is provided in the Flood Risk and Drainage Impact Assessment Supplementary Guidance.

#### Policy 65 Waste Water Treatment

2.21 Connection to the public sewer will be required for proposed development in settlements with a population of more than 2000 people or single developments of 25 or more dwellings. In all other cases, a connection to the public sewer will be required unless the applicant can demonstrate that the development is unable to connect to a public sewer for technical or economic reasons and the proposals are not likely to result in or add to significant environmental or health problems. The council's preference is that any private system should discharge to land rather than water. Within areas of cumulative drainage impact, applicants will be required to submit evidence to the Scottish Environment Protection Agency (SEPA) and the council to show that their proposal will not result in, or add to, significant environmental or health problems.

#### Policy 66 Surface Water Drainage

2.22 All proposed development must be drained by a Sustainable Drainage System (SuDS). More information is provided in the Flood Risk and Drainage Impact Assessment Supplementary Guidance.

#### Policy 70 Waste Management Facilities

2.23 All new residential development is expected to comply with the requirements for waste management in the Managing Waste in New Developments Supplementary Guidance

#### Other material policy considerations

##### (i) Culloden Muir Conservation Area: Character Appraisal and Management Plan, 2015

2.24 The council's Culloden Muir Conservation Area: Character Appraisal and Management Plan has the status of non-statutory planning guidance.

2.25 The character appraisal states that development represents the most significant threat to the cultural landscape and the preservation and enhancement of the character and appearance of the conservation area. It is considered essential that future development is carefully managed and controlled to prevent further adverse impacts.

2.26 Traditional buildings in the conservation area are seen as making a valuable contribution to its character and appearance. It is also considered that traditional features in the conservation area should be appropriately repaired and maintained to preserve the area's overall character and appearance.

2.27 In considering development proposals in the conservation area, the council will have regard to the Visual Setting Assessment produced in 2015. There will be a presumption against development likely to result in an adverse impact on individual historic environment assets, their settings and the wider cultural landscape.

2.28 Policy 1 of the management plan sets out a presumption against development within the designated battlefield unless the proposals accord with the relevant policies of the development plan and other relevant guidance and would result in a development

commensurate with the principal designation of the site as a battlefield. This could include, amongst other development, proposals for the repair, reuse, and conversion of a redundant traditional building of a design and finish sensitive to the architectural design, scale, and finish of the original building.

2.29 Policy 8 of the management plan states that there will be a presumption against any development within the conservation area which is likely to have an adverse impact on the setting of important historic environmental assets or the wider cultural landscape as identified in the designation.

2.30 The conservation includes four listed buildings: Nairn Viaduct, Culloden Moor Memorial Cairn, Old Leanach Cottage and Kings Stables Cottage. It also includes five scheduled monuments: Clava Cairns, mound near Ballagan, ring cairn near Culdoich, cairn and standing stone near Culchunaig and Culloden Battlefield (Graves of the Clans, cairn and Well of the Dead).

#### (ii) Scottish Planning Policy, 2014, Revised 2020

2.31 Paragraph 143 of Scottish Planning Policy (SPP) states that proposals for development within conservation areas which will impact on its appearance, character or setting should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

2.32 Paragraph 149 of SPP states 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.

2.33 Paragraph 150 of SPP states that planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.

#### (iii) Historic Environment Policy for Scotland, 2019

2.34 Historic Environment Scotland's policies for managing the historic environment are as follows:

- HEP1 Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.
- HEP2 Decisions affecting the historic environment should ensure that its understanding and enjoyment, as well as its benefits, are secured for present and future generations.
- HEP3 Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.
- HEP4 Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be

identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

- HEP5 Decisions affecting the historic environment should contribute to the sustainable development of communities and places.
- HEP6 Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

#### (iv) Managing Change in the Historic Environment: Historic Battlefields, 2016

2.35 Historic Environment Scotland's non-statutory guidance note sets out the significance of battlefields as a nationally important historic environment asset and, amongst other things, provides advice on managing the impact of proposed development on sites appearing in the Inventory of Historic Battlefields. The guidance note recommends that the development management process be conducted in three stages:

- Identify: identify the current baseline of the site by assessing the area or undertaking a site audit.
- Assess: define how the impact of the development will be measured and assess how the site will be affected by the proposed development.
- Mitigate: identify ways to avoid, reduce or compensate for negative impacts through location, design or enhancement measures.

#### (v) The Inventory of Historic Battlefields – Battle of Culloden, 2012

2.36 The Inventory of Historic Battlefields is a list of nationally important battlefields in Scotland. The aim of the inventory is to raise awareness of the significance of nationally important battlefield sites and to assist in their protection and management for the future. Inventory battlefields are a material consideration in the planning process.

2.37 The overview and statement of significance for the battle of Culloden inventory explains that the battle was the last pitched battle fought on the British mainland and the last battle of the final Jacobite Rising that commenced in 1745 when Charles Edward Stuart (Bonnie Prince Charlie) arrived in Scotland from France with the aim of putting his father on the throne in place of the Hanoverian George II.

2.38 The battle is described as a total and bloody defeat for the Jacobites which effectively marked the end of almost 60 years of Jacobite struggle and paved the way for a sustained programme to destroy the power base of rebel clans.

2.39 The inventory advises that Culloden was one of the most important battles in the history of the British Isles and one with international significance. Its aftermath is described as transforming the Highlands, ending the traditional way of life and contributing to the subsequent Clearances. It is also stated that the battle holds a prominent place within the Scottish cultural legacy and is one of the most visited tourist sites in the Highlands. The inventory notes that the battlefield holds a particularly high significance and emotional connection for many Scots and the Scottish diaspora.

2.40 In a specific reference to Culchunaig, the inventory notes the relatively high archaeological potential of the area of 'cavalry action located to the north-west of the

modern Culchunaig Farm'. More generally, it is stated that the area of the battlefield outwith National Trust for Scotland ownership is under pressure from development and forestry.

## CHAPTER 3: SUMMARY OF THE APPELLANT'S CASE

### Summary of appeal statement

3.1 In outline, the appellant's case is based on the opinion that the proposed development:

- would not have an adverse effect on the landscape characteristics or special qualities of Culloden Battlefield or Culloden Muir Conservation Area;
- complies with national and local policy on development within a conservation area and designated battlefield and represents an appropriate use of an existing building;
- preserves or enhances the appearance of the conservation area by reason of its sympathetic design, scale and form;
- is consistent with Policies 1 and 8 of the Culloden Muir: Conservation Area Character Appraisal and Management Plan; and
- is consistent with Policy 28 Sustainable Design, Policy 29 Design Quality and Place-making and Policy 57 Natural, Built and Cultural Heritage of the Highland-wide Local Development Plan.

The appeal statement expands on these points and is summarised below.

#### (i) Background

3.2 The proposed conversion of the steading dates from 2015 and involves two previous planning applications. These are referred to in Chapter 1 above. The appellant observes that the South Planning Applications Committee was minded unanimously to grant planning permission for the 2018 application. However, Scottish Ministers called-in the application. The reporter recommended that permission be granted. Ministers' decision to refuse permission concentrated on three main points:

- overdevelopment of the site by reason of the extent of additional outbuildings and area of hardstanding proposed;
- suburbanisation of the site which would cause a high level of harm to the significance that the battlefield draws from its rural setting; and
- the proposals would result in cumulative negative visual and landscape impacts on the character and appearance of the conservation area.

3.3 It is noted that Ministers also acknowledged that conservation area policy makes provision for the conversion or reuse of traditional buildings within the designated battlefield where that would result in a development commensurate with the principal designation of the site as a battlefield. The appellant quotes the decision where it states:

'It is considered that this part of the battlefield is so sensitive that it cannot support any additional development beyond the sensitive conversion and adaptation of the existing steading.'

3.4 The current proposals are a response to the decision of Scottish Ministers in that they seek only to convert and reuse the existing building, based on internal floor layout and maintaining the original fabric with no additional outbuildings.



## (ii) Site description

3.5 The appellant makes a number of points in relation to the appeal site, as follows:

- The steading is generally in good condition with walls to wallhead level and the slated roof largely intact.
- The site is enclosed by a stone dyke and wire fencing, set within grassland with mature trees along its northern boundary.
- The steading has not been used for agricultural purposes for some time.
- Evidence of its previous agricultural use is clear, including the grassed, level ground surrounding the main entrance to the steading where farm machinery and equipment would have been stored.
- The steading and nearby farmhouse are in separate ownership and no longer relate to the original Culchunaig farm holding.
- The existing access road forms a clearly defined visual boundary to the visitor enclosure of Culloeden Battlefield, 300 – 400 metres to the north-east of the site.
- The site cannot be seen from the National Trust for Scotland (NTS) visitor centre 1000 metres to the north-east.
- The site is to the west of the existing houses served by the access road and the U-shaped configuration of the steading means that only the north elevation can be seen from the access road when approaching the existing houses.
- The steading is situated within the west section of the battlefield boundary and outwith the NTS managed area.
- An area of commercial forestry is located to the west of the site. The surrounding landscape to the south and east comprises agricultural land, predominantly in use for grazing.

## (iii) Proposal

3.6 The proposal is based on the 'sensitive conversion and adaptation of the existing steading' to form a family home whilst preserving an important historic building which has sat comfortably in the landscape for at least 150 years. The appellant highlights the following elements of the design:

- By designing an internal floor layout based on the existing form of the steading, intervention has been kept to a minimum.
- No extensions are proposed. The short section of glazed walkway would be situated entirely within the courtyard, abutting the existing stone wall.
- The walkway would replace, on the same footprint, a derelict, covered walkway which linked the arms of the U-shaped building, providing sheltered access to different parts of the steading.
- There is evidence of the original walkway on site in the form of the collapsed timber and corrugated iron roof, footing and wall sockets.
- The glazed wall of the proposed walkway would allow visibility of the restored east rib wall, although the courtyard walls make this part of the building private.
- The existing upper floor would be converted to living accommodation with the addition of conservation specification rooflights to ensure change is kept to a minimum.

3.7 The appellant advises that the application drawings show the proposed conversion as follows:



- West elevation (rear): existing openings retained; two additional window openings; conservation rooflights installed; slate roof retained; and walls repointed.
- North elevation (inner courtyard): existing openings only; slate roof retained; and walls pointed.
- South elevation (inner courtyard): existing opening retained; one new window opening; two new rooflights; slate roof retained; and walls repointed.
- North elevation (outer walls): existing opening used; one new rooflight; slate roof retained; and walls repointed.
- South elevation (outer walls): no new openings; slate roof retained; and walls repointed.
- East elevation: existing end openings on each arm of the 'U' widened but scale and form retained; central courtyard opening maintained; addition of one first floor window to meet building regulations; slate roof retained; walls repointed; and original walkway reinstated on existing footing with glazed link.

3.8 In terms of works to the wider site, the appellant indicates that:

- No outbuildings or hardstanding areas are proposed.
- The inner courtyard will be landscaped to form private garden/amenity space.
- Drainage will be to a private wastewater system accommodated within the site.
- Surface water drainage will be accommodated on site.
- No watercourses or trees would be affected by the proposals.
- Access will be from the existing private road which serves existing properties and would have served the steading when in agricultural use.
- A dedicated refuse bin storage area is located at the junction of the access road with the B9006.

#### (iv) Policy considerations and assessment

3.9 The appellant notes that paragraphs 8.5 to 8.31 of the council's committee report on the planning application assesses each of the relevant policies and, taking into account the comments of consultees, conclude that the proposal is an acceptable and appropriate development. The appellant then goes on to consider each of the relevant policies in turn.

#### (v) Scottish Planning Policy, 2014

3.10 It is concluded that the proposed development would be consistent with paragraph 149 of Scottish Planning Policy (SPP) in relation to historic battlefields. This is because the proposals would involve the sensitive reuse of an existing building with development contained entirely within the envelope of the building and would have no adverse impact on the landscape characteristics of the site. Previous agricultural use of the building would have resulted in considerable activity and use as a family home would meet the overarching objectives of SPP.

#### (vi) Historic Environment Policy for Scotland, 2019

3.11 It is noted that Historic Environment Policy for Scotland (HEPS) recognises that some change is inevitable. In particular, Policy HEP 4 is quoted as indicating that 'changes to specific assets and their context should be managed in a way that protects the historic environment'. In this context, the appellant indicates that the proposals would result in limited visual change to the building with development contained within the original footprint

of the existing steading. This would minimise intervention, allowing the architectural merits and character of the original building to dominate. There would be no change to the landscape setting and no proposals for outbuildings or areas of hardstanding.

#### (vii) Culloden Muir Conservation Area: Character Appraisal and Management Plan, 2015

3.12 The appellant notes that the Culloden Muir: Conservation Area Character Appraisal and Management Plan (CACAMP) identifies 'setting and sense of place' as being key to the understanding, appreciation and enjoyment of many assets within the conservation area. It does not preclude development but requires that due consideration is given to the impact development could have on qualifying assets.

3.13 Specifically, the CACAMP notes that 'small clusters of traditional cottages, farmsteads and associated buildings...add character' to the area; also that 'it is essential that traditional features within the conservation area are appropriately repaired and maintained to preserve the area's overall character and appearance'. The appellant is of the view that the sensitive and minimal intervention proposed and seclusion from main views and vistas would accord with the CACAMP recommendations.

3.14 The appellant also draws attention to Policy 1 of the CACAMP in relation to conversion of redundant traditional buildings within the battlefield. It is considered that the proposals accord with Policy 1 on the basis that the proposals maintain the existing fabric of the building, including repairs where necessary, and are sensitive to the immediate and wider area. In particular, no outbuildings are proposed, only minimal external change is proposed, and this largely to address building regulations, existing openings are retained, the roof is repaired, but otherwise unaltered, and the wallhead height is unaltered.

#### (viii) Highland-wide Local Development Plan, 2012

3.15 The appellant's consideration of the Highland-wide Local Development Plan (LDP) focuses on four policies. I have summarised the appellant's observations on each below.

##### Policy 28 Sustainable Design

3.16 It is considered that the proposals would comply with Policy 28 in that they would:

- be served by an existing road and have easy access to public transport on the B9006;
- have access to existing water and electricity supplies;
- have no impact on residential amenity;
- use locally sourced materials;
- have no impact on habitats or species;
- result in neither landscape impact nor tree loss;
- result in conservation of a traditional building in line with the CACAMP;
- conserve a traditional building and maintain its contribution to the character of the Highlands, taking into account the many traditional steadings that have been lost; and
- not include a proliferation of outbuildings or external alterations.

##### Policy 29 Design Quality and Place-making

3.17 The proposals are considered to comply with Policy 29. In particular:

- restoration and reuse of a traditional building is considered to meet the objective of making a positive contribution to the architectural and visual quality of the place in which it is located;
- the rural character of the restored building would dominate with its original purpose similarly recognisable; and
- the six qualities of successful place would be met, resulting in a house which would be welcoming, adaptable, resource efficient and pleasant in its setting.

### Policy 35 Housing in the Countryside – Hinterland Areas

3.18 The proposals comply fully with the exception in the policy that allows development where ‘the proposal involves conversion or reuse of traditional buildings’.

### Policy 57 Natural, Built and Cultural Heritage

3.19 The proposed development would comply with the policy as it would meet the criterion of a development ‘that can be shown not to compromise the natural, amenity and heritage resource’. In particular, the proposed alterations are sensitive to the historical character of the building and retain all its key features, form and setting.

### (ix) Highland Historic Environment Strategy Supplementary Guidance

3.20 It is argued that the proposals, by reusing and retaining an existing building are consistent with supplementary guidance Strategic Aim 5 which states that the ‘existing building stock will be repaired, retained and re-used wherever possible to reduce the requirements for non-renewable energy and materials and by avoiding unnecessary new/replacement developments’.

3.21 It is also argued that proposals would be consistent with Strategic Aim 15 which requires that nationally important battlefields are a material consideration in the development management process. It is noted that this aim and the guidance generally does not place an embargo on development either within a battlefield or a conservation area. The emphasis is on ensuring that development is sensitive to the special qualities inherent in the designation. The reuse of the existing building, sensitively undertaken, accords with the council’s strategy.

### (x) Policy summary

3.22 Taking account of relevant policy and guidance, the proposed reuse of the traditional steading building meets the objectives set out by Scottish Ministers in their decision letter on the previous proposals for a ‘sensitive conversion and adaptation of the building’.

3.23 There would be no conflicts with policy, the appearance of the conservation area would be preserved or enhanced and the sensitive conversion would ensure the character, form and layout of the steading is conserved and the contribution it makes to its historic setting is protected.

### Comments on reasons for refusal

3.24 The appellant notes that, in September 2019, the South Planning Applications Committee resolved unanimously to grant the previous planning application for conversion of the steading (reference 18/04194/FUL). As the appeal proposals are reduced in scale, intervention in the built fabric of the steading has been reduced considerably and proposals

for outbuilding removed, it is surprising and inconsistent that that the same committee refused the current proposals.

3.25 It is also noted that the decision to refuse was taken against officer recommendation and despite support from Historic Environment Scotland, and in-house archaeology, conservation and transport planning officers. The recommendation and these consultation responses were all consistent with the 'very clear steer' from Scottish Ministers in their decision letter on the previous application that the 'sensitive conversion and adaptation of the traditional building' could be considered appropriate.

3.26 I have summarised below the appellant's comments on each of the six reasons for refusal:

#### Reason 1: impact on the conservation area as it relates to the battlefield

3.27 This reason is considered to be without basis for the following reasons:

- The elements of the proposal that do not preserve or enhance the character of the conservation area as it relates to the battlefield are not identified.
- The proposals involve the careful reuse of an existing, traditional building.
- There is no evidence to suggest that the steading is anything other than an attractive historical structure.
- Development plan policies, particularly Policy 35, provide the scope for conversion and reuse of traditional buildings.
- Policy 1 of the CACAMP identifies that the conversion of traditional buildings can be supported where that would result in the preservation of a traditional building which makes a positive contribution to the historical setting and character of the conservation area.
- In preventing the building falling into further disrepair, the conversion would enhance the character of the conservation area.
- The sensitive conversion with limited architectural intervention and no proposed outbuildings is neither inappropriate nor in conflict with conservation area policy.

#### Reason 2: contrary to LDP Policy 28 Sustainable Design and Policy 29 Design Quality and Place-making

3.28 The reason for refusal fails to identify why the development is conflict with these policies. It is considered that the proposals would comply with Policy 28 for the following reasons:

- The proposed conversion would have no impact on landscape, cultural heritage or scenery.
- CACAMP Policy 1 identifies specifically that the conversion of a traditional building can make a positive contribution towards preserving the character of the area.
- The proposals would involve only limited architectural intervention on each elevation.
- The surrounding area will be little altered with the stone dykes repaired and reinstated.

3.29 The proposals are considered to comply with Policy 29 for the following reasons:

- They meet the objectives of high quality design and high quality environment in which to live.

- They display the six qualities of successful places.
- There would be only limited alteration of the external fabric with existing openings used and new openings created only where necessary, in which circumstances they are designed to match the proportions of existing openings.
- New rooflights would be of a similar scale and dimension to the originals.
- No extensions to the height or ridge level are proposed.
- The glazed walkway would not be readily visible and reinstates an existing feature.

Reason 3: contrary to LDP Policy 57 Natural, Built and Cultural Heritage

3.30 The proposed development is considered to comply with Policy 57 for the following reasons:

- The footprint of the existing building is unaltered so there will be no impact on the natural environment.
- As the building exists and no development other than adaptation is proposed, there would be no impact on the amenity of the site.
- The landscape setting of the building will remain as existing so there will be no interference with the status of the site as part of the battlefield.
- The heritage resource of the battlefield would not be affected.
- An archaeological watching brief will be undertaken but, as HES and the council archaeologist recognise, the ground around the steading was altered during its previous agricultural use.

Reason 4: contrary to SPP policy on historic battlefields

3.31 The appellant considers that no indication is given as to why the proposals fail to conserve or enhance the key landscape characteristics and special qualities of the battlefield. In support of the proposals, it is noted that:

- The landscape character of the immediate or wider area would not be altered in any way and there are no key landscape characteristics within the site.
- Conditions could be attached to enhance the controls afforded by the conservation area status of the site, if required.
- The setting of the steading in relation to the battlefield would remain unaltered.
- The special qualities of the battlefield would not be altered.
- The area currently supports a number of houses close by.
- The steading cannot be seen from the NTS battlefield boundary.

Reason 5: contrary to Policy 1 of the Culloden Muir: CACAMP

3.32 The appellant considers that it is wrong for this reason for refusal to state that Policy 1 indicates a presumption against all development within the designated battlefield. The policy indicates that an exception may be made for the sensitive conversion of a redundant traditional building. It is considered that, having taken on board the Scottish Minister's decision letter on the previous proposals, the appeal proposals represent an appropriate and sympathetic intervention which would accord with Policy 1.

Reason 6: contrary to Policy 8 of the Culloden Muir: CACAMP

3.33 This reason indicates that the proposals would have an adverse impact on the setting of an important historic environment asset but the applicant considers no detail is given as

to what the impact would be or which assets would be affected. The proposed development is considered to comply with Policy 8 for a number of reasons:

- The proposals will not result in urbanisation, do not alter the landscape and are not located close to any of the historic monuments or buildings identified in the CACAMAP.
- Existing views across and from the battlefield will not be interrupted.
- The appeal site is secluded, not visible from any of the key battlefield vantage points and is contained within an area of established, if sparse, development.
- The proposals would preserve a traditional building. The CACAMP indicates that existing buildings help to create a sense of place and preservation of this sense of place is essential in preserving the character and appearance of Culloden Muir.

#### Summary of comments on reasons for refusal

3.34 The appellant concludes that relevant policies provide an opportunity for development and that the appeal proposals take full account of the Scottish Minister's concerns about the previous proposal. The reasons for refusal are not considered to reflect the limited scale of development now proposed, nor the fact that the setting and landscape around the steading will remain unaltered, nor identify to what extent, and in what context, the proposals fail to meet policy constraints.

#### Consultee comments

3.35 It is noted that the only consultee to raise a concern or objection was the National Trust for Scotland (NTS). The appellant considers this is significant and reflects the much-reduced scale of development. In response to the NTS objection, the appellant states that conversion of an existing building does not represent urbanisation and does not interrupt the landscape character of the area. On the other hand, continued use for agricultural purposes would support activity on the site and potential interruption of landscape character. Archaeological assessment prior to development would provide the opportunity to assess the site in detail.

#### Appellants' conclusion

3.36 The appellant concludes that the appeal should be allowed and planning permission granted for the following reasons:

- The proposals will result in a sensitive adaptation of an existing building.
- No extensions, change to the height of the walls to wall head height or change to the ridge height are proposed.
- The proposed internal layout has been informed by the existing fabric and openings.
- The proposed development would not have an adverse effect on the setting of the battlefield.
- The proposals would preserve or enhance the appearance of the conservation area.
- The application has taken heed of the advice of Scottish Ministers in their decision letter on the previous proposals.
- The proposals would comply with the development plan, SPP and other national policy.
- There are no material considerations which indicate that the application should not be approved.



## Supporting documents

3.37 The appellant has produced a number of documents in support of the proposed development, as follows:

- Design Statement.
- Species Protection Plan.
- Archaeological Investigation.

I have summarised the key conclusions from these documents below.

## Design Statement

3.38 Much of the content of the design statement has been captured in the appellant's appeal statement. However, the design statement also includes a comparison between the previous proposals which were refused on appeal by Scottish Ministers and the current appeal proposals. This analysis is supported by a set of drawings which show the existing steading, the proposals refused on appeal and the current proposals. The key points of comparison can be summarised as follows:

- Design ethos: no architectural intervention to introduce contemporary design features and materials.
- Walls: all existing walls retained, existing courtyard features retained and existing ratio of opening to wall respected.
- Window openings: layout determined by existing openings with no new openings on the main, east, elevation, other than the extended openings on the two gable ends. Vertical emphasis in design retained.
- Rooflights and dormer windows: existing rooflight openings retained and only one dormer window proposed, which is required to meet building regulations for emergency egress.
- Door openings: existing door openings retained and used to determine layout.
- Roof details: existing slates reused and no metal cladding proposed.
- Materials: existing stone walls retained and repointed; traditional materials used throughout.
- Outbuildings: no new buildings, such as garage, greenhouse or summerhouse, proposed in order to maintain the existing stand-alone layout of the steading in the landscape.
- Suburbanisation: no changes to the area around the steading, other than repair of stone walls and private garden area to be limited to the courtyard.

3.39 Additionally, the design statement provides photographs showing long views towards the steading from 18 locations in the vicinity of the site, eight views from the immediate environs of the site, ten views of the steading courtyard and four images of steading conversions elsewhere in the Highlands.

## Species Protection Plan

3.40 The species protection plan recommends the implementation of a number of mitigation and compensatory measures at the site to avoid impact on protected species in both the short-term and long-term.

## Archaeological Investigation

3.41 The archaeological investigation was carried out by way of a metal-detector survey, building survey and trial trenching. No finds were made during the metal-detector survey which was hampered by the disturbed ground conditions. The trench survey revealed the ephemeral remains of a wall, post holes, soakaway, stone field drain and the floor and low wall remains of a building to the south of the steading.

3.42 Despite the lack of significant finds, it is considered that there remains the potential for artefacts related to the Battle of Culloden to be found on site. Therefore, it is recommended that all ground-breaking is subject to a watching brief and spoil is surveyed by a metal detector. Attention is drawn to a wooden partition in the steading containing graffiti from people working on the farm in the last century, including messages relating to the Spanish Civil War. It is recommended that this artefact is preserved and incorporated in the proposed conversion. The appellant advises that this is his intention.

## Comments on the council's observations on the appeal

3.43 The appellant makes the following points in response to the council's appeal observations (see Chapter 4 of this report):

- It is noted that the council concludes that, 'depending on the quality of design, a suitable scheme could well conserve and retain this building to the benefit of it and the wider protected landscape'.
- This confirms the assessment made by council planners and relevant consultees, including Historic Environment Scotland, that the principle of conversion and rehabilitation of the steading, notwithstanding its location within the conservation area and battlefield boundary, is not an issue and accords with all relevant policy. Hence, the principle of development is not an issue for the council.
- Attention is drawn to the fact that the decision to refuse permission was not unanimous (6:4) with the chair and vice chair, also a local member, amongst the four in favour.
- The scale of intervention is restricted to the minimum required to achieve an appropriate conversion to provide accommodation which meets building regulations.
- The proposals identify very limited alterations to the existing openings in the building.
- The proposed glazed walkway in the courtyard would be erected on an existing raised area which is part of the original steading and provided a walkway connecting the two arms of the steading. The design is intended to minimise visual impact and allow unrestricted views to the rear wall of the building.
- The proposed dormer window, which is also located on the rear elevation, is required to meet building regulations and would be the only intervention within the roofed area, other than the proposed installation of rooflights.
- The design and positioning of the proposed rooflights has been carefully considered to ensure it respects the style of the existing.
- The proposed use of renewable heating sources meets the sustainability objectives of both the Scottish Government, council and building regulations.
- A planning condition could be used to ensure that the air source heat pump is coloured to blend with the external wall.
- The two proposed flues are to be set as low as possible and would meet building regulations. The visual impact of these will be minimal as they will be finished in a matt dark grey or black colour to blend in with the slate roof.



- There is no objection to the additional condition proposed by the committee in relation to removal of permitted development rights if planning permission is granted.
- In conclusion, the appeal should be upheld on the basis that the scope of intervention is no more than that required to create a new family home compliant with building regulations.
- There is no conflict with policy and no demonstrable harm to heritage assets has been substantiated.

## CHAPTER 4: SUMMARY OF THE COUNCIL'S CASE

4.1 The council's written statement in response to the appeal notes the description of the site and its open, rural surroundings described in the officer's report on handling. Attention is also drawn to the location of the site within the Culloden Muir Conservation Area and the Inventory of Historic Battlefields boundary.

4.2 The council highlights that the sensitivity of this part of the rural landscape to development was recognised by Scottish Ministers in their decision on the previous proposals to convert the steading. It is considered that the observations in paragraphs 15, 17, 20 and 23 of the Ministers' decision in relation to the importance of the rural character of the site's immediate setting in relation to the battlefield, and how this contributes to the significance and character of the battlefield as appreciated by the public, still stand. It is also noted that Historic Environment Scotland guidance on managing change in relation to historic battlefields considers that part of character and context comprises key views of, from and across these sites.

4.3 Development plan policy, related guidance and the Culloden Muir Conservation Area: Character Appraisal and Management Plan (CACAMP) seek to protect, conserve and, where appropriate, enhance built heritage assets, including non-designated traditional rural buildings. The Highland Historic Environment Strategy Supplementary Guidance supports the conversion and rehabilitation of such buildings to residential use in the countryside where, amongst other things:

- Existing openings are re-used where feasible and new openings are placed on elevations away from public view.
- Unbroken roof slopes are retained.
- The character of the building is not significantly altered to an unacceptable degree.

4.4 The council's conservation heritage adviser has acknowledged that the building is a good example of a traditional steading which retains the potential to make a positive contribution to the wider character and appearance of the conservation area.

4.5 The CACAMP notes a scarcity of traditional buildings in the conservation area and that they are valuable in the landscape. It also states that it is essential such traditional features are repaired and maintained and that, where appropriate, work should be carried out utilising traditional methods and skills to ensure both the area-wide preservation of character and to preserve the authenticity of individual assets within the landscape.

4.6 The CACAMP also states that appropriate development within the battlefield might include the repair, reuse and conversion of redundant, traditional buildings of a design and finish sensitive to the architectural design, scale and finish of the original building.

4.7 It is clear from the Scottish Ministers' decision on the previous proposals that they were acutely aware of the likely suburbanising effects of poorly planned development in this location.

4.8 National policy on protecting built heritage assets is contained in Scottish Planning Policy 2014, revised 2020. Paragraphs 137, 140, 143, and 149-151 are noted as being particularly relevant.

4.9 The basis of the planning committee's concern is that the proposed design is not sensitive to the character and appearance of the conservation area and the key landscape characteristics and special qualities of the battlefield. In particular:

- All the elevations of the steading are visible to the public from the surrounding landscape setting.
- The proposed change in the size of openings in the east elevation at the end of each side wing is considered to constitute an unacceptable degree of physical intervention, resulting in excessive and harmful use of glazing.
- The introduction of a modern-looking dormer window in the east elevation is considered inappropriate for the traditional, agricultural appearance of the building.
- The proposed change from four rooflights in balanced openings of the same traditional design to four different openings that lack such coherence is considered harmful.
- The impact of the proposed glazed, external hallway on the east elevation within the courtyard is difficult to assess due to the lack of detail provided. The same applies in respect of the proposed window opening onto the courtyard from the home office.
- In relation to the west elevation, the variety of designs and particular arrangement proposed of the French door style openings at ground floor level, new and enlarged windows at upper wall levels and new rooflights give a restless and somewhat fussy appearance, uncharacteristic of a simple, traditional, agrarian structure.
- It is proposed to graft a utilitarian-looking heat pump onto the west elevation.
- The remodelled opening to the sitting room is to be surrounded by a large, protruding frame structure.
- On the north elevation, the modern box-style dormer would protrude into view as part of the altered silhouette of the building.
- A rooflight is proposed on the north elevation on a roof slope that, currently, does not contain any openings. A prominent modern flue is also proposed on this part of the roof which is alien-looking and conspicuous.
- These effects are also apparent in relation to another flue proposed on the roof slope of the other wing of the steading.
- Little thought appears to have been given as to how the flues serving internal space will affect the external appearance/composition of the proposal, giving the impression of poorly articulated design.

4.10 Given the position of the steading within an open part of the landscape of the battlefield inventory site and conservation area, members feel that the proposed changes to the building would neither preserve or enhance their surroundings, as required by law in relation to the conservation area designation nor protect, conserve or enhance their surroundings with regard to the battlefield inventory site under the terms of national and local planning policy.

4.11 Local planning policy is also considered to be offended given the policy aim of conserving the inherent building character in residential steading conversions. Members do not think the proposals are 'light touch' or in keeping. Rather, they think the intrinsic character of the building will be marred and its authenticity as a traditional asset in the landscape lost by insensitive development involving more than modest changes. This includes the use of 'harmful features and paraphernalia', all of which will have undue urbanising and domesticating effects. The commentary on pages 16 and 17 of the appellant's design statement is not considered to square with what is shown on the

application drawings. In the view of elected members, the building as altered would be incongruous with its setting.

4.12 Members are entitled to come to a different view on this matter from their officers and, due to the demonstrable harm the proposal would cause to heritage assets, they decided to refuse the application. Members judged the proposal not to be modest in extent or appropriate/sensitive in nature and, therefore, likely to cause harm to a local, traditional, non-designated heritage asset (which is attractive and in reasonable condition) and its surroundings. The importance and significance of the surroundings have been recognised through designation at local level as a conservation area and, nationally, by inclusion within the inventory of historic battlefields. Member considered the proposals to be contrary to the development plan and in conflict with other material considerations.

4.13 Members considered that, depending on the quality of design, a suitable scheme could well conserve and retain this building to the benefit of it and the wider protected landscape but did not consider the current proposals would achieve these objectives.

4.14 In addition to the conditions recommended by the planning officer, should planning permission be granted on appeal, members suggested that an additional condition to remove certain permitted development rights would be required.

## CHAPTER 5: CONCLUSIONS AND RECOMMENDATION

5.1 Scottish Ministers are required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. As the site lies within a conservation area, Ministers must also pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

5.2 Having regard to the provisions of the development plan, the main issues to be considered in determining this appeal are the acceptability of the proposed development in terms of:

- the principle of development;
- place-making;
- impact on the Culloden battlefield;
- impact on the Culloden Muir Conservation Area;
- impact on protected species;
- infrastructure;
- developer contributions; and
- sustainability.

I set out my conclusions on each of these matters below.

### Principle of development

5.3 The site is located in the Inverness hinterland as defined by the Highland-wide Local Development Plan (LDP). As such, LDP Policy 35 Development in the Countryside (Hinterland Areas) applies to proposals for housing development. Policy 35 sets out a presumption against housing in the countryside subject to a number of exceptions. These include conversion or reuse of traditional buildings. The appeal proposals would entail the restoration of a largely intact but unused nineteenth century farm steading and change of use to a single house. I consider the proposed development would qualify as an exception to Policy 35.

5.4 The policy also requires that exceptions to policy accord with the council's Housing in the Countryside/Siting and Design Supplementary Guidance. This provides support for the conversion or rehabilitation of redundant traditional buildings subject to criteria summarised in Chapter 2 above. I consider the extent to which the appeal proposals comply with these criteria in the following paragraphs.

#### (i) Walls

5.5 It was clear from my site inspection that the building, despite being unused for its original purpose is substantially intact, including having original stone walls in place to wall head level. The proposals include restoration of the walls. A planning condition could be used to ensure that the requisite picking and repointing of mortar is carried out to an appropriate standard, that existing stone features including lintels, cills, quoins and copes are retained and that any replacement feature stone matches the existing, as far as is practically possible. This would also ensure that any remains of the earlier farm steading at Culchunaig which may have been incorporated into the walls of the steading would be preserved.

## (ii) Extensions

5.6 The building has a large floor area, including a first floor on the west wing, which has enabled the appellant to design a conversion to a house with nine habitable rooms. Two minor extensions are proposed: an east facing dormer window to the central bedroom on the first floor of the west wing and a shallow build-out to accommodate patio doors to the sitting room in the west elevation. In my view, neither design feature could be considered a substantive alteration in terms of the supplementary guidance and neither would dominate the original building. I note the appellant's advice that the proposed dormer window is required to meet building regulations for emergency egress and that this is not contested by the council.

## (iii) Door and window openings

5.7 There are two existing openings in the north elevation, one at ground floor level and one at first floor level. Both would be reused in the proposed conversion. There are three existing openings in the south elevation, two at ground floor level and one at first floor level. All three would be reused. This is all consistent with the guidance.

5.8 There are eight existing openings in the west elevation, five on the ground floor and three on the first floor. One of the ground floor openings is a vertical slit and the other a small, square, low-level opening. These would be enlarged to accommodate French doors. The other three openings will be reused without increasing the existing dimensions. The three openings to the first floor would be reused and one additional opening would be created to match the dimensions of the two smaller of the three openings. I accept that it is not feasible to re-use the two ground floor openings for residential purposes given their modest dimensions but recognise that they have provided a cue for the proposed enlarged openings. The proposed new first floor opening is modest in scale and represents a minor feature of the east elevation overall.

5.9 There is an existing opening in the east elevation of each of the wings of the courtyard which would be enlarged to create a door and windows. I consider that the proposed extension of the existing openings is a reasonable compromise between providing contemporary expectations for daylighting, views and ventilation and respecting the original architectural composition of the building. I also note that extending these two openings in the manner proposed has enabled the architect to keep the other outward-facing walls of the wings to the steading intact.

5.10 Within the courtyard, there are 11 existing openings which would be reused. Two new openings would be created, one in the south elevation to accommodate a window to the proposed home office and one in the east elevation to accommodate a door to the proposed shower room. The outer and inner walls to the courtyard make this area a largely private space. Regardless, I consider these would be minor changes which would not detract from the traditional, rural architecture of this part of the steading.

5.11 Overall, I consider that existing openings have been reused where feasible, albeit extended in some cases, which is not precluded by the guidance, and the only completely new openings would be placed on elevations less open to public view.

#### (iv) Roof

5.12 The slate roof shows some areas of damage but is still largely complete. The roof would be retained and repaired with no change proposed to the ridge height or roof slope. I have given my view on the proposed dormer window above. In addition, the proposals include the installation of 16 rooflights: one on the north elevation, two on the south elevation, five on the west elevation and eight on roof faces within the courtyard. Rooflights are a feature of the existing steading with a total of 12 on various parts of the roof. 10 are located on roof surfaces facing into the courtyard and two on the outward facing south elevation. Whilst the number of rooflights would increase and the dimensions of some openings would change, the overall impression would still be that the slated roof faces would be visually dominant and the rooflights would be subsidiary features. The use of conservation rooflights is proposed. This would be desirable in terms of minimising impact on the existing roof. The detailed specification of the rooflights is a matter I consider could reasonably be controlled by the use of a planning condition.

5.13 Two flues would be added as part of the proposed conversion, one on each wing of the steading. These would project slightly above the ridge line of the wings so would be noticeable in views from the north and south but would be seen against the second storey in views from the east and be obscured by the second storey in views from the west. Overall, whilst clearly modern additions, they would be small in scale and dark in colour and I do not consider they would detract from the traditional roof structure and materials. The finish of the flues could be controlled by the use of a planning condition.

5.14 A condition could also ensure that all existing slates in good condition are reused on the building and any replacement slates match the existing as closely as possible.

#### (v) Other design matters

5.15 A number of other aspects of the proposed conversion warrant consideration in addition to the core elements outlined in the supplementary guidance. These are the addition of a glazed walkway on the west side of the courtyard, the installation of an air-source heat pump on the west elevation, the use of glass safety screens to the first floor door openings on the north and south elevations, the installation of rainwater goods, the apparent removal of the external stair on the north elevation and treatment of the site and boundaries. I consider each of these below.

5.16 It is proposed to construct a glazed hall on the east/courtyard facing wall of the west wing which would provide a circulation space linking the three parts of the building. This is intended to replace a covered walkway that existed in this location previously. On my site inspection, it would appear the original walkway had a stone footing with timber roof supports jointed into the wall and, latterly at least, a corrugated iron roof. It was most likely open on the courtyard side. I consider that the proposals are a well-designed, modern interpretation of this traditional feature which has enable the architect to maximise internal room space in the west wing of the steading whilst preserving views to the restored stonework on the east elevation of this part of the building. The details of the window and door surrounds and roofing material is not apparent from the plans but these are matters that could be controlled by the use of a planning condition.

5.17 The proposed air source heat pump to be located on the west elevation would be a modern addition but it is a relatively small feature compared to the wall area against which it would sit and, were it to be powder-coated in a colour to match the stonework, as the



appellant suggests, I consider it would constitute a reasonable solution to the challenge of providing green energy in a nineteenth century farm building. An appropriate finish could be secured by condition.

5.18 The proposed glass safety screens would be relatively small and would allow a view to the stone wall and existing opening behind so, although clearly contemporary, would not, in my view, diminish the architectural integrity of the original construction. A condition could be used to secure appropriate detailing.

5.19 The installation of rones, as proposed, would be essential to protect the fabric of the restored building from water ingress. No details are provided but I consider that it would be reasonable to use a planning condition to ensure that the profile, material and finish of what is installed would be appropriate for the building.

5.20 I noticed on my site investigation that there is an original, external stone stair on the north elevation of the steading. This is in poor condition but substantially intact. I consider it to be a feature which makes a worthwhile, if minor, contribution to the character of the steading and one worth restoring. It is not apparent from the appeal proposals that this is proposed but it is something which I consider could reasonably be required by condition.

5.21 The site boundary is defined, in part, by dilapidated dry stone dykes. Restoration of these, as proposed, would enhance the setting of the site. A planning condition could be used to ensure this is carried out to an appropriate standard and that any new or replacement boundary treatments are appropriate to the rural setting. Formal garden ground would be confined to the courtyard with the wider site being left in as natural a form as possible. This seems a reasonable balance of providing some formal, domestic garden space and protecting the open setting of the building. Details of access, parking, surface water and waste-water drainage arrangements, boundary repairs and treatment and tree protection and planting could be covered by planning conditions.

5.22 The council has recommended that, if planning permission is granted, to protect the setting of the steading, a condition is used to withdraw the permitted development rights normally available to householders. Paragraphs 85 and 86 of Scottish Government Planning Circular 4/1998 point out that permitted development rights are designed to give or confirm freedom from detailed control which will be acceptable in the great majority of cases. The circular goes on to say withdrawal of these rights must only be done exceptionally and withdrawal would be considered to be unreasonable unless there is clear evidence that permitted development could have a serious adverse effect on amenity or the environment, that there is no other form of control and the condition would serve a clear planning purpose.

5.23 I consider the appeal proposals to be an exceptional case. Part of the reason the previous proposals were considered unacceptable was because of the potentially unacceptable impact on the battlefield, conservation area and steading itself of development, such as the erection of ancillary buildings, which would probably be treated by the council as permitted development. The garden room, garage and greenhouse proposed previously were regarded by Ministers as contributing to the overdevelopment of the site and an unacceptable suburbanising effect on the countryside near the core of the battlefield. Some councils use Article 4 Directions in tandem with conservation area designation to withdraw permitted development rights but I have no evidence to suggest that is the case in the Culloden Muir Conservation Area. On that basis, I do not consider there is any other form of control available which would deliver the same protection for what



is an unusually sensitive site. Therefore, I have adopted the condition suggested by the council. The appellant has indicated that he has no objection to a condition of this nature if it is considered necessary.

5.24 The supplementary guidance indicates that a structural report will generally be required to demonstrate that rehabilitation is achievable. A structural report has not been provided by the appellant but it was clear from my site inspection that the building is sufficiently well preserved that restoration and reuse would be a realistic proposition.

5.25 The supplementary guidance states the importance of retaining historically valuable and traditional buildings no longer required for their original use and that conversion and rehabilitation of redundant traditional buildings is preferred to demolition and replacement. I consider that the proposals would meet these objectives. I also note that neither the policy nor the guidance precludes the use of modern features and materials in the design of such projects but places the emphasis on ensuring the building in question is worth restoring and that restoration can take place without diminishing its inherent qualities. Different standards may apply in relation to listed buildings but that is not the case in this instance.

5.26 Overall, I conclude that, subject to the conditions I have outlined, the proposed development would not significantly alter the character of the building to an unacceptable degree and would comply with LDP Policy 35 and the associated supplementary guidance.

### Place-making

5.27 The key LDP policy that governs an assessment of the proposed development in relation to place making is Policy 29 Design Quality and Place-making. I have summarised the key requirements of the policy in Chapter 2 of this report and consider compliance with the policy below.

5.28 I have shown in relation to Policy 35 above that, in my view, the proposals would result in the sensitive restoration and reuse of a vernacular building of local interest and value. I consider this analysis also serves to address the requirement in Policy 29 that the proposed development is designed to make a positive contribution to the architectural and visual quality of the place where it is located.

5.29 Policy 29 also requires that new residential development incorporates the six qualities of successful places. I have set out my conclusion on the extent to which the proposals demonstrate each quality below.

- The reuse of a redundant traditional farm building without significant change to its built form, original materials or immediate environs would conserve an historic asset which helps to give Culloden Muir its sense of identity. I consider this demonstrates the quality of distinctiveness.
- The proposed design of the refurbishment, with windows on all elevations and a single, private point of access would provide good natural surveillance, making for a potentially safe development. The good standard of design and proposal to exclude vehicles from the courtyard would help to create a pleasant sense of place.
- The unique nature of the proposed conversion would create a landmark building that would be interesting and attractive to look at. I consider that this would be a welcoming building.

- There is a limit to how adaptable a steading conversion can be, given the physical constraints on the developer, but the proposals demonstrate how a traditional building can be reused to meet modern requirements and standards.
- The adaptation of an existing building for contemporary use is efficient in terms of reuse of durable, traditional building materials. The proposals also demonstrate resource efficiency with the incorporation of low carbon heat technology and sustainable drainage.
- I consider the development would be easy to move around and beyond in that, although accessible by private car, access and parking arrangements do not dominate the site layout and, as an alternative, the bus route on the B9006 would be readily accessible on foot.

5.30 In conserving a building that has played a key role in shaping the local landscape for some 150 years, the proposals would meet the policy requirement that development has regard to the historic pattern of development and landscape in the locality.

5.31 Drawing these observations together, I conclude that the proposed development would comply with LDP Policy 29.

#### Culloden battlefield

5.32 I noted in Chapter 2 of this report that the council identifies Culloden battlefield as a heritage feature of national importance and, as such, proposed development will only be allowed if it is shown not to compromise this resource. When there may be significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas which are having difficulty in retaining their population and services.

5.33 In concluding that the proposed development would comply with LDP Policies 29 and 35, I consider I have also demonstrated that the direct impact of the proposals on the steading would not compromise the architectural and historic interest of the building as an integral part of the national heritage asset that is the battlefield. A proposed use that generated significantly increased footfall, vehicular traffic, noise, light or emissions could have a detrimental impact on the ambience of the battlefield but I consider that none of these would apply as the result of proposed conversion to a single house. Indeed, continued use for agricultural purposes could generate just as much, if not more, coming and going.

5.34 However, in assessing compliance with Policy 57 I consider it is also necessary to consider the potential impact on the setting of the building and, hence, the wider battlefield. In making that assessment, I found the views towards the battlefield suggested in the appellant's design statement to be a helpful starting point as providing good coverage of those parts of the inventory of historic battlefields site most likely to be visited by members of the public. I consider below the potential impact of the proposals from each of these viewpoints under the four groupings used in the design statement, along with additional viewpoints I used on my site inspection.

#### (i) Public road outlook

5.35 In the four views (numbers 1 to 4) from the B851 to the north-east, east and south-east of the steading, I found that the steading was only visible from viewpoint 3, located just to the north-east of the property at Blacktown. From that viewpoint only the upper part of

the steading roof is visible on the horizon and that only catches the eye because of the areas of light-coloured plywood used to patch the roof. If these areas were restored with slate, as proposed, the steading roof would become an even more unobtrusive feature in the landscape in this view from the B851.

5.36 I also sought out viewpoints on the unclassified road to the south-west of the steading which links the B851 to the community of Westhill. There are no views of the steading from this route. Similarly, there are no views of the steading from the B9006 road to the north-west of the site which links Inverness and Croy.

#### (ii) Private road outlook

5.37 The appellant identifies three viewpoints in this category (numbers 5, 6 and 7). The first is the access point to the forestry plantation, situated to the north-west of the steading, from the private road linking the steading to the B9006. From my site inspection this appeared to be a well-used parking place for people walking in the plantation. The steading is completely obscured by the forestry from this viewpoint. The second of these viewpoints is located further south-east along the same private road, on the southern edge of the forestry plantation. From here the steading is visible but not prominent as it is seen against the backdrop of a distant hill, possibly Beinn a Bhuchanaich. The third viewpoint is from a point further south-east again on the private road in the vicinity of the derelict bothy. The steading would be more visible from here with the ridgeline sitting just above the horizon.

#### (iii) Private land outlook

5.38 This category includes two views (numbers 8 and 9). The first is from farmland on the south side of the forestry plantation referred to in relation to viewpoint 5 above. The steading would be visible from here in the middle-distance but, as with viewpoint 6, the steading would be seen against the backdrop of more distant hills. The second is from the remains of the chambered cairn situated some 200 metres to the south-east of the steading. From here, the upper parts of the steading are visible on the horizon. A further view (number 10) shows the view looking back towards the cairn from the appeal site.

#### (iv) National Trust for Scotland public space outlook

5.39 This is a group of viewpoints (numbers 11 to 18) situated on the land to the north-east of the steading which is owned by the National Trust for Scotland (NTS). This encompasses the viewpoints frequented by most visitors to the battlefield: the visitor centre viewing platform, Leanach Cottage, the memorial cairn, points at the ends and centre of the Jacobite lines, the Culwhiniac enclosure and the dog walking area to the south-west of the visitor centre. The steading is only visible from the last of these locations (close to viewpoint 14 but off the worn path) and, from here, only the roof is visible. From other viewpoints the steading is obscured by tree cover and/or the lie of the land.

5.40 In relation to potential impact on the wider battlefield, I conclude that, most visitors would be unaware of the presence of the steading unless they were in close proximity to the site. Where the steading is visible, it is most likely a distant, partial view, sometimes against a landscape backdrop. In time, if commercial forestry or other trees not in the control of the appellant are removed, the steading may become a slightly more obvious feature. However, I have concluded that the proposed conversion to residential use would be sensitively done and views of the restored building, whether close-up or more distant, would enhance rather than detract from the battlefield. I also conclude that the degree of visual

and actual separation between the listed buildings and scheduled monuments I listed in Chapter 2 is such that the proposals would have no direct effect on these historical assets or indirect effects on their setting. I conclude overall that there would be no significant adverse effects on the historic battlefield and that the proposals would comply with Policy 57 in so far as it relates to national heritage assets.

5.41 Proposals are also required to comply with the Highland Historic Environment Strategy Supplementary Guidance. Strategic Aim 15 of the guidance states that impacts on nationally important battlefields are a material consideration in development management. I consider that the analysis, conclusions and recommendation in this chapter of my report are consistent with this part of the supplementary guidance.

5.42 Strategic Aim 16 of the guidance is to ensure that the importance of non-designated archaeological sites, landscapes and their settings are understood and, wherever possible, protected from harmful development. Strategic Aim 17 is to ensure no asset or its setting is lost or altered without adequate consideration of its significance and means available to preserve, record and interpret it in line with national and local policy and the council's Standards for Archaeological Work.

5.43 The appellant's archaeological investigation did not reveal any significant finds but advised that there remains potential to find artefacts relating to the Battle of Culloden. Therefore, the archaeologist's report recommends all ground breaking should be subject to a watching brief and spoil should be examined using a metal detector. This approach is endorsed by the council's archaeological advisor. If planning permission is granted, the council suggests that these measures are controlled by condition. I support this approach which could ensure that work takes place in accordance with the council's Standards for Archaeological Work. The wording I have recommended also requires that the wooden panel referred to in the investigation report is preserved and incorporated in the conversion in a way to be agreed by the council. The evidence found of habitation which predates the steading would not be affected by the proposed development which would be restricted to restoration and conversion of the existing building without significant extensions or additional buildings.

5.44 I conclude that, with the use of a condition relating to archaeological monitoring, recording and preservation, the proposals also comply with the supplementary guidance.

5.45 Scottish Planning Policy (SPP) is a material consideration in this appeal. The proposed development would result in the sensitive restoration of a traditional building which could otherwise become increasingly derelict and detract from the battlefield site. I consider that, with the use of an appropriately worded condition enabling the council to manage archaeological investigation during development, the proposals would comply with paragraphs 149 and 150 of SPP relating to historic battlefields and archaeology, respectively.

5.46 Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's managing change guidance on historic battlefields are also material considerations.

5.47 I consider that the most relevant historic environment policies in the determination of this appeal are HEP1, HEP2, HEP4 and HEP5. The proposed development takes account of the cultural significance of the battlefield location so is consistent with HEP1. In conserving a traditional building and preserving the battlefield so that the understanding and enjoyment of both is secured, the proposals meet the terms of HEP2. The proposed

changes to the steading would protect its value as an historic asset, which complies with HEP4. The restoration represents a sustainable development proposal so complies with HEP5. Overall, I conclude that the proposals are consistent with HEPS.

5.48 The guidance note *Managing Change in the Historic Environment: Historic Battlefields* recommends that the development management process is undertaken in three stages:

- Stage 1: identify the baseline;
- Stage 2: assess the impact; and
- Stage 3: mitigate and enhance.

5.49 Stage 1 entails identifying the current baseline of the site by assessing the area or undertaking a site audit. The guidance note advises that the battlefield inventory is the starting point for this part of the process. This is supplemented by the consultation responses received from Historic Environment Scotland, the council's Historic Environment Team and the National Trust for Scotland, the council's conservation area character appraisal and management plan along with my appraisal of the development proposals and observations I made on my site inspection.

5.50 Stage 2 requires identification and assessment of direct, contextual and cumulative impacts. The guidance notes that it is particularly important to avoid impacts that compromise factors that were among the reasons for including the battlefield in the inventory. I consider that the conclusions I have reached above in relation to the principle of development address potential direct impacts on the special qualities of the battlefield. I consider that my conclusions on place making and impact on the battlefield set out above address potential impact on key views or alterations to the character of the landscape. Whilst I appreciate that the battlefield is vulnerable to incremental change, I do not consider that the carefully executed restoration of an existing building could reasonably be said to contribute to an unacceptable cumulative impact with past, present or future development, or commercial planting. Furthermore, as the proposals, reinforced by use of the planning conditions I have recommended, would preserve the rural setting of the steading, I do not consider that its sensitive conversion to a house would spoil the public experience of this part of the battlefield. I note that this is also the conclusion of Historic Environment Scotland.

5.51 Stage 3 involves the identification of ways to avoid, reduce or compensate for negative impacts through location, design or enhancement measures. I have found that such impacts would be few and far between but, where I have identified potentially unacceptable impacts, I have recommended planning conditions to address these.

5.52 Overall, I conclude that the proposals are consistent with Historic Environment Scotland's managing change guidance for historic battlefields.

### Conservation area

5.53 The appeal site is situated in the Culloden Muir Conservation Area. The council's *Culloden Muir Conservation Area: Character Appraisal and Management Plan* is a material consideration in this appeal. I have provided a summary of the key elements of this document as they affect the development proposals in Chapter 2 above.



5.54 For the reasons I have set out above in relation to the principle of development, place making and impact on the battlefield, I consider that the appeal proposals are consistent with the statement in the character appraisal which provides support for the repair of traditional features in the conservation area. For the same reasons, I also consider that the proposed development is consistent with the council's visual setting assessment which suggests that changes in the conservation area should be limited to low density, small scale development of a quality and design in keeping with its existing character. I consider that I have also shown that the proposals will not compromise important views, landscape context and specific features of the conservation area. The visual setting analysis recommends this approach to ensure that the ability to understand, appreciate and explain the historical and archaeological importance of the conservation area and its individual heritage assets is not lessened or lost.

5.55 The visual setting analysis notes that the area surrounding the scheduled cairn at Culchunaig, situated to the south-east of the appeal site, is highly sensitive to change. As I have found that the proposals would entail the sensitive restoration of an existing building, I also find that the resulting changes would have a neutral impact on the cairn.

5.56 The conclusions I have set out above in relation to the principle of development, place making and impact on the battlefield also lead me to conclude that the proposed development would accord with Policy 1 of the management plan which lends support to the appropriate repair, reuse and conversion of redundant traditional buildings and Policy 8 of the plan which sets out a presumption against development which would have an adverse impact on the setting of important historic environmental assets or the wider cultural landscape of the conservation area.

5.57 I conclude that the proposals would preserve or enhance the character or appearance of the conservation area.

5.58 LDP Policy 57 Natural, Built and Cultural Heritage states that development in conservation areas, as areas of local/regional importance in terms of the policy, will be allowed only if it is demonstrated satisfactorily that it will not have an unacceptable impact on the natural environment, amenity and heritage resource. Having concluded that the proposals would preserve or enhance the character or appearance of the conservation area, I also conclude that the proposed development would comply with Policy 57. For the same reason, I conclude that the proposed development would comply with paragraph 143 of Scottish Planning Policy relating to conservation areas.

5.59 Proposals are also required to comply with Highland Historic Environment Strategy Supplementary Guidance. Strategic Aims 9 to 12 of the guidance are concerned with the designation and enhancement of conservation areas and preparation of detailed character appraisals to inform decision making. These are policy development aims and not, in my view, of direct relevance to this appeal.

#### Protected species

5.60 LDP Policy 57 Protected Species requires that, where there is a good reason to believe that a protected species may be present on a site, it will be necessary to carry out a survey and, if necessary, prepare a mitigation plan to avoid or minimise any potential impact on protected species identified. The nature of the farm steading is such that there is

potential for protected species to be present. Accordingly, the appellant's proposals were accompanied by a species protection plan, prepared in August 2019.

5.61 The plan is based on survey work which showed a European protected species to be present in one location on the site. Based on the variety of alternative habitats in the local area, the ecologist concluded that the proposed development would not have a negative effect on the protected species. Mitigation measures to avoid impacts on European protected species in the short and long term are recommended in the plan, along with compensatory measures to safeguard use of the site by European protected species in the long term.

5.62 In the event that the appeal is upheld and planning permission is granted, the council has recommended that a planning condition be used to ensure that the mitigation and compensatory measures recommended in the species protection plan are implemented. Given the findings and recommendations of the plan, I consider this to be a reasonable approach.

5.63 In response to my request for further information, NatureScot advised that the species protection plan was completed to the expected standard and followed good practice guidelines. NatureScot advised that it was satisfied with the condition recommended by the council. Although licensing is a separate process from the planning application/appeal process, the agency pointed out that the survey on which the plan is based is valid for 18 months so would require to be updated for licensing purposes. The appellant undertook subsequently to carry out this work in July/August 2021. I have modified the recommended planning condition to ensure that any significant new findings can be taken into account by the council.

5.64 The survey work carried out for the appellant also indicated the presence of a protected bird species. Accordingly, the species protection plan recommends measures to provide an alternative temporary nest site during the period of the works, to prevent disturbance during the works, inclusion of permanent nesting provision in the completed development and subsequent monitoring. The council has not provided specific comment on the species protection plan as it relates to protected birds. However, I consider that the recommended condition referred to above would, if modified to take account of any updated information on protected bird species, provide appropriate mitigation to minimise any impact. Nature Scot has not commented specifically on the species protection plan in relation to birds but I note that it does object to the council's proposed condition.

5.65 I conclude that, with the use of the planning condition I have outlined above, the proposed development could be made to comply with LDP Policy 58 and the associated Highland's Statutorily Protected Species Supplementary Guidance. I note NatureScot's advice that an updated survey of European protected species will be required prior to its consideration of any licence application and the appellant's intention to have this work carried out.

## Infrastructure

### (i) Contaminated land

5.66 LDP Policy 30 Physical Constraints requires developers to consider whether their site is located within an area of constraint set out in the council's Physical Constraints

Supplementary Guidance. The supplementary guidance is a material consideration in this appeal. The guidance identifies a number of potential physical constraints including contaminated land. This is defined as areas which have been occupied previously by potentially contaminating land uses. Developers are urged to seek advice from the council's contaminated land officer. It is noted that, where contamination is present, remediation may be required.

5.67 The previous agricultural use of the site had the potential to create contamination through, for example, spillage of herbicides, pesticides or fuel. However, the council's contaminated land team was consulted on the planning application and had no observations to make on the proposals. Therefore, I conclude that the proposed development would comply with Policy 30 and the associated supplementary guidance.

#### (ii) Transportation

5.68 The principal objective of LDP Policy 56 Travel is to reduce the need to travel and ensure people have a choice of sustainable modes of travel. I have found that the proposals would comply with LDP Policy 35 in relation to housing in the countryside. The rural location implicit in this means that the proposed development can not provide the alternatives to travel by car that would be possible in an urban setting. However, the existing access road provides an easy walk (less than 800 metres) to the B9006 and associated bus route.

5.69 The appellant has produced a private access checklist in line with the council's Access to Single Houses and Small Housing Developments Supplementary Guidance. This suggests that the visibility splay on the west side of the junction of the access road and B9006 falls short of the recommended Y distance of 240 metres by 25 metres. However, the access currently serves three existing houses as well as accommodating agricultural and forestry machinery including, historically, from the steading. Furthermore, the single house proposed would generate only a modest and occasional level of additional traffic movements. On balance, I consider this shortfall could be accepted as a minor exception to the guidance. I also note that no comments were received on the proposals from the council's transport planning team.

5.70 The access road is surfaced and in good condition. The council suggests that a planning condition could be used to require the creation of a passing place on the access road but does not specifically recommend this as the requirement was discounted by the reporter who considered the previous appeal. Given the existing opportunities for vehicles to pass, the modest amount of additional traffic likely to be generated by the proposed conversion and additional disturbance to the battlefield this would entail, I do not consider a condition of this nature would be justified.

5.71 The existing farm track linking the access road and the steading would be upgraded. There would be provision to turn a vehicle on site and four car parking spaces would be provided, set apart from the north elevation of the building. The proposed parking provision has been reduced from the six spaces and trailer set down area proposed in the application refused by Scottish Ministers. I consider that this would help to alleviate concern about the suburbanising effect of the more extensive provision proposed previously. The council has recommended that a planning condition be attached to any planning permission requiring that the vehicular access to the proposed house from the private road is constructed in accordance with the supplementary guidance.



5.72 I consider that, with the use of the condition recommended by the council, the proposals would comply with the terms of Policy 56 in so far as they are relevant to a proposal of this modest scale in a countryside location. I also consider that the proposals are consistent with the main objectives of the associated supplementary guidance as they relate to safety, drainage and construction.

#### (iii) Flood risk

5.73 I have no evidence that the site is at risk of flooding and the council's flood risk management team had no comments on the proposed development. I consider that the proposals would comply with LDP Policy 64 Flood Risk.

#### (iv) Wastewater treatment

5.74 Policy 65 of the LDP allows for private treatment of wastewater arising from small scale developments in rural locations provided that proposals are not likely to result in or add to significant environmental or health problems. Where there is a risk of unacceptable, cumulative drainage impact, applicants are required to submit evidence to the council and the Scottish Environment Protection Agency (SEPA) that the proposals will not exacerbate the situation.

5.75 Scottish Water has confirmed there is no public wastewater infrastructure in the vicinity of the site. Therefore, the only option for wastewater treatment is through the provision of a private system. I note that the appellant has produced the discharge consent from SEPA for the arrangement proposed currently. In the event that the appeal is upheld and planning permission is granted, the council has recommended the use of a planning condition requiring that the detailed location and design of the septic tank and soakaway be approved by the council prior to the commencement of development. The council makes the point that the location will be governed by any significant archaeological finds but that the site is large enough to provide flexibility in this regard. I have recommended below a condition based on the council's suggested wording which takes on board this locational aspect.

5.76 I consider that, with the use of the condition I have outlined, the proposals could be made to comply with LDP Policy 65.

#### (v) Surface water drainage

5.77 LDP Policy 66 Surface Water Drainage requires that all proposed development must be drained by a sustainable drainage system (SuDS). The drainage condition proposed by the council would ensure that surface water drainage would accord with SuDS principles. I have included the wording suggested in the condition recommended below. I consider that, with the use of this condition, the proposals could be made to comply with Policy 66.

#### (vi) Refuse and recycling

5.78 LDP Policy 70 Waste Management Facilities requires that new housing development is expected to comply with the requirements set out in the council's Managing Waste in New Developments Supplementary Guidance. The council recommends that, if planning permission is granted, this is a matter that can be dealt with adequately through the use of a planning condition. This is the approach I have adopted.

## Developer contributions

5.79 LDP Policy 31 Developer Contributions enables the council to seek proportionate contributions from developers to offset the impact of the proposed development on public services, facilities or infrastructure. These contributions may be secured by means of a legal agreement, where necessary.

5.80 The council has advised that, in the case of the appeal proposals, if planning permission is granted, two contributions would be required for provision of education infrastructure comprising £434 towards the build costs of a classroom extension to Balloch Primary School and £741 towards the build costs of a new Culloden Secondary School. These sums have been calculated in line with the council's Developer Contributions Supplementary Guidance which is a material consideration in this appeal. In line with the supplementary guidance on payments for sites of less than four houses, the council has agreed with the appellant that the total contribution of £1,175, index linked, would be paid upfront, prior to the issue of any planning permission. In view of the relatively modest sum involved, I consider a section 75 planning obligation would not be appropriate. However, as the proposals are no longer before the council, it cannot currently negotiate with the appellant. Therefore, I have recommended a planning condition which would provide a mechanism for the authority to secure payment of the updated contributions towards education infrastructure.

5.81 I consider that the use of this condition would ensure compliance with Policy 31 and the related supplementary guidance.

## Sustainability

5.82 In order to determine whether development proposals are acceptable in terms of sustainable design, LDP Policy 28 requires an assessment of the extent to which they address a number of criteria. Of these, criteria relating to enhancing public safety and reducing the fear of crime and accommodating the needs of all sectors of society are targeted at developments larger than a single house. I assess the appeal proposals against the remaining criteria below.

5.83 I consider that my conclusions regarding other LDP policies are also relevant to the criteria set out in Policy 28. Where this is the case, I have summarised below the criterion in Policy 28 followed by a reference to the relevant policy conclusion elsewhere in the report.

- Compatibility with public service provision: Policy 31 Developer Contributions, Policy 56 Travel, Policy 65 Wastewater Treatment and Policy 66 Surface Water Drainage.
- Accessibility by public transport, cycling and walking: Policy 56 Travel.
- Maximising energy efficiency, including renewable sources of energy and heat: Policy 29 Design Quality and Place-making.
- Affected by physical constraints: Policy 30 Physical Constraints and Policy 64 Flood Risk.
- Making use of brownfield sites, existing building and recycled materials: Policy 29 Design Quality and Place-making and Policy 35 Housing in the Countryside (Hinterland Areas).
- Impact on natural resources and cultural heritage: Policy 57 Natural, Built and Cultural Heritage and Policy 58 Protected Species.

- Sensitive siting and high quality design: Policy 29 Design Quality and Place-making and Policy 35 Housing in the Countryside (Hinterland Areas).

In each case, I have found compliance with the relevant policy and any associated supplementary guidance or that compliance could be ensured by the use of a planning condition. I consider that this is sufficient also to demonstrate compliance with the associated criteria listed in Policy 28.

5.84 Policy 28 sets out three other criteria which I have not addressed elsewhere in this report. Firstly, in terms of minimising waste during construction and operation, I consider that the proposed conversion would ensure the efficient re-use of much of the existing, traditional building material on the site. Secondly, the domestic nature of the proposed use and distance from other homes in the vicinity suggest there would be no impact on residential amenity. Thirdly, I have no evidence that the proposals would have a negative impact on non-renewable resources such as minerals or prime agricultural land.

5.85 The policy also requires that proposed development complies with the council's Sustainable Design Guide Supplementary Guidance, which is a material consideration in this appeal. For the same reasons I have set out above, I consider the proposed development would comply with the design guide. The preamble to the policy refers to the council's responsibility to ensure it implements policies on greenhouse gas emissions from new development in line with the Climate Change (Scotland) Act 2009. The supplementary guidance provides advice on what is required in this respect but states that this guidance applies to development with a floor area of more than 500 square metres. The floor area of the proposed conversion would be approximately 360 square metres, so this part of the policy does not apply to the appeal proposals.

5.86 I conclude that, with the use of planning conditions in relation to some criteria, the proposed development would comply with Policy 28 and the associated sustainable design guide.

### Overall conclusions

5.87 I find that the proposed development would comply with or, with the use of planning conditions, could be made to comply with the following Highland-wide Local Development Plan policies and supplementary guidance:

- Policy 28 Sustainable Design and Sustainable Design Guide Supplementary Guidance;
- Policy 29 Design Quality and Place-making;
- Policy 30 Physical Constraints and Physical Constraints Supplementary Guidance;
- Policy 31 Developer Contributions and Developer Contributions Supplementary Guidance;
- Policy 35 Development in the Countryside (Hinterland Area) and Housing in the Countryside/Siting and Design Supplementary Guidance;
- Policy 56 Travel and Access to Single Houses and Small Housing Developments Supplementary Guidance;
- Policy 57 Natural, Built and Cultural Heritage and Highland Historic Environment Strategy Supplementary Guidance;
- Policy 58 Protected Species and Highland's Statutorily Protected Species Supplementary Guidance;

- Policy 64 Flood Risk;
- Policy 65 Wastewater Treatment; and
- Policy 66 Sustainable Drainage.

5.88 I also find that the proposed development would comply with, or by the use of conditions could be made to comply with, the following documents which are material considerations in this appeal:

- Scottish Planning Policy;
- Historic Environment Policy for Scotland;
- Managing Change in the Historic Environment: Historic Battlefields;
- The Inventory of Historic Battlefields – Battle of Culloden; and
- Culloden Muir Conservation Area: Character Assessment and Management Plan.

5.89 Therefore, I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission.

5.90 For the reasons set out above, I also conclude that the proposed development would preserve or enhance the character or appearance of the Culloden Muir Conservation Area.

5.91 I have considered all the other matters raised, including those made in representations to the council in connection with the planning application and to the Scottish Government in connection with this appeal, but there are none which would lead me to alter my conclusions.

### Recommendation

5.92 I therefore recommend that planning permission be granted subject to the conditions appended to this report and subject to the upfront payment of the appropriate developer contributions.

*Steve Field*

Reporter

## **Appendix 1: documents produced by the appellant and council**

### Documents produced by the appellant

Document 1 - planning application form and summary  
Document 2 - private access checklist  
Document 3 - Scottish Environment Protection Agency discharge consent  
Document 4 - Council Historic Environment Team response  
Document 5 - Historic Environment Scotland consultee response  
Document 6 - proposed design statement  
Document 7 - appeal statement  
Document 8 - appeal elevation comparison sheets 1-5  
Document 9 - applicant's appeal letter  
Document 10 – 100 existing elevations  
Document 11 - 101 existing floor plans  
Document 12 - 102 existing floor plans  
Document 13 - 200 proposed elevations  
Document 14 - 201 proposed sectional elevations  
Document 15 - 202 proposed floor plans  
Document 16 - 203 proposed site plan  
Document 17 - planner's committee report  
Document 18 - committee online web cast  
Document 19 - decision notice  
Document 20 - 18/04194/FUL application drawings  
Document 21 - 18/04194/FUL committee report  
Document 22 - reporter's report to Minsters  
Document 23 - Minsters' decision  
Document 24 – Highland-wide Local Development Plan Policy 28  
Document 25 – Highland-wide Local Development Plan Policy 29  
Document 26 – Highland-wide Local Development Plan Policy 35  
Document 27 – Highland-wide Local Development Plan Policy 57  
Document 28 - Culloden Muir boundary map  
Document 29 - Culloden Muir inventory map  
Document 30 - Culloden Muir Policy 1  
Document 31 - Culloden Muir traditional buildings  
Document 32 - Historic Environment Policy for Scotland  
Document 33 - Scottish Planning Policy  
Document 34 - National Trust for Scotland letter reference 20/04611  
Document 35 - National Trust for Scotland letter reference 18/04194  
Document 36 - Culchunaig species protection plan  
Document 37 - Culchunaig site topography  
Document 38 - Culchunaig archaeological investigation  
Document 39 - Culchunaig archaeological final  
Document 40 - Culchunaig species interim inspection

### Documents produced by the council

THC1 - Report of handling  
THC2 - Culloden Muir Conservation Area boundary plan  
THC 3 - Culloden Muir Conservation Area Character Appraisal  
THC4 - Culloden Muir Conservation Area Visual Setting Assessment

- THC5 - Figures, plates and gazetteer for THC 4
- THC6 - Culloden historic battlefield inventory boundary map
- THC7 - Designation record and summary report for Battle of Culloden
- THC8 - Ministers' decision on 18/04194/FUL
- THC9 - Historic Environment Scotland Guidance on Managing Change in the Historic Environment: Historic Battlefields
- THC10 - Highland-wide Local Development Plan 2012
- THC11 - Inner Moray Firth Local Development Plan 2015
- THC12 - Access to Single Houses and Small Housing Developments 2011
- THC13 - Developer Contributions 2018
- THC14 - Flood Risk and Drainage Impact Assessment 2013
- THC15 - Highland Historic Environment Strategy 2013
- THC16 - Highland's Statutorily Protected Species 2013
- THC17 - Housing in the Countryside/Siting and Design 2013
- THC18 - Sustainable Design Guide 2013
- THC19 - Decision notice
- THC20 - Committee minute

## Appendix 2: drawings

- Drawing number 2015-26-MRH-102 revision A2: Location Plan and Existing Block Plan
- Drawing Number 2015-26-MRH-203 revision A2: Location Plan and Proposed Block Plan
- Drawing Number 2015-26MRH-101 revision A2: Existing Ground Floor Plan and First Floor Plan
- Drawing number 2015-26-MRH-202 revision A2: Proposed Ground Floor Plan and First Floor Plan
- Drawing number 2015-26-MRH-100 revision A2: Existing West, South, East and North Elevations
- Drawing number 2015-26-MRH-200 revision A2: Proposed West, South, East and North Elevations
- Drawing number 2015-26-MRH-201 revision A2: Proposed West, South and North Sectional Elevations

## **Appendix 3: recommended planning conditions**

### Provision of education infrastructure

1. Development shall not commence before the developer has submitted a proposal for the consideration and written approval of the planning authority detailing how the education infrastructure requirement arising from the proposed development is to be addressed. Thereafter, the proposed house shall not be occupied until the approved proposals have been implemented to the satisfaction of the planning authority.

*Reason: To ensure the appropriate provision of education infrastructure.*

### Residential permitted development

2. Notwithstanding the provisions of Article 3 and Classes 3A, 3AA, 3D and 6 of the Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the steading without planning permission being granted on application to the planning authority.

*Reason: To safeguard the character, appearance and setting of the building to be converted.*

### Archaeology

3.1 Development or work (including site clearance, installation of a site compound, stripping back of the courtyard, provision of access and parking, installation of the septic tank and soakaway and undergrounding of cables and pipes) shall not commence until proposals for an archaeological watching brief, to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the planning authority. This is to include measures to ensure all spoil is scanned by metal detector. The brief shall take full account of the recommendations in the archaeological investigation report (April 2019), including proposals for the preservation, recording and interpretation of any archaeological finds and be prepared in line with Highland Council's Standards for Archaeological Work. Thereafter, the watching brief shall be implemented as approved.

3.2 The graffitied wooden panel referred to in the archaeological investigation report shall be preserved and reused in the conversion in a way to be approved in advance and in writing by the council.

*Reason: In order to protect the archaeological and heritage interest of the site.*

### Protected species

4. Development shall not commence before the developer has submitted mitigation and compensatory proposals based on the measures identified in the Species Protection Plan (August 2019 and as subsequently updated) for the consideration and written approval of the planning authority. Thereafter, the development shall be undertaken in accordance with the agreed details.

*Reason: In the interests of reducing risks to protected species.*



## Site compound

5. Notwithstanding the provisions of Article 3 and Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the planning authority. Thereafter, the site compounds and storage areas shall be formed in accordance with the approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

*Reason: To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.*

## Design and materials

### Stonework restoration

6.1 Development shall not commence before the appellant has prepared a one metre square panel of picked and re-pointed stonework for inspection by the planning authority to demonstrate the standard of work to be carried out in restoring the walls of the steading. The remaining picking and re-pointing shall be carried out in accordance with the standard approved in writing by the planning authority.

### Retention of stone features

6.2 All existing stone features such as lintels, cills, quoins and copes shall be retained in situ unless written consent to replace individual features is granted by the planning authority. As far as possible, replacements for any existing feature stones must match the existing stones to the prior written satisfaction of the planning authority.

### Retention of external stone staircase

6.3 Development shall not commence before the developer has submitted proposals for the consideration and written approval of the planning authority showing the retention and refurbishment of the external stone staircase on the north elevation of the steading. The staircase shall then be restored in accordance with the approved proposals.

### Air source heat pump and flues

6.4 Development shall not commence before the developer has submitted proposals for the consideration and written approval of the planning authority showing the proposed external finish to the air source heat pump and flues. These proposals shall be designed to minimise the visual impact of this equipment. The pump and flues shall then be finished in accordance with the specification approved.

### Doors, windows and rooflights

6.5 Development shall not commence before the developer has submitted detailed specifications of all windows and doors and window and door surrounds, first floor glazed

safety screens, the glazed hallway and rooflights, which must be to a conservation specification, for the consideration and written approval of the planning authority. These features shall then be installed in accordance with the approved proposals.

### Roofs

6.6 All serviceable roofing slates shall be preserved and reused in the conversion. As far as possible, any replacement slates must match the existing slates to the prior written satisfaction of the planning authority.

6.7 Development shall not commence before the developer has submitted detailed proposals showing the proposed roof covering of the glazed hall on the east elevation for the consideration and written approval of the planning authority. Thereafter, this part of the development shall be completed in accordance with the details approved.

### Rainwater goods

6.8 Development shall not commence before the developer has submitted a detailed specification of all rainwater goods, including, dimensions, profile, materials and finish, for the consideration and written approval of the planning authority. The rainwater goods shall then be installed in accordance with the approved proposals.

*Reason: To safeguard the character and appearance of the building to be converted.*

### Vehicular access

7. The house hereby approved shall not be occupied until the vehicular access into the site from the private track and the parking and turning area have been constructed in accordance with the approved drawings and the council's Access to Single Houses and Small Housing Development supplementary guidance.

*Reason: In the interests of road safety.*

### Drainage

8. Development shall not commence before the developer has submitted full details of all foul and surface water drainage for the consideration and written approval of the planning authority. Thereafter, all drainage infrastructure shall be installed in accordance with the approved details prior to the first occupation of the house. For the avoidance of doubt, this shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

*Reason: To ensure that the site is adequately drained and in the interests of public health.*

## Refuse and recycling

9. Development shall not commence before the developer has submitted a scheme for the storage and collection of refuse and recycling within the application site for the consideration and written approval of the planning authority. The approved scheme shall be implemented prior to the first occupation of the house and thereafter maintained in perpetuity.

*Reason: In the interests of road safety.*

## Site boundaries

10.1 The stone dykes on the site boundary shall be retained, protected from damage during construction by the use of temporary fencing and repaired. Prior to the occupation of the house, a one metre length of repaired dyke shall be prepared for inspection by the planning authority to demonstrate the standard of repair work to be carried out. The dykes shall then be repaired in accordance with the standard approved in writing by the planning authority.

10.2 Proposals for any new or replacement boundary fencing, which must be of a rural not suburban specification, must be submitted for the consideration and written approval of the planning authority. The fencing shall then be erected in accordance with the approved proposals.

*Reason: To safeguard the setting of the building to be converted.*

## Landscaping

11. Existing trees and shrubs shall be retained unless prior written consent for their removal is received from the planning authority. No development shall commence until the developer has submitted proposals for the protection during construction of trees and shrubs to be retained and for the planting and establishment of any additional tree and shrub planting for the written consideration and approval of the planning authority. The protection measures and any new planting shall then be implemented in accordance with the approved proposals.

*Reason: To safeguard the setting of the building to be converted.*

## **Appendix 4: recommended advisory notes**

### 1. Length of the permission:

This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

### 2. Notice of the start of development:

The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (see sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

### 3. Notice of the completion of the development:

As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (see section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

# Appendix 9 Project Brief



## HES BATTLEFIELDS – PLANNING BEST PRACTICES – HES/C/4109

### DOCUMENT 2 - SPECIFICATION

#### 1. Introduction

- 1.1 Historic Environment Scotland lead and enable Scotland's first historic environment strategy Our Place in Time, which sets out how our historic environment will be managed. It ensures our historic environment is cared for, valued and enhanced, both now and for future generations.
- 1.2 We're a non-departmental public body with charitable status. We're governed by a Board of Trustees, who were appointed by Scottish Ministers.
- 1.3 We're responsible for more than 300 properties of national importance. Buildings and monuments in our care include Edinburgh Castle, Skara Brae, Fort George and numerous smaller sites, which together draw more than 3 million visitors per year.

#### 2. Background

- 2.1 The **purpose of the Project** is to provide evidence-based recommendations that inform the designation and best practice in the management of inventory battlefields in the planning system.
- 2.2 The Inventory of Historic Battlefields began in 2011 and there are now 40 designated inventory Battlefield sites.<sup>1</sup> HES maintains the inventory under the terms of the Ancient Monuments and Archaeological Areas Act 1979.<sup>2</sup> The purpose of the inventory is to identify sites of national importance and provide information about them to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts, such as landscape and land-use management.<sup>3</sup>
- 2.3 When a battlefield is included on the inventory, it becomes a material consideration in the planning process. HES has published a Managing Change Note to guide decision-making on battlefields.<sup>4</sup>
- 2.4 Battlefields may also be designated as conservation areas, and specific features within them are sometimes designated as listed buildings or scheduled monuments



- 2.5 Each designated battlefield has unique characteristics (on site and in their setting) that should be carefully considered in their management. This includes understanding the component parts of each battle, the presence of other heritage assets, the landscape/ townscape context (past and current), and the variable nature of the designated area, which all together contribute to the significance of each battlefield.
- 2.6 In 2017, HES undertook a survey of external stakeholders to gauge experience of the battlefields inventory since its creation. An analysis of the responses to the survey was published in April 2018.<sup>5</sup> This analysis highlighted mixed views on behalf of stakeholders as to how management of inventory battlefields sites works in practice.
- 2.7 Since the survey, the ‘Group To Stop Development At Culloden’ has submitted a petition to the Scottish Parliament. This petition currently has over 1,000 signatures, with a closing date of 17<sup>th</sup> March 2021. The petition (ref: PE01852) urges the Scottish Government to designate historic battlefields with a heritage status and implement a stricter planning framework to protect them. Supporting arguments include:
- Designated Battlefields are increasingly subject to development pressures with Culloden Moor referenced as an example of the type and extent of development impacting on sites.
  - The current planning law/regulations safeguarding sites of historic significance are not sufficient, and these sites should be preserved and “out-with routine planning considerations”.
  - HES has not followed its own guidance and not sought to protect battlefields from inappropriate development.
- 2.8 A previous petition (ref: PE01696) submitted to the Scottish Parliament called for the Scottish Government to introduce legislation to prevent development on battlefield as listed on HES Inventory. This was considered and dismissed by Public Petitions Committee on 30<sup>th</sup> May 2019.
- 2.9 In view of the current petition’s focus and as the battlefields inventory approaches its 10<sup>th</sup> anniversary, HES have decided to commission this external study to help inform understanding of any challenges presented by current designation practices, to bring together examples of best practice in the management of historic battlefields, and to identify any steps that could be taken to improve how Scotland’s nationally important battlefields should be designated and managed for the benefit of future generations.



### 3. Requirement

#### 3.1 Scope of Services

The contractor will be expected to undertake work on the following objectives:

- a) Provide a short summary of the cultural value and significance of historic battlefields and the effectiveness of the battlefields inventory in delivering in relation to its stated purpose.
- b) Appraise how inventory battlefields are being considered by planning authorities, both through the development planning and development management processes.
- c) Draw out identifiable trends in relation to inventory battlefields planning casework. For example, are some inventory battlefields or areas within battlefields more at risk from development pressure at the current time, or likely to become so soon? Are there identifiable trends in relation to the potentially large number of consultations resulting in 'no comment'? How does the designation and resulting decision making take into account variations in cultural significance and sensitivity to development within individual inventory sites? How effective are battlefields boundaries in managing change within inventory sites? How are surviving archaeological remains best managed as part of the planning process?
- d) Analyse planning cases where significant concerns have been raised about non-compliance with national policy requirements and guidance, to draw out any lessons that can be learned.
- e) Consider current and future changes in the planning 'landscape' where key policy frameworks and strategies are being developed and published by Scottish Government (e.g. NPF4, Climate Change agenda, inclusive economic growth) and their implications for managing inventory battlefields.
- f) Capture current examples of best practice in defining and managing inventory battlefields that could be beneficial if applied more widely.
- g) Using evidence from the study, make recommendations for a clear approach to the long-term sustainable management and promotion of inventory battlefields. These recommendations must take account of the overarching legal and policy framework for designating and managing inventory battlefields. The recommendations should also bear in mind the need for a consistent approach to be applied to all inventory battlefields.

#### 3.2 Considerations:

3.2.1 At the commencement of the contract, HES will make available to the contractor the following information to inform the study:

- Copies of HES policy and guidance documents.
- A spreadsheet of relevant planning cases for inventory battlefields with links to online sources of information including planning authority





decisions, advice from local authority archaeologists; and consultation responses. This will hopefully help the consultant to analyse the Planning Authorities' consideration of the application, consultation responses received, how HES advice has been considered, and the outcomes regardless of whether an individual case was approved, refused or subject to appeal.

- A spreadsheet of local authorities with links to plans and policies of relevance to the management of inventory battlefields. This source of information should hopefully enable the consultant to identify and analyse policies in the relevant Local Plan such as Site Allocations and other statutory and non-statutory plan making tools.
- Documentation in relation to certain cases from HES casework systems.
- Statistics in relation to HES advice on battlefields planning cases (e.g. number of cases; number of 'no comments'; number of objections).
- An introductory to any known practices followed by Planning Authorities to supplement interpretation of national and local policy, for example through supplementary guidance used to aid development management decisions.

3.2.2 The contractor will be expected to carry out discussions with several key stakeholders involved in the identification and management of inventory battlefields. HES will assist the contractor in making the necessary connections. These stakeholders fall broadly into the following groups:

- HES staff in Designations and Planning Consents and Advice Teams.
- Local authority planning officers who have experience of managing battlefields within their jurisdictions. This includes experience in the fields of development management, local plans, landscape/heritage management and regeneration.
- Representatives of the Association of Local Authority Archaeologists in Scotland.
- Key landowners, including the National Trust for Scotland and Forestry Land Scotland: these bodies include heritage specialists, land managers and tourism interests, all of which will have relevant but separate points of view.
- Archaeological consultants with experience of developer-funded work on inventory battlefields.
- Community interests through the umbrella body the Scottish Battlefields Trust.

### 3.3 Outputs and Milestones

3.3.1 The Project is to deliver the following output **in the form of a report with supporting associated material**, to be provided in electronic format (Microsoft Word/Excel and PDF formats) that can be easily emailed and shared.



<b>Objective</b>	<b>Success measure</b>
Provide a short summary of the cultural value and significance of historic battlefields and the effectiveness of the battlefields inventory in delivering in relation to its stated purpose.	Summary containing the consultant's opinion based on the evidence gathered during the study.
Appraise how inventory battlefields are being considered by planning authorities, both through the development planning and development management processes.	Analysis on the approaches currently being taken by planning authorities, as articulated through the Local Plan, supplementary guidance, other statutory and non-statutory planning tools, and decisions taken. The narrative should draw out similarities and differences that become apparent during the study.
Draw out identifiable trends in relation to inventory battlefields planning casework. For example, are some inventory battlefields or areas within battlefields more at risk from development pressure at the current time, or likely to become so soon? Are there identifiable trends in relation to the potentially large number of consultations resulting in 'no comment'? How does the designation and resulting decision-making take into account variations in cultural significance and sensitivity to development within individual inventory sites? How effective are battlefields boundaries in managing change within inventory sites? How are surviving archaeological remains best managed as part of the planning process?	Identifiable trends presented, with statistics where appropriate, and the narrative drawing out sites at particular risk and evidence-based observations on consideration of inventory sites in planning casework.
Analyse planning cases where significant concerns have been raised about non-compliance with national policy requirements and guidance, to draw out any lessons that can be learned.	Planning cases identified with accompanying statements evidencing concerns, and clear analysis of how these decisions align with/diverge from existing policy.
Consider current and future changes in the planning 'landscape' where key policy frameworks and strategies are being developed and published by	Key emerging policy frameworks and strategies identified, with accompanying narrative on the



Scottish Government (e.g. NPF4, Climate Change agenda, inclusive economic growth) and their implications for managing inventory battlefields.	potential implications for managing inventory battlefields.
Capture current examples of best practice in defining and managing inventory battlefields that could be beneficial if applied more widely.	Examples of best practice with accompanying illustrations where appropriate. Examples could be from Scotland or elsewhere in the UK.
Using evidence from the study, make recommendations for a clear approach to the long-term sustainable management and promotion of inventory battlefields. These recommendations must take account of the overarching legal and policy framework for designating and managing inventory battlefields. The recommendations should also bear in mind the need for a consistent approach to be applied to all inventory battlefields.	A clear set of conclusions from the study and recommendations that can be applied consistently across Scotland.

3.3.2 The Project is to be delivered according to meet the following indicative milestones and timeframe:

Task	Timescale (& indicative target dates)			Lead
Appoint Consultants – initiation meeting with HES and presentation of HES supporting information.	1 week	Week 1	w/c 23 Aug 21	Led by HES
Evidence - gather and analysis and initiate engagement	6 weeks	Weeks 2-7	w/c 4 Oct 21	Led by consultants
Draft Recommendations – engage and amend	4 weeks	Weeks 8-11	w/c 1 No 21	Led by consultants and agreed by HES
Final Report – recommendations agreed	4 weeks	Weeks 12-15	w/c 29 Nov 21	Led by consultants and agreed by HES



Publication – communicate, and share findings	2 weeks	Weeks 16-17	w/c 13 Dec 21	Led by HES
---	---------	-------------	---------------	------------

### 3.4 Timetable (Consultancies)

It is anticipated that an appointment will be made in w/c 16 August 2021, with work commencing immediately thereafter. It is expected that one or more interim reports will be produced for discussion during the course of the study. The study must be completed by 17 December 2021.

### 3.5 Fees and Costs

- 3.5.1 The budget for the Project is no greater than £15,000 (exclusive of VAT).
- 3.5.2 Any submission with a cost exceeding £15,000 (exclusive VAT) will be marked as a non-compliant tender and will not be scored.
- 3.5.3 Rates and prices shall be deemed inclusive of all additional expenses howsoever incurred.

## 4. Selection Criteria

- 4.1 HES seeks to work with an experienced practice in gathering robust evidence to support the development of best practice on the management of battlefields in the planning system. We are looking for a practice who will provide expert knowledge in this area, with a proven track record of working with complex and potentially controversial planning and heritage cases We would welcome tenderers' clarity on how they would:
  - 4.1.1 Outline an approach on how the evidence needed to meet the objectives of the commission will be met.
  - 4.1.2 Outline how they will use their knowledge and experience to capture analysis and develop best practices that can be applied in the planning system.
  - 4.1.3 Outline how an engagement strategy will be developed that sets out how, when, with whom and in what form is best to engage and communicate the management of battlefields.

## 5. Award Criteria



- 5.1 The awarding of the tender will be based on written submissions, which can be accompanied by examples of previous work.
- 5.2 The tenders will be scored on the criteria of:
- Quality – 70%
  - Price – 30%
- 5.3 We will assess all bids under the following areas,
1. Previous relevant experience
  2. Proposed Methodology
  3. Cost

## **6. Contract Management**

- 6.1 Historic Environment Scotland's Contract Manager will be used as the main point of contact for the Supplier, and the Supplier must comply with all reasonable instructions and directions of Historic Environment Scotland's Contract Manager to ensure compliance with our requirements.

## **7. Equal Opportunities**

- 7.1 Historic Environment Scotland is an equal opportunities employer and service provider. The Supplier must also be an equal opportunities employer and service provider and comply with equal opportunities legislation. All staff involved in managing or delivering work under this Contract must ensure that they do not discriminate unlawfully against anyone, or treat anyone unfairly, on grounds of their sex, racial group (including colour, race, nationality, national or ethnic origin), disability, sexual orientation, religion, gender identity, age, trade union membership/non membership/activities, or marital, family or part-time status. The Supplier should also carry out appropriate monitoring of its equal opportunities policies and employment practices.
- 7.2 Historic Environment Scotland treats all allegations of discrimination and harassment against its own staff or against others very seriously and is striving to create a working environment that is free from harassment and oppressive behaviour. This must be taken fully into account by the Supplier and by all staff working under this contract.

## **8. Sustainability**



- 8.1 Sustainability and social responsibility are key drivers within Historic Environment Scotland. Ethical trading, environmental impact reduction and equality and diversity considerations are examples of typical concerns of Historic Environment Scotland and our staff, customers and of the wider communities we serve.
- 8.2 The Supplier is encouraged to act at all times in an ethical, environmentally sustainable and socially responsible manner in the conduct of their business, as well as striving to improve quality standards and overall value for money. Historic Environment Scotland is seeking Supplier(s) who can demonstrate a commitment to these values.
- 8.3 The Supplier(s) will be required to support Historic Environment Scotland's commitment to environmental and social sustainability. This includes minimising the environmental impact of products and services being provided, contributing to a transition to a circular economy, providing relevant opportunities for community benefits, while also providing assurance regarding respect for labour rights, working conditions and fair work practices in the supply chain.

## **9. Freedom of Information**

- 9.1 All information submitted to Historic Environment Scotland may need to be disclosed and/or published by Historic Environment Scotland. Without prejudice to the foregoing generality, Historic Environment Scotland may disclose information in compliance with the Freedom of Information (Scotland) Act 2002, (the decisions of Historic Environment Scotland in the interpretation thereof shall be final and conclusive in any dispute, difference or question arising in respect of disclosure under its terms), any other law, or, as a consequence of judicial order, or order by any court or tribunal with the Historic Environment Scotland to order disclosure.
- 9.2 In submitting a Tender, it will be presumed that the Contractor is fully aware of the requirements of that Act and the responsibility of Historic Environment Scotland to comply with it.

## **10. Invoicing**

- 10.1 The Supplier(s) will be required to submit invoices for goods delivered completed to the satisfaction of Historic Environment Scotland in accordance with the Terms & Conditions of the Contract, Value Added Tax, where applicable, shall be shown



separately on all invoices as a strictly net extra charge. Each invoice shall be uniquely identified and specify as a minimum (but not limited to) the following information:

- Purchase Order number
- Contract title & reference number
- Deliverable details (Description of Goods and/or Services)
- Charges and total due including a deduction for any applicable discounts
- Any travel and subsistence expenses claimed (where pre agreed)
- Total value excluding VAT
- Any day rates/hourly rates (if applicable)

10.2 Payment will be made to the Supplier based on the Terms and Conditions of the Contract.

10.3 Invoices must be emailed in an un-editable format to [PurchaseLedger@hes.scot](mailto:PurchaseLedger@hes.scot).

10.4 Historic Environment Scotland promotes the use of eProcurement systems as a means of ordering Goods and/or Services. All Supplier(s) must as a minimum have the ability to receive orders via e-mail or fax. Prior to commencement of the Contract the Supplier(s) must provide Historic Environment Scotland with contact details for ordering Goods and/or Services

## 11. Contract Period

11.1 It is envisaged that the Contract will commence on **w/c 16 August 2021** for a period of **17 weeks**, with the option to extend the Contract by four (4) further week periods at the sole discretion of the Purchaser. The maximum contract length would therefore be 21 weeks.

**End of document**





Celebrating  
**60**  
years

**Birmingham**  
0121 713 1530  
birmingham@lichfields.uk

**Edinburgh**  
0131 285 0670  
edinburgh@lichfields.uk

**Manchester**  
0161 837 6130  
manchester@lichfields.uk

**Bristol**  
0117 403 1980  
bristol@lichfields.uk

**Leeds**  
0113 397 1397  
leeds@lichfields.uk

**Newcastle**  
0191 261 5685  
newcastle@lichfields.uk

**Cardiff**  
029 2043 5880  
cardiff@lichfields.uk

**London**  
020 7837 4477  
london@lichfields.uk

**Thames Valley**  
0118 334 1920  
thamesvalley@lichfields.uk



**lichfields.uk**