

Heritage Project Management in the Modern World (AHAC7005)

Assessment One: Essay Assignment

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Battlefields Protection and Management in the UK

Protection for battlefields in the UK is fairly recent and as it has occurred post-devolution in Scotland and Wales it is handled by the governments of Scotland, England and Wales who approach the issue differently. There is no specific legislation or protection for battlefields in Northern Ireland. I will look at how battlefields are protected and managed in Scotland, England and Wales and then discuss the advantages and disadvantages of the Welsh system.

Scotland

Scotland has an 'Inventory of Historic Battlefields'. *'The purpose of the inventory is 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.'*¹ The inventory is compiled and managed by Historic Environment Scotland under the terms of the Ancient Monuments and Archaeological Areas Act 1979². The inventory was begun in 2011 as a result of the Scottish Historic Environment Policy (2009) and Scotland was the last of the home nations to compile a list of battlefields. There are currently 40 battlefields on the inventory³. There are many battlefields in Scotland however to be included in the inventory a battlefield must meet specific criteria. The 1979 Act stipulates that a site must be of national importance. To decide if a battle is of national importance Historic Environment Scotland considers three criteria; *historical association, significant physical remains and/or archaeological potential, and battlefield landscape*.⁴ Historic Environment Scotland need to establish if the battle was important to the formation of modern Scotland and if there remains a visible or researchable battlefield. Historic Environment Scotland has set certain criteria to define a battlefield. A battlefield is an area where a battle was fought or an area of land where *'significant activities'* relating to a battle took place.⁵ A battle is an engagement of military forces with the aim of inflicting lethal force against an enemy.⁶ If a battle is considered to be of national importance and there remains a

¹ Annex 4: The Inventory of Historic Battlefields (3), *Designation Policy and Selection Guidance* (2019), Historic Environment Scotland <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=8d8bbaeb-ce5a-46c1-a558-aa2500ff7d3b>

² Ancient Monuments and Archaeological Areas Act 1979
www.legislation.gov.uk/ukpga/1979/46/pdfs/ukpga_19790046_en.pdf accessed on 3rd March

³ Inventory of Historic Battlefields www.portal.historicenvironment.scot/search accessed on 3rd March

⁴ Annex 4: The Inventory of Historic Battlefields (14), *Designation Policy and Selection Guidance* (2019), Historic Environment Scotland

⁵ Annex 4: The Inventory of Historic Battlefields (5), *Designation Policy and Selection Guidance* (2019), Historic Environment Scotland

⁶ *ibid*

archaeological or geological battlefield the third requirement of Historic Environment Scotland is that the battlefield must be definable on a modern map. You must be able to draw a line around the battlefield and say with certainty that a battle took place there. Once you have a historically important battle on a visible battlefield which can be defined by its boundaries then you have a battlefield which can appear on the Inventory of Historic Battlefields. Once a battlefield is on the inventory it becomes a material consideration in the planning process which means it must be considered in local development plans and in planning applications.⁷ Once a battlefield is included in the inventory it is given a record. The record will have an overview of the battle, the area where the battle happened marked on a map and a description of how it met the selection criteria. The record may also include wider information about the causes and effects of the battle, details about the armies that fought, information about battlefield terrain, remaining archaeology and cultural heritage associated with the battle. There may also be more detailed maps of troop formations and movements⁸. Owners of an historic battlefield are not required to grant public access to their land but they may be restricted in changes they can make to their land that usually require planning permission. Historic battlefields may also contain listed building or scheduled monuments which would also have planning restrictions.

England

England has a 'Register of Historic Battlefields' it is administered by Historic England. *'Its purpose is to offer them protection through the planning system, and to promote a better understanding of their significance and public enjoyment.'*⁹ The register was begun in 1995 and is the oldest list of battlefields in the UK. The battlefields on the register are *'designated heritage assets of the highest significance'* as set out by the National Planning Policy Framework¹⁰. There are 46 battlefields on the register up from the 43 on that were initially designated in 1995. *'From the outset, the scope of the register has been limited to battles fought on land involving wholly or largely formed bodies of armed men, deployed and engaged on the field under formal command.'*¹¹ Historic England tells us that

⁷ Annex 4: The Inventory of Historic Battlefields (4), *Designation Policy and Selection Guidance* (2019), Historic Environment Scotland

⁸ *Scotland's Inventory of Historic Battlefields* (Booklet) Historic Environment Scotland, p.10

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=c59262de-b652-4e68-b88d-a5fe008ff1c8>

⁹ Historic England, *Listing* <https://historicengland.org.uk/listing/what-is-designation/registered-battlefields/> accessed on 3rd March

¹⁰ *Battlefields Registration Selection Guide* (December 2017) Historic England

<https://historicengland.org.uk/images-books/publications/dsg-battlefields/heag072-battlefields-rsg/>

¹¹ *ibid*

although sites of sieges or civil unrest are excluded from the register they may gain protection by being listed or from being added to Historic Environment Records or local lists of heritage assets.¹² If an English battlefield is to be included on the register it has to '*have been an engagement of national historic significance, and to be capable of secure location on the ground.*'¹³ In this way the criteria for English battlefields are very similar to the Scottish. The battle needs to be important to the history of the English nation and there has to be a degree of certainty where the battle took place although Historic England are not as stringent as Historic Environment Scotland in requiring that a line be drawn around the battlefield. Historic England have made the decision to use existing land boundaries to designate battlefields but stipulate that if the land boundaries change then the registered area of the battlefield may have to be adjusted to '*keep the definition clear*'.¹⁴ I find this quite extraordinary, it means that parts of the battlefield may go from being protected to having no protection due to a change in boundary without any real clarity as to whether they were actually part of the historical battle. I would imagine this applies only to the periphery of a battlefield and the boundary would never be permitted to be altered (by the building of a road or suchlike) in an area of historical importance. None the less it does seem an extraordinary situation. Equally it cannot be an easy task to confirm the location of a single day of fighting five hundred or a thousand years earlier with any certainty. I am aware of the debate as to whether Battle Abbey was in fact built on the site of the battle of Hastings.

Although the two main criteria for Historic England in put a battlefield on the register are importance and confirmed location there are other factors which Historic England will take into consideration, these are; *topographic integrity, archaeological potential, documentation, military innovations, biographical associations and commemoration*¹⁵. (where there has been an exceptionally high death rate) All of these factors may lead to a battlefield being deemed more worthy of recognition or parts of the battlefield gaining higher renowned. We have already seen the battlefields on the register are '*designated heritage assets*' this offers them a degree of protection. What you can and cannot do with a designated heritage asset is covered in depth in the National Planning Policy Framework¹⁶ but to summarise local authorities should be aware of heritage assets and any planning applications should be considered any potential damage to the asset but also any potential benefit to the preservation of the asset. Any harm to an asset should have '*clear and*

¹² *Battlefields Registration Selection Guide* (December 2017) Historic England

¹³ *ibid*

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ *National Planning Policy Framework* www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para189 accessed 3rd March

*convincing justification*¹⁷ but also that *'plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets at risk through neglect, decay or other threats'*¹⁸. The policy appears to suggest that sometimes heritage assets would benefit from some types of development. When a battlefield appears on the register it is given a 'list entry number' and the heritage category of 'battlefield'¹⁹. Within the entry there is a map of the site, information about the parishes the battlefield sits in, the grid reference, details about the battle and its wider context and details of how to get there as well as the sources used in the entry. The main legislation covering the battlefields of England is the Historic Buildings and Ancient Monuments Act 1953²⁰ which *'authorises historic England to compile a register of "gardens and other land" situated in England that appear to be of special historic interest'*²¹. Although I do think the 1979 Act is probably equally applicable.

Wales

Wales has an 'Inventory of Historic Battlefields' it was created and is administered by the Royal Commission on the Ancient and Historical Monuments of Wales which receives its funding from Cadw. The inventory is non-statutory and there is no primary legislation to protect entire battlefields in Wales although *'parts of battlefields may be designated as scheduled monuments or listed buildings, and some battlefields may lie within areas of land registered as historic parks and gardens'*²². Although the inventory is non-statutory The Historic Environment (Wales) Act 2016 looks at the issue on battlefields in section 35 (1) *The Welsh Ministers must compile and keep up to date a historic environment record for each local authority area in Wales. (2) A historic environment record is a record which provides (e) details of every conflict site in the authority's area which the Welsh Ministers consider to be of historic interest*²³. The inventory has its foundations in 2009 and between then and 2014 a priority list of 47 battles and sieges were established²⁴. When Wales defined what

¹⁷ National Planning Policy Framework www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para189

¹⁸ ibid

¹⁹ Historic England, Listing <https://historicengland.org.uk/listing/the-list/results/?searchType=NHLE+Simple&search=battlefields> accessed on 3rd March

²⁰ Historic Buildings and Ancient Monuments Act 1953 www.legislation.gov.uk/ukpga/1953/49/pdfs/ukpga_19530049_en.pdf accessed on 5th March

²¹ Historic England, Advice <https://historicengland.org.uk/advice/hpg/has/pgb> accessed on 5th March

²² The Inventory of Historic Battlefields in Wales www.battlefields.rcahmw.gov.uk/managing-historic-battlefields/ accessed on 17th February

²³ Historic Environment (Wales) Act 2016 www.legislation.gov.uk/anaw/2016/4/enacted accessed on 17th February

²⁴ The Inventory of Historic Battlefields in Wales, About the Inventory, *Battlefield Resources* www.battlefields.rcahmw.gov.uk/about-welsh-battles/battlefield-resources/ accessed on 17th February

they considered to be a battlefield for the purposes of their inventory they took a different path to Scotland and England. Cadw defines a battlefield as *'An area or location, terrestrial or marine, where conflict occurred, involving military forces. All aspects of Wales's past should be considered for the identification of historic battlefield sites, which may include traditional battles, sieges, invasions, skirmishes, ambushes, massacres and sites of civil unrest.'*²⁵ We can see that this is very different from the Scottish and English approach with their focus on fixed military engagements of national importance and demonstrates a very different ethos in Wales. We can see this on the ground in the case of Laugharne Castle which was the location of four sieges; 1189, 1215, 1257-8 and 1644. In 1644 Island House, a prominent local property close to the castle was damaged by the successful parliamentary siege of the castle which was being held by a royalist garrison²⁶. All four sieges appear in the original 47 sites that were compiled between 2009 – 2014 and although the sieges are fascinating (at least to me) they have no real bearing on the history of Wales and the Welsh people. Over 700 battlefields have been identified dating from the period of Roman occupation to civil unrest in the 19th century²⁷. Unfortunately, the inventory is still under construction and information on it feels sparse and not particularly user friendly at times compared to the Scottish and English sites. However, compiling and uploading the details of over 700 battlefields (or locations of conflict) must be an enormous task and I look forward to seeing it complete.

When it comes to planning constraints those applied to battlefields in Wales are not as automatically restrictive as those applied in Scotland and England, as is to be expected as Wales has hundreds of sites and a much wider definition. If a battlefield has archaeological remains this must be of 'material consideration' when looking at a planning application and local authorities can require a variety of conditions are met by a developer from desk based assessments to having an archaeologist investigate the site prior to any work taking place and any archaeology being protected or recorded. We have already seen that parts of battlefields may be listed buildings or scheduled monuments; this restricts planning and must be considered. Local planning authorities can and should call on one of the four Archaeological Trusts which cover the whole of Wales and maintain the Historic Environment Records (HER's) which are extensive records of *'all aspects of human activity in the landscape from early prehistory to the twentieth century without prejudice.'*²⁸

²⁵ Cadw, *Historic Battlefields in Wales* <https://cadw.gov.uk.wales/advice-support/historic-assets/historic-battlefields-wales> accessed on 17th February

²⁶ Historic Battlefields of Wales, Welsh Battlefields Steering Group www.battlefields.rcahmw.gov.uk/wp-content/uploads/2017/02/Laugharne-sieges-Gildas-2013.pdf accessed on 17th February

²⁷ Cadw, *Historic Battlefields in Wales* <https://cadw.gov.uk.wales/advice-support/historic-assets/historic-battlefields-wales> accessed on 17th February

²⁸ Dyfed Archaeology, Visit the Historic Environment Record, www.dyfedarchaeology.org.uk/heritagemanagement/her.htm accessed on 5th March

Although there may be some battlefields on the inventory that are not protected by listed or scheduled status or by the presence of archaeology, any planning application can consider the information held in the HER's and determine if development is appropriate. With a battlefield definition as broad as the Welsh one you would not want to restrict development on all battlefields; there is a balance to be found between protecting the past and valuing our present and future.

We have seen that the Scottish and English systems are quite similar, they have a limited number of battlefield sites that meet specific criteria, they are important to the nation and are protected. Wales has taken a very different approach. It has decided to work to a very broad definition of what a battlefield is, this will have it downside, by excluding no conflict from the inventory no matter how distant it is in the past, how small the conflict or how sparse information is on the battle you create a massive challenge for the curators of the inventory, their work may never be done, the list will continue to grow. With such a broad definition each battle record may hold limited information either because of time constraints or because there is a limited amount that can confidently be determined about a battle. The inventory may represent quantity rather than quality. Despite this I like the Welsh system, the Scottish and English systems of recording battlefields seem very rigid, very uncompromising, to add a battlefield to the Scottish Inventory or the English Register a great deal of work has to be done, they must prove their worth. The Welsh Inventory is inclusive, Cadw says *'Historic battles were often iconic events and frequently invoke strong emotions and passions today.'*²⁹ Statements like this demonstrate a more human approach, where feelings matter as much as thoughts. Some of the 700 battlefields already identified may never have any legal protection and that may well be correct, but the conflicts that occurred there mattered to the people involved and their descendants and the inventory acknowledges those battles and provides a gateway to further research and knowledge. The Inventory of Historic Battlefields in Wales does not claim to provide detailed analysis of over 700 battles, it does not need to, by taking a much wider stance on battlefields they acknowledge that the heritage of a country is not just seen in the stories of kings and queens and history altering battles in is also to be found in events like the Newport Chartist Uprising of 1839³⁰. I think the Royal Commission on the Ancient and Historical Monuments of Wales have taken on a massive task with their inventory, but I like what they are doing. I prefer the feel of the Welsh inventory to the Scottish and English equivalent, equally the Welsh inventory is the only one that is not complete. It will be a marvellous achievement if the Inventory of Historic Battlefields

²⁹ Cadw, *Historic Battlefields in Wales* <https://cadw.gov.uk.wales/advice-support/historic-assets/historic-battlefields-wales> accessed on 17th February

³⁰The Inventory of Historic Battlefields in Wales www.battlefields.rcahmw.gov.uk/collections/getrecord/405003 accessed on 5th March

in Wales can be completed in the next few years, and that completion will more that make up for the disadvantages of a much broader, but more inclusive view of battlefields.

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