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Our case ID: 300020758  
Your ref: A9/ES&Ord/KtoGG  
23 January 2018

Dear Mr Sanders

1. THE A9 TRUNK ROAD (KILLIECRANKIE TO GLEN GARRY) (TRUNKING) ORDER 201 [ ]
2. THE A9 TRUNK ROAD (KILLIECRANKIE TO GLEN GARRY) (SIDE ROADS) ORDER 201 [ ]
3. THE A9 TRUNK ROAD (KILLIECRANKIE TO GLEN GARRY) (EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY) ORDER 201 [ ]
4. A9 DUALLING PROGRAMME: KILLIECRANKIE TO GLEN GARRY DMRB STAGE 3 ENVIRONMENTAL STATEMENT

Thank you for consulting Historic Environment Scotland on the above Draft Road Orders and the accompanying Environmental Statement which were published on 21 November 2017. This letter provides our comments on both the Environmental Statement (ES) and the specimen design as set out in the Draft Road Orders for our historic environment interests.

In this case, our interests cover scheduled monuments and their setting, category A listed buildings and their setting and Gardens and Designed Landscapes (GDL) and battlefields in their respective Inventories. We understand that you are seeking the view of Perth and Kinross Council's archaeology and conservation advisors on matters including impacts on category B and C listed buildings and unscheduled archaeology.

### **Our position**

Historic Environment Scotland objects to the proposed scheme for its potential impacts on the Killiecrankie battlefield due to a lack of information in the Environmental Statement.

Killiecrankie battlefield is identified as a nationally important heritage asset on Scotland's *Inventories of Historic Battlefields*. Whilst we recognise the context of the proposed

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upgrade of the A9 Trunk Road to a dual carriageway as a nationally important infrastructure project which is identified in a number of plans and programmes of the Scottish Ministers, we consider that there is insufficient information in the Environmental Statement to allow us to conclude that the proposed scheme takes full account of this nationally important heritage asset.

We do not object to the principle of upgrading the A9. We also do not object to the principle of the proposed on-line dualling within the Inventory battlefield, given the fact that the existing A9 is within this asset.

We agree with the conclusions in the Environmental Statement that the effect of the dual carriageway will be significant. As the Environmental Statement acknowledges, the effect of the existing A9 within the Inventory battlefield would be reinforced by the upgrading of the road. As it stands there is the potential for the impact of the proposed dualling within the Inventory battlefield to be of greater significance than is predicted in the Environmental Statement.

Our detailed comments on these matters can be found in the attached annex.

### **Our advice**

It is clear from the Environmental Statement that a significant amount of work has been undertaken in assessing the archaeological potential and contribution of the topography to our understanding of the Inventory battlefield. However, we consider that this only tells part of the story of this asset. This work raises important questions in relation to the effect of the proposed project which must be addressed to inform appropriate mitigation measures. Additional information is therefore required to allow us to give further consideration to the impact of the upgrading of the A9 on the Inventory battlefield.

We recommend that further archaeological fieldwork is carried out to allow us to understand the extent of the main body of fighting more fully. Further assessment of the battlefield landscape should be carried out to allow us to understand more fully how the topography within the Inventory boundary influenced the events of the battle.

Following on from this, and based on the evidence provided in those additional studies, further consideration should be given to the impact of the proposed scheme within the Inventory battlefield. This should consider whether the overall alignment within the Inventory boundary is the most appropriate. It should also assess impact of the extent of the proposed earthworks and the locations of the laybys and SuDS ponds. Consideration should be given to whether these elements of the scheme could be removed from within the Inventory boundary or reduced in scale.



The scheme should be designed in order that impacts are reduced as far as possible. The design should aim to protect the special qualities and key landscape characteristics of this nationally important heritage asset.

Alterations of this nature would be in line with the advice that we have offered throughout the pre-application period for this proposal and with the strategic environmental design principles which were developed at the conclusion of the Strategic Environmental Assessment process. Once this information has been produced, we would be happy to review it and to give further consideration to our position on the proposed scheme. Our detailed advice on the further work we recommend can be found in the attached annex.

We are keen to work with you to try to resolve our concerns over the impact of this scheme on the Inventory battlefield. The information we are requesting will assist with this. We would be happy to discuss the scope of any additional work to be undertaken and look forward to discussing its conclusions in due course. Any further meetings to discuss the impact of the proposed development on the Inventory battlefield should also include the Perth and Kinross Heritage Trust. Please do not hesitate to contact me if you have any questions about this response.

Yours sincerely

**Adele Shaw**  
**Historic Environment Scotland**



## ANNEX

### 1. Background

We are being consulted on the Draft Road Orders and Environmental Statement for a project relating to the upgrading of the A9 Trunk Road to a dual carriage way between Perth and Inverness. This project is for a 21.6km stretch of new dual carriageway between Killiecrankie and Glen Garry. We note the full description of the scheme as set out in chapter 5 of the ES.

We recognise that there is a national context for the upgrading of the A9 Trunk Road to a dual carriageway. We note that the commitment to undertake this project has been identified in the following plans and policies of the Scottish Ministers including:

- The Strategic Transport Projects Review (2009) which identified the upgrading of the A9 as a priority intervention
- Infrastructure Investment Plan (2011) which made a commitment to upgrade the A9 between Perth and Inverness to a dual carriageway by 2025
- The commitment to dualling the A9 is re-iterated in the third National Planning Framework (2014).

We have had an extended pre-application period for this proposed development. We have advised, amongst other things, that the preferred scheme should be the option which avoided significant earthworks within the Killiecrankie Inventory battlefield and that the potential impact of SuDS ponds within the Inventory boundary would need to be carefully considered.

We have also advised that any conclusions reached in the assessment should be supported by an appropriate level of information including visualisations demonstrating the impacts on this nationally important asset. As part of that pre-application process, we agreed a number of strategic environmental design principles for the A9 dualling project. We note that these principles appear in full in technical appendix A2.1 of the Environmental Statement.

### 2. Historic Environment Scotland's interests

This scheme will have impacts on a number of heritage assets within our remit which are as follows:

- Killiecrankie Inventory battlefield ([BTL 12](#))
- Clach na h'Iobairt, standing stone 300m E of Pitagowan ([SM 1517](#))
- Blair Castle Inventory GDL ([GDL 59](#))
- Falls of Bruar Inventory GDL ([GDL 177](#))

We have also been in discussions with Transport Scotland, Perth and Kinross Council and the Cairngorms National Park Authority over the B listed Dalnamein Bridge as part of the pre-application process for this project.

### **3. The Environmental Statement**

We note that the Environmental Statement has been prepared under the terms of the 1999 EIA regulations, which were in force when the process of preparing the Environmental Statement was begun. Chapters 1 – 5 set out the background to the scheme, including a description of the alternatives considered as part of the Design Manual for Roads and Bridges (DMRB) and Strategic Environmental Assessment (SEA) processes.

We welcome the information provided in the Environmental Statement and note that this is the first opportunity we have had to consider the level of information presented in the Environmental Statement.

We have a number of observations to make on the Environmental Statement, which are given below. These focus on the alternatives considered, the iterative design, the strategic environmental design principles, the cultural heritage chapter and the relevant elements of the landscape chapter.

#### **3.1. Alternatives considered**

We note the process of assessing alternative route alignments to the end of stage 2 of the DMRB process as described in chapter 3 of the Environmental Statement. We note that at the end of DMRB 2, the engineering assessment concluded that the option which would see the A9 dualled on the northbound side (option 4, which has been taken forward) of the existing route was preferred.

This was on the grounds that it required the least volume of material excavation from site, provided a better balance of earthworks across this scheme and would allow for the retention of existing underbridges which would reduce the amount of demolition waste generated by the project (paragraph 3.5.13).

The environmental assessment undertaken at DMRB stage 2 concluded that option 4 would have a lesser impact on the natural heritage including the River Tay SAC (paragraphs 3.5.14). Avoiding the demolition of two existing underbridges at Allt Girnaig and Allt Chluian was also considered to be beneficial as it reduces waste from demolition.

We note that the historic environment is not included in the summary of issues that were taken in to consideration. It is, however, noted as a factor that was taken into account in the options appraisal in paragraph 3.3.3.



Section 3.6 of the ES sets out the development of the proposed scheme design. A number of benefits of the preferred route are listed. These relate to this option leading to a better balance of earthworks across this scheme, the development of more effective mitigation strategies for the floodplain and sites designated for natural heritage interests. We note that this list does not appear to identify any benefits of the scheme for the historic environment.

### **3.2. Iterative design and embedded mitigation**

We note that these aspects of the design process are described in chapter 4. The issues taken into account by the Jacobs engineering and environmental teams are described in that chapter. We note that the stakeholder input (paragraph 4.2.9) identified as having influenced the designs does not include the historic environment. Embedded mitigation for the historic environment is identified in paragraph 4.3.17.

### **3.3. Strategic environmental design principles**

We note that the strategic environmental design principles agreed as part of the Strategic Environmental Assessment are included in Technical Appendix A2.1. In particular, strategic design principle H2 states that one of the objectives in reaching a preferred option would be to, 'ensure effective consideration of battlefield sites, including archaeological potential and landscape contexts. Avoid and minimise effects which may impact archaeological potential, landscape context or interpretation.'

We understand that there are a number of such objectives identified in the technical annex and that by their nature they are cross-cutting and often competing. However, it is notable that battlefields are identified separately from other heritage assets.

### **3.4. Cultural heritage chapter**

Our understanding of the assessment set out in the Environmental Statement can be summarised as given below. We have commented on the assessment of both construction and operational impacts, the identified mitigation, and the assessment of residual impacts.

The Environmental Statement assesses the value of the Battle of Killiecrankie Inventory Battlefield as 'High' (Table 15.7). The assessment identifies the special qualities and key landscape characteristics of the Battle of Killiecrankie (Sections 15.3.26-15.3.44).

The Environmental Statement concludes that metal detecting surveys largely confirm documentary evidence that the main body of fighting took place to the north of the A9 (paragraph 15.3.29).

#### **3.4.1. Construction impacts**

Paragraph 15.4.20 of the Environmental Statement identifies the elements of the proposed scheme that are predicted to adversely affect archaeological remains

associated with the battle and recovered during metal detecting. Paragraph 15.4.21 notes the elements of the scheme that would affect pits of potentially archaeological origin recorded during geophysical survey.

During construction temporary visual and noise impacts related to plant and infrastructure have been identified (Table 15.5). These would affect the battle's special qualities including Tomb Clavers, where annual commemorations are held. They would also affect its key landscape characteristics, including the southern slopes of Creag Eallaich where the main body of fighting occurred (paragraph 15.4.23).

In the absence of mitigation the Environmental Statement predicts construction impacts would be moderate (paragraph 15.4.29). The Environmental Statement considers moderate impacts to be potentially significant in the context of the EIA regulations (paragraph 15.2.7).

#### 3.4.2. Operational impacts

The Environmental Statement does not predict any operational impacts on Tomb Clavers because of woodland screening and because noise levels are not predicted to increase (paragraph 15.4.39).

The Environmental Statement states that it is from high ground to the north of the A9 where an appreciation of the scale of the battle, and an understanding of the layout and inter-relationships between qualities and characteristics may be gained (paragraph 15.4.43). The Environmental Statement concludes that the proposed scheme would result in the A9 being a more prominent feature during its operation, which would reinforce the existing severance of the battlefield.

The Environmental Statement goes on to note that this would not result in a reduced capacity to understand or experience the battlefield. It states that this is because the following elements would not be removed:

- the terraces to the south of Mains of Orchil
- the areas of both armies' lines
- the area around Urrard House where the main body of the fighting occurred
- the route of the subsequent Government rout and retreat

The Environmental Statement concludes that the existing severance of the key landscape characteristic identified as level ground to the south of the A9 toward the west of the Government line would be reinforced (paragraph 15.4.46). The Environmental Statement also assesses that there would be an increased sense of severance of the key landscape characteristic identified as the northeast of Roan Ruarridh redoubt (paragraph 15.4.47).





We note the overall assessment of effects on the Inventory battlefield is provided in paragraphs 15.4.50 – 15.4.55. It states that overall impacts on the battlefield of both northbound and southbound widening options were considered through the DMRB stage 1 (SEA) and stage 2 (options appraisal). The impacts were considered to be broadly similar and where there were differences in the significance of impacts that they were not considered to be a differentiator in selecting the preferred option.

The issue that appears to have been key in selecting the northbound widening option seems to be that this option has the least need for material excavation from site (paragraph 15.4.51). The Environmental Statement suggests that the northbound widening option also retains the Allt Girnaig and Allt Chluain under bridges and has a better balance of earthworks compared to other options.

The Environmental Statement states that the adverse construction and operational impacts would have no impact on the amenity value of the battlefield. The reasoning for this is that the majority of visitors experience the battlefield by visiting the National Trust for Scotland's Visitor Centre at the Pass of Killiecrankie, or by attending the annual Soldiers of Killiecrankie event and re-enactment at Claverhouse's Stone field. It is stated that neither of these elements of the battlefield would be affected (paragraph 15.4.53).

In the absence of mitigation the Environmental Statement predicts that operational impacts would be moderate (paragraph 15.4.54). The Environmental Statement considers moderate impacts to be potentially significant in the context of the EIA regulations (paragraph 15.2.7).

### 3.4.3. Mitigation

The Environmental Statement states that the design of the proposed scheme has sought to avoid impact through design development (paragraph 15.5.3). It lists key design developments that have avoided or reduced impacts on the battlefield as follows:

- the grading out of earthworks to improve integration with existing landform and the control of planting to retain open views
- locating SuDS features to avoid or reduce impacts on areas of high archaeological potential identified by metal detecting surveys

The Environmental Statement proposes that specific mitigation in the form of archaeological fieldwork, recording and reporting is undertaken (paragraph 15.5.15-18). The ES states that opportunities to offset impacts in other ways such as increased interpretation would be explored with interested parties, including Historic Environment Scotland.





#### 3.4.4. Residual impacts

The Environmental Statement concludes that with appropriate and effective mitigation in place there would be no significant residual construction impacts (paragraph 15.6.7). It predicts that the operation of the proposed scheme on the Battle of Killiecrankie would result in a moderate impact that would be significant in the context of the EIA regulations (Table 15.7).

### **3.5. Landscape chapter**

We have commented below on the mitigation and residual impacts identified in the landscape chapter of the Environmental Statement, where they are relevant to impacts on Killiecrankie Battlefield.

#### 3.5.1. Mitigation

We note mitigation for landscape impacts is described in section 13.5. Specific mitigation within the battlefield includes grading and profiling of earthworks to improve integration with surrounding landform, modifying embankments and cutting slopes. Mitigation for the impact of SuDS features and proposals for woodland planting are also described.

#### 3.5.2. Residual impacts

Residual impacts on landscape character are discussed in section 13.6. Impacts on the Pass of Killiecrankie Local Landscape Character Area (LLCA) are set out in paragraph 13.6.7 – 12 and those on the Lower Glen Garry LLCA are explained at paragraph 13.6.13 – 19. I note that mitigation measures for embankments within the Pass of Killiecrankie LLCA may require soil nailing. This may be damaging in its own right.

Paragraph 13.7.2 concludes that overall the project will have an impact of moderate/substantial significance within the LLCA of Pass of Killiecrankie and Glen Garry: Lower Glen. Both of these lie within the Inventory battlefield.

### **4. Killiecrankie Battlefield**

The most significant impact on our interests is likely to be that on the Inventory battlefield of Killiecrankie. Below we give details of the heritage asset itself. The Inventory entry remains the key reference document which identifies the special qualities and key landscape characteristics of this asset. These cover, where relevant, the location, events, and key landscapes and special qualities of the battlefield.

The Battle of Killiecrankie, fought in 1689, was the opening battle of the first Jacobite rebellion in Scotland. It was a highly significant engagement because of the relatively high loss of life and because the Jacobites' victory at Killiecrankie would prove to be an inspiration, even though the loss of their general Viscount Dundee badly undermined the cause.



The battle offers an excellent example of the potentially devastating effects of a well-executed Highland charge. It remains well-known and retains many important cultural associations, such as: in popular song, annual commemorations and a National Trust for Scotland Visitor Centre. The national significance of the battlefield was recognised with its addition to the Inventory of Historic Battlefields in 2011.

#### **4.1. Location and events**

The location of the battlefield is well-established through a number of eye witness accounts and archaeological fieldwork. The battle was fought at the head of the Pass of Killiecrankie, south of Blair Atholl, and it is possible to understand the landscape of the battle today.

The Government troops advanced along the River Garry, and climbed the steep embankment to Urrard House when they realised that the Jacobites were approaching from the north. The Government army was surprised by the Jacobites and was forced to adopt a relatively weak position on a terrace near the bottom of the southern slopes of Creag Eallaich while the Jacobites lined up on higher ground to the north. After several hours of skirmishing the Jacobites moved down the hill in a classic Highland charge. As they charged, some parts of the Jacobite line were shielded from much Government shooting by a series of natural terraces.

On the left flank in particular, the Government troops were able to fire no more than three volleys before the Jacobites reached them and scattered the line. Other parts of the Government line offered more resistance and the Jacobite cavalry, led by Dundee, was required to break the right flank. The charge was effective and the Government troops started to stream from the battlefield with the Jacobites in pursuit.

#### **4.2. Key landscape characteristics and special qualities**

The slopes of Creag Eallaich helped maximise the effectiveness of the Jacobites' Highland charge and more subtle variations in topography were pivotal to the rates of progress and casualty rates among the various units along the Jacobite line. Some terraces on the slope provided more cover for the Jacobites while they ran downhill, and reduced the effectiveness of Government firearms, while other terraces allowed for clearer shooting within the Government's range. It is clear that the topography of the battlefield played a key part in the engagement and outcome. Even subtle changes in the topography contributed to the battle events and these are perhaps most marked closer to the Government line. Therefore, an appreciation of that topography is essential to understanding the battle.

Other important features of the battle include the current, B-Listed, Urrard House, which is on the site of a house called Roan Ruirridh which stood at the time of the battle and from where the shot that felled Dundee is traditionally said to have been fired. The Government's right flank was anchored on a burn called Allt Girnaig, and the left flank



was anchored on a small hill, probably the knoll where Balchroic Cottage stands. All of these elements of the landscape remain identifiable.

Another mound, known as Tomb Clavers, which lies near the Government line, has a memorial on it that was built to remember the battle. This continues to be the site of annual commemorations. It therefore makes a significant contribution to the associative qualities of the battlefield, as a site of remembrance with a strong emotive value.

The features noted above, including the topography of the southern slopes of Creag Eallaich, are all key landscape characteristics of the battlefield. Metal detecting has recovered many finds directly related to the fighting on both the south and north sides of the A9. The battlefield has a confirmed potential to contain archaeological remains related to the battle, which are an important resource and one of its Special Qualities.

The current A9 bisects the battlefield around 150m north of the probable location of the Government line. Ground underneath the A9 and its associated earthworks has been disturbed and is not likely to contain *in situ* evidence relating to the battle. The road and its related infrastructure, woodland screening, and earthworks obscure some parts of the lower slopes of Creag Eallaich down which the Jacobites charged.

However, particularly along the eastern and western flanks of both armies' positions and south of the A9, it remains possible to appreciate both the prevailing slope and the various, more subtle terraces in front of the probable location of the Government line. These were crucial to influencing events during the battle. Views from the Government line up toward the Jacobite line are now largely obscured by mature trees around the A9.

## **5. Impacts on Killiecrankie battlefield**

We have commented below on our assessment of the level of impact on Killiecrankie battlefield. This covers specific comments on the assessment given in the Environmental Statement, and our assessment of both construction and operational impacts.

### **5.1. Assessment in the Environmental Statement**

The comments below focus on the assessment of the impacts on the Battle of Killiecrankie given in the Environmental Statement. This covers the limitations of the information provided, and the comments on the assessment itself.

#### **5.1.1. Limitations of information provided**

The limitations of assessment identified in the Environmental Statement (paragraph 15.2.10-11) should note that relatively substantial portions of the defined corridor were not surveyed by metal detector for a variety of reasons. It would be useful to show the areas surveyed/not surveyed on Figure 15.4a and b. We consider this to leave a significant gap in the assessment methodology which in turn may have affected the

assessment's conclusion that the main bodies of fighting occurred on the north side of the current A9.

Construction compounds are not included in the specimen scheme. Elements of their construction such as the stripping of topsoil have the potential to have significant adverse effects on heritage assets. In particular, with regard to our remit, on remains and artefacts associated with the Battle of Killiecrankie. Locations where the creation of construction compounds would have adverse impacts on heritage assets should be defined and clearly shown as excluded from consideration in the specimen scheme.

#### 5.1.2. Assessment provided

The battlefield can be understood by considering two broad groupings of features:

- Archaeological and physical remains relating to the battle (special qualities)
- Topographic and landscape features (key landscape characteristics)

Artefacts and remains related to the battle (paragraphs 15.3.27-15.3.35) should not be expected to be restricted to areas that have been demonstrated to contain them by metal detecting or geophysical survey. Archaeological fieldwork has confirmed that there is high potential for artefacts and remains related to the battle across the entirety of the areas of the armies' approach, lines, fighting and retreat, including areas that have not previously been subject to survey.

Further artefacts may survive in areas that have already been subject to survey. Archaeological remains associated with the battle are a special quality that have been demonstrated to survive over an extensive area to the north and south of the current A9.

The assessment states that the main body of fighting took place to the north of the A9 but does not appear to consider how the limitations of assessment may have resulted in bias in the collection of data. The ES states that the collected data supports documentary evidence but does not set out how this support is offered by documentary sources.

Given the probable location of the Government line, and the results of some surveys to the south of the A9, we do not agree that it has been clearly established that the main body of fighting took place to the north of the A9. Whilst the current evidence is ambiguous, there is also some evidence to suggest a more southerly location, closer to the projected Government line.

We recommend a precautionary approach is undertaken with regard to other potential archaeological remains. For example, there is a possibility for the pits identified by geophysical surveys in 2016 to be highly significant features such as burial pits. Should

this be verified, such pits would form a special quality and design should seek to preserve them *in situ*.

The assessment identifies particular features within the broad area identified as the key landscape characteristic: ‘the southern slopes of Creag Eallaich’, such as the terraces to the south of Mains of Orchil (paragraph 15.3.40-41 and Figure 15.4b). We agree that these features are important, but they do not have greater importance than other features within the broader area identified as the southern slopes of Creag Eallaich. For example, the terraces between the probable Government line and the current A9, in the central and eastern part of the battlefield, have a marked character and play a central role in understanding and appreciating events during the battle.

In 2003 a metal detecting survey provided evidence for a concentration of battle artefacts on a terrace to the northeast of Urrard House and south of the A9. Variations in the topography in this central and eastern part of the battlefield are a key landscape characteristic of the battlefield. They significantly contribute to understanding why Jacobite casualties may have been more numerous, and Government resistance stronger, in this area.

The selection of particular features within the broad area described as the southern slopes of Creag Eallaich suggests that the assessment accords these identified features a greater significance than other features that we regard as equally important to an understanding and appreciation of the course of the battle. This approach may have resulted in an unbalanced assessment of significance and hence impacts.

## **5.2. Historic Environment Scotland’s assessment of impacts**

This covers our assessment of construction and operational impacts, as below.

### **5.2.1. Construction impacts**

All ground disturbance works in areas that have not been archaeologically sterilised by previous development (for example, construction of the existing A9) have the potential to damage, destroy or remove archaeological remains associated with the battle. The footprint of the proposed development, a short distance to the north of the Government line, affects an area where such remains have been established to survive by metal detecting survey.

The remains that would be affected preserve important information about the battle. The battlefield covers a large area and while the proposed works affect a relatively small proportion of it they are likely to affect areas where fighting was fierce, physical remains may be relatively common and/or where subtle variations in the topography influenced the battle and are important to an understanding of the battlefield today.



It is therefore important that the development footprint, and the impacts associated with it, be minimised in the area to the north of the probable Government line. Some recommendations set out in the Environmental Statement may in fact increase the overall size of the development footprint. In particular this would include the grading of earthworks. We would therefore recommend that this suggestion is reviewed.

During construction temporary visual and noise impacts related to plant and infrastructure have been identified. These would affect the battle's special qualities including the Tomb Clavers, which has a particularly high associative value and cultural resonance, as set out above. They would also affect its key landscape characteristics, including the southern slopes of Creag Eallaich where the main body of fighting occurred.

We have some concerns with the overall methodology which are noted above and we consider that this has influenced the assessment within the Environmental Statement. We agree with the overall conclusion that, in the absence of mitigation, construction impacts are likely to have a significant adverse impact on the special qualities and key landscape characteristics of the Battle of Killiecrankie.

#### 5.2.2. Operational Impacts

We agree with the Environmental Statement that views from high ground to the north of the A9 are important to understanding the scale of the battle and the wider battlefield landscape. However, there are other important viewsheds throughout the battlefield. Because of woodland screening around the existing A9, important elements of the battlefield landscape may only be appreciated through views obtained from around the Government line to the south of the current A9.

These views allow an understanding of how the Government line was laid out in relation to the surrounding topography and other landscape features. This includes: Alt Girnaig, the knoll at Balchroic Cottage, the Roan Ruairidh Redoubt and the varied terraces immediately in front of the line. Views to and between these features are important to understanding and appreciating the course of the battle. These views also allow for an appreciation of the subtle topographic variations that influenced the events of the battle.

The Environmental Statement is supported by visualisations from Viewpoints 1-6. These do not include viewpoints that illustrate the potential effects of the scheme on views from around the location of the Government line and the areas of engagement to the south of the A9. At stage 2 of the DMRB process, we advised that visualisations of the effect of the proposed scheme on views upslope from the base of the glen and from the upper terraces of the hill downslope should be included.

We recommend that photomontages are provided from viewpoints that illustrate any impacts on these important views to allow a robust assessment of impacts and assist in developing mitigation. Visualisations should support any assertions in the Environmental



Statement. In particular, we note the assertion that there would be no visual impact on Tomb Clavers due to existing woodland screening, and we consider that this should be supported by appropriate visualisations.

We agree that operational impacts are likely to lead to what the Environmental Statement describes as an increased sense of severance of the battlefield in relation to several key landscape characteristics. We do not agree, however, that the operation of the proposed scheme would not result in a reduced capacity to understand or experience the key landscape characteristic identified as the southern slopes of Creag Eallaich.

The expansion of the roadway, the earthworks, the eastern SuDS feature and any other infrastructure would substantially reduce the surviving topography of the southeastern part of the main area of fighting within the battlefield. Several of the terraces here would be substantially affected, for example the area where the Jacobite cavalry under Dundee broke the Government's right flank. The changes proposed here would reduce an ability to understand and appreciate key parts of the battlefield and how they influenced its events.

As identified in the Environmental Statement, the feature identified as 'level ground to the south of the A9' (paragraphs 15.4.45-46) would be significantly altered by the creation of an earthwork embankment, an access track and a SuDS feature along the western part of the main area of fighting. This is to the immediate north of the Government's left flank, where the Jacobite charge had greatest effect as a direct result of the slope's topography. This is perhaps one of the most famous events that took place during the battle. Further changes to this topography would reduce an ability to understand and appreciate this key part of the battlefield.

We do not agree with the Environmental Statement's conclusion that the identified adverse impacts would have no impact on the amenity value of the battlefield. Annual events include battlefield tours that allow visitors to appreciate and understand the key landscape characteristics of the battlefield to the south of the existing A9. These tours, and therefore visitors' appreciation, would be adversely affected by changes to the topography in this area and an increased sense of severance of the battlefield.

In the absence of mitigation, operational impacts would have a significant adverse impact on the key landscape characteristics of the Battle of Killiecrankie. This is also the conclusion of the Environmental Statement.

### **5.3. Mitigation**

In line with our guidance note 'Managing Change in the Historic Environment Guidance Note: Historic Battlefields' (2016), we recommend that mitigation identify a hierarchy of preferred options. The preferred option is to avoid impacts altogether, and where this is not possible, to reduce both construction and operational impacts through design.





It is not clear that the scheme has been designed to take full account of what the key elements of the battlefield might be, and then reduce disturbance within the battlefield by reducing the construction footprint and keeping alterations to its topography to a minimum. We note mitigation measure P05-CH3 identified in chapter 21, to undertake trial trenching in advance of construction within the Inventory battlefield and that the intention is that this would inform the nature, scope and scale of mitigation within the areas identified. However, we would suggest that this is too late in the process to inform the design of the scheme and an appropriate mitigation response to this heritage asset.

#### 5.3.1. Our recommendations

We recommend that further work is carried out at the earliest possible stage to provide further evidence on the Inventory Battlefield. This would enable the identification of measures to reduce or avoid proposed works that would adversely affect the special qualities and key landscape characteristics of the battlefield.

This should include consideration of further assessment work, the provision of additional supporting information, and alterations to the design of the scheme. Our specific recommendations are given below.

Assessment work and further information should include the following:

- Further archaeological survey and fieldwork – this would give us a fuller understanding of the special qualities of the battlefield. In particular it may inform the extent of the main body of fighting, the nature of the potential pits identified by geophysical survey, and the archaeological potential of the battlefield elsewhere.
- Consideration of key landscape characteristics – this should be informed by the above and further study of the battlefield's topography. This would be assisted by consideration of LiDAR data held by the Scottish Government (available online at <https://remotesensingdata.gov.scot/>).
- Provision of additional photomontages and visualisations – this should cover the range of potential impacts from key viewpoints within the battlefield.

Alterations to the scheme should include:

- Removing lay-bys planned within the battlefield.
- Relocation of the SuDS pond to the immediate north of the Government lines at their east end to a location away from the battle's key landscape characteristics or more sensitive design of it that results in a similar level of mitigation.
- Significant reductions in the footprint of landscaping earthworks. In particular 'grading out' may not be the correct approach, as explained above. The most sensitive approach may change over the length of the road within the battlefield.
- Relocation of the access road to the SuDS pond to the immediate north of the Government line at the west end so that it does not affect the battle's key



landscape characteristics or more sensitive design of it that results in a similar level of mitigation.

The further assessment recommended above may assist in considering whether any impacts could be lessened through realignment.

After impacts have been reduced as far as possible, following the work recommended above, a further programme of archaeological fieldwork should precede any disturbance of sensitive ground as noted in the schedule of environmental commitments. This should aim to maximise the recovery of artefacts from the battlefield, including those artefacts that may not be detectable by survey from the current ground surface. It should also seek to identify and record all sub-surface features that may relate to the battle.

The Environmental Statement states that the results of archaeological fieldwork would be made available commensurate with their importance. We recommend that this demonstrate a full awareness of the cultural importance of the battle to the public and surrounding communities. It should seek to identify ways to increase understanding and appreciation of the battle among those groups. This could include active participation in some aspects of research and a programme of information and engagement through informal and digital communication.

We also note the commitment to offset impacts in other ways such as increased interpretation and would welcome further consultation on this.

#### 5.3.2. Residual Impacts

The residual impact of the operation of the proposed scheme on the Battle of Killiecrankie would be significant and adverse. The Environmental Statement has not clearly established that further mitigation by design is impossible. Further mitigation by design has the potential to reduce the predicted adverse impacts further and such options should be explored fully given the national importance of the Battle of Killiecrankie. This process and its outcomes should be set out in an addendum to the Environmental Statement.

### **6. Other heritage assets covered by our remit**

Our comments on impacts on other heritage assets, including scheduled monuments, listed buildings, and gardens and designed landscapes, are given below.

#### **6.1. Scheduled monuments - Clach na h'Iobairt, standing stone 300m E of Pitagowan (SM1517)**

The Environmental Statement recommends that this scheduled monument should be protected from any physical impacts during the scheme and we agree with this mitigation. We note that the scheduled area extends 10m from the standing stone and it is this area that should be marked out and protected.



Protection measures should include physical markers outwith the scheduled area, and toolbox talks to ensure relevant contractors are made aware of the protection of the monument.

## **6.2. Inventory gardens and designed landscapes**

### **6.2.1. Blair Castle**

The proposed development would have a direct impact on this nationally important heritage asset and we would have expected the Environmental Statement to include an assessment. However, the cultural heritage chapter (Chapter 15) does not include an assessment of the impact of the project on the Blair Castle GDL although it is acknowledged in the baseline section as being of high value (paragraph 15.3.46).

Moreover, the landscape chapter (Chapter 13) refers to Chapter 15 for an assessment of impacts on the GDL (paragraph 13.3.3). In the landscape chapter, Inventory Gardens and Designed Landscapes are identified as being designated landscapes of international/national value. However although there are two such assets within the scheme study area (Blair Castle and Bruar), they are not included within the baseline assessment.

Confusingly, the landscape objectives (technical appendix A13.6) do refer to Blair Castle and to the need to 'maintain the essential qualities of Blair Castle GDL'. It is not clear what the phrase 'essential qualities' relates to. Paragraph 3.1.2 explains how this objective has been achieved. There is no further, specific assessment of impacts for Blair Castle in this chapter.

The only assessment of the impact of the proposal on the GDL is included in Table 1 in Appendix 15.4. The assessment concludes that the scheme would have a slight impact on this asset. Mitigation is identified to address these impacts, which would be in the form of a level 2 survey, according to English Heritage guidance.

We agree with the assessment. Although the construction of the project would lead to some woodland loss between the A9 and the River Garry, this would not lead to the loss of any historic features and would not affect the legibility of the surviving layout of Tulloch Park.

In terms of mitigation, there may be an opportunity to introduce planting to compensate for the loss of historic woodland and screen elements of the road in views from the core of the GDL.

### **6.2.2. Falls of Bruar**

Again, there is no assessment of the impact of this development on the Falls of Bruar Inventory site.

The Environmental Statement states that there will be no impact on this nationally important heritage asset. We agree that there is unlikely to be a significant impact on the setting of the GDL.

### **6.3. Listed buildings - Dalnamein Bridge**

We note that there will be no direct impact on the listed bridge and little impact on its setting, but it seems likely there will be an indirect impact arising from it being bypassed and left *in situ*. This means the listed bridge is likely to receive little or no maintenance in the future which may result in its loss. We would therefore reiterate our earlier recommendation for a structural assessment of the bridge so that its future can be considered in the context of a proper understanding of its condition.

### **7. Historic Environment Scotland's position**

We object to the proposed development as it currently stands. This is on the basis that the proposal would have a significant adverse impact on the Battle of Killiecrankie. We recommend that further mitigation through design of the scheme should be pursued to reduce adverse impacts on the special qualities and key landscape characteristics of the battlefield and to ensure that the proposed scheme is in accordance with strategic design principle H2.

This should be informed by a more robust assessment of the battlefield to include further fieldwork, more balanced consideration of the battlefield's key landscape characteristics and visualisations. This process and its outcomes should be set out in an addendum to the Environmental Statement.

**Historic Environment Scotland**  
**23 January 2018**