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**By email to: [Jo.Blewett@transport.gov.uk](mailto:Jo.Blewett@transport.gov.uk)**

Ms Jo Blewett  
A9 Dualling Team  
Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

[Adele.Shaw@hes.scot](mailto:Adele.Shaw@hes.scot)  
T: 0131 668 8758

Our ref: PA  
Our case ID: 300020758  
Your ref: B214005/ELM/DJR/128/001  
22 January 2019

Dear Ms Blewett

[Roads \(Scotland\) Act 1984](#)

[The A9 Trunk Road \(Killiecrankie to Glen Garry\) \(Trunking\) Order 201\[ \]](#)

[The A9 Trunk Road \(Killiecrankie to Glen Garry\) \(Side Roads\) Order 201\[ \]](#)

[The A9 Trunk Road \(Killiecrankie to Glen Garry\) \(Extinguishment Of Public Rights Of Way\) Order 201\[ \]](#)

[The A9 Trunk Road \(Killiecrankie to Glen Garry\) Compulsory Purchase Order 201\[ \]](#)

Thank you for your letter of 7 December 2018 responding to our objection dated 23 January 2018 and following our meetings on the 12 March and 15 November 2018. This letter focusses on the work which has been carried out by Transport Scotland to address our objection to the impact of the proposed development. We commented on the impact of the scheme on a number of other heritage assets in our response of 23 January 2018. For the avoidance of doubt, comments relating to assets outwith the Inventory battlefield still stand.

We welcome the work which has been undertaken in response to the concerns we raised in our letter of 23 January 2018. This work has helped to increase our understanding of the nationally important battlefield of Killiecrankie and the contribution of the key landscape characteristics and special qualities to the national importance of this asset. It has also helped to inform our consideration of the potential impacts of the refined design on the battlefield and has helped to provide a degree of certainty over some of the potential impacts for our historic environment interests at the national level.

### **Our position**

We have reviewed the information submitted in your letter of 7 December 2018, which draws together information presented at the meetings which took place in March and November 2018, and the design refinement drawings prepared for the public information event held on 31 October and 1 November 2018.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



A number of refinements have been made to design of the scheme in order to address the matters set out in our objection letter and to try to reduce the level of impact on the battlefield. That process was informed by the additional archaeological fieldwork which was carried out in 2018.

Additional design work which has been undertaken has resulted in a reduction in the footprint of the earthworks that is substantial and which has reduced the potential for disturbance of battle-related remains and landscape characteristics. This has removed the potential for disturbance from some important parts of the battlefield, such as the terrace in Field F7, and reduced it substantially in others such as Field F9 and Field F1, which were areas occupied by either flank of the Government line.

We note the assessment of these impacts as set out in your letter of 7 December 2018 that the proposed scheme, as amended will continue to have a significant impact on the Inventory battlefield. We agree with that conclusion. Where refinements to the design have not been able to be included in the scheme as currently proposed, this has been for reasons other than reducing impacts on the battlefield such as road safety and landscape impacts. We would advise that in making the Road Orders for this scheme, Scottish Ministers satisfy themselves that impacts on this nationally important asset have been fully taken into account.

However, on balance and based on the refined design as presented in the information identified above, we withdraw our objection to the following aspects of the scheme:

- Sustainable Drainage Features (SuDS) within the inventory battlefield, specifically features identified as SuDS B and the access to SuDS C in the design refinement drawings
- Earthworks design

For these aspects of the proposed development we agree with the conclusions set out in your letter that the proposed scheme, including the design refinements which were made following the additional archaeological fieldwork which took place in the summer of 2018, will still result in a significant impact on the Inventory battlefield. However, we consider that these aspects of the refined design no longer raise historic environment issues in the national interest such that they warrant an objection from Historic Environment Scotland. Detailed comments on these issues can be found in the attached annex.

We also withdraw our objection to:

- Lay-by locations within the Inventory battlefield.



For these matters you have taken the view that driver safety is the over-riding consideration in their spacing and location. We note the proposed lay-bys are not intended to be the enhanced lay-bys which were initially being considered for inclusion within the scheme. Although these elements of the road add to the overall footprint of the road within the Inventory site, we recognise that there is a balance to be struck with other issues. However, the impact of the proposals within the Inventory battlefield remain significant, as acknowledged in your letter. On this basis, we recommend that you continue to explore ways of mitigating the impact of these features.

That said, we have an outstanding concern relating to the following:

- Planting in Field F9 which has been included to compensate for the loss of woodland elsewhere.

We maintain an objection to these proposals.

This aspect of the proposals is likely to have a significant adverse impact on the key landscape characteristics and special qualities of this part of the Inventory battlefield. We consider that this is capable of mitigation and we note from your letter of 7 December 2018 that you have indicated that you would be happy to discuss and review these proposals. We welcome this approach and would be happy to work with you and the other parties identified in your letter on this matter.

As you will be aware, there are other parties who have provided comments on the impact of the proposals on the nationally important historic battlefield of Killiecrankie for their own interests during the consultation process for this project. We recommend that the Scottish Ministers take these views into account as part of the ongoing process of making the Roads Orders for this particular project.

Yours faithfully

**Historic Environment Scotland**



## Annex

### Assessment work and further information

For ease of reference this response broadly follows the format of and headings set out in your letter. The response does not repeat all relevant sections of our objection letter, for example the description of Killiecrankie Battlefield set out in Annex Section 4, and should be read in reference with our previous letter. In our objection we made several recommendations that are directly relevant to your response and these are summarised below:

- Further survey and fieldwork should be undertaken to provide a fuller understanding of the battlefield.
- Additional visualisations should be provided to allow a fuller understanding of potential impacts on the battlefield.

We advised that this additional information should be used to identify measures to reduce or avoid proposed works that would adversely affect the battlefield, including:

- Removing lay-bys
- Relocation or redesign of a SuDS pond in Field F9
- Reductions in the footprint of landscaping earthworks
- Relocation or redesign of the access road to the SuDS pond in Fields F1 and F2

We also suggested that the additional information might assist in considering if any impacts could be lessened by realignment.

### Further Archaeological Survey and Fieldwork

We welcome that further archaeological survey and fieldwork including geophysical survey, trial trenching and metal detecting was undertaken during the summer of 2018. This work has provided us with additional information and has helped to provide some certainty over the potential impacts of the scheme on the Inventory battlefield where this was lacking in the Environmental Statement (ES) published in November 2018.

The reports generated by the work provide useful information and the key results are summarised below:

- Additional trial trenching confirmed that anomalies detected during previous phases of geophysical survey, and tentatively identified as possible burial pits, were geological in origin.
- Additional geophysical survey and trial trenching did not identify any further anomalies or features thought likely to have archaeological potential within the Compulsory Purchase Order area of the proposed scheme.



- Additional metal detecting has added to the corpus of information on the battlefield. It has provided more evidence for events during the battle and confirmed the likely importance of terraces to the fighting in Field F7. The survey provided little evidence for fighting to the east of the Allt Girnaig in Skirmish Fields 1 and 2.
- In combination with information generated by previous surveys the results clearly establish that artefacts related to fighting survive in agricultural fields to both the north and south of the current A9. The distribution of these artefacts has provided important information on the extent and nature of fighting during the battle and confirmed that the current A9 cuts through a sensitive part of the battlefield associated with fighting where the Jacobite charge approached and met the Government line.

The additional archaeological work has provided important information that further informs our understanding of the battlefield, including providing a better understanding of the battlefield's archaeological potential. In turn this has allowed us to assess the impact of the refined design in light of this additional information. Particularly important is confirmation that the anomalies identified by geophysical survey in 2016 are geological in origin rather than burial pits. This was a significant uncertainty highlighted in the ES. The results of the additional work provide us with sufficient information to inform our consideration of the potential impacts of the refined scheme on physical remains associated with the battle.

### **Consideration of Key Landscape Characteristics**

We welcome the use of Lidar data and further survey, which has assisted detailed mapping and interpretation of topographic features, such as terraces, which had an important influence on events during the battle and are important landscape characteristics of the battlefield. Features such as these help us to understand how the events of the battle unfolded and are an important part of the national importance of this asset. We also welcome that this information has been combined with other data and interpretative information and is presented in an online ESRI Web Application.

We note that there have been amendments to the extents of two key characteristics as shown on the ES figure 15.4 a and b and amended Figure 15.4 attached to your letter ('North-east of Roan Ruairidh' and 'Terraces to the south of Mains of Orchil and level ground to the south of the A9').

The additional work has refined the identification of key landscape characteristics of the battlefield and provides a robust basis which has informed our consideration of the potential impacts of the scheme on the battlefield landscape.

### **Provision of Additional Photomontages and Visualisations**

We welcome the provision of additional photomontages. These allow us to better understand the potential visual impacts of the proposed scheme on the battlefield.

### **Alterations to the scheme**

Your letter of 7 December sets out, in some detail, the changes made to the proposals, and your consideration of potential changes, even where these were not pursued. The key elements of this, for our interests, are summarised below.

- *Removing lay-bys planned within the battlefield*  
We understand that omission of both a northbound and southbound lay-by in the battlefield has been considered. It has been concluded that this would result in approximately 13km and 7.5km lengths of carriageway without a lay-by respectively. This would be in excess of recommendations and the inclusion of appropriate and frequent lay-bys is considered necessary for road safety and policing.

Consequently, the amended design includes northbound and southbound lay-bys of standard layout within the battlefield. A natural stone wall has been introduced to provide some visual screening for the proposed northbound lay-by.

- *Review of drainage design*  
We welcome that the drainage design has been reviewed in order to reduce impacts on the battlefield. The amended design includes removal of a Sustainable Drainage System (SuDS) feature from Field F9, identified as SuDS B on figure 3 of the design refinement drawings and in your letter of 7 December. We understand that this would involve an extended pipe network and an enlarged SuDS feature in Skirmish Field 2. We note that archaeological survey and fieldwork has provided little evidence for fighting in the vicinity of this enlarged feature and it is to the east of the Allt Girnaig and so not in close proximity to the location of the Government line.
- *Refinement of earthworks*  
We welcome that the earthwork design has been reviewed and the proposal refined in order to reduce impacts on the battlefield. This has included altering the balance between 'graded out' earthworks, designed to improve integration with surrounding landform, and steepened embankments that reduce the development footprint within the battlefield.

The amended design retains graded embankment slopes in Field F9. We understand that further reductions in the earthworks here would increase the significance of landscape impacts, but that these landscape impacts are different to those considered as part of the battlefield landscape.





Elsewhere the proposed earthworks have been steepened and a bund removed. As a consequence of the proposed refinements the footprint of the construction works has been reduced by approximately 1.45ha.

- *Review of SuDS access*

We welcome that there has been further consideration of the location of the access track to the SuDS feature in Fields F1 and F2 in order to reduce impacts on the battlefield. The amended design incorporates refinements to a slip road alignment and its associated earthworks. This, along with steepening of earthworks, has resulted in the proposed access track being between 14m and 29m closer to the proposed mainline and a reduction of the development footprint of approximately 0.8ha.

## **Our assessment of impacts of specific design refinements**

### Drainage design

The amended design would remove the proposed SuDS feature B from Field F9. Artefacts related to the battle have been recovered from Field F9 and this area would have been occupied by the Government's right flank. It is likely that there was hand-to-hand fighting here and the Government's right flank offered stiff resistance to the Jacobites. Breaking the line required action from the Jacobite cavalry led by Viscount Dundee, which was an important event during the battle. Excavations associated with the proposed SuDS feature would have disturbed and altered this important part of the battlefield.

The amended design moves the SuDS feature to a less sensitive part of the battlefield and consequently this refinement is effective mitigation that reduces impacts on the battlefield. In addition, we note that the redesign of this element of the project has necessitated a departure from standard design and we welcome the work which has been undertaken to resolve this issue.

### Laybys and earthwork refinements

The amended design includes the creation of a northbound layby within Field F9 and graded earthworks that would still result in physical disturbance and very visible changes to topography. Expanding the footprint occupied by the A9 and obscuring more of the topography here would have an adverse impact on this sensitive part of the battlefield and, as noted in your letter, increase a sense of severance of the battlefield.

Mitigating these adverse impacts further by removing the lay-by and steepening the embankments in Field F9 has been considered. This would have reduced the footprint of the proposed scheme still further and consequently further reduced adverse impacts on the battlefield, which we would have welcomed. However, it has been concluded that the



lay-by is required, primarily for safety reasons, and that steepening the embankments would increase landscape impacts.

Design refinements within Field F7 have restricted the construction footprint to land disturbed during the construction of the existing A9 and avoided changes to a terrace in Field F7, which is a sensitive part of the battlefield likely to have had an important influence on events during the battle.

The footprint of the proposed scheme has been reduced in Fields F1 and F2 by reducing the length of a slip road and steepening earthworks. The refined design would still entail some expansion of the existing carriageway. This part of the battlefield was the location of the Government's left flank, which was quickly broken by the Jacobite charge. The battlefield's topography played an important part in this event and changing it would have an adverse effect on a key landscape characteristic of the battlefield. Proposed groundworks also have the potential to impact on any archaeological remains that may be present.

Whilst we welcome the steps taken to reduce the impact of earthworks upon parts of the battlefield, the amended proposals would have a considerable impact. We understand that decisions on whether to mitigate adverse impacts on the battlefield have to take into account other factors that might be concluded to take precedence in some instances, such as the wider landscape impacts noted in your letter.

Works associated with the construction of such earthworks will require ground disturbance. The Environmental Statement, published in November 2018 identifies a requirement for pre-construction landscape and metal detecting surveys. Mitigation items P05-CH9 and P05-CH10 should be implemented in line with these published commitments.

#### Compensatory woodland planting

Proposed compensatory planting in Field F9 would alter the character of this part of the battlefield from open agricultural land to woodland. We consider that this change would constitute a significant adverse impact on the battlefield. Planting in this location would make it harder to appreciate the topography of this part of the battlefield by masking the landform. At maturity, woodland in this location would obscure its relationship to other parts of the battlefield. Planting would also entail ground disturbance and so have the potential to disturb archaeological remains and artefacts associated with the battle. Metal-detecting in Field F9 has recovered artefacts related to the battle and further remains are likely to be present.

Compensatory planting in Field F9 is undesirable and would have adverse effects on the battlefield, which other design refinements have sought to reduce. Your letter states that you would be prepared to review the proposed planting, subject to consultation with other





relevant bodies. We would recommend that you progress this review with the aim of relocating any compensatory planting to outside sensitive parts of the battlefield and would be happy to work with you and other relevant bodies to resolve this issue.

The construction footprint in Fields F5 and F6 would be within areas thought to have been previously disturbed during construction of the existing A9. Woodland planting is proposed in the north of Field F3, which is currently pasture. For similar reasons to those offered in relation to Field F9 this would be likely to have adverse impacts on the battlefield. We note that the woodland proposed here is intended to provide screening of the proposed scheme in views from Tomb Clavers, which is a focus for annual remembrance of the battle.

### **Our assessment of overall impact**

We note that, in total, the refined design has reduced the footprint of the construction works within that part of the battlefield between the Allt Chluain and the Allt Girnaig by approximately 2.8ha. We also note that the design refinements have resulted in a greater proportion of the proposed development being located in areas previously disturbed by the construction of the existing A9.

We agree with the conclusion set out in your letter that in light of further evaluation an assessment of the archaeological potential of the battlefield should be lower than that reported in the Environmental Statement. We also agree that there is still potential for objects and archaeological remains associated with the battle, and for other archaeological remains, to be present in previously undisturbed parts of the battlefield.

By reducing the development footprint, we agree that the refined design has avoided impacts on some important parts of the battlefield, in particular the restriction of works in Field F7 to within areas previously disturbed will help to avoid additional impacts to terraces in this area. The refined design has also substantially reduced impacts in other sensitive parts of the battlefield, in particular on the Government's left flank (Fields F1 and F2) and its right (Field F9).

Due to the nature of the overall alignment the proposed works would occur in the central part of the battlefield where the Jacobite charge approached and engaged the Government line. The variable terraces and slopes here had an important influence on the battle as they offered protection to the advancing Jacobites and restricted the opportunities for the Government troops to fire upon them. Artefacts found to the north of the A9 relate to munitions exchanged during the battle. Hand to hand fighting probably occurred along the Government line to the south of the A9. The existing A9 cuts through this central part of the battlefield where topography played a key role in the outcome of the battle and physical remains related to fighting have been found.



Annex B of your letter notes that cultural heritage has not been assessed as a differentiator between alignment options. We understand this to mean that it is likely that there would be significant impacts on the Inventory battlefield from an online dualling option regardless of whether the works were to take place on either the north or the southbound side of the existing road. The information presented during 2018, and in the Environmental Statement confirmed that distributions of battle-related artefacts, which are a special quality of the battlefield, lie to both north and south of the existing carriageway. As noted above, the balance of evidence suggests that the existing carriageway cuts through a central part of the battlefield where the Jacobite charge approached and engaged the Government line and artefacts related to the fighting are known to exist. The variable terraces and slopes here had an important influence on the battle and the existing A9 cuts through these leaving important elements to both south and north.

On this basis, we conclude that alignment options to either north or south of the existing carriageway within the Inventory boundary would be likely to have comparable adverse impacts on key landscape characteristics and special qualities of the battlefield regardless of whether the overall alignment is to the north or southbound side of the carriageway.

In the amended design the existing footprint associated with the A9 would still be substantially increased and there would be compensatory planting in areas of current pasture to the south of it. This would result in adverse impacts on the landscape characteristics and special qualities of the battlefield. We agree with the conclusion in your letter that the overall significance of potential construction and operation impacts caused by the amended design would not be reduced from that identified in the Environmental Statement and would still be significant. In particular, there would be an increased sense of severance of the battlefield and areas of surviving, original topography, which are important to an understanding of the battle, would be obscured.

### **Our Position**

We objected to the proposed scheme on the 23 January 2018 for its potential impacts on the Killiecrankie battlefield and due to a lack of information in the Environmental Statement. We did not object to the principle of upgrading the A9 or to the principle of online dualling within the battlefield.

The amended design process, informed by the additional archaeological fieldwork which was carried out in 2018, has included consideration as to whether elements of the scheme could be removed from the battlefield or reduced in scale to reduce impacts on the battlefield.

Additional design work which has been undertaken has resulted in a reduction in the footprint of the earthworks that is substantial and which has reduced the potential for

disturbance of battle-related remains and landscape characteristics. The redesign has removed the potential for disturbance from some important parts of the battlefield, such as the terrace in Field F7, and reduced it substantially in others such as Field F9 and Field F1, which were areas occupied by either flank of the Government line.

On balance and based on the refined design, we withdraw our objection to the following aspects of the scheme

- Sustainable Drainage Features (SuDS) within the inventory battlefield, specifically features identified as SuDS B and the access to SuDS C in the design refinement drawings
- Earthworks design

For these aspects of the proposed development we agree with the conclusions set out in your letter that the proposed scheme, including the design refinements which were made following the additional archaeological fieldwork which took place in the summer of 2018, will still result in a significant impact on the Inventory battlefield. However, we consider that these aspects of the refined design no longer raise historic environment issues in the national interest such that they warrant an objection from Historic Environment Scotland.

We also withdraw our objection to:

- Lay-by locations within the Inventory battlefield.

For these matters you have taken the view that driver safety is the over-riding consideration in their spacing and location. We note the proposed lay-bys are not intended to be the enhanced lay-bys which were initially being considered for inclusion within the scheme. Although these elements of the road add to the overall footprint of the road within the Inventory site, we recognise that there is a balance to be struck with other issues. However, the impact of the proposals within the Inventory battlefield remain significant, as acknowledged in your letter. On this basis, we recommend that you continue to explore ways of mitigating the impact of these features.

Throughout the design process we have highlighted that it is important that the footprint of the scheme and its associated works is minimised within sensitive parts of the battlefield as this will reduce adverse impacts. With regard to the earthworks associated with the scheme, there would still be a significant impact on the Battle of Killiecrankie. We also note that proposed planting within Field F3 is intended to provide screening from Tomb Clavers, where commemorative events are held.

We note your conclusions that this is to be achieved in balance with competing demands such as road safety and reducing landscape or visual impacts. On this basis, we would advise that in making the Road Orders for this scheme, Scottish Ministers satisfy

themselves that impacts on this nationally important asset have been fully taken into account.

However, planting in Field F9 to compensate for the loss of woodland elsewhere, and mitigate habitat connectivity, would be within an important part of the battlefield where the Government's right flank was located.

Planting in Field F9 would obscure the battlefield's topography and curtail visual relationships within the battlefield. This would erode an ability to understand and appreciate the battle and have an adverse impact upon the battlefield. We recommend that you pursue effective mitigation, such as relocating the planting to a less sensitive part of the battlefield.

Your letter states that you would be happy to discuss and review the planting proposals in Field F9 subject to consultation with other relevant bodies. We would welcome continuing to work with you, and other consultees, to ensure the adverse impact of this planting is mitigated as far as possible, for example by moving the proposed planting to a less sensitive part of the battlefield. We maintain our objection with regard to this aspect of the proposals pending completion of this process. After the process is complete we shall be able to review our position and determine whether this element of the design continues to raise historic environment issues in the national interest or not.

**Historic Environment Scotland**  
**22 January 2019**