



ESB Asset Development UK Ltd

Millmoor Rig Wind Farm

Further Environmental Information - Chapter 2 Cultural Heritage and Archaeology

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2 CULTURAL HERITAGE AND ARCHAEOLOGY

Introduction

- 2.1 This chapter has been prepared by Headland Archaeology following design changes made to the Proposed Development in response to objections to the original Section 36 application from Historic Environment Scotland (HES) and the Scottish Borders Council (SBC) Archaeology Officer. This chapter considers the potential construction phase impacts of an amended access route for the Proposed Development on four Scheduled Monuments (SM6599, SM6600, SM6601 and SM6602) and re-assesses the potential for construction phase impacts on below ground archaeological remains in the vicinity of these assets. Following the re-location of the proposed turbine T11, an assessment of potential accidental impacts of the Proposed Development as a result of turbine collapse on one scheduled section and two non-designated sections of a Wheel Causeway (SM3423, 344244, and 179517) at the west of the Proposed Development site is included. All other construction phase and operational phase effects predicted in Chapter 7 of the Report accompanying the Section 36 application submitted in November 2022 remain unchanged and are not re-assessed in this chapter.
- 2.2 This chapter also responds to requests for additional information and clarification in relation to archaeology and cultural heritage from HES and the SBC Archaeology Officer in their respective responses to the Section 36 application for the Proposed Development. Responses to comments made by both HES and the SBC Archaeology Officer with regard to the potential impact of the Proposed Development on heritage assets within the Proposed Development site and wider area, either physically, or through causing change to their setting, are addressed in this FEI Report. The requests and comments from HES and the SBC Archaeology Officer are summarised below in Table 2.1.
- 2.3 This chapter should be read in conjunction with Chapter 7 of the Report accompanying the Section 36 application submitted in November 2022.

Table 2.1 Summary of Consultee Responses and Actions Taken by Applicant

Consultee	Summary Response	Action Taken by Applicant
HES (31st January 2023)	<u>Point 1</u> HES stated that, from the information provided in the in the Environmental Impact Assessment Report (EIA Report) submitted as part of the Section 36 application, it was not clear the extent to which upgrading an existing forestry track (as part of the works for access area) would impact scheduled remains of Martinlee Sike, farmstead, field system	A Technical Note was sent to HES by Headland Archaeology on 24th June 2024. The Technical Note provided further detail on the design and alignment for the proposed access area route through Martinlee Sike, farmstead, field system and assart bank (SM6602) and a proposed methodology for the construction of the track. An outline of the consideration of alternative routes and reasoning as to why these had been discounted was also provided. The Technical Note proposed measures to mitigate direct (physical) impacts on SM6602 and proposed

Consultee	Summary Response	Action Taken by Applicant
	<p>and assart bank (SM6602), which an existing forestry track runs through and adjacent to. They stated that, based on the information presented in the EIA Report, the proposals would contravene national policy for Scheduled Monuments as outlined in National Planning Framework 4 (NPF4) Policy 7 or Scottish Planning Policy paragraph 145 (the policy which was in use at the time of the submission of the Section 36 application, but which has since been superseded by NPF4).</p> <p>HES stated that the EIA Report did not consider the policy background to Scheduled Monument Consent nor did it assess whether the proposed upgrading of the existing forestry track would meet the policy requirements for Scheduled Monument Consents Policy.</p>	<p>enhancement measured. The Technical Note included reference to Scheduled Monument Consents Policy where relevant.</p> <p>A request for a consultation meeting with HES to discuss Scheduled Monument Consent was requested on 24/06/2024.</p> <p>HES advised in a meeting held on 12th July 2024 that they did not agree with the proposals outlined in the Technical Note and that the access area route should be re-designed to avoid SM6602.</p> <p>Following the meeting held on 12th July 2024, informed by HES's feedback, an alternative proposed access route was designed which avoids SM6602 entirely. The re-designed access area route would follow the same initial alignment as the originally proposed route, passing SM6599 and SM6601 before continuing south-west and joining an existing forestry track, avoiding SM6602.</p> <p>A drawing of the re-designed access route was issued to HES on 27th September 2024 and further details of the re-designed access route are provided in paragraph 2.23 below.</p>
	<p><u>Point 2</u></p> <p>HES stated that no consultation or pre-application discussion regarding Scheduled Monument Consent was sought outwith the EIA process and that based on the information provided in the EIA Report they would be unable to grant Scheduled Monument Consent; they stated that further information would be required to allow HES to understand the nature of the proposed upgrading works for the access area which would allow them to determine whether it would be possible to grant Scheduled Monument Consent, namely:</p> <p><i>'Mitigation/Justification: in line with national policies mitigation by avoidance should be the first option considered. Chapter 2 notes</i></p>	<p>During a field visit with HES on 8th November 2024 to validate the route, HES confirmed they were content that the revised access area route avoided SM6599, SM6601 and SM6602 and would not result in any adverse impacts on the setting of these monuments.</p> <p>HES stated in an email dated 19th December 2024 that there had been some form of transcription error around mapping the designated area of Martinlee Sike, enclosure bank, field system, cairns & old road (SM6599) onto their GIS systems. They stated that they had gone back to the original scheduling document to ascertain the precise location of the monument boundary. HES stated in the same email that they are content that the designated area of SM6599 lies to the north of the existing barn which currently stands to the west of the existing forestry track. They stated in the same email that they were therefore content that the re-designed access route, which would be to</p>

Consultee	Summary Response	Action Taken by Applicant
	<p><i>that a number of design iterations were considered including alternative access proposals. Avoidance of impacts on scheduled monuments appears to have been an important element of Layout B (paragraph 2.6.5) where a 220m buffer is mentioned but this iteration did not consider access arrangements. Any application for scheduled monument consent would have to show an over-riding need to route the access track through the monument and/or to undertake the upgrade works, as well as demonstrating that significant impacts on the cultural significance of the monument have been avoided in order to meet SMC Policy and NPF4.</i></p> <p><i>Detail of works: the current description of works is inadequate. We need sufficient information on the location and nature of works to allow us to assess the physical impact on the monument.</i></p> <p><i>Archaeological mitigation: should it prove possible to demonstrate that the access route meets the policy requirements for the SMC Policy and NPF4, a detailed Written Scheme of Investigation would be required for this aspect of the project.'</i></p>	the south of the existing barn, is outwith the Scheduled Monument and that Scheduled Monument Consent for the re-designed access route in relation to SM6599 would not be required.
	<p><u>Point 3</u></p> <p>HES noted that the following Scheduled Monuments are located adjacent to the proposed access area:</p>	

Consultee	Summary Response	Action Taken by Applicant
	<ul style="list-style-type: none"> • Martinlee Sike, enclosure bank, field system, cairns & old road (SM6599) • Martinlee Plantation, homestead NW of Martinlee Sike (SM6600) • Martinlee Plantation, homestead SE of Martinlee Sike (SM6601) • Martinlee Sike, farmstead, field system and assart bank (SM6602) <p>They stated that the EIA Report contained assurances that these assets would not experience direct (physical) impacts as a result of the proposed access area works and that this should be borne in mind during any re-design works.</p>	
	<p><u>Point 4</u></p> <p>HES stated that the scale of turbine T11 and its proximity to Wheel Causeway, section 640m long on S slope of Wardmoor Hill (SM3423) (located within 100 m) would result in the turbine dominating the monument and distracting attention from its linear nature and its relationship with the rest of the asset. They stated that this would result in a significant adverse impact on the setting of the asset.</p> <p>HES also noted that the proximity of turbine T11 to the asset is such that it is within theoretical topple distance and could represent a physical threat to the physical remains of the asset should a topple event occur.</p> <p>HES recommended that turbine T11 be moved to a position 220 m or more from SM3423, noting</p>	<p>As per HES's recommendation, Turbine T11 has been re-located approximately 160 m south-east, affording a buffer of 245 m between the turbine and SM3423 (see (Updated Figure 2.2, FEI Report)). An updated photomontage (Updated Figure 6.58, FEI Report) has been produced to demonstrate the revised location of turbine T11 and how it would appear in views from SM3423. The photomontage shows that turbine T11 would appear set further back from SM3423, reducing any perceived domination of the asset and any perceived distraction to its linear nature. The Proposed Development would not interfere with any visual relationship between SM3423 and the non-designated sections of the Wheel Causeway; this would remain fully legible despite the presence of the proposed turbines.</p> <p>The conclusion reached in the EIA Report of a negligible impact on the cultural significance of SM3423, an asset of high importance, resulting in a significance of effect of minor adverse, which is not significant in EIA terms, is considered to remain valid.</p>

Consultee	Summary Response	Action Taken by Applicant
	that the re-location of turbine T11 would preserve the linear nature of the asset's setting, reducing the impact on this factor of its setting, and remove the risk of direct (physical) impacts that may arise in the event of turbine T11 toppling.	
SBC Archaeology Officer 16th February 2024	<u>Point 5</u> The SBC Archaeology Officer queried why the Aberdeenshire Historic Environment Record (HER) was interrogated as part of research for the EIA Report, as stated in paragraph 7.2.6	It should be noted that this was a typographical error and paragraph 7.2.6 should have stated that the Scottish Borders Council HER was interrogated. No further action is required.
	<u>Point 6</u> The SBC Archaeology Officer stated that the Section 36 application did not demonstrate avoidance of SM6599 and SM6602, assets located at the access area south-west of the A6088 and has not demonstrated how the proposed upgrading works in the area of the bridge crossing points at the Carter Burn have been minimised. The Archaeology Officer stated that there is not enough detail as to whether the existing bridges and tracks at the Carter Burn require upgrading. It was stated that the access area works as proposed in the Section 36 application would be contrary to NPF4 Policy 7h, the general policy intent of NPF4 and to SBC's Local Development Plan EP8(A).	A letter was sent to the SBC Archaeology Officer on 26 th June 2024 which addressed the points raised in the SBC Archaeology Officer's response in regard to SM6601, SM6599 and SM6602, SM3423/179517, SM10605, SM2129, SM2172 and SM2211. Clarification regarding the compatibility with the Local Development Plan was also provided. No response to the letter was received. An alternative proposed access area route was designed which avoids SM6602 entirely. The re-designed access area route would follow the same initial alignment as the originally proposed route, passing adjacent to (but avoiding) SM6599 and SM6601 before continuing south-west and joining an existing forestry track, avoiding SM6602. The existing bridge and tracks at the Carter Burn would be avoided under the revised access area route design. An assessment of the impact of the revised access area route on SM6602 (as well as SM6599, SM6600 and SM6601) is presented below in paragraphs 2.33-2.35. The assessment is presented with reference to relevant policies of NPF4 Policy 7h and SBC's Local Development Plan EP8(A). Proposed embedded mitigation measures in relation to SM6599, SM6600, SM6601 and SM6602 are presented below in paragraphs 2.29-2.31.

Consultee	Summary Response	Action Taken by Applicant
		Proposed additional mitigation measures in relation to potential below ground remains associated with the assets adjacent to the revised access track (SM6601, SM6599 or SM6602) is presented in paragraph 2.38.
	<p><u>Point 7</u></p> <p><i>The SBC Archaeology Officer stated that ‘Should Scheduled Monument Consent be required and indeed granted (this itself requiring justification), then archaeological conditions in one form or another would be expected This may take the form of fencing of the better-preserved archaeological remains in the Scheduled Monument areas for where more obviously visible as earthworks as these span both sides of the existing access track and where damage avoidable.’</i></p>	<p>The revised access area route avoids all Scheduled Monuments and Scheduled Monument Consent would not be required (see Point 3 of consultation with HES dated 12th of July above).</p> <p>Proposed embedded mitigation measures in relation to SM6599, SM6600, SM6601 and SM6602 are presented below in paragraphs 2.29-2.31 below.</p> <p>Proposed additional mitigation measures in relation to potential below ground remains associated with the assets adjacent to the revised access track (SM6601, SM6599 or SM6602) is presented in paragraph 2.38 below.</p>
	<p><u>Point 8</u></p> <p>The SBC Archaeology Officer considered that the ‘low’ level of importance assigned to any below ground remains associated with SM6602 was ‘...unduly pessimistic and therefore the minor adverse significance of effect (predicted in the EIA Report on any such remains as a result of the proposed access area works)...is disputed as these (are) still within the area of a nationally significant Scheduled Monument’. The SBC Archaeology Officer therefore disputed the minor significance of effect predicted on below ground remains predicted in paragraph 7.7.14 of the EIA Report. On that basis, the SBC Archaeology Officer stated that additional mitigation would be required beyond the proposed construction phase</p>	<p>The ‘low’ level of importance assigned to below ground remains associated with SM6602 is considered below in paragraphs 2.40-2.43 below. An assessment of the potential impact of the revised access area route on below ground is presented below in paragraphs 2.36-2.37. Mitigation measures are outlined below in paragraphs 2.38-2.39.</p> <p>Compliance with SBC’s Local Development Plan is addressed in paragraphs 2.12-2.17 .</p>

Consultee	Summary Response	Action Taken by Applicant
	archaeological monitoring of ground breaking works as proposed in paragraph 7.8.6 of the EIA Report. The SBC Archaeology noted that mitigation is a requirement of SBC's Local Development Plan EP8 which states ' <i>Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.</i> '	
	<p><u>Point 9</u></p> <p>The SBC Archaeology Officer disputed the minor adverse significance of effect predicted on Tamshiel Rig (SM10605) on the basis that the proposed turbines would likely be the only '<i>...man-made sounds of lengthy duration that would be encountered at such a location. This would be contrary to the Scottish Borders Council Local Development Plan EP8(A).</i>'</p>	<p>This point is addressed in paragraphs 2.44-2.55.</p> <p>Compliance with SBC's Local Development Plan is addressed below in paragraphs 2.12-2.17 .</p>
	<p><u>Point 10</u></p> <p>The SBC Archaeology Officer stated that the '<i>...substation location indicated by the site layout has not been agreed. The site layout shows this to be one of two possible sites. Therefore the other, more westerly, location is the one that might be preferred from the archaeological standpoint as an alternative site...</i>' stating that this would be more in line with SBC Local Development Plan EP8(A).</p>	<p>This point is addressed below in paragraphs 2.44-2.54.</p> <p>Compliance with SBC's Local Development Plan is addressed below in paragraphs 2.12-2.17.</p>
	<p><u>Point 11</u></p> <p>The SBC Archaeology Officer disputed the 'low' level of importance assigned to the non-designated sections of the Wheel Causeway (179517 / 344244) at the west of the Turbine Area stating '<i>This is an established track route</i>'</p>	<p>This point is addressed below in paragraphs 2.66-2.74.</p>

Consultee	Summary Response	Action Taken by Applicant
	<p><i>between the Anglo-Scottish Border of Medieval date, and in places surfaced track, as the major route [sic]. This is the focus of some current community efforts for its amenity value in allowing access across the area, as well as its historic value.'</i> The SBC Archaeology Officer stated that the non-designated parts of Tamshiel Rig (SM10605) were considered as being of high importance in the EIA Report and questioned why this was not done for the non-designated sections of the Wheel Causeway.</p>	
	<p><u>Point 12</u></p> <p>The SBC Archaeology Officer stated that the proximity of Turbines T10 and T11 to the Wheel Causeway is such that the Proposed Development would be contrary to SBC Local Development Plan EP8(A); although not explicitly stated in the response, it is assumed that the SBC Archaeology Officer considers the proximity of these turbines to the Wheel Causeway as being an adverse impact on its cultural significance caused through change to its setting: <i>Whilst the setting of this monument is more towards the linear passage through the landscape, the surroundings nonetheless include the view away from the monument with Turbine 11 in close proximity to the route.'</i></p> <p>It was also stated that the proximity of Turbines T10 and T11 is such that there is the potential for direct (physical) impacts to the designated and non-designated sections of the Wheel Causeway in the event of the toppling of the turbines or</p>	<p>Turbine T11 has been re-located approximately 160 m south-east, affording a buffer of 245 m between the turbine and SM3423 and c. 395 m between the turbine and the nearest non-designated section of the Wheel Causeway. An updated assessment of the impact of the Proposed Development on the cultural significance of SM3423 and the non-designated sections of the Wheel Causeway, covering both impacts on its setting and potential physical impacts as a result of turbine topple, is presented below in paragraph 2.57.</p> <p>Mitigation measures in the event of a turbine topple are proposed below in paragraph 2.60.</p> <p>Compliance with SBC's Local Development Plan is addressed below in paragraphs 2.12-2.17.</p>

Consultee	Summary Response	Action Taken by Applicant
	<p>in any recovery efforts for a toppled turbine.</p> <p><u>Point 13</u></p> <p>The SBC Archaeology Officer disagreed with the minor operational phase significance of effect predicted in the EIA Report on the cultural significance of Rubers Law (SM2129), Bonchester Hill (SM2172) and Southdean Law (SM2211). The reasons for this are as follows:</p> <ul style="list-style-type: none"> • The proposed turbines appear to project beyond the height of the <i>'historically significant border ridge'</i> in outward views from Southdean Law (SM2211) and Bonchester Hill (SM2172); • The proposed turbines would appear directly and <i>'prominently'</i> above Bonchester Hill (SM2172) in views from Rubers Law (SM2129); • The SBC Archaeology Officer stated that <i>'The EIA Report within the application seems to acknowledge the prominence of the turbines, but then considers this only to be a minor adverse significance of effect (paragraph 7.7.62), but the views concentrated upon seem to be largely to the north (paragraph 7.7.63) for Rubers Law and not the whole panorama enjoyed from the summit with most emphasis placed on the possibility of a Roman signal station whilst other possibilities might be entertained'</i> • The SBC Archaeology Officer noted that <i>'...the longer distant views to Cheviot Hills hillforts and</i> 	<p>The impact of the Proposed Development on these assets is considered further in relation to accepted guidance and in relation to NPF4 Policy 7 below in paragraphs 2.75-2.105.</p> <p>Compliance with SBC's Local Development Plan is addressed below in paragraphs 2.12-2.17</p>

Consultee	Summary Response	Action Taken by Applicant
	<p><i>the mere presence of further hillforts in that direction, remains something readily appreciated by visitors to the area'</i> and that the proposed turbines would be '<i>...noticeable as man-made objects in the lower foothills and forestry of the area below the border ridge, in contrast to looking along the border ridge and towards the core of the Cheviot Hills, as part of the overall landscape character.</i>'.</p> <p>Although not specifically stated, it is assumed that the SBC Archaeology Officer considers the presence of the proposed turbines would adversely impact the ability of the visitor to view distant hillforts in the Cheviot Hills from SM2211, SM2172 and SM2129 and from the wider area of the Proposed Development; although not clearly articulated in the response, it is also assumed that the SBC Archaeology Officer considers that the presence of the proposed turbines in the lower foothills below the border ridge (i.e., the Proposed Development site) would also result in an adverse impact in views from SM2211, SM2172 and SM2129 as well as other hillforts in the wider area.</p> <ul style="list-style-type: none"> • The SBC Archaeology Officer acknowledged that the above elements of the landscape (i.e. views towards the Cheviot Hills) are not '<i>...per se the formal settings of the monuments...</i>' but that '<i>...the panoramic views from each of these hillforts would include the turbines of the wind farm as proposed.</i>' and that 	

Consultee	Summary Response	Action Taken by Applicant
	<p>this would constitute an adverse impact on the character of the landscape surrounding these assets; it was stated earlier in the SBC Archaeology Officer's response that the proposed turbines would be '<i>...generally incongruous to the landscape character as a whole.</i>'; the SBC Archaeology Officer notes that landscape character can be a factor which forms the setting of a heritage asset as outlined in HES's guidance: Managing Change in the Historic Environment: Setting.</p> <ul style="list-style-type: none"> The SBC Archaeology Officer notes that there has been previous and ongoing heritage promotion of Rubers Law (SM2129) and Bonchester Hill (SM2172) by SBC and local communities, noting that NPF4 Policy 7 policy outcomes include '<i>Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity</i>' and goes on to state that the Proposed Development would be contrary to SBC Local Development Plan key outcome 8 which emphasises '<i>The protection and enhancement of the area's natural and built heritage for the residents, visitors, tourists and business.</i>' 	
	<p><u>Point 14</u> The SBC Archaeology Officer cited Policy 11 of NPF4 on Energy which '<i>...sets out</i></p>	<p>Compliance with NPF4 Policy 11 is addressed below in paragraphs 2.12-2.17</p>

Consultee	Summary Response	Action Taken by Applicant
	<p><i>requirements...that project design and mitigation will set out how impacts on (a) range of receptors, including archaeological sites and landscapes more generally (are addressed)...but that has not been clearly indicated yet</i></p> <p>‘. It is concluded by the SBC Archaeology Officer that <i>‘There is some work that could be done in lessening the prominence of some of the turbines heights.’</i></p>	

Legislation, Policy and Guidance

National Planning Framework 4 (NPF4)

- 2.4 Since the submission of the EIA Report in November 2022, National Planning Framework 4 (NPF4) has been introduced (February 2023), superseding both the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) which the EIA Report was prepared in accordance with. HES has also issued ‘Our Past, Our Future: The Strategy for Scotland’s Historic Environment’ (2023), which has superseded ‘Our Place in Time: the Historic Environment Strategy for Scotland’ (2014). The SBC Local Development Plan 2 (LDP2) was adopted in August 2024, replacing Local Development Plan 1 (LDP1, adopted 2016). This chapter of the FEI Report has been prepared according to the most recent policy and guidance, relevant extracts of which are presented below.
- 2.5 NPF4 and ‘Our Past, Our Future: The Strategy for Scotland’s Historic Environment’ present the Scottish Government’s strategy for the protection and promotion of the historic environment.
- 2.6 NPF4 Part 1 A National Spatial Strategy for Scotland 2045 describes how the future spatial development of Scotland can contribute to planning outcomes. It shows where there will be opportunities for growth and regeneration, investment in the low carbon economy, environmental enhancement, and improved connections across the country.
- 2.7 NPF4 presents the Scottish Government’s strategy for the protection and promotion of the historic environment which it defines as ‘...*the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand*’ (Annex F – Glossary of definitions). Page 10 of HES’s 2023 guidance document ‘Our Past, Our Future: The Strategy for Scotland’s Historic Environment’ describes the historic environment as ‘...*the physical evidence for past human activity. It connects people with place, and with the traditions, stories, and memories associated with places and landscapes*’.
- 2.8 The Scottish Government’s planning policies in relation to the historic environment are set out in NPF4 Part 2 National Planning Policy Policy 7: Historic assets and places:
- ‘The policy principles:*

Policy Intent: To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes: The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change; Redundant or neglected historic buildings are brought back into sustainable and productive uses; Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans: LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.'

2.9 NPF4 Policy 7 applies these principles to designated and non-designated assets. Those relevant to this FEI are as follows:

'a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

h) Development proposals affecting scheduled monuments will only be supported where:

i. direct impacts on the scheduled monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or

iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.'

Local Planning Policy

- 2.10 Since the submission of the 2022 EIA Report, SBC has adopted Local Development Plan 2 (LDP2) which replaces the Local Development Plan (2016).
- 2.11 Excerpts of SBC's LDP2 relevant to this FEI Report include:

Policy EP8: Historic Environment Assets And Scheduled Monuments

'(A) NATIONAL ARCHAEOLOGICAL SITES

Development proposals affecting Scheduled Monuments will only be supported where:

- a) direct impacts on the Scheduled Monument are avoided;*
- b) significant adverse impacts on the integrity of the setting of a Scheduled Monument are avoided; or*
- c) exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impacts on the monument or its setting have been minimised*

(C) REGIONAL OR LOCAL HISTORIC ENVIRONMENT ASSETS

Development proposals which will adversely affect an archaeological asset of regional or local significance or their setting will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important assets, or any other archaeological or historical asset, developers may be required to implement detailed investigations, publication and/or public engagement per approved scheme of works.

Any proposal that will adversely affect a historic environment asset or the integrity of its setting must include a reasoned account of what mitigation is or is not possible, together with a mitigation strategy where appropriate'

Compliance with SBC Local Development Plan

- 2.12 In the fourth paragraph of the 'Conclusions' section of the response provided by the SBC Archaeology Officer states that the Proposed Development is not compliant with Policy EP8 of the SBC Local Development Plan (which has since been replaced by LDP2), in relation to its impacts on the setting of Tamshiel Rig (SM10605), Wheel Causeway (SM3423/ 179517 / 344244), Rubers Law, fort & Roman signal station (SM2129), Bonchester Hill (SM2172) and Southdean Law, fort & settlement (SM2211).
- 2.13 It should be noted that the wording of Policy EP8 of the previous SBC Local Development Plan (LDP) was not wholly compatible with NPF4 Policy 7h ii in terms of the threshold of acceptability in relation to impacts on the setting of Scheduled Monuments. In this case the wording adopted in LDP Policy EP8 stated that developments that would:
- '...adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:*
- a) The development offers substantial benefits, including those of a social or economic nature that clearly outweigh the national value of the site, and*

b) There are no reasonably alternative means of meeting the development needs.

- 2.14 The wording of LDP Policy EP8 suggests that there is no allowance for any degree of adverse impact unless the conditions stated in sections a) and b) can be demonstrated.
- 2.15 SBC LDP2 has, however, adopted the wording of NPF4 in relation to Scheduled Monuments which states:
- 2.16 'Development proposals affecting scheduled monuments will only be supported where:
- 'i. direct impacts on the scheduled monument are avoided;*
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or*
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised'*
- 2.17 In terms of impacts on setting, the wording of NPF4 and LDP2 implies that a degree of impact (up to but not exceeding significant adverse) is permissible.
- 2.18 As such, the SBC Archaeology Officer's response should be understood in the context of this change to the wording between the LDP and LDP2 and the introduction of NPF4.

Methodology

- 2.19 As outlined above, NPF4 has replaced SPP since the submission of the 2022 EIA Report; NPF4 Policy 7 h ii. differs from SPP 145 in terms of the wording used in relation to impacts on the integrity of the setting of Scheduled Monuments. Where SPP refers to '*adverse effect on integrity*', NPF4 has '*significant adverse impact on integrity*'. Whilst this change in wording implies that the threshold of acceptability for impacts on setting has increased with the introduction of NPF4, there is not yet any decisions that the author of this FEI Report is aware of post-dating the introduction of NPF4 where this argument has been supported. HES has stated at a recent Public Inquiry for Fawside Wind Farm that there was no intention to change policy, maintaining that there has been no change in the threshold of acceptability in relation to impacts on integrity.
- 2.20 The approach adopted in relation to impacts on integrity of setting in this FEI Report has therefore remained the same as that adopted in the 2022 EIA Report when SPP was the adopted policy, as outlined in **Section 7.2 of Chapter 7 of the EIA Report**.
- 2.21 The methodology employed for assessment of potential physical impacts also remains unchanged from that used in **Section 7.2 of Chapter 7 of the EIA Report**.

Baseline Conditions

- 2.22 Baseline conditions remain unaltered from those identified in **Chapter 7 of the EIA Report**.

Revised Access Area Route, SM6599, SM6601 and SM6602, (Points 1-3 and 6-8, Table 2.1)

- 2.23 In response to HES and SBC's responses as outlined above in Points 1-3 and 6-8 respectively in Table 2.1, detailed design work has taken place on a revised access area route which avoids Martinlee Sike, farmstead, field system and assart bank (SM6602) and passes adjacent to Martinlee Sike, enclosure bank, field system, cairns & old road (SM6599) and Martinlee Plantation, homestead SE of Martinlee Sike (SM6601) (see **New Figures 7.23-7.25, FEI Report**).
- 2.24 The revised access area route of the FEI Layout follows the same initial route as the access area route previously proposed in the EIA Layout, with a new track routed from the A6088 and joining an existing forestry track passing adjacent to but avoiding SM6599 and SM6601. The proposed revised access route would follow the existing forestry track as far as a modern barn located immediately south of SM6599 (see **New Figure 7.24, FEI Report**); from here, a new section of track would be constructed running to the south-west through forestry before crossing the Carter Burn and joining an existing forestry track, thus avoiding SM6602 entirely (see **New Figure 7.25, FEI Report**).
- 2.25 This FEI section presents a revised impact assessment in light of the revised access area route and its compliance with relevant planning policy.

Revised Access Area Route Construction Methodology (Point 1, Point 2 and Point 6, Table 2.1)

- 2.26 HES stated that the description of the proposed works for the original EIA Layout access area route as outlined in the EIA Report was inadequate and that sufficient information on the location and nature of the works would be required to allow them to assess the physical impact of the access area route on SM6602.
- 2.27 The SBC Archaeology Officer also stated that it had not been demonstrated that the proposed access route in the area of the bridge crossing points at the Carter Burn had been minimised and that there was not enough detail as to whether the existing bridge and track at the Carter Burn require upgrading.
- 2.28 The revised access area route presented in the FEI Report avoids SM6602, SM6601 and SM6599 and the existing bridge and track at the Carter Burn.
- 2.29 An Outline Construction Method Statement for the revised access area route has been prepared and is provided in Table 2.2:

Table 2.2 Outline Construction Method Statement

Phase of Construction	Tasks
Preparation and Pre-Construction	<ul style="list-style-type: none"> • Mark the road boundaries, alignments, elevations and dimensions; • Mark all utilities to prevent accidental damage to utilities during construction; • Install silt fencing, sediment traps and all required environmental measures; and, • Erect all signage, fencing and barriers as required. • Mobilisation of Material and Plant

	<ul style="list-style-type: none"> • Earthworks • Strip vegetation, topsoil and organic materials along the proposed alignment to the required depth; • Stockpile topsoil in designated areas for reinstatement upon completion; • Excavate road to the required formation depth based on the design specification. Stockpile subsoil in designated areas for reinstatement upon completion; • Excavate existing access track to the required formation depth based on the design specification. Stockpile aggregate arisings for re-use as subgrade to new track. • Place the new track subgrade and grade to create the correct longitudinal and cross falls, ensuring water runoff to new or existing ditches; • Compact subgrade using a roller to achieve the specified density/bearing capacity; and, • Where soft spots are encountered, stabilise using proprietary systems such as geotextiles, geogrids or additional depth of base materials.
Installation of drainage	<ul style="list-style-type: none"> • Excavate drainage ditches on either side of the road to channel runoff away from the road surface; • Install culverts at specified intervals and where the road crosses natural drainage channels. Culvert size and spacing depend on site hydrology data and SEPA guidance; and, • Surround culverts with gravel bedding and compact to prevent erosion.
Placement of 6F2 Material	<ul style="list-style-type: none"> • Transport Class 6F2 material from the site won stockpile to the road excavation; • Spread the 6F2 material evenly across the subgrade, maintaining a consistent thickness as per design specifications; • Compact each layer of 6F2 material using a roller until the specified compaction is achieved. • Conduct in-situ density testing (e.g., nuclear density gauge or sand cone test) to confirm compaction. Additional layers may be added if the design thickness exceeds the compaction capacity of a single layer. • Grade the top surface of the Class 6F2 layer to ensure correct levels, cross falls, and smoothness.
Bridge & Embankment	<ul style="list-style-type: none"> • Culverts will be placed at the base of the embankment at the low points in existing ground level, where flood water from the Carter Burn would naturally flow out of the main channel. The upstream and downstream faces of the embankment will be protected from scour by coarse aggregate rip rap. • Bridge abutments would be constructed on the northern and southern banks of the Carter Burn, and a concrete deck laid between them. This is likely to have a similar form to the existing bridge upstream. • These works would be undertaken in accordance with General Binding Rule 6 of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Post Construction	<ul style="list-style-type: none"> • Remove all temporary works, signage, and barriers; • Restore any disturbed areas outside the road alignment, spreading topsoil and re-seeding; • Dismantle stockpile areas and remove any excess materials or waste. • Document all testing results, inspections, and as-built drawings for handover
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Embedded Mitigation

- 2.30 The revised access area route has been designed to avoid SM6600, SM6601, SM6599 and SM6602. Any required micro-siting or ancillary works associated with the construction of the revised access area route as described above will avoid encroaching into the boundaries of these heritage assets and avoid any impact on potentially associated upstanding remains outwith the scheduled areas of these monuments. To avoid any potential accidental impacts or impacts arising from micro-siting, the extent of each of these asset's scheduled areas and any upstanding non-designated assets associated with these monuments will be clearly demarcated on construction phase plans, and toolbox talks and inductions addressing the legal status of Scheduled Monuments, outlining the need for their physical protection and legal consequences of accidental damage, will be provided to all staff involved in the construction phase works.
- 2.31 In addition, precautionary measures will be taken to mitigate against any potential accidental physical impacts on SM6601, SM6599 and SM6602. This will involve the extents of each asset and any upstanding non-designated remains associated with these assets being physically demarcated using a method which avoids any direct impacts to the monument. The methodology for demarcation will be agreed in advance with HES and the SBC Archaeology Officer. The demarcation works will be carried out by a suitably qualified archaeologist prior to the construction phase commencing to ensure the asset is avoided during construction phase works. The construction phase works will be subject to checks by a suitably qualified archaeologist to ensure that no works take place within the scheduled areas of SM6601, SM6599 and SM6602
- 2.32 SM6600 is located approximately 25 m from the revised access area route (**New Figure 7.23, FEI Report**) and would not be physically impacted by the proposed works. The potential for accidental physical impacts caused by uncontrolled plant movement or other construction phase activities is considered to be negligible due to the intervening distance between the asset and the location where the revised access area route works would take place. It is therefore not proposed that the extents of this asset are physically demarcated; its extents will instead be marked on construction phase plans to ensure its presence is known to the construction team.
- 2.33 All works associated with the construction of the revised access area route will be carried out in accordance with the additional mitigation measures outlined below in paragraph 2.38.

Impact Assessment (Point 1 and Point 3, Table 2.1)

- 2.34 Following the implementation of the embedded mitigation measures outlined above, there would be no direct (physical) impacts either from the proposed works or as a result of accidental damage or micro-siting activities resulting in a significance of effect of **none** which is **not significant** in EIA terms.
- 2.35 In terms of NPF4 Policy 7h i and SBC's LDP2 EP8(A) the revised access area route would not directly impact SM6600, SM6601, SM6599 or SM6602.
- 2.36 In terms of SBC's LDP2 EPA8(C) the revised access area route would not adversely affect any non-designated heritage asset.

Impacts on Below Ground Remains (Archaeological Potential)

- 2.37 The revised access area route for the most part follows either an existing forestry track or passes through areas of existing forestry plantation (see **New Figures 7.23-7.25, FEI Report**). The existing forestry track is considered to be of negligible archaeological potential as its construction is likely to have truncated any below ground remains within its footprint and in the areas adjacent to it. The areas of proposed new track to the south-west, and to the south of the Carter Burn would be located within areas of commercial forestry plantation which has been subject to deep ploughing. This is likely to have at least partially truncated any below ground remains which may have existed in these areas. However, as noted in paragraph 7.5.21 of **Chapter 7** of the **EIA Report**, previous investigations within the turbine area of the site found evidence of below ground remains in areas that had been subject to deep ploughing. As such it is possible that below ground remains may be preserved despite deep ploughing associated with commercial forestry activities. It is therefore possible that below ground remains exist within the forested areas of the revised access area route and these areas are considered to be of up to low archaeological potential. The area of the revised access area route which extends from the A6088 before joining the existing forestry track and unforested areas adjacent to the Carter Burn are also considered to be of up to low potential for below ground remains.
- 2.38 It is therefore considered unlikely but possible that below ground remains may exist within the revised access area route. Any below ground remains associated with SM6601, SM6599 or SM6602 would be considered to be of high (national) importance. Any direct (physical) impact on below ground remains associated with these assets could, in the absence of mitigation, result in an adverse impact of up to high magnitude resulting in a significance of effect of **major** which would be **significant** in EIA terms.

Additional Mitigation (Points 2, 7 and 8, Table 2.1)

Below Ground Remains (Archaeological Potential)

- 2.39 Ground breaking works within areas of the revised access area route considered to be of low archaeological potential will be subject to archaeological monitoring during the construction phase. Should any below ground remains be uncovered during the monitoring works, these will be subject to archaeological excavation and recording.
- 2.40 Following the implementation of mitigation measures, there would be **an adverse effect of negligible significance** on below ground remains (archaeological potential).

Level of Importance Assigned to Below Ground Remains associated with SM6602 (Point 8, Table 2.1)

- 2.41 The SBC Archaeologist disputed the 'low' level of importance assigned to below ground remains associated with SM6602 in paragraph 7.7.14 of the EIA Report. However, paragraph 7.7.14 states that *'Below ground remains that have been damaged by later/modern activities are likely to be of low importance, but any remains within and associated with Scheduled Monument SM6602 Martinlee Sike, farmstead, field system and assart bank will be of up to high importance.'* The EIA Report is consistent throughout in considering any below ground remains associated with SM6602 to be of high importance and this is repeated in paragraph 2.37 above.
- 2.42 It is acknowledged that any impact on below ground remains associated with SM6602 could result in a higher significance of effect than **minor**, as predicted in paragraph 7.7.14 of the EIA Report, should such impacts be extensive and result in a significant loss of cultural significance. An assessment of the likelihood of this occurring in relation to impacts on below ground remains associated with SM6602 is presented in paragraph 2.36 above with proposed mitigation measures in paragraph 2.38.
- 2.43 It is considered that the proposed mitigation measures demonstrate compliance with SBC LDP2 Policy EP8C.
- 2.44 It is considered that this section addresses Points 1-3 and 6-8 as outlined above in Table 2.1.

Tamshiel Rig, Fort, Settlement and Field System (SM10605) (Points 9 and 10, Table 2.1)

- 2.45 The SBC Archaeology Officer disputed the minor adverse significance of effect predicted on Tamshiel Rig, fort, settlement and field system (SM10605) on the basis that the proposed turbines and proposed substation would likely be the only *'...man-made sounds of lengthy duration that would be encountered at such a location.'* and that *'This would be contrary to the Scottish Borders Council Local Development Plan EP8(A).'*
- 2.46 The SBC Archaeology Officer also stated that of the two proposed locations for the substation, the more westerly option would be preferable. The reason for this preference is noted stated, but may be on the basis that it would be less audible and/or visible than the easterly option.
- 2.47 Tamshiel Rig (SM10605) comprises the remains of a multivallate fort, and a later settlement and field system, dating from the later first millennium BC. The asset has undergone damage as a result of ploughing for commercial forestry but has survived in places as upstanding earthworks.
- 2.48 As outlined in paragraph 7.7.28 of the EIA Report, the factors of setting which contribute to the cultural significance of Tamshiel Rig (SM10605) relate to the asset's:

‘...positioning on a north facing slope in between two burns to the east and west with views to the north towards both the Black Burn and the valley defined by the Jed Water to the north . Such views to the north remain discernible. If the landscape were unforested at this time, the monument would have been at least partially visible in views back towards it from this area; although the fort would not have been a prominent landmark, situated as it is on the lower slopes of a hill which has its peak over 4 km to the south. The settlement and field system earthworks indicate the area, which was exploited for cultivation and settlement, with the natural limits beyond this to the east and west likely to have been defined by the two burns. The monument is therefore understood and appreciated in relation to these natural landmarks and in relation to the low-lying land to the north rather than in relation to the turbine area. Whilst there are other prehistoric monuments in the wider area, approximately 3 km to the west and north, there is no evidence the monument was sited with intentional intervisibility with any particular contemporary monument, and their presence and any relationship is only appreciable through map-based analysis.’

- 2.49 The EIA Report acknowledged that the asset is experienced within a heavily forested environment which limits the ability of the visitor to relate it to its wider landscape setting. The monument's setting within forestry means it is experienced as separate parts, with individual elements of the monument only becoming apparent when within their immediate vicinity.
- 2.50 The EIA Report acknowledged that audibility of the proposed turbines and substation would change a visitor's experience of the asset but did not consider that experiencing the asset within a quiet rural environment makes any substantive contribution to the overall cultural significance of the asset. This FEI considers this analysis remains valid; experiencing the asset within a quiet, rural environment contributes to cultural significance only to the extent that it perhaps allows the visitor to speculate as to the conditions that may have existed in the prehistoric period when the asset was in use. Audibility of the proposed turbines and substation may present a very limited distraction to the ability of the visitor to speculate as to the past environment the asset would have functioned within, but ultimately would not prevent such speculation from occurring.
- 2.51 The SBC Archaeology Officer did not articulate their understanding of how a quiet setting contributes to the cultural significance of Tamshiel Rig (SM10605) or why audibility of the proposed turbines and substation would result in a higher magnitude of impact than that stated in the EIA Report. Audibility of the proposed turbines and substation would ultimately not prevent a visitor from speculating as to how the monument may have been experienced in the past nor would it prevent an understanding or appreciation of the asset as a prehistoric settlement and agricultural site (albeit one that has undergone extensive change as a result of the plantation of commercial forestry which limits the overall ability of the visitor to relate the asset to its wider landscape or to experience the asset as a whole). The monument in any case when it was in use would likely have been a busy, active, inhabited settlement. There is no evidence that it was intended to be experienced in silence and therefore no reason that the absence of silence should be considered a significant impact upon cultural significance.

- 2.52 It is concluded that aural factors of setting in relation to Tamshiel Rig, fort, settlement and field system (SM10605) do not make a substantive contribution to its cultural significance. As such, the **negligible adverse** magnitude of impact and **minor** significance of effect predicted on the cultural significance of the asset as concluded in the EIA Report is considered to remain valid. This is **not significant** in EIA terms.
- 2.53 This conclusion is considered to remain valid irrespective of which of the two proposed substation locations is ultimately settled on.
- 2.54 It should also be highlighted that the proposed turbine locations were offset from Tamshiel Rig to accord with SBC's response to the former Highlee Hill Wind Farm located in broadly the same area as the Proposed Development. Highlee Hill Wind Farm was not objected to on cultural heritage grounds and it is therefore not clear why the proposed turbines as proposed have warranted an objection from the SBC Archaeology Officer in relation to this particular asset.
- 2.55 In terms of NPF4 Policy 7h ii. the factors of setting which contribute to the cultural significance of Tamshiel Rig, fort, settlement and field system (SM10605) allowing for an understanding, appreciation and experience of the asset would be adequately retained such that the integrity of its setting would not be significantly adversely affected.
- 2.56 It is considered this section addresses Points 9 and 10 as outlined in Table 2.1 above.

Wheel Causeway, Section 640m Long on S Slope of Wardmoor Hill (SM3423)/ Wheel Causeway 179517 / 344244 (Point 4, Point 11 and Point 12, Table 2.1)

Direct (physical) impacts (Point 4 and Point 12, Table 2.1)

Turbine T11

- 2.57 HES stated that turbine T11 as proposed at application stage was within theoretical topple distance to SM3423 and could represent a physical threat to the physical remains of the asset in the event of a topple event. The SBC Archaeology Officer also raised concern over the proximity of turbine T11 to SM3423 and the non-designated sections of the Wheel Causeway (179517 / 344244) within the Inner Study Area (ISA, which the 2022 EIA Report used to refer to the 'turbine area' and which is used in this capacity in this FEI), and the potential for it to physically impact these assets in the event of it toppling.
- 2.58 Since the submission of the Section 36 application, turbine T11 has been re-located approximately 160 m south-east from its original location (**New Figure 2.3b, FEI Report**). The revised location of turbine T11 is such that it now lies c.245 m east of SM3423. The proposed height to blade tip of turbine T11 is 210 m, allowing a buffer of 35 m from SM3423, equivalent to turbine height plus 19.4%. The re-location of turbine T11 affords a buffer of 365 m between it and the nearest non-designated section of the Wheel Causeway (344244), considerably outwith the topple distance of the turbine. It is considered this re-location has removed the potential for any accidental physical impacts on Wheel Causeway, section 640m long on S slope of Wardmoor Hill (SM3423) and the non-designated section of the Wheel Causeway (344244) as a result of turbine T11 toppling. **No impact** is therefore predicted, resulting in a significance of effect of **none**, which is **not significant** in EIA terms.

Turbine T10 (Point 12, Table 2.1)

- 2.59 The SBC Archaeology Officer raised concern regarding the proximity of turbine T10 to the nearest non-designated section of the Wheel Causeway (344244) stating that physical impacts are possible in the event of the turbine toppling and in any subsequent recovery efforts for a toppled turbine.
- 2.60 Turbine T10 is located approximately 100 m east of the nearest non-designated section of the Wheel Causeway (344244). It is acknowledged that in the event of turbine T10 toppling, this could potentially physically impact Wheel Causeway (344244), however, this section of the asset does not survive as an above ground feature due to the presence of a quarry (which has entirely removed a section of the asset) and truncation as a result of commercial forestry. This was confirmed during analysis of LiDAR data during research for the 2022 EIA Report, which did not identify any above ground remains associated with 344244. It is therefore more likely that any impact in the event of turbine T10 toppling would be on below ground remains associated with the asset. Due to the nature of trackways, and the likely level of truncation from the quarry and commercial forestry, it is considered that the potential for substantial below ground remains to survive along this section of the asset is low; any such remains, should they exist, would be of likely low importance as they are likely to have been at least partially truncated by commercial forestry plantation or by the quarry. The impact would also be limited to the section of the Wheel Causeway (344244) located c.100 m to the west within the topple distance of turbine T10, an extremely small overall area of the route which is recorded on the SBC HER as extending over 6 km in total. It is considered therefore that there is the potential for an impact of up to low magnitude on Wheel Causeway (344244) an asset considered to be of low importance. This would result in a **negligible adverse** significance of effect on the overall cultural significance of Wheel Causeway (344244) which is **not significant** in EIA terms.
- 2.61 It is proposed that archaeological monitoring of any ground breaking works required to recover the turbine in the event of it toppling is carried out in order to mitigate any potential direct (physical) impact on any below ground remains associated with the asset during recovery work for turbine T10 should it topple.
- 2.62 It is concluded that following the implementation of mitigation measures in the event of Turbine T10 toppling there would be a **negligible** residual adverse effect on the cultural significance of Wheel Causeway (344244) which is **not significant** in EIA terms.

Impacts on Setting (Points 4 and 12, Table 2.1)

- 2.63 HES's concerns regarding the impact of the Proposed Development on SM3423 (Point 4, Table 2.1) has been addressed in Table 2.1 above and is not repeated here.
- 2.64 The SBC Archaeology Officer stated that the locations of turbines T10 and T11 were such that they would impact the setting of the Wheel Causeway (Point 12, Table 2.1). It is assumed that the SBC Archaeology Officer was referring to both the non-designated and scheduled sections of the asset. As noted in above paragraph 2.57 above, it is considered that the re-location of turbine T11 has appropriately mitigated the impact on the setting of the scheduled section of the Wheel Causeway. The impact on the setting of the non-designated sections of the Wheel Causeway (179517 / 344244) is considered below.

2.65 The factors of setting which contribute to the cultural significance of the non-designated sections of the Wheel Causeway are similar to those outlined in paragraph 2.64 for SM3423. The non-designated sections are in places ill-defined and difficult to discern, making its linear route more difficult to understand, appreciate and experience when compared to SM3423. However, where legible it is possible to speculate as to the experience of a medieval traveller traversing the landscape and the linear nature of the route. The location of turbine T10, along with the other proposed turbines which comprise the Proposed Development, would change views from the non-designated sections of the Wheel Causeway within the ISA and may present an element of visual distraction when traversing these sections of the route. However, whilst the proposed turbines may in places present an element of visual distraction, the linear nature of the route, where discernible, would not be rendered illegible. The route of the Wheel Causeway as a whole extends over a distance of approximately 6 km and the experience of traversing the sections of the route north of the Proposed Development site and to the south would undergo no change. It is considered that in the round, the factors of setting that contribute to the cultural significance of the non-designated sections of the Wheel Causeway would remain legible should the Proposed Development be constructed .

2.66 A negligible impact is therefore predicted on the cultural significance of Wheel Causeway (179517 / 344244), on assets of low importance, resulting in a significance of effect of **negligible adverse**, which is **not significant** in EIA terms.

**Importance of Non-designated Sections of Wheel Causeway (179517 / 344244)
(Point 11, Table 2.1)**

2.67 The SBC Archaeology Officer disputed the 'low' level of importance assigned to the non-designated sections of the Wheel Causeway, citing their importance as an example of a medieval route which survives in places as a surfaced track and its amenity value as an access route across the area. The SBC Archaeology Officer noted that the non-designated sections of Tamshiel Rig were considered of high importance in the EIA Report and questioned why the same approach was not adopted in the EIA Report for the non-designated sections of the Wheel Causeway (179517 / 344244).

2.68 The non-designated sections of the Wheel Causeway (179517 / 344244) within the ISA were assigned a 'low' level of importance as these sections as part of the overall Wheel Causeway are ill defined due to the lack of any above ground elements remaining, these having been truncated by commercial forestry and a quarry with little to no surface remains preserved. The best preserved sections of the Wheel Causeway are those which comprise the scheduled section of the asset (SM3423) and it is primarily on this basis that this section of the monument was designated and why it has been assigned a 'high' level of importance. Had the non-designated sections of the Wheel Causeway survived to a similar level as SM3423 it is likely they would also have been put forward for scheduling and warranted a higher level of importance. The different classifications of importance in the EIA Report therefore follow the same criteria as the Royal Commission on the Ancient and Historic Monuments Scotland (RCAHMS) during the scheduling process.

- 2.69 The non-designated sections of Tamshiel Rig were once included within the scheduled area of the monument. The whole of Tamshiel Rig was de-scheduled in 1990 in the mistaken belief that forestry ploughing had largely destroyed the site in its entirety. The asset was subsequently re-scheduled in 2003 but with the western area of the site excluded from the scheduling on account of the extensive damage to this area. Notwithstanding this, the SBC HER still includes this western area in its spatial records, reflecting the pre-1990 scheduled area of the asset. It is accepted that there is a similarity with the Wheel Causeway in the sense that it is a single asset for which different parts have different designation statuses, however, the monuments are not directly comparable. The Wheel Causeway is a route which extends over 6 km and as noted above, has no extant remains in many of these sections, including the sections which run through the ISA (179517 / 344244). Tamshiel Rig is a fort which has a far smaller footprint than the Wheel Causeway and although its western extent has been truncated by commercial forestry, research excavations carried out in 1996 established that the asset has survived forestry plantation (as outlined in paragraph 5.7.2 of **Technical Appendix 7.1 Archaeological Baseline and Stage 1 Setting Assessment**, part of the **EIA Report**), and it has been demonstrated that below ground elements of the asset may extend into the non-designated section. Such remains could include settlement or agricultural remains of prehistoric date and due to their direct association with the scheduled area of Tamshiel Rig would, if well preserved, be of 'high' importance.
- 2.70 It is acknowledged that below ground elements of the non-designated sections of the Wheel Causeway which run through the ISA (179517 / 344244) may survive where there are no upstanding remains extant; however, such remains would be unlikely to be well preserved and do not have the potential to yield the same level of information as the potential below ground remains within the non-designated section of Tamshiel Rig, which have been demonstrated to exist through research excavations and which may include settlement and agricultural remains which have the potential to elucidate on prehistoric society.
- 2.71 The Wheel Causeway is therefore not comparable with Tamshiel Rig, and it is considered that it is not proportionate to assign the non-designated sections of the asset which run through the ISA (179517 / 344244) a 'high' (national) level of importance.
- 2.72 The SBC Archaeologist notes the Wheel Causeway's amenity value as a route used to access the area. It is assumed that the SBC Archaeologist considers the asset's use in this capacity is one of the factors which should lead to it being assigned a 'high' level of importance. However, assigning the importance of a heritage asset is ultimately based on an understanding of its overall cultural significance. Cultural significance as defined by HES (NatureScot and HES 2018, Appendix 1 page 175), relates to the ways in which a heritage asset is valued both by specialists and the general public and may derive from factors including the asset's fabric, setting, context and associations. Following this guidance, the amenity value of a heritage asset is not a factor which should be considered when understanding its overall cultural significance and ultimately has no bearing on the level of importance assigned to a heritage asset. This is supported in HES's Managing Change in the Historic Environment: Setting (2020, page 9) which states in relation to setting that:

‘Whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting. This should be distinguished from the tourism, leisure or economic role of a site. Tourism and leisure factors may be relevant in the overall analysis of the impact of a proposed development, but they do not form part of an assessment of setting impacts.’

- 2.73 It is acknowledged that the Wheel Causeway has amenity value, however, this has no relationship with the cultural significance of the asset or its level of importance in a cultural heritage context.
- 2.74 The ‘low’ level of importance assigned to the non-designated sections of the Wheel Causeway (179517 / 344244) in the EIA Report is considered to remain valid.
- 2.75 It is considered that this section addresses Points 4, 11 and 12 as presented above in Table 2.1.

Rubers Law, fort & Roman signal station (SM2129), Bonchester Hill, earthworks (SM2172) and Southdean Law, fort & settlement (SM2211) (Point 13, Table 2.1)

- 2.76 The SBC Archaeology Officer disagreed with the minor operational phase significance of effect predicted in the EIA Report on the cultural significance of Rubers Law, fort & Roman signal station (SM2129), Bonchester Hill, earthworks (SM2172) and Southdean Law, fort & settlement (SM2211). As shown in Table 2.1 above, the reasons provided for this are labelled individually for ease of response and are each addressed below. These assets are all prehistoric hillforts with extant defensive earthworks, positioned in elevated locations within the landscape. Rubers Law (SM2129) may have also been used subsequently as a Roman signalling station.

Point 13 (i)

- 2.77 The SBC Archaeology Officer stated that *‘The proposed turbines appear to project beyond the height of the historically significant border ridge’* in outward views from Southdean Law (SM2211) and Bonchester Hill (SM2172).
- 2.78 The factors of setting which contribute to the cultural significance of Southdean Law (SM2211) are summarised in paragraph 7.7.38 of the EIA Report as follows:

- 2.79 'The contribution that setting makes to the cultural significance of SM2211 Southdean Law, fort & settlement derives primarily from the informative south-east facing views from the fort along the Jed Water valley, south and south-west facing views over arable land and the Jed Water and north-west facing views which take in both SM2173 Bonchester Hill fort and SM2129 Rubers Law, fort & Roman signal station. In addition, the locally dominant nature of the hill is best appreciated on the western approach from the A6088 and when viewing it from the fields immediately south of the Jed Water. These views to and from the monument highlight how the inhabitants of the fort would have been able to monitor and control both the low-lying arable land to the south and access to fresh water from the Jed Water. Views to the south and south-east beyond the Jed Water valley and beyond the arable land immediately south of the Jed Water whilst long ranging, do not contribute significantly to how the fort is understood and appreciated in relation to its key local setting. Views to the north-west are important in terms of placing the fort in its wider later prehistoric context, with hillforts becoming increasingly common at this time. The relative proximity of the forts to one another allows for interpretation of how local areas were perhaps controlled, limiting the ability of any one settlement to dominate large areas.'
- 2.80 The factors of setting which contribute to the cultural significance of Bonchester Hill (SM2172) are summarised in paragraph 7.7.47 of the EIA Report as follows:
- 2.81 'The contribution that setting makes to the cultural significance of SM2173 Bonchester Hill, fort derives primarily from the informative south, south-west and west facing views from the fort which take in local arable land and the Rule Water valley, south-east facing view towards SM2211 Southdean Law, fort & settlement and north-west facing view towards SM2129 Rubers Law, fort & Roman signal station. Such views allow for an appreciation of the extents of the wider landscape which the fort dominated, defined by access to fresh water, cultivatable land, and the presence of contemporary settlements. From these, it is possible to understand how the inhabitants of SM2173 Bonchester Hill, fort would have controlled the local hinterland. Whilst there are more distant views to the south-east, south and south-west, the wider landscape which this takes in does not play a significant role in how SM2173 Bonchester Hill, fort functioned. Views to the monument are limited to the eastern and western approaches; from these directions, it is possible to appreciate how the fort would have appeared dominant in its local context.'
- 2.82 In both cases, it is considered that access to resources such as agricultural land, water and the ability to control a local hinterland whilst having visibility of other possibly contemporary forts are the key factors of setting which contribute to the cultural significance of both assets. The SBC Archaeology Officer does not appear to dispute this analysis but does state that the proposed turbines would '*...project beyond the height of the historically significant border ridge*' in outward views from and towards Southdean Law (SM2211) and in outward views from Bonchester Hill (SM2172) and presumably considers this to be an adverse impact on the setting of each asset.

- 2.83 No assessment is provided as to how visibility of the border ridge, located approximately 10 km to the south-east, in outward views from each asset contributes to their cultural significance or how turbines projecting above the height of this ridge would result in an adverse impact on their setting. It is not disputed that long range views are possible towards the border ridge from Southdean Law (SM2211) Bonchester Hill (SM2172), however, the key issue is whether and to what extent these views contribute to the cultural significance of the monuments following the approach outlined on page 181, paragraph 42 of the EIA Handbook (NatureScot and HES, 2018). There is no evidence to suggest that these forts were positioned with strategic outward views towards, or relating to, this distant part of the landscape which is considerably outwith the areas that the forts are understood, appreciated and experienced in relation to, and which the forts' inhabitants sought to exert control over. Any historical significance that the border ridge has assumed is also likely to be a product of it being a natural border between Scotland and England; given that the concept of nation states did not exist in the prehistoric period, it is considered highly unlikely that the border ridge was understood in the same way in the prehistoric period as it was in later time periods and is therefore of little relevance to the siting of either asset or to how each is understood, appreciated and experienced as prehistoric monuments. It is therefore considered that visibility of the border ridge in views from and towards Southdean Law (SM2211) Bonchester Hill (SM2172) make no contribution to the cultural significance of either monument.
- 2.84 It is considered that the SBC Archaeology Officer conflates landscape and visual impact assessment with cultural heritage impact assessment and the reasoning adopted by the SBC Archaeology Officer in reaching their conclusion on the impact on Southdean Law (SM2211) Bonchester Hill (SM2172) does not follow accepted cultural heritage impact assessment guidance (below).
- 2.85 The methodology in the EIA Report (paragraph 7.1.6) is clear about the distinction between visual impacts and cultural heritage impacts:
- 'Cultural heritage assessment addresses effects on the cultural heritage significance of heritage assets, which may result from, but are not equivalent to, visual impacts. Similarly, an effect on a landscape character area does not equate to an effect on the cultural heritage significance of heritage assets within it.'*
- 2.86 This approach is based on paragraph 42 of the EIA Handbook (NatureScot and HES, 2018) which states 'In the context of cultural heritage impact assessment, the receptors are the heritage assets and impacts will be considered in terms of the change in their cultural significance'. Paragraph 43 of the EIA Handbook states 'When considering setting impacts, visual change should not be equated directly with adverse impact. Rather the impact should be assessed with reference to the degree that the proposal affects those aspects of setting that contribute to the asset's cultural significance.'

- 2.87 It is considered that visibility of a natural landmark from a heritage asset does not necessarily mean that it makes any contribution to the asset's cultural significance. Following the above guidance, in this case, the aspects of setting which contribute to the cultural significance of Southdean Law (SM2211) Bonchester Hill (SM2172) do not include views of the border ridge. As such, visibility of the proposed turbines projecting above the border ridge in views from and towards Southdean Law (SM2211) Bonchester Hill (SM2172) would have no impact on the ability of the visitor to understand, appreciate and experience the factors of setting which contribute to the cultural significance of either asset.

Point 13 (ii)

- 2.88 The SBC Archaeology Officer stated that the proposed turbines would appear directly and '*prominently*' above Bonchester Hill (SM2172) in views from Rubers Law (SM2129).
- 2.89 The factors of setting which contribute to the cultural significance of Bonchester Hill (SM2172) are outlined in paragraph 2.78 above. Views towards the asset from Rubers Law (SM2129) allow for an understanding, appreciation and experience of its relationship with the Rule Water valley which is clearly discernible at the bottom of Bonchester Hill. The hinterland the fort would have controlled is therefore readily appreciable in views towards it as is the fort's relationship with Southdean Law (SM2211) which is also visible from Rubers Law (SM2129) (see **Figure 7.6, Heritage Viewpoint 19 of the EIA Report**).
- 2.90 As shown in **Figure 7.6, Heritage Viewpoint 19 of the EIA Report**, the proposed turbines would appear in the landscape beyond Bonchester Hill (SM2172) in views from Rubers Law (SM2129). It is considered that the proposed turbines would be located and appear within a separate landscape zone which has little relevance to the area that Bonchester Hill (SM2172) is understood, appreciated and experienced in relation to. As shown on **Figure 7.6, Heritage Viewpoint 19 of the EIA Report**, the proposed turbines appear at the same scale as the horizon beyond Bonchester Hill (SM2172) to the south-east; this has minimised any overbearing qualities the turbines may have assumed were they of a greater height or positioned further north-west towards Bonchester Hill (SM2172). Whilst the proposed turbines may present a limited degree of visual distraction when looking towards Bonchester Hill (SM2172) from Rubers Law (SM2129), they would be sufficiently set back from the asset, beyond the important local area that it related to, such that they would not challenge its dominance in a local context or challenge its dominance in views towards it from the Rule Water valley, the area that the fort's inhabitants would likely have considered part of their territory. The visual relationship between Bonchester Hill (SM2172) and the Rule Water valley, and its relationship with Southdean Law (SM2211) as experienced in views towards it from Rubers Law (SM2129) would remain fully legible.
- 2.91 It is therefore considered that the extent of the proposed turbines' prominence in relation to Bonchester Hill (SM2172) and the extent to which this would have an adverse impact on the cultural significance of the asset through causing change to its setting has been overstated by the SBC Archaeology Officer.

Point 13 (iii)

- 2.92 The SBC Archaeology Officer stated that *‘The EIA Report within the application seems to acknowledge the prominence of the turbines, but then considers this only to be a minor adverse significance of effect (paragraph 7.7.62), but the views concentrated upon seem to be largely to the north (paragraph 7.7.63) for Rubers Law and not the whole panorama enjoyed from the summit with most emphasis placed on the possibility of a Roman signal station whilst other possibilities might be entertained’*
- 2.93 Paragraph 7.7.58 of the EIA Report outlined the factors of setting which contribute to the cultural significance of Rubers Law (SM2129) as follows:
- ‘The contribution that setting makes to the cultural significance of the prehistoric fort element of SM2129 Rubers Law, fort primarily derives from the same factors which define other forts in the area. Whilst the fort is situated in a more elevated position, which provides much longer ranging view, it is the local area which makes the most significant contribution to how it is understood and appreciated. As with other forts, it has access to good arable land and access to water sources whilst its elevated position would have allowed for monitoring and control of this area. Views from the fort of arable land and the nearby valleys defined by watercourses reinforce this important aspect of its setting. Rubers Law is a dominant natural landmark and the fort at the top of it would have been a centre of local power; views to Rubers Law from the surrounding area reinforce this notion and it remains possible to appreciate the extent of control the fort would have had over the wider area. SM2129 Rubers Law, fort is set on the highest point in the region, which gives it a sense of dominating other nearby settlements and this is notable in views from the fort looking down over SM2173 Bonchester Hill fort to the south-east and SM1700 Kirkton Hill, fort to the south-west.*
- The contribution made by setting to the cultural significance of the Roman signalling station aspect of Rubers Law, Roman signal station also derives from its prominent landscape position, with recent research suggesting this would have allowed for communication between other distant signalling stations to the north, south-east and south-west. This would have allowed the Romans to continue to exert their control over the wider region; from this elevated position, they would also have been able to monitor local native settlement such as the nearby hillforts as well as the nearby valleys which were likely used as a thoroughfare.’*
- 2.94 This FEI Report does not agree that the EIA Report concentrated on views north from Rubers Law (SM2129) or that it placed higher emphasis on its function as Roman signal station. Paragraph 7.7.57 of the EIA Report states that there are panoramic views from Rubers Law (SM2129), referring specifically to views south-west and south-east (towards the Proposed Development site) and the visibility of other prehistoric forts in such views. The contribution this makes to the asset’s cultural significance is therefore clearly stated. Paragraph 7.7.60 assesses the impact of the proposed turbines in terms of how visibility of them would impact views looking south-east from the asset and how this would impact its relationship with Southdean Law (SM2211) and Bonchester Hill (SM2173), both prehistoric forts. A similar assessment is provided in paragraph 7.7.61 which considers the impact of the Proposed Development in views looking south-east from the asset in relation to the Roman signalling station aspect of the asset.

- 2.95 It is therefore considered that the analysis presented in the EIA Report considered views in all directions from the asset and did not place greater emphasis in views north or on the Roman signalling station aspect of the asset. All factors of setting as outlined in paragraph 2.90 above as experienced in outward views from the asset were appropriately considered in the EIA Report.

Point 13 (iv)

- 2.96 The SBC Archaeology Officer noted that *‘...the longer distant views to Cheviot Hills and the mere presence of further hillforts in that direction, remains something readily appreciated by visitors to the area’ and that the proposed turbines would be ‘...noticeable as man-made objects in the lower foothills and forestry of the area below the border ridge, in contrast to looking along the border ridge and towards the core of the Cheviot Hills, as part of the overall landscape character.’* Although not specifically stated, it is assumed that the SBC Archaeology Officer considers the presence of the proposed turbines would adversely impact the ability of the visitor to view distant hillforts in the Cheviot Hills from SM2211, SM2172 and SM2129 and from the wider area of the Proposed Development; it is also assumed that the SBC Archaeology Officer considers that the presence of the proposed turbines in the lower foothills below the border ridge (i.e., the Proposed Development site) would also result in an adverse impact on the cultural significance of SM2211, SM2172 and SM2129 as well as other hillforts in the wider area by causing visual change in outward views from these monuments.
- 2.97 It is not clear which hillforts in the direction of the Cheviot Hills located to the east and north-east of the Proposed Development site that the SBC Archaeology Officer considers to be visible from SM2211, SM2172 and SM2129 or the surrounding area of the Proposed Development. The closest hillfort other than SM2172 and SM2211 in the direction of the Cheviot Hills is Shaw Craigs fort (SM2152), which was assessed in paragraphs 7.7.64-7.7.70 of the EIA Report. However, this asset is screened by topography in outward views from SM2211, SM2172 and SM2129 and experienced within a limited setting as outlined in paragraph 7.7.68 of the EIA Report. Beyond this the nearest hillfort in the direction of the Cheviot Hills is Stony Law fort (SM10735), which at a distance of c. 9.5 km away from the easternmost of the three forts noted by the SBC Archaeology Officer (Southdean Law (SM2211)), is not only highly unlikely to be visible over this distance from any of these forts but located in a direction which would not take in any views of the proposed turbines. It is therefore considered that there are no clear views towards other hillforts in the direction of the Cheviot Hills and that these do not make any meaningful contribution the cultural significance of SM2211, SM2172 or SM2129. In terms of the proposed turbine locations below the border ridge, this area has no functional relationship with any of the hillforts in the wider area and the presence of the proposed turbines would have only a negligible impact on the ability to understand, appreciate and experience the factors of setting which contribute to the cultural significance of any of the hillforts either close to the Proposed Development site or in the direction of the Cheviot Hills.

- 2.98 The response provided by the SBC Archaeology Officer is ambiguous where it refers to '*...the formal settings of the monuments...*' (i.e. SM2211, SM2172 and SM2129), not making it clear whether this refers to the '*...lower foothills and forestry of the area below the border ridge*' (i.e. the Proposed Development site) or the Cheviot Hills. In either case, the SBC Archaeology officers states that these areas are not '*...per se the formal setting of the monuments...*'. It is assumed that the SBC Archaeology Officer considers that the fact that '*...panoramic views from each of these hillforts would include the turbines of the wind farm as proposed*' would constitute an adverse impact on the character of the landscape surrounding these assets. It was also stated earlier in the SBC Archaeology Officer's response that the proposed turbines would be '*...generally incongruous to the landscape character as a whole.*' The SBC Archaeology Officer notes that landscape character can be a factor which forms the setting of a heritage asset as outlined in HES's guidance: Managing Change in the Historic Environment: Setting (2020). However, in this case, the SBC Archaeology Officer offers no analysis as to how landscape character contributes to the cultural significance of SM2211, SM2172 and SM2129 as a factor of their setting.
- 2.99 The wider landscape in which these assets are located is largely rural, characterised by agricultural fields reflective of post-medieval improvement, and by areas of modern commercial forestry plantation. It is acknowledged that the introduction of the proposed turbines would not reflect this current landscape character, however, the factors of setting which contribute to the cultural significance of SM2211, SM2172 and SM2129 relate to their relationships to nearby agricultural land, watercourses and their interrelationships as prehistoric forts which remain to be discerned in the landscape today despite subsequent and modern landscape changes. The assets do not rely on the wider landscape beyond their key local hinterlands being free of modern infrastructure in order to be understood, appreciated and experienced as prehistoric hillforts. The area in which the proposed turbines would be located has no relationship with any of these assets and as such the character of this landscape is irrelevant to understanding, appreciating and experiencing the contribution made by setting to the cultural significance of these monuments.
- 2.100 The impact implied by the SBC Archaeology Officer therefore relates to visibility of the turbines in relation to areas of the landscape which - depending on what the SBC Archaeology Officer meant in their response is either the Proposed Development site itself, the Cheviot Hills or both - by their own account, do not form part of the setting which contributes to an understanding, appreciation and experience of SM2211, SM2172 and SM2129. It is therefore considered that the impact implied by the SBC Archaeology Officer relates to landscape and visual amenity rather than cultural heritage, which, as mentioned above, is contrary to guidance on the assessment of settings impacts as outlined in Paragraphs 42 and 43 of the EIA Handbook (NatureScot and HES, 2018) and the methodology outlined in paragraph 7.1.6 of the EIA Report..

- 2.101 Further, the SBC Archaeology Officer stated that the proposed turbines would be ‘...*generally incongruous to the landscape character as a whole*’. Landscape character is only a factor which should be assessed by a Cultural Heritage specialist if it contributes to the overall cultural significance of a heritage asset or group of assets which, as has been demonstrated above, is not the case for SM2211, SM2172 and SM2129. It is therefore not appropriate for Cultural Heritage specialists to provide an assessment of the impact of a development on landscape character in its own right. An assessment of this is provided in **Chapter 6: Landscape and Visual** of the **EIA Report** and **Chapter 3: Landscape and Visual** of the **FEI Report**.
- 2.102 It is therefore considered that the **minor adverse** significance of effect predicted on the overall cultural significance of Rubers Law, fort & Roman signal station (SM2129), Bonchester Hill, earthworks (SM2172) and Southdean Law, fort & settlement (SM2211) as predicted in paragraphs 7.7.62, 7.7.50 and 7.7.41 of the EIA Report remains valid.
- 2.103 In terms of NPF4 Policy 7h ii. the factors of setting which contribute to the cultural significance of Rubers Law, fort & Roman signal station (SM2129), Bonchester Hill, earthworks (SM2172) and Southdean Law, fort & settlement (SM2211) allowing for an understanding, appreciation and experience of these assets would be adequately retained such that the integrity of their settings would not be significantly adversely affected.
- Point 13 (v)**
- 2.104 The SBC Archaeology Officer notes that there has been previous and ongoing heritage promotion of Rubers Law (SM2129) and Bonchester Hill (SM2172) by SBC and local communities, noting that NPF4 Policy 7 policy outcomes include ‘*Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity*’ and goes on to state that the Proposed Development would be contrary to SBC Local Development Plan key outcome 8 which emphasises ‘*The protection and enhancement of the area’s natural and built heritage for the residents, visitors, tourists and business.*’
- 2.105 It is acknowledged that Rubers Law (SM2129) and Bonchester Hill (SM2172) function as public amenity and tourism assets. It should be highlighted that any impact that the Proposed Development may have on public amenity or tourism is distinct from its impact on Cultural Heritage which is concerned with impacts on cultural significance.
- 2.106 Page 9 of Managing Change in the Historic Environment: Setting (HES, 2020) states ‘Whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting. This should be distinguished from the tourism, leisure or economic role of a site. Tourism and leisure factors may be relevant in the overall analysis of the impact of a proposed development, but they do not form part of an assessment of setting impacts.’
- 2.107 The impact of the Proposed Development on **Socio-Economics, Land Use and Tourism** is presented in **Chapter 14** of the EIA Report and it is not appropriate for this to be considered further as part of this Cultural Heritage Chapter of the FEI Report.
- 2.108 It is considered that this section has addressed Point 13 i-v as outlined in Table 2.1 above.

Compliance with NPF4 Policy 11 (Point 14, Table 2.1)

- 2.109 The SBC Archaeology Officer cited Policy 11 of NPF4 on Energy which ‘...sets out requirements...that project design and mitigation will set out how impacts on (a) range of receptors, including archaeological sites and landscapes more generally (are addressed)...but that has not been clearly indicated yet’. It is concluded by the SBC Archaeology Officer that ‘There is some work that could be done in lessening the prominence of some of the turbines heights.’
- 2.110 It is considered that the Proposed Development design evolution as presented in this FEI along with the range of mitigation proposed demonstrates compliance with NPF4 Policy 11.
- 2.111 It is considered that lessening the prominence of the turbine heights is not appropriate as no significant effects on the cultural significance of any cultural heritage asset are predicted as a result of visibility of the proposed turbines.
- 2.112 It is considered this section has addressed Point 14 as outlined above in Table 2.1.

Conclusion

- 2.113 This FEI chapter has considered the potential construction phase impacts of a revised access route for the Proposed Development on four Scheduled Monuments (SM6599, SM6600, SM6601 and SM6602) and re-assessed the potential for construction phase impacts on below ground archaeological remains in the vicinity of these assets. The revised access route avoids these assets entirely and no effect is predicted on these assets. There is the potential for below ground remains associated with these assets to exist in the vicinity of the revised access route. This FEI has proposed appropriate mitigation should such remains be found during the construction phase. No significant residual effects are predicted on below ground remains following the application of mitigation.
- 2.114 An assessment of potential accidental impacts of the Proposed Development as a result of turbine collapse on one scheduled section and two non-designated sections of a Wheel Causeway (SM3423, 344244, and 179517) at the west of the Proposed Development site has been provided. An assessment of the potential impact (both physical, and caused through changes to setting) on the cultural significance of non-designated sections of the Wheel Causeway (179517 / 344244) has also been provided in this FEI in response to concerns raised by the SBC Archaeology Officer.
- 2.115 In order to address concerns raised by HES and the SBC Archaeology Officer regarding the proximity of turbine T11 to Wheel Causeway, section 640m long on S slope of Wardmoor Hill (SM3423), design changes have been made to mitigate potential physical impacts on the asset as a result of turbine topple and impacts on its cultural significance caused through change to its setting. An updated photomontage (**Updated Figure 6.58**) has been produced to demonstrate how the revised location of turbine T11 would appear in views from the Scheduled Monument SM3423. No significant effects are predicted on any section of the Wheel Causeway (SM3423, 344244, 179517) caused either through turbine collapse or through causing change to its setting.

2.116 A summary of effects on assets considered further in this FEI Report, on assets for which predicted effects have changed compared to the EIA Report or effects that have been assessed in this FEI Report but not in the EIA Report is presented in Table 2.3 below. All other construction phase and operational phase effects predicted in the EIA Report remain unchanged and no further assessment is required.

Table 2.3 Summary of Effects

Asset	Applicable Phase and Impact	Predicted Effect in EIA Report (prior to mitigation)	Residual Effect Predicted in EIA Report	Predicted Effect in FEI Report (prior to mitigation)	Residual Effect Predicted in FEI Report
SM6599, Martinlee Sike, enclosure bank, field system, cairns & old road	Construction phase direct (physical) impact	None predicted	None predicted	None (asset is now avoided by design)	None (asset is now avoided by design)
SM6600, Martinlee Plantation, homestead NW of Martinlee Sike	Construction phase direct (physical) impact	None predicted	None predicted	None (asset is now avoided by design)	None (asset is now avoided by design)
SM6601, Martinlee Plantation, homestead SE of Martinlee Sike	Construction phase direct (physical) impact	None predicted	None predicted	None (asset is now avoided by design)	None (asset is now avoided by design)
SM6602, Martinlee Sike, farmstead, field system and assart bank	Construction phase direct (physical) impact	Minor adverse (prior to mitigation)	Negligible adverse (following mitigation)	None (asset is now avoided by design)	None (asset is now avoided by design)
Archaeological potential within the access route area	Construction phase direct (physical) impact	Minor adverse (prior to mitigation)	Negligible adverse (following mitigation)	Major adverse	Negligible adverse (following mitigation)
SM3423 Wheel Causeway, Section 640m Long on S Slope of Wardmoor Hill	Operational phase direct (physical) impact (turbine topple)	Not assessed	Not assessed	None (asset is now outside of turbine topple distance)	None (asset is now avoided by design)
Wheel Causeway 179517	Operational phase direct (physical) impact (turbine topple)	Not assessed	Not assessed	None (asset is now avoided by design)	None (asset is now avoided by design)
Wheel Causeway 344244	Operational phase direct (physical) impact	Not assessed	Not assessed	Negligible adverse	Negligible adverse

Asset	Applicable Phase and Impact	Predicted Effect in EIA Report (prior to mitigation)	Residual Effect Predicted in EIA Report	Predicted Effect in FEI Report (prior to mitigation)	Residual Effect Predicted in FEI Report
	(turbine topple)				

- 2.117 This FEI Report has also responded to and addressed the issues raised by HES and the SBC Archaeology Officer to the Section 36 application on 31/01/2023 and 16/02/2024 respectively as outlined in Table 10.2. These included the potential impact of the Proposed Development on heritage assets within the Proposed Development site and wider area, either physically, or through causing change to their setting and also the Proposed Development's compliance with relevant local and national policy. As noted above, the conclusions reached in Chapter 7 of the EIA Report regarding all other heritage assets remain unchanged and no significant effects are predicted.

References

HES 2019 'Historic Environment Policy for Scotland'

HES 2020 'Managing Change in the Historic Environment: Setting'

HES 2023 'Our Past, Our Future: The Strategy for Scotland's Historic Environment'

NatureScot and HES 2018 'Environmental Impact Assessment Handbook'

Scottish Government 2023 'National Planning Framework 4'