

## ANNEX

### SCOPING OF DEVELOPMENT

### PROPOSALS

### ASSESSMENT OF IMPACT ON THE

### SETTING OF THE HISTORIC

### ENVIRONMENT RESOURCE - SOME

### GENERAL CONSIDERATIONS

#### Defining Setting

Although there is currently no statutory definition of the term “setting”, in her report of the Abercairny Wind Farm Public Local Inquiry<sup>i</sup> the Reporter took a broad approach to its meaning and application. At para 14.35 she states:

“The proposal would not physically affect any of the categories of cultural heritage resource... However, there is a wide range of buildings, monuments and locations of archaeological, architectural, historic and/or cultural interest within the application site and the surrounding area. In the absence of any statutory definition, what comprises “setting” is a matter of fact and degree and ultimately judgement, although a visual and contextual relationship between the feature and its surroundings is clearly implied”...

Historic Scotland supports this broad interpretation. In the specific case of listed buildings the Technical Guidance Note *Guidelines for the consideration of Listed Building Consent and Conservation Area Consent Cases*,<sup>ii</sup> chapter 10 “firmly encourages authorities not to interpret the word narrowly”. We consider that this principle also applies more generally to other historic environment resources. In summary, we recognise

that the archaeological/historic context, the visual appearance and the aesthetic qualities of a site’s surroundings play an important role in modern perceptions of the site and that the alteration of those qualities has the potential to impact upon its character and value.

#### Characterising Setting

The following list is not all inclusive or in any particular order but simply suggests a number of factors which might be helpful in approaching an understanding of what characterises the particular setting of any historic environment asset; the relative significance of that setting to the preservation of its character and value; and whether the affect of the development on that setting is likely to be significant.

In weighing up these issues, the focus is on the historic environment asset itself.

- The relative weight which statute and policy attach to the asset in question;
- importance of topographic location for understanding the function of the site and the choice of its location;
- relevance of current or past land use;
- group setting and relationship to, and intervisibility with, other sites in the landscape;
- visual prominence of the site, but bearing in mind that sites need not necessarily be visually prominent to have a significant setting;<sup>iii</sup>
- visual dominance of the proposed development relative to the scale of the site and its current place in the landscape;
- scale and extent both of the site and of the development;
- views both to and from the site, including cases where the

- development and the site may not be intervisible but are both caught in important views – key vistas/prospects/ panoramas/sightlines<sup>iv</sup>;
- presence, extent and scale of existing development within the surroundings of the site and how that currently affects/defines the site's setting;
  - relatively unaltered settings or those little changed from the period when the site was constructed;
  - distance between the site and the development<sup>v</sup>;
  - presence of intervening buildings/vegetation/topography between the site and the development;
  - nature and scale of the landscape which comprises the setting of the site and its ability to absorb new development without eroding the key characteristics and value of the site;
  - visual distraction through, for example, scale, physical relationship, movement or light effects<sup>vi</sup>.
  - recreational/leisure value of the site within its surroundings either formally or informally<sup>vii</sup>;
  - potential role as an educational resource, either formally or informally e.g. in explaining both the cultural history of an area and the evolution of its landscape;
  - less tangible experiential qualities e.g. sense of remoteness/evocation of historic past/sense of place/cultural identity/ spiritual responses;
  - contribution of the site within its setting to local diversity and distinctiveness;
  - cumulative impact on setting of the development as a whole, not simply an assessment of its individual features; and

- cumulative impact measured with other similar developments in the wider area.

### **Assessing Impacts on Setting**

In assessing the impact of developments on the setting of historic environment assets the focus of the assessment must always be the asset within its surroundings and context. In terms of Environmental Impact Assessment (EIA) it is the asset which is the receptor of the impact. The primary measure is thus the impact of physical change and how that affects the nature and character of the asset, taking full account of its relative significance in terms of the nation's heritage. This must not be confused with measuring impacts on landscape. The latter will be the subject of separate assessment within EIA and that will subsume, where appropriate, the historic dimension of the landscape.

In determining what constitutes the setting of any particular site Historic Scotland does not consider that there are any fixed criteria which can be universally applied. Much will depend upon the circumstances of the individual case, including such variables as the nature, extent, design, location of the development proposed, the nature, extent and significance of the asset in question, its current relationship with its surroundings and the degree to which that would be altered by the development proposed.

Different attributes will be important both singly and in combination for different sites and situations. In general it is the relationship of the historic environment asset with its current surroundings, not with any hypothetical sense of "original" (i.e. historic) setting which is of concern, though clearly any elements of

original, historic setting will be very important. In the case of archaeological sites in particular, such potentially rare survivors might, in certain circumstances, constitute part of the site rather than its setting.

Consequently, the determination of what comprises the setting of any particular site and the degree to which any proposed development might affect it require careful thought and the exercise of a high degree of professional judgement. The latter must be based on a sound understanding of the site, its context and current setting; the relative significance of the latter to the character and value of the site; the particular characteristics of the development proposed and how those would affect the site and its current setting; and the application and interpretation of policy in those circumstances.

Following from this, Historic Scotland believes that in order to gain any clear view of the impact of the development on the setting of any historic environment asset, its significance and whether mitigation is likely to be effective in preventing, reducing or offsetting any adverse impacts, the following issues need to be clearly assessed and articulated in the Environmental Statement (ES).

- The current setting of the site in the widest terms, taking account of the particular factors relevant to that site. That will be the baseline against which the change which would be introduced by the development must be measured.
- Physical changes which the development will bring to that setting, taking account of all aspects of the development proposed, both singly and cumulatively. The

inclusion in the ES of photomontages or other suitable illustrative material will be helpful in illustrating this.

- The significance of this change for the monument, taking particular account of the significance of setting issues identified in the baseline and the principles of legislation and policy which apply to that particular historic environment asset.
- Mitigation measures designed to prevent, reduce or offset significant adverse impacts and their likely effectiveness.
- Residual impacts after mitigation.

We would expect that thought processes, including the matters considered and conclusions reached, to be carefully and clearly articulated in the ES so that consultees and, indeed, the public are able to understand the basis of those conclusions and consider whether or not they are reasonable or valid in the circumstances. The need to set this out clearly in writing applies whether or not tables or matrices are employed to measure the value of the assets affected against the magnitude of the impact to arrive at a measure of significance. Such tables and matrices are not themselves objective, but derived from subjective thought processes. They cannot be prescriptive and professional judgement will always be required in their use and interpretation.

The scale and extent of certain developments means that they may be visible over large distances. In the case of wind farms for instance, the scale and extent of turbines and other associated elements means that they may be visible to a greater or lesser extent over large distances and that will often include some degree of

visibility to and from a substantial number of historic/archaeological sites.

However, we believe that distant views alone are not necessarily sufficient to raise concerns about adverse impact on setting. In some cases where vistas/ prospects/ panorama/ sightlines both to and from sites may be particularly important, securing those distant site-lines and interrelationships free from intervening development may be important factors in the preservation of setting.

In other cases, the setting of a site may be more small scale and intimate where the proximity, scale and topographical relationship of the development to the site over relatively short distances and such factors as visually intrusion or dominance may be more significant. Again much will depend upon the individual circumstances of the site in question, its context and relationship with its surroundings and the characteristics of the development proposed.

### **Mitigation**

The successful mitigation of impacts from developments which are fundamentally inappropriately sited is at best difficult, at worst, impossible. For developments such as wind farms which raise significant setting issues, the only potential mitigation is likely to be good design and responsive site layout which avoids or minimises impacts to an acceptable degree. In the case of these developments, such measures might involve the removal or resiting of particular turbines and must be considered from the earliest stages in the iterative EIA process in tandem with the development of the detailed design.<sup>viii</sup> The EIA Directive places stress on “the need to take effects on the environment into account at the earliest possible stage”.

Although applications for wind farm developments under both the planning and electricity regimes are commonly for a restricted period (often between 25-30 years), the apparent impermanence of such developments will not mitigate adverse impacts during their lifetime. Scottish Government guidance on the EIA of section 36 applications<sup>ix</sup> notes that the impact of generating stations “has to be viewed as essentially long-term since a generating station can be expected to have a working life of some 30 years”. Schedule 4 of the EIA Regulations for both Planning and Electricity Act projects also confirms, at part 1 point 3, that the ES must address the full range of impacts including those of a short, medium and long-term duration and of a permanent and temporary nature.

In addition, there is often uncertainty over longer-term intentions and land uses. Many ES for wind farm projects for instance, include a statement to the effect that the wind farm could either be decommissioned after its consenting period has expired, or alternatively, its life could be extended subject to further planning permission. Thus, whilst the degree of permanence/reversibility of individual impacts may be relevant, it must be placed in the full context of the development proposed. Undue weight must not be given to predictions of events which might ameliorate matters in the future given the inherent uncertainties involved.

**Historic Scotland**  
**April 2009**

---

---

## Footnotes

<sup>i</sup> **Report of Public Local Inquiry. Proposed Wind farm at Abercairny, Crieff**, published with Scottish Ministers decision in September 2006 to refuse the application under section 36 of the Electricity Act 1989 – see: <http://www.scotland.gov.uk/Resource/Doc/1086/0038824.pdf>

<sup>ii</sup> <http://www.historic-scotland.gov.uk/index/policyandguidance/memorandumofguidance.htm>

<sup>iii</sup> For some sites, an indelible link to other landscape or topographical features will continue to bear witness to their presence. A clear example of this is the importance of its topographical setting to the meaningful preservation of the Antonine Wall, a monument which is not itself visually prominent over much of its length.

<sup>iv</sup> Technical Guidance Note **Guidelines for the detailed consideration of listed building and conservation area consent cases\***, chapter 10, page 202 highlights, for example, that the following should be regarded as affecting setting:

- development within a rural area which will be seen in any principle view either of or from the listed building, or affect in any way the main approaches to it, noting that it is not sufficient that the listed building and the new development will not be intervisible;
- development which will block distant views of important architectural landmarks;
- development which involves the construction of projecting features which will be seen in oblique views of the listed building.

\* The *Memorandum of Guidance on Listed Buildings and Conservation Areas* is being withdrawn in stages between March 2008 and March 2009. Sections of policy are being replaced by the SHEP series and the technical annexes are being replaced by subject specific guidance.

<sup>v</sup> In this context figure 8 of PAN 45, **Renewable Energy Technologies** provides general advice on the effect which distance has on the perception of such developments in an open landscape. It indicates that they are likely to be a prominent feature for distances

up to 2 km; relatively prominent from 2-5 km; only prominent in clear visibility – seen as part of the wider landscape between 5-15 kms; and only seen in very clear visibility – a minor element in the landscape between 15-30 kms.

<sup>vi</sup> For example the **Memorandum of Guidance on Listed Buildings and Conservation Areas, 1998**, chapter 10, page 201 confirms that in the case of listed buildings: “At all times the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or without the curtilage”. This broad principle will also apply more generally to the setting of other historic environment assets.

<sup>vii</sup> Numbers of visitors to sites or visitor perceptions should not in themselves be interpreted as indicators of the relative importance of the asset, its public value or the significance of the impact.

For example, the **Third Report of Session 2005-06 of the House of Commons select committee on the Department of Culture, Media and Sport**, published in July 2006, although mainly concerned about the financial support given to English Heritage, makes clear in passing that “...the number of visits to designated sites is a partial and rather unsatisfactory measure of the public value of heritage.” (Report summary, penultimate paragraph)

<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmcmuds/912/912-i.pdf>

For a discussion of the potential values of the historic environment see **Passed to the Future. Historic Scotland's Policy for the Sustainable Management of the Historic Environment**.

<http://www.historic-scotland.gov.uk/passed-to-future.pdf>

<sup>viii</sup> See for example advice in PAN 58, **Environmental Impact Assessment** paras 32-34)

<sup>ix</sup> Guidance on the **Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000**, para 3.2.1 at: <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-Consents/Applications-Database/application/ElectricityWorksEIAREgs>