

## PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Service Director Assets & Infrastructure  
Contact: Neil Hastie, Estates Manager

From: Head of Planning & Building Standards

Date: 10th February 2017

Contact: Euan Calvert ☎ 01835 826513

Ref: 17/00118/FUL

### PLANNING CONSULTATION

**Name of Applicant:** Roxburghe Estates

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of redundant steading and alterations to form dwelling house with associated parking and infrastructure works

**Site:** Redundant Steading, North West of Pots Close Cottage, Kelso, Scottish Borders

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**OBSERVATIONS OF: Education & Lifelong Learning (Neil Hastie)**

### CONSULTATION REPLY

I refer to your request for Educations view on the impact of this proposed development which is located within the catchment area for Sprouston Primary School and Kelso High School.

A contribution of £2,718 is sought for the High School.

Rolls over 90% place strain on the schools teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2017.

If you require any further information please do not hesitate to contact me by emailing [estatemangement@scotborders.gov.uk](mailto:estatemangement@scotborders.gov.uk)

## PLANNING CONSULTATION



To: Development Management

F.A.O. Euan Calvert

From: Planning & Regulatory Services

Contact: Mike Marsh Ext. 5267 Ref: 17/00118/FUL Date: 13<sup>th</sup> February 2017

**Nature of Proposal:** Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

**Site:** Redundant Steading North West of Pots Close Cottage Kelso Scottish Borders

## CONSULTATION REPLY

### ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access planning consultation response. You should note the following:

### LEGISLATION

It is the duty of local authority to uphold access rights, under the *Land Reform (Scotland) Act 2003*, in doing so to, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

Rights of Way are specifically protected by law under the *Countryside (Scotland) Act 1967 sec. 46* 'It shall be the duty of a planning authority to; assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

### COMMENTS

According to our records there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Right of Way BR15 utilizes the existing access road leading to the site. The Access Team have no objections to make regarding the application.

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

  
Access Ranger (East)  
Planning & Regulatory Services  
Scottish Borders Council  
Newtown St Boswells  
TD6 0SA



**Scottish Borders**  
COUNCIL

**Planning Application**  
**17/00118/FUL**  
**Pots Close,**  
**Kelso**  
**Scottish Borders**

**Legend**

- Managed Path (Local Community)
- ↔ Managed Path SBC (Core Path, Promoted Route, Aspirational Core Path)
- - - Other (Flight of Way, Permissive/ Customary Path, Longer-term Aspirational Path)
- Path Link on SBC Adopted Road (No Pavement) (Core Path Link and Promoted routes)



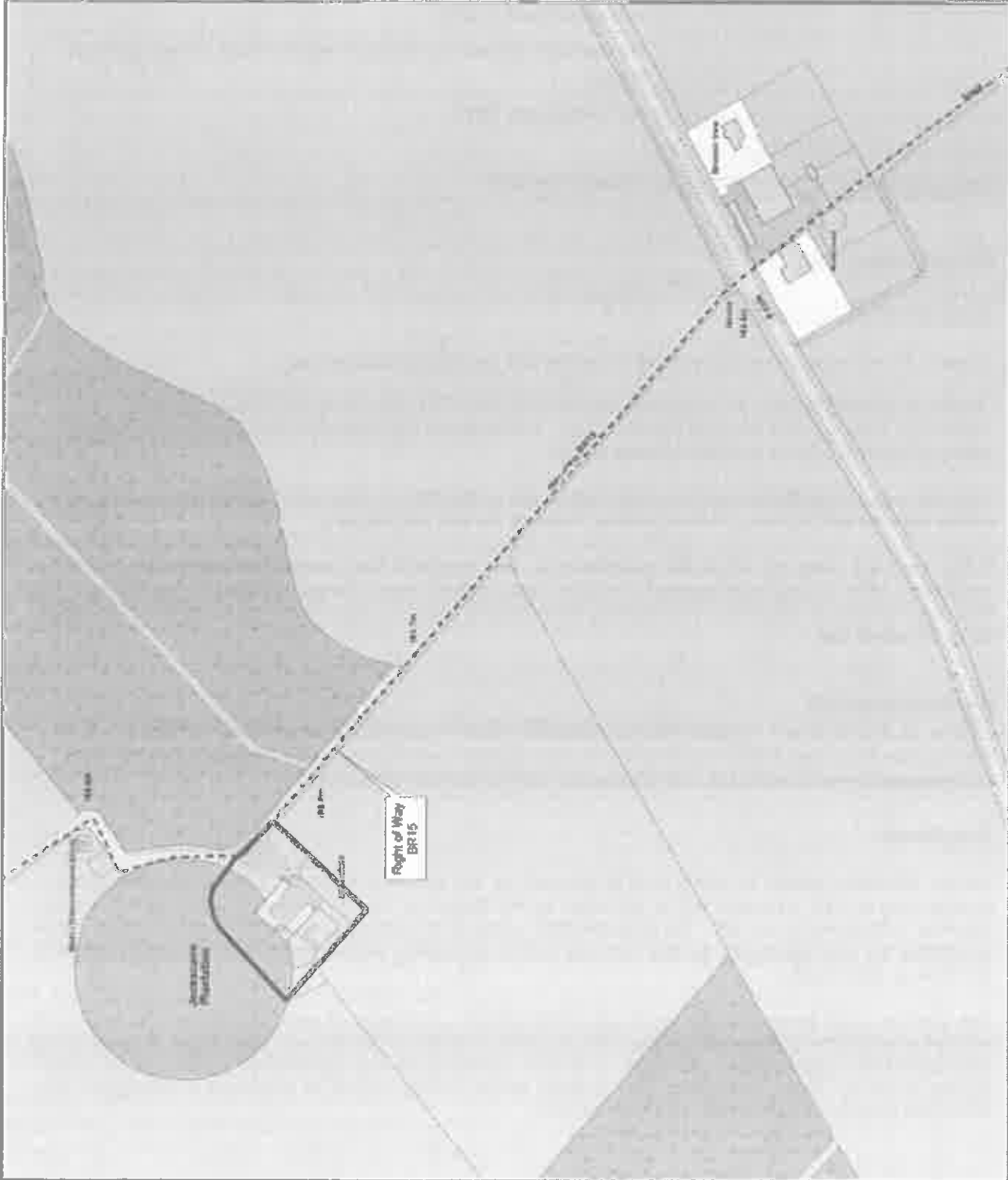
**Scale: 1:1,700**

This map has been prepared by the Countryside Access Ranger Service of Scottish Borders Council.

For further details contact:  
countrysideaccess@scotborders.gov.uk  
01835 226509

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**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>17/00118/FUL</b>
<b>Uniform Ref</b>	<b>17/00381/PLANCO</b>
<b>Proposal</b>	<b>Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works</b>
<b>Address</b>	<b>Redundant Steading North West Of Pots Close Cottage Kelso</b>
<b>Date</b>	<b>14<sup>th</sup> February 2017</b>
<b>Amenity and Pollution Officer</b>	
<b>Contaminated Land Officer</b>	<b>Gareth Stewart</b>

**Contaminated land**

Assessment of Application

There is an indication within the application that the site has had agricultural use.

I therefore recommend that the Applicant complete and return the attached questionnaire providing information relating to the previous use of the site. The applicant has been sent the questionnaire directly with instruction to return it to Environmental Health

Once the questionnaire has been returned it will be put on the IDOX system and I will advise you on whether further assessment of potential contamination issues at the site is necessary.

If the Applicant does not return the questionnaire, it is important that the potential for contamination is considered when issuing the Planning Permission. I recommend that if the questionnaire is not returned, the following condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use.

**Recommendation**

<p><del>Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined /Information to be Provided Before Work Commences (see conditions) / No Comment / Object /Informative Note</del></p>
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**Conditions**

*Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.***

*The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-*

- a) *A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.*

*and thereafter*

- b) *Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.*
- c) *Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).*
- d) *Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.*
- e) *Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.*

***Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.***

*Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.*

**Scottish Borders Council  
Redevelopment of Agricultural & Other Buildings Questionnaire**

**Planning Application Number: 17/00118/FUL**

**Yes/No**

Is asbestos known or suspected to be present in the fabric of any buildings present?	
Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?	
Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?	
Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?	
Has any part of the site been used for disposal of solid farm waste?	
Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?	
Has the site been used to store/maintain vehicles?	
Has there been any building fires or bonfires onsite?	

Please give the source of all available information used to answer these questions and an indication of the time period which it covers (continue on separate sheet/reverse side if required):

Source e.g. Previous farmer/operator	Time Period Covered e.g. 1975-1990

Please provide a description of the use of the agricultural land (*continue overleaf if necessary*):

If you have answered yes to any of the above questions please give details below (*continue overleaf if necessary*):

**PLEASE NOTE – YOUR RESPONSE WILL BE PLACED IN THE PUBLIC DOMAIN**

Signed \_\_\_\_\_

Date \_\_\_\_\_

Name

(Block Capitals) \_\_\_\_\_

Thank you for completing this questionnaire, please return it to :-

Gareth Stewart, Contaminated Land Officer, at the address below.

*Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA  
Customer Services 0300 100 1800      www.scotborders.gov.uk*

## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 10th February 2017

Contact: Euan Calvert ☎ 01835 826513

Ref: 17/00118/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 3rd March 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 3rd March 2017, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Roxburghe Estates

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

**Site:** Redundant Steading North West Of Pots Close Cottage Kelso Scottish Borders

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**OBSERVATIONS OF:** Landscape Architect, J. Knight following site visit on 17.02.17

## CONSULTATION REPLY dated 20 February 2017

*It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.*

### Description of the Site

The site is a semi-derelict farm steading at the crest of Hadden Rig, a very gently sloping ridge of land. It is set back over 300m from the public road which passes to the south and there is a plantation of trees called Jockscairn immediately to the north. The plantation consists largely of un-thinned conifers with a few broadleaves immediately behind the steading. This includes 2 rather fine spreading oak trees which are well worthy of retention.

### Nature of the Proposal

It is proposed to construct a new house on the footprint of the steading with associated parking and garden ground.

### Implications of the Proposal for the Landscape including any mitigation

The existing steading is something of an eyesore and development represents an improvement in landscape and visual terms. The proposed building is set well away from public receptors and the existing trees and woodland provide a visual backdrop. It will be desirable to manage the plantation woodland by thinning and it may be felled at some stage so retention of the broadleaves is desirable, in particular the 2 oak trees which are of specimen quality. I would like to see these 2 trees individually identified on the Site Layout plan and a suitable protection area set out.

### Recommendation

**I support the application but propose a condition to protect the 2 oaks referred to.**

## PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 9th February 2017

Contact: Euan Calvert ☎ 01835 826513

Ref: 17/00118/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd March 2017, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd March 2017, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Roxburghe Estates

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

**Site:** Redundant Steading North West Of Pots Close Cottage Kelso Scottish Borders

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**OBSERVATIONS OF:** Ecology Officer

## CONSULTATION REPLY

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of natural heritage issues (biodiversity).*

The local landscape is characterised by large arable and pastoral fields enclosed by hedgerows with scattered coniferous plantations and shelterbelts and infrequent broadleaf trees and woodlands close to farmsteads and riparian strips (Borders Landscape Type 8 – Rolling Farmland).<sup>1</sup>

I have not visited the site to inform this response. There are no designated sites, nor local biodiversity sites within 2km of the proposed development. Surrounding habitat includes improved grassland and arable land and the plantation woods of Jockscairn Plantation and Haddenrig Wood to the north and east. Areas of mixed woodland and coniferous plantation are found 240m to the west and 1.4km to the south.

I note that in the consultation response from Landscape Architecture, two mature oak trees have been identified as good specimens within Jockscairn Plantation, adjacent to the development site and recommends their retention. Paragraph 6.6 of the Planning Statement indicates a wall will be erected to the rear of the site and that no trees will be affected by the proposal.

The structures proposed for development within the site boundary are two steading buildings. The Structure Condition Survey (27/01/17) describes the walls as in good condition although with some washed out mortar on the top bricks. The survey notes rotten door lintels to the gable end. The structure is brick built with Yorkshire boarding.

I consider the suitability of this structure for bats to be low, however it may afford some opportunities for



crevice-dwelling species such as common pipistrelle and there is substantial good woodland habitat to the immediate north and east. The mature oak trees may also provide roosting opportunities for bat species. Bird species recorded within 2km of the proposed site include breeding lapwing, curlew and oystercatcher, greylag goose and barn owl. The steading building may afford opportunities for barn owl and also barn swallow.

Bats are protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places (all roosts, whether occupied or not), or deliberately, intentionally or recklessly disturb them. In accordance with guidance from the Scottish Government, surveys and any subsequent licensing requirements for European Protected Species (EPS) will need to be resolved before the planning application is determined. Impacts on EPS will be assessed against the three key tests.

All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young

**Recommendation:**

- Prior to determination, a bat survey by a suitably qualified person will be required for all buildings to be altered or demolished. An assessment of potential roost features within the mature oak trees should be made. The survey requirement should be informed by a Preliminary Roost Assessment undertaken by a suitably qualified person (this can be carried out at any time). If evidence of bats or their roosts is found, the developer will be required to submit as part of their submission to the Planning Authority a Species Protection Plan for bats.
- Prior to commencement of development, a Species Protection Plan for breeding birds shall be submitted to and approved by the Planning Authority. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan where any works are proposed within the bird breeding season (March–August). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the approved SPP.

I will comment further on receipt of information from bat surveys.

Liz Hall MSc  
Assistant Ecology Officer  
27/02/17

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<sup>1</sup> ASH Consulting Group 1998. The Borders Landscape Assessment. SNH Review No. 112

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	17/00118/FUL
<b>Uniform Ref</b>	17/00381/PLANCO
<b>Proposal</b>	Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works
<b>Address</b>	Redundant Steading North West Of Pots Close Cottage Kelso Scottish Borders
<b>Date</b>	2 March 2017
<b>Amenity and Pollution Officer</b>	Kashif Ghos
<b>Contaminated Land Officer</b>	Response previously submitted

**Amenity and Pollution**

**Assessment of Application**

***Nuisance***

**Plant Room**

It was noted that the development will contain a plant room. The applicant should provide further information detailing what will be housed within this room.

**Recommendation**

Further Information Required Before Application is Determined

# REGULATORY SERVICES



To: Development Management Service  
FAO Mr. C. Clarke, Council H. Q.

Date: 16<sup>th</sup> March 2017

From: Roads Planning Service  
Contact: A. Scott

Ext: 6640

Ref: 17/00118/FUL

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**Subject: Change of use from steading to dwelling  
Steading building, NW of Pots Close Cottage, Kelso –  
17/00118/FUL**

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I shall have no objections to this proposal provided the following conditions are adhered to.

1. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to occupation and thereafter be retained in perpetuity.
2. The existing access track must be improved to provide a compacted level running surface capable of taking a 14 ton axle loading. the track must also be self-draining and be graded such that any surface water run-off does not affect the adjacent public road.
3. Visibility splays of 2.5m x 215m in either direction must be provided at the junction with the public road prior to the property being occupied and retained in perpetuity thereafter. Should traffic figures and speeds be suitable, this figure may be reduced with the written approval of the Roads Planning Section.
4. The initial 6m of the access from where it meets the existing public road must be surfaced to the specification shown below.
5. All work within the public road boundary must be carried out by a contractor first approved by the Council.

**Access Spec.**

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

**AJS**

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>17/00118/FUL</b>
<b>Uniform Ref</b>	<b>17/00381/PLANCO</b>
<b>Proposal</b>	<b>Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works</b>
<b>Address</b>	<b>Redundant Steading North West Of , Pots Close Cottage, Kelso</b>
<b>Date</b>	<b>31<sup>st</sup> March 2017</b>
<b>Amenity and Pollution Officer</b>	
<b>Contaminated Land Officer</b>	<b>Gareth Stewart</b>

**Contaminated land**

**Assessment of Application**

With reference to my Planning Response dated 14 February 2017, the Applicant has now returned the Agricultural Buildings Questionnaire and provided additional information by email. The document is attached below.

The information available indicates asbestos has been used within the construction of the buildings with the roof of one building roof having collapsed and subsequently removed. This historic use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

### **Standard Planning Condition**

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

**Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.**

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

**Scottish Borders Council  
Redevelopment of Agricultural & Other Buildings Questionnaire**

Planning Application Number: 17/00118/FUL

	Yes/No
Is asbestos known or suspected to be present in the fabric of any buildings present?	YES
Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?	No
Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?	No
Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?	No
Has any part of the site been used for disposal of solid farm waste?	YES
Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?	No
Has the site been used to store/maintain vehicles?	No
Has there been any building fires or bonfires onsite?	

Please give the source of all available information used to answer these questions and an indication of the time period which it covers (continue on separate sheet/reverse side if required):

Source e.g. Previous farmer/operator	Time Period Covered e.g. 1975-1990
PRESENT FARMER	LAST 25 YEARS
ROXBURGH ESTATES	..

Please provide a description of the use of the agricultural land

HOUSING FOR BEEF COWS AND CALVES

If you have answered yes to any of the above questions please give details below (continue overleaf if necessary):

- (1) Roof of Agricultural Building is asbestos
- (2) Farm yard waste stored on site

PLEASE [REDACTED] CED IN THE PUBLIC DOMAIN

Signed [REDACTED] Date 17/3/17

Name (Block Capitals) R.E. ORLSON

Thank you for completing this questionnaire, please return it to :-

Gareth Stewart, Contaminated Land Officer, at the address below.

Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA  
Customer Services 0300 100 1800 [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 9th February 2017

Contact: Euan Calvert ☎ 01835 826513

Ref: 17/00118/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd March 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd March 2017, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Roxburghe Estates

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

**Site:** Redundant Steading North West Of Pots Close Cottage Kelso Scottish Borders

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### OBSERVATIONS OF: Archaeology Officer

## CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are potential archaeological implications for this proposal. However, despite the modest alterations and landscaping I do feel there is a requirement to mitigate this.

The proposal to convert the redundant steading for housing has two potential impacts to the historic environment. Firstly, the development is within an area suspected to be a battlefield. The Battle of Haddon Rig was fought in the vicinity in 1542 between English and Scottish forces. There may have been several thousand combatants on both sides, though the historical records that I have access to are not clear. The Scots won this battle and this led them to believe they could defeat the English again at the Battle of Solway Moss, which they lost (and which ultimately led to the Union of the Crowns in 1606). The exact site of the battlefield is unknown. However the descriptions suggest the English force was returning from a raid on Kelso and Roxburgh, perhaps with looted livestock. The likeliest road they would have taken was the Kelso to Wooler road (which appears on General Roy's map c. 1750s), which is the current B6396 running to the south of the steading. If the battle took place at Haddon (Hadden) Rig as the historical sources imply then it probably was on the flatter ground at the top of the hill between Haddenrig Wood and Potsclose.

The number of dead in the battle is unknown, though undoubtedly there will have been a number. It is probable that they will have been buried on Hadden Rig itself or nearby in mass burials. We have no records of human remains from the area, though curiously two place-names are of interest. These are the Witches Cairn approximately 1km south-west of the steading, and the Jockscairn Plantation immediately to its north. These two names suggest cairns existed on the ridgeline of Hadden Rig. The Witches Cairn no longer exists, and I have no information for a cairn in Jockscairn Plantation. The existence of cairns on a ridgeline could imply prehistoric burials. Equally (and the place-name of Jockscairn is curious) these may be grave pits for the battle dead.

The development of the steading has a moderate potential for encountering buried human remains, and also early musket shot and objects dropped by the combatants during the battle.

There is a secondary potential impact of this proposal. The steading itself, which dates from the end of the 19<sup>th</sup> century, is of some historic interest. However, given its form, appearance and the almost total re-use in the proposed development, I do not feel that a record of the structure is required.

Given the moderate potential for encountering battlefield archaeology, I recommend that a watching brief is maintained during any below ground excavations required for this development.

If consented, I recommend the following condition:

**Archaeology: Developer Funded Watching Brief**

No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved **Written Scheme of Investigation (WSI)** outlining a **Watching Brief**. **Development and archaeological investigation shall only proceed in accordance with the WSI.**

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a **Data Structure Report (DSR)** within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.