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FRANCE

Your Ref  
Our Ref  
30 January 2008

Dear Francesco

### **Heart of Neolithic Orkney World Heritage Site, United Kingdom: Proposed Wind Energy Projects in the vicinity of the World Heritage property**

I am writing to report on the state of conservation of the Heart of Neolithic Orkney World Heritage Site property with particular reference to four proposed wind energy projects which could potentially lead to the incremental development of wind power around the edge of the wider setting of the World Heritage Site. The projects are as follows:

#### **1. Merranblo Wind Energy Project**

This scheme, currently in the planning process, proposes to construct three wind turbines (55m hub and 44m rotor, tip height of 77m) on Merranblo Hill, one of the hills that form the outer edge of the basin surrounding Lochs Stenness and Harry.

The wind turbines, if built, would be about 5 km from the Ring of Brodgar and 7.5km from Maes Howe. Despite the not inconsiderable distances involved, the turbines would still be clearly visible from three key monuments:

- From Maes Howe, the turbines would appear on the horizon between the Stones of Stenness and the Ring of Brodgar;
- From the middle of the Stones of Stenness the turbines would appear on the horizon directly between the two of the remaining stones;
- From the centre of the Ring of Brodgar, the turbines would appear on the horizon in close alignment with Salt Knowe Mound.

The application has gone through an Environmental Impact Assessment and a full planning application. The planning application was approved by the planning committee of Orkney Islands Council (OIC) in April 2007 contrary to the advice of their Principal Planner. Historic

Scotland (HS), the executive agency of the Scottish Government responsible for discharging the Scottish Minister's functions in relation to the protection and presentation of Scotland's built heritage and advising on built heritage policy, objected on the basis of the impact of the wind turbines on the WHS. The case has been referred to the Development Department of the Scottish Government who have called in the application for determination by the Scottish Ministers.

Scottish Ministers have appointed a Directorate for Planning and Environmental Appeals (DPEA) Reporter to hear the evidence at a Public Local Inquiry (PLI) which is currently under way and report back to them. HS will be giving evidence on the impact of the proposed development on the setting of the WHS. Other evidence will be led by the applicant and OIC. Full Statements of Case have been submitted by Historic Scotland, the applicant and ICOMOS UK and are available for the general public to see. I attach Historic Scotland's submission for information Annex A to this letter.

## 2. Holodyke Community Wind Turbine

This scheme is for a single wind turbine (55m hub, 70m rotor, tip height 90m) near to Dounbie. The turbine will be situated within the area identified as being within the wider setting of the WHS. The turbine would be visible from two key monuments with the WHS:

- Stones of Stenness
- Ring of Brodgar

The turbine would be some considerable distance from these monuments, (8.6 km from Ring of Brodgar and 9.2 km from Stenness). In what was a finely-balanced assessment, as it was recognised the impact of one turbine some distance from the WHS could be argued as being slight, HS objected to the development and suggested that better siting of the wind turbine could reduce its impact and would allow the reconsideration of the proposal. In Sept 2007 the applicant submitted revisions to the scheme. HS are considering these revisions and will be providing comments shortly to the State Party. The application has not yet been determined by OIC.

## 3. Stromness Community Wind Energy Project

This project is still at an early stage in the planning and environmental assessment process, with a scoping report recently submitted to OIC. However, it is likely that this project for three wind turbines on Brunt Hill, about 1 km south of the proposed Merranblo development, will raise similar issues to that application.

## 4. Orcades Renewable Wind Energy Scheme

This project is for nine separate clusters of wind turbines (between 44-66 turbines 95-150m in height, 124 MW installed capacity) in location on Mainland Orkney and South Ronaldsay. This is still at a very early stage with a series of scoping reports recently submitted to OIC. Three of the clusters may have visual impacts on the WHS.

## Role of Historic Scotland

Historic Scotland (HS) is the executive agency of the Scottish Government responsible for discharging the Scottish Minister's functions in relation to the protection and presentation of Scotland's built heritage and advising on built heritage policy, which are devolved

matters. HS seeks to secure the protection and enhancement of the historic environment by working in partnership with local authorities and others in administering their respective powers, in the positive management of the historic environment, and by promoting a greater awareness of the need to protect and conserve the built heritage. This role includes ensuring that the World Heritage Sites in Scotland are managed well and that the terms of the World Heritage Convention are implemented in Scotland. Officials of the Agency work closely with us here at the Department of Culture Media and Sport, which represents the whole of the United Kingdom as State Party to the World Heritage Convention.

In Scotland, works at archaeological sites are controlled through their designation as Scheduled Ancient Monuments under the terms of the Ancient Monuments and Archaeological Areas Act 1979. Under section 2 of the Act, it is an offence to carry out works at a scheduled monument, without the prior written consent of Scottish Ministers (Scheduled Monument Consent), that would have the effect of demolition, destroying, damaging, removing, repairing, altering or adding to the monument or to carry out any flooding or tipping on the monument. These powers lie with Scottish Ministers and the consent regime is the responsibility of HS. Works that are carried out by HS itself on its own properties follow a parallel consent regime, known as Properties-in-Care Consent (PICC).

#### Role of Orkney Islands Council

All applications for planning permission are scrutinised by the Orkney Islands Council (OIC) and Historic Scotland is consulted on all applications involving developments which may have an impact on the setting of a scheduled ancient monument under the Town and Country Planning (General Development Procedure) (Scotland) Amendment (No.2) Order 1994.

The current Orkney Local Plan supports the concept of protecting the setting of the WHS. Policy LP/B1 states that development affecting the WHS and its Zone of Visual Influence (ZVI) will normally be refused. The Local Plan policy for wind power states that the onus is on the developer to demonstrate that there are no adverse impacts on *'the site and setting of archaeological features of archaeological or cultural interest, including the WHS, Listed Buildings, Scheduled Ancient Monuments and Gardens and Designed Landscapes'*.

#### Heart of Neolithic World Heritage Site

The monuments of Orkney date back to 3000-2000 BC. The Heart of Neolithic Orkney was inscribed as a World Heritage Site on 2<sup>nd</sup> December 1999 based on the following UNESCO criteria:

- criterion i: that the sites constituting the WHS represent masterpieces of human creative genius,
- criterion ii: they exhibit an important interchange of human values during the development of the architecture of major ceremonial complexes in Britain;
- criterion iii: they bear unique or exceptional testimony to an important indigenous cultural tradition which flourished over a period of between a millennium and half a millennium but disappeared by about 200 BC; and
- Criterion iv: are an outstanding example of a type of architectural ensemble and archaeological landscape which illustrate that significant stage in human history during which the first large ceremonial monuments were built.

The WHS comprises six discreet sites – Maeshowe, Skara Brae, the Stones of Stenness (with

the Watch Stone and Barnhouse Stone) and the Ring of Brodgar, together with numerous adjacent standing stones and burial mounds. As well as being an outstanding architectural ensemble, together they form part of an extensive and complex ritual and funerary prehistoric landscape of extraordinary richness. All of the sites are scheduled ancient monuments in the care of the Scottish Ministers, through HS, and are managed and conserved as Properties in Care by the Agency.

A Management Plan for the site was published in March 2001. Currently this Plan is under review with the intention of a revised and updated Plan, which takes account of the extensive research which has been carried out in recent years, being prepared during 2008. Consultants have been appointed to carry out a review of the setting and buffer zones of the WHS, and this work will be brought into the updated Management Plan.

The wider setting of the WHS is an integral part of the character of this ritual landscape and crucial to its preservation, understanding and enjoyment. The Orkney landscape is open and treeless with extensive views to and from the monuments. The natural basin containing the Lochs of Stenness and Harry, between which lies the narrow isthmus of land on which lies the Ring of Brodgar and the Stones of Stenness, is particularly sensitive to inappropriately or badly sited development.

The wider setting of Maes Howe, Ring of Brodgar and Stones of Stenness is the whole of the loch basin, fringed by rolling hills, and defined by the skyline formed by the near hills (as defined in 'The Heart of Neolithic Orkney World Heritage Site Research Agenda' pp 25-31). The monuments themselves reflect this specific landscape setting and refer to it in their various orientations and sightlines. Retaining this special landscape relatively free of inappropriately sited large scale developments, including wind turbines, is one of the current challenges the Orkney WHS faces. The aforementioned wind power schemes could lead to the incremental development of wind power around the edge of the wider setting of the WHS and potentially diminish some of the values of the site.

The UK State Party, Historic Scotland and other key stakeholders will continue to monitor the proposed wind energy projects in the vicinity of the Heart of Neolithic Orkney World Heritage and we will keep you informed of progress. Our key concern is to ensure the continued protection of the Outstanding Universal Value of this Site.

Please let me know if you need any further information.

Yours sincerely



Peter Marsden  
**World Heritage and International**

Cc UK UNESCO Permanent Delegation  
UK National Commission for UNESCO  
Historic Scotland

**ANNEX A**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

STATEMENT OF CASE

for

HISTORIC SCOTLAND

in the

PUBLIC LOCAL INQUIRY

into an application for

for

PLANNING PERMISSION FOR THE PROPOSED ERECTION OF 3 WIND TURBINES AT  
MERRANBLO, ORKNEY

DPEA REF: NA/ORK/1

Dundas & Wilson CS LLP  
Saltire Court  
20 Castle Terrace  
Edinburgh  
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## **1. Historic Scotland's remit and role**

- 1.1 Historic Scotland is an Executive Agency within the Scottish Government's Directorate of Europe, External Affairs and Culture. Its role and responsibilities, agreed by Scottish Ministers, are set out in Historic Scotland's Framework Document 2004. Historic Scotland's mission statement is "to safeguard Scotland's historic environment and to promote its understanding and enjoyment. The historic environment means those structures and places in Scotland of historical, archaeological or architectural interest or importance".
- 1.2 As an Executive Agency of the Scottish Government, Historic Scotland's remit, on behalf of Scottish Ministers, extends over the care, protection, enhancement and promotion of enjoyment of the historic environment (HS Document). That includes the provision of information and advice to Scottish Ministers and other parts of the Scottish Government on both policy and on applications such as this.
- 1.3 In this case Historic Scotland is a statutory consultee in respect of the planning applications under the Town and Country Planning (General Development Procedure) Scotland Order 1992, as amended by Section (5) of the Town and Country Planning (General Development Procedure) (Scotland) (Amendment (No2) Order 1994) (Core Document).

## **2. The Scope of Evidence**

- 2.1 Historic Scotland's evidence will focus on the implications of the proposed erection of 3 wind turbines at Merranblo on the setting of a number of monuments of national importance which are scheduled under the Ancient Monuments and Archaeological Areas Act 1979 (HS Document). A number of those monuments of national importance are also component parts of the Heart of Neolithic Orkney World Heritage Site (hereafter referred to as WHS), which was inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in December 1999 (HS Document). Evidence from Historic Scotland concerning landscape will specifically relate to the landscape setting of these monuments, rather than the broader concept of landscape.

## **3. History of the Application**

- 3.1 An application for planning permission was submitted by Scotrenewables, acting for Major Malcolm Macrae and Mr Barry Johnston to Orkney Islands Council on 30 April 2005 (05/12/189/PPF) relating to the erection of three 2- megawatt wind turbines and the formation of a new access track.
- 3.2 Historic Scotland was consulted by Orkney Islands Council on 4 April 2005 under Regulation 14 (1) (c) of the Environmental Impact Assessment (Scotland) Regulations 1999 for its view on an Environmental Statement for three 2-mega-watt wind turbines with 80m rotor diameter and a 60 m hub height at Merranblo, Stromness. Historic Scotland responded on 12 July 2005 expressing concerns regarding the quality of and conclusion reached in the cultural heritage chapter of this environmental assessment, especially as it assessed a proposed development site situated close to the edge of the Heart of Neolithic Orkney World Heritage Site Zone of Visual Influence as defined on Proposals Map 3(a) & 3(b) of the 2004 Orkney Local Plan. This chapter stated that there would be an overall negligible effect on archaeological sites in contrast to the Landscape and Visual Impact Chapter which, in Tables LV08 and LV12, stated that the effects on the WHS would be substantial and adverse (Core Document ).
- 3.3 Historic Scotland was further consulted by Orkney Islands Council on 5 September 2005 for its views on the planning application and accompanying ES, the Council having received a revised Archaeological and Cultural Heritage Chapter from the applicant (Core

Document). Historic Scotland responded on 1 December 2005 stating that its view concurred with the findings of the revised Archaeological and Cultural Heritage Chapter to the effect that the proposed development would have a major substantial and adverse visual impact on the setting of the WHS and as a consequence of this adverse impact, Historic Scotland objected to the proposed development (HS Document ).

- 3.4 Discussions on the scheme followed, with particular reference to a proposal to reduce the height of the turbines. Historic Scotland recognised that the reduction in the turbine size would reduce their prominence on the skyline but maintained their position which was that the turbines would remain very visible and interfere with sightlines to and from three key monuments that are component parts of the WHS, these being Maes Howe, Ring of Brodgar and Stones of Stenness (HS Document).
- 3.5 Historic Scotland was consulted by Orkney Islands Council on a revised planning application submitted on 1 September 2006 for the erection of three 900 kilowatt wind turbines (50m to hub, 44m diameter rotor, total height 72m) on 21 December 2006. Historic Scotland's comments issued on 24 January 2007 raised three issues (HS Document ):

- The impact of the wind turbines on the WHS;
- The photomontages contained in the Environmental Statement; and
- The location of the turbines in relation to the WHS Outer Buffer Zone.

In conclusion, and in sustaining its objection, Historic Scotland stated that:

- The proposed location of the wind turbines was in a highly sensitive area with wide vistas and views to and from monuments which form the WHS, as well as a number of other monuments within the Inner Buffer Zone of the WHS;
- The wind turbines will be within the visual envelope of the Outer Buffer Zone of the WHS (*to clarify: the turbines will be in the area defined as the Outer Buffer Zone*).

In addition, Historic Scotland highlighted that of the photomontages within the Environmental Statement only that from Maes Howe appeared to be an accurate reflection of the principal views from the WHS affected by the proposed development.

- 3.6 The application was recommended for refusal by the Director of Development Services, Orkney Islands Council, in a report dated 23 March 2007 (Core Document). However, the application was approved on 3 April 2007 by the Environment, Planning and Protective Services Committee of the Council contrary to that recommendation.
- 3.7 Scottish Ministers have exercised their powers under Section 46(1) of the Town and Country Planning (Scotland) Act 1997 and directed that the application be referred to them for determination.

#### 4. The World Heritage Site and Scheduled Monuments.

- 4.1 The Heart of Neolithic Orkney World Heritage Site encompasses six monuments in West mainland Orkney, all of which are scheduled ancient monuments and are in the care of Scottish Ministers, through Historic Scotland. The property was inscribed on the WHS List on the basis that 'The Monuments of Orkney, dating back to 3000-2000 BC, are outstanding testimony to the cultural achievements of the Neolithic peoples of northern Europe' (HS Document ).
- 4.2 Historic Scotland, Orkney Islands Council and Scottish Natural Heritage were closely involved in the submission for World Heritage Inscription. In addition these bodies, together with Orkney Archaeological Trust, were co-signatories to a Statement of Intent, signed in 2000. This document stated the intent of the parties to:
- Work together to conserve and enhance the Heart of the Neolithic Orkney and its buffer zones.
  - Work together to inform people about The Heart of Neolithic Orkney and its buffer zones and increase its enjoyment of it.
  - Ensure that our policies and actions in respect of The Heart of Neolithic Orkney and its buffer zones safeguard its special values, qualities, authenticity and integrity.

4.3 The sites are:

- the chambered tomb of Maes Howe (HS reference number 90209<sup>1</sup>);
- the stone circle and henge at Stones of Stenness (HS reference number 90258);
- the Watch Stone (HS reference number 90352) (scheduled as Watch Stone, stone settings, Barnhouse settlement, and related remains, although it is only the Watch Stone that is in the Care of Scottish Ministers and is part of the WHS);
- the Barnhouse Stone (HS reference number 90341);
- the stone circle, henge, adjacent standing stone and burial mounds at the Ring of Brodgar (HS reference number 90042); and
- the settlement of Skara Brae (HS reference number 90276).

4.4 The first five of these sites are located in low-lying land around the lochs of Stenness and Harray, surrounded by a natural amphitheatre of hills, of which Merranblo is one, and consequently the proposed wind turbines will be visible from these sites. The impact on the setting of the complex of monuments in the Stenness-Harray basin will be the focus of Historic Scotland's evidence.

4.5 Although the sites that form the WHS are individual monuments, these are an integral part of a wider archaeological landscape of related monuments and archaeological sites. Consequently, when the WHS was nominated, Inner and Outer Buffer Zones were defined. The buffer zones were necessary because:

- The wider landscape is farmed and inhabited under disparate ownerships. The visual impacts of rural development, together with the environmental and visual impacts of tourism, could impact adversely on World Heritage Values and thus need some form of management or control.
- The Orkney landscape is open and treeless with wide vistas and views to and from the monuments. Inappropriately or badly sited development within the broad area could erode the World Heritage values of the site, particularly cumulatively and over time (HS Document ).

4.6 Within the Inner Buffer Zone there is a large number of funerary, ritual and domestic sites of national importance that, although related to the monuments within the WHS, are not included within the site. These include:

- Barnhouse Settlement (scheduled as Watch Stone, stone settings, Barnhouse settlement, and related remains, HS reference number 90352);
- Lochview, standing stones and cairn SE of (HS reference number 7647);
- Ring of Bookan, chambered cairn 180m SW of Bookan (HS reference number 1370);
- Buckan, chambered cairn 500m SE of (HS reference number 243);
- Skae Frue, mound 300m SW of Buckan (HS reference number 1379).
- Wasbister, disk barrow and round houses 600m SSE of The Brecks (HS reference number 7700);
- Wasbister, Stenness - Sandwick parish boundary, earthwork (HS reference number 7855);
- Wasbister, mounds SSE of The Brecks (HS reference number 7857);
- Wasbister, cairn 400m SE of The Brecks (HS reference number 8390)
- Knowe of Onstan or Unstan, chambered cairn (HS reference number 90232) - this is just beyond the southern edge of the Inner Buffer Zone of the WHS.

4.7 The Inner Buffer Zone in the Stenness-Harray area is defined by the Brodgar Rural Conservation Area and the Lochs of Harray and Stenness Site of Special Scientific Interest. The Brodgar Rural Conservation Area was specifically designated by Orkney

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<sup>1</sup> The HS reference number or Index number is a unique identifier given to every monument included in the Schedule of monuments of national importance

Islands Council to preserve the amenity and setting of the Brodgar and Maes Howe monuments (Core Document ). The Outer Buffer Zone is defined by the Hoy and West Mainland National Scenic Area (NSA) and Merranblo lies within this Buffer Zone. There are separate Inner and Outer Buffer Zones for the Skara Brae element of the WHS.

4.8 The setting of the WHS has been further defined by a landscape study produced jointly for Historic Scotland and Scottish Natural Heritage in 2001 by Tyldesley in order to assess the capacity of the landscape to accommodate new development without adversely affecting the World Heritage values of the site, its component monuments or their settings (HS Document ). This study identified three levels of setting:

- Immediate - Very small scale changes could markedly affect the intimate experience, ambience and enjoyment of the WHS monuments.
- Intermediate - Individual new buildings of any size; structures, roads or other features, or alterations to them; other visible changes which are about the same scale as a human figure (or larger); or intensity of movement or activity, could be clearly seen, or may be heard, or the cumulative effects of smaller changes, in the setting and/or approaches could affect the character and peoples' perception and enjoyment of the WHS. In this case the intermediate setting of the WHS is the unusual landform that is the Brodgar peninsula, framed by the Lochs of Harray and Stenness on either side.
- Wider - Large scale built developments; massive, high or conspicuous structures; very loud or far carrying sounds, or other types of major change; or the cumulative effects of smaller changes, in the wider setting and/or approaches could affect the character, image and peoples' perception and enjoyment of the WHS. The wider setting is the whole of the loch basin, fringed by rolling hills, and defined by the skyline formed by the near hills, including Merranblo.

4.9 The Orkney Local Plan para. 7.1.8 and Proposals Map 3 (a) & 3(b) (Core Document) defines a Zone of Visual Influence (ZVI) which generally corresponds to the Intermediate setting as defined by Tyldesley (HS Document ). The Local Plan also recognises the concept of the wider setting of the WHS.

## 5. Historic Scotland's position:

5.1 Evidence will be led to demonstrate that this proposed development would be contrary to National Planning Policy Guideline (NPPG) 5 Para 17 (Core Document ).

5.2 NPPG 18 para 15 is relevant in this context as it confirms the government's role as State Party, in the identification, conservation and preservation of World Heritage Sites, and that the impact of proposed development upon a World Heritage Site will be a key material consideration in determining planning applications (Core Document ).

5.3 Scottish Planning Policy (SPP) 6 is also relevant as it sets out National Policy in relation to Renewable Energy developments. Para 12 considers the Historic Environment, and refers both to NPPG5 and NPPG 18 in providing policies regarding the protection of scheduled monuments and other archaeological sites and their setting, World Heritage sites, listed buildings and their settings, gardens and designed landscapes and conservation areas (Core Document).

5.4 Evidence will also be led on behalf of Historic Scotland to show that this proposed development would be contrary to the Orkney Development and Local Plans, particularly, but not exclusively, Orkney Structure Plan policies; SP/B2 World Heritage Site, SP/B3 Archaeological Sites and SP/U7 Wind Energy, and Orkney Local Plan policies; LP/B1 World Heritage Site, LP/B2 Scheduled Monuments and Sites of Archaeological Importance, LP/B3 Conservation Areas and LP/U7 Wind Power (Core Document ).

5.5 Historic Scotland understands that the Orkney Islands Council supplementary guidance on on-shore wind energy developments is still at a consultative draft stage, and we regard this document to be draft guidance.

5.6 The wider setting of the WHS, and of the other scheduled ancient monuments within the Inner Buffer Zone, is an integral part of the character of the ritual landscape in the

Stenness-Harray area. It is believed that this group of monuments developed in this area precisely because of the special nature of this topographic location and the surrounding landscape is crucial to our understanding of the monuments. At present the hills to the south and west of the WHS are free of high structures apart from a single mast at Bruna Frea. Consequently, this landscape is both very important for our understanding of the WHS and is highly sensitive to change.

- 5.7 The siting of three 72m high wind turbines at Merranblo would constitute the introduction of very tall, highly visible structures which would appear on the skyline. Historic Scotland believes that structures of the scale proposed would represent a high magnitude of change to a landscape that is both very important and highly sensitive to change. As a result, the construction of the turbines would have a major adverse impact on the setting of the scheduled ancient monuments within the WHS and within the WHS Inner Buffer Zone.
- 5.8 There are a number of specific sightlines from and to the monuments on which the turbines would impact. Photo-montages are currently being produced to demonstrate the impacts but these include:
- From Maes Howe, the turbines would appear on the horizon between the Stones of Stenness and the Ring of Brodgar;
  - From Maes Howe, when viewing the Barnhouse Stone and the hills of Hoy beyond from the entrance passge, the turbines will appear on the WNW horizon of hills.
  - From the centre of the Stones of Stenness the turbines would appear on the horizon directly between two of the remaining stones;
  - From the centre of the Ring of Brodgar, the turbines would appear on the horizon in close alignment with Salt Knowe Mound;
  - From the centre of the Ring of Bookan, the turbines would appear on the horizon in close alignment with Skae Frue
  - From Barnhouse Settlement the turbines would appear on the horizon between the Stones of Stenness and the Ring of Brodgar;
- 5.9 There is significant potential for incremental and cumulative impacts on these monuments from wind turbine development in the area, although each proposal will be considered on an individual basis and the incremental impact will be considered at the point at which the various applications come forward. It is however relevant to note that the Merranblo proposal would have an individual impact at point of completion which would only be increased by any extension or later and similar developments.
- 5.10 The erection of the proposed turbines is likely to have an adverse impact on the use, appreciation and enjoyment of the WHS by the public.
- 5.11 The Terms and Planning Conditions proposed by Orkney Islands Council do not alter Historic Scotland's position regarding this application (Core Document). Historic Scotland does not consider that the proposed development is capable of effective mitigation, sufficient to negate the visual impacts of the turbines, or even to lessen them to an acceptable degree. As outlined above, because of the location of this development, it would impact on particularly sensitive views from the WHS and other scheduled monuments.
- 5.12 The applicant has stated in their outline statement of case that Historic Scotland has been inconsistent in respect of its position regarding the full range of planning applications within and adjacent to the WHS. Historic Scotland does not accept this claim; it considers every proposal on individual merits and its responses are based on an assessment of the level of impact in each case.

## 6. Documents

The following is a list of documents likely to be referred to by Historic Scotland in support of its case (this is not intended to be a restrictive list):

### 6.1 Core Documents

- National Planning Policy Guidelines (NPPG) 5 Archaeology and Planning (Core Document)
- National Planning Policy Guidelines (NPPG) 18 Planning and the Historic Environment (Core Document)
- Orkney Islands Council (2001) The Orkney Structure Plan (Core Document)
- Orkney Islands Council (2004) The Orkney Local Plan (Core Document)
- Orkney Islands Council (2006) Draft Supplementary Planning Guidance for the Development of On Shore Wind Energy in Orkney (Core Document)
- PAN 42 Archaeology – the Planning Process and Scheduled Monuments (Core Document)
- PAN 45 Renewable Energy Technologies (Core Document)
- Scotrenewables (March 2005), Merranblo Wind Cluster Environmental Statement (Core Document)
- Scotrenewables (July 2005), Merranblo Wind Farm, Stromness, Orkney, Archaeological and Cultural Heritage Impact Assessment (Prepared by Paul Sharman, Orkney Archaeological Trust Projects Unit) (Core Document)
- Scotrenewables (August 2006 and December 2006) Merranblo Wind Energy Project Revised Turbine Location Photomontages. (Core Document)
- Scottish Planning Policy (SPP) 1 The Planning System (2002) (Core Documents)
- Scottish Planning Policy (SPP) 6 Renewable Energy (2007) (Core Documents)
- Town and Country Planning (General Development Procedure) Scotland Order 1992, as amended by Section (5) of the Town and Country Planning (General Development Procedure) (Scotland) (Amendment (No2) Order 1994 (Core Documents)

## 6.2 Historic Scotland Documents

- Ancient Monuments and Archaeological Areas Act 1979 (HS Document)
- Council of Europe (1992) European Convention on the Protection of the Archaeological Heritage (revised) (The Valletta Convention). (HS Document)
- The Environmental Impact Assessment (Scotland) Regulations 1999
- Downes J, Foster S M, Wickham-Jones, C R (2005) The Heart of Neolithic Orkney World Heritage Site Research Agenda (HS Document)
- Foster S M (2006) Maes Howe & Neolithic Orkney Official Guide (HS Document)
- Foster S M and Linge L (2002) 'World heritage Site Buffer zones. Statements of Fact or Aspiration?', *Conservation and Management of Archaeological Sites 5 (2002), 141-50* (HS Document)
- Historic Scotland (2000) Nomination of The Heart of Neolithic Orkney for Inclusion in the World Heritage List (HS Document)
- Historic Scotland (2001) The Heart of Neolithic Orkney World Heritage Site Management Plan (HS Document)
- Historic Scotland (2006) Scottish Historic Environment Policy (SHEP) 1: Scotland's Historic Environment (HS Document)
- Historic Scotland (2006) Scottish Historic Environment Policy (SHEP) 2: Scheduling: protecting Scotland's nationally important monuments (HS Document)
- Historic Scotland (2007) Scottish Historic Environment Policy (SHEP): Properties in the Care of Scottish Ministers (Consultative Draft) (HS Document)
- Historic Scotland's consultation responses:
  - HS letter dated 12 July 2005 (HS Document)
  - HS letter dated 1 December 2005 (HS Document)
  - HS letter dated 22 September 2006 (HS Document)
  - HS letter dated 24 January 2007 (HS Document)
- Relevant maps and photographs (currently being produced) (HS Document)
- Relevant Scheduling documents (HS Document)

- Richards C (1996) 'Monuments as Landscape: creating the centre of the world in late Neolithic Orkney' *World Archaeology* 28 (2) 1996, 190-208 (HS Document)
- Richards C (ed) (2006) *Dwelling among the monuments: the Neolithic village of Barnhouse, Maeshowe passage grave and surrounding monuments at Stenness, Orkney* (HS Document)
- Tyldesley D and Associates (2001) *Landscape Capacity Study of the Setting of the Heart of Neolithic Orkney World Heritage Site and a Comparison of Landscape Character Assessment and Historic Landuse Assessment in the Area*. Unpubl report for Scottish Natural Heritage and Historic Scotland (HS Document)
- UNESCO (1972) *Convention Concerning the Protection of the World Cultural and Natural Heritage* (HS Document)
- UNESCO (1999) *Operational Guidelines for the implementation of the World Heritage Convention* (HS Document)
- UNESCO (1999) *The Heart of Neolithic Orkney, Advisory Board Evaluation* ([http://whc.unesco.org/archive/advisory\\_body\\_evaluation/514rev.pdf](http://whc.unesco.org/archive/advisory_body_evaluation/514rev.pdf)) (HS Document).

## 7. Evidence to be lead in support of this position

7.1 Historic Scotland expects to lead evidence from the following witnesses.

- A witness will lead evidence on the WHS, the nature and importance of the monuments and their landscape context (to be confirmed).
- Dr Allan Rutherford, Senior Inspector of Ancient Monuments, Historic Scotland, will lead evidence on the nature and significance of the WHS, the impact of the proposed development will have on the WHS and the development's divergence from national and local planning policy.
- Patricia Weeks, Cultural Resources Advisor, Historic Scotland, will lead evidence on the impact on the amenity of the WHS.

In addition to those witnesses Historic Scotland reserves its position to lead another witness on any new Environmental Statement. It is not clear to Historic Scotland how a new Environmental Statement can be produced at this late stage without being put out to consultation. As the witness dealing with the matter for the applicant does not appear to be the author of the original Statement the methodology to be adopted is unknown. As a result, once the final version is produced Historic Scotland will require to consider it in consultation with their expert. At that stage a letter will be issued to the parties and the Reporter to confirm Historic Scotland's position. No witness is intimated at this stage as it is hoped it will be entirely unnecessary.

7.2 Historic Scotland will be legally represented by Laura Donald, Partner, Dundas & Wilson CS LLP. It is anticipated that the evidence, subject to cross examination, will take one and a half to two days.