

The Battle for Roineabhal



Reflections on the successful campaign to prevent
a superquarry at Lingerabay, Isle of Harris,
and lessons for the Scottish planning system

Scottish Environment

LINK



"Aye, that's right.... it's all the paperwork generated
by the Lingerabay enquiry...."

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The Battle for Roineabhal: Reflections on the successful campaign to prevent a superquarry at Lingerabay, Isle of Harris and lessons for the Scottish planning system

Researched and written by Michael Scott OBE and Dr Sarah Johnson on behalf of the LINK Quarry Group, led by Friends of the Earth Scotland, Ramblers' Association Scotland, RSPB Scotland, and *rural* Scotland

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Chapter 1: Introduction

A tortuous tale

The saga of the Lingerabay superquarry is a tortuous tale of almost epic proportions, lasting for more than a quarter of a century. It concerns a proposal – first mooted in 1974 – for a 10 million tonne superquarry that would chisel away almost a third of the magnificent mountain of Roineabhal on the Isle of Harris in the Western Isles of Scotland. The planning application by Redland Aggregates brought into focus major issues of national policy on mineral supply, rural support, community empowerment, sustainability, landscape protection and biodiversity. In the latter stages, even issues of European legislation were raised.

This volume is not intended as a definitive history of the battle to stop the superquarry at Lingerabay. Rather, it is the perspective of one particular player in the ‘Battle for Roineabhal’: Scottish Environment LINK, a consortium of 19 environmental, non-governmental organisations in Scotland. At the start of this story, the organisation was called Scottish Wildlife & Countryside Link, but it changed its name in 1999 to reflect its wider remit, and for convenience it is referred to in the text by its preferred abbreviation: LINK.

In many ways, LINK’s involvement in Lingerabay marks its ‘coming of age’ as an effective environmental network. Through the professionalism of its engagement, it gained respect and influence, and today its views are taken seriously by Scottish Ministers in a way that was unthinkable back in 1991 when LINK entered this particular fray. Yet the members of LINK who were at the forefront of its involvement in Lingerabay recognise that many mistakes were made, especially in the early stages of the campaign. This report tries to describe some of these also, in the hope that others in future will learn from them.

Over the span of this story, Scotland has changed immensely, so much so that some of the murkier details in the early stages of the saga seem almost unthinkable today. Yet there are lessons from what has transpired since 1974 that remain just as relevant in the first decade of the 21st century. Already some of the key individuals involved admit that they cannot remember all the labyrinthine detail of what went on. This report, therefore, is an attempt to capture for posterity some of the story that lay behind the public debate, and more importantly, to draw out some of the lessons for environmental and community groups who might face a similar ‘David and Goliath’ battle over Britain’s finest landscapes in the future.

Insights and hindsight

It is important to record here what this report sets out to do. As authors, we were invited by LINK to write an overview of the campaign to prevent a superquarry at Lingerabay, in a way that is “readable and accessible to a lay audience, although technically correct”. We were asked to interview some of the key participants, then, with the benefit of their insights, to suggest the lessons for environmental NGOs and community groups, to propose the next steps for key players, and to consider the policy implications for LINK and its partners.

The report deliberately focuses on the experiences of LINK and this is reflected in our choice of interviewees, although many interviewees were able to offer insights from other perspectives, including that of Scottish Natural Heritage and various development and political agencies. Some interviewees felt that it was prudent to speak ‘off the record’, and this has been respected. The points of view of various individuals who aided and interacted with LINK, particularly those in the Harris community, are also given. A full list of those consulted, together with brief professional biographies, forms Appendix 2 of this report.

Although LINK members are rightly proud of the way they challenged the Lingerabay proposal, they would never claim that they alone ‘saved’ Roineabhal. One important factor in their success was that, by bringing key issues to the fore, they helped to change local opinion, initially enthusiastic, against the planned superquarry. The implications of changing local attitudes are explored in the following chapters, in parallel with the story of LINK’s efforts. In line with our brief, we do not devote much attention to the developer’s perspective and, as such, Lafarge Redland remains a rather shadowy presence in this tale. That said, we attempt to illuminate the errors the company made in its handling of the Lingerabay case, at least as perceived by LINK, and to record the events that led to Lafarge’s final withdrawal.

It is important to make clear that this report is *not* intended as a definitive and impartial guide to the arguments for and against a superquarry on Harris. As authors, both of us would admit to being partisan: we both played a part in the battle against the superquarry, and we were specifically commissioned to write this report so we could draw on that experience. Inevitably, this means we bring prejudices to the report, and our personal statements in Appendix 3 will help readers to understand our backgrounds in telling this tale.

The case against the superquarry

Although this is not a detailed account of the pros and cons of the superquarry proposal, it will be necessary to refer to some, at least, of the arguments in telling this story. Chapter 2 summarises the key statistics about the proposed superquarry, and the sheer scale alone is one major reason why so many LINK member bodies objected to the planning application. More information about LINK’s planning objections is to be found in the excellent LINK Quarry Group booklet, *The Case Against the Harris Superquarry*, published in 1996, from which Table 1 below is drawn summarising the LINK case. The booklet is still available on-line at www.foe-scotland.org.uk/nation/superquarry1.html

TABLE 1: The 21 planning reasons presented by the Link Quarry Group in support of its objection to the proposed superquarry at Lingerabay.

1. The proposal is contrary to the Government's sustainable development strategy.
2. The proposal is contrary to the Government's international responsibility for protected areas.
3. The proposal is contrary to Government policy as set out in NPPG4 Land for Mineral Working.
4. The proposal is contrary to the underlying reasons and objectives for the designation of National Scenic Areas (NSAs).
5. The development would adversely affect five other NSAs.
6. Valuable plant habitat would be lost.
7. There would be disturbance to Schedule 1 breeding birds.
8. The proposal is contrary to the objectives of the development plan.
9. Noise from the development would cause disturbance to local people and visitors.
10. Blasting would cause similar loss of amenity.
11. Dust would also cause loss of amenity, and damage to wildlife and fisheries.
12. The material and cultural asset of St Clements Church, Rodel would be devalued, and possibly damaged by vibration.
13. The development would increase the risk of marine pollution from accidental emissions from the site or associated shipping, or from ballast water.
14. Associated shipping would interfere with fisheries in the area.
15. The development would damage the image of Harris.
16. The development would cause economic dependency on a single company/single industry development.
17. The development would compromise future job prospects.
18. The development could damage the cultural heritage of the area, in terms of the Gaelic language and the Hebridean way of life.
19. Approval of the application would be premature, given the Government's strategy of promoting a national framework for further coastal superquarry development.
20. The effects of such development will be irreversible.
21. Effective control of the development would be difficult at such a remote site.

Curiously, that summary does not include the key word “landscape” that was to become a central plank of LINK’s argument, although landscape is clearly the underpinning reason behind National Scenic Areas. Other concerns raised by LINK in the course of the inquiry including the impact of light pollution and the potential impact of harbour and port facilities.

A tangle of terminology

Finally, we should consider issues of terminology. Firstly, a note on spelling: the Gaelic language was to become an important battleground in the public debate about the superquarry, and the mangling of – or refusal to use – Gaelic place names was one of most vexing issues for observers on Harris, as chapters 6 and 15 will show. Maps by the Ordnance Survey (no authority on Gaelic) show ‘Lingara Bay’ as a sheltered inlet off the Sound of Harris beneath the 460m peak of Roineabhal. The OS calls the island and the local area ‘Lingarabay’, but during the course of the public inquiry into the superquarry proposal, the standard usage seemed to change from this spelling to ‘Lingerabay’, as participants began to appreciate the importance of the Ling (heather) that gives the area its name. However, whilst in the Gaelic language there is never a definitive wisdom on issues of this sort, we have taken advice from local historian John MacAulay and settled on a spelling that, in his eyes, is the closest easily pronounceable equivalent to the Gaelic *Lingrabhagh*: Lingerabay. We have used this spelling throughout, and, to avoid unnecessary confusion, we have amended all contemporary quotes and references to use his standardised spelling.

Over the course of the Lingerabay saga, major changes happened in civic Scotland (see chapter 10). The civil service establishment in Scotland changed from the Scottish Office to the Scottish Executive with devolution in May 1999, and responsibility for Public Local Inquiries moved from the Secretary of State for Scotland to Scottish Ministers. Also during the period under review, the Western Isles Islands Council began to be recognised more widely by its Gaelic name of Comhairle nan Eilean Siar (‘the Comhairle’ for short), and Redland Aggregates became Lafarge Redland Aggregates, following a predatory takeover. We have tried to use the correct designation for each player at the appropriate time.

Dr Sarah Johnson
Michael Scott OBE

Chapter 2: Lingerabay Facts & Figures – An Overview

The Proposals

- Redland's 1991 application for Lingerabay was the largest mineral planning application ever submitted in the UK.
- Lafarge, who took over Redland in a hostile bid in 1997, is the world's biggest producer of building materials. It owns 800 quarries, employing 77,000 people in 75 countries.
- The proposed quarry site covered 450 hectares, or approximately 1 by 2 km, extending 370 m above sea level and 180 m below.
- As a council planning official told the Inquiry, this would have amounted to 'only' 0.5% of the 109,000 hectare South Lewis, Harris and North Uist NSA. However it would have been visible from much of the NSA as well as from parts of several other NSAs.
- The production target was 10 million tonnes per year for sixty years, about fifty times the output of a conventional quarry.
- If Lingerabay had reached peak production, it would have increased Scottish aggregate production by 60%
- After the site had been exhausted, Redland proposed to blast out a sea loch that would have had the highest sea-cliffs in the British Isles, six times the height of the White Cliffs of Dover. It was suggested that these would become a tourist attraction.

The Socio-economic Picture

- Unemployment in Harris stood at about 17% at the time of the application, but has since dropped to about 4%
- It was suggested by Redland that 200 direct and 'spin-off' jobs would be created in Harris, but it became clear that, in fact, many of these were notional and might not in any case go to locals.
- At the Inquiry Professor Peter Wood, a consultant for Redland, conceded that the quarry would only create 33 direct and 10 indirect jobs for Harris residents.
- Comhairle nan Eilean agreed to accept a community trust fund offer from Redland of £15,000 per year, rising to £140,000 when the quarry came into full production.
- This was regarded locally as a derogatory sum: at peak production Ian Wilson and Donnie Macdonald, the mineral rights holders would have received 5p per tonne each per annum in royalties.
- Though locals had initially been in favour of the quarry (by 62% to 48% in a 1993 poll), a 1995 opinion poll with an 85% turnout recorded 68% of respondents as opposing the quarry. In the Obbe ward (the area nearest the quarry) 71% were opposed.
- Harris lived under the shadow of the Lingerabay proposal for thirteen years before Lafarge finally withdrew.

The Inquiry

- Lingerabay became the longest running and most complex planning case Scotland had ever seen
- More than 100 witnesses and 400-500 written submissions were taken into account by the Lingerabay Public Local Inquiry (PLI) which sat for nine months.
- The PLI cost an estimated £2 million, half of which was spent by the developers and £500,000 of which was spent by WIIC defending the application that, at the eleventh hour, they decided to oppose. According to a parliamentary answer, SNH spent £530,985 *excluding* staff costs.
- By the end of the PLI in June 1995, the LQG expenditure was recorded as a much more modest £7,285. However, this excludes all the staff time and travelling expenses for the key LINK players, which were covered by their own organisations. These have never been quantified, but must have run into tens of thousands of pounds.
- Before the PLI, in January 1994, Redland shares were worth 634p. By October 1997, they were worth only 257p. This can in part be attributed to a loss of confidence caused by the protracted Lingerabay case.
- The Part One Report ran to 629 pages.

MP's surprise over council costs

Estimated Government costs for the Harris superquarry inquiry shot up six-fold in the space of just one week, but these are still dwarfed by the amount proceedings are to cost Comhairle nan Eilean, Redland Aggregates and Scottish Natural Heritage.

Western Isles MP Calum MacDonald, who is angry that the Government are refusing to help the council meet costs for the inquiry, has also expressed surprise that the costs to the council of taking part in the inquiry are so much higher than those run up by the Scottish Office in conducting it.

As the *Free Press* reported last month the council are likely to face a £500,000 bill while Redland cite £500,000 for their own costs as "a conservative estimate" and Scottish Natural Heritage expect to have to find at least £300,000.

In response to *Free Press* inquiries, a Scottish Office spokesman said two weeks ago that Government costs would be in the region of £21,000.

Then last Wednesday, responding to a question from Mr MacDonald, Local Government Minister Allan Stewart put the bill at £120,000.

Even so, Mr MacDonald said: "The Scottish Office are having to pay for the reporter to work from Stornoway over several months as well as the cost of whatever staff she may need both in Stornoway and in Edinburgh." In contrast the council was working on their own "home turf". He added: "I believe councillors may be surprised by these figures."

However, council chief executive Brian Stewart said: "There is absolutely no basis for comparing the two figures. I would obviously expect the Reporter's costs to be very different from the council's and the other parties involved who have to pay for legal representation.

"The council has no doubt helped to keep the Reporter's costs down by providing a measure of office support as a courtesy to her while working away from her home base. If Mr MacDonald

wants to compare costs he should be comparing the council's expenses with those of the developers — Redland Aggregates Ltd — and Scottish Natural Heritage."

He added that he did not think the costs involved would surprise councillors as they know the council had to engage consultants to safeguard their interests.



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Loughburgh fishermen concerned over

Cartoon © Chris Tyler From the West Highland Free Press

Aggregates Demand

- Redland's proposal was based on increasing demand for aggregate to make it economically viable. UK exports of crushed rock peaked in 1993 at over 5 million tonnes, but fell to 2.5 million tonnes by 1996, as the Lingerabay proposal was being deliberated.
- In 2000 the industry body, the Quarry Products Association (of which Redland/Lafarge is a prominent member), advised the Government that demand will remain flat at 215 million tonnes per annum (mtpa), and that it

should project demand for the next 20 years as remaining “flat”. This contrasts with the projections given at the inquiry of demand levels between 370 mtpa and 440 mtpa by 2011.

- However, despite government rhetoric about increasing the use of recycled aggregate and so forth, CPRE were concerned in 2004 that the latest MPG provided no new tools for curbing the extraction of minerals, and continued to use the economic growth imperative to justify mineral extraction, even in Green Belt and designated areas.

Chapter 3: The Stone Age – Superquarry Prehistory

Great Expectations

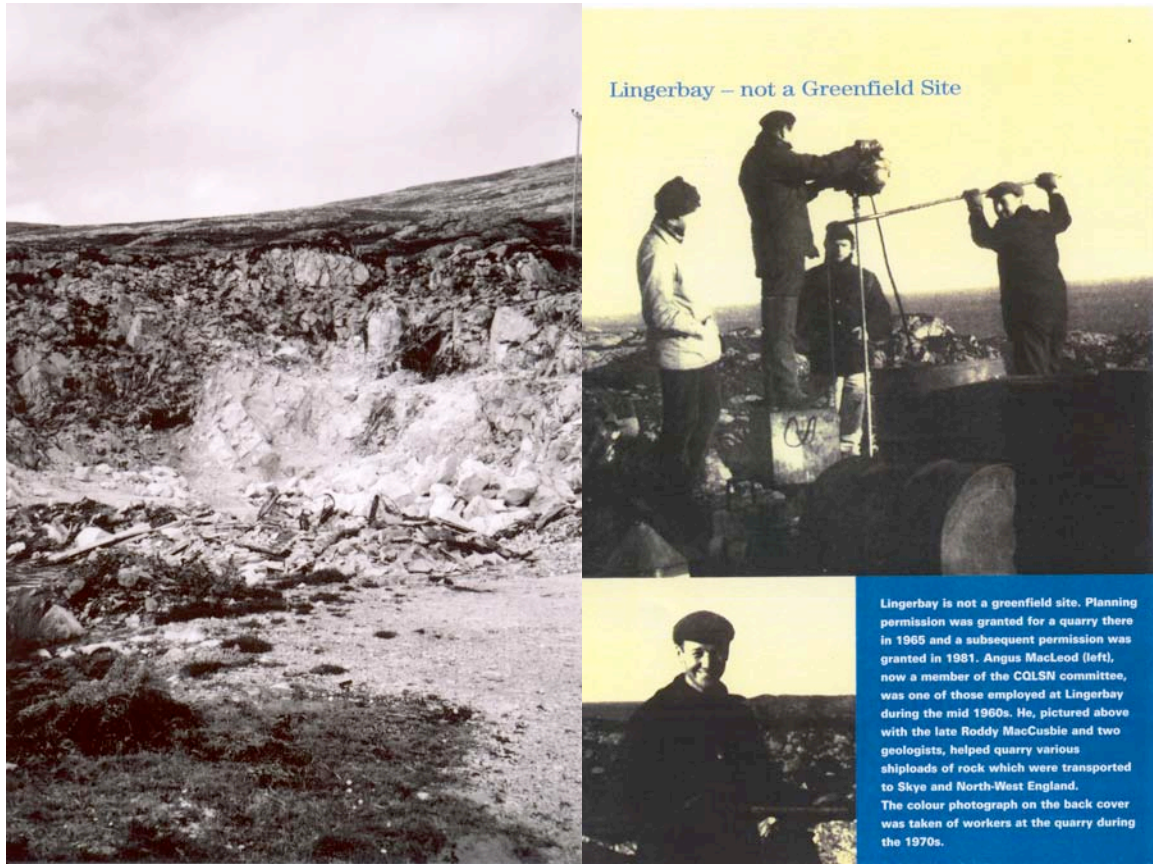
For two generations there had been great expectations of something big happening at Lingerabay, a tranquil spot on the south-east coast of Harris, where a few crofts are squeezed between a rocky bay beloved of otters and the looming mass of Roineabhal, the highest mountain in South Harris. It is part of the 109,000-hectare South Lewis, Harris and North Uist National Scenic Area (NSA), which encompasses the gentle slopes and golden beaches of the West coast, and the boulder strewn Bays area to the east. Though some might find the ‘lunar’ east coast bleak and stark, the contrasts encompassed in such a small area (best viewed from the summit of Roineabhal) are what make this NSA so valuable. With a golden eagle circling overhead and purple heather bringing out echoing colours in the scree, Lingerabay seems an unlikely spot for a gargantuan industrial development. Yet, the landscape bears the scars, still shockingly white even after decades, of minor quarry workings – evidence of several aborted attempts to make extracting the anorthosite that forms Roineabhal a commercially viable operation.

Anorthosite is a hard aggregate, useful for road-building, concrete-making and perhaps sea defences, and there is enough of it at Lingerabay to have inspired in one man, a quarry developer called Ian Wilson, followed later by a major company, then in a whole community, the sort of dreams normally associated with gold, oil or diamonds. The idea was for one of the world’s largest opencast quarries, working for sixty to a hundred years to extract a billion tonnes of rock, which, it was said, would be the salvation of this tiny depopulated community with its rife unemployment. According to this view, the superquarry idea would also offer the way forward for a quarrying industry increasingly beleaguered by ‘nimbyism’ south of the border, and for a country that faced becoming a net importer of aggregate if present levels of extraction and use continued. According to this vision, Lingerabay would become part of a network of perhaps five remote coastal superquarries, transporting their wares to the south of England in vast bulk carriers.

Without Wilson’s zealous promotion of his vision, it is safe to say that Lingerabay would never have been the scene of Scotland’s longest running planning battle. “Scotland’s hidden wealth” (Wilson’s phrase), would never have been imagined to lie under the heather at Lingerabay (rock, is, after all, a low-value commodity), had Wilson’s mythology of aggregate supply and demand not been persuasive at the highest levels. In a twenty-first century world where micro-development is increasingly a watchword, visions of such vast scope might be expected to resonate less; the daringly progressive glamour that ideas on the scale of Wilson’s exuded in the 1960s might be expected to have palled. However, the current colossal windfarm proposals on the Isle of Lewis suggest that sheer size remains perilously seductive.

Landlord Donald Macdonald of Rodel Lands must have passed much of his life in anticipation of the day the quarry would come and make him a very wealthy man; as a youth in the 1960s, that seemed a reasonable expectation. In 1965, outline planning permission was granted to Kneeshaw Lupton Ltd for a huge quarry at Lingerabay, and for several years – amid general local excitement – investigative works were carried out. Eventually – although the permission was disinterred in the final Kafkaesque stages of Lafarge Aggregates’ campaign to quarry Lingerabay – Kneeshaw Lupton,

and the hopes it brought, evaporated. Some plant lay rusting on Leverburgh pier for a few years, and Lingerabay was silent again.



The 1965 quarry and example of publicity material from the developer

During Kneeshaw Lupton's brief days of clanking, blasting and crushing, an associated company, Robertson Research, was responsible for geological research, and Robertson Shipping, of the same address, was to transport extracted material to market. The precise links are lost in the mists of time and bewildering company dissolutions, but it is notable that Ian Wilson's professed 'guru' was one Robert Robertson, now of the Resource Use Institute (which in 1994 dismissed objections to the Lingerabay quarry as "Stone Age").

The big idea

It seems that Robertson introduced the bright young entrepreneur Ian Wilson to Robert Turnbull, an important figure in the Scottish Office in the early 1970s. Wilson had first proposed the concept of coastal superquarries at a meeting of the British Association for the Advancement of Science in 1974. Turnbull in turn introduced Wilson to Sir Ralph Verney, a key government advisor on aggregates from 1972 to 1977. Verney was chairing a committee looking at the future of aggregate extraction, and Wilson met with Verney and his committee in March 1974. The 1976 report of the Verney Committee, *Aggregates – The Way Ahead*, duly promoted the idea of superquarries to feed the south-eastern England construction boom. It stated: "The

attractions offered by mammoth coastal quarries supplying aggregates by sea are so great, the concept should be seriously considered as a long term possibility and fully investigated”.

At the time it was believed that supply problems for aggregate were “likely to become acute”, and Wilson, in promoting superquarries, played on these fears, suggesting that Britain, home of many venerable quarrying companies, was doomed to become a net importer of aggregate. A paper by Wilson on the Resource Use Institute website (www.rui.co.uk) gives his perspective on what happened next: “The then Scottish Development Department (SDD), following up on the recommendation of the Verney report, published a National Planning Guideline on Aggregate Working and a Land Use Summary Sheet in 1977. The latter identified and mapped 9 potential superquarry locations... I wrote to the SDD in June 1978 with proposals for further study to progress the superquarry concept. Subsequently, a report entitled *Potential for a Large Coastal Quarry in Scotland – preliminary research report* was published [by the SDD] in 1980 and recommended five locations for possible coastal superquarries. Two of the sites – Lingerabay in Harris and Glensanda on Loch Linnhe – applied for and received planning consents. Lingerabay was granted consent in 1981 and Glensanda in 1982.”

What Wilson does not state on the website is that this 1980 report was commissioned from Dalradian Mineral Services – which consisted of Wilson and fellow geologist Colin Gribble of the University of Glasgow, with whom he was reported to share business interests! The report identified 25 possible superquarry sites, but selected five of these as ‘favoured sites’: South Harris, Loch Ewe, Loch Linnhe, Kentallen and Walls on Shetland.

Disputing the aggregate demand forecasts, and reconsidering the validity of the whole superquarry concept in the wake of the revised 1994 policies on minerals and sustainability was to become an important element of the LINK case when the Lingerabay PLI finally opened (see chapter 6).

The superquarry concept presumes, and would only succeed in the context of, ever-growing demand for aggregate, such that the economic contra-indications of increased transport costs and massive investment in infrastructure become irrelevant. Selection criteria for sites included vast reserves of hard rock, and the potential to construct a deep-water harbour. The construction industry responded lukewarmly to the notion. To the construction firms, the logistics seemed uneconomic, and they frustrated Wilson by their unwillingness to look to a future when existing reserves in the south-east might be exhausted.

But the idea persisted in the Scottish Office. In January 1990, the Scottish Development Agency published a report by Dr Peter Kirk identifying sites from which roadstone could be quarried and exported to the south by sea. As well as Glensanda, which was already operational by then, the report identified Rodel, Ronas Voe in Shetland, the Dornoch Firth, Kyle of Tongue, Loch Broom, Loch Ewe, Loch Torridon, Loch Toscaig, Loch Kishort, Kentallen, Ballachulish and possible sites in Galloway. Dr Kirk also suggested that these quarries would be more financially attractive if they were also used as dumping grounds for southern rubbish – an association with superquarries that has never quite gone away.

Wilson standards

In the last ten years, dubious political dealings led to the work of the Nolan Committee on Standards in Public Life, and in turn to the introduction of legislation such as the Public Interest Disclosure Act 1998 and the Ethical Standards in Public Life etc. (Scotland) Act 2000. Rightly, we now expect the highest standards from people in public office, with even taxi expense claims leading to high-profile political resignations. But looking back over a quarter of a century, the most extraordinary aspect of the Ian Wilson involvement in the promotion of superquarries is that his interest was not just that of an enthusiast, proselytiser and impartial government advisor.

Hoping that the idea of coastal superquarries would catch on, Wilson took the precaution of purchasing mineral rights to various sites, including Lingerabay, that seemed to him ideal for such development. Indeed, of the sites for which he owned mineral rights, Lingerabay was the one from which he stood to earn most. It is not entirely clear when Wilson bought these rights, but at least one source suggests that he bought some of them before his 1980 report appeared and the rest subsequently. His financial interests apparently were known to the Scottish Office, and his activities were entirely legal, yet today, for a government advisor to have such strong financial interests in a matter on which he was advising would be unthinkable and the subject of huge scandal, though certain proponents of large-scale windfarms seem to sail close to the wind.

Roger Crofts, who later was to become Chief Executive of Scottish Natural Heritage, met Wilson two or three times when he was Head of the Highlands & Tourism Division of the Scottish Office, overseeing and sponsoring both the Scottish Tourist Board and the Highlands & Islands Development Board. He was advised to be cautious of Wilson, because of his mineral involvement, but says that Wilson was very successful in putting himself about as an expert on aggregate supply and demand. At the time, the planning system was seen as a supporter of development. Scottish Office planners had been caught out by the sudden discovery and development of oil off Scotland's coasts, and now they were struggling to get ahead of the game and sort out planning guidelines for quarrying. They were therefore glad of any help they were offered.

Other insiders talk of just how persuasive Wilson was in the Scottish Office, with senior planners in the early 1990s playing up the value of anorthosite, especially for high specification road surfacing. Planners then saw the potential for superquarries as an engine for regeneration in problematic areas, and there was a strong policy presumption that superquarries were going to happen. Wilson regularly talked to officials in the Scottish Office and sought to convince them of his vision.

The Scotsman in Sept 1992 wrote about Ian Wilson: "He persuaded the Scottish Office to take the concept of superquarries seriously, and by 1979 he had been commissioned to identify potential sites. Within 5 years he had also acquired the mineral rights to some of the most likely sites. Suspicious? Wilson is far from apologetic. It is not his fault, he declares, that while in America mineral rights are owned by the government, in Britain they are held by landowners or individuals. He simply spotted the opportunity." The article said he was paid £5000 for the report, "a sum which he considers miserly" and "acquiring the mineral rights of the quarries he pinpointed may have been some compensation". The article said Wilson leased the Harris mineral rights in 1992 from local landowner, Donny MacDonald, owner of the

Rodel Hotel. It went on “Under the terms of the 21-year lease – it runs out in 2003 – Wilson has rights over 1,130 acres, for which he pays around £5,000 a year. The rates rise considerably if the site is in operation.”

Presumably using similar information, the *Sunday Mail* predicted that Wilson’s earnings from Lingerabay could reach £325 million, but *The Scotsman* noted that Wilson’s earning could be dwarfed by those of MacDonald; both would earn royalties amounting to several pennies per tonne for every tonne of anorthosite (the *Sunday Mail* said Wilson stood to make 5p a tonne). If the quarry reached peak production of 10 million tonnes a year “MacDonald’s millions could soon pile up”. It went on: “However, with the lease running out, the demand for aggregates suffering a temporary drop, and no planning approval immediately in sight, Wilson’s potential riches diminish by the month”.

Tangled dealings

A profile accompanying *The Scotsman* report described Wilson as “like a chunk of rock, more metamorphic than sedimentary”, and went on: “Apart from the craggy looks, his opinions are clearly immovable – compacted over many years, like the hard rock which could make him a millionaire.” The article noted: “Wilson admits there is muck to be raked. His financial dealings are tangled, to say the least, and he has failed in business on more than one occasion. ‘I have been successful and I have been unsuccessful. Sure, I’ve fallen off the cliff a few times. Today I have no interest in trying to run and control businesses. If I am good at anything it is strategic thinking and putting pieces together to complete jigsaws’.” The paper noted that Wilson had outstanding debts which he planned to pay off when the money started coming in from Harris. Insiders report that his money-making schemes included importing coal through a private wharf during the miners’ strike of 1984.

Wilson’s business interests in quarrying also appear complex and somewhat obscure. Previously, Wilson had been involved in quarrying operations in Shetland, associated with Sullom Voe, and his company dramatically had undergone liquidation there. He was determined to try again, and in 1981, Phoenix Minerals – a Wilson company – secured planning permission to work at Lingerabay. After a few years of desultory efforts, that company also went bankrupt, though not before Highlands and Islands Development Board (now HIE) had lent it £125,000, secured against the minerals lease. Whether that loan was ever repaid is lost in commercial confidentiality, but Roger Crofts recalls that a number of such loans were quietly cast aside with the approval of the Scottish Office during the 1980s.

Workings at Lingerabay were suspended, though a proposal in 1985 reawakened the idea of ‘something big’: Wilson had been in negotiations with companies in Hamburg and now tabled a proposal to export rock to Germany, importing in return polluted silt from the Elbe to be dumped at Lingerabay. This was quashed at the eleventh hour when local fish-farmers protested, though Wilson never abandoned the notion of waste-dumping.

Drennan Watson, a former chair of LINK, points to one other irony in Wilson’s past. In 1980, Watson was actively involved in a campaign against plans to massively extend a quarry on the cliffs at Longhaven, south of Peterhead, with an associated plan to open up a harbour there to export the granite. The scale of the development would, in effect, have made it Scotland’s first coastal superquarry. The Scottish

Wildlife Trust and a range of other opponents of the proposal joined together to form the Longhaven Alliance, and they then lodged a petition objecting to the harbour development. A Parliamentary Commission of Inquiry was arranged into the harbour development, but was cancelled at six day's notice when the promoting company went bankrupt.

The SWT approached the receiver disposing of the bankrupt company's assets about buying the bird cliffs at Longhaven, but discovered that the entire assets had been sold to none other than Phoenix Minerals, which the SWT described as "a quarrying company with registered office in Dunblane". Watson remembers first meeting Ian Wilson at this stage. Surprisingly, however, Wilson's company decided not to persist with the superquarry proposal, but instead to limit the output from the Blackhills Quarry to 25,000 tons of rock a year for the envisaged 7_ years of the quarry's life, with tight planning controls agreed between the company, Banff & Buchan District Council and the SWT. In addition, Phoenix Minerals agreed to sell a 1.6 miles stretch of the coastal cliffs, with their large seabird colony, to the SWT for a nominal price.

The irony of this is that the Longhaven Alliance, which was set up to oppose the massive quarry development (in which Wilson had no obvious role), was one of the first occasions in which the SWT and other nature conservation bodies had joined up with local community groups, cultural heritage organisations and others to fight a planning development. The experience was deemed a success, and Watson drew on the experience when the first proposal came along to develop downhill skiing in Lurchers Gully in the northern Cairngorms. In opposing these developments, Watson and his NGO colleagues worked closely with Dave Morris, then with the NCC in Aviemore. This alliance led to the first ever defeat of the government's Highlands & Islands Development Board over a conservation/development issue, to the considerable amazement and consternation of the development lobby.

This Lurchers experience also led indirectly to the creation of LINK (see chapter 4), and Watson continued to advocate the partnership working approach pioneered at Longhaven when the Lingerabay application came along. Watson and Morris agree that, if it had not been for the Longhaven and Lurchers experience, the conservation bodies might never have organised themselves in as effective a way as they were to do at Lingerabay, leading ultimately to the defeat of Wilson's big dream. Yet Wilson's engagement in Longhaven appears to have been peripheral, largely benign and ultimately pro-conservation.

A big player for the big idea

Wilson's positive engagement at Longhaven did not extend to Harris, however. By 1987, Wilson was claiming to have got a large company interested in developing Lingerabay. It turned out to be the Leicestershire-based company, Redland Aggregates Ltd. Two years later, planning permission had been granted to Foster Yeoman for a superquarry at Glensanda off the west coast near Fort William. Though a different type of development from that proposed at Lingerabay (extraction being carried out through a tunnel from a hidden 'glory hole' dug into the hillside, rather than from an open face), that permission gave considerable grounds for hope to those with interests in Lingerabay. There were, however, other important differences between Glensanda and Lingerabay: the former was not near any habitation, and not in a National Scenic Area. Ian Wilson bagged his Phoenix Minerals permission at

Lingerabay in 1981, just before NSA designations and their attendant planning strictures were imposed in the Highlands and Islands: this was an extremely acute move.

In 1991, Redland submitted a planning application to Western Isles Islands Council for a quarry covering an area of one by two kilometres, and extending 370 metres above sea level and 180 metres below: 10 million tonnes of rock per annum would be extracted and, said the developers, jobs and prosperity would come to Harris. Wilson envisaged that ‘crofting enterprise zones’ would be generated, whereby the vast development would catalyse other local industries; and emigrants, even the descendants of people cleared from the Islands to Canada or Australia, would return to work. It was a rosy picture, deliberately playing on the emotions of a community beset by fears of its own slow death.

One source in Cambridge has suggested that Redland was attracted to Harris by the belief that they could dig a big hole and stand a good chance of later being allowed to fill it with waste. Perhaps this is why the proposal to dump silt was not simply dropped. However, when LINK members tried to raise the issue of Wilson’s Elbe silt venture or waste dumping in general during the Lingerabay inquiry, they made little headway.

A flawed visionary

Wilson was highly influential, and always happy to promote his vision to anyone in a position of influence. The LINK files contain a file note written for personal use by Alastair McIntosh – then the development Director for the Centre for Human Ecology at Edinburgh University – after a meeting he had held with Ian Wilson in the university in June 1991. This recorded the vision that Wilson outlined, with his five ‘nodal sites’ helping to meet the estimated 90 million tons per year shortfall in aggregate needs for south-east England and also benefiting local communities. The file note continues: “In the case of Rodel, royalty payments are a minimal aspect. Benefit to the local authority will be through rates, not royalties. Benefits to the immediate community would be in the form of jobs and a helping hand from a friendly company. Jobs would not only be those in the quarry; there will also be jobs from spin-off industries, service sectors and in shipping.” Wilson also saw the carriers using excess capacity to provide cheap freight facilities for the Western Isles, undercutting MacBraynes, and he believed there was potential for satellite quarries in the surrounding area extracting more specialist minerals for export through the harbour he planned to create in Lingera Bay.

But his vision did not end there, according to McIntosh’s file note: “Tighter environmental legislation is making it difficult to drop river dredgings in deeper sea waters. Accordingly, dredgings from such places as the Clyde estuary (which these days are relatively unpolluted) could be backloaded on incoming ships, mixed with rock dust at Rodel, and put on the land to give improved soil.” McIntosh raised the issue of dumping in the quarry site, but Wilson said this was “too emotive” an issue to be touched at this stage in the planning process.

McIntosh’s overall conclusion was that “Ian Wilson is a man who cares about Highland and Island communities, has many radical visions for economic development, but has perhaps not looked closely at how economic development interrelates with the environment and culture”. That view was echoed by others we

spoke to, who described Wilson as a “flawed visionary” or as “a free-thinking, imaginative entrepreneur who sometimes came up with the wrong ideas”. Everyone described him as likeable and intelligent, although Rob Edwards on the *Sunday Herald* says he seemed prickly with the media, and was very much the “man in the shadows” when it came to Lingerabay – perhaps unsurprisingly, he never returned Edwards’ phonecalls when Lafarge finally pulled out of the quarry proposal.

Today, Wilson remains active as an independent minerals consultant from his home in Dunblane. He is a member of the Resource Use Institute, which the website currently describes as “a mutli (*sic*)-disciplinary college of independent consultants devoted to the sustainable management of physical resources”. His recent papers include *The use of a fiscal instrument to bring about an environmentally acceptable supply of construction aggregates in the European Union* and *An International Integrated Building Materials Strategy for North Western Europe* (both available from www.rui.co.uk) and *Towards a new European Coastal Mineral Aggregates Planning regime*, written with Bert van der Moolen of Syncera GeoData in the Netherlands, and published in the *European Journal of Spatial Development*.



The site of pegmatite extraction © Anne McCall

Chapter 4: Landscape Quality Guardians – the advent of the LQG

“Superquarry at Lingerabay, Harris: The LINK Secretary requested that members let her know if they were taking any action over this proposed development. She had been contacted by concerned members of the public.”

It was an innocuous enough introduction to an issue that was to become probably the biggest commitment that the membership of LINK has ever taken on in their twenty year history to date.

Those words come from the minutes of the 20th LINK quarterly meeting in July 1991. The organisation had been around for five years, and was still known then as Scottish Wildlife & Countryside Link (it changed its name to Scottish Environment Link in April 1999). Drennan Watson was the organisation’s affable and well-respected chairman. Back in those days, the Scottish Parliament was at best an optimistic vision, Scottish Ministers were based in Westminster, and the Scottish Office had a staff of five dealing with environment matters.

LINK was formed from a group of environmental non-governmental organisations (NGOs) that had worked together to present evidence against the first proposal to develop the Northern Corries of the Cairngorms for downhill skiing. The leading players of these organisations had found it beneficial to work together with a concerted strategy, and they continued to meet regularly for supper in Perth to discuss the environmental issues of the day. The formation of a more formal consortium seemed the next step, inspired in part by the Wildlife & Countryside Link network, based in London, that was already beginning to have big impact down south.

And so LINK was born at its first general meeting in Perth in November 1986 at which a draft constitution was agreed. The minutes of that meeting show that ski developments were the major item on the agenda, reflecting the origins of the network in the Cairngorms. A working group on the Cairngorms was established, followed a few meetings later by one on fish-farming and a third on forestry, reflecting what were perceived as the big environmental issues of the day. Ian Wilson was working away on his vision for massive coastal superquarries, and Redland were developing their plans for one of these superquarries on south Harris, but somehow these plans stayed beneath the radar of the LINK network for its first twenty meetings. In 1991 other issues were dominating the LINK agenda, like the consultation paper from the Countryside Commission for Scotland (CCS) on plans for national parks in Scotland, the proposal to split the old Nature Conservancy Council and amalgamate it with the CCS to form a new Scottish organisation to be called Scottish Natural Heritage (SNH), and the Scottish Office proposition for a new landscape designation called Natural Heritage Areas. It took those ‘concerned members of the public’ (the files do not disclose their names, although Alison Johnson was certainly one of their number) to get the issue onto the LINK agenda in July 1991.

Five months earlier, in March 1991, Redland Aggregates Ltd had formally lodged its planning application to establish what would be Europe’s largest coastal superquarry, to extract 10 million tonnes of hard anorthosite rock from the mountain called Roineabhal near Lingerabay on the Isle of Harris. The application was the largest mineral planning application ever submitted in the UK, and it triggered alarm bells in

several environmental NGOs, who began independently to develop their case to oppose the development. Somehow though the 'LINK habit' was not yet sufficiently established for them to consider working together on this issue.

First engagement

However, the superquarry issue did not go entirely unnoticed within LINK. It had commissioned a *State of the Scottish Environment 1991* report, from consultants Tom Dargie and David Briggs. This report provides a valuable snapshot of the environment in that year. Most mineral extraction was from relatively small quarry sites, with one much larger quarry established at Glensanda in Lochaber in 1986. The latest figures available from the Scottish Office in 1991 showed a slow increase in the extraction of igneous rock in Scotland from 12.9 million tonnes in 1985 to 16.2 million tonnes in 1988 (the Redland proposal would therefore have increased Scottish production by 60%). The report noted that "an application for planning permission has also been made for a super quarry at Rodel on Harris – the development plan includes creation of a new sea loch towards the end of extraction. Other potential sites have been identified and a new study has been commissioned by the Department of the Environment... The major environmental concern is the visual impact of super quarries, especially if they are to be located in National Scenic Areas."

This view was at variance with the bland assessment of the Harris superquarry offered by Redland at the time of their planning application: "Notwithstanding the general beauty of the area, the company has been advised by specialists in every field that there is nothing of environmental importance that would be lost through quarrying this site." The company had lodged a full Environmental Impact Assessment to accompany its planning application. The invaluable news digest *SCENES (Scottish Environment News)* reported then on what was to become a major feature of the battle ahead. It stated: "A public meeting has taken place, attended by about 150 local people, where Redland were questioned about their plans. Although there are local people concerned about the proposal, in the eyes of many the need for jobs overrides these concerns."

The Association for the Protection of Rural Scotland (APRS) was one of the first LINK member bodies off the mark. APRS had expressed concern in the 1980s over the proposal to transport silt from the River Elbe to dump at Lingerabay (see chapter 3), and had kept its ear close to the ground ever since, partly with the help of its two local members in Harris. It was therefore ready to object soon after Redland lodged its planning application. Elizabeth Garland remembers that part of the grounds for objecting was the whole rash of superquarries that were being proposed, and therefore the precedent that Lingerabay might set.

At the request of local members, Friends of the Earth Scotland (FoES) had also become engaged with three of the superquarry proposals then current – at Lingerabay, Kentallen and Durness, in each of which Ian Wilson owned the mineral rights. When Kevin Dunion joined FoES as its Chief Executive in December 1991, fresh from front-line experience as Scottish Campaigns Manager for Oxfam, the superquarry issue was on top of his in-tray. Landscape was not a relevant issue for FoES, but they saw the superquarry plans very much as a challenge to sustainable resource use. Wilson had tried to win over FoES to what he saw as the "efficient use of a non-scarce resource" – part of his vision was to use quarry waste to improve soil quality

in the crofting regions of Scotland. Dunion says that Wilson had hoped thereby to drive a wedge between the conservation movement in Scotland, and was hugely disappointed when FoES refused to sign up to his vision.

Dave Morris had joined the Ramblers' Association Scotland (RAS) about a year before Lingerabay came onto his radar. He quickly became aware of Dunion's concerns about Lingerabay, and realised that this was a major landscape issue in which RAS should also become engaged. From the start, he felt it was important that LINK, when tackling the Lingerabay proposal, needed to take a strategic view on the whole issue of superquarries in Scotland.

In Edinburgh, the RSPB planning officer, Lloyd Austin, had also logged the scale of the quarry development. Landscape was not part of the RSPB remit, and sustainable use had not yet become a major focus for its work. Austin says his gut reaction was to oppose the superquarry, but he admits the bird interest there was somewhat limited. He quickly concluded that a joint effort with other NGOs was the best way forward, to make sure the proposal did not slip through the nets of the different interests. Despite its close involvement in the campaign against ski development in Lurchers Gully in the Cairngorms, RSPB Scotland then had relatively little experience of joint working. Austin recalls that it took some time to win approval from RSPB headquarters in Bedfordshire for a joint approach to what was a non-priority ornithological case (albeit one with a totemic role)– at the time there were just three policy staff in the RSPB's Scottish HQ and their time was already highly committed.

Battle lines drawn

As more NGOs awakened to the scale of the superquarry proposal and its impact on the western seaboard of Scotland, opposition began to grow within LINK member bodies. Within a year of the first mention in the LINK minutes, the situation had changed dramatically. The Sixth AGM in June 1992 agreed that “campaigning against the uncontrolled development of coastal superquarries in Scotland and lobbying for a National Minerals Strategy” should be a major priority for the year ahead. The AGM also identified superquarries as amongst the key landscape issues to be considered in the year ahead. The membership was already making the connection between supply and demand, with the minutes asking whether “our best landscapes should be mined to supply aggregates for increased motorway building elsewhere”.

By October 1992, LINK had established a minerals subgroup, with a particular focus on the draft National Policy Planning Guideline (NPPG4) on land for mineral working, published for consultation that July. Already LINK was beginning to develop its strategic approach to the issue. Andy Wightman (then of Reforesting Scotland) said that mineral aggregates extraction was a complex issue which needed to be considered in global terms. There was general agreement that this issue was one of several sophisticated issues which necessitated a new strategic approach by members, and that LINK should consider how best to deal with these in the future.

By November of that year, LINK had circulated a draft position statement on *Superquarries in Scotland*, largely written by Dave Morris. The statement noted in particular that the 1990 Ove-Arup report, *Coastal Superquarries to supply south-east England Aggregates Requirement*, proposed up to 20 new superquarries in Scotland – nothing was more likely to stir up nationalistic opposition to quarrying on this scale than the suggestion that this was largely to supply the commuter belt of England!

Yet there was little initial consensus amongst LINK members. Morris recollects that the superquarry was seen within LINK largely as a landscape issue. The larger nature conservation bodies were reluctant to get drawn into a joint statement, and the landscape organisations were mostly ‘small fry’ with less influence. The conservation bodies were also still reeling from bad publicity over their efforts to stop peat extraction from Duich Moss on Islay, where they were criticised as ‘outsiders’, and they were aware that similar criticism would be likely if they engaged with this issue on Harris.

By April 1993, Morris reported to a quarterly LINK meeting that the final position statement had been delayed, as further comments from members were awaited. The RSPB said it could not sign up to the paper and “would prefer to consider every case on its own merits”. The Mountaineering Council of Scotland (MCofS) was concerned about the ‘balance’ of the draft paper where it referred to environmental, recreational and political aspects, which MCofS felt would require further consideration.

It was agreed that a press release should make clear that only specified Link member bodies agreed to the statement, although it was hoped that the wording of the statement “would be along the lines of a strong presumption against all superquarries, unless there were strong positive environmental arguments in favour of coastal hard rock quarries”. In many ways, LINK was learning how to deal with issues of this sort, and many of the protocols established on this issue continue to be used by LINK to this day.

The scale of the hole

The problem for all of the NGOs was that very little was known about whether or not Roineabhal was special, other than on landscape grounds – although *SCENES* at the time did report that the site covered about half the hunting ground of a pair of eagles. Kevin Dunion remembers that one of his first visits in his new FoES post was to Harris. He admits to being no expert on landscape or nature conservation, and said his initial impression was that this was a “pretty good place for a quarry”. His concern related more to issues of transport and the unsustainable use of the aggregate once it left Harris.

Michael Scott, then Scottish Officer of Plantlife, the wild plant conservation charity, also admits that initially he was not hugely impressed by the site botanically. Scott had wandered over Roineabhal while assisting with a marine survey there (see chapter 1). He found little of great interest, although he was horrified by the scale of quarrying proposed. He went on to describe Roineabhal in *Plantlife* magazine as “not the most exciting of mountains botanically”, although he did join the call for a full planning inquiry. His comment provoked a flurry of phonecalls to the Plantlife office in Ross-shire. Scott admits “I had made the cardinal error of forgetting mosses and liverworts in my initial assessment of the quarry site, but a later survey found no less than 150 of these ‘bryophyte’ species there, including 11 for which Roineabhal holds a major part of the world population. It really is an important haven of bryophyte biodiversity.” The original, misguided judgement was later spotted by Redland QCs, and formed a major part of Scott’s cross-examination at the Lingerabay inquiry.

Even Alastair McIntosh, who later was to have such a hugely influential role in swinging the quarry company’s new owners against the Lingerabay proposal (see chapter 13), admits that as a senior pupil at the Nicholson Institute in Stornoway in

the early 1970s, he got excited about the job prospects that would come with mining at Lingerabay. He used to go south to camp at Rodel to explore the local geology, and to talk to unemployed local men about the exciting minerals to be found in the area. He even went as far as drafting a letter to the Highlands & Islands Development Board suggesting that they carried out an economic evaluation of the geological potential. But when the Redland planning application appeared, he says his feelings about the proposal were mixed, and he drafted another letter to the *Stornoway Gazette* to say how poorly informed he felt by press reporting to date.

Kevin Dunion and Lloyd Austin both point to one major incident that brought their concerns into sharp focus and gave them new resolve. In stormy weather on January 5th 1993, an oil tanker called the *Braer* ran aground on Garth's Ness on the southern tip of Shetland. 84,000 tonnes of crude oil spilled out, hundreds of dead birds began to be washed up on beaches, a fisheries exclusion zone had to be established and 20 square miles of Shetland farmland were contaminated, plunging the Shetland economy into crisis. The spill and its consequences became a major focus for the RSPB and FoES, and brought the issues of coastal zone management, coastline protection and shipping in The Minch to the top of the organisations' agendas. The threat to seabirds in the Sound of Harris from the supercarriers proposed to service the superquarry increased the RSPB's resolve to fight against the Lingerabay proposal. FoES had worked with Dutch marine campaigners during the *Braer* incident, so they were much more aware of shipping impacts and this widened still further their concerns about the sustainability of the Lingerabay proposal.

Yet, despite all this, at the August 1993 'quarterly', it was being suggested that the LINK superquarries paper should be revised once more, then circulated so members could sign up to it. However, according to the minutes, "several member bodies indicated that they would be unable to sign up to the document", and it was agreed that the best way forward "would be on a more individualistic basis". In the end, LINK did not publish a position statement until 1996, after the end of the inquiry and building on evidence given at the inquiry.

A view from the landscape advisors

Responsibility for deciding whether or not to call a Public Local Inquiry (PLI) into any planning application lay with the Secretary of State for Scotland. LINK knew that its opposition alone would be unlikely to persuade Conservative Ministers that an inquiry was necessary. General practice was that opposition from one of the statutory consultees would automatically trigger an inquiry. The problem was that the CCS – the statutory consultee on landscape issues before it was disbanded and amalgamated into SNH – had decided not to object to the Redland planning application.

The Commissioners of the CCS had discussed the application at a meeting in June 1991. A paper to the meeting noted that the CCS previously had not objected to the concept of "mammoth coastal quarries supplying aggregates by sea" when this was proposed in the 1977 National Planning Guideline. It also noted that the Scottish Office had commissioned a study by a landscape architect which had concluded that the effect of any quarry at Lingerabay would be "highly contained" – an amazing statement, given the evidence subsequently presented at the inquiry on the visibility of the proposal quarry from a large part of the western seaboard of Scotland!

The CCS paper referred to the environmental statement which accompanied the Redland planning application: “It is recognised that from Finsbay and north along the ‘Golden Road’, there will be a substantial part of the upper face of the quarry seen in the longer views on completion, and it will be visible from the ferries and other shipping, as well as from Skye 20 miles away. An added factor is that the rock is a whitish pink and will, in its unweathered condition, be quite bright.... It has to be recognised also that, given the potential life of the quarry, the impingement on the surrounding area of the working practices has to be seen as a constant factor for many years.” The CCS paper then recommended three options:-

- (a) objection to the application (which staff felt this was untenable in view of earlier decisions);
- (b) approval subject to a range of landscape conditions;
- (c) deferral of approval until such time as a new National Planning Guideline was available.

The minutes of the CCS meeting records the conclusion reached after much discussion: “Members accepted that, while the quarry would cause a diminution in landscape quality, on balance there was both local and national benefit, and they therefore supported option (b) in the paper. They considered that there were questions still to be answered regarding the landscaping of the site and its subsequent reinstatement, and there was need for further consideration of the social and economic impact on the local community. There was also a need for a bond for rehabilitation of the quarry; it was recommended that a local trust should be formed similar to that set up in Shetland by the oil industry. Members considered that the upper level of excavation should fall substantially below the skyline and that care should be taken the dust be kept to a minimum.” Staff were also asked to write to the Scottish Office pointing out that the national guidelines were out of date and requesting that they should be reviewed as a matter of urgency.

The minutes also record one other consideration that the Commissioners took into account in reaching their decision: “Members considered that the scale of development of the quarry was actually an advantage, in that one such quarry should minimise the need for several smaller quarries to be developed elsewhere... It was thought that the scale of the quarry might also attract some tourism.” The Commissioners therefore concluded that “care should be taken in stipulating conditions on the development that the scale of the operation was not substantially reduced”!

A letter from Jan Magnus Fladmark, the CCS assistant planning director, was duly sent to Robert Wemyss, director of economic development and planning at Western Isles Islands Council on 11th June 1991, offering the CCS’s ‘observations’ on the planning application but making clear that it did not wish to object. The letter made a number of comments on ways to reduce the landscape impact of the superquarry, and suggested that “further thought should be given to the character of the final ‘sea loch’ to take account of safety considerations and also to avoid the creation of a ‘stagnant’ area of water”.

The CCS’s main commitment in its last months was for Scottish national parks, but Roger Crofts, then head of the Scottish Office division which sponsored CCS and later Chief Executive of SNH, recalls that there was surprise and disquiet in the Scottish Office that CCS had chosen to not stand up against such a major landscape issue in a National Scenic Area. Mark Turnbull was one of the Commissioners then,

and a member of CCS staff had commissioned from his firm a series of 3D projections of what a superquarry on Lingerabay might look like. Although CCS provided all the data and paid for the image to be developed, they did not buy exclusive use of the resulting visuals, and this photomontage by the Turnbull Jeffrey Partnership was later to be used to great effect by the Link Quarry Group (LQG) in raising opposition to the quarry proposal – see for example the front cover of LQG document, *The Case Against the Harris Superquarry*.



Photomontage of proposed superquarry development, © Turnbull Jeffrey Partnership

Influencing the ‘new boy’

The formal launch of Scottish Natural Heritage (SNH) in May 1992 – after a month’s delay for the General Election, which returned a Conservative government – represented a new opportunity for LINK. LINK had begun liaison meetings with SNH in its ‘shadow year’, when CCS and the Nature Conservancy Council for Scotland were still in operation, and continued this once SNH was formally constituted. A key issue for LINK at these meetings was whether SNH would simply inherit the position of the CCS or bring a new perspective to the issue. At a liaison meeting in September 1992, LINK referred to a speech that SNH Chairman Magnus Magnusson had given to the British Aggregate Construction Materials Industries (BACMI Scotland). This implied that, while SNH saw advantages in superquarries, it also believed that these must be set against the possible environmental costs, and LINK was keen to develop this argument. The minutes of the meeting record that “interested LINK members wished to see the Lingerabay application called in for a public inquiry to allow serious debate on the issues in the Scottish Office and beyond, and in highlighting the need for a strategic approach” and John Thomson, the responsible SNH director, said he recognised the depth of the problem.

LINK was not entirely reassured by this meeting, and remained concerned whether the newly-created body would have the courage to fight the planning application. Accordingly, LINK arranged a meeting with Sir John Lister-Kaye, the chairman of SNH’s north-west regional board and a recognised nature conservationist in the SNH office in Inverness. A pre-meeting note in the LINK files records the points the group hoped to raise: the lack of a strategic overview; the sustainability of the proposal in a European and international context, concerns about the after-use of the quarry; damage to fishing grounds, ballast water impacts, and, above all, the precedent that would be set by approval of the superquarry. The group meeting Sir John was to be Dave Morris, Kevin Dunion, Charles Strang of the National Trust for Scotland and Alastair McIntosh, and pre-meeting note conveys real concern about how much progress they could expect.

Afterwards, however, LINK wrote to thank Sir John for a “very constructive discussion and useful exchange of views”. Dave Morris remembers that Sir John’s opening words at the meeting were something like: “This is a terrible idea; what are we going to do about it?”. Although there was still a long way to go to get the SNH system moving, Sir John was clear that there was a strong commitment to using SNH’s new sustainability remit to address the superquarry issue, and LINK felt its meeting had helped invigorate this commitment. Morris remembers worrying as he flew from London to Inverness for the meeting, then elation as he travelled back down the road to Perth in a shared car afterwards.

Superquarries were again on the agenda of the next LINK-SNH liaison meeting in April 1993. According to the minutes of the meeting, “SNH noted the commitment in the minerals NPPG [NPPG4, then in draft] which said that there had to be a strategic approach to the siting of any superquarries in Scotland, and that this should include a commitment to not exporting environmental problems elsewhere”. The minutes continue: “In the case of Rodel – which is a case of exporting environmental damage into Scotland to fulfil the supply demands of other countries – one needs to look at how this is market-led as opposed to looking at it in a sustainable context.”

In May 1993, to the anger of Western Isles Islands Council, SNH lodged a late objection to the Lingerabay proposal, and asked the Secretary of State to call it in for

a PLI. *SCENES* reported that SNH had reiterated its call, first made in response to the draft NPPG4, for a national strategy on superquarries, so that the Lingerabay plans could be considered in a national context. SNH's objection was largely based on the impact of the quarry on the landscape and seascape of the NSA, but it also raised concerns about the possible impacts of the superquarry on the marine environment.

Looking back to the decision, Roger Crofts points out that, by definition, quarrying cannot be sustainable, because once the aggregate is extracted from a site it is gone for good, but he also argues that you cannot automatically dismiss the need for quarrying. He says the argument had to be about weighing up the costs and benefits at the local level with the wider national benefit. In the Lingerabay case, he recollects, SNH decided that the quarry would bring relatively little local value to Harris but damage a landscape recognised formally as being of national importance through the NSA system. He was far less impressed by the nature conservation case that SNH staff began to put together, which he describes as "the typical statutory nature conservation response of identifying the nature conservation interest at five minutes to midnight".

Meanwhile SNH was developing its ammunition. At the next LINK liaison meeting in October 1993, staff reported that SNH was participating in the Highland Regional Council study into the siting of superquarries in Highland Region, although they said the SNH preference would have been for such a study to be carried out by the Scottish Office on an all-Scotland basis. They also reported that they had received, and were considering, a consultants' report on Glensanda, which outlined the lessons that could be learnt from this development.

The emergence of the 'big four'

By late 1992, opinions in LINK member bodies were hardening, as more information began to be gathered about the scale and impact of the quarry proposal, and as realisation dawned that its impact both visually and environmentally went far beyond south Harris.

The breakthrough in LINK came at a packed meeting attended by over 20 member bodies in the Waterstone Library in the offices of the Scottish Ornithologists' Club in Edinburgh on 29th September 1992. All the member bodies present were minded to oppose the Lingerabay proposal, although for many and diverse reasons, and together they formed the LINK Quarry Group (LQG). The meeting was aware that SNH was likely to object formally, triggering a formal call-in and thus almost certainly a public inquiry. Kevin Dunion recalls that the meeting decided to make the best of the various cases the member bodies were developing against the superquarry, and that, by working together and by pooling their resources and their arguments, they would jointly strengthen each others' cause.

However, many member bodies were concerned about the level of commitment that a formal objection would need. The question then was which organisations could offer the staff time to commit to a public inquiry – even although no-one at that time could guess how long that engagement was going to last! Dunion was well aware that the issue would need commitment for the long haul, and he was prepared to offer a significant amount of FoES time. Today he says that Lingerabay is still the biggest campaign in which FoES has ever been involved, other than the *Braer* itself, yet it brought little direct benefit to the organisation in terms of press coverage and new

members. RSPB was also used to doing things for the long haul, and had the resources to back this up. With the time that Dave Morris had already committed, the Ramblers' Association was also determined to see the battle through.

Dunion, Morris and Lloyd Austin all say how lucky they were that they were joined by a fourth, very determined individual: Elizabeth Garland. She had just joined APRS as its Director, and brought experience of a large public inquiry into plans to continue extracting limestone from a site in the Peak District during her time with the Council for the Protection of Rural England (CPRE). That inquiry resulted in a victory for conservationists, and gave Garland an insight into issues surrounding mineral extraction that were to be invaluable at Lingerabay. As part of the Peak District inquiry, CPRE had developed forecasts of mineral demand that proved invaluable to LINK at the inquiry in Stornoway, and a contact she made then, Dick Bate, provided LINK with valuable guidance on these issues.

The LINK member bodies that attended the Edinburgh meeting were delighted – and relieved – that this ‘big four’ had emerged to take forward their joint case. In effect, they became the core of the LQG, although many other LINK member bodies continued to offer them support, encouragement and finance. Each member of the four brought a particular focus of interest: RSPB would major on birds and wider biodiversity, APRS brought expertise on landscape, RAS also led on landscape and tourism issues, including the perspective of hillwalkers who were already making a significant contribution to the Harris economy, and they were developing invaluable international contacts, and FoES had a wider sustainability focus and had already developed strong local links. Several interviewees for this report emphasised that these local connections were absolutely vital. Simon Pepper of WWF compares this with LINK's battle against the Cairngorms funicular, where there was virtually no community engagement and where the developer was therefore able to “take the conservation bodies to the cleaners” with the local press.

Between them these four bodies reflected the breadth of concerns of all LINK member bodies, but all the other LINK member bodies remember that it was not just of the commitment of the organisations that was critical: the personal dedication and different skills of Lloyd Austin, Elizabeth Garland, Kevin Dunion and Dave Morris, and the dynamic that developed between them as a team were absolutely vital. Certainly LINK could not have found better advocates than this ‘gang of four’. Simon Pepper remembers in particular Dunion's gut feeling that it was wrong for large lumps of Scotland to be carted off to build roads, and he says this was a visceral reaction that trumped many other arguments.

Yet the emergence of the ‘big four’ was not premeditated; it was largely good fortune that they came together, according to Dunion. It was also the first time that LINK members had been prepared to invest so much of their trust and support in a few fellow member bodies, and represents a major maturing of the LINK movement that was to stand them well in future years. Funding was always an issue: the main burden was carried by the four organisations whose staff put in so much time, but WWF Scotland also contributed significant funding and the other member bodies chipped in as best they could.

One practical benefit of working together as a team, via LINK, was the outstanding support of Jen Anderson and other LINK staff – their administrative back up and arrangement-making throughout both PLIs and the wider campaign made the work of the LINK Quarry Group that much easier and demonstrates the benefits of the LINK

mechanisms: no individual member body could have committed anywhere near the level of administrative support required.

Playing the international card

Dave Morris of RAS has always been a canny campaigner, full of new approaches and bright ideas that had been used to great effect in the battle against the Northern Corries ski development. Morris's last posting before he left the NCC had been in Peterborough, where he dealt a lot with the organisation's international branch. He had also served on the Mountain Protection Commission (UIAA, the Union Internationale des Associations d'Alpinisme) since the late 1980s. As a result, he brought a strong international perspective to LINK, persuading it at an early stage to become a member of IUCN, the World Conservation Union. He was then able to use his position as LINK representative on the UK Committee of IUCN to muster international opposition against the superquarry. In October 1993, he reported to the LINK quarterly meeting that Martin Holdgate, Director-General of IUCN had written to Secretary of State for Scotland regarding superquarry development in Scotland. He said the letter assumed that there would be an inquiry, and that this would hopefully encourage the Secretary of State to take this path.

In 1993, Morris was part of a UIAA delegation that met with the European Environment Commissioner and EC officials to discuss mountain environment issues in Europe. Lingerabay was raised by Morris, but without much success as this was seen as a landscape issue not covered by EC Directives, and also affected by the growing concept of 'subsidiarity', whereby such issues were to be left to Member States whenever possible. Nevertheless Morris did establish some concerns about the general policy issues surrounding superquarry development in Europe, and this was a useful marker when IUCN began to take an interest in this issue.

In January 1994, Morris reported to LINK that IUCN had decided to commission a report on aggregate demand, markets and recycling. The minutes of the meeting record that "this decision had apparently caused embarrassment to some government members of the [IUCN UK] committee". The report did not appear until 1998, but it – and the wider lobbying of IUCN at its General Assembly in Montreal in 1996 by Dunion and Morris – was to play a very significant role in the aftermath of the Lingerabay inquiry (see chapter 10).

Roger Crofts remembers that this was a difficult period for the IUCN UK committee, with the non-governmental organisations seeming to gang up against the government agencies. It resulted in SNH and the other UK country conservation agencies carrying out a major restructuring of the committee in 1994. This led to agreement that the committee should not engage in site-based cases, but concentrate its efforts instead on strategic issues, although, as Crofts notes, there are few issues more strategic than aggregate demand, and he says the 1998 IUCN report was hugely influential.

The case for a 'call in' – and hidden allies

LINK's first target had always been to get the Lingerabay proposal called in for a local inquiry, and it was not alone in this call. Unknown to them, they had hidden allies in the Scottish Office who were seriously concerned at the ability of the Islands Council to deal with an issue of this massive scale. Symptomatic of their lack of

capacity, the council had been unable to produce a structure plan, and a Scottish Office civil servant had been drafted in to write it for them. This contained no more than a rudimentary minerals policy, although it did contain a commitment to produce one. So at the time that Redland filed its planning application, there was no local development planning context against which the proposal could be judged.

Concerned at this, two senior Scottish Office officials went to Harris to visit the site and meet with Council planners. They came back convinced that the proposal could not simply be nodded through. When it became clear that the CCS was not going to object and thus trigger a ministerial call-in, they proposed that the council should not be allowed to make this decision without automatic referral to the Secretary of State for Scotland. This was referred upwards through the Planning and Local Government section of the Scottish Office, and eventually Lord James Douglas-Hamilton, as the responsible minister, agreed to this proposal. In September 1991, Ian Lang, the then Secretary of State for Scotland, issued a direction to the Council requiring them to notify him if they intended to approve planning permission for the superquarry. This direction did not commit the Secretary of State to call in the application for his own determination, although the absence of a minerals framework and the concerns of his officials were strong inducements to do so.

It was against this background that Comhairle nan Eilean (formerly known as Western Isles Islands Council) announced in June 1993 that it was “minded to grant planning permission” for the superquarry – it could no longer simply grant that permission without reference to the Secretary of State. Council members had voted 24–3 in favour of the quarry, although their approval was subject to a range of conditions, including controls over noise and vibration levels and one issue that was to become hugely significant later – Sunday working. In the same month, a referendum carried out by the Electoral Reform Society found that 62% of Harris residents supported the quarry proposal.

After the Comhairle announced its approval, the Secretary of State had 28 days to decide whether to call in the application. However in July 1993, Ian Lang announced that he had deferred this decision, allowing him an indefinite period “to consider the relevant papers with the care and attention they deserve”. Stepping up their campaign, 19 LINK member bodies now signed a letter calling for an inquiry “to examine the full impact of the proposed development in the context of the national and international quality of the western seaboard of Scotland as a natural environment of world-wide reputation” – a wording designed to emphasise that the landscape impact went well beyond Harris.

A range of other initiatives was agreed by the LQG to maintain pressure on Ian Lang. For example, Kevin Dunion was able to get a resolution at the annual meeting of Friends of the Earth International in Jakarta, Indonesia calling on the Secretary of State to impose a moratorium on superquarry development until he had convened a wide-ranging planning inquiry commission on aggregates.

Murdo Macdonald remembers that, at Alison Johnson’s instigation, he was able to get his local MP, Charles Kennedy, to table a question in the House of Commons asking the Secretary of State what planning applications within National Scenic Areas had been called in since 1979. The answer from the local government and planning minister, Allan Stewart, dated 1st December, recorded four such call-ins, one relating to a hill track at Little Gruinard, two to housing developments in Dumfries & Galloway, and one to an application for seven houses on the foreshore at

Ballachulish. Macdonald points out that, having conceded that inquiries were held over such relatively minor developments in NSAs, it would have been embarrassingly inconsistent not to call in a proposal for a massive superquarry on Harris, which the developer's own environmental assessment showed would be visible for at least twenty miles!



View from Roineabhal to Leverburgh © Andrew and Alison Johnson

Political battle lines were also being drawn, with statements that would become important much later in the saga. Chris Smith, the Labour party environment spokesman was quoted supporting calls for a national superquarry strategy and for a public inquiry into the Lingerabay proposal. He said: “Superquarries are intended to feed the Department of Transport’s irrational road-building programme. We need to look at these developments in terms of whether the material is really needed and what alternatives exist.”

Meanwhile frantic internal debate was going on within the Scottish Office on whether or not the planning application should be called in, but eventually officials agreed to make this recommendation to their ministers. Finally, after six months of consideration, Ian Lang announced on January 6th 1994 that he would call a PLI into the proposal “in view of the existence of a number of important national issues that need to be considered by the Secretary of State (for example, the environmental implications of such a development in a National Scenic Area)”. An editorial in *The*

Scotsman argued that the sheer size and complexity of what was proposed for Harris made the decision not only right but inevitable – although the LQG would certainly query that inevitability!

And so began a marathon deliberation, that turned out to last almost seven years.

Chapter 5: Views from Harris – Work versus Wilderness

First impressions

A quarry had been expected at Lingerabay for decades, and when Redland Aggregates Ltd submitted their planning application in 1991, Harris people welcomed the prospect. Some local men recalled working at the short-lived Lingerabay quarry of the late 1960s, and, with unemployment running at nearly 20% and out-migration rife among young people, the jobs the scheme was likely to provide were hailed as ‘the only lifeline’ for a dying community. This view, expressed by Murdo Angus Maclean (former councillor for the ward in which the quarry would have been situated), was predominant initially, though local people remained aware, as he put it, that this was “not the ideal solution”, simply the only thing that would stop Harris becoming a “wilderness”. This term is an important and emotive one: from the outset environmentalists were criticised in letters to the press, at local meetings and in astute Redland publicity material as valuing the natural ‘wilderness’ of Roineabhal so much that they would prefer to see Harris become a metaphorical wilderness, a dead community, than to see the mountain quarried. It was vital that LINK members persuade the local people that this was an unjust judgment.

The *Stornoway Gazette* reported a “cautious welcome to the quarry” at a “packed public meeting” in 1991. There was talk of 200 jobs at full production, half in the quarry itself and half in unspecified spin-off industries. This figure was bandied around, former *Gazette* editor Fred Silver opines, more as an accident of the planning process than as a reasoned estimate: the Council were obliged to factor employment prospects into their planning decision, so this “totally notional figure” was provided by Redland, and assumed a totemic importance in the ensuing debates, with many local people taking it as fact that this number of jobs would be provided to the local community, and objectors using the figure’s evident spuriousness as a stick with which to beat the developers. The importance of the jobs issue cannot be overstated: the majority of local people were aware of the quarry’s potentially huge disbenefits, but were prepared to balance these against employment prospects. Of course no-one genuinely welcomed the superquarry for its own sake.

A common enemy

The public meeting at which Redland introduced its proposals created a buzz of excitement, but even at this early stage local people were aware that “multi-nationals are not in the business of philanthropy”, as teacher Morag Maclellan put it years later in a letter to the *Gazette*, refuting the viewpoint that all objectors to the quarry were ‘cranks’. Conservation considerations were not prominent among the early doubts expressed by some local people: fear of exploitation and concern that local culture would be eroded were far more pressing. Morag Munro (then of the Harris Council of Social Services and later a councillor) admits that, in common with many other locals, her “hackles rose” when a conservationist with an “English accent” voiced his objections. As LINK soon discovered, if they were to win over local opinion they must attempt to demonstrate the connection between the potential cultural and environmental ill-effects, both being aspects of the ‘non-sustainable’ nature of the project.

LINK's case almost lacked any 'socio-economic' evidence, because this was the area of expertise of none of the bodies which formed LINK – however to avoid seeming to prefer mountains to people, it was vital to present some evidence in this area. The flexibility that allowed this gap to be filled late in the day is to LINK's credit, and they were helped here by Alesia Maltz, Morag Munro and Andrew Johnson. Incidentally, it is, says Elizabeth Garland, "a gap in the system" that community bodies like the Quarry Benefit Group, whose concern this more properly is, often don't participate in planning Inquiries.

Alesia Maltz, who had come to Harris to pursue her academic research interests, was an enormous asset to LINK when it came to co-operating with community groups. Over the course of several years, Alesia stayed for long periods with Councillor Norman Macdonald (who opposed the development) and his wife Jean. The couple, she says, treated her as "kin" and she remains in frequent contact with them. As they were respected community figures, Alesia found herself in a position where she could act successfully as a 'go-between' and further the "whole process of building trust and relationships with the community".

The Lingerabay Quarry Working Group, later the Quarry Benefit Group, was founded in April 1991 to address various local concerns about the development, whilst maintaining a neutral position. Its membership was drawn from various interest groups including grazings clerks, The Lord's Day Observance Society, tourist operators, environmentalists, fishermen and the Crofters' Union. Members included Ian Callaghan, a local hotelier, John MacAulay, crofter and church elder, and Morag Munro. Many of them had a personal opinion about the development, but many, such as John MacAulay, were "wide open". A site visit to Redland's quarry at Mountsorrel in Leicestershire was arranged, and correspondence was established with John Liewers at Redland, primarily concerning two important issues. Firstly, the Working Group wanted assurances that there would be no Sunday work at the site, and secondly, they thought that Redland should compensate Harris people for any detrimental effects by establishing a community Trust Fund. One particular worry was that, especially in the construction phase, a camp of migrant workers might spring up, causing hitherto unknown social problems.

The developers were reluctant to swear that the quarry would never operate on Sundays, and relations became strained, with the Reverend Murdo Smith declaring in early 1992, "We are not going to move on this one", whilst Redland appeared to feel exactly the same, agreeing only that Sunday working would be limited to "essential maintenance", together with occasional unavoidable shipping movements. Although by no means all the people on the Working Group were churchgoers, the whole group agreed that the traditional island Sabbath was a feature of Harris life worth defending; Redland meanwhile, simply didn't understand what the fuss was about. Like the non-governmental organisations that formed LINK, the developers had some learning to do about Harris' unique culture. Unlike LINK, they were often arrogantly dismissive of it, with the result that, from having had strong community support, by the end of the PLI they were detested. Redland's John Liewers, says Ian Callaghan, was "plaintive", professing not to "understand what had happened": many local people cite Redland's arrogant attitude in the face of their concerns as a deciding factor in changing Harris opinion.

The most obvious example of what Morag Munro called "slammed door diplomacy" was the company's insistence that it (together with the royalty recipients, Ian Wilson

and Donnie Macdonald) would not pay more than £5000 per annum into a community trust fund, an amount that was described as being ‘not even peanuts but a peanut’. The notion of the trust fund was Ian Callaghan’s brainchild. He disapproved of the development on scenic and environmental grounds, suspected that it would be detrimental to fishing and tourism industries, and felt the economics did not add up; but his strongest objection was to the developers’ attitude to the local community, and their assumption that Harris would accept any sort of development gratefully. Indeed, gratitude, not suspicion *was* the predominant local response to the plans. Callaghan had worked for the bankers of the Channel Tunnel developers and had seen how many sweeteners more savvy communities demanded and got from developers: Harris was “asking for nothing”, and thus being offered precisely that.

Local MP Calum Macdonald, at Morag Munro’s instigation, took up the case, expressing the opinion that Harris had a “moral right” to some sort of compensation. Years later he thinks it is “telling that the amounts of money Redland were offering were so minimal” – he describes it as “stingy” – even when they needed local support to further their planning battle. What, he wonders, would they have been like once they “had it in the bag”?

Stornoway infuriates Harris

When the Comhairle expressed itself ‘minded to grant’ the Lingerabay application in June 1993 (see chapter 4), the Quarry Working Group had fulfilled its original remit, which was to ensure that the interests of the people of Harris were served at the planning stage. However, it was decided that so many causes of concern remained unresolved that a pared-down version of the group should continue its work under a new name, the Quarry Benefit Group. At this stage, environmental problems began to cause more anxiety, especially those such as dust, noise and run-off that might directly impact upon local people’s lives.

Having started off with a relatively positive attitude, the Quarry Benefit Group, disillusioned with Redland’s apparently uncaring attitude towards Harris, began to suspect that the company’s rose-tinted Environmental Statement might also be less than reliable, another “glossy performance”. The group had asked the Comhairle to delay making a decision on the application until various environmental issues had been clarified; that the council did not do so signalled to Harris that ‘Stornoway’, which had already seemed rather slack in imposing conditions regarding Sunday working and in pressing for a trust fund, didn’t give two hoots for Harris’ environment or culture.

Furthermore, Redland had failed to provide requested data on fishing and fish-farming employment and the quarry’s likely impact thereon, and the Quarry Benefit Group began to suspect that an important local industry might be severely compromised if the quarry went ahead. They researched the issue, and discovered that one hundred people in the island were employed in fishfarms and that 43 fishermen operated out of ports local to Lingerabay, as well as many boats from the outlying islands of Scalpay and Berneray which fished the same waters. Fishermen were concerned about how the quarry might affect their livelihood, and their eventual decision to object was crucial in turning Harris opinion against it.

The Quarry Benefit Group commissioned a referendum in Harris in 1993, to discover local attitudes to the quarry, something that, despite repeated requests, Comhairle nan

Eilean had not undertaken. The results were telling: Harris as a whole came out in favour (62.1%), but in the Obbe ward, where the quarry would be situated, the population was narrowly against the development (50.4%). Turnout was a mere 60.9% overall, but 72.6% in Obbe. The definition of 'local' obviously required some refinement: to the Council and Redland the word could encompass Stornoway, 60 miles away over a rugged mountain range; to most it meant Harris; but some now began to suggest a further split between North and South Harris.

Into the policy vacuum

Although the machinations of the Scottish Office (see chapter 4) were unknown on Harris, it became clear soon after the Comhairle announced that it was 'minded to approve' the Lingerabay application that the case was likely to be called in by the Secretary of State, particular since the Comhairle had in place neither a Minerals Policy (not prepared until 1996) nor a Local Plan (published in 2000). As Graham Edwards, then Assistant Director of Administration at WIIC, acknowledges, the Comhairle had virtually no-one working on creating such policy documents, and most planning work involved "dealing with things on a day-to-day basis". There was, he feels, "no heart" for creating local plans and so on; indeed there was almost a feeling that such things "weren't necessary up here". In fairness, as Edwards says, the terminology and assumptions standard in such procedural documents seemed completely alien to the island environment.

The lack of a defined policy meant councillors very frequently over-ruled decisions arrived at by their planning officers, although in the case of Lingerabay this did not occur. Edwards says that the council had always been very in favour of a development at Lingerabay, before any detailed plans or conditions had even been thought of. John Marshall, the planning officer, was almost "instructed to pursue it at any cost"; and Edwards, who was initially "totally opposed" to the quarry in a private capacity, describes his role as something of a "brake", dedicated to ensuring that, if it went ahead, it was not "at any cost", but policed by stringent conditions. Though he initially had a bad relationship with Redland, Edwards was eventually won over, and even acted as a consultant for the company after retiring from WIIC in 1995.

According to Morag Munro, SNH, which was not much liked in the island, gained a certain amount of popularity by demanding a public inquiry. Concerned Harris people felt that all the facts had to be brought out into the open, and that only a more complete knowledge of the issues at stake would enable a seriously divided community to achieve the consensus so important in local culture. At a pre-inquiry meeting held in summer 1994, consensus was the last thing Redland wanted: a divided community would be far less likely to pose a threat to their plans. A Redland lawyer, responding to local concern that the Inquiry was to be held in Stornoway, over sixty miles via a treacherous mountain road from the site under discussion, announced that "all the environmentalists" had demanded it be held there, if not in Edinburgh. Was this a twisting of something a LINK representative had said, or an outright invention? In any case, it was clearly a deliberate attempt to pre-empt friendships between conservationists (normally outsiders or 'incomers' to Harris) and locals.

Locals and outsiders

In fact, Redland had somewhat misapprehended local feeling. According to Morag Munro, there was never any institutionalised animosity towards conservationists in Harris, and John MacAulay agrees: though some people did talk about “negative antis”, disagreement between conservationists and locals is not, as it has been in Uist, a “big issue” in Harris. LINK helped, and were helped by, the Quarry Benefit Group, and Alesia Maltz aided both groups with cross-examination and took copious notes that both groups referred to.

Even when organisations such as Friends of the Earth Scotland were greeted with suspicion, individuals representing these organisations’ interests were not demonised in the way that Redland attempted to promote. Elizabeth Garland has spoken glowingly of the kindness she and LINK colleagues experienced from locals. She recalls memorable gestures like the time and effort devoted by a Stornoway librarian to finding obscure microfiche records of Highland Council proceedings. Alesia Maltz, too, emphasises the importance of “invisible support” – of people informally canvassing and influencing opinion on LINK’s behalf – and of acts of kindness that “gave solace and encouragement to persevere”.

Locals who were against the quarry recognised that it would be “difficult to fight it on our own” (says John MacAulay) and they were happy to share a platform with environmentalists. However, these dissenting locals did attract hostility from others within the community, more so, MacAulay thinks, than incomers and outsiders did. He experienced animosity, and was excluded from the board of the local Co-operative because of his views.

As Alison Johnson pointed out in her submission to the Inquiry, a given of Harris etiquette is, “don’t voice your opinions till you are sure they are decently general”; John MacAulay too has spoken about local “reluctance to express an opinion directly”. Developers and outside conservationists alike may therefore have been surprised at the lack of public argument about the proposed quarry: the few who had openly declared themselves in favour were vociferous in the press, and others, even those who privately objected strongly, did not like to engage in public dispute. Thus Catherine Macdonald, one of the councillors who took the planning decision in favour of the quarry, and the prolific letter-writer ‘John Macleod, Oanlea’ became spokespeople of the community ‘line’, even while a substantial minority of Harris people felt completely differently.

Those who were doubtful felt it was impolitic or at the least impolite to publicly challenge Catherine Macdonald’s judgement that the Lingerabay quarry was “the only thing that can pull Harris back from the brink of crisis” or John Macleod’s emotive rhetoric: “Fancy! Noise pollution in the Outer Hebrides. The good people of Harris would welcome the noise and bustle of men and machinery and transport and work.” Those who would not, or not at any cost, remained silent, not from indifference but from an ingrained wish to avoid friction. Lloyd Austin of RSPB has described the adoption of one view as the community’s ‘official’ line, despite people’s private reservations, as “deemed orthodoxy”. It was this that LINK and other objectors had to change, and that the development’s proponents skilfully manipulated.

Wicked white settlers

Part of this ‘deemed orthodoxy’ at the outset was that only ‘incomers’ objected to the quarry which was to be the salvation of Harris. In 1993 Murdo MacAulay and Roddy MacCusbic wrote to the *Stornoway Gazette* denouncing ‘incomer’ objectors (including people who had lived in the islands for two decades and more). “We”, they thundered, “cannot afford the luxury of selfishness; we cannot afford to pack our bags and leave when the dream of the Good Life turns sour”. Hebridean people, bred in the Gaelic oral tradition, have always been masters of rhetoric. However, the emotional power of such utterances about the ‘right’ to protest wore a little thin when ‘incomers’ who felt themselves to be more assimilated than others into the local community wrote vituperative letters to the *Gazette* about “objectors with their own interests at heart”.

Some of those targeted refused to enter into the fray; others, like Ian Callaghan, wrote long, meticulously argued letters to the *Gazette* trying to demonstrate that it was Harris’ interests not their own that motivated their campaign. Callaghan’s late wife, Jane, used to feel uncomfortable taking their infant to playgroup, thinking that locals hated her for her views; but Callaghan thinks most people locally recognised he was trying to do the best for Harris. However, he once complained to Fred Silver that if the word ‘black’ had been substituted for ‘incomer’ some of the letters published in the *Gazette* would have been rightly rejected as racist, and that people like him were sometimes denied any rejoinder; Silver in turn recalls the impossibility of publishing some of Ian’s refutations: one was so long it ‘would not physically fit’ on the letters page.

As an incomer himself, Fred Silver, who arrived at the *Gazette* when the superquarry was already “in the air” was well aware that he had to be cautious about taking sides. Indeed he started out being in favour of the quarry, only later changing his mind as he realised the sheer, inappropriate scale of the development. He recognised the validity of the current of local opinion that attacked incomers for objecting, maintaining that the islands have “a powerful folk memory” of incomers arriving with ideas different from those of the community, and shortly leaving again: it’s “an age old pattern”. He opined that the Johnsons (residents of thirty years’ standing) were more justified in objecting than Ian Callaghan, who had only recently arrived and left Harris in 1999.

That is not to say that the *Gazette* played devil’s advocate, or attempted to inflame hostilities: in a 1993 editorial, Fred Silver counselled against writing off non-local critics, arguing that they often had experience of “environmental troubles elsewhere” and that their cynicism about companies’ motives could be salutary in a trusting community. He cited the example of waste-dumping, the notion that the Lingerabay hole could be more valuable as a dump than a quarry, and said that he’d originally thought of this as scare-mongering, but now thought objectors might have a point. In a curious way, the insider/outsider pattern was, Silver feels, reversed over time. Initially incomers objected, and seemed to be losing the argument. As more locals objected, the tide of opinion swung so that to object was the ‘local’ line, and to be in favour was to side with the ‘outsider’ developers.

Like the developers, LINK were a ‘group of outsiders’ (John MacAulay’s phrase), and so had to tread carefully to avoid local animosity. Elizabeth Garland recalls ruefully that LINK’s major blunder, which no-one could help, was “not being local”, and having, perforce, to operate by mainland standards. Perhaps, she thinks, more sensitivity could have been demonstrated in this area. For instance, the LINK team

were not really aware initially of how important the Sabbath working issue was locally, since the Western Isles are very different from mainland Scotland in this. Taking advice from local individuals aided LINK here, and they were able to critique Redland's "failure to take on board" aspects of local culture.

In a sense these complicated insider / outsider politics are not relevant to the LINK case *per se*. The fact of being an insider, an outsider or someone with indeterminate status does not in and of itself validate or invalidate an argument. However, it is worth reporting the context of feeling about 'belonging' in some detail because it was the background to how arguments were received, and to the choices that objectors and supporters made about how to put across their views. If the LQG had not grasped this context, however pertinent their arguments were, they would have been worse received locally, which would indirectly have robbed them of some of their ultimate political effectiveness.



Roineabhal agus Beinn na h-Aire¹ © Hugh Womersley

¹ Roineabhal comes from Old Norse and means "rough hill" while Beinn na h-Aire means "mountain or hill of the lookout". This would seem to relate to the spectacular views that the place affords of the Sound of Harris, the further Atlantic and of The Minch. As most of the communication would have been by boat in the past, such a location would have been of strategic importance.

Chapter 6: 83 Days of Advocacy – the LQG takes counsel

Fateful decisions

The precedent in the Scottish Office has always been that the largest and most sensitive PLIs are always assigned to the Chief Reporter, so it was no surprise when it was announced that Gillian Pain, who had recently taken up the post of Chief Reporter at the Scottish Office, had been assigned responsibility for the inquiry. She had never previously conducted an inquiry in Scotland, and so was unknown to the LQG team. Pain announced that the inquiry would begin on 11th October 1994, with an expected timescale of up to three months. She also made the controversial announcement that the venue would be Stornoway – ‘local’ perhaps to Comhairle nan Eilean but certainly not to the folk of Harris, 60 miles south on a winding and treacherous road.

Pain called a pre-inquiry meeting at New St Andrews House in Edinburgh in March 1994, which was attended by the ‘big four’ from LINK plus representatives of the Scottish Wildlife Trust, Scottish Scenic Trust and Mountaineering Council of Scotland. Three counsels were present at the meeting: Brian Gill QC, representing Redlands (whose solicitors were W&J Burness), Robert Reed (who became a QC later in the inquiry) for Western Isles Islands Council (solicitors: Freshfields; Brodies), and Colin Campbell QC for SNH (with Lynda Towers from the Scottish Office as solicitor). The meeting was also attended by Bruce Mackenzie of the Scottish Office Agriculture & Fisheries Department, Ian Wilson, representing ‘Roneval Quarries’, Steven Richards of Scottish Aggregates, and Alastair McIntosh of the Centre for Human Ecology.

The previous month Comhairle nan Eilean had complained that the remit of the inquiry was still unknown, but Pain made clear that she expected it to have a wide remit. However, she specifically ruled that navigational matters were beyond the scope of the inquiry (see chapter 14). The duration of the inquiry was unknown, but a LINK minute of the meeting by Kevin Dunion noted that “if it is felt likely to be very lengthy, the Reporter may call a break for a week or two”.

For LINK, the presence of Brian Gill QC proved to be critical. He had previously represented the Nature Conservancy Council, RSPB and Scottish Wildlife Trust at the Lurchers Gully public inquiry in 1981 into the proposed skiing development in the Northern Corries of Cairngorm. The three organisations had not retained solicitors for the inquiry, so Gill took his briefing directly from staff of the three organisations, including Dave Morris who then worked for the NCC in Aviemore. He therefore had seen just how effectively these organisations could work together, and Morris recalls how concerned Gill looked when he and the others walked into the pre-inquiry meeting. Clearly Gill now perceived this group as a threat, and he made a vehement case at the pre-inquiry meeting that the LQG should not be given principal party status at the inquiry (which would allow them to present evidence and cross-examine other witnesses).

However, Pain overruled his request, and accepted the LQG as a principal party, provided that they agreed to work together as a single party. Some who were there say that the very vehemence with which Gill argued for the exclusion of LINK might have influenced Pain in their favour. Elizabeth Garland says her decision was “quite right too”, and Lloyd Austin thinks that her decision may have been triggered in part

by the unusually wide remit the Secretary of State had set for the inquiry in his decision letter. This stated that matters to be considered were:-

- a) policy in respect of such a development in a NSA;
- b) national minerals policies in respect of such a development (including consideration of need and alternatives);
- c) the impact on the environment of the proposed development, and in particular:
 - (i) its likely impact on the landscape of the NSA, and the extent to which any damaging effects could be avoided (for example, by limiting the height of workings on the Roineabhal face);
 - (ii) the likely impact of ballast water discharges on the marine environment, and the extent to which any risk could be controlled;
 - (iii) the level of noise and vibration likely to be caused by the development, and the extent to which any damaging effects could be avoided (particularly in respect of St Clements Church, Rodel); and
- d) the likely economic and social effects of the development.

In not objecting to the Reporter's decision to allow the LQG full status, Austin thinks that the Redland QCs may have made a strategic mistake.

Shortly after that pre-inquiry meeting, Brian Gill was appointed as a Judge to the Court of Session, and so he could no longer act as a QC for Redland – he was replaced by Roy Martin QC (Robert Reed also went on in 1998 to become the youngest judge appointed for a century in Scotland – engagement with the Lingerabay inquiry was clearly no blot on future careers!). The brief influence of Lord Gill, as he became, on the course of the Lingerabay PLI cannot be underestimated. His intervention may have helped persuade the Chief Reporter to open up the inquiry, not just to the LQG as a principal party, but also to a wide range of third parties (see chapter 7); this in turn ensured that the inquiry was prolonged, and that the political situation in Scotland would have changed very significantly by the time it reached its final outcome. There was general agreement amongst those consulted for this report that if the inquiry had been shorter, allowing its conclusions to be reported to Michael Forsyth during his tenure as Secretary of State for Scotland, the outcome might have been very different indeed!

The background against which the Lingerabay decision had to be taken was also changing. In April 1994, the Scottish Office finally published a new NPPG4 on land for mineral workings in Scotland. It envisaged no more than four coastal superquarries, including Glensanda, but included the Western Isles in the possible sites for these. However, for developments in nationally designated sites, including NSAs, it said these should only be permitted where it could be demonstrated that the overall integrity of the designated site would remain largely unaffected, or where any adverse effects on the environmental qualities for which the site had been designated were outweighed significantly by the national benefits that could accrue from the mineral extraction. Both tests would later form a major component of the LQG evidence.

Counsels and advocates

The LINK quarterly meeting in April 1994 noted that the Chief Reporter had recognised SNH and LQG as the main objectors to the Lingerabay proposal. The minutes went on: “Obtaining sufficient funding for legal representation was considered unlikely; however there was a very good level of expertise amongst members. Nevertheless, funding would be necessary to provide expenses for expert witnesses, commission extra research etc. WWF had offered £1000 towards collaborative effort, and other contributions would be welcomed.” By June 1995, the LQG expenditure reached £7285, with £3000 contributed by LINK, £2000 from the RAS and £1000 each from WWF Scotland and the Scottish Wild Land Group (more money was contributed later, including a further £1000 from WWF Scotland). The April 1994 minutes also stated: “It was necessary that each organisation involved in this ‘consortium’ should have a properly constituted objection or statement of limit of action from its governing body in order to be legally above board. Redland has had evidence discarded on such grounds in the past.”

The decision was taken that LINK could not afford to retain a QC; instead, the four key players – Lloyd Austin, Elizabeth Garland, Kevin Dunion and Dave Morris would act as LINK’s counsels in rotation. Dunion recalls that Garland, Morris and Austin all had experience from previous inquiries, although mostly ones lasting just two or three weeks, but he had no experience and relied entirely on advice from the others. Between them, the quartet supervised the production of the LQG precognitions for the inquiry, with the help also of Chris Norman, whose contribution to the LQG was partly supported by Planning Aid for Scotland. In putting together the precognitions, the group identified that the botanical case was poorly represented in their evidence, and they invited Plantlife to also develop and present evidence to the inquiry.

The statement of case outlining the arguments which the LQG proposed to make was duly filed by the deadline of 10th June. This single page of A4 formally listed the 19 LINK member bodies supporting the LQG’s case (in a rather idiosyncratic order) as follows:-

- Friends of the Earth Scotland
- Vincent Wildlife Trust
- Mountaineering Council of Scotland
- Association for the Protection of Rural Scotland
- Scottish Countryside Rangers Association
- Scottish Ornithologists Club
- World Wildlife Fund for Nature (*sic*) Scotland
- Scottish Wildlife Trust
- Sustrans Scotland
- Scottish Wild Land Group
- Scottish Scenic Trust
- Scottish Countryside Activities Council
- Royal Society for the Protection of Birds
- Plantlife
- Marine Conservation Society
- British Association for Nature Conservation
- Ramblers’ Association Scotland
- North-east Mountain Trust
- Botanical Society of the British Isles Committee for Scotland

It then summarised the main issues that the LQG intended to raise, as follows:-

- 1) “Site description: location; accessibility; the landscape and visual aspects of the site; its position within a NSA; examination of landscape and landscape designation/s;
- 2) “Legislation and Planning Policy relating to the site in terms of:-
 - a) European legislation / Directives
 - b) National Planning Policy Guidance
 - c) Structure and Local Plans
- 3) “Examination of the Environmental Assessment
- 4) “The nature of Harris and the Western Isles in terms of mountain and coastal scenery, flora and fauna; socio-economic factors; public and local perception of the Western Isles.”

Shortly afterwards, the LQG submitted the list of witnesses they intended to call to support their evidence (Kevin Dunion, Elizabeth Garland and Dave Morris, plus Chris Norman, Andrew Johnson, Alesia Maltz, Murdo Macdonald, Alastair Stevenson and Michael Scott), and a first list of the ‘productions’ they intended to produce in evidence (although more productions were brought into evidence during the inquiry). Finally, each of the witnesses submitted a ‘precognition’ of what they intended to say, on behalf of themselves or their organisations, and for the various LINK witnesses these ran to over 122 pages in total – all in all, a phenomenal amount of effort and organisation even before the inquiry began.

The key decision that LINK made at this stage was that it was essential to ensure a local voice. FoES had originally been alerted to the Lingerabay issue by local members, but they now made a particular effort to recruit more members in South Harris, so they were later able to say at the inquiry that they had disproportionate support there – they were forewarned from earlier public inquiries that this was a question certain to be asked. They knew that the legal team for the developer would try to show that the environmental NGOs were extreme and irrelevant outsiders, and LINK was determined to counter such claims. For Dunion – who had once edited the *Radical Scotland* journal and would later write a book called *Troublemakers, the struggle for environmental justice in Scotland* – the engagement of local people was not just a matter of expediency but of strong personal conviction. He wanted to reassure local people that they could defend themselves in the inquiry process, with a bit of help and support. All the LQG therefore worked hard to engage and encourage local voices in the inquiry ahead.

Partly with a view to winning over local opinion, LINK members now began work to identify potential alternative small-scale development that might contribute to the hard-pressed Harris economy in place of the quarry. This focussed in particular on tourism, and drew on a survey and questionnaire that had been undertaken by the RSPB on Orkney. The wider focus was also reflected by the fact that, by May 1994, the LINK working group supporting the LQG had broadened its remit to become a Transport & Superquarries Working Group.

And so to Stornoway....

October 11th duly arrived and the PLI began in Stornoway, in the barn-like, windowless void of the Seaforth Hotel function room, in front of a brief flurry of media interest. Television cameras were banned from the proceedings, but Lloyd Austin recalls a farcical period as all the participants posed at their tables for the

cameras, pretending they were in session but making polite small-talk instead. Once the proceedings finally got underway *in camera*, Elizabeth Garland was on front-line duty for the LQG – she had previously driven to Stornoway carrying all the LQG productions, precognitions and the precious phone/fax machine. To her surprise, Colin Campbell, the QC for SNH chose not to cross-examine Redland’s first witness, and Garland was unexpectedly thrown into having to do this herself, without first seeing the QC at work. Afterwards, Campbell congratulated her on her ‘baptism of fire’ – a real confidence booster, and no mean compliment.

For all the LQG participants, the inquiry was a big learning curve, both in terms of the technical issues and the very particular local factors pertaining to Harris. It was a huge commitment, travelling to Stornoway each week, often in inclement weather. Flights between Glasgow and Stornoway in winter gales became a weekly fact of life. But Garland emphasises that it was just as bad for Morag Munro and John MacAulay, who struggled 54 miles over the Clisham on so many inclement days to attend the hearing, along with Alison and Andrew Johnson and Ian Callaghan (see chapter 7). On one January day, Morag Munro was involved in a car accident as she travelled north, breaking her collarbone. It was half-an-hour into the inquiry day before the message got through about what had happened to her – so much for a Public *Local* Inquiry! Austin suggests that there is a lesson here for local authorities with widely dispersed areas, and notes that the lesson was learned by the second inquiry (see chapter 12) which was held entirely in Leverburgh.

Elizabeth Garland expressed her admiration for Callaghan and the Johnsons who “stood up with authority, accuracy, determination and understanding of both local and acquired knowledge in order to countermand Redland’s arguments and put an *island* view”. She also applauds Alesia Maltz who “was a great and real scribe in terms of note-taking” and Richard Cowell, who “caused rather a flutter” by asking to tape record proceedings, something which had not previously been allowed.

The LINK quartet were at least getting salaries while they represented their organisations at the inquiry, but all four are grateful for the remarkable commitment of the volunteers who helped and supported in so many ways. Murdo Macdonald, who presented evidence on landscape to the inquiry for the LQG, admits he was ‘learning on his feet’ during the inquiry. He had never heard of NPPG4 at the start, but by the end he felt he had “spent twenty years in a planning office”. He concedes that he “spent a huge amount of time over five or six years” on Lingerabay, and “got nothing out of it” – nor would he have wanted to. He is only glad that at the end of the day whatever they all did together clearly worked!

All the LQG representatives were struck at the extraordinary kindness and courtesy they were offered on the islands – although their organisations were outsiders, they came to be treated almost as honorary locals. Kevin Dunion recalls staying regularly in a Bed & Breakfast in Stornoway where one of the owners was directly related to Donnie Macdonald, the landowner at Rodel who stood to make a great deal of money if the quarry went ahead. Yet never once did Dunion’s hosts express dissatisfaction with the view that FoES was putting forward at the inquiry or suggest any animosity towards him personally.

Charles Strang of the National Trust for Scotland had put the LQG in touch with John and Cathy Paterson who lived near the centre of Stornoway, and they generously offered LINK the use of their dining room as an office. Each evening, the LQG team retreated to this welcoming bower to recap on the day and prepare for the next, and

they were always greeted by a blazing peat fire. At the end of the inquiry, they wrote to thank the Patersons for this generosity, enclosing a copy of their closing submission which had been drafted almost entirely within those four walls. John Paterson wrote back that, “we were very glad to be of assistance, as, when I was employed by the WIIC, we had been unable to express our own views about the proposals for Lingerabay”. He also added that it had been a good excuse not to get on with decorating the room! LINK later offered to pay expenses for the Patersons to make a Festival or Christmas trip to Edinburgh, if they wished, and to join the LQG team for dinner, but they never seem to have taken up this offer.

The only office equipment LINK was able to afford was a single combined telephone and fax machine, bought by RAS for the subsequent use of their chairman. Lloyd Austin remembers that any written statements for the week ahead had to be prepared by the Sunday night before heading back to Stornoway, as there was no typewriter or word processor, and the nearest photocopier was at the inquiry venue or in the SNH office in Stornoway. Yet huge amounts were achieved from that makeshift office. Kevin Dunion recalls working there one evening, researching the issue of ballast water exchange, when the phone rang. It was a sea captain who had seen a report on the inquiry on the BBC’s *Reporting Scotland* news programme, and who went on to explain that the system of quadruple ballast exchange that Redland were proposing to use in carrier ships on the way to Harris was, as Dunion puts it, “bollocks”. To go through this convoluted process, the voice on the telephone explained, the ship would have to steam round and round in circles whilst repeatedly offloading and filling up with seawater, a process that left the ship highly susceptible to the effects of rough seas. In practice, Dunion’s informant said, most captains only did a partial ballast exchange, which saved them time and discomfort but did nothing to remove the risk of non-native organisms being introduced in the ballast water. The next day, Dunion was able to use this information to great effect in cross-examining the Redland witness.

Local Plan the ultimate loser in this — and any — parking, and the problems were truth” in such a suggestion, she said.

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department’s evidence would give complete reassurance to the fishermen. She said: “They are saying they cannot eradicate the risk completely. All they can do is limit the risks. I think there is a long way to go yet.”

MR BRUCE MACKENZIE, head of the environmental and wildlife branch of the Scottish Office Agriculture and Fisheries Department, told the inquiry on Wednesday that while 17 million tonnes of ballast water were discharged annually at Sullom Voe “there is no evidence that the introduction or transfer of any unwanted organisms in ballast water discharge in the vicinity of Sullom Voe has resulted in any significant adverse effects”.

He added: “SOAFD are not aware of any evidence to date linking ballast water discharge with the introduction or transfer of any unwanted organisms in Scottish waters.

“It must therefore be concluded that the risks associated with ballast water discharge are slight, and that a ballast water management plan represents current best practice for the control of



“Where exactly did we last flush out the ballast water, skipper?”

tankers under the various Merchant Shipping Acts.

To introduce legislation they would need to either amend existing law or

12 Western Isles councillors, which referred to the need for ballast water to be pumped ashore for treatment, Mr MacKenzie said the department’s view was that it was possible and it did

Cartoon © Chris Tyler From the West Highland Free Press

LINK also had its ‘deep throats’. In developing its cross-examination of the ballast water plan, and more generally in its critiquing of the Redland environmental impact assessment, it was greatly assisted by copies of internal Comhairle documents that were leaked by a council employee, at considerable risk to their career. The LQG remain grateful to that concerned individual, although they still feel it advisable to maintain their anonymity.

‘Daft laddies’ and fast thinking

The far-sighted decision by the Chief Reporter to grant principal party status to the LQG, combined with LINK’s inability to afford a QC, presented a great opportunity. The four LQG ‘advocates’ were able to play on their inexperience and lack of legal training to great effect. Without going through the ‘filter’ of a QC and a lawyer, they were able to make their case to the Chief Reporter much more effectively— Austin admits they “got away with murder”. But he adds that they needed to keep alert and learn the rudiments of legal-speak, because the lawyers on the other side knew all the tricks and were more than happy to take advantage of their inexperience. In return, Garland remembers that the LQG team were often able to throw in the “daft laddie” question to catch the opposition counsel off guard. Dunion says the lawyers for the developer and the council were never quite sure what to do: they could either come down hard on the inexperienced LQG advocates, and risk losing the sympathy vote, or else ignore them as irrelevant, and leave the LQG the freedom to make their own case.

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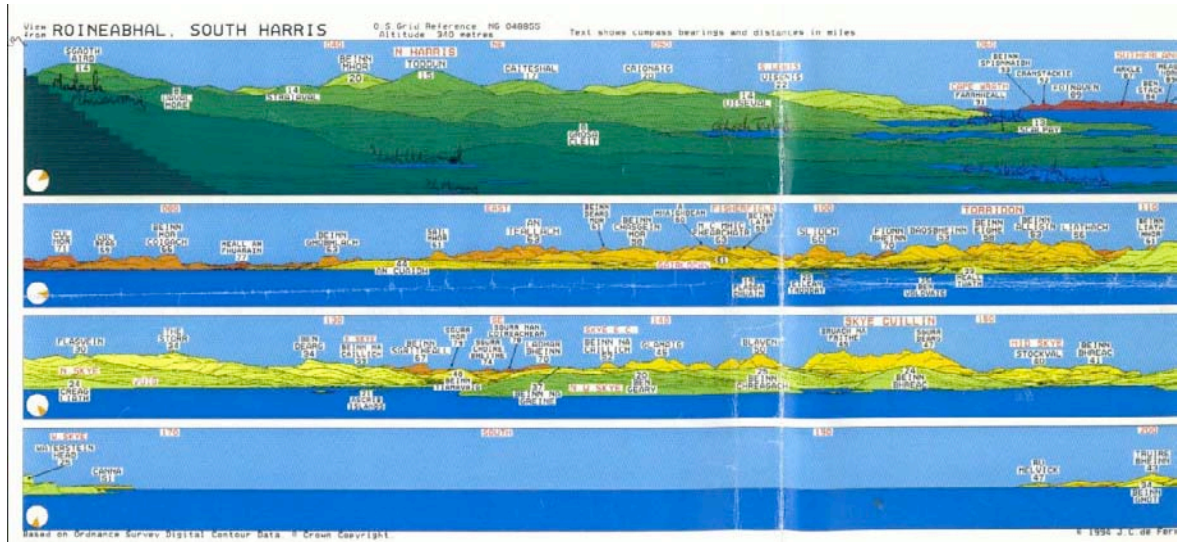
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Professor Des Thompson, who spent a lot of time at the inquiry presenting scientific evidence for SNH, said that the LQG team all performed superbly, asking surprisingly straight and challenging questions like “what do you mean by that?” – he thinks that no QC worth his or her salt would dare ask a question like that, for fear of suggesting that they hadn’t understood the previous answer! He recollects that Lloyd Austin, who led the cross-examination for the LQG on natural heritage matters was “a very polished interrogator” with “a remarkable grasp of issues”.

The LQG team had to be ready to learn from mistakes and “take advantage of situations”, according to Elizabeth Garland. For example, she cites the occasion when maps of the NSA were produced in evidence and she realised that the NSA boundaries extended out into the sea, suggesting the importance of views from the seaward side, as well as from land. In discussion, the LQG team also made the connection that the Chief Reporter was a keen yachtswoman – and so their evidence regularly made reference to the scenery that an approaching sailor might see from her yacht!

Dave Morris recollects crossing on the ferry from Tarbert to Uig on one particularly clear day after rain, and realising just how wide the vista was. In turn, this made him realise how much the proposed quarry would blight the landscape over a far wider area than the 20 miles quoted in Redland’s environmental impact assessment. Computer modelling was still a relatively new skill then, but Morris knew a computer specialist from Newburgh in Fife, J.C. de Ferranti, who could provide what he needed. He asked him to produce a computer projection of the view from two-thirds of the way up Roineabhal.

Murdo Macdonald presented this image, hot off the computer, as part of his landscape evidence to the inquiry – and he records his gratitude that Gillian Pain was prepared to accept it as a late production. He pointed out that the superquarry would be visible on a clear day from all the places on this projection, from Canna 51 miles to the south to Cul Mor 71 miles to the north. The impact of the quarry was therefore far more than simply local, and it would impact on the scenic quality of several other NSAs. The Redland legal team appeared to take the graphic very seriously and sought to discredit it by suggesting that the grid reference and altitude did not match up. Macdonald recalls that Roy Martin’s team sportingly allowed him to refer to their Ordnance Survey map during the coffee break to refute this suggestion!



The computer projection of the view from Roineabhal, South Harris
© JC de Ferranti

The LQG team also had to be quick to identify gaps in evidence. Garland remembers hearing that local fishermen were privately expressing concerns about the impact of the quarry and its sea traffic, but had not been mobilised into doing so in public. Helped by Hugh Womersley, who has close links with the fishermen on Berneray, the LQG managed to persuade the Berneray fishermen to go public on their views, and this elicited further impassioned statements from several Leverburgh and Scalpay fishermen (see chapter 7).

Dave Morris, from his experience of development issues in the Cairngorms, quickly recognised that the LQG also needed to present evidence relating to tourism. Prior to the inquiry, the Ramblers had surveyed local hotels and bed and breakfast establishments and concluded that, at a local level, there were great concerns about the way in which the image and reputation of Harris – and indeed the Western Isles as a whole – as a tourism destination could be affected by a large-scale quarry development. The LQG therefore commissioned Alastair Stevenson – a tourism consultant with extensive experience of marketing Scottish destinations, as well as international experience with the Europe, Middle East and Africa Division of Holiday Inn Hotels. He gave evidence to demonstrate how a superquarry would erode the key image factors that attracted people to the Western Isles, especially for potential first time visitors, and warned of difficulties in reversing negative perceptions. Such perceptions would be inherent in the simple presence of the superquarry, he argued, but also as a consequence of any operational problems due to pollution etc.

Mountains and people

Garland notes that LINK’s case initially lacked any hard socio-economic evidence, because this was not an area of expertise for any of the bodies who formed LINK. However it was quickly recognised that it was important to present some evidence in this area, to show that the LINK member organisations did not prefer mountains to people. It is, says Garland, ‘a gap in the system’ that community bodies, whose concern this more properly is, often do not participate in PLIs, although they have the

right to do so. She says the adaptability that allowed this gap to be filled late in the day is to the LQG's credit, and the Reporter's flexible attitude also helped with slipping in new evidence despite the need to observe rigorous legal procedures. Thanks to this approach, Garland recollects, the LQG became aware that Redland simply hadn't thought out the practicalities of running the quarry, for example with respect to housing and transporting non-local workers, and this was something the LQG was able to turn to its advantage.

The local contacts that the LQG team had developed proved increasingly vital. Garland suggests that LINK could have demonstrated more sensitivity in this area. For example, she says the team were slow to appreciate how important the issue of working on the Sabbath was to local people. But by taking advice from their local friends and contacts, the LQG were much better able to critique Redland's "failure to take on board aspects of local culture".

To assist with the presentation of socio-economic issues, the LQG turn to Alesia Maltz, who had met Ian Wilson when he came to do a presentation at the Centre for Human Ecology in Edinburgh. Keen to find out how the locals felt about the proposals she cycled to Harris "in a storm", and went house-to-house talking to people. In the three or four years before the PLI she had bonded with the community and was thus extremely valuable to LINK in terms of developing relationships with community groups. Maltz was one of the very few people who sat through the entire PLI, taking almost 900 pages of notes. She provided continuity, and was invaluable to LINK in her assessment of how the whole process was unfolding.

As one of the LQG witnesses, Maltz presented expert testimony on social impact assessment, something that was at that time part of the US planning process but not a consideration in UK planning law. The Reporter was interested in the issues she raised, and thought that Scotland should look at adopting the idea.

Maltz recollects that, when she first heard about the Lingerabay, she suggested that Alastair McIntosh should go to the islands, because it was his community. He demurred saying that precisely because it was his community he should not go. Under cross-examination at the PLI, Maltz was asked if she had come to Harris at McIntosh's instigation (the implication being that she had been 'put up to it' by another environmentalist); she must have found it hard to suppress a giggle as she replied that no, actually, it had been Ian Wilson himself – a great believer in the community's love of his plans – who had suggested she go. Wilson often unintentionally worked against Redland's interests!

The issue of 'cultural colonialism' became more and more important as the inquiry went on. The LQG team were painfully aware of their lack of Gaelic, but, according to Garland, they were "anxious that the inquiry should not be seen as two sides who couldn't pronounce Gaelic names presuming to pronounce on the fate of the island". She recollects meeting a local weaver, who still dyed her cloth with crotal lichen, who told her that there were "no words" in the Gaelic language for what was going to happen at Lingerabay. Later, Garland remembers, another local protested that Redland were calling the many lochans around Lingerabay, not by their age-old Gaelic names but by numbers, almost as if they were trying to erase the traditional local claim on the land. Kevin Dunion says that one of the most important statements came towards the end of the inquiry, when John Macaulay said he had been listening for five months to people talking about the place where he lived "and none of you can even pronounce the names".

Perry Mason moments

Amidst the mundane routine of the inquiry, there were dramatic moments. Garland recalls an almost *Perry Mason* occasion when the Redland QC claimed that Greenpeace (by implication a more ‘important’ conservation body) did not object to the quarry, only to have Dunion proudly brandish a fax in their face which confirmed Greenpeace’s objection. Dunion had slipped out of the inquiry and, with a short phonecall to the Greenpeace London office, had been able to elicit the response he then presented a short time later.

The foursome also quickly learnt the skills that QCs use so effectively. Dave Morris recalls that, as the cross examination of his evidence began, the Redland QC Roy Martin looked at a document and challenged him about the accuracy of a statement of the proposed superquarry “taking away half the mountain”. Morris queried where this statement had come from and whether it was a production in the inquiry. Martin explained that it was from an article written by the Ramblers’ Association GB Director, Alan Mattingly following a visit by him to Harris, published in the Ramblers’ magazine, but that it was not a production. Morris, quick-wittedly but quite properly, declined to answer any questions about the article until it was entered as a production. Martin immediately tabled it, but this gave Morris time to re-read the article. At the end of this cross-examination, he was then able to deal with the “half a mountain” point, and then go on to quote other highly critical (and more accurate!) comments from the article, which then legitimately became part of his evidence – effectively using the inquiry procedures to the benefit of the case he was presenting.

It wasn’t all smooth sailing. Murdo Macdonald recalls that there were “some shaky bits” in SNH’s scientific evidence and recalls in particular “the ballast water fiasco”. SNH had made a strong case on how potentially damaging polluted ballast water could be, but the organisation was then hugely embarrassed when Professor George Dunnet resigned from their scientific advisory committee because he felt the quality of this scientific evidence was so poor – a resignation on which the Redland QC was able to capitalise.

However, Redland’s witnesses didn’t always perform brilliantly either. The SNH team on a site visit had quickly identified that the heather-dwarf juniper heath on Roineabhal (described, in the scientific shorthand, as community ‘H15’) was a very special feature, primarily because it showed that the slopes of the hill were an oasis which, unusually in the Highlands, had had no sustained grazing or burning, reflecting in turn the cultural history of the area. Colin Campbell, the SNH QC, had quizzed Des Thompson and his colleagues hard on this issue and himself became an enthusiastic convert to the significance of this H15 community. Thompson later told the inquiry that, in its plant communities Roineabhal “combines the exceptional with the exemplary in the wet and windy oceanic nature of this extreme western outpost of Scotland”. However, neither of Redland’s scientific witnesses, Brian Sage and Neil Bayfield, referred to this community in their evidence, attempting instead to argue that there was nothing on Roineabhal that was not commonplace elsewhere in the Highlands.

Campbell was able to devastate Sage’s evidence in cross-examination, forcing Sage to concede that he hadn’t spent much time on the hill and had overlooked the juniper. Sage was scientist enough to admit afterwards that he had learnt a lot from the debate

under cross-examination. Bayfield, a restoration ecologist, sought to argue that if the dwarf juniper was so important, then it could be planted onto the quarry ledges as work finished, but the ecological impossibility of this scenario was also exposed on cross-examination. Michael Scott recollects that, beyond this, Bayfield maintained strict scientific impartiality in his evidence, and that some of his statements under cross-examination from Campbell and Austin gave strong support to the case that Roineabhal was indeed special in scientific terms – a useful vindication of the case presented by SNH and the LQG, even although he was retained as a witness by Redland!

Little local difficulties

LINK did not go without its own internal embarrassments. As the inquiry dragged on from weeks into months, it was inevitable that tensions would emerge between the 21 LINK organisations that had given their support to the LQG case. The most serious disagreement arose when Michael Taylor of the Scottish Scenic Trust (SST) decided to give evidence to the inquiry that contradicted the joint LQG position. Taylor had had a short tenure as Director of the CCS and he tried to suggest that he was an expert on NSA policy.

For LINK, this was a major challenge. It was no problem for any LINK member body to have a divergent view – that happened quite often – the complication was that SST had signed up to the joint statement and precognition on behalf of the LQG. When Taylor contradicted this consensus view, by definition he cast doubt on all the evidence of the LQG. Taylor tried to have his cake and eat it: he said he was giving evidence as an individual, but he gave his address as the Scottish Scenic Trust and noted he was a director of it. He argued that some of the objections to the superquarry had been overstated, and, on the basis that an NPPG was in place, he said he was “prepared to accept the proposition that there could be up to four coastal quarries in Scotland by 2009.” He said that his views did not mean “substantial disagreements with the general opposition to the quarry” put forward by the LQG, although he did question “the validity of some of the objections” (without explicitly stating which).

The potential damage became clear from a *Daily Telegraph* headline: “Scottish quarry opponents split”. The *West Highland Free Press* reported: “A leading conservationist told the inquiry this week that coastal quarrying could not be totally opposed in principle and that NSAs were never intended to be totally undeveloped”. It noted that, although the SST was a member of LINK, Taylor “said that he would not be appearing as a witness for LINK as he found it difficult to endorse some of the arguments put forward by them at the inquiry”.

The ramifications of Taylor’s breach of consensus reached as far as Cyprus. The Lingerabay files in the LINK office contain a fax from Michael Scott, who by then was vice-chair of LINK and who was leading a study tour in Cyprus. Many LINK member bodies wanted the SST drummed out of LINK, while Taylor was retaliating with wild threats of libel action. Scott’s fax noted that, as the SST had failed to pay its LINK subscription for over a year, it could be deemed no longer a member. Traditionally LINK was reluctant to lose members, as it believed its strength lay in numbers, but a few months later the minutes of the AGM in June 1995 noted the resignation of the SST, which ‘jumped before it was shoved’. The meeting also agreed that “effective rulings to prevent situations of the type which the LQG faced in

relation to Michael Taylor's appearance at the inquiry in April, would be extremely difficult to develop".

Elizabeth Garland is satisfied that, in responding to Taylor, LINK "said what needed saying and... retained our credibility", and Taylor's evidence was so hedged that it proved of little value to the Redland QCs. Perhaps the final exoneration, ten years later, is that the SST appears to have disappeared without trace, whereas the APRS, which stood up for the landscape of Harris, has gone from strength to strength under its new name of Rural Scotland.

Lightening the winter gloom

When the inquiry began, everyone thought it would be over by Christmas. When it became clear that it was going to drag on much longer, everyone began to share a certain siege spirit! Austin recollects that the whole business was remarkably good-natured, partly because of the location. The Chief Reporter, the solicitors and QCs, and all the witnesses for the week used to meet up every Monday morning for the flight from Glasgow, and inevitably this led to social exchanges. They then flew back together when the inquiry finished each Friday. At Glasgow airport, a Scottish Office car would collect the Chief Reporter, and a limousine would await the Redland legal team. SNH usually would have a hired car waiting for Colin Campbell and Lynda Towers, and they would often offer a lift back to Austin and to Robert Reed, the QC for Comhairle nan Eilean. Austin says the two QCs would gossip about the past week in the car – and they were not always entirely discreet!

Everyone who participated in the inquiry had anecdotes. The Chief Reporter regularly got the names of Austin and Dunion the wrong way round, so they simply learned to respond to the other name! The windowless inquiry room often got hot and airless – Garland comments "how can you talk about landscape when closeted in a windowless room". Sometimes, inevitably, this meant that the Chief Reporter would nod off after lunch, and the unspoken agreement amongst all the counsels, professional or amateur, was to make irrelevant small talk until she woke up. Despite the scale of the inquiry, Pain had no stenographer and other assistant. Her hand-written notes were going to be the only record, so anything said while she was asleep would be lost forever. On the same basis, the LQG team used to brief their witnesses that if Pain stopped writing, then they might as well stop talking and move on to the next question.

Sometimes, the meticulousness of the evidence got almost farcical. Michael Scott remembers that his submission to the inquiry followed shortly after evidence from SNH on whether or not Roineabhal might qualify as a Site of Special Scientific Interest (SSSI). The UK Joint Nature Conservation Committee had developed a precise and objective 'points' system for assessing potential sites. In assessing Roineabhal, most of the interest lay in its bryophytes (mosses and liverworts), with scarce species confined to the north-east Atlantic being worth 3 points and the rarest species listed in the *Red Data Book* earning a score of 7 points. Unfortunately the bryophyte *Red Data Book* was being revised for a new edition at that very time. Each morning, the SNH representative would report on the previous day's data analysis. Some days, he would report that a scarce species had met the criteria for inclusion in the *Red Data Book* so the total Roineabhal SSSI score should be increased by 4; on other days, he would report that a species listed in the old *Red Data Book* had now been found to be so common that it would be dropped from the new edition and

perhaps was no longer even regarded as scarce, so that 7 points needed to be removed from the Roineabhal assessment. “God knows what Gillian Pain made of this scientific brinksmanship”, says Scott, “but her patience was remarkable”.

Professor Des Thompson of SNH concedes that they were probably trying to be too smart with this evidence. However, the fact remained that, whatever tweaking they reported, the total score was always enough to justify Roineabhal as an SSSI, although SNH has never chosen to take forward this designation – the European protected status of Roineabhal did not become an issue until several years after the inquiry (see chapter 10).

Thompson also records a daily game the SNH team played to relieve the boredom of the inquiry. If any member of SNH staff was able to introduce a reference related to *Star Trek* into their evidence, Colin Campbell, the SNH QC, would buy them wine at dinner that evening. In his evidence about the ‘H15’ heather-dwarf juniper heathland community that was such a special feature on Roineabhal, Thompson earned his evening refreshment by suggesting that if you looked down from the *Starship Enterprise*, you would be able to see the pearls of H15, and you could then ‘beam down’ to inspect them more closely. The reference was picked up by the *Stornoway Gazette*, with a headline ‘Inquiry hears of Kirk intervention’ and even in a ‘Chris’ cartoon in the *West Highland Free Press* which showed SNH scientists emerging from a spaceship onto the hillside – but it also brought a furious rebuking fax from SNH’s north-west director asking what on earth Thompson was playing at!

Elizabeth Garland remembers a “strange lull in the storm” in December when Roy Martin (often to be seen keeping fit by bicycling around Lewis) and the other Redland lawyers invited everyone to a Christmas party at their rented house in Stornoway, which “showed that people were all human”. Lloyd Austin is convinced that the originator of the idea was Ian Abercrombie, Martin’s junior, who was seen by many as rather more human – it was he who was seen shopping at the supermarket the night before. Both Garland and Austin recollect a relaxed and enjoyable evening at which everyone was talking socially, but Austin says that Martin looked ill at ease. At one point he was seen trying to corner the Chief Reporter in the kitchen, but she very purposefully walked away – to have talked legal business could have brought the whole inquiry into disrepute. Alesia Maltz recalls how Kevin Dunion meticulously remained absolutely sober throughout the entire evening to avoid any risk of indiscretion! She also recalls on another occasion being invited to the Redland legal team’s spacious suite at the Seaforth Hotel to discuss some scheduling or other routine business. Drinks and nibbles were proffered but Dunion – who she says “liked those lines really clear” – resolutely refused to allow anything to pass his lips!

secondary education between 1960 and the early 1990s. The survey asked their

leavers over the past 20 years, those currently in higher or further education will also receive the newsletter.



On top of Roineabhal — the search for H-15 . . .

Witness boldly goes where many have gone before . . .

There were so many people carrying out botanical surveys of the application site for the proposed Lingerabay superquarry that even the crew from the starship Enterprise may have been beamed down.

Dr Desmond Thompson of SNH was supplying some much-needed levity to proceedings while being cross-examined by Ian Abercrombie QC for Redland about his evidence. Dr Thompson had said that a vegetation survey carried out for the agency had found a rare species known as H-15 on Mount Roineabhal, part of which is to be excavated.

In addition to H-15, a community of dwarf juniper and heather, rare bryophytes (mosses and liverworts) had also been found. Asked by Mr Abercrombie if H-15 could not be found elsewhere in Harris Dr Thompson said: "It is extremely unlikely if we look at the number of people who have been surveying the area recently from both SNH and Redlands. Even perhaps crew members beamed down from the Starship Enterprise! We have also been looking at aerial photographs."

success. The trial would not tell what the prospects were in the longer term — whether the juniper would die and the heather continue or the other way around." However, he felt a long-term experiment would certainly be helpful.

Dr Thompson admitted that in February 1994 he had instructed Mr Ben Averis, a consultant botanist, to carry out a vegetation and flora survey of Mount Roineabhal and the neighbouring hills of Bleaval and Chaipaval in South Harris. Asked if he did not think it was biased to have carried out a more detailed survey of Roineabhal than the other areas, he replied: "No."

In his evidence, Mr Averis said his survey had taken eight days of field work, three-and-a-half of which had been on Roineabhal. He said the area of the proposed quarry had a very rich bryophyte flora, with a concentration of Atlantic species which was of international importance and merited Site of Special Scientific Interest status.

Mr Averis said the bryological importance of Roineabhal as a whole would be severely reduced by the superquarry. The number of strictly Atlantic species would drop from 22 to 15, and the number of nationally scarce

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Chapter 7: 83 Days of Advocacy – Voices from Harris

Third parties welcome

The Inquiry was unusual in inviting submissions from interested third parties, and Gillian Pain deserves credit for encouraging this engagement. As a result, dozens of letters were received from local individuals (including both ‘born and bred’ Harris people and incomers) and regular visitors. Ian Callaghan, Alison Johnson and Andrew Johnson presented detailed and wide-ranging cases, supporting LINK in many important aspects.

Other substantial submissions came from the Quarry Benefit Group and Western Isles Enterprise, the local development agency, which concluded baldly (and, as it turned out, over-pessimistically) that there were “no alternative development proposals of equivalent benefit”, and that “an employment impetus on the scale of the development at Lingerabay is one of the most effective means of countering the present problems within Harris”, namely unemployment and the perceived mass exodus of youngsters.

Some of the other submissions were barely more than a page, interestingly indicating the few important issues that all the supposed benefits and disbenefits of the development could be distilled into. Contributors ranged from Ian Stephen, a Lewis poet, to Norman Macleod, a septuagenarian Harris crofter, by way of an American algal bloom expert with a Harris home, the owner of a pioneering pharmaceuticals company based in Lewis, a renowned composer living in South Harris, and assorted local school children. These witnesses often leavened the dryness of day to day legal proceedings: Tessa Tennant, an aristocratic ethical banker whose family used to own a large house in South Harris recollected blissful childhood holidays where she milked her first cow and “kissed a boy for the first time”.

Some were dismissive of such letters received from outside, but they might have done better to keep their counsel. John Marshall, Planning Officer at WIIC when the Lingerabay decision was taken, forwarded various objections to the authority’s solicitors, remarking that most were mere copies of a Friends of the Earth template. He also highlighted one that had aroused his interest by being posted in Thailand, although the sender’s home address was Glasgow. This, Marshall speculated, together with the fact that “the handwriting appears to be that of a very tired man” suggested that “this particular representation was written while he was in Thailand on some kind of sex holiday!” For a public servant to express such contempt for people’s opinions is scarcely forgivable, even in a private letter. Being foolish enough to allow a mole to leak it to LINK supporters and thence the press is almost incredible.

As noted in chapter 6, at a pre-inquiry meeting Redland’s original QC had asked the Reporter to rule that third party submissions would not be allowed. In retrospect, Fred Silver thinks that Redland was right in its request; although the involvement of the ‘little objectors’ did represent democratic access, he felt that it proved to be a bit of an “encumbrance”, in terms of dragging things out. He wonders if individuals were “representing anyone or thing but themselves”, since the debate as a whole was so complex as to have long gone “beyond people’s grasp”. Perhaps this underestimates the people of Harris. Many would say that most locals had a remarkably informed opinion, and valued the work that articulate third-parties like the Johnsons, Ian Callaghan and the Quarry Benefit Group were doing in voicing their concerns. The

Quarry Benefit Group made a major commitment to the PLI, and its representatives, most notably Morag Munro and John MacAulay, regularly attended the Inquiry, their attitude gradually hardening against the development.

The role of the Comhairle

The engagement of Comhairle nan Eilean as a principal party in the inquiry was a matter of some controversy on the ‘Long Isle’. It is unusual for a local council with no objection to a development to be represented as a full party at a PLI, and as the months wore on and WIIC seemed to be doing little more than supporting Redland’s case, questions began to be asked about this use of public money.

As the Inquiry wound down in early summer 1995, a letter appeared in the *Stornoway Gazette* protesting at the WIIC QC’s treatment of local objectors, including school children. Robert Reed seemed determined, the writer thought, to subject objectors to a “hostile grilling”, and to “rubbish” all alternative development suggestions. In effect they were “simply doing Redland’s work for them at the public expense”. It was a curious situation, based, says Fred Silver on a “deep, genuine belief” that the quarry was best for the islands. More cynical observers were interested to know what made council officials so determined to stand by Redland, even in the face of more and more concerted opposition.

Graham Edwards, from his perspective in the Comhairle’s legal department, says that ideas were divided even within the council as to why they were being represented at the PLI. Some, including the Chief Executive, felt that their role was indeed simply to support Redland, whereas he and his colleague John Marshall saw the PLI as an opportunity to make sure Redland proceeded with the development, but without *carte blanche*. His relationship with John Lievers was initially hostile – Lievers once described him as “that bastard Edwards” – because he was committed to binding Redland to a very strict Section 50 agreement. Others have disputed how serious or effective this commitment was. Edwards was instructed at one point to make no further demands of Redland for the Section 50, as senior council officials thought it might be prejudicial to their supportive position at the Inquiry; indeed he alleges that his telephone and Marshall’s were tapped. Without going too far into scurrilous rumours of this sort, it seems apparent that there were indeed, as Edwards says, “unbelievable... lies and shenanigans” going on at the Comhairle in 1994-5.

Labour to keep pressure on over "secret" superquarry report

The revelation that a "secret" report on the proposed superquarry development in Harris prepared for Comhairle nan Eilean had been passed to the would-be quarry developers, while elected councillors were being refused access to the same report, has been described by Western Isles MP Calum MacDonald as "a scandal".

And the Labour group on the council, who have been pressing officials unsuccessfully to make the report available to councillors, have said they want the whole issue fully debated at a special meeting.

Council chief executive Brian Stewart finally announced on Monday that councillors would be able to see the consultants' report — but the decision only came after it emerged the report had already been passed to minerals giants Redland Aggregates, who want to develop a £70 million coastal superquarry at Lingerabay in South Harris. The development is currently the subject of a lengthy public inquiry.

The release of the report came following an exchange of letters between council convener Donald MacKay and the chief executive.

Mr MacKay said in his letter that he was "extremely annoyed" that when councillors decided last month to restrict access to the report — prepared by consultants Aspinwalls — they did so without being aware that it had been made available to Redland "some time last year". A report which went before

the March meeting of the development services committee stated that the Aspinwalls report "was intended solely for the assistance of the council's lawyers at the inquiry".

The convener's letter continued: "I believe now that the course of action previously advised by the director of administration and legal services is not making the document widely available to council members is simply no longer tenable in view of the access opportunities given to Redland. I believe the best course of action would now be to arrange for the Aspinwalls report to be made available to all members of the council, on a 'confidential and privileged' basis . . ."

In his reply Mr Stewart said that "on matters of mutual interest" the council and Redland had exchanged a number of documents on a confidential basis. He was currently ascertaining the precise circumstances surrounding the release of the Aspinwalls report to Redland.

He agreed with the convener that since it emerged the report had been disclosed to Redland this "must now cast a different light on access needs to the document by members of the council". Accordingly he was making copies of the report available to all members on the basis suggested by Mr MacKay.

Mr Stewart said the Aspinwalls report had been commissioned in May 1994 to look at any possible weaknesses in Redland's Environmental Statement "which might otherwise be pursued by environmental

opponents" at the inquiry, and also to guide the council's team in ensuring the environmental standards ultimately determined met the community's needs.

Labour MP Calum MacDonald said it was a "scandal" that the report had been sent to Redland but denied to members. "This is the worst case of local government secrecy I have ever come across," he added.

Callum Iain MacMillan, leader of the Labour group on the council, said that only hours before the decision was

made to release the Aspinwall report to councillors he was still being told by administration director Rob Barnett he could not see it. "Senior people are treating elected members with contempt," he added.

And Mr MacMillan said: "What we are looking at now is a cosy little report that will go before members at the next series of meetings and we will be given half-an-hour to look at it before discussing it. We won't have that — we will be pressing for a special meeting to air the whole issue."

See back page



"It's a councillor — he says begging your pardon but could he see a copy of the Aspinwall report, please"

Fight to save Highland rail services now looks certain to go to court

Cartoon © Chris Tyler From the West Highland Free Press

Fishing for Victory

Whilst every voice against the quarry (and by far the majority of submissions from concerned individuals were opposed) was important in strengthening LINK's case, the real 'coup' was the collective objections lodged by eighteen Leverburgh fishermen and sixteen from Berneray, as well as several from Scalpay. Donald Norman Maclean, whose name headed the Leverburgh objection, supplied prawns to Ian Callaghan's Scarista House Hotel, and Callaghan recalls how he felt the battle to persuade locals of the dangers of the quarry had been won when Maclean brought his weekly delivery and announced that he and many of his fellow fishermen had resolved to object.

The fishermen were concerned about the threats posed to the pristine waters of the Sound of Harris by possible quarry run-off, organisms imported in ballast water and bulk carrier movements. There was, they argued, a very real risk of accidents (for example bunker oil spills) in the frequently inclement local weather. They were also worried that the high amenity value of the Harris environment would be threatened, by noise and pollution of the water supply originating on Roineabhal; and by Sunday work and migrant labourers.

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The local fishermen were supported by the Mallaig and Northwest Fishermen's Association and the Stornoway Fishermen's Co-op, as well as various fishfarming organisations including the Scottish Shellfish Growers' Association and Hebrides Harvest, based in Harris. Fishing and fish-farming were, and are, thriving industries in Harris, and provide the sort of work (outdoor, often part-time) preferred by many local people.

As the Quarry Benefit Group discovered, about two hundred people in the area were employed in these industries and their jobs would be at risk if the quarry were to proceed – not only because of the potential environmental problems that Redland assured people would not happen, but because of the besmirching of what Calum Macdonald calls the Harris 'brand' that would inevitably attend a large industrial development. Macdonald feels that the most desirable way for the Hebridean economy to develop is in terms of promoting industries "dependent on a certain image of the islands" as a special, unspoilt place.

The seafood industry is one such, whereas the Lingerabay quarry was not mooted for Harris on the basis of anything "special" about the "rock or the place", but because it would be "cheap and easy for the developer". Thus, he feared, as soon as aggregate extraction could be done more cheaply elsewhere, the rationale for the Lingerabay superquarry would disappear, and so would it and any prosperity it might bring. The fishermen, who mostly work alone in small boats, became a powerful symbol of the possible human and economic cost of the superquarry; and their decision to speak out enabled many other local people who had been reticent, afraid they'd be accused of rejecting the all important jobs, to express their reservations too.

The Love of Landscape

Something that is more difficult to pin down directly is a shift in local attitudes towards the natural environment, partly facilitated by the fishermen. Alison Johnson pointed out in her evidence to the PLI that traditional Gaelic literature manifests a deep love of the wild landscape: she argued that the appreciation of scenery was not, as detractors of incomer-objectors had claimed, merely a "romantic luxury" for those who didn't have to live off the land. However, a lot of ink was spilled both during and after the Inquiry in arguing that those who cared about landscape were necessarily indifferent about people. Angus Graham, vice-convenor of Western Isles Islands Council at the time of the PLI, wrote in 2000:

"We should not let the people who care more about the birds, the flowers and the heather than they do about our people dictate to us how we should utilise our valuable natural resources."

The Berneray fishermen's statement to the Inquiry told a different story: John Macdonald and the fifteen other signatories from Berneray wrote about the importance they attached to this "undisturbed and beautiful area" and to the seals, otters and dolphins they often spotted. The stereotype that only interfering environmentalists cared about these things was therefore overturned and it became more acceptable locally to ascribe a high value to natural beauty. Norman Macleod's submission to the inquiry turned the island taste for rhetoric to the objectors' advantage for once in its nightmarish vision of a precious landscape destroyed by "a huge pall of death grey dust" and the "day and night gnashing of great iron teeth".

Few letters were published in the *Stornoway Gazette* about the intrinsic value of

landscape: objectors tended to steer away from the subject for fear of being savaged. One that he received on the subject therefore seemed to Fred Silver worth printing. It was short, slightly mystical and rather charming. It declared that the “Master’s gifts reward contemplation”, and that “Roineabhal, Harris, is of significance and wonder. To sacrifice this is a sin”. A few weeks later a gentleman came to the office to thank him for having printed it. After a few minutes of perfectly sensible chat he announced confidentially that he was, of course, ‘The King of Britain’. Several years later, he had been promoted to ‘King of Heaven’. LINK apparently had some august supporters!

Jobs for the Boys (and Girls)

Of the twenty secondary school pupils who spoke at the sessions when the inquiry moved to Leverburgh for three days, only four were in favour of the quarry – despite their elders’ contention that the quarry and its jobs would keep young people on the island. Many spoke of the need to protect an unspoilt environment, including Marion Hutton, whose imagination had obviously been fired by *Stornoway Gazette* reports about the risks associated with ballast-water transfers. “When the ships come up from England”, she wrote “they will bring dirty polluted water and dump it in our clean water”.

As well as environmental awareness this quotation shows the younger generation’s sense of the injustice of having a development designed to feed English demand ‘dumped’ on Harris; unlike some of their parents, these kids were not going to take this lying down. In any case, as Alison Johnson and Ian Callaghan among others said, the problem of youthful out-migration would not be solved by a quarry, providing mainly manual jobs for men: the young people of Harris are generally educated to a high standard and go on to tertiary education. The most critical population problem is the departure of well-educated females, who were unlikely to be attracted by quarry work.

Angus Graham spoke emotively in 1995 about the quarry’s potential to revive Harris society, quoting from Norman MacCaig’s poem “The Man from Assynt”, which expresses hope that:-

*The ebb, that sad withdrawal of people
May... reverse itself
And flood the bays and the sheltered glens
With new generations.*

Local youngsters were adamant that the quarry would not persuade them to stay; and at least some of their elders were clear-sighted enough to recognise that too. John MacAulay knows that “young people will always go; it’s an island thing”. And if they do come back, argued the late David Horrobin, chairman of Lewis-based Scotia Pharmaceuticals, jobs will be needed for both sexes and for people with a wide range of skills – like those provided at his pioneering Callanish factory.

In the early days of the quarry debate, the Working Group had conducted a survey that showed a high proportion of those interviewed would be keen to gain employment at the quarry; as with any such research, the answers presumably depend on who you ask. However, Graham Edwards cautions against assuming that quarry jobs are necessarily undesirable, or inappropriate to Harris’ needs. He felt that one of the most “arrogant, objectionable, affecting” pieces of evidence he heard at the PLI

was local school-teacher Willie Fulton saying that Harris didn't want jobs "for digger-drivers" but "proper" jobs, perhaps with computers. Why, asks Edwards, are these necessarily better? Many people in the island are in poorly paid (often public sector) work, and operating quarry machinery can often be very well remunerated.

Chapter 8: 83 Days of Advocacy – Last Rites

Lessons from Stornoway

Initially there was considerable press coverage of the PLI, but as its likely length became clear press interest began to wane. Only the *Stornoway Gazette* continued with detailed coverage each week, although its role was to prove highly influential on the islands. Some of the ‘wackier’ incidents did awaken the press, especially when Alastair McIntosh invited Sulian Stone Eagle Herney, the warrior chief of the Mi’Kmaq First Nation of Nova Scotia, to Harris to give theological evidence to the inquiry. McIntosh argues that the chief’s testimony “got to parts others didn’t reach”, and recognises that people think deeply in these communities.

Stone Eagle’s evidence was given to an unusually full inquiry hall when the proceedings moved for three days to Harris. It was preceded by evidence from McIntosh himself, and from Professor Donald McLeod of the Free Church College in Edinburgh, who asked: “Do we have God’s mandate to inflict on creation a scar of this magnitude that might detract from Creation’s ability to reflect the glory of God?” – an approach that may well have had some impact on god-fearing members of the Harris community. McIntosh tells the full story of this evidence in his book *Soil and Soul*. Although the LQG team recognised the benefits of networking as widely as possible, and bring in diverse perspectives on the proposed superquarry, they were careful to distance themselves from what one press article described as “cranks, weirdos and pundits”.

This report is not intended to reflect in detail the evidence given to the inquiry, but it is perhaps worth recording a few snippets that materialised as the inquiry proceeded, as reported at the time by *SCENES* from press coverage. They represent the sort of evidence that began to make the local community increasingly question the value of the superquarry to them:-

- Comhairle nan Eilean revealed that it had agreed to accept a community trust fund offer from Redland of £15,000 per year, rising to £140,000 when the quarry came into full production.
- John Marshall, planning officer of Comhairle nan Eilean stated that the quarry would cover less than 0.5 per cent of what he described as a ‘second division’ NSA.
- Professor Peter Wood, a consultant for Redland, suggested that the quarry would only create 33 direct and 10 indirect jobs for Harris residents.
- Tony Mackay, an economic consultant commissioned by SNH, gave a higher estimate that the quarry would create around 70 jobs in Harris, but said that the adverse effects on tourism and fishing would outweigh these benefits.
- An acoustics expert, Dr Agnes Walker, said it would not be possible to guarantee recommended noise levels at all times at Lingerabay;
- Redland’s marine witness, John Blackstock, said that the immediate vicinity of Lingera Bay would become unsuitable for aquaculture if the quarry went ahead, but noted that no unusual marine communities had been discovered around the quarry site.

- Duncan MacInnes, secretary of the Western Isles Fishermen’s Association said that the fishing industry on the islands was totally opposed to the quarry, and argued that the quarry would reduce the premium prices paid for shellfish from the islands and that silt, dust and oil spillages would destroy shellfish breeding grounds.
- Teenager Roddy Angus Munro from the secondary school in Tarbert, Harris, said that the ambitions of his friends were not breaking rock in a quarry. He told the Redland QC: “Let me tell you what superquarry means. It means super pollution, super depopulation, super destruction... Do you want to have the death of this island on your conscience?”

Meanwhile, outside the Seaforth Hotel...

One of the huge advantages of having a team of four representing the LINK case, was that they could occasionally take time off from the front line of the inquiry to recharge their batteries and widen their perspective beyond the windowless room in the Seaforth Hotel. Normally, engagement in an inquiry sucks up all available time, but the role of the LQG quartet allowed LINK to engage in the wider public debate.

This parallel campaign was unusually successful, and Kevin Dunion’s colleagues lay a great deal of the credit for this on Dunion’s energy and commitment. George Baxter highlights LINK’s approach of trying to personalise the arguments by inviting real people from the community to make their case, leaving technical arguments for the business pages. He argues that “an elderly guy saying ‘there’s no jobs in this for me’ to the media is far more valuable than hours of meticulous analysis of socio-economic theory”.

However, time was probably the LQG’s biggest ally. As the inquiry dragged on into the early months of 1995, as the arguments became increasingly abstruse, and as more details of the proposal were aired in public through the inquiry, local opinion began to shift. The Quarry Benefits Group began the inquiry by being firmly neutral; they saw their role as arguing for the best benefit for the community. As more details emerged, they gradually swung to opposition. Dunion reckons that the developers were arrogant; they thought they had already “bought off” the Council with the benefits they were proposing, and were simply not prepared to put money into the community as well.

Confusion at the Comhairle

As the weeks turned into months and winter to spring, the PLI no longer dominated the local press. Local opinion continued its steady creep towards opposition, fuelled by outrage at the apparent untrustworthiness of the developers and the local authority under cross-examination from LINK and others. Though Edwards and his colleagues may well have been doing their best, cynicism grew about the council’s ability (or desire) to police the development with adequate conditions, and about the developers’ willingness to submit to them. The number of promised jobs had dwindled, and people working in tourism and fishing felt their livelihoods were threatened.

In the end, as much as anything, it was the Comhairle, the allies who’d shouldered some of the financial burden of defending the application, who lost Redland their public support. Harris has always been suspicious of Stornoway, and now it appeared

that the council were siding with Redland to rip off Harris, without taking the opinions of their electorate into account.

Fred Silver thinks that the planning system itself created problems for Redland. For example, the Comhairle were obliged to factor employment figures into their decision about the planning application, so Redland was forced into coming up with a “totally notional” jobs figure, which, says Silver, they were then “lumbered with” for the rest of the inquiry. Their jobs estimate was then used by objectors as a stick to beat the developers with, as its inaccuracy became apparent. Silver says that Redland “lost ground” by “admitting that [the quarry] wouldn’t be full blast from day one” – he wonders why they did not apply for a small quarry at first, then increase capacity as and when it was necessary. He suggests that Ian Wilson’s commitment to “grand” schemes is one possible explanation.

As the inquiry proceeded, Silver believes that “ordinary people concluded it was a dead duck”. In the end, the *Gazette* only covered Thursday sessions of the inquiry, but their reporter “never got a sense of missing anything”. Silver feels the insider/outsider pattern was reversed over time. Initially incomers objected, and seemed to be losing the argument. As more locals objected, the tide of opinion swung, so that it became accepted that the local line was to object, while the only folk in favour were the “outsider” developers. Lloyd Austin calls this “deemed orthodoxy”. He believes that many locals had strong doubts from the beginning, but felt they had to keep this to themselves; only when it became clear during the inquiry that many other local folk were also dubious, did the “deemed orthodoxy” in the community shift to opposition.

As more information emerged from the inquiry, opposition hardened. Asked about the success of LINK’s opposition to the inquiry, Silver argues that “the applicants lost it, the conservationists didn’t win it”. But that perspective underestimates the role of the LINK ‘conservationists’ in identifying the inadequacies of the Redland case and ensuring that local people ultimately were able to make an *informed* decision. Although SNH’s objection was crucial, it was the LQG that had the freedom as an objector to raise many of the wider issues that began to turn public opinion. Their cross-examinations made many of the claimed benefits to the community seem more and more illusory, while dramatically bringing to light many of the disadvantages that would come to local people – without such challenges from LINK, Redland might not have “lost it” (analogies about ropes and hanging come to mind!).

Even so, George Baxter reckons that the decision to sponsor a second public opinion survey was a brave one. The poll was commissioned in May 1995 by Harris Council of Social Services. The poll had an 82% turnout, with 68% of the respondents saying they were opposed to the superquarry (compared to the 1993 poll in which 62% were in favour). In the Obbe ward (the area that would be most affected by the quarry) 71% were opposed. Local MP Calum MacDonald described this at the time as “a complete indictment of the way Redland have gone about the whole proposal” and called on Redland, the council and the Secretary of State to obey the verdict.

By February 1995, 12 of the 30 Western Isles councillors openly opposed the quarry development, and said they were under increasing local pressure to swing the Comhairle’s advise to the Scottish Office against the Redland Aggregates plan. Kevin Dunion says this was the biggest mistake made by the Redland legal team. By choosing to protract the evidence to the inquiry, they managed to drag it out to the

second anniversary of the council's original June 1993 decision that it was "minded to approve" the superquarry, and this legally allowed the Comhairle to review that decision.

So on June 5th 1995, Auslan Cramb was predicting in the *Daily Telegraph* that a majority of Western Isles councillors was expected to overturn the Comhairle's original support for the scheme, although he said this would come too late to influence the inquiry. He was right on both counts: councillors voted by 21 votes to 8 to overturn their 1993 decision and agreed to inform the inquiry Reporter that the Comhairle now opposed the development.

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already indicated, I could not accept instruction to deliver submissions inconsistent with those I have just delivered."

He said he would need clear instructions as to what submissions were to remain before the inquiry reporter, which were to be withdrawn, and whether there would be new submissions.

Members were also told that the principal objectors, Scottish Natural Heritage, would not be pursuing a claim for costs if the council changed their stance on the quarry.

A letter from the council's solicitors, Brodies of Edinburgh, said it was difficult for them to see how the council at this stage could cancel the "minded to grant permission" decision of June 1993 as planning authority or amend its case after completion of the council's closing submissions.

Brodies also warned that if the council were considered to have "behaved unreasonably" it would be open to all parties to the inquiry to submit a claim for expenses to the inquiry reporter.



prejudice and compromise existing and further development of fishing, tourism or other developments depending on relatively pollution-free clean air and water.

Council vice-convenor Angus Graham moved as an amendment that the council, conscious of the strongly-felt and clearly-expressed views of the people of Harris through the medium of the referendum, should appraise the

Cartoon © Chris Tyler From the West Highland Free Press

The turnaround, and the waste of untold amounts of public money, merely confirmed what Harris people had always thought about the Comhairle. To Graham Edwards, though, it was more than an embarrassing debacle. His abiding memories are of terrible frustration that the council would not give him clear instructions as to how to proceed. In particular, since the development looked likely to proceed with or without WIIC's support, he feels more effort should have been made to keep the Section 50 negotiations alive: any ambivalence in these legal conditions could have been catastrophic. More than the professional frustration, though, Edwards remembers the "unforgivable, totally inexcusable" rumours that were spread by certain 'rebel' councillors about his colleague John Marshall, whom he describes as a completely "straightforward, upright and honest" man doing an "amazing" job in the wake of a recent terrible accident.

This attack from the "enemy within" was much more wounding and dishonourable than the attacks of known opponents like LINK, even if they did "occasionally play below the belt". Indeed, towards the conservationists he had a fair measure of respect, even if they could sometimes have "made points better", more diplomatically. Most

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of the time, he says, he had “more problems with Redland”, and laughs that he had the unenviable position of being regarded as the enemy at times by everyone: Redland, councillors and council officers, and environmentalists. The council rebellion that was such good news for LINK and its supporters was, for Edwards, an appalling episode of “back-stabbing”. He retired soon afterwards, and for a while acted as a consultant for Redland.

The final irony

However, in a final twist in this long-running inquiry, the Comhairle’s counsel, Robert Reed had summed up in favour of the scheme on the Friday before the Comhairle vote – June 2nd. Knowing that a change in heart was likely, the chief executive of the Comhairle had sent a fax to the Chief Reporter asking for Reed’s summing-up to be delayed until after the 5th June council meeting. Pain rejected the request because she said it was inadequately addressed, her name was spelled incorrectly and she would have expected a sealed original, not a fax!!! She also ruled that any change in the Comhairle’s position would be outwith the scope of the inquiry. Lloyd Austin points out that the Comhairle might have been rather relieved at this decision: had it been allowed formally to change its view and withdraw its evidence, Redlands and SNH would have been entitled to claim all their legal expenses for work to support or rebut the council’s original opinion.

The final inquiry report states: “Counsel for the WIIC, Mr Robert Reed QC, ...informed me that the resolution of 5th June 1995 did not form any part of the Council’s case to the inquiry; furthermore the Council did not wish to withdraw any of the evidence, cross-examination and submissions which it had placed before the inquiry; and that it did not wish to lead any new evidence or make any additional submissions.”

Therefore, despite the Comhairle’s democratic decision to change its view, its formal position, as represented by Reed the previous week, remained that the quarry offered the opportunity for Harris to arrest and reverse the social problems of the communities there. He had argued that Lingerabay had a 50-year history of quarrying, and that the principle of large-scale quarrying there had been accepted by the Secretary of State, by his previous advisors on landscape the CCS, by the local planning authority, and by the local people over a period from the 1960s to the 1980s.

So, on Tuesday June 6th – the inquiry’s 83rd and last day – the parties gathered for the other final submissions knowing that the democratically elected council had changed its view in response to public opinion, but that they were operating in a curious time-warp where they were obliged to accept that the legal opinion of the council remained unchanged!

The closing arguments were featured extensively in both the *Stornoway Gazette* and the *West Highland Free Press*, and are worth quoting in some detail as a flavour of how the debate had progressed in the eight months since the inquiry began. Roy Martin, the QC for Redland, attacked the “volume of representation from persons and organisations who have no apparent connection with the Western Isles and no interest in the requirement to consider some form of sustainable economic activity for the community”. He criticised SNH for “environmental selfishness” and commented: “SNH is not a planning authority in any sense. It has no responsibility, nor does it have any right, to scrutinise every detail of an application. Its statutory right extends

to the provision of advice to the Secretary of State, and I would formally pose the question as to whether or not it has the power to state and maintain a formal objection to the granting of planning permission.” *The Scotsman* also suggested that Redland was actively considering the possibility of suing SNH for expenses it incurred as a result of SNH’s objection, which it said precipitated the inquiry (although it never did so).

Summing up for SNH, Colin Campbell argued that, no matter how the quarry was designed, implemented and operated, it would have an adverse effect on the South Lewis, Harris and North Uist NSA and would be inimical to the conservation objective underlying that designation. He said that developers were required to demonstrate “exceptional circumstances” before a development could be permitted in an NSA, and this ruled out such arguments as local job creation. He argued that evidence to the inquiry clearly showed there was no shortage of aggregate resources now, nor any likely shortage of aggregate resources in the foreseeable future. Even had the area not been an NSA, he suggested that other material planning considerations had to be taken into account, including the potential harm to economic activity in the area; noise, dust and vibration; the risk of pollution from ballast water discharge; the impact on the vegetation of Roineabhal; and the unsuitability of Lingera Bay to be a marine terminal for a coastal superquarry.

For the LQG, the honour of final submission fell to Lloyd Austin. He said the issues raised by the superquarry proposal were graver than those normally encountered in planning inquiries, not just because of the scale of the quarry but because it was a key test of the UK’s determination to move into an era of sustainable development. He said there was no evidence of a market demand for aggregate specifically sourced from coastal quarries, and attacked the “inhuman and alien scale” of the proposed quarry. He also submitted that the result of the recent referendum showed clearly what the local community now thought of the proposal.

Looking to the future

And so the marathon, at times bizarre, and latterly almost surreal inquiry came to an end. Gillian Pain afterwards commented: “I am grateful to all those involved for making the arrangements work, for the stamina and for the good humour that nearly always prevailed, despite the strong feelings involved in the case.”

The Scotsman suggested that, because of the complexities of the arguments and the legal position of Comhairle nan Eilean, the Scottish Office expected that it would be “well into next year” before the Chief Reporter has completed her inquiry report – a hopelessly optimistic assessment as chapter 10 will show. It commented that, after that, the Secretary of State would have to reach a decision, by which time a General Election might well be imminent – and it noted that the Labour party was formally opposed to the superquarry concept. The stage was set for the next protracted chapter in this long-running saga.

One event makes the connection between the inquiry and the political debate to follow. On 12th June, six days after the inquiry ended, an Early Day Motion was tabled at Westminster (with a bit of backstage encouragement from LINK). It was signed by Calum Macdonald, the local MP, and by Jimmy Dunnachie, William McKelvey, John McAllion, Ernie Ross and Lynne Jones. It read:

“That this House welcomes the decision by Western Isles Council to oppose the proposed coastal superquarry on the Isle of Harris; notes that the

superquarry was rejected by the people of Harris in a postal referendum by a margin of two to one, on a turnout of over 80%; believes it is inconceivable that the Secretary of State for Scotland could impose a coastal superquarry in a national scenic area against the combined opposition of the local community and the local planning authority, and against the advice of Scottish Natural Heritage, and calls upon the Secretary of State to announce his decision at the earliest practicable date and to reject the proposed superquarry.”

Two weeks later, the motion had been signed by 38 MPs, including the Liberal-Democrat’s Ray Michie, Alex Salmond and Roseanna Cunningham from the SNP, and, from Labour, future Minister Alistair Darling – and Sam Galbraith, who would later have such a decisive role to play on this issue in the Scottish Parliament (see chapter 10).

The four stalwarts who represented the LQG so doggedly through the inquiry deserve one final accolade. Two months after the inquiry ended, LQG met with SNH to discuss the inquiry. ‘Chatham House rules’ were applied, which means that comments were non-attributable, but, when asked about the performance of the LQG in the inquiry, one of the SNH group reported a positive attitude on the part of others involved, including the Scottish Office, regarding the LQG’s role and conduct at the inquiry. Their closing submission was reported to have impressed the SNH lawyer and others. As Elizabeth Garland concludes, LINK’s performance “raised the profile of NGOs and gave them confidence that David could take on Goliath”.

Chapter 9: Views from Harris – Snakes in the Grassroots

Winning friends and influencing people

There is one more twist to the tale of local opinion in Harris, and, with it, comes a warning that non-local conservation bodies must keep an ear to the ground. In 1996, two years after the PLI had ended, Comhairle nan Eilean refused to have any further dialogue with Redland after it emerged that the company was retaining one of their former planning officers as a ‘consultant’.

Redland, if it wanted to regain local support, needed a new mouthpiece now that it lacked a compliant local authority. Though a direct link with Redland was later denied, it was John Lievers who announced the setting up of CQLSN, the Coastal Quarry Local Supporters’ Network (CQLSN), to “correct misunderstandings” that may have been promulgated at the Inquiry. As Morag Munro remarked, “isn’t that what those QCs were being paid to do?” during the months that the PLI sat. To suggest otherwise was, she claimed, to demonstrate “contempt for the opinions and intelligence of the people of Harris” who, having digested vast amounts of information, were now “perfectly able to make up their own minds”. Unfortunately, they had made them up in a way that did not favour Redland, which now felt something had to be done.

Several local men possessing good Harris names beginning with ‘Mac’ were enlisted by the CQLSN, and glossy leaflets began to appear in people’s letter-boxes, as well as a full page advertisement about Redland’s good intentions in the *Stornoway Gazette*. Such lobbying is deemed something of a breach of etiquette in the PLI process. Ian Callaghan called the network’s leaflet entitled “Findings of Fact”, which expressed highly biased views, “a calculated insult to the Inquiry” – ‘Findings of Fact’ is the term given to first part of an Inquiry Reporter’s report. Callaghan also observed in 1997 that none of the CQLSN’s spokespeople had “actually bothered to attend the Inquiry itself”. Having insider contacts like Callaghan helped Link keep tabs on what was happening on the ground in Harris, especially since many of CQLSN’s diatribes focussed on Link member bodies, particularly Kevin Dunion and Friends of the Earth.

In the wake of the 1998 IUCN World Conservation Union report (see chapter 10), a CQLSN representative wrote: “It may be quite justly interpreted (*sic*) that Mr Dunion, from the security of his post within the Friends of the Earth, does not care about the need of people to have jobs here, or for our children and grandchildren to have a future on the island.” In the same issue of the *Gazette*, John Lievers of what was, by now, Lafarge Redland wrote: “We... remain committed to the Harris quarry. We know the importance of it and its attendant investment for the people of Harris, a factor it would appear which does not concern... Friends of the Earth in their anxiety to prevent it happening.”

Desperate attempts were being made to set the conservationists up as ‘bad guys’, but CQLSN seem to have had very little success in altering people’s opinions, despite their boasted brokering of a much more generous trust fund than that originally offered (see chapter 8) – Calum Macdonald, the local MP, described the last-minute £18 million compensation deal as being “like buying a round of drinks” on the eve of a general election. Harris had changed, its people were less naïve and more wary of ‘spin’.

As Morag MacLennan put it in 1998, “welcome” had given way to “ambivalence and now opposition” and it simply wasn’t true, if it ever had been, that the only objectors were “cranks, weirdos and pundits” (John Macleod’s phrase in the *Glasgow Herald*, May 1995). To claim so, as CQLSN were doing, would simply antagonise one’s neighbours and cause unnecessary hostility.

Information and misinformation

In 1999 CQLSN attacked conservationists who would rather preserve “a barren hillside” than allow a local community a “sustainable future”. Insulting the intelligence of their fellow Hearachs, they expressed concern that “the change in support for the quarry in South Harris had been deliberately engineered by using the ballast water issue to frighten fishermen and fishfarmers”. To suggest that the poor ignorant fishermen had been misled by cunning conservationists was not a move likely to make Redland any more friends in this proud culture!

An interesting example of the pitfalls of cultural ignorance was provided by Morag Munro, who recalls that Redland, through CQLSN, claimed to have offered the Quarry Working Group a new community centre for Harris in the early days, and that the group had turned it down. This was untrue, and immediately recognised as such because the chairman of the group had been a minister who was reckoned to have unimpeachable integrity. Later CQLSN tried to regain credibility with god-fearing folk by recruiting a local ‘missionary’.

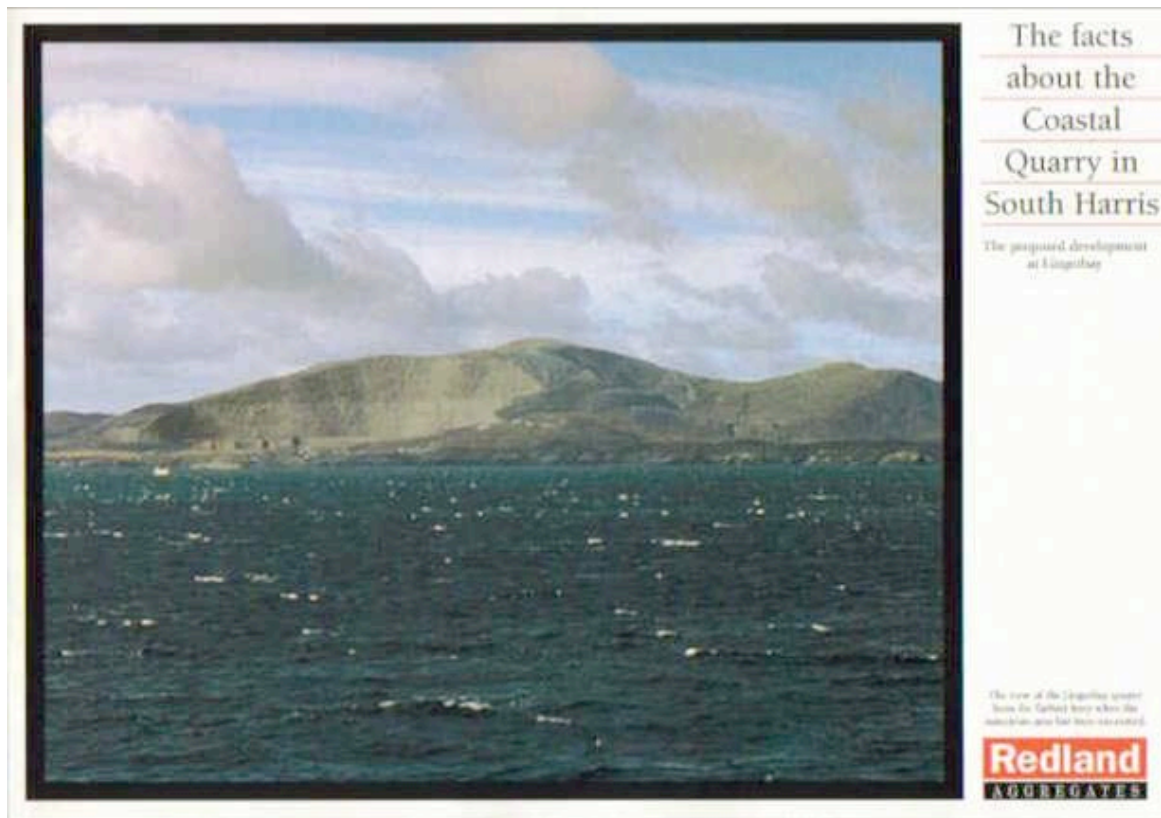
Although the CQLSN claimed to be independent, the Labour leader in the Comhairle, Callum Ian Macmillan, would later reveal their true nature in a letter to the *West Highland Free Press*: “The supporters’ network claim to be independent of Redland, yet newspaper articles costing thousands of pounds... have been paid for. The network’s helpline, which purports to be based in Harris, is in fact run by Redland’s PR firm, Barkers, in Glasgow. So much for claims that the network is independent.”

In his book *Troublemakers: the struggle for environmental justice in Scotland*, Kevin Dunion gave more information on the company: “Barkers Communications... is no novice outfit, boasting that its establishment in 1812 makes it the UK’s first ever advertising agency. Now it is part of Barkers Norman Broadbent, with a turnover in 2001 of £132,000. It counts among its non-executive directors Rt Hon John Redwood, a failed candidate for the leadership of the Conservative Party in the UK...” He commented that there was no way that the well-informed, carefully-crafted press statements and mailshots of the CQLSN had not benefited from a little outside help, indeed a lot of help. He continued: “The grassroots group, it transpired, could turn to Redland to pay for the mailshot, and in fact Redland was more than happy to meet other expenses. The question of whether Barkers had initiated the mailshot as part of its public-relations strategy was left unanswered.” He also alleged that the Edinburgh law firm, Burness, who happened also to be Redland’s solicitors, had provided specialist advice to the CQLSN, “which included drawing up the group’s constitution, and even its unwieldy name”.

George Baxter describes this sort of public relations propaganda by major companies tapping into any measure of local public support as ‘astro-turf’. He says it is a well-recognised technique, but warns that these groups are a false enemy, and shouldn’t be taken too seriously.

Fred Silver is mystified as to why the CQLSN (whose publicity he “wouldn’t call propaganda”) was not set up earlier, and he suspects that the developers were not aware of the need for such a ‘grassroots’ support group because they had been fed a distortedly optimistic view of local opinion by Ian Wilson and Donnie Macdonald, owners of the mineral rights.

Silver describes Wilson as the conservationists’ “biggest weapon”, and recalls how he used to ring the *Gazette*’s offices at such length that Fred and his deputy, Taylor Edgar, had to devise a system of rescuing each other, with pretended emergencies, from protracted harangues. Wilson was certain that the *Gazette* was biased against the developers; and those on the other side felt the opposite. Fred defends himself by saying that he wanted, as editor, to offer “the maximum opportunity to both sides” to express their views. The policy in terms of including content favourable to each side was to be as equal as possible. “As long as both sides were attacking us everything was OK”, he says. However, the paper’s editorial column began to express anti-quarry viewpoints as it became clear that public opinion had changed: it was, after all, a “community newspaper”. As Morag Munro says, the *Gazette* coverage was read and digested by everyone, and the best way for LINK or any other party to get its viewpoint across was in its pages.



Redland publicity material

Chapter 10: Delays and Politicking

The longest delay

After the inquiry closed on 6th June 1995, an extraordinary silence ensued. The outcome of a public inquiry would normally be expected in six months to a year, but it took almost four years before the inquiry report was submitted to the Scottish Office in its final days in April 1999, and another twenty months before a final decision was announced in November 2000. Speculation was, and remains, rife about what was going on at this time, but the basic known facts of the timeline are these.

In July 1996, the Scottish Office announced that the inquiry report was due in “late summer or early autumn”, but by October 1997 it was stating that the Part I report would not be ready “for some time”. Part of the reason was that Gillian Pain had by now retired as Chief Reporter, but she was being retained by the Scottish Office on a daily basis until the report was completed. When the Part I report finally appeared on March 10th 1998, 33 months after the inquiry ended, the Scottish Office reported that the delay was because the report had had to take account of more than 1000 witnesses and over 400 written submissions. There were also suggestions that Miss Pain had been ill for part of the period – unsubstantiated rumours suggested her illness was brought on by the sheer scale of the information she had had to cope with.

The LQG team were generally sympathetic with Pain’s task. The files of precognitions and productions that she had lined up behind her at the inquiry each day were at least six feet wide, and all of these had to be digested, together with the evidence from 83 days of presentations and cross-examination at the inquiry itself. Throughout the inquiry, Pain had no administrative support, and no stenographer was present. She made her own notes of the day’s proceedings, although these notes are not available for checking, as a transcript of the inquiry might have been. The critical analysis of so much information seemed to LINK observers to be an unfairly huge task for one individual to cope with. This was implicitly conceded by a Scottish Office spokesman when the Part I report appeared. He agreed it was desirable for the conclusions of major planning inquiries to be processed more quickly, and went on: “To this end, new inquiry procedures and rules have been put in place that will allow the evidence to be presented in shorter form. We will also consider the use of more than one Reporter in major inquiries.” At the eventual PLI into the 1965 Lingerabay permission, Chief Reporter Mr McCulloch was duly backed up by Mr Jackson.

However insiders also question whether Pain was up to the task. When the previous Chief Reporter, Archie Bell, had retired, it was expected that one of his juniors, Richard Hickman, would succeed him, but at the time insiders suggest he was politically unacceptable, and so Pain was brought in as an outside candidate from the Department of the Environment (Hickman eventually became Chief Reporter when Pain retired). Pain had been a Chief Planning Inspector in England, a position that was largely managerial. Latterly, she had spent most of her time in England training planning Inspectors (for which she was well-respected), but that meant her practical experience was somewhat dated.

Pain had never taken responsibility for an inquiry of this scale in England, partly because experts from the Planning Bar were frequently brought in to run big inquiries there. In English inquiries with complex or specialised evidence, the Inspector was generally supported by at least one assessor. However, the Chief Reporter in Scotland is the same grade as the Chief Planning Officer for England and Wales, despite the lower casework load, and one justification for this is that they are given responsibility for large inquiries.

The Scottish Office may not have recognised initially how big the inquiry was likely to be, because they underestimated the breadth of issues that were raised by SNH and the LQG. Certainly insiders report that Pain was shocked by the scale of the inquiry and found it hard to handle. One individual interviewed for this report said she was “completely out of her depth”, another that she “more or less went to pieces”, although both were sympathetic to the position she was put in.

The inquiry that never was?

Speculation about Miss Pain’s health and abilities would be unfair and a gross intrusion, were it not for considerable concern about the Part I report when it did appear. Part I reports at this time dealt purely with findings of fact, and did not draw conclusions from them (although the system has since changed – see Appendix III). The principal parties then had 6 weeks to comment on this summary, before the Reporter completed the Part II report, drawing conclusions and making recommendations to the Secretary of State on how to proceed.

Initially, the response within LINK was reasonably favourable. In March 1998, Andrew Johnson faxed LINK with his initial response: “While the Reporter’s findings are generally unsympathetic to our case, her report of our arguments seems full and quite fair. Our main problem is that she exaggerates the significance of the economic at the expense of the social. I don’t think it is worth quibbling with her findings on this score although there are a few points that may be worth comment...”

Chris Norman responded on those parts relevant to his main expertise as a planner: “I am bound to say that I am especially heartened by what I have seen. However, the proposal is not dismissed yet, and I do feel that several, important points that I gave in evidence are understated or not accounted for in the report...” Lloyd Austin at the time noted that the part I was deeply frustrating, as it would be possible to draw arguments from it that could be used to justify either refusing or accepting the application, suggesting that the Part II recommendation was likely to be finely balanced.

Further analysis began to show major gaps in the part I analysis; whole sections of information presented to the inquiry or tested in cross-examination appeared to have been omitted, and in places it seemed like the report was entirely based on material in the precognitions and the inquiry itself simply hadn’t happened. SNH was even more scathing: Roger Crofts describes the part I report as being “riddled with errors”, and a report went to the SNH Board expressing disappointment at its poor quality. Des Thompson of SNH says the part I missed major elements of the evidence; it was as if Pain hadn’t listened, or “at times as if she wasn’t there”.

In June 1998, the *West Highland Free Press* reported that, in its response to Part I, SNH had complained that key sections of its evidence were omitted. The paper quoted an SNH spokesman, who said: “We feel there are some pretty serious shortcomings in this initial report. There is less than full consideration of the evidence submitted to the inquiry and, in our view, it leans too much on the precognitions submitted to the Reporter, rather than what emerged during subsequent questioning.”

Others reached the same conclusion, leading to allegations that, following Pain’s illness, the Scottish Office had to draft in someone else to complete the report, and that, in the absence of Pain’s notes, this had had to be based largely on published material provided to the inquiry. Perhaps Freedom of Information inquiries may one day show whether or not this speculation is correct. Given the eventual outcome, this speculation is largely academic, but, had the inquiry been taken through to a final conclusion, it might well have been a subject for legal challenge.

Responses to Part I were not based solely on factual interpretation. A letter to LINK from Alex Kerr in Inquiry Reporters office, accompanying the Part I report in March 1998 explained: “It is open to the LQG to draw attention to, and make comment on, any post-inquiry information that the group considers to be relevant, asking that the Reporter or the Secretary of State to take this into account”. Given the long timescale since the end of the PLI, LINK was able to marshal a good range of relevant documents, reports and government policy statements to support its case against the superquarry, which it duly submitted.

Once more, all now went quiet, while the Part II report was being completed.

International perspectives

Meanwhile, LINK had been maintaining its pressure. In April 1996, a quarterly meeting agreed to plans for the LQG to draft a resolution on superquarries in Europe for the forthcoming General Assembly of the World Conservation Union (IUCN) in Montreal in October 1996 (as well as other resolutions relating to the Cairngorms funicular and to public access). The draft resolution was duly forwarded to IUCN headquarters in June, with LINK, the RSPB and WWF-UK as co-sponsors.

Dave Morris went to the Montreal meeting, representing LINK, joined by Kevin Dunion as chair by then of Friends of the Earth International. Morris reckons that as a duo they were especially influential in getting the resolution through the Assembly and feeding information about its progress back to the Scottish press. The motion was presented at the opening session, and when, as expected, an objection to it was tabled, a working group was set up to negotiate the final wording. Morris remembered meeting with the Danish representative in the working group, who opened a file which contained detailed concerns about the resolution from several departments of the Danish government. Simply by tabling the resolution, therefore, the superquarries issue had been flagged up in government departments in all sorts of countries.

The draft resolution had been broadly cast in a strategic context, and so Morris recalls that the UK government was not particularly difficult about the resolution.

Roger Crofts agrees that the resolution was sufficiently broad and strategic that the UK delegation were able not to oppose it. The Congress therefore duly passed a resolution which (amongst other things):-

- recognised the exceptional biological, landscape and cultural assets of east and west Europe, including the mountains, coasts and seas;
- noted the rise in aggregate consumption, the internationalisation of trade in this resource and the trend towards the development of exporting superquarries in coastal and upland regions;
- recognised the threat of often irretrievable damage that large-scale quarrying and the shipping of aggregates poses to these natural and cultural assets, including marine environments and resources;
- requested the IUCN Director General to assist the IUCN-UK working group on superquarries, which was collating data on aggregate demand, relating this to the potential impact on biological, landscape and cultural assets, and formulating recommendations for impact minimisation;
- and called for the preparation of an IUCN policy paper on “wise use of free natural resource commodities and their trading with significance to the transport industry” to be presented to the European Commission.

The resolution gave an international perspective to opposition to the superquarry, and led to the IUCN setting up a European working group on superquarries. Meanwhile, the IUCN-UK working group commissioned a report from Richard Cowell of the University of Wales (who had sat through much of the Lingerabay inquiry, and tape-recorded a large portion of its proceedings), Petr Jehlicka of the Charles University in Prague, Peter Marlow of the University of Cardiff and Susan Owens of the University of Cambridge. The total cost of data collection and the report itself was recorded as in excess of £17,000, £12,000 of which came from SNH. The report, *Aggregates, Trade and the Environment: European Perspectives* was duly published in November 1998 (8 months after publication of the part I Lingerabay report), and its key findings included:-

- European demand for aggregates had peaked in 1992 and was now falling;
- UK exports of crushed rock had fallen by 50% since 1993 from 5 million tonnes per annum to 2.5 million tonnes;
- UK predictions for demand between 1997 and 2007 had fallen from 390 million tonnes to 218 million tonnes;
- Existing superquarries were operating well below predicted levels, and lack of demand had led some companies to cut back their operations.

In responses to the press, John Lievers – now representing Lafarge Redland Aggregates – said that “the basis of this so-called research and the assertions founded on it are totally flawed”. He described the report as “neither independent, expert nor authoritative... it was prepared by a group of academics, and shows little understanding of the subject” – from which it can be assumed that he saw the report as potentially hugely damaging to the Lafarge Redland case! Although this material was not competent for inclusion in the Part II conclusions of the Lingerabay inquiry, research by a respected academic, commissioned by the major international conservation organisation on which the UK government was represented, and part-funded by the UK government conservation agencies, was difficult for the Scottish Executive and Ministers to ignore, when the Part II report finally appeared five months later.

A changing backdrop

Throughout all this period, the political background of Scotland had been changing seismically. In July 1995, Michael Forsyth was appointed as the last pre-devolution Conservative Secretary of State for Scotland. Had he been faced with the final decision on Lingerabay, the outcome might have been very different.

With a General Election looming, the *Scottish Sunday Express* reported in February 1997 that Redland had sought to lobby senior Labour MPs. Although the Labour manifesto had not yet appeared, the party's environmental policy was broadly established in the report from the party's policy commission on the environment, *In Trust for Tomorrow*, published in July 1994. This proposed a moratorium on roads building, pending a full review of the roads programme and a commitment to statutory recycling targets. The policy document made clear that Labour did not believe that the predicted dramatic increase in aggregate use was sustainable and said the part would take measures to reduce aggregate demand, including its transport policy, which would lead to a massive reduction in the aggregates used on road construction. It also specifically rejected any further superquarries (while not ruling Lingerabay out or in). However, the *Sunday Express* reported that the meeting had failed to change the position of the party or of the local MP, Calum Macdonald.

When the General Election arrived in May 1997, it was won by Labour and Donald Dewar was appointed Secretary of State for Scotland, with Malcolm Chisholm as the parliamentary under-secretary with responsibility for local government. When Chisholm resigned in December 1998, he was replaced by the Western Isles MP Calum Macdonald, a long-standing critic of the superquarry. Redland was reported as seeking legal advice as to whether Macdonald could be given responsibility for reaching a decision on Lingerabay, although Dewar subsequently made clear that he would take responsibility for any decision on the planning application.

In December 1997, the Scotland Bill was published, beginning with the historic words "There shall be a Scottish Parliament". This passed into law in November 1998, with an election to follow in May 1999. Another important piece of legislation in October 1998 was the Human Rights Act, which came fully into force two years later in October 2000 and which subsequently formed a background for legal action by Lafarge Redland.

The planning background in Scotland was also changing. In January 1999, the Scottish Office published National Planning Policy Guideline (NPPG) 14 on Natural Heritage. This introduced new tests for planning applications affecting designated areas of national importance (including National Scenic Areas), stating that these should only be permitted where:-

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

These new tests would later become a critical consideration in deciding the outcome of the Lingerabay planning application.

With the Scottish election scheduled for May 1999, Donald Dewar announced in December 1998 that it would be inappropriate to reach any conclusion about Lingerabay in the period before the new Parliament was in place. In the event, the Part II report was not submitted to the Scottish Office until April 29th 1999, eight days before the election. The election resulted in the establishment of a Labour – Liberal Democrat coalition, with Donald Dewar as First Minister. Sarah Boyack was appointed as Minister for Environment and Transport.

In the meantime, as described in chapter 13, Redland had become part of a French multinational company, bringing a more sceptical approach to the superquarry plan, while the mood in the Western Isles was also changing. An editorial in the *West Highland Free* commented that “many of the people who, 25 years ago, were pinning their hopes on employment in Lingerabay are dead, or exiled for want of work”. It went on: “The vainglorious fantasies of Mr Ian Wilson have left South Harris in economic limbo. Other opportunities have been insufficiently investigated because so much attention was focussed on Lingerabay. That is the legacy, whatever the ultimate response to the inquiry, which will have to be reversed.”

Hesitation and prevarication

In August 1999, Dewar said that Lingerabay would be “a very, very difficult decision” and presciently said that it could “take months” (but “not years”). He said much the same at an open meeting in Stornoway in the same month, when he described it as “a massive decision”. However, by January 2000, *The Herald* reported that “neither Sarah Boyack nor First Minister Donald Dewar has yet seen the official inquiry report into the Harris superquarry”. In the same month, Boyack commented in a parliamentary answer: “This is a very technical and complex case, and sufficient time will be required to give full and proper consideration to the report... The conclusions of the Scottish Executive will, however, be made known to parties as soon as reasonably practical.”

Research by Friends of the Earth Scotland showed that, in fact, the inquiry report did not arrive on Boyack’s desk until March 2000. It is not clear what happened in the intervening 10 months, although there is some suggestion that it may reflect concerns in the Scottish Executive (as the Scottish Office was by now known) about the adequacy of the report.

Part II reports are not published when they go to Ministers; they are confidential advice to them, published only when they reach their decision. However, during court proceedings in September 2000 (see below), lawyers breached protocol by revealing the Reporter’s conclusions. James Mure, a junior counsel for Lafarge, was quoted in *The Scotsman* as stating: “We now know that the Reporter felt able to reach the conclusion that the development would be in the national interest, and that harm to a National Scenic Area during the lifetime of the quarry would be offset by the economic benefits, both nationally and locally in the Western Isles.” The paper also stated that the Reporter had recommended that the application should be approved, “subject to certain conditions which had been agreed already by Lafarge”.

Another significant development was announced in January 2000. Normally, there is a five-year limit for mineral workings to commence after a planning application is granted, but when Redland submitted its planning application in 1991, it had negotiated an extended ten-year deadline. Now Lafarge Redland said it needed a further five-year extension to the deadline before work had to begin, taking this to 2006. John Lievers of the company said the extension was needed “due to the size of the development and the amount of preparation needing to be done before work could start”.

It was against this background that Sarah Boyack had to make her decision. Kevin Dunion says that Boyack’s appointment, and her indecisiveness on Lingerabay, was one of the two biggest breaks that LINK had, because, while she prevaricated, major changes were afoot at Lafarge. Roger Crofts agrees that Sarah Boyack found it difficult to make a decision on this issue. Although her background was as a planner, her experience was almost entirely in the urban environment. Others note that there was also a risk that Boyack’s position might be seen as compromised, because prior to the election, she had been commissioned by LINK to write a *Scottish Environmental Audit* report on *Planning & Sustainable Development*. She was also a former Board member of Friends of the Earth Scotland and was known to be a close friend of Kevin Dunion.

One insider says that Boyack’s gut feeling was to turn down the application, but given that this meant overruling the Reporter’s recommendation, she had to find a strong reason to do so, and this would need to meet what is known as the ‘Wednesbury test’ of unreasonableness. At this stage, it would be for the Minister, not civil servants, to reach a decision, although the civil servants would then help produce arguments to justify whatever conclusion their Minister had reached. The problem was that Boyack was being given contradictory advice by her departmental advisors, with no clear consensus as to the way forward.

The SAC defence

At this point, officials homed in on one issue that might help them unlock the impasse. During the inquiry, there had been considerable discussion as to whether Roineabhal met the criteria as a Special Area of Conservation (SAC) under the EC Habitats Directive, although Des Thompson emphasises that SNH’s evidence to the inquiry always made clear that Roineabhal met the criteria as a Site of Special Scientific Interest (SSSI) but would need to be *considered* against the criteria as an SAC – they never offered a definitive opinion on this.

In September 1996, the EC had begun proceedings against the UK for its inadequate implementation of the Habitats Directive, and by 2000 major efforts were underway to complete the UK’s site list. Roger Crofts says that officials were aware that, if they were to approve the superquarry, some conservation bodies, perhaps from LINK, were very likely to raise the issue of SAC status for Roineabhal with the EC, using statements at the inquiry as evidence. Scottish Executive officials sought an informal SNH view on this, but Crofts says SNH was reluctant to promote this case, and insisted that they should be formally asked by the Scottish Executive to look into the matter.

This was the background to Boyack's announcement in a parliamentary written answer in July 2000, which stated: "The report on the proposed superquarry at Lingerabay raised a number of complex issues. My consideration of one issue in particular has been complicated by recent policy developments, in the light of which it has become necessary to seek further information before I can make a substantive decision on this planning application... The evidence in the report raises the question of whether the area merits selection as a candidate SAC, but does not provide sufficient material which would allow me conclusively to reach a view on that without expert advice... I have therefore instructed SNH and the Joint Nature Conservation Committee to consider whether the site at Lingerabay should be proposed to the EC as a candidate SAC. I have asked [them] to let me have their views as quickly as is consistent with the integrity of the detailed consideration they will now need to undertake."

Predictably, the announcement met with a critical response in some circles. The *West Highland Free Press* described it as "crass, insensitive and devious" and as "a ploy, a ruse, an evasion". It went on: "It is once more kicking the quarry application into touch, doubtless accompanied by the hope that Lingerabay will miraculously – if belatedly – emerge as an SAC which cannot subsequently be despoiled by industry." However, Kevin Dunion for Friends of the Earth Scotland welcomed "this necessary, if belated, approach to SNH to establish whether SAC designation should be made", and an editorial in *The Herald* commented: "The announcement of yet another delay in the Lingerabay superquarry decision-making process would be risible if the matter at the core of what has become a farce were not so serious." However, Roger Crofts emphasises that this was not a delaying tactic, but a genuine attempt by the Scottish Executive to resolve a critical and unanswered issue with major implications for its decision.

Accordingly, SNH arranged for its Chief Scientist, Michael Usher, and a group from its Scientific Advisory Committee to visit Roineabhal in August to review whether the site met the criteria for selection as an SAC. The group duly completed their report, which was discussed and approved by the SNH Board in September 2000 and duly submitted to the Scottish Executive. However, before Boyack could consider the outcome, legal action intervened.

Lafarge and its corporate human rights

In August 2000, Lafarge Redland Aggregates lodged an application in the Court of Session in Edinburgh to seek a judicial review of the environment minister's decision to delay further the determination of the planning application. The application stated that, by failing to determine the application on the basis of the inquiry report, Ministers were in breach of their statutory duty. The company further argued that involving SNH at this stage in the process was a contravention of the company's rights under article 6 of the European Convention on Human Rights – making this one of the first tests of whether a corporate organisation could have human rights. The application also noted that two people who had opposed the application at the inquiry had now been appointed to the main board of SNH – Kevin Dunion and Michael Scott, who by now was Deputy Chair of SNH.

Legal argument on the judicial review was heard in the Court of Session by Lord Hardie over four days in September 2000 (during which Lafarge lawyers revealed that the inquiry Reporter had recommended approval for the planning application – see above). Lord Hardie’s ruling was duly announced on October 18th (16 days after the Human Rights Act came into force). In it, he ruled in favour of Lafarge Redland on both counts. He agreed that Scottish ministers had failed to determine the planning application within a reasonable period, and he ruled that the request by Boyack to SNH for advice was *ultra vires* (ie beyond her powers or authority). He also stated that SNH’s position as a principal objector to the superquarry, and the presence of its Board of Dunion and Scott, “conveys the appearance that they will not bring an impartial judgement to bear on the matter”. In the light of these conclusions, he ruled that Ministers were in breach of the European Convention on Human Rights. Lord Hardie therefore ordered Ministers to reach a decision on the planning application, and, although he did not specify a timescale, he said Ministers knew that the timescale he envisaged was 21 days from his decision.

One immediate result of this decision was that SNH’s advice on whether Roineabhal met SAC status was locked away, unopened, in a safe, and the advice remains unpublished to this day. However, Des Thompson is clear that the scoping paper produced by SNH staff concluded that Roineabhal did *not* meet the requirements as an SAC in the wider context. Other insiders point out that SNH was obliged to make recommendations to the UK government on any sites it felt met SAC criteria, but it has not done so for Roineabhal; furthermore, the final British list of SACs was accepted by the EC in March 2005, and Roineabhal was not one of these sites. It would therefore be reasonable to conclude that the SNH Board felt there was no valid case to recommend Roineabhal as an SAC – although Scott and Dunion emphasise that they formally declared an interest and did not attend the meeting at which this issue was discussed.

A tragic intervention

Lord Hardie’s 21-day guideline would have made November 8th 2000 the deadline for a final conclusion on Lingerabay. No-one knows what decision Sarah Boyack might have reached, because, in yet another twist in the Lingerabay saga, a week before this legal ruling, fate intervened with the tragic death of Donald Dewar. On October 26th, Henry McLeish was elected to be Dewar’s successor as First Minister. He immediately made a ministerial reshuffle, in which Sam Galbraith was appointed Minister for Environment, Sport and Culture, inheriting responsibility for a decision on Lingerabay – Kevin Dunion describes this as the second of Link’s biggest breaks.

Dunion has heard suggestions that Sam Galbraith took the decision in the ministerial car on the way back from his appointment. Roger Crofts certainly confirms that Galbraith was a confident and experienced politician who was not frightened of making decisions; others point out that, as a brain surgeon, he had been used to making instant, life-and-death decisions. Galbraith was also a keen hillwalker, who had strong views on the protection of the landscape – and he had already made his views clear when in June 1995 he had signed the parliamentary early day motion calling on the then Secretary of State to reject the proposed superquarry (see chapter 8). So it was that Galbraith announced on November 3rd 2000, within five days of his appointment as Minister, that the Scottish Executive had decided to refuse planning permission.

The decision letter was long and closely argued. It found a few relatively minor inaccuracies in the Reporter's conclusions, and questioned her interpretation of the prevailing planning guidelines. The letter says that Ministers accepted that the development could bring substantial benefits to the local economy, but it went on: "[Ministers] take the view that the Reporter has, in her overall conclusions, seriously understated the impact of the proposed development on the NSA. They have, therefore, concluded that the objectives of designation and the overall integrity of the area will be compromised, and that the social and economic benefits which the Reporter has found are likely to derive from the proposed development do not clearly outweigh the significant adverse effects on the quality for which the area has been designated." It therefore said the proposal failed the two key tests set out in NPPG 4, as amended by NPPG 14 in January 1999 (see above).

LINK members viewed the decision with relief, but were well aware that the long battle was not yet over – Lafarge Redland now had six weeks to decide whether to appeal the decision. Nevertheless the press quotes were positive. Dave Morris described it as "a superb decision which has tremendous significance for the western seaboard of Scotland" and Kevin Dunion welcomed the decision as "clear evidence that the Executive is prepared to give higher priority to the environment, as is expected from its commitment to sustainable development", and added: "It would have been a cruel illusion to have permitted the quarry to go ahead on the promise of jobs which would not materialise". Stuart Housden, Director of RSPB Scotland, welcomed the "courageous decision", which he described as "a sign that the new minister is prepared to act decisively to conserve the environment and protect biodiversity from unsustainable development proposals". Alastair McIntosh also praised Galbraith's decisiveness, but added that "the really costly stance on this was taken by a principled woman – Sarah Boyack".

The *Press & Journal* quoted local MP Calum MacDonald who said he was "relieved that the waiting was over" but added: "There is no doubt that the Harris community is in very great need of economic development in order to retain its population and communications, but there was always scepticism that this was the right approach". It also quoted Francis Keith, chair of the Highland Council planning committee, who said it was now unlikely that Scotland would be the site for any more superquarries.

Predictably, on December 15th 2000, the last day of the six-week period for appeal, Lafarge Redland announced that it had launched an appeal at the Court of Session against a decision which it described as "flawed". It was a measure of how opinion on Harris had changed that the main press comments from local people expressed disappointment that the appeal would only serve to prolong uncertainty on the island. And, in another curious irony, it was also announced in the same month that 8 jobs would be created in south Harris as a result of a £700,000 upgrade of the hotel at Rodel!

In March 2001, five months after his appointment, Galbraith ended his short but dynamic period as environment minister, when he resigned to protect his health, after a lung transplant 11 years previously. Responsibility for the environment was added to the existing rural development brief of Ross Finnie, and, ironically, responsibility for planning was given back to Sarah Boyack, who became Minister for Transport and Planning.

However, before the Lafarge Redland appeal could be scheduled, another issue intervened. In May 2001, Comhairle nan Eilean Siar announced that it was to review two planning applications from 1965 and 1981 relating to quarrying on Roineabhal. Lafarge Redland wanted the 1965 consent, from what was then Inverness County Council to be put on a list of dormant or active mineral sites. A further public inquiry was scheduled for November 2001 into this disputed planning consent, and the appeal on the Galbraith decision was put on hold, pending the outcome of this “second bite of the cherry” (see chapter 12).

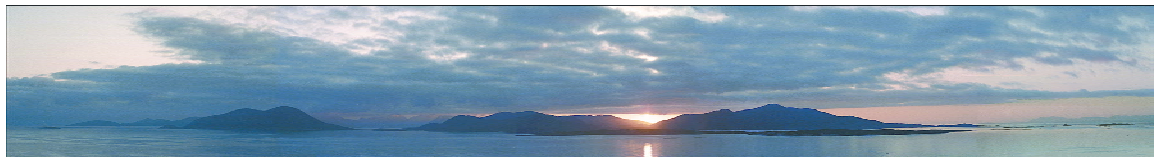
Chapter 11: Views from Harris – A Long Goodbye

Conciliation not triumphalism

When Sam Galbraith’s verdict was delivered in November 2000, the *Stornoway Gazette’s* correspondent visited that fount of local opinion, the Macleod Motel in Tarbert and reported that “few oppose the quarry”, apart from those who fear that Redland would “bully the island and renege on promises”; among those who do object “not once is the word environment uttered”. There was, he reported, “a real sense of desperation in Harris this week”. Elsewhere, the *Gazette* reported “bitterness” at the loss of the mythical “two hundred jobs”; and at least in some circles, conservationists bore the brunt of that. However, these were immediate reactions, quite short-lived emotional responses to possibly having lost an opportunity.

Morag Munro recalls that there was little local interest in technicalities of subsequent appeals and the second public inquiry: though it was to be over three years until Harris was finally free of the quarry, such grief as there was over its passing was mostly expressed in the last few weeks of 2000. Thereafter, most people assumed it was all over. By the time of the final meeting between Lafarge and local people, even Maureen Mackay of CQLSN was “glad that the uncertainty is over”. Now people could look to the future: Margaret Macdonald, a Lingerabay resident, had been putting off redecorating for ten years in the expectation that her house would be demolished to make way for the quarry. The Quarry Benefit Group were, Munro says, “conciliatory, not triumphalist”. The priority now was to heal rifts in the community, and Munro paid tribute “to all those who fought either way”.

According to Fred Silver, the furore over the attendance of Lord Mackay, a prominent Free Presbyterian, at a Catholic funeral entailed more real hostility and lasting ill-feeling, not to mention more “personal strain” on the *Gazette’s* editor, than the Lingerabay saga. In the latter, he says, despite all the rhetoric, prominent supporters, such as Angus Graham, had “no personal axe to grind” and treated it not as “a bitter row” but as a reasonable debate, “weighing up the issues” and able to “see the other side”. He suggests that this applies to all those involved, though South Harris locals seem to have a less rosy view, and some, like John MacAulay, still feel there is animosity against people like him who opposed the quarry. The Reverend Murdo Smith, one of the founder members of the Lingerabay Quarry Working Group, declined to be interviewed for this report, because he did not wish to reawaken or relive the old conflicts.



Caolas Na Hearadh (The Sound of Harris) Photo © Hugh Womersley

Chapter 12: The Second Bite of the Cherry

A superquarry by the back door?

In November 2000, Lafarge Redland reawakened some unfinished business dating back to 1998. In 1997 Comhairle nan Eilean Siar had drawn up a statutory Review of Mining Permissions (ROMP), as required by the 1995 Environment Act. This included lists of extant permissions and dormant ones in the whole council area, which could potentially be reactivated, with new conditions attached that would bring them into line with modern working practices. Reflecting evidence given by Chris Norman and taken up by SNH QC Colin Campbell in the 1995 PLI, the council decided to exclude a 1965 minerals planning consent for Lingerabay from either list.

The 1965 consent had been granted to Kneeshaw Lupton Ltd (a company with nebulous links to Ian Wilson – see chapter 3), and a couple of small exploratory areas had been worked, employing a few local people for a few years. Only those affected by the council's decision not to include the 1965 permission on the ROMP list could appeal planning authority's decision, so in 1998 an appeal was lodged by Rodel Crofting Lands – although this just happened to originate from Burness, Redland's solicitors. Further action on the case had been delayed or 'sisted' until such time as the outcome of the PLI into the 1991 application was announced, but by November 2000 Lafarge Redland saw Lingerabay slipping away, and a legal process of baffling complexity was set in train, with the dual aim of overturning the 1991 decision and of proving the long-neglected 1965 permission to be valid, in order to obtain, if necessary, a superquarry by the back door.

There are two interconnected strands to the legal rigmarole that now unfolded: though appealing the 1991 decision to the Court of Session was Redland's first hope, they chose simultaneously to pursue an appeal against the Comhairle's exclusion of the 1965 Lingerabay permission; and the two cases eventually became inextricably entangled as the 1991 decision went back to Scottish Ministers for redetermination, which they decided to delay until the 1965 appeal (and then an appeal into the result of that appeal) had been dealt with. As Murdo Macdonald dryly puts it, the Lingerabay case was by now a "spectator sport": only those with considerable legal and planning expertise could hope to understand – far less contribute meaningfully to – the highly technical debate that ensued.

However, if the 1965 permission had been accepted as valid, the result would have been devastating from the LINK point of view: it would have been recognised as a permission already granted, and thus unalterable, and there would have been no scope for further debate on the matter. According to one of our interviewees, this would have "undone the whole of the first PLI, and all of LINK's efforts over fifteen years would have been put in the bucket". Furthermore, the 1965 permission was for a far larger and less regulated development than that proposed in 1991: LINK's efforts at fighting the 1991 planning application could have backfired dramatically, ending up by unleashing something far worse.

A letter in the LINK archives from Roger Crofts of SNH states, "We entirely share LINK's concerns about the consequences that would flow if this permission were found to be valid and extant. Not only would this open the door to quarrying on an even larger scale than was proposed in the 1991 application, but the development would also be free of any modern-style conditions governing the way in which it was

implemented. Having put so much time and effort into opposing the latter proposal, it would be devastating to find it superseded by something much worse”.

Had the 1965 permission been deemed to be extant but ‘dormant’, under the ROMP, Comhairle nan Eilean could have imposed certain new conditions on how working was carried out. However, Chris Norman argues that this power could not have been used by the local authority to stymie the development: “If they imposed conditions, other than restoration or aftercare conditions, and those new conditions affected adversely the ‘asset value’ or ‘working rights’ at the site, then compensation would have been payable.” If the council had, for example, deemed that “part of the site could not be worked to protect, say, a landscape feature, then effectively the council tax payers of WIIC would pay the developer compensation for keeping the rock in the ground”. If the council had imposed modern day noise limits that rendered part of the site unworkable, compensation would again have been payable. The council would understandably have been loath to face crippling compensation bills and, in fact, any conditions they chose to impose would have been subject to legal appeal; conditions would have been practically ineffectual in halting or mitigating the permanent environmental destruction a vast quarry could wreak.

Outline arguments

Lafarge Redland had made public their intention to pursue the 1965 permission if the 1991 application proved untenable, and it was used by their supporters (and implicitly by Redland personnel) as a bogeyman to blackmail or subdue protestors with. The message was “if you carry on fighting, we’ll hit you with something worse that you have no power to oppose”. Angus Graham wrote to the *Stornoway Gazette*, just before Sam Galbraith’s 2000 decision, threatening that if the 1991 application were refused there existed a previous permission for a far larger area, with “no conditions”, the reactivation of which would be “an absolute disaster”.

He was right except in one thing: it was not inevitable that the 1965 permission could simply be put into action. For, if that were the case, surely Redland would not have spent millions pursuing a completely new application. Chris Norman had opined as far back as 1995 that, in fact, there had never been a valid permission, and this was the case that LINK and SNH now had to prove. According to Norman, the 1965 permission was never a ‘proper’ permission – a point which SNH’s QC, Colin Campbell, had agreed with in 1995.

It was granted by what was then Inverness County Council (whose area included Lewis and Harris), and seems to have been riddled with errors: as Anne McCall discovered whilst ferreting in the archives of West Register House, it plainly did not comply with DHS circular No. 51/1950 which clarified the Town and County Planning (General Development) (Scotland) Order, 1948. This document stipulated that “local planning authorities should not grant a permission in this form [a ‘general permission’] unless they have sufficient information to assess the merits of what is proposed”. Since such information was never presented, McCall concluded that what had been awarded at Lingerabay amounted only to an outline permission; and since outline permissions are valid only for buildings and not quarries this discovery seemed to invalidate the Lingerabay permission.

Chris Norman had yet another strong contention against the 1965 permission being regarded as valid over the large area of south Harris: although the wording of the

permission was such that “full details of the operation” must be submitted “before start of work”, full details of the larger operation proposed in outline were never submitted. In other words, as Norman points out, once work had been started, this condition did not allow any further details to be submitted. Since two small areas were worked in the 1960s, and no details of future larger operations were presented before these explorations were carried out, the permission could be deemed to have lapsed except for those small areas, if indeed it had ever been valid. Both Norman and McCall were convinced that the outcome of the second Inquiry, held in Leverburgh between November 27th and December 7th 2001, could not be in doubt and that LINK’s case was “absolutely watertight”.

Inquiry number two

In late November 2001, a public inquiry was held in Leverburgh into the legal validity of the 1965 permission. The main parties were Lafarge Redland, Comhairle nan Eilean Siar, LINK and SNH. SNH initially suggested they would present only written evidence, but later confirmed that they would be represented by a QC. The Reporter, Jim McCulloch, who by now was Chief Reporter at the Scottish Executive, knew of the LQG’s commitment to the previous inquiry, and accepted that the LQG had an absolute right to be a principal party at this appeal. Anne McCall was LINK’s chief representative, supported by Kevin Dunion and Elizabeth Garland; this time, mindful of the legal technicalities involved, LINK hired an advocate, Andrew Devlin. Though McCall did the bulk of the technical planning research she praises other LINK representatives and friends for their support. Elizabeth Garland’s “very firm grasp of what you need to do to make things work” was particularly valuable.

Because of the technical nature of the second Inquiry, most LINK bodies were unable to be involved, except in terms of providing money. The counsel cost about £5000, and some have questioned how much of an asset he was, since his main experience lay in other areas and he was not always as organised as LINK might have liked, once arriving very late at Stornoway because he had gone to the wrong airport to catch his plane!

However, as McCall points out, LINK supporters shouldn’t be too nostalgic about the good old days of Inquiry One, and self-representation. Things have changed, she feels, and “the world of inquiries has moved on. If you turn up without legal representation you *will* be shafted”. Also, the “enormous” commitment of time and effort to campaigns like Lingerabay and the funicular can be hazardous for non-governmental organisations, as there is a risk that, whilst key players are involved in time-hungry campaigns, other things can slip by “under their noses” (and other LINK members have noted that issues like the Cairngorms funicular and the interconnector to Northern Ireland got rather less attention than they should while everyone was so engaged with the first inquiry). McCall jokes that being ‘superquarried’ is now an RSPB office term for a situation in which Lloyd Austin is so involved he ‘disappears’ in terms of any other issues. A primary lesson McCall believes RSPB and other LINK bodies should take from Lingerabay is to try and “pay clever people to do work for you”.

The second inquiry differed substantially from the first in several respects. Its remit was very tightly drawn: the environmental merits or disbenefits of the Lingerabay proposal were deemed to have been dealt with at the first inquiry, and the aim of this inquiry was simply to untangle legal and technical argument. Its duration was a mere two weeks; learning from previous experience, two Reporters were assigned to make sense of only a fraction of the evidence that Gillian Pain had been expected to weigh up alone in the first inquiry – and it was held in South Harris. The Scottish Executive was keen to avoid rehearsing the arguments of the first inquiry, and so, rather than starting from first principles, each side’s basic position was assumed to have been laid down at the time of the earlier event.

LINK, the Comhairle and SNH were all saying “broadly similar things”, and their basic legal line was that taken by Colin Campbell QC in dismissing the 1965 permission at the first inquiry. LINK’s remit was, McCall feels, to broaden the range of argument and to “pursue as many avenues as possible”, such that the Reporters would be forced to see “all routes leading to no”. In terms of mobilising public support and media interest, the second inquiry was considerably less dramatic and comprehensible than the first, so it was decided that it would be pitched at members as a fight to stave off the developer’s attempts to get their “superquarry by the back door”.

Déjà vu in a cafe

Anne McCall found the two weeks of the Inquiry a rather grim and surreal experience. It was held in a café in Leverburgh at the end of November. Everyone who appeared, with the exception of Alison Johnson, flew in from Edinburgh and, whilst the proprietress tried desperately to fix the heating, “boring, impenetrable, techie” arguments, meaningless to local people, were hammered out. Keen to avoid the mistake made in 1994 of holding the first inquiry in Stornoway (bitterly resented by local people), the Scottish Executive seemed now to be guilty of absurd tokenism. Most key players – now “greyer and more important” according to McCall – had been involved with the first inquiry, giving a strange feeling of Kafkaesque repetition, against a backdrop of appalling weather.

There was little witness evidence, but appearing for LINK on planning matters was Frank Bracewell, since Chris Norman’s professional position now prevented him from playing an active part in the campaign. As discussed above, having the permission declared extant but dormant would have been a somewhat pyrrhic victory, since, although this would have allowed the Comhairle to impose new conditions, the destructive impact would in all likelihood have remained enormous. Alison Johnson was aware of that danger, and presented evidence arguing that, even if a valid permission had been granted in 1965, which she contended was unlikely since the applicants and planning authority alike had recognised the working as ‘experimental’, the site had been abandoned. The state of abandonment, if proven, is one of the few ways to extinguish a valid or dormant permission entirely. Johnson argued that working had been abandoned because it could not show commercial viability. Her closing submission adduced fly-tipping at the 1965 workings as evidence of abandonment, though this was deemed inadmissible in spoken evidence.

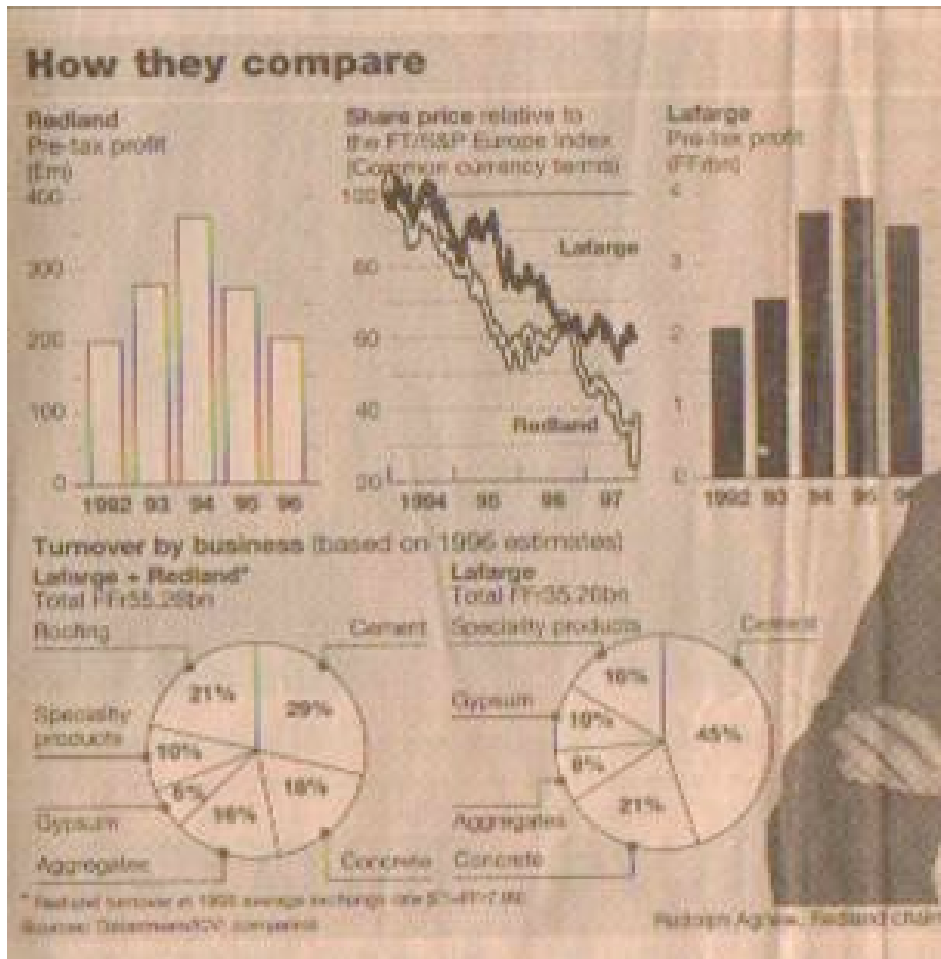
McCall was confident that the case presented by LINK, SNH and the Comhairle was “indestructible”, once one became familiar with the complexities. She believed this battle would be won, but the outcome of the war was considerably less certain. As expected, the Reporters found in May 2002 that only two small areas had a valid permission. Scottish Ministers agreed with this recommendation, but in July Lafarge Redland lodged an appeal to the Court of Session. The last acts in the long Lingerabay saga were about to begin...

Chapter 13: The Strange Case of Lafarge and the Panda

Lingerabay hits the stock market

In any long-running campaign, it is inevitable that unexpected events will occur. However, few of these are likely to be as dramatic – and ultimately as decisive – as the chain of events in the battle for Roineabhal that began around October 1997. These events are so unique to the Lingerabay saga that it is difficult to draw any conclusions from them that could be applied elsewhere, other than the very simple one that organisations involved in a campaign of this sort need to be awake to any opportunity that arises, even if this has the potential to be acutely embarrassing to fellow organisations.

The trigger for these events was the stock market. By October 1997, it was more than two years since the Lingerabay inquiry had ended, but no outcome seemed imminent – indeed during that month the Scottish Office announced that even the part I ‘Findings of Fact’ report from the inquiry would not be ready “for some time” (see chapter 10). All this was creating uncertainty in Redland shareholders.



From the Financial Times

After all, Redland had made great play in the inquiry about how vital it was to ensure a continuing supply of aggregates; the shareholders were understandably concerned about what might happen to Redland's profitability if planning permission was not granted. Pre-tax company profits had fallen from £373 million in 1994, to forecast levels of around £200 million in both 1997 and 1998. As a result, Redland share prices had plunged from 634p to 257_p and the *Financial Times* was claiming that Redland had "gone off the rails", and had turned "from glamour stock to basket case".

Alastair McIntosh, who was to become quite an expert in corporate dealings in the years ahead, reckons that it is quite normal for large companies to monitor the shares of target acquisitions; when the share price reaches a certain trigger price, they move in to buy them up. That was certainly what happened in this case, according to McIntosh, as the French multinational Lafarge SA mounted a hostile £1.67 billion takeover bid for the "basket case" of Redland. Lafarge at that time was the world's second biggest cement producer (it became the largest when it bought Blue Circle in 2001) and it was also a major international producer of aggregates, roofing and gypsum. Ironically, the *Financial Times* reported that Lafarge was most interested in Redland's roof tile business, not its quarries!

The takeover battle was briefly bitter, but when Lafarge increased its offer to £1.79 billion in November 1997, Redland capitulated. Henceforth it became Lafarge Redland Aggregates (although the Redland name has since been dropped from the company's aggregates operations in the UK). The Lafarge Group has 77,000 employees in 75 countries and annual sales of over €14 billion. Its international executives appear to keep a fairly light corporate touch on its subsidiary companies, and Lafarge Redland seemed to retain a fair degree of autonomy in the UK – including initially in their handling of the superquarry.

Alastair McIntosh has some doubts about what was going on at Redland at this time: "I do find myself wondering if, realising that a predatory takeover was imminent, senior Redland staff didn't lock themselves into contractual arrangements with the landowner and mineral rights owner that were not to the benefit of the new company". For most environmental NGOs, the takeover was largely of academic interest, although there was perhaps some concern that such a huge multinational company would be even more determined to win the day at Lingerabay. But that was soon to change.

Enter the panda

In 2000, Lafarge became the first industrial group to enter into a 'conservation partnership' with the international section of WWF, based in Gland, Switzerland. Lafarge was to provide sponsorship of around £700,000 a year for five years for WWF's major Forest Landscape Restoration programme. At the same time, Lafarge committed itself to a significant environmental programme, with tight performance indicators, including a commitment to produce rehabilitation plans for 80% of its 800 quarry sites worldwide, and, even more importantly, to make a 10% cut in its total CO₂ emissions in industrialised countries and a 20% reduction in CO₂ emissions for every tonne of cement it produced globally over the period 1990–2010. Cement production is one of the largest sources of CO₂ internationally, with Lafarge's cement production emitting more CO₂ than Switzerland, so this was an important

commitment. WWF International was providing its scientific expertise to help an international industrial conglomerate to ‘clean up its environmental act’, while at the same time getting £3.5 million over five years for a major project, which would itself contribute to CO₂ sequestration – for WWF it seemed the perfect ‘win-win’ arrangement.

Back in Scotland, the Lingerabay planning inquiry was finally coming to a head – in August 2000, Lafarge Redland lodged its application at the Court of Session for a judicial review into delays in determining the planning application (see chapter 10). At WWF Scotland – which had opposed the superquarry from the start with the full support of its UK and International offices – press officer George Baxter found himself confronted by what he describes as “the horror of Lafarge as a corporate sponsor of WWF International”. Baxter had moved to WWF from Friends of the Earth Scotland in 1997. Prior to that, he had been very much engaged in the Lingerabay issue as FoES press officer, providing media support to Kevin Dunion, helping to counter propaganda from the quarry developers and mobilising FoE supporters with lobbying letters. He organised a postcard campaign against the superquarry and together with Alison Johnson was responsible for the FoES booklet *The Case Against The Harris Superquarry*, so he was very much committed to the ‘battle for Roineabhal’.

As Director of WWF Scotland, Simon Pepper was aware that the Lafarge relationship could represent a serious threat to WWF’s reputation in Scotland, not least because some Scottish forest restoration projects were included in the Lafarge sponsorship portfolio. He realised it would need to be handled with great care, but he also saw it was a potential opportunity. Pepper felt that WWF International was unlikely to take much notice of a “tiddler” like WWF Scotland, which is not even a full national organisation, but that it certainly would be conscious of potential press damage to WWF UK, not least because it is one of the bigger funders of the international headquarters’ activities. Pepper’s colleague, Luc Giraud-Guigues, Manager of Corporate Partnerships at WWF International, insists that once the Lingerabay issue “came onto the radar screen”, they maintained regular contact with Pepper as both sought to broker a satisfactory outcome for Harris.

At FoES, Kevin Dunion was sensitive to the need to maintain the coherence of the LINK campaigning group, but he also quickly realised that, by questioning the integrity of the WWF–Lafarge deal, he could put pressure on WWF to use its influence on Lafarge, and so he ‘went public’ on his concerns over the deal. He says it is an “indication of the maturity and presence of Simon Pepper that he never expressed irritation about the FoES position”, while Pepper refers to the “trust, understanding and active diplomacy” that had been established between organisations through LINK. He and Dunion were used to working together in LINK, and had a mutual respect, so they could approach this issue with understanding of each other’s positions – Pepper says that FoES “could have made hay with WWF on occasions”, but he is grateful for the measured approach they took. And while Dunion tried hard not to victimise the Scottish branch of WWF, the media inevitably didn’t distinguish between the different bits of WWF and made great play of the apparent “schism” between the two LINK bodies over WWF’s relationship with Lafarge.

It would be reasonable to assume that, as an ex-FoES campaigner, George Baxter was sympathetic to the stance adopted by that organisation against his new employer, but he remains tight-lipped on the extent to which he helped brief Dunion on these matters. Pepper concedes that he sought to encourage FoES informally, whilst frowning on their behaviour publicly. He accepted that, if press reports of NGO disagreements were necessary to keep the pressure on Lafarge, then it was a risk worth taking. However he and his international colleagues both say they were convinced that the best chance of WWF influencing Lafarge was from inside the partnership; if they abandoned the relationship with Lafarge, they would have no leverage at all.

In Paris, Lafarge was claiming they had no control over their British subsidiary. Baxter always suspected that, as part of the Redland buyout, Ian Wilson and his colleagues may have negotiated themselves a generous compensation deal if Lafarge chose not to go ahead with the superquarry, although he was never able to get proof of this. However, Baxter pointed out to WWF that this was an issue in itself: if a multinational company had so little control over its constituent parts, then the value of any sponsorship agreement was questionable at best.

Both WWF Scotland and FoES used the media effectively in playing up these tensions. Rob Edwards, in particular, was a close observer, initially for *Scotland on Sunday* then the *Sunday Herald*. He concedes that to some extent there was a “covert conspiracy between FoES and WWF Scotland to push the issue up the agenda” in a bid to embarrass Lafarge and to keep pressure on WWF International. He doesn’t think they got together in a cabal and decided how to play the game out, because there were plenty of occasions when the two NGOs aggravated each other. He remembers one occasion when he needed an extra quote to complete a story of FoES attacking WWF, so he turned to Dave Morris who readily obliged. Pepper was afterwards irritated by this, but felt FoES needed more support and WWF International needed to be aware that their disagreement was not just with FoES alone. Morris suggests that this was perhaps also an indication that allegiances between the member bodies on the ‘front line’ at the PLI at the time were a little stronger than relationships with other LINK organisations.

But for Rob, the ‘creative tension’ between the two was “great fun” and an “interesting game”. It was also good news for him, because it was much easier to get his Editor to accept news stories when one NGO appeared to be attacking another – these were “bread and butter” for a newspaper. He agrees that he was probably manipulated by WWF and FoES, but says he was aware of what was going on and admired the skill of the two organisations in identifying journalistic opportunities. He says he’s a fan of environmental groups which achieve with their public relations twenty times more than PR companies and government agencies because they have “the flexibility to develop great lines quickly”.

Meanwhile, behind-the-scenes meetings continued, and Baxter felt that at least some staff at Lafarge were becoming increasingly irritated by their association with the superquarry scheme. He says that one senior member of Lafarge staff told him that the company had no intention of developing the quarry. They were blasé about the outcome of the inquiry, because they were in a ‘win-win’ situation. If they got planning permission, that was a ‘bankable asset’, even without any development work on Roineabhal. However, if they lost, then that would allow them to push the case for

alternative sites in Europe, most likely in Norway. They were looking at a European market and, at a corporate level, had absolutely no commitment to Harris.

Undesirable bedfellows?

The issue came to a head in February 2003, when Lafarge Redland announced that it was going to launch its second appeal (against the decision on the 1965 planning application – see chapter 12). Dunion sent a strongly-worded letter to Claude Martin, the Executive Director of WWF International, calling on the partnership with Lafarge to be ended, and arguing in a press statement that it was unacceptable that “WWF International financially benefits handsomely from a company which it bestows with its exclusive tag of conservation partner”. Martin responded with a letter to Dunion complaining that he had released his letter directly to the press, without giving Martin the chance to respond first. He expressed his belief that WWF International lobbying “behind the scenes” at Lafarge was proving increasingly effective, and emphasised that “WWF International has lent public support to the LINK Quarry campaign in a number of statements and press releases”. He attached a December 2000 press release which stated that “WWF backs the majority of the local population who want alternative, less destructive development on the island” and added “Lafarge has always understood that WWF’s opposition to the Harris superquarry is not negotiable, and both parties accept that this development proposal, initiated by Redland, will continue to be vigorously opposed by WWF”.

Even more telling is an email response which Jean-Paul Jeanrenaud, Head of Business and Industry relations at WWF International, sent to activists lobbying on this issue in 2003. It states: “In the past, WWF’s Director General has personally intervened on a number of occasions in efforts to persuade Lafarge senior management to abandon their plans for Harris and he continues to press on this issue at the highest level.” The email emphasises the environmental benefits coming from the wider partnership with Lafarge, but it concludes: “...let me assure you that we have made abundantly clear to Lafarge that, if their legal challenge were to be successful and were they to take up the option of the superquarry, we would suspend our partnership with them”.

There is no doubt that, by now, the publicity damage to Lafarge was beginning to hurt. Pepper was keen to maintain the pressure, and, when he was able to meet with a director of the international Lafarge group, he made a strong case about how much of a liability John Livers, in particular, was to the company. He sensed that increasingly Lafarge was questioning the potential value of Lingerabay as an asset, and assessing this against the very evident damage to the Lafarge brand-name in the UK.

In perhaps the most serendipitous twist of all, WWF in the UK had a new ally in the debate. In 1999, it appointed Robert Napier as its new Chief Executive. He had previously spent 16 years with Redland plc, first as its Financial Director, then Managing Director and finally Chief Executive – a post he lost when Lafarge bought out the company in 1997. Napier admitted later that he always had doubts about the superquarry proposal, and now in WWF he had a ‘road to Damascus’ moment and began to oppose it openly. He knew that the FoE work on the collapse in aggregate markets was correct, and he also strongly suspected that Lafarge was only interested in the asset value of the superquarry with no prospect of developing it.

Looking back, there is some divergence of recollection in our interviewees about commitment to the two approaches of negotiating with Lafarge from the inside or seeking to embarrass them publicly from the outside in the press. Probably the truth is that the two approaches were complimentary, and both were needed for success. But a clue to the differences of approach in Scotland and Switzerland comes in Lafarge's 2003 *Sustainability Report*. In a remarkable piece of corporate honesty, this includes a 'case study' on what it calls the 'Rodel Coastal Quarry', which summarises (perfectly fairly) the LQG case against the superquarry, and even contains a link to the FoES website. It notes "WWF is an active member of the LQG and the issue of Rodel has proved a point of major disagreement in the context of the partnership with Lafarge". However it then goes on to state the long-standing Redland commitment to the proposal, suggesting that it was "in accordance with government mineral planning policy guidance" and that it "will make a significant contribution to the local economy of Harris and is considered unlikely to have a negative impact upon existing local industries and activities". Perhaps that holds the clue to the creative tension between the international and Scottish approaches. WWF International staff were dealing with executives in Paris who were at least prepared to listen and consider the options, and they felt they were making some progress, whereas WWF Scotland and their LQG colleagues were increasingly frustrated because they had to deal with the unreconstructed, antediluvian attitude of Redland personnel.

Taking the challenge to Lafarge

In May 2003, Dunion left FoES to take up the new post of Information Commissioner for Scotland. Pepper went to meet his successor Duncan McLaren to make clear the need for the organisations to work together on this issue and to keep in touch – and he says McLaren was very honourable in this. McLaren was already informed on the superquarry issue, because he had been working on aggregate demand in his previous post with FoE in England and Wales. One of his first tasks in Scotland was to organise a 'Stop Lafarge' appeal, encouraging FoES members to send postcards to both Lafarge and WWF International about their concerns. It was highly successful, and on the day in November 2003 when the appeal began in the Court of Session, more than a thousand postcards were faxed to Lafarge in Paris urging them to get out of the superquarry project.

McLaren also sought every opportunity to "take the challenge of Lingerabay to Lafarge". He was representing FoE in the European Multi-stakeholder Forum on Corporate Social Responsibility, a series of debates convened by the EC in Brussels. The forum wanted case studies of genuine NGO and union participation with large corporations, rather than just 'greenwash', and McLaren proposed the Lafarge Partnership with WWF. This led to an excellent debate in which Dan Barlow of FoES was able to quiz Lafarge about its Corporate Social Responsibility for Lingerabay in front of a wide range of European 'stakeholders'.

In September 2003, Simon Pepper brought Jean-Paul Jeanrenaud and Luc Giraud-Guigues of WWF International to Scotland for a fact-finding mission to the superquarry. In a brave PR move, they had dinner with Rob Edwards – he remembers the evening well because his bike was stolen from outside the restaurant! Pepper also arranged for the two to meet with McLaren, so he could explain the FoES concerns about the superquarry. McLaren remembers the two WWF executives being very guarded in their responses, but he discovered afterwards that the visit to Harris had

made a big impact on them, and Giraud-Guigues confirms this. It was only a day trip, with only enough time to meet a couple of folk from the local community, but he was hugely impressed by the beauty of the barren landscape. He already had detailed briefings on the socio-economic situation of the islands, but he remains hugely grateful to Lloyd Austin, their guide on the day, for explaining the confrontation over the superquarry in such a meticulous, analytical way.

Writing about their visit in *Ecos*, the two WWF Executives commented: “Following the visit, local and international pressure on the company converged and helped change the perspectives of senior Lafarge staff in Paris. As they became increasingly aware of the damage being caused to their international reputation, they acted rapidly to ensure a positive outcome to the controversy.”

Also in September 2003, in his capacity as president of the UIAA’s Mountain Protection Commission, Dave Morris went to the IUCN’s World Parks Congress in Durban, South Africa. During one of the conference sessions, on mineral workings, which involved senior figures from IUCN and the minerals industry, IUCN came under a lot of pressure. Many NGOs were concerned that IUCN was getting too close to the minerals industry, especially through a new conservation agreement with the industry. In responding to the criticism, the Chairman of the World Parks Commission, Adrian Phillips, warned the minerals industry that it had to be seen to deliver conservation gains, and this had to be evident by the time of the next World Conservation Congress in Bangkok the following year. From his experience at the earlier Congress in Montreal in 1996, Morris saw an opportunity to put huge pressure on both Lafarge and WWF to resolve the Lingerabay issue. By preparing an appropriate resolution for Bangkok, which condemned Lafarge’s failure to act in the spirit of the conservation agreements, Morris was convinced that he could accelerate the end game for Lafarge. By alerting the member mountaineering federations of the UIAA across nearly 70 countries (UIAA represents over 2.5 million mountaineers) and asking them to lobby in support of the resolution, Morris was in no doubt that the public pressure against Lafarge would prove irresistible. Events were, however, about to move faster than Morris had expected and in the event no resolution was needed for Bangkok.

Two months later, in week before the November 2003 appeal in the Court of Session, the *Sunday Herald* revealed that WWF UK had decided to refuse its share of the Lafarge forestry sponsorship. Quoted in the paper, Simon Pepper accepted that the Lafarge deal was delivering significant environmental benefits in a global context, but he noted that Lafarge Redland was still pursuing planning approval for the superquarry and said “we felt that in these circumstances it would be inappropriate for WWF to use Lafarge funds in the UK”. Rob Edwards still complains that Pepper only told him about this several months after the money was refused! Giraud-Guigues suggests that Robert Napier had decided that WWF-UK should turn down the money after it had been drastically reduced in order to increase funding to forestry initiatives with Lafarge in developing countries. Whatever the case, Pepper said the effect of the repayment was “riveting”, even if the sums involved were relatively small.

With FoE ‘pushing’ from the outside and WWF ‘pulling’ from the inside, big changes were beginning to show in the attitude of Lafarge, at least some of whose senior management seemed genuinely committed to Corporate Social Responsibility and were being increasingly embarrassed by the hard line taken by their UK

subsidiary. Meanwhile, Alastair McIntosh had developed a separate – and entirely independent – front in trying to persuade Lafarge to turn their back on Lingerabay.

A partnership in retrospect

Before pursuing the McIntosh link, it is perhaps worth taking a brief retrospect on the partnership between Lafarge and WWF, which remains a valuable lesson for any charity (conservation or otherwise) entering into a sponsorship deal with a commercial company. George Baxter says that WWF learnt a lot from the experience: he says they have now tightened their approach with business and strike a much harder bargain for specific conservation gains, before they will allow their name, and the panda logo, to be associated with any commercial company.



Lafarge executives, Philippe Hardouin, Gaelle Monteiller and Michel Picard at Lafarge in Paris
Photo courtesy of Lafarge

In terms of lessons from Lingerabay, Luc Giraud-Guigues says that the whole experience reinforced the view in WWF International that they needed to maintain regular contact with their people on the ground, who provide an invaluable ‘reality check’ on their work. But he remains more convinced than ever about the value of engaging with companies like Lafarge. He believes that only by working with them is it possible to build up the level of trust that allows you to share information and debate issues openly and productively. It’s relatively easy, he says, to get sponsorship money from small companies that are already committed to the environment; the real challenge is to work with the large companies with a ‘big environmental footprint’ and help them to address their environmental challenges. And Simon Pepper agrees WWF couldn’t have contributed so effectively to the outcome without its Scotland-

UK-International linkages and without the influence that came with the Lafarge partnership.

There is no doubt that Lafarge made considerable progress in its environmental performance during its partnership with WWF. By the end of 2004, it had reduced its absolute CO₂ emissions by 9.5% in industrialised countries, and globally it had achieved an 11.2% reduction in CO₂ emissions per tonne of cement, compared to 1990 levels. This, in turn, was helping to catalyse change in the wider cement sector, as other companies sought to follow Lafarge's example. Rehabilitation plans of a standard agreed by WWF were in place for 80% of Lafarge's quarries, and environmental audits had been performed for 90% of all Lafarge sites over four years. Recycling had increased and waste disposal to landfill had been reduced across the company's divisions, and alternative fuels provided 8.45% of all Lafarge's energy requirements (more details are in Lafarge's sustainability report available from www.lafarge.com)

Against this background WWF International renewed the partnership in June 2005 for a further three years, with new commitments to tackle CO₂ emissions, biodiversity management, sustainable construction and persistent pollutants. The deal brings with it €1.5 million a year between 2005 and 2007. Just over half of this goes towards joint programme to improve Lafarge's own sustainability performance, 10% to 'relationship management and communication relating to the partnership' and the remaining 35% – €1.57m in total – is funding for WWF's conservation programmes.

Giraud-Guigues says some of the new targets for Lafarge are tough; changing market forces, such as accelerating demand in developing countries, could easily lead their CO₂ reduction target astray, but Lafarge is committed to achieve all these targets, which have been built in to their Environmental Management Systems. Through the sustainable construction partnership, they want to show whether the big ideas being discussed about low-impact housing are feasible in practice, while targets to ensure more effective management of persistent pollutants in high priority plants are also challenging. He says senior executives have confirmed that the agreement made with WWF is a great help in ensuring that everyone in the company maintains their environmental commitments, and are not tempted to stall. WWF also helped set the standards for Lafarge's environmental reporting, all of which is subject to independent audit so that the company's green credentials are open for anyone to check.

But perhaps WWF have drawn one lesson from Lingerabay (and other difficult issues at national level). Although Giraud-Guigues says this has always been in place, the value of local knowledge is being recognised by encouraging a more active engagement between the local offices of WWF and Lafarge in countries where both are active. The aim is to drive the commitments of the international initiative down to the country level, and a proportion of the WWF International funding from Lafarge is reserved for such initiatives.

And it is also important to record that some of the creative tensions that existed between the various NGOs at the time of Lingerabay over the benefits of 'getting into bed' with Lafarge still exist. Duncan McLaren of FoES says: "I remain sceptical that the partnership targets were particularly ambitious or that the partnership added much to the performance of Lafarge in comparison with its major competitors, such as Holcim [another of the world's leading suppliers of cement, aggregates and concrete, based in Switzerland but active in more than 70 countries]. Holcim set itself the same

goal as Lafarge – a 20% reduction per tonne by 2010, over 1990 levels – and by the end of 2004 was claiming on its website that it had achieved a 13% reduction, ahead of Lafarge’s achievement, and all without any persuasion from a partner like WWF” [in fact, overall Holcim’s net CO₂ emissions rose by 37% over this period, but this was against a 57% increase in cement production over the same period – a warning of the impact on CO₂ emissions from the increasing industrialisation of the underdeveloped nations]. McLaren also suggests that it is “a bit rich” to cite the use of alternative fuels as a positive outcome of the partnership and adds: “not only is this pretty well standard practice in the sector, but it is environmentally controversial, as the materials used are wastes and the cement kilns are serving as *de facto* incinerators”.

At heart, FoES and WWF are very different organisations, with their own ways of operating and with divergent membership bases. It is therefore not surprising that they also ‘agree to differ’ on the wisdom or otherwise of close partnerships with commercial enterprises. Ultimately it is for WWF’s supporters to decide whether the environmental benefits that come from partnerships, like that with Lafarge, outweigh the PR risks if things go wrong – as they so easily might have done with Lingerabay, had Lafarge’s senior executives taken a different approach.

The second front

While the ‘push’ from FoES and the ‘pull’ from WWF were making Lafarge increasingly question the value of the Lingerabay superquarry proposal to the company, another significant influence was coming from an unlikely direction. As a practising Quaker, Alastair McIntosh’s contribution to the Lingerabay inquiry had been esoteric and theological, and the LQG had sought to keep a certain distance from it. Some of the thoughts McIntosh offered at the inquiry were reflected in his book *Soil and Soul*, first published in 2001, and these had made an impression in unexpected places.

In summer 2002, McIntosh received an email from Thierry Groussin, a senior executive of the Confederation Nationale du Credit Mutuel – a big French bank which, unusually, is owned and controlled by regional committees of its clients. Groussin had bought a copy of McIntosh’s book while on holiday in Scotland and had been struck by how close his description of the village economy on places like Harris was to the founding ethos of the bank. He invited McIntosh to come to Paris to address a conference of the bank’s senior management. This led to other invitations to France and to McIntosh also meeting Dominique Viel, an economist working with the French Ministry of Finance. Both Groussin and Viel were troubled that a French company lay behind the superquarry threat.

In summer 2003, Groussin and his son visited Harris, and a highlight of their trip was a visit to St Clement’s Church in Rodel and a climb up Roineabhal with McIntosh. While they sat on the summit, Groussin began using his mobile to call business colleagues who knew senior executives in Lafarge. As reported by McIntosh in later editions of *Soil and Soul*, Groussin said: “You know, Bertrand Collomb, who’s now the chair of Lafarge, has developed an admired reputation in France for raising standards of ecological responsibility. It would shock French people if they knew what his company were threatening to do in Scotland. Indeed, I wonder how aware they are in Paris of what their newly acquired English subsidiary is doing?”



Thierry Grouissin (centre) and his son Adrian with Alastair McIntosh on Roineabhal
Photo by Christopher Bey © Alastair McIntosh

The outcome was that McIntosh, Grouissin and Viel were invited in October 2003 to Lafarge’s headquarters in Paris, where they met with Michel Picard, Vice President for Environmental Issues, and Gaëlle Monteiller, Senior Vice President Public Affairs and Environment (in itself a rather telling job title!). In his book, McIntosh writes: “I must admit that I was not very optimistic about this meeting... However, my prejudices were rather challenged when I got there. The company’s vice presidents seemed like thoughtful and concerned human beings, determined to use their positions to act as ethically as they could. They told me frankly that Harris ‘has become a problem for us’, and asked if I could set up a fact-finding visit so that they could come and listen to the position of both sides of the community.” In making that decision, perhaps they had the front cover of the company’s 2003 sustainability report in mind; it says simply “Lafarge’s responsibility is about aligning its actions with its values”.

McIntosh then worked with Councillor Morag Munro and John MacAulay on Harris to set up a series of meetings, which duly took place on 15th January 2004. The two executives from Paris attended, along with Philippe Hardouin, the company’s Senior Vice President Group Communications. McIntosh recollects how ill prepared they were for the islands, with city shoes and light waterproofs, poorly suited for a visit to Roineabhal, but, he says, “they came, they saw, and they listened carefully – particularly to concerns from those on both sides of the debate about ongoing planning blight afflicting the island’s future”.



Lafarge executives Philippe Hardouin, Gaelle Monteiller and Michel Picard on Harris
Photo by Alastair McIntosh © Alastair McIntosh

Less than three months later, on 2nd April 2004, the same trio flew back to the Western Isles by private jet, along with two executives from Lafarge Redland. Rob Edwards was invited there once more and, in his hotel the night before, purely by chance, he met up with his press contact from the Redland PR firm, Barkers, who was there with a senior Lafarge Redland executive from the UK. They were stony-faced and giving away absolutely nothing. Edwards immediately knew something big was up, and the next day, in a historic announcement, Hardouin announced that Lafarge was withdrawing completely from Lingerabay, as described more fully in chapter 14. Reporting the event in the *Sunday Herald*, Edwards wrote that it was evident the French parent company had instructed its British subsidiary what to do: “While the French executives talked cheerily about fulfilling their corporate principles in Harris, the two British managers present warned gloomily of the need to find other ways of meeting future demand for aggregates.”

The significant thing in all of this story is that, even before McIntosh met with Lafarge, they had identified Harris as a ‘problem’ for them, thanks to the combined pressure from WWF, FoES and the other NGOs and the damage this was beginning to cause Lafarge in terms of public relations. McIntosh’s intervention then added a different, ethical perspective that chimed with the company’s growing commitment to Corporate Social Responsibility – which in turn had been encouraged through its partnership with WWF. All these different pressures eventually came together as an irresistible force, but all played a part in the ultimate decision. Michel Picard of Lafarge said afterwards that McIntosh had “turned the key in the lock”, but McIntosh recognises that this was only possible “because many other hands were already

knocking on the door”. In an article in *Ecos*, he commented: “I hastened what was probably the inevitable, and allowed Scotland’s biggest-ever environmental campaign to be wound up with mutual dignity and in a way that opened up dialogue about a more sustainable future”.

McIntosh says that he was “given to understand” that one of the last issues holding up Lafarge’s “dignified retreat” was contractual issues that had to be settled with Ian Wilson and Donnie Macdonald at Rodel regarding their mineral rights. He says it would have been inappropriate for Lafarge to give him any details, and they didn’t do so, but he says it was “reportedly a challenging situation, out of which Lafarge finally came to a conclusion that seemed to meet everyone’s satisfaction”. Surprisingly, Ian Wilson made no comment when the Lafarge decision was announced.

After the Lafarge announcement, Claude Martin, the Director General of WWF International, commented “We have been pleased with the openness of our dialogue with Lafarge throughout this period of controversy. This has allowed the partners to resolve this thorny issue in ways that, we hope, will ensure a stable future for the islanders and their environment.” In their *Ecos* article, Jeanrenaud and Giraud-Guigues noted that Philippe Hardouin of Lafarge later acknowledged that “this outcome will hopefully reflect helpfully on the company’s positioning in a business environment where competition to raise ethical standards can offer competitive advantage”. A key element in the campaign against Lingerabay had been recognising that business pressure and building on it. Whether they knew it or not, WWF, FoES, LINK and McIntosh in their different ways had all conspired to make Lafarge’s decision irresistible and inevitable.

Such an alignment of circumstances never again may apply to future planning controversies, but the twin lessons of being alert to every opportunity, even if these bring some risks, and of directing pressure to where it most hurts commercially will remain vitally important. The story of Lingerabay and Lafarge may also offer a lesson or two about how to use the media to maximum effect.

Chapter 14: The Last Dance

Double the appeal

Now that the outcome was known of the inquiry into the 1965 permission, attention focussed back on Lafarge Redland's appeal against Sam Galbraith's decision to refuse the 1991 planning application (see chapter 10) – and at this point in this convoluted tale, readers will need extreme concentration!

The process of appealing this decision had already been set in train, and Lafarge Redland's first move was watched with interest by the LINK member bodies. Lafarge Redland lodged a notice seeking access to all Scottish Executive memos, minutes, reports, submissions, emails and other documents relating to the Lingerabay decision; this would have enabled them to construct their appeal to their best advantage. This application pre-dated the Freedom of Information Act, and had it been successful, it would have been a useful precedent for NGOs, whose campaigns often would have benefited from access to such information. Unsurprisingly, the request was rejected by the Court of Session in November 2001.

After Lafarge Redland had lodged their appeal against the 2000 decision, the Scottish Executive had 'answered' the grounds of appeal: these grounds and answers were lodged with the Court of Session, and would form the basis of an appeal court case. However, on March 19th 2002, Scottish Ministers withdrew their answers – without admitting that their decision had been wrong, they conceded that adequate justification might not have been given.

In an article headlined 'Blunder by Executive reopens saga of island superquarry', *The Herald* quoted a Scottish Executive spokesman, who confirmed: "Scottish ministers no longer intend to defend the appeal to the Court of Session against their decision to refuse planning permission for a superquarry at Lingerabay." The paper reported that blame was being laid on those who had framed the official letter refusing the development, and the fact that it failed to give 'sufficient and adequate' reasons why the Executive was ignoring the Reporter's recommendation that planning permission should be granted.

The paper suggested that Lafarge Redland appeared certain to claim its legal costs for the appeal from the Executive, and would be unlikely to pass up an opportunity to try to persuade Ministers to reconsider their original decision – although it also noted that the decision did not mean the superquarry could now go ahead automatically, but rather that Ministers would now be obliged to listen to fresh evidence from any of the parties to the 1994 PLI.

As a result of this decision by the Executive, the Court had little option but to quash the 2000 decision, and refer the matter back to Scottish Ministers for redetermination. As Anne McCall remarks, "in a way it was quite a smart move. It doesn't mean the appeal succeeds, just that Scottish Ministers get another chance to think about their decision". However, the Scottish Executive decided that this redetermination could not be carried out until the whole process of investigating the 1965 permission had been concluded, since this might be a new "material consideration". In July 2002, Scottish Ministers called for any new information that should be taken into account in their redetermination, including revised aggregate forecasts and the ongoing review of NPPG4 (released in 2005 and considerably less supportive of superquarries than its predecessor).

The end is nigh

Lafarge Redland's appeal into the 1965 decision did not reach the Court of Session until November 2003. The appeal was heard by the Lord President, supported by Lords Marnoch and Weir. Morag Munro recalls attending this appeal and suspecting that UK-based Redland personnel, whose hobbyhorse Lingerabay was, had given the parent company, Lafarge, a misleadingly optimistic account of the result of the inquiry into the 1965 permission – suggesting perhaps that it was but a small step from the six hectares conceded to the 600 hectares desired. She feels that, when the judges 'threw it out completely', Lafarge International realised that Redland UK's determination to pursue the application was misguided, and the withdrawal of the international company became imminent. The Appeal was obviously recognised as being of critical importance by Ian Wilson – who had a strong vested interest in the outcome – as he attended throughout.

Siobhan Samson of Friends of the Earth also feels that this Appeal was a crucial turning point. She did preparatory work for the second inquiry, and attended the appeal along with Elizabeth Garland. She recalls a comic moment as huge maps were unfolded over every available surface and proceedings were drowned out by rustling, but this was serious: everything was at stake. A lot of the argument hinged on whether the two lines of working that had been carried out constituted a consented area of working or just exploratory areas. When one of the judges at one point voiced an opinion that this was "clearly an area of exploration", Roy Martin's face went puce. She and Garland "knew that moment was the end for the superquarry"!

And indeed it was. The appeal was rejected in January 2004. Although the 'redetermination' of the 1991 planning application was still pending, the writing was on the wall and Lafarge's future withdrawal had become inevitable.

Unused ammunition

If Lafarge Redland had not withdrawn, LINK and other objectors would have faced a considerable loss of morale. However Chris Norman says they still had other tricks up their sleeve, and would have pursued them doggedly. One aspect of the Lingerabay application they had held in reserve since the start of the 1994 inquiry was the integration of the planning application for minerals extraction with the need for harbours approval.

Since Redland hadn't applied for a 'harbour empowerment order' – the legal powers needed to allow them to set up and operate a harbour – along with the quarry, there would have had to be a separate consent and EIA, which might easily have been refused. Moreover, if there had been anything other than trivial or vexatious objections there was statutorily bound to be another public inquiry, the outcome of which could not be pre-judged without taking into account European environmental impact assessment legislation. At the start of his quarrying career, operations which Ian Wilson proposed on Shetland were stymied by his not being allowed to use the roads for transporting extracted materials. At Lingerabay, transport possibilities could similarly have been blocked if the harbour was not allowed – and a quarry that cannot transport its product is useless. In certain types of development, permission to proceed can be suspended until essential infrastructure is in place (and one might assume a harbour to be essential). However, harbours are treated under completely

different legislation (the 1964 Harbours Act, instead of the Town & Country Planning (Scotland) Act) and so require separate planning permission.

Why Redland did not apply for harbour permission at the outset remains something of a mystery, and Gillian Pain felt that ‘harbour empowerment’, and the issue of legal precedence that is associated with it, was a matter for Ministers to resolve. Moreover, a harbour empowerment order brings with it wide ‘permitted development’ rights, and so has potentially a very high environmental impact which would have had to be seriously considered at a further PLI. Chris Norman feels that not knowing the potential impact of the harbour, and indeed whether a harbour could be developed at Lingerabay, might well have influenced the Executive in reaching their decision to turn down Lingerabay.

Luckily, LINK and its allies succeeded in wearing down the developer before this further aspect of the case had to be tackled. Anne McCall knows from her contacts with developers at planning conferences that wearing down opposition by instituting more and more confusing legal proceedings is a deliberate tactic that they often use. However, in the case of Lingerabay, it was Lafarge Redland that ran out of steam first.

Finally the ‘fat lady sings’

So it was that on April 2nd 2004, three senior executives from Lafarge International flew by private jet from Paris to Harris to attend a meeting in the Harris Hotel in Tarbert. Rob Edwards, who attended the meeting, wrote in the *Sunday Herald*: “In fluent English, they talked about respect – for the local community, for the environment and for people – and in a few minutes they ended 13 years of blight and conflict. Against the background clatter of hotel dishes being washed, they were warmly thanked, both by those who had opposed and those who had supported the superquarry.”

Edwards quoted Philippe Hardouin, one of the Lafarge vice-presidents, who said “it’s all over, completely; for us, Harris is no longer a subject, now or in the future” – this meant that the company had withdrawn its 1991 application and decided not to appeal the Court of Session decision on the 1965 consent. Hardouin said that the company’s code of social and environmental ethics was a key to their decision: “We have to create value for shareholders, but we want to do it by respecting some values. The combination of both dictates our decisions... We recognise that if we are acting in the best possible way from an environmental standpoint, we will get a competitive advantage.”

Morag Munro, the local councillor, later wrote to Hardouin: “I wish to express my gratitude, and the gratitude of the community, to you for bringing the uncertainty of the past thirteen years to an end. We are very appreciative of the fact that you came to Harris to see for yourselves, and then came back to give your decisions directly to the community before anyone else. Your courtesy was greatly appreciated by both supporters and opponents of the project.”

The full story how Lafarge came to this change of heart is told in chapter 13, but it is clear that the widening of the debate that the LQG had encouraged during the first inquiry, and the empowerment they had supported in the local community, were significant factors in this decision. Rob Edwards drew a much wider conclusion from the outcome: “...back in the business world, something has changed. Multinational

companies no longer look quite as invulnerable as they did last week, and the balance of power between people, the environment and corporations has shifted – for once in the right direction.” LINK members would like to think that they played at least a small part in that shift.

Lloyd Austin points out that there is one unfortunate consequence of Lafarge’s decision: legally, the 1991 planning application remains unresolved, and there is no final ruling on whether it was competent for Sam Galbraith to overturn the Reporter’s recommendation and grant planning permission (although it is clear that the *reasons* given for this decision were neither sufficient nor adequate). Should another superquarry application ever come along, there would therefore be no legal casework precedents to which objectors (or supporters) could refer, and many of the fundamental issues raised in the 1994 inquiry would have to be raised once more – perish the thought!



South Harris Landscape © Alastair McIntosh

Chapter 15: Learning Lessons – Messages from Lingerabay

The gift of hindsight

This chapter attempts to summarise some of the key lessons that participants drew from the long and convoluted saga of Lingerabay and which might be of value to community and environmental groups faced with similar development proposals in the future, even if there might never again be a case quite like Lingerabay! The aim is not so much to reflect on the past, but to offer some guidance, based on the Lingerabay experience, on what did and did not work, in the hope that others might find this useful in the future.

Fred Silver, former editor of the *Stornoway Gazette* reckons that “the applicants lost [the inquiry], the conservationists didn’t win it” (chapter 8). Technically, however, nobody ‘won’ the inquiry; it would have to be recorded on the scorecard as ‘game abandoned; no result’, and who can say what the outcome of the inquiry itself might have been if Lafarge had not chosen to withdraw its application and the Scottish Executive had therefore been forced to complete its redetermination of the planning application (see chapter 14).

The buyout by Lafarge was also critical; the Redland project team had staked a lot of their personal credibility on Lingerabay, and Anne McCall feels that they remained unreasonably committed to their old goals. She also doubts that Alastair McIntosh would have been able to strike up the same sort of bond with Redland executives, because, as she wryly comments, “I bet no-one there had ever read a book on philosophy”.

Aside from such ‘minor technicalities’, however, the LINK players would agree with Silver that they alone did not win the inquiry; the role of the local community was vital. However, LINK’s engagement in the inquiry allowed a variety of issues to be brought to the fore (the scale and impact of the superquarry; the limited benefits and significant disbenefits to the community; the issue of Sunday working) which very probably would not have emerged otherwise from the inquiry, because the case that SNH could make, as the other principal objector, was severely limited by its statutory remit. These revelations helped to inform the local community, and in turn contributed to a swing in local opinion against the proposal – some would argue that crude intrusions like that of the CQLSN also helped to make that case!

The major change of local opinion, in turn, made it much easier for Sam Galbraith to make his brave (but ultimately untested) decision against the planning application. LINK’s main achievement, therefore, was in engaging that community and in winning their trust, at least partially, and in ensuring that the community was in a position to reach its opinion on the basis of sound information, rather than developer propaganda.

Calum Macdonald, Labour MP for the Western Isles during the superquarry years, is certain that local opposition to the development was the main reason for Sam Galbraith’s decision against it, contrary to the Reporter’s recommendation. Macdonald believes that a sense of accountability towards the community rather than towards big business is the Labour ethos. Thus, even though the Labour government that came to power in 1997 had produced no significant new policy regarding coastal superquarries, the changed political climate favoured the anti-superquarry campaign,

only secondarily because of environmental considerations, and primarily because of community feeling.

It was certainly vital – and more obviously so with hindsight – for LINK to seek solidarity with like-minded locals, and to try to turn the ‘deemed orthodoxy’ of the community against the superquarry. In doing so, they needed to show a more sensitive attitude than that expressed by John Lievers of Redland, who outraged locals by likening Harris opinion to an amoeba – if you split it, he said, it will just grow back together. Ironically, his analysis was later to prove prophetic, to Lafarge’s detriment: the company-sponsored CQLSN tried its best to split the local community, but opinion ultimately coalesced against the development and its proponents.

LINK undoubtedly made many mistakes in its approach to Lingerabay, but Elizabeth Garland believes that lessons were learnt about “coming into the community from the outside”. She thinks that non-governmental organisations (NGOs) are now more confident and better equipped to deal with issues on this scale, and she hopes also that conservation bodies are now more trusted. Having returned to Harris several times since the PLI, and as a regular visitor to other Scottish islands, she thinks there is “a huge need for the conservation bodies to think nationally, act locally” and to keep in touch both with policy and with communities.

Courage and conviction

But in ‘thinking nationally’, environmental NGOs also have a responsibility to their members, consistent with their remit and objectives, to test the impact of major development proposals through the planning system. The legitimacy of their engagement is clear from the considered analysis of the LQG case in the Lingerabay inquiry report. And despite Macdonald’s view that community feeling swung Galbraith against the planning application, the reasons given in Galbraith’s decision letter for refusing the application were precisely those on which LINK had led its case. This stated the view of Scottish Ministers that “the Reporter has, in her overall conclusions, seriously underestimated the impact of the proposed development on the NSA” and “that the social and economic benefits which the Reporter has found are likely to derive from the proposed development do not clearly outweigh the significant adverse effects on the quality for which the area has been designated”. LINK’s case was therefore clearly identified as a legitimate one, which LINK member bodies would have been obliged to pursue on behalf of their members, whether or not this view was shared in the local community.

Therefore, while the Lingerabay experience shows that environmental NGOs must always be sensitive to community opinions, and should seek to work with communities whenever possible, there may still be occasions when their national perspective is not consistent with local economic aspirations and when, regretfully, they will need to agree to differ from the viewpoint of the local community. After all, neither local communities nor environmental NGOs have an absolute monopoly on the truth, and the whole purpose of the PLI system should be to ensure that local impacts (both positive and negative) are tested against national priorities (and that those national priorities should also be subjected to the test of challenge).

It is therefore important for environmental NGOs to act on the courage of their convictions, but, in so doing, to also have the humility to recognise the legitimacy of local voices and to take account of these whenever they can. Equally, it is important

for community groups to defend local interests rigorously, but to recognise that the environmental NGOs also have a job to do and can be influential allies if common ground can be found.

It is also vital for the statutory government agencies to do their job, and not be browbeaten by the “quiet phonecall from senior civil servants” to which Roger Crofts referred. Their ‘balancing duties’ (the requirement to take account of national economic needs) are not relevant here, because the purpose of the PLI system is to assess the balance in national and local interests, and that cannot be done adequately unless the government advisors champion their statutory remit (the natural heritage, cultural heritage, environmental protection etc).

Lingerabay also shows the importance of not rushing to judgment. As chapter 4 points out, even some senior NGO staff at first underestimated the importance of Roineabhal and the impact of the superquarry. SNH initially had no information on the nature conservation importance of the site, and led its objection primarily on landscape grounds. However, even a quick site assessment by Des Thompson and Dave Horsfall on a windy, misty day in 1993 showed sufficient interest to justify them commissioning detailed surveys of the vegetation, in the context of existing knowledge of the north-west Highlands. These surveys showed that the site was of national importance and met the criteria for a Site of Special Scientific Interest – and SNH has never produced any explanation why it has chosen subsequently not to proceed with designation on the basis of this assessment.

A ‘rush to judgment’ would be even more damaging in the context of the public inquiry itself. Whilst the protracted delays in reaching a conclusion on Lingerabay were regrettable, chapter 10 has shown that these were the product of mismanagement (placing too much burden on one individual who was close to retirement and who clearly struggled to cope with the necessary level of detail), rather than an intrinsic failing of the PLI system. Whilst the quest in the current Planning White Paper (see below) for more ‘efficient’ PLIs may seem superficially attractive, Scottish Ministers should reflect that the system they now propose would have led to betrayal of both the people and the environment of South Harris. Detailed evidence from ‘third parties’ allowed local views to be adequately taken into account in the inquiry process (although why are the people most directly affected by a development regarded as ‘third’ parties?), while rigorous cross-examination by the LQG led to serious omissions in the developer’s case being picked up and challenged – and it was these ‘jewels’ of evidence that led to the major shift in local opinion. 83 days may well have been essential to ensure that the best evidence was available for judgement on Lingerabay (even if LINK still contests the Reporter’s conclusions), rather than basing the decision on superficial assessment.

Developers, of course, desire a swift outcome to public inquiries, because it is not in their interests to have the inadequacies of their proposals subject to public scrutiny. Duncan McLaren of FoES points out that the fate of Redland shares during the Lingerabay inquiry process highlights another, entirely artificial, commercial pressure on developers. When a development company puts forward a planning proposal, its share value often rises significantly on the assumption that planning permission will be granted – that would seem to betray a general contempt for the PLI system in the stock market. When the Lingerabay inquiry began to flush out some of the hidden consequences of the superquarry proposal and when it became clear that planning permission would not be quick and ‘on the nod’, Redland shares plunged in value –

catastrophically, as it turned out, for its survival as an independent British company (see chapter 13). McLaren points out that, if stockholders did not assume that every planning application was going to be successful, then share values would not be so dangerously volatile – and, after all, it is only planning *permission* which has an real commercial value.

Cultural engagement and community opinion

What then about lessons at the local level? Many of our interviewees concluded that the key message for communities from Lingerabay is that they *can* win battles and even defeat threats on a national scale, but they may need the help of individuals experienced in public inquiries in so doing – and that is one area where NGOs definitely can help! To this end, Duncan McLaren points to the value of the CEDA (Citizen’s Environmental Defence Advocacy) project that Friends of the Earth Scotland (FoES) is running to offer planning expertise to community groups and individuals and to help them build capacity (see www.foe-scotland.org.uk/nation/ceda.html)

Alesia Maltz, who has studied community / environmentalist co-operation in a range of development cases, feels that “there is so much fragmentation across the board” that it is amazing what can be achieved when that is overcome and “a unity of vision brings things up to the next level”. She says it is to LINK’s credit that they “did nothing to divide the community” and quite consciously tried to “protect them, and not put them on the spot”. She thinks that LINK’s “non-divisive ethic” was one of its major successes, compared to ‘eco-warriors’, who she feels have a propensity to go in and “really hurt communities, creating ill-feelings that can take years to resolve”. Today, Maltz thinks that “sense of a common vision” is more necessary than ever in the environmental movement, and she says the history of LINK and Lingerabay “reminds us how hard, but important, it is to create this consensus”.

John MacAulay says that when the prospect of the Lingerabay quarry first arose, people were thinking of something comparable to “Roddy MacAskill’s in Ardhasaig”: Harris has always been fairly self-sufficient in stone, and there are several small, family-run quarries around the island. According to MacAulay, people simply couldn’t imagine the “massive scale of the development and of the company”. Multinational conglomerates are not commonly encountered in Harris, where elderly people still greet unknown youngsters by asking “*Co leis thu*” – “whose are you?” or “who is your family?” Elizabeth Garland remembers a local weaver, who still dyed his cloth with the crotal lichen, telling her there were “no words” in the Gaelic language for what was going to happen. This and other conversations with local people made Garland think about the development in a different way – in terms of what might almost be called ‘cultural colonialism’.

Later another local protested that the Redland team at the inquiry were calling the many lochans around Lingerabay not by their age-old Gaelic names but by numbers, almost as if they were trying to erase the traditional local claim on the land. Ignorance of Gaelic was something LINK became painfully aware of, and Garland was anxious that the inquiry should not be seen as two sides who couldn’t pronounce Gaelic names presuming to pronounce on the fate of the island. At least she had a long-standing acquaintance with the Hebrides, having been visiting regularly since 1976. She had also undertaken a study of Inishmaan, an island off Ireland that was in many

ways culturally comparable. Many Redland witnesses, in contrast, seemed arrogantly ignorant of Hebridean culture.

However, recent debate over the proposals to site two large windfarms in North Harris and Lewis have thrown up an interesting caveat for environmental NGOs seeking to gain the support of a Hebridean community. One might expect an awareness of local culture to work in their favour, but this seems to be the case only when subtly manifested: at a meeting with the RSPB about the proposed Lewis windfarm (which would be situated in an internationally important bird habitat), an RSPB video, which showed traditional pursuits against the soundtrack of a Gaelic song, was received with scorn, and, says Morag Munro, the RSPB “got a real kicking”. The RSPB had worked very hard to present a new perspective on the windfarm issue, advised by Gaelic-speaking staff in their Inverness office, yet even this was greeted with cynicism by some islanders. Island people are proud, and suspicious of being patronised, and such references to the preciousness of local culture were received badly coming from people the islanders perceived as ‘outsiders’, but this can easily turn into insularism and blind prejudice.

Councillor Angus Graham, ever eager to spot a rhetorical opportunity, addressed Anne McCall (representing the RSPB) at the meeting in Gaelic, which she does not speak. The uncharitable in the audience found proof in her embarrassment of the hollowness of the conservationists’ claim of caring about local culture. However, others were annoyed at the inhospitability and intolerance shown by members of their own community. McCall was touched, after this very uncomfortable experience, to be presented with a bottle of whisky by a group of local people who had been horrified at the discourteous behaviour. Since conventional techniques of persuasion – such as a FoES leaflet delivered to local households – also raised hackles during the Lingerabay campaign, according to Morag Munro, it is difficult to see how environmental NGOs can win Hebridean hearts and minds. Perhaps John MacAulay had the answer when he said that, though the organisations involved in LINK were “just names”, the individuals who fought the campaign so tirelessly were respected in themselves, and thus won respect for their groups.

Take-home Lessons for NGOs

Perhaps the key lesson to come out of Lingerabay for NGOs – whether they are conservation bodies or community groups – is that objectors need to be just as strategic in their approach as the applicants are likely to be. Simon Pepper says it is “essential to consider all options and to build strategies, rather than chasing rabbits” – chasing rabbits, he says, “can be great fun, but is far less successful than setting a trap”. The first stage is to define the objective in simple, passionate terms – and he says objectors shouldn’t be afraid to employ emotional arguments and act on gut reactions. Then, he says, you need to bring together as many arguments, perspectives and voices as possible to win the case. Anne McCall adds that, while it is important to be passionate, “you cannot make it personal”. She suggests that NGOs, who are perceived as having “professional credibility”, have an advantage in this over locals, whose backyard is at risk.

The Lingerabay public inquiry also shows how important it is for any group opposing a development to “think outside their box”. The LQG case would not have been so informed and authoritative if they had not had the benefit of advice on planning

matters from Chris Norman, and they were also not afraid to challenge the legitimacy of the economic benefits claimed by Redland – the work that LINK commissioned, or encouraged the IUCN to take forward, on aggregate supply and demand, greatly strengthened the LQG case; it stimulated shareholders to question the bullish financial claims made by Redland, and ultimately made it easier for Lafarge to drop out.

Environmental or community NGOs may feel uncomfortable moving away from their ‘core expertise’ into issues such as economics or the minutiae of planning law, but it is just as legitimate for them to challenge the assertions on which developers base their case, as it is for developers to try to counter suggestions of damage to the local community or environment – and the purpose of the PLI system is to weigh up these claims and counterclaims in a balanced way. Of course, few NGOs are likely to have planning or financial expertise immediately available to them, but Scotland is a small community and it should be possible through networks of friends and supporters to track down like-minded individuals who do have the necessary expertise and are prepared to offer their advice for the ‘greater good’.

When one of the statutory agencies has also objected, as with SNH at Lingerabay, they can normally be relied upon to raise the big public policy issues. Environmental NGOs may wish to endorse these arguments, but they should also to use their licence to ensure that as wide as possible a range of other issues is raised. In these situations, Roger Crofts emphasises that it is important for the NGOs and the statutory advisers to ensure that they get their lines straight with one another, leaving no differences with which a clever QC can make mayhem. It is important therefore to keep communication lines open. The NGOs might wish to reinforce the case of the statutory bodies, he says, but they shouldn’t be seen as totally supportive; they should pursue other angles to bring in as broad a range of arguments as possible, so that both the Reporter and the local community can decide on their conclusions based on a comprehensive picture of the impact of the proposed development. That should encourage NGOs to seek new friends and to forge new alliances. It is also important for them to be fully aware of the tricks and contrivances to which the planning applicants might resort.

Lingerabay also points to the benefits of like-minded partners working together. Although the four main players in the LQG were very different in the size and remit of their organisations, they worked together as equal partners, sharing expertise and perspectives and putting aside minor difference for the common good. Ultimately the complementarities of their arguments greatly strengthened their case. Dave Morris agrees that it needs good co-ordination to ensure that the key messages get across, and he also emphasises that it needs a group of *individuals* who are able to work together in a small, closely-knot group, building on their individual strengths – for example the international perspective that he and Dunion were able to bring to the LQG table.

That may mean taking risks within the partnership: the press coverage that FoES and WWF Scotland jointly stimulated on the Lafarge–WWF agreement could have proved damaging to either organisation, but it was worth taking that risk to continue cranking up the pressure on Lafarge Redland. And, although ultimately WWF’s partnership with Lafarge may have helped strengthen the company’s resolve when they eventually abandoned the Lingerabay proposal, the outcome could have been very different with a different company. Duncan McLaren still believes that this

should give all NGOs pause for thought on the “Janus-faced risks and opportunities of NGO–corporate partnerships”. No matter how carefully these are thought out – and no matter how alluring the potential benefits may appear – unexpected events can always conspire to sour the relationship (in this case the takeover of Redland could have had more far-reaching ramifications for Lafarge, and risked significant damage to the reputation of WWF).

Dave Morris also emphasises that it is vital to recognise the scale of the challenge at the start; it takes a huge commitment to deal with an issue like Lingerabay. Lloyd Austin also warns of ‘developer persistence’. Generally the proponents of a development have much to gain, and that fuels a determination to keep going; if one inquiry goes against them, they may simply submit the proposal again with minor modifications. Opponents need to be aware of this, and be ready for the ‘long game’. It is also important to keep on top of all angles, and not to assume that issues apparently knocked off the agenda will not once more come back to ‘haunt’ you – the validity of the 1965 planning permission was rejected at an early stage in the first inquiry, but that did not stop Lafarge Redland from attempting to resurrect it when things were going against them (and old minerals permissions are likely to continue as a major planning issue for some time to come).

Developers have freely admitted to Anne McCall at planning events that they try to wear down and exhaust protestors, but she feels that one of the strengths of NGOs is that they tend to be “dogged and relentless”, where individual objectors might lose heart and give up. Having said that, she also recognises that, in the case of Lingerabay, “getting to know clever locals who grasp things much faster than NGOs, since it’s their life” was crucial, and she has applied this lesson to other cases since.

Building alliances

LINK’s strength in the Lingerabay issue came from the varying priorities and visions of the different member bodies that worked together in the LQG. Although Pepper had retired for only a few weeks when we spoke to him, he said had become much more aware that, as a movement, conservation bodies – who, after all, normally compete for funds and membership – are too obsessed with their organisation’s own role, and much too slow to realise the potential of working together. “If we put the reputation of our organisation before the cause, then we throw away a big opportunity”, he says, “but if, by working together, we can win wars, then we can each share in a bit of the ‘brand acknowledgement’”. He credits the RSPB for the huge amount of work its staff did on Lingerabay, but notes that they were content to see the victory as one for the community. He also points out that the staff who routinely work together in LINK are well aware of the value of joint working, but he says that lesson has not always penetrated to senior managers in their organisations, who can disapprove of such efforts.

The necessary level of engagement can be costly for an NGO. At FoES, Siobhan Samson is grateful that they had such a strong director in Kevin Dunion, who was determined to see the issue through and prepared to worry about the finances later. Dunion had to send hand-written appeals to FoES members even to raise enough for travel costs, but the issue gripped members and the money poured in.

Like many others, Simon Pepper points to the need to build alliances and to find new allies that the developer might not expect to be involved – the socio-economic

arguments that LINK was able to present to the inquiry alongside members of the local community were particularly influential, not least because they raised issues on which the developers had never built a case. Reinforcing this point, Duncan McLaren says that “planning doesn’t win planning battles; economics wins planning battles”. He says that Lafarge ultimately reckoned that the economic damage of bad publicity for them was greater than the value of the quarry, and that is why they backed out. However, McLaren emphasises, it is the planning system that creates the arena for that debate.

Although Pepper doesn’t like the analogy, he says it is irresistible to compare an inquiry with a military campaign. He says there are various guises that objectors can adopt – heavy artillery, armoured tanks, foot soldiers, undercover agents, snipers, diplomats – any one of these alone can win a battle, but all of them are needed to win the war. Therefore it is important to deploy as many styles, skills and audiences as possible to win the argument. Networking as widely as possible was an important key to LINK’s influence, according to Lloyd Austin. It was important that LINK also ran a parallel campaign, particularly using international networks, so that the inquiry itself did not totally dominate the public debate while it was in train.

Kevin Dunion points to two aphorisms that he believes are important for any NGO at an inquiry. Firstly ‘turn your weaknesses into strengths’: by representing themselves, the LQG was given a laxity in the inquiry that allowed them to address issues in ways that a QC could never have done. Secondly, to ensure maximum impact, he says ‘go outside the experience of your opponents, but don’t go outside the experience of your supporters’ – in other words, try to bring the debate round to an agenda that you set, but with which developers might be uncomfortable (although Dunion points out that the ‘opposition’ is also learning this lesson!). For more guidance, Dunion recommends the book *Rules for Radicals* by Saul Alinsky.

George Baxter draws a number of lessons from the Lingerabay saga that remain relevant for any opponents of large commercial developments. First, he points to the value of real community voices making the case. Technical arguments are fine for the business pages, he says, but they are nothing compared to the image of an ‘elderly pillar of the local community’ arguing that there is no job in the development for him.

Like several other interviewees, Baxter points to the importance of developing an alternative business proposal for the local community, to make it possible to turn the argument away from opposition to strong support for a viable alternative (see also chapter 16). He argues that the business lobby want planning controversies to be portrayed as a pitched battle between developers and conservation, because that plays right into their hands. Developers will seek to portray themselves as small, local enterprises determined to create jobs for the local community, who are being opposed by big, faceless, bureaucratic conservation bodies based in Edinburgh or London (or even Switzerland). The secret is to turn that dynamic onto your own terms, to ensure that the issue is seen as local people fighting marauding business interests – a picture which, in most cases, is much closer to the truth.

Baxter also points to the need to be more aware of the public relations techniques that the multinational conglomerates are likely to use. Often they will seek to tap into any measure of local support by encouraging and sponsoring some form of ‘grassroots’ local campaign, heritage or support group, as they did with the CQLSN at Lingerabay (see chapter 9). They will be subtle in their support and careful to hide any financial

links, but Baxter warns that these groups are a false enemy and shouldn't be taken too seriously.

Alesia Maltz may have come from New England – as the ‘outsider of outsiders’ – but she won friends in the Harris community and became an honorary ‘insider’, and she earned the respect and gratitude of LINK. She is inspired by her experience with LINK – which she calls “a real exemplar” – and derives from it a belief that, even if things don't gel easily at first, relationships are always possible. Maltz says that she has taken from Lingerabay “friendships that matter enormously”, a faith in the possibility of creating partnerships, a valuable framework for research, and perhaps most of all inspiration – “a lot of people had a lot of courage; that's very inspiring and gives you courage” she says.

Action replays?

We asked our interviewees whether things have changed since the protracted debacle of Lingerabay. Almost all agreed that something like Lingerabay could happen again just as easily today – perhaps it already is happening with some of the massive windfarm proposals. Furthermore, it is worth remembering that, in strict planning terms, there was no outcome to this case: Lafarge withdrew its interest before the Executive concluded its redetermination of the application, so, if anything, this merely adds to future uncertainties.

With the coming of the Scottish Parliament, it is certainly true that Scottish Ministers are more open to scrutiny than their Westminster-based predecessors in the early days of the superquarry saga; their arguments can be tested and exposed much more clearly by the relevant committees of the Scottish Parliament, but ultimately Ministers mostly are still free to have their way. There are other small steps forward: the equivalent of NPPG4 would now have to be subjected to a fully Strategic Environmental Assessment by the Scottish Executive, following the welcome enactment of the Strategic Environmental Assessment Act 2005, and the developer's Environmental Impact Assessment would need to be of a much higher standard than that offered by Redlands. But beyond that, Lloyd Austin says, the fundamentals of the planning system have not changed. There is still no coherent package of support to allow communities to represent themselves, and the rights of non-governmental organisations are similarly limited – the inquiry Reporter retains the discretion as to whether or not a representative group like the LQG should be accepted as a principal party, and, with more emphasis today on what is called ‘efficiency’, this status is less frequently awarded.

At the local level, politicians are probably a little more professional than they were in the 1980s, with tighter ethical rules to stop personal association with development proposals. But beyond that, local politics have changed little, and the offer of jobs still seems able to dim the critical faculties of most politicians. There is still a dislocation between local and national politics, and the planning system hasn't changed.

Anne McCall is “cautiously optimistic” about politics on the Western Isles. She believes that Comhairle nan Eilean has “moved on and learnt lessons”, and she praises the “great evidence” given by Alistair Banks at the second inquiry. She feels that the Council in the 1980s and early 1990s was made up of “small-minded business men”, keen to stress their area's poverty and deprivation, looking for

‘handouts’ and reluctant to celebrate the island’s unique natural and cultural heritage. Now, she believes, things are changing – and she hopes this will bear fruit in the forthcoming windfarm battles.

Several of our interviewees compared Lingerabay with the current debate about windfarms on the Western Isles, which Dave Morris describes as “an almost complete action-replay of Lingerabay” – someone from outside the island is offering big money to develop an island resource, but in his view they are ignoring the essential quality of the Western Isles. Only a handful of communities will benefit, says Morris, yet “Angus Graham is still there saying the same things and making the same mistakes”. Morris believes that the only sustainable solution on this issue is for individual houses or communities to use micro-generation, to produce their own power needs and reduce their energy bills. He believes that the islands should seek to be self-sufficient with their use of wind energy, but argues that the only viable energy export from the islands should be generated from the tides and waves.

For Morris, the current consultation on a marine and coastal National Park for Scotland provides a much better opportunity for Harris and the surrounding islands than windfarms. It offers a management regime fully funded by the Scottish Executive, he says, and provides the potential to create interesting jobs and an opportunity without parallel to boost the tourist industry on the islands – although of course no such opportunity was available to the community at the time of Lingerabay.

Murdo Macdonald, however, thinks that things *have* changed on the islands. He sees huge differences between Lingerabay and the current windfarm campaign. He believes that island people have realised, post-Lingerabay, that “they must look long and hard beneath the wrapping”. He says it is now the accents of Harris and Lewis that are fronting opposition to windfarms, using arguments learned from Lingerabay.

Sadly, however, it seems the “stone age” did not come to an end with the Lingerabay outcome. In September 2005, the quarry company Foster Yeoman applied for planning permission to extend operations at Glensanda by 65% and extract an extra 400 million tonnes of aggregate from the existing site on Loch Linnhe. This would increase the quarry to about 200 hectares, and, more critically, would mean abandoning the present ‘glory-hole’ approach and eventually extending the quarry right to the skyline. The *Sunday Herald* quoted one local objector who commented: “They’re going to chop the top off the mountain, quarry underneath a lochan”. He claimed that the quarry will be visible from the road between Lochaline and Ardgour on the Morvern peninsula, especially at night when the bulk of the quarrying is done and the quarry is lit up. As with Lingerabay, this raises issues about development versus landscape, with the quarry employing around 200 people. The *Sunday Herald* reported unconfirmed rumours of a community fund of £600,000 to help compensate locals for the disruption the quarry would cause.

Several LINK member bodies have lodged objections to the new Glensanda proposal, so it looks like many of the Lingerabay battles may be fought again. In this case the area is not an NSA, but the founder of the quarry, the late John Foster Yeoman Snr, described the area as “truly one of the most beautiful places that I have ever seen” and said it presented “the greatest possible challenge” to the company and its advisors to establish a quarry there “without making any material impact on the beauty which is Glensanda”. Conservation bodies have often pointed to the present quarry there as a good example of what can be done to protect landscapes if proper constraints are in

place, but the new extended development proposal blows that vision of balance out of the water.

Betraying the demand for change

As noted in chapter 6, a key moment in the Lingerabay saga was when Gillian Pain accepted LINK as a ‘main party’ to the inquiry. She was also unusually open in accepting evidence from ‘third parties’. Had she not been so far-sighted – or if the QC for the developer had pursued an objection to these decisions – the outcome could have been very different. Based on this experience, many of our interviewees feel that there is a clear and present need to involve community groups and other third parties far more in the public inquiry system, and to support them in so doing. After all, that is a prerequisite of environmental justice – the quest for “rights, decency and fairness” that Kevin Dunion describes so eloquently in his book *Troublemakers*, and of which First Minister Jack McConnell claims to be a champion!

A fairer, more inclusive system for Town and Country Planning would require changes in the adversarial approach to inquiries, through which QCs earn their keep. Chris Norman is concerned that the PLI system appears so scary for individuals. Cross-examination might sometimes be unpleasant for planners, but they should be equipped to deal with it. That is not the case, he says, for “fishermen and retired crofters”, and he asks why they should be made to “feel as if they’d committed a crime”. Norman contends that this is not a proper way to test arguments, and he calls for a less formal approach to resolve planning issues.

Roger Crofts also calls for reform of the planning system. He retired as Chief Executive of SNH before the final acts of the Lingerabay saga played out, but he continued to follow it closely. He says that the present system of addressing development proposals through an inquiry system is “costly, not cost-effective” and he calls for a much more strategic, participative approach. He advocates a system of ‘Planning Inquiry Commissions’, which would allow the consideration of other options against which the planning proposal could be assessed. And he says there should be a system of accreditation of experts, rather than the present system which he defines as “rubbish in, rubbish out”. He also suggests that his successors in the statutory agencies should ensure that they are not leaned on by the government of the day; he reveals that “the quiet phonecall from senior civil servants comes all too often on issues of this sort, quietly suggesting that Ministers are not pleased”.

Simon Pepper was always a shrewd tactician at WWF Scotland, and, in one of his masterstrokes, he commissioned Crofts in May 2004 to write a review based on the Lingerabay experience, called *Learning Lessons from Large-scale Developments*. This is too detailed to summarise here, but Crofts’ recommendations include the following:-

- planning law should be changed so that more than one possible location can be considered within the planning system for large-scale developments;
- developers should be asked to provide an evaluation in layman’s language of the technology they propose to use, and explain the reasons for the method chosen;
- the capacity of communities to negotiate should be improved through training;
- Ministers should bring forward proposals for the remuneration of costs to third parties, with a particular priority to resolving social injustices;

- a proportion of the investment in developments should automatically be set aside and invested for community benefit, at a level set by the planning authority.

Yet in the face of all these calls for change, the Scottish Executive appears to be moving in the opposite direction. It seems that Lingerabay and a number of other high-profile cases, such as the now-rejected Shieldaig hydro scheme, have merely stimulated the main political parties to go into denial. The current (at the time of going to press) Planning White Paper rejects even a limited right of appeal for third parties, so that communities like that of South Harris will have no new right to demand a planning inquiry and no automatic right of representation at such an inquiry.

And the White Paper proposals go still further. Ministers want to establish a ‘National Planning Framework’ which would take national strategic decisions on major projects – for example landfill sites, pylon lines, motorways or wind farms – without the chance for challenge or public inquiry. As proposed, there would be no opportunity to appeal a decision, because decisions would be taken at the national level and would not be open to any form of public challenge. Even local authority councillors would have little opportunity to question decisions made in the National Planning Framework.

If these proposals pass into law, then Ministers could, at some future date, decide there is a national strategic need for superquarries in Scotland. If a developer then decided on a site for such a superquarry, there would be no opportunity to challenge whether it was needed, even for the local authority. In effect, commercial decisions would be allowed to prevail without challenge.

The Planning Bill looks likely also to miss the golden opportunity to update the legislation in Scotland to protect National Scenic Areas, which many see as outdated and ineffective, despite the attention paid to NSA protection in the Lingerabay PLI. More than six years ago, SNH submitted advice to the Scottish Executive on the need to modernise the NSA system, but officials have ‘sat on’ these proposals ever since, and the Scottish Parliament has never yet been given the opportunity to debate issues of landscape and scenery. Now the Executive has raised the prospect of public consultation on SNH’s advice. At best, this is curious timing with the Planning Bill so imminent, and some LINK members believe it is a deeply cynical ploy to ensure that NSA proposals will not be ready for the once-in-a-lifetime opportunity of the Planning Bill and can thus effectively be kicked into the long grass for the foreseeable future.

The Planning Bill is one of the major campaign issues engaging LINK as this report goes to press. The Battle for Roineabhal may have been won by an alliance of individuals, community groups and conservation bodies, but, in response, Scottish Ministers now appear determined to ensure that similar groups are excluded from all high-profile planning cases in the future. That seems like a very hollow victory for democracy – and one that LINK is determined to fight at all costs.



Card prepared in relation to the petition on the Planning (Scotland) Bill²

² Prepared by LINK's Planning Task Force and the Association of Scottish Community Councils at winter 2005/06 in light of real concerns over the Scottish Executive's proposed planning legislation. LINK has campaigned rigorously to see the new legislation establish real and effective rights for people to have their views taken into account on planning decisions and conditions.

Chapter 16: ‘The Top of Roineabhal is Coming Back’ – Harris after Lingerabay

Breaking the “doom and gloom” habit.

In November 2000, after Sam Galbraith recommended that the Lingerabay quarry be turned down, the *Stornoway Gazette* reported bitterness at the “loss of 200 jobs”. Whether these jobs really would have resulted from the superquarry and whether, if they had, they would have gone to Harris residents is in a sense irrelevant: some people felt, as surely as if they had worked quarry shifts for a decade, that Harris had lost a large employer and certain prosperity. Harris would now inevitably go under, becoming – as one public inquiry soundbite, much recycled in the media, would have it – “another St Kilda”. Five years on, in 2005, some still maintain that “Harris is dying”: Graham Edwards for one hears it regularly from his Harris contacts.

However, John MacAulay begs to differ. He says Harris folk have become habituated to a “doom and gloom” attitude whereas, in reality, Harris has not been “so well off for years”. Unemployment, running at about 17% during the inquiry, is now about 4% and the economy is fairly buoyant. Though young people continue to move away, they are being replaced, not by wealthy retired people (the traditional stereotype of incomers), but by people who work and have families. New businesses are proliferating, most of them small and capitalising on special aspects of Harris, including environment and culture. John puts the enduring belief in poverty and deprivation down to “self-pity” and “indignation at not being the poorest part of Europe any more”. He feels that opportunities for development abound, if people are open to them.

Murdo Macdonald agrees; “with my ancestry” he hopes he can say that “Hearachs are often not their own best friends”, and he continues: “There’s a cultural tradition of waiting for the Lord to provide, a fatalism, a lack of get up and go”. If that is tackled, he says, then economic development will follow. Macdonald is optimistic that attitudes *are* changing. A recent SNH meeting in Harris left him with the impression that the island is “buzzing” and “vibrant”, with genuine development opportunities being offered and enthusiastically grasped. From conversations with locals he feels, furthermore, that there is a realisation that some sources of income (grants and fish-farming) are not likely to be profitable forever, and that real economic development requires an adaptable attitude.

Harris Development Ltd.

MacAulay is a member of Harris Development Ltd (HDL), a company set up in 1994 to “foster, plan, encourage and at its discretion assist all types of development in the geographical area of the Isle of Harris, Scotland, with a view to providing an economic, natural and social environment in that area that will result in a more balanced and stable level of population therein”.

In line with this mission, HDL’s objectives include the conservation of culture, language and natural environment and, “where appropriate, the maximisation of their potential for economic development”. Determined to do something more constructive than whinging about the age-old antipathy to Stornoway bureaucrats, HDL also aimed to bring about the decentralisation of public services, to give Harris more

power over its own affairs. A private company whose profits all go into community initiatives, it has directors from a range of local interest groups, as well as one – Morag Munro – who is the local councillor.

It was largely the brainchild of Ian Callaghan, coming out of his opposition to the Lingerabay superquarry, in that he wanted to do something positive to further the sort of alternative developments he believed were more in Harris' interest. However, as Duncan McPherson, HDL's representative in Tarbert, is keen to point out, the company has members who were both for and against the quarry. They were united, he believes, by a conviction that Harris was "in a bit of a state". Although in a sense HDL's activities could be seen as anti-quarry, the idea of 'local empowerment' embraced by HDL did stem, he thinks, from the search by quarry opponents (prominent among whom was Ian Callaghan) for alternatives to an enormous corporate invasion. The company's stressing of small-scale, non-corporate initiatives cannot but be seen as alternative to, and thus a refutation of, Redland's vision for the island.

Ian Callaghan, though, instrumental in setting up HDL was initially not a director: he felt that, given his high profile in the Lingerabay case, that would have been "too controversial". Callaghan recalls that he was unwittingly something of an inventor: HDL was one of the first community development companies; they are now commonplace and increasingly influential. Callaghan believed that, in view of Harris' excellent educational attainments, "more upmarket" jobs than quarry work were required – a view which could be criticised as elitist, but which seems to reflect a prominent strand of local opinion.

Callaghan was also aware that Harris people tend to be independent, and like to work part-time at various activities, fitting a job around crofting and fishing, for example. At the PLI, local resident the late Andy Miller-Mundy made a similar observation, saying that tending sheep, cutting peats and so on represented a precious "commitment to an island way of life that would be in conflict with full-time quarry employment": in other words, full-time shift-based industrial jobs would undermine the local way of life. In October 2005 it was announced that Polish workers were being recruited to the Arnish steel yard because no islanders were available or willing to take up the vacancies. As Murdo Macdonald comments, that "rather puts the demand / supply for local employment in that sort of industry into perspective".

HDL has responded to the desire, prevalent in the island, to work for oneself by assisting in the setting up of numerous small businesses. Lena Maclellan, though not assisted by HDL, is a good example of the island approach to work: she runs her own catering company, providing meals to tourists staying in holiday cottages, works at Scarista House Hotel, is housekeeper at Borge Lodge (whose owner is a holiday visitor) and also runs Scarista Post Office two afternoons a week.

Projects in which HDL has been involved range from the new harbour at Scalpay to the McGillivray visitor centre in Northton, and it plays a central role in the ongoing discussions about a Harris Tweed Centre in Tarbert. As John MacAulay explained, the company's involvement can take various forms, but it mostly sources, or advises on sourcing, funds for small business initiatives, or even community projects that may have an economic spin-off. An example of the latter was a scheme to smarten up Tarbert and make it more attractive to tourists, which involved helping any local resident who was interested with the costs of repainting and generally tidying their

houses. At present HDL is involved in trying to set up a visitor attraction at the disused whaling station in Bunavoneader.

Extra funding is available to peripheral European areas, and HDL is involved in supporting projects – such as tearooms and galleries in the Bays area of Harris – that are part of this ‘Initiative on the Edge’. The company is keen to improve amenities for visitors, recognising that tourism is an important and sustainable form of development for the island. The Harris ‘Walkway’ for hikers is one ongoing project, though, as Morag Munro commented, ideas of what comprises suitable development vary. She reports a recent run-in with RSPB who objected to the siting of a bench on a footpath between Luskentyre to Stockinish on the grounds that it was near a golden eagle breeding site. Morag tartly remarks that this has been a human path for generations – people from the undiggable rocky east side used to carry their dead over it to be buried at Luskentyre – and that the eagles have never shown any sign of minding. Though relationships between the Harris community and environmental NGOs improved hugely during the Lingerabay campaign, friction can still occur.

The Harris ‘brand’

The very week that Lingerabay was turned down by Sam Galbraith, a new state-of-the-art fish-processing plant opened on Scalpay, providing many local jobs. Due to new SEPA guidelines and, moreover, to the dubious economics of oversupplying the market with low-priced salmon, it became uneconomic to operate in such a remote location, and the plant closed in 2005. John MacAulay says salmon is now sent to Fort William to be processed by Europeans, compromising the quality of the product which used to be packed immediately after harvesting. MacAulay regards the closure as indicative of a somewhat unhealthy economic situation where “everything is provided” to start-ups, and projects fail when the grants run out. Morag Munro disagrees with this assessment, and points out that jobs for five years are better than no jobs at all; and that many of the Scalpay employees are now working elsewhere.

Graham Edwards suggests that much local employment, for example in the tourism and catering sector, is fairly low paid, but “at least it is sustainable, whereas grant-led things result in manufactured jobs” that do not necessarily last, or improve local people’s self respect. This assessment is doubtless partly true, but it seems that it is not the whole story. Both John MacAulay and Morag Munro spoke of Ian Scar-Hall, owner of North Harris’s Amhuinnsuidhe Castle, who has moved some of the administration jobs in his company up to Harris, and now employs several people in Tarbert. Tarbert Technologies, an IT company, has been a spin-off from this. Rather than being grant-based, this seems a good example of a genuine opportunity, likely to last at least as long as Scar-Hall retains his interest in Harris.

Every local spokesperson on jobs and development emphasised that the most successful initiatives were those that capitalised on the special qualities of Harris. Among the examples raised were Rhoda Macleod’s Blue Reef cottages, designed by an innovative Stornoway architect to an environmentally friendly design, including turf roofs, provided with luxuries like widescreen TVs and spa baths, and marketed on the internet to discerning holidaymaker couples.

At the opposite end of the spectrum, but also cited as a successful new tourism-based development, is Ruari Beaton’s Bunk House near the new Sound of Harris ferry terminal at Leverburgh. Other examples are a fashion-conscious tweed company in

Luskentyre and Angus Macmillan's West Minch Salmon, whose hot-smoked organic salmon has tapped into the high quality gourmet market. All these businesses use the internet to attract customers, and all are aware of the power of what Calum Macdonald calls the Harris 'brand'.

"Promoting a special image" of the island is, Macdonald feels, the route to economic development, and this image includes the "unspoilt environment" and "unique culture". The Lingerabay saga, says Ian Callaghan "opened a debate on the true advantages of Harris", and he feels that locals now think more imaginatively, and in a more sophisticated way, about how best to profit from their island. Callaghan was ahead of the times in this, coming up with inventive ideas to capitalise on the islands' resources, and so much untapped potential in tourism. His sporting interests led not only to the Western Isles Challenge but also to his idea – as yet undeveloped – that a golf course on South Uist designed by 'Old' Tom Morris (who designed St Andrews Links) should be promoted to American visitors, who would surely flock to play there!

The gradual shift in mainland culture towards valuing the small, the 'natural', the 'traditional'; together with the advent of the internet as a marketing tool, have worked to the advantage of the Harris tourist trade in recent years. One local contributor to the Lingerabay PLI, Margaret Bennet, the owner of a refurbished traditional 'black house', was prescient when she predicted that one day "people will demand a different type of holiday experience".

NGOs and Hebridean development

It is partly this fashion for the unusual, the search of consumers for low impact, non-corporate, unique products, that has led to the growth of ornithological tourism in the Outer Hebrides, but cultural sea-changes may certainly be helped along by organisations with a particular agenda. Anne McCall feels that RSPB now has a "much more genuine involvement in the islands", even if its staff had been seen pretty much as outsiders at the time of the Lingerabay PLI. The RSPB has had a longstanding relationship with the Uists, but in the wake of Lingerabay the special qualities of Harris and Lewis have attracted more attention, and the RSPB is determined to keep the promises made during the 1990s about promoting the islands' natural and cultural heritage. Eco-tourism offers real opportunities for the region. The RSPB has been involved in promoting the Western Isles as a 'birding' destination, and has opened new reserves, employing local people. McCall admits she was surprised (and delighted) that RSPB-led walks this summer also resulted in the recruitment of many local members.

The RSPB's presence in the Western Isles is currently strong, as the campaign against huge windfarm developments increases. Anne McCall senses a change in her organisation's handling of this campaign, compared to Lingerabay: whilst once non-government organisations (NGOs) tried to direct opinion, now they have rather more "humility" and are trying to meet their objectives by acting as a conduit for local opinions. Though there are pitfalls in this approach, the ongoing windfarm campaign does point to a new understanding by at least one of the LINK organisations about how best to work with the local community; and also to the fact that the community is now much more confident about voicing objections and seeking support from conservation bodies.

Looking at the windfarm campaign, Murdo Macdonald feels that things have changed dramatically since Lingerabay. Island people have realised, post-Lingerabay, that “they must look long and hard beneath the wrapping”, and it is now Lewis and Harris accents that are fronting the campaign, using arguments learnt from Lingerabay. Nonetheless Lloyd Austin feels that there still are, and perhaps ever will be, those who seek to generate rancour by making dismissive and disparaging comments about ‘outside’ or ‘expert’ views; this generates only blind prejudice, not informed debate. He therefore cautions against always assuming that communities will always be the best judges: for environmental NGOs to be so ‘politically correct’ as to lose sight of the fact that sometimes local opinions can be fallacious serves only to validate this ‘anti-outsider’ prejudice, and will fail to meet the organisations’ constitutional responsibilities as guardians of the environment.

Calum Macdonald, who, rumour has it, recently lost parliamentary seat because he was not sufficiently blunt about his objection to large windfarms, certainly now believes that, like Lingerabay, the threatened developments are totally inappropriate in scale for the small fragile communities of Harris and Lewis. Instead he champions community wind-power projects, where, instead of outside organisations reaping the benefits of a Hebridean resource, there would be benefits for local people. The local community trust which recently used the 2003 land reform legislation to buy the North Harris estate is planning to erect several turbines that will generate a substantial income for the community that owns them. Macdonald has worked with Highlands & Islands Enterprise to secure funding for such projects, and is enthusiastic about their benefits, both economic and environmental. The North Harris turbines will be positioned next to Roddy MacAskill’s quarry, the small family-run quarry that was used as a benchmark to expose the vast scale of Lingerabay. A rather similar analogy might be drawn between these community turbines and the monster developments proposed for North Harris and Lewis.

The North Harris buyout, in which Harris Development Ltd was heavily involved, has increased Harris’ self-confidence dramatically, though economic benefits are perhaps less tangible. The John Muir Trust (JMT), though a member of LINK, was not actively involved in the Lingerabay campaign, partly perhaps because of the awkward fact that one of its reserves on Skye was home to one of Ian Wilson’s quarrying schemes. However, the Trust became actively involved in the island community as benefactors and allies in the buyout process. Though Nigel Hawkins of JMT feels that for his organisation there was no “significant knock on effect”, Lingerabay must certainly have increased Harris’ visibility on conservation NGOs’ radar.

James Hunter, crofting historian and former chairman of Highlands & Islands Enterprise, sounds a note of caution however. Though he had little public engagement in the Lingerabay debate, he has strong views on what has happened since, feeling that conservation bodies have not acquitted themselves well. He points out that the environmental bodies, both governmental and voluntary, made a strong case in the inquiry that the natural environment of Harris was worth more to the local people than a superquarry would ever be. When that environmental case carried the day and the quarry was rejected, he thinks it would have been appropriate for those bodies to ‘put their money where their mouth is’ and show how this could be made to work in practice.

Hunter realises that the smaller LINK members couldn't be expected to be development bodies, but he feels that larger bodies – and especially SNH (of which he is now a Board member) – should have done more to match their rhetoric in the inquiry, by helping to develop ecotourism and other opportunities so that local people could benefit from the landscape and other natural resources around them. This, he argues, is not just a matter of these organisations owing a debt to Harris; it would also strengthen their position, should some hypothetical mega-development be proposed elsewhere in the Highlands in the future, if these bodies could show that they had played a part in ensuring a sustainable future for Harris communities based on their natural environment. This is arguably the sole responsibility of development agencies such as HIE, but the more voices that clamour for sustainable development and make concrete efforts to achieve it, the more hopeful the future. FoES, for example, has taken a small step in the right direction by offering discounted advertising in its members' magazine to Harris businesses.

Optimism on Harris

Whether or not hard economics will tell the same story, there is a prevalent feeling that Harris is on the up. Local people's efforts have been supported by large amounts of public money to create a far more hopeful climate than that in which the Lingerabay saga unfolded. The North Harris buyout has been vastly significant, in symbolic terms at least: the community now feels more in control of its own resources, and that self-pity criticised by John MacAulay seems to be waning. Perhaps, after all, Harris can do anything it puts its mind to.

Though she hasn't been there for a few years, Alesia Maltz feels that the three to six months per year she spent in Harris over eight or nine years entitle her to make some sort of analysis of the community spirit, and she speaks in terms of empowerment. The community was "really strengthened by the experience" of Lingerabay. At the start, they were trustful of the big company and, in any case, fatalistically sure of their powerlessness to resist the development. One old lady with whom she used to travel to church spoke of the quarry as a punishment sent from God for wrongdoing. This view echoed widespread fatalism.

However, a letter in the *Gazette* shortly before the 2000 judgment asked whether the heritage of Harris should really be "given away for a bowl of porridge". This was a reference to the bible story of Jacob and Esau, in which Esau was tricked into parting with his inheritance for a bowl of porridge (Genesis 25), and implied a whole different set of terms for looking at the Lingerabay case: no longer was Harris a passive recipient, but a place that ought to be alert to avoid being duped by Redland's trickery. The shift in terms was, Alesia feels, quite general. There has been a loss of innocence, perhaps, but the community has learned how to deal confidently with the wider world, and this has led to a new confidence about dealing with itself.

This new confidence and independence is echoed in local administration: at the time of the Lingerabay PLI, most offices at the Tarbert Hostel stood empty, though it was ostensibly the local base of Comhairle nan Eilean. Now it is a busy place, providing office space for 12 new civic posts that didn't even exist in the 1990s. There has been a significant move towards devolution from Stornoway so that, for example, Harris now has a part-time resident planning officer. There is a feeling that Harris' needs are now better catered for, and that the accountability of the local authority is much

enhanced. Harris is at the centre of the Western Isles but, lacking an airport, has always been less well served than the southern isles or Lewis. The new ferry between Leverburgh and North Uist has enabled much easier travel down the length of the archipelago, and Harris has thus become something of a hub, both administratively and in terms of tourism.

Helen Todd of the Ramblers' Association Scotland recalls that, when she visited Harris in 2003 (then working for FoES), people were not paralysed by the thought of the quarry but were instead "investing in tourist infrastructure". There was a strong feeling that tourism would be "the saviour for the future, along with small-scale local enterprises". The Ramblers' Association vision for eco-tourism fits in with these new local aspirations, says Todd, adding that "we would like to see Harris identified as a possible third national park in Scotland - to encompass North Harris, the Sound of Harris and possibly the Shiantas and North Uist too". As well as protecting the terrestrial and marine environment this would have economic benefits in terms of tourism, "drawing people out and away from the mainland".

Renaissance and realism

Fred Silver remarks that Leverburgh and surrounding villages have undergone a dramatic renaissance in the past decade. He stayed in Northton (in South Harris) in 1993, and "half the houses were empty, derelict or holiday homes". Now the village is "a mass of activities", pursued by "locals, incomers and returnees". Crofting rules seem to have relaxed somewhat, so it is no longer virtually impossible for non-islanders to buy land, but the new crofters are often returnees, or the children of Harris folk. It is a myth, says John MacAulay, that only the non-economically viable settle in Harris: school rolls are increasing slightly as young working families move in and, whilst some may grumble that 'dyed-in-the-wool' local people are still moving out, MacAulay has a realistic attitude, recognising that communities must change over time.

According to Silver, the development now occurring in Harris is not simply grant-fed, but 'broad-based', with new services and businesses improving the quality of life for locals. Leverburgh now has a hairdresser, well-patronised restaurant and a petrol pump, all lacking at the time of the Lingerabay PLI; and An Clachan, the local shop, is set to expand. Silver feels that the renovation of the long derelict Rodel Hotel, though "crassly done" in view of its historic significance, is part of the same trend. In the Bays, the area that would have been most affected by the Lingerabay quarry, new galleries and so on are proliferating.

Murdo Macdonald has the impression that "Harris is doing alright" – not by the standards of the "urban industrial area that it was never going to be anyway", but there's a lot of "low level sustainable economic activity" going on. In the aftermath of the Lingerabay PLI, the CQLSN lamented that "we all know you cannot live on scenery, you cannot eat it, it does not reverse declining school rolls and depopulation". Now it seems reasonable to claim that scenery, or at least the exploitation of Harris' unique natural environment, is indeed putting bread on Harris tables, and that depopulation is stabilising, not because of a future quarry, but because people love Harris and want to live there because of what it already has.

It is a shame, thinks Macdonald, that in the light of this, Angus Graham's refrain – 'there's no hope except in big industry' – hasn't changed. It is a shame also,

according to Macdonald, that, despite a lot of worthwhile initiatives, certain small efforts still aren't being made: though the council are now making big efforts about recycling (e.g. using recycled bottles as road hardcore), Harris is still littered with rubbish and wrecked cars, off-putting to visitors and generally unpleasant and uncivilised.

Leverburgh School will shortly boast a fine new football pitch and sports facility, and, though the Lingerabay quarry battle might be forgotten, the name of Lafarge Redland will live on in Harris. After the company announced its decision to withdraw from pursuing the Lingerabay application, Morag Munro led negotiations to secure some small compensation for the decade of 'planning blight' the island had undergone. The result was a £35,000 donation to the Leverburgh sports field appeal. The former bad guys had turned benefactors.

'The top of Roineabhal is coming back'

John MacAulay enjoyed his interviewer's look of confusion when he casually remarked in Gaelic, "The top of Roineabhal is coming back". The Gaelic wasn't a problem, but what on earth did he mean? Surely, thanks to LINK and others, it had never gone away; indeed even Redland hadn't been so crass in their landscaping plans as to suggest altering the skyline.

It turned out that MacAulay and Alastair McIntosh had engaged in a little small-scale quarrying of their own, and a rock from the peak of Roineabhal had been ceremonially presented to Mi'kmaq chief Stone Eagle, whose people had undertaken historically to protect Scottish settlers on Cape Breton Island. Now it was Scottish rock that needed protection, and Stone Eagle undertook in 1996 to ensure the safety of this symbolic stone. It was lent to the Hector Heritage Quay Museum - a centre that commemorates the Hector emigrant ship that took cleared Highlanders from Scotland to settle Canada - in Pictou, Cape Breton Island where it resided until spring 2005. Then, with the threat to Roineabhal at last defeated, it was ceremonially returned by the museum curators to the Mi'Kmaq and thence to Alastair McIntosh, the 'mountain bearer'.

On 30th July 2005, a low-key ceremony was conducted on the summit of Roineabhal, as McIntosh, MacAulay and a few friends cemented the summit rock back into place. As McIntosh noted, "by a supreme stroke of irony, the cement in question was manufactured by Lafarge". McIntosh goes on: "So it is that the superquarry saga – Scotland's longest running ever environmental campaign to date – is all over. The two-billion-year-old mountain remains as magnificent testimony to the majesty of creation."

Dozens of people and organisations, both from Harris and far beyond Harris, had worked tirelessly for more than ten years to ensure that the summit of Roineabhal will never again be exiled.



John MacAulay returning the summit of Roineabhal
Photo by Alastair McIntosh, courtesy of John MacAulay

Appendix 1: Summary Timeline of Lingerabay Saga

(developed from research by Friends of the Earth Scotland and the RSPB Scotland)

Date	Event	See chapter
1965	Planning permission granted to Kneeshaw Lupton Ltd for quarry at Lingerabay, Harris	3
1976	The 'Verney report' <i>Aggregates – the Way Ahead</i> published	3
1980	Scottish Development Department publishes <i>Potential for a Large Coastal Quarry in Scotland – preliminary research report</i>	3
1980	Phoenix Minerals sells cliffs at Longhaven to the Scottish Wildlife Trust and develops small Blackhills Quarry.	3
1986	Glensanda quarry in Lochaber opens	4
Nov 1986	Scottish Wildlife & Countryside Link constituted	4
Mar 1991	Redland Aggregates submit planning application for coastal superquarry at Lingerabay, Harris.	3 / 4
Apr 1991	Lingerabay Quarry Working Group (later Quarry benefits Group) founded	5
Jun 1991	Countryside Commission for Scotland decides not to oppose Lingerabay planning application	4
Sep 1991	Ian Lang, Secretary of State for Scotland, issues direction requiring Comhairle nan Eilean to notify him if it intends to grant planning permission for the superquarry	4
Apr 1992	General election returns Conservative government	4
May 1992	Scottish Natural Heritage launched	4
Sep 1992	LINK Quarry Group formally established at LINK meeting	4
May 1993	Scottish Natural Heritage formally objects to Lingerabay planning application.	4
Jun 1993	Comhairle nan Eilean announces that it is "minded to grant planning permission" to the superquarry	4
Jun 1993	Referendum by Electoral Reform Society finds 62% of those surveyed on Harris support the quarry proposal.	4
Jan 6 th 1994	Ian Lang, Secretary of State for Scotland, announces public local inquiry into the Lingerabay planning application	4
Mar 1994	At pre-inquiry meeting, LINK Quarry Group accepted as 'principal party' to the inquiry	6
Apr 1994	Revised NPPG4 on land for mineral workings in Scotland published by Scottish Office	6
Sep 1994	Labour Party publishes environmental policy document, <i>In Trust for Tomorrow</i> , in which the party "rejects development of any further coastal superquarries".	
Oct 11 th 1994	Public local inquiry into Lingerabay planning application begins in Stornoway	6
May 1995	Poll commissioned by Harris Council of Social Services shows that 68% of respondents now oppose the superquarry proposal	8

Jun 2 nd 1995	Chief Reporter at inquiry refuses request from chief executive of Comhairle nan Eilean asking for the final submission on their behalf to the inquiry by their QC to be delayed until after a council meeting on June 5 th	8
Jun 2 nd 1995	In his closing submission to the inquiry, Robert Reed QC sums up regarding Comhairle nan Eilean's support for the superquarry planning application at the inquiry	8
Jun 5 th 1995	Comhairle nan Eilean councillors agree by 21 votes to 8 to overturn their 1993 decision and inform the inquiry Reporter that they now oppose the development	8
Jun 6 th 1995	83 rd and last day of the Lingerabay PLI	8
Jun 6 th 1995	Comhairle nan Eilean QC Robert Reed informs inquiry Reporter that the council's resolution the previous day did not form part of the council's evidence to the inquiry, and the council did not wish to withdraw any of its evidence.	8
Jun 6 th 1995	Other QCs sum up for Redland and SNH, and Lloyd Austin makes final submission for LINK Quarry Group	8
Jun 12 th 1995	Early Day Motion launched in Parliament calling on Secretary of State to reject the proposed superquarry.	8
Jul 1995	Michael Forsyth appointed Secretary of State for Scotland	10
Jul 1996	Scottish Office says part I inquiry report due in "late summer or early autumn" (but doesn't state year!)	10
Oct 1996	IUCN Congress in Montreal passes resolution which recognises the threat of irretrievable damage from large-scale quarrying in Europe	10
1997	In its Review of Mineral Permissions, Comhairle nan Eilean decide to exclude a 1965 planning consent from its list of extant and dormant minerals permissions, although it does include a consent given in 1981	
May 1997	General election returns Labour government; Donald Dewar appointed Secretary of State for Scotland	10
Oct 1997	Scottish Office states part I inquiry report will not be ready "for some time"	10
Oct 1997	Lafarge SA launch a 'hostile takeover bid' for Redland Aggregates, valuing the company at £1.67 billion.	13
Nov 1997	Redland accepted revised Lafarge offer of £1.79 billion, and subsequently became known as Lafarge Redland Aggregates.	13
Dec 1997	Scotland Bill published, proposing "there shall be a Scottish parliament"	10
Mar 10 th 1998	Part I report of the Lingerabay PLI finally published	10
1998	Rodel Crofting Lands launch appeal against Comhairle nan Eilean's decision in its Review of Minerals Permissions to exclude the 1965 mineral planning consent for Lingerabay in its lists of extant or dormant permissions; the appeal is 'cisted' until the outcome of the 1995 PLI is known	11
Nov 1998	Scotland Act passes into law; first elections for the Scottish Parliament to be in May 1999	10

Dec 1998	Donald Dewar announced that it would be inappropriate to reach any conclusions about Lingerabay in the period running up to the election of the Scottish Parliament.	10
Jan 1999	Scottish Office publishes NPPG14 on the Natural Heritage, with stricter guidelines on planning applications affecting National Scenic Areas	10
Apr 29 th 1999	Part II 'recommendations' report on the Lingerabay PLI finally submitted to the Scottish Office	10
May 6 th 1999	First election to the Scottish Parliament leads to a Labour – Liberal Democrat coalition, with Donald Dewar as First Minister and Sarah Boyack as Minister for the Environment and Transport.	10
Aug 1999	Donald Dewar says Lingerabay would be “very, very difficult decision” and could “take months”	10
2000	WWF International agrees 'conservation partnership' with Lafarge	13
Mar 2000	Inquiry report finally submitted to Sarah Boyack	10
Jul 2000	Sarah Boyack asks SNH to review whether or not the site at Roineabhal would meet the criteria for submission to the EC as a candidate Special Area of Conservation	10
Aug 2000	Lafarge Redland Aggregates lodge appeal at Court of Session for a judicial review into delays in determining the Lingerabay planning application	10
Sep 2000	SNH Board considers its confidential advice to Sarah Boyack on whether Roineabhal meets the EC criteria as a Special Area of Conservation	10
Sep 2000	Lord Hardie hears arguments on judicial review on planning application delays	10
Sep 12 th 2000	During judicial review, Lafarge lawyers reveal that Chief Reporter has recommended approving the Lingerabay planning application	
Oct 11 th 2000	Donald Dewar, Scotland's first First Minister, dies	10
Oct 18 th 2000	Lord Hardie rules that the delays in determining Lingerabay planning application are unreasonable and that Boyack's request to SNH was <i>ultra vires</i> . SNH advice on Roineabhal is subsequently locked unopened in a safe.	10
Oct 26 th 2000	Henry McLeish elected First Minister	10
Oct 29 th 2000	Sam Galbraith appointed Minister for Environment, Sport and Culture	10
Nov 3 rd 2000	Sam Galbraith announces that Scottish Executive has decided to refuse planning permission for superquarry	10
Dec 15 th 2000	Lafarge Redland launch appeal at Court of Session against Galbraith's decision.	10
Mar 2001	Sam Galbraith resigns as environment minister; Ross Finnie takes on environment brief	10
May 2001	Scottish Executive announces public inquiry into appeal by Lafarge against exclusion of 1965 planning consent from Comhairle nan Eilean's list of extant or dormant minerals permissions	11

Nov 26 th 2001	'Second' PLI opens in Leverburgh, to review the 1965 planning consent for the Lingerabay site, and lasts 5 days	11
Mar 19 th 2002	Scottish Ministers withdraw their response to the appeal into the 2000 planning refusal, having concluded that they had not given 'sufficient and adequate' reasons to overturn the inquiry Reporter's recommendation; the matter will now be subject to redetermination	14
May 2002	Scottish Ministers accept Reporter's recommendation from the second inquiry that only two small areas on Roineabhal were covered by the 1965 planning consent.	11
Jul 2002	Scottish Ministers call for any new information in allowing them to redetermine the 1991 planning application.	14
Aug 2 nd 2002	Lafarge Redland lodge appeal against decision of second planning inquiry	11
Oct 2002	Scottish Ministers announce that the redetermination of the 1991 planning application could not take place until after the conclusion of the appeal into the 1965 planning consent decision.	14
Summer 2003	Thierry Groussin from the Confederation Nationale du Credit Mutuel visits Roineabhal with Alastair McIntosh and expresses concern that a French company is implicated in potential damage to the site	13
Oct 2003	Alastair McIntosh invited to Lafarge headquarters in Paris to meet senior executives	13
Nov 25 th 2003	Lafarge Redland's appeal into the 1965 planning consent opens at the Court of Session; proceedings last a week	14
Jan 9 th 2004	Judges in the Court of Session unanimously reject Lafarge's appeal against the 1965 planning consent decision	14
Jan 15 th 2004	Senior Lafarge executives go to Harris with Alastair McIntosh, visiting the quarry site and meeting local people	13
Apr 2 nd 2004	Senior Lafarge executives return to Harris and announce that the company has withdrawn its 1991 application and decided not to appeal its appeal into the 1965 Court of Session decision; they state "Harris is no longer a subject, now or in the future"	13 / 14
Jul 30 th 2005	In a low-key ceremony, a rock taken from the summit of Roineabhal is cemented back into its rightful place.	16

Appendix 2: The Cast of Characters

This chapter provides brief portraits of the main individuals involved in the Lingerabay inquiry people from a LINK perspective, all of whom were interviewed in the process of compiling this report. These notes do not cover their entire *curricula vitae*, but only those parts relevant to their role in the inquiry. Several other individuals who were interviewed, all of whom were associated directly or indirectly with the government sector, wished their comments to be ‘off the record’ and therefore they are not listed here. Many other individuals played a significant role in the story of Lingerabay, but, for various reasons, do not get fully acknowledged in the text; in particular, however, we would like to give honourable mention to both Lang Banks and Dan Barlow at Friends of the Earth Scotland, both of whom made a huge contribution.

One notable fact became apparent in reviewing the profiles of the key LINK players: several have now moved on to different, and often much more influential, positions since their early engagement with the Lingerabay issue. Perhaps this illustrates that Civic Scotland has become more open and inclusive since the advent of the Scottish Parliament. Fifteen years ago, it would have been unthinkable for anyone associated with an environmental charity to be appointed to public office in Scotland, despite their obvious expertise. Now there is a much more genuine attempt to achieve balanced representation and to make appointments on merit.

Lloyd Austin graduated in ecology from Edinburgh University; after a range of conservation-related work in England and Northern Ireland, he returned to Edinburgh joining RSPB Scotland as Conservation Planning Officer in 1990. In this role, he co-ordinated RSPB Scotland’s involvements in planning casework – including its involvement in the LINK Quarry Group and the first Lingerabay public inquiry, where he acted as one of the LQG’s four ‘rotating’ advocates. Since that inquiry, he has continued to work with RSPB Scotland, now being Head of Policy Operations, and he is now also Chair of Scottish Environment LINK.

George Baxter was Press Officer for Friends of the Earth Scotland from 1993. In 1997, he transferred to a similar job with WWF Scotland, where he became engaged with the issue of the sponsorship arrangement between WWF International and Lafarge. He is now Head of Media and Communications for the Scottish Green Party, working in the Scottish Parliament.

Ian Callaghan, at the time of the Lingerabay PLI, was running Scarista House Hotel in South Harris. He objected to the quarry on the grounds of environmental destruction and of the effects it would have on the local tourism and fishing industries and because of the developers’ attitude to the local community. As well as attending the PLI regularly, and engaging in voluminous correspondence with the local press, Ian made efforts to put into practice his ideas about the sort of economic development that would be both appropriate to Harris’s needs and respectful of its natural amenities. He was a founder of Harris Development Ltd., proposing a range of ideas discussed further in chapter 16. He left Harris in 2001.

Roger Crofts CBE worked in the Scottish Office from 1974 to 1991, latterly as Assistant Secretary in the Rural Affairs Division. In this capacity, he was responsible for the bill that became the Natural Heritage (Scotland) Act 1991, which amongst other things established Scottish Natural Heritage (SNH). He was then appointed Chief Executive to that new organisation in 1991, a post he held until he retired in 2002. During that period he also chaired the IUCN UK committee and the World Commission on Protected Areas (Europe). He remains actively engaged with environmental NGOs, as convenor of the National Trust for Scotland conservation committee and as a board member of Plantlife International.

Kevin Dunion OBE came to Friends of the Earth Scotland as Chief Executive in December 1991 and rapidly became embroiled in concerns about superquarries at Lingerabay and elsewhere in Scotland. He had previously worked for Oxfam, and edited the journal *Radical Scotland* from 1982 to 1985. He chaired Friends of the Earth International from 1996 to 1999, using his position to raise the international profile of the Lingerabay issue. Over the same period he also served on the Secretary of State's Advisory Committee on Sustainable Scotland. He left FoES in 2003 when he was appointed Information Commissioner for Scotland. His book *Troublemakers: the Struggle for Environmental Justice in Scotland* was published in 2003.

Graham Edwards was Assistant Director of Administration in the Legal Department of Comhairle nan Eilean Siar at the time of the Lingerabay PLI. Together with John Marshall, he presented the council's case. Initially against the development in a personal capacity, he later became convinced of the potential benefits. Retiring from the Comhairle as the Inquiry ended, he was briefly involved with Redland in a consultancy capacity, as well as running a local pottery. He now describes himself as 'a man of leisure'.

Rob Edwards is an award-winning environmental journalist, who covered the superquarry saga, initially for *The Guardian*, then as environment editor of *Scotland on Sunday* from 1989 to 1994 (interrupted by a brief spell in Germany), and more recently the *Sunday Herald* of which he became environment editor in 1999. He is also a consultant for *New Scientist*.

Elizabeth Garland (now Elizabeth Bramley) had recently been appointed Director of APRS (Association for Protection of Rural Scotland – now known as Rural Scotland) at the start of the inquiry. She had worked previously for the Council for the Protection of Rural England (CPRE). Whilst employed there, she had participated in a large Public Inquiry into plans to continue extracting limestone from a site in the Peak District. This Inquiry resulted in victory for the conservationists, and gave Elizabeth an insight into the issues surrounding mineral extraction, which was valuable when it came to dealing with Lingerabay. Critiques by CPRE of forecasts for mineral demand were later valuable to Link: a contact of Elizabeth's named Dick Bate provided valuable guidance on these issues. She had also represented APRS at a large Public Inquiry, so was familiar with the Scottish system, and with Roy Martin, Redland's QC. She retired from APRS in 1998 and now divides her time between Sheffield and Edinburgh, volunteering for CPRE in South Yorkshire and being part of a planning group at Rural Scotland dealing with responses to proposals for the new Planning Bill.

Luc Giraud-Guigues joined WWF International as Manager, Corporate Partnerships in the Fundraising and Marketing Department in 2002, with particular responsibility for the WWF partnership with Lafarge. In this capacity, he visited Harris on a fact-finding trip in 2003 (see chapter 13).

Alison and Andrew Johnson run a publishing company, and have lived in Harris for over thirty years. They both gave evidence as individuals to the Lingerabay PLI, and Alison also contributed evidence to the 1965 permission PLI. They were also involved with LINK, often offering a 'local' angle on how the case should be made, and contributing expertise and practical support. LINK remains hugely grateful for the valuable local insights they provided, and the extraordinary commitment they showed, throughout the whole PLI process.

Alesia Maltz teaches at Antioch Graduate School in New England, and her research interests include environmental justice, industrial anthropology, and the spirituality of environmental leadership. She has studied the impact of development or threatened development on isolated and first nation communities, particularly in terms of minerals extraction. She spent a sabbatical at the Centre for Human Ecology in Edinburgh, and was present when Ian Wilson gave a talk about Lingerabay. She later went to Harris to find the views of locals about the proposal. She sat through the entire Public Inquiry during another sabbatical, taking 800–900 pages of notes, and providing continuity and insight into how the whole picture was unfolding. She gave evidence for LINK on social impact assessment and helped both LINK and the Quarry Benefit Group with cross-examination. Harris will be a substantial part of her planned book on environmental leadership.

John MacAulay was a key member of the Quarry Benefit Group and regularly attended the Lingerabay PLI. As a local historian, boat-builder and musician, he has a strong interest in preserving Harris heritage and the Gaelic language. He is a director of Harris Development Ltd, which seeks to encourage small-scale, appropriate development in the island. He also had the privilege of returning the summit rock of Roineabhal to its rightful place at the end of the whole Lingerabay saga (see chapter 16).

Calum Macdonald was MP for the Western Isles for two decades, until losing his seat at the 2005 General Election. Personally, he was opposed to the Lingerabay development, though, recognising that local opinion was divided, he concentrated his efforts on pursuing community benefits: he became involved with the Quarry Benefit Group at an early stage. Having been a Minister in the Scottish Office, he believes that the shift in local opinion, rather than any policy issue, was the critical factor in the Labour government's decision to refuse the application.

Murdo Macdonald trained as a zoologist and had just returned from working in West Africa when he heard what was afoot at Lingerabay. His mother came from Harris, and, having visited the island regularly in childhood and adulthood, he feels Harris to be his 'spiritual home'. He corresponded with Alison Johnson in 1990 when the CCS announced that it would not object to the development (see chapter 4), and lobbied to have the application called in. By then working as a teacher in Strathpeffer, he appeared for LINK at the first PLI as a witness on landscape issues. He has been on the North Areas Board of SNH for the past six years.

Anne McCall joined RSPB in 1998, taking over main responsibility for planning issues from Lloyd Austin. Her background is as a professional planner, having worked previously for a local authority, and this proved invaluable in the vastly technical second Lingerabay PLI (see chapter 12) and appeals. As much as her planning knowledge, her history degree proved invaluable in undertaking the research required to strengthen Link's case about the invalidity of the 1965 planning permission at Lingerabay. She still works for the RSPB and lectures regularly to planning students and professionals on the Lingerabay case.

Alastair McIntosh is a self-employed writer, broadcaster, lecturer and campaigner. He is a fellow of the Centre for Human Ecology and lectures on subjects including new economics, community and non-violent defence strategies. He grew up in the Hebridean crofting community of Leurbost on the Isle of Lewis. He has a B.Sc. in geography from Aberdeen University and an MBA from Edinburgh University. As a Quaker, he makes regular *Thought for the Day* broadcasts on BBC Radio Scotland. He has over 170 published articles, and his book *Soil & Soul: People versus Corporate Power* was first published in 2001, with a revised edition covering many of the Lingerabay events published in 2004. He gave evidence to the Lingerabay PLI, and subsequently played a major role in encouraging Lafarge to reconsider its support for the superquarry proposal (see chapter 13)

Duncan McLaren joined Friends of the Earth Scotland as its Chief Executive, in succession to Kevin Dunion, in May 2003, having worked for the previous 15 years with Friends of the Earth (England & Wales), including some experience with minerals planning and demand issues. He had a key role in the FoES campaign against the 'partnership' between Lafarge and WWF International (see chapter 13). With FoES colleagues he visited Harris in 2004 to meet local people and gain an insight into the current situation on the island.

Dave Morris has led the Scottish operations of the Ramblers' Association since 1989. Before that he worked for the Nature Conservancy Council, first in Aviemore, playing key roles in protecting areas such as the Cairngorms from adverse development, and secondly in Peterborough, where he was a senior policy adviser to the NCC England HQ on rural resource issues. His international experience includes membership of the Executive Committee of the IUCN UK Committee and membership of the IUCN World Commission on Protected Areas. He is currently president of the Mountain Protection Commission of the UIAA, the world representative body for mountaineering. While Director of RAS he has played a significant role in the establishment of a Scottish national parks system, led the outdoor recreation movement in its successful campaign to secure public rights of access to most land and water in Scotland, and is prominent in campaigning to stop the proliferation of giant wind turbines and pylons across the wild landscapes of the UK.

Morag Munro is a member of Comhairle nan Eilean Siar, though she was elected after the PLI. She was one of the stalwarts of the Quarry Benefit Group, having become involved in the quarry issue through her role at the Harris Council of Social Services, and was a regular attendee at the PLI.

Chris Norman is a chartered town planner who is now Chief Development Control Officer for a Scottish local authority, as well as working with Planning Aid for

Scotland. He has visited Harris regularly, “man and boy” as he says, and on his 1993 holiday stayed in a cottage in Rodel, at the foot of Roineabhal. He became aware of the quarry proposal during this trip and, as an FoES member, offered any assistance he could provide on planning matters, little realising that his involvement would become “a way of life” and continue for ten years. Norman had considerable professional experience at dealing with mining issues and was well placed to advise LINK on planning law pertaining to the Lingerabay case. Like most of the volunteers who supported the Link case against Lingerabay, Chris Norman “never gave up the day job” and his abiding memories of the Inquiry process are of late night phonecalls and of poring over documents in his spare time.

Simon Pepper OBE was Director of WWF Scotland from 1985 until he ‘retired’ in 2005. During this time he was able to ensure considerable financial support to the LINK Quarry Group from WWF, and was actively involved in the debate about the sponsorship that WWF International received from Lafarge (see chapter 13). Since retiring from WWF, Pepper has remained on the National Committee of Forestry Commission Scotland, the board of the Deer Commission of Scotland, and as an external appointee on the Cabinet Subcommittee on Sustainable Development. He was elected Rector of St Andrews University in November 2005.

Siobhan Samson followed the Lingerabay inquiry as a Field Officer for Friends of the Earth Scotland, working on a voluntary basis. She joined the FoES staff in Edinburgh in 1998, and did preparatory work for the second PLI. She also attended the 1965 appeal.

Michael Scott OBE was Scottish Officer for Plantlife at the time of the PLI (see personal statement in Appendix 3).

Fred Silver was editor of the *Stornoway Gazette* from 1991 until 1999, arriving at the paper when discussion of Lingerabay was already underway. The *Gazette* was recognised by all sides as an important tool in the battle for ‘hearts and minds’, and, although Silver later turned against the development personally, he always adopted a balanced editorial policy, allowing opinions from all sides to be aired. Still resident in Lewis, he now produces a magazine aimed at Hebridean residents and tourists, and undertakes freelance editorial and writing work.

Professor Des Thompson is Principal Uplands Advisor to Scottish Natural Heritage, and presented evidence in that capacity to the Lingerabay PLI. He is a respected ornithologist, and author and editor of several books on ornithology and upland habitats.

And recognising the many others who played an important role including all those mentioned in the text, as follows:

Professor Peter Wood, Ian Wilson, Donald Macdonald, Drennan Watson OBE, Andy Wightman, Jan Magnus Fladmark, Mark Turnbull, John Thomson, Sir John Lister-Kaye, Charles Strang, Dick Bate, Jen Anderson (and staff at Link), Martin Holdgate, Lord James Douglas-Hamilton MP (now MSP), Rt Hon Ian Lang MP (now Lord Lang), Charles Kennedy MP, Allan Stewart MP, Chris Smith MP, Murdo Angus Maclean, Morag MacIennan, Councillor Norman Macdonald, Jean Macdonald, John Leivers, the Reverend Murdo Smith, John Marshall, Councillor Catherine Macdonald, 'John Macleod, Oanlea', Murdo MacAulay and Roddy MacCusbic, the

late Jane Callaghan, Gillian Pain (Chief Reporter), Brian Gill QC (now Lord Gill), Robert Reed QC (now Lord Reed), Colin Campbell QC, Lynda Towers, Bruce Mackenzie, Steven Richards, Roy Martin QC, Rt Hon Michael Forsyth MP (now Lord Forsyth), Alastair Stevenson, Richard Cowell, John and Cathy Paterson, Hugh Womersley, Professor George Dunnet, Brian Sage, Neil Bayfield, Michael Taylor, Ian Abercrombie (now QC), Ian Stephen, Norman Macleod, Tessa Tennant, Donald Norman Maclean, Councillor Angus Graham, John Macdonald, Marion Hutton, David Horrobin, Willie Fulton, Sulian Stone Eagle Herney, Professor Reverend Donald McLeod, Tony Mackay, Dr Agnes Walker, John Blackstock, Duncan MacInnes, Roddy Angus Munro, Auslan Cramb, Jimmy Dunnachie MP, William McKelvey MP, John McAllion MP, Ernie Ross MP, Lynne Jones MP, Ray Michie MP, Alex Salmond MP, Roseanna Cunningham MP (now MSP), Alistair Darling MP, Sam Galbraith MP, Rt.Hon John Redwood MP, Taylor Edgar, Alex Kerr, Petr Jehlicka, Peter Marlow, Susan Owens, Rt Hon Donald Dewar (first MP then MSP) Secretary of State for Scotland and then First Minister, Malcolm Chisholm MSP, Sarah Boyack MSP, James Mure, Professor Michael Usher, Lord Hardie, Henry McLeish (MP then MSP) First Minister following death of Donald Dewar, Stuart Housden OBE, Councillor Francis Keith, Maureen Mackay, Margaret Macdonald, Lord Mackay, Chief Reporter Jim McCulloch and Mr Jackson, Andrew Devlin, Frank Bracewell, Claude Martin, Jean-Paul Jeanrenaud, Robert Napier, Dan Barlow, Professor Adrian Phillips CBE, Thierry Groussin, Dominique Viel, Bertrand Collomb, Michel Picard, Gaelle Monteiller, Philip Hardouin, the Lord President, Lord Marnoch, Lord Weir, Dave Horsfall, Alistair Banks, First Minister Jack McConnell MSP, Duncan McPherson, the late Andy Miller-Mundy, Lena Maclellan, Ian Scar-Hall, Rhoda Macleod, Ruari Beaton, Angus Macmillan, 'Old' Tom Morris, Margaret Bennet, Roddy MacAskill, Nigel Hawkins, Dr James Hunter CBE, Helen Todd.

Appendix 3: Personal Statements from the Authors

As authors, neither of us is impartial, and we are both happy to declare an interest in the story that we are reporting. Indeed we believe it was precisely because of our very different perspectives as front-line participants in this saga that we were contracted by LINK to write this report. Undoubtedly our personal experiences and prejudices influence the way we have reported events and opinions. We make no apologies for that, but, so that readers may understand the perspectives that we bring, we have each recorded a personal autobiography below of our engagement with ‘the Battle for Roineabhal’.

We would both like to thank all our interviewees for the time and insights they so generously offered. We have tried our best to reflect the views they gave us, but any errors of understanding or fact are entirely ours.

Dr Sarah Johnson

“I was born and raised on Harris, though my parents are not local. We used often to go to Lingerabay for a Sunday walk (it was sheltered from winter gales), and Roineabhal was the first hill I complainingly climbed. I was effectively bilingual in English and Gaelic as a small child. I was educated in a small South Harris primary school (with twelve pupils, and an emphasis on spelling, grammar and times-tables for which I’ve often been grateful), and then at Sir E. Scott Secondary School in Tarbert. I was studying for my ‘Highers’ there in 1994-5, while the Lingerabay Public Inquiry was in progress, and amused quarry opponents with a rather scurrilous home-produced newsletter on proceedings. In researching this book I uncovered a letter to the Gazette from its tireless pro-quarry correspondent, John Macleod, which described my teenage journalism as ‘insolent... puerile in tone and defamatory in content’. I was, of course, delighted! Mr Macleod’s helpful suggestion that I should focus my ‘girlish energies in the pursuit of university entrance’ eventually resulted in a first from Oxford.

“I gave evidence myself at the session held in Leverburgh, though my memories now of that time are mostly of the odd folk my parents would adopt and bring home for dinner. Moving away from the island to go to university, I became less involved in the Lingerabay saga, but the questions it raised about the intrinsic and culturally ascribed values of landscape stayed with me: in 2004, as news of the quarry’s final demise came through, I completed a Ph.D. at Cambridge on the evolution of landscape aesthetics in the eighteenth century. Returning to the voluminous Lingerabay files and talking again to those who gave so much time and energy to the campaign has been a wonderful opportunity to revisit and reinterpret a story that ties together my own adolescence, a community’s sense of itself, and the emergence of a coherent Scottish environmental movement that thinks both locally and globally.”

Michael Scott OBE

“Throughout the Lingerabay saga, I have felt a little like the chorus in a Greek tragedy, observing momentous events from stage left, but directly involved with them only a little, even if my name ultimately featured in a bizarre corporate Human Rights appeal to the Court of Session (see chapter 10). Ironically, the first time I visited

Roineabhal was indirectly at the expense of Redland. My future wife Sue Hiscock (now Scott) was a subcontractor to the consultancy firm commissioned to draw up the Environmental Impact Assessment for the proposed superquarry. She was commissioned to carry out a diving and shore survey of Lingara Bay and to assess its marine biological importance, and employed me as ‘shore-watch’ while she and a colleague were diving. While they were preparing their dive kit, I had plenty of time to explore Roineabhal – although perhaps not as widely as I should, because I simply did not comprehend the sheer scale of the proposal. As a botanist, I did not find much of interest in the area I explored (a perception that was to come back to haunt me – see chapter 4), but I was impressed by the stark grandeur of the landscape. It was also the first time I met Alison and Andrew Johnson (and their schoolgirl daughter, now my co-author!), and discussed local perceptions of the quarry.

“At this time, I was part-time Scottish Officer of Plantlife and, in that capacity, I was on the Management Team of LINK, chairing some of the quarterly meetings at which Lingerabay was discussed. Although we got regular reports of what was going on, I remember that the Link Quarry Group by this time was virtually self-contained; the representatives from the various organisations dedicated to fighting the superquarry were so committed and motivated that we were happy to leave them to take the lead and to keep us informed on progress.

“As the LQG began to prepare the ‘statement of case’ on behalf of all of us, they decided that botanical issues were being inadequately dealt with and asked if Plantlife could help. By this stage, I was well aware of the inadequacies of my initial impressions of Roineabhal, and my bosses in Plantlife agreed to my engagement in the public inquiry – which turned out to be the biggest Plantlife commitment in Scotland in its first ten years. I remember attending five days of the inquiry in that Stornoway barn, gaining an impression of the skills of the LQG team and, like them, also gaining respect and affection for the Chief Reporter, Gillian Pain. In the end, delays meant I had to return for a second time before giving my evidence – and I also remember a horrendously stormy ferry crossing back to Ullapool afterwards!

“In 1995, some time after giving my evidence, I became chair of LINK, and remember some tricky meetings coping with tensions within the network over the role of certain member organisations in the inquiry. By now, there was no question that Lingerabay was one of our major commitments, but the detailed work was taken forward by a subgroup in which I played little part. In 1991, Sue and I had also taken over publication of *SCENES* (*Scottish Environment News*) and we regularly scanned the press for the latest machinations regarding south Harris, which we sought to report as impartially as possible in our monthly news digest. The *SCENES* archive is still an invaluable record of the Lingerabay story, and we have drawn on it heavily in compiling this report, although the latter stages were covered by its new and current editor and publisher, Sue Fenton.

“The next twist in my career came in 1997 when I applied for, and was appointed onto the North Areas Board of Scottish Natural Heritage. Lingerabay was a major issue on the SNH agenda when I joined, but SNH had a code of practice in place then for its Board meetings that was far ahead of its time. Therefore, although both SNH and LINK were objectors to the superquarry, I declared an interest and absented myself from the meeting every time Lingerabay was discussed. In 1999, I applied for the Main Board of SNH, and I remember that this was one of the main issues that came up in my interview – as a representative of a campaigning conservation body, how

would I deal with conflicts of interest of this sort? My answer must have been adequate, because I was duly appointed by Lord Sewel onto the SNH Board, resigning as Chair of LINK at the same time.

“That November, with the retirement of Roger Wheater from the Board, I was appointed Deputy Chair, but by now the Scottish Parliament was in place and my appointment letter came from Ross Finnie. My SNH term ended in March 2005 (I certainly could not have co-written this report while still with SNH). However, throughout my entire time on the Board, I continued with the policy of absenting myself from discussions on Lingerabay, although I remember deep frustration at having to miss the special Board meeting in September 2000 to discuss whether Roineabhal met the criteria as a candidate Special Area of Conservation (see chapter 10), and I did not even see the minutes of that meeting until a long time afterwards (although, because they are marked ‘strictly confidential’, I cannot report their contents). For the record, my Board colleagues Kevin Dunion and Simon Fraser (whose legal firm represented the mineral proprietor on Lingerabay) also withdrew from that meeting.

“During my time with SNH, I had many dealings with the various incumbents as Scottish environment minister (they seemed to change with bewildering regularity), with colleagues in the environment division in the Scottish Executive Environment and Rural Affairs Division, and with various other players in the Lingerabay saga. I developed a respect for many of them, and an understanding of the difficult job they had to do, but I also came to realise that they too are only individuals, struggling to cope with a rapidly-changing world. I hope that has given me some perspective on events in the Scottish Office/Executive during the long and convoluted saga of Lingerabay, in which I was a bit-part player.”

Appendix 4: The Public Local Inquiry (PLI) Process

The Lingerabay case was decided by means of two Public Local Inquiries (PLIs), the legal procedure that exists to enable decisions about large and contentious developments to be taken as fairly as possible. However the Planning White Paper published in the summer of 2005 proposes changes to the planning system in Scotland, including procedural changes that could enable the Scottish Executive to take direct responsibility for decisions on matters “in the national interest”. This could include significant items of infrastructure such as nuclear power stations and major motorways, which are arguably necessary in the national interest but which nobody wants in their ‘backyard’. If this substantial (and LINK would argue retrograde) policy step were taken, individuals and non-governmental organisations would no longer be able to participate in the inquiry process and seek to influence decision-making in a legally enshrined public forum.

It is important for any individual or group wishing to object to any proposed development to understand the planning procedure, and this Appendix, drawing on LINK’s experience at Lingerabay is intended as guidance for such people. Chris Norman has been extremely helpful in illuminating the complexities of current the PLI process, whose basic features are outlined below, but any errors are the authors’ alone.

Calling-in

When a council expresses itself ‘minded to grant’ an application, they may, particularly if it is a large and potentially contentious case, be required to ‘notify’ the application to Scottish Ministers. Scottish Ministers then have a period of time to decide whether they wish to deal with the application themselves by ‘calling it in’. Scottish Ministers (formerly of the Scottish Office and now of the Scottish Executive) can call in any planning application. This usually happens with major developments but ministers also sometimes arbitrate in minor cases. An objection to a planning application by one of the statutory advisers to Ministers, including Scottish Natural Heritage (SNH), the Scottish Environment Protection Agency (SEPA) or Historic Scotland automatically triggers such a ‘call-in’. Because of the cost implications of public inquiries, these statutory advisers will often comment on a planning application, rather than objecting to it; local authorities are required to consider these comments in reaching their conclusions, but this course of action does not automatically trigger a ‘call-in’.

In the case of Lingerabay, the application was called in before the publication of NPPG 4 on mineral extraction, though this document was emerging policy guidance at the time, discretionary from 1993 and mandatory from 1994. NPPG 4 made it clear that all large-scale coastal quarries would have to be notified to the then Secretary of State before a decision was issued locally. Though the Lingerabay case was officially pre-NPPG 4, it was very much part of the background (and as chapter 4 has shown, Scottish Office officials had already made such a call-in obligatory in the case of Lingerabay).

SNH is the government’s statutory advisor on matters of landscape and nature conservation; this includes exercising regulation over National Scenic Areas. In the case of Lingerabay, they (at a rather late stage) requested that the then Secretary of

State, Ian Lang, call in the Lingerabay application on landscape grounds. At the pre-call-in stage other lobbying probably has some influence. Many individuals and conservation bodies wrote to Lang requesting that he call in the Lingerabay application, and a parliamentary question also raised Lingerabay's profile: objectors wanted all the details of the case to be aired publicly, so favoured a PLI; obviously, the developers did not.

When Scottish Ministers (previously the Secretary of State for Scotland) call in a planning application, they have three options. After consideration, they may decide simply to accept the advice of the local authority and approve the application, but they do also have the power to refuse the application. The normal procedure in these circumstances, however, is for Scottish Ministers to refer the matter to a Public Local Inquiry (PLI), chaired by a Reporter in a quasi-judicial role, which allows a public review of all the evidence for and against the development, in the light of prevailing public policy.

Reporters

Reporters are employed by the Scottish Executive (formerly Scottish Office) Inquiry Reporters Unit; they are qualified planners and are fully-paid civil servants. Reporters have delegated powers to determine planning appeals from the Scottish Ministers and in most cases can make a decision in their names; in certain larger cases like Lingerabay their duty is to make an (initially confidential) recommendation to Scottish Ministers who then decide whether or not to accept that recommendation. The Reporter or Reporters will have done background reading before sitting at a PLI, and must take into account every piece of evidence submitted.

Inquiry Procedure

The remit of a PLI is 'material planning considerations', which constitute a wide variety of measurable things including noise, dust and traffic volume; and also more nebulous factors like amenity and landscape quality. New Scottish Executive planning guidance says that 'public concern' and the 'quality of life' of local inhabitants are, in some cases, to be viewed as 'material planning considerations' (although it is perhaps surprising that, in a democratic society, these previously were not regarded as material considerations!).

There is a strict code of conduct for Inquiry procedures, including rules about submissions, cross-examination and (previously) responses to 'findings of fact'. Any 'relevant party' can appear at a PLI, if they have made a written representation to it, but only those accepted by the Reporter as 'principal parties' are able to lead in the presentation of evidence and to cross-examine other witnesses. Once they are accepted as 'relevant parties', it is a valuable tactic for similar people to band together, and LINK was an example of good practice in this area, although it was not a foregone conclusion that they would be recognised as a principal party. According to Chris Norman, developers tend to be "chagrined" by the appearance of "astute individuals" who are motivated by conviction rather than financial incentives.

The first document that must be submitted by parties intending to give extensive evidence (make a 'case') at a PLI is the 'statement of case' encompassing why that party takes a pro or anti stance – it forms the basic parameters of the case. The

statement of case not be materially departed from, and QCs are vigilant about significant changes. However, obviously if new evidence surfaces during an Inquiry, attempts are made to incorporate it.

The ‘precognition’ is the evidence to be given by an individual, and can be part of a wider case. A summary precognition is also often needed where a substantial body of evidence is to be presented. At the Inquiry an individual will read out their precognition or summary precognition, or be led through it by counsel or other representative. Some ‘ad-libbing’ is allowable, at the Reporter’s discretion (in Lingerabay, for example, the Reporter insisted that Alastair McIntosh read his precognition, but other witnesses were granted more leniency). LINK witnesses were led through by one of the four from the ‘LQG quartet’ (see chapter 6), to give scope for saying more about certain aspects (e.g. if new evidence had surfaced).

Witnesses are then cross-examined, which can be ferocious: some think this is unfair and off-putting in the case of non-experts speaking in a personal capacity. One LINK witness describes his experience as “facing the wrath of Roy Martin [Redland senior counsel]”, whose job was to “tear evidence to shreds” and “question the credibility of witnesses”, hoping they would collapse and “contradict or withdraw” their claims. Those in the frontline at Lingerabay say that Martin’s deputy, Ian Abercrombie, was much gentler with witnesses but just as rigorous in his cross-examination.

‘Productions’ are any documents referred to in evidence and every party must be provided with copies thereof – witnesses cannot make reference to any documentation that has not been accepted by the Reporter as a production. Certain documents referred to by all parties (e.g. Redland’s Environmental Assessment and matters of government policy) are called ‘core productions’

The ‘closing submission’ is a carefully crafted document that should “accentuate a party’s goals and gloss over any misses”. The idea is to put spin on how your evidence went, to give the version of events you want the Reporter to respond to.

The Inquiry Report

At the time of the Lingerabay PLI, Reports were issued in two parts: ‘Findings of Fact’ and ‘Recommendations’. The Part I ‘Findings of Fact’ laid out the Reporter’s understanding of all facts presented at the Public Inquiry, and was circulated to all parties, allowing them the opportunity to correct any misapprehensions or misrepresentations. According to Chris Norman, it is “regrettable” that new regulations cut out this stage of a Report, going straight to conclusions. There is now a danger that conclusions could be founded on erroneous ‘facts’. The revised procedure reduces delays (previously there could be several shuttlings back and forth of the Part I and amended versions thereof before it was finalised) but disenfranchises third parties in particular.

The Part II ‘Recommendations’ report presents the Reporter’s analysis of this evidence against the policy guidance laid down in the various National Planning Policy Guidelines (NPPGs) and other policy documents, draws conclusions as to whether the application meets the various tests laid out in these policy documents, and then makes recommendations to Scottish Ministers as to how to proceed. This stage of the report is confidential to Ministers, although it is normally published along with the conclusion that Scottish Ministers have reached (the new procedure goes directly to this stage, without any input from the relevant parties).

As Lingerabay showed, it is not then obligatory for Ministers to accept the recommendation from the inquiry, but legal precedents have established strict tests that the reasons for refusing this recommendation as ‘sufficient and adequate’. Though the 1965 Permission Inquiry was short, it also was decided by Ministers, in this case agreeing with the recommendation of the Reporters, because its implications were so major.

Producing the Report from the inquiry can take a significant length of time (although Lingerabay was exceptional). In the case of Lingerabay, it seems obvious with hindsight that one person, working alone, should not have been expected to digest nine months worth of information, nor to take full responsibility for making a recommendation based on it. ‘Findings of Fact’ ought to take into account points raised in cross-examination as well as in written evidence, and, as discussed in chapter 11, the Lingerabay report is weak in this area, with conclusions being based, according to many observers, on “verbatim repeat of precognitions”, not the evidence actually given.

Appendix 5: List of Acronyms Used in Text

Organisations:

APRS – Association for the Protection of Rural Scotland (now Rural Scotland)
CCS – Countryside Commission for Scotland
CPRE – Council for the Protection of Rural England (now Campaign to Protect Rural England)
CQLSN – Coastal Quarry Local Supporters’ Network
DHS – Department of Health for Scotland (responsible for planning matters in post-war Scotland)
EC – European Commission
FoE – Friends of the Earth
FoES – Friends of the Earth (Scotland)
HDL – Harris Development Ltd.
IUCN – World Conservation Union
JMT – John Muir Trust
LINK – Scottish Wildlife & Countryside Link, later Scottish Environment LINK
LQG – LINK Quarry Group
NCC – Nature Conservancy Council
QBG – Quarry Benefit Group
RAS – Ramblers’ Association Scotland
RSPB – Royal Society for the Protection of Birds
SDD – Scottish Development Department (part of the Scottish Office)
SEPA – Scottish Environment Protection Agency
SNH – Scottish Natural Heritage
SST – Scottish Scenic Trust
UIAA – Union Internationale des Associations d’Alpinisme (the International Mountaineering and Climbing Federation)
WIIC – Western Isles Islands Council (later known as Comhairle nan Eilean Siar)
WWF – Worldwide Fund for Nature

Other:

CO₂ – carbon dioxide
EIA – Environmental Impact Assessment
H15 – the unusual heather–dwarf juniper community found on Roineabhal
PLI – Public Local Inquiry
MP – Member of Parliament
MSP – Member of the Scottish Parliament
NPPG – National Planning Policy Guideline, e.g. NPPG 1 on National Planning Policy, NPPG 4 on Land for Mineral Working and NPPG 14 on Natural Heritage
NGO – Non-Governmental Organisation
NSA – National Scenic Area
PR – public relations
ROMP – Review of Old Minerals Permissions
QC – Queen’s Counsel
SAC – Special Area of Conservation (under the EC Habitats Directive)
SCENES – Scottish Environment News

SPA – Special Protection Area (under the EC Birds Directive)

SSSI – Site of Special Scientific Interest

UK – United Kingdom



Researched and written by Michael Scott OBE and Dr Sarah Johnson on behalf of the LINK Quarry Group, led by Friends of the Earth Scotland, Ramblers' Association Scotland, RSPB Scotland, and *rural* Scotland



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