

News Release

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Lessons for Planning Reform from the ‘Saga of the Superquarry’

New report reveals failures of proposed planning measures

According to a new report published today by Scottish Environment LINK [1], planning reform proposals currently before Parliament have so far failed to learn the lessons from Scotland’s longest running and most controversial planning case – the proposed ‘super-quarry’ at Lingerabay on Harris [2].

The report reveals the critical importance of public involvement in planning decisions, the value of the detailed scrutiny provided by public inquiries and the critical importance of challenging and testing national priorities at public inquiries.

Fred Edwards, President of LINK, commented:

“MSPs of all parties would do well to read and reflect on this report before voting on the controversial planning proposals now before Parliament. This analysis suggests that the proposed reforms will not deliver increased community participation in planning, nor a fair balance between the interests of communities, developers and Scotland at large.”

“In particular the lessons from Lingerabay are that the current proposals for the national planning framework (NPF) would make it far more likely that future planning decisions would undermine Scotland’s aspirations for environmental and social justice. Both the NPF and major proposals that flow from it should be subject to detailed public scrutiny and debate, and also legally obliged to contribute to the delivery of sustainable development.”

The report offers what one reviewer describes as *"an expertly written and surprisingly engaging account"* of the saga of the Lingerabay superquarry, told from the perspective both of Scotland's environmental campaigning organisations and of the local community. The authors describe the superquarry saga as *"a tortuous tale of almost epic proportions"*, but they add that *"there are lessons that remain just as relevant in the first decade of the 21st century"* – lessons for environmental and community groups, and lessons also for Scottish politicians.

Written whilst the Planning Bill proposals were in the form of a White Paper, the report concludes: *“Whilst the quest in the current Planning White Paper 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”* (p 95).

It further notes that: *“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”* (p101).

With respect to the proposed National Planning Framework through which Ministers would take strategic decisions, the report concludes: *“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”* (p104).

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Further it suggests that the rejection of proposals for third-party right of appeal further undermine the interests of communities: *“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 ... 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”* (p104).

The report also comments on the importance of National Scenic Areas, which the Scottish Executive have now promised to address at Stage 2 of the Planning Bill: *“[a] golden opportunity to update the legislation in Scotland to protect National Scenic Areas, which many see as outdated and ineffective”* (p104).

For further information please contact:

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Editors' Notes

(1) Scottish Environment LINK is the network for Scotland's voluntary sector environmental organisations. LINK has 36 member organisations spanning interests across the natural environment and associated cultural heritage and supported by around 500,000 people. Further information on LINK is available at www.scotlink.org. The **everyone** campaign is a LINK network initiative enabling people who care about their environment to find out about current issues and take action online or at events - further information is available at www.everyonecan.org

(2) **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. Written for Scottish Environment LINK by Michael Scott OBE and Dr Sarah Johnson. Available in hard copy or pdf from LINK; contact Ros Pearson on 01738 630804. The report was commissioned by the LINK Quarry Group led by Friends of the Earth Scotland, Ramblers Association Scotland, RSPB Scotland and rural Scotland

(3) A proposal for the UK's largest quarry was first advanced for Lingerabay, South Harris in 1991 by Redland Aggregates Ltd (now Lafarge Aggregates Ltd). After two planning inquiries, a dramatic swing in local opinion, one Ministerial decision one corporate takeover and two legal challenges the case was finally resolved in 2004 when Redland's new owners Lafarge decided to withdraw from the outstanding legal challenge.

(4) The national planning framework *“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”* (Report, p104).

Scottish Environment LINK is a Scottish charity under Scottish Charity No SC000296 and a Scottish company limited by guarantee and without share capital under Company No SC250899

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