

## CHAPTER 21

### FURTHER APPEARANCES AND REPRESENTATIONS

#### The Case Presented by Professor Mollison

21.1 **Professor Mollison stated** that his interest in Castle Tioram arose from close knowledge and love of the castle and the area arising from regular family holidays at Dorlin over more than twenty years. He asserted that the idea that the applicant is simply running a conservation project, disinterestedly pursuing what is best for the castle, is dishonest. The application to reconstruct the castle is simply a private application that seeks to develop it into a private residence or holiday house. That would irreversibly damage the castle's cultural, architectural, archaeological, landscape and public access values.

21.2 It was stated that the ownership of the castle remains obscure. The immediate owner is Anta Estates, an offshore company about which nothing has been revealed, except that it is perhaps owned by HST, an equally unknown quantity, not registered as a charity anywhere in the UK. The applicant has been at pains to conceal from the public both the beneficial ownership of the castle, and the status and aims of the trusts and companies involved. It was asserted that the owner is unknown, and registered overseas, and its real long term aims are equally unknown. It was contended that irreversible alterations to a monument of national importance should not be permitted without far stronger guarantees of its long term guardianship and conservation. Used as a house, the castle would lose protection as a SAM, conditions cannot be relied upon, and future legislation might remove burdens.

21.3 It was stated that the applicant was aware when the property was bought that it was a SAM and that 'full restoration of the castle to a dwelling is unlikely to be permitted'. The 'Tioram Conservation Project' is in essence simply a public relations device designed to assist it in this core aim.

21.4 It was stated that the story of the castle's burning by the clan chief before setting off for the fatal field of Sheriffmuir in 1715 is the best known event in its history. Independently of the events of 1715, the castle's state as a ruin encapsulates its history in a way that a reconstructed building could not. The formidable fortified structure shows clearly that it was once a seat of power, while its ruinous state indicates equally clearly that that time has gone. Reconstruction of the castle would obscure this clear cultural significance. It cannot be 'restored to its original use'. Further, any reconstruction would have to choose a period to recreate. Would this be the medieval days of the Lordship of the Isles, or the 17<sup>th</sup> century of its last inhabited phase? Either way, it would only be a representation of part of its history.

21.5 It was stated that the applicant's suggestion that the castle is deteriorating rapidly, and that therefore 'the status quo is not an option', is a gross exaggeration. Over a period of 20 years, there have only been the most minor changes. This may be contrasted with the rapid decay that, according to the applicant's own historical survey, took place while the castle was roofed but unoccupied in the 26 years before 1715. Professor Mollison agreed that after 70 years of neglect, the castle is in need of some maintenance. However it

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was done, and by whomever, a reconstructed castle would inevitably require more long term maintenance than a consolidated ruin.

21.6 Because of its cultural significance, and in order to cause minimal damage to its architectural and historic features, it would be best conserved if it is consolidated as a ruin. Essentially only stone walls remain, so there are no particular benefits from re-roofing that could not be achieved by (if necessary) capping of walls where there is damaging water penetration.

21.7 Given the absence of data on the castle's interiors and roofs, any reconstruction could only be conjectural. It could only be generically correct, reproducing details of other buildings rather than details specific to Castle Tioram. Reconstruction would require substantially more alteration to the surviving fabric than would consolidation.

21.8 Because archaeological methods are constantly improving, it was argued that it is axiomatic that destruction of archaeological remains is to be avoided where possible. Reconstruction would inevitably require the destruction or removal of significant archaeological material. The introduction of modern services, to allow habitation, would cause significant additional damage to the archaeology of the castle and Eilean Tirim. The conversion of the castle to a dwelling place would make it more likely that there would be future applications for further building work on Eilean Tirim, with potential damage to other archaeological remains on the island.

21.9 It was stated that Castle Tioram stands in a commanding position - not surprisingly considering its original function - in the landscape (and seascape) of Loch Moidart. The castle is at the heart of a NSA and adjacent to Scotland's first MCA and the Loch Moidart SSSI. Further, Castle Tioram was the centrepiece of the designed landscape around the 19th century Dorlin House, including the 'Silver Walk' along the lochside, which offers some of the finest views of the castle. The change from culturally significant ruin to private dwelling house would very significantly detract from views within this highly valued landscape.

21.10 It was stated that public access has been unrestricted for many years, and the castle has been one of the major visitor attractions of the area, with of the order of 20,000 or more visitors annually. The applicant's plan for limited and constrained access, mainly at less popular times of year, would reduce visitor numbers to a small fraction of the present number.

21.11 It was contended that, as a justification for limiting access and for the present boarding up of the castle, the applicant has suggested that the castle as a ruin is dangerous to visit. It was asserted that, to the contrary, the castle is generally a very safe structure for the public to explore as they have done in large numbers over many years. The higher parts, such as upper floors and wallheads are only accessible to those with climbing skills, and the few dangers at lower levels, such as the sea gate in the north wall, are clear to anyone.

21.12 Over 20 years there had in fact been very little change in the condition of paths, apart from the seasonal and climatic cycle in which unmade paths become muddy in winter and dry out in summer. There may be a few places where care from skilled path

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workers would be advantageous, but the proposal to make up paths is unnecessary and would damage the archaeological heritage more than it would preserve it.

21.13 It was stated that the plans would greatly decrease the number of visitors to the castle itself which, apart from these few visitors, would be simply another new house, probably unoccupied for much of the year. Other claimed economic benefits, from boat visits and clan gatherings, are dubious. These events could just as well take place with the castle as a ruin. While the applicant has been spending money generously in the community, it may be reasonably doubted whether this would continue once it has the consents it requires.

21.14 Professor Mollison stated that insofar as the alleged deterioration of the building is justified, responsibility for maintenance sits firmly with the owner. It had no need to take on this building. It knowingly outbid a charitable community body dedicated to the its conservation when they bought the castle and clearly have plenty of money. It must either fulfill the statutory obligations to carry out all necessary maintenance and consolidation, and once more leave the castle open for very substantial numbers of members of the public to enjoy. If it is not willing and competent to do this, it must pass it on to those who can. It was stated that the CCTT is a properly constituted charity, founded in 1997, supported by both conservationists and the local community. Its Trustees were representative of the local community, clan and conservation interests. It is confident that it could renew its offer, made in 1997 to purchase, consolidate and maintain the castle for the public benefit. It remains ready and willing to collaborate with HS and other legitimate interests in the long term conservation of this outstanding monument for the public benefit.

21.15 **Mr Macmaster spoke in support of the application** as a local person and former chairman of the community council with a strong emotional bond with the castle. He had been involved in the local Trust set up to purchase the castle. He supported the applicant's proposals. The building had deteriorated fairly rapidly in the last five or six years and would be restored at no cost to the public purse. He contended that two thirds of the community agreed.

21.16 **Mr Donaldson spoke in support of his written representation** as a local person and secretary of the community council. He stated that there had been correspondence with the previous owner of the castle, over a period of eight or nine years, seeking action, but without result. The new owner's proposals had been universally accepted except by people not necessarily from the area. It was stated that the new owner would do whatever is asked of him.

21.17 The area was stated to be economically fragile with jobs seasonal and poorly paid. Young people migrated from the area. The project would offer eight apprenticeships which would be welcome over an extended period. The castle would become a living monument.

21.18 **A petition containing 102 signatures**, protesting at its "extravagant absurdity", was submitted in the course of the inquiry. The signatories expressed concern that the applicant might abandon the plans and the property would lie abandoned, deteriorating, with barricades preventing public access and urged that Ministers proceed to a

quick approval of the application. They asked the Scottish Parliament to look urgently into simplifying procedures.

21.19 **Fifteen written representations** were submitted in support of the application, including one with 32 supporting signatures from The High Council of Clan Donald which stated that the 1715 burning was not a moment of the greatest historical significance. The project would enhance the understanding of built archaeology; would provide an important link between the dispersed Macdonalds and their clan history; and would contribute to the vibrant living culture of Moidart. The Scottish Castles Association believes that Castle Tioram should be treated with precisely the same logic as any other ruined historic building. 18<sup>th</sup> century town buildings or ruined Victorian buildings in village streets would not be widely viewed as candidates for consolidation. Of the remaining representations some simply expressed support for the proposal, while others did so citing the following issues:

- the neglect of the monument in recent years
- non-reliance on public funding
- rejuvenation of the local economy
- creation of local apprenticeships
- the owner's commitment to the project
- the risk of abandonment should consent not be granted
- creation of a living monument
- greater awareness of the Highland heritage
- the absence of an alternative
- one of the most significant developments in living memory for the local population

The Scottish Rights of Way Society objected to the proposal on the basis of denial of access which the public had enjoyed for many years.