

From: Andy Kinnaird
Built Env: Planning Decisions
29 October 2008

Cabinet Secretary for Finance and Sustainable Growth

OUTLINE PLANNING APPLICATION: GOLF COURSE AND RESORT DEVELOPMENT, MENIE ESTATE, BALMEDIE, ABERDEENSHIRE

Purpose

1. This minute seeks your agreement that the above outline planning application should be approved by the Scottish Ministers, subject to the prior conclusion of a Section 75 legal agreement, in line with the recommendation of the reporters.

Priority

2. **Routine.** You have previously given a commitment to make your decision on the application within 28 days of receiving the report of the public local inquiry; and so your decision should be issued by 12 November.

Summary

3. The proposal involves the development of a golf resort, including two 18-hole golf courses with associated clubhouse, starter's hut, caddy shack, short-game practice area and driving range, together with a 450-bedroom hotel with conference centre and spa, 950 holiday apartments in 4 blocks, 36 golf villas, 500 houses for sale, accommodation for 400 staff and a new access onto the A90 trunk road, with ancillary developments.

4. You called in this planning application for Ministerial determination on 4 December 2007, in view of the proposal raising issues of importance requiring scrutiny at a national level. The application was the subject of a public local inquiry, conducted by three reporters from the Directorate for Planning and Environmental Appeals (DPEA), between 10 June and 4 July 2008.

5. We provided you with a full copy of the report of the inquiry, shortly after we received it from DPEA on 15 October. A copy of the summary, which appears on pages 5 to 9 of the full document, is attached at Annex A for the benefit of copy recipients.

6. At the close of the public local inquiry on 4 July, the reporters advised all parties that any additional material or evidence lodged after that date would not be dealt with in their report, but would be provided to Scottish Ministers for consideration prior to a final decision being made. Since that date, the Scottish Government has published a revised Scottish Planning Policy (SPP) 3: *Planning for Homes*, which is a material consideration to take into account in reaching a decision. We have also received a significant amount of correspondence since the close of the

inquiry. A summary of the post-inquiry evidence, including our advice on how it relates to the determination of the planning application, is provided at Annex B.

7. A plan displaying the indicative layout of the proposed resort (inquiry document no. T2B) is attached at Annex C.

8. The reporters took account of the range of relevant issues raised by the proposal, some of which clearly offer support for the development and others which clearly do not. They recognised that, given the effect on environmental attributes protected for their national importance, the national interest is invoked and so the final decision is properly a matter for Scottish Ministers. The reporters found that the economic and social advantages at national, regional and local level are such as to justify, uniquely, the adverse environmental consequences caused by a development on this scale and in this location. That was their overall conclusion.

9. We agree with the reporters' findings and reasoning, and with their recommendation that outline planning permission should be granted for the proposed development, subject to conditions and following the conclusion of a Section 75 legal agreement between the applicants and Aberdeenshire Council. The agreement is required to secure the provision of affordable housing, education and community facilities, along with obligations relating to the phasing of the development in line with the upgrade of the A90(T) from Balmedie to Tipperty, the establishment of a 'Menie Environmental Management Advisory Group' and to agree a programme relating to local training and staff recruitment.

10. If you agree with the recommendation to grant planning permission on that basis, we will write to the applicants' agent and all other parties to advise them of your intention to approve the application, and then formally issue the consent only after the appropriate legal agreement has been concluded. A draft letter to that effect is attached at Annex D.

Presentation

11. As you are aware, there has been significant public, Parliamentary and media interest in this planning application, and particularly so after it was called in for Ministerial decision last December. The Scottish Parliament's Local Government and Communities Committee conducted an inquiry earlier this year which looked into the Scottish Government's handling of the application. There have been significant levels of support and opposition expressed in relation to the proposed golf resort at this location and, irrespective of the nature of your final decision on the application, we can expect there to be a high level of interest again. We will discuss appropriate media handling with Communications colleagues.

12. You wrote to the Convener of the Local Government and Communities Committee on 15 October, to advise the Committee that we had received the report. The Economy, Energy and Tourism Committee has asked to be advised of your decision on the application. Once you have reached your decision, we can provide you with draft letters setting that out to the Conveners of both Committees. Also, in a recent response to a Parliamentary Question by Des McNulty MSP (S3W-16626), you gave a commitment to publish the report of the public local inquiry along with

other relevant information and advice submitted to you by officials on the Scottish Government's website. Particularly in view of the exceptional level of interest in this case, we consider it appropriate that, when your decision is announced, the decision letter be published on our website, along with the full inquiry report, this submission to you and your response.

Recommendation

13. We recommend that:

- (i) outline planning permission for a golf course and resort development at the Menie Estate be granted by Scottish Ministers, but only following the successful conclusion of an appropriate legal agreement as set out in Appendix 2 of the report;**
- (ii) we issue a letter to the applicants' agent, in the form of the draft at Annex D, setting out that intended decision; and**
- (iii) the letter to the applicants' agent, the full inquiry report, this submission to you and your response intimating your decision be published on the Scottish Government's website once the letter has been issued.**

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Planning Decisions Division
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29 October 2008

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interests	General Awareness

Permanent Secretary
Jim Mackinnon, Director and Chief Planner
David Ferguson, Head of Planning Decisions
Murray Sinclair, Solicitor
Neil Trotter, Communications F&SG

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