

Directorate for Planning and Environmental Appeals

Summary of Report of Inquiry into Called-in Application for
Outline Planning Permission



**Proposed golf course and resort development on land at Menie House,
Balmedie, Aberdeenshire**

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| <ul style="list-style-type: none"> • Case reference • Case type • Reporters • Planning application reference • Applicant • Planning authority • Other parties | <p>CIN/ABS/001</p> <p>Called-in application for outline planning permission</p> <p>James McCulloch, Karen Heywood and Michael Cunliffe</p> <p>APP/2006/4605</p> <p>Trump International Golf Links Scotland Ltd
Aberdeenshire Council</p> <p>Supporters: Aberdeen and Grampian Chamber of Commerce, Councillor J Gifford, Mr Charles P Skene, Aberdeen City Council, Mr Nigel Dyer and 2,700 letters or e-mails</p> <p>Objectors: Scottish Natural Heritage, Royal Society for the Protection of Birds, Scottish Wildlife Trust, Botanical Society of the British Isles, Ramblers' Association Scotland, Aberdeenshire Local Outdoor Access Forum, Scottish Rights of Way and Access Society, Councillors Martin Ford, Paul Johnston, Alastair Ross and Debra Storr, Mr & Mrs Donald Banks, Mr David Milne, Mr Michael Foote, Mr Raymond Davidson, the Scottish Green Party, Dyce and Stoneywood Community Council, Mr Ellis Thorpe, 2,084 letters or e-mails and 4 petitions</p> |
| <ul style="list-style-type: none"> • Date of application • Date of call-in • Method of consideration and date • Date of report • Reporters' recommendation | <p>27 November 2006</p> <p>4 December 2007</p> <p>Public local inquiry (10 June – 4 July 2008)</p> <p>10 October 2008</p> <p>Grant conditional outline planning permission, subject to section 75 agreement</p> |

Ministers' reasons for determining the application

1. The outline planning application was called-in under section 46 of the Town and Country Planning (Scotland) Act 1997 for determination by Scottish Ministers.

The site

2. The application site comprises the Menie Estate, an area of 452 ha of estate policies, agricultural land, heath and dune located between the A90 and the sea to the north of Balmedie and about 14 km north of Aberdeen city centre. The northern part of the site lies within the Foveran Links SSSI, designated for both geomorphology and biology, and comprises about one third of the total SSSI area. Menie House is listed category 'B'. A number of residential properties in separate ownership lie within the site boundary.

Description of the development

3. The proposal is for a golf resort comprising two 18-hole courses, a clubhouse and ancillary facilities, a 450-room hotel with conference centre and spa, 950 holiday apartments in 4 blocks, 36 'golf villas', 500 houses for sale, accommodation for 400 staff, road access and parking.

The case for Trump International Golf Links Scotland

4. The applicant aims to create a world-class golf course capable of hosting major championships. This requires part of the course to be sited within the SSSI, where the dune topography is at its most dramatic. A course which avoided the SSSI would not achieve the applicant's ambitions, and the development would not proceed on that basis. Stabilisation of major areas of mobile sand dune would be unavoidable. The consequent loss of considerable geomorphological interest is acknowledged. There would also be some loss of habitats and the Menie (Links) Environmental Management Advisory Group would be set up to provide expert advice on implementation.

5. The rest of the resort development, including a five-star hotel with conference facilities, is necessary to support the championship course; but the resort would not, on its own, provide a sufficient return to justify the required investment. The applicant proposes to build 500 houses for sale, allowing the overall target return to be achieved. Construction cost of the whole development could exceed £1 billion. The applicant estimates that it would bring major benefits for the local and Scottish economy, with an estimated 4,694 net full-time equivalent construction jobs (on a one-year basis) and 1,237 net full-time equivalent jobs from ongoing operations, both at the Scotland level.

The case for the development

6. Aberdeenshire Council supports the proposed development because the economic and social benefits through growing and diversifying the economy are sufficient to outweigh the conflict with national and development plan policies relating to the environment, protected landscapes and new house building. The council's independent economic study broadly confirms the benefits cited by the applicant. Once completed, the development would generate 1,400 net additional jobs locally with £64 million spent each year in Aberdeenshire. While the proposed housing is clearly contrary to development plan policies, the council considers that this can be defended given the sheer scale and unique circumstances of the proposal. The council is also content that allowing the housing element would have no impact on the current housing allocations within the structure plan.

7. Other supporters refer to the need to diversify the regional economy, to build global recognition and help the region achieve full potential in the tourism market which is supported in national policy. In addition the shortage of high-quality hotel accommodation would be addressed with significant benefits for the business and conference market. The business community believes that the economic prize is large enough to compensate for the environmental impact.

The case against the development

8. The part of the site within the SSSI contains an unrivalled suite of geomorphological features of national scientific interest. By stabilising the sand sheet to build the back 9 holes of the championship course much of the dynamism on which the geomorphological interest depends would be lost. This would also have consequences for habitats because within the dunes the development would fragment and disrupt the integrity of ecological processes with resulting effects on biodiversity. Objectors argue that the prospects for successful mitigation are not good. With the processes disrupted by stabilisation, overall biological interest would be seriously compromised, to the extent that denotification of this part of the SSSI would have to be considered.

9. The severe and unacceptable environmental impacts would be irreversible and not outweighed by any over-riding strategic need or national interest contrary to the requirements of the development plan and national policy. There has been insufficient exploration of alternatives, such as a course located entirely outwith the SSSI, to avoid this environmental damage. There would, in addition, be implications for public access and enjoyment of open-air recreation in the area whilst the scale of the development would impose on the rural setting and its recreational enjoyment. Whilst the development including the open-market housing would, contrary to the council's planning policies, not deliver economic benefit as an integral part of sustainable development. Local residents would find themselves part of a sprawling corridor of urban expansion where the scale of the buildings would have an adverse effect on landscape character and privacy and with increased traffic on the road system.

Our conclusions

10. This is a large and complex proposal but only the principle of the development is before Scottish Ministers and the environmental information that has been submitted is sufficient to enable the outline planning application to be determined. Further submissions made to the planning authority will have to be subject to additional environmental assessment as part of a multi-stage planning process.

11. The issues to be determined are whether the proposal is consistent with the relevant provisions of the development plan, in this case North East Scotland Together – The Aberdeen and Aberdeenshire Structure Plan 2001-2016 and the Aberdeenshire Local Plan 2001; and, if not, an exception to these provisions is justified by other material considerations, which includes the conservation of the environment, of protected land and of biodiversity; the economic and social effect of the development; the need for the residential development; and national policy, in particular the Government's Economic Strategy, the national Planning Framework and NPPG 14 – Natural Heritage; and,

if so, whether the proposed development would preserve the setting of the Category B Listed Menie House.

12. Full compliance with the development plan was never likely with a complex and unforeseen proposal on this scale. Some development plan policies support it, notably those concerned with the delivery of economic development, whilst others do not. The proposal amounts to a significant departure in respect of environmental impact, landscape impact and as the consequence of the proposed residential development. That assessment has been the consistent view of the council throughout. The issue of whether or not outline planning permission is to be granted thus falls to be made by an assessment of material considerations where the test set by NPPG 14 is of overarching importance, being the national policy applying to the country's natural heritage.

13. The development would have a significant adverse impact on the southern third of the Foveran Links SSSI. Here the dynamism that underpins the designation of the SSSI would, for the majority of the holes in the back 9 of the championship course, be halted. Much, though not all, of the geomorphological interest in that affected part of the SSSI would be compromised alongside a major adverse effect on the coherence of the ecological structure and function of the impacted areas compromising the objectives of both designation and overall integrity.

14. The issue of whether outline planning permission is to be granted therefore falls to be considered against the second element of the national policy contained in NPPG 14. Based on the assessment made independently for the council we are in no doubt that the economic impact of the development would be nationally significant. It could thus make a significant contribution to achieving the Government's overarching purpose set by the Economic Strategy. Additionally the development would also contribute to delivery against the strategy contained in the National Planning Framework and other national, regional and local policies directed at diversification of the economy to achieve wider social benefits as well as the encouragement of tourism, including golf tourism. The development has the potential to deliver major benefits against economic and social objectives at national, regional and local level.

15. In economic, or business, terms, the residential development is required to cross-fund the development. It is not consistent with current development plan policy, but emerging strategic planning policy proposes development within this corridor. It is a material consideration that a housing development is needed on this scale to realise the economic and social benefits of the overall project; that also appears to have been the assessment of the council.

16. A significant visual impact within a wide zone of influence is likely and is understandably the cause of considerable concern to some, but not all, who live in the vicinity. However, the design of the golf resort will be decided by Aberdeenshire Council whose objective is to achieve better integration between a design philosophy that is genuinely iconic and the landscape, so as to achieve a reduction in landscape and visual impacts and a better relationship with existing land uses. The proposals have no direct effect on the listed Menie House and the

potential effect on its setting is not such as to justify the refusal of outline planning permission.

17. Because of the relationship with the Ythan Estuary, Sands of Forvie and Meikle Loch SPA Scottish Ministers will have to make an appropriate assessment of the implications in view of that site's conservation objectives. Information concerning the likely impact has enabled SNH to conclude that the proposed development would not have a significant impact on the SPA, providing certain conditions are attached to an outline planning permission.

18. Our findings contain our conclusions on a number of other important considerations that are material. None affects our overall conclusion that the economic and social advantages of this prospective development 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. In reaching that assessment we recognise, given the effect on environmental attributes protected for their national importance, that the national interest is invoked. That properly is a matter for Ministers; our conclusions and recommendation in favour of the outline planning application are offered to assist with that assessment.