

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

POST-INQUIRY EVIDENCE

Scottish Planning Policy (SPP) 3: *Planning for Homes*

1. The Scottish Government published the revised SPP 3 on 28 July. The previous version of SPP 3 (published in 2003) was current at the time of the public local inquiry.

2. The revised SPP 3 sets out the Scottish Government's policy on the identification of housing requirements, the provision of land for housing and the delivery of homes through the planning system. The overarching aim is to refocus the role of planning in the delivery of housing, from debates around the calculations of housing requirements and land availability, to building a better, more diverse range of housing to serve the economic, social and environmental aspirations of Scotland.

3. The key objectives of the SPP are to provide policy guidance on the:

- identification of housing need and demand on a more consistent and robust basis through joint working between local authorities and a range of partners;
- the use of the planning system to facilitate the construction of well-designed, good-quality housing in sustainable locations;
- allocation of a generous supply of land to meet identified housing requirements across all tenures, including affordable housing, and related policy objectives;
- mechanisms to help ensure that planned housing is built, including quick and efficient review of development plans to enable maintenance of a 5-year effective land supply; all of which supports
- the creation of high-quality places, which support the development of sustainable communities.

4. Following the publication of the new SPP 3, we received a letter submitted on behalf of Aberdeenshire Councillors Martin Ford, Paul Johnston, Alastair Ross and Debra Storr, which highlights areas within the new SPP which they consider to be relevant to the determination of the planning application and which they believe provide arguments as to why the housing element of the application should be refused. A copy of that letter is provided at Appendix I. Councillor Ford also wrote a further letter, following our receipt of the inquiry report, in which he raised the same points relating to SPP 3 again, among other issues. That letter has been included in the references to other post-inquiry correspondence below.

5. There has been widespread recognition that the housing element of the proposed development does not accord with the terms of the development plan. Both the previous and the new versions of SPP 3 support the central role of the

development planning process in identifying land for new housing developments, and the responsibility of planning authorities to draw up long-term sustainable settlement strategies. Both also support creating mixed communities and the delivery of affordable housing.

Conclusions

6. In Chapter 4 of their report (Findings of fact and related conclusions), the reporters found that the previous SPP 3 provided “no comfort” for the housing element of the proposed development in the form of positive material considerations (paragraph 4.114 of the report). While the new SPP has updated the policy, the underlying messages of both, as they relate to this proposed development, are broadly similar; and we consider that the reporters’ assessment in terms of the previous version at paragraph 4.114 applies equally in relation to the new SPP 3. Therefore, we see no reasons to differ from the reporters’ findings in relation to SPP 3, nor for that statement of Government policy to cause Scottish Ministers to disagree with any recommendation the reporters have made.

Post-inquiry correspondence

7. Following the close of the public local inquiry on 4 July, we have received over 1,800 pieces of correspondence from members of the public, and also from MSPs writing on behalf of constituents.

RSPB campaign

8. The RSPB ran a campaign, encouraging people to write to you asking that, should you be minded to grant consent for this proposal, that no development takes place in the SSSI or on the dynamic sand dome to the south of the application site. RSPB provided a template letter / e-mail to this effect to which people could add their names and submit to the Scottish Government. A copy of the template is attached at Appendix II.

9. We received 1,532 of these template letters, of which:

- 1,146 were lodged with the template text un-amended;
- 378 contained added/amended text raising additional issues;
- 7 submissions offered some support for the development, but on the condition that it does not encroach on the SSSI; and
- 1 was adapted to offer full support for the development.

Other correspondence

10. In addition to the template correspondence, we have received a further 315 items of correspondence since the inquiry. Of these, 13 offered support for the development, 54 offered some support for the development, but on the condition that it does not encroach on the SSSI, and the remaining 248 objected to the proposal. The majority of the objections used wording and raised issues similar to the RSPB’s

template text regarding development on the SSSI and the suggestion of an alternative layout for the golf course which would avoid the SSSI.

11. Other relevant planning issues raised in the post-inquiry objections included matters such as: the proposal being a departure from the development plan; effect on our natural heritage; visual impact; loss of access to recreational, open and green space; impact on local infrastructure and services; absence of adequate flood defences; the environmental effects of an increase in travel by road and air; noise pollution; and a negative impact on tourism.

12. Planning issues raised in letters of support related to social and economic benefits that the proposal would bring to the region and to Scotland.

13. A number of other comments were made which were not relevant to the consideration of the planning application, have no bearing on the planning merits of the case, and so are not reflected here.

Conclusions

14. Other than the correspondence relating to the recently published SPP 3 discussed above, all post-inquiry correspondence has raised issues which were known to the reporters at the time of the public local inquiry. Therefore, the correspondence does not in itself provide reason for Scottish Ministers to disagree with any recommendation the reporters have made.

Directorate for the Built Environment
Planning Decisions Division
29 October 2008

ANNEX B: APPENDIX I

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LETTER FROM COUNCILLORS FORD, JOHNSTON, ROSS AND STORR

Mr Colin Bell
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

10 August 2008

Dear Mr Bell

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Notification of Applications) (Scotland) Direction 2007
Outline Planning Permission for Housing, Golf Course and Resort Development at Menie, Balmedie, Aberdeenshire**

We are writing in response to the publication in July of a new revision of Scottish Planning Policy 3 *Planning for Homes*, and to highlight its relevance to the determination of the Trump International Golf Links Scotland Menie application.

The policy set out in the revised SPP3 is clearly very pertinent to the decision to be reached on the Trump International Golf Links Scotland Menie application, in particular the open market and affordable housing. Our understanding is that Scottish Ministers are legally bound to adhere to their own policies. Crucially, the policy set out in SPP3 strongly supports the arguments we made at the Menie Public Inquiry against the open market housing. The new revision of SPP3 advocates the development of sustainable mixed communities via a sustainable communities strategy. It also argues that decisions on where new housing allocations are located be taken via the development plan system. The 500 open market houses proposed at Menie do not meet any definition of a sustainable mixed community and of course the proposal continues to be entirely outwith the development plan.

While SPP3 recognises that new settlements may be appropriate, the threshold set is high and the proposed development at Menie fails to meet the criteria. In particular, SPP3 states (paragraph 70) that new settlements "will not have a significant adverse effect on any natural or built heritage interest safeguarded by a national or international designation" - but of course the housing at Menie will do exactly that through cross-funding the development of a golf course on an outstanding and sensitive Site of Special Scientific Interest.

We would particularly wish to draw your attention to the following paragraphs of SPP3:

31. The provision of land for housing and the timely release of that land to enable building of homes is a key component of the development plan. The broader objective of development plans, in relation to housing, is the creation of sustainable mixed communities, including the provision of quality dwellings in the right places. It is vital that these considerations underpin the whole process of planning for housing even at the earliest stages of site selection.

Manifestly, this is not the approach being taken at Menie. The very opposite of a sustainable mixed community is being proposed, and the formation of such a community has clearly played no part in the choice of site for the housing, which has been selected for entirely different reasons.

56. The following key considerations should form the basis for the [sustainable communities] strategy:
- the efficient use of land and existing buildings, resources and infrastructure;
 - accessibility by a range of transport options to jobs and services for all sections of the community;
 - co-ordination of housing land provision with improvements in infrastructure, including transport and educational investment, and with other major proposals such as business or other economic development; and
 - the protection and enhancement of landscapes; natural, built and cultural heritage; biodiversity; and the wider environment, including consideration of flood risk.

There is clearly an issue with the open market housing at Menie, given its rural location away from any established settlement, in respect of access to jobs and services by any means other than the private car. The proposal does nothing to enhance or protect the landscape, but instead clearly breaches the policies in the development plan designed to preserve the special coastal landscape at Menie. Indirectly, the open market housing threatens biodiversity by cross-funding development on the SSSI.

80. Scottish Government policy encourages more diverse, attractive and mixed-use residential communities, in terms of tenure, demographic and income. A range of housing types is needed to support the creation of mixed communities which provide housing options for the whole community and all segments of the market, from affordable housing and starter homes to executive housing, as well as homes for families, older people and people with particular housing needs. In some locations, mixed use will incorporate opportunities for business units and community spaces.

94. Policies in development plans may seek a percentage affordable housing contribution from all new housing developments where this is justified by the HNDA and included in the local housing strategy. The benchmark figure is that each site should contribute 25% of the total number of housing units as affordable housing.

We welcome the Scottish Government's continuing commitment to more diverse, attractive and mixed-use residential communities, in terms of tenure, demographic mix and income and the benchmark of 25% of housing being affordable housing. In the context of the Menie proposal, however, the proposal on site is for 500 houses with the affordable housing elsewhere on the outskirts of Balmedie. With no affordable housing on-site, the Menie Estate open market housing development is in no sense a sustainable mixed community and indeed there are no significant community facilities proposed - all social, education, etc facilities would be off-site.

With a total of 650 houses proposed, the affordable housing benchmark should be 168, rather than the 98 suggested by the draft heads of terms for the Section 75 agreement.

In summary, the sound planning policies in SPP3 provide a further powerful set of arguments as to why the housing element of the Menie application should be refused. The application is clearly both contrary to the development plan and the latest Scottish Government policy.

Please pass this letter to the reporters for their consideration.

Yours sincerely

On behalf of Cllrs Ford, Johnston, Ross and Storr

ANNEX B: APPENDIX II

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TEMPLATE CORRESPONDENCE PROVIDED BY RSPB

“Dear John Swinney MSP

“I wish to express my concerns regarding the Trump International Golf Links Scotland application on the Menie Estate in Aberdeenshire.

“Scotland’s Sites of Special Scientific Interest (SSSI) are the crown jewels of our natural heritage representing a unique and frequently irreplaceable environmental, social and economic resource. Damaging development applications on these sites should not be consented, particularly when alternatives are available.

“With this particular application, there has now been a great deal of information provided to members of the public through various meetings, the public inquiry and extensive media coverage. From this it has become clear that:

- this is a unique and exceptional natural heritage site
- the applicant accepts and recognises that there will be significant adverse impacts on the SSSI
- the application could be easily modified to deliver a world class golf course that avoids the SSSI

“This is a particularly important decision for Scottish Ministers, which will send a clear signal about the value of our natural heritage and the scope for genuinely sustainable development, delivering economic growth but not at the expense of our environment. If you are minded to grant consent for this proposal I ask that you do so with the condition that no development take place in the SSSI or on the dynamic sand dome to the south of the application site.”