

Sonya Galloway  
Aberdeenshire Council  
Planning Department  
45 Bridge Street  
Ellon  
AB41 9AA

2 September 2009

Dear Sonya,

**Planning Application: APP/2009/2479**

**Proposal: Full planning permission for marram grass planting, preparatory earthworks and chestnut pale fencing on the inner dunes at Menie Links**

I write with reference to the full planning application above. The Scottish Wildlife Trust (SWT) wishes to lodge an **OBJECTION** to the submission from Dundas and Wilson CS LLP on behalf of Trump International Golf Links Scotland for planning consent for the planting of marram grass, preparatory earthworks and fencing on the inner dunes at Menie Links.

It should be noted that SWT, along with many other organisations and members of the public, objected to the application for outline planning permission for the development of the Golf Course and Resort Development located on land at Menie House, Balmedie, Aberdeen. SWT reiterate the belief that the application should have been refused on the basis of an unreasonably and unjustified impact on the designated features of the Foveran Links Site of Special Scientific Interest (SSSI). Furthermore, we believe the proposal represents an inappropriately located and badly designed development which will have a significant, detrimental impact on the local biodiversity and on people's quality of life.

That said, now that outline planning permission has been granted in principal, it is crucial that **all** the conditions of planning consent are adhered to, in order to minimise the extent of the damage to the natural heritage and biodiversity features affected by the proposed golf course and resort development.

**SWT believes that the above planning application is in clear breach of the conditions set out in the Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 and this forms the basis of our objection.**

Below we detail the conditions of the Section 75 Agreement which we believe have been flouted.

Condition 11 of the Agreement states:

*Prior to any works commencing in relation to either golf course, an Environmental Management Plan prepared to an industry-recognised standard (either IS400001 [sic] or the European standard EMAS) shall be submitted to and approved in writing by the planning authority, following consultation with SNH. The Plan shall relate to both the construction and operational phases of the development and shall include full details of:*

- (i) *methods and areas of stabilisation within the dune systems*

## 1 Protecting Scotland's wildlife for the future

Headquarters: Cramond House, 3 Kirk Cramond, Edinburgh EH4 6HZ  
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- (ii) routing of the course including reference to tracks, paths and any other ancillary requirements
- (iii) specification of grass types, vegetation and seed mixes to be used and identification of planting areas
- (iv) compliance with best practice standards in relation to soil and turf stripping and storage and provision of details on areas for storage
- (v) identification of areas and methods for translocation of habitats
- (vi) a phasing plan, specifying timings and durations of construction aspects in relation to each course
- (vii) a turf management plan, with full details of fertilisers, herbicides and pesticides, including type, rates of application, duration and method
- (viii) management of areas of fairway, greens, tees, transition rough and rough, including mowing/grazing regimes, with details of disposal of mown clippings
- (ix) water irrigation and abstraction rates
- (x) identification of the proposed number of rounds per annum, by an agreed date per annum for the first 10 years of operation of each course

The development of each golf course shall thereafter be undertaken in accordance with its approved Environmental Management Plan, which shall also include a formal reporting and review process.

Reason: in order to protect the environmental sensitivity of the site.

Although it is stated in the Planning Statement (Section 13) that the EMP has been prepared and combined with the Detailed Method Statement (DMS), many of the plan details, listed (i) – (x) above, have not been included in the DMS. This leads us to conclude that Condition 11, under the Section 75 Agreement, is being ignored.

Conditions (C) 14,16,17,18,19,20,21 state *inter alia*: Prior to the commencement of any development on the site, there is a requirement for submission of:

- tree surveys (C.14)
- a plan showing the extent of a buffer zone to be created around the area of ancient woodland (C 16)
- a plan showing the location of pond PN8 with a 20 metre wide protection zone
- bryophyte survey and mitigation plan(s) (C17)
- management plans for otter and badger (C 18)
- habitat management and enhancement plans, incorporating mitigation and compensatory measures for birds, bats, invertebrates and plants (C19)
- details of a goose management scheme for pink footed geese (C 20)
- details of mitigation measures to reduce bird disturbance in the Ythan Estuary, Sands of Forvie and Meikle Loch SPA (C 21)

Nowhere in the planning application does it state that prior to the commencement of the proposed marram grass planting etc. the above conditions will be met and, considering the time scale involved for the proposed operations (winter 2009-spring 2010), we believe it will not be practically possible to comply with the full set of conditions of the Section 75 Agreement.

**SWT recommends that Aberdeenshire Council refuses planning permission until all conditions in the Section 75 Agreement are submitted and agreed by the appropriate body.**

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## Conclusion

Although SWT maintains its objection to the development of the golf course and resort development, because of the unreasonable and unjustified impact on the designated features of the Foveran Links Special Site of Scientific, now that outline planning permission has been granted, we believe it is crucial that **all** the conditions of planning consent are met (as stated in the Section 75 Agreement), to minimise the extent of the damage caused by the development to the SSSI and biodiversity features therein.

SWT believe the planning application is in clear breach of the Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 for the reasons outlined above. As such, SWT **OBJECTS** to the planning application for marram grass planting, preparatory earthworks and chestnut pale fencing on the inner dunes at Menie Links. We recommend that Aberdeenshire Council refuse planning permission until **all** the conditions in the Section 75 Agreement are submitted and agreed by the appropriate body.

If you wish to discuss any issue or item contained within this letter then please do not hesitate to contact us on the details provided.

Yours sincerely,

**Dr Maggie Keegan**  
**Conservation Officer**

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