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Dear Mr Bell

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I refer to the letter of 7 May and now write to respond on behalf of Aberdeenshire Council.

I am aware of the response from Dundas & Wilson dated 9 May where they have numbered the paragraphs. To assist in matters I would use the same numbering.

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Accordingly I would respond as follows:-

1. Noted. Apart from Transport Scotland so far as I am aware no-one has suggested specific conditions at the moment. I will raise this with the relevant parties.
2. Noted.
3. Noted. I will discuss this with the applicants.
4. I think Dundas & Wilson have requested clarification in relation to this.
5. No comment is necessary.
6. We note the terms of the response from Dundas & Wilson.
7. We note the terms of the response from Dundas & Wilson.
8. We note the terms of the response from Dundas & Wilson.
9. Noted.
10. Noted.
11. No comment is necessary.
12. Noted.
13. The discussions between the Council's Planning Gain Officer and the applicants included discussions in relation to an access strategy for the public in relation to the proposed development taking into account the nature of the development and restrictions which might accordingly result from that. There is also a proposed condition regarding access (see condition 33 in Schedule 3 to the Council's Statement of Case). The

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reference to this matter in the heads of terms for a Section 75 Agreement was intended to reflect that some of the arrangements may relate to "off site" matters or matters which cannot be adequately dealt with by way of condition. We will discuss this with the applicants.

14. It has been confirmed to us that a summary of the information prepared by Deloitte is in the public domain having appeared on the applicants' own website. The report which will be lodged from EKOS is a report prepared specifically for the purposes of the Inquiry reflecting that information as far as in the public domain and other information (not provided by the applicants) which is in the public domain and relied upon by EKOS in terms of their original assessment of matters. The reference therefore in the list of documents to a report from EKOS was not intended to be nor was it a reference to the report prepared for the Council in the course of last year but rather a report prepared specifically for the purposes of the Inquiry taking into account the restrictions on the information available to them and the Council. It is understood that the applicants have produced a revised report and to the extent she is able to do so Ms Donaghy in her precognition will respond to this.
15. Noted.
16. The issue will be the extent to which the Council's case is subject to significant cross examination. Having looked at the Statements of Case it appears that the issues are relatively clear and it is therefore considered that the estimate of 1½ days subject to that issue is and remains a realistic one.
17. Noted.
18. Noted.
19. No comment is necessary.
20. Noted.
21. We agree.
22. We refer to the comments made above.
23. No comment.
24. Noted.
25. Noted. Further information has now been received from SEPA.
26. A list of core documents was circulated at an early stage and where specific comments have been made which could be reflected these have been included.

So far as the last paragraph is concerned the Council's position remains that it is content to lead its evidence at a time convenient to the Inquiry to facilitate the issues discussed at the pre-inquiry meeting, even if this does mean that the Council's evidence is led before the applicants' case is concluded. The Council would hope that once it has started leading its evidence the evidence for the Council could be concluded before we reverted back to the applicants' evidence rather than the case for the Council being led in "disjointed tranches".

So far as the availability of Council witnesses is concerned the only limitations we are aware of are as follows:-

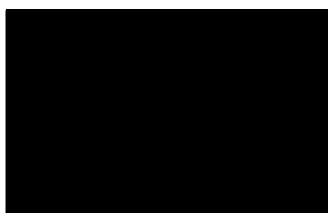
1. Dr Gore has a Committee meeting on June 19 which she requires to attend. We would have thought however that it is unlikely her evidence would be taken then given the

need to accommodate the SNH witnesses and their availability to hear the applicants' case in that week.

2. Councillor Anne Robertson is due to be abroad during the first week of the Inquiry. It appears probable from the information available that her evidence might need to be taken in that week and providing sufficient notice is given she will be able to rearrange her diary to be present. She has a meeting on the afternoon of Monday 16 June with MSPs and MPs which will be difficult to rearrange and she would like to avoid giving evidence then.

We appreciate that it is the Reporters intention to review the position once the precognitions are lodged but we thought it might be helpful in anticipation of that to clarify the position of the Council at this stage.

Yours sincerely



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