

John A. A. Agnew
Town and Country Planning Agent

Kinnear House, 38 Evan Street, Stonehaven, AB39 2ET

Principal: JOHN A. A. AGNEW, SDA
Consultant: WILLIAM WALTON, BA(Hons), MSc, Dip.Env.Law, LL.M., MRTPI

Direct Dial: XXXXXXXXXX
Telephone & Fax: XXXXXXXXXX

Your ref: CIN/ABS/001

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

BY FAX AND POST 15th May, 2008.

Dear Sir,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2007
OUTLINE PLANNING PERMISSION FOR GOLF COURSE AND RESORT
DEVELOPMENT ON LAND AT MENIE HOUSE, BALMEDIE, ABERDEEN

I refer to your letter of the 7th inst., and respond as hereinafter expressed.

Bullet point 14, concerning EKOS report for the Council:
It is plain from the Council's Statement of Case, under "Evidence" at 1.(2) - "... evidence will relate to work carried out then...", that the EKOS report referred to is the one considered to be confidential. This is further illustrated under "Detailed Assessment of Matters" at 4(a) and (b).

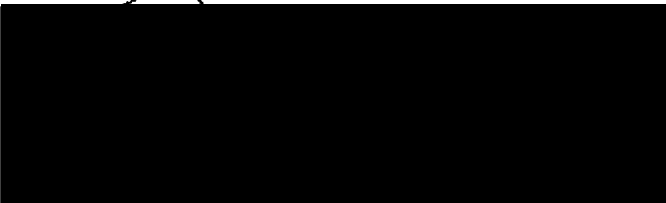
The EKOS report is listed 9 on the Inventory of Productions for the Council but is not produced. However, the Fraser of Allander report is now produced on behalf of the Applicants.

Under these circumstances, my clients **object** to any new EKOS report being produced after the date for exchange of documents. In my submission any new EKOS report produced after the Fraser of Allander report is in the public domain cannot be 'seen to be' independent, having regard also to the Council's position in support of the application. Any evidence led by the Council concerning the Fraser of Allander report or other matters concerning the economic case must be by oral evidence only, except in respect of documents lodged within the time laid down, as applies to any other party.

2.

Bullet point 22 concerning relevance of the Deloitte report:
It is the position of my clients that the relevance of the economic case before the Council at application stage is:

- a) it represented the case for the Applicants and was relied upon by them at application stage;
- b) it was relied upon by Council Officers concerning their recommendation for approval and was relied upon also by "The Council" when deciding to support the called-in application;
- c) the Applicants now seek to rely upon a new report;
- d) the Executive Summary of the Deloitte report is lodged for the reasons referred to in my clients' Statement of Case and other documents lodged; and,
- e) the Objectors are entitled to challenge any new report lodged and relied upon, having regard to, inter alia, the evidence previously relied upon and the veracity and validity of any change in position arising from any new report; this applies to the Applicants and to the oral evidence on behalf of The Council.



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Agent for Donald Banks & Others.


cc All relevant persons.

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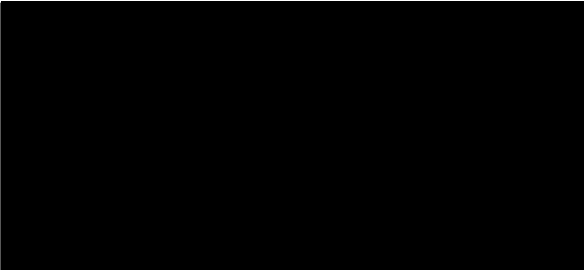
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