

Final 19 May 2008

PROPOSED RESORT AND GOLF DEVELOPMENT AT MENIE ESTATE:

PUBLIC LOCAL INQUIRY

***Precognition by Kenneth J. Thomson
on behalf of the***

Aberdeenshire Local Outdoor Access Forum

1. I give evidence on behalf of Aberdeenshire Local Outdoor Access Forum (ALOAF) of which I am the current elected Chair. ALOAF, with about 16 members (Representatives) from four “sectors” (land managers, recreational access users, communities and agencies) was established by Aberdeenshire Council in 2005 under the Land Reform (Scotland) Act 2003, and acts as an independent body. Aberdeen City and the Cairngorms National Park have their own forums.

2. Under the Act, Local Access Forums have the following functions in relation to responsible non-motorised use of public access:
*“(a) to advise the local authority and any other person or body consulting the forum on matters having to do with the exercise of access rights, ...
(b) to offer and, where the offer is accepted, to give assistance to the parties to any dispute about:
(i) the exercise of access rights
(ii) ...
towards the resolution of the dispute”* (LR(S)A Section 25).
Various persons have approached the Forum about the Menie Estate proposals since they became known some 18 months ago, and I am therefore acting under function (a) above.

3. The Forum does not take up a position opposing or supporting the proposed development as such. It is supportive of the views on public access previously submitted by the Council’s Planning & Environment Service, and continues its representations in order to try to ensure that public access is given due weight in

the Inquiry's deliberations. This precognition has been drafted without the involvement of Council officers.

4. On behalf of the Forum, I wrote to the Aberdeenshire Council's Planning & Environmental Services section on early June and again in late August 2007, in each case after consulting at a normal full forum meeting. The first letter drew attention to various apparent problems arising from the initial application for outline planning permission and the Environmental Statement issued in late March 2007), and the second elaborated on these issues after sight of the applicant's *Response to Aberdeenshire Council and Statutory Consultations*, in particular its Section 10 (Recreation, Access and Community Effects) and Appendix 1 (Public Access Strategy/Plan) (Council website "Date Published" 18/7/2007).
5. In brief, the points made in August were:
 - a) The applicant's proposed Access Strategy/Plan (Appendix 1 of their Response document, July 2007) were welcomed, but with concerns over (i) Access Routes A, B and C, (ii) visual domination by the proposed buildings without apparent mitigation measures; (iii) the proposed "upgrading" under planning gain of the existing access road to the Country Park car park at Balmedie; (iv) identification of current and potential non-motorised access into and within the site, in particular beach walks and the North Sea Trail.
 - b) Information should be provided on the likely loss of public outdoor access due to:
 - i) Permanent or semi-permanent (e.g. all-summer) fencing-off of certain areas.
 - ii) Applications to the local Council under Section 11 of the LR(S)A for temporary or permanent exemption of certain areas from access provisions, e.g. for competition events, outdoor festivals, exhibitions, etc.
 - c) Consultation should be undertaken with relevant recreational user organisations using the dunes, e.g. equestrian and orienteering organisations.
6. In supplementing the above points, this precognition deals with material and issues arising since August 2007, mainly the Council officers' reports to the Formartine Area Committee.
7. We welcome the report (in para 6.9 of the Committee Report for the 20 November meeting of the Area Committee) of the applicants' assurance that "*full and comprehensive (public) access to the site is provided for, secured by appropriate conditions*", although it is not clear to us what "*full and comprehensive*" means in this context, since a considerable amount of public access will in fact be lost.

8. The same paragraph notes that *“the applicant has confirmed that the existing 1.2m high post and wire fence will be retained around the perimeter of the site, no fencing will be erected around the beach area and no high security fencing is proposed”*. We note that this 1.2m fence is (or at least was, a few months ago) not in fact in place all round the site, partly due to sand drift, and that such a fence is a barrier to access by all but the athletic, unless provided with gates or (less desirably) stiles.
9. The Council’s recommendation that a satisfactory access strategy and plan be prepared (Conditions para. 33) is to be welcomed, and in particular the view of the Planning Policy & Environment Service that more provision is need for public access from the proposed 500 residential units (and, we would add, the 400 units of staff accommodation). This provision is needed to the beach and back, but also in the area west of the dunes. The strategy and plan should be sufficiently comprehensive to be able to deal with further possible housing development, and further possible commercial recreational uses (i.e. other than golf), within or close outside the current development area. Para. 6.21 of the 20 November Meeting Report says that *“Public access will be catered for both within, and indeed outwith, the application site, with enhanced facilities in this regard being provided.”* If this refers to planning gain improvements to Route A and the road to Balmedie Country Park, these seem minor offsets to the major losses of and changes to public access generally.
10. We remain concerned that the large scale of the proposed development, both vertically and horizontally, will significantly detract from the natural qualities (landscape, wildlife, remoteness) of current public access outside as well as inside the development area, and that measures to mitigate these effects, or to improve non-motorised public access elsewhere as a form of compensation, do not appear to have been as yet adequately considered.
11. In summary, we wish any Consent to carry effective Conditions which will minimise the net loss of public access which the proposal will entail, and we draw attention to those submitted by ScotWays in its Precognition.

Kenneth J. Thomson, 19 May 2008