



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**

**PUBLIC LOCAL INQUIRY – REF: CIN/ABS/001**

**PRECOGNITION**

of:

Dr Martin Auld

for:

RSPB Scotland

19 May 2008

The Royal Society for the Protection of Birds. Charity registered in England and Wales no 207076, in Scotland no SC037654.

The Scottish Wildlife Trust is a company limited by guarantee, registered in Scotland (registered number SC040247) having its registered office at Cramond House, Cramond Glebe Road, Edinburgh EH4 6NS. It is also a Scottish registered charity (charity number SC005792).

The Botanical Society of the British Isles (known as BSBI) is a charity registered in England and Wales (212560) and in Scotland (SC038675).

## **Summary**

### **1. Introduction**

1.1. I am Dr Martin Henry Denham Auld. I hold a BSc. Honours degree in Botany from Leeds University and a Doctor of Philosophy degree in Plant Physiology and Upland Grazing systems from Newcastle University.

1.2. I have been employed by the RSPB as the Regional Director for the East Scotland region since 1995.

1.3. I am currently responsible for the direction of RSPB Scotland's work in the East Scotland region.

### **2. Purpose and scope of the Precognition**

2.1. The purpose of this precognition is to set out the RSPB / SWT / BSBI position in respect of matters on which I understand the Reporters have indicated that oral evidence would, or may, be necessary. The RSPB / SWT / BSBI, working jointly, are making written submissions in respect of:

1. Geomorphology,
2. Ecology, Habitats and Species
3. The Application of the Habitats Regulations
4. Birds excluding effects on the SPA
5. Planning Policy and Guidance
6. Conditions and S75 Agreement

### **3. Involvement with this planning application**

#### **The RSPB / SWT / BSBI**

3.1. The purpose, history and activity of the RSPB / SWT / BSBI, relevant to this application, and a summary of our responses submitted to the Council, were set out in the joint Statement of Case, submitted on 5<sup>th</sup> May 2008.

3.2. We consider that the applicant has not explored, adequately, alternative layout solutions within the site that would eliminate or at least reduce the main adverse impacts of the proposal on the natural heritage.

3.3. TIGLS have stated categorically that the last nine holes cannot be relocated. This brings unnecessary conflict.

3.4. This uncompromising approach is akin to proposing that part of a nationally important historic monument such as Dunnottar Castle should be demolished to make way for a leisure development. Such proposals would not be countenanced in that scenario, regardless of claimed economic benefit and should not be here, as the natural resources are equally irreplaceable.

### **4. Detailed basis of our objection**

4.1. The nature conservation importance of the landforms and habitats within the application site is clearly of a very high level. In summary, the site holds:

a. Two mobile sand dune systems which are amongst the largest and best examples in NW Europe). One of these is designated as SSSI, and it meets the criteria for GCR

designation.

b. A suite of dune habitats, in particular dune slacks, which is outstanding at a national level. These include five habitat types which are listed in Annex 1 of the Habitats Directive, three of which are considered as priority habitats. At least two of these (CORINE 2130 (NVC: SD 7, 8, 9b, 11, 12, 19); and CORINE 2140 (NVC: H11b)) are under-represented in the UK within the suite of designated sites designed to protect them.

c. Communities of many animal and plant groups that are of high biodiversity value. The range of birds present is of near-SSSI quality and includes 11 species 'red-listed' as Birds of Conservation Concern. The European Protected Species Otter and two species of bat occur on the site and the invertebrate survey data for the area indicates the presence of numerous species of conservation value; at least 13 endangered or vulnerable species are already known to be present. The vegetation communities on the dunes, both higher and lower plants, are already known to be of considerable importance.

4.2. Many of these species are nationally important in their own right but it is the sum total of the species and their supporting habitat - the whole 'ecological community' that is rare in a Scottish, UK and European context and of high national and international scientific value. The proposed development will compromise the integrity of the whole interconnected system of coastal habitats made up of the suite of nationally and locally protected sites stretching the entire length of the coast from the Don to the Collieston Cliffs.

**4.3. Our objections are based on the consequences of the development as currently proposed:**

These are set out in detail in our representations about the proposal at consultation stage and in our Written Submissions.

#### **4.4. Policy/Sustainable Development Framework**

4.4.1. The Scottish Government published its sustainable development strategy in 2005 entitled "Choosing Our Future" which sets out a high level strategic framework for the delivery of sustainable development (SD) across all five principles. It is a requirement that economic development be sustainable. It is therefore incumbent upon us to ensure current and future decisions are consistent with the SD approach. An approach which positively seeks to destroy naturally sustaining environmental capital and replace it with managed non-sustaining urban and leisure capital manifestly fails the test of sustainability. The concept that our environment can always be managed, whenever and wherever we choose to manipulate it, lacks an understanding of such natural processes and of the extremely modest extent of our knowledge of natural systems.

4.4.2. We should ask ourselves whether serious environmental damage and disruption to natural processes is a necessary and inevitable sacrifice to be paid to achieve perceived economic benefits?

4.4.3. As far as I can see, the nature and scale of this project has at no time been significantly reduced, modified or moderated to lessen its impact on the environment. It is as though the SSSI and unique dune system with its associated ecology counted for nothing in the design of the master plan other than as an economic tool.

4.4.4. The purpose of all EU and UK natural environment site designation legislation is to ensure protection of the best remaining examples of environmental assets across the EU and more locally within the UK and Scotland. If this development is permitted as proposed it would seriously undermine the credibility of the planning system to protect environmental assets recognised as being of national importance. The SSSI notification will have counted for nothing.

4.4.5. It is not necessary for a major golf, leisure, hotel, conference and residential development to damage a nationally important nature conservation site. There is no evidence to show that similar economic benefits could not be achieved by a project (which may be a variation of this one) that did not cause irreparable and severe damage to nationally important environmental assets.

#### **4.5. A Possible Alternative Option**

With the above point in mind we have sought to find out whether an alternative links golf course could be designed which would not impinge upon the SSSI or the southern sand dome, would minimise the effects upon the SINS site and would provide a unique opportunity for links golf. Mike Wood, a respected golf course designer with experience of this type of course design was asked to do this. He has supplied us with such a design.

#### **4.6. Likely Effects of Proposed Mitigation**

4.6.1. TIGLS asserts in numerous places that mitigation, new habitat creation and management have the capacity to “significantly reduce the magnitude of ‘some’ ecological impacts on flora and fauna. We disagree with this. We believe that the TIGLS mitigation suggestions are overplayed; most attempts to mitigate or compensate adverse effects of this significance are either untested, experimental, likely to be small-scale or based on models from elsewhere that have had debatable or poorly monitored results over the long term.

4.6.2. Other mitigation proposals are presented, such as integration of design proposals that follow ecological best practice, possible habitat creation or “if feasible” the translocation of priority habitats. Given the layout in the site plan (which shows no allocated space for these proposals at any significant size), such measures are likely to be small-scale, probably ineffectual (especially the proposed translocation) and will almost certainly provide little mitigation or compensation for the overall adverse effects of the development.

4.6.3. I have significant experience in the translocation and restoration of both moorland and heathland. The movement of heathland units is rarely done at a large scale and even where it has been done the resultant habitat, although looking like heathland, is not. A better description would be 'heather land' where the most dominant vegetation survives but the companion species die out due to the loss of the complex interactions of the associated species both plant and animal. The difficulty of maintaining micro-habitats is generally insurmountable, particularly when they are either not recognised or are too complex to recreate. Restoration of large scale habitat damage has been attempted and once again it is possible to re-vegetate an area but the complex micro interactions are not re-creatable, in my experience. The extremely fragile and dynamic coastal ecosystems and communities here would, in my opinion, be even less likely to survive translocation.

4.6.4. Much of the TIGLS text focuses on the applicant's intention to review literature. It is easy for the applicant to assert what they intend to do, but they provide little supporting factual information based on successful translocations elsewhere. We regard the statements presented in the TIGLS document as being optimistic and intended mainly to support the TIGLS case. The emphasis in general is on small-scale modifications to detailed design, rather than addressing the major habitat loss that the development would cause, as fully acknowledged in the original EA. The reality is that there is significant net loss that cannot be mitigated or compensated for.

4.6.5. TIGLS imply that somehow there is a 'balance' between the destruction of the SSSI and the development, and that mitigation makes a significant difference to this choice. This is not so – it is a straightforward conflict between site protection policies (plus the associated protection of irreplaceable natural assets) and the development of a golf course. Such 'balance' is likely to result in net loss of natural habitat – eroding Aberdeenshire's biodiversity.

#### **4.7 Planning conditions to be imposed**

4.7.1. Whilst the RSPB, SWT and BSBI consider that planning permission for the proposals, as submitted, should be refused, because of the severe impacts on nature conservation, in the event that outline planning permission is granted by the Scottish Ministers, we recommend that conditions should be imposed. In particular, they should prohibit development in the area of the SSSI and on the southern part of the SINS comprising the mobile dune system and in order to protect the integrity of the Sands of Forvie-Ythan Estuary SPA.

4.7.2. RSPB, SWT and BSBI also consider that an exceptional golf experience could be provided on a links course, at Balmedie, without affecting either the SSSI or the southern part of the SINS and that a golf course could be constructed on the remaining part of the SINS and other parts of the estate, with less damaging consequences for the fixed dune systems and associated habitats and species.

#### **4.8 Overall assessment and conclusions**

##### **4.8.1. Biodiversity Action Planning**

Mr. Hughes explains more fully in his precognition, a grant of planning permission for the development as proposed would undermine the whole concept of Biodiversity Action Planning, which is now embedded in Scottish planning policy and practice. This is because it would lead to major losses of habitats and species identified as requiring priority / urgent conservation measures at UK, national and local levels and these losses are wholly avoidable and need not be an inevitable consequence of a major development.

4.8.2. RSPB/SWT/BSBI believe strongly that a development of this kind, which brings such significant adverse impacts to a designated site of immense national value, should not be permitted. The natural assets on this site cannot be replaced and as such represent 'critical natural capital'. We believe that developments of this kind should only take place on land of lower nature conservation value, and simply

because the applicant believes this is the correct locality for the development does not make it so in the wider context.

## 1. Introduction

1.1. I am Dr Martin Henry Denham Auld. I hold a BSc. Honours degree in Botany from Leeds University and a Doctor of Philosophy degree in Plant Physiology and Upland Grazing systems from Newcastle University.

1.2. I have been employed by the RSPB as the Regional Director for the East Scotland region since 1995. Previously, I was employed by the Society as the Regional Reserves Manager in the South West England region (1991 – 1995) and before that as the Dorset Heathland Project Officer (1989 – 1991). Prior to working for the RSPB, I was the Sandlings Heathland and Commons Officer for the Suffolk Wildlife Trust (1986 – 1989) and before that the Moorland Project Officer for the North York Moors National Park (1982 – 1985).

1.3. I have been involved with practical conservation land management for 26 years. My NYMNP role was to provide practical advice to both upland and lowland land owners and managers on improved systems of land management particularly with respect to grazing systems and floristic diversity. One key element of the work was the restoration of many hundreds of hectares of badly damaged and eroded peat following catastrophic fires. As much of the area is common land, an added complexity was gaining the agreement of common right holders but this was achieved in all cases.

1.4. I managed, for the Suffolk Wildlife Trust, a multi-disciplinary series of teams undertaking restoration management on a large proportion of the Sandlings Heathlands. The habitat management put in place was related to baseline phase 1 habitat surveys resulting in the construction of some of the earliest site management plans for such areas in the UK providing a practical target driven management approach. Re-creation and restoration of sites was undertaken as part of some site management systems including giving advice on the management of heathland golf

courses. The re-introduction of grazing systems onto such sites was a key element in this process.

1.5. I joined the RSPB in order to develop and manage the Society's Dorset Heathland project. This project undertook practical conservation management of public and private heathlands along similar lines to the Sandlings project but on a larger scale. I then took this experience into the wider role of responsibility for all the Society's reserves and land management operations in the SW England region.

1.6. I am currently responsible for the direction of RSPB Scotland's work in the East Scotland region. This involves the work of 70 staff based in Shetland, Orkney, NE Scotland, Angus, Dundee, Perthshire and Fife. I am responsible for ensuring delivery, at a regional level, of our reserves management, policy advocacy, advisory and public affairs targets. Also, regionally we seek to encourage sustainable development through engagement with the planning system as described in our leaflet 'Planning' Speaking up for Nature (RSB 30).

1.7. As part of our Scottish management team I am involved in policy formulation and delivery, engagement with consultations (Feudal reform, Tenancy, agricultural, Cairngorms NP, SRDP, SF 2007-2013), maintenance of external organisational relationships, environmental education, research, working with individuals and communities, developing local links with businesses with respect to biodiversity delivery within the framework of sustainable development and climate change.

1.8. I have significant experience in negotiating, developing and managing large scale projects. I have utilised my scientific experience to ensure practical delivery of theoretical concepts in order to provide clear targets for conservation land management. I am used to working with private individuals, communities, multi-national companies, statutory bodies and government in order to promote the conservation case or to develop partnerships for the delivery of biodiversity conservation.

1.9. I have written or been co-author on over 20 scientific publications and reports.

1.10. I am a member of the Institute Of Biology and a Chartered Biologist. I am also a member of the British Ecological Society where I have been a member of Council and of the public affairs committee. I also undertook the role of BES representative on the council of the Institute of Ecology and Environmental Management. I am a member of the British Grassland Society.

## **2. Purpose and scope of the Precognition**

2.1. The purpose of this precognition is to set out the RSPB / SWT / BSBI position in respect of matters on which I understand the Reporters have indicated that oral evidence would, or may, be necessary, or matters where the RSPB / SWT / BSBI consider that oral evidence, tested by cross examination, would be more helpful to the Reporters than written submissions. The RSPB / SWT / BSBI, working jointly, are making written submissions in respect of:

1. Geomorphology,
2. Ecology, Habitats and Species
3. The Application of the Habitats Regulations
4. Birds excluding effects on the SPA
5. Planning Policy and Guidance
6. Conditions and S75 Agreement

2.2. This precognition should be read in conjunction with those written statements and the representations made by the RSPB / SWT / BSBI during consideration of the application by Aberdeenshire Council.

2.3. My evidence also meshes with that of Mr Hughes because we have sought to avoid duplication wherever possible. Although this is my evidence, it can be taken to be the position or view of the RSPB, the SWT and the BSBI, because drafts of my precognition were seen and noted by all three organisations, and the draft evidence was considered to accurately reflect the views of the three organisations.

2.4. I have prepared this precognition on the assumption that the applicants will continue to present their case in line with the findings of the Environmental Impact Statement and subsequent submissions. Our written submissions broadly indicate the areas of agreement and disagreement in respect of these documents and I will not therefore repeat them here.

### **3. Involvement with this planning application**

#### **The RSPB / SWT / BSBI**

3.1. The purpose, history and activity of the RSPB / SWT / BSBI, relevant to this application, and a summary of our responses submitted to the Council, were set out in the joint Statement of Case, submitted on 5<sup>th</sup> May 2008, so I will not repeat them here.

3.2. However, there is a very important additional point to be made. We consider that the applicant has not explored, adequately, alternative layout solutions within the site that would eliminate or at least reduce the main adverse impacts of the proposal on the natural heritage.

3.3. TIGLS have stated categorically (RSB 66: TIGLS response to Aberdeenshire Council and Statutory Consultees, August 2007 P9. 4.1) that the last nine holes cannot be relocated and that, (P10), they are “unable to relocate the course outwith the SSSI. Without the ability to form a course in this location, there would be no basis for the resort and it would not proceed”. This brings unnecessary conflict. An impasse has

been created by TIGLS in firstly identifying (under, presumably, inadequate advice) a site of great national natural environmental value likely to lead to major difficulties with respect to any development proposals, and secondly refusing to consider constructive suggestions from nature conservation bodies to relocate part of the development to avoid significant damage to the dune systems (RSB 31(a) & (c)).

3.4. This uncompromising approach is akin to proposing that part of a nationally important historic monument such as Dunnottar Castle should be demolished to make way for a leisure development. Such proposals would not be countenanced in that scenario, regardless of claimed economic benefit and should not be here, as the natural resources are equally irreplaceable.

### **History of engagement with TIGLS**

3.5. I initially wrote to Mr Hobday in his capacity as Project Director for Trump Golf Scotland in April 2006 seeking clarification of Trump Golf Scotland's position at that time and outlining our concerns with respect to the Foveran Links SSSI (RSB 31(a)). Following that letter, I was invited to meet Mr Hobday, his colleagues and contractors in October 2006. At that meeting, it was explained that some survey work was being analysed and some completed after which an EA would be produced. I re-iterated our concerns with respect to the SSSI. Following submission of the planning application and associated documents and RSPB Scotland's responses of May and August 2007 (RSB 32 (b), (c)) providing detailed objections to the application, I wrote again to Mr Hobday seeking to clarify our position directly and suggesting possible options (RSB 31(c)). Following this letter, Mr Hobday arranged to meet us in Aberdeen. He made it clear at that meeting (14/09/07) that no modification to the golf course would be forthcoming.

#### **4. Summary of RSPB / SWT / BSBI objection**

4.1. Mr Hughes, in his precognition, and our joint Statement of Case summarise the RSPB / SWT / BSBI objection, so I do not repeat that here. As I have explained above, we consider that the applicant has not explored adequately alternative layout solutions within the site that would eliminate or at least reduce the main adverse impacts of the proposal on the natural heritage.

#### **5. Detailed basis of our objection**

5.1. The nature conservation importance of the landforms and habitats within the application site is clearly of a very high level. We have set out this importance in our responses to the application and in our Statement of Case [and we agree with TIGLS over the national significance of some of the features present]. In summary, the site holds:

a. Two mobile sand dune systems which are amongst the largest and best examples in NW Europe. One of these is designated as SSSI, and it meets the criteria for GCR designation (Core document (G) 3 and SNH 6:Hansom 2007 and peer reviews therein and the RSB WS on Geomorphology from Professor McManus).

b. A suite of dune habitats, in particular dune slacks, which is outstanding at a national level. These include five habitat types which are listed in Annex 1 of the Habitats Directive, three of which are considered as priority habitats. At least two of these (CORINE 2130 (NVC: SD 7, 8, 9b, 11, 12, 19); and CORINE 2140 (NVC: H11b)) are under-represented in the UK within the suite of designated sites designed to protect them (Core document (G) 3 and RSB 12).

c. Communities of many animal and plant groups that are of high biodiversity value. The range of birds present is of near-SSSI quality and includes 11 species 'red-listed' as Birds of Conservation Concern (RSB 67). The European Protected Species Otter and two species of bat occur on the site, with Otters frequent, and the invertebrate survey data for the area indicates the presence of numerous species of conservation value; at least 13 endangered or vulnerable species are already known to be present, despite the fact that survey effort has not been intensive to date. The vegetation communities on the dunes, both higher and lower plants, are already known to be of considerable importance, with at least 19 nationally important species of lichen and fungi recorded in recent surveys, together with one nationally scarce fern and nine nationally scarce higher plants. Moreover, two of these nine species, plus one other Menie species, an orchid, are categorised as Priority Species in the UK Biodiversity Action Plan. One species also features in the SNH Species Action Framework 2007. (Core document G(3), F(7) and T50)

5.2. Whilst many of these species are nationally important in their own right, it is important to stress that the sum total of the species and their supporting habitat - the whole 'ecological community' - is also rare in a Scottish, UK and European context and of high national and international scientific value (see further the RSB WS on Ecology, Habitats and Species). It has recently been suggested that several of the vegetation types found on the site represent potential new NVC variations or sub communities to existing standard sand dune plant community types ( T50: Dargie TCD. ). This is of course one of the reasons why SSSIs are designated – to allow scientific study of the features present and enable clearer understanding of natural variation. Therefore, the proposed development will compromise the integrity of the whole interconnected system of coastal habitats made up of the suite of nationally and locally protected sites stretching the entire length of the coast from the Don to Collieston Cliffs. (described in paragraph 4.1 of our Statement of Case).

### **5.3. Our objections are based on the consequences of the development as currently proposed:**

These are set out in detail in our representations about the proposal at consultation stage and in our Written Submissions, so I will not reiterate them here.

### **5.4. Policy/Sustainable Development Framework**

5.4.1. In order to provide a framework within which society's developmental processes can occur in a structured way, the concept of sustainable development has been formulated over the last 20-30 years. The UK and Scottish Governments have developed shared principles of sustainable development. For a policy or programme to be sustainable it must respect the five sustainable development principles of: Living within Environmental Limits; Ensuring a Strong Healthy and Just Society; Achieving a Sustainable Economy; Using Sound Science Responsibly and Promoting Good Governance.

5.4.2. The Scottish Government published its sustainable development strategy in 2005 entitled "Choosing Our Future" (Scotland's Sustainable Development Strategy) (RSB: 60). It is made clear in the strategy that long-term changes are sought in the way in which decisions are made in order to reflect the essential balance between the social, economic and environmental needs of the country. It is further stated that in signing up to the shared framework for sustainable development across the UK, the government is seeking to achieve the common goal; "to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations".

5.4.3. 'Choosing our future' sets out a high level strategic framework for the delivery of sustainable development (SD) across all five principles. It is a requirement that economic development be sustainable. This would ensure it is consistent with the

modern approach to spatial planning. If a development is environmentally damaging, it fails the test of sustainability. For example, the lack of a sustainable balance over the last 100 years has left us with the complex issue of human induced climate change. It is therefore incumbent upon us to ensure current and future decisions are consistent with the SD approach. An approach which positively seeks to destroy naturally sustaining environmental capital and replace it with managed non-sustaining urban and leisure capital manifestly fails the test of sustainability. It is therefore essential to modify such an approach in order to provide the necessary balance. The concept that our environment can always be managed, whenever and wherever we choose to manipulate it, lacks an understanding of such natural processes and of the extremely modest extent of our knowledge of natural systems.

5.4.4. We should ask ourselves whether serious environmental damage and disruption to natural processes is a necessary and inevitable sacrifice to be paid to achieve perceived economic benefits? We cannot simply say that our natural environment is irrelevant but work a lot harder to ensure it forms part of sustainable developments, both contributing to, and benefiting from such developments. That has simply not happened here.

5.4.5. As far as I can see, the nature and scale of this project has at no time been reduced or moderated to lessen its impact on the environment. Apart from minor changes to the golf course layout, (but still resulting in severe adverse impacts on the most sensitive parts of the site), no serious attempt has been made to lessen the environmental impact. That is not sustainable planning. They could be built anywhere on the application site. It is as though the SSSI and unique dune system with its associated ecology counted for nothing in the design of the master plan other than as an economic tool.

5.4.6. Indeed in the Aberdeenshire Council (10/9/07) Planning and Environment Service Report (RSB 68), it is stated clearly that: "It is not evident that serious alternative locations within the application area have been considered for the golf

development. The golf fairways and greens are located within some of the most sensitive areas of the site and in many cases on the dunes themselves. Whilst it is recognised that links courses require a proximity to the coast, the siting of the course should respect the fundamental environmental credentials that it exploits.”

5.4.7. The purpose of all EU and UK natural environment site designation legislation is to ensure protection of the best remaining examples of environmental assets across the EU and more locally within the UK and Scotland. The purpose of the UK SSSI network, since its inception in the 1949 Act, has been to protect the best areas for nature conservation from damaging developments and more recently to encourage their enhancement where appropriate through focussed management based on sound science. Despite some past failures, the effectiveness of the policy to protect these sites through the planning system has been largely successful. If this development is permitted as proposed it would seriously undermine the credibility of the planning system to protect environmental assets recognised as being of national importance. The SSSI notification will have counted for nothing.

5.4.8. It is not necessary for a major golf, leisure, hotel, conference and residential development to damage a nationally important nature conservation site. There is no evidence to show that similar economic benefits could not be achieved by a project (which may be a variation of this one) that did not cause irreparable and severe damage to nationally important environmental assets. Conversely, a major golf, leisure, hotel, conference and residential development (which may be a variation of this one) could enhance nature conservation if well designed and sited in a more appropriate location.

5.4.9. In light of this it is notable that, whilst acknowledging the environmental harm, the Council’s case in oral evidence to the Inquiry proposes to concentrate almost exclusively on the economic and social benefits (pages 4 - 7 Aberdeenshire Council Statement of Case).

## **5.5. A Possible alternative Option**

With the above point in mind we have sought to find out whether an alternative links golf course could be designed which would not impinge upon the SSSI or the southern sand dome, would minimise the effects upon the SINS site and would provide a unique opportunity for links golf. Mike Wood, a respected golf course designer with experience of this type of course design was asked to do this. He has supplied us with such a design M Wood 2008 (RSB 17).

## **5.6. Likely Effects of Proposed Mitigation**

5.6.1. TIGLS asserts in numerous places (RSB 66:TIGLS response to Aberdeenshire Council and Statutory Consultees, August 2007 P2 , 1.4) that mitigation, new habitat creation and management have the capacity to “significantly reduce” the magnitude of ‘some’ ecological impacts on flora and fauna. We disagree with this. In general, the document contains many statements that mitigation is possible and would be successful, and it criticises SNH for suggesting that such approaches may be neither sufficient nor successful. We believe that the TIGLS mitigation suggestions are overplayed; most attempts to mitigate or compensate adverse effects of this significance are either untested, experimental, likely to be small-scale or based on models from elsewhere that have had debatable or poorly monitored results over the long term (see further the RSPB / SWT / BSBI Written Submissions on Ecology, Habitats and Species and on Birds (other than the SPA)).

5.6.2. Other mitigation proposals are presented, such as integration of design proposals that follow ecological best practice, possible habitat creation or “if feasible” the translocation of priority habitats. Given the layout in the site plan (which shows no allocated space for these proposals at any significant size), such measures are likely to be small-scale, probably ineffectual (especially the proposed translocation)

and will almost certainly provide little mitigation or compensation for the overall adverse effects of the development.

5.6.3. Elsewhere (RSB 66: P23, 6.2.1 Botanical context), it is stated that “some or all of these losses are likely to be mitigated by habitat re-creation and translocation elsewhere within the development area”. Yet significant losses are acknowledged in this section, and phrases such as ‘some or all’ can cover every eventuality, so in determining the scale of magnitude of impact they are not helpful.

I have significant experience in the translocation and restoration of both moorland and heathland. The movement of heathland units is rarely done at a large scale and even where it has been done the resultant habitat, although looking like heathland, is not. A better description would be ‘heather land’ where the most dominant vegetation survives but the companion species die out due to the loss of the complex interactions of the associated species both plant and animal. The difficulty of maintaining micro- habitats is generally insurmountable, particularly when they are either not recognised or are too complex to recreate. Restoration of large scale habitat damage has been attempted and once again it is possible to re-vegetate an area but the complex micro interactions are not re-creatable, in my experience. The extremely fragile and dynamic coastal ecosystems and communities here would, in my opinion, be even less likely to survive translocation. (See RSB WS Ecology, Habitats and Species).

5.6.4. In connection with mitigation measures in general (RSB 66: P27), we support SNH’s comments that in most cases such proposals are optimistic. Much of the TIGLS text focuses on the applicant’s intention to review literature. It is easy for the applicant to assert what they intend to do, but they provide little supporting factual information based on successful translocations elsewhere (those that have been achieved, properly monitored and objectively judged to have been successful over a period of years). Information of this kind is essential before any judgement can be made as to whether their claims are valid. Therefore (RSB 66: P32, 6.7), we do not agree that the very legitimate concerns raised by SNH are grossly exaggerated, or

based on no evidence or experience. Instead, we regard the statements presented in the TIGLS document as being optimistic and intended mainly to support the TIGLS case. The emphasis in general is on small-scale modifications to detailed design, rather than addressing the major habitat loss that the development would cause, as fully acknowledged in the original EA. The reality is that there is significant net loss that cannot be mitigated or compensated for.

5.6.5. On page 3 (RSB 66: Striking a balance) it is implied that somehow there is a 'balance' between the destruction of the SSSI and the development, and that mitigation makes a significant difference to this choice. This is not so – it is a straightforward conflict between site protection policies (plus the associated protection of irreplaceable natural assets) and the development of a golf course. Such 'balance' is likely to result in net loss of natural habitat – eroding Aberdeenshire's biodiversity.

## **5.7 Planning conditions to be imposed**

5.7.1. Whilst the RSPB, SWT and BSBI consider that planning permission for the proposals, as submitted, should be refused, because of the severe impacts on nature conservation, in the event that outline planning permission is granted by the Scottish Ministers, we recommend that conditions should be imposed. In particular, they should prohibit development in the area of the SSSI and on the southern part of the SINS comprising the mobile dune system and in order to protect the integrity of the Sands of Forvie-Ythan Estuary SPA (see our joint written submissions on Conditions and the Application of the Habitats Regulations).

5.7.2. RSPB, SWT and BSBI also consider that an exceptional golf experience could be provided on a links course, at Balmedie, without affecting either the SSSI or the southern part of the SINS and that a golf course could be constructed on the remaining part of the SINS and other parts of the estate, with less damaging consequences for the fixed dune systems and associated habitats and species.

## 5.8 Overall assessment and conclusions

### 5.8.1. Biodiversity Action Planning

Mr. Hughes explains more fully in his precognition, a grant of planning permission for the development as proposed would undermine the whole concept of Biodiversity Action Planning, which is now embedded in Scottish planning policy and practice. This is because it would lead to major losses of habitats and species identified as requiring priority / urgent conservation measures at UK, national and local levels and these losses are wholly avoidable and need not be an inevitable consequence of a major development.

5.8.2. RSPB/SWT/BSBI believe strongly that a development of this kind, which brings such significant adverse impacts to a designated site of immense national value, should not be permitted. The natural assets on this site cannot be replaced and as such represent 'critical natural capital'. We believe that developments of this kind should only take place on land of lower nature conservation value, and simply because the applicant believes this is the correct locality for the development does not make it so in the wider context.

5.8.3. Aberdeenshire has many golf courses and a very well developed golf infrastructure (RSB 64). Several smaller courses have been developed in recent years without conflict, and in general recent golf courses in the area have not caused major environmental impacts since they have been located on land of low importance for natural heritage. There are at least two other proposals for significant further golf developments in the area (Urie Estate and Blairs), both with high-profile support from internationally renowned golfers. Such proposals do not present significant conflicts with Aberdeenshire's natural heritage because of their locations, and indeed a golf development at Menie Estate that did not destroy or damage the dune systems would present far fewer problems from a nature conservation perspective.

