

**Town and Country Planning (Scotland) Act
1997**

**Precognition of William Walton
BA MSc Dip Env Law LLM Dip Law MRTPI**

Against:

**Application for outline planning permission for
golf course and resort:
Land at Menie House, Balmedie, Aberdeen**

By

Trump International Golf Links Scotland

**Called-in by Scottish Ministers
Reference: DPEA: CIN / ABS/001**

Executive Summary

1.0 Introduction

- 1.1 My name is William Walton. I was elected as a member of the RTPI in 1990. Since 1993 I have taught town planning at the University of Aberdeen.
- 1.2 I have acted in a voluntary capacity for many third party groups and organisations in the northeast of Scotland and have presented evidence to several public inquiries dealing with new settlements.
- 1.3 I have provided planning advice in response to the application to Mr Donald Banks and others since October 2007. I am familiar with the site and with the relevant planning policy.

2.0 Scope of Evidence

- 2.1 The focus of my evidence is with respect to the proposals for 500 private houses, 950 holiday homes in four blocks and a staff block.

3.0 Planning Context

- 3.1 Section 25 *Town and Country Planning (Scotland) Act 1997* states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The relevant statutory development plan comprises the approved Aberdeen and Aberdeenshire Structure Plan, *North East Scotland Together* (NEST) (2001-2016) and the adopted *Aberdeenshire Local Plan* (ALP) (2006).

4.0 The housing development proposal

- 4.1 The outline planning application identifies two separate areas of land for the construction of 500 private dwelling houses at some unspecified point in the future. The sites are set within open countryside and can not be regarded as extensions of any existing settlements. The proposal amounts to a new settlement.
- 4.2 The housing development would likely accommodate a population of circa 1,000 – 1,500 people. Nearly 5,000 people will be staying at the ‘Menie resort’ at any one time between April-September. New settlements should be promoted through the development plan preparation process. They should also be sited in a sustainable location.

- 4.3 There is no provision in NEST for a new settlement for any location in Aberdeen / Aberdeenshire. There is no provision for a new settlement within ALP. There is no provision within NEST or ALP for any large-scale housing development in the open countryside between Balmedie and Newburgh. The Officers and the applicants also acknowledged that the proposal is contrary to structure and local plan policy.
- 4.4 The applicants argue that the housing proposal is required in order to make the whole development economically viable. A financial appraisal was prepared by Deloitte. The applicant has not allowed a copy of the full version of the final report to be placed in the public domain (**PRODUCTIONS DB01-DB03**). An Executive Summary was released and is produced for this inquiry (**PRODUCTION DB04**).
- 4.5 The project would be economically viable both with and without the housing element. The project would yield a discounted return of £112m with the housing and a return of £21m without the housing. The inclusion of the housing element would simply reduce the risk to the applicant.
- 4.6 The applicant has produced a second financial appraisal which concludes that the inclusion of the housing element is required to make the project financially viable (**PRODUCTION T7**). An analysis of the project's potential wider economic impacts has also been prepared (**PRODUCTION T6**). It is highly questionable whether the claimed need for cross funding or the claimed wider economic benefits can be regarded as a material consideration in the determination of this planning application.
- 4.7 There are a number of other first class golf courses such as Kingsbarns that have been constructed and opened in recent years in Scotland without large amounts of attendant housing or commercial development. It opened in 1999 and is widely regarded as one of the best courses in the UK.
- 4.8 The rationale for golf developers selecting links areas such as Menie is because the land is 'ready made' for golf purposes. It does not require any significant and financially costly alteration.
- 4.9 The levels of attendant development at new links courses at Archerfield in East Lothian and Macrihanish on the Mull of Kintyre is far smaller scale than is proposed at Menie. It is not necessary to construct a new town to fund the creation of a world renowned golf course.
- 4.6 It is difficult to understand why the officer's report should conclude that the housing element was required to bring about the wider economic benefits that the development would create (paragraph 6.55) (**PRODUCTION DB01**).
- 4.7 The proposed housing is not required to cross fund the restoration of any listed buildings at risk.
- 4.8 A Provisional Draft Structure Plan has been prepared (March 2008). At the time of writing it has still not gone out to public participation.

- 4.9 It identifies three strategic growth areas (SGAs) as the focus for long-term strategic growth up to 2030. One of these is the A90 Aberdeen–Peterhead corridor. Other developers, landowners, community councillors and the wider public will have the opportunity to make representations on both the scale and the location of new development. The proposal at Menie Estate is premature to the final structure plan and would the rights of other interested parties.
- 4.10 There is no demonstrable shortage of housing land within the Aberdeen Housing Market Area that would justify granting permission for 500 houses at Menie Estate at this point in time.
- 4.11 The Reporter has the lawful authority to recommend to the Minsiter that the housing element of the proposal be refused.

5.0 The holiday blocks and staff block

- 5.1 The holiday homes are to be constructed in four separate Benedorm-style ‘blocks’ sited on the escarpment overlooking the golf course. Unfortunately and unacceptably the application is only in outline. Each block will be several stories high. The staff accommodation block would be located adjacent to the main road within the southern future residential area.
- 5.2 The Benedorms and staff accommodation are particularly inappropriate in planning and design terms. They will irreversibly disfigure and destroy an unspoilt and pristine stretch of coastline characterised by dunes and farmland. They are contrary to important design policies in ALP.
- 5.3 It would be possible to incorporate holiday accommodation in the form of a far more limited number of modest sized, low-level houses built in traditional, vernacular styles and constructed from local materials.
- 5.4 The proposed holiday blocks breach NEST Policy 3 (Other Employment Opportunities) and NEST Policy 6 (Tourism).
- 5.5 It is acknowledged by the Council that the blocks will be extensively visible to a number of surrounding receptors including residents of nearby dwellings, users of the A90 trunk road and Balmedie Counry Park.
- 5.6 The proposed holiday and staff blocks clearly breach Policy Env/5B – Areas of Landscape Significance, Policy Emp/3 – Employment in the Countryside and Policy Emp/9 – Tourist Facilities and Accommodation.

6.0 Conclusions

- 6.1 The proposal for 500 dwellings, 950 holiday homes in four Benedorm-style blocks and staff block are all contrary to fundamental policies in the statutorily approved structure plan (NEST) and the adopted local plan (ALP). Specifically they are contrary to the general principle that seeks to focus new development in existing urban areas. The proposal can be described as a new settlement for which there is no provision within either NEST or ALP.
- 6.2 The financial appraisal prepared by Deloitte shows that the housing element is NOT required to make the proposed development profitable. The development would have a positive Net Present Value with and without housing. This is contradicted in a subsequent financial appraisal using the same base material. Irrespective of the true position it is questionable to what extent the need for cross funding constitutes a material planning consideration.
- 6.3 The emerging structure plan is in its infancy and has not yet been subject to any full process of public consultation. The identification of the A90 Aberdeen-Peterhead corridor as a Strategic Growth Area (SGA) is no more than provisional. The plan does not propose any new settlements as would be required under national planning policy (SPP3) to justify the scale of development proposed at Menie Estate.
- 6.4 There is no shortfall in the 5-year housing land supply position that would justify granting planning permission for a large-scale housing proposal that is otherwise clearly contrary to statutory planning policy.
- 6.5 The Reporter has the lawful authority to recommend that the Minister refuse the housing element of the development proposal.
- 6.6 The four Benedorm blocks are located in an elevated position overlooking the proposed golf course. They are likely to be very large buildings. The Officer's report states that they will be visually intrusive over a very wide area. They will inevitably disfigure and cause irreversible damage to an Area of Landscape Significance. The staff block is also very significant in size and is likely to be visually intrusive to an unacceptable degree.
- 6.7 For the foregoing reasons I would advise that the Reporter recommends to the Minister that the application should be refused.