

THE 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 AT LAND AT MENIE HOUSE, BALMEDIE, ABERDEEN**

DPEA REF: CIN/ABS/001

WRITTEN SUBMISSION

ON BEHALF OF

TRUMP INTERNATIONAL GOLF LINKS SCOTLAND

IN RESPECT OF

GROUNDWATER ENVIRONMENT

21 May 2008

Introduction

1. This submission refers to the application submitted on 27 November 2006 on behalf of Trump International Golf Links Scotland ("the applicants") for outline planning permission for the development of a Golf Resort on land at Menie House, Balmedie, Aberdeen and addresses the objection submitted in respect thereof on behalf of the Scottish Environment Protection Agency ("SEPA") as set out in their letter of 29 August 2007 to Aberdeenshire Council, (Appendix 1).
2. SEPA state in their letter of 29 August 2007 that

"as a result of the under noted lack of information SEPA objects to the above planning application on the basis of the potential threat to the status of groundwater and wetlands on the development site."

Matters Agreed

3. The applicants have therefore sought, so far as possible, to address the issues and, where possible, provide further information with a view to resolving SEPA's concerns and have been successful in doing so in respect of the following:
 - a) **(ii) Incomplete baseline data (including flora and fauna) and inconsistency of methodology and expertise in some of the baseline surveys;**

The applicants have now completed the ecological baseline information and confirm that bryophyte surveys will be conducted in accordance with the requirements of Planning Condition 55. The applicants and SEPA acknowledge that no further action is required.

- b) **(iv) An assessment of the impacts on the intertidal and subtidal environments including the strandline and outer foredune face and any changes in sediment transport;**

The applicants have confirmed that no physical changes to the intertidal and subtidal environments are proposed. It is agreed that no further action is required.

- c) **(v) An assessment of the wider implications of stabilising mobile sand dunes including the sediment transport processes taking place at the wider scale within the Girdle Ness to Cairnbulg sediment cell as a whole (Cell 2D, SNH Coastal Cells);**

The applicants have confirmed that no physical modifications are proposed to the coastal dune ridge and upper beach. There is therefore no change to the on-going human activity in this area. No further action is required.

d) (vi) As assessment of potential impacts on coastal waters (including sediment contamination);

Agreement on this aspect has been gained with SEPA and is acknowledged in their email correspondence to Colin Bell dated 2nd May 2008 (16:13), (Appendix 2). A revised Drainage Assessment Report (Document T 63) was issued to SEPA on 29th April 2008 and confirmed ^S that further ground investigation works were completed in December 2007 and reported on in W A Fairhurst & Partners Site Investigation ^P report dated January 2008 (Document T 64), also issued to SEPA. It is considered that, with the appropriate application of SUDS into the development proposals, there will be no impact on coastal waters, including sediment contamination. It is also considered that there will be no impact on ground water quality through the proposed SUDS measures. In fact, where existing foul septic tank/soakaway systems can be removed there will be an improvement in ground water quality. This has been agreed with SEPA and the drainage design and detailing would be ^{The} subject of Planning Condition 6 and 8. Aberdeenshire Council's Flood & Coastal Protection Engineer has responded to the Planning Application approving the Drainage Assessment. LX
LX

Protection of groundwater and coastal waters will be afforded by planning condition 8 - requirement for submission and approval of ^M water management ^P plan. LX

e) (viii) Details of any proposed watercourse modification and crossings;

A revised Drainage Assessment Report (Document T 63) was issued to SEPA on 29th April 2008. In this Report it was confirmed that there are several existing watercourses running through the development from West to East where they all discharge to the North Sea. The three main water courses are the Sandend Burn, Menie Burn and Blairton Burn. It is proposed that these watercourses will be bridged and not culverted where crossings are required. This has been agreed with SEPA and the drainage design and detailing would be ^{The} subject of Planning Conditions 6 and 8. LX

f) (ix) Details of any foul drainage not on mains drainage;

The revised Drainage Assessment Report (Document T 63) issued to SEPA on 29th April 2008 explains that new foul sewers will be provided to serve the development and that these will be located within the new roads and areas of open ground where necessary. Sewers will be designed and installed in accordance with "Sewers for Scotland, Second Edition, November 2007", published by WRc plc (Appendix 3¹)

A new public foul pumping station and rising main will be required within the site. This will pump the foul flows to the south towards Balmedie where it will discharge to the existing WWTP. It is proposed the new rising main will follow the route of the existing rising main running through the development.

Several low-lying areas of the development, such as the Club House and Maintenance Facilities area will require private foul pumped systems. These systems will in turn connect to the gravity system via a break pressure chamber, and onward to the proposed public pumping station and rising main system.

Maintenance areas with associated wash bay facilities should be drained to the foul sewer system via an interceptor where required and in agreement with Scottish Water.

Each unit will discharge to the new sewer via a single disconnecting chamber located within its own curtilage. Scottish Water have provided a response dated 17th April 2007 to the Planning Application (Appendix 4) confirming that necessary investment will be allocated to their resources to meet the needs of this development.

The option of removing the individual septic tank/soakaway systems would be investigated and the existing properties within the estate connected to the proposed new drainage system. This will potentially improve groundwater quality in these areas.

This has been agreed with SEPA and the drainage design and detailing would be subject of Planning Condition 6 and 8.

¹ On the basis that this is a large document, Appendix 3 only comprises the cover sheet. A copy of the document can be made available if required.

g) (x) Details of surface water drainage and potential impacts on groundwater, species and habitats;

The applicants have submitted an updated Drainage Impact Assessment (Document T 63) to SEPA. The Applicants have agreed that detailed information in respect of surface water drainage and SUDS proposals will be available on confirmation of the final detailed design for the development in accordance with Planning Condition 3: Reserved Matters Application Criteria. Mitigation for the areas of dune slack will be detailed within Planning Condition 24: Plant Habitat Mitigation and Management Plan. The Water Management Plan provided for under Planning Condition 8 will ensure that all drainage proposals are agreed with SEPA and SNH in advance of the development.

h) (xi) An assessment of flood risk, particularly to the club house, in light of the proposed changes to the dune system;

SEPA has acknowledged that an initial assessment of flood risk has been undertaken by the Applicants. This assessment concludes that the development site is not currently at risk of flooding and that there is no likely increased risk of flooding as a result of the proposed development. No further action is required.

i) (xii) Details of predicted visitor numbers from all sources (golfers, walkers etc) and their management and an assessment of the resulting impacts on the dune system;

Details of visitor numbers and access provision to the site will be included as part of the access strategy for the development, to be submitted at the reserved matters application stage and following consultation with Aberdeenshire Council in accordance with Planning Condition 33. This Strategy will ensure that impacts to the dune system are managed and minimised through access provision and visitor education.

The applicants have responded to this concern so far as it relates to the hosting of championship events in Section 5.8 and 6.8 of their Response to Aberdeenshire Council and Statutory Consultees dated July 2007 (Core Document G 10). The R&A have conducted numerous assessments of the impacts of visitors to links courses as part of the Open Championship including those with designations. These assessments conclude that these events do not have negative impacts on sensitive habitats or species provided they are managed in accordance with best practice. In

this regard, the applicants have agreed to adopt a detailed Championship Events Environmental Management Plan in consultation with the R&A.

Matters Outstanding

4. There are, however, a number of outstanding issues in respect of which it has not been possible for the applicants' to resolve with SEPA. The position in respect of each of these outstanding concerns is summarised and responded to in turn as follows:

a) (i) A lack of consideration and assessment of alternative site layouts including alternative locations for the club house and golf course;

The applicants await SEPA's response to the revised golf course layout.

b) (iii) A detailed analysis of the consequences of the impacts of development with regards certain species and habitats and an assessment of the loss of a significant part of the Scottish resource;

It is the applicants' position that analysis of the potential loss of wetland habitat will be assessed at the reserved matters stage as part of the detailed championship golf course design. Mitigation for any impact on the resource will be detailed as part of Planning Condition 24: Plant Habitat and Management Plan. In the meantime, however, the applicants have undertaken an assessment of the loss of habitats as a result of the proposed development. In this regard reference is made to Document T4 which details the results of that assessment in respect of the revised golf course layout (Document T2). This Hawtree design has been produced following an iterative process with the applicants' ecologist, Dr Tom Dargie, and geomorphologist Dr William Ritchie, to adjust the golf course design to mitigate the potential impacts. Document T2 has been submitted to SEPA in the hope of resolving any outstanding concerns in relation to wetland habitat and ecological impacts and the applicants currently await a response. Document T50, submitted by Dr Tom Dargie, should similarly address concerns in terms of achievability and success of proposed ecological mitigation.

Depending on the outcome of SEPA's review of Document T2, the applicants may be agreeable to the resolution of any outstanding concern in this regard by way of a further Planning Condition, although it is the applicant's position that any such

outstanding concern should be capable of resolution within the terms of Planning Condition 24.

c) (vii) An assessment of the impacts on groundwater including details of any proposed abstractions, nutrients, pesticides, fuels and salinity;

Detailed information in respect of drainage proposals for the development still requires to be worked up and cannot be available until the detailed design stage. It is unlikely, therefore, that the applicants can address SEPA's concern at this stage and SEPA are aware of the applicants' position. The applicants are, however, happy to commit to the production of this information as part of a reserved matters application.

Moreover, detailed information in respect of groundwater impacts will be available following confirmation of the final detailed design of the development in accordance with Planning Condition 3: Reserved Matters Application Criteria whilst details of mitigation measures in relation to areas of dune slack will be detailed within Planning Condition 24: Plant Habitat Mitigation and Management Plan. Proposed Planning Condition 8 may also be applicable in this regard.

d) (xiii) A lack of a detailed Sustainable Turf Management Plan including details of measures to reduce the use of chemicals – fertilisers, pesticides (insecticides, fungicides, herbicides);

The requirement for a Sustainable Turf Management Plan forms part of Planning Condition 54. Details of the proposed management plan have been provided by the STRI as an Agronomy Report (Core Document G10, Appendix 4). This Agronomy Report has been submitted to SEPA for comment and the applicants are currently awaiting their response.

TIGLS would commit to the production of a detailed report on the Impacts of fertiliser and pesticide application as part of the detailed planning application. This report would provide a quantitative assessment of the potential impacts to groundwater quality and would set out proposals for the monitoring of water quality.

Furthermore, the applicants anticipate that this information would also be required for the Environmental Management Plan as comprised in Planning Condition 24. A monitoring and remedial action framework would be required as part of the EMP. The applicants propose that an Ecological Clerk of Works is employed during

construction to ensure that the management plan is adhered to on a daily basis and would report back to MEMAG.

e) (xiv) Details of the proposed Course Environmental Management Plan;

The applicants require to submit details of the Course Environmental Management Plan in accordance with Planning Condition (g): The Submission of an Environmental Management Plan for the resort and the housing areas. The information required to inform the EMP e.g. details of measures to reduce the use of chemicals – fertilisers, pesticides (insecticides, fungicides, herbicides) is not available at this outline stage, indeed, the production of the EMP principles or detailed EMP is premature. The applicants would, therefore, commit to the production and submission of this plan, for the approval of the planning authority, at the reserved matters application stage.

f) (xv) A consideration of climate change including the maximisation of water efficiency;

Without information on detailed drainage and abstraction at this outline stage, we cannot make an assessment on the impacts of the proposed development on climate change. The requirement for abstraction and impacts of any abstraction proposed is not yet known and therefore we cannot fully assess the likely impacts on the wetland habitat. The applicants would therefore commit to the production of detailed information in respect of abstraction and the impact of this on the environment at the reserved matters application stage.

In the meantime, however, the applicants would highlight that water efficiency will be taken into account as part of Planning Condition 8 and the requirement to submit a Site Water Management Plan. Climate change and recognition that sustainability is an important consideration for the development will be address^{ed} through compliance with Planning Condition 38: Index 21 Assessment, Planning Condition 49: Waste Management Plan and Planning Condition 50: Details of Micro Wind Turbines.

Whilst the Irrigation Strategy is outwith the true scope of the Drainage Assessment, it was noted in it that irrigation proposals for the development are likely to use groundwater abstraction. Further information on groundwater is contained with WA Fairhurst Site Investigation, however, the following is noted: -

- The superficial aquifer is highly permeable and has considerable pressures at shallow depths.
- There is a good potential for groundwater to be utilised as a resource to irrigate the golf course.
- The groundwater quality is considered to be fresh.
- The yield is expected to be very good.

However, it should be noted that further detailed investigation and design is required to be undertaken and this is recognised and further acknowledged by SEPA. An allowance for climate change will be made in this design analysis. However, given the expected high yield, the abstraction is not considered to pose a likely impact on the groundwater. SEPA have provided guidance in their email correspondence dated 14th May 2008 (16.50) (Appendix 5) on the requirements for undertaking the site investigations. It is noted that these investigations will be extensive and it is proposed that this matter be subject of an appropriate Planning Condition.

g) (xvi) Further details of mitigation proposals as SEPA queries the achievability and potential success of some of those outlined in the ES;

Details of mitigation measure will be forthcoming in adherence to Planning Condition 24: Plant Habitat Mitigation and Management Plan. In the meantime, the applicants have submitted Document T4, a copy of which has been sent to SEPA, which sets out the mitigation requirements in relation to wetland habitat and ecological impacts and the likely proposals. Habitat loss has been avoided where possible in the first instance through identification of the most sensitive habitat constraints and designing the course around these features. It is hoped that this will go some way towards addressing SEPA's concerns in this regard. Document T50, submitted by Dr Tom Dargie should similarly address concerns in terms of achievability and success of proposed ecological mitigation.

Conclusion

5. The applicants have consulted with SEPA to address some of the outstanding issues forming the basis of their objection to the proposed development - lack of information in relation to the potential threat to the status of groundwater and wetlands.

Agreement has been reached on a number of the points raised as per Section 3 of this statement.

It is anticipated that those issues that have not been agreed at this stage with SEPA as per Section 4 of this Statement can be resolved through a commitment by the applicant to produce further information as part of a reserved matters application and/or through proposed planning conditions.

Dundas & Wilson CS LLP

on behalf of

Trump International Golf Links Scotland

21 May 2008