



Our Ref. MAF/DMC
(Members/WP_Data/Ford/Mr Colin Bell 18.4.08)

18th April 2008

Mr Colin Bell
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Faikirk
FK1 1XR

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 the submission from Mr John Agnew on behalf of Mr Donald Banks and others dated 14th April 2008 and his corrected page dated 15th April 2008.

I concur with the position set out by Mr Agnew and wish to intimate that I and my colleagues adopt Mr Agnew's arguments in their entirety. In addition to the reasons put forward by Mr Agnew for the invalidity of the position taken by Aberdeenshire Council on 12th December 2007 in respect of the above application, my colleagues and I believe there are further reasons why the discussion on 12th December should not inform the Council's position at the inquiry. These are, firstly, that the Council was re-visiting a decision that had been very recently taken (contrary to standing order 18 in the Council's scheme) and to do this legitimately required a two-thirds majority to first indicate their consent to lifting standing orders, and this was not done. Secondly, the Councillors at the meeting on 12th December (other than those on the Formartine Area Committee and/or Infrastructure Services Committee) did not have all the information relevant to the application, for example they had not visited the site or had at least one of the background reports. Thirdly, there was no introduction by officers or debate on the application at the 12th December council meeting, and thus no proper examination of the many issues relevant to determining it.

I stress, however, that the more fundamental argument is that put forward by Mr Agnew that the Council had, under its Scheme of Delegation, taken its *final* decision on the application on 29th November 2007.

Please pass this letter to the Reporters for their consideration and determination.

Please note that I have copied this letter to all the "relevant persons" as recorded in the Note of the pre-inquiry meeting.

Yours sincerely



Councillor Martin Ford
(on behalf of Councillors Paul Johnston, Alastair Ross & Debra Storr)