

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

**OUTLINE PLANNING PERMISSION FOR GOLF COURSE AND RESORT DEVELOPMENT  
ON LAND AT MENIE HOUSE, BALMEDIE, ABERDEEN ("the Application")**

**REFERENCE: CIN/ABS/001**

**RESPONSE ON BEHALF OF ABERDEENSHIRE COUNCIL TO SUBMISSION FROM  
COUNCILLOR MARTIN FORD**

The Council has already made a response to the submission on behalf of Mr Agnew which Councillor Ford adopts. Rather than repeat the position that response is referred to.

Councillor Ford makes a number of additional points. The Council's position in relation to these is set out below.

The Council was revisiting a decision that had been very recently taken when it was not entitled to do so.

It is not accepted that the Council was "revisiting" a decision that had been recently taken. The decision taken (it is understood that Councillor Ford is referring to the decision of Infrastructure Services Committee) was a decision taken by that Committee in effect acting as the Planning Authority in terms of delegated powers. In reaching a decision on 12 December 2007 the Full Council was dealing with a different matter namely the position of the Council in relation to the called in application where the Council's position was no longer that of the Planning Authority, Scottish Ministers in effect having substituted themselves in that role. As is noted in the submission made in response to Mr Agnew the Scheme of Delegation allowed the Council "notwithstanding the delegation of any matter to a Committee or Officer" to "deal with any questions not previously determined in terms of that delegation". It is the position of the Council that the decision reached on 12 December 2007 related to a question "not previously determined in terms of that delegation".

The Councillors at the meeting on 12 December 2007 did not have all the information relevant to the Application

It is not clear why if and to the extent the Councillors did not have all the information that makes any decision made on 12 December 2007 "invalid". If the decision was not "invalid" then it must properly represent the position of the Council. The decision was in any event re-affirmed on 24 April 2008. It should be noted that Councillor Ford did not vote against the resolution which was passed nor formally moved any opposition to it. Equally he did not take any issue in relation to

the Minute of that meeting which was subsequently approved at the Full Council meeting on 17 January 2008. Councillor Ford was present at both meetings. Further the Council believes the papers available to ISC were available to all Councillors who were in any event aware of the issues (see below). While the basis for Councillor Ford's submission is therefore not clear it is not accepted as a matter of fact as being accurate.

There was no introduction by Officers or debate on the application of 12 December 2007

Again it is not clear on what basis Councillor Ford contends that this makes the decision of the Council on 12 December 2007 invalid. To a large extent this issue appears to overlap with that above. If the decision was not "invalid" then it must properly represent the position of the Council. In any event the decision was re-affirmed on 24 April 2008. As is clear from the Minute of the meeting the Head of Law and Administration advised Councillors present about the legal position. The Leader of the Council spoke to the circumstances surrounding the Application and the decision made by Infrastructure Services Committee on 29 November 2007. The members present at the Full Council meeting were reminded that the Formartine Area Committee had accepted the planning services recommendation. The planning service had provided a full report in relation to the Application which was available to members. A number of members present were members of ISC and/or the Formartine Area Committee and as a result were fully conversant with the issues. The Director of Planning and Environmental Services was present at the meeting. No issues were raised with her by any Councillor. There had been considerable comment in the Press regarding the Application. All significant documents were available on the Council's website prior to the meeting on 12 December 2007. Members were able to seek information from officials and when they did so (as far as the Council is aware) that was provided. No Councillor present including Councillors Ford, Johnston, Ross or Storr (all of whom were there) moved any formal opposition to the motion. While the basis for Councillor Ford's submission is therefore not clear it is not accepted as a matter of fact as being accurate.

Conclusion

Aberdeenshire Council do not consider that there is any validity in the submissions made by Councillor Ford.

For the avoidance of doubt the Council holds the same view as to the competency of the Reporters making a decision upon Councillor Ford's submission as it does in relation to the submission made by Mr Agnew.