



**Rebuttal Statement – RSB RS1**

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**

**Rebuttal Precognition Statement by Mr Jonathan Hughes  
for  
Scottish Wildlife Trust**

## **1. Purpose and Scope of the Submission**

1.1 This statement rebuts points arising from the precognitions submitted to the DPEA by the applicants in relation to the Menie public inquiry. In preparing this rebuttal I have included only those points which I consider to be significant new or different areas of disagreement. In confining myself to these matters, I seek to avoid repetitious rebuttals of all points which are already a matter of disagreement, either explicitly or clearly by implication. I do not, therefore, itemise every point in every precognition or written statement where disagreement arises. This rebuttal precognition should therefore be read in conjunction with those precognitions, written statements and Dr Auld's rebuttal precognition. All references given below are to full rather than summary precognitions.

## **2. TIGLS: Precognition of David Bell**

2.1 On page 9, paragraph 7 of Mr Bell's precognition he states:

*'The conclusion of the EIA with regard to birds and protected species, is that the golf course will not, after mitigation, have a significant adverse effect and this has been broadly agreed by SNH, RSPB and SWT in their written responses to Aberdeenshire Council'*

2.2 This statement is incorrect on two grounds. Firstly, it does not appear to me to be a reasonable conclusion of what the EIS says, secondly it is not a view shared by either RSPB or SWT. The views of RSPB and SWT are set out in their objection letters to Aberdeenshire Council (RSB 32 and RSB 45). For example, SWT's objection letter of 4 May 2007 states that:

*"the proposed mitigation measures are unacceptable and uncertain. The level of uncertainty will result in the destruction of a sensitive ecosystem and impact on the wider designated sites"*

2.3 Other examples can be seen in RSPB's objection letter of 8 May 2007, which states in relation to birds:

*"In addition, the loss of dune slack habitats, marsh and marshy grassland will reduce feeding and nesting opportunities for breeding birds, and is likely to have a significant adverse effect on the, as yet largely unknown, invertebrate community."*

and, in respect of the mitigation proposals:

*"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. Indeed, the ES itself acknowledges that:*

*'The overall residual impacts after mitigation are in the range slight to severe adverse. The severe adverse impacts having been identified on the notified interest of the Foveran Links SSSI. Moderate-severe effects are predicted for Skylark and Badger were [sic] noted. Overall there will be a net reduction in biodiversity, in probably both the short-term and long term.'* (the emphasis on 'after mitigation' is mine).

2.4 I am uncertain as to the source information that led Mr. Bell to come to the conclusion that he did. I acknowledge that the SWT letter of 4<sup>th</sup> May 2007, Supporting Information, page 5, states *"Birds – Although disruption to breeding birds will occur as a result of the proposed development SWT does not think that this is a major impact given that the species concerned ..... are not locally threatened."* However, there are two points in relation to this comment. Firstly, it does not say that impacts would not be significant. Secondly, it relates to the disruption caused by construction. Operational impacts are dealt with later in the Supplementary Information, e.g. on page 6 where, in the second paragraph under this sub heading, effects on a range of wetland breeding birds, particularly reed bunting are referred to. The next paragraph refers to the "highly likely" impacts of golf course users and residents on the

breeding birds identified in the breeding bird survey. The SWT submission also refers in a number of places to the lack of information available at that time.

2.5 The conclusions of the RSPB / SWT / BSBI, on the basis of all up-to-date information, are clearly set out in our written statement RSB WS/4 on Birds, May 2008, Section 1:

*"We contend that there are significant adverse effects on birds that will result from this proposed development, and that these effects should be viewed in addition to the other strongly negative impacts of the development – which are considered in our written submissions."*

and, in RSB WS/4, Section 6.1:

*'The development proposals therefore not only damage or destroy part of a nationally important SSSI, but also bring about negative impacts on the overall bird interest of the wider estate. This additional negative impact should be taken into account in determining the application. We are strongly of the view that the development is misplaced, principally because of its impact on the geomorphology and habitats within the sand dune system (in particular the SSSI) but also because of their wider impacts on the birds and other biodiversity of the area.'*

### **3. TIGLS: Precognition of Mr Donald Trump**

3.1 In paragraph 16 of Mr Trump's precognition he states:

*"I have taken their [his environmental consultants'] advice and have accommodated their concerns within the development. When completed, this land will be environmentally enhanced and better than it was before"*

3.2 It is hard to see how this assertion can possibly be supported. Dr Dargie, in paragraph 3.4 of his precognition, explains that in view of the importance of habitats both on and off the SSSI:

*'I asked the applicant to move the course inland, away from the SSSI and other dunes.'*

3.3 The conclusions of the Environmental Statement, produced by TIGLS in support of the application, are very different to those expressed by Mr Trump above, for example, page 76, paragraph 7.0 of CD (G)3 (EIA) states:

*'The overall residual impacts after mitigation are in the range slight to severe adverse. The severe adverse impacts having been identified on the notified interest of the Foveran Links SSSI. Moderate-severe effects are predicted for Skylark and Badger were noted [sic]. Overall there will be a net reduction in biodiversity, in probably both the short-term and long term.'*

3.4 Nowhere does the Environmental Statement claim that the land will be environmentally enhanced and better than it was before. Apart from the unsupported assertions of Mr. Trump, it would otherwise be common ground between the applicants, the Council, SNH and the RSPB / SWT / BSBI that the development as proposed would be seriously environmentally damaging.

#### **4. TIGLS: Precognition of Dr Martin Hawtree**

4.1 In paragraph 3.7.3, page 10 Dr Hawtree states:

*'The holes will be wider-spaced than any other links course I know, allowing the natural surroundings to play a large part in the experience of playing the course. Density is least within the SSSI which is in keeping with its vastness of scale'*

4.2 When looking at the relevant plans this statement appears, on the face of it, to be surprising. It is difficult, with the information directly available, to measure and compare the density of holes in and outwith the SSSI, in Dr Hawtree's layout. Some figures to

support the assertion would be welcomed, because the density of holes within the SSSI appears from the plans to be greater than elsewhere on the course.