

**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**

PUBLIC LOCAL INQUIRY

DIRECTORATE FOR PLANNING AND ENVIRONMENTAL APPEALS REF: CIN/ABS/001

**REBUTTAL STATEMENT
BY
TRUMP INTERNATIONAL GOLF LINKS LIMITED**

**IN RESPONSE TO WRITTEN STATEMENT BY
SCOTTISH ENVIRONMENT PROTECTION AGENCY**

2 June 2008

1. This rebuttal submission is made in response to the Written Statement lodged by the Scottish Environment Protection Agency ("SEPA") on 21 May 2008.
2. We note the view of SEPA in relation to the appropriateness of dealing with matters relating to groundwater and wetlands on the site at the reserved matters stage. SEPA appears to have concluded that, unless further information is provided by the applicant on the impacts of the proposals on groundwater and wetlands, outline planning permission must be refused.¹
3. SEPA's conclusions appear to centre on the difficulty of "resolving the uncertainty inherent in technically complex projects".² The advice contained in PAN 58³ addresses this difficulty in paragraph 29. It considers two options for dealing with such situations, one of which is for the applicants to agree "at the outline stage to abide by the environmental performance and mitigation measures which will be defined at the detailed stage" as being "to the satisfaction of the planning authority". The advice acknowledges that this option can pose difficulties for the applicant "who will be entering into the project with uncertain mitigation and perhaps design costs."⁴
4. In this case the applicant has prepared and submitted an Environmental Statement in support of their outline application. The technical work undertaken in relation to the Environmental Statement and other related documents has produced sufficient information and comfort for the applicant to allow them to carry the risk identified by PAN 58 in paragraph 30. The applicants' professional advisers have confirmed that a technical solution acceptable to the planning authority and SEPA should be available at reasonable cost. Consequently, the applicant is prepared to accept a condition requiring them to abide by the environmental performance and mitigation measures in relation to groundwater and wetlands which will be defined at the detailed stage as being to the satisfaction of the planning authority.
5. It is submitted that this approach is reasonable and valid because the application is in outline and subsequent applications for approval of reserved matters will be accompanied by the necessary supporting environmental information. The matters identified by SEPA as potentially leading to impacts on groundwater and wetland are still under consideration and/or will be dealt with most appropriately at the detailed stage. The applicants wish to emphasise in particular that no decision has been taken at this stage to abstract groundwater for course irrigation. The preferred approach to groundwater and wetlands management will be decided at the reserved matters stage and when all of the relevant technical and environmental information will be produced to support that approach then.
6. A technical paper is attached to provide further information in response to the issues raised by SEPA in their written statement.

¹ Paragraph 1.1 of SEPA's written statement

² Paragraph 29 of PAN 58 – Environmental Impact Assessment

³ CD-D8

⁴ Paragraph 30 of PAN 58

7. It should also be noted that compliance with SEPA's preferred approach would mean that extensive survey work would be necessary within the SSSI in advance of a grant of planning permission. Apart from the significant cost of the surveys, the works would involve a significant intrusion within the SSSI and would require the consent of SNH. In the event of a refusal of planning permission, those works would have been unnecessary.
8. We note that SEPA have made certain submissions on legal issues. It is assumed that the Scottish Ministers will take their own legal advice on relevant matters when they are determining this application. Nevertheless, the applicants will respond to the legal issues raised by SEPA in closing submissions.

2 June 2008