

Rebuttal of evidence from Dr Christine Gore of Aberdeenshire Council

as part of the case by Cllrs Ford, Johnston, Ross and Storr

for refusal of application by Trump International Golf Links Scotland (The applicant) for Outline Planning Permission for golf courses, hotel, holiday apartments, golf villas, staff accommodation and 500 units of open market residential housing at Menie, Aberdeenshire.

Reference in
Dr Gores'
precognition

Section 4
and
specifically
Para 414
Para 6.4.2

The Council decided to refuse the application on 29 November 2007. This was the Council's final decision as planning authority. On the two occasions referred to by Dr Gore, the Council no longer had an application for the Menie development. That the discussion at the Council on 12 December had no force in planning law was confirmed by the investigation by the Scottish Parliament's Local Government and Communities Committee (Production 25 available at http://www.scottish.parliament.uk/s3/committees/lgc/reports-08/lgr-08-05_vol1.pdf)

The Council's vote on 24 April to re-confirm a discussion that has no force in planning law does not make it any more meaningful.

Not only did the Council no longer have the application for the Menie development by 12 December, but it could not have revisited its decision to refuse even if it had.

There are very few circumstances in which it is possible to revisit a properly taken quasi-judicial decision and none apply in this case. The Council ignored its own standing orders in considering the Menie application on 12 December 2007, and members at the meeting made this clear at the time. The Councillors at the meeting on 12th December and that on 24 April (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. So, for example, on January 18, Cllr Peter Argyle, Chair of ISC told the Scotsman newspaper that he did not have enough information to comment on the Menie planning application, despite the Council's claim that he supported it on 12th December (Production ISC24).

For all these reasons it is incorrect for Dr Gore to claim that the Council supports the Menie planning application. The council's final valid verdict on the application was that it be refused.

Para 6.3.3 The next structure plan referred to here is at a very early stage and is not one of the Productions by any party. It is unfortunate that the Energetica proposals which provided a Master-planning exercise for the Aberdeen-Peterhead corridor which were due to be published before the deadline for precognitions has still not been published. However it is fair to state that the feedback provided on this focused attention on Bridge of Don/Dyce, Ellon and Peterhead as nodes and also emphasised the value of the environment, particularly the coast, and the importance of the protection of this.