

McDougall L (Lynne)

From: Robin Payne [Robin.Payne@snh.gov.uk]
Sent: 31 May 2007 15:55
To: Hooper I (Ian)
Cc: Doxford D (David); Carole Wells; Susan Davies
Subject: Trump response



Trump letter.doc
(261 KB)



Trump press
release.doc (33 KB..)

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Ian

Yesterday proved to be a very hectic day. As soon we sent the SNH response to Aberdeenshire Council we has two TV crews and two radio reporters queueing at our door so apologies for the delay in sending copies of our letter and the press release to you directly sooner. SNH staff did send copies yesterday to John Hood.

The media coverage has, we feel, been good with the words below the sensationalist headlines getting over the points we wanted:

SNH objecting to part of the development only and is not opposed in principle The SSSI being an important site worthy of protection SNH seeing the potential for modifying the proposals to avoid impacts on the SSSI That SNH's role is as advisor to the local authority and SNH is not the decision maker

The Trump Organisation quote that they have a working relationship based on "mutual respect and trust" with us was encouraging but the real (pleasant) shock was the Press and Journal saying in their leader that "SNH would not be doing its job if it did not analyse and question Mr Trump's ambitious plans from every angle" and that was "commendable" that we were "acting in the interests of the whole of Scotland".

The Trump Organisation have been in contact today and are keen to meet with SNH and Aberdeenshire Council next week to see how SNH's concerns could be met. At that meeting we'll find out if they are prepared to consider a radical re-think to shift the golf course off the SSSI or are only able to make some minor concessions.

Happy to discuss or supply further detail if you need it.

regards

Robin

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Head of Development Management and Building Standards
Planning and Environmental Services
Aberdeenshire Council
45 Bridge Street
ELLON
AB41 9AA

30 May 2007

Your Ref: APP/2006/4605

For the attention of Lesley Aitken

Dear Sir/Madam

**OUTLINE PLANNING PERMISSION FOR GOLF COURSE AND RESORT
DEVELOPMENT
LAND AT MENIE HOUSE, BALMEDIE**

Thank you for consulting Scottish Natural Heritage (SNH) on the above application and for allowing SNH to have additional time to consider this proposed development and prepare this advice. This letter sets out SNH's advice in respect to the impacts that this development would, if approved, have on the natural heritage and comments on the content of the Environmental Statement submitted with the application. The detail of SNH's advice is contained in six appendices. Whilst we recognise that this is a lengthy document, we are aware that this is a very significant development and we hope that you find it helpful. SNH has already commented separately on an application for full planning permission for a golf maintenance building with service yard. We will be shortly forwarding to you our comments on the detailed application for the championship golf course.

THE PROPOSAL

The application is for outline planning permission to develop a golf resort and housing at Menie, Balmedie. The development is proposed on undeveloped coastal sand dunes, agricultural land and the policies of Menie House.

SNH ADVICE

Protected sites (Foveran Links Sites of Special Scientific Interest (SSSI) and Biodiversity

This development, specifically the championship golf course and associated infrastructure, will have significant adverse impacts both to the coastal landform interest and the coastal vegetation within the Foveran Links SSSI and also to the sand dune habitats south of the SSSI. The Environmental Statement clearly states this. The vegetation types include

habitats listed within Annex 1 of the European Habitats and Species Directive. The construction of a golf course on this dune system will be contrary to the UK Coastal Sand Dunes Habitat Action Plan. SNH does not consider it possible to mitigate or compensate for the loss of this important habitat. **SNH therefore objects to the proposal to construct a championship golf course in its current location.** SNH can, however, see the potential to construct a single championship course on other adjacent land within the development site without causing significant impacts to this SSSI or sand dune habitats.

Species

Bats and otters, both European Protected Species (EPS), are present on the site. SNH advice is that further survey work is needed to demonstrate that there will be no adverse impact on EPS. Badgers present on the site are specifically protected under the Protection of Badgers Act 1992. SNH advises that further work is necessary to assess the impact of the proposal on badgers, to identify mitigation and licensing requirements.

Landscape and visual amenity

The proposed development would result in a significant loss of distinctive landscape character and quality that is recognised in the designations of Undeveloped Coast and an Area of Landscape Significance. An iterative and master planning approach to consider the capacity of the landscape to accommodate different scales of development has not been adopted. SNH's advice is that the design development process has been inadequate and that opportunities to reduce landscape and visual impacts have not been explored. An iterative landscape capacity assessment, and associated development design should be undertaken.

Housing

Housing on this scale in this location should be underpinned by a masterplan, which would identify infrastructure and facilities. A design statement should consider how the housing fits into the landscape and its relationship to the rest of the development. SNH's advice is that the natural heritage impacts of housing in this location cannot be assessed without further detailed information and a master planning approach. Master plans form part of the Urban Design Toolkit promoted by PAN 67, Housing Quality.

Access and recreation

SNH supports the proposal to produce an 'access strategy' for the proposed development in order to facilitate safe and responsible public access. SNH advises that further survey is required to identify the current level and types of visitor use. Increased recreational pressure to the Ythan estuary, Sands of Forvie and Meikle Loch Special Protection Area (SPA) may occur if this development is approved. This potential impact has not been addressed in the Environmental Statement. While these concerns do not form a basis to object to the development they may be significant in considering some of the detailed aspects, and any legal agreements, that form part of any consent.

SNH APPRAISAL OF THE PROPOSAL

Coastal landforms, processes and habitats

Amongst the very small number of comparable dune systems containing sand sheets in Scotland and Great Britain, the undisturbed sand sheet at north Menie is the most extensive, dynamic and demonstrably systematic in its mode of transit. Furthermore, in view of the Northwest European context of the northeast coast of Scotland, the north Menie sand sheet is also of great interest and scientific value in the international context.

Approximately one third of Foveran Links SSSI is within the proposed development site and current evidence is that the SSSI possesses the finest suite of dynamism-related vegetation features in Scotland and the whole of the UK. It is a dynamic and mobile area of coast and the vegetation is entirely dependant on this continuous change. As the Environmental Statement (ES) recognises, Menie supports a particularly wide age range of dune slacks, which may be unique in Scotland in terms of completeness. Without the continuation of these dynamic processes of change, Menie would become like the more common types of dune systems around Scotland.

The development, if consented, would lead to loss of the special interest in that area, which, along with the adjacent beach area of the SSSI, would be an overall loss of 40% of the designated site. It would also lead to considerable loss of coastal habitat south of the SSSI, which, as recognised in the ES, is also of SSSI quality, and to habitats listed in Annex 1 of the Habitats Directive. Furthermore it is contrary to the aims, objectives and actions in the UK Coastal Sand Dunes Habitat Action Plan, with direct impacts leading to a loss of 82 hectares of coastal habitat and indirect impacts leading to loss and fragmentation of a considerably greater area.

SNH considers it is not possible to significantly mitigate or compensate for such a loss should this application be consented. The mitigation proposed fails to recognise that the communities which develop in these sand dune habitats represent many hundreds of years of ecological continuity. This does not lend them to translocation and once lost, many species would never return.

Supporting detail on the geomorphological and ecological impacts of the proposed development is contained in Appendices 1 and 2 to this letter.

SNH therefore objects to the proposal to construct a championship golf course in its current location. SNH can, however, see the potential to construct a single championship course on other adjacent land within the development site without causing significant impacts to this SSSI or sand dune habitats.

European Protected Species (EPS) – bats and otters

The survey reports in the Environmental Statement cover the area originally proposed for development, but not the areas of future residential housing and future golf. In addition, it is not clear if the proposed development would result in demolition/alteration of any buildings and felling of any large trees that might support bat roosts. Buildings and trees have not been included in the bat survey. There is therefore insufficient information to ascertain if there is likely to be a significant effect on bats and otters, as European Protected Species. SNH's advice is that further information should be obtained to make this assessment.

Badgers

There is likely to be an adverse impact on badgers, protected under the Protection of Badgers Act 1992. The Environmental Statement includes a badger survey but this has not identified the location of setts in relation to the various elements of the proposal or the impacts on the development on the foraging behaviour of this population of badgers. SNH advises that further information is necessary to assess the impact of the proposed development on badgers and identifying mitigation and licensing requirements.

Landscape

The proposed development would result in a significant loss of distinctive landscape character and quality that is recognised in the designations of Undeveloped Coast and an Area of Landscape Significance. It would also have significant adverse impacts on a locally and regionally important landscape character. There is no evidence within the Environmental Statement that an iterative and master planning approach to consider the capacity of the landscape to accommodate different scales of development has been adopted. Design opportunities, which reflect the quality and scenic value of the area, have not been adequately explored and reduction of adverse landscape and visual impacts has not been addressed to an acceptable level. Supporting detail on this is contained in Appendix 3 to this letter.

SNH's advice is that:

- The design development process has been inadequate and that opportunities to reduce landscape and visual impacts have not been explored.
- An iterative landscape capacity assessment, and associated development design should be undertaken.

Access and Recreation

The coastal sand dunes are currently used for informal recreation, with the highest visitor pressure in the area contiguous with Balmedie Country Park. SNH supports the proposal to produce an 'access strategy' for the proposed development in order to facilitate safe and responsible public access. SNH advises that to ensure that any access strategy or management plan is adequate to mitigate and compensate for the reduction in the opportunities for enjoyment of the natural heritage further survey is required to identify the

current level and types of visitor use. Supporting detail on this is contained in Appendix 4 to this letter.

Increased recreational pressure to the Ythan estuary, Sands of Forvie and Meikle Loch Special Protection Area (SPA) could occur if residents of the new housing and visitors to the resort visit the Ythan Estuary and the Sands of Forvie National Nature Reserve to the north of the proposed development in significant numbers. This potential impact is not assessed in the Environmental Statement. While these concerns do not form a basis to object to the development they may be significant in considering some of the detailed aspects, and any legal agreements, that form part of any consent. Supporting detail on this is contained in Appendix 2 to this letter.

Housing and Transport

The introduction of housing on this scale in this location is effectively creation of a new settlement and should be underpinned by a masterplan, which would identify infrastructure and facilities required such as shops, schools, and amenity facilities, including open space, as well as the provision of drainage and sewage. A design statement should consider how the housing fits into the landscape and its relationship to the rest of the development. It should also consider the scale, massing, orientation, and materials that would be used. SNH's advice is that the natural heritage impacts of housing in this location cannot be assessed without further detailed information and a master planning approach. Master plans form part of the Urban Design Toolkit promoted by PAN 67, Housing Quality.

THE ENVIRONMENTAL STATEMENT

SNH welcomes the assessment of impact on the ecological and geomorphological interest of the coastal sand dunes. However, SNH considers that the 'Consideration of Alternatives' in the Environmental Statement (ES) is inadequate. In particular, consideration should have been given to alternative layouts of the proposal within the development site, which avoided damaging sensitive coastal landforms, processes and habitats. This could have included the possibility of creating dune habitat further inland and building the golf course on that created habitat. Furthermore, there is little evidence that the design of the resort has been an iterative process, taking into account geomorphological, ecological, landscape and recreational impacts in its design.

A range of information expected for a development of this scale, on an environmentally sensitive site, is not present within the ES. This includes details of the Sustainable Urban Drainage Scheme (SUDS), information on the use of fertiliser, herbicide and irrigation (including the use of abstraction). The provision of this information would not alter the assessment of severe adverse impacts on the Foveran Links SSSI, other SSSI quality habitats, Annex 1 habitats and biodiversity. It would, nonetheless, allow for full assessment of the impacts and incorporation of improvements to protect the remaining natural heritage interest of the proposed development site.

The policy assessment is selective in its identification of policies and in the assessment against these policies there is an overestimation of the level of policy conformity.

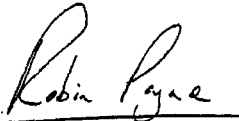
SNH has concerns about the sustainability assessment which we consider significantly underplays the impacts of the development and appears to contradict the conclusions of other chapters of the ES. Detailed comments on the policy and sustainability assessment are contained in Appendix 6 to this letter.

ADDITIONAL COMMENTS

As with all applications which are subject to an objection from SNH, we ask to be advised at the earliest possible stage about any proposed modifications, conditions or legal agreements relevant to our interests. Because this proposal affects the Foveran Links SSSI we remind you of the requirement to notify the Scottish Ministers if your Council is minded to approve planning consent against our advice in this case. Please let me know if you need any further information or advice from SNH in relation to this proposal. I should be grateful if you would let me know of your Council's decision in due course, or of any further changes to the proposal, which would be relevant to our interests.

In particular, if your Council is minded to approve planning consent please contact us to discuss conditions which may be attached to any consent.

Yours faithfully



ROBIN PAYNE
Area Manager
Grampian

cc Trump International Golf Links Scotland
Jenkins and Marr
SEPA

Enclosures:

- Appendix 1 – Geomorphology
- Appendix 2 – Ecology
- Appendix 3 – Landscape
- Appendix 4 – Access
- Appendix 5 – Legislation for European sites and species
- Appendix 6 - Policy Background and Sustainability Assessment



News Release

SCOTTISH NATURAL HERITAGE RESPONDS ON TRUMP GOLF LINKS

Scottish Natural Heritage (SNH) has written to Aberdeenshire Council advising them that part of the proposed development at Menie would, in its view, seriously damage an important nature conservation site and sand dune habitats. The extensive assessment by SNH details damage to Foveran Links Site of Special Scientific Interest (SSSI).

SNH was consulted on this development proposal by Aberdeenshire Council in early April and was asked to respond by 30 May. The organisation has today submitted a response to the Council objecting to part of the development because of the effect it would have on the sand dune landforms and habitats within the Foveran Links Site of Special Scientific Interest (SSSI) and a similar area of dunes to the south of the SSSI. The organisation says that the proposal would effectively destroy a third of of the important natural heritage features of Foveran Links SSSI. SNH is not opposed in principle to the development and states that a single championship golf course could be accommodated on adjacent land within the development site without causing significant impacts on the habitats within the nationally important SSSI.

The SNH response also includes important advice to Aberdeenshire Council on other aspects of the development such as landscape, protected species (including bats, otters and badgers), public access and biodiversity.

SNH's Area Manager for Grampian, Robin Payne, said: "I very much appreciate the dialogue we have had with Aberdeenshire Council and the Trump Organisation to identify the sensitivities at this location. I also welcome the fact that the Trump Organisation have fully acknowledged in their Environmental Statement both the

environmental quality of this location and the impact their proposed development would have. SNH has also been entirely open about our concerns with the proposal and the impacts on the natural heritage if this proposal goes ahead in its present form, all of which is reflected in our response to Aberdeenshire Council.

"This stunning site at Menie with its huge sand dunes is part of the largest dune system in Scotland, stretching from Newburgh to Bridge of Don. As the development of a golf course at this location would cause such significant damage to the SSSI and the dunes to the south of it we have submitted an objection to this part of the proposal. SSSIs are established to protect the most important 10% - 12% of Scotland's natural heritage and our duty is to have regard for that on behalf of all of Scotland's people.

"There is a common misconception that SNH makes the decision in cases such as this. I'd like to emphasise that SNH's role here is to advise Aberdeenshire Council on the impacts any proposal would have on the natural heritage. The Council will consider SNH's advice, along with all the other factors such as the road infrastructure, the Grampian economy, public services and also their own environmental duties when making their decision."

ENDS

Further information:

Heather Kinnin, press & public relations officer, Scottish Natural Heritage 0131 446 2274 or email heather.kinnin@SNH.gov.uk

If unavailable/engaged please call 01463 725022

Notes for Editors:

1. Scottish Natural Heritage is the Scottish Executive's statutory advisor in respect to the conservation, enhancement, enjoyment, understanding and sustainable use of the natural heritage. It works for and with Scotland's people. Website www.snh.org.uk
2. The objection to the development is primarily due to the developers proposal to ensure near total stabilisation of the mobile dune system existing at the site. This would cause the loss of the SSSI interest due to damage to sand dune landforms and damage to habitats. Rare plants which could be lost from the site include adder's tongue fern, curved sedge and two others. Copies of the letter and annexes, which contain the technical detail, are available on request, please phone the above

3. The submission to Aberdeenshire Council includes advice that the further information is needed on impacts on badgers and bats.. The information, which has not been supplied, is commonly asked for in developments of this size.