



**SUMMARY PRECOGNITION**

of

**Dr Christine Gore  
Director of Planning and Environmental Services**

in respect of

**Application Reference F/APP/2006/4605**

for

**Outline Planning Permission for Golf Course and Resort Development  
at  
Land at Menie House, Balmedie**

**19 May 2008**

## **1.0 Qualifications and Experience**

1.1 My name is Christine Gore. I am the Director of Planning and Environmental Services with Aberdeenshire Council and my remit as such, together with my qualifications and experience, are detailed in my full precognition to this Inquiry.

## **2.0 Introduction**

2.1 This Inquiry has arisen as a consequence of Scottish Ministers 'calling-in', on 4 December 2007, planning application reference F/APP/2006/4605 for outline planning permission for a golf course and resort development at land at Menie House, Balmedie.

## **3.0 Scope of Evidence**

3.1 The evidence that I will give to the Inquiry will cover the process followed by the Council in respect of this application, the relevant policy considerations, the material considerations associated with the proposals and an explanation of the officer's recommendation.

3.2 I will also refer to the proposed conditions and Section 75 Agreement, and to matters which remain outstanding at the time of the Inquiry.

## **4.0 Processing of the Application**

4.1 Application F/APP/2006/4605 for outline planning permission was received by the planning authority on 27 November 2006. The application was deficient of a significant amount of information and whilst it was validated at that time, its detailed consideration did not commence until the outstanding information was received on 30 March 2007. Further information, taking account of consultation responses

and correspondence with the planning authority, was submitted in July 2007.

4.2 The application was submitted to the Formartine Area Committee on 18 September 2007, with a detailed and comprehensive report from officers. It was deferred for a site visit and departure hearing, which took place on 27 September 2007. The application was further considered by the Area Committee on 20 November 2007. Thereafter the recommendation of a delegated grant of outline planning permission was referred to the Infrastructure Services Committee on 29 November 2007, and called-in by Ministers on 4 December 2007.

4.3 To be clear about the Council's current position, it has resolved on two separate occasions since 4 December 2007 that it supports the application.

## **5.0 Relevant Policy Considerations**

5.1 A statement of the planning policy relevant to this application will be submitted to the Inquiry on behalf of the applicant and the Council, and a detailed assessment of the application against policy is set out in my full precognition.

5.2 The areas of most relevance to the application relate to environmental impact, landscape impact and housing, and in general terms the application represents a significant departure in these respects from national, Structure Plan and Local Plan policies. In relation to environmental and landscape policies in particular, these provide that development which has an adverse effect on specific designated or protected areas will only be permitted where the social or economic benefits of the proposed development are sufficient to outweigh its detrimental impacts. The measure of that sufficiency varies according to the specific designation in question, and it is the balance of these

interests which is the fundamental basis for the determination of this planning application.

- 5.3 A range of other policy considerations are applicable to this application, and whilst it conflicts with some of these, it broadly complies with many of them, or will do so as a consequence of the imposition of conditions upon any planning permission that may be granted.

## **6.0 Material Considerations**

### **6.1 Golf Course and Resort Development**

- 6.1.1 The important role of tourism in the diversification of the economy is recognised at national, regional and local level in adopted policies and strategies. The Development Plan for the area supports tourism development at appropriate locations and recognises that such development on as large a scale as that proposed at Menie presents particular challenges in terms of its potential impacts.

- 6.1.2 The Council believes that a world-class tourist facility based around the proposed golf course development at Menie would have significant economic benefits for the North East of Scotland and for Scotland as a whole. The priority attached to growing the economy of Aberdeen and Aberdeenshire is clearly set out in the National Planning Framework 2004 and the Draft National Planning Framework 2007. The jobs created in both the construction and operation of the development will have clear benefits to the area, as will the increase in tourist visitors to the area for both leisure and business purposes. However, the policy position is clear that the impact on natural, built and cultural heritage must not be compromised to an unacceptable level by developments which are otherwise desirable in economic terms.

- 6.1.3 The adverse impacts of the proposed development on the SSSI and Site of Interest to Natural Science which lie within and adjacent to the

site have been well documented and will be discussed in detail at the Inquiry by others more qualified than myself to do so. It is clearly the view of many environmental consultees that the objectives of these designations, and the overall integrity of the site, should not be compromised even given considerable economic benefits. Whilst the basis of those views is both recognised and respected, based on a balance of judgement they are not shared by the Council, for the detailed reasons set out in my precognition.

6.1.4 The impact of the built elements of the proposed development on Menie House and the wider landscape has been the cause of concern based on the illustrative drawings contained within the supporting statement to the planning application. However Historic Scotland has not objected to the application and the Council is satisfied that by following an appropriate process an appropriately responsive and iconic design for the buildings on site could be achieved.

## 6.2 Housing

6.2.1 Aside from the environmental impacts of the proposal the most controversial aspect, and that which cannot be considered as tourism-related, is the 500 residential units for open market sale. This element is a clear departure from housing policy as contained in the Structure and Local Plans and cannot be defined as 'enabling development' as it does not relate to a listed building at risk.

6.2.2 Consideration of housing development at this scale would normally take place through the Development Plan process. A provisional draft Structure Plan to replace that currently in existence was published in April 2008, and indicates the estimated housing demand in Aberdeen City and Aberdeenshire as being around 72,000 homes during the period to 2030. The spatial strategy identifies the A90 corridor from Aberdeen to Peterhead as a Strategic Growth Area in recognition of, in particular, the potential of the port at Peterhead and the regional

Economic Forum's 'Energetica' initiative which is promoting this part of the region as a primary focus for economic development and diversification.

6.2.3 The applicant has made commitments in relation to the residential development which give the Council confidence that a high quality residential environment would be created. The Council also believes that the residential development has the potential to be a demonstration of best practice in relation to sustainability, and that the impacts on the landscape can be mitigated through design and the provision of appropriate strategic landscaping.

6.2.4 The housing is clearly contrary to policy and its use to cross-subsidise the resort element of the proposal has the potential to be argued as a precedent. The Council is firmly of the view that this position can be defended given the sheer scale and unique circumstances of the proposal. The Council is also content that allowing the housing element of the proposal will have no impact on the current housing allocations with the Structure Plan.

### 6.3 Economic Impact

6.3.1 The only material consideration in policy terms that can justify planning permission being granted in view of the adverse environmental impacts of the proposed development is the economic and social benefit arising from the development being of sufficient significance.

6.3.2 Although the applicant's Economic Impact Assessment and Financial Review was submitted in confidence, a summary of the main economic and financial impacts of the development was provided to the Formartine Area Committee on 18 September 2007. The case officer concluded at that time that these were of a magnitude such as to greatly benefit the economy of both Aberdeenshire and Scotland.

6.3.3 An independent assessment of the potential economic and financial impacts of the proposed development was subsequently commissioned from EKOS Limited and indicated that the proposal would have a significant impact on the economy of the area. A more detailed assessment of the proposal has been undertaken by EKOS in preparation for this Inquiry and provides additional confirmation that the economic and financial impacts of the proposed development will be significant at a local, regional and national level.

6.3.4 In addition to the Council's own assessments of the benefits of the proposed development, both Visit Scotland and the Scottish Council for Development and Industry have published reports which refer to it as an example of the vision and innovation that will be required if Scotland is to grow in reputation and success as a tourism destination for recreation and business.

## **7.0 Justification for Recommendation**

7.1 The officer's recommendation in respect of this application ultimately rested on the respective weight to be given to the environmental impacts and housing element of the proposal as significant departures from policy, compared with the demonstrably significant economic benefits to be gained from it.

7.2 During the processing of the application the applicant was asked on a number of occasions to consider relocating the golf course so as to avoid encroaching on the SSSI, and removing or reducing the housing element of the proposal. These requests were consistently declined, for reasons which the applicant will explain at the Inquiry, and ultimately the recommendation had to be made on the application as it stood. The difficulties arising from the application were balanced against the possibilities of their mitigation and the opportunity given by the development to diversify and grow the economic base of the area.

- 7.3 The final recommendation, which I supported and continue to support, was not arrived at lightly or easily. Whilst the conflict with landscape, natural and built heritage considerations is recognised, they are not considered to be compromised to such an unacceptable degree as to justify refusing the application. The social and economic benefits are of national significance and as such override the adverse environmental impacts. The housing element is a significant departure from policy but represents the 'cost' of the overall investment and as such is seen as a justifiable exception to policy. On this basis the ultimate recommendation was firmly one of approval.
- 7.4 In terms of whether the Council had sufficient information to be able to reach a competent view, the application had reached a point where, as Director of Planning and Environmental Services, I was content to put it to Committee prior to requiring any further detailed work by the applicant. The outstanding matters were capable of resolution through planning conditions and the Section 75 Agreement, or else had to be resolved before any planning permission was issued. Failure to resolve any such matter would mean that the issue would need to be reconsidered or alternatively that the development could not proceed.

## **8.0 Outstanding Matters**

- 8.1 A comprehensive list of conditions has been proposed which will provide the Council with a high degree of control over the development if it is to proceed.
- 8.2 A Section 75 Agreement has been negotiated with the applicants to secure off-site infrastructure and any necessary mitigation that cannot be dealt with by conditions. This agreement is close to being concluded.
- 8.3 In relation to other matters requiring resolution as set out in the recommendation to Infrastructure Services Committee on 29 November

2007, it is considered that all of these can be dealt with by the imposition of appropriate conditions.

## **9.0 Conclusion**

9.1 It is the Council's view that whilst the significant adverse impacts of this development cannot be ignored or dismissed, its regional and national economic benefits are both considerable and sufficient to outweigh these concerns.

9.2 The Council therefore respectfully requests that the Reporters recommend to Ministers that outline planning permission be granted.