

## **THE TRUMP RESORT DEVELOPMENT: FORGETTING THE ENVIRONMENT**

An application for outline planning permission for a golf resort might seem innocuous. But one comprising two 18-hole courses, a clubhouse and ancillary facilities, a 450-room hotel with conference centre and spa, 950 holiday apartments in 4 blocks, 36 'golf villas', 500 houses for sale, accommodation for 400 staff, road access and parking intruding into an SSSI is a major scheme on any count. It is claimed to create 4,694 net full-time equivalent jobs at the Scottish level in the construction phase and 1,237 net full time equivalent permanent jobs at the Scotland level and to be of national, regional and local economic significance. The recommendation of the three Inquiry Reporters of the Scottish Government Directorate of Planning and Environmental Appeals is clear. The economic benefits, seen in the context of the Scottish Government's overriding priority to achieve sustainable economic development, justify setting aside the planning policies for the area, the protected status of part of the area, and ignore the wider environmental implications of the project over its life time.

The decision by the Cabinet Secretary for Finance and Sustainable Growth in November 2008 to approve outline planning permission raises many fundamental questions about the decision making process and the relative priority to be given to different elements of the Scottish Government's programme. These are the focus of attention in the short article.

It is clear from all of the expert witnesses that the national scientific interest of the site will be lost with no possibilities of mitigation. The mobile sand sheets and the sand dome at the southern end of the Foveran Links Site of Special Scientific Interest are part of the UK's largest dune system stretching from the mouth of the River Don to Hackley Head. These will be stabilised and the natural dynamism of the system lost by the insistence of the developers that the northern 9 holes of the course have to be located on the mobile dunes.

The clear implication of the decision is that economic development claimed to be of national importance can override proven nationally important nature conservation designations. This is a serious matter given the duties on biodiversity placed on authorities by recent legislation, the Nature Conservation (Scotland) Act 2004, the revised status of conservation designations, especially SSSIs under the same Act, and the target given to Scottish Natural Heritage by the Scottish Government to achieve favourable condition on 95% of the SSSIs in Scotland by 2010.

It also means that the importance of maintaining natural processes at the coast is ignored. This is symptomatic of the many projects to build hard sea defences, and along rivers, rather than mimicking nature.

The decision also exposes many deficiencies in the planning system. The system is only able to consider an individual application. The developer's proposals were tested in public with the help of expert witnesses. However, objectivity is lost when the developer, Donald Trump, states categorically that if he is asked to move that part of the course from the mobile dunes protected by SSSI status he will withdraw his application. This is a classic case of brinkmanship which is well known to those of us,

like me, who have worked in government economic development departments for many years. There is a public perception that this approach amounts to bullying and that the planning process has no ability to deal with it and that environmental considerations are second best to economic ones. Surely alternative proposals should be considered. SNH made the case for the development of the course on adjacent land where the effects on natural processes and on habitats would be very significantly less. But the system, irrespective of the developers view, does not allow this to happen. This is a fundamental weakness and means that the 'black and white' adversarial nature of planning is maintained.

The development also raises fundamental questions about the strategic plans and the process for their revision. The Structure and Local Plans for this area of Aberdeenshire do not contain any reference to permitting large scale new development in the Menie Links locality. What is being proposed is a new settlement given the scale of housing and accommodation for staff. Basically, it must account for a population well above the size of many villages in Aberdeenshire, with over 3,000 people living there when fully occupied. No one doubts the demand for additional housing and the importance of making provision for affordable, and especially socially rented, housing. But this development is not for local people but for short term visitors. Plans do become out of date but what is the point of a statutory planning system which can, through an administrative decision, set aside a land use planning framework to guide decision making because a developer has decided he wants an immediate decision on his proposal? We are facing the same issues with onshore wind farms. And we faced the same with oil developments and fish farms decades ago. Always the system is behind the game nationally and locally, and any national strategy has tended to be a rationalisation of what has happened rather than guiding what should be permitted. The new proposed National Planning Framework seeks to overcome this deficiency, but does not take sufficient account of environmental resources and their long term stewardship. And this framework will take a long time to translate locally into meaningful plans acceptable to communities and addressing fundamental environmental management issues.

The wider environmental questions of the footprint of the development have not been addressed. The development is targeted at international markets and most of the users are expected to come from overseas. It is essential, at a time when the Scottish Government has set testing targets for greenhouse gas emission reductions and for dealing with global climate change, that these important policies are reflected in all decisions by the Scottish Government, not just the ones on which they choose to apply them.

In short, this golf resort development raises fundamental questions about the desire of the Scottish Government to achieve genuinely sustainable development which benefits the economy and society, and uses natural resources in a truly sustainable manner, i.e. within their carrying and regeneration capacity. It raises questions about the efficacy of the decision making system to cope with complex issues where the only compromise is refusal or conditions placed on the developers proposals, rather than considering alternatives. And, it raises much wider and fundamental questions about the environmental footprint which are counter to many of the Scottish Government's policies on sustainability, and on the reduction of greenhouse gases. However sophisticated the strategies, policies and the decision support systems, it

seems that a belligerent developer apparently with lots of cash can overturn policy and cause key elements of the Scottish Government's strategy with respect to the environment to be ignored. Fundamentally, the planning system has become a development enabling system and has lost the balance with national and international environmental needs and requirements.