

Andrew Howlett
Assistant Clerk to the Public Petitions Committee
T3.40
The Scottish Parliament
EDINBURGH
EH99 1SP

Your ref: PE1474
Our ref: CIN/ABS/001
24 June 2013

Dear Mr Howlett

CONSIDERATION OF PETITION PE1474

Thank you for your letter of 17 May 2013 seeking the Scottish Government's views on the issues raised in the above petition and the related meeting held on 14 May. I provide the following comments on behalf of the Directorate for Local Government and Communities - Planning and Architecture Division.

The processes involved in determining the application for the development of a golf course on the Menie Estate and the actions of Ministers and officials relating to them have already been scrutinised in great detail. This has included a Scottish Parliament committee inquiry and a public local inquiry, as well as a large number of answers to parliamentary questions and our publication of substantial information. We do not see any benefit in yet another inquiry into matters that were examined in detail several years ago.

Scottish Government/Scottish Ministers' action in relation to the handling of the outline planning application by Trump International Golf Links at Menie Estate

In 2007, Aberdeenshire Council was minded to refuse outline planning consent for development at Menie Estate. As the application was under consideration and no formal refusal notice had been issued by the planning authority, Ministers exercised their right to call in the application, on 4 December 2007, in order that the proposal could be considered at a national level.

A public local inquiry was subsequently held in 2008 where consideration was given to the merits of the major development proposal, examining in detail all the planning issues it raised, including impacts on the Foveran Links SSSI.

Following consideration of the report of the public local inquiry, the Cabinet Secretary for Finance and Sustainable Growth was content that an efficient, transparent and inclusive process, led by Scotland's Chief Reporter, had taken account of all of the relevant issues and the views expressed before, during and after the public local inquiry. Having given careful consideration to the issues and arguments, the Cabinet Secretary agreed with the Reporters that there was significant economic and social benefit to be gained from this project and Scottish Ministers granted outline planning permission in 2008.

The report of the public local inquiry, is available for you to view on the Scottish Government's website at: www.scotland.gov.uk/Topics/Built-Environment/planning/publications/foi/MenieEstate The decision letter, issued on 16 December 2008 (also available at the above link), conveying Scottish Ministers' decision, advised that any person aggrieved by the decision could exercise their right and challenge the decision in the Court of Session. The decision was not challenged and the full Aberdeenshire Council has voted in favour of the development.

The Scottish Government has released a substantial amount of information into the public domain through evidence given to the Local Government & Communities Committee's inquiry (referred to below), a significant number of answers given to Parliamentary Questions and responses to a substantial volume of correspondence to date. The information released shows that Ministers are fully aware of their responsibilities in relation to planning and have discharged these responsibilities fairly and responsibly having regard to the Ministerial Code. The documents also show that civil servants involved in the handling of the case have fully met the standards of propriety expected of them as per the Civil Service Code. Kevin Dunion, the former Scottish Information Commissioner, in an interview with Holyrood magazine in December 2011 stated:

"I think a sensible government, and we have seen a couple of examples of this in Scotland where the Government has done it very well, where they say something is of such public interest that let's get into a position of strength and put everything in the public domain. Our government did that over the Trump development which was causing a lot of headlines and the Government said, well, here is the information that we have regarding our engagement with Donald Trump."

Scottish Parliament's findings in relation to the handling of the call in of the application by Scottish Government.

The Scottish Parliament's Local Government and Communities Committee published a report, on 14 March 2008, on their consideration of the Scottish Government's handling of the "call-in" of the outline planning application which concluded that Ministers and officials had acted in accordance with planning legislation.

Paragraph 63 of this report sets out a detailed chronology of events, established through a detailed examination of available documentation and through questioning of the key participants.

<http://www.scottish.parliament.uk/parliamentarybusiness/PreviousCommittees/18875.aspx>

Post decision on the outline planning consent

Aberdeenshire Council is responsible for planning matters within its area and for enforcing the conditions attached to the grant of planning permission for Menie Estate. Any planning application for development at Menie Estate, subsequent to Ministers' approval of outline consent in 2008, is a matter for the planning authority.

I trust that these comments will be of assistance to the Committee.

Yours sincerely

LYNDSEY MURRAY

