

**PUBLIC LOCAL INQUIRY: MENIE ESTATE , ABERDEENSHIRE  
PROPOSED GOLF COURSE AND RESORT DEVELOPMENT  
Ref CIN/ABS/001**

**Statement of Case on behalf of:**

**Ramblers' Association Scotland  
Aberdeenshire Local Outdoor Access Forum  
Scottish Rights of Way and Access Society**

***Introduction***

This Statement of Case is produced jointly by Ramblers' Association Scotland, the Aberdeenshire Local Outdoor Access Forum (ALOAF) and the Scottish Rights of Way and Access Society (ScotWays). It is coordinated by Ramblers Scotland, following the request by the Reporter at the pre-inquiry meeting on 26 March 2008 for the Ramblers to act as the relevant body for providing evidence on public access. Other organisations may wish to indicate their support of this evidence and this will be reported to the inquiry.

Ramblers' Association Scotland is the representative body for walkers in Scotland. Its overall aim is to encourage walking and public understanding of the outdoors by promoting walking for health and pleasure, securing access for walkers, developing path networks and protecting the outdoor environment.

The Aberdeenshire Local Outdoor Access Forum (ALOAF) is the local statutory advisor to Aberdeenshire Council, on (*inter alia*) matters relating to the exercise of statutory access rights. Local Access Forums are established under section 25 of the Land Reform (Scotland) Act 2003.

The Scottish Rights of Way and Access Society (ScotWays) is a long-standing voluntary body whose main purposes are to safeguard rights of way and public access to land.

The Forum and ScotWays have taken no position on the application as a whole, and its support for this statement of case is based on its views as regards the possible implications of the development on responsible public access.

***Main issues***

Evidence will be presented which highlights the importance of the proposed development area for informal outdoor recreation. Emphasis will be given to the amenity and wildlife values associated with the dune system and its significance as a single coherent entity within which informal recreation can take place throughout the year. It will be explained how these values would

be diminished by the proposed development, how public access needs would be changed by the proposed development, and what constraints on public access might arise. This will be set within the context of the obligations contained within the Land Reform (Scotland) Act 2003 and the associated Scottish Outdoor Access Code.

It will be argued that the proposed development is incompatible with the obligations laid upon the UK and Scottish Governments for the protection of the natural heritage through enactments of the European Parliament which have particular significance for the public enjoyment and study of the natural environment. Similarly, it will be argued that designations that have been established at UK/Scottish and local levels which are designed to protect parts of the proposed development site imply a strong presumption against granting planning approval for the development and thereby compromising public access to and enjoyment of the area. A key part of this evidence will be to emphasise the quality of the dune environment in its present, relatively natural and unmodified state.

The evidence led will indicate that, from a public access perspective, there is no overriding reason why planning approval should not be granted for two golf courses, housing and resort development at Menie. Nevertheless, the evidence will suggest that the planning application before the inquiry should be rejected along with an indication that a substantially modified scheme, subject to adequate consultation with public access interests, would be much more likely to secure planning approval. The essence of such modifications would be a moving back of the golf course layout onto the agricultural land so that there was minimal intrusion of the golf courses into the dune system along its whole length. In addition, a scaling back of the size of the housing/hotel/chalet development would be desirable so that this element of the development was not so dominant so close to the unspoilt coastline.

It will be argued that, if a world class golf course and associated resort development is to be established at Menie, then, at the very least, the existing environmental qualities and recreational opportunities should not be compromised. Evidence will be led which explains how other European countries are meeting the challenge of providing for golf course development in outstanding coastal environments and how, in Scotland, mistakes have been made in recent years. The aim at Menie should be to demonstrate how Scotland can secure world class development within the framework of a planning approval that meets public expectation at local, national and international levels.

Further details are available in earlier submissions made by Ramblers Scotland (1 May 2007), ALOAF (22 May 2007 and 27 August 2007) and from ScotWays (14 January 2008)

### ***Length of case and witnesses***

We expect that the presentation of our evidence and cross examination should take no longer than a half day. Our witnesses will be as follows:

1. Dave Morris, Director, Ramblers' Association Scotland – public access expectations.
2. John Mackay, Director, ScotWays – application of Land Reform (Scotland ) Act 2003.
3. Member, ALOAF – detailed local concerns (name available after 19 May).

### ***Legal representation***

We plan to use legal representation.

### ***Documents***

Below please find a provisional list of documents we will refer to in making our case. These are in addition to the core documents which we may also refer to and which we understand include all relevant legislation, policy and development plan documents and also all documents relating to the application. These are all available on the Aberdeenshire Council website.

- 1 Land Reform (Scotland) Act 2003, Part 1
- 2 The Scottish Outdoor Access Code, 2005 (SNH)
- 3 Part 1 Land Reform (Scotland) Act, 2003 – Guidance for Local Authorities and National Park Authorities
  
- 4 Judgement in the case of Mr Graham Tuley and Mrs Margot Tuley v Highland Council, B201/05 Dingwall, July 2007  
[http://www.scotcourts.gov.uk/opinions/b201\\_05.html](http://www.scotcourts.gov.uk/opinions/b201_05.html)
- 5 Extracts from the Official Report of the Scottish Parliament pertaining to the passage of the Land Reform Act
- 6 European Landscape Convention
- 7 Report on European coastal access issues arising from European Ramblers' Association International Seminar, Malaga, Spain, 5-7 June 2008

Please note that it is intended that document 7 will be circulated to all parties during the week beginning 16<sup>th</sup> June.

We intend to request that the first three documents are included in the list of core documents.

-----  
5 May 2008

Contact officer:  
Helen Todd  
Ramblers' Association Scotland,

Kingfisher House,  
Auld Mart Business Park,  
Milnathort  
Kinross KY13 9 DA

Tel: 01577 861222, Fax: 01577 861333  
Email: [helen.todd@ramblers.org.uk](mailto:helen.todd@ramblers.org.uk)