

9th October 2015

Ann Ramsay
Senior Planner
Planning & Building Standards
Aberdeenshire Council
Infrastructure Services
45 Bridge Street
ELLON AB41 9AA

Dear Ms Ramsay

**APP/2015/2823: Construction of 18 Hole Golf Course and Ancillary Facilities | Trump International Golf Course
Balmedie Aberdeenshire AB23 8YE**

We are writing in response to the above application to construct a new golf course at Balmedie and would make the following comments relating to public access on the site:

We are pleased to see the publication of an Outdoor Access Management Plan to accompany this application. However, while we welcome much of the content of the plan, we would like to point out it contains a fundamental misunderstanding of the basis on which public access to land is taken in Scotland.

First of all the Scottish Outdoor Access Code is wrongly quoted in the document and this is repeated a number of times, compounding the error (eg, paras 2.3.1, 3.2 and 4.2). The document says:

In accordance with the Act, the Code states that access rights do not apply to golf courses. The Code states that the public "*can only exercise access rights to cross over a golf course*" and in doing so, the public "*must keep off golf greens at all times and not interfere with any golf games or damage the playing surface*". (para 2.3.1)

The first line of this statement is not true, in that access rights **do** apply to golf courses but this is a right of passage rather than a right of recreational access (see Scottish Outdoor Access Code para 2.2). The rest of the statement is correct, in that access rights do not apply to golf greens and the public has responsibilities not to interfere with the game of golf or damage the surface. Since this statement forms the basis managing public access and also for suggested wording on signage for the public, we would like assurances that it will be changed to reflect the true legal situation.

Secondly, there is no acknowledgement that rights of access apply across the entire course (apart from the greens) and away from paths. According to the Code, cyclists and horse riders are advised to keep to paths at all times, but this does not apply to walkers who may wish to use the golf course area itself as long as they do not interfere unreasonably with persons playing golf. This could be particularly important at the beginning and end of the day,

or during wintery or inclement weather when golfers are absent. At such times walkers and others may wish to avoid walking on the beach as it can be very windy, and the golf course would offer a more sheltered route. The strategy therefore needs to recognise that access rights do apply to most of the golf course land and clearly indicate this to the public, as well as to golfers using the course and staff responsible for site management and information provision.

Thirdly, given that the area at the southern end of the course in particular is currently well used by many walkers and there are a number of well-established informal paths, we believe there is likely to be demand for walking in this area which should be facilitated so that it is undertaken as safely as possible. While we welcome the three proposed new paths which cross the course as shown on Figure 4.1, we believe there should also be paths running parallel to the beach which link the identified paths 1 and 2 at Blairton Links and the clubhouse. This would enable longer circular walks to be taken, and especially give walkers the opportunity to enjoy a more sheltered route in windy weather as noted above. We believe the development of such paths running north-south would reduce the risk of any conflict of use between walkers and golfers.

Finally, given the concerns raised above, we would like to suggest that a new Outdoor Access Management Plan is drawn up and implemented in consultation with the Aberdeenshire Local Access Forum. We would also recommend that the Aberdeen City Local Access Forum is invited to be involved in these discussions too, given that many visitors to Balmedie Country Park will come from the city.

We trust these comments are helpful and would be happy to answer any queries on the points raised.

Yours sincerely

Helen Todd
Campaigns & Policy Manager