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**Deciding the Fate of a Magical, Wild Place**

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# **Deciding the Fate of a Magical, Wild Place**

**Cllr Martin A. Ford**

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## **Introduction**

It was just a planning application—but the reaction to it was quite extraordinary. I am referring, of course, to the application from New York billionaire businessman Donald J. Trump, chairman and president of The Trump Organization, for planning permission to build housing and a golf resort on the east coast of Scotland at Menie, near Balmedie, in Aberdeenshire.

The purpose of this paper is to discuss the application and, in particular, the values and attitudes displayed in response to it. I have kept the description of process to the minimum required for understanding by readers not familiar with the sequence of events. Facts about the site, reporting in the news media, the actions of Aberdeenshire Council and the Scottish Executive/Government<sup>1</sup> and various other matters are included insofar as they are relevant to the purpose of the paper. Included here too is some information I gained only because of my own involvement in the decision-making process and the wider political debate. That involvement has both made it possible for me to write this paper and made it very difficult. It has given me information and insights I would not otherwise have had but it will also have affected what I have inferred from the known facts. Mindful of this, I have been careful to set out in some detail the evidence for my conclusions so that others, more detached than I, can properly judge their validity.

## **The application**

The Menie estate lies between the A90 trunk road and the sea about 10 km north of Aberdeen. The application for planning permission to build housing and a golf resort on the Menie estate was lodged with Aberdeenshire

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<sup>1</sup> The Scottish Executive was rebranded as the Scottish Government on 3 September 2007.

Council on 27 November 2006. It was for outline planning permission for two eighteen-hole golf courses, a clubhouse and other golfing facilities, thirty-six golf villas, a 450-unit five-star hotel, 950 timeshare flats in four blocks, a four-hundred unit staff-accommodation hostel and five hundred houses for sale on the open market. One of the golf courses was specifically promoted as ‘a world class championship links golf course’. Although the application has generally been described as being ‘Donald Trump’s’, the actual applicant was his company Trump International Golf Club Scotland Limited trading as Trump International Golf Links, Scotland (TIGLS).<sup>2</sup>

A lay-out for the proposed development was shown in an ‘indicative masterplan’ included with the planning application. The land beside the sea was earmarked for the golf courses and ground adjacent to the championship golf course for the hotel and blocks of timeshare flats. Inland, on the west side of the application site, two sizeable areas were set aside for housing.

### **The application site**

The application site covered 452 ha all in the applicant’s ownership.<sup>3</sup> The site boundary excluded a number of residential properties located within the Menie estate but not owned by the applicant. Also excluded from the application was the land belonging to Mr Michael Forbes, a smallholding of some 9 ha lying right in the middle of the estate. On Mr Forbes’ land was his own house, Mill of Menie, and a temporary unit occupied by his mother, Molly.

On its eastern side, the application site stretched along the coast for about 4 km. At its widest, the application site extended about 2 km inland reaching to the A90.

Much of the inland part of the application site was arable farmland. Towards the centre of the site was Menie House, a category ‘B’ listed building

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<sup>2</sup> Aberdeenshire Council application reference APP/2006/4605, outline planning permission for golf course and resort development at land at Menie House, Balmedie, Aberdeen. For brevity, I have designated this application ‘the TIGLS planning application’. In this paper, ‘the TIGLS planning application’ always means this application and not any of the other, relatively minor, planning applications made by TIGLS in connection with the proposal to build a golf resort at Menie.

<sup>3</sup> There is some doubt about when Mr Trump completed the purchase of the Menie estate. According to the application form, the entire application site was owned by the applicant twenty-one days before the TIGLS planning application was lodged with Aberdeenshire Council.

set in a designed landscape. The eastern part of the application site, along the coast, next to the beach, comprised a continuous belt of sand dunes running parallel with the shore. Between the dunes proper and the arable land were areas of heath, grassland and wetland. Within the northern half of the application site, a prominent escarpment separated the dunes from the farmland above. The indicative masterplan showed the hotel here, on the land at the top of the slope, and near by, ranged along ‘Trump Boulevard’, the blocks of timeshare flats.

In the years before 2006, in addition to agriculture, the Menie estate had been used for shooting.

Small numbers of people had always used the dunes at Menie for walking and other informal recreation. With its steep-sided dunes interspersed with low-lying dune slacks, the wild part of Menie was a place of remarkable beauty at any time of year. In the most northerly part of the estate, more striking even than the towering dunes was the sand sheet (also referred to as the sand dome), an area of over 10 ha of bare sand inland of the tall dunes behind the beach. Sand was moved from the south of the sand sheet to the north by the wind, causing the sand sheet’s position to shift northwards by a few metres per year. As the sand sheet migrated and buried dunes in the north, low-lying erosion-resistant surfaces were uncovered to the south. Over time, vegetation developed on these surfaces and, with northward migration of the sand sheet maintaining the supply of new surfaces, the result was that at Menie there was a very complete sequence of dune-slack vegetation of different ages.<sup>4</sup>

The Menie sand sheet had been very little affected by human interference. It and the adjacent dune area were of great scientific interest because of the natural dynamic processes and the resulting range of landforms and vegetation. Reflecting this interest and the rarity of migrating sand sheets in Britain, this part of the Menie estate, together with the land along the coast north of Menie, had been designated a Site of Special Scientific Interest (SSSI).<sup>5</sup> As part of the Foveran Links SSSI, the Menie sand sheet and adjacent dune area had, by law, a high level of protection. Aberdeenshire Council policy was not to allow development that would have a significant adverse

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<sup>4</sup> T. C. D. Dargie, *Sand Dune Vegetation Survey of Scotland: East Coast*, Scottish Natural Heritage Research, Survey and Monitoring Report No 179 (3 vols, 2001).

<sup>5</sup> Foveran Links SSSI, citation document, Registers of Scotland SSSI Register, <https://www.eservices.ros.gov.uk/ros.sssi.presentation.ui/ros/sssi/presentation/ui/sssi/homePage.do>, accessed 22 February 2010.

effect on an SSSI unless the damage to the SSSI was ‘clearly outweighed by social and economic benefits of national importance’ and there was ‘no alternative site for the development’.<sup>6</sup>

The development proposed for the wild part of the Menie estate was at the heart of the controversy surrounding the TIGLS planning application. The indicative masterplan showed the principal golf course entirely within the area contoured by wind-blown sand and with nine holes positioned partly or wholly on the SSSI. Building the principal golf course in the proposed location would necessarily involve preventing the further movement of the Menie sand sheet. Over 75 per cent of the 14 ha of bare mobile sand in the Menie part of the SSSI would have to be stabilised, by establishing vegetation. Far from acknowledging the natural movement of sand as a defining characteristic of the SSSI, essential and the basis of its scientific importance, Mr Trump argued that by preventing sand movement he would be ‘preserving the dunes’. Opponents in the scientific community maintained that stabilisation would destroy the geomorphological interest of the affected part of the SSSI and would have a severe impact on biological interest too. Bare, damp ground exposed by the movement of sand masses is the starting point for the development of dune-slack vegetation. Unless new surfaces become available for colonisation, young-dune-slack vegetation will quickly disappear and only the later stages of the vegetation succession will be represented. Young-dune-slack vegetation is a rare plant community nationally and survey work in connection with the TIGLS planning application showed there was probably more young-dune-slack vegetation at Menie than anywhere else in Scotland.

## **Consultations and representations**

While the TIGLS planning application was received and validated by Aberdeenshire Council’s planning service on 27 November 2006, much of the supporting information required from the applicant was missing. The consideration of the application by the planning service was delayed pending receipt of an environmental impact assessment, transport impact assessment, drainage impact assessment and financial appraisal—all of which were eventually received on 30 March 2007.

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<sup>6</sup> Policy Env\2, Aberdeenshire Local Plan, June 2006.

Statutory and other consultees were then asked for their views on the application. A number of consultees, including Scottish Natural Heritage (SNH), replied that considerable further information was needed from the applicant relating to the environmental impact of the proposed development. Consultants working for TIGLS then produced another document—*Response to Aberdeenshire Council & Statutory Consultations*—which was submitted to the Council in July. The Council's planning service again sought the views of consultees—and consultees wrote back in August. Responses objecting to the proposed location of the principal golf course were received from SNH, the Scottish Wildlife Trust and the Royal Society for the Protection of Birds. So it was not until 18 September 2007, at a meeting of the Formartine Area Committee, that the planning service's report on the TIGLS application was first put before councillors.<sup>7</sup>

By this time the application had attracted approximately 450 letters of representation. The Council continued to accept further letters expressing opinions about the TIGLS planning application until immediately before the application was considered by its Infrastructure Services Committee on 29 November. In the planners' report to that committee, the number of representations was given as 2,999, 1,048 objections and 1,951 letters of support, plus a 766-name petition objecting to the proposal.<sup>8</sup> A large proportion of the letters, on both sides, were identical and clearly the result of organised campaigns. Only a very few letters expressed a middle view, definitely in favour of a Trump golf resort at Menie—but on a smaller scale, or with fewer houses, or with the main golf course re-positioned.

The objection submitted most often was a letter produced and disseminated by a new group, Sustainable Aberdeenshire, formed to oppose the TIGLS planning application. This group also organised the petition against the application submitted to the Council's planning service in November 2007. Sustainable Aberdeenshire's petition and objection letter focused on environmental impact and non-compliance with planning policy as reasons for objecting to the TIGLS planning application. The letter also mentioned other concerns, including 'exaggerated' claims being made about jobs.

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<sup>7</sup> Outline planning permission for golf course and resort development at land at Menie House, Balmedie, Aberdeen, report to the Formartine Area Committee of Aberdeenshire Council, 18 September 2007.

<sup>8</sup> Outline planning permission for golf course and resort development at land at Menie House, Aberdeen, report to the Infrastructure Services Committee of Aberdeenshire Council, 29 November 2007.

Amongst the letters of support was one from Aberdeen and Grampian Chamber of Commerce. The Chamber's letter advanced economic arguments in favour of the proposed development; job creation, the boost to the Aberdeenshire economy and the belief that 'a world class sports and leisure facility' would in turn attract visitors and other investors to the area.

The Chamber of Commerce certainly also encouraged businesses to send their own letter of representation. According to rumours at the time, Mr Trump's public relations team had themselves organised a campaign to get letters of support for the TIGLS planning application sent to Aberdeenshire Council. There clearly was a campaign of some sort, a very effective one, but I do not know who was involved in running it. Through September, October and November 2007, hundreds of identically worded letters of support were e-mailed to the Council's planning service by private individuals, mostly local residents. These letters must have been generated by a website. The letters asserted that the proposed development would bring 'monumental' economic benefits and create 'thousands' of jobs, while the Trump brand would put the north east of Scotland 'on the global golfing map'. Nor was there any need to worry about damage to the environment – 'a golf resort and the environment can co-exist happily'. The Trump Organization, the letters said, would work 'with the environmentalists'.

## **Press and publicity**

Speculation that Donald J. Trump had chosen the Menie estate to expand his leisure business into Europe by developing a luxury golf resort first surfaced in the press early in 2006. The announcement that confirmed these reports was made at the end of March.<sup>9</sup> It was accompanied by a threat from Mr Trump to 'pull out entirely' if planning permission was delayed or if Aberdeen Renewable Energy Group's proposal for an offshore windfarm nearby went ahead.<sup>10</sup> A high-profile visit to Scotland followed in April. During this Mr Trump made clear his intention was to create the 'greatest golf course anywhere in the world' at Menie.<sup>11</sup>

From the start, an aggressive public relations campaign was used to enlist wide popular and political support for the proposed resort. Much emphasis

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<sup>9</sup> *The Press and Journal*, 31 March 2006.

<sup>10</sup> *The Scotsman*, 1 April 2006.

<sup>11</sup> *The Scotsman*, 29 April 2006.

was placed on the golf (rather than the housing) element of the development proposals, on the size of the investment (at first put at £300 million, later exaggerated to £1 billion) and on Mr Trump's Scottish ancestry ('my mother was born here'). Above all, though, the case for the development was made on the basis of economic benefit—the prestige it would bring to the area, the boost to tourism and the jobs it would generate. Initially, it was said that up to four hundred jobs would be created if the development went ahead; in 2007 figures were produced suggesting construction activity would create more than six thousand jobs, with twelve hundred long-term jobs coming from on-going operations at the completed resort.

Business and political figures were quick to welcome the possibility of a Trump development in Aberdeenshire and their support was extensively reported in the press. Other news coverage was less favourable to Mr Trump. Amidst all the praise and approval, doubts and concerns about the proposed development—and about Mr Trump—were regularly reported too. Very early on, SNH drew attention to the SSSI and the threat to the fragile dunes. By mid-April 2006, Mr Trump's proposed golf resort was already being described as 'controversial'.

One focus of reporting was the implications for the existing residents on the Menie estate. Shortly before Mr Trump revealed his aspirations for Menie in March 2006, several home owners on the estate complained of mysterious anonymous calls during which the caller claimed to have seen the house when 'passing by' and offered to buy it.<sup>12</sup> During his visit in April 2006, Mr Trump stated publicly that he had no need to buy any further land. Mr Forbes, the owner of Mill of Menie, equally publicly made it clear he did not want to sell.<sup>13</sup> Eighteen months later, the two men were exchanging insults over Mr Forbes' rejection of offers for his land from Mr Trump.

Mr Trump's propensity to increase the size of his land holdings by buying neighbouring properties was just one characteristic highlighted by journalists. His disregard of planning regulations in the US was pointed out too. Articles were published that mocked Mr Trump's wealth, opinions and attitudes—and the adulation of Aberdonian business leaders and politicians. When Mr Trump enthused about the unspoilt nature of the Menie dunes, journalists reported his remarks together with the observation that, if Mr Trump got his way, the dunes would not be unspoilt for much longer. Mr Trump's later claim that construction of his golf course would improve the

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<sup>12</sup> *The Press and Journal*, 20 March 2006.

<sup>13</sup> *Scotland on Sunday*, 30 April 2006.



environment was very widely reported—and if there was no accompanying comment this was presumably because the journalist considered none was required.

Some newspapers extended their scrutiny with the help of the Freedom of Information Act. The minutes of meetings, e-mails and other documents were obtained from Aberdeenshire Council and Scottish Enterprise which revealed how much support Mr Trump had received from officials long before the public announcement about Menie in spring 2006. Also exposed was the personal involvement of the first minister, Jack McConnell MSP, who discussed Menie with Mr Trump in October 2005, soon after Mr Trump decided he wanted to build there. The revelations about what the first minister had done led to a row over whether he had breached the Scottish Ministerial Code, an accusation Mr McConnell denied.<sup>14</sup>

A private discussion in January 2006 between senior Aberdeenshire Council and Scottish Executive planning officials and representatives of Mr Trump became public after the minutes of the meeting were obtained by *The Scotsman* newspaper seven months later. The paper's article based on these minutes concentrated on Mr Trump's intention to go against planning policies by including houses for private sale in his planning application for Menie, the problems this could cause and how those at the meeting thought the planning policy obstacle could be overcome.<sup>15</sup> The minutes themselves show that a range of practical and political issues had been discussed; while the wording used suggests it was assumed planning permission would be granted, it was noted that 'Due process must, however, be followed ... including a transparent and rigorous consideration of the issues.'<sup>16</sup>

The same desire to do everything properly was evident among Aberdeenshire councillors in October 2006, only weeks before the TIGLS planning application was finally submitted to their council. *Scotland on Sunday* reported that councillors were determined, notwithstanding the influential support it had received, that the application would get no special treatment. The point was emphasised by Cllr John Loveday, the chairman of the Formartine Area Committee, one of the two Aberdeenshire Council committees which would have to give approval before the Council could grant outline planning permission. Cllr Loveday

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<sup>14</sup> *Scotland on Sunday*, 14 May 2006.

<sup>15</sup> *The Scotsman*, 23 August 2006.

<sup>16</sup> Note of meeting, 16 January 2006, <http://www.scotland.gov.uk/Resource/Doc/216107/0057771.pdf>, accessed 22 February 2010.

was reported as saying, 'A decision on the plan will be made on its merits and nothing else.'<sup>17</sup>

During the months the TIGLS planning application was being considered by Aberdeenshire Council's planning service, responses provided to the Council by consultees, especially SNH, and by TIGLS, received considerable press coverage. At the end of May 2007, *The Press and Journal* reported SNH's advice to the Council that 'the nationally important SSSI' would be seriously damaged if development went ahead as proposed. The paper also reported that SNH was not opposed to a development in principle, and was suggesting a compromise solution—a single golf course, not on the SSSI.<sup>18</sup> In July, *The Press and Journal* covered the TIGLS response; use of the SSSI was non-negotiable. 'Without the ability to form the course in this location, there would be no basis for the resort, and it would not proceed.' There was strong support for Mr Trump from Alex Johnstone MSP. Mr Johnstone said SNH had 'a growing record of interfering unnecessarily in plans ... of economic importance'. He accused SNH of getting involved in political, rather than environmental, issues.<sup>19</sup>

The arguments put forward by SNH and TIGLS, and others for and against Mr Trump's proposed development, were also rehearsed in letters published in *The Press and Journal* and other newspapers. Clearly, by mid 2007, there was a high level of interest amongst the public generally in the TIGLS planning application. That, the scale of the application and the combination of on-going press coverage, strong objections and an intransigent applicant with vocal supporters, all put pressure on Aberdeenshire Council. In October 2007, Mr Trump put more pressure on councillors by insisting that the housing included in his planning application had to be approved, or he would abandon the project.<sup>20</sup> Yet more articles then appeared in *The Press and Journal* praising Mr Trump and his proposed resort.<sup>21 22 23</sup> Objectors called on the Council not to allow development on the SSSI and organised a demonstration which brought some two hundred protestors on to the beach at Menie. So by the time councillors came to decide on the TIGLS application in November 2007, they knew that whatever they did some people would be very angry with them.

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<sup>17</sup> *Scotland on Sunday*, 8 October 2006.

<sup>18</sup> *The Press and Journal*, 31 May 2007.

<sup>19</sup> *The Press and Journal*, 31 July 2007.

<sup>20</sup> *The Scotsman*, 9 October 2007.

<sup>21</sup> *The Press and Journal*, 10 October 2007.

<sup>22</sup> *The Press and Journal*, 16 October 2007.

<sup>23</sup> *The Press and Journal*, 7 November 2007.

## **Aberdeenshire Council's decision**

In accordance with Aberdeenshire Council's procedures for determining planning applications, the TIGLS application went first to the Formartine Area Committee. A comprehensive report was provided for that committee's meeting on 18 September 2007 by the Council's planning service. At that meeting, it was agreed to defer consideration of the TIGLS application so that councillors could visit the application site, and so a public hearing could take place.<sup>24</sup>

The planners' report on the TIGLS application accepted that the application was 'contrary to many of the Council's environmental policies' but agreed that 'the proposal would bring significant economic benefits to the area'. The report conceded that the proposed housing was also 'clearly contrary to policy' and expressed regret that the principal golf course had not been 'moved to accommodate the important concerns of most of the environmental consultees'. Those concerns had to be 'set aside in this instance', however, because this was 'an opportunity to diversify the economic base' through 'wider economic and tourism investment ... on ... a grand scale'. The recommendation to councillors was 'firmly one of approval' subject to conditions. Councillors were asked to agree that the reason for departing from the development plan with regard to the environmental and housing policies was 'extenuating economic circumstances to assist in diversifying the economy and supporting the development of tourism'.

The councillors' site visit and the public hearing both took place on 27 September, the site visit in the afternoon, the hearing in the evening. The hearing, at Balmedie School, was very well attended and lasted over five hours. Councillors listened to twenty-eight presentations, some from individuals, some on behalf of organisations, some in support of the TIGLS application, some objecting to it.

The Formartine Area Committee held a special meeting on 20 November to consider the TIGLS application, with it as the only item on the agenda. A supplementary report on the application was produced by the Council's planning service for this meeting.<sup>25</sup> Again the venue was Balmedie School and again there was a large audience of well over a hundred people. Once the Committee started to debate the application, sharp differences of opinion

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<sup>24</sup> *The Press and Journal*, 19 September 2007.

<sup>25</sup> Outline planning permission for golf course and resort development at land at Menie House, Balmedie, Aberdeen, report to the Formartine Area Committee of Aberdeenshire Council, 20 November 2007.

were soon apparent. The chairman, Cllr John Loveday, opened the debate and quickly made clear his hostility to both Mr Trump and the TIGLS application. Cllr Loveday said, ‘This is the north-east of Scotland, and the UK, which is very different from the US—and I wish that the applicant had taken a bit more note of that’. Citing Mr Trump’s position on Aberdeen Renewable Energy Group’s proposed offshore windfarm, Cllr Loveday accused Mr Trump of arrogance ‘from the start’. One member of the Area Committee who expressed strong support for the TIGLS application was Cllr Anne Robertson, the leader of the Council. Cllr Robertson accepted there were environmental concerns, but said, ‘This is an exceptional application for a development which I believe can only add to the attractiveness of Aberdeen and the region. I believe this is a once-in-a-lifetime opportunity ... Can you imagine where we would be now if our predecessors had said “No” to the oil and gas industry thirty-seven years ago?’<sup>26 27 28</sup>

The Formartine Area Committee’s debate on the TIGLS application lasted for more than two hours. Most members of the Committee expressed either concern about or outright opposition to development being allowed on the SSSI. At the end of the debate, after a vote between two amendments, the Area Committee voted seven to four to support the application and referred it to the Infrastructure Services Committee. At least one councillor was either confused or changed his mind about the application between the first vote and the second vote.

The authority to take the Council’s final decision on the TIGLS planning application lay with the Infrastructure Services Committee. It considered the application at its meeting on 29 November 2007. I was at that time the Committee’s chairman.

The TIGLS application was debated at the Infrastructure Services Committee for around two and a half hours. Twelve of the fourteen councillors in the Committee spoke at least once. I cannot think of an important, relevant issue that was not raised during the debate. No councillor spoke against the concept of a golf resort on the Menie estate but most of the Committee said they had reservations about or were opposed to elements of the application they had in front of them for determination.

In its discussion of the TIGLS application, the Infrastructure Services Committee, rightly, placed great emphasis on the policies and principles set

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<sup>26</sup> *The Press and Journal*, 21 November 2007.

<sup>27</sup> *The Scotsman*, 21 November 2007.

<sup>28</sup> *The Ellon Times & East Gordon Advertiser*, 22 November 2007.

out in the development plan. However, the Committee also examined very carefully whether there were other material considerations, in particular economic benefits, that made it right to grant the application despite the many breaches of planning policies that would involve. Appropriately, given the huge scale of the TIGLS proposal, the debate went further and included discussion of whether the application was compatible with overarching national and Aberdeenshire Council policy commitments, in particular to sustainable development.

At a tactical level, consideration was given to whether refusal or deferral was more likely to result in productive negotiations with the applicant, leading to changes that would alter or remove the most damaging elements included in the TIGLS proposal. The members of the Committee were, obviously, well aware of the applicant's unusual all-or-nothing approach to seeking planning permission.

As was proper, the debate at the Infrastructure Services Committee was largely about how the TIGLS application measured up when tested against agreed policies. Some of these policies dealt with essentially practical issues, such as transport, but some, particularly the nature conservation policies, were an expression of values—values that for many people form part of individual or national identity. The nature conservation policies in effect ensured that values such as respect for the natural environment had a formal role, and carried significant weight, within the decision-making process. This was underlined during the Infrastructure Services Committee's debate by the citing of comments made earlier that autumn by Scottish Government environment minister Michael Russell MSP when he opened the UK Biodiversity Partnership conference in Aviemore. Some of what Mr Russell said on that occasion was read out on the basis that his remarks constituted a very up-to-date statement that highlighted the newly elected Scottish Government's strong commitment to nature conservation. In particular, Mr Russell was quoted as saying 'We should be deeply proud of our fantastic natural environment. It is part of our national identity... It is vital that we look after it properly.'<sup>29</sup> Mr Russell's words were advanced as an argument for refusing the TIGLS application because it was so completely contrary to national and Aberdeenshire Council policies on nature conservation, and granting the application would set such a dangerous precedent for other protected sites.

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<sup>29</sup> 'Health check for Scotland's environment', Scottish Government news release, 9 October 2007.

Two issues emerged during the Infrastructure Services Committee's debate as the chief reasons why members of the Committee were unhappy, not with the principle of a golf resort at Menie, but with the application they were considering. First, there was the severe impact on the SSSI, specifically the stabilisation of the rare and beautiful mobile sand sheet. It was recognised this would be a serious loss to science, to north-east Scotland and to future generations. Second, Committee members were concerned about the inclusion of housing for sale on the open market on land not allocated by the development plan for this purpose, and in an inappropriate location. The argument put forward, that the housing was a funding mechanism for other elements of the development, was not supported by the development plan, so there was concern too about setting a dangerous precedent.

Of course, other members of the Committee made the case for granting planning permission on economic grounds, advocating support of the recommendation put forward by the Council's planning service. A Trump golf resort, it was argued, would transform the area's tourist industry, if not the whole economy. The TIGLS proposal fitted well with economic and tourism policies. It would compensate for declining activity and employment in the North Sea oil industry. In short, this was a strategic opportunity which would secure long-term economic prosperity.

Some councillors were more cautious and questioned the economic claims and the predicted numbers of jobs. Doubts were also expressed about how well paid most of the jobs would be. Given the inclusion in the application of an accommodation block for four hundred staff, clearly a significant proportion of the jobs were not expected to be taken up by local people. So while all the councillors in the Infrastructure Services Committee agreed that a golf resort would generate economic activity, there were differing views about how much—and about who would benefit besides Mr Trump.

Then there were questions about the longer term, about how successful a vast luxury golf resort was really likely to be in north-east Scotland, and whether it would continue to be successful when energy prices and travel costs rose as action was taken on climate change. The reliance on long-distance tourism was one of several reasons why the TIGLS proposal was not—by any measure—sustainable development. During the debate, the Committee was reminded that long-term economic well-being could not be secured by damaging the environment, but only by safeguarding it.

It was pointed out that if Mr Trump had been prepared to compromise over the location of the championship golf course, the Committee would

not have been faced with such a stark choice; a golf resort or the sand sheet and wild dunes at Menie. North-east Scotland could have both if Mr Trump agreed to move his golf course. The Committee's vice-chairman, Cllr Marcus Humphrey, was one of those opposed to allowing the golf course to be built on the SSSI. He said, 'we act as guardians of this spectacular heritage for future generations...just because a particularly beautiful piece of coastline has attracted a developer is no reason why it should be developed'. Mr Trump's refusal to negotiate—particularly his insistence he would not move the championship golf course—came in for some sharp criticism from several councillors. Late in the debate, and referring specifically to Mr Trump making using the SSSI a condition for proceeding with the TIGLS development, I said, 'We are having a pistol held to our heads...You can only have it if you sell your soul. And I don't think we should sell our souls.'

At the other end of the scale, Cllr Albert Howie described the dunes as 'wasteland'. He thought a golf course would look nicer. It would be 'an improvement'.

Ultimately, the judgement councillors had to make was whether the benefits that could reasonably be expected in Aberdeenshire and Scotland outweighed the environmental damage that would be caused if the resort was built, and if changes were needed to make the proposed development acceptable, how best to secure these. The decision partly rested on a choice between the wild Menie dunes and economic gain. So it was partly a measure of the relative importance of very different things to fourteen councillors acting as representatives of the wider public.

When the Infrastructure Services Committee came to vote on the TIGLS application, three formal proposals had been made. The first option to be eliminated, because it gained the support of only five members of the Committee, was to give authority for the application to be granted subject to conditions. The decision then lay between deferral and refusal. The proposal, from Cllr Paul Johnston, to defer determining the application was, very specifically, to allow negotiation with the applicant 'in order to prevent development from taking place on the SSSI'. The proposal to refuse the application was put forward by Cllr Alastair Ross who argued the Council needed to play 'hard ball' with The Trump Organization in order to secure an acceptable development. Neither proposal was expected, or intended, to put an end to the possibility of a golf resort at Menie. The Committee's second decision, whether to defer or refuse the application, was, in effect, a choice

between 'soft' and 'hard' negotiating positions for the Council. This time the vote was a seven-seven tie.

I had voted for Cllr Ross's motion, to refuse planning permission. Now I was going to have to vote again.

It is generally accepted that a chairman's casting-vote should be used in favour of the *status quo*. In accordance with that convention, I used my casting-vote to carry Cllr Ross's motion.

The Council had decided to refuse the TIGLS application—and by the narrowest of margins.

### **The extraordinary reaction**

Unlike later events, the immediate response to the vote to refuse planning permission was mostly predictable. Objectors who had come to watch the Infrastructure Services Committee determine the TIGLS application were obviously delighted. As far as they were concerned, Aberdeenshire Council had stood up to pressure and stayed true to its environmental policies. The supporters of the application sitting in the audience, including Cllr Anne Robertson, the leader of the Council, clearly felt very differently about the final vote. Asked for her reaction by a journalist, Cllr Robertson said, 'The democratic process was followed but I can't hide my disappointment.' George Sorial, managing director for international development at The Trump Organization, gave the waiting media his view of the decision. He said, 'I think it sends out a devastating message that if you want to do big business, don't do it in the north-east of Scotland. ... It is our position that the Council has failed to adequately represent the voice and opinion of the people of Aberdeen and the shire who are ultimately the losers here.'

Later in the afternoon, once the Infrastructure Services Committee meeting was over, I was able to respond to interview requests from journalists who had not been in the audience while the TIGLS application was determined. I stressed the environmental reasons for the decision. I explained that the Committee had not rejected the idea of a golf resort at Menie but had refused the planning application it had to determine for very good reasons, in particular that the application did not comply with many of the housing and environmental policies in the development plan. I spoke of the expectation amongst Committee members that the applicant would either appeal the Council's decision, or make alterations and reapply, or do both; in this regard,



this applicant had exactly the same rights as anyone else. I emphasised that although the TIGLS proposal '*as it stood*' was not acceptable, what the Committee had said was 'Make changes', not 'Go away'. I reiterated that TIGLS could make a new application that took account of the Committee's concerns.

That evening, Aberdeenshire Council's decision to refuse the TIGLS planning application was widely reported—and not just in the UK. I even received an e-mail from New Zealand commenting favourably on the decision and quoting comments I had made that afternoon in an interview with Reuters news agency.

When contentious planning applications are determined, it is normal for people who disagree with the decision taken to express anger or disappointment. While that is expected, amongst the reactions to the decision to refuse the TIGLS planning application, almost straight away there were some that went beyond the ordinary. Very quickly there were calls for the Council to reconsider the decision, which if not unique, was certainly very unusual. Cllr Stuart Pratt, one of the five councillors in the Infrastructure Services Committee who voted in favour of granting the TIGLS application, may have been the first to argue for a reconsideration. Speaking soon after the vote to refuse the TIGLS application, Cllr Pratt said, 'This is not democracy. The Formartine Area Committee backed it with a majority, then today it was tied until the casting-vote. That means seven out of sixty-eight possible councillors turned this down. I want this referred to the full council.'<sup>30</sup>

In fact, Aberdeenshire Council could not reconsider the decision. It had been properly taken and the Council's procedures for determining planning applications precluded a determination by the full council. The impossibility of reconsideration was later confirmed by a legal opinion obtained by the Council. Clarification of whether the Council had definitely concluded its consideration of the TIGLS application was soon sought by Scottish Government officials in telephone calls with Council officers. The first of these conversations took place within hours of the Infrastructure Services Committee taking the decision to refuse the application. A number of local MPs and MSPs also contacted Aberdeenshire Council's chief executive, Alan Campbell, to inquire about the position in regard to the TIGLS application.

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<sup>30</sup> *The Press and Journal*, 30 November 2007.

The next day, Friday 30 November 2007, the Council's decision was a major news story throughout the UK and was extensively reported abroad. The coverage of the Infrastructure Services Committee meeting in the Scottish papers was generally balanced and accurate. In particular, the arguments for and against the TIGLS proposal used in the debate were mostly well reported. Less well dealt with was the voting—especially making it clear that the final vote was not a choice between giving permission and refusing it. Inevitably, there was a focus on my use of the casting-vote. In *The Press and Journal*, the Council's decision to refuse the application was reported very much as Martin Ford's decision to refuse the application.

Reaction to the Council's decision formed a large part of the news coverage and whole newspaper articles were based on comments provided to the media by politicians and others the previous evening. So, in the morning papers on 30 November, the decision to refuse the TIGLS application was praised by conservationists—and strongly condemned by business leaders and politicians. *The Press and Journal* reported a range of views: 'a mad, mad decision' (Aberdeen North MSP Brian Adam); 'It defies belief that this opportunity should be thrown away.' (Aberdeen Central MSP Lewis Macdonald); 'The Council had a chance to shoot a ball into an empty net and they have missed.' (North-east Scotland MSP Alex Johnstone); 'I do hope it will still be possible to progress this proposal.' (Gordon MP Malcolm Bruce); and 'The people of Aberdeenshire have sent Donald Trump homewards to think again.' (Shiona Baird, vice-convenor of the Scottish Green Party). Most of those giving their opinion in *The Press and Journal* strongly disagreed with the Council's decision. Mr Trump himself appears to have been uncharacteristically restrained in what he said to the press on 29 November. *The Press and Journal* reported him as saying, 'We are surprised by the decision—it would have been a great development. We are considering an appeal and also considering doing something very special in another location—sadly it will not be in Scotland.'

In its editorial, headlined 'North-east badly let down by councillors', *The Press and Journal* piled on the criticism:

With the words "We will be fine. It is the people of Aberdeenshire that were really let down by their council today," Donald Trump's representative, George Sorial, summed up perfectly the decision by the council's infrastructure services committee to throw out plans for a £1billion golf resort at Balmedie.

Make no mistake, the seven councillors who voted against—and

particularly the committee chairman, Martin Ford—have failed the north-east of Scotland by putting their own precious, narrow-minded principles before the greater good of the region.

...

When the Formartine area committee voted to support the plan earlier this month, one member warned that Aberdeenshire would be considered “a right backwater” if it rejected the Trump proposal. What a shame that some of his fellow councillors lacked that foresight.

A glorious opportunity to build future prosperity has been lost, thanks largely to one man who should never have been entrusted with the job of creating it. Welcome to La-la Land.

The various comments in *The Press and Journal* that Friday morning were effectively the starting point for a public debate on Aberdeenshire Council’s decision which then raged in Aberdeen and across Aberdeenshire for a fortnight—and which had still not fully subsided a year later. The same debate took place, at a lower intensity, across the rest of Scotland where it was less influenced, or not influenced, by the very pro-Trump stance of *The Press and Journal* and its sister paper, the *Evening Express*.

Shortly after eight o’clock that morning, Cllr Debra Storr, one of the councillors who had voted to refuse the TIGLS planning application, was assaulted at her home by a woman shouting obscenities who was very angry at the Council’s decision on the application. The assault was not serious and there was no prosecution.

I spent much of the morning being interviewed by journalists gathering material for use in radio and television news bulletins later in the day. Meanwhile angry complaints were coming into the Council and being e-mailed to individual councillors. Behind the scenes, pressure was being put on the Council by business leaders. The decision to refuse the TIGLS application was *the* topic of conversation; in Aberdeen and across Aberdeenshire, it seemed as though no-one was talking about anything else.

Then the *Evening Express* was published. The seven councillors who had voted to refuse the TIGLS application at the Infrastructure Services Committee were pictured on the front page under the headline ‘You traitors’. Pages two to seven were entirely devoted to the TIGLS story and in the Readers’ Letters section, all of the letters selected for publication were highly critical of the Council’s decision. The paper’s editorial, ‘Betrayed by stupidity of seven’, described the councillors who voted to refuse the TIGLS application at the

Infrastructure Services Committee as ‘misfits’, ‘small-minded numpties’, ‘buffoons in woolly jumpers’, ‘no-hopers’ and ‘traitors to the North-east’. The editorial called on all seven councillors to resign from the Council. Pictures of these councillors showed each councillor’s head as a turnip and the information given about them included their Council e-mail addresses.

For the rest of the day, the e-mails came in at a phenomenal rate. Furious, disbelieving, angry—full of underlinings, words in block capitals and exclamation marks. By midnight, in the order of six hundred e-mails had been sent to my Council e-mail address. A large majority expressed strong disagreement with the decision on the TIGLS application. A very few were threatening or racist (I was born and brought up in England). About 130 of the e-mails I received on 30 November were supportive of the decision to refuse or thanked me for voting as I did. Perhaps two or three e-mails expressed a neutral view.

Through the day, as the magnitude of the crisis that was overwhelming Aberdeenshire Council became more apparent, councillors panicked. There was a growing mood amongst them in favour of seeking to overturn the decision on the TIGLS application taken at the Infrastructure Services Committee. Something had to be done. At some point during the day a decision was taken and a Council news release issued. The news release contained an announcement by Council leader Anne Robertson that a special meeting of the full council would be held on 12 December. The reason given for calling the meeting was ‘the overwhelming and unprecedented public response and dismay expressed over the decision of the authority’s Infrastructure Services Committee ... to refuse outline planning permission for a golf course and resort at Menie House, Balmedie’. Cllr Robertson was quoted in the news release as saying, ‘This development has the potential to be an extremely important diversification of our economy and I personally will do all I can to keep the application alive.’

Despite extreme pressure on 30 November and subsequently, all of the councillors who had voted to refuse the TIGLS application at the Infrastructure Services Committee stood by their position. As far as I know, all of them still do.

Telephone calls to me from UK and US journalists looking for comment on the day’s events continued late into the evening. Asked about the announcement that there would be a special meeting of the full council on 12 December, I said, ‘It is perfectly true that a meeting can be called but I am confident there is no way anyone can un-take a decision made following

the correct procedures.’ Across the Atlantic, Mr Trump claimed there had been ‘rioting’ in Aberdeenshire, so great was the general disappointment at the Council’s decision. What Mr Trump said was not true. Nothing that had happened was in any sense a riot; some of it though did look very like the behaviour of a mob.

The weekend, 1–2 December 2007, offered little in the way of respite. The police advised my wife and me to stay at home and keep the doors to our house locked. The first letters of thanks arrived through the post. E-mails, most of them hostile, continued to arrive in large numbers. There was a brief pause in the media frenzy. Amongst the general public, debate and discussion about Aberdeenshire Council’s decision, and about what ought to happen next, continued unabated.

In Saturday’s papers, speculation centred on whether Aberdeenshire Council would be able to overturn its own decision to refuse the TIGLS planning application. Supporters of the TIGLS proposal were reported welcoming the decision to call a special meeting of the full council—an opportunity, they hoped, for the Council to reconsider the verdict on the planning application reached at the Infrastructure Services Committee. Mr Trump himself was quoted as saying, ‘I hope they have their meeting and vote this in. I still think we can start work in January next year.’<sup>31</sup> Opponents of Mr Trump’s plans—so jubilant just twenty-four hours earlier—were worried and deeply suspicious. They saw the calling of the special meeting as very ominous. *The Press and Journal* reported a spokesman for Sustainable Aberdeenshire as saying, ‘This is a completely outrageous decision. There is a process of appeals ... Do we just rip up the rule book?’

A large article in *The Times* contrasted my obscurity and ‘green’ life-style with Mr Trump’s high profile and ostentatious wealth.<sup>32</sup> The contrast between us was so stark—I owned a bicycle, he had a Boeing 727—it was bound to be exploited by journalists needing to find new angles on the TIGLS story. After all, not everybody wants to read about the intricacies of planning procedure. In fact, I had consciously tried to stop my position being portrayed as primarily a personal one—in interviews, reiterating only the position the *Infrastructure Services Committee* had taken on the TIGLS application, and not referring to Mr Trump by name, but as ‘the applicant’ (i.e. his role in relation to mine at the Infrastructure Services Committee). I was therefore not pleased with the way *The Times* reported the TIGLS story, putting the emphasis on Martin Ford

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<sup>31</sup> *The Press and Journal*, 1 December 2007.

<sup>32</sup> *The Times*, 1 December 2007.

versus Donald Trump. The article in *The Times*, though, by presenting the story as a clash between two very different men, made a very good point, and made it very clearly; a significant factor in the dispute over the TIGLS planning application was that it involved a clash between different life-styles (actual and aspirational) and value sets.

That Sunday, George Sorial, managing director for international development at The Trump Organization, confirmed that lawyers acting for the applicant were putting pressure on Aberdeenshire Council to reconsider its decision on the TIGLS application. Mr Sorial also said an appeal against the Council's decision was still an option under consideration.<sup>33</sup>

Monday came. Some supporters of the TIGLS proposal were now expressing concern over the actions of the *Evening Express* and the mob-like behaviour of some of the public. Maitland Mackie, a highly respected figure in the business community, was reported in *The Press and Journal* as saying, 'I am deeply disturbed, appalled even, at the level of public and private personalised vilification being cast at the seven individuals responsible for the negative votes. One needs to respect that, despite knowing the furore it would cause, each had the courage to abide by their own strongly held, legitimate, environment-first convictions.'

The turmoil in Aberdeenshire Council continued. The Trump Organization, business leaders, politicians from the four main political parties, some Aberdeenshire councillors and many members of the public were all demanding that the Council do something it could not; reverse a final decision on a planning application taken following the correct procedures. Privately, the leader of the Council was telling colleagues it was clear the Council would not be able to reconsider its decision on the TIGLS planning application at the special meeting of the full council on 12 December. Of course, the calling of that meeting, and the reasons given for doing so, had been widely seen as confirming that reconsideration was a possibility. Far from taking pressure off the Council, the calling of the special full-council meeting had given those who wanted the decision on the TIGLS application changed, including The Trump Organization, every reason to put even more pressure on the Council. If they pushed harder, they might get what they wanted yet. Nor was it just supporters of the TIGLS proposal who responded to the calling of the special full-council meeting by pressuring the Council. Objectors equally, fearing that the Council's decision to refuse the TIGLS planning application might now

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<sup>33</sup> *The Press and Journal*, 3 December 2007.

be overturned, mobilised and joined the fray. E-mails expressing outrage at Aberdeenshire Council's actions were increasingly being sent to councillors by *opponents* of the TIGLS proposal, not just by those angered by the decision to refuse it planning permission.

This situation was hellish for councillors and it was not going to end while it was generally believed that there was some possibility the Council might overturn its decision to refuse the TIGLS planning application on 12 December.

Councillors on both sides of the divide over the TIGLS proposal urged Cllr Robertson to say publicly what she was saying privately about the Council being unable to reconsider the planning application. It was not just right to tell the public the true position, some councillors said, there would be concrete benefits too. A definitive statement, from its leader, that Aberdeenshire Council could not reconsider its decision to refuse planning permission would surely ease the pressure on the Council by quietening the furious, pointless clamour for and against reconsideration. As a minimum, what Cllr Robertson had said about striving 'to keep the application alive' the previous Friday should now be removed from the Council's website. This Cllr Robertson did agree to—but the words concerned were not removed and the complete news release from 30 November remained *in situ*, on the home page, until what happened in the afternoon of Tuesday 4 December caused the Council to issue another news release.

While Aberdeenshire Council was not going to be able to overturn its decision on the TIGLS planning application, during that Monday it became clear that one decision at least certainly was going to be taken at the special meeting of the full council on 12 December. It became generally known amongst councillors that Cllr John Cox had decided to submit an emergency notice of motion calling on the Council to remove me from the position of chairman of the Infrastructure Services Committee. My continuation in this role beyond 12 December was going to depend on the loyalty and judgement of my Liberal Democrat colleagues and the attitude of the Conservatives—the other party in the Council's partnership administration.

On Monday 3 December, and through until 12 December, whether I should continue to chair the Infrastructure Services Committee became an increasingly contentious issue among the twenty-four Liberal Democrat councillors on Aberdeenshire Council. The meetings of the Aberdeenshire Liberal Democrat councillors held to try to find a position which the whole group could support quickly deteriorated into rancorous argument and abuse.



Getting agreement was impossible. Some Liberal Democrat councillors, including, bizarrely, Cllr John Loveday, insisted that I must resign, while others saw no reason why I should. Cllr Sam Coull threatened to leave the Liberal Democrat group if I was forced out. I was unequivocal; I would not resign, nor would I be complicit in my own removal. I argued that, as a general principle, it would be very dangerous to remove the chair of any planning committee for voting against a planning application, or in response to pressure from an applicant for planning permission, or to appease the supporters of an applicant for planning permission. No-one was suggesting I had acted in any way improperly or that I had erred procedurally when chairing the Infrastructure Services Committee; indeed, one cause of resentment was the *lack* of procedural errors—because of the difficulty this presented to those who wanted to nullify the decision to refuse the TIGLS planning application. As far as I was concerned, if I was to be removed from the position of chairman of the Infrastructure Services Committee, this would be done in public, openly, where everyone could see how it was done and who did it.

There were other meetings, specifically about the TIGLS planning application, on Monday 3 December. In the morning, while councillors sat arguing in Aberdeenshire Council's headquarters in Aberdeen, George Sorial was meeting with senior Council officers, including the Council's chief executive, Alan Campbell.

Mr Sorial was not impressed. He later described Aberdeenshire Council as having become 'a chaotic environment'—which, in fairness, by that Monday, it certainly was. Mr Sorial and his colleague from TIGLS, Neil Hobday, were unable to get definite answers from Council officers about whether there would be a fresh decision on the TIGLS planning application at the special meeting of the full council on 12 December. Nor could Council officers tell Mr Sorial whether a decision in favour of the TIGLS planning application by the full council would have any force in law.<sup>34</sup>

Even the most senior Council officers now appeared to be out of their depth and not to have any clear idea about what to do next.

It was after Mr Sorial and Mr Hobday met with Council officers in the morning of Monday 3 December that The Trump Organization 'lost faith in what was going on at the Council level'. At around noon, Mr Sorial gave an interview to the BBC and made public what he had already told Alan Campbell; there would be no appeal to the Scottish ministers against Aberdeenshire Council's decision

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<sup>34</sup> Official report of meeting, 6 February 2008, Scottish Parliament Local Government and Communities Committee.



on the TIGLS planning application. The Trump Organization's new position, spelt out by Mr Sorial in press interviews, hugely increased the pressure on the Council. As far as The Trump Organization was concerned, it was now up to Aberdeenshire Council to reverse its decision on the TIGLS planning application—and it would have to do so quickly or The Trump Organization would seek to build a golf resort in Northern Ireland instead.

*The Scotsman* newspaper reported Mr Sorial as saying, 'There are several reasons behind our decision not to pursue the appeals process—the length of time it would take, the uncertainty of the outcome and also other business deals that we are actively pursuing.' Mr Sorial said The Trump Organization had to decide within thirty days whether to exercise an option on 'a great piece of land in Northern Ireland'. Both *The Scotsman* and *The Press and Journal* reported that The Trump Organization had given Aberdeenshire Council a 'thirty-day ultimatum'; as Mr Sorial put it himself, 'What I told Mr Campbell and the rest of the Council was: The clock is ticking. ... There have been two different surveys in which the support of the population [for the proposed golf resort at Menie] has been put at 93 and 89 per cent. ... we know the pressure exists at the populace level and we know there are many councillors who also agree with our position. So you have to give us another hearing and you have to do it quickly because we are not going to compound one disaster with another. We are simply not going to lose another business opportunity by taking a gamble on what's going on in Scotland.'<sup>35</sup>

The Trump Organization's new stance was dismissed by Sustainable Aberdeenshire. The group's spokesman said he was not surprised by Mr Trump's latest move because 'He's been giving the Council ultimatums all along. It's consistent with his other tactics like "no houses, no deal". It's what we have come to expect.'<sup>36</sup>

I again told *The Press and Journal* that Aberdeenshire Council did not have the option of reconsidering its decision on the TIGLS planning application. I said, 'As I understand it, and I have been saying this for some days, it's quite clear there's no mechanism for going back and reconsidering the decision that's been taken. It's irrelevant who the applicant is. Mr Trump has exactly the same rights as anyone else ... He can appeal or reapply.'

I have no way of knowing whether The Trump Organization had any real intention of seeking to build a golf resort in Northern Ireland instead of at Menie. The Trump Organization's apparent consideration of an alternative

<sup>35</sup> *The Scotsman*, 4 December 2007.

<sup>36</sup> *The Press and Journal*, 4 December 2007.

site may have been no more than a negotiating tactic aimed at securing a quick planning approval in Scotland. Certainly, plenty of people were convinced Mr Trump was on the verge of abandoning Aberdeenshire and Scotland as the intended location for his first European golf venture. *The Scotsman* reported it was clear only a rapid decision by Aberdeenshire Council in favour of the TIGLS development proposal would prevent The Trump Organization 'pursuing the Northern Ireland alternative'.

The belief Mr Trump was close to losing interest in building a golf resort at Menie did not just increase the pressure on Aberdeenshire Council, it put pressure on the Scottish Government too. Within the Scottish Government, urgent discussion about the TIGLS planning application took place on Monday 3 December. John Swinney MSP, the cabinet secretary for finance and sustainable growth and as such the cabinet minister with responsibility for planning, was in New York that Monday. In the early afternoon (UK time) he telephoned the Scottish Government's chief planner, Jim Mackinnon, for an update on the position with regard to the TIGLS planning application. Mr Swinney and Mr Mackinnon discussed options for Government action but did not come to any firm view about how to proceed.<sup>37</sup>

Also during the afternoon of Monday 3 December, Alan Campbell was telephoned by Alex Salmond, the MSP for Gordon and thus the local MSP for the Menie estate. Mr Salmond asked what the latest thinking was in Aberdeenshire Council on whether the Council could reconsider its decision on the TIGLS planning application at the forthcoming special full-council meeting.<sup>38</sup>

Mr Salmond had been appointed first minister of Scotland in May 2007. As first minister, Mr Salmond was subject to the Scottish Ministerial Code including its provisions relating to planning applications. The Code said, 'One of the basic tenets of the planning system is that, in the interests of natural justice, decisions are based on an open and fair consideration of all relevant planning matters with the same information being available to all interested parties. Accordingly, *Ministers, and in particular the Planning Minister, must do nothing which might be seen as prejudicial to that process, particularly in advance of the decision being taken.*' One action 'that might be viewed as being prejudicial' instanced in the Ministerial Code was 'taking a decision, or being part of the decision-

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<sup>37</sup> Official report of meeting, 16 January 2008, Scottish Parliament Local Government and Communities Committee.

<sup>38</sup> Official report of meeting, 23 January 2008, Scottish Parliament Local Government and Communities Committee.

making process, in respect of an application which falls within the Minister's constituency'. Hence the first minister, because he was the constituency MSP, had to debar himself from involvement in any ministerial decision on the TIGLS planning application. However, *as the MSP for Gordon*, Mr Salmond could make representations on behalf of constituents about the application, provided he made it clear he was acting in that capacity and not as the first minister.<sup>39</sup>

Mr Salmond was in Aberdeenshire on Scottish-Government business on Monday 3 December. Some time after 5.00 p.m. he was driven to the Marcliffe Hotel on the outskirts of Aberdeen. There he had a private meeting with Mr Sorial and Mr Hobday.<sup>40</sup>

The meeting with Mr Salmond had been requested by The Trump Organization. It lasted around 45 minutes. Mr Sorial said later that the reason for requesting the meeting was to get an explanation of appeal procedures from Mr Salmond and, in respect of what was happening in Aberdeenshire Council, The Trump Organization wanted more information about the forthcoming special meeting of the full council. At the end of the meeting with Mr Sorial and Mr Hobday, Mr Salmond telephoned the Scottish Government's chief planner, Jim Mackinnon. Mr Salmond spoke briefly to Mr Mackinnon before handing the telephone to Mr Sorial. Mr Sorial requested a meeting with Mr Mackinnon and a meeting was arranged for the afternoon of the following day, Tuesday 4 December, in Edinburgh.

On Tuesday 4 December, prior to meeting Mr Mackinnon, Mr Sorial and Mr Hobday met with Ann Faulds, head of planning at commercial law firm Dundas & Wilson—the lawyers acting for TIGLS. On behalf of TIGLS, Ann Faulds had written to Alan Campbell on 30 November and twice on 3 December asking that Aberdeenshire Council reconsider its decision on her client's planning application, and hinting at legal action if the Council did not do so.<sup>41</sup> Now Ms Faulds raised with Mr Sorial and Mr Hobday a different way of getting the TIGLS planning application reconsidered—call-in.

Section 46 of the Town and Country Planning (Scotland) Act 1997 allows Scottish ministers to direct that any planning application be referred to them for their decision. Ministers can choose to 'call in' an application for their

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<sup>39</sup> Scottish Ministerial Code, Scottish Executive, 15 August 2003, <http://www.scotland.gov.uk/Publications/2003/08/17996/25268>, accessed 22 February 2010.

<sup>40</sup> *The Press and Journal*, 11 December 2007.

<sup>41</sup> *Sunday Herald*, 4 October 2009.

own determination at any time while the application is 'live', before the local authority has taken its decision, or afterwards. Normally applications are only called in after a decision has been made if the local authority has decided in favour of granting planning permission. It is, of course, not possible to call in a planning application after it ceases to exist because planning permission has been granted or refused.

The accepted position—derived from section 37 of the Town and Country Planning (Scotland) Act 1997—is that the date on which planning permission is granted or refused is the date on which the decision notice is sent to the applicant. It usually takes some days to prepare and issue a decision notice. Thus, on 4 December, Aberdeenshire Council still had the application from TIGLS for outline planning permission to build a golf resort at Menie. The Council had *decided* to refuse planning permission but, as no decision notice had been issued, planning permission had not been refused. There was, therefore, still a live planning application from TIGLS that could be called in.

Mr Sorial and Mr Hobday's meeting with Mr Mackinnon started at 2.20 p.m. and lasted not much more than 45 minutes. Also present from the Scottish Government was the head of planning decisions, David Ferguson. Mr Sorial asked about the call-in process and Mr Mackinnon explained it. Then the appeal process was explained.<sup>42</sup> During the meeting, Mr Mackinnon spoke to Ann Faulds on the telephone to get her understanding of why The Trump Organization was unwilling to appeal. Mr Mackinnon also telephoned Alan Campbell for an update on what was happening in Aberdeenshire Council and Mr Campbell told him it seemed clear that the Council could not reconsider its decision on the TIGLS planning application.

Mr Mackinnon had become increasingly convinced that calling in the TIGLS application was the best way forward. He had raised the possibility of calling in the application during his telephone conversation with the cabinet secretary for finance and sustainable growth, John Swinney, on Monday 3 December. So, once the meeting with Mr Sorial and Mr Hobday was over and Mr Sorial and Mr Hobday had left, Mr Mackinnon and Mr Ferguson went on to discuss whether to recommend calling in the TIGLS planning application. Mr Mackinnon and Mr Ferguson quickly agreed to recommend the immediate calling in of the application.<sup>43</sup>

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<sup>42</sup> Note of meeting, 4 December 2007, <http://www.scotland.gov.uk/Resource/Doc/923/0055115.pdf>, accessed 22 February 2010.

<sup>43</sup> 'Proposed golf resort in Aberdeenshire', Scottish Government news release, 20 December 2007.

At around 3.45 p.m., Mr Mackinnon telephoned Mr Swinney and, after a short discussion, Mr Swinney agreed that the TIGLS application should be called in. The direction calling in the application was faxed to Aberdeenshire Council at about 5.00 p.m.. The reason given for the call-in was ‘the proposal raising issues of importance requiring scrutiny at a national level’.<sup>44</sup>

On receipt of the call-in direction, Aberdeenshire Council ceased to be the planning authority for the TIGLS application. The fate of the Menie dunes—and whether the TIGLS proposal got planning permission—would now be decided by Mr Swinney.

The decision to call in the TIGLS application was immediately welcomed by Cllr Anne Robertson.<sup>45</sup>

Mr Sorial told *The Press and Journal* the call-in ‘was obviously a response to the overwhelming public outcry’. Mr Trump himself said he was ‘very honoured’. There was also strong support from business leaders for the call-in decision and praise from many MSPs.<sup>46</sup>

Above all though, there was general astonishment at the call-in decision. Most people had no idea it was even possible to call in a planning application that the local authority had already decided to refuse—but the calling in of the TIGLS application also surprised planning professionals. Very experienced planners could recall no previous instance of an application being called in after the local authority had decided to refuse planning permission, using the legal window of opportunity before the decision notice was issued.<sup>47</sup> Putting that into plain language, no other planning application had been ‘rescued’ by ministerial intervention in the way Mr Trump’s was. Effectively, Scottish ministers had lodged an appeal with themselves.

The calling in of an application to prevent it being refused can only suggest that ministers regard refusal as undesirable, which is bound to raise doubts about their impartiality in respect of determining the application. Opponents of the TIGLS proposal were quick to express their concerns about the Scottish Government being biased in favour of Mr Trump; what was the likelihood now of his application being refused? Mr Trump had

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<sup>44</sup> Direction to refer the application to Scottish ministers for determination and the covering letter, 4 December 2007, <http://www.scotland.gov.uk/Resource/Doc/216107/0057888.pdf> accessed 22 February 2010.

<sup>45</sup> ‘Trump application called in by Ministers’, Aberdeenshire Council news release, 4 December 2007.

<sup>46</sup> *The Press and Journal*, 5 December 2007.

<sup>47</sup> Official report of meeting, 30 January 2008, Scottish Parliament Local Government and Communities Committee.

already been treated differently from all other applicants for planning permission.

For Aberdeenshire Council, the calling in of the TIGLS planning application extricated the Council from an awful position. The Council's problems were clearly far from over but at least there was some prospect now of beginning the journey back to normality.

Papers for Aberdeenshire Council meetings are usually issued a week in advance. Wednesday 5 December was therefore the day the agenda for the following Wednesday's special full-council meeting became public. This was the first the media knew of Cllr John Cox's emergency notice of motion proposing that I be removed from the position of chairman of the Infrastructure Services Committee.

I responded to press inquiries by issuing a formal statement. In it, I said:

Councillors do have to be able to determine planning applications without fear or favour. Their duty is to form an independent judgement based on all the relevant facts and land-use planning considerations. We cannot have a situation where, regardless of serious problems and breaches of agreed policies, councillors are deciding how to vote because of what may happen to them if they do not vote for the application to be granted. That would compromise the integrity of the whole process.

Aberdeenshire Council dealt with the Menie application in a perfectly normal manner. It had elements that were welcomed, it had elements that were against sound planning policies which the majority of the Committee concluded meant it should not be granted as it stood. Refusal was an entirely reasonable decision in the circumstances ... taken in the full expectation that the applicant would adopt one of the courses that is generally followed in these situations—either an appeal or a new application with changes to address those aspects identified as problems by the Committee.

Following the refusal decision, the applicant has not dealt with the Council in anything like a normal manner. Instead of resubmission or appeal, the Council was given what was widely described as an 'ultimatum' to grant the application as it stood. Immense pressure was put on the Council—and seven councillors in particular—through the press, pressure that has caused real difficulties within the Council. Today, we have further evidence of this in the motion of no confidence in me as chair of the Infrastructure Services Committee.

The Council must not allow itself to be bullied. It would send a terrible signal if a bullying applicant, refused planning permission for good land-use planning reasons, is then able to secure the removal of the chair of the planning committee. It would call into question the freedom of every councillor to exercise his or her own judgement. It would undermine the credibility of the planning system in Aberdeenshire—and in Scotland—in the eyes of many. Accordingly, I shall not be resigning. We cannot allow a situation to develop where there are some applications and some applicants that we are effectively not allowed to refuse.

There was extensive coverage of Cllr Cox's move against me in local radio and television news bulletins in the evening of 5 December, and in the press on 6 and 7 December.

By this time, I was receiving supportive letters through the post on a daily basis. I was still receiving e-mails in large numbers from both opponents and supporters of the TIGLS planning application, including many commenting on events connected with the application as they happened. The TIGLS planning application was still being vigorously debated amongst the general public. By now, in the on-line polls being run by the *Evening Express* and *The Press and Journal*, about 55–60 per cent of the votes were in support of the decision to refuse planning permission.

On Thursday 6 December, *The Press and Journal* reported Mr Trump praising the decision to call in his planning application. He was quoted as saying, 'I have great respect for the ministers. I am very pleased. We have received some tremendous support for the application. I am not surprised by that. We conducted a poll and 93 per cent of people were in favour of it. Very rarely do you get something that is so universally loved and supported. ... I just hope that they can make a decision quickly.'

That afternoon, I was pictured (again) on the front page of the *Evening Express*. This time the headline was 'We want "Trump traitor" sacked'. An article inside the paper said:

Business leaders want controversial councillor Martin Ford axed from his post after the Donald Trump 'fiasco'.

They have written to Aberdeenshire Council's chief executive calling for him to be ditched.

The region's top earners and company bosses want Cllr Ford removed

from chairing Aberdeenshire's Infrastructure Services Committee and co-chairing the Aberdeen City and Shire strategic development plan joint committee.

The *Evening Express* has learned letters have been sent to chief executive Alan Campbell calling for Cllr Ford—whose casting vote booted out Trump's golf development plan—to be removed.

Yesterday the powerful Aberdeen City and Shire Economic Forum (ACSEF) met to discuss where to go now after the Scottish Government 'called in' the Trump planning application.

The group is angry Cllr Ford, a non-driver who is against airport expansion and the bypass, oversees planning matters.

One Forum member said: 'Some fairly strong things were said about Cllr Ford.

'Certainly a lot of business leaders have written to the Chief Executive of Aberdeenshire Council Alan Campbell asking for Cllr Ford to be removed.'

ACSEF said it sees the Trump application as central to the future of tourism in the North-east, and are planning to write to Finance Minister John Swinney, now overseeing the application.

On Friday 7 December, an article in *The Scotsman* highlighted the criticism that had been directed at me for giving priority to protecting the environment. The article included an explanation from Cllr Cox of why he thought I should not be the chairman of Aberdeenshire Council's Infrastructure Services Committee. Cllr Cox was reported as saying, 'The line that he has taken has been totally environmental. Cllr Ford, sitting there as chair with a single-track view, could compromise the future and the well-being of Aberdeenshire and Aberdeen ... I want to ensure that Aberdeenshire Council is seen as being open for business'.

My accusation that Mr Trump had bullied Aberdeenshire Council was also reported in *The Scotsman* on Friday 7 December—and this brought an immediate response from Mr Trump. In a lengthy telephone call to the newspaper's Stonehaven office that afternoon (UK time), Mr Trump angrily denied being a bully and stressed his own commitment to caring for the environment. In *The Scotsman* on Saturday 8 December, Mr Trump was reported as saying 'We haven't done anything other than demand a fair hearing. We are happy and honoured by the fact that the ministers called in the application. I think it's a very brave move. We didn't have anything



to do with that. What's going on in Scotland now has nothing to do with The Trump Organization bullying or demanding or strong-arming. What's happening now is that there's massive public outcry. People are not satisfied with their politicians—politicians like Martin Ford.' *The Scotsman* also reported Mr Trump had 'hinted strongly' that, rather than investing elsewhere, he was prepared to wait for Scottish ministers to rule on whether he could build a golf resort at Menie.

On—or possibly before—8 December, the BBC learned of Mr Salmond's meeting with Mr Sorial and Mr Hobday at the Marcliffe Hotel on 3 December. This was hot news. Linking this meeting with the decision to call in the TIGLS planning application, on Sunday 9 December the BBC reported that 'First Minister Alex Salmond met Donald Trump's representatives the day before ministers decided to have the final say on his golf resort plans.'<sup>48</sup>

Political opponents and opponents of the TIGLS proposal were quick to express their concerns about what Mr Salmond had done. Mike Rumbles MSP said he 'would be astounded if Alex Salmond was holding a constituency advice surgery at the Marcliffe Hotel'; his meeting with Mr Sorial and Mr Hobday therefore raised 'a huge number of questions'. It was Conservative MSP David McLetchie's opinion that people would 'smell a rat'. Mr McLetchie was widely reported to have said, 'There are already lots of concerns about the decision to call in the application. This will confirm many people's fears that this application is now a shoe-in and it's going to be rubber-stamped by the Scottish ministers, irrespective of what was decided locally.' Some MSPs questioned whether Mr Salmond had breached the Scottish Ministerial Code. The leader of the Scottish Liberal Democrats, Nicol Stephen MSP, said, 'The first minister has a clear conflict of interest and should have played no role in the planning process. His actions have been at best unwise and are potentially seriously prejudicial.'<sup>49</sup>

Mr Salmond insisted that he had done nothing wrong. He had not intervened as first minister. As the constituency MSP, he had a duty to meet constituents and to represent their interests.

The meeting at the Marcliffe Hotel and whether Mr Salmond had breached the Ministerial Code was a major news story on Monday 10 December. The whole decision-making process that led to the TIGLS planning application being called in was now under suspicion. Journalists and opposition politicians

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<sup>48</sup> 'Salmond's Trump golf team meeting', BBC News, 9 December 2007, [http://news.bbc.co.uk/1/hi/scotland/north\\_east/7135266.stm](http://news.bbc.co.uk/1/hi/scotland/north_east/7135266.stm), accessed 22 February 2010.

<sup>49</sup> *The Scotsman*, 10 December 2007.

asked their questions—resulting in more revelations about who did what immediately prior to the call-in. In the ensuing political row, accusations multiplied and the Scottish Government was forced to defend itself against charges of bias and ministerial impropriety.<sup>50</sup>

By 9.00 a.m. on Wednesday 12 December, protestors, journalists and television crews had gathered outside Aberdeenshire Council's headquarters in Aberdeen to speak to councillors arriving for the special meeting of the full council due to start at 10.15.

In its editorial on 12 December, *The Press and Journal* warned Aberdeenshire councillors that they must vote in accordance with public opinion—which the paper said was ‘overwhelmingly in favour of the Trump development’. As for me, *The Press and Journal* said, ‘much as committee chairman Martin Ford voted with his conscience and in line with his beliefs about what is best for Aberdeenshire, it is entirely inconsistent that a man one step removed from eco-warrior status is in charge of the committee mapping out the county's future. He must resign or be removed.’

In fact, the Conservative and Liberal Democrat councillors in Aberdeenshire Council's partnership administration had still not been able to agree a common position on what to do about the chairmanship of the Infrastructure Services Committee. Last-minute attempts to reach agreement, in private meetings immediately before the start of the full-council meeting, degenerated into fraught argument, shouting and chaos. I had to resign, some of my colleagues insisted. My refusal to do so was putting them in a very difficult position; they could not support me but they did not want to vote against me either. The most important thing was to ensure the survival of the partnership administration and I was putting that at risk by not agreeing to go. Surely I could see that my behaviour was both selfish and unreasonable.

Other colleagues asserted that it was impossible for me to continue as chairman of the Infrastructure Services Committee now anyway. The chairman of the Infrastructure Services Committee had to work closely with the business community—and some in the business community had made it clear they would not work with me. The Council had to listen to business leaders who were demanding that I be replaced. One way or another, the Infrastructure Services Committee would be getting a new chairman. I should accept that and step down.

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<sup>50</sup> *The Scotsman*, 14 December 2007.

Some among the Liberal Democrat councillors continued to express support for me, but they were in a minority. I knew what my fate was going to be before the full-council meeting started.

It was obvious too that some councillors were not coping with the intense pressure and were very upset by the angry and aggressive behaviour of some of their Liberal Democrat colleagues. A number of councillors were visibly distressed. At least two were in tears.

Sixty-five (out of sixty-eight) councillors were present for the special full-council meeting.

The first decision taken at the meeting was to begin the process of altering Aberdeenshire Council's procedures for determining planning applications so that in future 'major planning applications of regional or national significance' would be considered by the full council.

Next, on the Council's decision to refuse the TIGLS planning application, the Council's head of law and administration, Gordon Davidson, confirmed that the decision had been properly taken, in accordance with due process. While that decision could not be reconsidered, the application had since been called in; Aberdeenshire Council was no longer the planning authority for the TIGLS application but had the status of a consultee. As a consultee, Mr Davidson said, the Council could now express a 'general view' on the TIGLS planning application. Protests that this breached the Council's rules on not reconsidering its decisions were overruled. On a motion from the leader of the Council, the Council 'agreed that the view of the Council to be communicated to Scottish Ministers was that the Council supported the grant of planning permission for Golf Course and Resort Development at Land at Menie House, Balmedie, Aberdeen, subject to the various delegated matters, conditions and agreements proposed by the Formartine Area Committee'.<sup>51</sup>

The debate on Cllr Cox's motion lasted about half an hour. The motion was: 'Following recent public comments made by Councillor M. Ford, I believe his position as chair of Infrastructure Services Committee is no longer tenable. I move that Councillor Ford is replaced as chair of Infrastructure Services Committee to ensure that Aberdeenshire Council debates and makes decisions which benefit residents and visitors to the North East of Scotland and are not constrained or influenced by Councillor Ford's stance towards developments which do not meet his personal objectives.'

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<sup>51</sup> Minutes of meeting, 12 December 2007, Aberdeenshire Council.

During the debate, the main charge laid against me was that I had damaged the Council's relationship with its partners in the business community. It was stressed repeatedly that I had done nothing wrong. Most of the councillors who spoke expressed regret—but said I had to go.<sup>52</sup>

I spoke at the end of the debate. I began by explaining, again, why I believed it would be wrong to remove me—or the chair of any planning committee—for voting against a planning application. I pointed out that the TIGLS proposal contravened many of the Council's planning and other policies. *That* was why the Infrastructure Services Committee had voted to refuse planning permission—not because of me or my personal beliefs. Then I responded to the arguments that I was not a suitable person to be the chairman of the Infrastructure Services Committee—that I could not head the Committee because I used a bicycle and did not drive, because I had trained as an ecologist, because I did not have a background in business, because I advocated protecting the environment. I said:

Of course, I do have personal beliefs—no problem there. Everyone here has personal beliefs. We are, or are supposed to be, a pluralist, tolerant, liberal society. It is a ridiculous suggestion to say because I worked as an environmental scientist, I can't chair the Infrastructure Services Committee. Teachers have an interest in education—so do we not allow ex-teachers on the education committee? We all do something—and it is the diversity of what we do that allows this council, as a body, to be effective.

Our democracy is based on a universal franchise in which everyone, regardless of their background and economic status, has one equal vote. There is no double jeopardy. You do not have to have the further approval of any section of society or the press to then hold office. We answer to the voters, not interest groups.

The behaviour of the *Evening Express* has, I believe, been widely seen as disgraceful. Which of us is next? And how will we find people prepared to take tough decisions in the future if this is what they can expect? The Council needs to show it will support its own members in such a situation, not demonstrate that its reaction is to kick a man when he is down.

This is not a pleasant experience for any of us and I regret that John

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<sup>52</sup> *The Press and Journal*, 13 December 2007.

[Cox] felt he had to table this motion and that he has not reconsidered that decision. But at the end of the day, this is now about the Council's values. Its integrity. Its resilience under unreasonable pressure. Whether it will do the right thing.

The public are going to see what their politicians are made of this day – because you all have a vote.

Please vote against the motion.

The vote was called.

Twenty-six councillors voted for Cllr Cox's motion.

Ten councillors voted against.

Twenty-nine abstained.

I was no longer the chairman of the Infrastructure Services Committee.

## **An explanation**

'A perfectly routine, normal thing happened and then, bang, something that was not routine or normal at all.' That was how I described the decision to refuse the TIGLS planning application and its aftermath exactly a week after the decision was taken.<sup>53</sup> So why did a decision to refuse a development proposal planning permission evoke such division and strong emotions?

Clearly, the TIGLS application was no ordinary planning application. It was unusual—or unique—in many respects, including: the sheer size of the proposed development; the amount of money involved; a significant part of the application site was also a significant part of an SSSI; the reputation and behaviour of the applicant; the almost non-stop hyperbolic publicity; the enormous benefits—including status, wealth and employment—it was claimed the proposed development would bring if it went ahead; the local authority's decision to refuse planning permission was made on a casting-vote; and the application was called in after the local authority had decided to refuse planning permission.

By autumn 2007, nearly everybody in north-east Scotland was aware of the TIGLS planning application and knew a certain amount about it. Evidently, very many people were more than just aware of the application's existence; very many people felt very strongly, one way or the other, about whether

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<sup>53</sup> *The Scotsman*, 7 December 2007.

planning permission should be granted. Well before the TIGLS application was considered by the Infrastructure Services Committee it was clear—from letters published in newspapers, from the public hearing at Balmedie School, from the letters of representation—that there was great strength of feeling on both sides. It was also clear there was a range of views on both sides; people taking the same position on whether planning permission should be granted had different reasons for their stance. Certainly, some of the support for/opposition to the TIGLS planning application arose from considerations unconnected with land-use planning—for example, Mr Trump's Scottish ancestry/US origin, Mr Trump's celebrity status, personal wealth, life-style, behaviour, attitudes and reputation. Mostly though, on both sides, the issues raised were relevant planning issues. In particular, economic considerations and concerns about environmental impact, the SSSI and the proposed housing were all central to the public debate on the TIGLS planning application.

Fundamental to the case made for the TIGLS proposal was the need to diversify the economy of north-east Scotland to offset declining activity and employment in the North Sea oil industry. The economic counter argument rested, ultimately, on the need to reduce the use of natural resources to sustainable levels—and on the need to reshape the economy of north-east Scotland to meet *that* imperative. The debate about the TIGLS planning application was thus, in part, a debate about far more than whether to grant planning permission; it was, in part, a debate about what the future was going to look like and how best to prepare for it.

Some opponents of the TIGLS proposal argued it would be wrong—immoral even—to allow the destruction of irreplaceable natural habitat for private profit. To these people, economic considerations were a side issue—the main argument was about respect for nature/God's creation. There was a huge gulf between this view and the attitude displayed by some of the proponents of the TIGLS proposal—for example George Sorial, who said after the vote to refuse the TIGLS planning application on 29 November, 'The members of the Council's Infrastructure Committee [sic] have chosen to protect a pile of sand.'<sup>54</sup>

In fact, the public debate about the TIGLS planning application afforded an opportunity for people to express their views on a wide range of issues more or less relevant to the decision whether to grant planning permission. It was thus apparent that which side a person was on was very often determined

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<sup>54</sup> *The Guardian*, 30 November 2007.

by deep-seated beliefs—for example about nature conservation, consumerism or the importance of material wealth.

Over and above the strong views on the merits of the TIGLS proposal, perceived unfairness in the decision-making process also fuelled the furor that erupted following the vote to refuse the TIGLS planning application on 29 November. Objectors watched Aberdeenshire Council consider and then take the decision to refuse the TIGLS application, because it was contrary to many of the Council's policies, all in accordance with due process. The objectors then saw supporters of the application, the applicant, Aberdeenshire Council and, finally, Scottish ministers do everything they could to get the decision retaken so they could get the outcome they wanted. Supporters of the TIGLS application saw it win approval at the Formartine Area Committee and were reassured. Then, just nine days later, the Council decides to refuse planning permission after only seven—out of sixty-eight—councillors vote for refusal, and the vote in the second committee was a tie—so the decision was actually taken by one councillor who was allowed to vote twice. Unsurprisingly, at different times, both sides felt cheated. The TIGLS planning application had not been, or was not being, treated fairly—and that in itself made people angry.

Some of the controversy connected with the TIGLS planning application arose from the application being used as ammunition in on-going debates/conflict over the purpose of the planning system, its efficiency and the balance of power and rights between applicants and objectors. Hence, the business community in north-east Scotland, supported by allies in the local press, used the TIGLS application to assert a right of veto over who could chair Aberdeenshire Council's planning committees—a right the Council effectively acknowledged by agreeing to remove me in response to threats to withdraw from co-operation with the Council unless I was replaced. There was thus public debate, arising from the TIGLS application, about democracy, the distribution of power in society and the distribution of power in the planning system.

Clearly, the TIGLS proposal looked very different to different people. To some, the TIGLS proposal was a status symbol, an economic opportunity, a promise of new jobs, an exclusive golf course replacing a piece of worthless wasteland which produced nothing of value, a new up-market venue for the successful in the business community to meet socially. To others, the TIGLS proposal was a billionaire's vanity project, a symptom of materialism and greed, consumerism at its worst. It was a threat to a legally protected

conservation site, a beautiful, unique, wild place of great interest to science, an area of land valued specifically because it had not been altered to suit man's purpose, a dune system everyone had a right to walk in free. Nearly always, those supporting the TIGLS proposal had little or no interest in the site as it was—and, nearly always, those opposed to the TIGLS proposal had absolutely no interest in what was proposed. Ambivalence was very rare. This was a clash of opposites.

Perhaps it is not so surprising there was quite such a battle over the TIGLS planning application. The issues the application threw up were important to different sections of society and to people with fundamentally different beliefs/ideologies. The application was seen as a test-case for some fundamental choices. The debate over the application was also a debate about values, the economy, the using up of natural resources—the way we live now. The TIGLS application was not, as I said right at the start of this paper, 'just a planning application'.

## **Later events**

### *January–February 2008*

The Scottish Parliament Local Government and Communities Committee carried out an investigation into how and why the decision to call in the TIGLS planning application had been taken.

### *28 February 2008*

The cabinet secretary for finance and sustainable growth, John Swinney, announced there would be a public local inquiry into the TIGLS planning application.

### *14 March 2008*

Alex Salmond and John Swinney were strongly criticised by the Scottish Parliament Local Government and Communities Committee in the Committee's report on the Scottish Government's handling of the TIGLS planning application.

### *10 June–4 July 2008*

The public local inquiry into the TIGLS planning application was held at the Aberdeen Exhibition and Conference Centre.



*15 October 2008*

The report of the public local inquiry into the TIGLS planning application was received by the cabinet secretary for finance and sustainable growth, John Swinney.

*3 November 2008*

John Swinney announced that, subject to the satisfactory conclusion of a legal agreement between the applicant and Aberdeenshire Council, outline planning permission would be granted for everything included in the TIGLS planning application.

*16 December 2008*

Outline planning permission was granted for housing and a golf resort on the Menie estate, as per the TIGLS planning application.

*4 March 2009*

Ann Faulds of law firm Dundas & Wilson, acting for TIGLS, wrote to Aberdeenshire Council requesting the Council agree to use its powers of compulsory purchase under section 189 of the Town and Country Planning (Scotland) Act 1997 for the purpose of acquiring on behalf of TIGLS eight plots of land at Menie, including Michael Forbes' smallholding and three other residential properties.

*27 May 2009*

Aberdeenshire Council received five applications from TIGLS for outline planning permission for 'golf course and resort development to form part of golf course and resort development granted outline planning permission by the Scottish ministers on 16 December 2008' all relating to land at Menie not owned by Mr Trump and including Michael Forbes' smallholding and three other residential properties.

*Summer 2009*

A new group, Tripping Up Trump, launched a campaign against the use of compulsory purchase to force families from their homes at Menie.

*1 September 2009*

Aberdeenshire Council's Formartine Area Committee voted to grant planning permission in principle for 'golf course and resort development' on

the additional land at Menie Mr Trump now said was needed for his proposed golf resort.

*1 October 2009*

At an Aberdeenshire Council full-council meeting, my motion ‘Aberdeenshire Council will not use compulsory purchase powers to force Aberdeenshire residents from their own homes on or adjacent to the Menie estate’ was supported by six councillors, fifty-five councillors voted to take no decision and four councillors abstained from voting.

*Autumn 2009*

Work started on stabilising the Menie sand sheet.

*26 May 2010*

As Mr Trump was flying to Aberdeen for a visit, Tripping Up Trump announced that part of Michael Forbes’ smallholding had secretly been sold and this area of land—to be known as ‘The Bunker’—now had over sixty ‘local and celebrity owners’ all determined to fight any attempt at compulsory purchase. On arrival in Aberdeen, Mr Trump accused Mr Forbes of living in ‘a slum’, ‘a pigsty’. Mr Trump announced that he was renaming the Menie dunes ‘The Great Dunes of Scotland’.

*July 2010*

Construction of the ‘world’s greatest golf course’ got underway at Menie.

*31 January 2011*

In a statement issued by TIGLS, it was announced that the TIGLS development would be built around the properties belonging to the Menie residents who had refused to sell their homes to Mr Trump. The TIGLS statement ruled out requesting the use of compulsory purchase orders to acquire these houses. Mr Trump was quoted as saying, ‘In the end everyone will be happy—we are creating what will soon become the greatest golf course in the world.’

*Aberdeenshire Council*