

DR. CAROLINE LUCAS

Green Party  
*for the South East of England*

Commissioner Dimas  
DG Environment  
The European Commission  
200 Rue de la Loi  
B1049 Brussels  
Belgium

September 30<sup>th</sup> 2009

Dear Commissioner,

I am writing with considerable concern to alert you to a planning matter that would appear to breach European law on a number of counts and to urge you to investigate it fully.

Aberdeenshire Council in Scotland have granted outline planning permissions for a golf course and resort development by the American businessman Donald Trump. Initial outline planning permission was granted by Scottish Ministers in December 2008, after the council rejected it. Five supplementary planning applications were made earlier this year and given the go ahead a few weeks ago.

I am objecting to both rounds of applications on a number of grounds:

- This development will impact on valuable ecological sites. In particular, there are four types of dune habitat: shifting dunes, fixed or grey dunes, decalcified fixed dunes and humid dune slacks, or hollows. They are home to lichen-rich grasses, dune willow, sand sedge, common bent-grass and sheep's fescue, with soft rush, sweet grass and creeping bent-grass in the swampier areas. Scottish Natural Heritage have called the 1,400 acre site "the largest and most superlative example in north-western Europe" of a rare "dynamic dune" system in which sand moves under a 400m "dome" according to prevailing winds. The dunes are valuable habitats for a range of other wildlife including skylarks, otters, pipistrelle bats, badgers and toads. Migratory pink-footed geese also periodically nest in the dunes. As far as I am aware the site itself has not been designated a Special Protection Area under the EU's Habitats Directive although it is a listed Site of Special Scientific Interest under Scottish law. The outline planning approval does impose a series of environmental checks and control. However, I am concerned that species and habitats listed in the Habitats Directive and the Wild Birds Directive may not be adequately protected if this development is permitted to go ahead.
- Permission for the golf related development granted in 2008 was based on the conclusion that its benefits outweighed the major adverse environmental effects. An environmental statement was not submitted for any of the 5 supplementary applications. This is required under Directive 85/337/EEC, transposed as the Environmental Impact Assessment (Scotland) Regulations 1999. As a result, members of the public have been denied an opportunity to fully comment on all aspects of the applications, whilst planning officers have presumably been unable to properly advise on any environmental impact and recommended mitigation related to the development as a whole. The additional applications represent substantial additions and, as such, the process of considering potential benefits as weighed against environmental damage must be repeated under planning law.

- Planning procedure appears to have been breached, as the 5 supplementary applications were granted permission without the Council or potential objectors being privy to the nature of any development that might occur at the sites in question or how this might achieve the benefits which the developer has declared. Again, this denies members of the public their rights under EU law to be consulted as stakeholders.

I would also draw your attention to the fact that Aberdeenshire Council is poised to agree to using its powers of compulsory purchase to obtain 4 properties on land that Mr Trump wishes to develop. Under Scottish planning law CPOs are only meant to be granted for projects which have clear public infrastructure benefits, not to profit a private development. Can you confirm whether such a move by the Council can be challenged by the owners of these properties under Directive 2003/35/EC or indeed any other EU law?

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Lucas', written in a cursive style.

Caroline Lucas - Green Party MEP for South East England.