

To: Scottish Parliament Petitions Committee.

PE 1474: Answer to 'Responses' from official bodies.

Submitted by: Petitioner – David Milne on behalf of almost 20,000 signatories

This document is a combined comment on the responses from the official bodies which were asked to comment by the petitions committee on PE1474 calling for a public inquiry into the alleged mishandling and poor governance surrounding the official dealings relating to the Trump Organisation development at Menie, Aberdeenshire.

Responses have been received from five separate bodies and will be dealt with individually in turn. It should be noted that the response from Police Scotland on behalf of Grampian Police was notified to me on the 23rd of August allowing very little time for a rewrite of this submission.

In order to clarify the facts, that are either omitted or ignored by the respondents I have quoted from and referred to a number of documents that I consider to be evidentiary throughout this document. These documents are, generally, in the public domain or can be made available when the committee decides it requires further information.

The responses from the five official / semi-official bodies are generally very weak and show little regard for providing supporting comment from almost all of the respondents. The only body that appears to make a realistic response is Scottish Natural Heritage (SNH) and there are still issues to be dealt with there.

I will deal with each of the bodies that submitted responses in turn prior to moving onto other matters.

Scottish Natural Heritage (SNH)

This response, in common with the others received, is light and insubstantial. Comment is made about reports received by SNH whilst involved in the Menie Environmental Management Advisory Group (MEMAG, a toothless body provided by the Trump Organization, since dissolved, [REDACTED]) No comment is made about significant problems identified by the Ecological clerk of works and reported to MEMAG. No action appears to have been taken in relation to these issues, some of which are breaches of planning conditions (lack of otter holts being provided etc.) and whilst comment is made re an alleged bat roost at Menie House, no mention is made of a bat roost that may have existed in Leyton Farm buildings prior to their unlawful conversion to a maintenance facility. Equally no mention is made of the granting of a 'Badger license' (as described in "A Guide to Licensing" Publication No.2 from the Scottish Badger Committee Published in July 1999) to conduct tree planting operations (4metre high Sitka spruce) within the 'exclusion zone' of a badger sett adjacent to Hermit Point despite their (SNH's) own guidance document which lists the activities for which the issuing of a licence is competent. The issuing of a licence for tree planting is not on the list and is therefore not competent. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Scottish Enterprise

This document does not answer any questions and completely fails to show due respect to the petitions committee. The response makes it clear that Scottish Enterprise has 'always supported' the development and this is clear from its responses to Ms Suzanne Kelly who has asked several pertinent questions under FOI.

This organisation appears to have basically ignored any question that was posed and such questions should be posed again until such time that an honest answer is obtained. This may take some time, judging by the circuitous drivel that comprised their answers to the FOI requests lodged by others. The questions posed include requests for information relating to hospitality such as the under quoted along with its response

"Details of any hospitality (event, gift, accommodation, etc.) offered to any member of Scottish Enterprise or VisitScotland from Trump International (including Donald Trump, Trump International Golf Links Scotland, Trump International, and The Trump Organization) which pertains to the Menie Estate, Balmedie, SSSIs, setting up business in Scotland, environmental laws, finance available for golfing ventures in Scotland).

In accordance with Section 17(1)(b) of FOISA, I can confirm that Scottish Enterprise holds no information relating to any gifts or money received from Trump International, or the other related parties listed. To comply with Scottish Enterprise's Code of Conduct, the organisation maintains a register of gifts and hospitality received by employees from companies. I confirm that a search of the register has been undertaken and no entries relating to gifts or hospitality from Trump have been registered."

[REDACTED]

[REDACTED]

Scottish Government

This response again misses the point of the petition and instead focuses on the historical point which whilst a vast majority of the population recognise is wrong, it is the past and there is little we can do about it, nor do we wish to do anything about it. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The censure of the First Minister by the Scottish Parliament for his 'cavalier and unacceptable behaviour' (paraphrase) in meeting with officials of the Trump Organisation in a hotel outwith his constituency seems to be omitted entirely from their version of events as recorded in their response. The fact that this meeting was followed by an unprecedented 'call in' of a refused planning application also fails to be mentioned.

What is relevant and is brought to notice by its absence is the Aarhus convention and its possible effects (as I understand them) on the future of Scotland. In paragraph two on page two of the response it is stated that *"The decision letter, issued on 16 December 2008 ... conveying Scottish Ministers decision, advised that any person aggrieved by the decision could exercise their right and challenge the decision in the Court of Session. The decision was not challenged and the full Aberdeenshire Council has voted in favour of the development."* This ignores the fact that no 'common person' such as myself could afford the financial implications of taking a case to the Court of Session, especially when an individual or organisation (such as the Trump Organization [REDACTED]) may 'assist' the Government (as in the case versus Molly Forbes). The very fact that this situation can exist is in breach of the Aarhus convention. The basic principle of the convention is that of 'equality of arms' in matters of human rights, which this case very clearly is. This failure to comply brings into question compliance with the UK legislation generally known as 'The Scotland Act', which is the legislation that enshrines the devolution of Scotland. If a breach of this Act is allowed to continue then it may very well threaten the existence of the Scottish Parliament as we know it, not to mention the potential independence of this country.

Also mentioned in quote in the paragraph above is a vote taken by Aberdeenshire Council to show support for a planning application. The inference is that this was a unanimous vote, it was not. Not only was it questionable ethically but also quasi legally as there would undoubtedly be further applications forthcoming. This would mean that all councillors who voted in favour at this meeting may have been required to stand down from consideration of those said planning applications as they had already stated an opinion on a matter not yet decided. The other point is that this vote had absolutely no legal standing whatsoever as the formal legal position of the council at this point in time was one of refusal of the application as decided by the Infrastructure Services Committee.

In summation, a weak response from an organisation that clearly only wants to rehash old information from years ago and is unwilling to look at the current, or recent, situation as it knows there are answers it does not want to give.

Aberdeenshire Council

Firstly I refer the reader to paragraph five of the section headed **Scottish Government** which makes the attitude of the council very clear. They wish this development to go ahead despite the opinion beliefs and understanding of a significant proportion of the people whom they claim to represent.

Comments are made regarding the reporting of several council members to the Standards and Ethics Committee, it is accepted that these reports have to date been deemed unfounded despite significant evidence and belief of wrong doing being presented. It should also be noted that similar action has been taken against Councillors who actually supported their constituents but had to be dropped as no evidence for the claims existed. It is further accepted that the clock at the entrance to the estate does have planning permission even if it is typically ugly and lacking in taste. This was not a comment made by the petitioner but by a member of the petitions committee.

However it is the understanding of the petitioner that the change of use and conversion of Leyton Farm buildings from farm steading to commercial maintenance facility, does not have permission and is therefore unlawful. This has been communicated to the council and a rebuttal has been received referring to the original outline planning permission (now believed expired) as being the basis for approval of these works. However it is the understanding of the petitioner that as there were no applications for reserved matters, nor detailed applications for these works let alone presentations to committee or decision letters that these works are unlawful and indicative of the approach of Aberdeenshire Council to this development.

Comment is also made in the response to weekly visits by Council Officers, this comes from a claim by a council officer as to how well they are looking after the applications and retraction of this claim at a later date (This is explained in greater depth in the report by Suzanne Kelly entitled Menie Estate : Systems Failures and its Appendix document)

Grampian Police

It is noticeable that whilst a response has been received from Grampian Police' successors Police Scotland, it is weak and does not directly answer any of the relevant points. However bearing in mind the activities of Grampian Police in acting in the role of a private security firm on behalf of the Trump Organization, proven by numerous FOI requests and admission of 'special treatment' being afforded to the estate, not to mention the arrest of two journalists for conducting an interview, a wildlife officer permitting tree planting (with a full slew excavator) to within ten metres of a badger sett as well as sloppy reporting (a police report (obtained under FOI) relating to criminal damage and theft of a fence on my own property where the address alone is incorrect twice on a two page document) it would have been prudent and appropriate to ensure that answers are obtained from them other than via the FOI approach which they (Grampian Police / Police Scotland) are now being referred to the relevant commissioner for. This alone shows that the police in this matter have proven themselves to be untrustworthy and this is reflected in the low trust level that members of the Menie community have and the fact that should an incident occur the police will be called purely to record the fact a 'happening' has taken place, the likelihood of a successful result being miniscule.

Summation

The responses received, are weak, insubstantial and similar to those that could be expected from a school yard bully who has decided they do not want to answer any further questions whilst knowing they are in the wrong. This response, evidentiary documents (listed below) and further information that exists in the public domain, should be sufficient for any 'average individual' (*the man on the Clapham Omnibus*) to see that an inquiry is now required into the machinations of the governmental bodies and other elements of governance to push this development through at all costs against the best interests of the Scottish people, of which I am but one proud member.

It should now be evident to all that a full inquiry into these goings on at the earliest possible opportunity. It is understood that arrangement of these inquiries can take time but it should also be remembered that the Public Local Inquiry into the actual planning permission refusal was organised at great, and unexpected speed proving that it is possible when driven by political will. The public now want an inquiry into this disgraceful episode which tarnishes the reputation of this country and it should also be remembered that politicians are elected to represent the will of the people.

Supporting Evidence available either on request to the petitioner or existing in the public domain.

Documentary programmes – visual.

"Taking on Trump"	BBC	Top Left Productions
"Off Kilter"	BBC	Johnathon Eades
"Donald Trump's Golf War"	BBC	Midas Media
"You've Been Trumped"	BBC	Montrose Pictures
"The problem with Trump"	BBC	Panorama (BBC)

Reports

"Donald Trump's Ego Trip : Lessons for the new Scotland"	Andy Wightman
"Deciding the fate of a magical wild place"	Cllr Martin Ford
"Menie Estate : Systems Failures"	Suzanne Kelly
"Menie Estate : Systems Failures – Appendix"	Suzanne Kelly

Books

"Blinded by the Bling??"	David Milne
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