

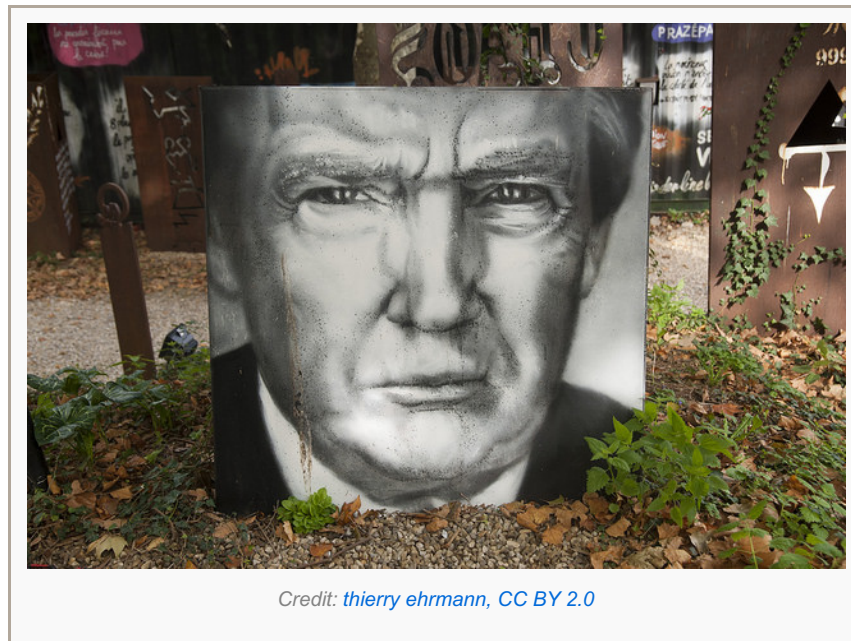
A below par performance? Donald Trump's golf resort development and government openness and transparency in Scotland

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By Democratic Audit UK

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*As Donald Trump's US presidential candidacy campaign continues to cause controversy, **Graeme Baxter** reflects on the impact the building of 'the greatest golf course anywhere in the world' has had on the openness and transparency of Scottish public authorities.*



Over the last few years I have been undertaking an historical, comparative study of public access to information about two controversial coastal building developments in North East Scotland: the construction of the St. Fergus gas terminal back in the early 1970s, and the current development of Donald Trump's golf resort – 'the Great Dunes of Scotland' – on the Menie Estate, Balmedie, first announced in early 2006. Some of the detailed results of this research can be found [here](#) and [here](#).

These two developments have much in common: both have had potential or actual impacts on environmentally sensitive sites; both projects were responsible for significant levels of public engagement in the planning processes; and both have been affected by plans for other major structures in their immediate vicinity – a Ministry of Defence radio station and an offshore wind farm, respectively. The gas terminal application was made at a time when there was little history of public participation in planning processes in Scotland, when environmental impact procedures were not yet widely accepted, when the concept of 'open government' was only beginning to emerge, and, of course, long before the appearance of the World Wide Web. In contrast, Trump's golf course development (Trump International Golf Links, Scotland; or TIGLS) has taken place when public input into planning decisions is now taken for granted, when European legislation has made environmental assessments a key element of many major development proposals, when planning application documentation is readily accessible online, and when Freedom of Information (FOI) legislation has, theoretically at least, led to more open and transparent government. Indeed, the entire golf course saga has taken place under the Freedom of Information (Scotland) Act 2002 regime, which came into force at the beginning of 2005.

Certainly, in terms of the provision of information about the planned developments, and of opportunities to respond to these plans, then those with an interest in Trump's golf course have been better placed than those who wished to have their say on the initial gas terminal proposals four decades earlier. The original [planning application](#) was effectively subject to an eight-month consultation period, and was supported by lengthy and widely available documentation (both online and offline) which detailed the plans and set out their anticipated environmental, economic and transport impacts. This allowed around 3,000 organisations and individuals to have their say on Trump's proposals before Aberdeenshire Council's infrastructure services committee initially refused planning permission in November 2007. The subsequent public inquiry, in the summer of 2008, allowed thousands more to offer their opinions on the Menie resort.

Yet, in terms of the provision of information relating to the decision-making processes, it can hardly be said that all government officials, political figures and public bodies involved with Trump's development have fully embraced the spirit of openness and transparency. Rather than being provided proactively and as a matter of course, much of the potentially controversial information pertaining to the resort has been released reactively, following FOI requests. In 2008, for example, in response to several FOI requests, the Scottish Government released over [250 documents](#) relating to the Menie application.

This was accompanied by something of a self-congratulatory statement about its commitment to open government, which was also at pains to point out that the documents showed that the then First Minister, Alex Salmond, was not party to the decision to 'call in' Trump's planning application in November 2007. However, close inspection of these documents will reveal that around 20% were the subject of considerable redaction, effectively rendering them meaningless. One extreme example from June 2006, of a message to Trump from Salmond's predecessor as First Minister, Jack McConnell, can be found [here](#). Indeed, at times, information relating to the Trump resort appears to have been released almost under duress, following interventions by the Scottish Information Commissioner. A search on the Commissioner's [decisions database](#) will show that a number of Menie-related investigations have taken place, with most finding that the public authorities concerned (including the Scottish Ministers, Scottish Enterprise and Police Scotland) had failed to comply fully with the requirements of the Scottish FOI Act or with the Environmental Information (Scotland) Regulations 2004.

On the subject of the provision, or otherwise, of environmental information relating to Trump's golf course, it is also worthwhile mentioning the Menie Environmental Management Advisory Group (MEMAG). Following the 2008 public inquiry, MEMAG was established to provide independent advice on managing and monitoring the local environment and, significantly, on complying with the relevant, environmental conditions attached to the resort's planning permission. Funded by Trump, it is known that MEMAG met for the first time in December 2009, and that it consisted of representatives of TIGLS, Aberdeenshire Council, Belhelvie Community Council, and Scotland's conservation and environmental watchdogs, Scottish Natural Heritage and the Scottish Environment Protection Agency. However, it appears to have met for the last time in January 2013. By August 2013 all minutes of its meetings had been removed from its website (then at www.memag.org.uk), and by February 2014 the entire website had disappeared.

Following repeated (and largely ignored) efforts to establish the fate and future of MEMAG, by directing FOI requests to its constituent members, I was eventually advised by Aberdeenshire Council, in June 2014, that there was indeed an obligation for MEMAG to continue, and that Trump's agents had been contacted to request a timely review of the group. To date, though, the MEMAG website remains out of action, and no further information on MEMAG has been forthcoming. It would appear that despite systematic monitoring procedures having been included as part of the planning conditions for Trump's resort, the responsible planning authority, Aberdeenshire Council has not been particularly rigorous in ensuring that these conditions are enforced.

Overall, then, despite a supposed culture of openness and transparency amongst Scottish public authorities, those bodies involved in the Trump golf course development have not always been willing to impart information in a full and timely manner. Why this should be the case must remain a matter of conjecture. Perhaps they have been concerned that the release of information might shed light on damaging political machinations. Perhaps they have

been too readily influenced by Trump, who has developed a reputation for being [litigious](#) and something of a 'bully' in his business dealings. Or perhaps the Menie case has simply reflected wider attitudes towards FOI amongst officialdom in Scotland, which led the Scottish Information Commissioner to express [recent concerns](#) about the lack of response to FOI requests. Whatever the reasons, there would still appear to be many unanswered questions regarding the building of 'the greatest golf course anywhere in the world'.

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Graeme Baxter is a Research Fellow and part-time Lecturer at Robert Gordon University, Aberdeen. His research interests include: the provision and use of government, parliamentary and citizenship information; freedom of information legislation; government consultation processes; and the use of the Internet by political parties, elected members and parliamentary candidates.

