



NOT COUL PRESS RELEASE

18th June 2018

HIGHLAND COUNCIL APPROVAL OF COUL GOLF ILLEGAL?

Not Coul today submitted a summary of its legal advice to The Highland Council. It argues that refusal is the only option open to THC, since the proposed golf development at Coul Links would be contrary to the law.

It is anticipated that this will lead to REFUSAL of the application for Planning Permission which is being reconsidered on 20th June in Inverness.

Dr Tom Dargie, Chair of the key public third party opposition group *Not Coul*, summarised the position as follows:

“The magnificent dunes at Coul Links lie within the Dornoch Firth and Loch Fleet Ramsar site. This ground is protected by an international treaty which applies to areas of outstanding importance to wetland birds and habitat. Its effect is to constrain development. ”

“The Supplementary Report for the Special Meeting on Wednesday confirms that Ramsar sites must be given the same protection as designated European sites. That means the development must be subject to an “Appropriate Assessment”. AA is a formal procedure to establish if the golf development, without reasonable scientific doubt, would have no significant adverse effect on the integrity of the Ramsar site.”

“This might seem like a question of procedure, but it is in fact absolutely fundamental. A proper assessment of the proposal could only conclude that it breaks the rules that exist to protect Ramsar sites, regardless of the scale of economic impact.”

“The Ramsar assessment provided by the PO’s report Appendix 2 is *not* an Appropriate Assessment. Critically, it lacks conclusions and an overall assessment of impact on site integrity.”

“*Not Coul’s* submission demonstrates that a proper AA, competently carried out can only conclude that an adverse effect on the integrity of the site *will occur and cannot be ruled out*. Adverse impacts are certain, even after including mitigation in the assessment process. The submission confirms the conclusion of the scientific Site Integrity Assessment by SNH.”

“It isn't a matter of weighing up claimed economic benefits vs environmental impacts; the economic impact is irrelevant because the law does not allow THC a discretion. **That means, in law, that planning permission cannot be granted.**”

“Not Coul would also take this opportunity to clear up two key factual points that seemed to be misunderstood at the committee meeting on 5th June. Firstly that “*only 7% of the site would be affected*”. SNH's testimony on 5th June clearly explained that the impacts would be significantly greater, and Appendix 2 in the Supplementary Report details multiple serious impacts *above and beyond* the 7%, including the effects of fertiliser, herbicides and pesticides on protected species. If you have any doubts about this you should consult SNH.”

“Secondly, that “*there are no other options for the future management of the site*”. Again, SNH's testimony explained that there are mechanisms available to enforce and fund responsible management. Removing invasive species that affect a tiny part of the site by replacing massive areas of pristine dune habitats with golf turf is not “*future management*” and is plainly illogical, and at the same time contrary to the law.”

[END]

NOTES TO EDITORS

- Not Coul is an unincorporated group of Third Party objectors, opposing September 2017 plans for an 18-hole golf course on the site (Highland Council application reference 17/04601/FUL) by a group of developers led by US business people Mike Keiser and Todd Warnock, and including the Coul Links landowner and Embo Trust.

- Coul Links is a stretch of coastline in East Sutherland, north of the village of Embo. Exceptionally, it is protected for its rare dune habitats and wildlife by national (Site of Special Scientific Interest), European (Special Protection Area) and international (Ramsar) designations. The Ramsar protection to date, has hardly been considered in detail. It is now becoming central.

- Coul Links is home to more than 1,200 species including the extremely rare Fonseca's Seed Fly, which is restricted *worldwide* to this stretch of coastline.

- Scottish Natural Heritage and a group of respected organisations, including RSPB Scotland, the Scottish Wildlife Trust and the National Trust for Scotland, have all objected to the proposal on the basis that it runs contrary to all the designations, Scottish Planning Policy (SPP), and the Local Development Plan, by materially compromising the environmental integrity of the site.

- The applicant claims that there is only one outstanding ‘narrow’ objection from SNH standing in the way of his vanity project. It is not narrow at all and could be an unbridgeable chasm.

Further information:

<http://www.notcoul.com/home.html>

<https://you.38degrees.org.uk/petitions/conserves-coul-links-for-nature-not-golf-1>

Attachments:

- Not Coul Further Submission: Ramsar Site and Appropriate Assessment
- THC NPAC Supplementary Report
- Image (no photo credit required)

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