Donald Trump’s Ego Trip

LESSONS FOR THE NEW SCOTLAND

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www.andywightman.com/trump

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Trump International Golf Club Scotland Limited (Company No. SC292100) has its registered office at 4th Floor, Saltire Court, 20 Castle Terrace, EDINBURGH. It trades under the name Trump International Golf Links Scotland which has a place of business at Menie Park Lodge, Menie Estate, ABERDEEN AB23 8YE

This report uses the abbreviations TIGCS and TIGLS appropriate to the context

1. INTRODUCTION

From 2006 - 2008, I was living in Ethiopia. Across a poor and unreliable internet connection, I heard tales of a golf course being planned in north-east Scotland by property tycoon, Donald Trump. The unfolding story in so far as I could follow it made me feel that something was not quite right about this development. On returning to Scotland, I slowly became aware of the drama that was unfolding in a part of the world very familiar to me. I lived in Aberdeen for 10 years and was a regular visitor to the Menie dunes, taking long walks for many miles up the dramatic coastline north of the City.

Following a visit to Menie estate early in 2010, I decided to try and document some of the issues that were causing concern and over the course of the past few months I have attempted to pull these together in this report. The purpose of this report is to provide an overview of the Trump International Golf project at Menie Estate in Aberdeenshire and to analyse the background and implementation of the project. It examines some of the controversial issues that have arisen and provides an assessment of the future of the project.

This report is being published and made publicly available. If any member of the public, of Aberdeenshire Council, Grampian Police, Trump International Golf Links Scotland, private contractors of Trump of members of the local community wish to come forward with further information I undertake to treat it confidentially. I can be contacted at mail@andywightman.com

During the course of my research, I asked Trump International Golf Links Scotland a number of questions by email. Staff at its HQ at Menie House undertook to do their best to help answer them. No answers, however, were forthcoming. If and when they do, I will publish them at www.andywightman.com/trump

2. BACKGROUND

I will start by telling you a story about a golf course build in spectacular dunes on the wild Scottish coast. It was financed by a wealthy American and designed by a famous golf architect. The course is the only one in the UK to have been built wholly within a Site of Special Scientific Interest (SSSI) and, working with Scottish Natural Heritage, the designers have created a remarkable course, built by hand which enhances the wildlife of the site. Over the 259 acres of the course, a mere 7 were disturbed during the construction. The owners are investing in a local hotel in the nearby town and have been welcomed by the local community. The course is the first 18 hole golf course in the UK to

receive certification by GEO, the Golf Environment Organisation who described it as the "world's most natural golf course" and an "exemplar of sustainable golf course management, going beyond what is required to produce an excellent links golfing experience."[1]

Welcome to Machrihanish Dunes in Kintyre.[2]

But this report is not about Machrihanish Dunes, it is about another golf course which has been developed in very different circumstances and which GEO described as constituting "a complete failure to protect one of the last few remaining wild sand dune systems in north western Europe."[3]

The story of Donald Trump's attempts to create "the greatest golf course in the world"[4] is well known as a result of extensive media coverage. But in the ongoing drama of the past 5 years since 31 March 2006, when Mr Trump first announced his intention to build a golf course at Menie, it is easy to lose sight of the bigger picture. So, let's start with a reminder of the timescale over which key events have taken place.

DATE	EVENT
2006 - 2007	Assembly of land
31 March 2006	Donald Trump announces plans for golf course and that he has bought Menie Estate
28 - 30 April 2006	Donald Trump visits Scotland
26 November 2006	Incomplete planning application lodged with Aberdeenshire Council
30 March 2007	Planning application completed by lodging of missing documents
18 September 2007	Formartine Area Committee of Aberdeenshire Council first considers the application
20 November 2007	Formartine meets and approves Outline Consent for the development
29 November 2007	Aberdeenshire Council's Infrastructure Services Committee votes to refuse application
3 December 2007	Trump announces he will not appeal
4 December 2007	Scottish Government calls in the application

[1] www.golfenvironment.org/about/news/view/machrihanish-dunes-awarded-geo-certification-1

[2] www.machrihanishdunes.com

[3] www.golfenvironment.org/about/news/view/trump.unsustainable

[4] Trump Organisation Press Release 31 March 2006

DATE	EVENT
June/July 2008	Public Inquiry held in Aberdeen
16 December 2008	Scottish Ministers grant planning approval
4 March 2009	TIGLS requests Aberdeenshire Council to use compulsory purchase powers
8 September 2009	Planning permission granted over plots of land owned and occupied by neighbouring residents
1 October 2009	Aberdeenshire Councillor Martin Ford moves a motion to oppose compulsory purchase but it is rejected
26 May 2010	Donald Trump visits Menie and renames the dunes The Great Dunes of Scotland
30 June 2010	Detailed planning consent granted for championship golf course
21 July 2010	Machrihanish opens
July 2010	Construction work begins at Menie Estate
6 - 8 October 2010	Trump visits Menie and receives honorary degree from Robert Gordon University
31 January 2010	TIGLS announces that it will not be pursuing compulsory purchase orders

Figure 1 A Timeline

3. THE EARLY DAYS

On 25 October 2005, Jack McConnell, First Minister of Scotland met Donald Trump in New York to discuss Trump's intentions to invest in Scotland. In December Trump's staff were in Scotland discussing their proposals with Scottish Development International (SDI) and were negotiating the final stages of their purchase of land at Menie Estate.

In January, the media had got wind of the story and were speculating that Trump was looking to invest in a major leisure development in Aberdeenshire.[5]

By March, Trump was ready to make his announcement and Jack McConnell was taking the view that "Trump is our most famous Global Scot and that we should continue to court him"[6] Scottish Executive officials were claiming that the First Minister should "consider making him a Global Scot - as far as we are aware, he isn't one yet, and if he were to accept, he would be, by far, the most famous one."

On 31 March 2006, Donald Trump announced plans to build "a spectacular golf development on an 800-acre stretch of stunning sand dunes at Menie Estate,

[5] Press & Journal 12 January 2006

[6] www.scotland.gov.uk/Resource/Doc/216107/0057772.pdf

Aberdeenshire."[7] The work was scheduled to commence by September 2006, with a course opening for spring 2008.

On 30 April, Jack McConnell visited Donald Trump at Menie House and invited him to become a Global Scot.[8] Trump accepted.

On 27 November 2006 (2 months after works were proposed to be commenced), an application for outline planning approval was lodged with Aberdeenshire Council. This was incomplete and and on 30 March 2007 the application was accepted with submission of further documents.

4. PLANNING

The planning system and the process of decision making have been at the heart of the controversy over the Menie golf course and it is worth providing a brief summary of how the process took place.

TIGCS submitted an application for outline planning consent on 27 November 2006. Much of the required information, however, was missing and eventually submitted on 30 March 2007. In line with Aberdeenshire Council's procedures, the application was first considered by the Formartine Area Committee on 20 November 2007. It voted 7-4 to approve the application. Because the application breached existing council planning policy, it was referred to the Infrastructure Services Committee for a final decision.

The Committee's 14 members met to make their decision on 29 November 2007. Councillor Ross seconded by Councillor Storr tabled a motion to refuse the application.

Councillor Cox, seconded by Councillor Howie, tabled an amendment that the decision be delegated to Council officials subject to conditions. Councillor Johnston, seconded by Councillor Humphrey, tabled a second amendment to defer a decision to allow time to negotiate with the applicant in order to prevent development from taking place in the SSSI.

The second amendment was carried by 9 votes to 5 and the final vote was therefore between the motion to refuse and the amendment to defer. Either way, there would be no approval given at this meeting as a result of the 9-5 vote on the amendment. The choice was now between the motion (to refuse) or the amendment (to defer). In other words, the choice was whether to play hard ball or soft ball with the applicant.

It is worth pointing out at this stage that it is perfectly normal for Councils to refuse or defer planning applications for very large developments. The normal practice is that the applicant either then appeals the decision to Scottish Ministers or negotiates with the Council and re-submits an application which better meets the concerns that have been expressed.

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[7] Trump Organisation Press Release 31 March 2006

[8] The Global Scot Network is an official brand and initiative of the Scottish Government. It is noted that *"Membership of GlobalScot is by invitation only, personal and non-transferable*." (from website accessed 4th May 2011)

Figure 2 Approved Masterplan for Menie Estate

In this case, the Committee was not unhappy with the principle of a golf course. It was merely unsatisfied with the specific proposal before it for consideration on the basis of material planning considerations that breached existing council planning policies.

As Trump was paying hard ball it appeared reasonable for the Committee to do so in the expectation that the applicant would then appeal or re-submit a modified proposal. The Committee then voted to refuse or to defer and the vote was tied 7-7. Councillor Martin Ford, the Chair, then used his casting vote to vote for the status quo. The application was refused.

What then followed was a mass outbreak of hysteria, panic and confusion among Aberdeenshire Councillors, some MSPs and much of the business community. Instead of viewing the decision as an appropriately determined refusal of a flawed application, they rounded on the Committee and its Chairman, Councillor Martin Ford.

George Sorial, Trump's Director of International Development, gave his view to the waiting media. In response to the question, "What sort of message do you think this sends out to the rest of the world?", he replied "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."

Councillor Ford put the position in a far more rational manner.

"It was not 'go away, this is all over', it was a stage in a negotiation. The Council sent out a message that developers everywhere are very familiar with, fully understand, perfectly normal. What happened subsequently, however, was anything but normal."[9]

On 3 December, Sorial announced that TIGLS would not be appealing the decision.

"We signed last week an option which we have 30 day to exercise on a great piece of land in Northern Ireland So what I told Mr Campbell and the rest of the Council was the clock was ticking ... some decision has to be made and we made it very clear that we feel its in everyone's best interests - it's in our best interests, it's in the people of Aberdeen's best interests that we have another hearing in front of the full council."[10]

Alex Salmond MSP met TIGLS later that same day to discuss their concerns and on 4 December, John Swinney, the Cabinet Secretary for Finance and Sustainable Growth called in the application for determination by him.

This was highly unusual and indeed no application had ever before been called in following a decision to refuse for the simple reason that a refusal meant that the status quo prevailed and there were therefore no planning matters to consider.

Scottish Ministers had had months in which they could have called in the application but they chose not to since they assumed it would either be approved, or, if refused, the applicant would appeal or re-submit.

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[9] Both quotes from Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010. Quote at 26:56

[10] STV News 3 Dec 2007

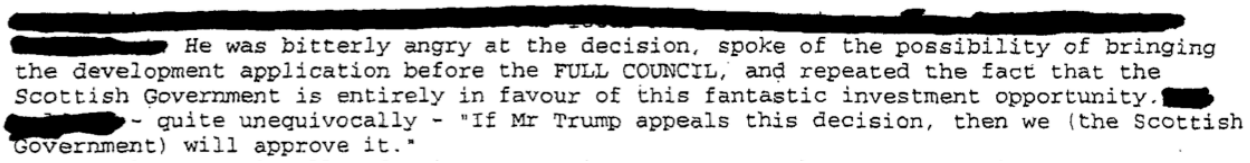
However, the Scottish Government took the view that, because a decision letter had not been issued, technically the application had not been determined and therefore they had the power to call it in. The only reason therefore that it was called in was so that it had the opportunity to be approved. Otherwise, in a matter of days, it would be refused.

A Scottish Parliamentary inquiry later examined the circumstances surrounding these events and both the report and the oral evidence are vital reading for anyone seeking to understand the power dynamics at play during this process.[11] In particular the Committee concluded that it was "concerned by Ministerial action which reinforces the view that there is preferential access for some developers and some developments over others and this clearly will undermine confidence in the balance of the planning system".[12]

In October 2010, Donald Trump made a startling claim

"I give the Scottish Executive a lot of credit. They called me and really wanted me to continue going forward. I said, 'Are you kidding? I just lost. I don't like to lose.' They said, 'No, you'll win.' They didn't want me to leave. They knew what we were doing was right, that it was going to create a lot of jobs and maybe, most importantly, that it was going to be great in terms of the psyche of Scotland because it's going to be really special."[13]

The allegation was later denied by the Trump organisation and the Scottish Government. Either way, someone's not telling the truth. But an email released in June 2008 might hold the clue as to why Trump had made such a claim. It is not clear who it is from but it contains a claim that the Scottish Government would approve the planning application.


[redacted] He was bitterly angry at the decision, spoke of the possibility of bringing the development application before the FULL COUNCIL, and repeated the fact that the Scottish Government is entirely in favour of this fantastic investment opportunity. [redacted] - quite unequivocally - "If Mr Trump appeals this decision, then we (the Scottish Government) will approve it."

As disclosed in the footer of the email, it was sent from a British Airports Authority email account. Of greater interest is the identity of the person to whom the author spoke and who appeared to be speaking on behalf of the Scottish Government.[14] As yet, this person has not been identified.

5. TRUMP's APPROACH

From the outset of this story, it was clear that Donald Trump was no ordinary developer. Both Jack McConnell and Alex Salmond have been enthusiastic admirers and the north east business community has gone out of its way to lavish praise on his entrepreneurial drive and business acumen, culminating in the award of an Honorary degree by Robert Gordon University University in October 2010.

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[11] Local Government and Communities Committee, 5th Report, 2008. Planning Application Processes (Menie Estate) www.scottish.parliament.uk/s3/committees/lgc/reports-08/lgr08-05.htm

[12] Paragraph 269. In a highly partisan vote on the report, the three SNP MSPs on the Committee dissented from this conclusion.

[13] Scotland on Sunday 26 October 2010

[14] See email released under Freedom of Information here.

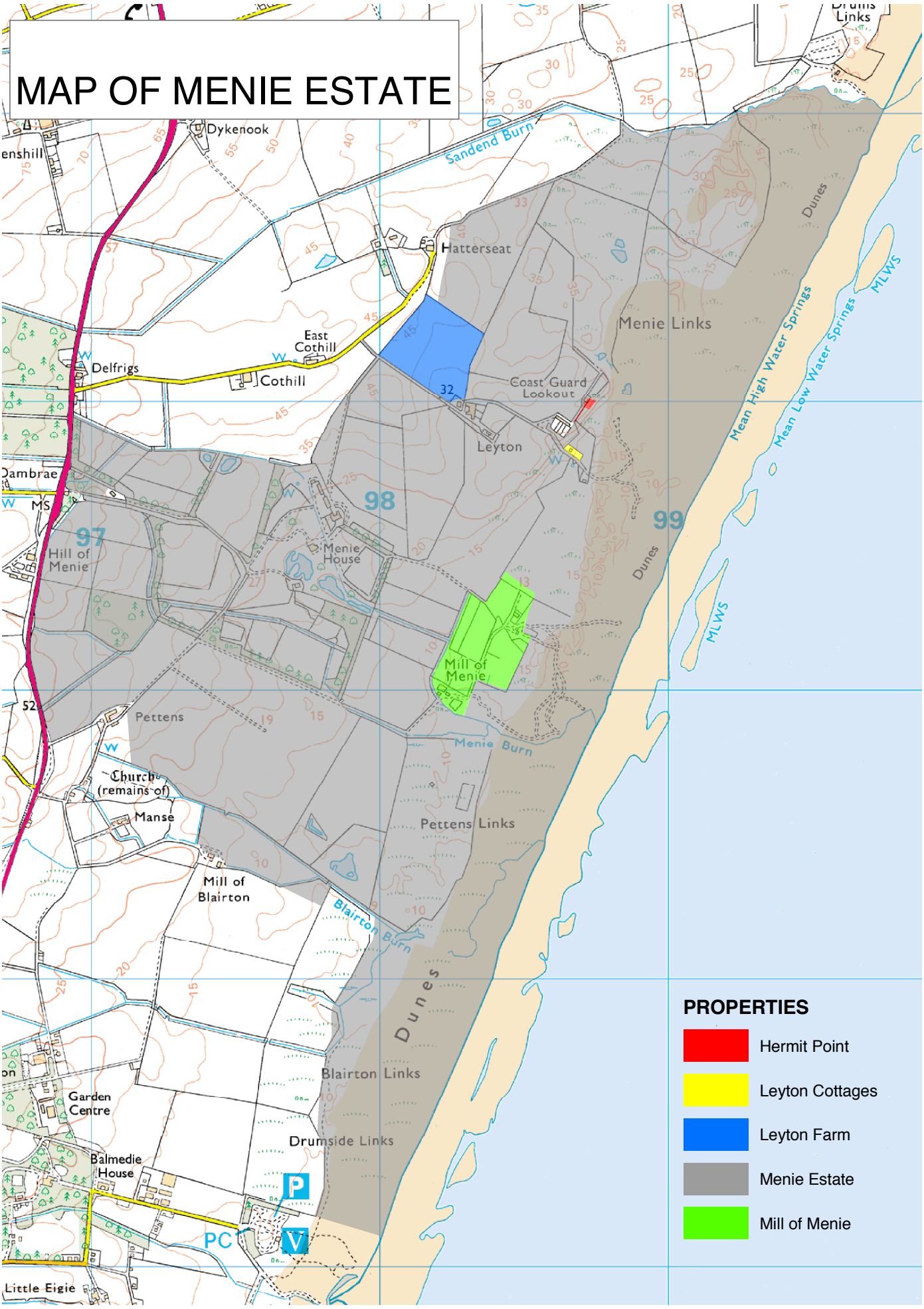

Figure 3 Landownership at Menie Estate

Donald Trump approached the business of a building a golf course in north east Scotland very much as he approached his business dealings elsewhere with a sense of showmanship, bluster, rudeness and outrageous claims. He boasted of creating the "greatest golf course in the world". He promised thousands of jobs and over £1 billion investment. He bought 800 acres of Menie Estate without seeing it in person beforehand. He did not even know that part of the land was designated as an SSSI.[15]

He even claimed in March 2006 that he would begin construction in September that year in obvious ignorance of the fact that the planning process could not possibly be concluded in such a short space of time.[16] He could not believe that the landowners whose land he wanted would respond to generous offers by politely saying "no thanks" and went on to insult local residents in public. His outbursts against local resident Michael Forbes have become infamous.

"I look at Mr Forbes and his disgusting conditions in which he lives and that people have to look at that and it's about time that somebody spoke out. It's almost like, in fact it is like a slum-like condition. For people to have to look at this virtual slum is a disgrace. Mr Forbes is not a man that people in Scotland should be proud of. I mean he's not somebody that they should be talking about. Mr Forbes is not a respected man among people that he lives with. Mr Forbes lives in a pig-like atmosphere. It's disgusting."[17]

Instead of sitting down and negotiating with environmental interests, he insisted that he needed to build in an SSSI and, as a consequence, when Aberdeenshire Council refused planning permission for his development, he did not respond as developers in the UK quite normally do by re-submitting an application or appealing but threatened to walk away. As the Chair of the Infrastructure Services Committee, Martin Ford, has observed,

"The Committee had not rejected the idea of a golf course 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."[18]

His approach has been unorthodox, bullying at times and intimidatory. As this report shows, TIGLS has taken unilateral action against neighbours including threats of court action and damage to private property. Behind the scenes, Trump Organisation staff have sneered and laughed at ordinary law-abiding residents who have never objected to the principle of a golf course development and only ever asked to be treated fairly, honestly and to have their human rights to remain on their land and in their homes in peace and free from harassment and intimidation.

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[15] Scottish Government Local Public Inquiry Reporters Report 2.1.6

[16] The Trump Organisation press release of 31 March 2006 forms part of an email released by the Scottish Government and available here. It boldly states that "planning and permitting is underway" which is misleading as no planning application had been submitted and would not in fact be competently submitted until a year later on 30 March 2007. The Press Release went on to claim that the course would be open in Spring 2008.

[17] See STV News 24 November 2009

[18] Martin Ford, 2011. Deciding the Fate of a Magical, Wild Place. Journal of Irish and Scottish Studies, vol. 4 (2), pp. 33-74. Paper available here.

6. LANDOWNERSHIP

Most of Menie Estate was sold off in the 1950s with only Menie House remaining. The previous owner, Mr Tom Griffin, began to re-acquire parcels of land to re-assemble the estate and it is these parcels that TIGLS has purchased. Starting with 800 acres by early 2006, further land was acquired to the south in 2007. Menie Estate, together with the parcels of land that were the subject of the Outline Planning application in September 2009 is shown in Figure 3.

The residents' properties were the target of early action by TIGLS. In 2005, homeowners at Menie began receiving telephone calls from a "Peter White". Ho told them that he had been shooting on the estate, had fallen in love with it and was looking to acquire a holiday home. Would they be interested in selling?

In 2006, Neil Hobday, Trump's UK Project Manager (whose full name is Neil Peter White Hobday), admitted it was he who had made the offers and that he was in fact acting for Trump. He claimed that using his middle names to try to negotiate a transaction was "standard commercial practice".[19] As part of the research for this report, I tried to find someone working in the world of commercial property who could confirm that concealing one's identity was indeed standard commercial practice but could none willing to admit so.

One small parcel of land included in the September 2009 planning application was owned by Aberdeenshire Council. On 19 January 2010, the Formartine Committee of Aberdeenshire Council approved the sale of this parcel of land to TIGLS.

As of May, 2011, many parts of the Menie Estate are still in the process of being registered on the Land Register.

7. LAND GRABS

One particular issue that has been troubling has been the TIGLS approach to identifying the boundaries of its property with the neighbouring resident owners.

The normal procedure where a dispute arises over a boundary is to make contact with the neighbour and invite a dialogue. Each side can then adduce facts and evidence from title deeds to support their case and seek to resolve their differences. If this proves impossible or there is a real legal dispute to be resolved they can choose to seek joint arbitration or either party can raise a civil action in the courts. TIGLS are understandably keen to demarcate the boundaries of their property but their approach to this has been highly unusual and unorthodox.

Michael Forbes Land Grab

On 13 June 2010, Michael Forbes, the owner of a smallholding which is surrounded on all sides by Menie estate, removed around 20 small 12" long marker flags that had been placed by TIGLS across what he regarded as his land. These flags had been placed to delineate what TIGLS regarded as the boundary between Michael Forbes' land and Menie Estate.

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[19] Scotland on Sunday 23 April 2006

As a result, Grampian Police visited Mr Forbes who directed officers to the pile of flags which he told them TIGLS were welcome to recover. Mr Forbes was then charged with theft by Grampian Police. Sarah Malone, executive vice-president of Trump International Golf Links Scotland, said the firm was not surprised by Forbes' alleged actions.

"It's unfortunate that he feels the need to resort to criminal activity but we're pleased that police are taking this very seriously."[20]

Charges were later dropped.

In late July 2010, TIGLS sent a letter to Forbes asking him to move equipment off the land that had been demarcated to the north east of his property. On 3 August 2010, TIGLS staff arrived at the north end of Forbes property with a digger and two officers from Grampian Police and began to move his salmon nets and equipment and dug up his salmon net drying equipment, removing it from what TIGLS claimed was its land but which assertion was contested by Michael Forbes.

Figure 4. Michael Forbes showing Grampian Police Officers his title deeds.

When Mr Forbes showed the police his title deeds (Figure 4), they claimed that any dispute was a civil matter and they had no locus. So why were they there? In a letter to me, Grampian Police claimed no record of any incident on 3 August. "It does, however, appear that Officers attended at the Menie Estate on 4 August in response to a call stating

[20] Herald, 20 July 2010

that protestors were present. On the attendance of Officers, it was found that no protestors were there and no offence had been committed."[21] Putting aside the confusion over the date, it appears that Officers were there on a false premise. Who had made that call that came conveniently at exactly the same time as the diggers moved in to uproot Mr Forbes' salmon net station?

Michael Forbes regarded this land as belonging to him and was angry that TIGLS was "grabbing" his land.

In order to try and ascertain where the boundary was I undertook an investigation into Michael Forbes title. It shows that the boundary of TIGCS land at the north east corner of Forbes' holding demarcated by TIGCS does indeed approximate to the true boundary. There is no doubt that both he and his uncle have used this land for over 50 years and that Michael Forbes has come to regard it as his. However, the land is clearly delineated as part of the subjects owned by TIGCS in the Land Register.[22]

Further to the south, however, neither TIGCS nor the Land Register have yet delineated the boundary between Forbes' land and Menie Estate. Records in the Registers of Scotland, however, show that land here which is claimed to be owned by Menie estate is in fact owned by Michael Forbes. Indeed there is a historic confusion over one parcel which appears to have been granted to two separate people at the same time.[23]

In the midst of a contradictory account of whose boundaries lie where, normal practice would be for one party to seek the views of the other and to attempt to reach an agreement, failing which, the matter can be tested in the civil courts. TIGLS, however, behaved in a highly questionable, arbitrary, intimidatory and unacceptable manner in the approach they adopted to demarcating the boundaries of their land. Michael Forbes possessed fixed equipment - salmon drying nets - which he and his uncle had owned for decades. In addition he had other items of equipment stored on this land. He believed that this was his land.

The Trump Organisation gave notice of their intention to remove this equipment with no explanation offered as to why (other than it was their land). A digger moved onto the site and destroyed Mr Forbes' salmon net drying station and dumped it onto what TIGLS considered to be his land. Their actions in the presence of police officers in uprooting fixed equipment was legally questionable in the circumstances since this equipment did not belong to them.

The contrast between the treatment of Forbes for removing some 12 inch flags and receiving a formal warning and the Trump Organisation removing Forbes equipment in the presence of police officers who refused to intervene is startling. To date, TIGLS have received no Written Warning from Grampian Police.

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[21] Letter from Grampian Police to Andy Wightman, 28 March 2011. ref FOI/161/11/js

[22] Title ABN10953

[23] There is also a dispute about ownership of the foreshore which TIGLS claims ownership of but which has not been granted indemnity by the Keeper of the Registers of Scotland on the basis that no evidence has been provided as to its alienation by the Crown.

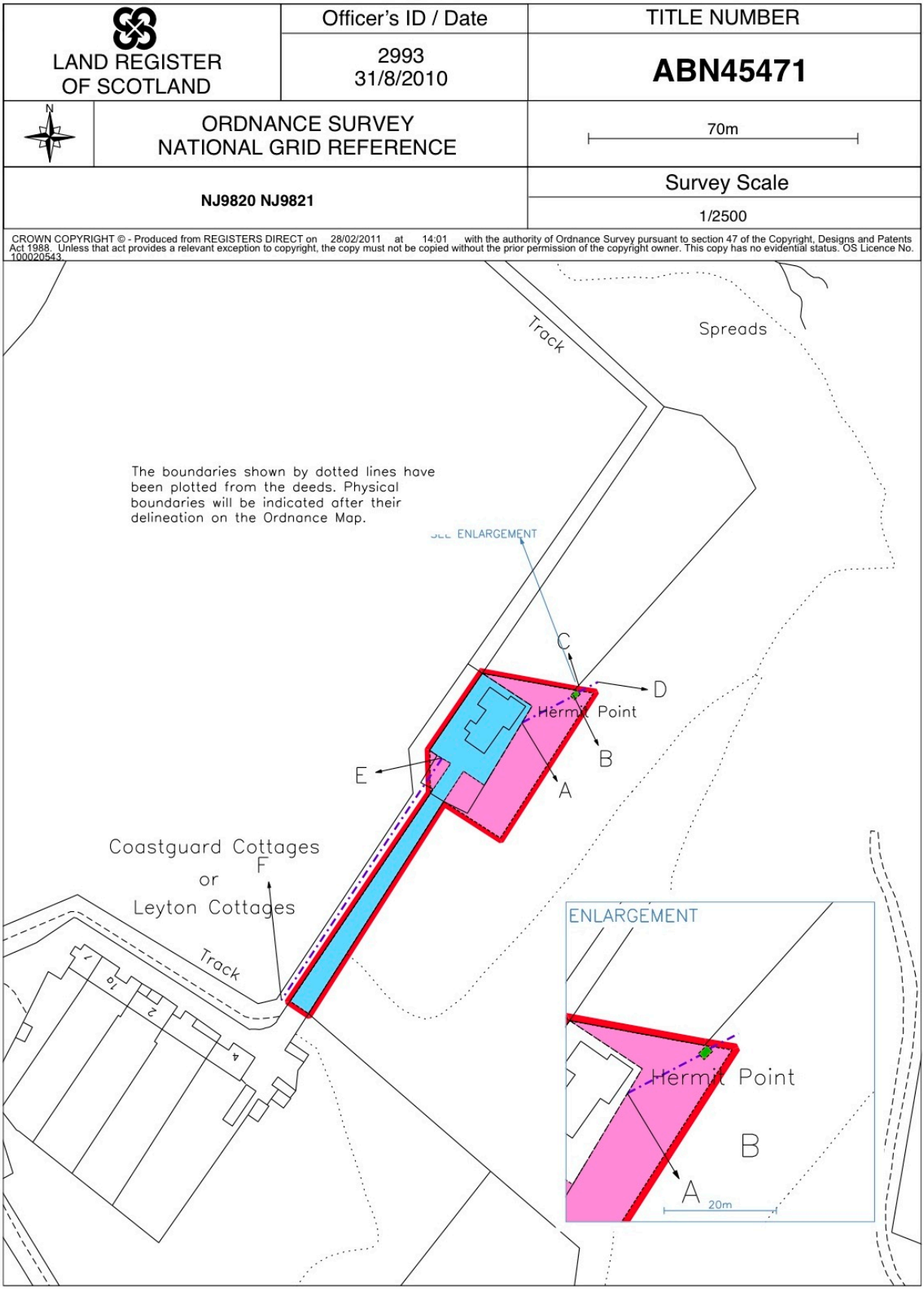

Figure 5 Hermit Point title ABN45471

David Milne Land Grab

David and Moira Milne own Hermit Point, a former coastguard Station (see Figure 3 & 5). They have a title recorded in the Land Register (ABN45471) with clearly delineated

boundaries defined on the Ordnance Survey map.[24] The boundaries of the Milnes' property is shown in Figure 5.

Figure 6 Donald Trump's convoy 7 October 2010

Figure 7 Donald Trump: "Who cares, you know what, who cares?"

On 7 October 2010, Donald Trump, George Sorial and Donald Trump jun. visited Hermit Point. David Milne asked Mr Trump and his entourage not to come onto his land. On the

[24] Section 6(1) of the Land Registration Act (Scotland) Act 1979, requires that a title be described in relation to an Ordnance Survey map

same day, Donald Trump toured the golf course to check on progress and discuss the project with his staff. The tour was being filmed by the US satellite station Golf Channel for an episode of their “Donald Trump’s Fabulous World of Golf”.[25]

At one point the entourage of Range Rovers stops on the track below Hermit Point.
As the staff get out of their vehicles, Donald Trump calls to Sarah Malone who is standing outside his Range Rover.

“Sarah, I want to get rid of that house.”

She replies, “It’s going to create a bit of a stir but if we’re up for it let’s do it.”

Trump throws his hands in the air and replies, “Who cares, you know what, who cares? It’s our property. We can do what we want. We’re trying to build the greatest course in the world .. his house is ugly ...”

Donald Trump then gets of of his Range Rover and calls for his Head Greenkeeper, Paul O’Connor. They walk down the track and stop below Hermit Point.

Figure 8 Paul O’Connor being told by Donald Trump to “use your f***** brain”

DT: “I don’t know what the f*** the problem is ..... But look, I gotta make a change if you’re not gonna do it “

PC: [indistinct]

DT: “Alright, OK, c’mon get smart, use your f***** brain OK?”

On the film, Trump then elaborates further in his office in New York.

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[25] Donald Trump’s Fabulous World of Golf. “Return to Scotland” 14 February 2011

“There are some houses quite far away from the course but nevertheless they are in view. But we are berming[26] some of the areas so that you don’t see the houses. I don’t want to see the houses ... and nobody has a problem with it ..... I guess maybe the people that live in the houses have ....”[27]

At a press conference on 8 October 2010 Trump made the following remark.

“We actually just learned that one of them may have built their house on our land so we’re having that checked out.”[28]

On 12 October 2010, Dundas and Wilson, solicitors acting for TIGCS, wrote to the Milnes as follows.

Our clients, Trump International Golf Club Scotland Limited, have advised us that you currently have a fence and part of a shed (or other building) erected on land belonging to them.

Please note that our clients now intend to remove the fence. They may, at their sole option, re-erect the fence along the legal boundary of your property as shown on the attached plan. No further notice will be issued to you in this respect.

With regard to the shed, our clients require you to remove the part of the shed that is on their land within 72 hours, failing which they reserve their right to raise an action in the Sheriff Court for removal.

Darina Kerr, Partner, for Dundas and Wilson[29]

Trump’s advisers, Dundas and Wilson, appear to have taken TIGSL’s word that any encroachment has taken place. The Milnes’ title is shown in Figure 5. The blue shows the extent of their original purchase of the property and the red is additional land acquired later.

On 18 October 2010, TIGLS contractors arrived at Hermit point and erected a new fence along the drive and around the Milne’s property.

They claimed that they were erecting a new fence along the mutual boundary between Menie Estate and Hermit Point. The new line of the fence was plotted using satellite surveying equipment.

A fence which ran alongside the approach road to Hermit Point was moved in toward the track. Fig 9 shows the original fence line in the left of the photograph. Mr and Mrs Milne have no problem with this. Although they had maintained the grass verges for many years, they were well aware that this land was in the ownership of Menie Estate. It might be presumed that this is the fence referred to in the Dundas & Wilson letter.

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[26] Berming is a US term meaning a mound of earth used as a barrier.

[27] Donald Trump’s Fabulous World of Golf. “Return to Scotland” 14 February 2011

[28] Trump Organisation press conference 8 October. This claim is, of course total and utter nonsense.

[29] See www.andywightman.com/trump for copies of original correspondence

Figure 9 New fence erected by TIGLS along drive to Hermit Point

Figure 10 Blue post erected by Trump Organisation demarcating their alleged boundary

Workers then proceeded to mark out the boundary in the immediate vicinity of Hermit Point and it was here that their motives became questionable. The surveyors claimed that the true boundary lay some 40cm or so in from the back of the Milne's garage. Fig 10 shows a blue post placed there by TIGLS which they claimed is the proper location for the corner of the Milne's property. At this point it is worth clarifying the nature of Scots land law in relation to boundaries and registration.

Under the Land Registration (Scotland) Act 1979, property boundaries on Title Sheets are to be plotted using the Ordnance Survey (OS) Map as a base.[30] Where there is a feature plotted on the OS map (such as a burn or fence), this is used to define the boundary of a property. Where there is none, the boundaries are plotted as dotted lines.

In Title ABN45471 (see Figure 5), the south and east edges of the red area are undefined on the ground. However, the western boundary of the blue area in the vicinity of the house is defined by the concrete fence which defined this original coastguard lookout station. This fence is plotted on the OS map and forms the boundary between Hermit Point and Menie Estate.

Title Sheet ABN45471 is based upon the OS 1:2500 map. By the Ordnance Survey's own admission, the absolute accuracy of this mapping is between 1.1m and 5.8m.[31] In other words, the location of, for example, the corner of a fence, might be 2 or 3 m further away in real life from where it is plotted on the map. This fact, however, makes no difference to the question of the legal boundary. Where such a boundary is in the form of a fence and such a feature is clearly delineated on the title plan as being the boundary, then it is the physical fence that is the boundary.

The blue post erected by TIGLS at the read of the Milnes' garage is approximately 90cm from the rear of the garage. When the garage was built, the rear wall lay along the fence which forms the legal boundary of Hermit Point.

What TIGLS had, in effect, done was to take the boundaries as shown on the Title Sheet and attempt to plot them where they thought they should be. This is an interesting exercise and no doubt could form the basis of a student thesis on the relative accuracy of OS 1:2500 mapping and modern satellite surveying methods. But it is meaningless in relation to the legal boundaries of land in the Land Register.

The letter from Darina Kerr, a Partner in Dundas and WIlson, instructing the Milnes to remove the rear part of their garage within 72 hours or face Court action was written on the instructions of TIGLS. The boundary of the Milne's property is not in dispute and is competently shown on their Title. If TIGLS have any issues with the boundary, the proper way for these to be resolved is to raise the matter in writing with their neighbour and seek to resolve the matter. If this failed, the option remained of taking civil action in the courts.

TIGLS, however, threatened to take court action unless the Milnes demolished their garage within 72 hours. Such a threat is not only in contravention of accepted procedures in boundary disputes but can reasonably be viewed as part of a campaign of intimidation by TIGLS. Most property owners in Scotland would be somewhat surprised and upset if the first intimation from their neighbour of a problem included the demand that a physical structure such as a garage be removed within 72 hours.

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[30] Land Registration (Scotland) Act 1979 Section 6(1)(a)

[31] See here for table

From their letter, Dundas & Wilson appear to have had no evidence that the boundary was in fact wrong, merely indicating that their clients had advised them of this. In taking their client's instructions in this matter, they appear to have done so without offering any foundation in law that would support TGCS Ltd's assertion.

The following day, on 19 October 2010, TIGLS erected a new fence along the line of what they claimed was the boundary. The fence was poorly constructed with temporary posts and chestnut pail fence (see Figure 9).

The Milnes were now surrounded by an unsightly fence which was beginning to collapse but chose to do nothing in the meantime lest further actions be taken by TIGLS. On 21 December, TIGLS sent the Milnes a letter. It read,

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Boundary Fence

Please find enclosed details of the costs incurred in relation to the
new fencing erected to demarcate the correct boundary between your
property and Trump International - Scotland .

The attached invoice is now due. Please arrange payment for half of this
invoice (£2,820.00) to be made payable to Trump International Golf
Links, Scotland.
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The letter was unsigned and attached to it was an invoice from SOL Golf Construction Ltd. to TIGLS for "Supply and erection of new boundary fence to create boundary as per land registry documents" at a total cost of £5,640.00.[32]

There was no agreement between TIGLS and the Milnes to erect this fence, it is meaningless for much of its length and it is of shoddy quality. The fact that TIGLS is prepared to send a bill for £2,820 four days before Christmas to a residential household who are living with the prospect of compulsory purchase hanging over them is not the action of someone wishing to establish good neighbourly relations. It is the actions of a bully wishing to intimidate and harass innocent, law-abiding citizens.

To compound this, in March 2011, TIGLS, imported 4m tall Sitka Spruce trees and began to plant them round the boundaries of the Milnes' house, blocking light and views. Again, no consultation or agreement was reached. The result is that the Milnes are now living in a house surrounded by something of a prison with earthwalls to the rear (see next section) and a dense belt of trees six feet from their front windows.

As Trump said, "I don't want to see the houses ... and nobody has a problem with it ..... I guess maybe the people that live in the houses have ...."[33]

Yes, Mr Trump, they do.

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[32] See www.andywightman.com/docs/trump for copies of original documents

[33] See Footnote 27.

8. EARTH WORKS AND MOUNDS

On 21 October 2010, after TIGLS removed the existing fence, a large 20 ft high mound of earth - a bund or “berming” as Donald Trump referred to it - began to be erected on the north-west side of Hermit Point (see Fig. 11). On 27 October more soil was added to the bund.

Figure 11 Bund constructed behind Hermit Point

This followed Trump’s site visit and his stated desire to “get rid” of the house and his angry exchange with Paul O’Connor below Hermit Point. That same week, Donald Trump fired O’Connor (see Fig. 12)

It was reported that Paul O’Connor refused to construct the earthen mounds at Hermit Point and to destroy trees next to Leyton Cottage. Both were contraventions of the planning approval and both operations were carried out. It was further reported that Paul O’Connor had left the employ of Trump and that sources claim that he was dismissed after refusing to be part of a “campaign of intimidation” and, specifically following his refusal to implement the proposed works which would be in breach of the planning consent.[34]

David Milne claimed that the earth works were built in order to intimidate him. But Sarah Malone, executive vice-president of Trump International in Scotland, dismissed Mr Milne’s claims and said they were just getting on with the “business of building”.

[34] Scotsman 4 November 2010

Figure 12 Donald Trump “firing” his Head Greenkeeper, Paul O’Connor

“Unfortunately David Milne appears unable to come to terms with the reality that a major golf and leisure development is being built around his property. No one is being intimidated – we are merely getting on with the business of building.

The landowners in the vicinity know that they are now living in the middle of a very large construction site and work will only increase over the coming years. The stockpiling of soil in our agricultural fields is a necessary part of the golf course construction process for which we have full planning permission.”[35]

The earthworks are understood to be a breach of planning consent and are being investigated by Aberdeenshire Council (see Fig. 14).

At around the same time, a 12 foot bund was constructed in front of Leyton Cottage. Donald Trump, speaking to course designers about the location of a tee on 7 October 2010 and looking towards the Munro’s house, said,

“I would give this some extra curve so that you’re hitting that way ...OK? You’re not hitting at the houses, you’re hitting that way. Now, that house is going to be gone because you’re putting a big dune right there ... all right? This is fantastic eh?”[36]

Finally, a large area of vegetation was stripped to the north of Leyton Cottage, again in breach of the approved planning consent (see Figure 13 & 14)

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[35] Press and Journal 4 November 2010

[36] Donald Trump’s Fabulous World of Golf. “Return to Scotland” 14 February 2011

Figure 13 Extensive vegetation stripped in contravention of planning consent

Figure 14 Approved Earthworks Plan showing no planned bunds or removal of vegetation as shown in Figures 11 and 13. Extract from Planning Consent APP/2010/1535 “Approved Earthworks 5.7.2010

9. SECURITY

The Menie Estate is patrolled by a security company which has been involved in a number of incidents involving members of the public.

On 28 March 2009, Aberdeenshire Councillor Debra Storr complained of “thuggish” behaviour after she took photographs of locked gates on the Menie Estate. Her car was blocked in by security staff who were then ordered by police to let her go.

On 27 May 2010, a horse rider was detained by Trump security following allegations that she had been riding over an area of freshly planted Maram grass.[37] The rider described the situations as follows,

"... so went for a ride down through the dunes beside the Trump area. Was outside the fences and on the path when they're (sic) security jeep drove down. Carried on back onto the beach and further down the the jeep with flashing orange lights comes powering out of the dunes and storming up the beach towards me - really motoring along, splashing through puddles, lights flashing - you can imagine how this went down with Lenny! .... Eventually 2 big fancy blacked out range rovers turn up and 4 Americans in suits jump out of each one and start accusing me of the vandalism that was in the papers a couple of weeks ago. There were really quite aggressive and if Lenny hadn't been freaking out and running round me in circles, it would have really been intimidating."

Molly Forbes live at Mill of Menie and had this to say about the TIGLS security operation.

“The security were really annoying at first because they came down six times a day. They just came down and then turned and went back and then about half an hour after they were back again ..... just for nae reason ..... it was just just hassle.”[38]

Figure 15 Trump Organisation estate security vehicle (note lack of licence plates)

TIGLS are entitled to have a security presence on the Menie Estate, particularly in light of the reported incident of vandalism and now that the construction phase has begun. But,

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[37] Press & Journal 1 June 2010

[38] http://vimeo.com/16701121

they are not entitled to harass the public. Allegations of inappropriate actions are difficult to evaluate or assess since they inevitably take place with few witnesses but it does appear that the actions of the security operation have caused residents and visitors to the estate at best inconvenience and at worst, a subtle feeling of being intimidated.

10. POLICE

As of September 2010, Grampian Police has been called to Menie Estate a total of 30 times since planning permission was granted. On one of these occasions, they were responding to an incident of vandalism. On many others, they were responding to various allegations from TIGLS.

A police source has confirmed that special attention is being paid to the property and that calls from Menie Estate have to be dealt with as a priority. TIGLS appear therefore to have what might be termed a hot line to Grampian Police over and above the service provided to ordinary residents across the rest of Aberdeenshire.

This has meant that members of the public have been the subject of attention that would not normally be given to such incidents on land elsewhere.

Perhaps the most serious incident and the one that raises the most questions over policing involved the arrest of two journalists.

11. JOURNALIST ARREST

On 30 July 2010, two journalists, Anthony Baxter and Richard Phinney were making a film investigating the social, environmental and economic cost of Donald Trump's golf course. In the course of filming Mr Forbes at work, they learnt that he, his wife and his mother had been without a water supply for a week. Concerned at this situation, Baxter and Phinney asked if Michael would mind if they went Menie House to ask what was being done to resolve the matter.

The next day they drove to the site office where all visitors are required to report but found it locked and proceeded to Menie House, where they proceeded to the estate office. The door was open and they knocked and entered. The greenkeeper, Paul O'Connor, was on the phone and they waited until the call was finished. They introduced themselves, Anthony presented his business card and explained that they were making a film. O'Connor consented to the conversation being filmed and Baxter proceeded to ask questions about the water situation. They talked for around 25 minutes before leaving.

They then drove to Leyton Cottage to undertake some filming on land owned by one of the residents. After a cup of tea, and after they had begun filming, a police car drove down the track at some speed. Two police officers, PC Wilkinson (No.0728) and PC McKay (No. 0898) told them to turn the camera off. They asked why they should do so as they were not doing anything against the law. PC Wilkinson then lunged towards Baxter and attempted to seize the camera. Baxter resisted until Wilkinson grabbed his thumb. Feeling an excruciating pain, Baxter dropped the camera and his arms were wrested behind his back and he was handcuffed and bundled into the rear seat of the police car. Phinney was asked to get in the car too and they were informed that they were being detained under Section 14 of the Criminal Procedure (Scotland) Act 1995.

Figure 16 Grampian Police arriving to arrest Anthony Baxter and Richard Phinney

They were driven to Grampian Police HQ in Aberdeen, held for four hours and had samples of their DNA taken. They were charged with Breach of the Peace and later released.

On 4 August, Grampian Police wrote to Baxter stating that they had received a report that he was responsible for the crime of Breach of the Peace at Menie House on 30 July. It went on to state that there was sufficient evidence to report the matter to the Procurator Fiscal but that on this occasion, they would, instead, be issuing a Written Warning. Baxter exercised his right to challenge this and in January 2011, the Crown Office stated that it would not be proceeding an further, all charges were dropped and the police records on the pair were destroyed.

It transpires that Paul O'Connor had informed senior TIGLS staff that he had been visited by Baxter and Phinney. They instructed him to call the police.

TIGLS spokesperson, Sarah Malone, claimed that the journalists were from the campaign group, Tripping Up Trump.[39] They were not. George Sorial claimed that the journalists "burst" unannounced into Menie House.[40] They did not - they merely knocked and entered as one would do when visiting any business premises.

Paul Holleran, the NUJ's organiser in Scotland, said that the arrests were unjustified and had important implications for press freedom.

"This is blatant example of police interference aimed at stopping bona fide journalists from doing their job. Their footage shows they were asking very pertinent questions in a mannerly fashion as befits professional journalists. I believe this is a breach of human rights, and we are taking legal advice. I think this must be one of the first court cases in

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[39] Evening Express 5 August 2010

[40] Guardian 12 September 2010

this country of journalists being arrested for just carrying out interviews to establish the truth and hold people to account."[41]

Martin Glegg, spokesperson for Tripping Up Trump, a group campaigning against the attempts to use compulsory purchase orders to force residents out of their homes, said: "I hope this sheds some light on the tactics of the Trump Organisation and the way they are wasting public money on police services to help them intimidate anyone who wants to expose the truth behind this housing and golf development."[42]

Perhaps the reason why TIGLS were so jumpy was because Donald Trump himself was that day walking the course with the Golf Channel TV crew making Episode 3 of "Donald Trump's Fabulous World of Golf". Baxter and Phinney, meanwhile, have told their story in a new feature length documentary film, You've Been Trumped.[43]

12. WATER

On 28 July 2010, the water supply to Mill of Menie was cut off and residents had to collect water from the burn. Michael Forbes made several calls to TIGLS but nothing had been done. On the day of the visit by Baxter and Phinney (see above), TIGLS had promised to fix it that morning but nobody had appeared.

TIGLS were contacted and said that the matter would be dealt with but for a week the Forbes were without water.

George Sorial, confirmed that the water was cut off when a contractor accidentally broke the water pipe supplying the Milnes' property. He claimed that "The matter was addressed immediately and it was repaired immediately."[44]

Water was restored on 3 August 2010. There is no evidence that this incident was anything other than an accident in the course of construction works albeit that TIGLS handled the incident in a negligent manner.

13. COMPULSORY PURCHASE ORDERS

TIGLS acquired the Menie Estate in a number of different parcels in 2006. The estate had been split up and sold off over the years with only Menie House remaining at the core. A number of parcels of land exist adjacent to the Menie Estate that are not owned by the estate including some that are completely surrounded by Menie Estate (see Figure 3)

- Mill of Menie smallholding
- Menie Fishing Station
- Hermit Point
- Leyton Cottage
- Aberdeenshire Council land
- Leyton Farm field
- Coastguard Cottages

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[41] Guardian, 12 September 2010

[42] Guardian, 12 September 2010

[43] See You've Been Trumped

[44] Guardian, 12 September 2010

These parcels of land were not part of the original 2006 application for planning permission. During Donald Trump's first visit to Menie Estate in April 2006, he invited residents who lived nearby to a meeting to discuss his plans and stated that "I only need 160 acres to build an 18-hole golf course, but I will do it in 200. I've got 800 acres, so I don't need your homes."[45]

Later, out in the dunes, he told the press, "We really don't need any land. We have all the land we need. To build a great golf course you need 200 acres. We have 800 acres."[46]

Nevertheless, TIGLS made offers to acquire a number of parcels of land belonging to neighbouring residents but none of the owners were willing to sell.

By 2008, TIGLS appeared to be resigned to the fact that a negotiated purchase of these parcels of land might not be possible. Shortly after the conclusion of the public inquiry in July 2008, they made a series of public statements to this effect.

Referring to the land owned by Michael Forbes, George Sorial stated that "We don't need his property. We never needed his property."[47]

In August 2008, Donald Trump was asked about plans to acquire the land owned by Michael Forbes. He replied "I don't need it. It's not in the way of what I'm doing. It's on the outskirts of what I'm doing and if I buy it that'll be fine - nothing I need."[48]

In December 2008, Scottish Ministers granted TIGLS outline planning consent.

(None of what follows was to be known publicly until July 2009.)

Early in 2009, George Sorial and Neil Hobday contacted Aberdeenshire Council and raised the question of acquiring these plots using powers of compulsory purchase.[49]

On 17 February 2009, Ann Faulds of Dundas and Wilson wrote to Christine Gore, Director of Planning at Aberdeenshire Council noting that TIGLS had already raised the possibility of a compulsory purchase order for the acquisition of land at Menie. On Friday 20 February, Faulds met Christine Gore.

On 4 March 2009, Faulds wrote formally to the Council and pointed out that following the granting of outline planning approval on 16 December 2008, TIGLS had appointed Gareth Hoskins to prepare the masterplan. In the course of this work, eight plots of land not owned by TIGCS,

"have been identified as required as being necessary for the proper planning of the development. Of those eight plots:

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[45] Scotland on Sunday 4 October 2009

[46] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 at 11:57

[47] Al Jazeera Donald Trump 22 July 2008 at 04:57. This 12 minute film is an excellent overview of the story.

[48] Donald Trump speaking on David Letterman show 8 August 2008 Part 2 from 3:46

[49] See correspondence between Ann Faulds of Dundas & Wilson and Christine Gore, Director of Planning, Aberdeenshire Council

1. One is in the ownership of the Council
2. One is a greenfield area of land at Leyton Farm
3. The remaining six form four residential properties with related land - Leyton Cottage, Hermit Point, Menie Fishing Station and the Mill of Menie residences.

The purpose of this letter is to ask the Council to exercise its powers of compulsory purchase under Section 189 of the Town and Country Planning (Scotland) Act 1997 to acquire the eight plots of land on behalf of TGLS.....

We hope that the Council will agree to facilitate the acquisition of these properties to ensure that the development is of the requisite high standard to secure the economic benefits rehearsed at the public inquiry last year."

Attached to the letter was a map showing the plots, a schedule listing the eight parcels and their owners. Also attached was a Statement of Reasons drafted in the form of a report from the Director of Planning to Members of the Council.[50] In it, the case was made that,

"The proper planning of the development of the Menie Estate to create a golf resort of the necessary high standard to secure the predicted economic benefits requires control of each of the Schedule 1 properties."

On 2 April 2009, Christine Gore and other staff at Aberdeenshire Council met with Ann Faulds, George Sorial and Donald Trump jun. The meeting discussed the possibility of a revised planning application being submitted for the development with a view to it being submitted to Full Council on 1 October 2009. The meeting also discussed the possibility of the CPO request being considered at the same meeting.

It was clear that what was being contemplated at this stage was a new planning application that would (unlike the original) include land not owned by TIGLS. That land would then become land

"required for a purpose which it is necessary to achieve in the interests of the proper planning of the area in which the land is situated."[51]

This wording matches precisely Section 89 (1)(b) of the Town and Country Planning (Scotland) Act 1997 which provides the statutory justification for the use of CPO.

A new planning application that included the parcels outwith the ownership of TIGLS would provide a far easier justification for (at the same meeting), approving the request for CPOs.

As it happened, no such revised application was forthcoming because news of the plan leaked out.

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[50] See correspondence at www.andywightman.com/trump

[51] See para 10 of Statement of Reasons cited in footnote 48

A report in the Press and Journal on 9 May claimed that Trump had written to the owners of the plots stating his wish to buy them and that the Council had sent a briefing note to Councillors raising the prospect of CPOs.[52]

On 27 May 2009, TIGLS then submitted a series of planning applications for the various parcels "to form part of" the original consent. This raised the stakes considerably since TIGLS did not own these parcels and yet, if they could become part of the original outline permission, the argument for granting CPOs would be strengthened.

Responding to press speculation that CPOS were now under active consideration, Councillor Martin Ford then decided to pre-empt any such application by asking the Council to rule out the use of CPO.

On 20 July, he submitted a notice of motion to the Council as follows

"Aberdeenshire Council will not use compulsory purchase powers to force Aberdeenshire residents from their own homes on or adjacent to the Menie estate."[53]

The motion was to be considered at the council meeting on 1 October 2009.

This was followed straightaway by a statement by Aberdeenshire Council in which it admitted for the first time that the Council "has been asked by the Trump Organisation to use its powers of compulsory purchase to acquire some areas of land which do not form part of the site for which planning permission exists".[54]

The cat was out of the bag. TIGLS had indeed applied for CPOs to be used and the fact that the Council and TIGLS had discussed the possibility of formally considering the CPOs at the October full council meeting and that this motion now appeared to frustrate that goal infuriated TIGLS.

Neil Hobday, the Project Director, could not hide his frustration

"Even from four years ago we've been talking to the Milnes, the Forbes and the others about, you know, it would be preferable and desirable to own that land em ...Little did we know as of six months ago that it would be absolutely essential."[55]

"Martin Ford has done something that is entirely inappropriate and underhand and he knows it. The prospect of compulsory purchase is not before the full council at the moment. It's been removed for the foreseeable future to allow us .. and he knows full well .. to allow us to continue our discussions and negotiations with our neighbours."[56]

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[52] Press and Journal 9 May 2009.

[53] Available here

[54] Statement issued by Aberdeenshire Council 20 July 2009 and reported in Press and Journal 22 July 2009

[55] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 at 40:05

[56] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 at 49:09

The Trump Organisation had been relying on the matter of the CPOs being kept secret. Now that their plans had been made public, it posed challenges.

During 2009, the masterplanning had been taking place and the architect, Gareth Hoskins stated that, in relation to the overall development being taken forward *without* ownership of the resident's plots,

"Obviously you can make it work within the available area ... you know you can work around about it .... you know you can accommodate the residential, you can accommodate the resort. The championship course works. You can manipulate things to get round about them but if I'm asked, does this make it a world class development, the answer is quite emphatically no."[57]

On 8 September 2009, the Formartine Area Committee of Aberdeenshire Council met to consider the planning applications for the land parcels. A new Trump was now in charge - Donald Trump junior. Speaking before the planning meeting, he raised the stakes,

"I have to know that I can build the greatest project in the world ..... It is very important for us to have those parcels. My father is going to spend a billion pounds here - cash - not getting those parcels could put the entire project in jeopardy."[58]

In December, Neil Hobday spoke to the European Golf Course Owners' Association conference in Amsterdam.

"Michael Forbes owns a strategic piece of property in the middle of the golf course. We have tried for four years to have a cordial discussion about the acquisition of his land, but regrettably the media has inflamed matters so it is very difficult to have a constructive discussion. If we can't come to an agreement with him then it is not in our hands any more."[59]

George Sorial and Donald Trump were uncompromising as the following exchange on the Golf Wars documentary highlights.

George Sorial: "We're not throwing anybody out on the street. We have made generous offers above fair market value. I don't think we're being unreasonable You're talking about two or three people right.....at the end of the day ... so?"

Donald Trump: "Well if I was in the position lets say of a Forbes or a Milne and it was going to hurt a great project, I would try and make a deal. You'd get money ..... I mean, they wanted money ... at one point Forbes had no problem selling his land then all of a sudden he got greedy."

Michael Forbes: "Liar, that's what he is just a liar. He can take his money and shove it's up his arse for me. I don't care about his money."

Donald Trump: "It'll cost probably in the end over a billion pounds and this is why when you

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[57] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 at 39:16

[58] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 at 41:04

[59] www.golfcoursearchitecture.net/Article/Trump-director-out-of-our-hands/1718/Default.aspx

spend this kind of money to the benefit of Scotland and to the benefit of Aberdeen, you don't want a slum right in the middle of it."[60]

George Sorial's claim that CPOs affect two or three people reveals a startling lack of knowledge four years after the beginning of the project. There are in fact total of 13 people directly affected by the CPOs and threatened with losing their homes.

That's 13 people living in fear of the Sheriff Officers and the bulldozers coming. It does not include all those living in the Coastguard Cottages surrounded by the Menie Estate whose properties have not been the subject of planning applications nor those who own land that is the subject of compulsory purchase but for whom it is not their home.

The meeting of the full Council on 1 October 2009 voted against Councillor Ford's motion. It did so on the basis that it would be inappropriate to rule out CPOs on any particular land in the absence of any formal proposal.

Afterwards, Sarah Malone was interviewed by STV and claimed that "The Trump Organisation has not requested that the Council consider compulsory purchase order at this present moment in time."[61] This of course was technically true as the Trump Organisation had, following the revelations of July, asked the Council to put any further consideration of their request into abeyance.

By January 2011, the Trump Organisation announced that they would not be pursuing CPOs.

"We have consistently said that we have no interest in compulsory purchase and have never applied for it. It remains part of the Scottish planning process but we have not, and will not, request that Aberdeenshire Council use their CPO powers to purchase houses. The only reason CPO was even brought up by our opposition is that they have consistently lost on every other front and this is the only way for them to continue to gain free publicity on the back of the Trump name.[62]

TIGLS were stating something they knew to be untrue. In fact, TIGLS ***had*** applied for CPO powers in March 2009. Once they were challenged on this on 31 January 2010, they claimed that the letter of 4 March was submitted to "preserve the firm's right under Scots Law to pursue CPOs if at some point it became necessary."[63]

An Aberdeenshire Council spokesman said: "We can confirm there are no live requests for the use of compulsory purchase orders at the Menie estate ... Aberdeenshire Council would only consider using CPO'S after a direct request to do so by an applicant. Such a request would be a matter for discussion by the full council."[64]

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[60] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 at 55:43 onward

[61] STV 1 October 2009

[62] Statement from Trump Organisation 30 January 2011

[63] Press and Journal 1 Feb 2011

[64] Press and Journal 1 Feb 2011

Had it not been for the release of that letter under Freedom of Information legislation, TIGLS would, in all probability have had their request considered on 1 October 2009 and it might have been granted.[65]

Conclusions

The Trump organisation initially stated that he needed 200 acres for a golf course. They had 800. There was no need to acquire more land. Then, as a result of the new masterplan they decided they did and asked the Council to invoke compulsory purchase. When this was found out, they asked that they be out in abeyance and finally, they announced they would not be pursuing them and never had done.

It is reasonable to doubt the sincerity of any of these positions in the light of what subsequently transpired. It is also reasonable to question the judgement of the Trump organisation when they claim that the extra parcels were vital and yet the project was initiated and pursued through the planning stage with no clear idea of how they would acquire this land.

The effect of this upon the affected families has been traumatic and their right to live in peace has been violated by constant threats and intimidation. The fact that the local council and the Scottish Government did nothing to stop this happening is to their eternal shame. CPOs are a reasonable and legitimate power to be exercised when a road or a hospital needs to be built. They are not a tool for evicting people from their homes because another landowner wants to build a golf course or takes the view that such a golf course or hotel will be less than world class or have its view spoiled.

The bottom line is that TIGLS had all the time and opportunity in the world to assemble the land they needed to pursue their proposals If they have failed to do this then it is, frankly, tough. Perhaps Mr Trump now realises this.

MEDIA

The development has understandably attracted a lot of media interest thanks in part to the colourful characters involved in the story. In any major news story the media has an important role to play in both informing the public and in stimulating public debate. Over the course of the past 5 years, however, it has become clear that the main newspaper group in the north-east, Aberdeen Journals, has failed to fairly and adequately reflect the range of views and opinions.

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[65] This is of course, speculation. Whilst Aberdeenshire Council might have taken a decision to grant CPOs, at the end of the day, Scottish Ministers would have to approve. Given the likely controversy it is hard to imagine the SNP Government throwing people,out of their homes.

Figure 17 Evening Express 30 November 2007

Perhaps the most notorious example of this was following the planning decision on 29 November 2009 to reject the planning application.The Evening Express published the pictures of all seven councillors who had voted against the application under the headline "You traitors". The paper's editorial, "Betrayed by stupidity of seven", described the councillors as "small-minded numpties", "misfits", "buffoons in woolly jumpers", traitors to the North-east" and "no-hopers".[66]

George Sorial was delighted

"The Evening Express did an outstanding job of capturing the feelings of the local people."[67]

Furthermore, Aberdeen Journals have taken a conscious editorial decision to exclude critical voices from being heard in the Press and Journal and Evening Express. On 12 December 2009, the Press and Journal ran what it called an "Exclusive Report" which alleged that the main critics of the development, a pressure group called Tripping Up Trump (TUT)[68], consisted of many people with "tenuous or no connections with the Aberdeenshire coastline they claim to want to protect." Martin Glegg, one of the TUT campaigners, was alleged to be co-ordinating the campaign from Glasgow. And, in a bizarre interpretation of what makes a news story, the paper revealed that TUT's legal adviser was based in Paisley.[69]

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[66] Evening Express editorial 30 November 2007

[67] Donald Trump's Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 a 28:04

[68] See www.trippinguptrump.com

[69] Press and Journal, 12 December 2009

It made no mention of the fact that Donald Trump's lawyers are based in Edinburgh. And, in a truly surreal piece of journalism, it quoted Donald Trump "speaking from a golf course in Florida"

The Press and Journal editorial then went on to make the remarkable announcement that it would no longer be reporting what TUT might care to say.

"This newspaper has given a voice to all those who have wished to become involved in the debate about Donald trump's plans. That courtesy was extended to Tripping Up Trump in the belief that it was a bona fide group of local environmentalists. Today, it has been withdrawn."[70]

The results of this decision was a new editorial policy that sought to marginalise and exclude dissent. One of the effects of this was articulated by a well-respected academic who had written some letters to the paper critical of what was going on. On one occasion, he revealed the dangerous state in which journalism at the newspaper group had got into. He had written a letter to the paper and sent it off by email.

"I've never before had to have a letter sent away to be approved. It happened on a Friday night into a Saturday morning . The letter was actually published I think on the Tuesday in the paper. They rang me up and said, basically, we can't publish this as it now is. We'll let you publish it if you agree to how we word it and I need to check with America before this is published.

I feel he [names the journalist] is probably under some sort of contract ..... so he has to be seen to be putting basically the Trump point of view. He used to be a good reporter but … I think he's under some sort of obligation."

The effect of this journalistic policy has been to stifle debate just at a time when scrutiny of the ongoing development is most needed.[71] As I reveal in this report, there are plenty issues that would merit further investigation but it appears that the newspapers with the duty to do this have decided that they would rather be the propaganda organ of a US citizen.

15. REFLECTIONS

The saga of the Trump golf course is now reaching a critical stage with approvals in place and construction started on the championship golf course. However, as this report demonstrates, the attitude of TIGLS towards local people has been intimidatory, inflammatory and plain rude.

Donald Trump's approach has been to try and get his own way at every turn. However, even Mr Trump is not able to command nature and there remain questions as to whether a golf course can in fact be constructed in dune slacks with a high water table and in the largest mobile dune systems in the UK.

No-one has ever attempted to build a golf course in the middle of a mobile sand dune. As Scottish Natural Heritage notes,

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[70] Press and Journal 12 December 2009

[71] Fortunately, Aberdeen citizens have responded bravely with online news such as Aberdeen Voice

“large scale movements and associated redistribution of bare sand within the SSSI have been dramatic. The sand edge has migrated 200m inland during a 27 year period. The position of the northern margin in 1949 barely overlapped the 2006 position of the southern margin.”[72]

And as Dr Jim Hansom made clear at the Public Inquiry,

“Measurement of the sand sheet margins show northward movement of the Menie sand sheet of between 14m/yr. and 4m/yr. since 1959.”[73]

The Great Dunes of Scotland may yet have the last word but before they do, TIGLS should acknowledge the shortcomings in their attitude and resolve to become a responsible developer.

But even if that were to happen, the Trump Organisation themselves clearly harbour doubts as to the wisdom of the whole venture. George Sorial, filmed in Trump Tower, overlooking Manhattan, ventured the claim that “For this project to every really be great, we need to have a hotel and I would challenge anyone to find a developer that would put a hotel on that site with some of the properties that are currently there in the states they are.”[74]

This is the land that, for years, the Trump Organisation told us they didn’t need. There remains no guarantee that Mr Trump will not again attempt to have powers of compulsory purchase invoked. The project has another ten years or so to go before completion.

Perhaps this vanity project will indeed end in tears on a rock of hubris and recrimination. If it does, at least the long suffering residents of the Menie Estate will be able to live in peace once more and those responsible for bringing about this saga can reflect on their role and consider whether this is in fact the kind of sustainable development we want in the new Scotland.

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[72] SSSI Management Statement 1 February 2002

[73] Hansom precognition

[74] Donald Trump’s Golf War by Midas Productions. First broadcast on BBC 2 Scotland 15 November 2010 a at 46:46