

**EXTRACT FROM MINUTE OF MEETING OF THE INFRASTRUCTURES SERVICES  
COMMITTEE ON 29 NOVEMBER, 2007**

**8. OUTLINE PLANNING PERMISSION FOR GOLF COURSE AND RESORT  
DEVELOPMENT AT LAND AT MENIE HOUSE, BALMEDIE, ABERDEEN  
(REF NO. F/APP/2006/4605)**

With reference to the Minute of the Formartine Area Committee of 20 November, 2007 (Appendix 6, Item 2), there had been circulated a report dated 21 November, 2007 by the Director of Planning and Environmental Services requesting consideration of an application for Outline Planning Permission which the Formartine Area Committee had recommended for approval as a departure from both the Structure and Local Plans.

The Director of Planning and Environmental Services summarised to the Committee that Members and their substitutes were provided with copies of the reports to the Formartine Area Committee at the time of publication. Members had also been given the opportunity to attend the site visit which took place on 27 September and to attend, and participate in, the public hearing that followed. Therefore Members had ample opportunity to familiarise themselves with the detail of the application and the Director limited the introduction to the application to matters of policy and principle, these being the remit for the Committee's consideration of the matter.

The Director highlighted that the application was for Outline Planning Permission and summarised that the applicant's agents had confirmed their willingness to discuss the details of design, appearance, methods of construction, etc with the Council and relevant external organisations including Architecture and Design Scotland, in preparation for the submission of the various applications for reserved matters approval that would be required if outline consent was granted for this development. Members were reminded that the application had been the subject of extensive consultation and that the responses had been outlined in some detail by the Area Committee reports. In addition, the application had attracted a substantial number of representations, both giving support, and objecting, to the application and all representations had been available for inspection by Members. The Committee was reminded that the main issues arising from the proposal were the impact of the development on geomorphology and ecology, the principle of the proposed housing on land not allocated for this purpose in the current Local Plan and the overall landscape impact of the development. The proposal to build part of the championship golf course on land designated as a Site of Special Scientific Interest (SSSI) had generated a strong objection from Scottish Natural Heritage (SNH) and was the foundation of many of the objections from other consultees and those submitting representations against the proposal. Discussions had taken place with the applicants regarding the possibility of moving the golf course away from the SSSI site, and therefore removing concerns in this regard. However, the applicants had been clear that they were not willing to relocate the golf course as it was the dune location which had the potential to make it a world class facility. The Council's environmental policies provided that development that had an adverse impact on an SSSI would only be permitted where the impact was outweighed by social and economic benefits of national importance. In relation to the housing element of the proposal, the site had not been allocated for housing in the Local Plan and it could not be considered as an enabling development which was very tightly defined within planning policy as development which would enable the restoration of a listed building at risk. Looking at the housing element in a wider context, work in relation to the new Structure Plan for the north east had identified an overriding need for a considerable amount of housing land over the next 25 years, and developing along the A90 corridor had been put forward as one of the various options within the spatial strategy. However the applicants had clearly indicated that the housing was required to cross-subsidise the golf resort and it was also proposed that it would facilitate the level of investment required to bring forward the entire development. It was highlighted to Members that there were very stringent conditions proposed within the recommendations including

several to control the phasing of the development, to ensure the whole development was delivered.

The Director indicated that there was a recognised need to diversify the economic base of the Aberdeen City and Shire region and the scale of the tourism element of this proposal was considered to be significant in this context. The level of capital investment of the development was itself of national significance as was the level of spend it would generate. In addition to this, there was a national and international profile that a development of this nature would generate for the North East of Scotland and for Scotland as a whole.

Members were informed that this was an exceptional application and had required a great deal of thought from officers and their conclusion was a recommendation for a delegated grant of planning permission. Members were reminded that there had been discussion at the Formartine Area Committee on 20 November, 2007 and the Committee had resolved to include some amendments to the officers' recommendations and therefore the recommendations included in the draft minute of the Formartine Area Committee was what Members were being asked to consider.

There then followed a lengthy debate amongst Members. The following comments were made against the application:-

- The application failed a broad range of both Council and National planning policies.
- The SSSI was a site of significant importance and was the reason for many objections. It was believed that by developing on this site, it would remove the very reason why it was designated a SSSI.
- In building a golf course, the dunes would have to be stabilised and would affect the dune formation process. The wildlife and flora and fauna benefited from the shifting nature of the dunes.
- Reference was made to the RSPB consultation response on the effect to the dune system and the repercussions this would have on Scotland as a whole, due to the destruction of nationally rare habitats on an important SSSI.
- Objections had been received from a variety of groups including Scottish Natural Heritage, a statutory body, and their concerns should not be ignored.
- The housing element of the development was not considered necessary in order to develop the rest of the site.
- It was unlikely the site in question would be identified for a housing development in any future Local Plan.
- The housing was not considered to be diverse and mixed. There was a greater need for affordable housing in the area, not luxury accommodation.
- Concern was expressed over the level of access to the beach or within the complex itself for locals and visitors alike.
- The scale and size of the development was considered to be much larger than similar golfing resorts in Scotland and was too large for this location. It was not just a hotel, but included a new village which would impact on the infrastructure and resources of the surrounding area.
- The social and economic benefits of the development that were considered by officers to be sufficient in justifying setting aside the environmental protection policies were not justified as the benefits were not of overwhelming national significance.
- Concern was expressed over the economic studies that had been undertaken in relation to the application, as the studies were undertaken on information provided by the applicant and there had been a lack of independent scrutiny of the information provided.
- While economic development in the area could be welcomed, concern was expressed as employing contractors to build this development, could displace other activities in the North East.

- It was recognised that tourism was of great importance to the North East but for many visitors, the reason they came to the north east was for the solitude and the natural environment and this development would be detrimental to its surrounding landscape.

In support of the application, the following comments were made:-

- Diversification was key to the long term economic future of the North East, and the economic impact of the development would be beneficial for the whole region.
- While concerns were recognised over developing the SSSI site, there were a variety of other golf courses across Scotland situated on SSSI sites and therefore there were policies and guidelines for such developments.
- It was not in the interest of the applicant to destroy the landscape as this was the very reason the site had been selected.
- In developing the Local Plan, an application such as this could not have been foreseen and the opportunity should be taken to benefit from the planned nature of the development.
- The Strategic Housing Forecasts identified that 50-60,000 houses were required within the next 25 years, therefore a variety of housing would be required to be built across Aberdeenshire.
- In relation to the scale of the development, there were comparable resorts across Europe, and the size of the development would allow it to compete in the same market.
- The application was for an Outline Planning Permission and therefore further details would have to come forward. The applicant had already acknowledged that work would be done in conjunction with the Council and other advisory bodies in the design and landscaping of the site. Work had also been done to mitigate the effects of the development through various conditions that would be attached to any planning permission.
- There was a recognised need in the North East for hotel accommodation.
- An opportunity such as this did not come twice. There was the opportunity to build a world class facility in the North East of Scotland that would incorporate the surrounding landscape and be of benefit to all.
- The facility would put North East Scotland on the map and help promote the area to tourists and businesses alike.

During discussion, Members sought clarification from officers on a variety of issues and the following comments were made. It was highlighted to members that should the application be agreed to, it was proposed that the Menie Environmental Management Advisory Group would be set up and would include Council officials, and possibly elected members, and other groups, to monitor the scientific and conservation issues on the site and to advise on appropriate mitigation measures and best practice construction and maintenance techniques. A mechanism would be devised by which to oversee the on-site development and ensure that the conditions attached to any planning permission were adhered to. In response to comments on the connection to the A90, it was explained that as the A90 was a trunk road it was outwith the Council's ability to specify the precise nature of any new junction for this, however suspensive conditions could be attached in this regard. Members were also reminded that a full design process had yet to be undertaken and that imposing conditions on the height of buildings and other such measures could limit the design process in a negative manner.

Comment was made by Members on the process the application would follow, should it either be granted or refused. It was outlined that if the application was granted, it would be referred to Scottish Ministers as the application was a significant departure from the Structure and Local Plans and as a consequence of objections from Scottish Natural Heritage. Scottish Ministers may then decide to call in the application and there could then be a Public Inquiry. If the application was refused, the applicants could appeal to the Scottish Ministers where there may also be a Public Inquiry. In either situation the Reporters

Unit would assess the decision, and could impose its own conditions, not necessarily those proposed by the Council.

Councillor A Ross, seconded by Councillor D M Storr, moved that the Committee refuse the Outline Planning Permission for the following reasons:-

- (1) there was no policy which allowed the use of profit from housing to enable other business to be set up and doing so for this development could create an unfavourable precedent,
- (2) the scale of the proposal was excessive on the undeveloped coast on an area of landscape significance. No demonstration that it could sit within the site without damaging the natural and historic interest of the site had been made – rather the applicants assessment of impact was severely adverse,
- (3) the development of the SSSI was not justified.

Specifically the proposal contravened policies,

Aberdeenshire Local Plan (ALP)

- Env2 – National Nature Conservation Sites
- Env3 – Other Recognised Nature Conservation Sites.
- Env4 – Biodiversity
- Env5b – Areas of Landscape Significance
- Env6 – Coastal Development
- Env11 – Agricultural Land
- Env18 – Listed Building
- Env19 – Archaeological Sites and Ancient Monuments
- Env20 – Historic Gardens and Designed Landscapes
- Env22 – Public Access
- Hou4 – New Housing in the Countryside including the Aberdeenshire part of the Cairngorms National Park
- Hou8 – Affordable Housing
- Hou13 – Public Open Space for Housing
- Gen2 – The Layout, Siting and Design of New Development
- Gen3 – Developer Contributions

North East Scotland Together (NEST)

Objectives 5 – to protect, enhance and promote the natural, built and cultural heritage of the North East.

- NEST11 – General Housing Considerations
- NEST12 – Housing Building in the Countryside Beyond the Green Belt
- NEST13 – Developer Contributions
- NEST19 – Wildlife, Landscape and Resources
- NEST20 – Built Heritage and Archaeology
- NEST29 – Coastal Planning

Scottish Planning Policies (SPP)

- SPP3 – Planning for Housing
- SSP11 – Open Space and Physical Activity
- SSP17 – Planning for Transport

National Planning Policy Guideline (NPPG)

- NPPG5 – Archaeology and Planning
- NPPG18 – Planning and the Historic Environment

- (4) the economic benefit case did not qualify as significant on either a national or local basis.

As an amendment Councillor J B Cox, seconded by Councillor A G Howie, moved that the authority to grant Outline Planning Permission be delegated to the Head of Development Management and Building Standards subject to

- (a) The conclusion of negotiations for completion of a Section 75 Legal Agreement seeking to secure the best possible outcomes to cover matters including planning gain contributions, affordable housing, training programme, details of environmental and sustainability measures, and the setting up and operation of the Menie Environmental Management Advisory Group;
  - (b) Details regarding the provision and maintenance of open space;
  - (c) Details regarding the provision and maintenance of SUDS;
  - (d) Conclusion of transportation requirements in consultation with the Transportation and Infrastructure Service and Transport Scotland including those which may be identified by Aberdeen City Council;
  - (e) The submission of an environmental management plan for the resort and the housing areas incorporating energy efficiency measures with at least 50% of overall energy requirements across the site being met from renewable sources and the on-site management and disposal of waste;
  - (f) The submission of a bond to cover the restoration of the area of all the golf facilities;
  - (g) Any additional mitigation or conditions required or incorporation of measures in the S75 as result of the above;
  - (h) Subject to Infrastructure Services Committee referral;
  - (i) The submission of a landscape bond;
  - (j) The conclusion of the appropriate assessment process and inclusion of any additional conditions arising from such, detailing mitigation measures in particular;
  - (k) Subject to Scottish Government referral; and
  - (l) Subject to the following conditions: -
1. That an application for approval of reserved matters shall be made to the Planning Authority within 3 years beginning with the date of this outline planning permission.

Reason: Pursuant to Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

2. That the development hereby granted shall be begun on or before whichever is the latest of the following two dates:
- (a) The expiration of five years beginning with the date of the outline planning permission; or
  - (b) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: Pursuant to Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

3. That no development in connection with the planning permission hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the "Reserved Matters")

have been submitted to and approved in writing by the Planning Authority. The Reserved Matters shall include:

- (a) A masterplan for the whole development
- (b) Details of all cut and fill operations in the construction of the golf courses;
- (c) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (c) Full details of the proposed means of disposal of foul and surface water from the development;
- (d) A phasing plan incorporating the construction of the area of future golf for the proposed development;
- (e) The siting design and external materials of all buildings or structures;
- (f) The details of all roads, footpaths and cycleways throughout the development;
- (g) Details of any screen walls/fencing to be provided;
- (h) Measures to maximise micro-climate improvements through design, orientation and planting or any other means;
- (i) Details of all landscaping, planting and screening associated with the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for the Reserved Matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

4. That concurrently with the submission of the first application for the approval of reserved matters, plans shall be submitted for the consideration and written approval of the Planning Authority showing the proposed phasing of the housing development in relation to the erection of numbers of houses, open space and other relevant development within the specified areas.

Reason: To ensure the timeous provision of different, inter-related parts of the development.

5. That the golf villas and holiday apartment buildings hereby approved shall at no time be occupied as independent dwellinghouses without the prior express planning permission of the Planning Authority.

Reason: In order to retain control over the occupation of these buildings.

6. That prior to the receipt of any application for reserved matters for any of the buildings, development impact assessments for foul drainage and water supply shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Water. No development pursuant to this planning permission shall take place until plans indicating all details of:

- the proposed sewage disposal/drainage facilities
- provision for surface water disposal
- the proposed water supply

have been submitted to and approved in writing by the Planning Authority in consultation with Scottish Water and the Scottish Environment Protection Agency.

Reason: In the interests of public health and to prevent pollution.

7. The site shall be drained to the mains sewerage system by means of adoptable sewerage and plant agreed in writing and to the satisfaction of the Planning Authority in consultation with Scottish Water.

Reason: In the interests of public health and to prevent pollution.

8. That no development in connection with the planning permission hereby approved shall take place unless an overall site water management plan has been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This shall include full details of the proposed foul water disposal, the proposed means of disposal of surface water from the development, full details of any water abstraction and any irrigation. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be brought into use unless the agreed drainage system has been provided in association with each phase of development.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

9. The dune ridge and its associated body, the extent of which shall be agreed in writing by the Planning Authority, shall be protected from all works associated with the creation of the golf courses, and their future management, and shall remain as such in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of protecting the environmental sensitivity of the site.

10. Prior to the submission of the Reserved Matters application for the second golf course, an Environmental Impact Assessment shall be prepared to be submitted along with such an application.

Reason: In the interest of protecting the environmental sensitivity of the site.

11. That as part of any application related to the formation of the Championship golf course, a full topographical survey including all engineering works, site levelling etc required for the formation of the course shall be carried out and details of the proposed levels shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interest of protecting the environmental sensitivity of the site.

12. That as part of any application related to the formation of the Championship golf course, full details of the works involved in any stabilisation of the dunes system shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interest of protecting the environmental sensitivity of the site.

13. That no development in connection with the permission hereby approved shall take place unless details of all of the proposed means of enclosure to be provided in the proposed development have been submitted to and approved

in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

14. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works, linked to the agreed phasing plan pursuant to condition 3 above, has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- (i) Existing and proposed finished ground levels relative to a fixed datum point;
  - (ii) Existing landscape features and vegetation to be retained;
  - (iii) Existing and proposed services including cables, pipelines and substations;
  - (iv) The location of new trees, shrubs, hedges, grassed areas and water features;
  - (v) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (vi) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
  - (vii) An indication of existing trees, shrubs and hedges to be removed;
  - (viii) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

15. Prior to the commencement of development, excluding the construction of the Championship golf course, a tree survey shall be carried out identifying existing tree species, an estimation of their height and spread of branches, and their location within the site accurately plotted to the satisfaction of the Planning Authority. Those trees which it is proposed to retain or to fell or remove shall be separately identified.

Reason: In the interests of visual amenity and to safeguard as many trees as possible on the site.

16. That no works in connection with the permission hereby approved shall take place unless the trees to be retained pursuant to condition 16 above have been protected by suitable fencing in accordance with BS5837 2005 (Trees in Relation to Construction). No works shall commence unless details of the protective fencing have been submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps,

changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In order to ensure adequate protection for the trees on the site during the construction of development, in the interests of the visual amenity of the area.

17. Prior to the commencement of any development and notwithstanding the details on the approved plans, no development shall take place within the area of ancient woodland or within a buffer around this zone, the distance for which shall be agreed, to the satisfaction of the Planning Authority.

Reason: To ensure the retention of important landscape features and preserve the character of the area.

18. Prior to the commencement of the works hereby authorised full details of the grass types, vegetation and seed mixes to be used for the planting of the golf courses shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage and the works when undertaken shall accord with the details as approved.

Reason: In order to give further consideration to this matter and in the interest of protecting the environmental sensitivity of the site and habitat enhancement.

19. The pond identified as PN8 in the Environmental Statement shall be retained as part of the detailed design and shall be protected from all development with a 20 metre wide buffer at all times to the satisfaction of the Planning Authority.

Reason: In the interest of protecting the environmental sensitivity of the site.

20. Prior to the commencement of any works on site, an otter mitigation plan shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of safeguarding the habitat of a protected species.

21. Prior to the commencement of any works on site, a badger protection plan shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of safeguarding the habitat of a protected species.

22. Prior to the commencement of any works on site a habitat enhancement plan for birds shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of protecting the environmental sensitivity of the site and habitat enhancement.

23. Prior to the commencement of development of any works on site a habitat enhancement plan for bats shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of protecting the environmental sensitivity of the site and habitat enhancement.

24. Prior to the commencement of development, a detailed habitat and plant mitigation and management plan shall be submitted for the further approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of protecting the environmental sensitivity of the site and habitat enhancement.

25. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, as agreed by Aberdeenshire Council Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with the Council Archaeology Service.

Reason: In the interests of recording and preserving such items of historical importance that exist within the site.

26. That prior to the commencement of any works on site in connection with this or subsequent planning applications, a detailed construction method statement to include details of buffer zones, public access arrangements during construction, signage details and car parking, shall be submitted to the Planning Authority to be agreed in writing in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage and once agreed all construction works on site shall comply with the approved method statement.

Reason: In the interests of protecting the environmental sensitivity of the site.

27. That throughout the duration of the development hereby permitted, no buildings, materials or machinery shall be stored on the site access or any other access roads serving the development. The site access and all other such roads shall be kept clear of soil, mud and stones to the satisfaction of the Planning Authority.

Reason: To ensure that the site and surrounding access roads are maintained to an adequate standard and the interests of public safety.

28. No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: In the interest of road safety.

29. That dust suppression measures employed at the site will be to the satisfaction of the Planning Authority in consultation with Environmental Health.

Reason: In the interests of the amenities of the surrounding area.

30. That between the hours of 07:00 and 19:00 the noise from the proposed development shall not exceed the existing background level by more than 3dBA when measured at 3.5m from the facade of any noise sensitive premises.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

31. That between the hours of 19:00 and 07:00 the noise level from the proposed development shall not exceed LAeq (5 minutes) = 35 dB when measured at 3.5m from the facade of any noise sensitive premises.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

32. All site lighting shall be so designed and installed so as not to cause undue light pollution to the satisfaction of the Planning Authority.

Reason: In the interests of the amenity of the area.

33. Prior to the submission of any Reserved Matters application, and further to the access strategy contained in supporting information a new access strategy and plan, shall be prepared which shall include details of how public access shall be catered for and for paths and tracks within the golf resort, courses and housing areas to the satisfaction of the Planning Authority. The plan should clearly show:

- Proposed promoted routes including information regarding ownership and potential privacy matters;
- Proposals for multi-use (cyclists, horse-riders etc) and users of all abilities;
- Details of path materials, widths, slopes and method statements for construction of new routes;
- Proposed privacy and exclusion zones, including temporary exclusion zones for competition events etc;
- Proposals for vehicle access to provide health and safety back up for community events;
- Details of ancillary matters such as car parks, information boards and waymarking;
- Details of the proposed siting of maintenance access tracks and boardwalk, specifying construction material, width, slope and permanence including a method statement for the siting or resiting of these routes along with a maintenance schedule;
- A maintenance scheme for the above routes and associated infrastructure.

Reason: In order to promote public access.

34. That notwithstanding the details on the indicative masterplan and contained in the Environmental Statement and prior to the commencement of any development, apart from the formation of the Championship golf course, a development brief incorporating detailed design and materials information for all buildings within the development site incorporating the outcome of the

Design Review process, excluding the private residential dwellings, shall be prepared for the further approval of the Formartine Area Committee and once agreed all development shall be carried out in accordance with the brief. The brief shall contain guidance on:

- the height and appearance of all new structures;
- the use of appropriate external materials including walls, fences and other boundary enclosures;
- the surfacing of all new roads, parking areas and footpaths;
- the lighting of all streets and footpaths; and
- the maintenance of all open space and treed areas.

Reason: In order to give further consideration to those details which have still to be submitted.

35. That notwithstanding the details on the indicative masterplan and contained in the Environmental Statement and prior to the commencement of any private residential dwelling, a development brief incorporating detailed design and materials information incorporating detailed design and materials information incorporating the outcome of the Design Review process shall be prepared for the further approval of the Formartine Area Committee and once agreed all development shall be carried out in accordance with the brief. The brief shall contain guidance on:

- the height and appearance of all new structures;
- the use of appropriate external materials including walls, fences and other boundary enclosures;
- the surfacing of all new roads, parking areas and footpaths;
- the lighting of all streets and footpaths; and
- the maintenance of all open space and treed areas not included in private house plots.

Reason: In order to give further consideration to those details which have still to be submitted.

36. That prior to the commencement of any development, apart from the formation of the Championship golf course, to allow for an appropriate design framework, the developer shall enter into a Design Review process with the Planning Authority and Architecture and Design Scotland to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust design framework is created for the site.

37. Full details of the height and design of the hotel and holiday apartment buildings shall be submitted for the further approval of the Planning Authority in consultation with Defence Estates and Architecture and Design Scotland.

Reason: In the interests of the visual amenity of the area.

38. That prior to the commencement of any development, apart from the formation of the golf courses, the developer shall carry out an Index 21 Assessment to the satisfaction of the Planning Authority.

Reason: In the interests of sustainability.

39. That no house in connection with the development shall be built until such times as the first phase of development is complete (championship golf course, maintenance building, clubhouse, starters hut, caddy shack, practice facilities and driving range, hotel, 36 golf villas and staff accommodation) to the satisfaction of the Planning Authority.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

40. That one of the blocks of holiday apartments shall be completed to the satisfaction of the Planning Authority and agreed in writing prior to work commencing on the construction of the private residential dwellings.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

41. That the construction of the second block of holiday apartments shall commence prior to the completion of the 101<sup>st</sup> private residential dwelling and in line with an agreed construction programme to be submitted and agreed in writing by the Planning Authority.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

42. That the second block of holiday apartments shall be completed to the satisfaction of the Planning Authority prior to work commencing on the construction of the 151<sup>st</sup> private residential dwelling.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

43. That the construction of the third block of holiday apartments shall commence prior to the completion of the 201<sup>st</sup> private residential dwelling.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

44. That the third block of holiday apartments shall be completed to the satisfaction of the Planning Authority prior to work commencing on the construction of the 251<sup>st</sup> private residential dwelling.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

45. That the construction of the fourth block of holiday apartments shall commence prior to the completion of the 301<sup>st</sup> private residential dwelling.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

46. That the fourth block of holiday apartments shall be completed to the satisfaction of the Planning Authority prior to work commencing on the construction of the 401<sup>st</sup> private residential dwelling.

Reason: In order to ensure the implementation and completion of the non-residential components of the proposal.

47. No public right of way or public footpath shall be constructed without the written consent of the Planning Authority. The footpath network shall be laid out so as to accord with the details contained in the submitted access strategy referred to in condition 33.

Reason: In order to maintain appropriate pedestrian links into and out of the estate in the interest of a sustainable form of development.

48. Prior to the commencement of works in association with any of the buildings hereby permitted, details of any electricity sub station or gas governor kiosks shall be submitted to and approved in writing the Planning Authority for its further written approval.

Reason: In the interest of visual amenity.

49. That prior to the commencement of any works on site, full details of a waste management plan incorporating on site disposal shall be submitted for the further approval of the Planning Authority in consultation with Environmental Health.

Reason: In the interests of the sustainable disposal of waste.

50. Details of any micro wind turbines shall be submitted for the further approval of the Planning Authority in consultation with the BAA Safeguarding Team.

Reason: In the interests of health and safety.

51. Any plant and equipment eg air conditioning, mechanical extraction, air receivers etc must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason: In the interests of the amenity of the area.

52. That notwithstanding the details on the approved plans, full details of the routing for the Championship golf course including reference to tracks and paths designed to avoid sensitive areas and in no way impacting upon the foredune ridge shall be submitted for the further written approval of the Planning Authority.

Reason: In order to protect the environmental sensitivities of the site.

53. That no works in connection with the construction of the Championship golf course shall take place unless a scheme detailing the management of areas of rough grass and planting including only the use of appropriate locally native species has been submitted to and approved in writing by the Planning Authority.

Reason: To ensure the implementation of appropriate species for creation of golf course rough.

54. That no works in connection with the construction of the Championship golf course shall take place unless a turf management plan including full details of fertilisers, herbicides and pesticides has been submitted to and approved in writing by the Planning Authority.

Reason: In the interest of protecting the environmental sensitivity of the site.

55. That prior to the commencement of any works on site a bryophyte survey and any associated mitigation plan shall be submitted for the further approval of the Planning Authority.

Reason: In order to give adequate protection to bryophytes.

56. That no more than 500 houses shall be built under the permission hereby granted.

Reason: For the avoidance of doubt and in order to comply with the proposals as submitted.

57. That prior to any part of the development hereby granted coming into use, details of a proposed construction access route only within the confines of the application site, and a new access onto the existing A90 to serve the development shall be constructed, full details of which shall be agreed in writing in consultation with the Transportation and Infrastructure Service and Transport Scotland, and shall be completed to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

58. That prior to the receipt of any application for Reserved Matters for any of the buildings, the applicant shall seek a screening opinion from the Planning Authority to determine whether an Environmental Impact Assessment is required.

Reason: In the interest of protecting the environmental sensitivity of the site.

59. Prior to the commencement of any works on site a habitat management plan incorporating mitigation measures for birds shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of protecting the environmental sensitivity of the site and habitat enhancement.

60. Prior to the commencement of any works on site, a habitat management plan incorporating mitigation measures for invertebrates shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of protecting the environmental sensitivity of the site and habitat enhancement.

61. That no development in phases 3 and 4 as described in the Transportation Assessment shall be brought into use until such times as the A90 (T) has been upgraded and the means of access thereto from the site have been agreed in writing by the Planning Authority in consultation with the Transportation and Infrastructure Service and Transport Scotland.

Reason: In the interests of road safety

62      That no soil or sand shall be removed from the site without the express written consent of the Planning Authority.

Reason: In the interests of sustainability

As a second amendment, Councillor P K Johnston, seconded by Councillor J M M Humphrey, moved that the Committee defer the item to allow negotiation to take place with the applicants in order to prevent development from taking place on the SSSI.

There having been two amendments to the motion, the Committee voted:-

for the first amendment                      (5)              Councillors J B Cox, A G Howie, F McRae, S W Pratt and J Webster.

for the second amendment                    (9)              Councillors M A Ford, J M M Humphrey, J N Gifford, G J Clark, P K Johnston, I J Mollison, A Ross, D M Storr and I S Tait.

The **second amendment** was therefore **carried**.

The Committee then voted:-

for the motion                                    (7)              Councillors M A Ford, J M M Humphrey, G J Clark, P K Johnston, A Ross, D M Storr and I S Tait.

for the second amendment                    (7)              Councillors J N Gifford, S W Pratt, J B Cox, A G Howie, F McRae, I J Mollison and J Webster.

There being an equality of votes, the Chair used his casting vote in favour of the motion.

The **motion was therefore carried** and the Committee **agreed** to refuse Outline Planning Permission for the reasons as detailed in the motion.

Councillors J B Cox, J N Gifford, A G Howie, F McRae, I J Mollison, S W Pratt, and J Webster requested that their dissent be recorded.