

Proposed Conditions – 25 June 2008

General

1. That 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 works in connection with the development 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 of all buildings forming part of the development;
- (d) Full details of the proposed means of disposal of foul and surface water from the development;
- (e) A phasing plan incorporating the construction of the area of future golf for the proposed development;
- (f) The siting design and external materials of all buildings or structures;
- (g) The details of all roads, footpaths and cycleways throughout the development;
- (h) Details of any screen walls/fencing to be provided;
- (i) Measures to maximise micro-climate improvements through design, orientation and planting or any other means;
- (j) 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.

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4. (New Condition)

The masterplan to be submitted under the terms of condition 3 shall include all elements of the proposed development and in addition shall

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- a) Include the provision of appropriate community facilities, such as general store, nursery/crèche, etc.
- b) Identify and safeguard the favoured foraging routes and areas for badgers and connections to their setts.
- c) Safeguard the sites identified for artificial otter holts together with otter foraging routes and areas, and resting places.

Reason: To ensure that proper provision is made within the development to accommodate these requirements.

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5. (Formerly Condition 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.

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

6. (Formerly Condition 34)

That notwithstanding the details on the indicative masterplan and contained in the Environmental Statement and prior to the commencement of any works in connection with the development hereby approved, 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 specify:

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- 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.

7. (Formerly Condition 35)

That notwithstanding the details on the indicative masterplan and contained in the Environmental Statement and prior to the commencement of construction 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 specify:

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- 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.

8. (Formerly Condition 36)

That prior to the commencement of any works in connection with the development hereby approved, 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, and once agreed all development shall be carried out in accordance with the design thus arrived at.

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

9. (Formerly Condition 37)

That prior to the commencement of any works in relation to the hotel and holiday apartment buildings, full details of the height and shall be submitted for the further approval of the Planning Authority in consultation with Defence Estates and Architecture and Design Scotland and thereafter complied with.

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

10. (Formerly Condition 38)

That prior to the commencement of any works in connection with the development hereby approved, apart from the formation of the Championship golf course, the developer shall carry out an Index 21 Assessment of the built elements of the development to the satisfaction of the Planning Authority.

Reason: In the interests of sustainability.

11. (New Condition)

That the detailed design and construction methods for the built elements of the development shall implement the advice of Scottish Natural Heritage in relation to provisions for bats and for barn owls.

Reason: In the interests of protecting the environmental sensitivity of the site and safeguarding the habitat of protected species.

Phasing

12. (Formerly Condition 39)

That no private residential dwelling in connection with the development shall comment to be built until such time as the first phase (Phase 1) of development is complete (championship golf course, maintenance building, clubhouse,

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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.

13. (Formerly Condition 40)

That one of the blocks of holiday apartments shall be completed to the satisfaction of the Planning Authority prior to work commencing on the construction of the private residential dwellings. (Phase 2)

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

14. (Formerly Condition 41)

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

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

15. (Formerly Condition 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 151st private residential dwelling.

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

16. (Formerly Condition 43)

That the construction of the third block of holiday apartments shall commence prior to the completion of the 201st private residential dwelling.

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

17. (Formerly Condition 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 251st private residential dwelling.

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

18. (Formerly Condition 45)

That the construction of the fourth block of holiday apartments shall commence prior to the completion of the 301st private residential dwelling.

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

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19. (Formerly Condition 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 401st private residential dwelling.

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

Environmental Issues

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20. (Formerly Condition 55)

That prior to the commencement of any works on site a bryophyte survey and mitigation plan(s) shall be submitted to and approved in writing by the Planning Authority following consultation with Scottish Natural Heritage, and the mitigation plan(s) shall thereafter be complied with.

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Reason: In order to give adequate protection to bryophytes.

21. (Formerly Condition 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.

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

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Provision of Bonds

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22. (Formerly Condition 66)

That no works in connection with the development hereby approved shall take place until such time as a bond in such terms and of sufficient value to ensure that the landscaping works the subject of condition [] can be completed in full, has been concluded to the satisfaction of and lodged with the Planning Authority, that value to be determined following approval of the landscaping works under the terms of condition [].

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Reason: to ensure the completion of the agreed landscaping scheme in the interests of the visual amenity of the area.

23. (Formerly Condition 67)

That no works in connection with the development hereby approved shall take place until such time as a bond has been concluded to the satisfaction of and lodged with the Planning Authority in such terms and of sufficient value to ensure that any land upon which works have been undertaken to construct the championship golf course can be restored in accordance with a scheme to be agreed by the Planning Authority in consultation with Scottish Natural Heritage, the value of such bond to also be determined by the Planning Authority in consultation with Scottish Natural Heritage.

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Reason: to ensure that, in the event of the championship golf course not being completed, the site can be restored appropriately to a natural state.

Championship Golf Course Details

24. New Condition

That the Championship golf course hereby permitted shall be constructed generally in accordance with plan T2.

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Reason: To safeguard the environmental sensitivity of the site.

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25. (Formerly Condition 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 and thereafter complied with.

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

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26. That prior to any works commencing in relation to either golf courses, an Environmental Management Plan prepared to an industry-recognised standard shall be submitted to and approved in writing by the Planning Authority following consultation with Scottish Natural Heritage. The Plan shall relate to both the construction and operational phases of the development and shall include full details of:

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Construction:

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- a) Methods and areas of stabilisation areas within the dune systems.
- b) Routing of the course including reference to tracks, paths and any other ancillary requirements.
- c) Specification of grass types, vegetation and seed mixes to be used and identification of planting areas.
- d) Compliance with best practice standards in relation to soil and turf stripping and storage and provision of details on areas for storage
- e) Identification of areas and methods for translocation of habitats.
- f) A phasing plan, specifying timings and durations of construction aspects in relation to each course.

Operation

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- a) A turf management plan including full details of fertilizers, herbicides and pesticides including type, rates of application, duration and method.
- b) Management of areas of fairway, greens, tees, transition rough and rough, including mowing/grazing regimes. This should include details on disposal of mown clippings.
- c) Water irrigation and abstraction rates for each hole.
- d) Identification of the proposed number of rounds per annum, by an agreed date per annum for the first 10 years of operation of each course.

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The development of each golf course shall thereafter be undertaken in accordance with the approved Environmental Management Plan, which shall also include a formal reporting and review process.

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

27. (New Condition)

That prior to the commencement of any works in connection with the development hereby approved the developer shall appoint and thereafter maintain the appointment of a suitably qualified Ecological Clerk of Works (to be funded by the developer) who thereafter shall act in accordance with terms of reference that shall be submitted to and approved in writing by the Planning Authority following consultation with Scottish Natural Heritage.

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Reason: In order to ensure that all works relating to the ecological interests of the site are undertaken in the appropriate and agreed manner.

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Protection of Specified Areas

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28. (Formerly Condition 9)

The coastal dune ridge, the extent of which shall be defined on a plan to be submitted to and agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage prior to the commencement of any works in connection with the development hereby permitted, 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.

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

[NB no agreement has been reached by parties as to the need for or extent of, a buffer zone in relation to the coastal dune ridge]

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29. (Formerly Condition 15)

Prior to the commencement of any works in connection with the development hereby approved, 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.

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

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30. (Formerly Condition 16)

That no works in connection with the permission hereby approved, with the exception of the Championship golf course, shall take place unless the trees to be retained pursuant to condition [] above have been protected by suitable fencing in accordance with BS5837 2005 (Trees in Relation to Construction), the details of which shall be first 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

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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.

31. (Formerly Condition 17)

Prior to the commencement of any works in connection with the development hereby permitted, and notwithstanding the details on the approved plans, a plan showing the extent of a buffer zone to be created around the area of ancient woodland shall be submitted to and approved in writing by the Planning Authority and thereafter no development shall take place within the area so defined.

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

32. (Formerly Condition 19)

That prior to commencement of any works on site a plan showing the location of pond PN8 and a 20 metre wide protection zone around it shall be submitted to and approved in writing by the Planning Authority and thereafter no development shall take place within the area specified.

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

Species Management Plans, Mitigation and Compensation

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33. (Formerly Condition 20)

Prior to the commencement of any works on site, an otter management plan shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage and thereafter complied with.

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

34. (Formerly Condition 21)

Prior to the commencement of any works on site, a badger management plan shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage and thereafter complied with.

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

35. (Formerly Condition 22)

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

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

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36. (Formerly Condition 23)
Prior to the commencement of any works on site, including the felling of any trees which shall first be surveyed for the presence of bats, a habitat management and enhancement plan incorporating mitigation and compensatory measures for bats shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage and thereafter complied with.

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

37. (Formerly Condition 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 and thereafter complied with.

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

38. (New Condition)
Prior to the commencement of any development on the site details of a goose management scheme for Pink-footed Geese shall be submitted to and approved in writing by the planning authority following consultation with Scottish Natural Heritage. The approved scheme shall be implemented in its entirety in accordance with the approved detail.

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Reason: To ensure that there will not be an adverse effect on the integrity of the Ythan Estuary, Sands of Forvie and Meikle Loch SPA and the Ythan Estuary and Meikle Loch Ramsar site.

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39. (Formerly Condition 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 and thereafter complied with.

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

40. (New Condition)
Prior to the commencement of any development on the site details of mitigation measures to reduce bird disturbance in the Ythan Estuary, Sands of Forvie and Meikle Loch SPA, comprising, inter alia, the provision within the application site or other areas owned or controlled by the developer of appropriate forms of open space, the improvement of access on the Menie Estate and enhancing the recreational attraction and capacity of existing semi-natural open space on the Estate, shall be submitted to and approved in writing by the Planning Authority, following consultation with Scottish Natural Heritage. The measures shall thereafter be implemented in their entirety in accordance with the approved details.

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Reason: To ensure that there would not be an adverse effect on the integrity of the Ythan Estuary, Sands of Forvie and Meikle Loch SPA and the Ythan Estuary and Meikle Loch Ramsor site.

Water and Drainage

41. (New Condition)

That no works in relation to the Championship golf course shall take place until 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 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.

42. (Formerly Condition 8)

That no works in connection with the development hereby approved, with the exception of the Championship golf course, 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.

43. (Formerly Condition 6)

That prior to the submission 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.

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

44. (Formerly Condition 7)
The site shall be drained to the mains sewerage system by means of adoptable sewerage and plant the details of which shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Water and thereafter complied with.

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

45. (New Condition)
That no works in connection with the Championship golf course shall commence until details of the location and configuration of all Sustainable Urban Drainage Systems to be provided within that part of the development, and the arrangements for the maintenance thereof, have been submitted and approved in writing by the Planning Authority.

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

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46. (Formerly Condition 64)
That no works in connection with the development hereby approved, with the exception of the Championship golf course, shall take place until details of the location and configuration of all Sustainable Urban Drainage Systems to be provided within the development, and the arrangements for the maintenance thereof, have been submitted to and approved in writing by the Planning Authority.

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

47. (New Condition proposed by SEPA)
That where any watercourse crossings are required, watercourses will be bridged, with no part of the structure within the banks or bed of the watercourse, and not culverted

Reason: To ensure the integrity of the existing watercourses on the site.

48. (New Condition proposed by SEPA)
That prior to the commencement of any development a scheme for monitoring and remedial feedback measures in relation to local water quality shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency, and thereafter complied with.

Reason: In the interests of protecting the water quality within the site.

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Landscaping Details

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49. (Formerly Condition 14)
That no works in connection with the development hereby approved, with the exception of the Championship golf course, shall take place unless a scheme of

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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.

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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.

50. (Formerly Condition 63)

That no works in connection with the development hereby approved, with the exception of the Championship golf course, shall take place unless details of the location and nature of public open space to be provided within the development as a whole, and the arrangements for the maintenance thereof, have been submitted to and approved in writing by the Planning Authority.

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Reason: to ensure that public open space is provided and maintained to an acceptable standard throughout the development.

51. (New Condition)

That no works in connection with the Championship golf course shall take place unless details of all of the proposed means of enclosure to be provided in that part of the proposed development have been submitted to and approved in writing by the Planning Authority. The development of the Championship golf course shall thereafter be carried out in complete accordance with the approved details.

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

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52. (Formerly Condition 13)

That no works in connection with the development hereby approved, with the exception of the Championship golf course, 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.

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Public Access

53. (Formerly Condition 33)

As part of the Masterplanning exercise required by Condition 3(a), a plan will be prepared to the satisfaction of the planning authority, which sets out both the broad approach and details of how the developer will meet its obligations under section 3 of the Land Reform Act. This plan will ensure that public rights of access are maintained over the development area in accordance with the Land Reform Act, and it should be prepared with the involvement of the relevant recreational and community interests. In particular, the plan should:

- o Describe action to compensate for losses arising from conversion of land to golf course use
- o Integrate provision for access across all sectors of the public who are participating in open-air recreation – those at the resort, the visiting public and local residents;
- o Show any routes proposed for promoted public access, and provide details on how these routes will be constructed and implemented;
- o Provide details of how multi-use access (cyclists, horse-riders and all ability use) will be accommodated;
- o Provide details and specifications for the provision of ancillary facilities such as parking, information boards and way-marking;
- o Provide details of a maintenance regime for the foregoing, including a mechanism for liaison over access with the local authorities, local community interests and the local access forum, as appropriate;
- o Describe in general terms how access might be affected by any special events taking place at the resort;
- o Describe in general how the needs of any community events that impinge on the development area will be accommodated; and
- o Address how access will be accommodated during the construction phase.

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Existing routes across the sites used by the public at present must not be significantly affected, without provision of a suitable replacement. Additionally, the operation of any gatehouses for the resort or private housing, or any other means of limiting access, shall not prevent or deter any person from the exercise of their access rights.

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Reason: In order to promote compliance with Part 1 of the Land Reform (Scotland) Act 2003, and to secure and enhance existing public access at Menie.

54. (New Condition)
That no physical development including fences shall occur, or any recreational activities be provided by the developer seaward of the golf courses that would detract from the quality of experience enjoyed by those participating in quiet open air recreation activities on the adjacent dunes and shore.

Reason: In order to safeguard future public enjoyment of the area.

Housing and Holiday Accommodation

55. (Formerly Condition 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, to reflect the provision of conditions () to ().

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

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. (Formerly Condition 5)
That the golf villas and holiday apartment buildings hereby approved shall be occupied on a holiday letting or fractional ownership basis only, and none of these units of accommodation shall be occupied by any group or individual for more than a total of 12 weeks in any calendar year.

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

Transport and Roads

58. Prior to commencement of any works, except works related to the construction of the championship golf course, a plan showing the extent of the modifications proposed on the A90(T), necessary to mitigate the Phase 2 shall be submitted to and approved by the planning authority in consultation with Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD).

59. Prior to commencement of any works, except works related to the construction of the Championship golf course, a plan showing the extent of the modifications proposed on the A90(T), necessary to mitigate Phase 2 shall be submitted to and approved by the planning authority, in consultation with Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD).

60. Prior to the commencement of any development on the site, except works related to the construction of the championship golf course, details of the

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provision of either new or extended bus services within the development, including details of operating hours, frequency of service, route and timescale for introduction, together with evidence of an agreement with a public transport operator to provide this service, (in accordance with the proposed service outlined within the Fairhurst Transport Report Dated April 2008) shall be submitted to and approved in writing by the planning authority, after consultation with Transport Scotland – Trunk Road Network Management Directorate.

61. In concomitant of the phases of development the agreed bus services referred to in Condition () shall be introduced.

62. Prior to the commencement of any development on site, except works related to the construction of the championship golf course, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the planning authority, in consultation with Transport Scotland Trunk Road Network Management Directorate (TS-TRNMD). The Travel Plan shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan.

63. No development, except works related to the construction of the championship golf course, shall take place until details of the road lighting/ road drainage have been submitted to and approved by the planning authority, in consultation with Transport Scotland Trunk Road Network Management Directorate (TS-TRNMD).

64. Prior to the occupation of Phase 1 of the development hereby permitted the proposed A90 (T)/ Development Access roundabout (generally, but not exactly, as indicated in the Fairhurst Drawing No: 71236/00001), shall be implemented to the satisfaction of the planning authority, in consultation with the Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD).

65. The development hereby permitted shall not be occupied until the existing A90(T)/ Hill of Menie Access has been permanently closed and the A90(T) road properly reinstated.

66. Prior to the occupation of Phase 1 of the development hereby permitted the modifications to the A90 (T) Ellon Road/ B999 roundabout, (generally, but not exactly, as indicated in the Fairhurst Transport Assessment dated April 2008) shall be implemented to the satisfaction of the planning authority, in consultation with the Transport Scotland, Trunk Road Network Management Directorate (TS-TRNMD). A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the modifications to the A90 (T) Ellon Road/B999 roundabout to be constructed in accordance with a specification to be agreed with the planning authority in consultation with Transport Scotland, Trunk Road Network management Directorate.

67. Prior to commencement of the development, except works related to the construction of the championship golf course, a scheme of proposals to mitigate the proposed development impact at the A90 (T) Parkway/ A956 roundabout shall be submitted to and approved in writing by the planning authority, in

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consultation with Transport Scotland Trunk Road Network Management Directorate (TS-TRNMD).

68. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the mitigation proposals to the A90(T) Parkway/ A956 roundabout to be constructed in accordance with a specification to be agreed with the planning authority in consultation with the Transport Scotland, Trunk Road Network Management Directorate (TS-TRNMD).

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69. Prior to the occupation of Phase 1 of the development hereby permitted the approved mitigation proposals to the A90 (T) Parkway/ A956 roundabout, shall be implemented to the satisfaction of the planning authority, in consultation with the Transport Scotland, Trunk Road Network Management Directorate (TS-TRNMD).

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70. Prior to commencement of the development, except works related to the construction of the Championship golf course, a scheme of proposals to mitigate the proposed development impact at the A90 (T) Parkway/ Scotstown Road roundabout shall be submitted to and approved in writing by the planning authority, in consultation with Transport Scotland Trunk Road Network Management Directorate (TS-TRNMD).

71. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the mitigation proposals to the A90 (T) Parkway/ Scotstown Road roundabout to be constructed in accordance with a specification to be agreed with the planning authority in consultation with the Transport Scotland, Trunk Road Network Management Directorate (TS-TRNMD).

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72. Prior to the occupation of Phase 2 of the development hereby permitted the approved mitigation proposals to the A90 (T) Parkway/ Scotstown Road roundabout, shall be implemented to the satisfaction of the planning authority, in consultation with the Transport Scotland, Trunk Road Network Management Directorate (TS-TRNMD).

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73. No additional development shall be occupied in excess of that identified in Conditions [] and [] until after the opening of the new A90(T) Balmedie to Tippetty dual carriageway upgrade to include an additional grade separated junction in the vicinity of Orrock House, north of Balmedie village, to serve the development directly from the new dual carriageway.

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Archaeology

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74. (Formerly Condition 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

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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.

Lighting

75. (New Condition)

Details of any external lighting installation that may illuminate any part of the golf course and ancillary golf facilities shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage prior to its installation and thereafter complied with.

Reason: To prevent adverse impacts on wildlife, at night, in the coastal environment.

76. (Formerly Condition 32)

That a lighting scheme for the development other than the golf courses and ancillary golf facilities shall be submitted to and approved in writing by the Planning Authority before the installation of any such lighting and thereafter complied with.

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

Miscellaneous

77. (Formerly Condition 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 by the Planning Authority and thereafter complied with.

Reason: In the interest of visual amenity.

78. (New Condition)

That no works in relation to the Championship golf course shall commence until a waste management plan for that part of the development, incorporating on site disposal, has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall thereafter be complied with.

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

79. (Formerly Condition 49)

That prior to the commencement of any works on site, with the exception of the Championship golf course, full details of a waste management plan for the remainder of the development, incorporating on site disposal, shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. The provisions of this plan shall thereafter be complied with.

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

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80. (Formerly Condition 50)

Details of any micro wind turbines to be installed as part of the development hereby approved shall be submitted for the further approval of the Planning Authority in consultation with the BAA Safeguarding Team and thereafter complied with.

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Reason: In the interests of health and safety.

81. (Formerly Condition 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.

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

Construction Requirements

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82. That prior to works commencing on the formation of the championship golf course, a detailed construction methods statement for the works, which shall take account of the environmental management plan for the site and the individual plant and habitat management plans, shall be submitted to and approved in writing by the Planning Authority following consultation as appropriate with Scottish Natural Heritage, SEPA and Transport Scotland.

The method statement shall include:

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- a) Details of buffer zones, public access arrangements during construction, signage details and car parking.
- b) Details of storage areas to be utilized during the construction period, which shall not be on the site access or any other access roads serving the development.
- c) Details of the installation of an effective wheel washing facility which shall be retained in working order throughout the construction period and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes noise or hazard on the road system in the locality.
- d) Details of dust suppression measures to be employed at the site during the construction period.
- e) Proposed hours of working.
- f) Details of a proposed construction access route.
- g) Details of a soil and sand management plan, which shall include maximum reuse of sand and soil within the site.

Once approved the construction of the development shall be undertaken entirely in accordance with the provisions of the method statement, which shall be reviewed prior to the commencement of each phase of development and amended as required with the written approval of the Planning Authority and following appropriate consultation.

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Reason: To ensure that all construction activity is undertaken so as to protect the environmental sensitivity of the site and the residential amenity of neighbouring properties.

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