

Revised condition 32.

Prior to the submission of any reserved-matters application, a plan will be prepared to the satisfaction of the planning authority, which sets out both the broad approach and the details of how the developer will meet its obligations under section 3 of the Land Reform Act. This plan will ensure that ensure that public rights of access are not subject to unreasonable interference over the development area, and it should be prepared with the involvement of the relevant recreational and community interests. In particular, the plan should:

- *describe action to compensate for losses arising from conversion of land to golf course use*
- *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;*
- *show any routes proposed for promoted public access, and provide details on how these routes will be constructed and implemented;*
- *provide details of how multi-use access (cyclists, horse-riders and all ability use) will be accommodated;*
- *provide details and specifications for the provision of ancillary facilities such as parking, information boards and way-marking;*
- *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;*
- *describe in general terms how access might be affected by any special events taking place at the resort;*
- *describe in general how the needs of any community events that impinge on the development area will be accommodated; and*
- *address how access will accommodated during the construction phase.*

Existing routes across the sites used by the public at present must not be significantly affected, without provision of a convenient 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,

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In addition, we think that a new condition (or an addition to an existing condition – either 9 or 32) should require that:

- *there should be no physical development seaward of the golf courses, including fencing, nor the provision of any recreation activities by the developer there 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.*

In addition. It would be useful to find a way of specifying that the housing development may not be designed or operated as an enclosed and gated community. This could come in the next condition to that on access. Or it might be referred to as an addition to one of the earlier reserved matters conditions.

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