

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**OUTLINE PLANNING PERMISSION FOR GOLF COURSE AND RESORT DEVELOPMENT
AT LAND AT MENIE HOUSE, BALMEDIE, ABERDEEN**

REFERENCE: CIN/ABS/001

STATEMENT OF CASE

on behalf of

ABERDEENSHIRE COUNCIL

BACKGROUND

1. The application which is now the subject of the inquiry following the call in was made to the Council by Trump International Golf Links Scotland ("TIGLS") on 27 November 2006. The application was lodged following pre-application discussions. The application relates to the Menie Estate, Balmedie all as described in the application. The application was handled by Aberdeenshire Council as planning authority under reference APP/2006/4605.
2. Following registration of the application subsequent information was submitted by TIGLS including an Environmental Impact Assessment, a Transport Impact Assessment, a Drainage Impact Assessment and Flood Proposal together with a Financial and Economic Appraisal (confidential). Schedule 1 summarises the documentation which the Council as planning authority received.
3. The application was subject to detailed consideration by the Council and in addition the Council consulted widely on it. Details of the consultees are listed in Schedule 2. It should be noted that many of these were consulted on more than one occasion. In addition the Council received numerous letters both against and in support of the application.
4. Following upon detailed consideration of the application a report was prepared for the Formartine Area Committee of 18 September 2007. The consideration of the application by that Committee was continued until 20 November. On 27 September 2007 a departure hearing took place at which, following upon presentations by the Council and the Applicant, representatives of a number of organisations as well as individuals were given the opportunity of addressing the Committee. On 20 November 2007 following upon division the Committee agreed to delegate grant of the outline planning permission to the Head of Development Management, subject to negotiation and conclusion of appropriate agreements, submission of further details and conditions with referral of the application to Infrastructure Services Committee for consideration and thereafter to the Scottish

Government. The reference to the Infrastructure Services Committee was a consequence of the scheme of delegation which operated at that time within Aberdeenshire Council. Reference to Scottish Government was necessary as the application was considered to be a significant departure from the Structure Plan. Specifically the Resolution of the Committee was subject to conditions and the following issues being addressed:

- (a) The conclusion of negotiations for completion of 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 the Championship Golf Course, area of future golf and golf driving range;
 - (g) Any additional mitigation or conditions required or incorporation of measures in the S75 as result of the above;
 - (h) The submission of a landscape bond;
 - (i) The conclusion of the appropriate assessment process and inclusion of any additional conditions arising from such, detailing mitigation measures in particular.
5. At the meeting of Infrastructure Services Committee held on 29 November following a division it was resolved to refuse the grant of planning permission.
6. On 4 December 2007 the application was "called in" by Scottish Ministers for their determination.

7. The position was thereafter considered at a special meeting of Aberdeenshire Council on 12 December 2007. At that meeting the Council agreed unanimously "that the view of the Council to be communicated to Scottish Ministers was that the Council supported the grant of planning permission for a golf course and resort development at land at Menie House, Balmedie, Aberdeenshire subject to the various delegated matters, conditions and agreement proposed by the Formartine Area Committee".
8. At a meeting of the Council on 24 April 2008 *inter alia* the decision of 12 December 2007 was reaffirmed.
9. The position of the Council therefore is that it supports the grant of planning permission for a golf course and resort development at Menie House, Balmedie, Aberdeenshire subject to various matters. In effect the position of the Council is that set out in the Minute of the meeting of the Formartine Area Committee of 20 November 2007. For ease of reference the conditions currently proposed (which reflect those set out in that Committee Report as amended at that meeting) are set out in Schedule 3. The conditions have been circulated to all the relevant persons and may need to be amended in light of (1) comments from them; (2) comments from other parties; (3) any agreements reached with the applicant, TIGLS, regarding matters by the Council or other parties. The Council anticipates lodging a revised set of conditions prior to or at the Inquiry taking into account the foregoing.
10. In addition to conditions the Council considers it appropriate for a Section 75 Agreement to be entered into regulating and dealing with *inter alia* the following matters:-
 - a. the provision of site for a primary school;
 - b. the provision of affordable housing;
 - c. a financial contribution to the provision of community facilities;
 - d. securing opportunities for local residents to have an opportunity to secure employment at the development;
 - e. securing satisfactory arrangements to the SSSI and Forevan and Balmedie Links;
 - f. the establishment and operation of the Menie Environmental Management Advisory Group (MEMAG).
 - g. any other matters arising out of the agreements referred to above which need to be provided for in terms of a Section 75 Agreement.

EVIDENCE

1. Subject to any agreed statements and further direction from the Reporters the Council anticipates leading three witnesses as follows:-
 1. Councillor Anne Robertson – Leader of the Council. Councillor Robertson will deal with the economic benefit to the Aberdeenshire economy which is anticipated will result from the grant of planning permission and the implementation of the development in the context of various policy and strategy papers and documents produced by the Council or to which the Council is a party (identified in Schedule 4).
 2. Mhairi Donaghy of EKOS Economic Development & Regeneration. Ms Donaghy prepared a report for the Council in October 2007 reviewing the Economic Impact Appraisal prepared for TIGLS. Her evidence will relate to the work carried out then together with her assessment of the economic consequences of the development for the Aberdeenshire and national economy both in terms of income generated and employment. Her evidence will take into account the documentation and evidence made to the Inquiry.
 3. Dr Christine Gore, Director of Planning & Environmental Services, Aberdeenshire Council. Dr Gore will give evidence on the consideration of the application, the assessment of the planning service in Aberdeenshire Council of the application and any issues relevant to the Inquiry so far as affecting the position of Aberdeenshire Council including the effects of the housing component generally and in the context of the wider housing market. In addition Dr Gore will deal, so far as necessary, with conditions and the issues in relation to which a Section 75 Agreement is appropriate. The exact scope of Dr Gore's evidence in particular will be affected by the extent to which there is an agreed position in relation to various matters.
2. In giving evidence the Council witnesses, in addition to referring to the core documents and any agreed statements will make reference to documents listed in Schedule 4

DETAILED ASSESSMENT OF MATTERS

1. The application was subject to detailed assessment by Aberdeenshire Council summarised in the Committee Report to the Formartine Area Committee of 18

September 2007. The Committee Report identified at paragraph 5.1 the relevant policies in the Structure Plan (NEST), at paragraph 5.2 the relevant policies in the Aberdeenshire Local Plan (ALP), and at paragraph 5.3.1 other material considerations considered relevant.

2. In addition to the policies specifically highlighted in paragraphs 5.1 and 5.2 the relevant policies in both NEST and ALP regarding housing land supply and the wider impacts of this development in the housing market are relevant, namely policies 7, 8, 9 and 10 in NEST and HOU1 and HOU2 in ALP.
3. The detailed consideration of the application in the Formartine Area Committee Report took place under a number of headings following upon a general assessment of the application and its impacts. These headings were "General", "Golf Course Resort", "Housing", "Transport" and "Other matters". The conclusion reached was that while the application accorded with a number of the policies in both NEST and ALP it also conflicted with a number of policies including those in relation to the environment and heritage. The report (reflecting the views of the Planning Service) accepted that there would be severe impact upon the Foveran Link SSSI and potentially impacts on other areas within the immediate vicinity which are subject to environmental protection. Notwithstanding this the view was reached that the social and economic benefits were of national importance and that those were such as to override the adverse environmental impact. The conclusion reached therefore was that while the application as a whole should be considered as a departure from the Local Plan and Structure Plan the social and economic benefits which would result would justify the grant of planning permission. Specifically at the Formartine Area Committee Meeting on 20 November 2007 it was noted:- "the reason for departing from the Development Plan with regard to the environmental and housing policies being the over-riding economic circumstances including diversifying the local economy, supporting the development of tourism, and increasing the national and international profile and attractiveness of Aberdeenshire and Scotland as a whole in terms of inward investment opportunities.
4. The evidence to be given by the Council and the Inquiry will be in support of that assessment. In particular the Council will lead evidence in relation to the following:-
 - a. The anticipated economic and social benefits which will result from the development having regard to the terms of relevant documents made available to the Council as summarised in the Report to the Formartine Area Committee (subject always to all issues of commercial confidentiality). The information made available identified significant construction jobs and operational jobs consequent upon the development. The information available identified that the

development would also generate significant expenditure both during and after the construction phase, a large part of which (estimated at £205m and £47m) would benefit the Aberdeenshire economy. The Council's evidence will reflect the revised information made available by TIGLS as applicants.

- b. The information made available to the Council was reviewed by EKOS, an economic consultancy. An explanation of the process undertaken and the outcome of that will be given. While their figures differ (and are less) from those which resulted from the analysis prepared on behalf of the Applicant the benefits identified by EKOS were still substantial with a gross value added of 1% in the Aberdeenshire Economy and a significant number of jobs. The assessment undertaken by EKOS will take into account all updated information relevant to economic issues.
- c. The potential financial benefits will be explained in the context of the vision of the Council and policies including those in the Local Plan and the wider economic and social objectives of the Council including the desire to create new economic opportunities. The aim of the Council is *inter alia* to promote Aberdeenshire locally, nationally and internationally as a location for employment, living and leisure having regard to the likely economic environment over the next 20 years. Reference will be made to the need identified by bodies such as Visit Scotland in relation to development of the type proposed by the Applicants.
- d. Subject to any agreed statements the detailed assessment of the Council in respect of the application in terms of the Structure Plan, Local Plan and other material considerations (as rehearsed in the Committee Report referred to above).
- e. The impact that the housing development in particular would have on the wider housing market. This evidence will deal with the current position having regard to the provisions of NEST and ALP, the anticipated future housing land requirements in Aberdeen and Aberdeenshire and the anticipated directions of growth under reference to the Provisional Draft Structure Plan published on 2 April 2008 for consultation which is to be considered by the relevant Joint Committee of Aberdeenshire and Aberdeen City on 23 May 2008. That assessment will have regard to the terms of NEST and ALP and the most up to date audit information (2007) which shows that within the Aberdeen Housing Market Area there remains a 5 year supply as required by the current Structure Plan (NEST). As is evident from the 2007 Audit completions in the past year

have taken place at a rate in excess of that anticipated. The evidence will deal with the anticipated number of completions (in excess of 70,000) identified for the period to 2030 in the Provisional Draft Structure Plan and the likely corridors of development including the area between Aberdeen and Peterhead. The evidence will also confirm the Council's view that the development of housing to the extent necessary to support the hotel development while not enabling development (as defined in the Local Plan) will not create a precedent given the unique nature of this project nor have any adverse impact on the housing market.

SCHEDULE 1

SCHEDULE OF INFORMATION – PLANNING APPLICATION APP/2006/4605

Application Form & Supporting Statement
Environmental Statement
Environmental Statement Appendices
Response to Aberdeenshire Council & Statutory Consultations
Drainage Impact Assessment
Transport Assessment
Appropriate Assessment Report (Winter & Passage Birds)
Breeding bird survey
Survey of Terrestrial Invertebrates
Economic Impact Assessment & Financial Review (Private & Confidential)
Executive Summary of the Economic Impact & Financial Review

SCHEDULE 2

APP/2006/4605 - Consultations

<u>Consultee</u>	<u>Date Consulted</u>					
Historic Scotland, Listed Buildings	30/11/2006	04/04/2007	30/07/2007	-	-	-
Archaeologist	30/11/2006	04/04/2007	30/07/2007			
University Of Aberdeen, Ornithology	30/11/2006					
University Of Aberdeen, Zoology	30/11/2006	04/04/2007	09/05/2007	30/07/2007		
University Of Aberdeen, Plant & Soil Science	30/11/2006					
National Air Traffic Services Ltd	30/11/2006	04/04/2007	30/07/2007			
British Aviation Authority, Aberdeen Airport	30/11/2006	04/04/2007	30/07/2007			
Defence Estates	30/11/2006	04/04/2007	30/07/2007			
Scottish Wildlife Trust - Edinburgh	30/11/2006	04/04/2007	09/05/2007	30/07/2007	09/10/2007	25/10/2007
Scottish Civic Trust	30/11/2006	04/04/2007	30/07/2007			
VisitScotland	30/11/2006	04/04/2007	30/07/2007			
Health & Safety Executive, CHID Team 1A	30/11/2006	04/04/2007	30/07/2007			
Scottish Environment Protection Agency - Aberdeen	30/11/2006	04/04/2007	30/07/2007			
Scottish Enterprise Grampian	30/11/2006	04/04/2007	30/07/2007			
Aberdeen Western Peripheral Route Managing Agent	30/11/2006	04/04/2007	30/07/2007			
Belhelvie Community Council	30/11/2006	04/04/2007	09/05/2007	30/07/2007	09/10/2007	25/10/2007
Foveran Community Council	30/11/2006	04/04/2007	09/05/2007	30/07/2007	25/10/2007	
Scottish Water, Development Planning Team	30/11/2006	04/04/2007	30/07/2007			
Roads - Inverurie	30/11/2006	04/04/2007	30/07/2007			
Waste Manager - Services	30/11/2006	04/04/2007	30/07/2007			
Transport Scotland	30/11/2006	04/04/2007	17/04/2007	30/07/2007		
Scottish Natural Heritage	30/11/2006	04/04/2007	09/05/2007	30/07/2007	09/10/2007	25/10/2007
Garden History Society	30/11/2006	04/04/2007	30/07/2007			
Royal Society For The Protection Of Birds	30/11/2006	04/04/2007	09/05/2007	30/07/2007	09/10/2007	25/10/2007
Architecture And Design Scotland	30/11/2006	04/04/2007	30/07/2007			

<u>Consultee</u>	<u>Date Consulted</u>	-	-	-	-	<u>Consultee</u>
Sport Scotland	30/11/2006	04/04/2007	30/07/2007			
Grampian Police - Bucksburn	30/11/2006					
Grampian Fire & Rescue Service	30/11/2006	04/04/2007	30/07/2007			
Environmental Health - Ellon	30/11/2006	04/04/2007	30/07/2007			
Economic Development	30/11/2006	04/04/2007	30/07/2007			
Education - Inverurie	30/11/2006	04/04/2007	30/07/2007			
Planning Gain Co-Ordinator	30/11/2006	04/04/2007	30/07/2007			
Association For The Protection Of Rural Scotland	30/11/2006	04/04/2007	09/05/2007	30/07/2007		
Policy - Local Plans	30/11/2006					
Flood Prevention Unit	30/11/2006	04/04/2007	30/07/2007			
Scottish Rights Of Way & Access Society	30/11/2006					
Civil Aviation Authority - Safety Regulations	30/11/2006	04/04/2007	30/07/2007			
Civil Aviation Authority - Off Route Airspace 5	30/11/2006	04/04/2007	30/07/2007			
NESBReC	30/11/2006	04/04/2007	30/07/2007			
Scottish Executive, Planning Division	30/11/2006	04/04/2007	17/04/2007	09/05/2007	30/07/2007	
Emergency Planning Officer	01/12/2006	04/04/2007	30/07/2007			
Architectural Heritage Society Of Scotland	01/12/2006	04/04/2007	30/07/2007			
Crown Estate Commissions	01/12/2006					
Aberdeenshire Environmental Forum	01/12/2006	04/04/2007	09/05/2007	30/07/2007	09/10/2007	25/10/2007
Centre For Ecology And Hydrology	04/04/2007	09/05/2007	30/07/2007			
Woodland Trust Scotland	04/04/2007	09/05/2007	30/07/2007			
Aberdeenshire Local Outdoor Access Forum	04/04/2007	30/07/2007				
Bell Ingram	04/04/2007	30/07/2007				
BEAR Scotland Ltd	04/04/2007	30/07/2007				
Education & Recreation	04/04/2007	30/07/2007				
Scottish Executive, Transport Scotland	17/04/2007					
University Of Aberdeen, Geography	09/05/2007					
Property Service - Aberdeen	09/05/2007					
Policy	30/07/2007					
Ramblers Association, Scotland	03/08/2007					

<u>Consultee</u>	<u>Date Consulted</u>	-	-	-	-	<u>Consultee</u>
Scottish Executive Environment Group	03/08/2007					
Central Aberdeenshire Access Panel	03/08/2007					
Planning Policy & Environment	03/08/2007	09/10/2007	25/10/2007			
University Of Aberdeen, Entomology	03/08/2007	09/10/2007	25/10/2007			
Invertebrate Conservation Trust	09/10/2007	25/10/2007				

SCHEDULE 3

Proposed 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:

- L Proposed promoted routes including information regarding ownership and potential privacy matters;
- L Proposals for multi-use (cyclists, horse-riders etc) and users of all abilities;
- L Details of path materials, widths, slopes and method statements for construction of new routes;
- L Proposed privacy and exclusion zones, including temporary exclusion zones for competition events etc;
- L Proposals for vehicle access to provide health and safety back up for community events;
- L Details of ancillary matters such as car parks, information boards and waymarking;
- L 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;
- L 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 Fomartine Area Committee and once agreed all development shall be carried out in accordance with the brief. The brief shall contain guidance on:
- L the height and appearance of all new structures;
 - L the use of appropriate external materials including walls, fences and other boundary enclosures;
 - L the surfacing of all new roads, parking areas and footpaths;
 - L the lighting of all streets and footpaths; and
 - L 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 Fomartine Area Committee and once agreed all development shall be carried out in accordance with the brief. The brief shall contain guidance on:
- L the height and appearance of all new structures;
 - L the use of appropriate external materials including walls, fences and other boundary enclosures;
 - L the surfacing of all new roads, parking areas and footpaths;
 - L the lighting of all streets and footpaths; and
 - L 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 101st 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 151st 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 201st 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 251st 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 301st 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 401st 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

SCHEDULE 4

Documents

Aberdeenshire Council

1. Aberdeenshire Council – Strategic Priorities 2007 to 2011
2. Aberdeenshire Council – Economic Development Priorities 2006 to 2011

Aberdeen City and Shire Economic Forum (ACSEF)

3. Economic Manifesto
4. Economic Review 2007

Aberdeen City & Shire

5. Housing Land Audit 2007
6. Strategic Forecasts 2007
7. Structure Plan – Issues Report
8. Provisional Draft Structure Plan

EKOS

9. Report on economic effects of development

OTHER DOCUMENTS

10. Visit Scotland – Scottish Tourism Prospectus
11. SCDI – Comments on the Tourism Prospectus
12. Scottish Enterprise Grampian – Golf Resort Reference Document 2006
13. Scottish Enterprise Grampian – Aberdeen City & Shire Golf Tourism Opportunities
14. North Eastern Tourism Partnership (NESTOUR) – A Strategy and Action Plan for Growth
15. NESTOUR – Strategy Plan for Growth
16. NESTOUR – Action Plan 2006 – 2010
17. Scottish Executive – Scottish Tourism: The Next Generation
18. Any agreed statements