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Our ref: CIN/ABS/001
16 December 2008

Dear Ms Faulds

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
APPLICATION FOR OUTLINE PLANNING PERMISSION: GOLF COURSE AND RESORT
DEVELOPMENT AT LAND AT MENIE HOUSE, BALMEDIE, ABERDEENSHIRE**

The Scottish Government's letter of 3 November 2008 gave notice that the Scottish Ministers would be minded to grant planning permission for the above development, subject to the conditions set out in Annex A to that letter, and also subject to the satisfactory conclusion of an agreement under Section 75 of the above Act to deliver the heads of agreement set out in Annex B to that letter.

Having considered the matter, the Scottish Ministers are content with the Section 75 Agreement and have received confirmation from you that the Agreement has now been lodged with the Keeper of the Registers of Scotland. Accordingly, Scottish Ministers hereby grant outline planning permission to Trump International Golf Links, Scotland for a golf course and resort development on land at Menie House, Balmedie, Aberdeenshire, subject to the conditions set out in the Annex to this letter.

The foregoing decision of the Scottish Ministers is final, subject to the right, conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

A copy of this letter has been sent to Aberdeenshire Council and to the other parties who appeared at the public local inquiry. This letter, the report of the public local inquiry and other related documents are also available on the Scottish Government's website at: www.scotland.gov.uk/Topics/Built-Environment/planning/publications/foi/MenieEstate.

Yours sincerely

ANDY KINNAIRD
Planning Decisions Manager



APPLICATION FOR OUTLINE PLANNING PERMISSION: GOLF COURSE AND RESORT DEVELOPMENT AT LAND AT MENIE HOUSE, BALMEDIE, ABERDEENSHIRE
Ref: CIN/ABS/001

CONDITIONS

General

1. 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. The development hereby granted shall be begun on or before whichever is the latest of the following two dates:

- (i) the expiration of 5 years beginning with the date of the outline planning permission; or
- (ii) the expiration of 2 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. 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:

- (i) a masterplan for the whole development;
- (ii) details of all cut and fill operations in the construction of the golf courses;
- (iii) for the championship golf course, a full topographical survey of the site as existing and as proposed, including all engineering works, site levelling and any other works required for the formation of the course;
- (iv) for the remainder of the site, a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
- (v) full details of the proposed means of disposal of foul and surface water from the development;
- (vi) a phasing plan for the whole site;
- (vii) the siting, design, height and external materials of all buildings or structures;
- (viii) the details of all roads, footpaths and cycleways throughout the development;
- (ix) details of any screen walls/fencing to be provided;

- (x) measures to maximise environmental sustainability through design, orientation and planting or any other means, including an Index 21 assessment; and
- (xi) 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. The masterplan to be submitted under the terms of condition 3 shall include all elements of the proposed development and in addition shall:

- (i) include the provision of appropriate community facilities, such as general store, nursery/crèche, and such other community facilities as are agreed to be necessary by the planning authority and the developer;
- (ii) identify and safeguard the favoured foraging routes and areas for badgers and connections to their setts; and
- (iii) safeguard the sites identified for artificial otter holts together with otter foraging routes and areas, and resting places.

In addition, the detailed design and construction methods for the built elements of the development shall implement the advice of the planning authority, in consultation with SNH, in relation to provisions for bats and for barn owls.

Reason: in the interests of protecting the environmental sensitivity of the site and enhancing the habitat of protected species and to ensure that proper provision is made within the development to accommodate these requirements.

5. Prior to the commencement of any works in connection with the development hereby approved (apart from the formation of the championship golf course) and to allow for an appropriate design framework, the developer shall enter into a design review process with the planning authority, in consultation with Architecture and Design Scotland. Once a design has been approved following this process, the development shall be carried out in accordance with the approved design.

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

6. Notwithstanding the details on the indicative masterplan (Figure 3.1 of the environmental statement) and prior to the commencement of any works in connection with the area covered by the particular brief (apart from the formation of the championship golf course), two development briefs, as detailed below, shall be prepared for the further approval of the planning authority. The briefs shall specify:

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

- (i) the landscaping works required under condition 29 below can be completed in full. The value of this bond shall be determined following approval of the landscaping works under the terms of that condition; and
- (ii) 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 SNH. The value of this bond shall be determined by the planning authority in consultation with SNH.

Reason: to ensure the completion of the agreed landscaping scheme in the interests of the visual amenity of the area; to give effect to the evidence given by the developer; and 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

9. The championship golf course hereby permitted shall be constructed in accordance with the drawing entitled Golf Masterplan, drawn by Hawtree Ltd, dated February 2008, submitted as a document to the public inquiry as plan T2, unless otherwise agreed in writing by the planning authority, in consultation with SNH.

Reason: because the environmental implications of plan T2 have been assessed by the planning authority in consultation with SNH.

10. No provision shall be made for mechanical/electrical golf buggies to be used on the championship golf course.

Reason: to give effect to the evidence given in support of the development by the developer and to protect the environmental sensitivities of this part of the site.

Environmental/ecology

11. Prior to any works commencing in relation to either golf course, an Environmental Management Plan prepared to an industry-recognised standard (either IS400001 or the European standard EMAS) shall be submitted to and approved in writing by the planning authority, following consultation with SNH. The Plan shall relate to both the construction and operational phases of the development and shall include full details of:

- (i) methods and areas of stabilisation within the dune systems;
- (ii) routing of the course including reference to tracks, paths and any other ancillary requirements;
- (iii) specification of grass types, vegetation and seed mixes to be used and identification of planting areas;
- (iv) compliance with best practice standards in relation to soil and turf stripping and storage and provision of details on areas for storage;
- (v) identification of areas and methods for translocation of habitats;
- (vi) a phasing plan, specifying timings and durations of construction aspects in relation to each course;
- (vii) a turf management plan, with full details of fertilisers, herbicides and pesticides, including type, rates of application, duration and method;

- (viii) management of areas of fairway, greens, tees, transition rough and rough, including mowing/grazing regimes, with details of disposal of mown clippings;
- (xi) water irrigation and abstraction rates; and
- (x) 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.

The development of each golf course shall thereafter be undertaken in accordance with its 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.

12. Prior to the commencement of any works in connection with the development hereby approved, the developer shall submit the terms of reference for an Ecological Clerk(s) of Works for the written approval of the planning authority, following consultation with SNH. Such terms of reference shall include the length of time that the Ecological Clerk(s) of Works shall be appointed. Thereafter the developer shall appoint a suitably qualified Ecological Clerk (or Clerks) of Works (to be funded by the developer). The person(s) who is/are appointed shall be approved in writing in advance by the planning authority, in consultation with SNH. Subsequently, the developer shall maintain the appointment of the Ecological Clerk(s) of Works for the site, who shall act in accordance with their approved terms of reference.

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

Protection of Specified Areas

13. Prior to the commencement of any works in connection with the development hereby permitted, the extent of the coastal dune ridge shall be defined on a plan to be submitted to and approved in writing by the planning authority, in consultation with SNH. Thereafter, the coastal dune ridge, as defined on the approved plan, 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.

14. Tree surveys shall be carried out and submitted for the consideration and written approval of the planning authority for the area of the championship golf course and for the remainder of the site. In the case of the championship course, the survey shall be submitted prior to the start of work on that part of the site. The other survey shall be submitted prior to the start of work on the remainder of the site. The tree surveys shall identify existing tree species, including an estimation of their height and spread of branches, and plot their location within the site accurately, to the satisfaction of the planning authority. Those trees which it is proposed to retain or to fell and remove shall be separately identified. No tree shall be removed without the express consent of the planning authority.

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

15. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the surveys to be submitted and approved pursuant to condition 14 above have been protected by suitable fencing in accordance with BS5837 2005 (Trees in Relation to Construction). The details of the protective fencing and its location 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 shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

16. Prior to the commencement of any works in connection with the development hereby permitted and notwithstanding the details on the submitted 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.

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

17. Prior to commencement of any works on site a plan showing the location of pond PN8 as labelled in the environmental statement 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.

Reason: to protect the environmental sensitivity of the site.

Species and habitats

18. 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 SNH. Once approved, the mitigation plan(s) shall thereafter be complied with.

Reason: in order to give adequate protection to bryophytes, details of which have yet to be submitted.

19. Prior to the commencement of any works on site and with reference to condition 4 above, management plans for otter and badger shall be submitted to and approved in writing by the planning authority, in consultation with SNH. Thereafter the approved plans shall be complied with during the construction works and during the operation of the golf resort.

Reason: to safeguard the habitats of these protected species.

20. Prior to the commencement of any works on site and with reference to condition 4 above, habitat management and enhancement plans, incorporating mitigation and compensatory measures for birds, bats, invertebrates and plants, shall be submitted for the further written approval of the planning authority, in consultation with SNH. For bats, the works on site shall include the felling of any trees, which shall first be surveyed for the presence of bats. Thereafter, the approved plans shall be complied with during the construction works and during the operation of the golf resort.

Reason: in the interests of protecting the environmental sensitivity of the site and to enhance habitats.

21. 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 SNH and CAA. The approved scheme shall be implemented in its entirety in accordance with the approved details.

22. 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 shall be submitted to and approved in writing by the planning authority, following consultation with SNH and BAA. Amongst other things, these measures shall comprise: 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 the enhancement of the recreational attraction and capacity of existing semi-natural open space on the estate. The measures shall thereafter be implemented in their entirety in accordance with the approved details.

Reason for 21 and 22: 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 Ramsar site and to safeguard aviation at Aberdeen airport.

Water and Drainage

23. 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. Thereafter, 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; and the proposed water supply have been submitted to and approved in writing by the planning authority, in consultation with Scottish Water and SEPA.

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

24. Site water management plans for: (a) the championship golf course; and (b) the remainder of the development site; shall be submitted to and approved in writing by the planning authority in consultation with SEPA and SNH. In the case of the championship golf course, the plan shall be submitted and approved prior to the start of work on that part of the site. The other site water management plan shall be submitted and approved prior to the start of work on the remainder of the site. The plans shall include: full details of foul water



starts on any part of the rest of the site. The landscape schemes shall be linked to the agreed phasing plan submitted and approved pursuant to condition 7 above.

Details of the schemes 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, any other means of enclosure, 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 on that part of the site, 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, has been severely damaged or is 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 satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

30. 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.

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

Public Access

31. As part of the masterplanning exercise required by condition 3(i), a plan shall be submitted to and approved in writing by the planning authority, in consultation with the relevant recreational and community interests, which sets out both the broad approach and details of how the developer will meet its obligations under section 3 of the Land Reform (Scotland) Act 2003. This plan shall ensure that public rights of access are maintained over the development area in accordance with that Act. In particular, the plan shall:

- (i) describe action to compensate for losses arising from conversion of land to golf course use;
- (ii) describe how existing routes across the sites used by the public at present will be affected and how they will be retained or replaced;
- (iii) 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;
- (iv) show any routes proposed for promoted public access, and provide details on how these routes will be constructed and implemented;
- (v) provide details of how cyclists, horse-riders and all ability use will be accommodated;
- (vi) provide details and specifications for the provision of ancillary facilities such as parking, information boards and way-marking;
- (vii) 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;
- (viii) describe in general terms how access might be affected by any special events taking place at the resort;
- (ix) describe in general how the needs of any community events that impinge on the development area will be accommodated; and
- (x) address how access will be accommodated during the construction phases.

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.

Housing and Holiday Accommodation

32. No more than 500 houses for private sale shall be built under the permission hereby granted.

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

33. 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 give effect to the evidence given by the developer and to retain control over the occupation of these buildings as holiday accommodation.

Transport and Roads

34. No development shall commence (except works related to the construction of the championship golf course) until the following details are submitted to and approved by the planning authority, in consultation with Transport Scotland:

- (i) plans showing the extent of the modifications proposed on the A90(T), necessary to mitigate the traffic implications of phases 1 and 2 of the development (as defined in condition 7 above), including mitigation works at the

- A90(T) Parkway/A956 roundabout, the A90(T) Ellon Road/B999 roundabout and the A90 (T) Parkway/ Scotstown Road roundabout;
- (ii) the provision of new or extended bus services to serve 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 the service(s), (in accordance with the proposed service outlined within the Fairhurst Transport Report, dated April 2008);
 - (iii) a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car, which shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan; and
 - (iv) the road lighting/ road drainage.

35. 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.

36. No additional development on the remainder of the site shall be occupied over and above that identified in phase 1 and phase 2 (as defined in condition 7 above) until after the opening of the new A90(T) Balmedie to Tipperty dual carriageway upgrade and the construction of 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. Plans showing the additional grade separated junction shall be submitted to and approved by the planning authority, in consultation with Transport Scotland, prior to the start of development on the remainder of the site.

37. Prior to the occupation of Phase 1 of the development hereby permitted (as defined in condition 7 above), the following road works shall be implemented to the satisfaction of the planning authority, in consultation with the Transport Scotland, and in accordance with detailed plans first approved by the planning authority under condition 34 above:

- (i) the proposed A90(T)/development access roundabout;
- (ii) the modifications to the A90(T) Ellon Road/B999 roundabout; and
- (iii) the approved mitigation proposals to the A90(T) Parkway/A956 roundabout.

38. 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 Transport Scotland and in accordance with detailed plans first approved by the planning authority under condition 34 above.

39. Before each phase of the development is first occupied, the agreed bus services referred to in condition 34 above shall be introduced.

Reason for conditions 34-39: to ensure that the development proposals will not have a significant detrimental impact on the operation of the trunk and local road network.

Archaeology

40. 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 approved 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 Aberdeenshire Council Archaeology Service.

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

Lighting

41. Details of any external lighting installation that may illuminate any part of the golf courses and any other golf related development shall be submitted to and approved in writing by the planning authority, in consultation with SNH, prior to its installation. Once approved, the approved lighting installation shall be implemented as part of the works on site.

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

42. A lighting scheme for the remainder of the development site, 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. Once approved, the approved lighting installation shall be implemented as part of the works on site.

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

Miscellaneous

43. Waste management plans, incorporating on-site disposal, shall be submitted to and approved in writing by the planning authority, in consultation with Environmental Health. These plans shall be prepared for:

- (i) the championship golf course; and
- (ii) the remainder of the development site.

In the case of the championship golf course, the plan must be submitted and approved before works start on that part of the site. In the case of the remainder of the development site, the plan must be submitted and approved before works commence on any part of the site, apart from the championship golf course. Once approved, the provisions of the approved plans shall thereafter be complied with.

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

44. 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 CAA and thereafter complied with.

Reason: in the interests of aviation safety.

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

Reason: to prevent disturbance from noise.

Construction Requirements

46. Prior to works commencing on any part of the site, a detailed construction method statement, which shall take account of the environmental management plan for the site and the individual species and habitat management plans, shall be submitted to and approved in writing by the planning authority, following consultation as appropriate with SNH, SEPA, Environmental Health and Transport Scotland.

The method statement shall include:

- (i) details of buffer zones, public access arrangements during construction, signage details and car parking for construction workers;
- (ii) details of storage areas to be utilised during the construction period, which shall not be on the site access or any other access roads serving the development;
- (iii) details of the installation of an effective wheel washing facility, which shall be retained in working order throughout the construction period on a particular part of the site, and used such that no vehicle shall leave the site carrying earth and mud in its wheels in such a quantity which causes noise or hazard on the road system in the locality;
- (iv) details of dust suppression measures to be employed at the site during the construction period;
- (v) proposed hours of working;
- (vi) details of any proposed construction access routes; and
- (vii) 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 on the site shall be undertaken entirely in accordance with the provisions of the approved 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.

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.