



Town and Country Planning (Scotland) Act 1997
Appeal Decision Notice

Decision by Andrew A Sikes, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2453
- Site address: land at Leathan Fields, Schoolhill, Portlethen, AB12 4LX
- Appeal by Stewart Milne Homes against the decision by Aberdeenshire Council
- Application for planning permission APP/2016/0934 dated 8 April 2016 refused by notice dated 21 December 2023
- The development proposed: erection of 175 housing units with associated accesses, infrastructure and landscaping
- Application drawings: see schedule at the end of this notice
- Date of site visit by Reporter: 9 May 2024

Date of appeal decision 12 November 2024

Decision

I allow the appeal and grant planning permission subject to the 13 conditions listed at the end of the decision notice. Attention is drawn to the advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise.
2. On 7 August 2024, I issued a Notice of Intention indicating that I was minded to allow the appeal and grant planning permission, subject to conditions and an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other suitable agreement or mechanism as may be agreed by the parties, to secure financial contributions towards the provision of essential infrastructure and affordable housing.
3. On 7 November 2024, I received confirmation that the planning obligation had been signed by both parties and presented for registration. On the same day, I also received a copy of the Keeper of the Registers of Scotland's acknowledgement that it had received the obligation for registration. Finally, the planning authority has confirmed that on receipt of the Keeper's acknowledgement it is content for this decision notice to be issued.
4. I have examined the planning obligation signed by the parties and am satisfied that it addresses the matters referred to in paragraph 43 of the Notice of Intention. Accordingly, I am now in a position to formally determine the appeal.
5. For the ease of reference, a copy of the Notice of Intention is attached as Annex A to this decision notice.

Andrew A Sikes
Reporter

Schedule of approved drawings and documents

	Drawing reference	Date	Title (Fairhurst)
1.	5169 / 1000 / LP	30.03.16	AF3, AF4, L5, M5, M6, AND U5 LOCATION PLAN
2.	M5, U5, AF3, AF4-SK-01 J	21.01.14	AF3, AF4, L5, M5, M6, AND U5 OVERALL LAYOUT PLAN
3.	5217-AF3-01 REV I	30.09.14	AF3 SITE LAYOUT PLAN
4.	60000 / 2461 REV G	30.10.13	AF3 ROAD 2 / ROAD 50 & AF3 DRAINAGE SECTIONS SHEET 1 OF 2
5.	60000 / 2462 REV B	27.02.15	AF3 ROAD 2/ ROAD 50 & AF3 DRAINAGE SECTIONS SHEET 2 OF 2
6.	5230-101 REV L	08.09.15	M5 SITE LAYOUT PLAN
7.	60000 / 2460 REV R	29.10.13	M5 & AF3 ROAD 2 & ROAD 50 DRAINAGE LAYOUT
8.	60000 / 1600 REV U	04.11.14	M5 & AF3 ROADS LAYOUT
9.	60000 / 1602 REV G	14.11.14	M5 & AF3 ROADS CONSTRUCTION
10.	60000 / 1603 REV H	13.11.14	M5 & AF3 KERBING LAYOUT
11.	60000 / 1604 REV G	03.11.14	M5 & AF3 VEHICLE SWEPT PATHS
12.	60000 / 1607 REV C	12.08.22	M5 & AF3 FIRE AND RESCUE SERVICE VEHICLE ROUTES
13.	60000 / 1608 REV B	16.08.22	M5 & AF3 STREET LIGHTING LAYOUT
14.	60000 / 1609	08.09.22	M5 & AF3 STREET LIGHTING CONSTRUCTION DETAILS
15.	60000 / 1612 REV B	14.12.22	M5 & AF3 DRIVEWAY VISIBILITY SPLAYS
16.	60000 / 1650 REV I	16.05.14	M5 & AF3 LEVELS LAYOUT
17.	60000 / 2242 REV B	02.02.21	M5 & AF3 OVERLAND FLOOD FLOW ANALYSIS 1 IN 200 YEAR EVENT
18.	60000 / 2484 REV F	16.05.14	M5 & AF3 DRAINAGE LAYOUT
19.	60000 / 2485 REV A	21.11.14	M5 & AF3 DRAINAGE SECTIONS
20.	5218-AF4-01 REV D	11.11.13	AF4 SKETCH SITE LAYOUT
21.	60000 / 1700 REV P	24.11.14	AF4 ROADS LAYOUT
22.	60000 / 1701 REV C	24.11.14	AF4 ROADS LONGITUDINAL SECTIONS
23.	60000 / 1702 REV B	24.11.14	AF4 ROADS CONSTRUCTION DETAILS
24.	60000 / 1704 REV D	21.10.14	AF4 KERBING LAYOUT
25.	60000 / 1705 Rev H	21.10.14	AF4 VEHICLE SWEPT PATHS
26.	60000 / 1707 REV A	26.07.22	AF4 STREET LIGHTING LAYOUT
27.	60000 / 1708 Rev D	26.07.22	AF4 FIRE & RESCUE SERVICE VEHICLE ROUTES
28.	60000 / 1711	26.07.22	AF4 STREET LIGHTING CONSTRUCTION DETAILS
29.	60000 / 1712 REV B	14.12.22	AF4 PRIVATE VISIBILITY SPLAYS
30.	60000 / 1750 REV K	19.05.14	AF4 LEVELS LAYOUT
31.	60000 / 1751 REV A	11.12.15	AF4 CUT AND FILL CONTOURS BETWEEN PROPOSED & EXISTING FORMATION
32.	60000 / 2241 REV B	01.02.21	AF4 OVERLAND FLOOD FLOW ANALYSIS 1 IN 200 YEAR EVENT
33.	60000 / 2481 REV H	20.10.14	AF4 DRAINAGE LAYOUT
34.	60000 / 2482	10.10.22	AF4 DRAINAGE SECTIONS
35.	60000 / 2483 REV A	25.11.14	AF4 DRAINAGE ADOPTION PLAN
36.	5204-PH2 / 1003 REV Q	05.11.15	L5 SITE LAYOUT PHASE 2 – 38 UNITS
37.	60000 / 1300 REV AK	15.10.13	L5 ROADS LAYOUT
38.	60000 / 1302	13.05.13	L5 ROAD CONSTRUCTION DETAILS
39.	60000 / 1304 REV J	24.05.13	L5 VEHICLE SWEPT PATHS
40.	60000 / 1305 REV O	24.06.13	L5 KERBING LAYOUT
41.	60000 / 1306 REV C	17.08.22	L5 PHASE 2 STREET LIGHTING LAYOUT
42.	60000 / 1307 REV C	18.08.22	L5 FIRE AND RESCUE SERVICE VEHICLE ROUTES
43.	60000 / 1308 REV C	08.09.22	L5 PHASE 2 CAPPING REQUIREMENTS

44.	60000 / 1309	12.09.22	L5 PHASE 2 STREET LIGHTING CONSTRUCTION DETAILS
45.	60000 / 1310 REV C	14.12.22	L5 DRIVEWAY VISIBILITY SPLAYS
46.	60000 / 1330 REV H	24.09.13	L5 COMBINED SERVICES LAYOUT
47.	60000 / 1350 REV M	16.05.13	L5 LEVELS LAYOUT
48.	60000 / 1351 REV E	16.05.13	L5 BULK CUT AND FILL CONTOURS AND QUANTITIES
49.	60000 / 2401 REV R	28.06.13	L5 DRAINAGE LAYOUT
50.	60000 / 2402 REV F	28.06.13	L5 DRAINAGE LONGITUDINAL SECTIONS
51.	60000 / 2404 REV F	28.06.13	L5 DRAINAGE ADOPTION PLAN
52.	60000 / 2244 Rev H	26.02.21	L5 (PHASE 2) OVERLAND FLOOD FLOW ANALYSIS 1 IN 200 YEAR EVENT
53.	5228-M6-01 REV K	11.08.14	M6 SITE LAYOUT PLAN 30 UNITS
54.	60000 / 1110 REV AC	30.07.13	M6 ROADS LAYOUT
55.	60000 / 1112 REV H	31.07.13	M6 ROADS CONSTRUCTION DETAILS
56.	60000 / 1113 REV I	31.07.13	M6 VEHICLE SWEPT PATH ANALYSIS
57.	60000 / 1115 REV N	06.05.14	M6 KERB TYPE LAYOUT
58.	60000 / 1117 REV E	22.06.16	M6 FIRE AND RESCUE SERVICE VEHICLES ROUTES
59.	60000 / 1118 REV C	15.08.22	M6 STREET LIGHTING LAYOUT
60.	60000 / 1119	06.09.22	M6 STREET LIGHTING CONSTRUCTION DETAILS
61.	60000 / 1122 REV B	13.12.22	M6 DRIVEWAY VISIBILITY SPLAY
62.	60000 / 1160 REV L	24.10.13	M6 LEVELS LAYOUT
63.	60000 / 2243 REV F	18.02.21	M6 OVERLAND FLOOD FLOW ANALYSIS 1 IN 200 YEAR EVENT
64.	60000 / 2245 REV E	10.03.22	M6 AND L5 OVERLAND FLOOD FLOW MITIGATION MEASURES
65.	60000 / 2450 REV M	22.08.13	M6 DRAINAGE LAYOUT
66.	60000 / 2451 REV F	11.11.13	M6 DRAINAGE SECTIONS
67.	60000 / 6004	06.09.22	M6 RETAINING WALL DETAIL
68.	1359-P-000-XX-002	09.08.22	U5 SITE LAYOUT PLAN
69.	60000 / 1501 REV I	02.05.14	U5 ROADS LAYOUT
70.	60000 / 1502 REV B	02.05.14	U5 ROAD LONGITUDINAL SECTIONS
71.	60000 / 1504 REV E	02.05.14	U5 KERBING LAYOUT
72.	60000 / 1505 REV D	02.05.14	U5 STREET LIGHTING LAYOUT
73.	60000 / 1506 REV F	02.05.14	U5 VEHICLE SWEPT PATHS
74.	60000 / 1507 REV B	12.08.22	U5 FIRE AND RESCUE SERVICE VEHICLE ROUTES
75.	60000 / 1508	11.09.22	U5 STREET LIGHTING CONSTRUCTION DETAILS
76.	60000 / 1509	09.09.22	U5 CBR LOCATIONS AND CAPPING LAYOUT
77.	60000 / 1510 REV A	14.12.22	U5 DRIVEWAY VISIBILITY SPLAYS
78.	60000 / 1550 REV E	06.05.14	U5 LEVELS LAYOUT
79.	60000 / 2240 REV B	30.01.21	U5 OVERLAND FLOOD FLOW ANALYSIS 1 IN 200 YEAR EVENT
80.	60000 / 2473 REV F	03.05.14	U5 DRAINAGE LAYOUT
81.	60000 / 2474 REV A	03.05.14	U5 DRAINAGE SECTIONS
82.	60000 / 6006	06.09.22	U5 RETAINING WALL DETAIL
83.	60000 / 1800 REV G	12.02.15	PROPOSED CYCLEWAY ROUTE
84.	60000 / 1900 REV H	07.08.19	SER/QA REVIEW NOTES
85.	60000 / 1901 REV F	07.08.19	SER/QA GENERAL ARRANGEMENT
86.	60000 / 1902 REV G	07.08.19	SER/QA PARKING ANALYSIS
87.	60000 / 1903 REV F	07.08.19	SER/QA SWEPT PATH ANALYSIS SHEET 1 OF 2
88.	60000 / 1904 REV F	07.08.19	SER/QA SWEPT PATH ANALYSIS SHEET 2 OF 2
89.	60000 / 1905 REV F	12.08.19	SER/QA STREET HIERARCHY

90.	60000 / 1906 REV G	12.08.19	SER/QA CONNECTIVITY AND PERMEABILITY
91.	60000 / 1907 REV F	12.08.19	SER/QA SPEED CONTROL STRATEGY
92.	60000 / 1908 REV G	14.08.19	SER/QA GRADIENT ANALYSIS SHEET 1
93.	60000 / 1909 REV G	16.08.19	SER/QA GRADIENT ANALYSIS SHEET 2
94.	60000 / 2225 REV E	09.10.19	SER/QA OVERLAND FLOW PATHS
95.	60000 / 2226 REV D	14.01.20	SER/QA OVERLAND FLOW PATHS
96.	60000 / 9104	05.06.14	WALKOVER SURVEY PLAN
97.	60000 / 00422	19.12.11	AS-BUILT EXPLORATORY HOLE LOCATIONS
98.	60000 / 9110	05.06.14	RADON PROTECTION RECOMMENDATIONS
99.	60000 / 00424	18.01.12	RADON PROTECTION RECOMMENDATIONS
100.	60000 / 00401	13.04.11	SITE LOCATION PLAN AREAS L3, M3 AND U3
101.	1359-P-113-LH-01	15.03.16	HOUSE TYPE 113-STRUAN-LH-PROPOSED FLOOR PLANS
102.	1359-P-113-LH-02	15.03.16	HOUSE TYPE 113-STRUAN-LH-PROPOSED ELEVATIONS
103.	1359-P-113-RH-01	15.03.16	HOUSE TYPE 113-STRUAN-RH-PROPOSED FLOOR PLANS
104.	1359-P-113-RH-02	15.03.16	HOUSE TYPE 113-STRUAN-RH-PROPOSED ELEVATIONS
105.	1359-P-118-LH-01	26.11.14	HOUSE TYPE 118-CRAIG-LH-PROPOSED FLOOR PLANS
106.	1359-P-118-LH-02	26.11.14	HOUSE TYPE 118-CRAIG-LH-PROPOSED ELEVATIONS
107.	1359-P-118-RH-01	26.11.14	HOUSE TYPE 118-CRAIG-RH-PROPOSED FLOOR PLANS
108.	1359-P-118-RH-02	26.11.14	HOUSE TYPE 118-CRAIG-RH-PROPOSED ELEVATIONS
109.	1359-P-135-RH-01	17.03.16	HOUSE TYPE 135-MORRISON-RH-PROPOSED FLOOR PLANS
110.	1359-P-135-RH-02	17.03.16	HOUSE TYPE 135-MORRISON-RH-PROPOSED ELEVATIONS
111.	1359-P-148-LH-01	26.11.14	HOUSE TYPE 148-CLUNY-LH-PROPOSED FLOOR PLANS
112.	1359-P-148-LH-02	26.11.14	HOUSE TYPE 148-CLUNY-LH-PROPOSED ELEVATIONS
113.	1359-P-148-RH-01	26.11.14	HOUSE TYPE 148-CLUNY-RH-PROPOSED FLOOR PLANS
114.	1359-P-148-RH-02	26.11.14	HOUSE TYPE 148-CLUNY-RH-PROPOSED ELEVATIONS
115.	1359-P-186-LH-01	26.11.14	HOUSE TYPE 186-MARR-LH-PROPOSED FLOOR PLANS
116.	1359-P-186-LH-02	26.11.14	HOUSE TYPE 186-MARR-LH-PROPOSED ELEVATIONS
117.	1359-P-186-RH-01	26.11.14	HOUSE TYPE 186-MARR-RH-PROPOSED FLOOR PLANS
118.	1359-P-186-RH-02	26.11.14	HOUSE TYPE 186-MARR-RH-PROPOSED ELEVATIONS
119.	1359-P-000-XX-012 A	27.11.14	BOUNDARY TREATMENT PLAN SHEET 1 OF 2
120.	1359-P-000-XX-012 A	27.11.14	BOUNDARY TREATMENT PLAN SHEET 2 OF 2
121.	W20-70(AB)-2MT-600 A	NOV 15	HOUSE TYPE BLACKLINE SALES DRAWING BALVENIE SPEC' GROUND AND FIRST FLOOR-ABERWOOD (VII, X + XIII)
122.	W20-70(AB)-2MT-600 OP	NOV 15	HOUSE TYPE BLACKLINE SALES DRAWING BALVENIE SPEC' GROUND AND FIRST FLOOR-ABERWOOD (VII, X + XIII)
123.	W20-70(AB/AT)-2MT-410	NOV 15	HOUSE TYPE R/M FINISH-ABERWOOD/ASTON (VII, X, XIII + XIV)
124.	W20-70(AB/AT)-2MT-410	NOV 15	HOUSE TYPE R/M OPP FINISH-ABERWOOD/ASTON (VII, X, XIII + XIV)
125.	W20-82-3ET/S-410	NOV 15	HOUSE TYPE R/M FINISH (ELEVATION 2)- ARGYLL (VII, X, XIII + XIV)
126.	W20-82-3ET/S-410 OPP	NOV 15	HOUSE TYPE R/M OPP FINISH (ELEVATION 2)-ARGYLL (VII, X, XIII + XIV)
127.	1359-P-000-XX-011	27.11.14	PROPOSED BOUNDARY TREATMENTS
128.	S09-SD-05-19-1	JAN 2016	900MM HIGH METAL RAILING/WALL DETAIL
129.	W20-SD-05-01	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL (F1)
130.	W20-SD-05-02	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL WITH GATE (F2)

131.	W20-SD-05-03	JAN 2016	450MM HIGH TIMBER FEU FENCE DETAIL (F3)
132.	W20-SD-05-06	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL WITH STONE PIER (F6)
133.	W20-SD-05-11	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL WITH STONE WALL & PIER (F11)
134.	W20-SD-05-19	JAN 2016	1100MM HIGH METAL RAILING DETAIL WITH GATE (F19)
135.	W20-SD-05-38	JAN 2016	DETACHED GARAGE DETAILS DOUBLE DETACHED (PYRAMID ROOF) PLAN, SECTION & ELEVATIONS CONSTRUCTION ISSUE
136.	W20-SD-05-48	JAN 2016	DRIVEWAY PAVING BLOCK DETAIL MAIN ENTRANCE LEVEL PLATT - W20 HOUSE RANGE
137.	W20-SD-05-49	JAN 2016	DRIVEWAY PAVING BLOCK DETAIL FOOTPATH DETAIL
138.	W20-SD-05-51	JAN 2016	MAIN ENTRANCE LEVEL ACCESS PLATT & FOOTPATH DETAIL
139.	W20-SD-05-52	FEB 2016	STEPPED LINK DETAIL BETWEEN DRIVEWAY & LEVEL ACCESS
141.	REPORT	AUG 2022	DESIGN AND ACCESS STATEMENT
142.	REPORT	27.11.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT AF4 ISSUE 5
143.	REPORT	21.11.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT M5 & AF3 ISSUE 6
144.	REPORT	16.10.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT L5 PHASE 2 ISSUE 7 - 1/2
145.	REPORT	16.10.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT L5 PHASE 2 ISSUE 7 - 2/2
146.	REPORT	16.10.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT AREA M6 ISSUE 5
147.	REPORT	27.11.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT AREA U5 ISSUE 5
148.	REPORT	OCT 2022	CYCLING AUDIT REPORT
149.	REPORT	OCT 2022	DESIGN ACCESS AUDIT REPORT
150.	REPORT	FEB 2014	TRANSPORT ASSESSMENT
151.	REPORT	JUN 2014	GEO-ENVIRONMENTAL INTERPRETATIVE REPORT

Schedule of conditions

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the planning authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan. This Phasing Plan shall not be amended without the written consent of the planning authority. Any proposal to amend the Phasing Plan / Development Parcels should provide evidence to demonstrate that such changes would not be likely to give rise to any significant environmental impacts.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way.

3. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

4. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

5. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

6. No dwellinghouse hereby approved shall be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. The maximum gradient of each driveway shall not exceed 1:20 gradient and shall be fully paved. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

7. Prior to occupancy of the first dwelling or flatted property within each identified phase (AF3, AF4, L5, and M5) the footpath / footway / cycleway provision links associated with the individual phase, linking from west (Causeymouth) to east (Cookston Road) shall be delivered in full to the respective boundaries of the phase of development as shown on drawing no's; 60000/1700 Rev P (Phase AF4); 60000/1300 Rev AK (Phase L5); and 60000/1600 Rev U (Phase M5 & AF3).

Reason: To ensure the timely completion of the required footpath/footway/cycleway to serve the development.

8. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) existing landscape features and vegetation to be retained;
- b) protection measures for the landscape features to be retained;
- c) existing and proposed finished levels;
- d) the location of new trees, shrubs, hedges, grassed areas and water features;
- e) a schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) the location, design and materials of all hard landscaping works, including walls, fences, gates, street furniture and play equipment;
- g) an indication of existing trees, shrubs and hedges to be removed; and
- h) a programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning

authority is dying, severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

9. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- a) the location of existing paths, including core paths and desire lines on or adjoining the site;
 - b) the location and duration of temporary diversions during construction of the approved development;
 - c) details of new routes and proposed route changes;
 - d) path construction specifications;
 - e) details of structures, fittings and signage;
 - f) details of and timescales for the implementation and phasing of the path works;
 - g) details of the future maintenance of the proposed path(s); and
 - h) written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan.

Reason: To ensure the adequate provision of public access within and around the site.

10. No dwellinghouse hereby approved shall be occupied unless the identified no detriment solution junction improvement works at Cookston Road / Muirend Road, as shown in the agreed Fairhurst Transport Assessment (2014), Appendix H, drawing no's 102085/SK01, have been fully completed in accordance with Aberdeenshire Council Roads Development Standards unless otherwise agreed with the planning authority.

Reason: To ensure the timely completion of the required road network upgrades to serve the development.

11. No dwellinghouse hereby approved shall be occupied unless a Travel Plan has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No dwellinghouse shall be occupied unless the measures set out in the approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

12. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority in consultation with SEPA. The construction method statement shall include details of measures to deal with the location of temporary settling lagoons, silt levels in discharges and temporary equipment

stores. All construction works on the site shall be carried out in accordance with the approved construction method statement.

Reason: In order to minimise the impacts of necessary construction works on the environment.

13. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
 - b) calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2023.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required by Policy C1 of the Aberdeenshire Local Development Plan 2023.

Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Town and Country Planning (Scotland) Act 1997

Appeal: Notice of Intention

Notice of Intention by Andrew A Sikes, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2453
- Site address: land at Leathan Fields, Schoolhill, Portlethen, AB12 4LX
- Appeal by Stewart Milne Homes against the decision by Aberdeenshire Council
- Application for planning permission APP/2016/0934 dated 8 April 2016 refused by notice dated 21 December 2023
- The development proposed: erection of 175 housing units with associated accesses, infrastructure and landscaping
- Application drawings: see schedule at the end of this notice
- Date of site visit by Reporter: 9 May 2024

Date of notice: 7 August 2024

Notice of Intention

For the reasons given below, I am minded to allow the appeal and grant planning permission subject to the 13 conditions listed at the end of this notice, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 43 of this notice.

Preliminary matter

The scale and nature of the proposed development is such that it falls within the description of development set out in Class 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA regulations). The council did not issue a screening opinion at the time that the appellant's application was submitted in April 2016. Nor was it able to confirm whether a screening opinion was issued in respect of the extant planning permission in principle that provides for the mixed-use development of the wider area, including the appeal site. I therefore made a screening direction in accordance with regulation 3 of the 2017 regulations. The screening direction is dealt with in a separate notice, dated 7 August 2024. In short, having carefully considered the information submitted with the appeal and that submitted in response to my request for further information, I concluded that the proposed development is not EIA development.

Reasoning

1. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case consists of the Fourth National Planning Framework (NPF4) and the Aberdeenshire Local Development Plan (2023) (ALDP). Also relevant to my consideration of this appeal is the approved Land at Schoolhill, Portlethen Indicative Masterplan (2004) and approved Planning Brief and Landscape Appraisal, Mixed Use Development at Schoolhill (2006).

2. The parties have referred me to a considerable number of policies contained in NPF4 and the ALDP. However, the council's decision notice only makes reference to policies 14 (design, quality and place), 20 (blue and green infrastructure) and 21 (play, recreation and sport) of NPF4 and policy P2 (open space and access in new development) of the ALDP. I also find these policies to be the main considerations in this appeal and I address them in detail in my conclusion below. Where necessary, I make reference to other policies cited by the parties.

The appeal site and proposed development

3. The appeal sites lies within the settlement boundary of Portlethen on its north-west edge to the west of the A92(T). It extends to approximately 8.21 hectares and lies adjacent to and among recently built residential development. The site is irregular in shape, vacant and unkempt. It is presently bound by a series of wooden fences and temporary mesh barriers. At the time of my inspection some areas of the site were being used for the open storage of building materials. To the north, the site is bound by open fields and to the south by School Brae and Portlethen Golf Club. The site also has boundaries with Newlands Drive, Schoolhill Drive, Barnhill Gardens, Barnhill Drive and Bishopton Place. Hillside School lies immediately to the east, beyond which lies a full-sized flood-lit artificial sports pitch.

4. The appellant seeks detailed planning permission for the development of 175 dwellings, a proportion of which would be 'affordable'. The proposed site layout plan shows the site divided into six development areas, or phases, (AF3, AF4, L5, M5, M6, U5), each of which would be served by existing public footpaths and roads via Cookston Road and School Brae. The development would consist mainly of two-storey detached and semi-detached dwellings. The affordable housing component would incorporate a mix of flats, bungalows and a number of terraced properties. The site layout plan also shows the continuation of an approved footpath/cycle path through the site that would link a small shopping area to Hillside School and Causeymouth immediately beyond. An equipped play park would form part of the proposals for development area L5, while small, landscaped areas of open space would be located throughout the development.

5. The report of handling notes that the application has been amended from that first submitted to the council in 2016, including changes to house designs and the overall layout to address parking and access requirements. The report adds, neighbour notification exercises have been undertaken when changes have been proposed, most recently in July 2023.

6. The proposed development attracted 48 representations; 45 objections, two in support of the appellant's application and one comment. A further detailed representation from Portlethen and District Community Council was received in response to the appeal, principally reiterating concerns first raised with the council. In short, among the reasons for objection to the proposed development is the lack of community facilities to support further residential development in the area and insufficient provision of open space. I address these and all other matters raised in representations below.

7. Having regard to the provisions of the development plan and the matters raised in representations, I consider the main issues in this appeal to be the acceptability of the proposed development in principle; the provision of open space, including play and recreation space; and overall design quality.

Background

8. The appeal site lies within an area for which an extant planning permission in principle (OPP) exists for residential-led mixed-use development. The OPP is based on an approved indicative masterplan which includes the majority of the appeal site within a 'core housing'

area. Other parts of the appeal site extend into areas promoted for the development of 'home zone' and 'affordable' housing; areas of housing differentiated by the density of development. The masterplan also identifies areas of public open space, playing fields and strategic landscaping. The OPP restricted the amount of residential development to 840 dwellings, a cap on development that the appellant sought to remove through a subsequent application and appeal. I discuss this matter in more detail below.

9. The OPP also required the preparation of a planning brief to guide future development proposals as they came forward. In doing so, it required the planning brief to have regard to the provision of public open space and children's play facilities in line with the council's standards in place at that time. The planning brief recognised that the scale of development proposed required organised sports facilities, community play areas and neighbourhood green space. In line with the masterplan, it proposed that the majority of these facilities should be located towards the west of the site, that is, to the west of the appeal site. In particular, it required the minimum provision of 7.3 hectares of open space in this location which was to include two full-sized football pitches and an equipped play park. Elsewhere, the planning brief required the provision of pocket parks.

10. It is evident, in the context described above, that the principle of residential development on the appeal site is one that has been considered acceptable for some time. Indeed, the vast majority of the OPP area has been developed, including land immediately surrounding the appeal site. However, it is the detailed proposals for the appeal site that the council and many of the representees consider unacceptable, especially with regard to the provision of functional open space.

11. The ALDP Portlethen Settlement Statement allocates the appeal site for residential development; it is promoted as opportunity site OP1 with an indicative capacity of 176 dwellings. The supporting text to OP1 (Schoolhill) states that development proposals are required to include affordable housing and, more generally, connect with existing housing areas and Hillside School, principally through design and active travel links. The ALDP, Appendix 6, Table 4 confirms that 100 of the 176 dwellings would contribute to the strategic housing land requirement within the Aberdeen Housing Market Area.

12. The appeal proposals were first presented to the council's Kincardine and Mearns Area Committee in late 2019. The Area Committee at that time appeared broadly content with the appellant's proposals and delegated authority to the Head of Planning to grant planning permission on completion of a Section 75 Agreement to secure the provision of affordable housing. It also required a review of school catchment area boundaries to be undertaken as a means of addressing capacity constraints. The appellant's proposals were once again presented to the Area Committee in early September 2023, in light of recommendations made in the ALDP examination report amending the contribution that housing on the appeal site would make to strategic housing requirements given school capacity constraints. A decision on the appellant's application was deferred until the end of that month when, contrary to the Head of Planning's recommendation to approve the application, the Area Committee resolved to refuse planning permission on the basis that it made insufficient provision for functional open space.

Acceptability of the proposed development in principle

13. NPF4 policy 16 (quality homes) states, development proposals for new homes on land allocated for housing in local development plans (LDPs) will be supported. Similarly, ALDP policy H1 supports the development of housing on sites allocated for that purpose. In this regard, the Portlethen Settlement Statement allocates the appeal site for residential development (site reference OP1 Schoolhill) suitable for the development of 176 dwellings. On this matter, I also note the conclusions of the report of handling, which states that the principle

of residential development on the site is established through the ALDP and the OP1 (Schoolhill) site allocation. In light of the background described above, provisions within the development plan and the extant OPP, I consider the principle of residential development on the appeal site acceptable.

The provision of open space, including play and recreation space

14. The determining issue in this case is whether the provision of open space is based on the requirements for an individual site or is considered as part of a wider development area to which the open space would make a contribution to an overall requirement.

15. ALDP policy P2 requires all new development to be accompanied by adequate public open space consistent with standards set out in the Aberdeenshire Parks and Open Space Strategy (2010); the relevant standards are also set out in ALDP Appendix 10, Table 2. A general expectation is that 40% of each major development site should be devoted to good quality open space. The actual amount of open space to be provided, however, is informed by a range of factors including, location, function and the characteristics of the proposed development and site; as noted by the appellant, provision could be more or less than 40%.

16. The policy also recognises that sites may form part of a larger site where development is guided by an approved masterplan or development brief. Where this is the case, developers are required to demonstrate that the site is a constituent part of land covered by a masterplan or development brief and that it will contribute to the 40% open space component for that area.

17. In this appeal, the relevant open space standards are:

- detailed applications that promote between 50 and 249 dwellings are required to provide a mix of open space types equal to 40% of the total site area;
- sites that form a constituent part of an approved development framework or masterplan promoting between 600 and 1000 dwellings should contribute to the 40% open space requirement within that area. The open space should meet a range of public needs, for example, organised sports, a play park and community play areas.

18. While the proposed development is rightly regarded as major development, the appeal site also forms part of an approved masterplan area in which development is guided by a planning brief. Considered on its own, the public open space within the proposed development would amount to approximately 20% of the total site area; half that which is required by the ALDP were this the applicable standard. On this basis, I acknowledge that the proposed development would fail to fully satisfy the requirements of policy P2.

19. When considered in the context of the approved masterplan/planning brief, however, the overall open space requirement for masterplan/planning brief area would be met. In this regard, the appellant asserts:

- excluding the appeal site and business areas, the masterplan/planning brief area has open space provision equal to 39.4% of the site area;
- with business areas included, the total open space provision increases to 41.1%; and
- by adding the open space provision within the appeal site, the open space provision increases to 42.5%.

20. The report of handling concludes, when considered as part of the wider mixed-use masterplan/planning brief area, the proposed development contributes to the delivery of open space that amounts to approximately 40%.

21. With the passage of time, the promotion of the site as a major development opportunity and claims by the community council and residents that there is a lack of local amenities in the

Schoolhill area, including open space, I can understand the position adopted by the council. However, it is indisputable that the appeal site forms part of the wider masterplan/planning brief area and that the development which has taken place to-date throughout the Schoolhill / Hillside area has been guided by, and is broadly consistent with, the proposals and requirements of approved guidance and the terms of the OPP. As such, I consider it unreasonable to depart from approved guidance at this late stage in the development of the Schoolhill / Hillside area.

22. While I address the design quality of the proposed development below, I note here that in terms of open space provision, the appeal proposals promotes 2,360 square metres of usable open space, including a play park and new links, and the completion of others, providing access through the site for walkers and cyclists. Furthermore, the amount of open space proposed would contribute to wider provision in Schoolhill / Hillside to the extent that the overall amount would be approximately 40% of the total site area; or more than 40% based on the appellant's calculations. As such, the proposed development would be consistent with the requirements of the approved masterplan, OPP, planning brief and ALDP.

23. While I note the conclusion of the report of handling on this matter, I am inclined to agree with the appellant's interpretation of ALDP policy P2 and its application in this case. Policy P2 is not as strict in its application as the assessment in the report of handling suggests; a provision lower than 40% may be justified within the context of the factors set out in the policy. As such, I do not regard the open space provision within the proposed development as an 'acceptable departure' from the policy and its requirements, I consider it to be compliant.

24. In summary, having considered the context within which the proposed development is being promoted, I considered it appropriate to apply the alternate clause within ALDP policy P2; the appellant has demonstrated to my satisfaction that the appeal site is a constituent part of the approved Schoolhill masterplan/planning brief area that will contribute to the 40% open space component within the wider area. In doing so, it would bring the overall open space provision within the masterplan area to 40% or more, as required.

25. While the council's decision notice cites the failure of the proposed development to comply with NPF4 policies 20 (blue and green infrastructure) and 21 (play, recreation and sport), its appeal statement does not explain why or how it arrived at this conclusion. As I observed at my site inspection, the appeal site is not existing blue-green infrastructure, it is covered with self-seeded grasses and bound by fences preventing public access. Nor is it protected open space, as defined by the ALDP. As I note above, the appeal site is identified and allocated for housing in the approved masterplan/planning brief and ALDP, respectively. As the appeal site does not form part of the blue-green network, I agree with the appellant that NPF4 policy 20 is not directly relevant to my consideration of this appeal. I consider matters relating to the provisions of NPF4 policy 21 below.

Design quality

26. The report of handling concludes that the proposed development is appropriately designed, laid out and is compatible in scale, nature and finish to neighbouring residential development. It adds, the site can be suitably accessed and serviced and would integrate satisfactorily with existing residential development in Portlethen. It concludes that the proposed development is broadly consistent with development plan policy and guidance set out in the masterplan/planning brief. The appellant states, the proposed development has been designed in line with good design principles set out in NPF4 policy 14 (design, quality and place) to provide a development that is welcoming, safe, well-connected, sustainable and adaptable.

27. I have reviewed the appellant's Design and Access Statement (2022) and considered its proposals against the requirements of the approved masterplan/planning brief and OPP. In

short, the density of development proposed accords with that promoted by the masterplan/ planning brief for core housing areas (21 dwellings per hectare), as does the general layout. The proposed development also provides safe walking and cycling routes that link and connect to bus stops, local shopping facilities, the school and sports pitch to the west (as shown on drawing numbers 60000/1700 Rev P (Phase AF4); 60000/1300 Rev AK (Phase L5); and 60000/1600 Rev U (Phase M5 & AF3)).

28. To inform my consideration of design quality of the appeal proposals I walked the streets of nearby existing housing areas. I found their layout and design to be generally legible and of good quality, including street frontage landscaping, private roads and courtyards and the use of a complementary range of surface materials. Secondary and tertiary streets were traffic calmed, ensuring vehicle movements were subservient to those of pedestrians and cyclists. Likewise, amenity open spaces were generous where they fronted primary routes and well-landscaped. On this basis, as suggested by the Design and Access Statement, I have every reason to believe that the proposed development would be of a similar quality.

29. With regard to open space, I comment here on the quality of the spaces that would be provided. The form and function of the proposed open space/play park is described in the Design and Access Statement and supporting planning statement. I note, open space would:

- be located centrally within sub-area L5 adjacent to existing housing;
- extend to approximately 2,360 square metres;
- be located adjacent to a proposed footpath/cycle path which would connect to the existing network of paths;
- be overlooked on three sides by the principal elevations of dwellings, providing passive surveillance;
- incorporate tree planting at its fringes with play equipment set atop a bund;
- cater for children in older age groups (a proposal informed by community engagement);
- complement four existing pockets parks catering for younger children.

30. I consider the design of the proposed open/play park acceptable. It would encourage, promote and create opportunities for play, recreation and sport, consistent with the policy objectives of NPF4 policy 21. Also, the open space/play park would be inclusive, form an integral part of its surroundings and link directly to other open spaces and play areas via the existing network of paths. As such, the proposed open space and play facilities would be of benefit to occupiers of new as well as existing development. Importantly, development within sub-area L5 has been designed to provide passive surveillance of the open space and play facilities. Accordingly, I agree with the conclusions of the report of handling that the proposed open space is a well-considered use of public open space that would be a valuable asset to the community and complement existing facilities.

31. In addition, pockets of landscaped open spaces would be located throughout the proposed development to mark key junctions and enhance streets and footpaths, as they do elsewhere in the Schoolhill / Hillside area.

Conclusions on open space and design quality

32. Overall, I consider the proposed development provides sufficient open space to satisfy the requirements of the masterplan/planning brief. I note the council's contention that the amount of open space is inadequate and below that which is generally required as part of major development. However, I find that the council, and indeed the author of the report of handling, has misapplied ALDP policy P2 in its assessment; the 40% requirement is a general expectation, the actual amount is informed by a range of factors which could result in more or

less open space being required. In this case, the proper consideration is set out in the final sentence of ALDP P2.2, that is, where land is a constituent part of a wider area which is the subject of an approved masterplan/planning brief, the provision of open space is required to contribute to the 40% component within that area. The proposed development satisfies this requirement. Accordingly, I conclude that the proposed development is consistent with the provisions of NPF4 policy 21. As I note above, I do not consider NPF4 policy 20 directly relevant to my consideration of this appeal; the appeal site does not form part of the blue-green network.

33. I also consider the design quality of the proposed development acceptable. It meets the requirements of the masterplan/planning brief and ALDP proposals OP1 (Schoolhill) in terms of housing density, connectivity and active travel. It is also broadly consistent with the provisions of NPF4 policy 14 and the six qualities of successful places; it is appropriately designed, suitable in scale, in-keeping with the character of the surrounding area and, where necessary, provides for passive surveillance. It is also well-connected providing opportunities for active travel and convenient links to and between community facilities.

Other matters

34. The community council claims that the capacity of the appeal site has been reduced from 176 to 100 dwellings. In support of its claim it refers to the recommendations of the Proposed ALDP examination report. It also states that part of the appeal site is reserved for the future expansion of the school. Finally, the community council refers to the provision of sports pitches to the west of Hillside School. I address these matters in turn below.

35. Firstly, the reference to 100 dwellings relates to the contribution of the site to meeting the Aberdeen strategic housing requirement. The figure is less than that proposed for the site as a whole due to capacity constraints that existed in the school estate at the time of the (proposed) ALDP examination. The reporter did not recommend that the site allocation of 176 dwellings should be reduced, just its contribution to the strategic housing land requirement. This is shown in ALDP, Appendix 6, Table 4: Allocations which contribute to the Strategic Development Plan allowance for the Aberdeen Housing Market Area (see New Sites Portlethen OP1 on page 171). The community council has misunderstood the reporter's recommendation in this regard.

36. Secondly, the Portlethen settlement statement 'reserved land' proposal R3 (Hillside primary school extension) includes the qualification 'if required'. The report of handling notes, while the school has hitherto operated at capacity, the up-to-date school roll projection forecasts that there will be capacity from the end of the 2023/24 session. On the basis of a programme that anticipated a build rate of 50 dwellings in 2024, and the availability of sufficient capacity at the school to meet the needs of the development, the council's Education and Children's Services (Estates Team) withdrew its objection to the appellant's application. As such, the land reservation is no longer required and is not an impediment to development, as suggested by the community council.

37. I note the submission of a statement in respect of school capacities lodged by the council (TPS Planning). On the basis that the statement was prepared in October 2016, the publication of up-to-date school roll projection forecasts and the subsequent withdrawal of the council's Education and Children's Services (Estates Team) objection to the proposed development, I have not attached any importance to the conclusions of the statement.

38. Reference is also made to an appeal decision in 2014 (DPEA ref: PPA-110-2223) to refuse consent to an application that sought to remove the cap on housing development imposed by the OPP. At that time, as I indicate above, a capacity constraint existed in education provision that prohibited the development of the site. Nor was there an agreed

solution to remove the constraint. With the passage of time and a falling school roll, however, there is no longer an education constraint prohibiting development on the appeal site.

39. Thirdly, the approved masterplan/planning brief promotes the provision of open space, including two full-sized football pitches to the west of Hillside School. As I observed at my site inspection, one all-weather flood-lit multi-use games area has been provided immediately to the west of the school. The remainder of the land remains vacant and unkempt. I note the land in question was conveyed to the council as part of a legal agreement some time ago. The council adds, that due to the appellant's use of the land to store excess topsoil it has proven prohibitively expensive to develop the site as intended. I note the Portlethen Community Action Plan identifies the need to improve access to, and the provision of, sports pitches.

40. On the basis of the evidence before me, I agree with the appellant that there is no further obligation on its part to provide additional sport or recreational facilities at Hillside. As it notes, the land has been transferred to the council and it is its responsibility to assist and progress the delivery of projects identified in the Community Action Plan. I do, however, note that the appellant is content to make a financial contribution towards the provision of essential infrastructure, including sport, recreations and community facilities.

41. Apart from the community council, there are no outstanding objections to the proposed development from statutory consultees. Nor are there any objections from the council's internal services, including the Infrastructure Services teams with responsibility for housing; contaminated land; environment (landscaping); roads; transportation; waste management. The report of handling notes that a package of developer obligations has been agreed with the appellant regarding the provision of affordable housing and, as I indicate above, a range of community facilities and other infrastructure.

Conclusions

42. Taking all matters into account, I conclude that the proposed development accords with the development plan. There are no material considerations that lead me to conclude otherwise.

43. Consequently, I am minded to grant planning permission subject to the schedule of conditions listed at the end of this notice and an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other suitable agreement or mechanism as may be agreed by the parties, to secure financial contributions towards the provision of essential infrastructure and affordable housing. Specifically, the agreement should make provision, capable of restricting or regulating the site of the proposed development for:

- a financial contribution towards the provision of essential infrastructure, namely:
 - secondary education – reconfiguration works at Portlethen Academy to create additional teaching spaces;
 - community facilities – extension of Jubilee Hall, Portlethen or other such facility serving the residents of the development;
 - sport and recreation – additional sports and recreational facilities at Hillside or other such facility serving the residents of the development;
 - healthcare – extension of Portlethen Medical Centre or other such facility serving the residents of the development;
 - waste – the front funded Household Waste and recycling Centre, Portlethen, or other such facility serving the residents of the development.
- the provision of 46 dwellings for social rent and low-cost shared equity.

44. I will accordingly defer determination of this appeal for a period of 12 weeks to allow the relevant planning obligation to be completed and registered or recorded, as the case may be. If by the end of the 12 week period, a copy of the relevant obligation with evidence that it has been registered or recorded has not been submitted to my office, I will consider whether this period should be extended, or if planning permission should be refused or granted without a planning obligation.

45. The schedule of conditions is based on that provided by the council, to which the appellant is agreeable. I have variously amended conditions 1 to 13 to ensure that they are precise and accord with the tests of Circular 4/1998 (the use of conditions in planning permissions).

46. In particular, I have amended condition 2 to remove the last sentence, which identified a need for any changes to the Phasing Plan which would give rise to environmental impacts to be accompanied by an environmental statement in accordance with the now superseded Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. As I note in my preliminary remarks above, the proposed development is not EIA development for the purposes of the 2017 regulations. Accordingly, I consider such a requirement unnecessary. I have also corrected condition 13 and reasoning to refer to the adopted ALDP 2023. There are no other substantive changes to the conditions as proposed.

47. Finally, for ease of reference, within the schedule below I have grouped the approved drawings and documents by sub-area, house type and topic.

Andrew A Sikes

Reporter

Schedule of drawings and documents

	Drawing reference	Date	Title (Fairhurst)
1.	5169 / 1000 / LP	30.03.16	AF3, AF4, L5, M5, M6, AND U5 LOCATION PLAN
2.	M5, U5, AF3, AF4-SK-01 J	21.01.14	AF3, AF4, L5, M5, M6, AND U5 OVERALL LAYOUT PLAN
3.	5217-AF3-01 REV I	30.09.14	AF3 SITE LAYOUT PLAN
4.	60000 / 2461 REV G	30.10.13	AF3 ROAD 2 / ROAD 50 & AF3 DRAINAGE SECTIONS SHEET 1 OF 2
5.	60000 / 2462 REV B	27.02.15	AF3 ROAD 2/ ROAD 50 & AF3 DRAINAGE SECTIONS SHEET 2 OF 2
6.	5230-101 REV L	08.09.15	M5 SITE LAYOUT PLAN
7.	60000 / 2460 REV R	29.10.13	M5 & AF3 ROAD 2 & ROAD 50 DRAINAGE LAYOUT
8.	60000 / 1600 REV U	04.11.14	M5 & AF3 ROADS LAYOUT
9.	60000 / 1602 REV G	14.11.14	M5 & AF3 ROADS CONSTRUCTION
10.	60000 / 1603 REV H	13.11.14	M5 & AF3 KERBING LAYOUT
11.	60000 / 1604 REV G	03.11.14	M5 & AF3 VEHICLE SWEPT PATHS
12.	60000 / 1607 REV C	12.08.22	M5 & AF3 FIRE AND RESCUE SERVICE VEHICLE ROUTES
13.	60000 / 1608 REV B	16.08.22	M5 & AF3 STREET LIGHTING LAYOUT
14.	60000 / 1609	08.09.22	M5 & AF3 STREET LIGHTING CONSTRUCTION DETAILS
15.	60000 / 1612 REV B	14.12.22	M5 & AF3 DRIVEWAY VISIBILITY SPLAYS
16.	60000 / 1650 REV I	16.05.14	M5 & AF3 LEVELS LAYOUT
17.	60000 / 2242 REV B	02.02.21	M5 & AF3 OVERLAND FLOODFLOW ANALYSIS 1 IN 200 YEAR EVENT
18.	60000 / 2484 REV F	16.05.14	M5 & AF3 DRAINAGE LAYOUT

19.	60000 / 2485 REV A	21.11.14	M5 & AF3 DRAINAGE SECTIONS
20.	5218-AF4-01 REV D	11.11.13	AF4 SKETCH SITE LAYOUT
21.	60000 / 1700 REV P	24.11.14	AF4 ROADS LAYOUT
22.	60000 / 1701 REV C	24.11.14	AF4 ROADS LONGITUDINAL SECTIONS
23.	60000 / 1702 REV B	24.11.14	AF4 ROADS CONSTRUCTION DETAILS
24.	60000 / 1704 REV D	21.10.14	AF4 KERBING LAYOUT
25.	60000 / 1705 Rev H	21.10.14	AF4 VEHICLE SWEPT PATHS
26.	60000 / 1707 REV A	26.07.22	AF4 STREET LIGHTING LAYOUT
27.	60000 / 1708 Rev D	26.07.22	AF4 FIRE & RESCUE SERVICE VEHICLE ROUTES
28.	60000 / 1711	26.07.22	AF4 STREET LIGHTING CONSTRUCTION DETAILS
29.	60000 / 1712 REV B	14.12.22	AF4 PRIVATE VISIBILITY SPLAYS
30.	60000 / 1750 REV K	19.05.14	AF4 LEVELS LAYOUT
31.	60000 / 1751 REV A	11.12.15	AF4 CUT AND FILL CONTOURS BETWEEN PROPOSED & EXISTING FORMATION
32.	60000 / 2241 REV B	01.02.21	AF4 OVERLAND FLOODFLOW ANALYSIS 1 IN 200 YEAR EVENT
33.	60000 / 2481 REV H	20.10.14	AF4 DRAINAGE LAYOUT
34.	60000 / 2482	10.10.22	AF4 DRAINAGE SECTIONS
35.	60000 / 2483 REV A	25.11.14	AF4 DRAINAGE ADOPTION PLAN
36.	5204-PH2 / 1003 REV Q	05.11.15	L5 SITE LAYOUT PHASE 2 – 38 UNITS
37.	60000 / 1300 REV AK	15.10.13	L5 ROADS LAYOUT
38.	60000 / 1302	13.05.13	L5 ROAD CONSTRUCTION DETAILS
39.	60000 / 1304 REV J	24.05.13	L5 VEHICLE SWEPT PATHS
40.	60000 / 1305 REV O	24.06.13	L5 KERBING LAYOUT
41.	60000 / 1306 REV C	17.08.22	L5 PHASE 2 STREET LIGHTING LAYOUT
42.	60000 / 1307 REV C	18.08.22	L5 FIRE AND RESCUE SERVICE VEHICLE ROUTES
43.	60000 / 1308 REV C	08.09.22	L5 PHASE 2 CAPPING REQUIREMENTS
44.	60000 / 1309	12.09.22	L5 PHASE 2 STREET LIGHTING CONSTRUCTION DETAILS
45.	60000 / 1310 REV C	14.12.22	L5 DRIVEWAY VISIBILITY SPLAYS
46.	60000 / 1330 REV H	24.09.13	L5 COMBINED SERVICES LAYOUT
47.	60000 / 1350 REV M	16.05.13	L5 LEVELS LAYOUT
48.	60000 / 1351 REV E	16.05.13	L5 BULK CUT AND FILL CONTOURS AND QUANTITIES
49.	60000 / 2401 REV R	28.06.13	L5 DRAINAGE LAYOUT
50.	60000 / 2402 REV F	28.06.13	L5 DRAINAGE LONGITUDINAL SECTIONS
51.	60000 / 2404 REV F	28.06.13	L5 DRAINAGE ADOPTION PLAN
52.	60000 / 2244 Rev H	26.02.21	L5 (PHASE 2) OVERLAND FLOODFLOW ANALYSIS 1 IN 200 YEAR EVENT
53.	5228-M6-01 REV K	11.08.14	M6 SITE LAYOUT PLAN 30 UNITS
54.	60000 / 1110 REV AC	30.07.13	M6 ROADS LAYOUT
55.	60000 / 1112 REV H	31.07.13	M6 ROADS CONSTRUCTION DETAILS
56.	60000 / 1113 REV I	31.07.13	M6 VEHICLE SWEPT PATH ANALYSIS
57.	60000 / 1115 REV N	06.05.14	M6 KERB TYPE LAYOUT
58.	60000 / 1117 REV E	22.06.16	M6 FIRE AND RESCUE SERVICE VEHICLES ROUTES
59.	60000 / 1118 REV C	15.08.22	M6 STREET LIGHTING LAYOUT
60.	60000 / 1119	06.09.22	M6 STREET LIGHTING CONSTRUCTION DETAILS
61.	60000 / 1122 REV B	13.12.22	M6 DRIVEWAY VISIBILITY SPLAY
62.	60000 / 1160 REV L	24.10.13	M6 LEVELS LAYOUT
63.	60000 / 2243 REV F	18.02.21	M6 OVERLAND FLOODFLOW ANALYSIS 1 IN 200 YEAR EVENT
64.	60000 / 2245 REV E	10.03.22	M6 AND L5 OVERLAND FLOODFLOW MITIGATION MEASURES

65.	60000 / 2450 REV M	22.08.13	M6 DRAINAGE LAYOUT
66.	60000 / 2451 REV F	11.11.13	M6 DRAINAGE SECTIONS
67.	60000 / 6004	06.09.22	M6 RETAINING WALL DETAIL
68.	1359-P-000-XX-002	09.08.22	U5 SITE LAYOUT PLAN
69.	60000 / 1501 REV I	02.05.14	U5 ROADS LAYOUT
70.	60000 / 1502 REV B	02.05.14	U5 ROAD LONGITUDINAL SECTIONS
71.	60000 / 1504 REV E	02.05.14	U5 KERBING LAYOUT
72.	60000 / 1505 REV D	02.05.14	U5 STREET LIGHTING LAYOUT
73.	60000 / 1506 REV F	02.05.14	U5 VEHICLE SWEEP PATHS
74.	60000 / 1507 REV B	12.08.22	U5 FIRE AND RESCUE SERVICE VEHICLE ROUTES
75.	60000 / 1508	11.09.22	U5 STREET LIGHTING CONSTRUCTION DETAILS
76.	60000 / 1509	09.09.22	U5 CBR LOCATIONS AND CAPPING LAYOUT
77.	60000 / 1510 REV A	14.12.22	U5 DRIVEWAY VISIBILITY SPLAYS
78.	60000 / 1550 REV E	06.05.14	U5 LEVELS LAYOUT
79.	60000 / 2240 REV B	30.01.21	U5 OVERLAND FLOODFLOW ANALYSIS 1 IN 200 YEAR EVENT
80.	60000 / 2473 REV F	03.05.14	U5 DRAINAGE LAYOUT
81.	60000 / 2474 REV A	03.05.14	U5 DRAINAGE SECTIONS
82.	60000 / 6006	06.09.22	U5 RETAINING WALL DETAIL
83.	60000 / 1800 REV G	12.02.15	PROPOSED CYCLEWAY ROUTE
84.	60000 / 1900 REV H	07.08.19	SER/QA REVIEW NOTES
85.	60000 / 1901 REV F	07.08.19	SER/QA GENERAL ARRANGEMENT
86.	60000 / 1902 REV G	07.08.19	SER/QA PARKING ANALYSIS
87.	60000 / 1903 REV F	07.08.19	SER/QA SWEEP PATH ANALYSIS SHEET 1 OF 2
88.	60000 / 1904 REV F	07.08.19	SER/QA SWEEP PATH ANALYSIS SHEET 2 OF 2
89.	60000 / 1905 REV F	12.08.19	SER/QA STREET HIERARCHY
90.	60000 / 1906 REV G	12.08.19	SER/QA CONNECTIVITY AND PERMEABILITY
91.	60000 / 1907 REV F	12.08.19	SER/QA SPEED CONTROL STRATEGY
92.	60000 / 1908 REV G	14.08.19	SER/QA GRADIENT ANALYSIS SHEET 1
93.	60000 / 1909 REV G	16.08.19	SER/QA GRADIENT ANALYSIS SHEET 2
94.	60000 / 2225 REV E	09.10.19	SER/QA OVERLAND FLOW PATHS
95.	60000 / 2226 REV D	14.01.20	SER/QA OVERLAND FLOW PATHS
96.	60000 / 9104	05.06.14	WALKOVER SURVEY PLAN
97.	60000 / 00422	19.12.11	AS-BUILT EXPLORATORY HOLE LOCATIONS
98.	60000 / 9110	05.06.14	RADON PROTECTION RECOMMENDATIONS
99.	60000 / 00424	18.01.12	RADON PROTECTION RECOMMENDATIONS
100.	60000 / 00401	13.04.11	SITE LOCATION PLAN AREAS L3, M3 AND U3
101.	1359-P-113-LH-01	15.03.16	HOUSE TYPE 113-STRUAN-LH-PROPOSED FLOOR PLANS
102.	1359-P-113-LH-02	15.03.16	HOUSE TYPE 113-STRUAN-LH-PROPOSED ELEVATIONS
103.	1359-P-113-RH-01	15.03.16	HOUSE TYPE 113-STRUAN-RH-PROPOSED FLOOR PLANS
104.	1359-P-113-RH-02	15.03.16	HOUSE TYPE 113-STRUAN-RH-PROPOSED ELEVATIONS
105.	1359-P-118-LH-01	26.11.14	HOUSE TYPE 118-CRAIG-LH-PROPOSED FLOOR PLANS
106.	1359-P-118-LH-02	26.11.14	HOUSE TYPE 118-CRAIG-LH-PROPOSED ELEVATIONS
107.	1359-P-118-RH-01	26.11.14	HOUSE TYPE 118-CRAIG-RH-PROPOSED FLOOR PLANS
108.	1359-P-118-RH-02	26.11.14	HOUSE TYPE 118-CRAIG-RH-PROPOSED ELEVATIONS

109.	1359-P-135-RH-01	17.03.16	HOUSE TYPE 135-MORRISON-RH-PROPOSED FLOOR PLANS
110.	1359-P-135-RH-02	17.03.16	HOUSE TYPE 135-MORRISON-RH-PROPOSED ELEVATIONS
111.	1359-P-148-LH-01	26.11.14	HOUSE TYPE 148-CLUNY-LH-PROPOSED FLOOR PLANS
112.	1359-P-148-LH-02	26.11.14	HOUSE TYPE 148-CLUNY-LH-PROPOSED ELEVATIONS
113.	1359-P-148-RH-01	26.11.14	HOUSE TYPE 148-CLUNY-RH-PROPOSED FLOOR PLANS
114.	1359-P-148-RH-02	26.11.14	HOUSE TYPE 148-CLUNY-RH-PROPOSED ELEVATIONS
115.	1359-P-186-LH-01	26.11.14	HOUSE TYPE 186-MARR-LH-PROPOSED FLOOR PLANS
116.	1359-P-186-LH-02	26.11.14	HOUSE TYPE 186-MARR-LH-PROPOSED ELEVATIONS
117.	1359-P-186-RH-01	26.11.14	HOUSE TYPE 186-MARR-RH-PROPOSED FLOOR PLANS
118.	1359-P-186-RH-02	26.11.14	HOUSE TYPE 186-MARR-RH-PROPOSED ELEVATIONS
119.	1359-P-000-XX-012 A	27.11.14	BOUNDARY TREATMENT PLAN SHEET 1 OF 2
120.	1359-P-000-XX-012 A	27.11.14	BOUNDARY TREATMENT PLAN SHEET 2 OF 2
121.	W20-70(AB)-2MT-600 A	NOV 15	HOUSE TYPE BLACKLINE SALES DRAWING BALVENIE SPEC' GROUND AND FIRST FLOOR-ABERWOOD (VII, X + XIII)
122.	W20-70(AB)-2MT-600 OP	NOV 15	HOUSE TYPE BLACKLINE SALES DRAWING BALVENIE SPEC' GROUND AND FIRST FLOOR-ABERWOOD (VII, X + XIII)
123.	W20-70(AB/AT)-2MT-410	NOV 15	HOUSE TYPE R/M FINISH-ABERWOOD/ASTON (VII, X, XIII + XIV)
124.	W20-70(AB/AT)-2MT-410	NOV 15	HOUSE TYPE R/M OPP FINISH-ABERWOOD/ASTON (VII, X, XIII + XIV)
125.	W20-82-3ET/S-410	NOV 15	HOUSE TYPE R/M FINISH (ELEVATION 2)- ARGYLL (VII, X, XIII + XIV)
126.	W20-82-3ET/S-410 OPP	NOV 15	HOUSE TYPE R/M OPP FINISH (ELEVATION 2)-ARGYLL (VII, X, XIII + XIV)
127.	1359-P-000-XX-011	27.11.14	PROPOSED BOUNDARY TREATMENTS
128.	S09-SD-05-19-1	JAN 2016	900MM HIGH METAL RAILING/WALL DETAIL
129.	W20-SD-05-01	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL (F1)
130.	W20-SD-05-02	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL WITH GATE (F2)
131.	W20-SD-05-03	JAN 2016	450MM HIGH TIMBER FEU FENCE DETAIL (F3)
132.	W20-SD-05-06	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL WITH STONE PIER (F6)
133.	W20-SD-05-11	JAN 2016	1800MM HIGH TIMBER SCREEN FENCE DETAIL WITH STONE WALL & PIER (F11)
134.	W20-SD-05-19	JAN 2016	1100MM HIGH METAL RAILING DETAIL WITH GATE (F19)
135.	W20-SD-05-38	JAN 2016	DETACHED GARAGE DETAILS DOUBLE DETACHED (PYRAMID ROOF) PLAN, SECTION & ELEVATIONS CONSTRUCTION ISSUE
136.	W20-SD-05-48	JAN 2016	DRIVEWAY PAVING BLOCK DETAIL MAIN ENTRANCE LEVEL PLATT - W20 HOUSE RANGE
137.	W20-SD-05-49	JAN 2016	DRIVEWAY PAVING BLOCK DETAIL FOOTPATH DETAIL
138.	W20-SD-05-51	JAN 2016	MAIN ENTRANCE LEVEL ACCESS PLATT & FOOTPATH DETAIL
139.	W20-SD-05-52	FEB 2016	STEPPED LINK DETAIL BETWEEN DRIVEWAY & LEVEL ACCESS
141.	REPORT	AUG 2022	DESIGN AND ACCESS STATEMENT
142.	REPORT	27.11.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT AF4 ISSUE 5
143.	REPORT	21.11.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT M5 & AF3 ISSUE 6
144.	REPORT	16.10.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT L5 PHASE 2 ISSUE 7 - 1/2
145.	REPORT	16.10.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT L5 PHASE 2 ISSUE 7 - 2/2
146.	REPORT	16.10.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT AREA M6 ISSUE 5
147.	REPORT	27.11.14	STREET ENGINEERING REVIEW AND QUALITY AUDIT AREA U5 ISSUE 5
148.	REPORT	OCT 2022	CYCLING AUDIT REPORT
149.	REPORT	OCT 2022	DESIGN ACCESS AUDIT REPORT
150.	REPORT	FEB 2014	TRANSPORT ASSESSMENT
151.	REPORT	JUN 2014	GEO-ENVIRONMENTAL INTERPRETATIVE REPORT

Conditions

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the planning authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan. This Phasing Plan shall not be amended without the written consent of the planning authority. Any proposal to amend the Phasing Plan / Development Parcels should provide evidence to demonstrate that such changes would not be likely to give rise to any significant environmental impacts.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way.

3. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

4. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

5. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

6. No dwellinghouse hereby approved shall be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. The maximum gradient of each driveway shall not exceed 1:20 gradient and shall be fully paved. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

7. Prior to occupancy of the first dwelling or flatted property within each identified phase (AF3, AF4, L5, and M5) the footpath / footway / cycleway provision links associated with the individual phase, linking from west (Causeymouth) to east (Cookston Road) shall be

delivered in full to the respective boundaries of the phase of development as shown on drawing no's; 60000/1700 Rev P (Phase AF4); 60000/1300 Rev AK (Phase L5); and 60000/1600 Rev U (Phase M5 & AF3).

Reason: To ensure the timely completion of the required footpath/footway/cycleway to serve the development.

8. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- a) existing landscape features and vegetation to be retained;
 - b) protection measures for the landscape features to be retained;
 - c) existing and proposed finished levels;
 - d) the location of new trees, shrubs, hedges, grassed areas and water features;
 - e) a schedule of planting to comprise species, plant sizes and proposed numbers and density;
 - f) the location, design and materials of all hard landscaping works, including walls, fences, gates, street furniture and play equipment;
 - g) an indication of existing trees, shrubs and hedges to be removed; and
 - h) a programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

9. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- a) the location of existing paths, including core paths and desire lines on or adjoining the site;
 - b) the location and duration of temporary diversions during construction of the approved development;
 - c) details of new routes and proposed route changes;
 - d) path construction specifications;
 - e) details of structures, fittings and signage;
 - f) details of and timescales for the implementation and phasing of the path works;
 - g) details of the future maintenance of the proposed path(s); and
 - h) written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan.

Reason: To ensure the adequate provision of public access within and around the site.

10. No dwellinghouse hereby approved shall be occupied unless the identified no detriment solution junction improvement works at Cookston Road / Muirend Road, as shown in the agreed Fairhurst Transport Assessment (2014), Appendix H, drawing no's 102085/SK01, have been fully completed in accordance with Aberdeenshire Council Roads Development Standards unless otherwise agreed with the planning authority.

Reason: To ensure the timely completion of the required road network upgrades to serve the development.

11. No dwellinghouse hereby approved shall be occupied unless a Travel Plan has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No dwellinghouse shall be occupied unless the measures set out in the approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

12. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority in consultation with SEPA. The construction method statement shall include details of measures to deal with the location of temporary settling lagoons, silt levels in discharges and temporary equipment stores. All construction works on the site shall be carried out in accordance with the approved construction method statement.

Reason: In order to minimise the impacts of necessary construction works on the environment.

13. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
 - b) calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2023.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required by Policy C1 of the Aberdeenshire Local Development Plan 2023.