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Our ref: PPA-390-2042
21 December 2021

Dear Neil Collar

DECISION NOTICE

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: PLANNING PERMISSION IN PRINCIPLE APPLICATION FOR NEW
TENNIS AND GOLF CENTRE, INCLUDING MUSEUM AND VISITOR CENTRE; INDOOR
AND OUTDOOR TENNIS COURTS; GOLF COURSE WITH CLUBHOUSE AND
PRACTICE AREAS; HOTEL WITH LEISURE AND CONFERENCE FACILITIES; MULTI-
USER SPORTS PITCH AND OUTDOOR PLAY AREA; CYCLE TRAILS AND
FOOTPATHS; NEW ACCESS ROADS AND JUNCTION; NEW TREE PLANTING AND
LANDSCAPING; SUDS POND AND ASSOCIATED DRAINAGE WORKS; CAR PARKING
AND SERVICING; AND ENABLING HOUSING DEVELOPMENT ON LAND AT PARK OF
KEIR, DUNBLANE ('the proposed development')**

1. This letter contains Scottish Ministers' decision on the planning appeal (Ref: PPA-390-2042) submitted by the Park of Keir Partnership against the decision by Stirling Council (Ref: 14/00455/PPP) on the above proposed development.

The Proposed Development

2. The application for planning permission in principle was made to the planning authority, Stirling Council, on 11 July 2014. The tennis and golf facility would include six indoor and six outdoor tennis courts; a short golf course with 6 holes, a golf practice range, putting areas, coaching bays and changing facilities; multisport artificial grass courts; tennis museum and a café/restaurant with viewing gallery. The tennis/golf centre would comprise two connected buildings with a maximum ridge height of 7.7 metres. The outdoor leisure activities would include a children's outdoor adventure park with picnic areas; a general multi-purpose all weather (3G) pitch suitable for football and other sports; and additional footpaths to open up the area to walkers and cyclists. A four star, 150 bedroom hotel is proposed, including conference facilities, gym and spa, which would be three storeys high with a maximum ridge height of 12 metres. Amended proposals, submitted in June 2015, proposed to reserve a large part of the site (40 hectares) to establish a new country park. The revised proposals also include 19 houses in two areas (reduced from the 100 houses originally proposed).

Stirling Council's decision

3. Stirling Council refused the application on 8 December 2015 as they considered the residential element was contrary to the green belt, housing and countryside policies of the

Stirling Local Development Plan (2014) and contrary to the guiding principles for sustainable development set out in Scottish Planning Policy (SPP).

Appeal to Scottish Ministers

4. The applicant submitted an appeal to the Scottish Government Planning and Environmental Appeals Division (DPEA) on 7 March 2016. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010, the appeal came into a class to be determined by a person appointed by Scottish Ministers, rather than by Scottish Ministers themselves. In exercise of the powers under paragraph 3(1) of Schedule 4 to the Act, Scottish Ministers directed, on 15 March 2016, that they would determine the case themselves. The reason given for the direction was that they considered the potential economic, tourism and sporting benefits of the proposal to be of national importance.

Reporter's report

5. The appeal was considered by means of a combination of written submissions together with unaccompanied site inspections, and hearing and inquiry sessions conducted by a reporter appointed by and acting for the Scottish Ministers for that purpose. The reporter held a pre-examination meeting on 21 June 2016. Inquiry sessions were held on 5-9 September and 12-14 September 2016 and a hearing session to consider what conditions and/or legal agreements would be required if permission was granted, was held on 14 September 2016. The reporter conducted unaccompanied site inspections on 10 May and 20 September 2016. Chapter 1 of the report provides relevant background, chapters 2-6 set out the summaries of case for the main parties and objectors in turn. Chapter 10 sets out the reporter's overall conclusions on the determining issues – namely whether the proposed development would conform with the relevant provisions of the development plan, and if not whether the proposals are justified by other material considerations – and the reporter's recommendation that planning permission in principle be refused. A copy of the reporter's report is available at: <https://www.dpea.scotland.gov.uk/Document.aspx?id=469342>

Scottish Ministers' Notice of Intention

6. Scottish Ministers' intentions letter of 30 August 2017 noted that Ministers were minded to grant planning permission in principle, subject to conditions including a requirement that the residential development should not be occupied until the tennis and golf centre has been built and is available for use; and the satisfactory conclusion of a Section 75 planning obligation. The section 75 planning obligation was to commit the developer to making contributions to affordable housing and education provision in the area, in line with the council's supplementary guidance; to establish that no further residential development will be undertaken on the site; and to set out arrangements to ensure that the sports facilities are accessible to the general public and with a pricing structure that ensures the facilities are affordable. Ministers' reasoning for being minded to grant permission in principle was on the basis that, notwithstanding the finding that the development did not comply with the development plan, this was outweighed by the economic value of the proposed development and the regional and national importance of the sports facility. A copy of the intentions letter is available at: <https://www.dpea.scotland.gov.uk/Document.aspx?id=469343>

Planning Obligation

7. A planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as mentioned in the notice of intention, was submitted to Ministers on 26 August 2021. The planning agreement is between Stirling Council (the "Council"), the landowner and

Park of Keir Partnership (the “Appellant”). Ministers are satisfied that the agreement addresses the requirements as detailed in their notice of intention. A copy of the planning obligation is available at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117318&T=79>

Further procedure undertaken by Scottish Ministers

8. Given the time between the intention letter being issued and the planning obligation being agreed, Ministers required further information to assist them in reaching a decision on the appeal. A Further Procedure Notice was sent to the relevant appeal parties on 30 September 2021. This sought comments on the adoption of the Stirling Council Local Development Plan 2018; the publication of the Stirling Council Housing Land Audit 2020; the new national tennis academy at Stirling University; and any other material changes since Ministers’ intentions notice. The exchanges between parties concluded on 03 November 2021. Responses were received from the appellant, the Council, Dunblane Community Council, Bridge of Allan Community Council, Residents Against Greenbelt Erosion (RAGE), and Arnbathie Development Ltd.

Scottish Ministers’ Decision

9. Scottish Ministers are required to make a decision in accordance with the development plan unless material considerations indicate otherwise.

10. Scottish Ministers have carefully considered all of the evidence presented to them including the findings of the reporter’s 2016 report, the reasoning in Ministers’ 2017 intentions notice, and the findings of the 2021 further procedure process. In addition the decision also takes account of the Environmental Statement, Addendum and other environmental information submitted by the parties, and all the written representations made in connection with the proposal.

11. Scottish Ministers do not support the reporter’s recommendation to dismiss this appeal. Ministers accept and agree with the reporter’s conclusion that the proposed development did not comply with the Stirling Local Development Plan (LDP) 2014. Scottish Ministers consider that the development proposal still does not comply with the since adopted Stirling Local Development Plan (LDP) 2018. However, Ministers consider that there are material considerations which indicate that planning permission in principle should be granted. In reaching this view Ministers do not agree with the reporter’s conclusions in relation to the weight to be given to some of the material considerations, and have attached weight to the economic value of the proposed development and the regional and national importance of the sports facility. Scottish Ministers consider that none of the matters included in the further written submissions received following the Further Procedure Notice alters that conclusion.

12. The application was accompanied by an Environmental Statement dated July 2014. An addendum was submitted in May 2015 and an updated Landscape and Visual Impact Assessment (LVIA) and visualisations were submitted in July 2016. Ministers have examined the environmental information, and have reached the following reasoned conclusion on the significant environmental effects of the proposed development. The Environmental Statement and Addendum prepared for this proposal assess a wide range of impacts. Scottish Ministers are satisfied that subject to the appropriate mitigation proposed that significant effects would be confined to the landscape and visual impact arising at certain viewpoints. Scottish Ministers recognise the benefits of the proposal and that other significant effects would be avoided. Scottish Ministers find that the significant landscape and visual effects of this proposal are outweighed by its social and economic benefits.

13. For the reasons detailed below, Scottish Ministers' decision is to allow the appeal and to grant planning permission in principle for the proposed development subject to conditions.

Award of Expenses

14. The appellant has also made a claim for an award of expenses against Stirling Council. Scottish Ministers agree with the reporter's findings set out in Chapter 11 of the report that the Council has not acted in an unreasonable manner resulting in liability for expenses. Scottish Ministers therefore decline to make any award.

Scottish Ministers' Reasoning

Development plan

15. The development plan for this appeal is the Stirling Local Development Plan (LDP) 2018 and associated supplementary guidance.

Stirling Local Development Plan 2018

16. The adopted Stirling LDP 2018 identifies the appeal site as part of the green belt and within the Keir Local Landscape Area with no specific development allocation.

17. The designation of the appeal site remains unchanged since the LDP 2014 which was in place at the time of the reporter's report. Scottish Ministers previously set out in their intentions letter that they accept the reporter's reasoning and conclusion that, overall, the proposed development is not in conformity with the LDP 2014 (now superseded). The reporter's report concluded that because of the scale and potential impact of the proposed development on the green belt and on a protected landscape, and the likelihood it would be predominantly accessed by unsustainable modes of travel, that overall the proposals were not in conformity with the 2014 LDP. The reporter noted that there are potential recreation, health, tourism and economic benefits of the proposed development, but nevertheless concluded that it would be in the wrong location to comply with key provisions of the development plan, even taking into account the previous planning permission for a hotel and golf course on the land. (Paragraph 10.115).

18. Scottish Ministers have taken into account further written submissions on the since adopted and current Stirling Local Development Plan (LDP) 2018 received in response to their further procedure notice. Scottish Ministers consider that while the sports and leisure elements of the proposed development receive some support from the LDP 2018 (Policy 2.9: Economic Development in the Countryside; Primary Policy 15: Tourism and Recreational Development, and Policy 15.1: Tourism Development including facilities and accommodation), the full proposal including the residential element does not comply with the development plan overall (as it does not meet the relevant criteria in relation to LDP Policy 1.5: Green belt; Policy 9.1 (b): Protecting Special Landscapes, and Policy 3.1: Addressing the Travel Demands of New Development).

Material considerations

Representations

19. Ministers have taken into account all representations submitted on the application and made on this appeal. There have been a significant number of objections and a petition to Ministers. The main grounds being that the reporter recommended refusal in line with

Stirling Council's decision that the development is contrary to the LDP; erosion of green belt between Dunblane and Bridge of Allan; and questions about the need for more golf and tennis facilities or the enabling housing. There are also letters of support welcoming the sport and recreation benefits of the development. Some representations support the sports facilities but oppose the housing proposals.

Planning history

20. Ministers note that the section 75 agreement attached to a 2005 consent for outline permission for a hotel and golf course on the proposal site specifically bound the developer and adjoining proprietor not to develop the site or additional area for any other purpose. Although the 2005 consent was not implemented, and the section 75 agreement associated with the renewal application in 2008 was not concluded, the reporter considered that it was reasonable to take the 2005 consent as the baseline for consideration of the current proposals. The reporter considered that the planning history lends only limited support, at most, to the current proposals for a significantly different and substantially larger development which involves building (including housebuilding) on areas which were to be protected from development. Ministers agree that the planning history of the site, through outline planning permission granted in 2005, lends at most limited support to the principle of the Park of Keir development. Bearing in mind the subsequent development plan process, i.e. the Stirling LDP 2018, Ministers consider that it is reasonable to reduce the weight that may be attached to the prior planning history. However the previous consent nevertheless forms part of the planning history of the site and is therefore noted in considering the principle of golfing facilities and a hotel at Park of Keir and in consideration of the current proposals.

Benefits for sport and recreation

21. The reporter concluded that the proposed tennis and golf centre in particular would make an important contribution to the aim of increasing participation in both sports (paragraph 10.217). The reporter considered that the sporting benefits of the proposals are an important factor in their favour. The reporter considered the possible risk that the facilities may draw some members away from existing tennis clubs in the area, but noted that Tennis Scotland anticipate that the proposed facility would feed new players into local clubs (paragraph 10.133).

22. The reporter noted that the appeal proposals would bring substantial benefits for sport and recreation in the Stirling area and nationally; they would provide facilities for tennis and golf which are not available in Scotland at present, and would create a multi-user complex which would house a variety of recreational uses on one site (paragraph 10.117).

23. The reporter noted that the appeal proposals did not form part of a published national strategy for tennis (paragraph 10.134), but also noted that the application is supported by the relevant sporting bodies – the Lawn Tennis Association, Tennis Scotland, Scottish Golf and the Scottish Professional Golfers Association (paragraph 10.118).

24. Scottish Ministers agree with the reporter's conclusions on the expected benefits of the proposed facilities for sport and recreation and have attached considerable weight to this in their decision making.

25. Ministers also attach significant weight to Stirling Council's assessment that the proposed golf and tennis facilities would provide a wider sports 'offer', serving the residents of the Stirling area and beyond, with economic, social and sporting benefits, and that the land take involved means a suitable sized site within an urban location would be difficult to

achieve (paragraph 3.10). Ministers accept that it is likely the proposed sporting facilities would be predominantly accessed by unsustainable modes of transport. They do, however, also acknowledge that users of a golfing facility will generally be more likely to choose to travel there by private car, even where a choice of sustainable modes of transport may be available.

Net economic benefit

26. The reporter noted that there is real uncertainty about the number of operational jobs which would be generated by the project, and hence whether the economic impact would be significant on a national scale. The reporter concluded that the net economic benefit of the proposals is an important factor in their favour, and that the economic benefit would be significant in a regional context. (Paragraph 10.154).

27. The reporter noted in reaching these conclusions that the appeal proposals would create employment and economic activity and promote recreation and tourism in the area, and as such they are consistent with and gain general support from Scotland's Economic Strategy, Tourism Scotland 2020, Stirling's Economic Strategy and Destination Stirling Action Plan (paragraph 10.148). The proposals could also meet Invest in Stirling's objective of attracting a four-star hotel to the area (paragraph 10.148). The economic impact assessment submitted with the proposal anticipates that, during construction, the proposed development would create 18.5 full time equivalent jobs (paragraph 10.150), and when operational, 22 additional jobs at the tennis/golf centre and 130 jobs associated with the hotel. The regional economic benefit when the development is in operation is expected to be £4.7 million (paragraph 10.151).

28. The reporter concludes that the proposed complex would boost employment and tourism in the area and considers that the economic benefits of the proposals are an important factor in their favour (paragraph 10.217). Scottish Ministers agree that the expected economic benefits of the proposed development are an important factor in its favour and have attached considerable weight to this in their decision making.

Enabling housing development and funding model

29. The reporter found (paragraph 10.171) that the case had not been made for enabling housing on the site, and that certain of the assumptions underpinning the appellant's funding model were optimistic and unproven, and that this could result in the need to change the scale or nature of the project if it were to go ahead. The Reporter also noted (paragraph 10.169) that the financial implications of developing the sports facilities have not been the subject of an assessment. Ministers agree with the reporter that the appellant's proposed funding model contains assumptions, some of which may be optimistic or not explicitly proven, but do not agree that the case has not been made for enabling housing on the site.

30. Ministers note the reporter's comments that while there is no policy support in the development plan, or currently within Scottish Planning Policy (SPP), for allowing enabling development to subsidise new development (paragraph 10.155), this does not mean that it is necessarily contrary to the SPP (paragraph 10.156). The reporter also noted that other planning authorities have policies which allow for enabling housing development to fund the start-up of new businesses in exceptional cases, and considered that there might be circumstances where such enabling development is acceptable to cross-fund a business proposal. Ministers consider that in exceptional cases like this there is merit in allowing enabling development in order to cross fund other new development. Ministers agree with the reporter's comments (paragraph 10.161) that the ability to provide high quality tennis and

golf facilities at affordable prices is a major potential benefit of this scheme. Ministers accept that the proposed housing will assist in enabling this to be achieved.

31. Ministers have taken into account further written submissions about the justification of the 19 houses as enabling development if third party funding is now likely to be available. Ministers are satisfied that the case for the enabling development has always taken into account sports funding contributions and that while there is now greater clarity regarding the potential availability of third party funding, the case for enabling development remains substantially the same.

Location/Alternative sites

32. The reporter gave consideration to whether there are other alternative sites where the proposed development could be located. The reporter concluded that the proposed site is an unusually sensitive area of green belt, and was not persuaded that an alternative site (that avoids the need for a major incursion into the green belt) does not exist in the Stirling area or elsewhere in central Scotland (paragraph 10.178). Ministers accept the reporter's conclusion that it has not been proven that an alternative site does not exist.

33. Ministers note that the reporter examined the provision of tennis facilities in the Council area, noting in particular the nearby presence of the Gannochy National Tennis Centre at Stirling University as a potential competitor to the proposed development. Ministers have considered further written representations on the GB National Tennis Academy which has opened since the reporter's report. Overall, Ministers consider that the establishment of the GB National Tennis Academy at the National Tennis Centre is broadly in keeping with the offering of the National Tennis Centre at the time of the inquiry which was considered by the reporter. Ministers note the different purposes of the facilities and have no reason to believe that additional facilities are not viable. Ministers do not consider that the opening of the Academy influences the weight that should be attributed to the benefits of the development overall.

Stirling Local Transport Strategy 2017

34. Ministers have taken account of further written submissions received on the Stirling Local Transport Strategy 2017 which was adopted after the date of the reporter's report. The Local Transport Strategy includes the Council's Active Travel Plan, which seeks to increase the percentage of people walking and cycling in the Council Area and to reduce dependency on unsustainable modes of transport. Ministers accept that the proposed development, with its likely dependency on the car is contrary to the Strategy. Ministers consider however that walking and cycling opportunities will be enhanced, noting the comments of the reporter that the appeal proposal includes additional footpaths to open up the area to walkers and cyclists (paragraph 1.11) and a large part of the site (40 hectares) would be reserved to establish a new country park (paragraph 1.12). Ministers note that the planning obligation requires a scheme for ensuring that the sports facilities are physically accessible by pedestrians, cyclists, the public bus service and car users. Planning permission in principle is also conditional on a Travel Plan and Residential Travel Pack aimed at encouraging more sustainable means of travel and the provision of an off-road walking / cycle path. Ministers recognise that the appeal proposals are contrary to the Transport Strategy but consider this is outweighed by the exceptional nature of the development at this location.

Stirling Housing Land Supply

35. Ministers agree with the reporter that the provision of 19 houses as part of the proposed development is unlikely to have a significant impact on the wider provision of

housing land. Ministers requested further written submissions from the appeal parties about the most recent Housing Land Audit which was published in 2020 (the “2020 HLA”) and which indicates that there is now a sufficient 5 year effective housing land supply. Ministers’ decision to grant planning permission in principle for the 19 houses is not fundamentally related to the (marginal) impact the development would have on housing supply, but because the houses are enabling development to cross fund the tennis and golf centre to ensure that the sports facilities are accessible and affordable to the general public.

Scottish Planning Policy (SPP)

36. The reporter concluded (paragraph 10.192) that the appeal proposals fail to meet key sustainability principles set out in the SPP and that they do not therefore constitute development that contributes to sustainable development for the purposes of paragraph 33 of SPP (which sets out a ‘presumption in favour’ of such development). The reporter also concluded that the site is in an accessible, pressured rural area where SPP indicates a more restrictive approach to new housing development (paragraph 10.181; 10.219).

37. Ministers consider that the proposed development would contribute to sustainable development in some respects given its net economic benefit, and support for the delivery of accessible business and leisure development, improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.

Draft National Planning Framework 4 (Draft NPF4)

38. Ministers have taken into account the further procedure representations made about the emerging NPF4. While not yet published at the time of the further procedure process, a draft NPF4 was published on 10 November 2021. Ministers give draft NPF4 limited weight in the determination of this appeal given its consultation draft status. NPF3 and Scottish Planning Policy remain in force until such time as NPF4 is adopted.

Other matters

39. Ministers have considered all other matters raised in objections and in further written submissions. There are concerns about climate change and potential for land slips onto the adjacent railway, foul and surface water drainage arrangements and flooding. Ministers’ decision is subject to conditions on these matters including requirements for a Flood Risk Assessment and the submission of applications for approval of matters specified in conditions, which will deal with the details of the development. There is a concern that the proposal would prime the site for future development. However, each development should be considered on its own merits in the circumstances at that time. No other proposal is before Ministers for consideration and any future applications would be assessed by the Council. There are concerns about the demand for the multi-use sports pitch but Ministers do not consider this is of particular significance to their determination of the merits of the appeal proposals overall. Ministers do not consider the comments made on the Covid-19 pandemic or Brexit to have any bearing on the determination of this appeal.

Summary

40. Scottish Ministers conclude that the Park of Keir development is of regional and national significance for Scottish sport. The proposed tennis and golf centre in particular would make an important contribution to the aim of increasing participation in both sports while also providing facilities for the community. There will also be economic benefits, both to the local area and more widely. Scottish Ministers also conclude that the enabling housing development is required to cross fund the tennis and golf centre to ensure that the sports

facilities are accessible to the general public with an affordable pricing structure. Scottish Ministers conclude that in this instance the benefits of the proposed scheme are sufficient to outweigh the loss of greenbelt at this location. For the reasons given in the preceding sections, Scottish Ministers hereby allow the appeal and grant planning permission in principle, subject to 22 conditions, for a new tennis and golf centre, including museum and visitor centre; indoor and outdoor tennis courts; golf course with clubhouse and practice areas; hotel with leisure and conference facilities; multi-user sports pitch and outdoor play area; cycle trails and footpaths; new access roads and junction; new tree planting and landscaping; SUDS pond and associated drainage works; car parking and servicing; and enabling housing development on land at Park of Keir, Dunblane.

41. Ministers attach the conditions as set out at Annex 2 of the reporter's report. However with a revised version of condition 8, such that occupation of the residential units may only take place once the tennis and golf centre have been completed and are open for use to the public, in order to achieve coordinated construction of the residential units and wider development. The conditions are listed at the end of the decision notice.

42. As set out at paragraph 14 Ministers hereby decline to make an award of expenses.

43. The decision of 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 of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant'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.

44. A copy of this letter has been sent to Stirling Council and the relevant appeal parties who participated at the hearing and in the further written submissions procedure. Those parties who lodged representations will also be informed of the decision.

Yours sincerely

A solid black rectangular box used to redact the signature of the Chief Planner.

Fiona Simpson
Chief Planner

1. **Timescales:** Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.
Reason: To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. **Application for Approval of Matters Specified in Conditions:** Prior to commencement of development on site, further applications for approval of matters specified in the conditions shall be submitted to and approved in writing by the Planning Authority; such further applications shall include the following details:
 - a) Drawings illustrating the layout of the site and position of all buildings including existing and proposed levels.
 - b) Drawings illustrating the design of each building, in accordance with the Design and Access Statement submitted with the planning application.
 - c) Foul and surface water drainage arrangements.
 - d) Floor plans, elevations, and sections of all proposed buildings.
 - e) Full details of the extent, surfacing, equipment to be provided and boundary treatment of the proposed tennis courts, the all-weather 3G multi-purpose pitch and children's adventure park.
 - f) Section drawings showing the proposed buildings in relation to the existing and proposed ground levels.
 - g) External facing materials.
 - h) Retention of existing landscaping and proposals for hard landscaping including boundary treatment and new planting.
 - i) All external lighting.
 - j) An assessment of noise from the commercial/sporting facilities on existing and proposed Noise Sensitive Receptors (NSRs).
 - k) A tree survey in accordance with BS5837:2012.
 - l) Footpath links.In the event that the development proceeds to be constructed in phases, it shall be competent for applications for the approval of matters specified in conditions to be submitted prior to the commencement of each phase in order to discharge this Condition 1.
Reason: In order to ensure that the overall layout, design, scale, drainage arrangements and noise levels respect the site and its setting as the present application is only for planning permission in principle.

3. **Flood Risk Assessment/SUDS:** In support of a further planning application, a flood risk assessment shall be provided that gives further consideration to surface water flood risk. These details shall show what mitigation measures are proposed to protect the development from any flood risk and how surface water runoff from the site will be discharged without risk to existing infrastructure. The surface water drainage system shall be designed to the requirements and satisfaction of SEPA, Scottish Water and Stirling Council, taking account of the sustainable urban drainage (SUDS) principles and in accordance with the guidance given in "SUDS for Roads". The SUDS strategy will include details of measures to be employed during the construction phase of the project.
Reason: To ensure that any risk of flooding occurring on or off the site has been fully considered.

4. **Maintenance of Landscaped Areas:** Prior to the operation of the tennis and golf centre, a detailed statement illustrating the proposed provisions for the establishment and maintenance of all areas of landscaping (including all landscaped areas associated with the commercial aspects of the development, maintenance of the country park and open space facilities such as the pitch and adventure park), including identification of persons responsible for maintenance, and any phasing of works shall be submitted to and approved in writing by the Planning Authority. The landscape statement as approved shall require to be implemented within 24 months from the commencement of use of the tennis and golf facilities. If the development is to be constructed in phases, the landscape statement so far as applicable to each phase shall require to be implemented within 24 months of completion or commencement of use as appropriate of the relevant, corresponding phase.
Reason: To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as such information did not accompany the initial application.
5. **Distribution of Uses:** Unless otherwise agreed in writing with the Planning Authority, the uses hereby approved in principle shall be distributed throughout the site only as identified on the site plan (Drawing No. sk-01, Rev L).
Reason: Since critical aspects of the Environmental Statement, such as the landscape and visual assessment, the impact on the Scheduled Ancient Monument and ecology, which accompanied the application were based on the buildings being positioned in the locations indicated on the site plan.
6. **Hotel Building:** The hotel building hereby approved in principle shall have a maximum of 150 bedrooms and a maximum ridge height of 12 metres above existing ground levels, unless otherwise agreed in writing with the Planning Authority.
Reason: Since the application was supported by a Transport Assessment and feasibility study based on a hotel of this size and the landscape and visual impact of the hotel was based on a building of this height.
7. **Residential Development:** This permission in principle shall limit the number of residential units to a maximum of 19. The design of these units and plots shall conform to Section 12 (Residential Design Brief Principles) of the applicant's Design and Access Statement submitted as part of the planning application.
Reason: In order to restrict the number of units to an absolute minimum required to support the overall recreational development and to ensure that the future design of the houses is coherent and respects the character of the rural area.
8. **Timing of Development:** No residential unit hereby approved shall be occupied unless and until the tennis and golf centre, together with all associated works, have been completed and are open for use by members of the general public. Construction works on the hotel shall either be concurrent with construction works on the golf and tennis centre or at a later date.
Reason: In order to ensure that the construction of the residential units and hotel only takes place as part of a comprehensive package of development and not independently. Furthermore, to ensure that the economic benefits of the development, as outlined by the applicant, are secured prior to development of the houses or hotel.
9. **Timing of Pitch and Adventure Park Provision:** Within 12 months of the commencement of operation of the tennis and golf complex, an all-weather 3G multi-purpose pitch and children's adventure park shall be provided.
Reason: In order to ensure that the facilities presented by the applicant as part of the package of development are realised timeously.

10. **Restriction on Construction Hours:** No machinery shall be operated, no activity carried out and no deliveries received at or despatched from within the site outwith the hours of 8.00am to 6.00pm Monday to Friday, and 9.00am to 1.00pm on Saturdays, nor at any time on Sundays; unless otherwise agreed in writing by the Planning Authority.
Reason: To protect occupants of nearby housing from excessive noise/disturbance associated with the implementation of this permission.
11. **Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the planning authority.
Reason: To ensure all contamination within the site is dealt with appropriately.
12. **A9/Site Access Junction:** The site will be accessed directly from the A9 via a junction with dedicated right turn lane located in a similar position to the previously consented access junction under Planning Ref. 08/00726/PPP. The layout shall comply with the design Manual for Roads and Bridges, The Traffic Signs Manual and incorporate kerbed pedestrian refuge islands and road lighting as appropriate. A pedestrian refuge island will be included on the main road. The final design shall include measures that help reduce vehicle speed on the approach to the new junction. The new junction shall be fully formed prior to occupation of any building.
Reason: To ensure that a satisfactory means of access is provided timeously.
13. **Roads Design:** The design and construction of all roads within the proposed development shall be in accordance with the requirements of this Authority's "Development Roads Guidelines and Specification", and incorporate the design guidance given in Designing Streets, and shall be offered for adoption upon satisfactory completion.
Reason: To ensure that the roads within the development are suitably designed to meet their purpose.
14. **Parking Requirements:** Parking requirements, including disabled spaces and cycle parking provision, shall be provided in accordance with Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments.
Reason: To ensure that the development is served by an appropriate level of car parking provision.
15. **Waste Collection:** Waste collection provisions shall be in accordance with Proposed Supplementary Guidance SG19: Waste Management: Requirements for Development Sites.
Reason: To ensure that the appropriate waste collection receptacles are provided to serve the development.
16. **Travel Plan:** No part of the development shall be brought into use until a Travel Plan and Residential Travel Pack aimed at encouraging more sustainable means of travel, has been submitted and approved in writing with the Planning Authority. The Travel Plan and Residential Travel Pack will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review reporting and the duration of the plan. Once agreed the Travel Plan and Residential travel pack shall be fully implemented concurrently with the opening of the premises to the public, and shall remain so unless agreed otherwise in writing by the Planning Authority.
Reason: To encourage the occupiers and users of the development to utilise more sustainable means of travel to and from the development.
17. **Badger Species Protection Plan:** Prior to works commencing on site a badger species protection plan shall be submitted to and approved in writing by the Planning Authority. The

scope of this plan shall be agreed in advance with the Planning Authority, in consultation with NatureScot.

Reason: To ensure that appropriate mitigation measures are in place to minimise the adverse impact of this development on badgers.

18. **Bats Species Protection Plan:** Prior to works commencing on site a bats species protection plan shall be submitted to and approved in writing by the Planning Authority, in consultation with NatureScot.

Reason: To ensure that appropriate mitigation measures are in place to minimise the adverse impact of this development on bats.

19. **Red Squirrel Protection:** All works at the site shall only proceed following the procedure set out within Chapter 4 (Ecology and Nature Conservation) of Volume 1 of the Environmental Statement at paragraph 4.7.4.

Reason: To ensure that appropriate mitigation measures are in place to minimise the adverse impact of this development on squirrels.

20. **Habitat Management Plan:** Prior to works commencing on site a Habitat Management Plan shall be submitted to and approved in writing by the Planning Authority. The scope of this plan shall be agreed in advance with the Planning Authority, in consultation with RSPB Scotland.

Reason: To minimise recreational disturbance and damage, maintaining connectivity of habitats, ensure appropriate habitats are created for tree pipit, grasshopper warbler and yellowhammer.

21. **Programme of Archaeological Works:** 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, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

Reason: To safeguard and record the archaeological potential of the area.

22. **Off-Road Walking/Cycle Path:** Prior to the commencement of use of the tennis and golf facilities, a 3 metre wide, off-road walking/cycle path shall require to be provided along the east side of the A9/B8033. The extent and route of the off-road walking/cycle path is marked by an orange, dotted line on the Amended Masterplan.

Reason: To ensure that a satisfactory means of pedestrian and cycle access is provided timeously.