

West and Central Planning Committee

This meeting will be held remotely

Wednesday, 19th October, 2022 - 2.00 p.m.



AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.

3. MINUTE – Minute of the meeting of West and Central Planning Committee of 21st September, 2022. 3 - 7

4. CHANGE OF MEMBERSHIP - The Committee will be asked to note that Councillor James Leslie has replaced Councillor Conner Young as a member of the West and Central Planning Committee.

5. 21/00287/EIA - LOMOND QUARRY, FALKLAND HILLS ROAD, LESLIE 8 – 66

Extension to existing quarry, incorporating associated works, plant renewal and demolition; updated restoration plan; revised method of working existing quarry; and 8 year extension of currently approved mineral extraction timescale.

6. 22/00966/FULL - COUNCIL PARKS DEPOT, LEYS PARK ROAD, DUNFERMLINE 67 – 84

Erection of 15 affordable dwellinghouses (Class 9) and 30 flatted dwellings (extra care) (Class 8) with associated access and landscaping and infrastructure.

7. 21/01770/FULL - LAND ADJACENT TO FERRYCRAIGS HOUSE, FERRY ROAD, NORTH QUEENSFERRY 85 – 97

Erection of holiday accommodation (sui generis).

8. 22/02040/FULL - GARANWOODS NEAR LOTHRIE, STRATHENRY AVENUE, STRATHENRY 98 – 107

Change of use from woodland to hutting site (1 hut) .

9. LEGISLATIVE REQUIREMENT TO LIMIT THE DURATION OF PLANNING PERMISSION BY APPLYING TIME CONDITIONS – Report by the Head of Planning Services. 108 – 113

10./

10. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

List of applications dealt with under delegated powers for the period 5th September to 2nd October, 2022.

Note - these lists are available to view with the committee papers on the Fife.gov.uk website.

Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.

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Finance and Corporate Services

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12th October, 2022

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2022 WCPC 9

THE FIFE COUNCIL - WEST AND CENTRAL PLANNING COMMITTEE – REMOTE MEETING

21st September, 2022

2.00 p.m. – 4.35 p.m.

PRESENT: Councillors David Barratt (Convener), Lesley Backhouse, Alistair Bain, John Beare, James Calder, Colin Davidson, Dave Dempsey, Derek Glen, Julie MacDougall, Lea McLelland, Derek Noble, Gordon Pryde and Sam Steele.

ATTENDING: Mary Stewart, Service Manager, Bryan Reid, Lead Professional, Katherine Pollock, Lead Professional and Gary Horne, Planning Assistant, Planning Services; Mary McLean, Team Manager - Legal Services and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Andrew Verrecchia and James Leslie.

26. DECLARATIONS OF INTEREST

Councillor Davidson declared an interest in Para. 34 - 21/03904/FULL - The Lodge House, 3 Orchard Grove, Leven - as he had been in discussion with local residents.

Councillor Barratt declared an interest in Para. 38 - 22/02008/FULL - 66 Strathbeg Drive, Dalgety Bay - as he had been in discussion with both the applicant and objectors.

Councillor Dempsey declared an interest in Para. 38 - 22/02008/FULL - 66 Strathbeg Drive, Dalgety Bay - as he had been in discussion with objectors.

27. MINUTE

The Committee considered the minute of the meeting of West and Central Planning Committee of 24th August, 2022.

Decision

The Committee agreed to approve the minute.

28. 21/00287/EIA - LOMOND QUARRY, LESLIE

The Committee were advised that this application had been deferred to the next meeting of the West and Central Planning Committee to allow time for delayed background documents to be assessed by officers.

29./

29. **22/01577/EIA - LAND TO EAST OF WHITEFIELD ROAD, DUNFERMLINE**

The Committee considered a report by the Head of Planning Services relating to an application for ground remediation works to stabilise shallow mine works associated with Halbeath SDA (Phase 1).

Decision

The Committee agreed to approve the application subject to the fifteen conditions and for the reasons detailed in the report.

30. **17/01677/EIA - LAND AT HALBEATH NORTH OF FIFE CIRCLE RAIL LINE, PLEASANCE ROAD, HALBEATH**

The Committee considered a report by the Head of Planning Services relating to an application for revisions to conditions schedule for 17/01677/EIA - Residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm at Land at Halbeath North of Fife Circle Rail Line, Pleasance Road, Halbeath.

Decision

The Committee agreed the approval of the application, specifically revisions to the following conditions:-

30. The following details shall be submitted ~~with the first application for Matters Specified by Condition 1(a) within phase 2~~ **prior to the occupation of the 341st residential unit or with the first application for Matters Specified in Condition 1(a) within phase 2 (whichever is earlier)** and implemented prior to ~~first~~ the occupation of **the 341st residential unit or any occupation of the first residential unit within this phase 2 (whichever is earlier)** as identified within the Development Framework Report:

a) The proposed Northern Link Road between Pleasance Road and the tie-in with the bridge crossing of the railway being completed and open to vehicular traffic. This shall include details of the junction arrangement with Pleasance Road;

b) Upgrading of Pleasance Road between the Northern Link Road and Kingseat Road (C54). For the avoidance of doubt, the works shall include the realignment of the adopted section of Pleasance Road to relocate it northwards into pod 10; provision of a layby to improve off-street car parking for existing residents; and the alteration of priorities at the Pleasance Road/Kingseat Road junction. The upgraded Pleasance Road shall be designed for a 20mph speed limit with suitable traffic calming measures.

c) A footway/ cycleway connection between Queen Margaret Fauld and pods 11 and 12. This can be provided either through the creation of a 3m wide footpath/ cycleway or the upgrade of Pleasance Road to a shared surface.

Reason: In the interests of road safety and providing adequate access for phase 2.

31./

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31. The following details shall be submitted with or prior to the application for Matters Specified by Condition 1(a) which includes the ~~200th~~ **540th** residential unit within ~~phase 2 the site~~ and completed and open to vehicular traffic prior to the occupation of the ~~200th~~ **540th** residential unit within ~~phase 2 the site~~:

a) The completion of the Northern Link Road between Pleasance Road and the east end of the Northern Link Road within Phase 1. Details of the proposed Northern Link Road, including the junction arrangement with the realigned B912 shall be submitted;

b) The realignment and upgrade of the B912 between its junction with the Northern Link Road and the north eastern boundary of the site. This shall include details of the footpath/ cyclepath on the alignment of the bypassed section of the B912, crossing of the B912 and a 30mph gateway.

Reason: To complete the Northern Link Road in the interests of road safety and road network capacity.

31. 22/01420/CON - BATTERY STORAGE, DEVILLA FOREST

The Committee considered a report by the Head of Planning to seek the Committees agreement on the Council's proposed formal response to the consultation from the Scottish Ministers under Section 36 of the Electricity Act 1989 for the installation of 500MW battery energy storage facility and associated infrastructure.

Motion

Councillor Barratt, seconded by Councillor Steele, moved to respond with a recommendation for approval of the application subject to appropriate conditions to be delegated to the Convener, Vice Convener, Head of Planning Services and Head of Legal and Democratic to agree.

Amendment

Councillor Beare, seconded by Councillor Dempsey, moved approval of the recommendation for the reasons detailed in the report.

Roll Call

For the Motion – 4 votes

Councillors Lesley Backhouse, David Barratt, Derek Glen and Sam Steele.

For the Amendment – 9 votes

Councillors Alistair Bain, John Beare, James Calder, Colin Davidson, Dave Dempsey, Julie MacDougall, Lea McLelland, Derek Noble and Gordon Pryde.

Having received a majority of votes, the amendment to agree the recommendation was carried.

Decision/

Decision

The Committee agreed to agree the conclusions set out in the report and the additional comments detailed in the recommended consultation response as narrated in Appendix 1 of the report as the formal position of Fife Council to be issued to the Scottish Ministers.

32. 22/01466/FULL- HIGH STREET, KINCARDINE

The Committee considered a report by the Head of Planning relating to an applications for Environmental improvements including alterations and re-alignment of carriageway (A977 and A876) resurfacing of public areas and installation of street furniture.

Decision

The Committee agreed to approve the application subject to the nine conditions and for the reasons detailed in the report.

Councillor Glen left the meeting prior to consideration of the following item.

33. 21/03982/FULL - LAND AT Q3 DUNLIN DRIVE, DUNFERMLINE

The Committee considered a report by the Head of Planning relating to an application for the erection of retail unit (Class 1) with associated outdoor sales area, parking, access and boundary treatments.

Decision

The Committee agreed to refuse the application for the two reasons detailed in the report

Councillor McLelland left the meeting following consideration of the above item.

The meeting adjourned at 3.35 p.m. and reconvened at 3.45 p.m.

Councillor Davidson left the meeting prior to consideration of the following item, having earlier declared an interest.

34. 21/03904/FULL - THE LODGE HOUSE, 3 ORCHARD GROVE, LEVEN

The Committee considered a report by the Head of Planning Services relating to an application for the erection of single storey external store (retrospective) with associated landscaping works.

Decision

The Committee agreed to approve the application subject to the condition and for the reason detailed in the report.

35. 22/01011/FULL - 14 DEAN ACRES, COMRIE

The Committee considered a report by the Head of Planning Services relating to an application for the erection of health and beauty treatment facility (Class 2).

Decision/

Decision

The Committee agreed to approve the application subject to the three conditions and for the reasons detailed in the report.

36. 22/00909/FULL - DEVONSIDE FARM, SALINE

The Committee considered a report by the Head of Planning Services relating to an application for a two storey extension, erection of car port and formation of balcony to side of dwellinghouse.

Decision

The Committee agreed to refuse the application for the reason detailed in the report.

37. 22/00904/LBC - DEVONSIDE FARM, SALINE

The Committee considered a report by the Head of Planning Services relating to an application for listed building consent for two-storey extension to side of dwellinghouse, erection of car port and formation of balcony.

Decision

The Committee agreed to refuse the application for the reason detailed in the report.

Councillors Barratt and Dempsey both left the meeting prior to consideration of the following item, having earlier declared an interest.

Councillor Beare took the Chair in the absence of the Convener and Vice-Convener.

38. 22/02008/FULL- 66 STRATHBEG DRIVE, DALGETY BAY

The Committee considered a report by the Head of Planning Services relating to an application for alterations and extension to dwellinghouse.

Decision

The Committee agreed to approve the application unconditionally.

39. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 8th August to 4th September, 2022.

ITEM NO:	5
APPLICATION FOR PLANNING PERMISSION (EIA DEVELOPMENT) REF:	21/00287/EIA
SITE ADDRESS:	LOMOND QUARRY FALKLAND HILLS ROAD BALSILLIE AVENUE
PROPOSAL:	EXTENSION TO EXISTING QUARRY, INCORPORATING ASSOCIATED WORKS, PLANT RENEWAL AND DEMOLITION; UPDATED RESTORATION PLAN; REVISED METHOD OF WORKING EXISTING QUARRY; AND 8 YEAR EXTENSION OF CURRENTLY APPROVED MINERAL EXTRACTION TIMESCALE
APPLICANT:	SKENE GROUP CONSTRUCTION SERVICES LTD SKENE HOUSE VIEWFIELD INDUSTRIAL ESTATE VIEWFIELD ROAD
WARD NO:	W5R14 Glenrothes North, Leslie And Markinch
CASE OFFICER:	Martin McGroarty
DATE REGISTERED:	05/02/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:
It is a Major application in terms of the Hierarchy of Developments.

SUMMARY RECOMMENDATION

The application is recommended for:
Conditional Approval, following the Conclusion of a Legal Agreement

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Planning Act the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.0 BACKGROUND

1.1 The Application Site

1.1.1 Lomond Quarry is both a sand and gravel quarry and a hard rock (dolerite) quarry, currently operating under the terms of planning permission 09/01492/EIA, approved in April 2011, directly employing over 90 people and indirectly supporting the employment of sub-contractors, haulage operators and support staff. Sand and gravels are won by scraping off the layers of overburden to access the mineral deposit immediately below, whilst hard rock is won by removing overburden then fracturing the rock (by blasting) and breaking/crushing the mineral to various sizes as the market demands for building/road construction materials.

1.1.2 The proposal site covers an area of 56Ha and comprises a northern extension to the existing, operational Lomond Quarry, which lies to the north of the town of Leslie, to the northwest of Glenrothes. Land to the north, east and west of the site is in agricultural use. Leslie Golf Course borders the site to the south. The extent of the quarry to the north is limited by the presence of Scottish Gas Networks' twin Local High Pressure (LHP) gas pipelines. The significant majority of the existing quarry area, and the whole of the proposed extension area, is identified as lying within the Lomond Hills Local Landscape Area, as indicated in the Adopted FIFEplan Local Development Plan (2017).

1.1.3 The quarry is accessed via the quarry entrance road, which runs parallel to Balsillie Avenue, west from the K1 Falkland/Lomond Hills road. A long-established local routing arrangement sees heavy quarry traffic use Leslie High Street, Murray Road/Mansfield Place, and a haul route across Common Good Title land to access the K1 Falkland/Lomond Hills road past Ballinbreich, avoiding HGV traffic manoeuvres at the tight junction of Leslie High Street and the K1.

1.1.4 Lomond Quarry lies in close proximity to the town of Leslie, with the nearest residential properties in the town (at Paterson Park and Ramsay Gardens) around 50m from the quarry boundary (between 100-150m from the current operational area for hard rock extraction and between 75-125m from the current operational area for sand and gravel operations). Despite the proximity, topography and screen bunding mean that there is no direct line of sight into the quarry from Leslie.

1.1.5 The proximity of the quarry to Leslie has been a source of concern for some residents, as reflected in the Leslie Community Council representation, a second representation from a local resident, and the single objection received to this application. In the earliest days of hard rock quarrying at the site, relations between the quarry operator and the local community were challenging, largely as a result of blasting on site at a level significantly in excess of the level of blasting that has routinely taken place since at least 2013. A mediation process was initiated, and an independent report ("Independent Review into the Effects of Blasting at Lomond Quarry": Capita Symonds: July 2013) was produced, which made sixteen recommendations to assist the situation.

1.1.6 All sixteen recommendations of the Capita Symonds Report were accepted by Fife Council and progress on them was reported back to the Glenrothes Area Committee on a number of occasions between 2014 and 2016, through which process all matters relating to mediation, dust monitoring and structural monitoring raised in the Capita Symonds Report were reported to a conclusion (See Appendix 1: Agenda Item No.8: Report to Glenrothes Area Committee 7th

December 2016: “Update on Lomond Quarry, Leslie”). A follow-up report on the last remaining matter from the Capita Symonds report (concerning the frequency of blast monitoring by Fife Council officers) was presented to and agreed at the Glenrothes Area Committee of 8th March 2017, which removed the requirement for Environmental Health and Planning Enforcement officers to both monitor each blast at Lomond Quarry, in favour of Planning Enforcement Officers (solely) monitoring on a random, unannounced basis.

1.1.7 In recent years, matters have improved considerably, although there are still occasional complaints from some local residents about blasting. The Lomond Quarry Liaison Committee meets twice yearly and is a forum in which local Elected Members, the Community Council, the quarry operator and Fife Council officials meet to discuss issues with the operation of the quarry. Reports are received from the independent Planning Monitoring Officers (with regard to the quarry’s performance against conditions of planning permission), Skene Group (regarding site operations and details of grant applications from, and disbursements to, local community projects from the Quarry’s Trust Fund) and Fife Council’s Roads and Planning Services’ officials. The Lomond Quarry Liaison Committee remains the appropriate forum for discussions with residents regarding any concerns around working practices.

1.2 The Proposal

1.2.1 The proposed development is an extension of the existing quarry into agricultural land to the north and northeast of the existing quarry operations and involves:

- Continued extraction of sand, gravel and hard rock approved under consent 09/01492/EIA with rock extraction to the south limited to final face forming and stabilisation;
- The phased extension to the existing operational quarry north and north-eastwards into agricultural land;
- Extension to the time allowed for extraction provided by the current consent 09/01492/EIA by 8 years to 2040, to allow the reserve to be extracted;
- The extraction of a maximum of 300,000 tonnes of material per annum in a series of lifts/levels to a level of 105mAOD and allowing for lower sump areas to 75mAOD - 90mAOD.
- Revised restoration works involving a relocated final waterbody; and associated works, plant renewal and demolition.

1.2.2 One of the key elements driving the desire for a northern extension is to allow the quarry operator to cease hard rock mining at its current southern extent (the existing planning permission allows hard rock quarrying to take place another 50m or so closer to Leslie) and instead open up a new area of mining to the north, around 300m further away from the existing hard rock quarry face. Whilst the quarry is mining in compliance with its conditions of planning permission in terms of the protection of amenity, there is a recognition from the quarry operator that some residents remain concerned at the proximity of their properties to the working quarry areas and that, by moving operations further from the town they can improve the situation for those residents in terms of taking blasting and operational noise further away from them. Switching operations from the south of the quarry to the north will also allow restoration to the south of the quarry to be brought forward, improving the boundary treatment between the southern flank of the quarry and the town of Leslie in the short to medium term. From the operator’s point of view, there are benefits to them from a northern extension in opening up access to further mineral deposits and, in doing so, securing the longer-term future of the quarry and the jobs it provides.

1.2.3 Additionally, in clarifying the details of the proposed restoration water body as part of this application, the quarry operator is addressing an outstanding issue in relation to Condition 35 of the existing planning permission 09/01492/EIA, which required a fully detailed plan for the long-term management of the water body to be submitted for the written approval of Fife Council as Planning Authority. Such plan was required to include full details of surrounding embankments, outflows and connections with external water bodies or drainage systems. It had been noted by the independent Planning Monitoring Officers that this plan had not been submitted and the operator had requested more time to provide the detail required through the submission of a planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to give more time for the relevant submission to be made to Fife Council (application reference 19/03389/FULL – see Planning History in section 1.4 of this Report of Handling). That application is currently sisted as the current planning application for the quarry extension provides all the details to satisfy the terms of Condition 35 of 09/01492/EIA whilst updating the overall quarry restoration plan to accommodate the proposed larger extraction area.

1.2.4 Given the technical nature of the proposal as it relates to the water environment, and taking into account community concerns expressed through numerous Lomond Quarry Liaison Committee meetings and in representation/objection to this application, Fife Council as Planning Authority has obtained independent specialist advice in relation to water (and noise) and has consulted throughout the assessment process with the current Planning Compliance Team. The independent assessment findings are discussed in detail in Sections 2.3 Amenity Issues (noise) and Section 2.5 Flooding and the Water Environment.

1.3 Application Process

1.3.1 As an application for minerals development on a site with an area of 56 Ha, this a Major application in terms of the Scottish Government's hierarchy of development.

1.4 Pre-Application Notification Requirement

1.4.1 Given the application is classed as a Major application under the Scottish Governments Hierarchy of Development regulations, the applicant carried out a Pre-Application Consultation (PAC) with the local community via 2 online consultation events. The first event was held between the 19th August and 9th September 2020, during which period consultation boards were available online to view and download. The second consultation event was held between 30th September and 14th October 2020 to provide updated consultation boards to address comments made during the first event.

1.4.2 The purpose of the online consultation was to allow members of the public to view the development proposals and feedback any comments to the Design Team prior to the proposals being finalised for submission. The initial online consultation page was visited 130 times by 84 different people. The second online consultation page was visited 103 times by 34 individuals. During the consultation period 6 comments were received via the webpage, 2 comments via email and 2 comments via phone call. Comments made via the website were responded to within 14 days of the end of the consultation period. The majority of comments received during the pre-application community consultation focussed on environmental impacts, residential amenity and the details and timescale of the restoration programme.

1.4.3 A PAC report outlining comments made by the public and reporting on resulting changes made to the application proposals since the event has been submitted as part of the application. The manner of the consultation exercise, including the notification and appropriate media

advertisement processes, complied with the relevant Scottish Government legislative and procedural requirements relating to the PAC process in force during the Covid-19 health emergency.

1.5 Planning History

1.5.1 There have been a number of planning applications in the past on the site, the most relevant of which include the following:

K81/504 - Extraction of sand and gravel at Lomond Quarry (APPROVED)

87/G/1063 - Extraction of sand and gravel at Lomond Quarry for a limited period up to 31st October 1991 (APPROVED)

89/G/1065 - Extraction of sand and gravel at Lomond Quarry – extension of operations for a 20-year period (APPROVED)

91/G/0092 - Extraction of sand and gravel at Lomond Quarry – variation of 87/G/1063 to extend period for restoration to 1996 (APPROVED)

96/0327 - Variation of planning permission ref no. 89/G/1065 to permit re-phasing of quarry operations infilling of quarry with inert materials and alterations to hours of work (APPROVED 18th September 1998)

02/03004/CFULL - Extension to sand and gravel quarry and variation of planning permission Reference No. 96/0327 to permit re-phasing of quarry and infilling operations and restoration works involving the creation of a pond/wildlife habitat (APPROVED 22nd January 2004).

04/02671/CFULL - Variation of Condition 7 of consent 02/03004/CFULL to allow operations to commence at 7.00 am (REFUSED 12th April 2005).

05/03475/CFULL - Variation of Conditions 2, 5 and 10 of planning permission 02/03004/CFULL (APPROVED 25th January 2008).

09/01492/EIA - Extraction of sand, gravel and hard rock (dolerite) including extension into agricultural land to north and revised method of working and restoration works involving the formation of waterbody (APPROVED 11th April 2011).

12/00081/FULL - Amendment to condition 7 of planning permission ref 05/03475/CFULL to allow operations to commence at 7am (REFUSED 11th January 2013 – ALLOWED on Appeal 28th December 2012)

12/00083/FULL - Amendment to condition 11 of planning permission ref 09/01492/EIA to allow operations to commence at 7am (DEEMED REFUSED - ALLOWED on Appeal 28th December 2012).

19/03389/FULL - Extraction of sand, gravel and hard rock (dolerite) including extension into agricultural land to north and revised method of working and restoration works involving the formation of waterbody (Section 42 to vary condition 35 of planning permission 09/01492/EIA, to extend timescale for compliance) (SISTED pending decision on current application 22/00287/EIA).

20/01579/PAN - Proposal of Application Notice for a revised method of working to approved quarry (09/01492/EIA) including northern extension, extension of extraction timescale, revised restoration scheme and associated development (PAN AGREED 24th July 2020).

1.6 Environmental Impact Assessment

1.6.1 The application submission is supported by a comprehensive Environmental Impact Assessment containing plans and technical/environmental reports covering matters related to: Population and Human Health; Geology and Soils; the Water Environment; Air Quality and Dust; Noise; Vibration; Ecology, Nature Conservation and Biodiversity; Cultural Heritage; Landscape and Visual Impact Assessment; and a Summary of Environmental Mitigation.

2.0 ASSESSMENT

2.1 The key issues relevant to an assessment of this application are the following.

- Principle of Development (Section 2.2)
- Amenity Issues (Section 2.3) – includes noise, vibration (blasting), and dust
- Protection of Prime Agricultural Land (Section 2.4)
- Flooding and the Water Environment (Section 2.5)
- Transportation and Access (Section 2.6)
- Ecology and the Natural Environment (Section 2.7)
- Landscape and the Built and Historic Environment (Section 2.8)
- Contaminated Land (Section 2.9)
- Restoration and Monitoring/Aftercare (Section 2.10)
- Legal Agreement (Section 2.11)

2.2 Principle of Development

2.2.1 Scotland's Third National Planning Framework (NPF3) (2014) states that our environment is more than a recreational resource and that Scotland needs minerals as construction materials to support our ambition for diversification of the energy mix.

2.2.2 Paragraph 235 (Policy Principles) of Scottish Planning Policy (SPP)(2014) indicates that "the planning system should: ...safeguard workable (minerals) resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors; minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after-use after working has ceased."

2.2.3 PAN 50 'Controlling the environmental effects of surface mineral workings' provides detailed advice relevant to this application. PAN 50 takes a prescriptive approach in suggesting best practice for controlling such environmental effects. Accordingly, PAN 50 sets out an agenda for the most important issues that need to be satisfactorily addressed by an applicant in making their mineral extraction proposals acceptable. These are: road traffic; blasting; noise; dust; visual impact and water contamination. It sets out quantitative and methodological requirements in terms of noise, dust, blasting, and road traffic impact. The applicant has been required to fulfil the requirements of the PAN in preparing the Environmental Statement and has used the advice contained in PAN50 to inform the proposed mitigation measures in each of the specific areas.

2.2.4 PAN 64, 'Reclamation of surface mineral workings' states that improvements over recent years in reclamation techniques has now made it possible for minerals operators to reclaim mineral extraction sites to a very high standard. Accordingly, PAN64 requires that Planning Authorities ensure that mineral operators treat reclamation of sites as an integral part of the overall planning process to be addressed comprehensively through an Environmental Impact Assessment or application. To that end, the long-term restoration of the site encompassed within the overall application demonstrates willingness on the applicant's part to restore this site correctly. Nevertheless, the ability of these plans to be realised in an enforceable way will be addressed later in this report through the assessment of Consultee's comments and through appropriate conditions of planning permission and a legal agreement.

2.2.5 SESplan Strategic Development Plan (2013) indicates that an adequate and steady supply of minerals is essential to support sustainable economic growth and Policy 4 Minerals contains general advice for Local Development Plans in identifying suitable locations for minerals developments, notes the requirement to consider post-operational restoration of land and offers SESplan Strategic Development Plan Policy 4 Minerals.

2.2.6 With regard to the adopted FIFEplan Local Development Plan (2017), Lomond Quarry is located in a countryside location, outwith any settlement boundary, and lies almost wholly within the Lomond Hills Local Landscape Area (the landscape designation does not cover the southernmost section of the existing quarry).

2.2.7 FIFEplan Policy 1 Development Principles reiterates the general principles of SPP such that all development should be capable of being accommodated in suitable locations without unacceptable detrimental impacts on the environment or communities, and evidence should be provided to allow these matters to be assessed at application stage. Analysis of the evidence provided by the applicant in this context follows in Sections 2.3 to 2.10 of this Report of Handling.

2.2.8 FIFEplan Policy 3 Infrastructure and Services indicates that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, such as local transport and safe access routes. Transportation and access matters for this application are dealt with in Section 2.6 of this Report of Handling.

2.2.9 FIFEplan Policy 7 Development in the Countryside states that development in the countryside will only be permitted where it demonstrates a proven need for a countryside location and recognises that in some cases, as with minerals, countryside locations are the most appropriate, or only feasible, locations for development. As minerals can only be worked where they lie, there is no issue in principle regarding the Development in the Countryside policy in the context of this application.

2.2.10 Policy 7 also refers to the development of Prime Agricultural Land, which is dealt with in relation to this application in Section 2.4 of this Report of Handling.

2.2.11 FIFEplan Policy 10 Amenity states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses, including detrimental impacts on air quality, noise/light/odour pollution and other nuisances. The applicant has submitted evidence as part of the application addressing such matters and this evidence is considered in Section 2.3 of this Report of Handling.

2.2.12 FIFEplan Policy 12 Flooding and the Water Environment indicates that development will only be supported where it can be demonstrated that the proposal will not increase flooding or flood risk, on the site or elsewhere, or detrimentally impact on the ecological quality of the water environment. Matters relating to the water environment are considered in Section 2.5 of this Report of Handling.

2.2.13 FIFEplan Policy 13 Natural Environment and Access indicates that development will only be supported where the natural heritage and access assets can be protected or enhanced, which includes consideration of protected and designated sites of local, national and international importance, as well as biodiversity and landscape character, and impacts on established paths. These matters are considered in more detail in Section 2.7 of this Report of Handling.

2.2.14 FIFEplan Policy 14 Built and Historic Environment highlights the qualities that come together to make successful places and references the Making Fife's Places Supplementary Guidance. In the context of this minerals application, the relevant section of Policy 14 relates to ensuring that new development does not harm or damage conservation areas, listed buildings or their settings, Inventory sites for designed landscapes and historic gardens, Scheduled Ancient Monuments or other archaeological assets. These matters are considered further in Section 2.8 of this Report of Handling.

2.2.15 FIFEplan Policy 15 Minerals highlights that extensions to existing quarries are preferred to opening new quarries, whilst ensuring that their development does not result in unacceptable impacts on communities, the environment or the economy. Further, provision for restoration and aftercare to a high standard is required, along with the provision of appropriate financial guarantees in order to ensure that sites are rehabilitated in the event that an operator's business fails before site restoration is complete.

2.2.16 FIFEplan's Supplementary Minerals Guidance (2018) strategy notes that the policies of FIFEplan, in conjunction with the detail of the Supplementary Guidance, provide a broad framework for balancing the positive contribution of minerals extraction and its negative impacts. It states that four objectives for minerals are to:

- improve the husbandry and management of the exploitation of Fife's mineral resources;
- safeguard mineral deposits from sterilisation;
- ensure that the scale and location of mineral extraction is sufficient to meet the needs of Fife's economy as well as contributing to wider city region market area needs; and
- ensure that the protection of the environment and local communities is a key cornerstone, and that development will be located/granted with this in mind.

2.2.17 In its representation to this application, Leslie Community Council requires that the existing Section 75 Agreement, Section 96 Roads Agreement, and the restoration bond are updated to include current best practice and be at least as robust as those currently in place. The Section 96 Roads Agreement is covered in Section 2.6 (Transportation and Access) of this Report of Handling. With respect to the Section 75 Agreement and restoration bond, this application is an extension to the existing Lomond Quarry and the existing restoration bond covering the site (totalling £300,000) would be the subject of review by the Independent Planning Monitoring Officer to take account of the extended quarry area and adjust the quantum in line with inflation if required. This is a matter that can be secured as part of the Section 75 Agreement that would be required to accompany the grant of any planning permission. Additionally, the operator is a member of the British Aggregates Association, membership of

which allows local Planning Authorities to claim on the Minerals Restoration Guarantee Fund in the event that a member operator defaults on restoration obligations.

2.2.18 Leslie Community Council also objects to the applicant's proposal to extend the length of the existing consent by 8 years as part of this application, indicating that the extension should be permitted (subject to the Community Council's other suggested conditions being applied) but time-restricted to match the existing planning permission end date of 2032. In response, the applicant notes that an extension to the current consent lifespan by 8 years to 2040 is sought to allow the reserve of workable minerals to be extracted at the same rate as at present, which is an appropriate rate for meeting market demand. Lomond Quarry is the key employer and continued extraction will protect 90+ jobs. With jobs being retained for longer, downstream businesses will benefit from an extension of consent for the quarry, including the block and concrete operation at Crossgates and the ready-mix operation at Glenrothes.

2.2.19 Fife Council does not consider that it would be appropriate to restrict the grant of any planning permission that may be made to the same time limit as the existing planning permission (09/01492/EIA). Since policy guidance is clear that workable mineral reserves should not be sterilised, contracting the period within which any planning permission granted would lead to a situation where a greater rate of extraction was necessary in order to exhaust the reserve. This would have knock-on effects in terms of the frequency of blasting and (if the market could even sustain the increase in production) lead to increased traffic movements to transport the minerals won. If the market could not sustain such an increase in production, the likely scenario would be that there would be stockpiles of won mineral on site for many years, which would impede the phased restoration of the site.

2.2.20 Taking into account all of the above, in terms of the principle of the proposed development in this location and the proposed length of the requested consent, it is considered that this proposal is in conformity with the Development Plan and national guidance, subject to detailed analysis of each of the matters relating to the potential impacts of the development assessed in Sections 2.3 to 2.10 of this Report of Handling.

2.3 Amenity Issues

Policy Framework

2.3.1 FIFEplan Policy 10 Amenity advises that business proposals, developments within the countryside, and all new development in general must not adversely affect neighbouring land uses or residential amenity when located adjacent to established residential areas. As indicated in paragraph 1.1.4 of this Report of Handling, the nearest residential properties in Leslie to the quarry are around 50m from the quarry boundary and between 75m and 150m from the quarry's current working areas, therefore this is a particularly important matter to be addressed by the applicant as part of the application submission.

2.3.2 PAN 50 (Annex A) provides advice and guidance on the control of noise at mineral sites, whilst PAN 50 (Annex B) advises on the control of dust at such sites. PAN 50 (Annex C) relates to the traffic impact of minerals sites, whilst PAN 50 (Annex D) covers the environmental effects of blasting at minerals sites. The applicant has submitted an analysis of noise and dust related issues, and their potential impact on the nearest sensitive receptors, in the Environmental Statement which forms part of the application submission, and contains information regarding the existing traffic and blasting regimes in place.

General Amenity Considerations

2.3.3 The objection and representations to this application make reference to the proximity of the quarry to the town of Leslie, noting that existing boundary of the quarry is less than 500m from the town, which is a general cause for concern and, it is contended, contrary to guidance which indicates that a distance of less than 500m between surface coalmining, “and in principle to all other mineral operations”, is expected to be unacceptable to communities. One objector notes that the distance from the working face of the quarry varies between 90m, 289m, 362m, and 457m to the local community. In response, the applicant acknowledges that the approved working area of the Quarry is currently within 500m of Leslie but indicates that the proposals would move the main area of working and rock blasting activity further away from the village, which will result in extraction near the southern boundary ending earlier than planned.

2.3.4 The reference to a 500m zone comes in paragraph 244 on p54 of Scottish Planning Policy (2014) but refers solely to surface coal mining. There is no reference within Scottish Planning Policy (2014) to other forms of mineral extraction. Proximity of hard rock/sand and gravel mineral sites to settlements is a matter reserved to planning judgement, based on taking account of the provisions of PAN 50 Controlling the Environmental Effects of Surface Mineral Workings in terms of the various environmental effects to be considered. It advocates an environmentally led approach to separation distances, not one based solely on distance.

2.3.5 Objections and representations containing references to the proximity of the quarry to Leslie are therefore noted, and the continuing concern is acknowledged, but this is a matter that was considered fully at the time of the grant of the existing planning permission (09/01492/EIA) in April 2011. The fact remains that Lomond Quarry is an existing, operational quarry with planning permission and the effect of the current development proposal would be to limit the working of the quarry at the closest points to Leslie and move the operational quarry area further north, increasing the distance between workings and the town boundary.

Control of Noise

2.3.6 PAN 50 Appendix A contains the relevant guidance for the control of noise at surface mineral workings.

2.3.7 Representations have been made to the effect that noise levels are currently set too high for what is essentially a rural area. It is suggested that maximum noise levels are set at 45 dB LAeq,1h and these are measured frequently, and without prior notice to the operator at the sensitive receptors. It is further suggested that the piece of excavation equipment known as the 'Jack Hammer' is no longer used, or if it is used then it is only to be used between the hours of 10am and 4pm, Monday to Friday.

2.3.8 In response to these points, the applicant indicates that the Noise Impact Assessment undertaken as part of the EIA noted that the 55 dB LAeq,1h limit accords with the latest guidance for surface mineral workings, PAN 50 Annex A. Leslie is not considered a quieter rural area in terms of Annex A and therefore the 55 dB LAeq,1h limit is appropriate. The applicant notes that the Reporter who determined the two planning appeals into the control of hours and days of operation at the quarry on 28 December 2012 rejected the argument by Leslie Community Council that Leslie should be classified as an “exceptionally quiet rural area”. He stated in paragraph 14 that “this classification is likely to apply to remote rural areas with scattered development, not villages with shops, businesses and busy roads passing through them”. The Reporter considered that the 55 dB LAeq,1h limit was appropriate.

2.3.9 With respect to the Jack Hammer (properly termed a hydrologic excavator mounted), the applicant indicates that this is an integral part of the operation and the noise levels generated from it are below the noise level allowance. Its hours of use are currently informally restricted through agreement with the Lomond Quarry Liaison Committee to 8am-6pm Mon-Fri and it is not used on a Saturday. The operator suggests that this current temporary arrangement could be secured permanently by a condition of any planning permission that may be granted. A Noise Assessment was undertaken as part of the EIA. The noise levels predicted at the closest residential properties when all routine operations are in progress meet the recommended levels contained in PAN 50 Annex A (i.e., up to 55dB Laeq1hr). As recommended by the Noise Assessment, site staff will regularly check and maintain all plant and equipment to ensure that the machinery is operating correctly and not generating excessive noise levels.

2.3.10 One objection was received regarding the impact on residential amenity from HGV traffic noise caused by a potential increase in the rate of extraction. No increase in the rate of extraction is proposed and this matter is covered more fully under Section 2.6 Transportation and Access of this Report of Handling.

2.3.11 Fife Council's Public Protection Team has no objection to the proposal, indicating that it is content with the submitted noise report's methodology and conclusions, and recommends that the noise and vibration conditions from planning permission 09/01492/EIA are re-applied to any planning permission that may be granted, since excavation is moving away from Leslie and the predicted noise levels are within PAN 50 guidelines. Given the technical nature of the proposal as it relates to noise however, and taking into account community concerns expressed through numerous Lomond Quarry Liaison Committee meetings and in representation/objection to this application, Fife Council as Planning Authority has also obtained independent specialist advice from Noise Consultants Ltd. in relation to noise and has consulted throughout the assessment process with the current Planning Compliance Team.

2.3.12 Fife Council as Planning Authority requested that Noise Consultants Ltd review the noise-related aspects of the submitted planning application (21/00287/EIA) for a northern extension to Lomond Quarry. Noise Consultants Ltd. indicated that its assessment of the initially submitted noise documentation through the EIA raised questions of inadequate justification of some of the findings of the report, specifically in relation to baseline monitoring justifying that the 55dB limit indicated in PAN50 Annex A applied.

2.3.13 In response to these concerns, the applicant's appointed noise specialists, Vibrock, submitted further reports providing additional justification for the findings of the initially submitted noise chapter of the EIA, including a baseline noise monitoring survey. Noise Consultants Ltd., having considered all the relevant information, indicated that the proposal is compliant with the terms of PAN50 Annex A, but considered that the submitted noise data showed that there was some scope for the operator to voluntarily reduce the noise limits at Ramsay Gardens and Paterson Cottages below the PAN50 55dB threshold, which would be reflective of the potential community sensitivities to noise from the proposed extension, and ensure a greater level of protection from the site than already exists. The operator has therefore indicated a willingness for the upper limit at Ramsay Gardens and Paterson Cottages to be set at 50dB and this can be secured by condition of any planning permission that may be granted.

2.3.14 Overall therefore, and taking into account the submitted information from the applicant and the comprehensive independent audit of that submitted information by Noise Consultants Ltd., Fife Council as Planning Authority is content that the proposed development, subject to

conditions, complies with the Development Plan and other guidance with respect to controlling noise at Lomond Quarry.

Control of Vibration (Blasting)

2.3.15 PAN 50 Controlling the Environmental Effects of Surface Mineral Workings: Annex D: The Control of Blasting at Surface Mineral Workings sets out all the detail of: why quarries need to use explosives to win the minerals; how ground vibration is caused by blasting; how the level of that vibration is measured; human response to blasting events; the effect on structures; the measurement of air overpressure (the energy transmitted from the blast site within the atmosphere in the form of pressure waves) and the effect of meteorological conditions; how blast design and power are predicted and implemented to control the effects of the blast on the immediate locale, including the prevention of flyrock (mineral escaping from the quarry during a blast); the scale and nature of noise and dust arising directly from blasting; and the form and use of appropriate planning conditions related to blasting, including days and times of blasting, the number of blasts permitted, allowable ground vibration levels, vibration monitoring, and air overpressure control.

2.3.16 The accepted industry standard for the measurement of vibration in buildings derives from British Standards (BS7385: Part 1: 1990) and the preferred parameter of measurement is Peak Particle Velocity (or PPV). PAN 50: Annex D explains that Particle Velocity is the rate at which particle displacement changes and is measured in millimetres per second (mm/s^{-1}). Annex D further explains that the measurement of particles by vibration waves is measured in 3 mutually perpendicular directions (as particles oscillate in 3 dimensions) which are: Longitudinal/Radial (back and forth particle movement in the same direction that the particle is travelling); Vertical (up and down movement relative to the direction the vibration wave is travelling); and Transverse (left and right particle movement relative to the direction the vibration wave is travelling).

2.3.17 To illustrate this in practice, the independent result for the most recent blast in the 5-year reporting period at Lomond Quarry (on 29th August 2022) was reported to Fife Council as follows:

Longitudinal – 1.00mm/s^{-1} ppv
Vertical – 1.00mm/s^{-1} ppv
Transverse – 0.925mm/s^{-1} ppv

The officially recorded measurement for that blast is therefore 1.00mm/s^{-1} ppv, being the highest value of the three parameters.

2.3.18 Representations have been made to this application indicating that the existing planning conditions controlling blasting at the quarry are inadequate, and do not protect the residents, or the residential amenity of Leslie, which is evidenced by the number of concerned posts on social media whenever a blast occurs. It is contended that the independent monitoring of blasts is inadequate, as it is undertaken at only two sites, in Ramsay Gardens and Paterson Place. Further, the view is expressed that any blast measured at over a PPV measurement of 3mm/s^{-1} causes alarm within the community and there is a suggestion that 3mm/s^{-1} should be conditioned as the maximum permitted blast level (Leslie Community Council's representation suggests that the maximum permitted blast level should be 6mm/s^{-1} , with 95% of all blasts not to exceed 3mm/s^{-1}). Further, it has been suggested that blasting should not be allowed more than twice in one week, with a maximum of six blasts per rolling 4-week period, and blasts

should be restricted to a nominated day and time to protect residents from uncertainty and give those who wish to leave their properties during blasts the chance to do so.

2.3.19 Representations have also been made to the effect that there is a fear amongst the community that because the blasting is moving away from the town, greater blasting charges will be employed to maximise yield, so the effect on the town will not be reduced. Representations have also expressed concern as to the effect of blasting on the two LHP gas pipelines that run in a corridor to the north of the quarry.

2.3.20 Further representations have been made to the effect that “tell-tale” crack monitoring gauges should be made available to residents who believe that blasting is damaging their property, such equipment to be installed and monitored by Fife Council.

2.3.21 In response to these points, the applicant indicates that Lomond is currently operating with a PPV level of 6mm/s^{-1} and designs blasts such that vibration levels of around 3mm/s^{-1} to 4mm/s^{-1} are typically achieved, with 6mm/s^{-1} not being breached. To be forced to operate to a PPV limit of 3mm/s^{-1} is unachievable, uneconomical and would not work, and such a limit would be both unreasonable and unjustified. Rock fragmentation and blasting are essential activities to mineral extraction. All blasting is recorded, blast records are issued to Fife Council and current blasting activity is compliant with regulatory standards. The current planning consent does not have a limit on blast vibration, but the relevant guidance, PAN 50 Annex D, suggests PPVs in the range 6mm/s^{-1} to 10mm/s^{-1} are acceptable. The operator at Lomond Quarry has routinely kept within these acceptable limits since 2013. The effects of vibration have been subject to considerable scrutiny over a number of years. Council officers have also carried out extensive monitoring in response to complaints which have been raised. Fife Council’s Environmental Services officers are similarly satisfied that there is no statutory nuisance in terms of the Environmental Protection Act 1990. The operator acknowledges that noise is a concern for the community and part of the reason for this extension application is to allow blast activity further from the town to help provide further mitigation.

2.3.22 In response to calls to limit the number of blasts, raised in representations, the applicant indicates that blasting on the site typically occurs once a week. Blasting takes place twice per week on only two or three occasions throughout the year. With specific regard to the suggestion that blasts should be restricted to a nominated day and time, the applicant considers such restriction to be arbitrary as the blast level is controlled and it is not necessary or reasonable to seek to allow one blast per week and on a specified day, which would impede commercial operations. The applicant further indicates that residents are notified of all blasts at least 48 hours in advance, where the date and indicative time of blasting (subject to weather and health and safety) is made available on the Council’s online public portal, which negates any argument regarding uncertainty.

2.3.23 Regarding fears that greater blasting charges will be employed to maximise yield, the applicant indicates that there is no change proposed to the method of blasting. Overall, the applicant acknowledges that noise is a concern for the community and part of the reason for this extension application is to allow for an amendment to working at the quarry which will take future blast activity further from the town to help provide further mitigation.

2.3.24 With regard to concerns expressed about the effect of blasting on the SGN high pressure pipelines to the north of the quarry, the applicant indicates that both Vibration and Stability Risk Assessments have been submitted in support of this application.

2.3.25 Addressing the suggestion that “tell-tale” crack monitoring gauges be made available to residents, the applicant notes that a Structural Visual Inspection Report was produced by Waterman in 2014. The report provides details of visual inspections undertaken in April and May 2014 across a number of properties in Paterson Park and Ramsay Court. The report notes that the results of the blast monitoring undertaken by Vibrock are consistently lower than the levels that could create cosmetic damage to buildings. The Report states that, with regard to the cracks noted in the buildings surveyed, “It is not possible to conclude with any certainty that the damage observed in the properties is directly attributable to vibration or noise associated with the blasting”. In conclusion Waterman found that “the properties do not require any greater than normal level of ongoing general building maintenance, in order to maintain the integrity of the structure”.

2.3.26 Fife Council’s Environmental Services (Public Protection) team has been consulted on this application and offers no objection on the basis that the existing planning conditions related to noise and vibration are maintained. Condition 14 of existing planning permission 09/01492/EIA required that a Scheme of Blasting be submitted for the written approval of Fife Council. This agreed Scheme of Blasting was approved by Fife Council in May 2011 and indicates that 95% of all blasts should not exceed 6mm/s^{-1} , with an absolute limit of 12mm/s^{-1} . Bam Ritchies is the specialist blast contractor for Lomond Quarry and operates in accordance with approved Blast Design, industry procedures and Health & Safety regulations. Vibrock carries out independent blast monitoring for each blast.

2.3.27 A record of all blasts is routinely kept by Fife Council as Planning Authority and the blast record for the last 5 years (i.e., from 3rd October 2017) has been attached as Appendix 2 to this Report of Handling. Analysis of the blast record shows that blast results within that 5-year period have consistently fallen comfortably within the parameters set out in PAN 50, which states that individual blasts should not exceed 12mm/s^{-1} and average levels should not exceed 10mm/s^{-1} . The average blast levels over the last 5 years at the regular monitoring points are as follows:

Ramsay Gardens – 2.81mm/s^{-1} ppv
Paterson Park – 2.52mm/s^{-1} ppv
Paterson Cottages – 2.62mm/s^{-1} ppv

2.3.28 There have been 149 blasts carried out at Lomond Quarry over the last 5 years (from September 2017 to August 2022), which is an average of just under 30 blasts per year or 2.48 blasts per month. The highest recorded blast over that 5-year period was a blast measured at 7.47mm/s^{-1} on 1st December 2017. The average of all blasts carried out within that time is 2.73mm/s^{-1} ppv. Overall, in statistical terms:

- 100% of all blasts over the last 5 years have been below 10mm/s^{-1}
- 99% of all blasts over the last 5 years have been below 6mm/s^{-1}
- 63% of all blasts over the last 5 years have been below 3mm/s^{-1}

2.3.29 PAN 50 Annex D notes the following:

“Whilst it is recognised that under exceptional circumstances it may be appropriate that (blast) levels are set beyond the range of between 6 to 10mm/s^{-1} such circumstances should be carefully examined because levels ... lower than the recommended range may well, in practice, result in a greater number of blasting events in order to produce the same extraction rate which could be environmentally counterproductive.”

Given this clear advice, it is therefore considered that it would not be appropriate to limit the blast levels lower than the PAN 50 recommended range as suggested in representations to this application. It is considered appropriate, however, to make the permitted blasting levels a condition of any planning permission granted, rather than have them agreed at a later date through the submission of a scheme of blasting, as was the case with the existing planning permission.

2.3.30 With respect to the suggestion that the number of blasts at a location should be limited, it is considered that this is unnecessary, given the demonstrated frequency of blasting at the quarry across a consistent period of over 5 years and PAN 50's advice on the matter as follows:

“Occasionally permissions include a limitation as to the number of blasts permitted on a daily or weekly basis, typically varying from one or two blasts per day to one or two blasts per week. With the adoption of suitable site-specific vibration criteria such a condition is unnecessary.”

2.3.31 Neither SGN nor the Health and Safety Executive has objected to this application regarding concerns about the impact of blasting on the two high pressure gas pipelines that run to the north of the quarry. This matter is considered in more detail in Section 2.9 Contaminated Land and Ground Conditions (paragraph 2.9.5) of this Report of Handling.

2.3.32 Finally in this section regarding blasting, the question of “tell-tales” being applied to buildings to measure for structural cracks is a matter that was addressed through the recommendations of the Capita Symonds report (previously mentioned in paragraph 1.1.5 of this Report of Handling) and the subsequent Waterman Report which the applicant refers to (see paragraph 2.3.25 of this Report of Handling). For context, even minor cosmetic damage to property will not occur under blast levels of 15mm/s^{-1} ppv. As indicated in paragraphs 2.3.27 and 2.3.28 (and evidenced in Appendix 2) of this Report of Handling, blast measurements at Lomond Quarry have been consistently significantly below that level for many years.

2.3.33 Fife Council's position is therefore that there is no evidential basis, given the accepted, scientifically based guidance on blast levels, and the level of blasting that has been demonstrated over the lifetime of the quarry, to conclude that residential properties could be structurally affected by blasting at Lomond Quarry. This is the position that was reported to, and agreed at, the Glenrothes Area Committee of 7th December 2016 (attached as Appendix 1 to this Report of Handling – paragraph 2.7 of that Committee Report specifically refers).

2.3.34 Overall therefore, Fife Council as Planning Authority is content that the proposed development, subject to conditions, complies with the Development Plan and other guidance, including industry best practice, with respect to controlling the environmental effects of blasting at Lomond Quarry.

Control of Dust

2.3.35 PAN 50: Appendix B: The Control of Dust at Surface Mineral Workings contains the relevant guidance for the control of dust at quarry sites. Appendix B provides advice on how the planning system can be used to keep dust emissions from surface mineral workings within environmentally acceptable limits without imposing unreasonable burdens on minerals operators. It indicates that the emphasis in the regulation and control of dust should be the adoption and promotion of best practices on site.

2.3.36 Appendix B recommends that developers should undertake a dust assessment study for all new and extended mineral workings and indicates that the planning authority, or a reporter on appeal, should use the findings from a dust assessment study when determining planning applications or when attaching conditions to planning permissions. Appendix B states that, in most circumstances the principal dust concerns can be addressed through:

- appropriate design and layout of the site;
- the management of the site;
- the use of appropriate equipment; and
- the adoption of appropriate mitigation measures.

2.3.37 Representations request that effective dust mitigation measures are put in place to eliminate or significantly reduce the dust impact from vehicles especially on the public highway and the haul road adjacent to the play park. Further, it is suggested that effective dust monitoring is undertaken to establish the actual fugitive dust emissions when the weather conditions provide the worst-case scenario.

2.3.38 In response, the applicant indicates that fugitive dust and air quality assessments for the proposed extension at Lomond Quarry have been undertaken. The assessment concluded that the implementation of the designed mitigation measures would be appropriate and suitable for the dust risks identified. In accordance with the agreed dust management plan monitoring is carried out twice per year for periods of 3 hours and, also in accordance with the scheme, meteorological conditions should be dry when the monitoring takes place.

2.3.39 Fife Council's Environmental Services Land and Air Quality Team has been consulted on this application and offers no objection to the proposed development, noting that the submitted dust assessment concludes that National Air Quality Objectives for PM10 and PM2.5 will not be exceeded at nearby receptors because of the quarry extension. A dust management plan will be prepared for the application site, which will describe the management and operational actions that will be adopted to deal with the control of dust, both on a day-to-day basis and on those occasions when, because of weather conditions, higher levels of dust could be possible. This is a matter that can be secured by condition of any planning permission granted. It is also noted that air quality controls will be a requirement of the SEPA Pollution Prevention and Control (PPC) permit.

2.3.40 The specific matter of dust from HGV traffic in the vicinity of the play park was reported to, and agreed at, the Glenrothes Area Committee of 7th December 2016 (attached as Appendix 1 to this Report of Handling – paragraph 2.6 of that Committee Report specifically refers).

2.3.41 Overall, the development proposal, subject to appropriate conditions, is capable of satisfying the Development Plan framework and other guidance on this matter.

Control of Other Potential Nuisances

2.3.42 With regard to odour, there are no sources of odour arising from the present quarry uses and none are expected to arise from this application proposal. Similarly, the use of artificial lighting on site has never raised any cause for concern during the lifetime of the quarry, has not been raised in points of objection or representation, and no nuisance from this source is expected to arise from this application proposal.

Amenity Issues - Conclusion

2.3.43 Should Members be minded to approve the application, it is considered that noise, vibration and dust levels would be capable of being controlled at acceptable levels through the use of appropriate planning conditions, including restriction of working hours. There are no other adverse impacts on amenity (such as odour/light nuisance) expected and the proposed development would therefore comply with the Development Plan and other policy guidance relating to the protection of amenity. It is also expected that the movement of the working areas further away from the town of Leslie than at present, and the early halt to excavation on the southern part of the quarry as a consequence, would be beneficial in the preservation of residential amenity.

2.4 Protection of Prime Agricultural Land

2.4.1 SPP paragraph 80 states that development on prime agricultural land, or land of lesser quality that is locally important, should not be permitted "except where it is essential...for the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status." FIFEplan Policy 7 Development in the Countryside indicates that development on prime agricultural land will not be supported except where it is essential for the extraction of minerals, where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

2.4.2 In this instance, the proposed extension area comprises a mixture of prime and non-prime agricultural land, incorporating Land Capability Codes 2 and 3.2 in the agricultural land quality hierarchy as defined by the James Hutton Institute. Clearly, for the area of prime agricultural land involved in this application (the western parts of the northern extension), there can be no restoration back to "its former status" as the restoration proposal is for a waterbody in this location. However, the modest loss of prime agricultural land as part of this proposal is considered to be acceptable in this instance given that:

- minerals can only be extracted where they lie;
- the extent of the area of prime land is such that it would have little or no detrimental impact on agricultural land banks/production levels (given the extent of other agricultural land available locally);
- the proposed restoration plan also generally makes provision for enhanced biodiversity through the creation of more-varied water and terrestrial habitats that offsets the habitat loss of the agricultural land; and
- part of the reason for the extension is to improve the co-existence of the quarry with the town of Leslie.

2.4.3 All of this being the case, the proposed development is considered to be in accord with the Development Plan and other policy guidance relating to the protection of prime agricultural land.

2.5 Flooding and the Water Environment

2.5.1 Issues of water management are separated into 2 types. The first is hydrology, which solely deals with the management of surface water, and hydrogeology which relates to subterranean water and the inter-relationship of rock strata and underground water resources. For the purposes of this assessment the 2 issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan.

2.5.2 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk from all sources, including groundwater. By extension, this means that development proposals potentially affecting groundwater resources should be well managed and their potential negative impact on those resources understood and mitigated where they cannot be avoided.

2.5.3 Adopted FIFEplan Policy 12 (Flooding and the Water Environment) indicates that development proposals must not detrimentally impact on the ecological quality of the water environment, in order to meet Water Framework Directive objectives.

2.5.4 The applicant has submitted an Environmental Impact Assessment which contains a comprehensive chapter on the Water Environment. A Long-Term Waterbody Management Plan has also been submitted, which details how the residual restoration waterbody will be managed following the completion of quarrying at Lomond.

2.5.5 Representations have been made to the effect that a more robust flooding assessment should be carried that includes worst case scenario rainfall events in line with climate change predictions, and that the restoration plan is further examined to ensure that there is no risk of the failure of the water body containment in extreme weather conditions, or under conditions examined in the event of an upstream reservoir failure.

2.5.6 In response, the applicant advises that the Water Environment Chapter of the EIA notes that the risk to Croft Outerly of a 'water breakout' within the dolerite due to mineral extraction is considered to be insignificant. Croft Outerly is located on the south facing slopes of the mineral body and is located between elevations of 95m AOD (Above Ordnance Datum) and 125m AOD. At an elevation of 125m AOD there is a considerable thickness of rock (approximately 175m) between the proposed working area and Croft Outerly. At elevations below 125m AOD the thickness of the intervening rock approaches 300m at 95m AOD. Fissuring of the dolerite is reported to be sparse especially at lower elevations due to the weight of the overlying rock.

2.5.7 With specific regard to the risk of failure of the restoration waterbody due to extreme weather conditions, or a series of events in which upstream reservoirs fail, the applicant indicates that increases in rainfall due to future climate change may cause greater inflow to upstream reservoirs and thus potentially higher water levels or more sustained water levels in the reservoir. In such circumstances, adjustments to reservoir operation to reduce the risk of uncontrolled overflow or the need for exceptionally high releases of water to the downstream channel may be required by the reservoir operator (such adjustments may involve operating the reservoir at a lower level to create more flood attenuation storage by making more frequent/longer duration or slightly higher operational releases of water compared to the existing operation). The impact of such operational releases on downstream water extents will depend on the required rate of release but is extremely unlikely to lead to flooding comparable to that shown on fluvial flood risk maps published by SEPA. Operational reservoir releases do not interact with the quarry site and, since Lomond Quarry workings and restoration of the site will not create new flow paths through this area, there will therefore be no increase in flood risk to Leslie or other downstream areas from anything related to this planning application. Rather, excavation of the quarry void would provide flood attenuation of any flows that did pass through this area and therefore act to reduce downstream flood risk.

2.5.8 SEPA has been consulted on the application and offers no objection to this proposed development on flood risk grounds. SEPA advises that discharge rates should be limited to greenfield run-off rates appropriate to the contributing drainage area and receiving watercourse

– such discharge rates to be agreed with the local authority, which has responsibility for flood risk management.

2.5.9 Fife Council's Structural Services' Flooding, Shoreline and Harbours Team (who oversee the local authority's responsibility for flood risk management) has no objection to the proposal, indicating that it has no comments to make regarding flooding or surface water drainage in relation to this application. Given the technical nature of the proposal as it relates to water management however, and taking into account community concerns expressed through numerous Lomond Quarry Liaison Committee meetings and in representation/objection to this application, Fife Council as Planning Authority has obtained independent specialist advice from Envireau Water Ltd. in relation to flood risk and drainage matters and has consulted throughout the assessment process with the current Planning Compliance Team.

2.5.10 Fife Council as Planning Authority requested that Envireau Water review the water environment aspects of the submitted planning application (21/00287/EIA) for a northern extension to, and revised restoration plan for, Lomond Quarry. Envireau Water indicated that its assessment of the initially submitted water environment documentation through the EIA raised questions of inadequate justification of some of the findings of the report, specifically in relation to potential dewatering, groundwater inflows from the dolerite, and the projected water level in the restoration waterbody. In addition, Envireau Water indicated that the submitted qualitative Flood Risk Assessment (FRA) was disproportionate to the risk and did not meet Fife Council standards, and the breach analysis was not supported by a quantitative FRA and sufficient geological data.

2.5.11 In response to these concerns, the applicant's appointed water environment specialists, Hafren Water, submitted further reports providing additional justification for the findings of the initially submitted water environment chapter of the EIA, revised FRAs complying with Fife Council guidance, and further information related to the geology of the site supporting the breach analysis. After further consideration by Envireau Water, its conclusion was that the water environment proposals were sound and the matters raised in objection/representations had been adequately addressed by the proposals.

2.5.12 Specifically, Envireau Water's review of the applicant's submitted hydrology and hydrogeology information concludes that:

- the operational Flood Risk Assessment (FRA) has been updated and is compliant with Fife Council (2020) guidance on discharge rates. During storm events over the course of the operational phase, water will be held within the quarry void which provides significant attenuation capacity. Discharge will be in accordance with the existing CAR discharge licence which is compliant with Fife Council (2020) guidance around discharge rates. There will be no significant changes to the operational drainage strategy compared to existing conditions and the Site can be operated to ensure there is no increase in off-site flood risk;
- the restored waterbody provides significant storage capacity for attenuation prior to discharge. The parameterisation and construction of the linked InfoDrainage model for the restored void, wildlife ponds and connecting channel is appropriate, and is consistent with Fife Council (2020) guidance. The model results demonstrate that the system will function without increasing downstream flood risk. A sensitivity analysis has been undertaken allowing for additional inflows from groundwater and, in this scenario, water levels would remain below rockhead;
- Suitable outline designs have been provided for outfalls from the restored waterbody and wildlife ponds based on the modelling. At least 5 years before implementation, the model should be updated as part of the detailed design phase, to verify that the design does not increase flood risk and is consistent with the latest Fife Council and SEPA guidance then applying. A

maintenance plan should also be provided as part of the detailed design phase to ensure the longevity of the system;

- The maximum water level predicted by the InfoDrainage model is 127.995 m AOD. Based on data provided by the applicant and site observations, the minimum dolerite rockhead elevation is 128.14 m AOD. The water level will remain below the dolerite rockhead even for the 1 in 200 year, plus climate change, storm event. Based on this and site visit observations, the risk of breach is negligible; and
- The waterbody has been designed in such a way that it will not fall under the Reservoirs (Scotland) Act 2011.

2.5.13 Taking into account the submitted information from the applicant, and the comprehensive independent audit of that submitted information by Envireau Water, Fife Council as Planning Authority concludes that the proposed development would comply with the Development Plan and other policy guidance relating to Flooding and the Water Environment.

2.6 Transportation and Access

2.6.1 The SPP (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety, or unacceptable impacts on operational performance, further investment in the network is not likely to be required.

2.6.2 PAN 50 (Annex C) provides advice and guidance on the control of traffic at surface mineral workings, whilst PAN 75 provides guidance and advice for general transport related issues.

2.6.3 Adopted FIFEplan Policy 3 Infrastructure & Services sets out the importance of proposed development having regard to road safety and the potential impacts of the development on the existing road network. Policy 3 sets out that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner, ensuring that development proposals will be served by adequate infrastructure and services, including local transport and safe access routes.

2.6.4 One objection indicates that the land upon which the haul road sits is Common Good Land granted under charter of James II in 1457 and suggests that, given the medieval origins of the asset, the route should be revisited under new legislation. It is contended that this new legislation highlights that the leasing or granting access to inalienable land to a third party constitutes a disposal of land which cannot be disposed of or appropriated by the Local Authority for other use without public consultation. The contention is that the haul road should not be used as a right of way for commercial vehicles or be available for commercial development without consultation with the community, as set out in the Scottish Land Reform Act 2003 and documented in a Community Empowerment Agreement under Section 104 of the Community Empowerment (Scotland) Act 2015. The objector considers that this community asset has been prioritised by Fife Council to enable economic gain over the long-term environmental concerns of local residents.

2.6.5 In response to these points of objection, the applicant indicates that the current designated haul route for HGVs is that which was proposed, and agreed, by Fife Council in consultation with the Lomond Quarry Liaison Committee and Leslie Community Council. The haul road is a

private road as defined in terms of Section 151 of the Roads (Scotland) Act 1984 which, as a road, has a public right of passage over it, and quarry traffic has as much lawful right to use the haul road as any other road user or pedestrian. The use of the haul road does not deprive the community of access to common good land. The quarry operator is not only entitled to use the haul road but is actually required to do so under the terms of the existing Section 75 and Section 96 agreements that accompany the existing planning permission for the site (09/01492/EIA), which also commit the operator to regular payments towards the upkeep of the road where extraordinary wear and tear is identified. The haul road is suitable for two-way HGV traffic movements, which ensures the route is used for quarry traffic travelling both east and west of Leslie, and no change to the haul road is sought under this planning application. Given that neither Fife Council nor the applicant is considering any disposal or purchase of the haul road, and there are no proposals to change its use, no specific consultation on the use of the haul road is required and the terms of Sections 104 (a) and (b) of the Community Empowerment (Scotland) Act 2015 are not engaged in this case. As there is no commercial agreement in place between the quarry operator and Fife Council, references to economic gain being prioritised by the Council are therefore not accurate.

2.6.6 One objector contends that the Transport Statement indicates a potential increase in extraction rates from 300,000 tonnes to 500,000 tonnes per annum in the future, which (over the course of the extended life of the quarry) will negatively impact at a local level on Leslie residents. The applicant indicates that this objection is based on a misunderstanding of the position. The submitted Transport Statement includes an Appendix (A), which is the original Transport Assessment prepared for the existing planning consent for the quarry (09/01492/EIA). Within that original Transport Assessment, there is a reference to discussions that took place with Fife Council in 2008, at pre-application stage, examining the possibility of raising the extraction rate from 300,000 tonnes to 500,000 tonnes. This was never agreed or pursued. There is no change proposed to the annual rate of extraction in this planning application, and there is no intention or desire to increase the rate in the future. As the site would continue to operate at the same extraction rate and under the same hours of operation, the level of traffic generation would not exceed current levels experienced as a result of the existing quarry operations.

2.6.7 A further representation has been made which indicates that, whilst the rate of extraction at the quarry is controlled by planning condition, there is no planning condition limiting the number of lorry movements through the town. It is suggested that lorry movements be conditioned to around the 528 lorry movements per week noted in the EIA's submitted for both the existing planning permission (09/01492/EIA) and for this current planning application (21/00287/EIA). In response, the applicant indicates that the Transport Statement submitted with the application notes that the proposed development will not generate a significant traffic impact, with no increases in vehicle trips beyond existing levels expected to address the total level of extraction. It is considered that there is sufficient capacity in the local road network to accommodate the continued trips generated by the quarry and a condition restricting vehicle movements would unacceptably restrict operations which require to be able to respond to market demand. It is for this reason that the current consent does not impose a condition on movements. The applicant considers that such a condition would not satisfy the 6 tests for a condition as detailed in Planning Circular 4/1998: The Use of Conditions in Planning Permissions.

2.6.8 An objection has been made indicating that the use of the haul road is at odds with several fundamental best practice principles regarding access to outdoor play areas regarding the rights of the child to recreational and educational facilities. Risk and Visual Impact Assessments to determine the effects of the development on outdoor recreation areas should have been done as

part of the EIA, and the view is expressed that what was an historic greenfield site now has overtures of an industrial landscape which affects people's enjoyment of the outdoors. In response to this particular objection, the applicant notes that no change is proposed to the approved haul road route, which has been in operation for nearly 10 years. The applicant also notes that the haul road was significantly upgraded as part of the existing consent, providing safe access to Quarry Park. Upgrades included the installation of speed cushions to deter fast moving vehicles and improvements to pedestrian infrastructure to include an informal pedestrian crossing with dropped kerbs and tactile paving. Other sections of the haul road were also resurfaced around 5 years ago. These significant improvements remain in place and remain fit for purpose with regard to catering for the needs of the proposed development from a Transportation point of view. The applicant notes that the location of the play park was agreed with Leslie Community Council and the Lomond Quarry Liaison Committee. Fugitive dust and air quality assessments for the proposed extension at Lomond Quarry have been undertaken as part of the EIA and have concluded that, with the implementation of the recommended dust control mitigation measures, the quarry extension was unlikely to lead to significant dust impacts. The current National Air Quality Objectives for PM10 and PM2.5 will not be exceeded at nearby receptors as a consequence of the proposed quarry extension. The Air Quality Objectives are set to avoid any health risk to residents.

2.6.9 A specific request has been made by Leslie Community Council to the effect that the road junction between Murray Place and High Street is reprofiled to enable it to cope with the high load, turning and tyre slippage during the vehicle manoeuvres. It is also suggested that Fife Council's Transportation Department must also engage more proactively with the operator to ensure that road repairs are carried out timeously and effectively, with little or no cost to the Council. In response to these points, the applicant notes that the junction in question forms part of the designated haul route which the operator is obliged to use. The Section 96 agreement requires the operator to contribute to the costs of maintenance and repairs due to excessively heavy or extraordinary vehicles. The applicant indicates that the operator has always performed its obligations under the Section 96 agreement timeously.

2.6.10 Fife Council's Transportation Development Management (TDM) team has assessed the Transport Statement submitted as part of this planning application and notes that considerable improvements to the surrounding roads infrastructure were carried out as part of the existing (09/01492/EIA) quarry consent. These included:

- Improving passing places on the K1 at Ballinbreich;
- upgrading of the 'Haul Road';
- provision of junction markings at the junction of the K1 at Ballinbreich and the 'Haul Road';
- provision of junction improvements at Mansfield / Haul Road junction; and
- the provision of 185m of footway on the K1 at Ballinbreich.

2.6.11 Access arrangements to and from Lomond Quarry are well established, with routing to and from the quarry for HGVs via Leslie High Street, Murray Road/Mansfield Place, and a haul route across Common Good Title land to access the K1 Falkland/Lomond Hills road past Ballinbreich, so as to avoid HGV traffic manoeuvres at the tight junction of Leslie High Street and the K1. This arrangement would not change if Members resolved to approve this current planning application. Provision is currently also in place, via a legal agreement under Section 69 of the Local Government (Scotland) Act 1973 and Section 96 of the Roads (Scotland) Act 1984, for the quarry operator to contribute to the cost of road repairs on the quarry access route. A Roads Report detailing remedial works to be carried out is submitted to each Lomond Quarry Liaison Committee Meeting for consideration. Such Roads agreement would also be retained via

a legal agreement should Members resolve to approve this current planning application. No requirement to re-profile any part of the HGV route has been raised through the Transport Statement.

2.6.12 TDM notes that the Transport Statement confirms that the existing vehicular access arrangement to and from the site work well, with no obvious gaps in provision. With regard to traffic generated, at the current extraction rate of 300,000 tonnes per annum an average maximum of approximately 258 HGV loads (516 trips) per 6 day working week are generated. It is therefore, assumed that the proposed development will produce a similar number of trips, given the maximum extraction rate will remain at 300,000 tonnes per year. This is the average maximum anticipated 6-day trip generation and traffic could potentially be greater than this, as market demand may mean there are periods when the figure of 258 HGV loads per week is exceeded. Similarly, when business is quieter, there will be less than the 258 loads per week. Analysis of the proposed trip generation indicates that the proposed traffic will have a negligible impact on the surrounding road network and TDM therefore does not object to the proposals subject to a legal agreement ensuring the retention of the current lorry routing arrangement and the provision for the quarry operator to contribute to road repairs on the quarry access routes through Leslie.

2.6.13 With regard to the suggestion that the number of lorry movements per week should be limited by planning condition, Fife Council as Planning Authority agrees with the applicant's view that to do so would not satisfy the 6 tests for a condition as detailed in Planning Circular 4/1998: The Use of Conditions in Planning Permissions. Specifically, given our acceptance of the Transport Statement's findings that the level of traffic generated can be accommodated within the existing road network, it is considered that the test of reasonableness could not be met, since unnecessarily restricting operations which require to be able to respond to market demand would make it impossible for the quarry operator to run his business properly. For such a condition to be "reasonable", the number would need to be around 50% higher than the normal weekly trips, but Fife Council has nothing to base that figure on (and in practice we couldn't enforce it as we would have difficulty gathering evidence that it had been breached). Further, paragraph 63 of Circular 4/1998 specifically provides that planning conditions are not an appropriate means of controlling the right of passage over public roads.

2.6.14 Fife Council as Planning Authority agrees with the applicant's view that the use of the haul road has been established through the existing planning permission and subsequent agreements with the local community, and there is no change proposed in this application to the haul road. Further, it is agreed that there was no requirement for specific public consultation on the continuing, unchanged use of the haul road occasioned by this planning application. In any case, the planning application has, in the normal fashion, been subject to considerable public consultation both before and after its submission. The Planning Authority also considers that road safety and environmental impacts (related both to dust and visual impacts) have been considered adequately within the planning submission documents. The specific matter of dust from HGV traffic using the haul road in the vicinity of the play park was reported to, and agreed at, the Glenrothes Area Committee of 7th December 2016 (attached as Appendix 1 to this Report of Handling – paragraph 2.6 of that Committee Report specifically refers).

2.6.15 With respect to public access, there are no public routes through the existing site for safety reasons. Core path route 409 – Leslie Quarry Path – runs to the east of the existing quarry boundary and would not be affected by the proposed development. A second core path, Route 329 – Leslie to Holl via Little Balquhormie – runs to the north and northeast of the quarry as existing and would remain in situ during phase 1 of the proposed development. The eastern

section of Route 329 would require to be diverted along the new quarry boundary for safety reasons during phase 2 of the proposed development, should Members be minded to approve this application. As part of the overall restoration proposal, a further footpath link would be added to the diverted path to enhance the core path network, offering an alternative, more direct route for walkers who do not wish to take the more circuitous route that would be established.

2.6.16 Taking all the above into consideration, the proposal is considered acceptable in Transportation and Access terms, as there would be no implications from a road safety perspective and the proposal is considered to comply with the Development Plan and other policy guidance relating to these matters.

2.7 Ecology and the Natural Environment

2.7.1 The SPP (Valuing the Natural Environment) indicates that planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

2.7.2 As well as the development principles set out in FIFEplan Policy 1 (Part B), the proposed development has been considered in the context of FIFEplan Policy 13 (Natural Environment and Access). This policy requires new development to protect or enhance natural heritage assets, with suitable measures applied to mitigate any impacts satisfactorily.

2.7.3 An Environmental Impact Assessment Report has been submitted and chapter 11, Ecology, Nature Conservation and Biodiversity assesses the potential impact on sites, habitats and protected species. It provides details of the desk-top study, Phase 1 habitat survey and protected species surveys undertaken. The proposed extension area is at present agricultural land, arable and grassland. The remainder of the site is a mixture of habitats, including open habitat mosaics and wetlands, which support a variety of wildlife. The quarry and the proposed extension are close to Holl Meadows SSSI, with the nearest part of the quarry extension around 150m away. A separate bat survey report has been provided. This confirms that non-breeding soprano pipistrelle roosts have been identified in the buildings to be demolished. A licence will therefore be required before any works take place that could affect bats and their roosts. Potential roost features were also identified in trees. A Species Protection Plan Method Statement has also been provided.

2.7.4 The surveys found no signs of otter, badger, red squirrel or water vole within or adjacent to the site. Hedgehog signs were frequent across the southern part of the site. Three breeding bird surveys were undertaken in June-July 2020 with 44 species recorded, nine red listed Birds of Conservation Concern, eight amber-listed and 25 green-listed. Scrub and farmland birds along field boundaries were most numerous with sparsely vegetated ground used by skylarks. A pair of peregrine occupied the site but did not breed successfully. The report indicates that 15 pairs of sand martin were present.

2.7.5 The invasive non-native Japanese knotweed was recorded on the south-eastern escarpment however this was reportedly treated in late June and treatment will be kept under review. Mitigation is identified for habitats and species in section 11.7.3 of the Environmental Impact Assessment Report.

2.7.6 Fife Council's Natural Heritage specialist notes the disappointing reduction in sand martin numbers, given the previously reported size of colony within the quarry (290 nest burrows) and notes that some habitats around the quarry appear not to have been covered by the analysis but

has no objection to the proposed development subject to the mitigation measures set out section 11.7.3 of the Environmental Impact Assessment Report being secured by condition of any planning permission granted.

2.7.7 NatureScot was also consulted on the application and, in noting the EIA's findings that Holl Meadows Reservoir SSSI (the nearest designated site to the quarry) was not hydrologically or topographically linked to the quarry, indicated that it welcomed the dust control measures to be applied, as these would reduce the potential for airborne deposits of dust from the quarry to affect the lowland neutral grassland, which is the notified feature of the SSSI.

2.7.8 The submitted EIA has examined all aspects of the impact of the proposed quarry extension on the natural environment and its findings have not been the subject of objection from either Fife Council's Natural Heritage specialist or NatureScot. Fife Council as Planning Authority therefore concludes that, with mitigation secured by condition of any planning permission granted, the proposal would be compliant with the Development Plan and other guidance on matters related to Ecology and the Natural Environment.

2.8 Landscape and the Built and Historic Environment

2.8.1 The SPP indicates that planning authorities should promote the responsible extraction of resources to minimise the impacts of extraction on local communities, the environment and the built and natural heritage. By extension, achieving the satisfactory restoration of those minerals sites on completion of work forms part of that "responsible extraction".

2.8.2 Adopted FIFEplan Policy 1: Development Principles Part B indicates that development proposals must address their development impact by complying with certain criteria and supporting policies of the Local Development Plan (LDP). Pertinent to this application is that proposals must safeguard the character and qualities of the landscape (Policy 13 Natural Environment and Access); and follow SPP's principle that the planning system should afford care and protection to the cultural heritage of a place (Policy 14 Built and Historic Environment). The applicant has submitted both a Landscape and Visual Impact Assessment (LVIA) and a Cultural Heritage Assessment in support of this application.

Landscape and Visual Impact

2.8.3 FIFEplan Policy 13 states that "development proposals will only be supported where they protect or enhance natural heritage and access assets, including...landscape character and views" and that, as part of the site appraisal process, "development proposals must provide an assessment of the potential impact on...landscape...". Policy 13 further indicates that "unless there is an imperative reason of overriding public interest, development that impacts negatively...will not be supported."

2.8.4 The applicant's LVIA addresses the landscape and visual impact of the proposal, recognising the sensitive location of the site, located between Leslie and the Lomond Hills and lying within a Local Landscape Area. The document assesses the landscape and visual impact from eleven viewpoints, from close range (including residential areas within Leslie) to more distant viewpoints (including from East Lomond and other movement routes around the Local Landscape Area). The LVIA acknowledges that the site is already affected by quarrying, with existing screening bunds and vegetation helping to mitigate visual impact.

2.8.5 The LVIA concludes, following an assessment of the development on key viewpoints and additional visual receptors, that overall, there would be no significant landscape effects during operations. Significant visual effects that would occur locally during operations would be limited by the lack of visibility into the site and the presence of the existing quarry within most affected views. It is acknowledged that a small number of sensitive receptors in elevated locations to the north and northeast would experience significant neutral/adverse effects but on balance, this may not be of such significance to consider the overall visual/landscape impact to be adversely affected. In relation to restoration, the LVIA considers that the proposals would represent a largely beneficial transformation with locally significant effects for the landscape interface between Leslie and the Lomond Hills.

2.8.6 Fife Council's Urban Design specialist has been consulted on the application and raises no objection regarding the landscape and visual impact of the proposal, stating that the eleven chosen viewpoints represent an appropriate range and location of viewpoints on which to consider the impact of development. It is noted that the restoration proposals include the provision of native woodland, grassland/wildflower areas and a water body, within which a footpath network would connect into the adjacent Core and Local Path Network. Overall, given the limited landscape and visual impact of the proposed extension, and the significant positive contribution of the restoration proposals, and connection to existing footpath routes, Fife's Urban Design specialist considers that there are no significant concerns from an urban design perspective with the proposals as submitted.

Built and Historic Environment

2.8.7 An objection has been received indicating that the EIA is potentially deficient in noting all the cultural assets in the environs of the quarry, referencing (amongst other things) Late Prehistoric, Iron Age and Early Medieval Pictish settlements in the Lomond Hills and noting the Local Landscape Area, in which these areas are located, which lies immediately to the north of the quarry. The Cultural Heritage Assessment undertaken as part of the EIA examined all cultural assets within a 1km zone of the quarry site, within which all cultural heritage sites were recorded, researched and assessed for the potential impact of the proposed development upon them, including their landscape setting. There were 113 designated cultural heritage sites recorded as being located within 1km of the quarry. The assessment indicated that the effect of the proposed development upon these assets would be indirect, and non-significant.

2.8.8 In relation to the built and historic environment, Historic Environment Scotland (HES) has been consulted and does not object to the proposed development, indicating that it is content that the proposals will not raise issues of national interest for its historic environment remit. With respect to historic and built environment assets outwith the remit of HES, these are considered in the following paragraphs.

2.8.9 Fife Council's archaeologist notes that the applicant's archaeological assessment identifies significant, known archaeology within the extension site that will be destroyed by quarrying, and has no objection to the proposed extension of the quarry, subject to the inclusion of a condition of any planning permission granted that provides for a scheme of archaeological investigations to take place prior to quarrying on the extension site commencing.

2.8.10 Fife Council's Built Heritage specialist also has no objection to the proposed quarry extension, indicating that any planning permission granted should be respectful of the traditional field system and landscape existing behind the proposed extension area at Croftouterly, which has the skeleton of a 19th Century field pattern. Built Heritage sought clarification as to why

Balsillie Farm buildings and Balsillie Cottage are to be demolished as part of the proposal, and notes that the water management proposals are difficult to relate to the historic and natural landscape.

2.8.11 In response to these comments, the applicant indicates that the area of Leslie and Croftouterly has been shaped by its geomorphology alongside the impacts of settlement and agricultural and wider land-use management. Historically, there has been small scale winning of minerals and, as noted, the skeleton of a 19th century field system. References of value of the historic and cultural agricultural landscape, can be integrated into the new landscape measures (e.g., tree planting, biodiversity enhancement, landscape restoration). Design detail in the final restoration design can reference features and record and marked place references within the landscape (boundary and field boundaries/track and old walking routes). The level of enclosure and any historic interpretation will be integrated where possible into final designs. The quarry and the proposed Restoration Plan will create a new landscape but, in meeting landscape, place and ecological objectives, the proposal can take references from, and be respectful of, the past. These are matters that can be secured by a condition of any planning permission that may be granted.

2.8.12 With specific regard to the demolition of buildings, Balsillie Cottage is to be demolished as it is at the centre of the proposed extraction area in the quarry extension. This is a late 19th Century residential building, the impact of the loss of which was noted as “minor” in the Cultural Heritage Assessment. The demolition of the 19th Century buildings at Balsillie Farm is proposed due to the proximity of the buildings to the mineral extraction area. The impact of the loss of Balsillie Farm buildings was noted as “minor to moderate” in the Cultural Heritage Assessment. As previously indicated, the Cultural Heritage Assessment was accepted by Historic Environment Scotland and no objection was raised to the demolition of buildings.

2.8.13 With regard to the water management proposals, the final void and final retained waterbody introduce a new landscape element. This is directly the result of extraction and reflects the solid geomorphology rather than traditional surface agricultural land management. Developing the final shaping and granular detail (levels/detail form/grading) form part of the detailed restoration planning. Rock edges and the integration of landform above the resting water level are addressed in the detail of restoration, with the aim to create natural looking landforms and planting detail. The restoration waterbody, in a functional and operational sense, is considered in detail in Section 2.5 of this Report of Handling (Flooding and the Water Environment) but, in the context of landscape and visual impact, there are no concerns with the proposed water management system.

2.8.14 The proposed development would therefore be able to comply with the Development Plan and other guidance with respect to the landscape and the built environment.

2.9 Contaminated Land and Ground Conditions

2.9.1 The SPP does not isolate the issue of contaminated land or land stability in terms of policy guidance. It is a technical constraint affecting the form and scale of development and is addressed by Planning Advice instead. PAN 33 Development of Contaminated Land advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use.

2.9.2 Adopted FIFEplan Policy 10 includes references to the need to consider contaminated land issues, and the need to address potential impacts on the site and surrounding areas.

2.9.3 In this case, Fife Council's Land and Air Quality Team has indicated that it has no specific comments to make on the proposal but notes from the applicant's submitted Environmental Impact Assessment that: no significant contamination risk has been identified; that pollution control measures are currently in place to avoid accidental release of chemical contaminants; and that such measures will continue during the expansion of the quarry and the restoration phase. On the basis that these mitigation and control measures remain in place, Fife Council's Land and Air Quality Team has no objection to the proposal.

2.9.4 The site lies outwith both the Coal Authority's Development Low and High Risk Areas therefore there are no specific coal mining legacy issues that are likely to affect the site.

2.9.5 Scotland Gas Networks (SGN) has two Major Accident Hazard Pipelines (MAHPs - D01 Westfield/Balfarg and B01 Westfield/Leslie) in close proximity to the proposed northern extension of the quarry. This has been raised as a point of concern in both representations that have been made to this application. Having originally submitted a holding objection to this application, SGN entered detailed discussions with the applicant regarding various matters (including the need for a blast hazard assessment, details of crossing points, flood risk, and the stability of excavations), which have led to agreement on how to best manage the hazards associated with the quarry workings during the extension. The applicant has produced both Vibration and Stability Risk Assessments addressing SGN's initial concerns. SGN has subsequently withdrawn its objection to this application, subject to the inclusion of a planning condition on any planning permission that may be granted for a northern extension to Lomond Quarry, to allow works to be managed in such a way that they do not damage SGN's Major Accident Hazard Pipelines, thus ensuring compliance with the Pipelines Safety Regulations 1996. The Health and Safety Executive has been consulted on this application and it does not advise against the granting of planning permission in this case.

2.9.6 The proposed development therefore, subject to conditions, complies with the Development Plan and other guidance in respect of contaminated land and ground conditions.

2.10 Restoration and Monitoring/Aftercare

2.10.1 The SPP (Scottish Planning Policy), in the Valuing the Natural Environment chapter, indicates that the Planning system should seek benefits for biodiversity from new developments where possible, including the restoration of degraded habitats. In the SPP's Promoting Responsible Extraction of Resources chapter, the Scottish Government's spatial strategy underlines the need to address the restoration of past minerals extraction sites in and around the Central Belt of Scotland.

2.10.2 FIFEplan's Minerals Supplementary Guidance notes that the importance of restoration is reflected in the Local Development Plan, and that high quality and appropriate restoration and aftercare are essential, with financial guarantees being sought to ensure their delivery. Proposals for mineral extraction will only be permitted where proper provision has been made for the progressive restoration and aftercare of the site to the highest appropriate standards, ensuring that no future liability from land instability and/or cost to the public purse will arise from inadequate engineering practices. Appropriate after uses for minerals sites can help to conserve and improve the character and nature conservation value of the landscape while maximising benefit to local communities and the environment. Developers are therefore obliged to submit detailed restoration plans with planning applications for minerals extraction.

2.10.3 The applicant has submitted a proposed Restoration Plan as part of this application. As with the approved restoration plan for the current planning permission (09/01492/EIA), there would be a residual restoration waterbody, around which a landscape strategy has been formulated. This landscape strategy includes significant tree and shrub planting, habit creation for biodiversity enhancement, and the provision of links to surrounding pedestrian and cycling networks. The result of altering the mining plan in the way now proposed would be to shift the residual restoration waterbody 110m further north from its existing proposed position.

2.10.4 Representations have been made to the effect that the restoration plan is further examined to ensure that there is no risk of the failure of the restoration water body containment in extreme weather conditions, or under conditions examined in the event of an upstream reservoir failure.

2.10.5 Representations have also been made to the effect that proposals to reduce the impacts of the quarry by restricting extraction and blasting activity to the southern boundary and refocusing quarry operations to the north, allowing the southern areas to be restored more quickly than planned, are only valid if they are subject to a planning condition (a condition, for example, stating that no blasting or extraction can be undertaken within 200m of the southern boundary of the quarry would ensure that a return to extraction on the southern sector did not occur at a later date if it became expedient for the company). In response, the applicant reiterates that no further blasting will be undertaken on the southern boundary of the site should planning permission for the extension be granted.

2.10.6 From Fife Council's perspective, should Members be minded to approve this application, the new planning permission would supersede the existing planning permission therefore the developer would not have an option to simply revert to extraction and blasting at the southern section of the quarry. The area in question would not be mined under the new restoration proposal but, rather, would be an earlier than currently proposed element of the restoration plan under the existing planning permission.

2.10.7 All aspects of the restoration plan have been consulted on in the course of this planning application and all relevant bodies, including NatureScot and SEPA, have no objection to any aspect of it. The detailed technical questions raised in representations regarding the integrity of the residual restoration waterbody have led to the applicant's restoration proposals being the subject of independent audit and (as indicated earlier in this Report of Handling, in Section 2.5 Flooding and the Water Environment) no concerns have been raised regarding the integrity of the waterbody through that audit process.

2.10.8 All of this being the case, the proposed development, subject to conditions, complies with the Development Plan and other guidance in respect of restoration and monitoring/aftercare.

2.11 Legal Agreement

2.11.1 The existing quarry operations are further regulated through the provisions of both Planning and Roads Legal Agreements addressing specifically the funding and administration arrangements for a scheme of local community benefits, the arrangements for the provision of a compliance assessor, the operation of the Lomond Quarry Liaison Committee and the funding of repairs to local roads which are required as a result of the impact of the quarry traffic on those roads. Whilst these arrangements would be continued, as part of this current application these agreements would be reviewed and updated to relate specifically to the new planning permission.

CONSULTATIONS

Health And Safety Executive	No objection.
	No objection.
Scottish Environment Protection Agency	No objection.
Historic Environment Scotland	No objection.
NatureScot	No objection, subject to condition.
Parks Development And Countryside - Rights Of Way/Access	No comments received.
Archaeology Team, Planning Services	No objection subject to conditions.
Built Heritage, Planning Services	No objection.
Natural Heritage, Planning Services	No objection subject to conditions.
Urban Design, Planning Services	No objection.
	Footage now available link is https://vimeo.com/607807732
Land And Air Quality, Protective Services	No objection, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No objection.
Environmental Health (Public Protection)	No objection.
Transportation, Planning Services	No objection, subject to conditions.
Parks Development And Countryside	No comments received.
Barry Mackay	No objection, subject to condition.
Scottish Water	No objection.
Community Council	No objection to extension of quarry subject to conditions; Objection to extension of time for operations.

REPRESENTATIONS

POINTS RAISED IN REPRESENTATIONS AND OBJECTIONS TO BE INSERTED INTO RELEVANT SECTIONS OF REPORT OF HANDLING

Leslie Community Council OBJECTS to the proposed extension of the consent by 8 years but SUPPORTS the proposed northern extension of the quarry subject to the following:

1. Confirmation that the northern extension can be accomplished without impairing the safety and integrity of the high-pressure gas pipeline that runs through the site (addressed in Section 2.9 Contaminated Land and Ground Conditions);
2. That the consent expires at the same time as the current consent, i.e., 2032 (addressed in Section 2.2 Principle of Development);
3. That the blasting impact is reduced to 3mms^{-1} ppv (95% of all blasts per annum) with a never exceed limit of 6mms^{-1} ppv (addressed in Section 2.3 Amenity Issues);

4. That maximum noise levels are set at 45dB LAeq, 1h and these are measured frequently, and without prior notice to the operator, at the sensitive receptors (addressed in Section 2.3 Amenity Issues);
5. That the “Jack Hammer” is no longer used, or if it is used, then it is only used between the hours of 10am and 4pm, Monday to Friday (addressed in Section 2.3 Amenity Issues);
6. That effective dust mitigation measures are put in place to eliminate, or significantly reduce, the dust impact from vehicles, especially on the public highway and the haul road adjacent to the play park (addressed in Section 2.3 Amenity Issues);
7. That effective dust monitoring is undertaken to establish the actual fugitive dust emissions when the weather conditions provide the worst-case scenario (addressed in Section 2.3 Amenity Issues);
8. That the road junction between Murray Place and High Street is re-profiled to enable it to cope with the high load, turning and tyre slippage during the vehicle manoeuvres. Fife Council Transportation must also engage more proactively with the operator to ensure that road repairs are carried out timeously and effectively, with little or no cost to the Council (addressed in Section 2.6 Transportation and Access);
9. That the existing Section 75 Agreement, Section 96 Agreement and restoration bond are updated to include current best practice, but in any event to be at least as robust as those currently in place (addressed in Section 2.2 Principle of Development and Section 2.6 Transportation and Access); and
10. That the restoration plan is further examined to ensure that there is no risk of the failure of the water body containment in extreme weather conditions, or under conditions examined in the upstream reservoir failure (addressed in Section 2.5 Flooding and the Water Environment);

A local resident has made a REPRESENTATION asking the Committee to set planning conditions improve the residential amenity for residents and correct perceived failings of the existing planning permission, making specific reference to:

1. The number of blasts permitted (addressed in Section 2.3 Amenity Issues);
2. The intensity of blasts (addressed in Section 2.3 Amenity Issues);
3. The number of lorry movements permitted (addressed in Section 2.6 Transportation and Access);
4. The noise levels permitted (addressed in Section 2.3 Amenity Issues);
5. The proximity of residential dwellings to the quarry (addressed in Section 2.3 Amenity Issues);
6. The proximity of SGN’s high pressure gas pipeline to the quarry (addressed in Section 2.9 Contaminated Land and Ground Conditions).

This representation requests that the Committee consider imposing the following conditions:

1. Maximum permitted blast levels should be reduced to 3mms⁻¹ ppv (addressed in Section 2.3 Amenity Issues);
2. Blasting should be no more than twice a week, and a maximum of six blasts per rolling four week period (addressed in Section 2.3 Amenity Issues);
3. Blasts should be restricted to a nominated day and time (addressed in Section 2.3 Amenity Issues);
4. Lorry movements should be conditioned to circa 528 movements a week (addressed in Section 2.6 Transportation and Access);
5. Noise limits should be reduced to 45db LAeq at the nearest sensitive receptors (addressed in Section 2.3 Amenity Issues); and
6. “Tell-tale” crack monitoring gauges will be made available to residents who believe the blasting is damaging their property, such “tell tales” to be installed and monitored by the

Council (addressed in Section 2.3 Amenity Issues).

An OBJECTION was received from another local resident on the following terms:

1. Impact on Common Good land and the cultural heritage (addressed in Section 2.8 Landscape and the Built and Historic Environment);
2. The proximity of residential properties to the quarry (addressed in Section 2.3 Amenity Issues);
3. Noise impacts (addressed in Section 2.3 Amenity Issues);
4. Blast vibration impacts (addressed in Section 2.3 Amenity Issues); and
5. Traffic pollution and effects on health (addressed in Section 2.3 Amenity Issues).

CONCLUSIONS

FIFEplan Policy 15 Minerals highlights that extensions to existing quarries are preferred to opening new quarries, whilst ensuring that their development does not result in unacceptable impacts on communities, the environment or the economy. Assessment of each of these considerations indicates that, subject to conditions of planning permission where appropriate, the proposed extension to Lomond Quarry can meet national and local policy and guidance. It is considered that the revised mine plan submitted with this application would lead to an improved co-existence between quarry and town by relocating the hard rock working area further away from Leslie. Scottish Gas Networks is content that, subject to the use of a planning condition, a northern extension to the quarry can be achieved without detriment to the integrity of the high-pressure gas pipelines running adjacent to the quarry. The revised Restoration Plan is considered acceptable and is supported by comprehensive technical assessments ensuring the integrity and long-term management of the restoration waterbody.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to:

The conclusion of legal agreements relating to:

- the funding and administration arrangements for a scheme of local community benefits
- the funding and arrangements for the provision of a compliance assessor
- the operation of the Lomond Quarry Liaison Committee
- the funding and arrangements for repairs to local roads which are required as a result of the impact of the quarry traffic on those roads.

and the following conditions and reasons:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. The development hereby approved shall be implemented in accordance with the Environmental Impact Assessment Report prepared by Ironside Farrar (January 2021) and the mitigation measures listed therein and the plans stamped as forming part of this permission

unless a variation is required by a condition of the permission or a non-material change has been approved in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

3. BEFORE ANY NEW WORKS COVERED BY THIS PERMISSION START ON SITE, a fully detailed restoration scheme shall be submitted for the written approval of Fife Council as Planning Authority. The scheme shall include details of the proposed topography, detailed planting and seeding (including species, height, size and density of trees and shrubs to be planted), details of levels construction, sections, drainage, soil coverage, final boundaries, phasing and relationship to adjoining land.

Reason: To ensure the satisfactory restoration of the site.

4. A detailed restoration phasing plan including timescales shall be submitted for the written approval of Fife Council as Planning Authority within 3 years from the date of the implementation of this planning permission.

Reason: To ensure the timely restoration of the site at an appropriate stage of the mineral extraction.

5. A 5-year landscaping aftercare and long-term management plan shall be submitted for the written approval of Fife Council as Planning Authority within 3 years of the implementation of this planning permission. Thereafter the development shall be carried out in accordance with the approved plan.

Reason: To ensure effective landscape management after restoration.

6. PRIOR TO THE COMMENCEMENT OF ANY NEW WORKS APPROVED BY THIS PERMISSION, a detailed plan for public access through and around the site during excavation and upon completion shall be submitted for the written approval of Fife Council as Planning Authority. The detailed plan shall include a timetable for public access, details of all paths, tracks or other access facilities to be provided for the use of walkers, riders, cyclists and water access points where appropriate.

Reason: In order to ensure that public access is retained in and around the quarry site.

7. The rate of extraction shall not exceed 300,000 tonnes per annum, unless otherwise approved in writing by Fife Council as Planning Authority. A record of the quality, type and principal destinations of material leaving the quarry shall be submitted to Fife Council as Planning Authority every 6 months.

Reason: To restrict the rate of extraction in accordance with required operations and proposals, and to ensure that Fife Council can maintain accurate landbank figures.

8. All extraction on site shall cease by August 2040. Furthermore, the site shall be fully restored within 1 year from the date of permanent cessation of extraction. FOR THE AVOIDANCE OF DOUBT, extraction shall be deemed to have ceased permanently if no mineral extraction takes place within the site for a continuous period of more than 3 years.

Reason: In order that the Planning Authority retain effective control should the quarry cease to operate.

9. Operations (excluding blasting) for the winning and extraction of sand and gravel and hard rock shall be carried out within the hours of 7.00am until 6.00pm Monday to Friday; 7.00am until 4.00pm on a Saturday and at no time on a Sunday unless otherwise agreed in writing with the Planning Authority. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment only. For the avoidance of doubt, no machinery required in connection with any mineral extraction operation is to be operative outwith the hours provided within this condition. FOR THE AVOIDANCE OF DOUBT, any blasting shall be carried out as per the approved blast design and is an operation outwith the scope of this operating condition and is separately controlled. The use of the "Jack Hammer" (hydrologic excavator mounted) onsite shall be restricted to 8.00am until 6pm Mon-Fri.

Reason: in order to safeguard the amenity of nearby residential areas from quarry and traffic nuisance

10. All vehicles owned or operated solely by the quarry operator at the site shall be fitted with alternative reversing warning systems. These shall include a red stroboscopic warning light and/or white noise reversing systems.

Reason: To reduce the sound emitted by reversing warning systems and in the interest of residential amenity.

11. All plant and machinery shall operate only during the permitted hours of operation and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. Fife Council as Planning Authority reserves the right to insist on additional measures to minimise noise emissions at the site should it prove expedient to do so.

Reason: In the interests of protecting residential amenity.

12. The development hereby approved shall be implemented in accordance with detailed scheme/schedule for blasting approved by Fife Council as Planning Authority on 10th May 2011 in relation to planning permission reference 09/01492/EIA, except as may otherwise be agreed in writing by Fife Council as Planning Authority.

Reason: In the interests of protecting residential amenity.

13. A notice shall be supplied to Fife Council as Planning Authority in the form of either a letter or e-mail to the appropriate Fife Council Planning Office responsible for the Leslie area giving at least 48 hours advance warning of the dates and times of blasting throughout the lifetime of the quarry unless otherwise agreed in writing with Fife Council as Planning Authority. Furthermore, site notices shall be displayed in positions and times to be agreed with Fife Council as Planning Authority giving warning to the public of blasting times.

Reason: In the interests of protecting residential amenity.

14. The best industry guidance shall be adopted to reduce the effects of air overpressure on any noise sensitive building or structures; the details of the methods to be employed shall adhere to

the existing scheme of blasting in operation at Lomond Quarry, agreed with Fife Council as Planning Authority on 10th May 2011.

Reason: In the interests of protecting residential amenity.

15. A scheme for monitoring ground vibration and air overpressure from blasting operations, the prevailing meteorological conditions, the location of monitoring points and equipment to be used shall be submitted to and approved in writing by Fife Council as Planning Authority prior to commencement of the blasting activities. Measurement of air overpressure needs to be undertaken with microphones with an adequate low frequency response to fully capture the dominant low frequency component. Records shall be kept of all blast vibration and air overpressure monitoring together with any complaints which may be received. The records shall be kept readily available for inspection if required.

Reason: In the interests of protecting residential amenity.

16. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mms-1 in 95% of all blasts measured over any period of not less than 3 months, and not more than 12 months. No individual blast shall exceed a peak particle velocity of 12 mms-1 as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building excluding Balsillie Farm and Balsillie Cottages, which are within the ownership of the applicant and are due to be demolished as part of the proposed development.

Reason: In the interests of protecting residential amenity.

17. Within six months of the date of implementation of this planning permission, a scheme for the monitoring of noise generated from the site shall be submitted for the written approval of Fife Council as Planning Authority. The scheme shall be implemented as approved within two months of its approval. The scheme shall provide for:

- Attended measurements by a competent person of LAeq, 5 minutes levels over a typical period with the main plant and machinery in operation, likely 1 hour in duration at each location.
- Attended measurements to be undertaken at intervals representative of changes in operations at the site, including Phase 1 and Phase 2 operations. Intervals in attended measurements should not exceed six months.
- The logging of weather conditions, including rainfall, wind speed and direction during the attended measurements.
- Attended measurements in order to determine compliance with the noise limits set out below:
Ingrie Farm Cottage – 45 dB LAeq, 1hr
Ballinghall Mill Farmhouse – 45 dB LAeq, 1hr
East Cottage, Ballinbriech Terrace – 45 dB LAeq, 1hr
No. 2 Paterson Cottages – 50 dB LAeq, 1hr
No. 50 Ramsay Gardens – 50 dB LAeq, 1hr

Noise from the development caused by initial soil stripping and/or landscaping operations prior to the commencement of mineral extraction shall not exceed 70dB LAeq, 1 hour (free field) at any noise sensitive premises. This noise limit shall only be permitted for a maximum of eight weeks in any 12-month period following commencement of development and for a maximum of eight weeks in the final 12-month period of site decommissioning and reinstatement. Otherwise, the noise limit in Condition 17 of the planning permission hereby granted shall apply.

Reason: In the interests of protecting residential amenity.

18. The operator shall adhere to the dust monitoring scheme currently in operation at Lomond Quarry, agreed with Fife Council as Planning Authority on 20th May 2011, which includes details of the location and monitoring positions, the frequency of monitoring, the period of monitoring and the time period for submission of monitoring reports to the Planning Authority.

Reason: In the interests of residential amenity.

19. The existing wheel cleaning facilities already employed at the quarry shall be utilised by heavy goods vehicles leaving the quarry unless otherwise approved in writing by Fife Council as Planning Authority.

Reason: In the interests of road safety; to eliminate the deposit of deleterious material on the public roads.

20. Any proposed mounds of stockpiled material associated with the sand and gravel working shall not exceed 6 metres in height.

Reason: In the interests of visual amenity: to ensure the proposed works do not cause detriment to the amenity of the area.

21. Prior to any tree felling or building demolition, a full bat survey of all trees to be felled and buildings to be demolished must be undertaken during the optimum period and submitted for the approval of Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, the surveys must include a programme of mitigation and compensation, which allows the conservation status of these species to be maintained and enhanced. Relevant licences shall be obtained from the Scottish Government.

Reason: To ensure the protection of European Protected Species should any evidence of their presence be found.

22. FOR THE AVOIDANCE OF DOUBT, any tree felling/vegetation removal work or works which affect existing nest burrows must be carried out outwith the bird breeding season (i.e. March to August inclusive). If such works are required within the breeding season, a nesting bird survey shall be carried out by a suitably qualified ecologist to assess the presence of nesting birds and recommend appropriate mitigation of works to protect potentially affected species. The survey shall be submitted for the prior written approval of Fife Council as Planning Authority before any tree felling/vegetation removal work or works which affect existing nest burrows is carried out.

Reason: To ensure the adequate protection of a UK protected species should any evidence of their presence be found.

23. Vehicular access to the site shall only be via the existing access onto the K1 public road to the east of the site.

Reason: In the interest of road safety; to ensure the provision of adequate access.

24. Visibility splays of 9m x 210m shall be provided onto Ballinbreich (K1) public road at all times and maintained free from any obstructions of a height exceeding one metre above the adjacent road channel level insofar as they lie within the control of the applicant.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junction of the vehicular access to the site and the public road.

25. BEFORE ANY NEW WORKS COVERED BY THIS PERMISSION START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site.

26. Details of the proposed boundary treatment for the site including adequate security fencing shall be submitted for the written approval of Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, the fencing shall be erected prior to the implementation of this consent and maintained in an effective manner for the life of the operation of the quarry.

Reason: In the interest of pedestrian safety and to ensure the site is maintained in a secure state.

27. The working area shall be stripped of available topsoil. To minimise damage to the soil structure, topsoil stripping shall only be permitted when the soil is reasonably dry and friable (usually May to September) and shall not take place during or immediately after periods of heavy rain. Furthermore, all topsoil shall be retained on the site and shall not be sold off or removed from the site. A detailed plan of all topsoil placement shall be submitted for the written approval of Fife Council as Planning Authority before any topsoil is stripped and the topsoil placement shall be undertaken as per the details as approved.

Reason: To allow the Planning Authority to retain effective control over the storage and retention of the material on site.

28. After extraction is complete, all topsoil shall be used as part of the restoration proposals unless otherwise approved in writing by the Fife Council as Planning Authority.

Reason: To allow the Planning Authority to retain effective control over the storage and retention of the material on site.

29. The development hereby approved shall be implemented in accordance with the Waste Management Plan approved by Fife Council as Planning Authority on 10th May 2011 in relation to planning permission reference 09/01492/EIA, except as may otherwise be agreed in writing by Fife Council as Planning Authority.

Reason: In the interests of environmental quality; to ensure that adequate measures are put in place to avoid unnecessary pollution to the water courses.

30. Groundwater levels should be monitored at all monitoring boreholes on a monthly basis and submitted to Fife Council as Planning Authority annually. Monitoring data must be reviewed biennially with an interpretative report supplied to Fife Council to confirm (or otherwise) that there are no impacts to receptors. The groundwater level data will be held on-site and will be made available to the Council or SEPA within one working day of a request being received.

Reason: To ensure effective monitoring of ground water sources.

31. PRIOR TO THE COMMENCEMENT OF ANY NEW WORKS APPROVED BY THIS PERMISSION, an operational site drainage strategy along with any proposed temporary and long-term wastewater drainage facilities shall be submitted for the written approval of Fife Council as Planning Authority in consultation with SEPA. The drainage strategy and facilities as approved shall thereafter be implemented.

Reason: To ensure the implementation of an appropriate sustainable urban drainage system and the drainage infrastructure is properly maintained.

32. The development hereby approved shall be carried out in accordance with the Waterbody Management Plan (Sept 2021) submitted with the application, except as may otherwise be agreed in writing by Fife Council as Planning Authority. At least 5 years prior to the commencement of site restoration, a detailed drainage design will be produced for the restored site, this will be based on the outline drainage design and scheme provided in the Flood Risk Assessment (ref 2885/FRA Final Version F1, July 2021, updated September 2022) and must include the following:

- Detailed design and specification of all outfall and conveyance structures including drawings and erosion protection measures where required;
- Updates to InfoDrainage (or similar) calculations to demonstrate compliance with the latest Fife Council and SEPA guidance; and
- SuDS maintenance and monitoring scheme to ensure that system is regularly maintained, and functions as designed.

Thereafter, the development hereby approved shall be carried out in accordance with the aforementioned plan, except as may otherwise be agreed in writing by Fife Council as Planning Authority.

Reason: To ensure that the waterbody is suitably managed once the site is fully restored.

33. Quarry operations on site should not continue unless the applicant undertakes the following steps on a continuous basis throughout the duration of the permission unless otherwise agreed in writing with Fife Council as Planning Authority, in consultation with Scottish Gas Networks (SGN):

- The Quarry Operator is to retain at least 8m separation between the screening bund and the MAHP's deed of servitudes during the extraction works.
- The Quarry Operator is to provide records of blasting to SGN including measured PPV results from the agreed monitoring points.
- The Quarry Operator should erect and thereafter maintain notices at Balsillie Avenue to ensure it is communicating that the route should not be used by Quarry Vehicles and Plant.
- The Quarry Operator is to manage surface water to prevent accumulation adjacent to the excavation slopes.
- The Quarry Operator is only to undertake any planting in proximity to the MAHPs in accordance with the guidance provided by SGN.
- The Quarry Operator shall at all times adhere to the terms of the Hazard Register managing the quarry works as agreed between the operator and SGN.

Reason: To allow works to be managed in a way so that SGN's Major Accident Hazard Pipelines are not damaged. This will allow compliance with the Pipelines Safety Regulations 1996

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

Scotland's Third National Planning Framework (NPF3) (2014)

Scottish Planning Policy (SPP) (2014)

PAN 51: Planning, Environmental Protection and Regulation (2006)

PAN 1/2011: Planning and Noise

PAN 33 'Development of Contaminated Land' (2000)

PAN 50 'Controlling the environmental effects of surface mineral workings' (1996)

PAN 64 'Reclamation of surface mineral workings' (2003)

PAN 75 'Planning for Transport' (2005)

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Development Plan:

SESplan Strategic Development Plan (2014)

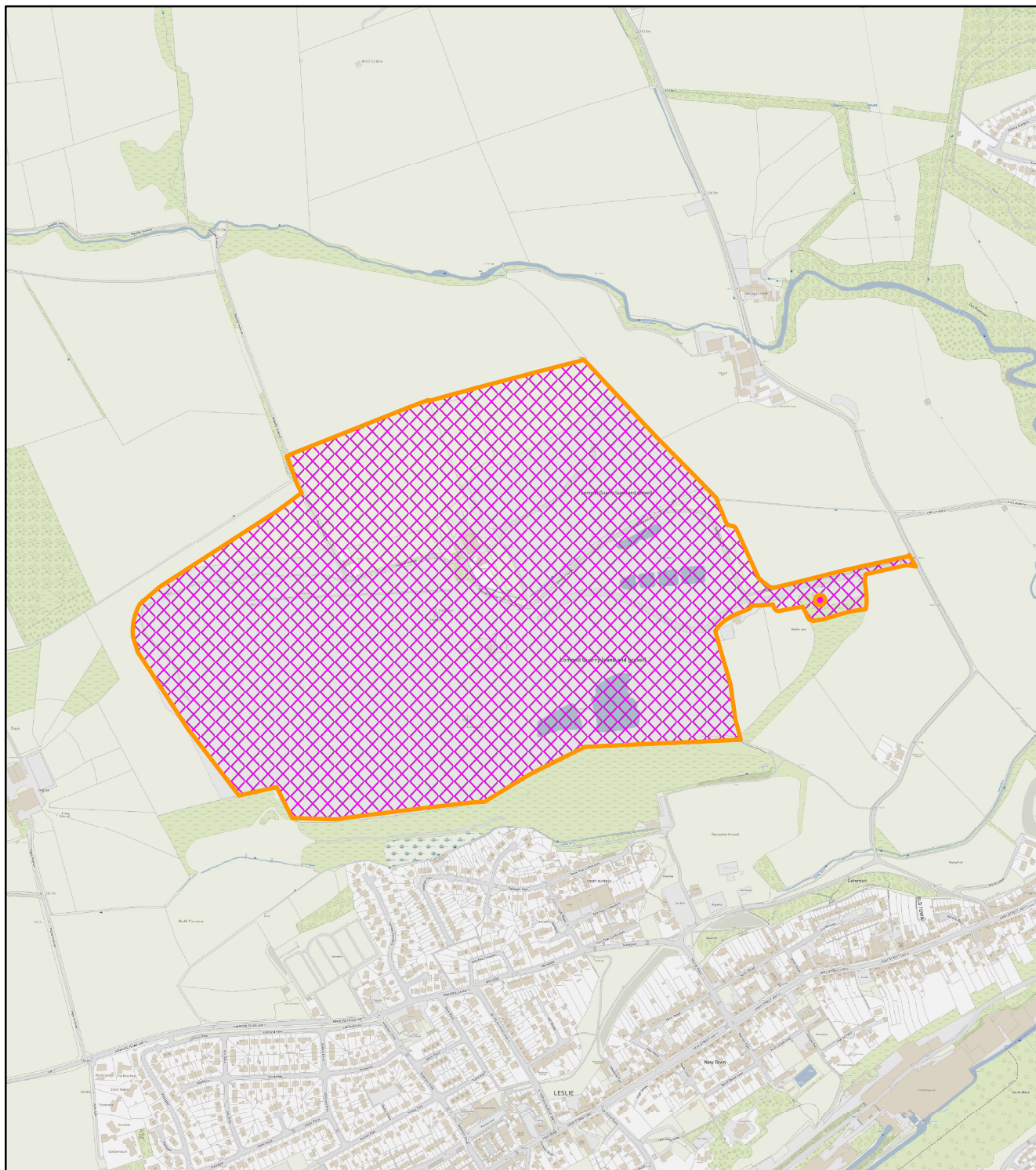
FIFEplan Local Development Plan (2017)

Report prepared by Martin McGroarty, Lead Professional (Minerals) and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

21.00287.EIA

Lomond Quarry Balsillie Avenue Balgillie



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Legend

 Application Boundary

0 50 100 200 300
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Economy, Planning & Employability Services

7th December 2016

Agenda Item No. 8

Update on Lomond Quarry, Leslie

Report by: Robin Presswood, Head of Economy, Planning and Employability

Wards Affected: 14,15 and 16

Purpose

To update Members on matters relating to Lomond Quarry, Leslie and to seek approval to amend blast monitoring undertaken at the quarry.

Recommendation(s)

It is recommended that the Committee

- Notes that the current regime of blast monitoring at Lomond Quarry demonstrates full compliance with the planning condition in place to control the effects of blasting (Appendices 1 and 1A).
- Notes that additional blast monitoring carried out at two locations by Environmental Health also confirms that no “Statutory Nuisance” under the Environmental Protection Act 1990 currently exists or is likely to occur at this site.
- Agrees that blast monitoring at this site may now be revised from the level requested by the Glenrothes Area Committee at its meeting of the 10th June 2015 paragraph 264 (Appendix 2) and be replaced by a regime of monitoring of every blast by the operators as per the planning consent, with further monitoring being undertaken on a random, unannounced basis by Council officers.
- Notes that Planning Enforcement Officers will continue to review and distribute information on blast monitoring undertaken both by them and the operators.
- Notes that the Skene Group is now sharing with Planning Officers its blast engineers’ prediction of the impact of each blast in Leslie, all as discussed at the most recent Lomond Quarry Liaison Committees in May and November 2016.
- Notes that there are now no outstanding matters related to the Independent Review into the Effects of Blasting at Lomond Quarry (July 2013) which was conducted by Capita Symonds and that any further matters can best be resolved through the Local Liaison Committee.

Resource Implications

The current blast monitoring regime requested by the Committee has significant staff and resource implications for Environmental Health in terms of staff and mileage costs, administrative and equipment costs, and the purchase, maintenance and calibration of equipment.

An additional cost to the team and our customers however is logistical. To reduce travel costs in this small team all officers work in discrete geographical areas. As the blasts are usually in the middle of the day this means that officers cannot be deployed to their usual work areas resulting in a delayed response to the public in other areas of Fife.

Therefore by amending the current monitoring regime, resources would be released to better serve our customers throughout Fife.

Legal & Risk Implications

There are no Legal or Risk implications in relation to the proposed amended monitoring regime as planning conditions would continue to be monitored and results reviewed by Planning Enforcement Officers

Impact Assessment

An Impact Assessment is not required as this report does not propose a change to existing policy.

Consultation

Fife Council's Head of Legal Services, Senior Manager Planning and Head of Financial Services have been consulted on the content of this report.

In addition, the proposed amended blast monitoring regime was discussed at the Lomond Quarry Liaison Committee on 19th May and 10th November, 2016.

1.0 Background

- 1.1 The Committee will be aware of the planning history for Lomond Quarry, Leslie and of the Independent Review into the Effects of Blasting at Lomond Quarry (July 2013) which was conducted by Capita Symonds.
- 1.2 In the report Capita Symonds advised that – “The vibration results for the past three years have been reviewed. The highest reading of 11 mm/s was recorded in June 2011 but since then, readings have been in the range of 0.88 – 6mm/s PPV. These vibration levels are significantly lower than the guidance advises that damage to property would occur. However, they are in the range that is perceptible to humans and therefore likely to result in adverse comments.”
- 1.3 From 2013 onwards, blast monitoring conducted by the Operator, Planning Enforcement Officers and Environmental Health Officers has shown continued compliance with planning permission and the Environmental Protection Act 1990.

2.0 Discussion

- 2.1 All 16 recommendations of the Capita Symonds Report were accepted by Fife Council and there have been numerous reports brought before the Glenrothes Area Committee regarding progress on the implementation of those recommendations. The most recent report, Item 6 on Glenrothes Area Committee agenda of 10th June 2015 (<http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&pubid=B8F803A4-DB6C-36C6-D0AFE43C20635862>) reported on the 5, then outstanding, recommendations relating to noise, dust and vibration monitoring; structural checks on a representative sample of buildings; mediation; and the offer of Cognitive Behavioural Therapy.
- 2.2 Members considered Officers' views on those 5 recommendations and resolved to:
1. continue with three blast monitoring locations for each blast;
 2. achieve a resolution to mediation or provide a full report on what the outcomes have been; and
 3. instruct Officers to monitor dust at the play park adjacent to the Haul Road for both PM_{2.5} and PM₁₀ annual mean objectives.
- 2.3 With regard to the blast monitoring regime, there is a significant body of evidence, collected over a number of years, indicating that blasting operations at Lomond Quarry are fully in compliance with relevant Planning conditions and Environmental Health legislation. The resource implications of two Environmental Health officers having to monitor every blast are outlined above in this Report. At the Lomond Quarry Liaison Committee Meeting in May 2016 it was agreed that, should Skene Group share with Planning Officers its blast engineers' prediction of the impact of each blast, this would allow Environmental Health Officers to be freed up from attending every blast. The information now being shared with Planning Officers is an estimation of the vibration that will be generated by a blast and is a further layer of data which assists in checking continued compliance with planning consent.
- 2.4 With regard to the mediation process/Cognitive Behavioural Therapy (CBT) that was offered, Core Solutions Group were appointed to facilitate a mediation process involving Fife Council, Skene Group and representatives of the local community. Two evening meetings were held on 8 December 2014 and 21 January 2015. At the conclusion of the second meeting, it was agreed among all the parties that matters would be progressed by the local community submitting a list of their outstanding concerns to the Council. This was received and all points answered in writing. It was considered that any ongoing mediation would be factored through the Lomond Quarry Liaison Committee.
- 2.5 Fife Council wrote to approximately 1500 residents of Leslie, who could have potentially been impacted upon by activities at Lomond Quarry, to offer Cognitive Behavioural Therapy (CBT). This resulted in two residents responding to say they would be interested in receiving CBT. Due to the small uptake for this service it was felt that the best way to progress this was for the two residents to make direct contact with the appropriate people at the NHS. The Council provided both parties with the relevant details of the specific NHS Fife specialist CBT staff. As this is a sensitive and personal matter between both residents and the NHS staff we are unable to say whether any CBT was undertaken.
- 2.6 With reference to additional monitoring at the play park adjacent to the Haul Road in Leslie, a modelling study was carried out at the request of Fife Council, Environmental Health, by Ricardo AEA in 2015. Supplementary analysis of this study revealed that the predicted levels of PM_{2.5} and PM₁₀ are well within statutory air quality objectives at the play park. The impact of the quarry activities and additional road traffic on the air quality at the play park was likely to be in the region of 0.9.ug.m-3. There is currently no

monitoring technique which can measure such small changes. The inability of officers to meet the requirement of GAC of 10th June 2015 was discussed with Democratic Services and all members of GAC were written to on 14th August 2015 and advised that the request for additional monitoring was unachievable on both technical and financial grounds (Appendix 3).

- 2.7 The other, then outstanding, recommendation related to a structural survey of properties in Leslie which had been carried out. The outstanding action was for the placement of tamper-proof “tell-tale” discs on properties, which would give an indication of any structural movement of the properties. Letters were sent by the Senior Manager, Planning, to five properties as recommended in the survey, seeking permission to place the tell-tales on the properties, however no replies were received. It should be noted that the report by Waterman Transport and Development Ltd. who were commissioned by Fife Council to conduct surveys in 2011, 2012 and 2014 reported that in their opinion “As the cracks observed during this round of visual inspections are reported generally as hairline to minor it is not deemed structurally necessary to monitor them via insitu instrumentation (tell tales). The full report was tabled to the Committee on 12th November 2014.
- 2.8 There are therefore no outstanding issues from the Capita Symonds report yet to be resolved.

3.0 Conclusions

- 3.1 The 16 recommendations of the Capita Symonds Report, all of which were accepted by Fife Council, have now been worked through with Members of this Committee over the last few years and have been taken to their conclusion.
- 3.2 With particular reference to the current blast monitoring regime, Appendices 1 and 1A to this Committee Report demonstrate that extensive monitoring of the blasting activities at Lomond Quarry has been undertaken over the last five years. It also demonstrates that the operator is now consistently meeting the requirements of their planning consent. In addition, the Skene Group is now sharing with Planning Officers its blast engineers’ prediction of the impact of each blast, as discussed at the Lomond Quarry Liaison Committee in May 2016. This allows Skene to demonstrate to the Council that the blast levels forecast are likely to be in line with the planning consent. Officers will continue to assess the accuracy of forecasts against actual levels monitored. The Liaison Committee will remain the appropriate forum for discussions with residents regarding any concerns around working practices.
- 3.3 In addition, Environmental Health considers that the operator is meeting the requirements of the Environmental Protection Act 1990 and, from the monitoring results already obtained, is content that no “Statutory Nuisance” exists or is likely to occur at this site.
- 3.4 It is therefore the view of the Service that the additional blast monitoring currently carried out at each blast by officers at two separate locations duplicates monitoring that is carried out by others acting for the operators and adds no value. The Head of Economy, Planning and Employability Services therefore recommends to members that the resources used at this site could be diverted to other areas of work and therefore monitoring of each blast at this site by Environmental Health officers should be discontinued, to be replaced by random, unannounced, monitoring at a frequency of around once per month to validate data supplied by the operator.

Appendices

1. Blast Monitoring Results
2. Extract From Minute of Meeting of Glenrothes Area Committee of 10th June 2015
3. Letter to GAC Members from Environmental Health re Dust Monitoring 14th August 2015

Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973: Item 6 on agenda of Glenrothes Area Committee of 10 June, 2015

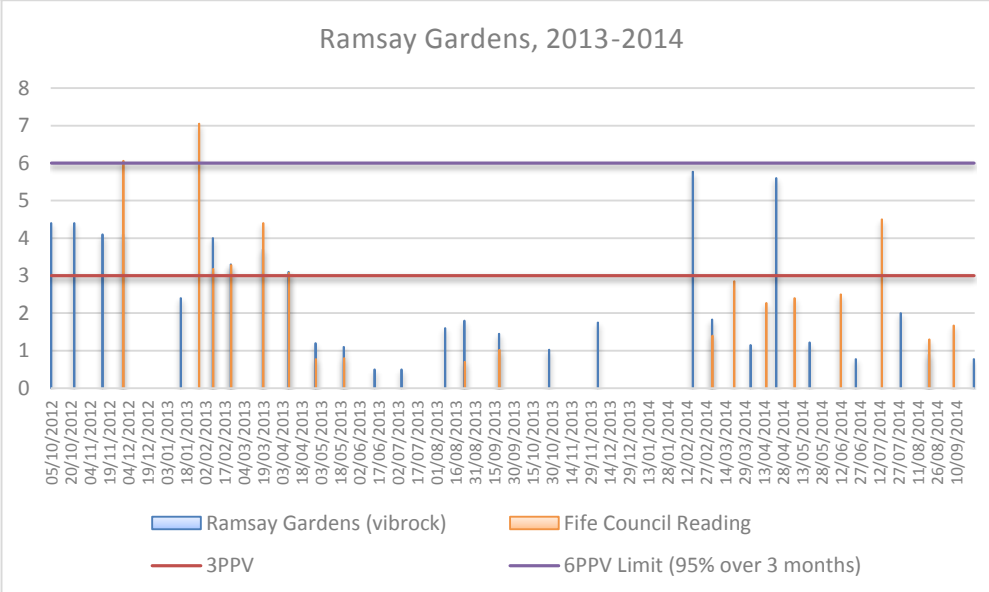
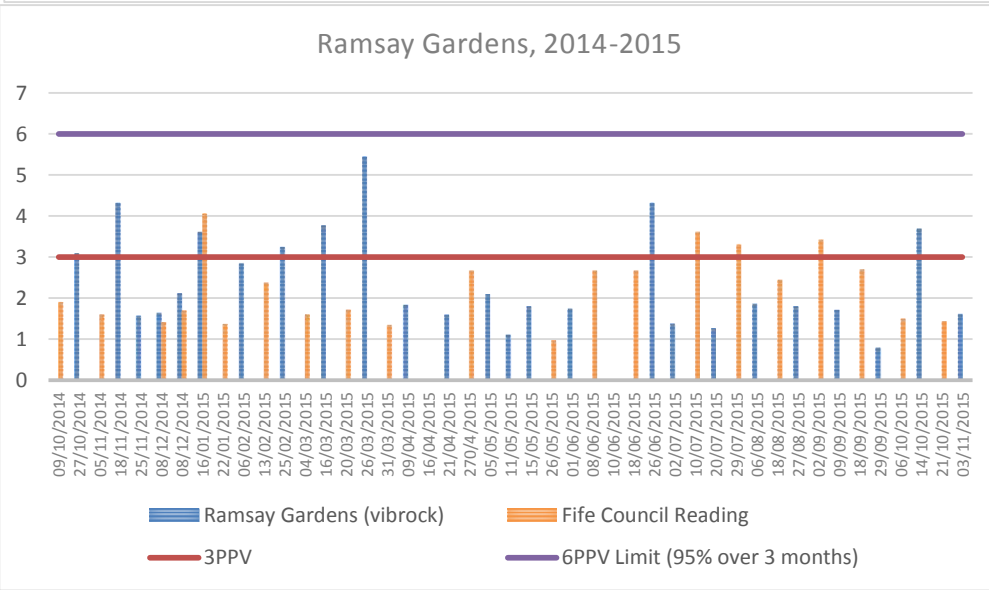
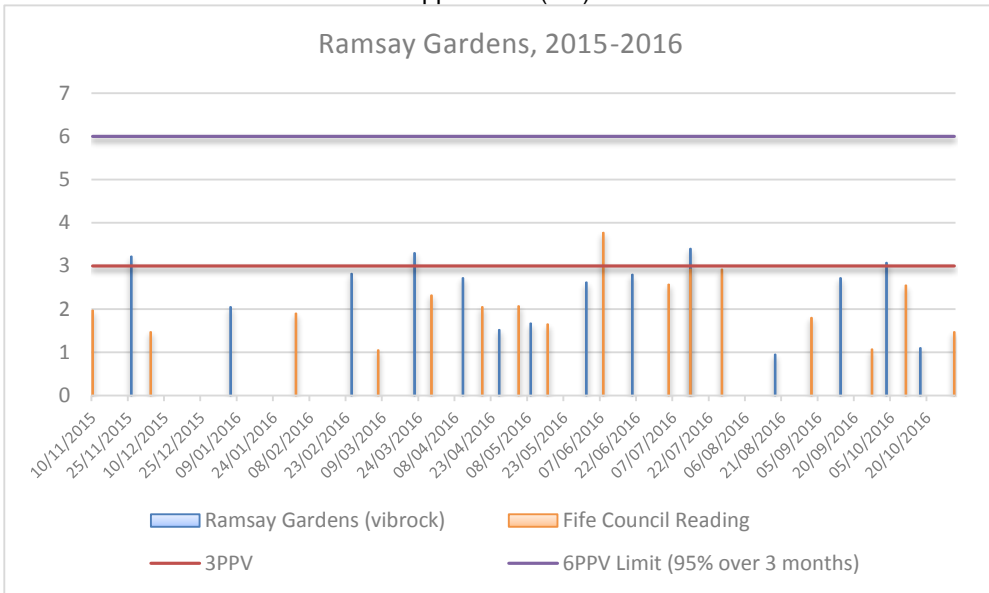
<http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&pubid=B8F803A4-DB6C-36C6-D0AFE43C20635862>

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Appendix 1 (1/3)

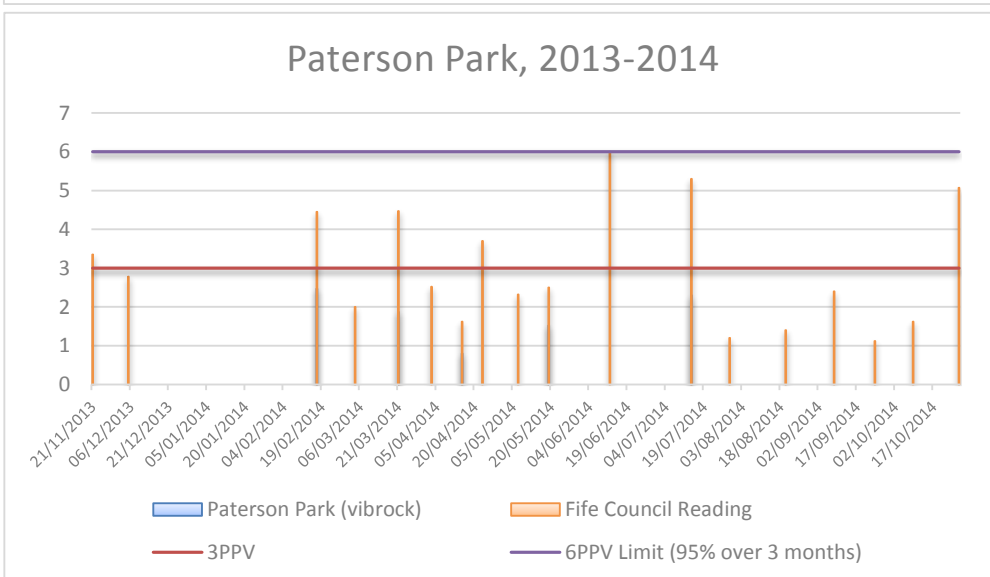
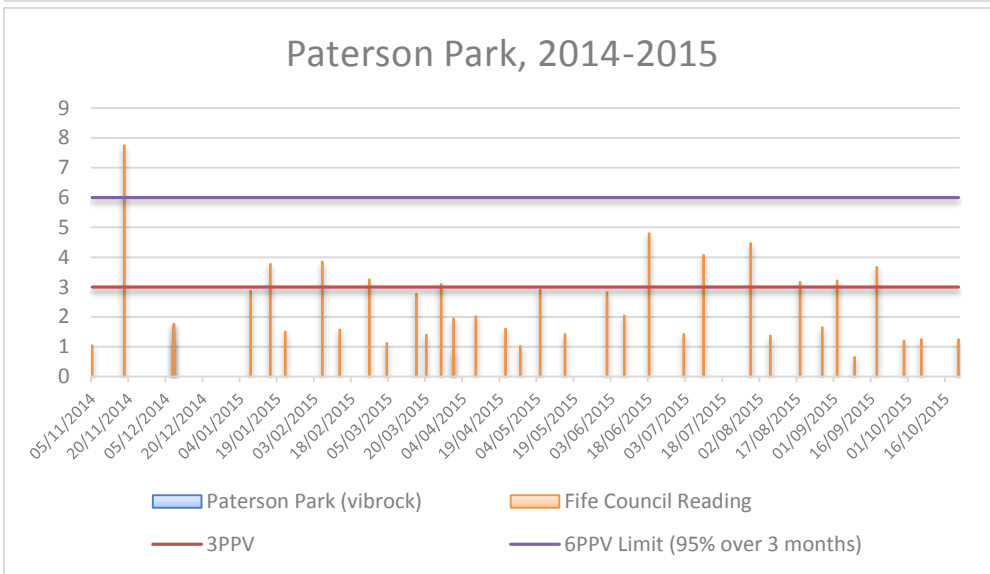
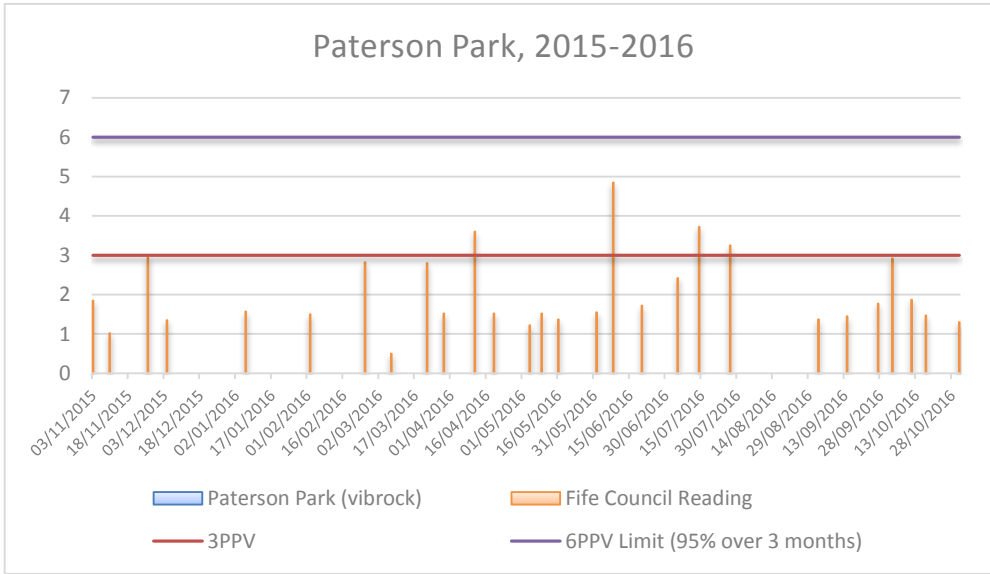


Note:

*Max Blast Limit 12 PPV

**15 PPV Potential Cosmetic Damage

Appendix 1 (2/3)

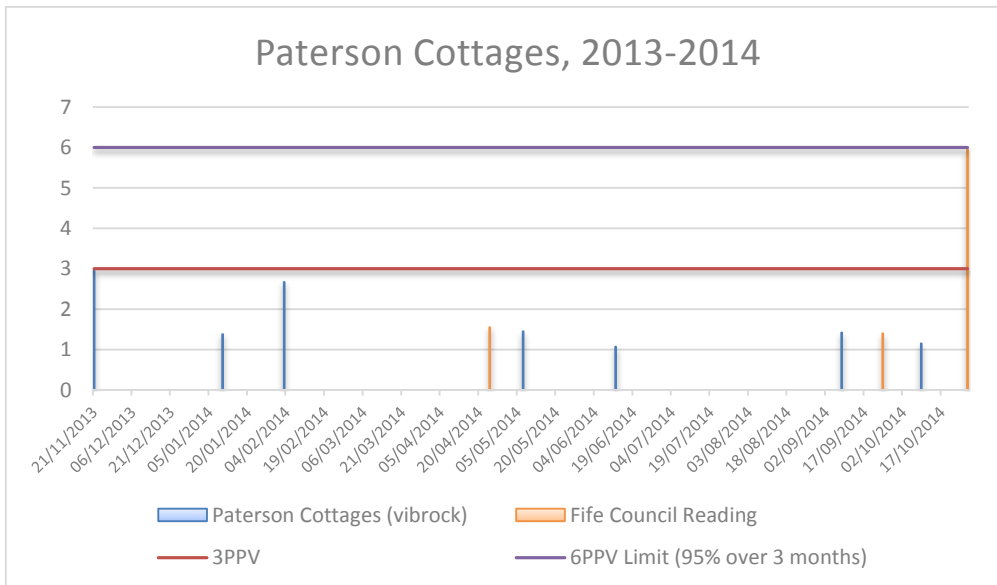
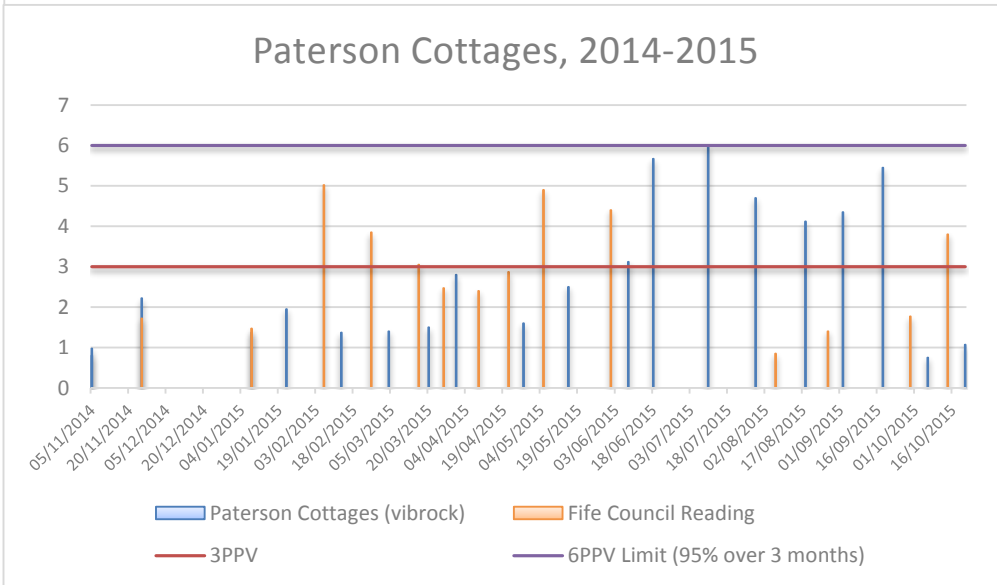
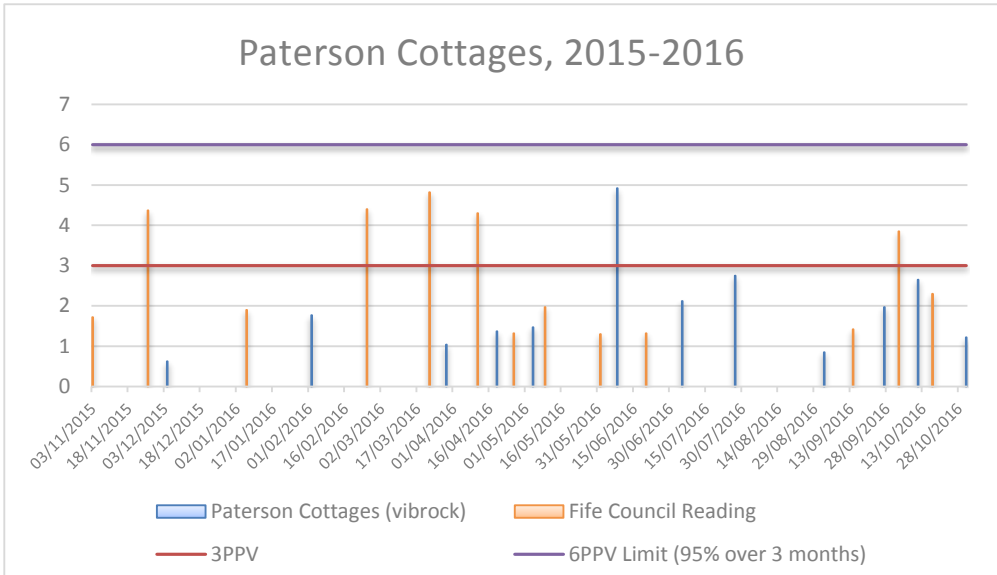


Note:

*Max Blast Limit 12 PPV

**15 PPV Potential Cosmetic Damage

Appendix 1 (3/3)



Note:

*Max Blast Limit 12 PPV

**15 PPV Potential Cosmetic Damage

APPENDIX 1-A

MONITORING LOCATION DATE OF BLAST	RAMSAY GARDENS (ppv in mm/s)	PATERSON PARK (ppv in mm/s)	PATERSON COTTAGES (ppv in mm/s)	VIBROCK READING WITHIN PREDICTED RANGE?
2/2/16	1.90 (FC)	1.50 (FC)	1.77 (V)	-
25/2/16	2.82 (V)	2.82 (FC)	4.40 (FC)	-
7/3/16	1.05 (FC)	< 0.50 (FC)	< 0.50 (V)	-
22/3/16	3.30 (V)	2.80 (FC)	4.82 (FC)	-
29/3/16	2.32 (FC)	1.52 (FC)	1.40 (V)	-
11/4/16	2.72 (V)	3.60 (FC)	4.30 (FC)	-
19/4/16	2.05 (FC)	1.52 (FC)	1.37 (V)	-
26/4/16	1.52 (V)	< 0.50 (FC)	1.32 (FC)	-
4/5/16	2.07 (FC)	1.22 (FC)	1.47 (V)	-
9/5/16	1.67 (V)	1.52 (FC)	1.92 (FC)	-
16/5/16	1.65 (FC)	1.37 (FC)	< 0.50 (V)	-
1/6/16	2.62 (V)	1.55 (FC)	1.30 (FC)	-
8/6/16	3.77 (FC)	4.95 (FC)	4.92 (V)	-
20/6/16	2.80 (V)	1.72 (FC)	1.32 (FC)	-
5/7/16	2.57 (FC)	2.47 (FC)	2.12 (V)	-
14/7/16	3.40 (V)	3.72 (FC)	2.92 (FC)	-
27/7/16	2.65 (FC)	3.25 (FC)	2.75 (V)	-
18/8/16	0.95 (V)	< 0.50 (FC)	< 0.50 (FC)	-
2/9/16	1.8 (FC)	1.37 (FC)	0.85 (V)	-
14/9/16	2.72 (V)	1.45 (FC)	1.42 (FC)	-
27/9/16	1.07 (FC)	1.77 (FC)	1.97 (V)	-
3/10/16	3.08 (V)	2.92 (FC)	3.85 (FC)	-
11/10/16	2.55 (FC)	1.87 (FC)	2.65 (V)	-
18/10/16	1.10 (V)	1.47 (FC)	2.30 (FC)	-
31/10/16	1.47 (FC)	1.30 (FC)	1.22 (V)	-
9/11/16	1.50 (V)	1.80 (FC)	2.02 (FC)	Blast WITHIN predicted range
23/11/16	3.07 (FC)	1.82 (FC)	1.65 (V)	Blast LOWER than predicted range

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

EXTRACT OF MINUTE OF MEETING OF THE FIFE COUNCIL - GLENROTHES AREA COMMITTEE – GLENROTHES of 10th JUNE, 2015

264. INDEPENDENT REVIEW INTO THE EFFECTS OF BLASTING AT LOMOND QUARRY - CONSULTANTS FINAL REPORT AND FINDINGS - UPDATE REPORT ON IMPLEMENTATION OF THE RECOMMENDATIONS

(Previous Minute Ref: para. 211(i) of 2014.G.A.C.145)

The Committee considered a report by the Head of Economy, Planning & Employability providing an update on the progress currently made on each of the recommendations in the “Independent Review into the effects of blasting at Lomond Quarry”.

Motion

Councillor Ross Vettraiño, seconded by Councillor Craig Walker moved that the recommendations contained in the report be approved.

Amendment

Councillor John Wincott, seconded by Councillor Kay Morrison moved that:-

- (i) officers continue to monitor blasts at the three locations for each blast;
- (ii) a resolution to mediation be achieved or a full report be provided as to what the outcomes have been; and
- (iii) officers monitor dust at the play park adjacent to Haul Road for both PM 2.5 and PM 10 annual mean objectives.

Vote

Amendment - 6 votes
Motion - 4 votes

Decision

The amendment detailed above was accordingly approved.

APPENDIX 3



FAO Glenrothes Area Committee

Cllr John Wincott; Cllr Fiona Grant
Cllr Kay Morrison; Cllr John Beare
Cllr Ian Crichton; Cllr Ian Sloan
Cllr Ross J Vettrano OBE; Cllr Bill Brown
Cllr Altany Craik; Cllr Craig Walker

Economy, Planning and
Employability Services

Kenny Bisset
08451 555555 ext. 440461
Kenny.Bisset@fife.gov.uk

Your Ref: N/A
Our Ref: LQ AQ 19.07.2015

14.08.2015

Dear Councillors,

Dust Monitoring at Lomond Quarry, Leslie

I refer to the recent Glenrothes Area Committee of 10th June 2015, and the request for Officers to undertake dust monitoring at the play park located at Back Braes / Quarry Park adjacent to the haul road. This monitoring would record particulate matter (PM) concentrations for both PM_{2.5} and PM₁₀ in relation to annual mean objectives.

In terms of assessing both the technical and financial impact of undertaking such monitoring, we completed a review of the situation. I provide a brief summary of our findings for your consideration.

- This Service has to date (6th August 2015) received no formal complaints from members of the public relating to the impact of dusts or vehicle emissions from quarry traffic using the haul road on the users of the adjacent play park.
- Skene's own Compliance assessment has indicated that there are no concerns regarding dust emissions from Lomond Quarry.
- Monitoring of dusts was undertaken by this Service, at various receptor locations (adjacent to residential properties, play park, etc.), with a report presented to the Glenrothes Area Committee of 12th November 2014. The report concluded that statutory air quality objectives for particulate matter were unlikely to be compromised at the relevant human receptor locations as a result of the operations at Lomond Quarry.
- Given elected members' ongoing concerns, Fife Council's contracted consultants, Ricardo-AEA, were commissioned to undertake a dispersion modelling study of the impacts from Lomond Quarry. Ricardo-AEA concluded that the quarry emissions will not result in any exceedances of the air quality objectives at any of the relevant receptor locations. These results were presented to the Glenrothes Area Committee of 10th June 2015.

Environmental Health
Economy, Planning & Employability Services
Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LY



With regard to members' latest concerns specifically relating to the potential impacts of dusts or vehicle emissions from quarry traffic using the haul road on members of the public using the adjacent play park, I would provide the following comments for your consideration.

- In reviewing and assessing Fife's air quality we are required to adhere to the screening criteria contained within the appropriate technical guidance, specifically LAQM.TG.09. In this guidance, the screening criteria for Heavy Goods Vehicles (HGVs) (irrespective of age, size and type of vehicle) stipulates that in relation to monitoring the impacts on air quality "*There would be no need to look for relevant exposure if the flow is less than **2,500 vehicles per day***" (Box A.3, 5-12).
- Based on figures contained within the Environmental Impact Assessment undertaken in 2009 for Lomond Quarry, 516 vehicle movements over six days (i.e. an estimated **86 vehicles per day**) is well within the LAQM statutory screening criteria of 2,500 vehicles per day, with the screening criteria highly unlikely to be exceeded.
- Data provided by Transportation colleagues for Lomond Quarry indicates that currently, in general, there are between **500 and 600 actual vehicle movements per week**. Again, this is well within the LAQM screening criteria of 2500 which is vehicles per day as opposed to per week which we would hope will allay any fears in terms of exposure to risks and put the issue into context.

However, as a precautionary exercise, this Service revisited the findings of Ricardo-AEA's modelling exercise which was presented to the Glenrothes Area Committee on 10th June 2015. This included commissioning Ricardo-AEA to undertake a supplementary analysis to specifically assess potential impacts from the haul road on the play park. The cost of the complete modelling exercise was £6,000.

A copy of the report (reference ED60521) is attached for your information and points of note are provided below.

- The Scottish annual mean objective for particulate matter PM₁₀ is currently 18 µg.m⁻³. Ricardo-AEA concluded that the modelled background concentration of PM₁₀ at the play park is 12.7 µg.m⁻³, while a predicted additional concentration of 0.9 µg.m⁻³ associated with Lomond Quarry and its vehicle movements was calculated. The total predicted PM₁₀ concentration of 13.6 µg.m⁻³ is well within the 18 µg.m⁻³ objective.
- There are currently no statutory air quality objectives for particulate matter PM_{2.5}, however Ricardo-AEA advise that the PM_{2.5} impact around Lomond Quarry is likely to be even smaller than that calculated for PM₁₀ given the known nature and behaviour of this particulate fraction.
- Ricardo-AEA advised that the modelled impact of operations associated with Lomond Quarry (including emissions and any re-suspended dusts from road haulage routes) is so small (less than 1 µg.m⁻³) that no analyser equipment currently on the market is sensitive enough to detect such small changes.

We have obtained quotes from relevant suppliers for undertaking monitoring at the play park. The costs associated with monitoring for a period of one year are in the range of £30,000 to £35,000. However, as noted above, there is no equipment or indeed monitoring technique available which can detect such small changes in particulate matter (both PM₁₀ and PM_{2.5}) with any confidence.

Members will be aware of the financially challenging circumstances currently facing the Council. Our air quality work is almost wholly dependent on Scottish Government grant funding which is allocated every financial year through a competitive bidding process. Given that both the Scottish Government and SEPA have accepted our findings that no further monitoring is considered necessary, it is unlikely that we would be awarded further grant funding to purchase monitoring equipment for the play park.

It should be noted that our approach to local air quality management, as reported in our annual air quality report for 2015, has been cited as an example of “best practice” in terms of adhering to the requirements of air quality legislation and statutory guidance. Members may be interested to know that the current operators of Lomond Quarry, Skene Group Limited, scored highly on their maintenance and replacement strategies for cleaner vehicles as part of joining the Fife ECO Stars fleet recognition scheme. ECO Stars is a free, voluntary scheme which provides recognition, guidance and advice on operational best practice to operators of goods vehicles, buses and coaches. The scheme was launched last year and helps fleet operators improve efficiency, reduce fuel consumption and reduce emissions – all helping to improve local air quality and reduce operator’s carbon footprint. Transport Travel and Research Limited administer the scheme on our behalf and further information can be found on FifeDirect at www.fifedirect.org.uk/ecostars

Given the information provided above – results of monitoring and modelling works, the potential investment required for additional monitoring and the inability of equipment to monitor the concentrations involved – we ask elected members to reconsider their request for further monitoring to be undertaken.

We look forward to hearing from you on such matters.

Yours sincerely

Kenny Bisset
Lead Officer
Land & Air Quality Team
Economy, Planning and Employability Services

Enc ☺

APPENDIX 2 – 21/00287/EIA

Lomond Quarry – Blast Log – 5 Year analysis – 5.9.17 to 29.8.22

MONITORING LOCATION	RAMSAY GARDENS (ppv in mm/s ¹)	PATERSON PARK (ppv in mm/s ¹)	PATERSON COTTAGES (ppv in mm/s ¹)
DATE OF BLAST			
5/9/17	5.87 (V)	2.30 (FC)	-
18/9/17	-	-	1.60 (V)
3/10/17	3.32 (V)	1.77 (FC)	-
11/10/17	-	-	2.60 (V)
26/10/17	2.37 (V)	1.35 (FC) ¹	-
7/11/17	-	1.52 (FC)	1.65 (V)
17/11/17	3.30 (V)	-	-
1/12/17	7.47 (FC)	-	2.97 (V)
20/12/17	4.32 (V)	3.87 (FC) ²	4.15 (FC)
19/1/18	-	-	3.42 (V)
14/2/18	4.37 (V)	-	-
23/2/18	-	-	2.87 (V)
15/3/18	1.67 (V)	-	-
28/3/18	-	2.9 (FC)	2.00 (V)
6/4/18	3.72 (V)	-	2.5 (FC)
20/4/18	-	-	1.67 (V)
3/5/18	1.40 (V)	1.25 (FC)	-
21/5/18	-	-	0.82 (V)
29/5/18	4.07 (V)	-	-
6/6/18	-	-	3.17 (V)
21/6/18	1.87 (V)	1.82 (FC)	-
11/7/18	-	-	2.35 (V)

¹ Reading taken at 4 Westerlea, Leslie, in response to resident’s request.

² Reading taken at Ramsay Gardens alongside Vibrock monitor to check consistency.

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

APPENDIX 2 – 21/00287/EIA

Lomond Quarry – Blast Log – 5 Year analysis – 5.9.17 to 29.8.22

19/7/18	4.30 (V)	-	-
2/8/18	-	-	1.00 (V)
8/8/18	1.27 (V)	1.07 (FC) ³	-
16/8/18	-	-	3.12 (V)
3/9/18	2.32 (V)	-	-
13/9/18	-	3.50 (FC)	2.30 (V)
20/9/18	2.32 (V)	-	-
5/10/18	-	2.62 (FC)	2.12 (V)
22/10/18	2.97 (V)	-	-
5/11/18	-	-	1.85 (V)
15/11/18	3.42 (V)	-	1.45 (FC)
21/11/18	-	-	2.12 (V)
4/12/18	2.37 (V)	-	-
20/12/18	-	-	1.05 (V)
14/1/19	< 0.50 (V)	< 0.50 (FC) ⁴	-
22/1/19	-	-	5.67 (V)
31/1/19	1.87 (V)	-	-
5/2/19	-	-	1.57 (V)
11/2/19	2.55 (V)	1.92 (FC)	-
15/2/19	-	-	1.20 (V)
21/2/19	1.42 (V)	-	-
25/2/19	-	-	1.10 (V)
4/3/19	4.6 (V)	-	-
20/3/19	5.90 (FC)	-	4.12 (V)
2/4/19	3.10 (V)	-	-
8/4/19	-	-	4.07 (V)

³ Reading taken alongside Vibrock equipment at Ramsay Gardens to check consistency.

⁴ Reading taken at 114 Paterson Park in response to resident’s complaint.

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

APPENDIX 2 – 21/00287/EIA

Lomond Quarry – Blast Log – 5 Year analysis – 5.9.17 to 29.8.22

16/4/19	1.22 (V)	-	-
18/4/19	-	3.25 (FC)	1.32 (V)
1/5/19	2.97 (V)	-	-
20/5/19	6.45 (FC)	-	5.45 (V)
28/5/19	2.60 (V)	-	-
31/5/19	-	-	1.92 (V)
19/6/19	3.70 (V)	3.15 (FC)	-
27/6/19	-	-	3.07 (V)
10/7/19	4.45 (V)	4.57 (FC)	-
22/7/19	-	-	2.22 (V)
29/7/19	3.45 (V)	-	-
15/8/19	-	-	3.10 (V)
10/9/19	3.85 (V)	5.82 (FC)	-
17/9/19	-	-	2.00 (V)
2/10/19	2.35 (V)	-	-
14/10/19	1.95 (FC)	1.80 (V)	-
24/10/19	2.60 (V)	-	-
30/10/19	-	-	3.42 (V)
4/11/19	2.45 (V)	-	-
7/11/19	-	-	3.7 (V)
19/11/19	2.37 (V)	1.75 (FC)	-
29/11/19	-	-	1.45 (V)
18/12/19	3.92 (V)	2.02 (FC)	-
15/1/20	-	-	2.62 (V)
5/2/20	5.07 (V)	-	-
18/2/20	-	4.12 (FC)	2.7 (V)
6/3/20	4.68 (V)	-	-
25/3/20	-	-	x.xx (V)
29/6/20	-	-	2.30 (V)

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

APPENDIX 2 – 21/00287/EIA

Lomond Quarry – Blast Log – 5 Year analysis – 5.9.17 to 29.8.22

9/7/20	0.90 (V)	-	-
17/7/20	-	-	3.7 (V)
24/7/20	2.97 (V)	-	-
30/7/20	-	-	2.75 (V)
12/8/20	x.xx (V)	-	-
14/8/20	5.60 (V)	-	-
20/8/20	-	-	3.87 (V)
27/8/20	2.00 (V)	-	-
14/9/20	-	-	1.63 (V)
18/9/20	1.42 (V)	-	-
12/10/20	-	-	2.95 (V)
27/10/20	1.00 (V)	-	-
5/11/20	-	-	0.67 (V)
17/11/20	2.67 (V)	-	-
23/11/20	-	-	3.40 (V)
30/11/20	2.67 (V)	-	-
11/12/20	-	-	3.87 (V)
11/1/21	3.32 (V)	-	-
15/1/21	-	-	x.xx (V)
18/1/21	-	-	1.90 (V)
25/1/21	2.87 (V)	-	-
1/2/21	-	-	0.72 (V)
5/2/21	4.20 (V)	-	-
9/2/21	-	-	x.xx (V)
15/2/21	-	-	1.67 (V)
22/2/21	2.55 (V)	-	-
2/3/21	-	-	2.42 (V)
9/3/21	3.55 (V)	-	-
16/3/21	-	-	4.75 (V)

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

APPENDIX 2 – 21/00287/EIA

Lomond Quarry – Blast Log – 5 Year analysis – 5.9.17 to 29.8.22

22/3/21	2.07 (V)	-	-
26/3/21	-	-	2.52 (V)
31/3/21	1.25 (V)	-	-
19/4/21	-	-	1.40 (V)
23/4/21	2.47 (V)	-	-
28/4/21	-	-	3.45 (V)
4/5/21	0.85 (V)	-	-
12/5/21	-	-	2.25 (V)
21/5/21	2.77 (V)	-	-
25/5/21	-	-	3.57 (V)
2/6/21	1.80 (V)	-	-
8/6/21	-	-	2.67 (V)
16/6/21	1.17 (V)	-	-
25/6/21	-	-	2.17 (V)
2/7/21	x.xx (V)	-	-
5/7/21	1.42 (V)	-	-
13/7/21	-	-	3.85 (V)
11/8/21	1.45 (V)	-	-
27/8/21	-	-	3.27 (V)
2/9/21	1.52 (V)	-	-
9/9/21	-/	-	1.90 (V)
14/9/21	1.87 (V)	-	-
28/9/21	-	-	2.05 (V)
6/10/21	1.97 (V)	-	-
13/10/21	-	-	2.70 (V)
20/10/21	2.27 (V)	-	-
27/10/21	-	-	4.95 (V)
2/11/21	2.90 (V)	-	-
16/11/21	-	-	3.35 (V)

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

APPENDIX 2 – 21/00287/EIA

Lomond Quarry – Blast Log – 5 Year analysis – 5.9.17 to 29.8.22

24/11/21	3.25 (V)	-	-
2/12/21	-	-	< 0.50 (V)
14/12/21	2.47 (V)	-	-
12/1/22	-	-	3.4 (V)
20/1/22	2.95 (V)	-	-
31/1/22	-	-	3.22 (V)
15/2/22	1.55 (V)	-	-
24/2/22	-	-	0.70 (V)
8/3/22	2.92 (V)	-	-
14/3/22	-	-	3.27 (V)
20/4/22	2.02 (V)	-	-
12/5/22	-	-	x.xx (V)
13/5/22	-	-	2.65 (V)
24/5/22	3.1 (V)	-	-
7/6/22	-	-	2.90 (V)
13/6/22	3.50 (V)	-	-
22/6/22	-	-	3.55 (V)
24/6/22	1.25 (V)	-	-
4/7/22	-	-	2.50 (V)
18/7/22	2.70 (V)	-	-
3/8/22	-	-	3.95 (V)
29/8/22	1.00 (V)	-	-
<p>149 blasts in 60 months = 2.48 blasts per month on average 94 blasts measured UNDER 3 mm/s¹ (63%) 147 blasts measured UNDER 6 mm/s¹ (99%) 2 blasts measured OVER 6 mm/s¹ (1%) 149 blasts measured UNDER 10 mm/s¹ (100%) Average blast measurement over 5-year period = 2.73 mm/s¹</p>			

(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

ITEM NO: 6**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00966/FULL****SITE ADDRESS: COUNCIL PARKS DEPOT LEYS PARK ROAD DUNFERMLINE****PROPOSAL: ERECTION OF 15 AFFORDABLE DWELLINGHOUSES (CLASS 9) AND 30 FLATTED DWELLINGS (EXTRA CARE) (CLASS 8) WITH ASSOCIATED ACCESS AND LANDSCAPING AND INFRASTRUCTURE****APPLICANT: FIRST ENDEAVOUR LLP
2 SWITHIN ROW ABERDEEN SCOTLAND****WARD NO: W5R02
Dunfermline North****CASE OFFICER: Jamie Penman****DATE 01/04/2022****REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has attracted more than 5 representations, expressing views which are contrary to the case officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority

should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.1 Background

1.1.1 This application site is brownfield land and is located within the settlement boundary of Dunfermline. A Fife Council depot previously occupied the site however the depot has since been relocated and all previous buildings have been demolished and the site fully cleared, including most vegetation. The site is rectangular in shape, sloping downhill from the north towards its southern boundary. This site measures approximately 5,500sqm. There is a high historic stone wall (not listed) which bounds the site on all four sides. The site currently has three existing vehicular access points onto Leys Park Road. This site is surrounded by existing residential properties to the north and west. There is a doctor's surgery and care home to the east and a large car park to the south.

1.1.2 This application is for full planning permission for the erection of 15 townhouses and 30 extra care apartments. All properties would be provided as affordable housing. The three-storey townhouses would all have 3 bedrooms and the 30 extra care apartments would include a mix of 17 one-bed and 13 two-bed apartments. Finishing materials are modern in nature and include a mix of red/buff facing brick, grey concrete roof tiles and UPVC windows and doors. All properties would be equipped with solar panels. Off-street car parking and landscaping are also proposed as part of the development.

1.1.3 There is no relevant planning history associated with this site.

1.1.4 Fife Council currently owns the site. Furthermore, it is understood that Fife Council will purchase the properties upon completion. Circular 3/2009: Notification of Planning Applications advises that in certain circumstances where an authority has a financial interest in the development, notification to Scottish Ministers must be made prior to the grant of planning permission. As this proposed development is not significantly contrary to the Local Development Plan, in that an approval would not undermine the land use strategy of the plan, there is no requirement for notification of the application to Scottish Ministers. PAN82: Local Authority Interest Developments also applies. The PAN advises that notwithstanding the Council's interest in the development, the Planning Authority must still carry out its statutory planning functions without interference. Furthermore, the Committee must carry out a thorough planning assessment, following all necessary procedures, and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. It must be noted that the Council's support for the development must not take precedence over the need for a proper and fair planning assessment.

2.1 Planning Assessment

2.1.1 The issues to be assessed against the development plan and other relevant guidance are as follows:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Sustainable Travel and Road Safety
- Land and Air Quality
- Flooding/Drainage
- Trees

- Planning Obligations – Affordable Housing, Education, Open Space
- Low Carbon Fife

2.2 Principle of Development

2.2.1 FIFEplan (2017) Policy 1 applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. Policy 2 also applies and states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the local development plan or on other sites provided the proposal is compliant with the policies for the location. Policy 2 also states that the establishment of residentially based care in the community facilities will only be supported where a good residential environment can be assured and where there are no other locations available, or where other special circumstances prevail. It continues to note that all proposals must have good access to community facilities, emergency services and public transport, provide a good residential environment, be of a scale and character appropriate to the surrounding area and have suitable access for elderly people and those with mobility problems. Furthermore, there should be no land uses in the surrounding area that would adversely impact on the amenity of the proposed facility.

2.2.2 The application site is brownfield land and is located within the settlement of boundary of Dunfermline. The surrounding area is largely residential in nature. There is also good access to local services and public transport links. The proposed use would therefore be acceptable in principle. As such, the general principle of an affordable residential development on this site can be accepted, subject to further detailed assessment covered below.

2.3 Design and Visual Impact

2.3.1 FIFEplan (2017) Policies 1, 10, 14 and Making Fife's Places Supplementary Planning Guidance apply relate, in part, to the visual impact of the development. Part C of Policy 1 requires development proposals to be supported by information or assessments to demonstrate an acceptable layout and design. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that they must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to its visual impact on the surrounding area. Policy 14 relates to the built environment and states that new development shall demonstrate how it has taken account of and meets the six qualities of successful places which include 1. distinctive; 2. welcoming; 3. adaptable; 4. resource efficient; 5. safe and pleasant; and 6. easy to move around and beyond. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also applies, given the proposals proximity to a listed building.

2.3.2 Concerns have been raised in submitted representations noting that the development is not in-keeping with the surrounding area. Furthermore, concerns have been raised regarding overdevelopment of the site.

2.3.3 The application site slopes downhill from north to south. It is not visually prominent from Bellyeoman Road to the north or Leys Park Road to the south, given the high stone wall which exists. This stone wall would largely be retained, however, it would be punctured at three points

on the northern boundary in order to improve connectivity through the site. Furthermore, it would be significantly lowered along the southern boundary in order to allow the development to provide an active frontage on to Leys Park Road. No significant concerns would be raised in this regard. The 15, 3-bed two storey town houses would be located towards the northern boundary of the site in a terraced arrangement consisting of 3 blocks of 4 and 1 block of 3. These properties would be three storeys in height when viewed from the front and two storeys when viewed from the rear due to site level differences. They would have a maximum finished height of 11m and have pitched roofs. The extra-care block would be located towards the southern boundary of the site and also be three storeys in height, with a maximum finished height of 12m and would have a hipped roof. Both elements of the proposal would be finished with a mix of red/buff facing brick, grey concrete roof tiles, UPVC windows and doors and all properties would be equipped with solar panels.

2.3.4 The principal elevations of the town houses would face south, towards the centre of the site. Due to the positioning of the town houses and the sloping nature of the site, they would be set back from the existing wall along the northern boundary by approximately 9m. The third storey of the town houses would be visible above the existing wall when viewed from Bellyeoman Road, however, they would not be any higher than the existing properties on the northern side of Bellyeoman Road, thus raising no significant concerns. Private garden ground would be located to the rear of the buildings with off-street parking being provided to the front. Tree planting and additional landscaping is also being provided in this area.

2.3.5 The principal elevation of the extra care block would face south and provide an active frontage onto Leys Park Road. Whilst clearly not the main elevation, the rear elevation would also include significant activation, facing onto the internal area of the site, which would raise no significant concerns. Category C listed "The Lodge" sits directly east of the extra care block. It is a small single storey dwellinghouse, however, whilst the extra care block is larger/higher (+5m) than the property, no significant concerns would be raised with regard to it negatively impacting the listed buildings setting, which is therefore deemed to be preserved. A section drawing has been submitted by the applicant which evidences this. Amenity space would be provided to the rear of the building with off-street parking located to the front. Additional landscaping and tree planting is also being provided around the extra care block and an additional footpath link is also being provided to the side of the building which will provide a safe pedestrian route through the site.

2.3.6 There is no predominant building character in the surrounding area. A range of property sizes and styles can be found on both Leys Park Road and Bellyeoman Road. No significant concerns would therefore be raised with regard to the visual impact of the development on the surrounding area, nor with regard to the scale and massing of the proposed blocks. It is duly considered that the site can accommodate the proposed development.

2.3.7 The application proposal would be a modern development in an area which is characterised by a mix of property styles. The proposal would bring a brownfield site back into beneficial use, whilst having a positive visual impact on the character of the surrounding area. The proposal is therefore acceptable, in visual impact terms, and complies with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.4 Residential Amenity

2.4.1 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and relate, in part, to residential amenity impacts that may arise from a development. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that they must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to loss of privacy sunlight, daylight or noise, light/odour pollution or other relevant other nuisances, including construction impacts. Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings, Daylight/Sunlight and Garden Ground also apply.

2.4.2 Concerns have been raised in submitted representations with regard to privacy and overshadowing impacts that may arise as a result of the development.

2.4.3 The site has been designed in such a way which would avoid any significant overshadowing or privacy impacts on properties out with the application site. A distance of approximately 25m would separate the town houses from the properties on Bellyeoman Road, thereby raising no significant privacy or overshadowing concerns. This exceeds the minimum window to window guideline 18m. Furthermore, due to the height of the boundary walls running along the eastern and western sides of the site, no significant privacy or overshadowing concerns would be raised with regard to properties along these boundaries.

2.4.4 In terms of within the site itself, a distance of over 20m would separate the town houses from the extra care block. This, combined with the level differences between the two, means that no significant privacy or overshadowing concerns would be raised. Due to the orientation and height of the town houses, it is likely that gardens will be subject to lengthy periods of shade, particularly in the winter months. Given the level differences on the site, however, it is considered that the proposed design is the optimum solution for the site and a good balance between design and reasonable levels of amenity have been achieved.

2.4.5 Fife Council's Garden Ground Guidelines state that houses are generally expected to be served by 100sqm of garden ground. Garden grounds for the town houses would measure around 50sqm, which is less than the aforementioned guidelines. Whilst they are smaller than the recommended guidelines, they would be located to the rear of the properties, be private and provide a level of amenity space which is usable. Given the brownfield, town centre location of the site, combined with the difficulties presented by the level differences on the site, a reduced garden ground guideline can be accepted for this site. It should also be noted that Dunfermline Public Park is located approximately 250m from the site which a good level of open space being provided in the general vicinity.

2.4.6 A noise impact assessment was submitted with the application which considers the impact of road traffic noise on the development. The assessment concludes that internal noise levels cannot be met without the use of a closed window solution. In line with the REHIS Briefing Note 017 – Noise Guidance for New Developments, closed window solutions should only be used in exceptional circumstances which includes sustainable sites that are in town centre locations, are close to public transport provision, that reduce the uptake of greenfield sites and in turn, the likelihood of urban sprawl. The briefing note also considers where a closed window approach is appropriate which includes sites in established residential areas, brownfield sites, town and village centres and sites near public transport hubs. This site is considered to meet the exceptional circumstance criteria therefore a closed window solution can be accepted, providing

that additional means of ventilation are provided. Garden ground noise levels were noted as being between 53.4 and 56.4db. Whilst this is above Fife Council's Guideline of 50db and marginally above the World Health Organisations Guidelines of 55db, the noise report justifies the marginal exceedance on the basis of the site being brownfield land and located within a sustainable location. Fife Council's Environmental Health Team has been consulted on the proposal and has noted that whilst the external noise levels within the garden areas are not desirable, in light of the justification, which is in line with BS8233, they can be accepted in this instance.

2.4.7 In light of the above, whilst the proposal does not meet some Fife Council guidelines, the proposal would not raise any significantly detrimental residential amenity concerns. The proposal would develop a brownfield site which would also deliver an acceptable residential environment for existing neighbours and future occupiers and therefore compatible with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.5 Sustainable Travel and Road Safety

2.5.1 FIFEplan (2017) Policies 1, 3 and Making Fife's Places Supplementary Planning Guidance apply. Policy 1 requires development proposals to be supported by information or assessments to demonstrate that they will provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Policy 3 continues by noting that where necessary and appropriate, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, which may include local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Places Supplementary Planning Guidance Appendix G sets out transportation development guidelines for development sites.

2.5.2 Concerns have been raised in submitted representations regarding the levels of parking being proposed on the site and the impact that this may have on the surrounding road network. Concerns have also been raised regarding increased traffic levels associated with the development and the general road safety impact this may have on nearby junctions.

2.5.3 The application site is located within a sustainable location, with good footpath links and public transport links in the surrounding area. A pedestrian link has been provided through the site from Leys Park Road to Bellyeoman Road, which would no doubt provide better connectivity for both existing and future residents in and around the site. A single point of access has been provided from Leys Park Road to the off-street parking area for the town houses. This access and parking area would not be adopted post completion and would remain private. Whilst the access road to the town houses does narrow to a width of 3.7m, with no footpath provided at this point, given an alternative pedestrian only access is being provided from Leys Park Road, past the western boundary of the extra care block, no significant concerns would be raised in this regard. With regard to refuse arrangements, it is proposed that the town houses would be serviced from Bellyeoman Road, which would raise no significant concerns. As part of the proposal, the footpath along the southern boundary of Bellyeoman Road is being widened to 2m where possible, which is welcomed.

2.5.4 The extra care block would be accessed from Leys Park Road. Two existing junctions would be utilised and widened and would provide a one-way in and one-way out arrangement from the off-street parking area, which would raise no concerns.

2.5.5 Fife Council's Transportation Development Management Team has been consulted on this proposal and raises no significant concerns with regard to increased traffic levels which may be generated from the development and the impact that this may have on the local road network. TDM state that a prospectively adoptable road cannot be provided due to existing site constraints - level differences; restricted width between existing buildings; lack of space to accommodate a turning head; and difficulty in providing a prospectively adoptable retaining wall. They also state that the bin stores for the 15 houses are located to the north of the dwellings with gates provided in the existing wall to allow the bins to be serviced from Bellyeoman Road. Transportation have noted that they would accept the use of a shared private access serving 15 houses. TDM's consultation response also addresses the parking levels which are to be provided on site. The team notes that the town houses require 30 spaces in line with relevant guidelines, however, only 23 have been provided. They also note that the extra care block requires 30 spaces with only 15 being provided. TDM has advised that they would object to the development given the shortfall in parking across the site and given that no consideration has been given to electric vehicle charging points. They have however recommended conditions to be added to the permission, should it be approved.

2.5.6 In response to TDM's comments, the applicant has submitted a car parking justification statement which states that the site is located close to the Dunfermline town centre and next to Leys Park Road car park which has around 360 spaces. The statement contends that the level of parking proposed is sufficient due to several factors which include transport policy aspirations, the site's location and accessibility, the fact that a residential travel plan will be produced, analysis of car ownership has been undertaken and due to the type of development proposed, specifically the extra care development.

2.5.7 The statement firstly considers transport policy aspirations and accepts that Fife Council guidance recognises that reduced car parking standards does not discourage car ownership. The statement does note that national, regional and local transport policies do all aim to reduce dependence on private car trips and facilitate more active and sustainable transport options. The statement contends that future residents will be well placed to take advantage of these sustainable travel options and that the development should be supported accordingly. The statement considers the location and accessibility of the development further and notes that Fife Council guidelines permit reductions in car parking standards depending on their proximity to the town centre. Reductions for the inner core (50% reduction) and out core (25% reduction) are noted, however, the statement does accept that the application site is located in neither (200m from the outer zone). The statement contends that the application site is within the walking catchment (1,600m) of many amenities in Dunfermline which includes key facilities such as food and non-food retail, health services, local schools and leisure facilities, most of which are located approximately 800m from the site. As such, the statement considers that the site is very accessible and will give residents real alternative transport options, other than having to rely on a private car. It considers that most of the movements to/from the site will be on foot, towards local facilities. The statement also notes that cycle routes pass the site, which cycling being more affordable and accessible than car travel. The statements also considers public transport options within the vicinity of the site which includes access to both bus and rail travel. The statement further notes that in order to promote sustainable transport options, a travel plan will be produced and provided to all future residents of the development.

2.5.8 The submitted statement also provides analysis of existing car ownership levels in the surrounding area which it considers to be a factor in establishing car parking demand. The statement reports data of car/van ownership of people aged over 17 (social rented households).

The statement notes that 70% of households do not have a car/van, 26% have 1 car/van available with 4% having 2 or more cars/vans available. The statement goes on to note that whilst Fife Council guidelines require 2 spaces per 3-bed unit, this is a blanket parking standard across Fife and that when considering census data relating to car ownership data for the areas around the site, the 23 spaces provided would be significantly higher than what demand is likely to be. The statement continues by noting that even when taking into account all households (not only social rented tenure), 33% of households do not have a car, with 43% having access to 1 and 24% having access to 2 or more. The statement contends that even if this more onerous statistic was used, the 23 spaces proposed would exceed demand. The statement further considers other parking areas which are available in the surrounding area and notes that the free car park on Leys Park Road is located approximately 50m to the south. The statement considers that this area could be used if overspill parking was required.

2.5.9 The statement also considers the parking provision for the extra care element of the proposal. It considers the aim of the extra care element and states that residents will retain some form of independence while they are assisted with tasks such as medications, cooking, washing and dressing. It notes that common features of the facility include help from a team of support staff, 24-hour emergency help, social activities, a minimum age of 55 or 60, self-contained flats allow for independence and communal lounges. The statement notes that in line with Fife Council car parking standards, the development proposes 50% of the guideline requirement. The statement suggests that the car parking guideline (1 space per apartment) is onerous and the development should be assessed in line with the guidelines for sheltered housing which includes 1 spaces per 3 units (visitors), 1 space per staff member (residing at facility) and 1 spaces per 3 other staff (not residing at facility). The statement notes that by using this guidelines, 15 spaces are required, which are being provided.

2.5.10 Whilst the layout and the reduced parking levels may lead to increased on-street parking on the surrounding street network, it should be noted that this cannot be controlled, providing there are no parking restrictions in place. Notwithstanding, based on the information submitted, it is not considered that the development would result in significant levels of on-street parking on the surrounding road network.

2.5.11 The statement concludes that in line with the information noted above, the proposed car parking levels are appropriate for the development. The submitted statement presents a compelling case based on the characteristics of the site and surrounding area, whilst also presenting statistical evidence based on census data representing car ownership levels in the surrounding area. Whilst the concerns raised by Transportation are recognised, based on the information presented, no significant road safety concerns would be raised, therefore reduced car parking levels can be accepted for this site. Furthermore, relevant guidelines do not currently require electric vehicle charging points to be provided.

2.5.12 In light of the above, the proposal would be located within a sustainable location, with good pedestrian and public transport links, which will help reduce the reliance on a private car. Furthermore, no significant road safety concerns would be raised with the development. The application proposal would therefore comply with FIFEplan (2017) Policies 1, 3 and Making Fife's Places Supplementary Planning Guidance.

2.6 Land and Air Quality

2.6.1 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and state that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated land and air pollution. Fife Council's Air Quality in Fife - Advice for Developers guidance notes and Planning Advice Note 33: Development of contaminated land also apply.

2.6.2 An air quality impact assessment has been submitted with the application which Fife Council's Land & Air Quality Team has reviewed. They have raised no concerns.

2.6.3 A desk study report regarding contaminated land was submitted with the application. Fife Council's Land and Air Quality Team was consulted to provide comment. They have noted that site investigation is required, with any mitigation measures to be specified. Notwithstanding, it is considered that this site could be safely developed, and planning conditions can be added to this decision to ensure the required information is submitted, before any development commences on site.

2.6.4 The application proposal would therefore raise no significant land or air quality concerns, subject to condition and would therefore comply with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.7 Flooding and Drainage

2.7.1 FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance apply. Part B of Policy 1 requires development proposals to avoid flooding and impacts on the water environment and Part C states that development Proposals must be supported by information or assessments to demonstrate that they provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site. Policy 3 requires development proposals to provide the required level of infrastructure including foul and surface water drainage, including Sustainable Urban Drainage Systems and Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also applies.

2.7.2 Areas of surface water flood risk have been identified along Leys Park Road, however, alternative pedestrian site access which provides for access during emergencies has been provided. A SUDs scheme (underground attenuation system) has been provided within the site where surface water run-off would be directed to, retained, and discharged to a nearby culvert at a restricted rate. Foul water would drain to the Scottish Water combined sewer. Concerns have been raised by Fife Council's Structural Services Team with regard to the effectiveness of the underground attenuation system. It would be located within an area that may be subject to surface water flooding and Structural Services have noted that within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements Guidance Note, it states that Fife Council will not accept attenuation features which are located within the flood plain. This issue was raised with the applicant's engineer who confirmed that they have no concerns with the proposed drainage method given that it is a sealed impermeable system and it would still function properly during flooding events. It is noted that surface water from the car

park along the southern boundary of the site would not drain to the attenuation system during flooding events and it is proposed that this surface water would discharge to the Scottish Water combined sewer, which would require formal agreement from Scottish Water prior to the connection being formed. Structural Services have raised concerns with this approach and have noted that Scottish Water are unlikely to provide a favourable response to this request and as such, Structural Services requested that Scottish Water agreement is provided prior to the application being determined. This issue was raised with the applicant's engineer who raised concerns with this approach. They noted that gaining Scottish Water consent is a lengthy process and normally only undertaken once planning permission has been secured. Notwithstanding, the applicant's engineers are confident that Scottish Water consent will be achievable.

2.7.3 The concerns raised by Structural Services are noted and it is accepted that there is not a straightforward surface water drainage solution for this site. To fully understand the drainage position, the sites former use/condition must be taken into account and compared against the proposed use. A comparison diagram has been provided by the applicant which shows the pre and post development level of hard standing within the application site. It can be seen for the pre-development image that the majority of the site was covered in hardstanding, where surface water would have likely been directed to the Scottish Water combined sewer at an unrestricted rate. The development proposal would represent a significant improvement on the pre-development situation, given that hard surfacing would not cover the whole site; Areas of soft landscaping and permeable paving have been proposed. Furthermore, surface water run-off from the majority of the development site would be directed to an attenuation feature and then be discharged to a nearby culvert at a restricted rate, removing a large burden from the Scottish Water infrastructure. Whilst the attenuation feature would be located below ground that may be at risk of flooding, the applicant's engineers have confirmed and certified that this method would still work appropriately during flooding events. The post-development scenario as described above would be an improvement on the pre-development scenario and would thereby lead to a betterment in the existing flooding situation in the surrounding area and therefore be in accordance with FIFEplan (2017) Policies 1, 3 and 12.

2.7.4 Scottish Water has been consulted on this proposal and has raised no significant concerns, but they do note that only in exceptional circumstances will surface water run-off be accepted into a combined sewer. Exceptional circumstances include brownfield sites which this site meets. It is important to note that the proposal will be subject to a detailed review by Scottish Water prior to any development commencing on-site. A condition has been added to this consent which restricts any development from commencing until evidence that Scottish Water has accepted the connection is provided to Fife Council. Should Scottish Water approval not be given, the applicant would need to re-engage with the planning process in order to gain approval for an alternative drainage arrangement. No significant risk would be associated with this approach.

2.7.5 On balance, whilst the proposal does not comply with some sections of Fife Council Flooding Guidance, the proposal does comply with FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance, given that there would be no increase in flooding in the surrounding area. The proposal is therefore acceptable subject to conditions.

2.8 Trees

2.8.1 FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance apply and states that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.8.2 Concerns have been raised in submitted objections regarding the tree removal which has been proposed to facilitate the development.

2.8.3 The majority of the site has been cleared and includes no significant area of mature vegetation. Mature trees are present however along the Leys Park Road frontage to the south, with existing trees also being present along Bellyeoman Road. A tree impact assessment was submitted with the application which considers that pruning works are required for many trees within the application site, which would raise no significant concerns. It does note however that 3 individual trees (T4, T5, T11) and 1 group (G1) of trees would have to be removed to facilitate the development. The 3 trees are Category C trees (low quality with life expectancy of 10 years). The group of trees is Category U (cannot realistically be retained as living trees). Given the poor condition of the trees to be removed, no significant concerns would be raised with their removal. It should be noted that replacement planting is being proposed throughout the site and trees that can be retained, are being retained. This will help soften the developments visual impact and ground it in its place. The tree report does note that no-dig zones will be required around certain trees with tree protective fencing being erected during the construction period. A condition will be added to the consent to ensure details of these are provided.

2.8.4 The application proposal would therefore protect existing trees within close proximity to the site and therefore comply with FIFEplan 2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance.

2.9 Planning Obligations

2.9.1 FIFEplan (2017) Policies 1, 4 and Making Fife's Places Supplementary Planning Guidance apply and state that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. Policy 4 also sets out exemptions from such developer contributions which includes developments which include the re-use of previous developed land and proposals for affordable housing, special needs housing and sheltered housing. Fife Council's draft Planning Obligations Framework also applies and provides further information on planning obligations and when they are required.

2.9.2 Given the application proposal is for affordable housing, the development is exempt from most planning obligations, except where there are critical capacity issues. Fife Council's Affordable Housing Team has been consulted on the proposal and has advised that the development meets the terms of the Affordable Housing Supplementary Guidance and that the types of properties proposed meets the needs of the housing market area.

2.9.3 Fife Council's Education Service has been consulted on this application and has advised that the application site is located within the catchment areas for Bellyeoman Primary School, St Margaret's Roman Catholic Primary School, Queen Anne High School and St Columba's Roman Catholic High School. This site is also within the Dunfermline North & West local nursery area.

The consultation response does not consider that the development would create a critical capacity issue at any of the schools within the catchment area, therefore, no contributions are required in this instance.

2.9.4 No usable public open space has been provided within the site, however, the site is located within close walking distance (approx. 250m) of Dunfermline Public Park. As such, the 60sqm requirement per dwelling can be relaxed in this instance, in line with relevant Fife Council guidelines.

2.10 Low Carbon Fife

2.10.1 Policy 11: Low Carbon Fife of the Adopted FIFEplan ensures that the Council contributes to the Climate Change (Scotland) Act 2009 target for reducing greenhouse gas emissions by at least 80% by 2050. Adopted Supplementary Planning Guidance Low Carbon Fife (2019) provides guidance on the application of Policy 11 with regard to low carbon energy schemes, sustainable development and air quality.

2.10.2 A Sustainability Statement been submitted with this application which details the low carbon measures that will be taken forward as part of the development, which is acceptable. It is also noted that all properties will be equipped with solar panels.

2.10.3 In light of the above, the proposal continues to comply with Policy 11 of FIFEplan and associated supplementary guidance Low Carbon Fife (2019).

CONSULTATIONS

Land And Air Quality, Protective Services Scottish Water Environmental Health (Public Protection)	No objections, conditions recommended. No objections. Accepting of small exceedance of garden ground noise levels due to sustainable location.
Education (Directorate) Housing And Neighbourhood Services	No critical capacity issues. The housing mix presented in the planning application has been determined by Housing Services and reflects the needs for affordable housing identified in the Dunfermline & the Coast Local Housing Strategy Area (LHSA).
Transportation And Environmental Services - Operations Team Structural Services - Flooding, Shoreline And Harbours Transportation, Planning Services	No further comments. Conditions recommended but objects due to reduced parking levels.

REPRESENTATIONS

7 objections and 1 general comment have been received. Concerns raised include:

- Insufficient parking, this may impact on surrounding road network - Addressed in Section 2.5
- Road safety concerns regarding increased traffic levels the development will generate - Addressed in Section 2.5
- Proposal represents overdevelopment of the site - Addressed in Section 2.3
- Proposal does not fit in with the surrounding area - Addressed in Section 2.3
- Privacy/overshadowing impacts between houses on Bellyeoman Road and the development - Addressed in Section 2.4
- Historic boundary wall should be left intact without through access, this will encourage use of Bellyeoman Road - Addressed in Section 2.5
- Concerns regarding refuse uplift and impact on pedestrian safety - Addressed in Section 2.5
- Issues with neighbour notification procedure - This was undertaken in line with relevant legislation.
- Trees are going to be removed - Addressed in Section 2.8

Concerns raised which are not material to the planning assessment include:

- Council should insist on no parking on Leys Park Road or Bellyeoman Road
- Townhouses would have impact on existing telegraph wire

CONCLUSIONS

The application proposal would consist of the redevelopment of brownfield land and see the vacant site brought back into beneficial use. The proposal would include property types and finishing materials which would be of visual interest and would have a positive visual impact on the character of the surrounding area. The application proposal also has an acceptable layout which efficiently maximises the amount of land available for development without compromising on residential amenity impacts on existing properties that border the application site, nor would it raise any significant conflicts between proposed units within the development site. Furthermore, no significant concerns have been raised with regard to road safety, drainage/flooding, trees or contaminated land/air quality. The application proposal therefore compatible with FIFEplan (2017) policies and Making Fife's Places Supplementary Planning Guidance (2018).

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. All units hereby approved, shall be affordable housing as defined within Fife Council's Supplementary Planning Guidance on Affordable Housing (2018) and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In order to define the terms of the consent.

2. Before it is planted on site, a scheme of landscaping (including maintenance details) indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by Fife Council as Planning Authority. The development shall be

completed in accordance with the approved details during first available planning season, after completion of the development.

Reason: In the interest of visual amenity and biodiversity enhancement; to ensure landscaping for the site is appropriate.

3. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

4. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 3. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement - or the approved revised Remedial Action Statement - and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

Reason: To provide satisfactory verification that remedial action has been completed to the planning authority's satisfaction.

5. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

Reason: To ensure all contamination within the site is dealt with.

6. Before any development commences of site, a trees and construction method statement shall be submitted to Fife Council as Planning Authority for prior written approval, detailing how existing trees which are to be retained will be protected during construction works. For avoidance of doubt, full details regarding the no-dig method shall be submitted along with relevant plans detailing other tree protection measures. The approved details shall then be followed throughout the construction phase of the development and tree protective fencing shall be erected before any works commence and be retained in a sound upright condition for the duration of the works.

Reason: In the interest of safeguarding existing trees.

7. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

8. Before they are installed on site, full details of all street lighting to be installed on site shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall then be installed on site, before the first unit is occupied and be retained for the lifetime of the development.

Reason: In the interest of visual and residential amenity and road safety; to ensure the details are appropriate for the development.

9. Before any unit is occupied, all of the approved footpath upgrade works shall be completed in accordance with the approved plans.

Reason: In the interest of road safety; to ensure upgraded footpaths are provided which will improve pedestrian safety.

10. Before any unit is occupied, the central footpath which links Leys Park Road to Bellyeoman Road and runs through the centre of the site shall be installed in full.

Reason: In the interest of pedestrian safety; to ensure a safe pedestrian route into and through the site is provided.

11. Before any unit is occupied, the existing wall running along the northern boundary of the site shall be punctured in accordance with the approved plans and remain as such for the lifetime of the development.

Reason: In the interest of pedestrian safety and better connectivity; to ensure these elements are in place before the site is occupied.

12. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

13. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

14. Prior to any development commencing on site, evidence that Scottish Water will accept surface water run-off from the lower car park area into their combined sewer shall be submitted to Fife Council as Planning Authority for prior written approval. The agreed details shall then be carried out on site in full.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance

PAN 33 Development of Contaminated Land

Circular 3/2009: Notification of Planning Applications

PAN82: Local Authority Interest Developments

REHIS Briefing Note 017 – Noise Guidance for New Developments

Development Plan

Adopted FIFEplan (2017)

Fife Council's Supplementary Guidance on Affordable Housing (2019)
Making Fife's Places Planning Supplementary Guidance (2018)
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

Other Guidance

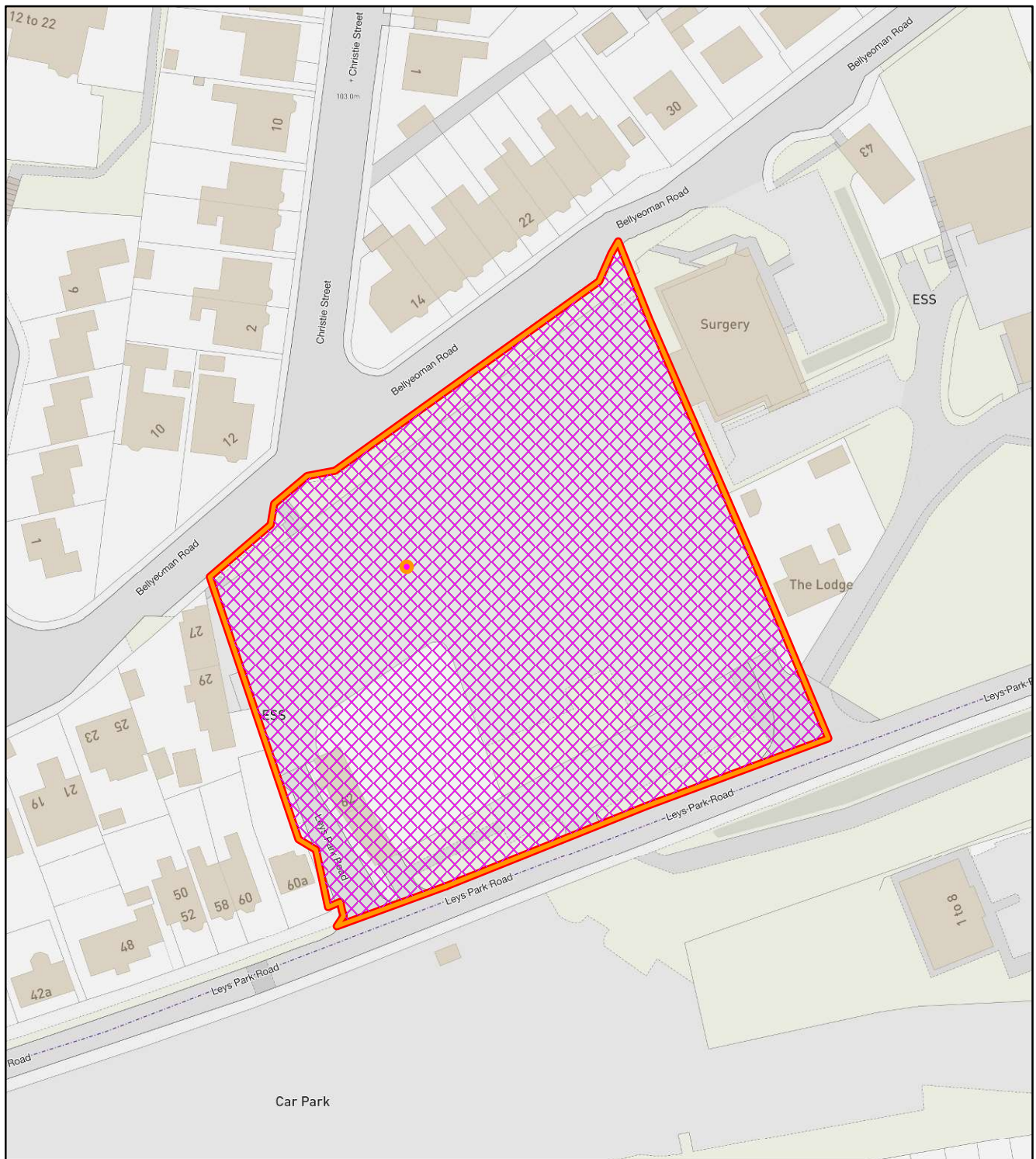
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)
Fife Council's Planning Customer Guidelines on Garden Ground (2016)
Fife Council's Minimum Distance between Windows Guidance (2011)
Fife Council's draft Planning Obligations Framework Guidance (2017)
Fife Council's Air Quality in Fife - Advice for Developers (2020)
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by Jamie Penman, Planner and Case Officer
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 28/08/2022

22/00966/FULL

Council Parks Depot, Leys Park Road, Dunfermline



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/01770/FULL

**SITE ADDRESS: LAND ADJACENT TO FERRYCRAIGS HOUSE FERRY ROAD
NORTH QUEENSFERRY**

PROPOSAL: ERECTION OF HOLIDAY ACCOMMODATION (SUI GENERIS)

**APPLICANT: MR & MRS ELLIOT & JULIET HAMILTON LEE
HALBEATH HOUSE KINGSEAT ROAD HALBEATH**

**WARD NO: W5R06
Inverkeithing And Dalgety Bay**

CASE OFFICER: Brian Forsyth

DATE REGISTERED: 10/08/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The application has attracted an objection from a statutory consultee, whilst the recommendation is for approval.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval requiring a notification to the Scottish Ministers

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.0 BACKGROUND

1.1 The application site relates to an approximately 0.34 hectare area of scrubland some 14 metres west of the Forth Road Bridge, west of North Queensferry, separated from the bridge by more scrubland. Running under the bridge before passing the site on its south and west sides is a private shared access road, a continuation of Ferry Road, providing access to two dwellinghouses to the west of the road, Ferrycraigs House and Tign-na-Crian beyond. The site rises gently from south to north, rising at a steeper rate towards its northern end and beyond. There is grassed open space over the access road to the south, then scrubland falling to the rocky shore of the River Forth. There is a mature sycamore tree towards the northern end of the site. The land adjoining the site on its north and sides, between it and the bridge, is understood to be owned by Transport Scotland.

1.2 Full planning permission is sought for erection of holiday accommodation in the form of a part single-storey, part two-storey building of contemporary style and design, incorporating two mono-pitched roofs arranged at different levels. The lower roof would be above the single-storey half of the building and would face the existing dwellinghouse to the west, while the higher roof would be above the two-storey half of the building and face the east towards the bridge and North Queensferry. External finishing materials would comprise grey charred larch cladding, light render, red roof tiling; and grey window/door frames, roof structure and rainwater goods. Access would be taken from the private access road adjoining to the south.

1.3 The following site history is listed in the Council's electronic register of planning applications:

- 20/01076/FULL Erection of holiday accommodation with associated works at land adjacent to Ferrycraigs House, Ferry Road, North Queensferry, Fife - Returned;
- 19/01407/FULL Erection of holiday accommodation with associated access at land adjacent to Ferrycraigs House, Ferry Road, North Queensferry, Fife - Withdrawn 25 February 2020;
- 18/01256/FULL Erection of dwellinghouse with associated access at land adjacent to Ferrycraigs House, Ferry Road, North Queensferry, Fife - Withdrawn 17 October 2018;

1.4 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow for the full assessment of the proposal. A risk assessment has been carried out and it is considered given the evidence and information available to the case officer, this is sufficient to determine the proposal. Online satellite/aerial and street imagery and submitted photographs provide good coverage of the site.

2.0 ASSESSMENT

2.1 The issues to be assessed as part of the development plan and other guidance are as follows:

- Principle of the Development
- Design/Visual Impact/Built Heritage/Trees
- Residential Amenity
- Transportation, Road Safety and Bridge Maintenance
- Flooding and Surface Water Drainage
- Ground Conditions
- Building Sustainability

- Archaeology

2.2 Principle of the Development

2.2.1 Policy 1: Development Principles of the adopted FIFEplan Fife Local Development Plan (2017) supports the principle of development if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Plan.

2.2.2 The site does not lie within a defined settlement boundary in terms of FIFEplan, rather within an area identified as countryside therein. Policy 1: Development Principles and Policy 7: Development in the Countryside only support development in the countryside where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8: Houses in the Countryside of the Plan.

2.2.3 As a facility for tourism, criterion 6 applies in this case. Subject to conditions of planning permission to ensure the use functions as holiday accommodation, the principle of the development is established in this instance. The overall acceptability of the proposal, however, requires further consideration, as set out below.

2.3 Design/Visual Impact/Built Heritage/Trees

2.3.1 Policy 1: Development Principles, Policy 10: Amenity, Policy 13: Natural Environment and Access and Policy 14: Built and Historic Environment of FIFEplan collectively require that the individual and cumulative impacts of development proposals are addressed. Development is only supported if it would not have a significant detrimental impact on amenity; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of the development on the surrounding area. Development proposals will also only be supported where they protect or enhance landscape character and views and trees that have a landscape, amenity or nature conservation value; and will not be supported where it is considered they will harm the setting of listed buildings. Making Fife's Places Supplementary Guidance (2018) is also relevant, in particular advising that where large semi-mature/mature trees are present on and adjacent to a development site, such as here, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.3.2 Scottish Planning Policy (2014) states that where planning permission is sought for development affecting a listed building, special regard must be given to the importance, amongst other things, of preserving and enhancing its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which

will affect a listed building or its setting should be appropriate to the character and appearance of the building and its setting. Historic Environment Scotland's Historic Environment Policy for Scotland (2019) and its accompanying Managing Change in the Historic Environment: Setting (2016) are also relevant here.

2.3.3 The site lies within the Ferry Hills Local Landscape Area. The house to the west of the site, Ferrycraigs House, is Category C listed. The Forth Road Bridge is Category A listed.

2.3.4 The objector has raised concerns relating to the design and appearance of the proposed building.

2.3.5 Historic Environment Scotland confirms it does not have any comments to make on the proposals, its decision not to provide comments is not to be taken as support for the proposals; it is advised that the application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

2.3.6 The application site comprises part of a larger gap between, on the one side, two houses, Ferrycraigs House and Tign-na-Crian, each set within relatively large plots, and the bridge on the other. The gap is well-defined and framed by these structures either side, including by virtue of their greater scale, rendering the site relatively discreet in wider landscape terms and ensuring the development proposals would see wider landscape character and views protected.

2.3.7 The positioning of the building within a relatively large gap, similar to the two houses within their relatively large plots, continues the prevailing pattern of development. The level of visual separation between the proposed building and Ferrycraigs House allows for some latitude in terms of form and design, which is reflected in that proposed. In any event, in terms of scale, massing, design and finishing materials, it is not considered that the development proposals would appear incongruous or otherwise have a significant detrimental impact on the visual amenity of the surrounding area.

2.3.8 Given the level of visual separation, it is considered that the development proposals would see the setting of the listed Ferrycraigs House protected. Appreciation of the bridge in the context of its setting would primarily be in longer views; in these views in particular, the development proposals would read as very small scale in relation to the bridge, would not obscure views of it, and would not otherwise fail to protect its setting.

2.3.9 The proposed building would be outwith the falling distance of the existing mature sycamore tree towards the northern end of the site. Subject to a condition of planning permission to protect the tree during construction, it is considered that the development proposals would see this tree protected.

2.3.10 In light of the above, and notwithstanding the concerns raised by the objector, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to design/visual impact, built heritage and trees, subject to a condition to protect the sycamore tree during works.

2.4 Residential Amenity

2.4.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with

Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, loss of privacy, sunlight and daylight. Fife Council's customer guidelines in respect of Minimum Distance Between Window Openings and Daylight and Sunlight are also relevant here.

2.4.2 Given the significant level of physical separation between the development proposals and the nearest house, Ferrycraigs House, it is not considered that there would be any significant detrimental impact on the residential amenity of nearby existing residential properties. As such, the development proposals accord with the provisions of policy and guidance in relation to residential amenity.

2.5 Transportation, Road Safety and Bridge Maintenance

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes. Appendix G Transportation Development Guidelines of Making Fife's Places Supplementary Guidance is also relevant here.

2.5.2 The objector has raised concerns in relation to parking and access.

2.5.3 Planning Services' Transportation Development Management team (TDM) has no objection to the development proposals subject to a condition requiring the retention of parking within the site throughout the lifetime of the development.

2.5.4 Transport Scotland advises that the planning permission should be refused as the land is within the envelope required for the safe inspection of The Forth Road Bridge. In subsequent correspondence, Transport Scotland states the following:

- o The development has the potential to restrict access to the northwest anchorage and associated piers. Transport Scotland requires unrestricted access to these for inspection and maintenance;
- o The north viaduct gantry, used to access the brick underdeck, will run very close to the proposed dwelling;
- o Planned works that may affect this development include painting and strengthening works to the bridge, footpath refurbishments and parapet replacement works;
- o The development sits fractionally outside the bridge footprint but will be susceptible to potential debris, etc. falling from the bridge.

2.5.5 In relation to the concerns expressed by Transport Scotland in respect of access to and maintenance of the bridge, whilst these are material planning considerations, they cannot be afforded significant weight in relation to the assessment of the development proposal as such

matters are more properly addressed through the agency's land acquisition or other powers. In reaching this view, it has been noted that: the land in question was sold to the applicant's family by The Forth Road Bridge Joint Board in 1978, as the land was no longer required for bridge maintenance purposes at that time. In addition, it is noted that the curtilage of the houses on the east side of the bridge at Ferry Barns Court are the same distance from the bridge as the curtilage of the proposed building.

2.5.6 Para. 5 of Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, sets out the statutory requirements for consulting bodies such as Transport Scotland. As such, where a development has the potential to obstruct users of trunk and other roads or is likely to result in a material increase in the volume or material change in the character of traffic entering or leaving a trunk road, Transport Scotland is a statutory consultee. This development does not raise issues of this nature.

2.5.7 In relation to the potential for debris, etc. to fall from the bridge and onto the subjects, this is a matter for the intending developer through normal legal recourse available to landowners. The lawful use of the bridge does not include for littering from it and, as such, this matter is not considered a material planning consideration.

2.5.8 Taking the views of TDM into account, and notwithstanding the concerns raised by the objector and Transport Scotland, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to transportation, road safety and bridge maintenance, subject to TDM's recommended condition of planning permission. In light of Transport Scotland's advice against granting planning permission, and in the event of Committee resolving to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and Scottish Government Planning Circular 3/2009: Notification of Planning Applications provide that permission cannot be granted before the expiry of a period of 28 days beginning with the date notified to the planning authority by the Scottish Ministers as the date of notification to them of the intention to grant planning permission.

2.6 Flooding and Surface Water Drainage

2.6.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by complying with relevant criteria and supporting policies, including avoiding flooding and impact on the water environment and complying with Policy 12: Flooding and the Water Environment. Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively, and amongst other things: increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere; or reduce the water conveyance and storage capacity of a functional flood plain; etc. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.6.2 The site is not shown within a flood risk area in the Scottish Environment Protection Agency (SEPA) Flood Maps, however, part of the adopted Ferry Road immediately to the east of the bridge, and areas in the vicinity of the bridge adjoining the south side of both Ferry Road and the private access road, which roads provide vehicular access to the site, are shown in the maps as having a high (10%) chance of surface water flooding each year. Notwithstanding, the Council's Flooding, Shoreline & Harbours (FSH) team has no objection to the development proposals in terms of flooding or surface water drainage, having advised that adjacent areas of flood risk are minor in extent. The agent has submitted copy correspondence with SEPA

confirming that the agency has no objection to clean surface water being discharged directly to the shore; the necessary discharge pipe would be outwith the site, however, a condition of planning permission can be used to ensure it is provided at the appropriate time.

2.6.3 Taking the views of FSH and SEPA into account, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to flooding and surface water drainage, subject to the aforementioned condition in relation to the discharge pipe.

2.7 Ground Conditions

2.7.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, ground conditions.

2.7.2 The Council's Land and Air Quality team (L&AQ) advises that its records indicate the development proposals are on/adjacent to a former quarry. While the quarry appears relatively small and pre-dates the 1850's, it is advised that if any unexpected conditions are encountered during any subsequent development work at this site, e.g. made ground, gassing, odours, asbestos or hydrocarbon staining, the planning authority should be informed as a Site Specific Risk Assessment may be required. In turn, L&AQ raises no objections to the development proposals subject to a condition being attached to any permission requiring that works on site cease should any previously unidentified contamination be encountered during development works and that Fife Council is notified within 2 days of this (i.e. standard condition 'LQC3').

2.7.3 Taking the views of L&AQ into account, and subject to its recommended condition of planning permission, it is considered that the development proposals accord with the above provisions of policy in relation to contaminated land.

2.8 Building Sustainability

2.8.1 Policy 1: Development Principles and Policy 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.8.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.8.3 A Low Carbon Sustainability Checklist has been submitted and an air source heat pump is proposed. As such, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to sustainable buildings.

2.9 Archaeology

2.9.1 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including safeguarding the characteristics of the historic environment, including archaeology, and complying with Policy 14: Built and Historic Environment. Policy 14 states that for all archaeological sites, whether statutorily protected or not, support will only be given if, allowing for any possible mitigating works, there is no adverse impact on its historic interest; all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance; accordingly, development proposals which impact on archaeological sites will only be supported where: remains are preserved in-situ and in an appropriate setting; or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed; in all of this, development proposals must be accompanied with the appropriate investigations; if unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations. Scottish Planning Policy 2014 (SPP), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Planning Advice Note (PAN) 2/2011: Planning and Archaeology, and Historic Environment Scotland's Managing Change in the Historic Environment series are also relevant here.

2.9.2 The site lies within the area listed by Historic Environment Scotland in the national Inventory of Historic Battlefields Sites as the Battle of Inverkeithing II (1651). Planning Services' Archaeological Officer states that the scale and location of the proposed development would not have a significant impact on the Inventory Battlefield. Historic Environment Scotland have been consulted in relation to the issue of archaeology and do not have any comments to make on the proposals, although it is explained that this is not to be taken as their support for the proposal; it is advised that the application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

2.9.3 Taking the views of the Archaeological Officer into account, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to archaeology.

CONSULTATIONS

Historic Environment Scotland	Raises no objection to planning permission being granted.
Structural Services - Flooding, Shoreline and Harbours	Raises no objection to planning permission being granted.
Scottish Water	Raises no objection to planning permission being granted.
Environmental Health (Public Protection)	Raises no objection to planning permission being granted.
TDM, Planning Services	Raises no objection to planning permission being granted, subject to condition.
Transport Scotland	Has recommended the application be refused, principally as the site is within the

Archaeology Team, Planning Services	envelope required for safe inspection and maintenance of the Forth Road Bridge. Raises no objection to planning permission being granted.
Land And Air Quality, Protective Services	Raises no objection to planning permission being granted, subject to standard type condition.

REPRESENTATIONS

One letter of objection has been received from a neighbouring proprietor raising the following matters:

Believe there to be a legal impediment to working, winning or carrying away (i.e. digging, excavating or removing) within 20 yards of my boundary.

Officer response: This is not a material planning consideration.

Concerns relating to the design and appearance of the proposed building.

Officer response: These matters are addressed in section 2.3 above.

Some assumptions and statements contained in the Design Statement are factually incorrect and/or cause concern.

Officer response: Deficiencies in the Design Statement have been noted and taken into account in drafting this Report of Handling.

Parking provision during and post construction and concerns about disruption to private rights of access during the building phase.

Officer response: Parking provision throughout the lifetime of the development is addressed in section 2.5 above. The other matters raised here are not material planning considerations.

Potential for obstruction of vehicle access.

Officer response: This is not a material planning consideration.

It is not explained how damage to the private access road during obstruction would be dealt with.

Officer response: This is not a material planning consideration.

The plan proposes parking for two cars. This plan is flawed. There is only outdoor parking for one car within the property boundary. It will encourage illegal parking on private land by the tenants.

Officer response: The objector's interpretation of the plan is noted. The matters raised here are otherwise not material planning considerations.

The proposed house will be built on the bedrock of a disused quarry. The construction will involve excavation through bedrock, particularly as the plan includes digging out to a level to allow for a sunken garage. My house is also built on that bedrock, so will be at risk of damage from vibrations, whether caused by digging, drilling or blasting.

Officer response: This is not a material planning consideration.

CONCLUSIONS

Subject to conditions of planning permission, the development accords with the provisions of policy and guidance relating to the principle of development; design/visual impact/built heritage/trees; residential amenity; transportation, road safety and bridge maintenance; flooding and surface water drainage; ground conditions; building sustainability; and archaeology. Overall, the development accords with the development plan, with no relevant material consideration of sufficient weight to justify departing therefrom.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons, following the conclusion of the process of: Notification of the application to the Scottish Ministers:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. The building hereby approved shall not be occupied: i) as a main or sole residence; ii) otherwise as a permanent residential unit; or iii) for a period exceeding 12 continuous weeks in any single letting, with no return within four weeks by the same household. The owner of the building shall maintain an up-to-date register of the name of each occupier of the building, their length of stay and the address of their main residence and shall make this information available at all reasonable times to the planning authority.

Reason: To ensure proper control over the development; the occupation of the building as a permanent residential unit would not comply with the development plan.

3. BEFORE ANY WORKS START ON SITE, protective measures necessary to safeguard the mature sycamore tree on site during works shall have been put in place in accordance with details and specifications which shall have been submitted to and approved, in writing, by this planning authority. These protective measures shall be retained throughout the period of works.

Reason: In order to ensure that no damage is caused to this tree during works.

4. BEFORE THE DEVELOPMENT HEREBY APPROVED IS FIRST BROUGHT INTO USE, any surface water outflow pipe outwith the site and required to serve this development shall have been provided and made available for use, details of the pipe having been submitted to and approved as part of an express planning permission.

Reason: To ensure the timeous provision of any out-of-curtilage surface water drainage infrastructure required in connection with this development.

5. BEFORE THE FIRST OCCUPATION OF THE BUILDING HEREBY APPROVED, there shall have been provided within the curtilage of the site 2 nos. parking spaces for vehicles in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained for the lifetime of the development.

Reason: In the interests of road safety; to ensure the provision of adequate off-street parking facilities.

6. The mature sycamore tree existing on the site shall be retained and shall not have its roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing by this planning authority.

Reason: In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during construction works.

7. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

Reason: To ensure all contamination within the site is dealt with.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)
Making Fife's Places Supplementary Guidance (2018)
Low Carbon Fife Supplementary Guidance (2019)

National

Scottish Planning Policy (2014)
Planning Advice Note 2/2011: Planning and Archaeology (2011)
Planning Circular 3/2009: Notification of Planning Applications (2009)
Historic Environment Scotland Historic Environment Policy for Scotland (2019)
Historic Environment Scotland Managing Change in the Historic Environment series

Other

Fife Council Minimum Distance Between Window Openings and Daylight and Sunlight planning customer guidelines

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)

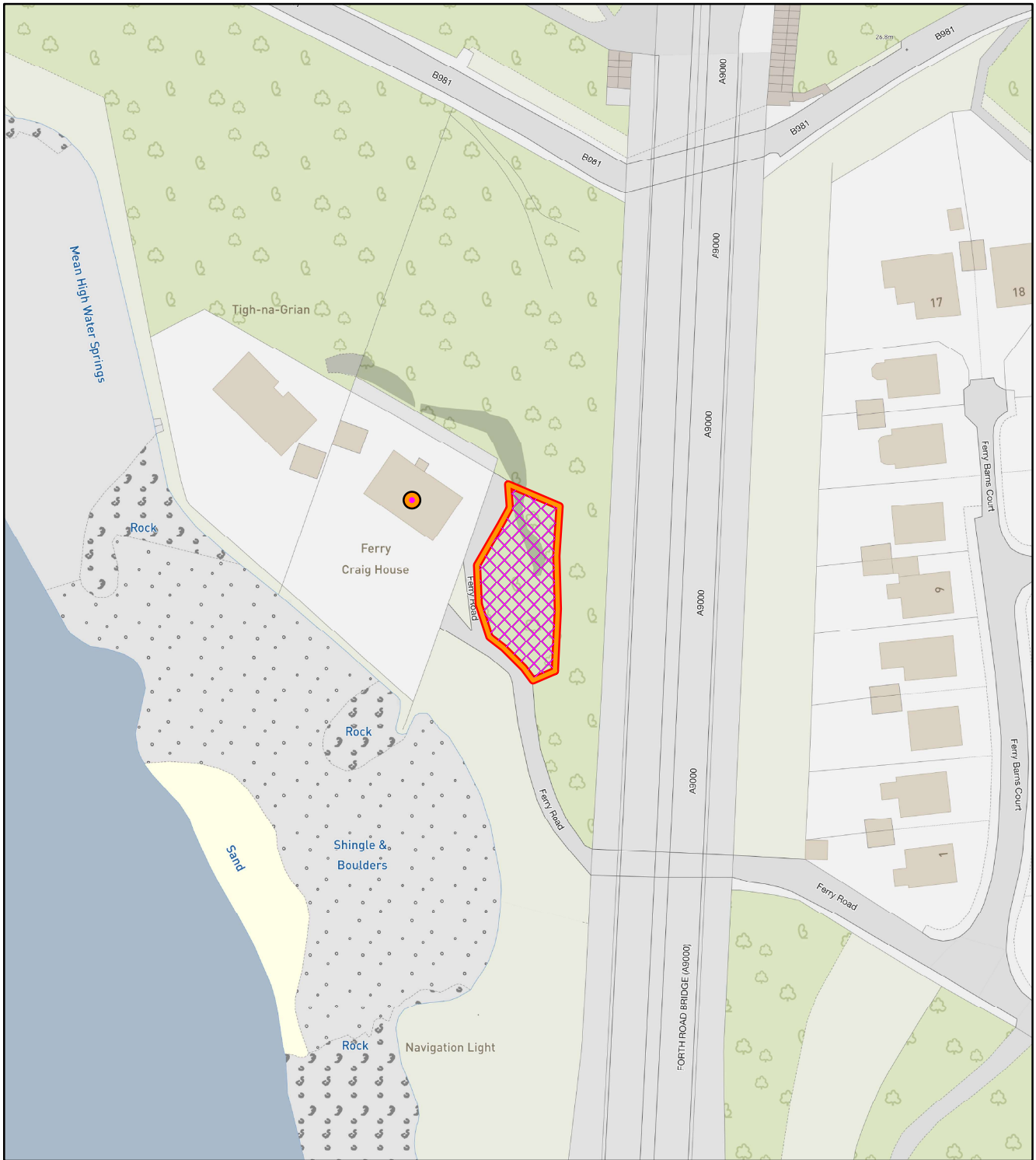
Report prepared by Brian Forsyth, Chartered Planner and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 26/09/2022

21/01770/FULL

Land Adjacent to Ferrycraigs House, Ferry Road, North Queensferry



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Legend			
	Application Boundary		

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ITEM NO: 8

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02040/FULL

**SITE ADDRESS: GARANWOODS NEAR LOTHRIE STRATHENRY AVENUE
 STRATHENRY**

**PROPOSAL: CHANGE OF USE FROM WOODLAND TO HUTTING SITE (1
 HUT)**

**APPLICANT: MS NATALIE TAYLOR
 73 CREWE TERRACE EDINBURGH SCOTLAND**

**WARD NO: W5R14
 Glenrothes North, Leslie And Markinch**

CASE OFFICER: Emma Baxter

**DATE 02/08/2022
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 representations have been received contrary to officer recommendation

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.0. Background

1.1. Site Description

1.1.1. The application relates to an area of woodland situated approximately 3km north-west of the settlement of Leslie. The proposal site is situated within the countryside as defined within the Adopted FIFEplan (2017). The surrounding land uses include a residential dwelling to the west, a fishery to the east and farmland to the south. The site is also situated to the north-west of a core path which runs along part of the access to the site.

1.2. Proposal

1.2.1. The proposal seeks full planning permission for the change of use from woodland to a hutting site (for 1 hut). The proposed hut would be 4.5 meters in height and 4.7 meters in width with an external footprint of 30m². The hut would be externally finished with larch claddings, corrugated tin roof and wooden framed triple glazed windows. The proposed hut would be for the personal use of a family to aid in the restoration and preservation of the area of woodland within which the site is situated.

1.3. Planning History

1.3.1. There is no relevant planning history for the site.

1.4. A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal

- Google imagery (including Google satellite imagery)
- GIS mapping software; and
- Current site photographs of the site provided by the agent

A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

2.0. Assessment

2.1. The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of Development
- Design and Visual Impact
- Amenity
- Natural Heritage
- Flooding and Drainage
- Low Carbon
- Road Safety

2.2. Principle of Development

2.2.1. The Scottish Planning Policy promotes the use of a plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.2.2. The Scottish Planning Policy (2014) (SPP) supports hutting in rural settings to promote leisure accommodation and defines a hut as "a simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups."

2.2.3 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.4 Policy 7 of the Adopted Local Plan stipulates that development in the countryside will be supported where it (1) is required for agricultural, horticultural, woodland or forestry operations; or (2) will diversify or add to the above land-based businesses to bring economic support to the existing business; or (3) is for the extension of established businesses; or (4) is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within the settlement boundary which contributes to the Council's employment land supply requirements; or (5) is for facilities for access to the countryside; or (6) is for facilities for outdoor recreation, tourism or other development which demonstrates a proven need for a countryside location; or (7) is for housing in line with Policy 8 (Houses in the Countryside). In all cases, development must be of a scale and nature compatible with surrounding uses; be well located in respect to available infrastructure and contribute to the need for any improved infrastructure; and not result in an overall reduction in the landscape and environmental quality of the area.

2.2.5 Two letters of representation have been received for this application which raised concerns that the proposed use is not in keeping with the surrounding area. Furthermore, letters of representation objected to the development on the grounds that it is not compatible with Policy 1 and 7 of the Local Development Plan.

2.2.6. The proposed hutting site is considered to facilitate access to the countryside as well as outdoor recreation thereby being supported under Points 5 and 6 of Policy 7. Furthermore, given that the proposed development and the surrounding land uses are all of a nature whereby they are generally found in rural areas, it is considered that the proposal would be of a nature compatible with the surrounding land uses.

2.2.7. Given that the proposed development satisfies Points 5 and 6 of Policy 7, it is therefore considered that the proposal is supported by the Local Development Plan in its location and thereby compatible with Part A 1(b) of Policy 1 of the Development Plan.

2.2.8. In light of the above, the proposal is deemed acceptable in principle. However a planning condition is required to control the use of the proposed hut to ensure that it is used in accordance with the definition of a hut contained within the SPP.

2.2.9 Whilst acceptable in principle, the overall acceptability of the proposal, however, requires further consideration, as set out below.

2.3. Design and Visual Impact

2.3.1 Policies 1 and 10 of the FIFEplan state that development will only be supported if it does not have a significant detrimental impact with respect to the visual impact of the development on the surrounding area. Policy 7 states that development in the countryside must be of a scale and nature compatible with surrounding uses and be located and designed to protect the overall landscape and environmental quality of the area.

2.3.2. Making Fife's Places Planning Supplementary Guidance (2018) sets out the expectation for developments with regard to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.3. Letters of representation for this application have objected to the proposal on the grounds that the proposal is not "of a scale compatible with surrounding uses" or "located and designed to protect the overall landscape and environmental quality of the area" as per Policy 7 of the Adopted FIFEplan (2017) and that the proposal would have a detrimental impact with regard to the visual amenity of the surrounding area.

2.3.4. The proposed hut would have a floor area of approximately 30m² and would be in a remote countryside location. Given the small footprint of the proposed development as well as the fact it would be considerably shielded from any public view due to the existing surrounding trees, it is considered that location of the proposed development would protect the overall landscape of the area and be of a scale compatible with surrounding uses. Furthermore, the proposed use of larch cladding on the majority of external walls as well as a corrugated tin roof is considered to be visually appropriate within its rural setting, aiding the development to blend in with the surrounding woodland as well as using materials which could be considered sympathetic to the surrounding agricultural uses of neighbouring land.

2.3.5. In light of the above, the proposal would not result in any significant detrimental impact in terms of visual amenity and therefore comply with the Development Plan in this regard.

2.4. Amenity

2.4.1 Policies 1 and 10 of the Adopted FIFEplan (2017) state that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses.

2.4.2. As mentioned in background section of this report, the surrounding land uses include a residential dwelling to the west, a fishery to the east and farmland to the south.

2.4.3. Letters of objection have been received for this application on the basis that the proposed development would not be compatible with Policy 10, specifically that the development would lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and would impact on the operating of an existing business at Blairgothrie Farm which neighbours the site, particularly during key seasons in the livestock farming calendar such as lambing season.

2.4.4. A supporting statement was submitted as part of this planning application which addressed the proposals potential impact with regard to Policy 10. Based on this supporting statement and the plans provided by the applicant, it has been sufficiently demonstrated that the proposed development would not have a detrimental impact on the amenity of surrounding properties. In particular, the applicant has confirmed that noise impact from the development, specifically during construction, would be minimised through the use of hand tools and no heavy machinery. In addition, all materials would be brought to the site using a car and trailer rather than large vehicles such as lorries. Furthermore, it is considered that given the existing use of the surrounding area and nearby core path by walkers and cyclists, any noise or disturbance arising from the proposal once brought into use would not represent a considerable increase so as to result in any significant detrimental impact on any neighbouring land uses or nearby existing businesses.

2.4.5. In light of the above, it is considered that the proposal would be compatible with Policy 10 and therefore acceptable in this instance.

2.5. Natural Heritage

2.5.1 Policies 1 and 13 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas, woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Where adverse impacts on existing assets are unavoidable, proposals will only be supported where these impacts will be satisfactorily mitigated.

2.5.2. A letter of representation received for this application raised concern that the proposal would not be acceptable under Policy 13 of the Adopted Fifeplan.

2.5.3. The development is located within the Lomond Hills Local Landscape Area and would result in the felling of five Sitka trees to allow for the footprint of the development. These trees are not under Tree Protection Orders. Since purchasing the woodland in 2017, the applicants have planted approximately 140 trees (including Alder, Scots pine, Hazel, Birch and Hawthorn), thereby enhancing the biodiversity of the area. The loss of a very small number of trees to allow for the footprint of the development will be sufficiently compensated through plans to plant 150 more saplings this season alone. Furthermore, the future replanting of trees to compensate for those to be felled shall be secured by condition in the interest of protecting the natural heritage of the site. Given the proposed replanting which would be secured by condition, as well as the fact the proposed development would allow the applicants to continue their work in enhancing the natural heritage and biodiversity of the woodland as well as enhancing access to outdoor space, it is considered that the proposed development would protect the natural heritage of the site, including the Local Landscape Area and therefore have no significant detrimental impact in regard to Policy 13.

2.5.4. In light of the above, the proposal would be considered acceptable in terms of Policy 13.

2.6. Flooding and Drainage

2.6.1. Policies 1 and 3 of the Adopted FIFEplan state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. This may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.6.2 Policy 12 of the Adopted FIFEplan states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.6.3. A letter of representation for this application raised concern with how the proposed development would deal with the rainwater collected and drainage on the site.

2.6.4. According to SEPA's (Scottish Environmental Protection Agency) Flood Risk Mapping Software, the proposed site is not situated within an area identified to be at risk from flooding. Furthermore, given the small scale of the proposed hut it is considered the proposal would be unlikely to have a detrimental impact in regard to surface water runoff.

2.6.5. In light of the above, the proposal would be considered compatible with the Development Plan and acceptable in this regard.

2.7. Low Carbon

2.7.1. Policies 1 and 11 of the adopted FIFEplan 2017 state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction targets; construction materials come from local or sustainable sources; and water conservation measures are in place. Fife Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.2. The applicant has stated that the development would be built as close to passive building standards as possible, with second-hand windows/doors installed to reduce the proposals embodied carbon as well as the build being insulated and installed with photovoltaic panels in order to meet the standards of Policy 11 with regard to energy performance.

2.7.3. In light of the above, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

2.8. Road Safety

2.8.1. Policies 1 and 3 of the adopted FIFEplan 2017 state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks.

2.8.2. Letters of representation received for this application raised concerns with the developments potential impact on road safety.

2.8.3. Access to the site would be taken from the A911 west of the settlement of Leslie, north along Stratheny Avenue then west towards Bridle Woods. No parking is proposed as part of the development, however the supporting statement submitted as part of this application discusses the aspirations for access to the site to be taken via bike and public transport to further encourage the development being as carbon neutral as possible. Furthermore, given that the proposal would not result in any substantial increase in vehicular traffic in comparison to existing levels, it is considered that the proposal would have no significant impact on road safety and as such would be deemed to comply with the Adopted FIFEplan 2017.

CONSULTATIONS

Scottish Water

No objection

REPRESENTATIONS

A total of eight letters of representation have been received for this application which raised the following concerns;

- The use would not be in keeping with the surrounding agricultural / woodland setting - As discussed in paragraph 2.2.5. above, the proposal is deemed to comply with the definition of a hut as found within the SPP and thereby suitable within its rural and woodland surroundings.
- The proposed development could be used as a full-time dwelling - As mentioned in paragraph 2.2.5. above, the use of the proposal as a hut has been secured by condition to ensure that the site does not form permanent residential accommodation
- Increase in vehicular traffic - This has been addressed in 2.8. 2 above.
- The proposed development would not be compliant with Policy 13 of the Adopted FIFEplan (2017) - This has been addressed in paragraph 2.5.3. above.
- Dispute as to the existence of a right of access over neighbouring land to access the site - This is not a material planning consideration.
- The principle of the development is not supported under Policy 1 of the Adopted FIFEplan (2017) - This has been addressed in paragraph 2.2.5. above.

- The proposed development would not be compliant with Policy 10 of the Adopted FIFEplan (2017) - This has been addressed in paragraph 2.4.3. above.

- The proposed development would not be compliant with Policy 7 of the Adopted FIFEplan (2017) - This has been addressed in paragraph 2.2.5. and 2.3.4. above.

- The proposed development impact with regard to drainage on site and rainwater - This has been addressed in paragraph 2.6.4. above.

CONCLUSIONS

This proposal is considered to be acceptable in meeting the terms of FIFEplan 2017 policies, other relevant national policy/guidance and Fife Council Customer Planning Guidance. The proposal is compatible with the area in terms of land use, design and scale. Furthermore, no significant impacts would arise in regard to existing levels of residential amenity, visual amenity or road safety. The application is therefore recommended for conditional approval.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. The hut, hereby approved, shall only be used as a hut as defined in the Scottish Planning Policy 2014 (SPP). For the avoidance of doubt, SPP describes a hut as 'a simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life.'

Reason: In order to ensure that control is retained over the development and that the site does not form permanent residential accommodation inappropriate to the rural setting.

3. BEFORE ANY WORKS START ON SITE, a landscaping plan, which details the number and specification of trees to be planted on the site including details of when they will be planted and future maintenance arrangements shall be submitted for the prior written approval of Fife Council as Planning Authority. Thereafter the landscaping shall be implemented and maintained in accordance with the approved plan, except as may otherwise be agreed in writing by the Planning Authority

Reason: In order to ensure a satisfactory standard of local environmental quality.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

The Scottish Planning Policy (2014)

Adopted FIFEplan (2017)

Fife Council's Making Fife's Places Supplementary Guidance (2018)

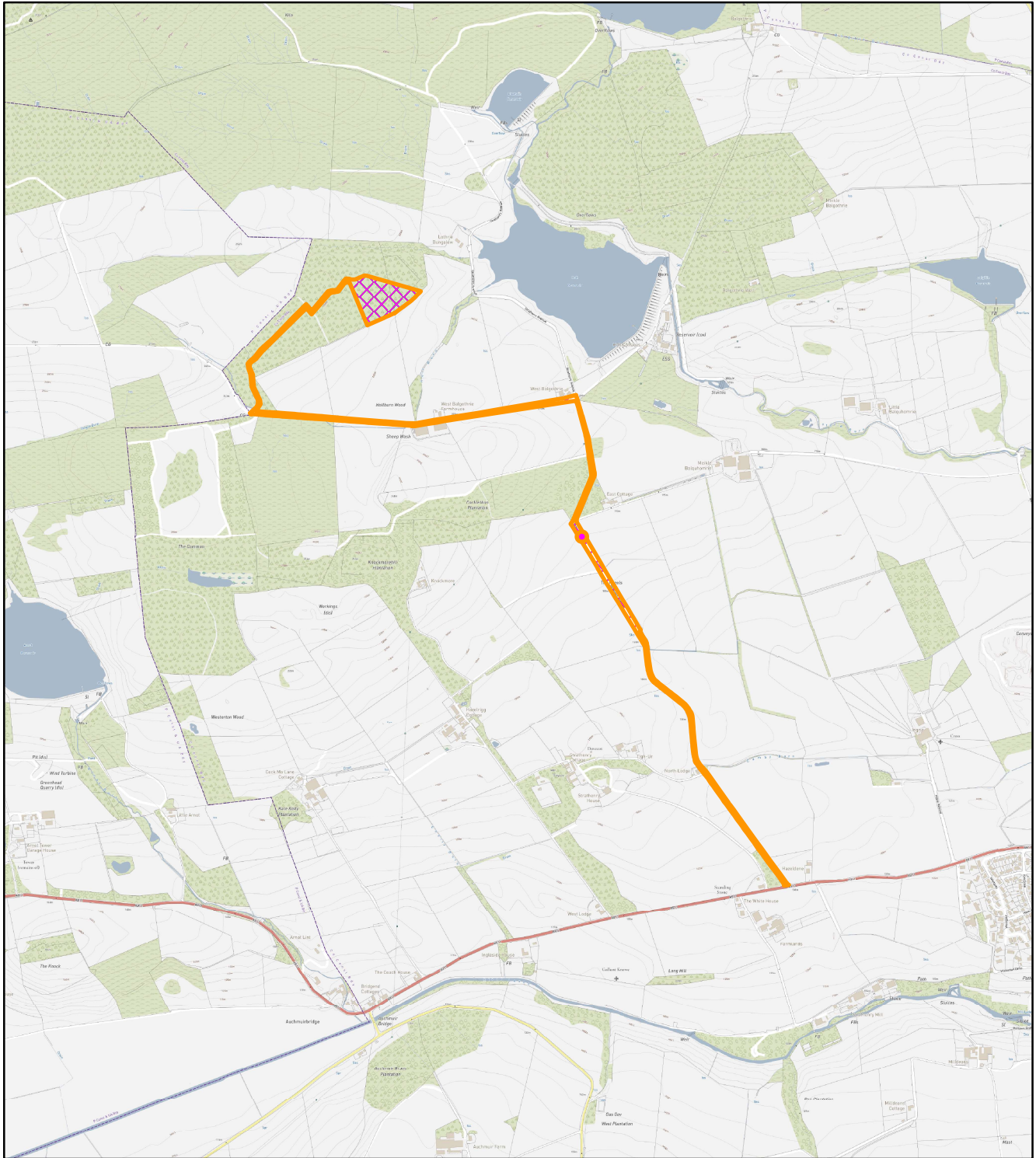
Report prepared by Emma Baxter, Graduate Planner and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 21/09/2022

22/02040/FULL

Garanwoods Near Lothrie, Stratheny Avenue, Stratheny, Leslie



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Legend



Application Boundary

0 100 200 400 600
m



Economy, Planning & Employability Services

19th October, 2022
Agenda Item No. 9

Legislative Requirement to Limit the Duration of Planning Permission by Applying Time Conditions

Report by: Pam Ewen, Head of Planning

Wards Affected: All

Purpose

The purpose of this report is to update Members in respect of a change to planning legislation which came into effect on 1st October 2022 and to advise the Committee of the need to implement the requirements of the legislation in respect of the applications which the Committee has already indicated it is minded to grant, where that decision has not yet been issued.

Recommendation(s)

To agree that, in respect of the applications listed in Appendix 1 the additional conditions required to limit the life of the planning permission (also noted in Appendix 1) shall be added to those decisions.

Resource Implications

None.

Legal & Risk Implications

There are no known direct or indirect legal implications affecting Fife Council as Planning Authority in the event the Committee agree the recommendation. In the event the recommendation is not accepted, a further report on each application would require to be considered by Committee in order to add a time limit condition or conditions to comply with legislation and should such time limitation conditions not be agreed the decisions issued would not be lawful.

As in all circumstances when a refusal of planning permission is agreed or conditions imposed on an approval, the applicant has a right of appeal within 3 months of the date of decision, to the Scottish Government Planning and Environmental Appeals Division.

Consultation

Consultation was undertaken with the Head of Legal and Democratic Services, who raised no objection to the proposal.

1.0 Background

- 1.1 Section 32 of The Planning (Scotland) Act 2019 amends the provisions of Section 58 and Section 59 of The Town and Country Planning (Scotland) Act 1997 which relate to the duration of Planning Permission. The provisions of Section 32 of the 2019 Act came into effect on the 1st October 2022.
- 1.2 Under the provisions of the 1997 Act, the duration of planning permission was implied, rather than expressed in the form of a specific condition expressed as part of the decision notice issued in granting planning permission (including planning permission in principle and approval of matters specified in conditions). Where a planning authority considered that the duration of a permission should be something other than the prescribed standard time period, the legislation provided for any alternative time period to be provided by means of a Direction.
- 1.3 The provisions of Section 32 of the 2019 Act mean that the duration of planning permission must be limited by means of a condition attached to the grant of planning permission. In the vast majority of cases, the standard times for duration of planning permission would be applied, although the option to allow for different durations remains available.
- 1.4 Where a Committee has indicated that they are minded to grant planning permission, following the conclusion of a legal agreement, the planning permission is normally issued immediately after the legal agreement has been concluded. In these cases, the permission will almost always be subject to conditions and as the Committee will have considered and agreed the conditions to be attached to that grant permission, in terms of the List of Officer Powers, any change to those conditions would require further Committee authorisation.
- 1.5 The process of negotiating legal agreements is complex and can take a considerable length of time. There are currently 5 applications which Committee has approved subject to conditions following the conclusion of a legal agreement where a decision is still to be issued. As these decisions will be issued after the 1st of October 2022, in each case a condition or conditions will require to be added to restrict the duration of the permission in order to comply with the provisions of the 1997 Act, as amended by the 2019 Act.
- 1.6 These conditions are required by legislation and as such must be applied to all decisions issued from the 1st of October 2022. In the case of applications for planning permission, the standard time period prescribed is 3 years from the date of the issue of planning permission. In the case of applications for planning permission in principle, the standard time period prescribed is 5 years from the date of the issue of planning permission.

2.0 Conclusions

- 2.1 The change in planning legislation which took effect on the 1st October 2022 requires all Planning Authorities to express the duration of a permission in the form of a condition attached to that planning permission. Whilst changes to the conditions to be attached to a permission which have been agreed by a Committee would normally require further agreement by the Committee, in this case the

additional conditions are required by statute and as such Fife Council, as Planning Authority is bound to apply them.

Background Papers

Town and Country Planning (Scotland) Act 1997 (as amended) - Section 58 & Section 59
Planning (Scotland) Act 2019 (as amended) – Section 32

Planning Circular 3/2013: Development Management Procedures (as amended)

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APPENDIX 1 - List of Applications and Relevant Conditions / Reasons

Application	Proposal
10/03561/EIA Land At Invertiel And Tyrie Farms Jawbanes Road Banchory	Planning permission in principle for erection of a mixed use development including residential development, primary school, neighbourhood and local centres (with commercial, retail, community and class 3 food uses), landscaping, open space, roads and associated infrastructure
Additional Condition / Reason	
<p>1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.</p>	

Application	Proposal
16/03915/EIA Land To South Of Cocklaw Street Kelty	Planning Permission in Principle for residential development, employment land, community and leisure facilities including a Primary School, open space areas, path and cycle network and associated works
Additional Condition / Reason	
<p>1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.</p>	

Application	Proposal
17/01677/EIA Land At Halbeath North Of Fife Circle Rail Line Pleasance Road Halbeath	Residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm
Additional Condition / Reason	
1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission. Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.	

Application	Proposal
19/01725/PPP Land To East Of A823 Wellwood Fife	Planning Permission in Principle for residential development, open space areas, path and cycle network and associated development at Colton SDA
Additional Condition / Reason	
1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission. Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.	

Application	Proposal
20/01156/PPP Land To West Of Thornton Strathore Road Strathore	Proposed residential development (approximately 300 units) and land for primary school with associated access, open space, landscaping and other associated works
Additional Condition / Reason	
<p>1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.</p>	