

This meeting will be held remotely.

Wednesday, 21st September, 2022 - 2.00 p.m.

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## 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 24<sup>th</sup> August, 2022. 5 - 10

**4. 21/00287/EIA - LOMOND QUARRY, LESLIE** 11 - 68

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.

**5. 22/01577/EIA - LAND TO EAST OF WHITEFIELD ROAD, DUNFERMLINE** 69 - 99

Ground remediation works to stabilise shallow mine works associated with Halbeath SDA (Phase 1).

**6. 17/01677/EIA - LAND AT HALBEATH NORTH OF FIFE CIRCLE RAIL LINE, PLEASANCE ROAD, HALBEATH** 100 - 123

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.

**7. 22/01420/CON - BATTERY STORAGE, DEVILLA FOREST** 124 - 161

22/01420/CON - ECU00003469 - Consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure SITE: Devilla Forest, Kincardine at Scottish Government Consultation, Fife.

**8./**

	<u>Page Nos.</u>
<b>8. 22/01466/FULL- HIGH STREET, KINCARDINE</b>	162 - 173
Environmental improvements including alterations and re-alignment of carriageway (A977 and A876) resurfacing of public areas and installation of street furniture.	
<b>9. 21/03982/FULL - LAND AT Q3 DUNLIN DRIVE, DUNFERMLINE</b>	174 - 190
Erection of retail unit (Class 1) with associated outdoor sales area, parking, access and boundary treatments.	
<b>10. 21/03904/FULL - THE LODGE HOUSE, 3 ORCHARD GROVE, LEVEN</b>	191 - 199
Erection of single storey external store (retrospective) with associated landscaping works.	
<b>11. 22/01011/FULL - 14 DEAN ACRES, COMRIE</b>	200 - 205
Erection of health and beauty treatment facility (Class 2).	
<b>12. 22/00909/FULL - DEVONSIDE FARM, SALINE</b>	206 - 211
Two storey extension, erection of car port and formation of balcony to side of dwellinghouse.	
<b>13. 22/00904/LBC - DEVONSIDE FARM, SALINE</b>	212 - 216
Listed building consent for two-storey extension to side of dwellinghouse, erection of car port and formation of balcony.	
<b>14. 22/02008/FULL- 66 STRATHBEG DRIVE, DALGETY BAY</b>	217 - 223
Alterations and extension to dwellinghouse.	
<b>15. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS</b>	
List of applications dealt with under delegated powers for the period 8th August to 4th September, 2022.	
Note - these lists are available to view with the committee papers on the <a href="http://Fife.gov.uk">Fife.gov.uk</a> 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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14 September, 2022

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## 2022 WCPC 3

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

24th August, 2022

2.00 p.m. – 4.45 p.m.

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

**ATTENDING:** Mary Stewart, Service Manager, Martin McGroarty, Lead Professional, Jamie Penman, Planner, Brian Forsyth, Planner, Andrew Cumming, Planning Assistant, Fiona Kirk, Planning Assistant, Lauren McNeil, Graduate Planner, Planning Services; Christopher Glendinning, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Andrew Verrecchia and Conner Young.

#### 9. DECLARATIONS OF INTEREST

Councillor Barratt declared an interest in Para. 13 - 22/00926/FULL - Erection of 10 no. industrial units (Class 4, 5 and 6) and associated works - Land to the East of Sandpiper Drive, Dunfermline - as he was the author of the flood risk statement for the development.

Councillor Barratt declared an interest in both Paras. 14 and 15 - 21/03274/FULL - Change of use from hotel (Class 7) to 4 flatted dwellings (Sui Generis) and external alterations including the installation of windows, doors and 4 no. glazed balconies; and 21/03176/LBC - Internal and external alterations to form 4 no. flatted dwellings including removal of signage and installation of windows, doors and 4 no. glazed balconies - Albert Hotel, North Queensferry - as he had previously expressed a view on the development as a Director of the North Queensferry Community Trust.

Councillor Dempsey declared an interest in both Paras. 14 and 15 - 21/03274/FULL - Change of use from hotel (Class 7) to 4 flatted dwellings (Sui Generis) and external alterations including the installation of windows, doors and 4 no. glazed balconies; and 21/03176/LBC - Internal and external alterations to form 4 no. flatted dwellings including removal of signage and installation of windows, doors and 4 no. glazed balconies - Albert Hotel, North Queensferry - as he had objected to the development.

Councillor Calder declared an interest in Para. 16 - 22/00590/FULL - Surface water/

## 2022 WCPC 4

water drainage outfall pipe to serve the SUDs associated with application 21/01879/ARC - Land to the West of Crossford, Cairneyhill Road, Crossford - as his wife had expressed a view on the development.

### 10. **MINUTE**

The Committee considered the minute of the meeting of West and Central Planning Committee of 29th June, 2022.

#### **Decision**

The Committee approved the minute of the meeting of West and Central Planning Committee of 29th June, 2022.

### 11. **22/01225/FULL - LAND TO THE SOUTH OF LOCHHEAD LANDFILL SITE**

The Committee considered a report by the Head of Planning relating to an application for the construction of an Energy Park comprising Solar Photovoltaic Array (PV) and battery storage with export capacity of not more than 49.9MW, with associated substation, access road, landscaping and ancillary works.

The Committee were advised that the following condition had been omitted from the report and requested that this be added:-

18. During construction, public paths in the vicinity of the site must be kept open and free from obstruction, and any temporary closures that may be required for safety reasons should be notified to Fife Council in advance and kept to the minimum duration possible.

Reason: To preserve rights of public access and to ensure the safety of users of public footpaths during construction.

#### **Decision**

The Committee agreed to approve the application subject to:-

- (1) the seventeen conditions and for the reasons detailed in the report; and
- (2) an additional condition 18 in relation to access to public footpaths.

### 12. **21/03474/FULL - GRAZING LAND, KINROSS ROAD, LESLIE**

The Committee considered a report by the Head of Planning Services relating to an application for a major development of 44 affordable dwellinghouses with associated landscaping, open space, boundary treatments, roads, accesses, SUDS, allotments and community orchard.

The Committee were advised that the Transportation consultation response on Page 40 which had been noted as being WIP (Work in Progress) however the response was now 'No objections but some concerns raised' and that Sections 2.3.4 on Page 32, Section 2.4.8 on Page 35 and Condition 6 on Page 43 reference to 1.5m noise barrier should be substituted with 1.8m noise barrier.

#### **Decision/**

**Decision**

The Committee agreed:-

- (1) to approve the application subject to the twelve conditions and for the reasons detailed in the report; and
- (2) that Condition 6 be amended to the effect that “1.5“ where it appears in the first sentence of Condition 6 is deleted and shall be replaced by “1.8 metres”.

*Councillor Barratt left the meeting prior to consideration of the following three items, having earlier declared an interest. In the Convener’s absence, the Depute Convener, Councillor Glen, chaired the meeting.*

**13. 22/00926/FULL - LAND TO THE EAST OF SANDPIPER DRIVE, DUNFERMLINE**

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 10 no. industrial units (Class 4, 5 and 6) and associated works.

**Decision**

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

*The meeting adjourned at 3.30 p.m. and reconvened at 3.40 p.m.*

*Councillor Dempsey left the meeting prior to consideration of the next two items, having earlier declared an interest.*

**14. 21/03174/FULL - ALBERT HOTEL, NORTH QUEENSFERRY**

The Committee considered a report by the Head of Planning Services relating to an application for the change of use from hotel (Class 7) to 4 flatted dwellings (Sui Generis) and external alterations including the installation of windows, doors and glazed balconies.

**Decision**

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

**15. 21/03176/LBC - ALBERT HOTEL, NORTH QUEENSFERRY**

The Committee considered a report by the Head of Planning Services relating to an application for Listed Building Consent for internal and external alterations to form 4 no. dwellings including removal of signage and installation of windows, doors and 4 no. glazed balconies.

**Decision/**

**Decision**

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

*Councillors Barratt and Dempsey rejoined the meeting following consideration of the above items.*

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

**16. 22/00590/FULL - LAND TO THE WEST OF CROSSFORD, CAIRNEYHILL ROAD, CROSSFORD**

The Committee considered a report by the Head of Planning Services relating to a surface water drainage outfall pipe to serve the SUDs associated with the application 21/01879/ARC.

**Decision**

The Committee agreed to approve the application unconditionally.

*Councillor Calder rejoined the meeting following consideration of the above item.*

**17. 22/01418/FULL - LAND AT KINGSLAW, RANDOLPH ROAD, KIRKCALDY**

The Committee considered a report by the Head of Planning Services relating to an application for approval of matters required by Condition 1 (e) and 2 (a - f) and (h - i) of 19/01088/PPP for a neighbourhood centre development (including Class 1, 2, 3 and hot food uses) and associated access, parking and landscaping (Section 42 application to amend Condition 1 of 21/01265/ARC).

**Decision**

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

**18. 22/01218/FULL - 25 MYRTLE WYND, DUNFERMLINE**

The Committee considered a report by the Head of Planning Services relating to an application for a two-storey extension to rear of dwellinghouse.

**Decision**

The Committee agreed to approve the application unconditionally.

**19. 22/01018/FULL - 17-19 EXCISE STREET, KINCARDINE**

The Committee considered a report by the Head of Planning Services relating to an application for alterations to and change of use from former public convenience (Sui Generis) to form dwellinghouse (Class 9) and associated development.

**Decision/**

**Decision**

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

**20. 22/01017/LBC - 17-19 EXCISE STREET, KINCARDINE**

The Committee considered a report by the Head of Planning Services relating to an application for Listed Building Consent for conversion of former public convenience to form dwellinghouse.

**Decision**

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

**21. 22/00181/FULL - 11A SCHOOL STREET, MARKINCH**

The Committee were advised that the applicant had requested that this planning application and its associated Listed Building Consent, application no. 22/00182/LBC, be withdrawn from consideration.

**22. 22/00182/LBC - 11A SCHOOL STREET, MARKINCH**

The Committee were advised that the applicant had requested that this planning application and its associated application no. 22/00181/FULL be withdrawn from consideration.

**23. 22/01168/FULL - 19 SOUTH FEUS, UPPER LARGO**

The Committee considered a report by the Head of Planning Services relating to an application for installation of replacement windows and doors to dwellinghouse.

**Decision**

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

**24. 22/00770/FULL - FORMER SEAFIELD COLLIERY SITE, SEAFIELD COURT, KIRKCALDY**

The Committee considered a report by the Head of Planning Services relating to Application Reference: 22/00770/FULL - Creation of public footpath and installation of railings and gates at former Seafield Colliery Site, Seafield Court, Kirkcaldy - outlining the view of the Council as Planning Authority which had been provided to the Directorate of Planning and Environmental Appeals (DPEA) in response to an appeal on the grounds that: Fife Council, as planning authority, had not determined the application within the two-month statutory period.

**Decision**

The Committee noted that the Head of Planning Services had exercised their delegated/

## 2022 WCPC 8

delegated powers to determine the Council's position on the appeal in relation to planning matters, in consultation with the Convener and following a meeting involving the Convener, Legal Services representative, Planning Lead Officer and Planner/Case Officer on 5th July, 2022.

### 25. **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 13th June to 10th July, 2022; and 11th July to 7th August, 2022.

**ITEM NO: 4**

**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 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 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 7<sup>th</sup> 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 8<sup>th</sup> 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 only 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.

#### 1.4 Planning History

1.4.1 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 31<sup>st</sup> 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 18<sup>th</sup> 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 22<sup>nd</sup> January 2004).

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

05/03475/CFULL - Variation of Conditions 2, 5 and 10 of planning permission 02/03004/CFULL (APPROVED 25<sup>th</sup> 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 11<sup>th</sup> April 2011).

12/00081/FULL - Amendment to condition 7 of planning permission ref 05/03475/CFULL to allow operations to commence at 7am (REFUSED 11<sup>th</sup> January 2013 – ALLOWED on Appeal 28<sup>th</sup> 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 28<sup>th</sup> 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 of 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 24<sup>th</sup> July 2020).

## 1.5 Environmental Impact Assessment

1.5.1 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, below.

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 impede 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. It should be noted 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 (paragraph 2.6.x) 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. 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 ( $\text{mm/s}^{-1}$ ). 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 at Lomond Quarry on 29<sup>th</sup> August 2022 was reported to Fife Council as follows:

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

The officially recorded measurement for that blast is therefore  $1.00\text{mm/s}^{-1}$  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  $3\text{mm/s}^{-1}$  causes alarm within the community and there is a suggestion that  $3\text{mm/s}^{-1}$  should be conditioned as the maximum permitted blast level (Leslie Community Council's representation suggests that the maximum permitted blast level should be  $6\text{mm/s}^{-1}$ , with 95% of all blasts not to exceed  $3\text{mm/s}^{-1}$ ). 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 High Pressure 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  $6\text{mm/s}^{-1}$  and designs blasts such that vibration levels of around  $3\text{mm/s}^{-1}$  to  $4\text{mm/s}^{-1}$  are typically achieved, with  $6\text{mm/s}^{-1}$  not being breached. To be forced to operate to a PPV limit of  $3\text{mm/s}^{-1}$  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  $6\text{mm/s}^{-1}$  to  $10\text{mm/s}^{-1}$  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  $6\text{mm/s}^{-1}$ , with an absolute limit of  $12\text{mm/s}^{-1}$ . 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 3<sup>rd</sup> 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  $12\text{mm/s}^{-1}$  and average levels should not exceed  $10\text{mm/s}^{-1}$ . The average blast levels over the last 5 years at the regular monitoring points are as follows:

Ramsay Gardens –  $2.81\text{mm/s}^{-1}$  ppv  
Paterson Park –  $2.52\text{mm/s}^{-1}$  ppv  
Paterson Cottages –  $2.62\text{mm/s}^{-1}$  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  $7.47\text{mm/s}^{-1}$  on 1<sup>st</sup> December 2017. The average of all blasts carried out within that time is  $2.73\text{mm/s}^{-1}$  ppv. Overall, in statistical terms:

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

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  $10\text{mm/s}^{-1}$  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.x of this Report of Handling). For context, even minor cosmetic damage to property will not occur under blast levels of  $15\text{mm/s}^{-1}$  ppv. As indicated in paragraphs 2.3.x and 2.3.x (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 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, ensuing 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. 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 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).

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 southeastern 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 19<sup>th</sup> Century residential building, the impact of the loss of which was noted as "minor" in the Cultural Heritage Assessment. The demolition of the 19<sup>th</sup> 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, habitat 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 <a href="https://vimeo.com/607807732">https://vimeo.com/607807732</a>
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  $3\text{mms}^{-1}$  ppv (95% of all blasts per annum) with a never exceed limit of  $6\text{mms}^{-1}$  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  $3\text{mms}^{-1}$  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 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 10<sup>th</sup> May 2011.

Reason: In the interests of protecting residential amenity.

14. 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.

15. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mms<sup>-1</sup> 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<sup>-1</sup> 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.

16. 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 (or full audio playback to identify extraneous noise) by a competent person of LAeq, 15 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 16 of the planning permission hereby granted shall apply.

Reason: In the interests of protecting residential amenity.

17. The operator shall adhere to the dust monitoring scheme currently in operation at Lomond Quarry, agreed with Fife Council as Planning Authority on 20<sup>th</sup> 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. Groundwater levels should be monitored monthly and submitted to Fife Council as Planning Authority annually. 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.

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. PRIOR TO THE COMMENCEMENT OF ANY NEW WORKS APPROVED BY THIS PERMISSION, a 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.

31. 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.

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

32. 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 and Case Officer  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 26/07/2022

7th December 2016

Agenda Item No. 8

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## Update on Lomond Quarry, Leslie

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

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Wards Affected: 14,15 and 16

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### Purpose

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

### Recommendation(s)

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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 10<sup>th</sup> 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

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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

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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

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

## Consultation

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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 19<sup>th</sup> May and 10<sup>th</sup> November, 2016.

## 1.0 Background

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- 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

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- 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 10<sup>th</sup> 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<sub>2.5</sub> and PM<sub>10</sub> 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<sub>2.5</sub> and PM<sub>10</sub> 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 14<sup>th</sup> 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 12<sup>th</sup> November 2014.
- 2.8 There are therefore no outstanding issues from the Capita Symonds report yet to be resolved.

### **3.0 Conclusions**

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- 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 14<sup>th</sup> 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

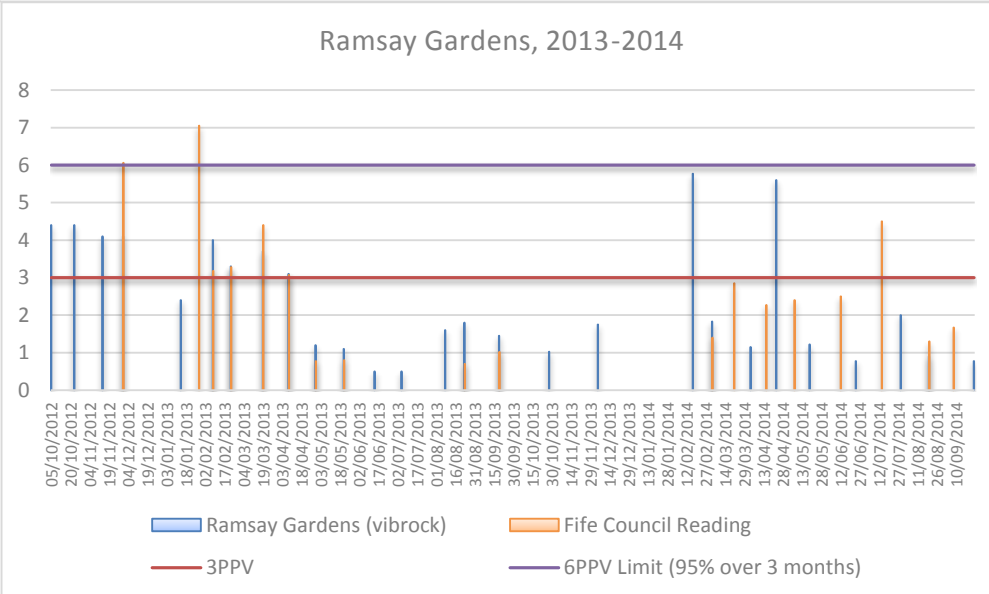
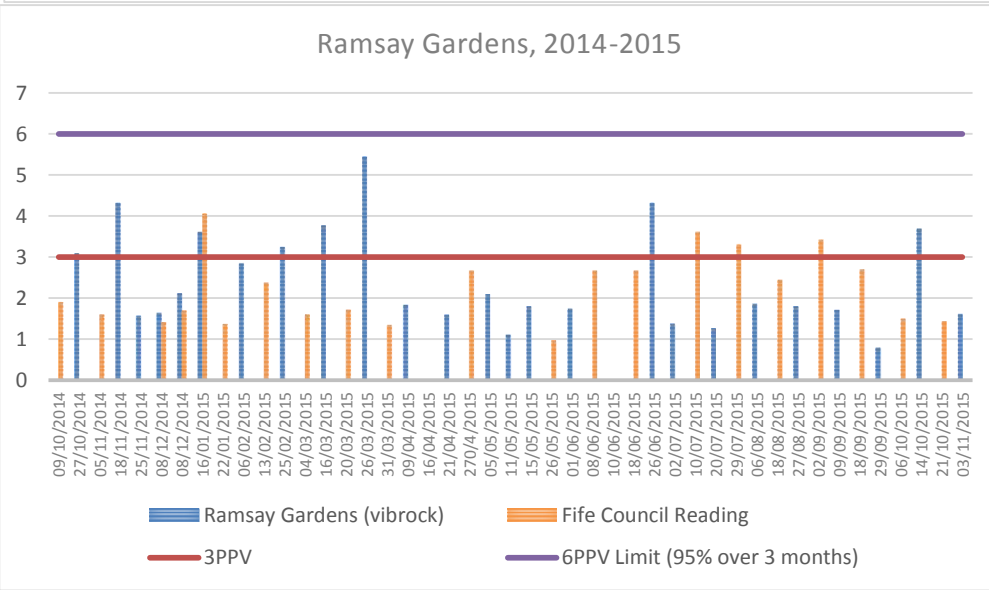
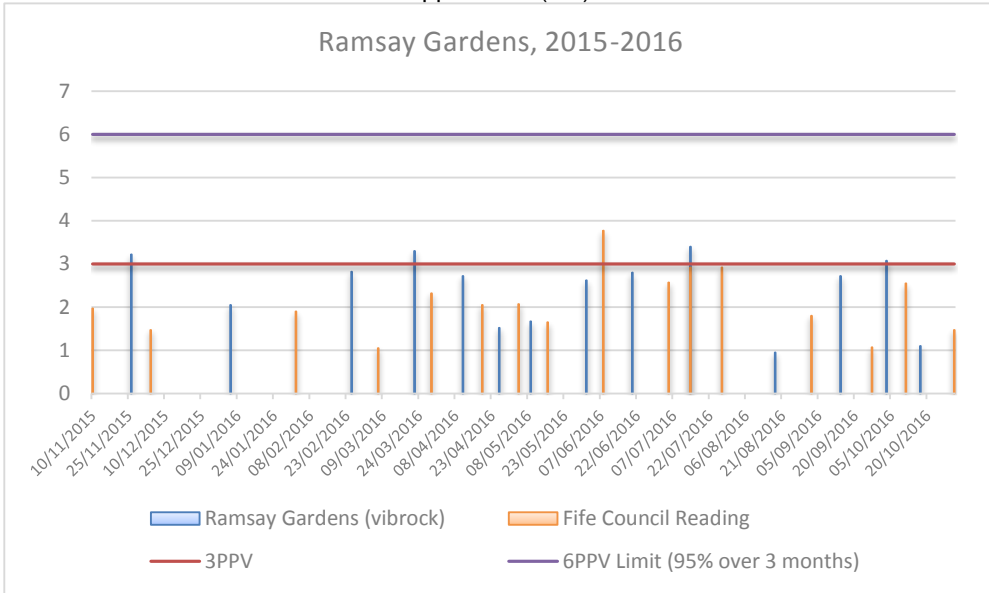
<http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&pubid=B8F803A4-DB6C-36C6-D0AFE43C20635862>

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Appendix 1 (1/3)

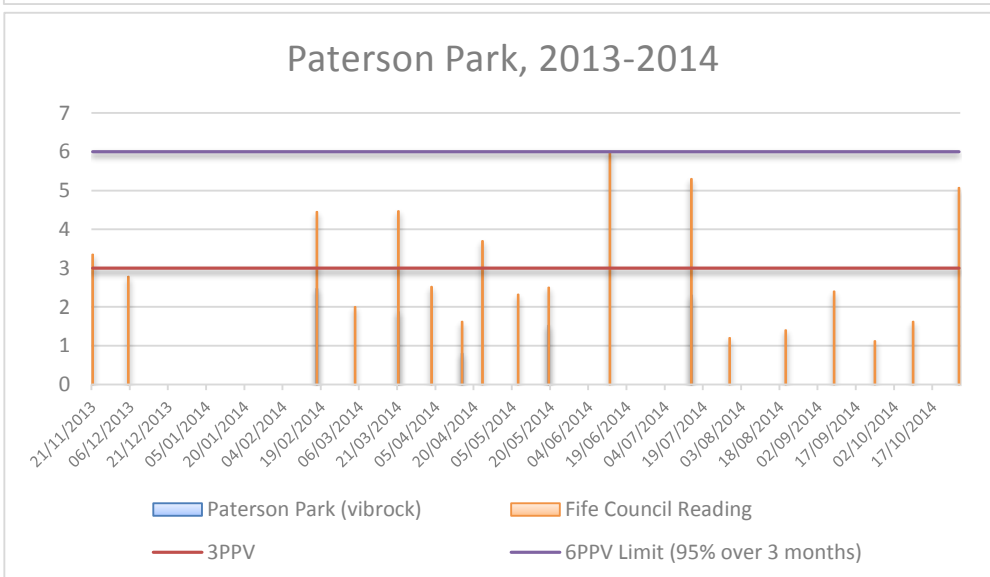
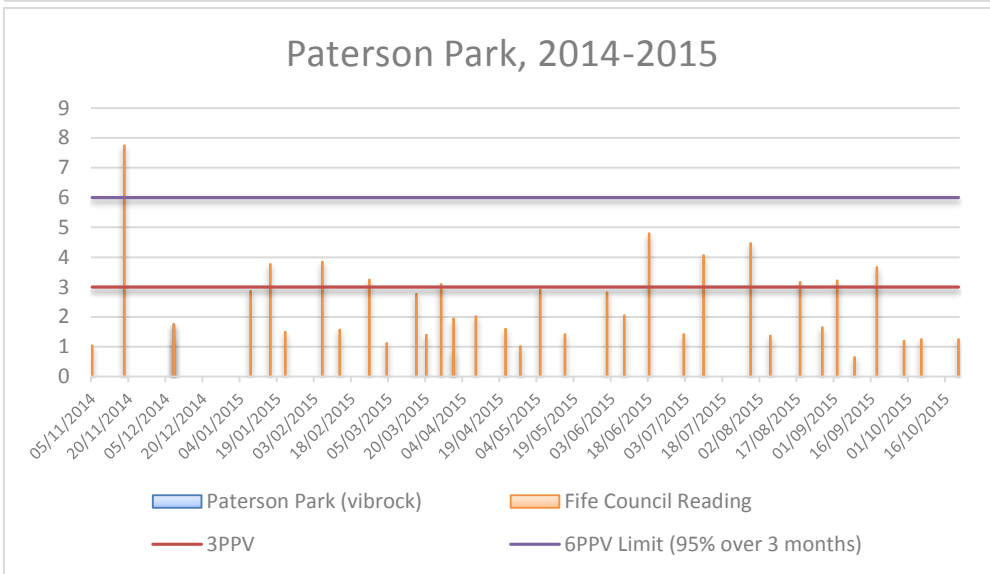
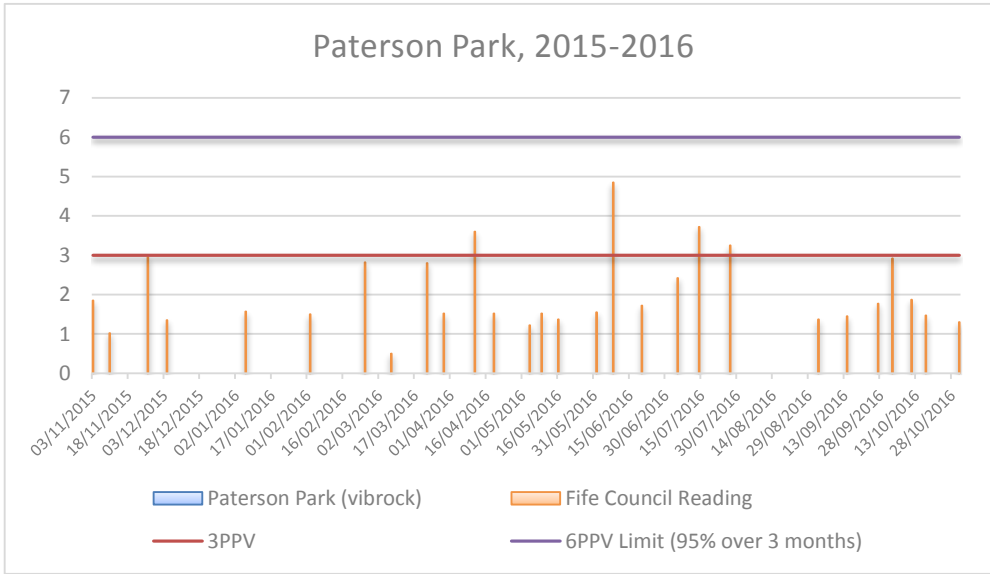


**Note:**

\*Max Blast Limit 12 PPV

\*\*15 PPV Potential Cosmetic Damage

Appendix 1 (2/3)

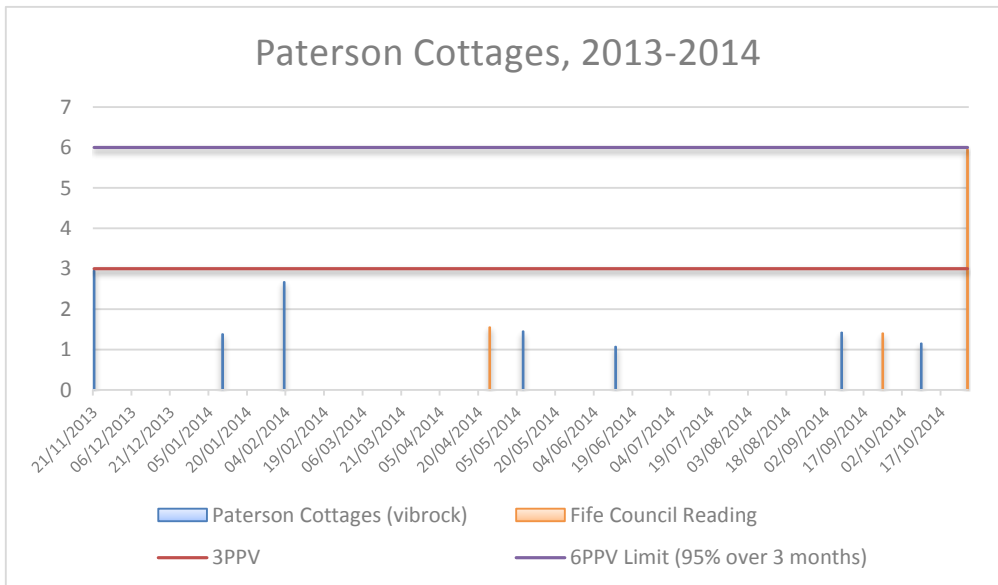
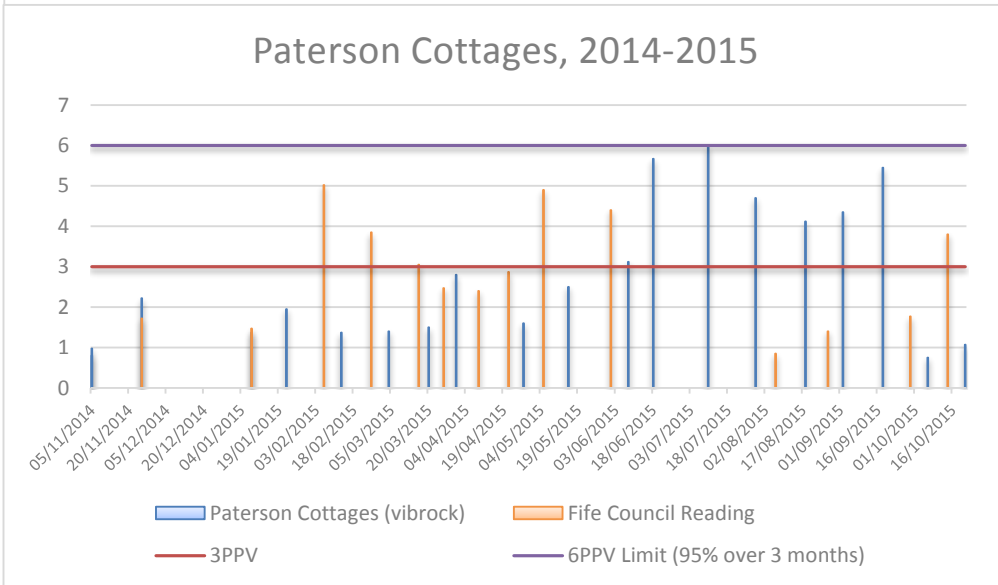
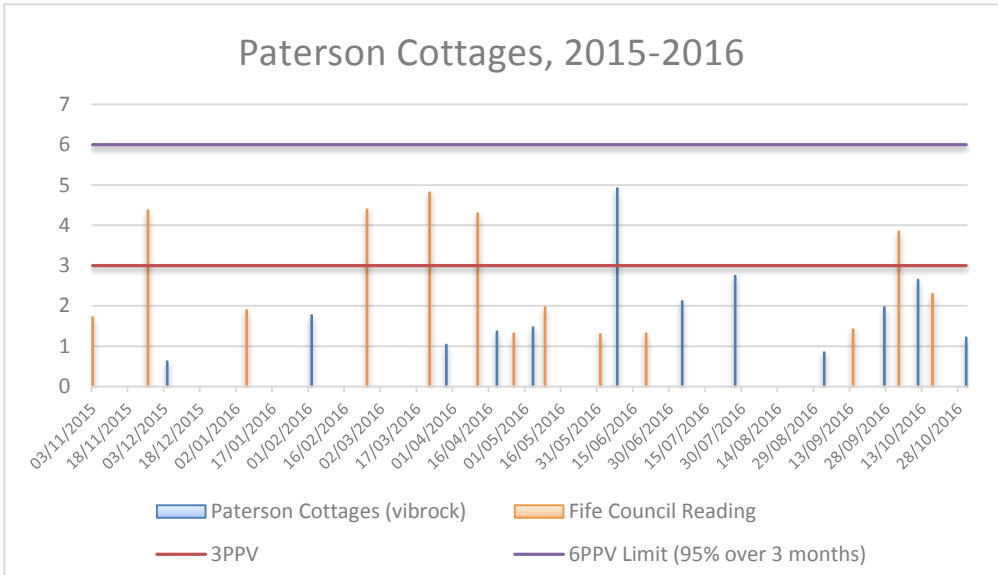


**Note:**

\*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 10<sup>th</sup> 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

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Economy, Planning and  
Employability Services

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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 10<sup>th</sup> 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<sub>2.5</sub> and PM<sub>10</sub> 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 (6<sup>th</sup> 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 12<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 PM<sub>10</sub> is currently 18 µg.m<sup>-3</sup>. Ricardo-AEA concluded that the modelled background concentration of PM<sub>10</sub> at the play park is 12.7 µg.m<sup>-3</sup>, while a predicted additional concentration of 0.9 µg.m<sup>-3</sup> associated with Lomond Quarry and its vehicle movements was calculated. The total predicted PM<sub>10</sub> concentration of 13.6 µg.m<sup>-3</sup> is well within the 18 µg.m<sup>-3</sup> objective.
- There are currently no statutory air quality objectives for particulate matter PM<sub>2.5</sub>, however Ricardo-AEA advise that the PM<sub>2.5</sub> impact around Lomond Quarry is likely to be even smaller than that calculated for PM<sub>10</sub> 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<sup>-3</sup>) 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 PM<sub>10</sub> and PM<sub>2.5</sub>) 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](http://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

<b>MONITORING LOCATION</b>	<b>RAMSAY GARDENS</b> ( ppv in mm/s <sup>1</sup> )	<b>PATERSON PARK</b> ( ppv in mm/s <sup>1</sup> )	<b>PATERSON COTTAGES</b> ( ppv in mm/s <sup>1</sup> )
<b>DATE OF BLAST</b>			
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) <sup>1</sup>	-
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) <sup>2</sup>	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)

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

<sup>2</sup> 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) <sup>3</sup>	-
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) <sup>4</sup>	-
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)

<sup>3</sup> Reading taken alongside Vibrock equipment at Ramsay Gardens to check consistency.

<sup>4</sup> 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><b>149 blasts</b> in 60 months = <b>2.48 blasts per month</b> on average  <b>94 blasts</b> measured <b>UNDER 3 mm/s<sup>1</sup></b> ( 63% )  <b>147 blasts</b> measured <b>UNDER 6 mm/s<sup>1</sup></b> ( 99% )  <b>2 blasts</b> measured <b>OVER 6 mm/s<sup>1</sup></b> ( 1% )  <b>149 blasts</b> measured <b>UNDER 10 mm/s<sup>1</sup></b> ( 100% )  <b>Average blast measurement</b> over 5-year period = <b>2.73 mm/s<sup>1</sup></b></p>			

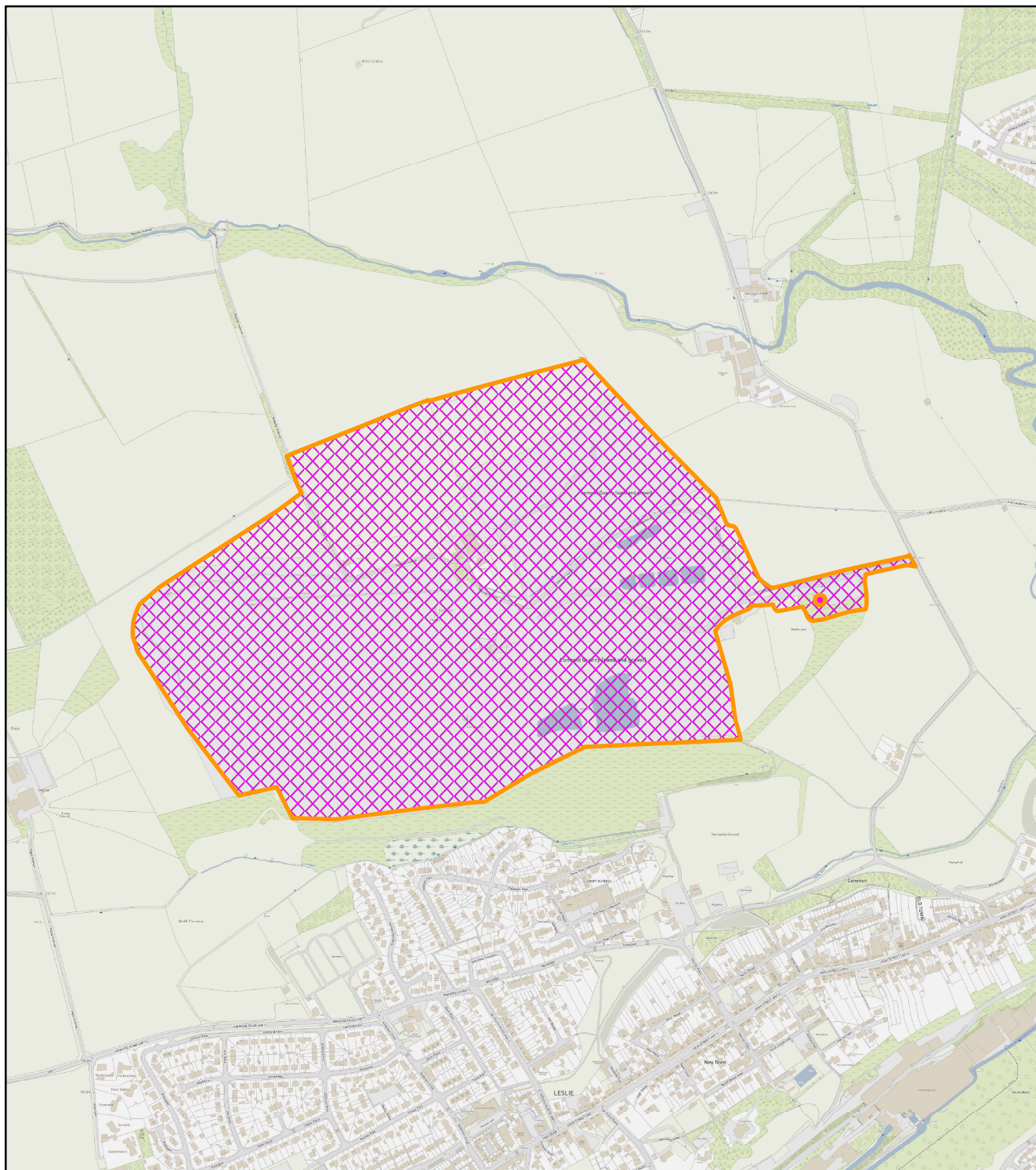
(V) – Vibrock Operative reading

(FC) – Fife Council Officer reading

ppv – peak particle velocity

# 21.00287.EIA

## Lomond Quarry Balsillie Avenue Balgillie



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### Legend

 Application Boundary

0 50 100 200 300  
m



**Fife**  
COUNCIL  
Economy, Planning & Employability Services



**ITEM NO: 5****APPLICATION FOR PLANNING PERMISSION (EIA DEVELOPMENT) REF:  
22/01557/EIA****SITE ADDRESS: LAND TO EAST OF WHITEFIELD ROAD DUNFERMLINE****PROPOSAL : GROUND REMEDIATION WORKS TO STABILISE SHALLOW  
MINE WORKS ASSOCIATED WITH HALBEATH SDA (PHASE 1)****APPLICANT: TAYLOR WIMPEY EAST SCOTLAND  
1 MASTERTON PARK SOUTH CASTLE DRIVE DUNFERMLINE****WARD NO: W5R02  
Dunfermline North****CASE OFFICER: Bryan Reid****DATE 07/06/2022  
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

It is a major application which is supported by an Environmental Impact Assessment and has received an objection from the Community Council.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**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 Site

1.1.1 The application site relates to an area of approximately 17.2 hectares at the north east edge of Dunfermline. The site is located within the settlement boundary and is in use for agricultural purposes. The site is known to have been subject to historic mining. The farm buildings of Wester Whitefield Farm are located centrally within the application boundary. The site is allocated as Halbeath and forms part of the North Dunfermline Strategic Development Area. The northern boundary of the site borders the B912 (also known as Kingseat Road) which is one of the routes between Dunfermline and Kingseat. There is a newly installed cyclepath/footpath which runs alongside the road. The western boundary borders Whitefield Road which connects the B912 to Halbeath Road in the south. Glenalmond cottage sits on Whitefield Road with the site surrounding the property to the north, east and south. The southern boundary of the site borders the Queen Margaret Fauld residential area and Buckie Stables and associated land. There is an area of vegetation between this site and the properties at Queen Margaret Fauld. The Queen Margaret Hospital is further to the south west and accessed from Whitefield Road. To the east of the site is further agricultural land, which is also allocated as Halbeath, forming part of the North Dunfermline Strategic Development Area. The site's topographical features include a ridge line which runs from the northwest of the site to the east, and then beyond the site to the Buckie Burn. The Buckie Burn is located around 250m to the east of the site, and is set within a deep ravine for much of its length. This area is also known locally as The Dean. None of these features would be affected by the proposed development. The site contains a culverted watercourse along its southern boundary which de-culverts within the site and joins the Buckie Burn (outwith the site boundary). A lost right of way route runs along the southern site boundary. The site is undulating in nature but generally slopes downwards in a southerly direction.

1.1.2 As indicated above, this site is located within allocation DUN043 (North Dunfermline Strategic Development Area (SDA) - Halbeath) of the Adopted FIFEplan Local Development Plan (2017). DUN043 is described as a residential development site (with estimated housing capacity of 1400 units) which may have an element of employment and would require a new primary school. The application site covers approximately 22% of the 79.2ha allocated DUN043 site. The North Dunfermline Strategic Development Area also covers 7 other sites across the north of Dunfermline and has an overall estimated housing capacity of 2850 units. The site is also covered by FIFEplan proposal DUN067 which looks to deliver a Northern Link Road (NLR) for Dunfermline.

## 1.2 Proposal

1.2.1 The application is for full planning permission for ground remediation works to stabilise past shallow mine workings. No other development works are proposed through this application. The purpose of the proposed grouting is to fill underground voids and cavities that could lead to ground settlement. The stabilisation of the abandoned mine workings would be carried out through drilling and pressure grouting. The process involves the drilling of treatment boreholes on a closely spaced grid, across the identified areas of potential mining instability as identified in ground investigations. The boreholes are all drilled to a depth of 1.0m below the depth of workings/intact coal seam. Grout, a mixture of cement, PFA and sand, is mixed with water and pumped into the mine workings via the treatment boreholes using flexible tubing. When the injected grout surfaces from the borehole the hole is then pressurised to ensure that no further grout can be injected.

1.2.2 The ground remediation works are proposed to prepare the site for future residential development through the site's SDA allocation. The application site is identified as 'phase 1' of the Halbeath SDA development masterplan, encompassing the land proposed for development pods 1-4. Phase 1 of the Halbeath SDA development would include approximately 340 residential units, with a mix of market and affordable units, whilst also including landscaping, open space, the re-routing of Whitefield Road, SuDS and de-culverting the southern boundary watercourse. The future development of the site would be subject to the approval of planning permission, most likely through 17/01667/EIA (which planning committee has indicated it is minded to grant) and subsequent applications for Matters Approved in Conditions.

### 1.3 Planning History

1.3.1 There are three associated applications with the application site.

- 17/01677/EIA includes the current application site and an additional 62ha of land to the east. This application is for planning permission in principle for residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure. A main stretch of the NLR would be delivered through this development. This application covers the entirety of the Halbeath SDA site (DUN043). Following a meeting of the West Planning Committee on 16th January 2019, Fife Council issued a draft decision notice for this application confirming that they were minded to grant planning permission subject to the signing of a legal agreement. Discussions have been ongoing between Fife Council and the applicant/developer since this issuing of the draft decision notice, with the planning permission in principle application yet to be formally approved.
- 17/01686/EIA covers the same 17.2ha site of the current application. This application proposes the first phase of development within the Halbeath SDA site for roughly 340 units. This application is under assessment by the Planning Authority and is pending consideration.
- 21/02550/DPN covers the area of land within the current application occupied by Wester Whitefield Farmhouse and associated steading buildings. This prior notification for demolition application was approved by Fife Council in September 2021.

1.3.2 As noted, this site forms part of the North Dunfermline SDA. In terms of other parts of the SDA the following have been received:

- 17/00103/PPP - Land to the north of Wellwood (DUN044) - Planning permission in principle for residential development, access roads, realignment of watercourse, open space and other associated development. This application was refused by the Planning Authority in October 2019 and is currently at appeal before Scottish Ministers (DPEA).
- 18/03293/FULL - Kent Street (DUN038) - Construction of 92 residential units, access, landscaping and associated development. This application was refused by the Planning Authority in July 2019 where the decision was subsequently appealed to Scottish Ministers (DPEA). The DPEA sustained the appeal and granted planning permission in June 2020.
- 19/01725/PPP - North Dunfermline Colton (DUN039) - Planning permission in principle for residential development, open space areas, path and cycle network and associated development at Colton SDA. Fife Council issued a draft decision notice (minded to grant planning permission) in October 2021, subject to the signing of a legal agreement.

1.3.3 Outwith the specific planning history for the site, the Environmental Statement prepared for application 17/01677/EIA (a copy of which has been submitted with this application) provides a general history for the wider Halbeath SDA site. It notes that the site was in use for agricultural until the mid-18th century. From this point, coal mining was carried out within the Whitefield colliery within the site, and it was said to contain an immense quantity of excellent coal while the Halbeath colliery also within the site was said to contain eight or nine seams of good workable

coal, amounting in all to upwards of thirty feet. By the mid-nineteenth century the coalfield at Halbeath colliery was reported to be very extensive, including several hundred acres. Halbeath Colliery occupied the north east part of the site. Historical maps showed that along with Wester Whitefield farm and Pleasance farm there was also an Easer Whitefield farm. This has now been demolished. They also showed in the mid-19th century that the site was increasingly industrialised with Halbeath Colliery, associated housing at Long Row and Black Row, air shafts, other miners housing and Whitefield coal pit. While Long Row still exists to the north east of the site, the miners cottages and the houses at Black Row are now removed. Black Row being demolished by 1915. A railway line appears to have been in place between the 1850's and early 20th century and then removed. There was also a croft on the site but this was demolished by 1965. The mining works appear to have ceased within the site at Halbeath and Whitefield Collieries prior to the 20th century. Following their closure there has been no significant changes on site with the site largely being used for agriculture once more (apart from the areas associated with the rail tracks).

#### 1.4 Application Process

1.4.1 The application site area is greater than 2 hectares and therefore the proposal is categorised as a Major development within the Town and Country Planning (Hierarchy of Developments) Regulations 2009. Pre-application consultation (PAC) is a statutory requirement for all major developments. A proposal of Application Notice (PAN) for the wider proposal was submitted on 9th February 2016 (ref: 16/00503/PAN), with the applicant going on to carry out the agreed consultation measures/events. A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal was submitted as part of this application for the wider site (17/01677/EIA).

1.4.2 The 2016 PAN was submitted under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Circular 3/2013 Development Management Procedures is clear that there is 'no statutory maximum length of time between carrying out PAC and submitting the related planning application'. Neither the Regulations nor Circular 3/2013 prevent more than one planning application being submitted under the same PAN, provided there is the necessary link between the description and the content of the application. As the proposed ground remediation works form an essential component of the works necessary to deliver the wider residential-led mixed-use development at the Halbeath SDA site, it is considered that the works fall within the terms of the PAN submitted in 2016. Therefore, there is no requirement for the applicant to carry out PAC events. A PAC addendum report has been submitted as part of this application, providing a summary of the relevant consultation and feedback from the original PAC process specifically relating to the proposed ground remediation works. The Planning Authority is satisfied with the content of the PAC addendum report.

1.4.3 The application was advertised in the local press as being a Schedule 3 ('bad neighbour') Development.

#### 1.5 Environmental Impact Assessment Process

1.5.1 This application requires assessment in accordance with the Environmental Impact Assessment (Scotland) Regulations 2011 and an Environmental Statement (ES) has been submitted with this application. It should be noted that the Environmental Impact Assessment Regulations were updated on 16th May 2017, however these Regulations outline transitional arrangements for applications where a Scoping Opinion was issued prior to the 2017

Regulations coming into force, stating that such planning applications should be determined under the Environmental Impact Assessment (Scotland) Regulations 2011. A Scoping Opinion for the wider development subject of the draft decision notice (17/01677/EIA) was requested under the 2011 EIA Regulations prior to the 2017 EIA Regulations coming into force. This current proposal (to undertake ground remediation works) forms part of the same project assessed under a previous EIA. The Scoping Opinion provided by Fife Council remains valid for this application and the 2011 EIA Regulations therefore continue to apply in these circumstances.

1.5.2 The ES which accompanies this planning application includes chapters on the EIA Regulations, Project Description, Planning Background, Landscape and Visual Impact, Ecology, Cultural Heritage, Environmental Noise, Air Quality, Hydrology and SuDS, Traffic and Transportation, Ground Conditions, Construction Impacts and Socio-Economic Impacts. Each assessment chapter of the ES includes information relating to the key planning and policy context of the relevant impact being examined in the chapter, baseline conditions of the site/surroundings, an identification and evaluation of key impacts (including cumulative impacts), details of design-based mitigation and other proposed mitigation, and the residual effects of the development. Prior to submission of the application, an EIA Scoping Opinion 16/00983/SCO was issued by the Council which has been used to inform the structure and contents of the ES. The application is also supported by the ES which was submitted for application 17/01677/EIA for the wider development site (termed the 'original ES').

1.5.3 The Environmental Impact Assessment (Scotland) Regulations 2011 suggests consideration should be given to alternative development options for a site and the ES to present the reasoning for the choice of the site and its location.

1.5.4 With the submission of the ES, the relevant statutory consultees have been notified of the application. The application has also been advertised in the Courier and the Edinburgh Gazette respectively as an application which requires an Environmental Impact Assessment.

## 2.0 EXECUTIVE SUMMARY

2.1 Having regard to the provisions of the development plan, and the concerns raised during the course of the planning application process, the main issues in the consideration of this application for planning permission are:

- Principle of Development
- Ground Conditions and Mining Risk
- Residential Amenity
- Flood Risk and Drainage

2.2 The development is located within the settlement boundary of Dunfermline and allocated as part of the North Dunfermline Strategic Development Area (SDA) (Halbeath)(DUN043) within the Adopted FIFEplan (2017), with the application site also including a small section of FIFEplan allocation DUN067 which is an infrastructure designation for the NLR. The SDA is also promoted through the SESplan Strategic Development Plan (SESplan) (2013). This application is related to a previous planning permission in principle application (17/01677/EIA) for the development of the Halbeath SDA site for which the Planning Authority has issued a draft decision notice confirming that they intend to grant planning permission once a legal agreement has been signed. As the legal agreement for the planning permission in principle (PPP) is yet to be signed, the applicant is unable to progress Approval of Matters Specified in Conditions (AMSIC) applications and commence any development on the site. The delay in concluding the legal

agreement has in turn delayed the start of works on site for this strategic development and in order to progress matters and allow for site preparation works to take place whilst the legal agreement is finalised, the applicant has submitted this application for full planning permission for ground remediation works to stabilise past shallow mine workings. No other development works are proposed through this application. The ground remediation works are proposed to prepare the site for future residential development through the site's SDA allocation - applications for which would be progressed through the AMSiC process following the approval of the PPP. The application site is identified as 'Phase 1' of the Halbeath SDA development masterplan, encompassing the land proposed for development pods 1-4 - Phase 1 of the Halbeath SDA development would include approximately 340 residential units, with a mix of market and affordable units, whilst also including landscaping, open space, the re-routing of Whitefield Road, SuDS and de-culverting the southern boundary watercourse. Whilst the application site includes a small section of the route identified in FIFEplan for the NLR (DUN063), none of the NLR would be delivered within Phase 1 - the route and timing of delivery of the NLR through DUN043 has previously been considered acceptable by the Planning Authority. It is recognised that it could be considered a risk to approve this application for remedial ground works to take place on the site when PPP is not yet in place, this risk is considered to be minimal given the Council's draft decision which confirms that the PPP will be approved as soon as the necessary legal agreement has been signed. Whilst the draft decision notice was issued in January 2019, the Planning Authority has remained in active discussions with the applicant since that time and is satisfied that the legal agreement is progressing towards completion. The benefits of permitting the applicant to make a legal start on site and put in place the necessary ground remediation measures, are also noted, with this enabling the strategic development to progress timeously. Overall, the development is considered acceptable in principle and would be in accordance with Policy 1 of the Local Development Plan subject to detailed considerations.

2.3 The site is within a High Risk Coal Mining area and has an extensive history of use for coal mining of different forms. The ES (Chapter 12) confirms that intrusive site investigation has been carried out, as well as a Mining Risk Assessment. These assessments consider the potential impacts on the geological environment, including the existing, subsurface, abandoned mine-workings beneath the site, a legacy of its extensive history of coal mining. The results of the investigations carried out on site thus far confirmed that significant historical mineworkings are present within the site area. Grouting of the former workings and capping of mineshafts will therefore be required to facilitate future residential development. The purpose of the proposed grouting is to fill underground voids and cavities that could lead to ground settlement. Stabilisation of abandoned mine workings by drilling and pressure grouting is a long-established, and widely used, method of mitigating the potential impacts of historic mining beneath areas proposed for development. Where areas of mining instability are identified, these would be subject to stabilisation by drilling and pressure grouting. This technique involves drilling of closely spaced treatment bores into the mine-workings and the injection of cementaceous grout to fill any voids within the workings. The ES provides an overview of the mitigation measures to ensure the proposed remediation works are carried out in accordance with best practice, with works appropriately monitored. In addition to planning permission, the proposed grouting and impacts on mine water hydrology will require separate consents from SEPA and the Coal Authority. Overall, the development would be in compliance with National Policy and the Development Plan in this regard.

2.4 The impact on residential amenity has been considered particularly with regards to noise as there are no buildings or permanent structures proposed which could impact adjacent properties in terms of loss of sunlight/daylight or privacy. The ES aims to identify measures to ensure that

noise from the proposed drilling and grouting operations shall not exceed 55dB LAeq 12-hours and, where practicable, to be less than the relevant background noise level +10dB(A) at the nearest noise-sensitive receptors (NSRs). Noise from the proposed drilling and grouting was predicted in accordance with BS5228. With mitigation in place, which would include temporary acoustic barriers, noise from the operations is predicted to comply with the 55dB LAeq 12-hour absolute limit set out in PAN50 Annex A for all scenarios, however noise from the operations is predicted to exceed the background noise level by more than 10dB(A) at Queen Margaret Fauld given the very low background noise level. Nevertheless. It is considered that the appropriate phasing of the works, selection of quiet plant equipment and adherence to a noise management plan, which would be the responsibility of the appointed contractor, the potential for significantly adverse noise impacts to occur would be reduced. Overall, it is considered that the proposed development would not give rise to significantly adverse environmental noise impacts.

2.5 In general, the site slopes down from north to south, with a low-lying area in the southern part of the site near the culverted watercourse. There is also a distinct ridge that runs east-west through the site, with a steep slope down from approximately 130m to 120m AOD contour. In terms of surface water hydrology, there are two unnamed watercourses ('west' and 'south') which flow close to or within the site; both are tributaries of the Buckie Burn, which flows in a southerly direction approximately 180m to the east of the site. The Buckie Burn is the main receptor of water runoff from the site. Chapter 10 of the ES considers the hydrological and drainage impacts of the proposed development against the baseline. This Chapter of the ES furthers on from the original ES which noted that future consideration would be needed as to the cumulative effect of grouting. The potential impacts of the grouting works, during construction include: grouting causing change in groundwater levels and increased risk of flooding; grouting causing pollution of groundwater; pollution from plant machinery and spillages causing pollution, run-off from site compound (surface water); risk of impact to surface water quantity (flood risk) from grouting activities; and risk of impact to surface water quality from grouting activities. The main receptor is groundwater, which is considered in the ES to be of medium sensitivity. The surface water receptor is the Buckie Burn and its tributaries, which are also considered to be of medium sensitivity within the ES in terms of water quality and flood risk. Chapter 10 of the ES states that the risk of impact to surface water quantity (flood risk) from grouting activities is medium; magnitude of impact is negligible; duration of impact is short term temporary; and significance is negligible. The ES sets out that with the recommended mitigation measures in place, the residual effects of grouting activities on surface water quantity and quality would be negligible. Through the use of planning conditions to ensure the mitigations measures set out in the ES are adhered to, the Planning Authority is satisfied that the proposed remedial ground works would have a negligible impact on the existing water environment.

### 3.0 PLANNING ASSESSMENT

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

- Principle of Development
- Ground Conditions and Mining Risk
- Landscape and Visual Impact
- Residential Amenity
- Natural Heritage
- Built Heritage/ Archaeology and Cultural Heritage
- Impacts on Road Network
- Flood Risk and Drainage
- Air Quality

## 3.2 Principle of Development

3.2.1 The site is located within the settlement boundary of Dunfermline and is allocated as part of Dunfermline North Strategic Development Area (SDA) (DUN043) within the Adopted FIFEplan (2017). Scottish Planning Policy (SPP) (2014) seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and, a more connected place. Scottish Planning Policy (SPP) promotes the use of the plan-led system with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act. The SPP (Enabling the Delivery of New Housing) also requires the Development Plan to identify a generous supply of housing land, within a range of attractive, well designed sites that can contribute to the creation of successful and sustainable places. The Development Plan is the preferred mechanism for the delivery of housing / residential land rather than individual planning applications.

3.2.2 The development plan comprises the SESplan Strategic Development Plan 2013 - 2032 (2013) and the Adopted FIFEplan (Fife Local Development Plan) (2017). Approved SESplan - Strategic Development Plan (2013) Policy 1A advises that local development plans will indicate the phasing and mix of uses as appropriate to secure the provision and delivery of infrastructure to accommodate development and identify any areas of restraint as a result of environmental and infrastructure constraints. Further to this, proposals should ensure (under Policy 1, Part B) there are no significant adverse impacts on national and local natural or built or cultural designations, they must have regard to the quality of local communities, create more healthy and attractive places to live, contribute to the response to climate change and have regard to the need for high quality design, energy efficiency and use of sustainable building materials. Policy 1, Part C advises that development proposals must be supported by the relevant information or assessments to demonstrate that they will comply with policy criteria.

3.2.3 SESplan (2013) Spatial Strategy sets 13 Strategic Development Areas within 5 Sub Regional Areas and these are considered the locational priorities for development up to 2024. The SESplan (2013) indicates that additional development within Fife should be focussed in the North Dunfermline and Ore/ Upper Leven Valley areas. This application site forms part of the Dunfermline North SDA within SESplan (2013).

3.2.4 The Adopted FIFEplan (2017) allocates seven sites as part of the Dunfermline North SDA. The North Dunfermline SDA is covered by an overriding policy as well as individual Allocations for each site. This site is allocated as Halbeath (DUN043) and is allocated as a large residential development site with an estimated capacity of 1400. The main policy sets out that the SDA will deliver 2850 residential units over the seven sites.

3.2.5 Allocation DUN043 (Halbeath) designates that the site has an estimated capacity of 1400 and sets out the following requirements:

- The site is proposed for residential development as part of the North Dunfermline SDA. An element of employment land may be provided on the site. A new primary school will be provided on the site. Development of the site will deliver part of the NLR. (See additional information above.
- A Flood Risk assessment must be carried out and a 6m buffer strip between the development and the watercourse is required. No development should be within 10m of woodland and wetland habitat along the Buckie Burn. Site investigation required to investigate mining that is believed to have taken place beneath the site. Necessary remediation and mitigation measures to be identified.



- Eastern tip of site is within the Health and Safety Executive consultation zone for the ethane pipeline. Health and Safety Executive must be consulted.

3.2.6 The policy also sets the following Green Network Priorities for DUN043:

- A landscape led development framework should capitalise on the site's landscape assets and panoramic views. Proposals should establish an appropriate landscape setting for the development, and the B912, defining the northern edge of Dunfermline and avoiding perceived coalescence with Kingseat;
- Views of the site and from the site should be assessed early on to inform the site layout. Key views to the south should be retained both within and through the site in views from B912 when travelling downhill from Kingseat;
- Establish a high quality linear 'wetland' green infrastructure along the route of the Buckie Burn and former railway line, which successfully integrates SUDS, biodiversity, landscape, access and greenspace provision, and which is overlooked by an active development frontage;
- Establish new high quality greenspace as an integral part of the wider green network within the site, combining greenspace functions with active travel, habitat and SUDS provision;
- Enhance the landscape setting and habitat value along the core path route that runs east-west through the site; establish an active development frontage on to this access route;
- Establish a new high quality landscape edge along B912, which accommodates off-road active travel provision and enhances this important gateway to Dunfermline from the north-west;
- Provide high quality access links to connect to:
  - Dunfermline Town Centre;
  - Queen Margaret Rail Station;
  - Halbeath and Halbeath Park and Choose;
  - To the north, on to the B912 and to access the wider core path network north of the site;
  - To the west, to access Robertson Road greenspace, and north into Townhill Woods and Country Park.

3.2.7 Policy 1 of the Adopted FIFEplan (2017) states that the principle of development will be supported if it is either within a defined settlement boundary and in compliance with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. The proposal must also meet the criteria set out within parts B and C of the policy. Parts B and C set out impact criteria which will be addressed in later sections of the report where relevant.

3.2.8 The Fife Partnership's Plan for Fife - Local Outcome Improvement Plan 2017-2027 (2017) is Fife's new overall community plan, which aims to deliver real improvements for the people of Fife over the next 10 years resulting in a fairer Fife. The Partnership itself includes many of Fife's key community planning partners. The plan provides a clear focus for all other plans and sits alongside the Local Development Plan (FIFEplan), which deals with physical and spatial planning issues, and the Climate Change Strategy, which sets out what the Partnership aim to do to address climate change and its likely impacts. The Partnership also have 7 local community plans, one for each local committee area. The vision for a fairer Fife is based on 4 priority themes - Opportunities for All; Thriving Places; Inclusive Growth and jobs; and Community Led Services. The plan sets out the main challenges, changes needed and actions required over the next 10 years for each priority area to achieve where Fife wants to be in 2027. In order to ensure progress is made, 12 ambitions have been identified to measure progress and the plan will be reviewed every 3 years to take account of any changes in the challenges and opportunities within Fife during that time. In summary, the 12 ambitions aim to make Fife - poverty free; fair work, affordable, connected, empowered, skilled and healthier. Planning therefore has a key proactive role in helping to achieve these ambitions - for example supporting

proposals which in turn allow people to maximise household incomes and reduce poverty levels; increase employment opportunities and invest in infrastructure; make Fife one of Scotland's best loved tourist destinations; improve health; improve affordability, availability, condition and mix of housing; invest in better connected and digitally enabled communities; and improve local environments. The proposal, which would facilitate the delivery of the SDA development, would contribute towards delivering 3 of the 4 objectives of this document.

3.2.9 The application site is located within the settlement boundary and the principle of this development is set by Allocation DUN043. The application site also includes a small section of FIFEplan allocation DUN067 which is an infrastructure designation for the NLR. This application is related to a previous planning permission in principle application (17/01677/EIA) for the development of the Halbeath SDA site for which the Planning Authority has issued a draft decision notice confirming that they intend to grant planning permission once a legal agreement has been concluded. Application 17/01677/EIA included a masterplan and phasing plan for the residential-led mixed-use development, with a route for the NLR through the site also shown. The application site is identified as 'Phase 1' of the Halbeath SDA development masterplan, encompassing the land proposed for development pods 1-4 - Phase 1 of the Halbeath SDA development would include approximately 340 residential units, with a mix of market and affordable units, whilst also including landscaping, open space, the re-routing of Whitefield Road, SuDS and de-culverting the southern boundary watercourse. The section of the NLR to be delivered by application 17/01677/EIA requires to be completed prior to the occupation of the 540th unit - none of the NLR would be delivered within Phase 1.

3.2.10 As the legal agreement for the planning permission in principle (PPP) is yet to be signed, the applicant is unable to progress Approval of Matters Specified in Conditions (AMSiC) applications and commence any development on the site. The delay in concluding the legal agreement has in turn delayed the start of works on site for this strategic development. In order to progress matters and allow for site preparation works to take place whilst the legal agreement is finalised, the applicant has submitted this application for full planning permission for ground remediation works to stabilise past shallow mine workings. No other development works are proposed through this application. The ground remediation works are proposed to prepare the site for future residential development through the site's SDA allocation/PPP application - detailed applications for which would be progressed through the AMSiC process. As the proposed ground remediation works are to facilitate the delivery of the SDA development, the principle of this type of development in this location is therefore accepted in line Policy 1 part A of the Adopted FIFEplan (2017). It is recognised that it could be considered a risk to approve this application for remedial ground works to take place on the site when PPP is not yet in place, this risk is considered to be minimal given the Council's draft decision which confirms that the PPP will be approved as soon as the necessary legal agreement has been signed. Whilst the draft decision notice was issued in January 2019, the Planning Authority has remained in active discussions with the applicant since that time and are satisfied that the legal agreement is progressing towards completion. The benefits of permitting the applicant to make a legal start on site and put in place the necessary ground remediation measures, are also noted, with this enabling the strategic development to progress timeously.

3.2.11 Overall, the application is considered to be in principle in compliance with Allocations DUN046 and DUN067 and would permit the applicant to make a legal start to developing the site whilst the legal agreement for the PPP application is concluded, ensuring this part North Dunfermline Strategic Development Area is delivered timeously. The development is also considered to be in compliance with Policy 1 of the Adopted FIFEplan in terms of the

development within the policy designation, however this would be subject to compliance with the criteria set out within Parts B and C of this policy which will be discussed throughout the report.

### 3.3 Ground Conditions and Mining Risk

3.3.1 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 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. SPP also makes reference to sites that still contain coal or other mineral reserves and this is relevant in this instance as the site has coal seams below the majority of the site area. The SPP advises that Local Development Plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Fife Councils Minerals Supplementary Guidance also states that opportunities may exist on sites with significant minerals for the resource to be extracted prior to development taking place to avoid sterilisation of minerals. However other guidance also indicates that decisions to extract minerals should take account of the impacts on local communities. As a result, in deciding how to address land stability matters the existence of the remaining coal is a planning issue.

3.3.2 Policy 10 of the Adopted FIFEplan 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 air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas, and contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

3.3.3 The ES (Chapter 12) confirms that intrusive site investigation has been carried out, as well as a Mining Risk Assessment (these reports are contained within the ES). These assessments consider the potential impacts on the geological environment, including the existing, subsurface, abandoned mine-workings beneath the site, a legacy of its extensive history of coal mining. Chapter 12 of the ES assesses the likely impacts of the proposed ground remediation works (grouting) upon ground conditions.

3.3.4 The application site has not been the subject of any significant former development, with the site area essentially characterised by rural farmland and localised farm steading development - the steading buildings and a dwellinghouse were present, however have recently been demolished. The results of the investigations carried out on site thus far confirmed that significant historical mine workings are present within the site area. Grouting of the former workings and capping of mineshafts will therefore be required. The purpose of the proposed grouting is to fill underground voids and cavities that could lead to ground settlement. Stabilisation of abandoned mine workings by drilling and pressure grouting is a long-established, and widely used, method of mitigating the potential impacts of historic mining beneath areas proposed for development. The ES recommends that the grouting works should be undertaken in conjunction with groundwater monitoring to assess and ensure no impact on the receptor. The ES sets out that remedial measures may be required for localised contamination risks associated with the former mine workings. Additionally, the ES sets out that gas remedial measures may be required due to the presence of mine gas, however post grouting gas monitoring will be able to confirm this.

3.3.5 Where areas of mining instability are identified, these would be subject to stabilisation by drilling and pressure grouting. This technique involves drilling of closely spaced treatment bores into the mine-workings and the injection of cementaceous grout to fill any voids within the workings. The ES sets out that negligible impacts from the proposed construction works on the geology of the site are predicted, both during construction and in the long-term (15 years post construction). The ES advises that grouting works would be designed in accordance with current best practice in order to remove subsidence risks to any proposed buildings and adoptable roads. The ES provides an overview of the mitigation measures to ensure the proposed remediation works are carried out in accordance with best practice, with works appropriately monitored. In addition to planning permission, the proposed grouting and impacts on mine water hydrology will require separate consents from SEPA and the Coal Authority.

3.3.6 The Council's Land and Air Quality Team was consulted on this application and confirmed it had no concerns to raise regarding the findings from the site investigations, nor the proposed remediation works. A condition has however been recommended requiring that works stop and Fife Council is notified in the event that any unexpected materials or conditions such as asbestos, hydrocarbon staining, made-ground, gassing, odours or other apparent contamination are encountered during the development process. In that eventuality, a further risk assessment for contaminated land might then become necessary. This condition has been included in the recommendation. Neither SEPA, nor the Coal Authority raised any concerns when responding to their respective statutory consultation requests for this planning application. In addition to planning permission, the proposed grouting and impacts on mine water hydrology will require separate consents from SEPA and the Coal Authority.

3.3.7 Overall, the Planning Authority is satisfied that the proposed development would not give rise to significantly adverse environmental impacts on geology and soils in and around the site, with the development of the site unlikely to give rise to significantly adverse land contamination concerns. The proposal is thus considered to comply with Policies 1 and 10 of FIFEplan.

### 3.4 Landscape and Visual Impact

3.4.1 SPP (Landscape and Natural Heritage) advises that Scotland's landscape and natural heritage are internationally renowned and important and are a key components of the high environmental quality which makes it an attractive place in which to live, do business and invest and as such improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. In terms of landscape, the SPP advises that the landscape in both countryside and urban areas is constantly changing and therefore the aim should be to facilitate positive change whilst maintaining and enhancing its distinctive character. The SPP also advises that different landscapes will have different capacities to accommodate new development, the most sensitive landscapes may have little or no capacity to accept new development, and the siting and design of developments should be informed by local landscape character. Landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes are considered. Careful planning and design can minimise the potential for conflict and maximise the potential for enhancements, however there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted.

3.4.2 The SPP advises that statutory natural heritage designations are important considerations but such designations should not necessarily imply a prohibition on development. The precautionary principle should also apply where the impacts of a proposed development on

nationally or internationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Such a precautionary principle however should not be used to impede development unnecessarily especially when further research, surveys or assessments could remove or reduce such uncertainty. Developments that would have a detrimental effect on international (such as Special Protection Areas or Special Areas of Conservation etc.), national (such as National Scenic Areas, Sites of Special Scientific Interest, National Parks, or National Nature Reserves) or local designations (such as Local Nature Reserves (LNR's), or Local Landscape Area (LLA's) etc.) should not be supported.

3.4.3 The Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009) states that for visual effects or impacts, the two principle criteria which determine significance are the scale and magnitude of effect, and the environmental sensitivity of the location or receptor. A higher level of significance is generally attached to large-scale effects and effects on sensitive or high-value receptors; thus small effects on highly sensitive sites can be more important than large effects on less sensitive sites. The guidelines note that large-scale changes which introduce new, discordant or intrusive elements into a view are more likely to be significant than small changes or changes involving features already within the view. The document goes on to state that changes in views from recognised and important views or amenity routes are likely to be more significant than changes affecting other less important paths and roads.

3.4.4 Policy 1 Part B (7) of the Adopted FIFEplan (2017) states that development must safeguard the character and qualities of the landscape. 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. Policy DUN043 requires a landscape led development framework which capitalises on the site's landscape assets and panoramic views. Proposals should establish an appropriate landscape setting for the development, and the B912, defining the northern edge of Dunfermline and avoiding perceived coalescence with Kingseat.

3.4.5 Chapter 5 of the ES submitted with this application discusses whether the findings of the original ES for the wider residential-led development remains valid and to identify any additional residual landscape and visual impacts and required mitigation as a consequence of the proposed ground remediation works/grouting. The original ES, which was included in the submission of this application, assessed both the short-term and long-term effects of the proposed strategic development. Chapter 12 of the original ES highlighted a requirement to undertake ground remediation works (in the form of grouting) as part of the required mitigation for the wider development. The original ES has, therefore, already considered the impact of the current proposal on sensitive receptors, specifically geology and soils. In the assessment of 17/01677/EIA, the Planning Authority concluded that there would be no significant adverse visual or landscape impact likely from the development, with the Planning Authority agreeing with the original ES that there would be no significant adverse environmental impact.

3.4.6 The development proposal is to undertake ground remediation works to stabilise shallow mine workings within the application site. The stabilisation of these mine workings is required prior to the construction of residential development within the site. The purpose of the proposed grouting is to fill underground voids and cavities that could lead to ground settlement. Stabilisation of abandoned mine workings by drilling and pressure grouting would involve the drilling of treatment boreholes on a closely spaced grid across the identified areas of potential mining instability, with grout, a mixture of cement, PFA and sand, mixed with water and pumped into the mine workings via the treatment boreholes using flexible tubing. The stabilisation of

abandoned mine workings by drilling and pressure grouting is a long-established, and widely used, method of mitigating the potential impacts of historic mining beneath areas proposed for development. The ES sets out that the proposed works are programmed to last approximately 40 weeks. An overview of the plant and equipment proposed to be used on site, as well as details of the proposed site compound have been provided. After the (approximately) 40 week work period, all plant and equipment would be removed from the site and no permanent above ground structures would remain as part of the proposed ground remediation works.

3.4.7 Within the context of the development proposed through 17/01677/EIA, the ES contends that the proposed ground remediation works are considerably smaller in scale and as such, the only potential landscape and visual effects are considered to be to the immediate context in close proximity to the site. The proposed site compound area would be visible centrally within the site along with drilling equipment. Given the scale of these above-ground structures, the ES sets out that they would be fairly inconspicuous within the wider context of the site and only noticeable in views close to the site. Chapter 5 of the ES therefore concludes that the magnitude of change from baseline conditions would be low in the immediate vicinity of the site, reducing to none at further distances. The significance of effect would be negligible close to the site, reducing to none further from the site and not significant. The effect would be temporary and only discernible for the duration of the works and once the proposed ground remediation works have concluded, no permanent above ground structures would remain in place. As such, there would be no permanent effect on any landscape or visual receptors as a result of the proposed ground remediation works. The findings of the original ES, based on this proposed ground remediation works, are thus considered to be unchanged.

3.4.8 Upon review of both the ES which accompanies the application and the original ES (for 17/01677/EIA), the Planning Authority share in the conclusions that the proposed ground remediation works would not have a significant adverse visual or landscape impact when assessed in comparison to the proposed 1,400 unit residential-led mixed used development on the wider SDA site which the Planning Authority has previously concluded would be acceptable. The development is therefore considered to be in compliance with the Development Plan and National Policy.

### 3.5 Residential Amenity

3.5.1 PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. Fife Council Policy for Development and Noise (2021) furthers this guidance. Policy 10 of the Adopted FIFEplan 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. The policy sets out the considerations in this regard which includes impact from noise, traffic movements, construction impacts and loss of privacy, sunlight and daylight.

3.5.2 Given the nature of the proposed below ground works, the proposed ground remediation would not have an adverse impact on the privacy, sunlight or daylight provisions of neighbouring properties. The residential amenity impacts of the proposed development would be limited to noise impacts during the approximately 40 weeks of drilling and grouting works. No noise impacts as a consequence of this proposed development would occur beyond the construction period.

3.5.3 The original ES which accompanied 17/01677/EIA considered construction noise impacts of the development, recommending that prior to the commencement of each phase of construction, the appointed contractors prepare a method statement for the project, setting out noisy operations and how these can be mitigated. It also recommended mitigation and a noise complaints procedure. These matters were captured in the conditions of the draft decision notice for the planning permission in principle.

3.5.4 As above, the proposed ground remediation works would include drilling and grouting and are estimated to take up to 40 weeks to complete. Chapter 8 of the ES considers the potential noise impacts from the proposed ground remediation works, setting out that an assessment based on a conceptual design has been carried out to represent worst-case potential impacts of the works to help inform the requirements for noise mitigation to protect residential amenity. The operations would include drill rigs, pumps, compressors, mobile plant and approximately 16 HGV two-way movements per day over the life of the project. Noise during the proposed grouting operations has the potential to cause significant loss of amenity to adjacent noise-sensitive receptors during the daytime. The ES sets out that the proposed operations shall be restricted to normal hours of operation (08:00 - 18:00) so the potential impact is on residential amenity, rather than sleep disturbance. The ES is informed by a noise impact assessment which predicts the noise impacts from the development in accordance with BS5228 (Code of practice for noise and vibration control on construction and open sites) through the use of four operational scenarios that are intended to include worst-case conditions for all receptors. Each of the scenarios include up to 5 drill rigs and associated grouting operations operating simultaneously. Chapter 8 of the ES aims to identify measures to ensure that noise from the proposed drilling and grouting operations shall not exceed 55dB LAeq 12-hours and, where practicable, to be less than the relevant background noise level +10dB(A) at the nearest NSRs.

3.5.5 The background noise levels used to inform the ES were taken from measurements undertaken in 2016 to inform the original ES. The location and findings of these measurements were previously accepted by the Planning Authority and it is considered unlikely that the background noise levels would have significantly altered since the measurements were taken. Noise from the proposed drilling and grouting was predicted in accordance with BS5228. Annex E of BS5228 includes an assessment framework for assessing the significance of construction impacts, where daytime levels are <65dB LAeq (07:00 - 19:00). The recommended upper noise limit in residential external amenity spaces during daytime hours (07:00 -19:00) is 55dB (WHO, 1999 and PAN50). Notwithstanding these recommended noise levels, PAN50: Controlling the environmental effects of surface mineral workings (Annex A) notes that in quieter areas noise from a proposed development which exceeds the existing background noise level by more than 10dB(A) could give rise to major adverse impacts. PAN50 also advises that a short relaxation of noise limits should be offered for operations designed to mitigate noise impacts from a construction project in the longer-term, for example the creation of an acoustic bund - an upper limit of 70dB is recommended depending on the duration of the operations.

3.5.6 With mitigation in place, which would include temporary acoustic barriers, noise from the operations is predicted to comply with the 55dB LAeq 12-hour absolute limit set out in PAN50 Annex A for all scenarios, however noise from the operations is predicted to exceed the background + 10dB objective at receptors at Queen Margaret Fauld given the very low background noise level - measured as 41-46dB LAeq 1hr.

3.5.8 There is a concern that the construction noise being more 10dB above background level at Queen Margaret Fauld could give rise to adverse residential amenity impacts for residents. Nevertheless, it is recognised that that ES considers a worst-case scenario, with all equipment in

use simultaneously within close proximity to the NSRs (residential properties). It is considered that the appropriate phasing of the works, selection of quiet plant equipment and adherence to a noise management plan, which would be the responsibility of the appointed contractor, would reduce the potential for significantly adverse noise impacts to occur. A condition is recommended to ensure that a noise management plan is submitted to the Planning Authority for written approval and therefore adhered to. A condition is also recommended to ensure that details of temporary noise barriers and site/equipment enclosures are submitted for the prior written approval of the Planning Authority. Such conditions are similar to those included on the draft decision notice for application 17/01677/EIA. Through the recommended mitigations measures and planning conditions, it is considered that the proposed development would not give rise to significantly adverse environmental noise impacts.

3.5.9 The proposed development would not have any detrimental impact in terms of residential amenity and would have no significant environmental impact in terms of noise. The proposal is therefore considered to comply with the Development Plan subject to conditions requiring the specified additional information and appropriate mitigation where required.

### 3.6 Natural Heritage

3.6.1 SPP (Valuing the Natural Environment) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration. SPP states that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.

3.6.2 The Scottish Government's Control of Woodland Removal Policy (2009) includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.

3.6.3 Policy 1 Part B (9) of the Adopted LDP states that development must safeguard or avoid the loss of natural resources. Policy 13 of the Adopted FIFEplan also outlines that development proposals will only be supported where they protect or enhance natural heritage and access. This includes designated sites of international, national and local importance; woodlands and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Where adverse impacts on



existing assets are unavoidable the development will only support proposals where these impacts will be satisfactorily mitigated.

3.6.4 Making Fife's Places Supplementary Guidance provides information on the site assessment which must be submitted for natural heritage and biodiversity. A habitat survey should be undertaken and identify what further surveys are required. Any Protected Species (European and UK) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals following recognised guidelines and methodologies. Surveys should be reported in full, with mapping supplied as appropriate.

3.6.5 The Bellyeoman Community Council have raised a concern in their submitted objection regarding the application's reliance upon the ecological evidence submitted with the original ES; which is now six years old. Ecological assessments were previously carried out on the site between 2015 and 2017 to inform the ES for application 17/01677/EIA. The ES (Chapter 6) confirms that updates to the previous studies have since been carried out, with a bat survey undertaken in 2021 and a site survey (with additional 50m buffer) undertaken in April 2022. The Planning Authority is satisfied that the ES is informed by up to date ecological surveys. Survey work was undertaken for otter, badger and water vole, and an assessment made of the potential for bats and breeding birds.

3.6.6 The application site comprises approximately 17.2ha of agricultural land. The farm steading on the site has been demolished. There have been no changes to the habitats on the site since the original surveys. Over 90% of the site is either arable or improved grassland, with hedgerow on the external boundaries. The surrounding habitats consist of the urban edge to the south, road then woodland to the west with a house and garden off the west boundary, road and the Country Park to the north, and the east boundary sits next to agricultural fields, dense scrub and the small unnamed watercourse that links to the Buckie Burn. No priority habitats or plant species of particular note or rarity were recorded on the site. No evidence of otters, badgers or water voles was recorded. The ES notes that since the original surveys of the site, common and soprano pipistrelle bats have been recorded on the site. Whilst there is considered to be no roost potential on the site for bats, bats will continue to cross the site from the west heading to the Buckie Burn Dean and from the east and south foraging across fields and adjacent habitats. The range of birds recorded at the site were species that are associated with agricultural ground, hedgerows, and the adjacent gardens, scrub and course/rough grassland.

3.6.7 The potential impacts of the proposed development on ecology include the physical removal of soils and vegetation, installation of the site compound, noise and vibration from grouting operations, contamination of watercourses, ground contamination, increased human activity and conflict with site traffic. Given the overall limited habitat value of the grasslands and arable fields, the impact of the proposed development on the local habitats is considered to be moderate, however the significance of this impact would be negligible once the residential development of the site (with landscaping and SuDS) comes forward. With regard to protected species, no significant impacts are expected, however mitigation measures are recommended within the ES to ensure this through the protection of wildlife corridors both around and through the site, and by taking steps to reduce the potential for accidental harm to animals. The ES recommends that ground remediation works be avoided during the nesting season in order to avoid disturbance to ground nesting birds. If this is not possible, nest checks would be needed and if any bird building a nest, or an active nest is found then that area must be avoided until the young have fledged and the nest is no longer in use. As this could be problematic for the ground remediation exercise given that an appropriate avoidance distance could be 40m or more, the

ES recommends that it would be prudent to schedule works from September. In order to guide the mitigation measures, a Habitat and Species Management Plan has been prepared and submitted as part of the application. Conditions are recommended to ensure the mitigation measures are adhered to, with a condition also recommended for checks for nesting birds to be carried out during the nesting season.

3.6.8 NatureScot was consulted on this application and advised that they had no comments to make on the proposed ground remediation works.

3.6.9 Overall, the application site is considered to be ecologically poor, offering limited habitat opportunities for protected species. Through the recommended mitigations measures and planning conditions, proposed development would not give rise to significant, long-term, impacts on local habitats and protected species and is therefore considered to be in compliance with national and local development plan policies.

### 3.7 Built Heritage/ Archaeology and Cultural Heritage

3.7.1 In general terms the SPP (2014) states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. SPP paragraph 145 states that where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. SPP paragraph 149 states planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields. SPP paragraph 150 states planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible planning authorities should, ensure that developers undertake appropriate excavations, recording, analysis, publication and archiving before and/ or during development. SPP paragraph 151 states there is also a range of non-designated historic assets and areas of historical interest which do not have statutory protection but are an important part of Scotland's heritage.

3.7.2 Similarly Historic Environment Scotland (HES) Policy Statement (2016) sets out the key test set by the legislation that planning authorities should have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. PAN2/2011 (Planning and Archaeology) advises that, in determining planning applications, planning authorities should take into account the relative importance of archaeological sites. It also notes that in determining planning applications that may impact on archaeological features or their setting, planning authorities may on occasion have to balance the benefits of development against the importance of archaeological features.

3.7.3 Policy 1B (10) of the Adopted FIFEplan states that developments must safeguard the characteristics of the historic environment, including archaeology. Policy 14 of the LDP advises that development which protects or enhances buildings or other built heritage of special

architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage:

- the Outstanding Universal Value of the World Heritage Site and its setting;
- the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans;
- listed buildings or their setting, including structures or features of special architectural or historic interest;
- sites recorded in the Inventory Historic Gardens and Designed Landscapes and other noninventory gardens and designed landscapes of cultural and historic value;
- Scheduled Ancient Monuments, including their setting;
- patterns of traditional orchards and medieval garden riggs;
- inventory Historic Battlefields; or
- the preservation objectives of Historic Marine Protected Areas

3.7.4 As confirmed within the original ES, whilst there are some items of cultural heritage, the application site has no statutory designations within or near it. The Wester Whitefield farm buildings, which were considered to be of some cultural significance, have now been demolished (as was proposed through 17/01677/EIA). The Planning Authority concurred with the findings of the original ES that the proposed strategic development would not have a significant impact on built and cultural heritage assets within the site and surrounding area, nor would the development impact any known archaeologically significant sites.

3.7.5 Chapter 7 of the ES considers the likely significant impacts of the proposed ground remediation works upon the archaeological and cultural heritage assets within the site. The remaining cultural heritage assets within the site comprise two coal pits/shafts, one to the north of the site and one to the west. Both of the pits/shafts have previously been infilled. The proposed grouting works would have a direct adverse impact on the two former pits/shafts, however it is considered that these cultural heritage sites are of little significance - with their presence only known from aerial photographs - and as such the significance of the impacts would be minor in EIA terms. As above, the Planning Authority previously confirmed that the proposed strategic development would be acceptable with regard to built heritage, archaeological and cultural heritage impacts, with the original ES setting out that significant ground remediation works would be required on the current application site.

3.7.6 Overall, whilst the proposed development would have a direct impact on the two historic coal pits/shafts, it is considered by the Planning Authority that such impacts would not be significant in EIA terms and the proposed development is thus acceptable.

### 3.8 Impacts on Road Network

3.8.1 The SPP (Promoting Sustainable Transport and Active Travel) states 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. In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. 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. Where such investment is required, the cost of the mitigation measures

required to ensure the continued safe and effective operation of the network will have to be met by the developer.

3.8.2 Policy 1 Part C (2) of the Adopted FIFEplan states that the site must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. The Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance (August 2018) provide details of expected standards to be applied to roads and parking etc. Policy 3 (Infrastructure and Services) 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. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance (August 2018). Policy 10 of FIFEplan sets out 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 traffic movements.

3.8.3 The submitted ES (Chapter 11) considers the transport impact from this development on the environment. The impacts of the development have been based on existing and projected traffic flows. The existing traffic flows are taken from the 2016 survey which informed with original ES. To account for the predicted increase in traffic levels since the 2016 survey, the ES has incorporated a growth calculation. The growth calculation included within the ES is considered to be reasonable and is accepted by the Planning Authority. The cumulative impacts of other programmed developments within Dunfermline area also considered.

3.8.4 The ES sets out that the construction period would be some 40 weeks, generating some 20 two-way LGV vehicle trips and 16 two-way staff vehicle trips per day, a total of 36 two-way trips per day. The submitted Construction Traffic Routing plan details that all vehicle movements associated with the proposed ground remediation works would be via the existing site access (which served the now demolished Wester Whitefield Farm buildings), Whitefield Road, Halbeath Road and M90 Halbeath Interchange. In addition to the site traffic associated with the proposed works, the ES also considers the construction traffic associated with the Colton SDA development (DUN039) which the Planning Authority has issued a draft decision notice confirming the intention to grant planning permission once a legal agreement is signed (19/01725/PPP). The ES predicts that individually and cumulatively, the vehicular traffic associated with the proposed ground remediation works at the site would not have a significant effect upon pedestrian severance, pedestrian delay or driver delay, with the existing road network able to adequately accommodate the site traffic. Whilst the development would lead to the increase in larger vehicles on the surrounding road network, HGVs are already common on these roads and the roads are of sufficient width to accommodate them. The mitigation measures recommended in the ES set out that a Construction Traffic Management Plan (CTMP) should be developed - through the CTMP, the routing for heavy vehicles and abnormal loads would be developed together with any notification / communication arrangements for local residents.

3.8.5 It is noted that in their consultation response to application 17/01677/EIA Network Rail asked that a condition be included to ensure that construction traffic does not use the level crossing on Kingseat Road (eastern boundary of site). Network Rail were concerned that this

could cause safety issues for the level crossing from an increase in traffic. They therefore instructed that a condition be applied to any consent confirming that no development commence within Phase 2 of the 17/01677/EIA development until the road bridge over the railway (which forms part of the Northern Link Road) is constructed and brought into use and the level crossing has been 'stopped up' and closed. The Planning Authority included a condition in the draft decision notice for a construction traffic management plan to be in place to secure the routing of construction traffic. It is considered appropriate to once again recommend such a condition in the interests of road safety.

3.8.6 In consultation with Transportation Development Management (TDM) Officers, the Planning Authority are in agreement with the conclusions of the ES, that the vehicular traffic associated with the proposed ground remediation works would not give rise to significant road safety concerns, with the existing road network able to accommodate the traffic produced by this development and other planned developments within Dunfermline. TDM officers have confirmed that have no objections to the proposed development, subject to the inclusion of a condition for wheel cleaning facilities at the site access. This condition has been included in the recommendation.

3.8.6 In conclusion, the vehicular traffic associated with the proposed ground remediation works, which would be limited to the predicted 40 week construction period, would not give rise to significantly adverse transportation and road safety concerns, complying with Policies 1, 3 and 10 of FIFEplan.

### 3.9 Flood Risk and Drainage

3.9.1 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

3.9.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of the Adopted FIFEplan (2017) 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; reduce the water conveyance and storage capacity of a functional flood plain; detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use; detrimentally impact on future options for flood management; require new defences against coastal erosion or coastal flooding; and increase coastal erosion on the site or elsewhere. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) sets out the Council's requirements for information to be submitted for planning permission applications to ensure compliance. Finally, Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

3.9.3 In general, the site slopes down from north to south, with a low-lying area in the southern part of the site near the culverted watercourse. There is also a distinct ridge that runs east-west through the site, with a steep slope down from approximately 130m to 120m AOD contour. In terms of surface water hydrology, there are two unnamed watercourses ('west' and 'south') which flow close to or within the site; both are tributaries of the Buckie Burn, which flows in a southerly direction approximately 180m to the east of the site. The application site drains towards the south and east to the two tributaries of the Buckie Burn and ultimately the Buckie Burn. Hence, the Buckie Burn is the main receptor of water runoff from the site. Water depth results from the soil boreholes suggest that any groundwater beneath the site is perched and discontinuous within the natural soils, ranging from 0.3 - 2.85mbgl (meters below ground level). Water depth results from the rotary boreholes, which were sunk into the rock strata, provide a more accurate assessment of the groundwater behaviour within the rock strata. The results indicate that the deeper groundwater body within the rock strata is present at depths ranging from 5.62 - 32mbgl. Given the continuous layer of clay observed across the majority of the site, it is considered unlikely that any shallow groundwater would interact with this deeper water body.

3.9.4 Chapter 10 of the ES considers the hydrological and drainage impacts of the proposed development against the baseline. This Chapter of the ES furthers on from the original ES which noted that future consideration would be needed as to the cumulative effect of grouting. The proposed developments would involve drilling of closely spaced treatment bores into the mine-workings and the injection of cementaceous grout to fill any voids within the workings. The potential impacts of the grouting works, during construction include: grouting causing change in groundwater levels and increased risk of flooding; grouting causing pollution of groundwater; pollution from plant machinery and spillages causing pollution, run-off from site compound (surface water); risk of impact to surface water quantity (flood risk) from grouting activities; and risk of impact to surface water quality from grouting activities. The site does not lie in the functional floodplain of the Buckie Burn.

3.9.5 The main receptor is groundwater, which is considered in the ES to be of medium sensitivity. The surface water receptor is the Buckie Burn and its tributaries, which are also considered to be of medium sensitivity within the ES in terms of water quality and flood risk. There are no Private Water Supplies or groundwater abstractions that would be impacted. Chapter 10 of the ES states that the risk of impact to surface water quantity (flood risk) from grouting activities is medium; magnitude of impact is negligible; duration of impact is short term temporary; and significance is negligible. The ES sets out that with the recommended mitigation measures in place, which would include adherence to the CEMP, following best practice, creation of construction SuDS, groundwater monitoring and ensuring works are undertaken in accordance with the Coal Authority license, the residual effects of grouting activities on surface water quantity and quality would be negligible.

3.9.6 Fife Council Structural Services were consulted on this application where they raised a concern that the proposed development could increase flood risk for adjacent properties. Structural Services therefore requested that the applicant submit a flood risk assessment (FRA) and demonstrate how any surface water runoff would be attenuated within the application site boundary. Overland flow paths were also requested. Additionally, it was advised that the proposed hardstanding site compound would require surface water management if there was no existing positive drainage in place. Whilst the concerns of Structural Services are noted, as the risk would arise from the grouting works temporarily displacing groundwater held in mine workings, the need for a FRA can be set aside on this occasion as the Coal Authority licensing and SEPA requirements (including monitoring) for carrying out grouting works mean that the flood risk from displaced groundwater would be negligible. The flood risk would also be limited to

the temporary works period where an active site presence would ensure interception measures can be put in place if required. Furthermore, with regard to the Structural Services recommendation for the site compound to be served by a surface water management system, the ES sets out that temporary construction SuDS would be installed on site. Whilst full details of the construction SuDS have not been provided, the Planning Authority is satisfied that a planning condition can be used to ensure that this information is provided prior to the commencement of works on site. Through the use of planning conditions to ensure the mitigations measures set out in the ES are adhered to, the Planning Authority is satisfied that the proposed remedial ground works would have a negligible impact on the existing water environment.

3.9.7 In the consultation response to this application, SEPA referred the Planning Authority to their previous comments on application 17/01677/EIA where they confirmed that they had no objection to the development. In relation to the proposed grouting works, SEPA provided advice to the applicant regarding the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), recommending that an assessment be undertaken to confirm whether the use of the proposed grout would meet the requirements of the CAR. Whilst the comments from SEPA are noted, adherence to the CAR is a matter for SEPA to enforce outwith the planning process.

3.9.8 Scottish Water was also consulted on this application, confirming that they had no objections. Scottish Water did however draw the applicant's attention to the fact that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets, requesting that the applicant contact Scottish Water for written permission before any works are started in the area of their apparatus. As above, these comments are noted, however it is considered that the need for the applicant to obtain written consent from Scottish Water assets is a matter for the applicant to resolve directly with Scottish Water outwith the planning process.

3.9.9 In conclusion, the Planning Authority is satisfied that providing the recommended mitigation measures are secured and adhered to, the proposed development would not give rise to adverse impacts on the water environment, complying with Policies 1, 3 and 12 of FIFEplan (2017).

### 3.11 Air Quality

3.11.1 The Air Quality and Land Use Planning (2004) document and PAN51 (Planning and Environmental Protection) are relevant in considering how air quality matters are considered through the planning system. Land-Use Planning and Development Control: Planning for Air Quality' (2015) requires the consideration of cumulative effects particularly on commuter routes.

3.11.2 Policy 10 of the Adopted FIFEplan 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 air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas (AQMA) and contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

3.11.3 The ES considers the impact of the development on air quality. This considers the impact on air quality from road traffic increase and looks at construction impacts from dust in Chapter 9. As the detailed methods for grouting will only be available once a contractor has been instructed,

the assessment within the ES is therefore based on a conceptual design that is intended to represent worst-case potential impacts to help inform the requirements for dust management to protect residential amenity. The operations would include some limited soil stripping to form the access road and compound and vehicle exhaust emissions from diesel engines on drill rigs, pumps, compressors and mobile plant. The main pollutants of concern during the drilling and grouting operations would be exposure to airborne particles. The ES sets out that the air quality impacts from the projected road traffic was unable to be assessed quantitatively as the predicted number of vehicular movements is significantly below the threshold (>100) for when a quantitative air quality impact assessment is required - IAQM (2017) - Land-Use Planning & Development Control: Planning for Air Quality.

3.11.4 The nearest dust sensitive receptors to the application site include the isolated dwelling on Whitefield Road (Glenalmond), two dwellings to the north-west (Waxwing), the dwellings to the south on Buckyburn Place and St Margaret Fauld, and Queen Margaret Hospital. The ES details that the proposed works would be conducted in 4 phases, so that the emissions of combustion pollutants and construction dusts would be minimised. The ES contains a table setting out the distances between the receptors and locations for each phase of works. The impacts on air quality from the project are considered to be of Low significance overall, however it is noted that the potential impacts are of Medium risk significance for Phase 4 - area closest to the southern site boundary at St Margaret Fauld. The ES outlines that measures would be put in place to mitigate against dust during construction, this includes the preparation of a dust management plan. The ES concludes that the development would have no significant environmental impact in terms of air quality. The Council's Land and Air Quality Team did not raise any concerns regarding the methodology, findings or conclusions of the air quality impact assessment.

3.11.5 Bellyeoman Community Council raised concerns in their submitted objection regarding the level of detail regarding the actual mitigation steps to be taken to protect neighbouring properties from dust and air quality impacts, citing that the mitigation measures which rely on self-management lacks the information on which any resident can measure the impact this activity will have upon them. The Community Council also state that whilst it is accepted that planning conditions could be used to ensure the application provides relevant information regarding the mitigation measures once a contractor has been appointed, such planning conditions are often inadequate, or ignored by developers. Whilst the concerns of the Community Council are noted, it is considered that the recommended conditions are adequately worded to ensure that the mitigation measures set out within the ES are adhered to by the developer/future contractor, with additional information provided as necessary (such as a dust management plan).

3.11.6 Overall, it is considered that the proposed works would be in accordance with National Policy and the Development Plan with regard to air quality, subject to suitable mitigation which will be secured via condition.

## CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours

Additional information, including FRA and details of surface water management, requested.

Historic Environment Scotland

No objections.



Scottish Environment Protection Agency	No objections. Refer to comments submitted on application 17/01677/EIA.
Transport Scotland	No comments.
NatureScot	No objections. Refer to comments submitted on application 17/01677/EIA.
The Coal Authority	No objections.
Archaeology Team, Planning Services	No objections. No archaeological works required.
Environmental Health (Public Protection)	No comment.
Transportation, Planning Services	No objections. Condition recommended.
Community Council	Object as statutory consultee.
Land And Air Quality, Protective Services	No objections. Condition recommended.
Scottish Water	No objections.

## REPRESENTATIONS

One objection, submitted by the Bellyeoman Community Council, has been received in response to this application. The concerns raised, and the Planning Authority's response to these, are summarised below.

1. The overarching agreement is not in place;
  - The Planning Authority has issued a draft decision notice for the PPP application 17/01677/EIA confirming that permission will be granted once the legal agreement is concluded. The Planning Authority is satisfied that the legal agreement is progressing and the PPP will be able to be issued shortly. The site is also allocated for development within FIFEplan (2017), forming part of the Dunfermline North SDA. The proposed development would enable the strategic development to progress timeously.
  
- 2 The activity is directly linked to a strategic development, the NLR, which has not been subject to the planning process;
  - As detailed within the 17/01677/EIA masterplan, the NLR would be delivered from Phase 2 of the development. There is no requirement for the proposed ground remediation works to be delayed until the full NLR route is approved.
  
- 3 The alternative land use consideration requirement has not been met;
  - The consideration of alternative uses is only required for proposals which require to be assessed under the 2017 EIA Regulations. As this application has been assessed under the 2011 EIA Regulations, per Schedule 4 Part 1, there is no requirement to consider alternative land uses on the site. In any case, the site is allocated for residential development in FIFEplan (2017).
  
- 4 The environmental examination is flawed, relying on information gathered in 2016/17;
  - This is addressed throughout the report, with the Planning Authority satisfied that the information used to inform the ES is appropriate. For the avoidance of doubt, updated surveys for protected species were carried out in 2021 and 2022, with a prediction growth calculated applied to the traffic data gathered in 2016.

5 The application does not meet the current environmental impact regulation;  
- As detailed fully in Section 1.5 of this report, the application has been submitted in accordance with the Environmental Impact Assessment (Scotland) Regulations 2011.

6 The level of control over the impacts on residents is inadequate;  
- The Planning Authority is satisfied with the mitigation measures set out in the ES designed to protect residential amenity. Whilst it is recognised that the ES does not provide final specifications for all measures, as these will be the responsibility of the appointed contractor, the Planning Authority is satisfied that the recommended conditions would ensure that this information is submitted.

## **CONCLUSIONS**

The proposed development is in accordance with the Approved SESplan (2013) and Adopted FIFEplan (2017) in that the site is promoted as part of the North Dunfermline SDA (Halbeath). The development as proposed is in accordance with the development requirements as set out within Allocation DUN043 (North Dunfermline - SDA), with the proposed ground mediation works facilitating future residential development on the site.

The submitted Environmental Statement concludes that there would be no detrimental impact on the environment from this development either individually or cumulatively. Following the statutory EIA consultation process there have been no significant issues raised by the consultees on any of the matters raised within the Environmental Statement. It therefore is concluded that the development would have no significant impact on the environment subject to the mitigation outlined within the Environmental Statement and adherence by the detailed applications to this mitigation.

The development is in accordance with the Development Plan in all regards, and there are no material considerations which would outweigh the Development Plan in this instance. The proposal is therefore considered acceptable.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the terms of the Environmental Statement and any mitigation measures contained therein.

Reason: To ensure the development progresses in accordance with the terms of the Environmental Statement which forms part of the application proposals.

2. The development shall be carried out in accordance with the terms of the approved Construction Environmental Management Plan (CEMP) and any mitigation measures contained therein.

Reason: To ensure the environment within the site and amenity of neighbouring properties are protected during the construction period.

3. PRIOR TO THE COMMENCEMENT OF GROUTING WORKS, adequate wheel cleaning facilities, approved by Fife Council as Planning Authority, shall be provided and maintained throughout the construction works so that no mud, debris, or other deleterious material is carried by vehicles on to the public roads.

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

4. PRIOR TO THE COMMENCEMENT OF WORKS, a Construction Traffic Management Plan (CTMP) shall be submitted for the prior written approval of Fife Council as Planning Authority. The CTMP shall include the mitigation as specified within the Environmental Statement and also mitigation such as deliveries avoiding peak hours, maximising loads to minimise trips, preventing vehicles waiting on streets until the site opens, restricted reversing alarms, how the agreed construction transport routes will be policed, and provide supplementary information on good practice (such as communication with residents groups).

Reason: To ensure that there is no adverse impact on the local road network.

5. The approved Construction Traffic Routing Plan shall be implemented and adhered to for the duration of the construction works. For the avoidance of doubt, no construction traffic travelling to or from the site shall be routed via the Halbeath Level Crossing.

Reason: To ensure that there is no adverse impact on the local road network.

6. PRIOR TO THE COMMENCEMENT OF WORKS, a Noise Management Plan (NMP) shall be submitted for the prior written approval of Fife Council as Planning Authority and thereafter adhered to in full throughout the construction period. The NMP shall provide an overview of chosen working methods to minimise noise impacts by appropriate phasing of the works to minimise combined impacts. The NMP shall include an inventory of all noise generating plant to be used on site, with details of the sound power level dB LWA or sound pressure level dB LAeq,T at 10m; details of proposed enclosure or screening of noise generating activities for each phase of operations; and details of any acoustic barriers to be located around the site boundary and the site compound during construction work.

Reason: In the interests of residential amenity; to protect neighbouring noise sensitive receptors from adverse noise levels which may be produced during the construction activities.

7. PRIOR TO THE COMMENCEMENT OF WORKS, a Dust Management Plan (DMP) shall be submitted for the prior written approval of Fife Council as Planning Authority and thereafter adhered to in full throughout the construction period. The DMP shall specify measures to control dust generated during the earthworks and drilling and grouting operations. The methods used during the construction phase shall consider all appropriate design and engineering controls to minimise the dust impacts from the project.

Reason: To ensure the environment within the site and amenity of neighbouring land uses are protected during the construction period.

8. PRIOR TO THE COMMENCEMENT OF WORKS, details of temporary construction phase SuDS and a Drainage Strategy, to demonstrate how any surface water runoff will be attenuated within the development site boundary, shall be submitted for the prior written approval of Fife Council as Planning Authority. All surface or foul water arising from the development must be

collected and diverted away from Network Rail Property. Any SuDS should not be sited within 10 metres of railway infrastructure. The Drainage Strategy shall include certification from a suitably qualified Engineer.

Reason: To avoid significant flood risk and ensure the drainage infrastructure is delivered in a timescale appropriate with the development.

9. All tree and vegetation removal associated with this development shall be undertaken outwith the bird breeding season of 1 March to 31 August of any calendar year unless the site is first surveyed by a suitably qualified person and the findings, and any associated mitigation, have been submitted to, and approved in writing by, Fife Council as Planning Authority.

Reason: In the interests of safeguarding nesting birds.

10. Throughout the duration of the construction works, a minimum buffer of 6 metres, secured through temporary fencing, shall be maintained to all watercourses within and adjacent the site.

Reason: To avoid any significant impact on habitats.

11. PRIOR TO THE COMMENCEMENT OF WORKS, surveys for otters and badgers shall be undertaken, with the results of these surveys submitted for the prior written approval of Fife Council as Planning Authority. Where evidence of otters and/or badgers is recorded on the site, no works shall take place within the licensable distances for each species habitat (30 metres for badger setts and up to 200 metres for natal otter holts) unless licenses for works in these areas have been granted. Copies of any licenses that are granted shall be submitted to Fife Council as Planning Authority prior to any works taking place within the vicinity of the relevant habitat.

Reason: To avoid any significant impact on protected species and their associated habitats.

12. Any deep excavations (greater than 0.5 metres in depth) shall be covered at night to minimise the risk of animals falling into excavations, and a means of escape (typically a shallow ramp) suitable for all animals shall be provided for all excavations (including shallow ones).

Reason: In the interests of protecting the ecology of the surrounding area.

13. All pipes on site shall be capped at the end of each working day to prevent animals from becoming trapped within.

Reason: In the interests of protecting the ecology of the surrounding area.

14. Temporary lighting used during construction shall be fitted with shades to prevent light spillage outside the working area, with the lighting directed away from sensitive habitats.

Reason: In the interests of protecting the ecology of the surrounding area.

15. 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.

National Policy, Regulations and Guidance:

SPP - Scottish Planning Policy (2014)

PAN 2/2011 Planning and Archaeology (2011)

PAN 1/2011 Planning and Noise (2011)

Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)

Development Management Procedure (Scotland) Regulations (2013)

Air Quality and Land Use Planning (2004)

PAN 51 (Planning and Environmental Protection)

Land-Use Planning and Development Control: Planning for Air Quality (2015)

Historic Environment Scotland Policy Statement (2016)

Scottish Government's Control of Woodland Removal Policy (2009)

Development Plan, Supplementary Guidance and other material considerations:

SESplan Strategic Development Plan (2013)

Adopted FIFEplan (Fife Local Development Plan) (2017)

Fife Councils Minerals Supplementary Guidance

Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places Supplementary Guidance (2018)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009)

Fife Council's Development and Noise (2021)

Plan for Fife 2017-2027 - Local Outcome Improvement Plan

Report prepared by Bryan Reid, Lead Professional and Case Officer

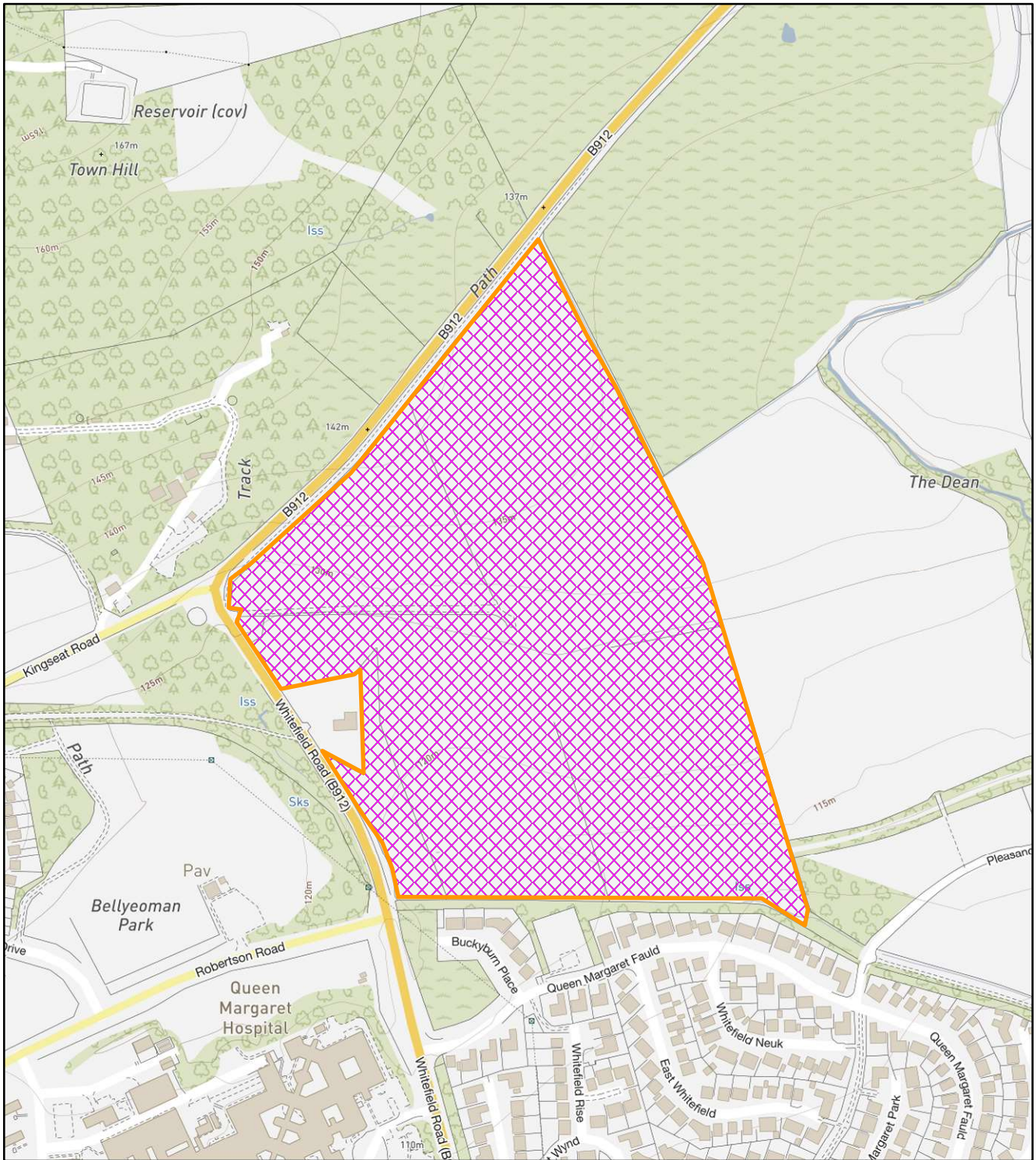
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 24/08/2022



# 22/01557/EIA

## Land to East of Whitefield Road, Dunfermline



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<b>Legend</b>			 <b>Fife</b> COUNCIL Economy, Planning & Employability Services
	<b>Application Boundary</b>		

21st September 2022

Agenda Item No. 6

**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**

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Report by: Pam Ewen, Head of Planning

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Wards Affected: Dunfermline North

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**Purpose**

This application was previously considered by Members at the meeting of the West Planning Committee on 16th January 2019. The application was approved subject to 52 planning conditions and the conclusion of a Planning Obligation (i.e. a legal agreement under Section 75 of the Planning Act).

Drafting of the Planning Obligation is nearing conclusion. At the same time, there has been a further review of the draft schedule of planning conditions with regard to some of the terminology and their impact on the delivery of the development. Following discussions with the applicant, this has resulted in a request to amend two transport-related conditions. The purpose of this report is to seek Committee approval to amend the draft conditions as set out within this report.

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**Recommendation(s)**

To agree to conditional approval requiring a legal agreement, subject to the proposed amendments to two conditions within the draft schedule of conditions as set out within the **boldface** text below and at Appendix 1.

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**Resource Implications**

Agreeing to amend selected transport-related planning conditions will not add any additional resource burden to the Planning Authority given that such requests are already required as part of the forthcoming ARC application assessment process.

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**Legal & Risk Implications**

There are no known direct or indirect legal implications affecting Fife Council as Planning Authority. In the event the recommendation is not accepted, the initial decision will remain unaffected and will retain the original conditions as worded within the report presented to Committee on 16th Jan 2019 and as amended at committee on 15<sup>th</sup> December 2021.



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**

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Consultation was undertaken with the Fife Council Transportation Development Management Team who raise no objection to the proposed amendments.

## **Proposed Amendments**

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This application was previously considered by Members at the meeting of the Central and West Planning Committee held on the 16<sup>th</sup> January 2019. The Officers' report recommended that application reference 17/01677/EIA be approved subject to the conclusion of a legal agreement to secure contributions for required infrastructure improvements. Members adopted the position that the application should be approved subject to conclusion of the aforementioned legal agreement.

A series of planning conditions were agreed relating to the detailed design and timings for implementation of transportation upgrades and the delivery of future roads, footpath and cycleway infrastructure. Since the Committee's decision, discussions have taken place between the applicant and the Council's Planning and Transportation Development Management Teams with regard to the delivery of the proposed residential development and such infrastructure. In this regard, modifications are sought to two localised transportation infrastructure conditions. The Council's Transportation Development Management Team has reviewed and confirmed that the proposed condition changes are acceptable in principle.

As these draft conditions were agreed by the Central and West Planning Committee, this report is before members to request approval of amendments to the conditions prior to the decision notice being issued.

A summary of the changes proposed are outlined below with proposed additions (**in bold**) and deletions (~~in strikethrough~~) to the original draft condition numbers 30 and 31 as follows:

Condition 30 - The original condition requires details of the proposed Northern Link Road between Pleasance Road and the railway bridge crossing plus associated road realignments, upgrades and footway / cycleways to be submitted as part of the first application for approval of matters specified in conditions for the residential development in Phase 2. The condition then requires all of the noted infrastructure to be constructed and open to users prior to the first occupation of any residential unit within Phase 2.

Proposed Amendment:

*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 341<sup>st</sup> 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 341<sup>st</sup> 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.*

The original wording of Condition 30 allows the noted details to be submitted with the first application for approval of matters specified in conditions for the residential development in Phase 2 and then implemented prior to the occupation of the first residential unit within that phase. The original condition required delivery of this transport infrastructure associated with the completion of Phase 1 and commencement of Phase 2. However, a specific unit number was not nominated. The proposed amendments reaffirm this trigger as the 341<sup>st</sup> residential unit. This provides greater flexibility for both the applicant and Fife Council by allowing submission of the required infrastructure details and subsequent implementation earlier than waiting for receipt and delivery in association with Phase 2 of the development. The proposed amendments add greater clarity to this condition and allow for the condition to be more precise.

Condition 31 - The original condition includes a requirement to submit details of the proposed Northern Link Road between Pleasance Road and the east end of the Northern Link Road within Phase 1; and the realignment and upgrade of the B912 between its junction with the Northern Link Road and the north east boundary of the site. These details were to be submitted with or prior to the application for matters specified under Condition 1(a). Condition 1(a) being the construction of residential development and associated infrastructure. Condition 31 then requires completion of the noted infrastructure, associated realignments and upgrades plus the opening of these to vehicular traffic prior to the occupation of the 200th residential unit within phase 2.

Proposed Amendment:

*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.*

The original wording of Condition 31 requires submission of the noted details with or prior to the application for matters specified in Condition 1(a) (residential development) which would include the 200<sup>th</sup> house within Phase 2. It then requires completion of the relevant infrastructure prior to occupation of the 200<sup>th</sup> house within Phase 2. The proposed amendments would link these requirements to completion of the 540<sup>th</sup> residential unit within the site. This would ensure that submission of the relevant details and completion of the required infrastructure both take place at a more precise trigger point and that this condition aligns with the wording in the Section 75 legal obligation.

The proposed amendments do not alter the purpose of the agreed conditions but, instead, provide sufficient flexibility to take into account the evolving delivery of the development while ensuring provision of the required road infrastructure at the relevant time. Support for these amendments has been provided by the Council's Transportation Development Management Team.

## **Conclusions**

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The proposed changes can be agreed at this stage prior to the issue of the Decision Notice itself. Accordingly, Committee is being asked to approve these amendments instead of having to consider a fresh planning application under Section 42 of the Planning Act. These amendments do not alter the purpose of the agreed conditions but, instead, provide sufficient flexibility to take into account the evolving delivery of the development while ensuring provision of the required infrastructure at the relevant time.

## **Background Papers**

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

Previous Committee Report Revisions to Conditions Schedule for 17/01677/EIA – Central and West Planning Committee - December 2021

Previous Committee Report 17/01677/EIA - West Planning Committee - January 2019

National Policy, Regulations and Guidance:

SPP - Scottish Planning Policy (2014)

Designing Streets (2010)

Creating Places (2013)

Circular 3/2012 planning obligations and good neighbour agreements (2012)

PAN 65 Planning and Open Space (2008)

PAN 33 Development of Contaminated Land (2000)

PAN 2/2011 Planning and Archaeology (2011)

PAN 1/2011 Planning and Noise (2011)

PAN 68 Design Statements

PAN 77 Designing Safer Places

PAN 78 Inclusive Design (2006)

Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)

Development Management Procedure (Scotland) Regulations (2013)

Air Quality and Land Use Planning (2004)

PAN 51 (Planning and Environmental Protection)

Land-Use Planning and Development Control: Planning for Air Quality (2015)  
Historic Environment Scotland Policy Statement (2016)  
Scottish Government's Control of Woodland Removal Policy (2009)

Development Plan, Supplementary Guidance and other material considerations:  
SESplan Strategic Development Plan (2013)  
Adopted FIFEplan (Fife Local Development Plan) (2017)  
Fife Councils Minerals Supplementary Guidance  
Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places Supplementary Guidance (2018)  
Fife Council's Planning Obligations Framework Guidance (2015)  
Fife Council's Draft Planning Obligations Framework Supplementary Guidance (2017)  
Making Fife's Places Supplementary Guidance (2018)  
Fife Council's Supplementary Guidance on Affordable Housing (2018)  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009)  
Fife Council's Noise Guidance for New Developments  
The Royal Environmental Health Institute of Scotland (REIS) Briefing 17 - Noise Guidance for New Developments  
World Health Organisation (WHO) Guidelines for Community Noise (2015)  
Air Quality and Land Use Planning (2004)  
PAN 51 (Planning and Environmental Protection)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)  
Historic Environment Scotland Policy Statement (2016)  
Scottish Government's Control of Woodland Removal Policy (2009)

Plan for Fife 2017-2027 - Local Outcome Improvement Plan

## APPENDIX 1

The application shall be approved subject to the conclusion of the Planning Obligation and the amended planning conditions and reasons (changes highlighted in bold and ~~strikethrough~~) as set out below:

1. A further application(s) for the matters of the development (Approval of Matters Specified by Condition) as set out below shall be submitted for the requisite approval of this Planning Authority;

- (a) the construction of residential development and associated infrastructure;
- (b) the construction of primary school and associated infrastructure;
- (c) the construction of buildings and associated infrastructure and land within the community hub including public houses (Sui Generis), professional services (Class 2), restaurants (Class 3), hot food takeaways (Sui Generis), employment (Classes 4, 5 and 6) hotels (Class 7), health facilities (Class 2), care home (Class 8), place of worship (Class 10), community halls (Class 10), leisure facilities (Class 11) and workshops (Class 4)
- (d) the development of the road, cycleway and footpath network including water crossings;
- (e) engineering operations associated with the infill, regrading or extraction of material and preliminary works;
- (f) play provision;
- (g) the construction of SUDS facilities including all associated engineering works;
- (h) Alterations to watercourses;
- (i) the provision of renewable energy generating facility(s) capable of serving all or part of the development site (subject to a feasibility statement);
- (j) engineering operations associated with the carrying out of the remediation, ground stabilisation works or preventative measures associated with decontamination on site, mine stabilisation or mineral extraction;
- (k) An updated Masterplan/ Development Framework (when considered necessary by the planning authority) and phasing plan as defined by condition 7;
- (l) A Development Brief for each phase;

No work shall be started on the development until the written permission of this Planning Authority has been granted for the specific proposal.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Every application for Approval of Matters Specified by Condition submitted under the terms of Condition 1 shall be submitted for the written permission of this Planning Authority with the following supporting information where relevant, unless agreed otherwise:-

- (a) A location plan of all the existing site to be developed to a scale of not less than 1:2500, showing generally the site, existing contours, any existing trees, hedges and walls (or other boundary markers);
- (b) A detailed plan of not less than 1:1250 showing any previous phases of development and how this application relates to that development;
- (c) A detailed plan to a scale of not less than 1:500 showing the current site contours, the position and width of all proposed roads and footpaths including public access provision and accesses.
- (d) Detailed plans, sections, proposed contours and elevations of all development proposed to be constructed on the site, together with details of the colour and type of materials to be used;

- (e) Details of boundary treatment;
- (f) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. This shall also include details of strategic landscaping associated with that phase of development;
- (g) Details of the future management and aftercare of the proposed landscaping and planting;
- (h) A Design and Access Statement including an explanation in full how the details of the application comply with the Masterplan, relevant Development Brief and Environmental Statement and shall provide a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2018) or any document which supersedes this;
- (i) Site Sections (existing and proposed);
- (j) Details of land regrading and retaining walls
- (k) Biodiversity Action and Enhancement Plan for that phase with a Management plan for long term management of existing (including woodland) and proposed habitat;
- (l) Updated Ecological surveys;
- (m) Updated landscape and visual appraisal with the detail of the development (including photomontages);
- (n) The contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;
- (o) A sustainability statement;
- (p) Details of the public art;
- (q) A Drainage Strategy with validation certificates;
- (r) Site investigation and remediation strategy
- (s) Updated Air Quality Assessment;
- (t) Construction Traffic Management Plan;
- (u) Updated Flood Risk Assessment
- (v) Construction Environmental Management Plan;
- (w) Maintenance details of SUDS, water courses, drains, culverts, open space and play areas;
- (x) Tree surveys of any trees to be removed and tree protection measures for trees being retained.
- (y) Staff Travel Plan for applications under condition 1 (b) and (c);
- (z) An energy statement with the first application of each phase.
- (aa) Transportation Statement;
- (bb) Noise and vibration assessment (for existing and future residents) for construction period (including grouting), road traffic and from railway with mitigation and construction noise method statement;
- (cc) Coal mining site investigation and remediation strategy;
- (dd) Wheel washing facilities during construction period.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan and Environmental Statement.

3. Every Application for Approval of Matters Specified by Condition submitted under the terms of Condition 1(a) shall be submitted with the relevant details as required by condition 2 and the following details and supporting information, unless otherwise with Fife Council as planning authority:-

- (a) Details of the intended methodology and delivery of the on-site Affordable Housing, including tenure;

- (b) A statement indicating the aggregate number of housing units already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission split in to open market units and affordable units;
- (c) Details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Detailed plans of open space provision associated with this residential area with 60 square metres of open space provided per residential unit expected to be delivered in the site or shown to be delivered elsewhere;
- (e) Updated noise assessment with mitigation.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, development brief, strategic infrastructure delivery plan and Environmental Statement.

4. Every Application for Approval of Matters Specified by Condition submitted under the terms of Conditions 1(c) shall be submitted with the relevant details required by condition 2 and the following details and supporting information, unless otherwise agreed , each acting reasonably:-

- (a) A statement indicating the aggregate gross floor space of the land use being applied for and already approved through previous Approval of Matters Specified by Condition applications across the whole site at the time of submission;
- (b) Where relevant a noise assessment and mitigation for the impact on existing residential properties and future residential areas set out within the Masterplan;
- (c) Where relevant the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Where relevant the details of plant and machinery including the mechanical ventilation and noise output information;
- (e) A retail or leisure impact assessment when considered necessary. Any application for retail or leisure which individually or cumulatively with previous applications for retail or leisure on the overall site would equate to a total gross floor area of 1500sqm shall be accompanied by a sequential approach assessment and a retail or leisure impact assessment. A retail or leisure impact assessment may be also be requested for smaller applications when considered necessary by the planning authority.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the masterplan, development brief, strategic infrastructure delivery plan and Environmental Statement.

5. If any of the information required within conditions 2, 3 and 4 was submitted and subsequently approved as part of a previous application and is still relevant, then a statement setting out this detail can be submitted in lieu of a full package of information. This statement shall provide sufficient information to allow the planning authority to easily identify the information in the other planning applications.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the masterplan, development brief, strategic infrastructure delivery plan and Environmental Statement.

6. The development shall be carried out in accordance with the terms of the Environmental Statement and any mitigation measures contained therein shall be incorporated into any further applications submitted under condition 1 above.

Reason: To ensure the development progresses in accordance with the terms of the Environmental Statement which forms part of the application proposals.

7. The development shall be carried out in a phased manner in accordance with the terms of the approved Development Framework Report August 2018 (or any subsequent approved versions as per this condition or required through condition 1 of this planning permission). The mix and layout of development on each phase and the number of residential units within that phase shall not be exceeded or altered as a result of the applications submitted under condition 1 unless the Phasing Plan and Development Framework have first been resubmitted and approved for the whole site subject to this planning permission in principle and the impacts of the change to that phase outlined in the context of the whole development. For avoidance of doubt any new Development Framework or amendments thereto shall be submitted for the written approval of Fife Council as Planning Authority under the terms of this permission. However the Council reserves the right to request an application for Matters Specified by Condition 1 (k) if the Masterplan Suite of Documents or Phasing Plan changes require assessment or consultation or a new application for planning permission in the event that the change to the Development Framework has a significant impact on the terms of the Development Plan current at the time of the request.

Reason: To ensure the development proceeds in accordance with the Masterplan and phasing plan and to put in place a mechanism for the variation of phasing and development over the development period.

8. Prior to or with the first application for each phase of development (both residential and non- residential) as defined by the phasing plan, a Development Brief for that phase shall be submitted for written approval in accordance with condition 1(l). This shall set out the following:

- a) Character/ design themes, concepts, styles for the phase;
- b) Identification of character areas, sensitive locations and constraints;
- c) Set the design criteria for the character areas;
- d) Creation of a new north eastern boundary to Dunfermline in each phase. The north eastern boundary of each phase shall include high quality development and landscaping and act as an entrance to Dunfermline;
- e) Creation of view corridors to the south;
- f) Indicative heights of buildings;
- g) Hierarchy of streets and footpath network;
- h) Play area locations, form and age groups (including timescale for delivery);
- i) Final public art theme for phase including locations and contribution level to be spent on phase and timescales for delivery;
- j) Biodiversity enhancement locations and delivery;
- k) Strategic landscaping and advanced planting;
- l) Enhanced detailing locations including boundary treatment, gables and elevations;
- m) Bus route infrastructure (including timescale for delivery);
- n) Internal and external footpath and vehicular connections including the connections to the existing settlement;
- o) Hierarchy of open space.
- p) Temporary and permanent safe routes to school;
- q) Mixed use area within phase 2;
- r) Proposed crossing points on roads, watercourses and for Green Networks;
- s) Incorporation of utilities and any network associated with the on site energy generating facility (subject to a feasibility statement);



- t) Connections to the countryside and Country Park
- u) Strategy for integrating new development with existing residential properties, including suitable buffers where necessary;
- v) Existing topography, gradients and landscape features;
- w) Design solution for the topography, gradients and landscape feature;
- x) Incorporation and protection of Rights of Way and Core Paths;
- y) Potential noise mitigation locations;
- z) Phasing for installation of ultrafast broadband;
- aa) Details of existing assets for retention and removal such as trees, hedgerow, walls;
- bb) Strategy for retaining access to Rights of Way and Core Paths during construction;
- cc) Direction of build and vegetation clearance;
- dd) Advanced planting;
- ee) Temporary haul route

Thereafter all applications for Matters Specified By Condition 1 shall comply with the details approved through this condition where directly relevant to that further application.

The timing of the delivery of each matter shall be associated to the phasing and completion of triggers associated with the neighbouring development within that zone (i.e. completion of 40th unit). Updates to the Development Briefs can be made through the submission for the written approval of Fife Council as planning authority of an amended Development Brief under the terms of this condition but the Council reserves the right to request a new planning application through condition 1(l) in the event that the change to the Development Brief requires significant assessment or consultation.

Reason: To define the design concepts for each phase of development to ensure compliance with the masterplan.

9. The Development Briefs required by condition shall include the following design principles:

- The green networks, Buckie Burn and pedestrian connections shall be overlooked by some development frontage to provide surveillance;
- View corridors to inform layout as per section 2.10 of Development Framework;
- Consideration being given to additional footpath connections including to the south of pod 11, to Long Row and across the Buckie Burn.

Reason: To provide a high quality development layout following the agreed principles within the Development Framework.

10. THE FIRST APPLICATION SUBMITTED FOR EACH PHASE SHALL BE ACCOMPANIED BY an Energy Statement informed by a feasibility study of a potential localised power and/or heat generating station and/ or network. This shall explore a district heat network through either onsite heat generation or co-location with an existing or proposed heat source or existing network. It shall also explore the potential for renewable on site sources of energy production. An Energy Statement informed by a Feasibility Study shall be provided for assessment demonstrating how the proposal will meet the requirements for providing district heating and energy generation on site. This should be prepared in line with the Scottish Government's online planning advice Planning and Heat and assess the technical feasibility and financial viability of on site generation and heat network/district heating for this site, identifying any available existing or proposed sources of renewable energy and heat (within or outwith the site) and other factors such as where land will be safeguarded for future district energy and heating infrastructure.

Reason: To explore the possibility of a sustainable on site source of energy or heat in accordance with Scottish Planning Policy and to assist in meeting Scotland's climate change targets.

11. THE FIRST APPLICATION SUBMITTED FOR THE DEVELOPMENT SHALL BE ACCOMPANIED BY a Landscape and Habitat Management Plan as specified by the Environmental Statement. The Construction Environmental Management Plan (CEMP) and all other supporting documents relating to the protection of the environment during construction shall be based on the details approved through this document. The Landscape and Habitat Management Plan can be amended through the submission of an updated document through the terms of this condition.

Reason: To protect the landscape, environment and natural heritage of the site during the construction period.

12. THE FIRST APPLICATION SUBMITTED FOR THE DEVELOPMENT SHALL BE ACCOMPANIED BY an overall Public Art Strategy. This shall provide an overall strategy for the whole site with details of the themes for the site, types of art to be provided, overall budget and scheme of consultation. The consultation should reflect the stage of development and evolving community. The Development Briefs and future detailed applications shall relate to the details approved through this document.

Reason: To set out the overall public art strategy for the site in accordance with Making Fife's Places Supplementary Guidance. (2018).

13. The term "residential unit" refers collectively to Class 9 dwellinghouses and flatted dwellings. The number of residential units developed across the whole site shall not exceed 1400.

Reason: To clearly define the maximum number of residential units approved under this permission.

14. Following completion of any measures identified in the Remediation Strategy required by condition 2(r) a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the phase relating to the Remediation Strategy shall be brought into use until such time as the remediation measures have been completed in accordance with the approved Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority

Reason: To provide verification that remediation has been carried out to the planning authority's satisfaction.

15. 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 works on that phase (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on that phase shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a

timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the phase has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

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

16. Notwithstanding the terms of the Town and Country Planning General Permitted Development Order (as amended)(Scotland) (Or any order revoking or replacing this) the introduction of mezzanine levels within any retail building within the site or the amalgamation of any approved retail floor space into one or more larger units shall require further planning permission.

Reason: To clearly define the extent and nature of the retail floorspace approved under this permission and to ensure that any material changes are subject to further planning applications that can assess the impacts on the vitality and viability of the town and local centres within Dunfermline.

17. The Staff Travel Plan required under condition 2(y) shall set out proposals for reducing dependency on the private car and shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. The land use shall not be brought into operation until the Staff Travel Plan has been agreed and is in operation.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

18. Where relevant applications for Approval of Matters Specified by Condition 1 shall incorporate the following design requirements:

(a) Access driveways at a gradient not exceeding 1 in 10 (10%) with appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation. These shall not exceed 5m in width;

(b) Visibility splays of 2.4m x 25m being provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel, at the junction of the vehicular accesses with the proposed 20mph streets;

(c) Visibility splays of 2.4m x 43m being provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel, at the junction of the vehicular accesses with the proposed Northern Link Road, the upgraded Whitefield Road and the upgraded B912;

(d) A distributor road network with carriageway widths of 6 metres; 2 metres wide grass verges on both sides; 3 metres wide footway/cycleway on both sides or an alternative design agreed with the Planning Authority via an approval of matters specific in conditions application shall be provided for the proposed Northern Link Road and upgrading of both Whitefield Road and the B912 and be designed for a 30mph speed limit;

(e) A neighbourhood street network with carriageway widths of 5.5 metres; 2 metres wide grass verges on both sides (optional); a 3 metres wide footway/cycleway on one side; and a 2 metres wide footway on the other. The neighbourhood street network is indicated by the purple lines on the Development Framework and shall be designed for a 20mph speed limit;

(f) Offstreet car parking, including visitor and cycle parking, being provided in accordance with the current Fife Council Parking Standards contained within the Transportation Development Guidelines within Making Fife's Places or any document which supersedes this;

(g) Garages adjacent to dwelling houses located at least six metres from the road boundary and all driveways in front of dwellings having a minimum of six metres from the road boundary;

(h) Electric car charging points;

(i) The provision of bus stops with shelters, boarders and poles and provision for safe crossing facilities on the distributor road, primary and neighbourhood street network. The locations shall be identified as applications are submitted for the adjacent land parcels.

(j) The provision of toucan crossings at key crossing points on the footpath/cyclepath network, but only at locations where the footpath/cyclepath crosses a road or street subject to a 30mph speed limit, particularly on the potential safer routes to the proposed primary school.

(k) The provision of a minimum of two means of vehicular access to each housing pod from the distributor road and neighbourhood street network with vehicular/pedestrian links or pedestrian/cyclist links with the adjacent sites unless it can be justified otherwise;

Reason: In the interest of road safety and to ensure the provision of an adequate design layout and construction.

19. The visibility splays, parking spaces and boundary marker heights specified in condition 18 shall be retained through the lifetime of the development.

Reason: In the interests of road safety and to ensure adequate parking for the site.

20. The visibility splays specified within condition 18 shall be provided in the following timescale:

-18(b) - Prior to the occupation of the first residential unit within the pod;

-18(c) - Prior to the occupation of the first residential unit, school or other land use within the land pod;

Reason: To ensure the provision of adequate visibility at junctions in the interests of road safety.

21. All works to or adjacent to existing public roadways, footways, and other adopted infrastructure shall be constructed in accordance with the current Fife Council Transportation Development Guidelines policy.

Reason: To ensure all the new roads and footpaths within the development are built to an appropriate standard.

22. All roads and associated works serving the proposed development shall be constructed in accordance with the Scottish Government 'Designing Streets' Policy; the current Fife Council Transportation Development Guidelines and its Supplementary 'Designing Streets' Guidance and where appropriate the Design Manual for Roads and Bridges or any document which supersedes these.

Reason: To ensure the design of the road and footpath network reflects the current advice advocated by the Scottish Government and Fife Council

23. No residential unit shall be occupied prior to the installation of operating street lighting and footways (where appropriate) serving that residential unit being completed to base course.

Reason: In the interest of road safety and to ensure the provision of adequate pedestrian facilities.

24. The following details shall be submitted with the first application for Matters Specified by Condition 1(a) and implemented prior to first occupation of any residential unit within phase 1 as identified within the Development Framework Report:

a) the upgrading of the existing Whitefield Road/Robertson Road mini-roundabout to a small roundabout, including the provision of a Toucan Crossing on the northern route arm of the roundabout or an alternative junction design agreed with the Planning Authority via an approval of matters specific in conditions application being completed and open to vehicular traffic;

b) The conversion of the existing Whitefield Road/ Queen Margaret Fauld (North) junction to a mini-roundabout, being completed and open to vehicular traffic. This shall include amendments to carriageway kerb alignment and road markings.

Reason: In the interests of road safety and ensuring that a suitable access is provided for the development and neighbouring residential area.

25. The following detail shall be submitted with the first application for Matters Specified by Condition 1(a) within pod 1 and implemented prior to first occupation of any residential unit within pod 1 as identified within the Development Framework Report:

- The realignment of Whitefield Road between Robertson Road and the northern boundary of pod 1 including a temporary junction with the existing Whitefield Road/ B912, being completed and open to vehicular traffic. For the avoidance of doubt, the proposed junction arrangement shall ensure safe traffic movements, including right turns, and particularly safe crossing facilities for pedestrians and cyclists. This shall include details of how Glenalmond Cottage will be accessed at this point.

Reason: In the interests of road safety and ensuring adequate access for the first phase of development

26. The following details shall be submitted with the application for Matters Specified by Condition 1(a) which includes the 50th residential unit within phase 1 and implemented prior to the occupation of the 50th residential unit within phase 1:

- a generally 3 metres wide footway/cycleway on the east side of Whitefield Road, between the start of its proposed realignment then southwards to tie-in with the existing toucan crossing and footpath/ cyclepath link to Queen Margaret Railway Station being completed and open to pedestrian and cycle traffic. Details of the proposed footway/cycleway, including amendments to carriageway kerb alignment, shall be submitted with the Matters Specified by Condition application. For the avoidance of doubt, localised narrowing of the Whitefield carriageway and reduction in the kerb radii at the two Queen Margaret Fauld junctions could be considered and localised narrowing of the footway/cycleway to less than 3m where there are any third-party land ownership constraints.

Reason: In the interests of providing sufficient pedestrian facilities.

27. Prior to occupation of the first residential unit within phase 1, the cycle time at the Whitefield Road/ Halbeath Road/Linburn Road traffic signals shall be increased from 90 seconds to 100 seconds during peak periods.

Reason: In the interests of road safety and ensuring there is sufficient capacity in the road network for this development.

28. The following details shall be submitted with the first application for Matters Specified by Condition 1(a) within either pod 2, 3 or 4 and implemented prior to the first occupation of any residential unit within those pods as identified within the Development Framework Report:

- The realignment of Whitefield Road between the northern boundary of pod 1 and the B912; the upgrading of the B912 on the phase 1 frontage of the site; and the physical stopping up of the existing Whitefield Road/B912 junction, being completed and open to vehicular traffic. For the avoidance of doubt, the proposed junction arrangement shall ensure safe traffic movements, including right turns, and particularly safe crossing facilities for pedestrians and cyclists. A 30mph gateway shall be provided at the west end of the upgraded B912. This shall include details of how Glenalmond Cottage will be temporarily and permanently accessed and include a turning area for refuse vehicles on the former Whitefield Road.

Reason: In the interests of road safety and completing the re-alignment of Whitefield Road to provide an alternative to the existing junction.

29. There shall be no development commenced outwith the Phase 1 area (pods 1, 2, 3 and 4 within the Development Framework Report) other than for infrastructure works associated with the road access required to facilitate delivery of the new vehicular bridge crossing over the railway line adjacent to the southern site boundary, until such time as Halbeath Level Crossing has been 'stopped up' and closed and the proposed new vehicular bridge has been constructed and brought into use.

Reason: In the interests of protecting the railway.

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 341<sup>st</sup> 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 341<sup>st</sup> 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. 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.

32. Prior to occupation of the 151st and 251st residential unit within Phase 1, a review of the operation of the Whitefield Road / Halbeath Road / Linburn Road signals to determine the impact of traffic on these locations arising from the development hereby approved shall be carried out by the applicant and submitted to Fife Council as planning authority. Should an impact which requires mitigation be identified, then the applicant shall submit a mitigation strategy with timescale for implementation, for the written approval of Fife Council as planning authority.

Reason: In the interests of road safety and road network capacity.

33. Conditions 24 to 32 are linked to the pods of development and phasing specified within the Development Framework Report (August 2018). Should any amendment to the Development Framework Report result in the change to the numbering of these pods or the phasing, then the amended Development Framework Report shall include reference to these conditions and how the timescale for the submission of the information and implementation of the works.

Reason: To ensure the specified infrastructure is captured within any changes to the Development Framework Report.

34. Prior to occupation of each residential unit, or other development within the site, off street parking, including cycle and visitor parking spaces, being provided in accordance with the current Fife Council Parking Standards contained within Making Fife's Places SG and the current Fife Council Transportation Development Guidelines (Appendix G). The parking spaces shall be retained through the lifetime of the development.

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

35. The Construction Environmental Management Plan (CEMP) required through condition 2(v) shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within

the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site.

Reason: To ensure the environment including watercourses within the site and residential amenity are protected during the construction period in line with the recommendations of the Environmental Statement.

36. The updated ecological surveys required by condition 2(l) shall include bat surveys of the trees, buildings, structures and hedgerows within the site which are proposed for removal, those for retention and neighbouring the site which could be affected. The surveys shall also include at least updated surveys for badgers, otters, red squirrel, and breeding birds in accordance with the Environmental Statement. A badger survey shall also be carried out within the 6 months prior to work starting on site.

Reason: To avoid any significant impact on the ecology within the site in accordance with the Environmental Statement.

37. The Biodiversity Action and Enhancement Plan required as part of condition 2(k) shall be informed by updated survey work and shall include the following details:

- Mitigation measures identified through the updated ecological survey work;
- Enhancement and Mitigation measures identified within the Environmental Statement;
- Enhancement and Mitigation measures identified within the Development Framework Report and Design Statement;
- Details of compliance with the Environmental Commitments;
- Species Protection Plans taking into account the above;
- Enhancement of hedgerows and tree lines;
- Bat Mitigation Plan including provision of Bat boxes and protection of foraging routes during construction;
- Protection of the Buckie Burn Dean
- Habitat for breeding birds;
- Bird boxes
- Biodiversity enhancements identified within the Environmental Statement. The measures identified should not be considered exhaustive and further enhancement shall be considered;
- Planting of species rich vegetation;
- Use of wetland SUDS/ Blue Space Plan;
- An assessment of the length of hedgerow to be removed and the length to be provided as mitigation;
- Preference for native planting. This shall also inform the landscaping plans.
- 6m buffer to water courses;
- 10m buffer to woodland;
- Lowered light levels around the most valuable habitat;
- Woodland Management and Enhancement strategy;
- Water course enhancements;
- Site clearance phasing to protect breeding birds;
- Work in vicinity of the bat roosts being carried out over the winter period by preference.



Such measures can be implemented off site if this is considered acceptable by Fife Council as planning authority and can be secured by appropriate means. Delivery of these measures shall be detailed within the Development Brief for each phase and then specified within each specific application for that part of the site.

Reason: To avoid any significant impact on species and to provide mitigation and enhancement for habitat within the area

38. The Construction Traffic Management Plan (CTMP) required by condition 2(t) shall provide a construction traffic routing plan and phasing arrangements for the site and this shall confirm that no construction will be routed via the Halbeath Level Crossing. It shall include the mitigation as specified within the Environmental Statement and also mitigation such as deliveries avoiding peak hours, maximising loads to minimise trips, preventing vehicles waiting on streets until the site opens, restricted reversing alarms and agreed transport routes and how this will be policed.

Reason: To ensure that the impact on the local road network can be fully assessed.

39. The noise assessment required by condition 2(bb) and 3(e) shall demonstrate that the development can comply with the following environmental noise criteria for new and existing dwellings:

1. The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours in any noise sensitive rooms in the development.
2. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours inside any bedroom in the development.
3. The LAMax shall not exceed 45 dB between 2300 and 0700 hours inside any bedroom in the development.
4. The 16hr LAeq shall not exceed 55 dB between 0700 and 2300 hours in outdoor amenity areas.

The noise assessment must consider noise from the railway line to the south, road traffic noise, the retail park and future employment uses. It must also address any risks or mitigation identified within the Environmental Statement submitted with this application. The noise assessment shall address the potential range of mitigation measures that could be implemented to ensure compliance with these noise criteria. Mitigation measures shall be considered in the following order of preference, taking into account the feasibility of their implementation, and having regard to the masterplanning and urban design requirements of the Indicative Development Framework hereby approved:

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with masterplan and urban design requirements;
- (ii) Orientation of dwellings to avoid noise impacts on sensitive elevations and/or habitable rooms, where this can be achieved in accord with masterplan and urban design requirements;
- (iii) Installation of acoustic barriers, where this is consistent with masterplan and urban design requirements;
- (iv) Incorporation of acoustic insulation in new dwellings, for example acoustic glazing.
- (v) The methods used to predict noise from road traffic shall be in accordance with methods approved in writing by the planning authority. The methods used to assess noise inside any habitable room shall be in accordance with BS 8233:2014 or other method approved in writing by the planning authority.

The proposed mitigation measures shall ensure that relevant internal noise criteria are achieved with an open window scenario wherever feasible (i.e. assuming windows are opened by 10 degrees). Closed window mitigation (for example, acoustic glazing with trickle vents) can only be accepted where the noise assessment(s) demonstrates that an open window scenario is not achievable for specific dwellings/elevations due to site constraints and/or the masterplanning and urban design requirements of the approved Masterplan.

In relation to noise levels in outdoor amenity areas (point 4 above), wherever feasible the 16hr LAeq shall not exceed 50 dB between 0700 and 2300 hours. The higher limit of 55 dB can be accepted where 50 dB is not achievable due to site constraints and/or the masterplanning and urban design requirements of the approved Masterplan, due to the proximity of homes to the Northern Link Road and Whitefield Road and/or connector streets.

The proposed mitigation measures shall be submitted as part of the application associated with the noise assessment. The agreed mitigation measures shall be put in place prior to the occupation of the dwellings indicated at risk by the noise assessment, unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interest of protecting the amenity of future residents.

40. In accordance with condition 2(bb), a vibration assessment shall be carried out for any residential properties or buildings at risk of vibration issues from the railway towards the south of the site and consider the effects of the construction process once the construction process for that particular site is known. The assessment shall propose mitigation where necessary.

Reason: In the interests of the amenity of future and existing residents.

41. The drainage strategy required through condition 2(q) shall provide the drainage details for the proposed development with SUDS. This shall include how this specific strategy relates to the wider development strategy and provide details of the timescale of the delivery of the SUDS basin and associated infrastructure including any temporary construction measures. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and shall be designed with long term maintenance plans which meet the needs of the development. The Drainage Strategy shall include a certification from a suitably qualified Chartered Engineer.

Reason: To avoid significant flood risk and ensure the drainage infrastructure is delivered in a timescale appropriate with the development.

42. The updated Flood Risk Assessment (FRA) required by condition 2(u) shall consider the potential flood risk to that particular development pod and also include an overall assessment of the entire site. The updated FRA shall include details of how the development proposal will integrate with the wider flood risk management strategy for the development site as a whole. It must also consider the potential impact of any works to the water courses within the development site and the re-grading works and mine water issues.

Reason: To avoid any significant flood risk water bodies in the interests of protecting existing and future residents from flood risk.

43. The updated Air Quality Assessment required by condition 2(s) shall consider the impacts of the construction process and the impact of the specific development relative to the submitted Air Quality Assessment. This shall also include mitigation measures in line with the Environmental Statement and in particular how the development would contribute towards improvements to the traffic management with Appin Crescent. This shall include consideration of any on site energy generation as required under condition 10.

Reason: To avoid any significant impact on air quality.

44. Access to the Core Paths and Rights of Way shall be retained during the construction period and thereafter unless otherwise agreed in writing with Fife Council as planning authority. The likely need for temporary closure or diversion shall be detailed within the Development Briefs along with methodology for the retaining access to these routes. An alternative route shall be provided for temporary closures. The existing alignment of these routes are not necessarily fixed and consideration should be given to providing alternatives where there is the potential conflict with vehicles.

Reason: To ensure that access is retained to these route.

45. The structure planting shown on the eastern and northern boundaries of pod 9 and 13 with the Development Framework Report (August 2018) shall be delivered early within this development phase and earlier than indicated within the phasing strategy. The Development Briefs required by condition 8 shall reflect the requirements of this condition.

Reason: In the interests of forming the structured settlement boundary early in the development process to avoid the visual perception of coalescence and in the interests of landscape and visual amenity.

46. The structured tree planting shown to the west of Hillview Court within phase 2 shall be delivered early within the development. Consideration should be given to the planting of this during the construction of phase 1 to allow this to mature in advance of the delivery of the Northern Link Road. The Development Briefs required by condition 8 shall reflect the requirements of this condition.

Reason: In the interests of the visual amenity of the existing residents.

47. The land for retail, employment and community facilities shall be fully serviced with utilities to the site entrance and accessible by an adopted road to the site entrance to wearing course standard in accordance with the agreed phasing strategy and Development Brief timescales.

Reason: To ensure the phased delivery of fully serviced land for these facilities to support this size of community.

48. The Coal Mining Risk Assessment and Remediation Strategy required through condition 2(cc) shall include the following:

- The submission of a scheme of intrusive site investigations for the mine entries on site for approval;

- The submission of a scheme of intrusive site investigations to confirm that the mine entries off site are not actually within the site for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- The undertaking of those schemes of intrusive site investigations, including necessary gas monitoring measures;
- The submission of a report of findings arising from all the intrusive site investigations;
- The submission of a layout plan which identifies appropriate zones of influence for the mine entries on site and off-site, and the identification of 'no-build' zones;
- The submission of a layout plan which identifies appropriate zones of influence for the highwalls from the past surface mining activity, and the definition of suitable 'no-build' zones;
- The submission of a scheme of treatment for the mine entries on site for approval;
- The submission of a scheme of remedial works for the shallow coal workings for approval;
- The submission of a scheme of gas mitigation measures for approval;
- an appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout;
- a conceptual model and site specific information on the depth to groundwater to inform the risk assessment associated with the proposed grouting; and
- Pollution prevention measures.

No development shall be implemented until the remedial works identified and outlined are fully undertaken unless otherwise agreed with Fife Council as planning authority in consultation with the Coal Authority.

Reason: To ensure the development fully addresses the implications of the mining legacy risk at the site and that the necessary.

49. Details of the temporary haul road shown within phase 4 of the Development Framework Report, shall be submitted with the application for Matters Specified by Condition to which it would be required.

Reason: To allow consideration of the impacts of this route.

50. The northern boundary of phase 4 will form a new entrance to Dunfermline and the Development Brief for this phase shall reflect this in terms of development frontage, built form and public art.

Reason: In the interests of visual amenity and creating place.

51. Any noise barrier required to mitigate noise on the Northern Link Road shall be designed to have a minimal visual impact. Consideration shall be given to earth mounds or incorporation of the barrier into dense landscaping. The mitigation already identified (noise barrier and the noise reducing road surface) and any other mitigation identified in future noise assessments shall be in place prior to the Northern Link Road coming into use.

Reason: In the interests of visual amenity.

52. Prior to any buildings within Wester Whitefield farm or the western former railway bridge being demolished, a heritage statement shall be submitted for the written approval of Fife Council as planning authority. This shall detail (including methodology) the

recording of any buildings within the farm of built heritage and the railway bridge. The statement shall also detail how the materials would be stored until they are reused on site. How the materials shall be reused would be detailed within the relevant Development Brief.

Reason: In the interests of recording the built heritage on the site and protecting the materials for future use.

## **Conclusions**

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In line with the decision of the Central and West Planning Committee to refuse the above application against officer recommendation, it is recommended that the above reasons for refusal presented in the Recommendation(s) section above be approved.

## **Background Papers**

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

Committee Report 17/01677/EIA - West Planning Committee - January 2019

National Policy, Regulations and Guidance:

SPP - Scottish Planning Policy (2014)

Designing Streets (2010)

Creating Places (2013)

Circular 3/2012 planning obligations and good neighbour agreements (2012)

PAN 65 Planning and Open Space (2008)

PAN 33 Development of Contaminated Land (2000)

PAN 2/2011 Planning and Archaeology (2011)

PAN 1/2011 Planning and Noise (2011)

PAN 68 Design Statements

PAN 77 Designing Safer Places

PAN 78 Inclusive Design (2006)

Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)

Development Management Procedure (Scotland) Regulations (2013)

Air Quality and Land Use Planning (2004)

PAN 51 (Planning and Environmental Protection)

Land-Use Planning and Development Control: Planning for Air Quality (2015)

Historic Environment Scotland Policy Statement (2016)

Scottish Government's Control of Woodland Removal Policy (2009)

Development Plan, Supplementary Guidance and other material considerations:

SESplan Strategic Development Plan (2013)

Adopted FIFEplan (Fife Local Development Plan) (2017)

Fife Councils Minerals Supplementary Guidance

Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places Supplementary Guidance (2018)

Fife Council's Planning Obligations Framework Guidance (2015)

Fife Council's Draft Planning Obligations Framework Supplementary Guidance (2017)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Supplementary Guidance on Affordable Housing (2018)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009)  
Fife Council's Noise Guidance for New Developments  
The Royal Environmental Health Institute of Scotland (REIS) Briefing 17 - Noise Guidance for New Developments  
World Health Organisation (WHO) Guidelines for Community Noise (2015)  
Air Quality and Land Use Planning (2004)  
PAN 51 (Planning and Environmental Protection)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)  
Historic Environment Scotland Policy Statement (2016)  
Scottish Government's Control of Woodland Removal Policy (2009)

Plan for Fife 2017-2027 - Local Outcome Improvement Plan

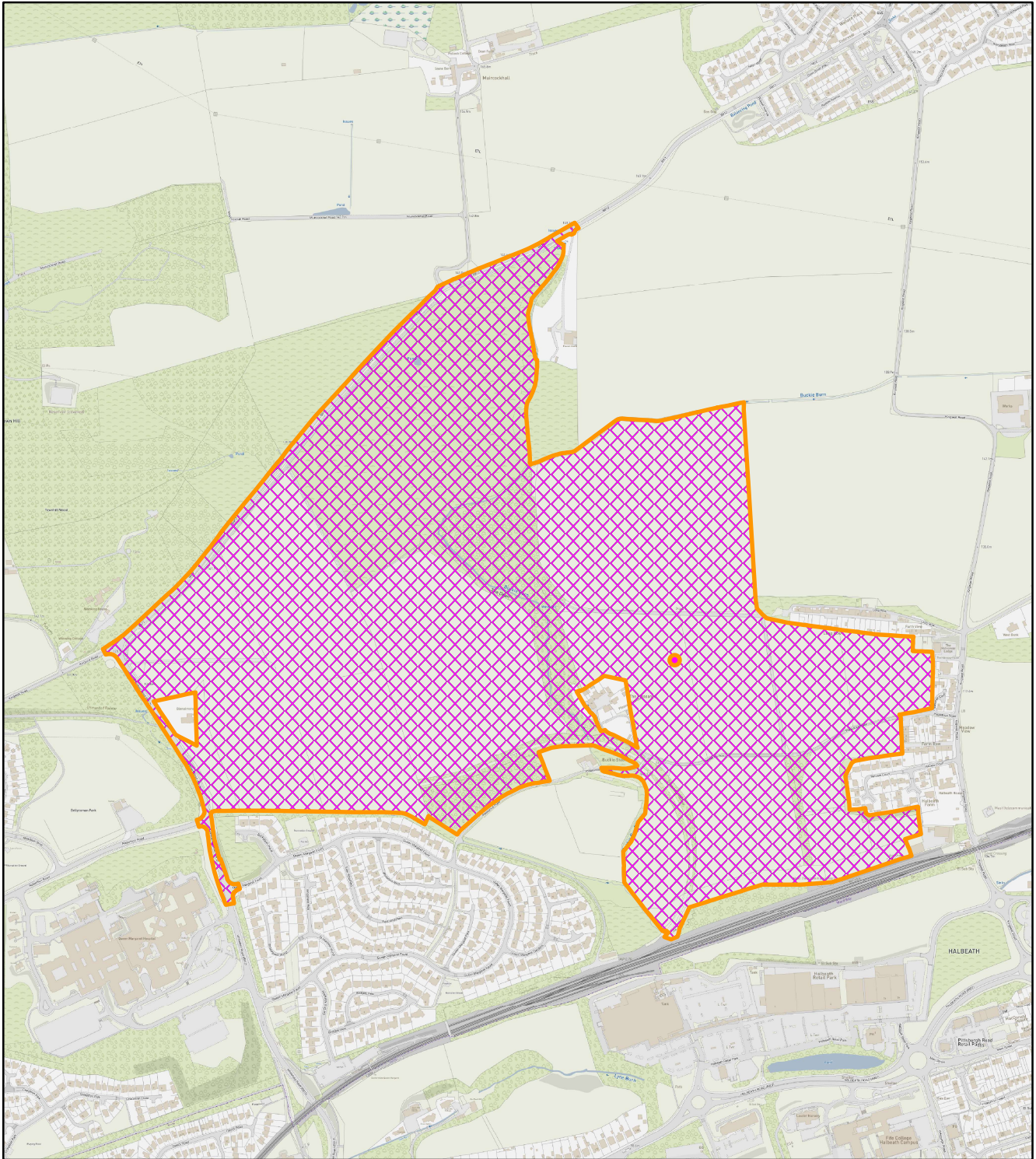
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# 17.01677.EIA

## Land at Halbeath North of Circle Rail Line Pleasance Road Halbeath



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### Legend

 Application Boundary

0 50 100 200 300  
m



Economy, Planning & Employability Services



Agenda Item No. 7

**22/01420/CON - ECU00003469 - Consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure  
SITE: Devilla Forest, Kincardine at Scottish Government Consultation, Fife,**

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**Report by:** Pam Ewen, Head of Planning Services

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**Wards Affected:** West Fife and coastal villages

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**Purpose**

The purpose of this report is to seek the Committee's agreement on the Council's proposed formal response to the consultation from Scottish Ministers under Section 36 of the Electricity Act, 1989.

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**Recommendation(s)**

To agree with the conclusions set out in the report and make additional comments as appropriate to enable the submission of the consultation response (Appendix 1 to this Report) as the formal position of Fife Council to Scottish Ministers.

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**Resource Implications**

In terms of Section 57 of the 1997 Planning (Scotland) Act, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions. The Planning Authority would be tasked with subsequently enforcing any conditions of the deemed planning permission, in a similar way to where conditions are imposed by a Reporter on appeal.

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**Legal & Risk Implications**

Fife Council is being consulted as part of the determination process for the Section 36 application. Fife Council is not the determining Authority with regard to this application and is responding to The Scottish Government's Energy Consent Unit (ECU) as a Statutory Consultee. All other statutory consultees will be submitting individual comments and views direct to the ECU. If the Council as a Statutory Consultee is minded to object to the proposals, Scottish Ministers shall be required to convene a Public Local Inquiry unless the areas of objection can be satisfactorily addressed through modifications to the proposal or the imposition of appropriate conditions.

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**Consultation**

Internal consultation was undertaken with officers from:



Consultee	Comments
Built Heritage	No objections or concerns.
Business and Employability	No comment.
Environmental Health (Public Protection)	No objections. Condition recommended.
Land and Air Quality	No objections or concerns.
Natural Heritage	No comment.
Parks Development and Countryside	No comment.
Policy and Place	Development contrary to FIFEplan (not significantly contrary).
Structural Services	No objections or concerns.
Transportation Development Management	No objections or concerns.
Trees	No comment.
Urban Design	No objections or concerns.

Statutory consultee comments submitted directly to ECU included Transport Scotland, NatureScot, Scottish Environmental Protection Agency (SEPA), Historic Environment Scotland (HES), Coal Authority, Health and Safety Executive, Scottish Forestry, British Horse Society and ScotWays.

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## 1.0 Background

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### 1.1 Site and Surroundings

1.1.1 The application site relates to an area of land located to the north of A985 trunk road at Devilla Forest, approximately 2.5km north east of the disused Longannet Power Station. The nearest settlements are High Valleyfield (2.8km to the east), Culross (2km to the south east) and Kincardine (3km to the west). The site occupies approximately 11.7 hectares of land within Devilla Forest (in an area known as Kirkton Wood). Devilla Forest has a total area of around 800 hectares - Kirkton Wood is a small block of forest situated on the very eastern edge of the overall forested area. The site forms part of the Devilla to Tulliallan Green Network Policy Area (KCDGN02). The boundary of the site is formed by a forestry access road, part of the wider Devilla Forest network to the west, a disused sawmill and Keir Burn to the south, with agricultural land to the north and east. The forestry access road connects to the A985. The Moor Loch Loop Core Path route (R751) runs northwards from the A985 Trunk Road along the service road before veering westwards into the woodland at the southwestern corner of the former sawmill site. The closest properties are Dunimarle Lodge and Fleming Cottage approximately 250 and 360 metres east respectively, Righead Farm wedding venue approximately 400 metres to the north (with the farmhouse beyond), properties at Gallows Loan, approximately 550 metres to the east and Ashes Farm and Farmhouse approximately 600 metres to the east. The application site comprises of a mix of plantation conifer and felled woodland, forming part of a long existing commercial forestry operation since at least 1945, although is also listed on the Ancient Woodland Inventory (Scotland) as long-established woodland (of plantation origin). Further areas of conifer woodland lie between the Site and the A985, which is located approximately 320m south. Approximately 1.6km south of the Site, lies the Firth of Forth which is designated as a Ramsar Site, Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Local Nature Reserve (LNR). Further afield, approximately 3.3 km northeast of the Site lies the Lockshaw Mosses SSSI separated from the Site by predominantly agricultural land segregated by hedges, tracks and roads (including the A904).

### 1.2 Proposal

1.2.1 The proposed development is for the installation of a 500MW battery energy storage facility and associated infrastructure. Whilst the final configuration and layout of the development is yet to be decided (this is discussed below), the development would comprise the construction and/or operation of energy storage systems consisting of: energy storage modules; heating, ventilation and air conditioning (HVAC) equipment; fire suppression equipment; cooling plant; control and protection apparatus; switchgear apparatus; inverters or power conversion system; transformers; metering equipment; cabling and connection to the RTL compound; and welfare facilities. The associated works and development would comprise cut and fill earthworks; a compound for the relevant transmission licensee (RTL); security fencing and CCTV; access from the adopted road (A985), internal access and circulation roads; drainage infrastructure, landscape, and ecological planting; and creation of platform(s) to support the energy storage infrastructure.

1.2.2 It is proposed for the battery storage compound to connect to an existing substation located at the former Longannet Power Station. The connection to the substation would be via electricity pylons – the proposed pylons do not form part of the Section 36 application.

1.2.3 The proposed battery storage development would provide the facility to store electricity at times of low demand and feed that into the Grid at peak demand times, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources.

1.2.4 The expected operating lifetime of the development has not been established.

### 1.3 Planning History

1.3.1 The majority of the application site was included in the site boundary for planning application 07/01575/WFULL for the erection of a sawmill with storage area and ancillary development including; parking, site offices, log sorter and weighbridge; and upgrading of road junction and access road. This application was approved on 22<sup>nd</sup> September 2009. However, the actual built development extent was ultimately smaller than was permitted and the area containing the current Section 36 application site was not developed. The built development comprised of a 3ha hardstanding area with all of the ancillary development located within this area.

1.3.2 Planning application 13/00376/FULL is also noted. In 2013, planning permission was approved for amendments to the layout of the access road junction of the forestry access road and the A985(T). The application was submitted to rectify the fact that the works for the access road junction approved through application 07/01575/WFULL were not carried out in accordance with the plans.

1.3.3 The above sawmill use ceased in March 2020. Following this, planning permission was approved in March 2021 for change of use of the sawmill to a fuel (wood) storage facility (Class 6) and installation of security fence – ref. 21/00722/FULL. Timber is to be stored on the 3ha hardstanding area before being delivered to a 65MW biomass combined heat and power (CHP) plant located in Markinch, Glenrothes.

1.3.4 A planning application (ref. (13/01595/FULL) for the erection of a wind turbine (99.7m) to blade tip with associated meter housing and formation of access track was approved on 8th October 2013 approximately 150m to the north-west of the Site. This development has now been constructed and is operational. This was the second approval

for a wind turbine on the site as the original approval for an 84m to blade tip proposal was found not to be viable following approval on 24 September 2012 (ref. 12/01809/FULL). Vehicular access to this turbine is via the Kirkton Farm access road to the east of the current application site.

1.3.5 Righead Farm, approximately 400m north of the application, has an extensive planning history. Relevant planning applications are summarised below. These applications are noted as access to Righead Farm is via the forestry access road which connects to the A985(T).

- 15/01986/FULL – In 2015, planning permission was approved for erection of coffee shop, garden shop and toilet buildings with associated parking (retrospective).

- 17/03952/FULL – In 2018, planning permission was approved for change of use from a coffee shop (Class 3) to a wedding venue (Class 11) and coffee shop (Class 3) and erection of single storey outbuilding for use as wedding venue (Class 11).

- 19/02215/FULL – In 2019, planning permission was approved for Change of use of coffee shop (Class 3) to wedding/events venue (Sui Generis) and coffee shop (Class 3) and alterations to existing agricultural barn (in part retrospective) and change of use of agricultural barn to wedding/events use (Sui Generis).

## 1.4 Application Procedures

1.4.1 Certain engineering and technical details can only be finalised on award of procurement and construction contracts. These details may vary according to the specific battery, inverter and containers used, but would not significantly increase the impacts described. The installation would be in accordance with current regulations and practices including the Electricity Safety, Quality and Continuity Regulations 2002 as amended. The nature of energy storage facilities, where the technology is rapidly evolving and consent is often applied for several years before construction commences, has the potential to leave the developer with a great deal of uncertainty and unable to benefit from advances in technology or installation methodology that were not available at the time of submission. For example, the type, number and size of energy storage modules, associated building design, and the extent of external equipment required, may vary depending on the final technology provider and other technical considerations such as grid connection. A degree of design flexibility therefore allows for any future variation in the final configuration of the facility, which may depend on best practice and the selected manufacturer, determined by market conditions and technology availability at time of construction. To assist with this technical uncertainty in the consenting process it is common practice to define what has become known as a 'Rochdale Envelope'. The adoption of the Rochdale Envelope approach allows meaningful assessment to take place by defining a 'likely worst case' scenario that decision makers can consider in determining the acceptability (or otherwise) of the environmental impacts and effects of a project. The principle of the Rochdale Envelope allows the developer or applicant to provide broad or alternative project engineering and construction parameters, of which one or a selection of the scenarios or parameters will ultimately be constructed. The 'likely worst case' scenario assumes that one or other of the parameters will have a more significant adverse effect than the alternative.

1.4.2 In Scotland, applications in relation to energy infrastructure which have a capacity of greater than 50MW are made to the Scottish Ministers for determination under Section 36 of the Electricity Act 1989. These cases are administered by the Energy Consents Unit. As above, in terms of Section 57 of the 1997 Planning (Scotland) Act, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions.

1.4.3 Given the scale of this proposal, the applicant set out their intention to undertake an environmental impact assessment, requesting scoping opinion from the ECU under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 – ref. ECU00003250. Fife Council was consulted to input to the scoping opinion. The Environmental Impact Assessment Report (EIAR) which accompanies the application for Section 36 consent was informed by the scoping opinion issued by the ECU. The matters that were in scope were:

- Ecology and Nature Conservation
- Historic Environment
- Landscape and Visual
- Hydrology and Flood Risk
- Hydrogeology, Geology and Ground Conditions
- Traffic and Transport Operational traffic
- Noise and Vibration
- Climate Change

Supporting appendices are also provided in the EIAR to address specific aspects associated with population and health, construction dust, forestry, and soils and agricultural land quality.

1.4.4 In addition to the above, the EIAR also includes chapters on the site and project description, need and alternatives considered, and environmental assessment methodology. A non-technical summary has also been submitted. As required by the EIA Regulations, the EIAR provides an overview of the qualifications of the EIAR authors. Volume 3 of the EIAR contains the supporting technical documents which informed the EIA assessment. Each assessment chapter of the EIAR (Chapters 5-12) includes information relating to the key planning and policy context of the relevant impact being examined in the chapter, baseline conditions of the site/surroundings, an identification and evaluation of key impacts (including cumulative impacts), details of design-based mitigation and other proposed mitigation, and the residual effects of the development. As above, the EIAR adopts a Rochdale Envelope Approach. The EIAR considers three indicative layout configurations, the 'in building configuration', 'hybrid configuration' and 'open configuration'. The assessments within the EIAR were undertaken on the basis of the configuration which was considered likely to raise the most significant impacts under the heading of each assessment chapter. Whilst not forming part of the Section 36 application, the cumulative impacts of the overhead power lines are also considered within the EIAR.

## 1.5 NPF Update

1.5.1 On 10th November 2021, the Scottish Government published the Draft National Planning Framework 4 (NPF4). When adopted, (programmed for summer 2022) NPF4 will have the status of the development plan for planning purposes. It will replace the current National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). The Draft NPF4 will be considered in the assessment of planning applications but has limited weight or materiality until NPF4 is finalised and adopted.

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## 2.0 Assessment

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2.1 The matters to be assessed against the development plan and other material considerations are:

- Contribution to Renewable Energy Supply
- Principle of Development
- Landscape and Visual Impact
- Impact on Cultural Heritage
- Low Carbon/Sustainability
- Ecological Impact
- Transportation and Road Safety
- Residential Amenity
- Flood Risk and Drainage
- Land Contamination
- CCTV and Privacy
- Core Paths and Countryside Access

## 2.2 Contribution to Renewable Energy Supply

2.2.1 Scottish Planning Policy (SPP) (2014), National Planning Framework (NPF) 3, SESplan (2013) Policy 10, the FIFEplan (2017) Policies 1 and 11 and Low Carbon Supplementary Guidance (2019) all give support in principle to renewable energy developments, provided that there is no significant adverse impact on local communities and/or the natural environment. This reflects the Scottish Government policy commitment to increasing the amount of electricity generated from renewable sources as set out in the SPP, which also advises that a balance must be struck between the need for sustainable energy sources and their impact on their surroundings.

2.2.2 National Guidance on Renewable Energy contained within SPP supports the full range of renewable energy technologies as the Scottish Government has set a target of achieving the equivalent of 100% of Scotland's electricity from renewable sources by 2020. The SPP (Delivering Heat and Electricity) advises the planning system, should help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to energy efficiency; heat recovery; efficient energy supply and storage; electricity and heat from renewable sources; and electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

2.2.3 The National Planning Framework (NPF) 3 (Scottish Government, 2014) for Scotland commits the Scottish Government to achieving an 80% reduction in greenhouse gas emissions by 2050. The Draft NPF4, highlights the need for an increase in electricity generation from renewable sources for Scotland to meet its net zero emissions targets. This will be supported by an increase in storage technology and capacity to provide the flexible response needed for a zero carbon network. Additionally, Policy 19: Green Energy stipulates that '...b) Development proposals for all forms of renewable energy and low-carbon fuels, together with enabling works such as transmission and distribution infrastructure, and energy storage such as battery storage, should be supported in principle.'

2.2.4 The Scottish Government's Energy Storage: Planning Advice document (2013) states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. The document states that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, and can provide energy on demand off-grid in

a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland. The document also advises that Planning Authorities should, in deciding applications for all types of renewables, consider the potential for energy storage such as hydrogen and fuel cell storage, within the site or in accessible nearby sites or within transitional technologies and that they should encourage new developments to plan for energy centres incorporating transitional technologies which give the potential for energy storage linked to renewable storage at a future date

2.2.5 Fife Council's Low Carbon Supplementary Guidance (2019) advises that consideration of the scale of contribution to renewable energy generation targets and the effect of proposals on greenhouse emissions shall form part of the assessment process. To aid in the Planning Authority's assessment, this document sets out the specific information required to be submitted for all battery storage developments, namely;

- The maximum capacity of the plant being proposed;
- Visualisations of the proposal within its context;
- Assessment of the potential impact on Fife's natural heritage including landscape and ecology;
- Assessment of the potential impact of the proposal on built heritage;
- A Noise Impact Assessment;
- Details of restoration and aftercare/decommissioning of the site; and
- Assessment of likely impact on tourists, visitors to recreation and countryside access facilities, road and path users, and railway traffic needs.

The above considerations also apply to any proposed cabling.

2.2.5 The proposed development would not generate electricity from renewable sources, however its 500MW storage capacity could make a substantial contribution to the nation's electricity needs and the Government's energy objectives by storing electricity generated by renewable sources at periods of low demand before feeding the electricity into the grid at periods of high demand. Without battery storage developments, surplus electricity produced by renewable sources curtails and is ultimately lost. The annualised average output of the proposed development is predicted to be 496,400MW.

2.2.6 As well as feeding electricity into the grid, as no renewable energy generating technologies are included in the proposal, the proposed battery storage development would receive its electricity from the grid, meaning that the electricity stored by the proposed development would not exclusively have been generated by renewable sources. However, as Scotland moves towards achieving the equivalent of 100% of Scotland's electricity being generated from renewable sources, in the long-term it is accepted that the electricity stored would have been generated by renewables.

2.2.7 The weight of contributions the proposed development shall make towards the Government's renewable electricity generation targets shall be taken into consideration when assessing the impacts of the proposed development; these impacts shall be explored in the subsequent paragraphs of this response.

## 2.3 Principle of Development

2.3.1 Scottish Planning Policy (2014), National Planning Framework (NPF) 3, Policy 10 of SESplan Strategic Development Plan (2013), Policies 1, 7 and 11 of FIFEplan Local

Development Plan (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development.

2.3.2 National Guidance on Renewable Energy contained within SPP (2014) (A Low Carbon Place - Delivering Heat and Electricity) supports the full range of renewable energy technologies as the Scottish Government has set a target of achieving 100% of Scotland's electricity from renewable sources by 2020. The SPP (Delivering Heat and Electricity) goes on to advise that the planning system should help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to energy efficiency. The SPP advises that Development Plans with special emphasis on planning supplementary guidance are expected to set out the detail criteria by which energy proposals would be considered. The support for renewable energy schemes is tempered by the need to meet statutory obligations to protect local residential amenity, designated areas, species, habitats and historic environments from inappropriate forms of development; and ensure the impacts on local communities, aviation interests and broadcasting installations are addressed.

2.3.3 The SPP (Promoting Rural Development), amongst other criteria, states that in areas of intermediate accessibility and pressure for development, Development Plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. It elaborates that in accessible or pressured rural areas, plans and decision making should generally guide most new development to locations within or adjacent to settlements.

2.3.4 NPF3 is the spatial expression of the Government Economic Strategy which aims to create great places that support sustainable economic growth across the country. NPF3 brings together plans and strategies in economic development, regeneration, energy, environment, climate change, transport and digital infrastructure to provide a coherent vision of how Scotland should evolve over the next 20 to 30 years. NPF identifies national developments and other strategically important development opportunities in Scotland. One such national development is the proposal for a carbon capture and storage network and thermal generation. NPF3 identifies that Longannet can deliver thermal generation proposals (alongside Peterhead (Boddam), Grangemouth and Cockenzie). These national developments are needed to support the delivery of a carbon capture and storage network to establish Scotland as a centre of expertise in this technology. In line with the Scottish Government's Electricity Generation Policy Statement, these classes of development also support the achievement of a minimum of 2.5 gigawatts of thermal generation progressively fitted with carbon capture and storage technology. The aim is to demonstrate that carbon capture and storage is feasible at a commercial scale by 2020, with full retrofit across conventional fossil fuel power stations by 2025-30.

2.3.5 Approved SESplan Strategic Development Plan 2012 - 2032 (2013) notes that the potential for low carbon and renewable energy developments encompasses a range of technologies with varied impacts, and that consideration of location, landscape, environmental quality and community impacts will be required for onshore developments. SESplan (2013) Policy 10 seeks to promote sustainable energy sources setting a framework for the encouragement of renewable energy proposals that aim to contribute towards achieving a low carbon future. Policy 10 sets out that Local Development Plans require to set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into

account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply.

2.3.6 The Adopted FIFEplan (2017) Policy 1 sets out the requirements for development principles. Policy 1 of FIFEplan supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 1 (Part A) states the development will only be supported if it is within a defined settlement boundary and compliant with the policies for the location, or if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, Policy 1 (Part B) states that the proposed development must be appropriate for the location through compliance with the relevant policies; Policy 7.

2.3.7 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. Policy 7 also states that there will be circumstances where countryside locations are the most appropriate or only feasible places to locate energy or minerals developments. In these cases, this policy will be applied in assessing and managing the impacts of a proposal that can be otherwise supported by the Development Plan.

2.3.8 FIFEplan Policy 11: Low Carbon Fife provides the policy framework to assess new development for Low Carbon Energy Schemes such as wind turbines, district heating, solar arrays or energy from waste. Policy 11 requires a proposal to demonstrate that the development would not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated. In assessing impacts, decision takers are required to consider relevant environmental, community and cumulative impact considerations. With regard to solar arrays/farms, visual impact will be an important consideration in assessing these schemes. Rural brownfield land and land outwith green belts, Local Landscape Areas and environmentally sensitive areas are more likely to be suitable locations for such schemes. Fife Council's Low Carbon Supplementary Guidance (2019) advises that consideration of the scale of contribution to renewable energy generation targets and the effect of proposals on greenhouse emissions shall form part of the assessment process.

2.3.9 As above, the application has been submitted using the principles of the 'Rochdale Envelope' which considers the likely worst-case scenarios for the development. The proposed development could potentially comprise of five large scale storage buildings (each with a maximum footprint of 5615sqm and height of 15m) to house the batteries, with an open compound area for the relevant transmission licensee (RTL) (the design/layout of which would be the responsibility of Scottish Power) and other necessary infrastructure including a small scale welfare/maintenance building (maximum height of 4.75m), cabling, roads and a SuDS basin. The proposed development would connect to a



substation at Longannet power station, located on the northern shore of the Firth of Forth, approximately 2.8km to the southwest of the site.

2.3.10 The application site lies directly adjacent the former Devilla Forest sawmill, a site that until recently (2019/20) was in active economic and industrial use serving the local timber market. With sawmill operation ceasing, planning permission has recently been approved for the change of use of the site to a fuel (wood) storage facility (21/00722/FULL) – timber shall be stored on the 3ha hardstanding area before being delivered to a 65MW biomass combined heat and power (CHP) plant located in Markinch, Glenrothes.

2.3.11 Devilla Forest itself, a safeguarded green network policy area within FIFEplan (2017), is an important local and nationally recognised recreational and biodiversity asset, maintained and overseen by Forestry and Land Scotland. The locale attracts significant visitor numbers annually and provides space for outdoor education activities, recreation, heritage interpretation and habitats, potentially including red squirrels.

2.3.12 The application site is not located within a defined settlement envelope and is thus considered to be countryside land (FIFEplan, 2017). The Council has accepted that many of the emerging technologies which aim to drive Scotland towards a low carbon future, such as wind turbines and solar parks, have a proven need for countryside locations and are therefore supported under Policy 7 of FIFEplan. It is accepted that battery storage technologies are consistent with broader low carbon and sustainability objectives, including the recently approved 'Climate Fife Strategy', however the current tests are those within the adopted Local Development Plan.

2.3.13 It is accepted by the Planning Authority that the location of battery storage developments is dependent on the location (and availability) of existing grid connection points and locations where there are transmission constraints in the transmission system. It is also generally accepted that there is a need for electricity storage solutions as Scotland transitions to 100% renewable electricity generation. Chapter 3 of the EIAR (Need and Alternatives Considered) outlines the applicant's site selection investigations which identified a demand for the proposed development within the general location and an accessible grid connection point (Longannet). There is nothing before the Planning Authority to dispute that there is demand/availability for the proposed development in this general location, whilst it is also understood that the further a battery storage development is located from the connection point, the less viable the development. Whilst it is acknowledged that it would be difficult to locate a development of the size and scale proposed (12ha), whilst addressing potential amenity impacts, within an existing settlement, this does not give immediate support to locating the development within the countryside. The Planning Authority requested that the applicant demonstrate that there were no other suitable locations available within the vicinity of the grid connection point. It was requested that the site selection process adopt a sequential approach which considers sites in the following order:

- Sites allocated in FIFEplan (2017) for energy or specialist uses;
- Brownfield sites and industrial settings within settlement envelopes;
- Edge of settlement sites;
- Countryside.

2.3.14 The proximity of the application site to the former Longannet Power Station – where the identified grid connection point is located – is noted. The 197.46ha former power station site is allocated in FIFEplan (2017) as site LWD034 for 'Employment - Class 4, 5 or 6 & Energy or Specialist uses'. As above, the Longannet site is also identified as a national development in NPF3 for 'Carbon Capture and Storage Network and Thermal Generation'

- this national development allocation has not been carried forward into the Draft NPF4. The application site is also within 4.5km of Kincardine Power Station (site KCD006 in FIFEplan), itself only 2km from Longannet. Site KCD006 is allocated for 'Employment', with the wider Kincardine Power Station site identified as a safeguarded employment area within FIFEplan. The Planning Authority do not consider that there are any other allocated or brownfield sites within the vicinity of the site which could accommodate a development of the type/size proposed

2.3.15 The proposed battery storage development would not constitute an 'employment use'. It is thus accepted that the proposed development would not be suited to the Kincardine Power Station site. The applicant contends that the proposed battery storage development would not accord with the FIFEplan and NPF3 allocations for the Longannet site. The Planning Authority does not concur with this position and it is considered that Longannet would be a more appropriate location in principle for the development rather than the proposed countryside location. No evidence has been presented of engagement between the applicant and Scottish Power (owners of Longannet) regarding the possible use of Longannet to site the development. The Planning Authority considers that the proposed battery storage development would complement the identified national development proposals for Longannet as the battery storage could be utilised by the power generation station allocated for development on the site, nor would the site area of the battery storage significantly undermine the availability of land to deliver the identified national developments across the large site. Furthermore, the proposed battery storage development would not introduce a land use which would be susceptible to amenity impacts of any potential pipeline, carbon storage or power station development. Additionally, it is recognised that NPF3 is nearing the end of its lifecycle and with no sign of any carbon capture/storage or thermal generation development being proposed, the Planning Authority consider that it would be appropriate at this stage to support a battery storage development on the site rather than restricting development on the site in the interests of safeguarding for a development that is not proposed within the Draft NPF4. Moreover, giving consideration to the FIFEplan allocation, it is considered that whilst not representing an employment opportunity, the proposed battery storage development would comply with the 'energy or specialist' uses wording of the site allocation, with the area of land required for the proposed battery storage development not significantly impacting on the land available across the 197.46ha power station site – allowing for future employment uses to be delivered.

2.3.16 From reviewing the availability and suitability of alternative development sites within the vicinity of the application site, it is considered that it would be more appropriate to locate the proposed development within Longannet rather than the chosen countryside location. In principle, it is considered that a battery storage development would comply with Longannet's national development allocation within NPF3, as well as its site allocation within FIFEplan. Thus, the proposed development in the countryside is considered to be contrary in principle to Policies 1 and 7 of FIFEplan as it has not been demonstrated that the development has a proven need for a countryside location. The proposed development is not however considered to be significantly contrary to FIFEplan as the local development plan has not assigned any land specifically for battery storage developments, nor does it set out in principle that such developments should not be located in the countryside.

2.3.17 In conclusion, the development is deemed to be contrary to the requirements of FIFEplan (2017) as it is considered that insufficient justification has been presented for locating the development in the countryside, with a more appropriate setting considered to be available within the immediate vicinity. Notwithstanding the fact that the proposed

development is contrary to the location requirements of FIFEplan (2017), the overall support for this development is reliant on the applicant demonstrating compliance with the impact policies of the development plan and other material considerations; as set out in Parts B and C of Policy 1 of FIFEplan (2017), and the subject policies of FIFEplan (2017) and SPP (2014). Compliance with these additional policies and considerations are detailed in the subsequent sections of this report.

## 2.4 Design, Landscape and Visual Impact

2.4.1 SPP (2014), Policies 1, 7, 10, 11, 13 and 14 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013) and NatureScot National Landscape Character Assessment (2019) apply with regard the design, landscape and visual impact considerations.

2.4.2 SPP Paragraph 194 promotes positive change that maintains and enhances distinctive landscape character. Paragraph 202 states that development should be designed to take account of local landscape character and the potential effects on landscapes, including cumulative effects. SPP directs planning authorities to adopt a precautionary approach when considering landscape impacts, but also to consider the ways in which modifications to a proposal could be made to mitigate the risk (paragraph 204). SPP further advises that Scotland's landscape and natural heritage are internationally renowned and important and are a key components of the high environmental quality which makes it an attractive place in which to live, do business and invest and as such improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. In terms of landscape, the SPP advises that the landscape in both countryside and urban areas is constantly changing and therefore the aim should be to facilitate positive change whilst maintaining and enhancing its distinctive character. The SPP also advises that different landscapes will have different capacities to accommodate new development, the most sensitive landscapes may have little or no capacity to accept new development, and the siting and design of developments should be informed by local landscape character. Landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes are considered. Careful planning and design can minimise the potential for conflict and maximise the potential for enhancements, however there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted.

2.4.3 The SPP advises that statutory natural heritage designations are important considerations but such designations should not necessarily imply a prohibition on development. The precautionary principle should also apply where the impacts of a proposed development on nationally or internationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Such a precautionary principle however should not be used to impede development unnecessarily especially when further research, surveys or assessments could remove or reduce such uncertainty. Developments that would have a detrimental effect on international (such as Special Protection Areas or Special Areas of Conservation etc.), national (such as National Scenic Areas, Sites of Special Scientific Interest, National Parks, or National Nature Reserves) or local designations (such as Local Nature Reserves (LNR's), or Local Landscape Area (LLA's) etc.) should not be supported.

2.4.4 The Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013) states that for visual effects or impacts, the two principal criteria which determine significance are the scale and magnitude of effect, and the environmental sensitivity of the location or receptor. A higher level of significance is generally attached to large-scale effects and effects on sensitive or high-value receptors; thus small effects on highly sensitive sites can be more important than large effects on less sensitive sites. The guidelines note that large-scale changes which introduce new, discordant or intrusive elements into a view are more likely to be significant than small changes or changes involving features already within the view. The document goes on to state that changes in views from recognised and important views or amenity routes are likely to be more significant than changes affecting other less important paths and roads.

2.4.5 FIFEplan (2017) Spatial Strategy promotes an increase in Quality of Place through new development in Fife. FIFEplan Policy 1 Part B (7) states that development must safeguard the character and qualities of the landscape, with Policy 1 Part C requiring proposals to demonstrate adherence to the six qualities of successful places. Policy 10 (Amenity) of FIFEplan requires proposals to demonstrate that development would not result in a significant detrimental impact on amenity in relation to visual impact and should aim to protect the visual amenity of the local community. Policy 13: Natural Environment and Access seeks to protect landscape character and views from inappropriate or insensitive development. Policy 14 provides more detail on these principles of good placemaking, advising that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Policy 14 additionally sets out that developments are expected to achieve the six qualities of successful places: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around. Fife Council will apply the six qualities of successful places in order to assess a proposal's adherence to these principles.

2.4.6 As defined previously, Policy 7 of FIFEplan (2017) advises that development proposals must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.4.7 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places. Further to this, Appendix B and D of Making Fife's Places Supplementary Guidance (2018) set out site appraisal information in relation to landscape and identifies key actions and guidance that should be followed by developers. An appropriate site appraisal (including appropriate mitigation measures where required), following the identified actions within this policy document should be submitted for assessment as part of any planning application. This document sets out the level of site appraisal an applicant is expected to undertake as part of the design process, including consideration of the landscape setting, character and the topography of the site. The appraisal process may also require an assessment of the townscape character of the site context, where appropriate. Applicants are encouraged to demonstrate that the proposal has followed a robust design process. Making Fife's Places includes an evaluation framework to guide the assessment of the design process undertaken. The application site forms part of the 'Devilla to Tulliallan' Green Network

Policy Area (KCDCH02) within FIFEplan (2017). This policy area is considered to contribute strongly to the area's landscape character and to the setting of Kincardine.

2.4.8 The landscape and visual impacts of the proposed development are considered within Chapter 7 of the EIAR which is informed by a Landscape and Visual Impact Assessment (LVIA). A Zone of Theoretical Visibility (ZTV), with a radius of 15km, was used to prepare the LVIA. The EIAR is supported by existing photographs of the site, taken from 13 viewpoints agreed by the Planning Authority (including one across the Firth of Forth), photomontage images to demonstrate impacts for three agreed viewpoints (VP 1, 2 and 4). The submitted LVIA assesses the impact of the proposed development on landscape features, landscape character, the wider landscape and on visual amenity. In consultation with the Council's Urban Design Officer, the methodology for the LVIA is considered to be appropriate and follows the relevant guidelines as referred to above.

2.4.9 As above, the final design and layout of the development is yet to be realised. Chapter 7 of the EIAR therefore considers that the 'likely worst case' scenario, in terms of landscape and visual impacts, would be the 'in building configuration'; indicatively proposed to comprise of five energy storage buildings (15m in height). Regardless of which configuration is chosen, as a minimum the proposed development would feature energy storage modules; heating, ventilation and air conditioning (HVAC) equipment; fire suppression equipment; cooling plant; control and protection apparatus; switchgear apparatus; inverters or power conversion system; transformers; metering equipment; cabling and connection to the RTL compound; and welfare facilities. The associated works and development would comprise cut and fill earthworks; a compound for the RTL; security fencing and CCTV; access from the adopted road (A985), internal access and circulation roads; drainage infrastructure, landscape, and ecological planting; and creation of platform(s) to support the energy storage infrastructure.

2.4.10 The EIAR concludes that the sensitivity of the Lowland Hills and Valleys landscape character type, within which the site is located, is medium. Direct effects on the site area during construction and at completion of the development, would result in temporary significant effects on landscape character of the woodland application site itself. Effects on other landscape character types within the study area would not be significant. The quality and character of the wider landscape within the study area is however considered to be maintained over time, and would have capacity to accommodate the development without significant effects. In relation to cumulative impacts, the assessment summarises that the development would make a small contribution to the overall cumulative effect on landscape character and visual effects, however these are not considered significant. In terms of views, it is anticipated within the EIAR that the nature of the development would cause some localised obstruction to near views from roads and tracks during construction and at completion. It is considered, overall, that the potential effects upon these views would not be significant, with the development being screened by retained woodland, reinforcement boundary planting and new on-site blocks of woodland. The visual amenity of receptors within the study area would generally be maintained. No significant visual effects have therefore been identified.

2.4.11 Taking into consideration the consultee comments of the Urban Design Officer, it is considered that the landscape has the ability to accommodate the changes associated with the proposed development without significant harm, and that the visual amenity impact from key views, and visual receptors, would be localised and not of a significant nature. Generally, the application site and proposed development is contained by existing woodland when viewed from the surrounding area, as demonstrated through the photographs taken from the agreed viewpoints. The proposed structures would not be

visible above the existing woodland, with visual impacts restricted to glimpses or views that are heavily screened or filtered by woodland planting. Overall, the landscape and visual impacts of the proposal, following completion, and over time where the woodland and additional planting has time to mature further, would not introduce significant impacts, indicating that the surrounding landscape has the ability to accommodate and absorb the changes associated with this type of development.

2.4.12 The expected operating lifetime of the development is yet to be established. Notwithstanding the above assessment, the battery storage development is not considered to be suitable visually or structurally as a permanent form of development in the countryside. At the end of the development's operating lifetime, the Planning Authority would expect the site to be dismantled and restored to its current condition – this could be secured through a planning condition should the application be approved.

2.4.13 In conclusion, the application site and surrounding landscape is considered to have the capacity to absorb the proposed development. The LVIA, which informs the EIAR, has been submitted which considers the potential visual impact of the development from a variety of short, medium and long distances around the site, with representative viewpoints included. Existing and proposed planting and woodland would successfully screen and contain the large development.

## 2.5 Impact on Cultural Heritage

2.5.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014), Policies 1, 10, 11 and 14 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018) and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment (2010) apply with regard to this proposal.

2.5.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application, the Planning Authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.5.3 Scottish Planning Policy (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use.

2.5.4 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not

have a significant detrimental impact with respect to visual amenity. FIFEplan Policy 11 requires wind energy proposals to avoid unacceptable significant adverse impacts on the historic environment including scheduled monuments and their setting. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.5.5 FIFEplan Policy 14 additionally states that all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. 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 mitigations is proposed. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations.

2.5.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognises that the built environment has been adapted over time to meet changing needs, stating that protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location.

2.5.6 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.5.7 HES Managing Change in the Historic Environment: Setting; recognises the importance setting has on the historic environment, including listed buildings and conservation areas. 'Setting' is the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced. The guidance notes that buildings and gardens are designed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Setting is therefore unrelated to modern landownership, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, including: views to, from and across or beyond the historic asset; the prominence of the historic asset of place in views throughout the surrounding area, bearing in mind that sites need to be visually prominent to have a setting; general and specific views including foregrounds and backdrops; and relationships with other features.

2.5.8 The impacts of the proposed development are examined within Chapter 6 of the EIAR. This chapter is supported by visualisations and a ZTV, considering the visual relationship between the application site and nearby cultural heritage assets including World Heritage Sites, Scheduled Monuments, Listed Buildings, Conservation Areas, Inventory Gardens and Designed Landscapes, Inventory Battlefields and non-designated archaeological sites and historic assets.

2.5.9 The proposed development would not directly affect any built heritage assets, however the setting of various assets could potentially be affected given the location and scale of the development. The ZTV covers a 5km study area, incorporating nine

Scheduled Monuments, four Inventory Gardens and Designed Landscapes (IGDLs), and 301 Listed Buildings; of these, 14 are Category A, 177 Category B and 110 Category C. Chapter 6 of the EIAR report ultimately considers the potential impact on the settings of Dunimarle Castle (LB3349), Culross Abbey House (LB23964) and Culross Abbey Church (LB23960), all Category A Listed Buildings, and Dunimarle Castle (GDL00155), Culross Abbey House (GDL00123) and Valleyfield (GDL00155) IGDLs. The EIAR concludes that the proposed development would ultimately have no impact on the setting of any cultural heritage assets given the distance between and as the development would be screened by a 15m-25m woodland buffer – as evidenced by the visualisations presented. It is acknowledged within the EIAR that the cranes used to carry out construction works may be visible above the woodland from Dunimarle Castle Inventory Garden and Designed Landscape and Category A-listed Dunimarle Castle, affecting the setting of these designated heritage assets, however, any impacts would be temporary and not significant, with the cranes (given their distance) seen in combination with numerous other modern features, including wind turbines and pylons, representing a barely perceptible change in the setting of the various historic assets.

2.5.10 Fife Council's Built Heritage Officer was consulted to provide comment on this application where they advised they concurred with the conclusions of Chapter 6 of EIAR that the proposed development would not have a significant adverse impact on any cultural heritage assets.

2.5.11 HES shall provide their comments on the proposed development directly to the ECU.

2.5.12 Overall, the Planning Authority concurs with the EIAR assessment that the proposed development would not have a significant adverse impact on any cultural or historic assets, including their setting. The proposed development is therefore considered to comply with Policies 1, 10 and 14 in this regard.

## 2.6 Low Carbon/Sustainability

2.6.1 Fife Council promotes sustainable development and consideration of this is set out within Policies 1 and 11 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (January 2019).

2.6.2 FIFEplan Policy 11: Low Carbon states that planning permission will only be granted for new development where it has been demonstrated that: 1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); 2. Construction materials come from local or sustainable sources; 3. Water conservation measures are in place; 4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and 5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

2.6.3 The sustainability of the proposed development, and how it would contribute to reducing carbon emissions, is addressed through Chapter 12 of the EIAR and a sustainability statement which has been submitted.



2.6.4 The construction phase emissions would predominantly occur as a result of the extraction of raw materials, processing and manufacturing of all components/materials required for the battery packs, balance of system components (primarily transformers, inverters and cooling plant) and building materials. The construction-stage impacts are predicted to result in approximately 457,260 tonnes of CO<sub>2</sub> equivalent, representing a significant adverse effect of the construction phase. The construction phase would also result in the felling of an area of conifer woodland. The EIAR calculates that greenhouse gas effects of this would be negligible, on the basis that a greater area of woodland would be established elsewhere.

2.6.5 Whilst the construction phase would have a significant adverse effect, this must be assessed against the total lifetime emissions from the development. The operational phase of the project would enable the storage and use of excess renewable electricity and would reduce the need for fossil fuel-powered power generators at times of high electricity demand. Comparing the proposed development against electricity produced by gas-fired peaking plants (traditionally used to provide electricity at periods of peak demand), the EIAR predicts that the development would result in a significant beneficial effect in the order of between 1,052,344 and 1,688,612 tonnes of CO<sub>2</sub> equivalent savings over the projected 35 year development lifetime (depending on the source of the stored electricity within the batteries). The net emissions value of the development over its lifetime would be between -595,084 and -1,231,352 tonnes of CO<sub>2</sub> equivalent.

2.6.6 The proposed development would facilitate a significant reduction in carbon emissions. Whilst the Planning Authority is supportive of the significant carbon emissions benefits of the proposal, it is considered that this would not outweigh the position set out above that the applicant has not demonstrated that the development requires to be located within Devilla Forest as the carbon reduction offered by the development would ultimately be similar were it to be located within an alternative, more appropriate, location.

## 2.7 Ecological Impact

2.7.1 SPP, Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.7.2 SPP (Valuing the Natural Environment) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration. SPP states that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. SPP sets out that where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified

and implemented, preferably linked to a wider green network. Paragraph 218 of SPP refers to the Scottish Government's Control of Woodland Removal Policy (2009).

2.7.3 The Scottish Government's Control of Woodland Removal Policy (2009) includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Public benefits include social, economic and environmental benefits, the latter including carbon considerations. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.

2.7.4 Policy 1 Part B (9) of the Adopted LDP states that development must safeguard or avoid the loss of natural resources. Policy 13 of the Adopted FIFEplan also outlines that development proposals will only be supported where they protect or enhance natural heritage and access. This includes designated sites of international, national and local importance; woodlands and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Where adverse impacts on existing assets are unavoidable the development will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Policy 13 states that where development is proposed on a site where trees are present, consideration will be given to whether, and in what form, development should be supported, having regard to the desirability of retaining and protecting mature and semi-mature trees, and other examples likely to become attractive in amenity terms, or of a rare species.

2.7.5 Making Fife's Places Supplementary Guidance (2018) provides information on the site assessment which must be submitted for natural heritage and biodiversity. A habitat survey should be undertaken and identify what further surveys are required. Any Protected Species (European and UK) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals following recognised guidelines and methodologies. Surveys should be reported in full, with mapping supplied as appropriate.

2.7.6 Making Fife's Places Supplementary Guidance (2018) details that where large semi-mature/mature trees are present on and adjacent to a development site, 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. BS 5837:2012 Trees in relation to Design, Demolition and Construction provides advice on the formation of hard surfaces within the Root Protection Areas (RPAs) of trees, suggesting the use of appropriate sub-base options such as three-dimensional cellular confinement systems. Category (Cat.) A and B trees are expected to be retained and are considered by Fife Council to be site constraints. Cat. C is a lower classification and is not generally seen as a constraint to development. Cat. U trees are those which it is considered cannot realistically be retained as living trees. If tree felling is proposed, the Planning Authority would expect suitable replacement planting to take place (native species).

2.7.7 The application site is identified as a safeguarded green network policy area, additionally it is an important local and nationally recognised recreational and biodiversity asset. The locale attracts significant visitor numbers annually and provides space for outdoor education activities, recreation, heritage interpretation and habitats including potentially red squirrels. Devilla Forest comprises approximately 700ha of primarily Scots Pine plantation. Devilla Forest is a working forest, planted in the 1950s, maintained and overseen by Forestry and Land Scotland to balance the demands of timber production with recreation and conservation. Devilla Forest is also listed on the Ancient Woodland Inventory (Scotland) as long-established woodland (of plantation origin). Areas of semi-natural broadleaf planting can be found throughout Devilla Forest however not within the application site. The Keir Burn runs east to west along the southern boundary of the site. With respect to designated sites, the Firth of Forth SPA, Ramsar site, SSSI and LNR are located approximately 1.6km south of the application site.

2.7.8 Chapter 5 of the EIAR considers ecology and nature conservation. This Chapter is informed by habitat and protected species surveys for red squirrels, badgers, nesting birds, otter, great crested newt, water vole and bats. The dominant habitat type on the site is coniferous plantation woodland which is located to the east and west, with a significant area of scattered scrub in the central areas of the site. A small amount of dense/continuous scrub is located along the site and the sawmill boundary. *Rhododendron ponticum* (a non-native plant species) was recorded on site. Referring to the Chartered Institute of Ecology and Environmental Management (CIEEM) 2018 guidance, impacts resulting from the construction and operation of the proposed development were assessed to determine effects on important ecological features (IEFs) within the site and the surrounding areas. From the evidence collected, the EIAR sets out that the following were identified as IEFs that may be affected by the different stages of development: woodland habitats, running water, invasive non-native plant species, bats, otter, reptiles, nesting birds and red squirrel. For each IEF identified, the potential pathways through which the development may cause an effect are considered in the EIAR.

2.7.9 A Preliminary Bat Roosting Assessment identified 14 trees as having bat roosting potential; 13 with high bat roosting potential, with one tree identified as having moderate bat roosting potential. During the targeted badger, otter and water vole surveys no evidence of activity of these species was identified either within the site or the survey area. The presence of great crested newts, informed by a Habitat Suitability Assessment, on the application site and surrounding areas has been assessed as highly unlikely. The habitats within the application site and surrounding areas have been assessed as having high potential for nesting birds. During the targeted red squirrel survey, two potential dreys were identified, however it was impossible to confirm whether the dreys were occupied at the time of survey or whether it was red or grey squirrel. The dreys were located in the northern part of the site, in an area where woodland is proposed to be retained.

2.7.10 The proposed development would result in the permanent loss of habitats beneath the footprint of the structures and hardstanding. In addition, there would also be a change in habitat in some areas from the baseline conditions to habitat landscape planting and an attenuation pond. The construction phase also has the potential to impact on protected species. Through the proposed mitigation measures, the EIAR concludes that with the proposed mitigation measures, the development would not have a significant effect on any protected species. Mitigation measures are recommended within the EIAR to ensure species and retained habitats are protected during the construction period. Such measures include follow up species surveys within 3 months of site clearance works, the control of artificial lighting, capping of pipes, covering trenches, maintaining a buffer between working areas and watercourses, pollution prevention measures and timing works

appropriately. It is also advised that an Ecological Clerk of Works (ECoW) would be available to oversee key elements of enabling works and construction. It is proposed to deal the recorded non-native species through a management plan during the construction phase, with long-term management through a Landscape and Ecological Management Plan. These mitigation measures and management plans could be secured through planning conditions.

2.7.11 The area of woodland permanently lost as a consequence of the proposed development would be circa 4.66ha, equivalent to 79% total habitat in the site. The total area of habitat lost would be 8.42ha, which includes the 4.66ha of woodland and 3.76ha of scrub. Development of the site would result in permanent loss of habitat identified as part of the Ancient Woodland Inventory of Scotland Long Established (of Plantation origin). The EIAR details that this would have a moderate adverse effect on habitats that would have a significant impact on the environment at regional level. As the proposed development would result in a moderate adverse effect that would be significant, the EIAR sets out that adequate mitigation measures would be required for the proposal to be acceptable in policy terms, including the Scottish Government's Control of Woodland Removal Policy. These mitigation measures include ecological enhancement and woodland management on-site, as well as compensatory planting off-site.

2.7.12 To mitigate for the adverse impacts resulting from the woodland and habitat removal, the applicant proposes to plant a block of woodland planting on the site, providing approximately 0.47ha of new woodland. In addition, off-site compensatory planting is proposed, which would create approximately 16ha of new woodland, to be managed as forestry. This would provide a net gain in the total area of forestry habitat as a result of the development. The proposed off-site planting would take place at the Gleneagles Estate in rural Perthshire, some 20km from the application site. An Ecological Enhancement / Woodland Management Plan is also recommended for the remaining woodland within the application site.

2.7.13 The Scottish Government's Control of Woodland Removal Policy (2009) sets out that as a default, 'compensatory planting' (or compensatory natural regeneration) implies an equivalent woodland area, on appropriate site types and with at least the equivalent woodland-related net public benefits; any compensatory planting must take place in Scotland. With the proposed development contributing towards helping Scotland mitigate and adapt to climate change, the applicant's proposal to plant compensatory woodland at Gleneagles Estate would accord with Control of Woodland Removal Policy which supports compensatory planting taking place across Scotland.

2.7.14 Notwithstanding the development's compliance with the Woodland Removal Policy, the Planning Authority consider that it is appropriate to adopt FIFEplan (2017) as the most up to date development plan position for assessing the appropriateness of compensatory planting. As above, Policy 13 of FIFEplan states that development proposals will only be supported where they protect or enhance natural heritage and access assets including woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Policy 13 of FIFEplan goes on to state that where adverse impacts on existing assets are unavoidable, the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. As set out within the EIAR, the proposed woodland removal would have a moderate adverse effect that would be significant at regional level, with the mitigation for this impact largely provided through 16ha of off-site compensatory planting at the Gleneagles Estate in Perthshire. It is considered by the Planning Authority that the proposed off-site compensatory planting would not satisfactorily mitigate the impacts of the development on

the habitats at Devilla Forest, as required through Policy 13 of FIFEplan. The proposed development would therefore not comply with the Local Development Plan. It has previously been confirmed in this report that the Planning Authority is not supportive of the principle of the development taking place in the chosen location and further to this, it is argued that were the proposed development to be located at the Longannet Power Station, there would be no need to remove any woodland.

2.7.15 Whilst it is accepted by the Planning Authority that the approval of the sawmill development within Devilla Forest in 2007 resulted in a large area of woodland being removed, the sawmill development was considered to have rural and economic justification and thus complied with the development plan at the time. The proposed battery storage development has not demonstrated a requirement for a rural location. It is recognised that the plantation woodland is not protected by a TPO and therefore the trees could be removed outwith the planning process, indeed, the Forestry Appraisal which supports the EIAR recommends that management of the trees is required, including felling, given the historic lack of management of the height of the trees. Such felling in the interests of forestry management would however necessitate replanting per the Woodland Removal Policy.

2.7.16 Were this application to be approved, planning conditions could be used to secure the on-site compensatory planting, woodland management plan and other mitigation measures, however, as the off-site planting would take place outwith the Fife Council local authority boundary, it would not be appropriate to use a planning condition to secure the planting and maintenance/retention of the woodland as Fife Council would be unable to take any necessary enforcement action. It is therefore considered that it would be the responsibility for the ECU to include a condition on the Section 36 Consent to secure the maintenance/retention of the off-site woodland. Alternatively, a legal agreement may prove suitable.

2.7.17 In conclusion, the Planning Authority is not supportive of the proposal to mitigate the significant impacts of the development through compensatory planting located some 20km from the application site. It is considered that this proposed off-site planting would not comply with Policies 1 and 13 of FIFEplan which seek to protect and enhance natural heritage and access assets; including woodlands. Additionally, it is considered that the applicant has not demonstrated a need for the development's chosen location within the woodland, with a more appropriate location deemed to be available in the vicinity – the development of which would not necessitate the removal of a significant area of woodland.

## 2.8 Transportation and Road Safety

2.8.1 SPP, Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017), and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to this proposal.

2.8.2 The national context for the assessment of the impact of new developments on transportation infrastructure is set out in SPP (A connected Place). 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. The overarching aim of this document is to encourage a shift to more sustainable forms of transport and reduce the reliance on the car. Planning permission should also be resisted if the development would have a significant impact on the strategic road network.

2.8.3 Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Policy 11 advises that all development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments.

2.8.4 Vehicular access to the site would be taken from the A985 Trunk Road via a private access that serves the former sawmill. The existing private access road is considered capable of accommodating large goods vehicles. The access junction has been designed to accommodate HGV movements travelling inbound and outbound simultaneously. Chapter 10 of EIAR considers the effects of the traffic generated by the proposed development upon receptors within a study area comprising the site access road and A985. Assessments have been undertaken to determine the effects upon severance, driver delay, pedestrian delay, pedestrian amenity and accidents and safety. The EIAR is informed by a Transport Assessment.

2.8.5 The EIAR set out that the baseline position has identified that receptors within the study area are considered to be of medium or low sensitivity, with the obtained traffic data determining that traffic flows along the A985 and site access road are low relative to their respective capacities. Once the development is operational, it is advised that there would not be any full-time employees associated with the day to day operations, with only occasional maintenance trips generated. The anticipated 24 month construction period is predicted to generate a maximum of 38 two-way vehicular movements over the private access road - this is predicted during months one to four of the 24 month construction period, after which construction traffic flows would be lower. Given the low traffic volumes, the EIAR sets out that effects during operational and construction phases of the development are not anticipated to be significant. No future monitoring or mitigation is recommended. The EIAR also concludes that there would be no cumulative impacts on the surrounding road network.

2.8.6 In consultation with Transportation Development Management colleagues, the Planning Authority have no concerns to raise regarding the transportation and road safety impacts of the proposed development. It will be the responsibility of Transport Scotland to comment on the impact of the increase in vehicle trips on the A985 and the suitability of the existing private access/A985 junction.

## 2.9 Residential Amenity

2.9.1 Policies 1, 10 and 11 of Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise and Fife Council's Development and Noise guidance (2021) apply in terms of residential amenity.

2.9.2 The above FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours with regard to the loss of privacy; sunlight and daylight; and noise, light and odour pollution.

2.9.3 PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It is recommended that Environmental Health Officers and/or professional acousticians should be involved in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments. The PAN recommends that Noise Impact Assessments (NIAs)/acoustic reports are submitted to aid the planning authority in the consideration of planning applications that raise significant noise issues. The purpose of a NIA is to demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact. Fife Council Policy for Development and Noise (2021) furthers this guidance

2.9.4 The application site is located within an area of existing woodland, far removed from any urban settlement. The nearest noise sensitive receptors (NSRs) to the site include Dunimarle Lodge (250m south east), Flemming Cottage (350m south east), Righhead Farm wedding venue (400m north), Gallowridge (550m east), Blairsgreen House (650m east), and Righhead Farm Farmhouse (900m north). The proposed development would not give rise to any loss of daylight or sunlight concerns for neighbouring properties, nor would it raise any overlooking or loss of privacy issues. The noise, vibration and dust associated with the proposed development has a potential to impact neighbouring properties and have therefore been assessed through the EIAR.

2.9.5 Chapter 11 of the EIAR presents the assessment of the noise and vibration effects that could arise from the proposed development. The scope of the assessment includes noise from on-site construction works and traffic, and operational noise from the development. The EIAR is informed by existing background noise levels through recordings carried out within the proximity of the nearest NSRs. The recorded background noise levels were used to assess the significance of the predicted noise levels of the development which would be experienced at each of the NSRs. The main sources of sound in the area are currently road traffic on the A985 and local road network, with additional sound generated by farm machinery and nonanthropogenic sources (e.g. wind in trees and birdsong). The below table, extracted from the EIAR (table 11.6), provides the criteria used for the initial evaluation of noise impact. This is based on the guidance in BS 4142:2014 + A1:2019 but has also been aligned with the magnitude of effect matrix required for the assessment of likely environmental effects.

Magnitude of impact	Typical descriptors
High	Difference between Rating Level and Background Level of more than +10 dB
Medium	Difference between Rating Level and Background Level of +5 dB to +10 dB
Low	Difference between Rating Level and Background Level of 0 dB to +5 dB
Negligible	Difference between Rating Level and Background Level of less than 0 dB
No change	Difference between Rating Level and Background Level of less than - 10 dB

2.9.6 Construction activities associated with the development are likely to include noise generating plant, including excavators, graders, haulage vehicles, mobile and tower cranes, HGVs and light goods vehicles. Piling may also be required during construction of the development. The operational noise from the development would be dependent on the

final design configuration. The EIAR considers the potential noise impacts from the equipment which would be installed at the site for both the open and hybrid configurations.

2.9.7 The EIAR predicts that the construction phase of the development would be unlikely to generate significant noise levels, with the background noise levels predicted to be 8dB higher at Dunimarle Lodge and Flemming House. Given of the high sensitivity of the NSRs, referring to the significance of effects assessment matrix within the EIAR, it is concluded that the construction phase of development (including noise from construction traffic) would likely give rise to minor adverse effects. The effects would be direct, however ultimately temporary over a medium-term and limited to the hours of construction (expected to be between 08:00-18:00 Mon-Fri and 08:00-13:00 on Saturdays). The mitigation measures detailed within EIAR recommend that a Code of Construction Practice should be adhered to throughout the construction period. No adverse vibration impacts are expected to occur as a result of construction activities. The Planning Authority is ultimately satisfied that the construction period of the development would not give rise to significant noise and vibration issues of neighbouring NSRs given its temporary nature, with it recognised that future monitoring could be carried out at the discretion of Environmental Health to investigate and address any statutory nuisance complaints which may arise.

2.9.8 Turning to the operational phase, firstly considering the indicative hybrid configuration, the EIAR predicts that the rating levels would range from 1dB below to 8dB above the background sound levels during the daytime (with the highest value of the rating level minus the background level being +8 dB at Righead Farm Wedding Venue). During the night-time, the rating levels would range between 5dB and 12dB above the background sound level during the night-time (with the highest value of the rating level minus the background level being +12 dB at Dunimarle Lodge and Gallowridge). On this basis, the magnitude of the noise impacts from the hybrid configuration would be medium to high, resulting in a major adverse effect. Considering the open configuration, the EIAR predicts that the noise rating levels during the daytime would be significantly below the background sound levels and therefore assessed as negligible at all receptors. With the exception of Dunimarle Lodge, all rating levels are predicted to be below the background sound level at night-time. At Dunimarle Lodge, the rating level would be 1dB above the background sound level. On this basis, the magnitude of the noise impacts from the open configuration would be negligible to low, likely to give rise to minor adverse effects. Due to the distances between the project site and the nearest noise and vibration sensitive receptors, the EIAR sets out that the vibration effects during the operational phase of the development is not expected to be significant

2.9.9 For the open configuration, the significance of operational noise effects from the development would be minor. Therefore, no specific mitigation measures for noise are expected to be required, although as a matter of best practice, the EIAR recommends that where quieter plant can be selected without limiting the practicality of the project, these should be chosen. For the hybrid configuration, major adverse noise effects have been identified. The Planning Authority would not support a development which would give rise to major adverse noise effects, however, rather than restrict the development configuration or type of equipment that can be installed, where planning permission to be granted, it would be more appropriate to include a planning condition to ensure that the noise levels of the development would not exceed 5dB above the background noise level. As above, an increase in noise level of less than 5dB above the existing background would have a negligible to low impact. Such a condition is supported by the Council's Environmental Health Officer, with the applicant confirming that they would be accepting of such a condition.



2.9.10 Overall, the Planning Authority is satisfied that subject to the use of a planning condition (should the application be approved), that the proposed development would not give rise to noise and vibration issues which would have a significantly adverse environmental impact.

2.9.11 The potential dust impacts of the development are considered in Appendix 2.3 of the EIAR. The effects of dust are linked to particle size and two main categories are usually considered:

- PM10 particles, those up to 10µm in diameter, remain suspended in the air for long periods and are small enough to be breathed in and so can potentially impact on health; and
- Dust, generally considered to be particles larger than 10 µm which fall out of the air quite quickly and can soil surfaces (e.g. a car, window-sill, laundry). Additionally, dust can potentially have adverse effects on vegetation and fauna at sensitive habitat sites.

The Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction (IAQM, 2014 sets out 350m as the distance from the site boundary and 50m from the site traffic route(s) up to 500m of the entrance, within which there could potentially be nuisance dust and PM10 effects on human receptors. For sensitive ecological receptors, the corresponding distances are 50m in both cases. Considering the construction and operational phases of the development, the overall risk from dust impacts is considered to be low. As such, the recommended mitigation measures reflect the low risk designation for the site in accordance with IAQM Guidance.

2.9.12 In conclusion, the proposed development in this location is not considered to raise any significantly adverse residential amenity concerns and is therefore considered to be acceptable with regard to Policies 1 and 10 of FIFEplan.

## 2.10 Flood Risk and Drainage

2.10.1 SPP (Managing Flood Risk and Drainage), Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.10.2 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

2.10.3 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including 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. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) sets out the Council's requirements for

information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.10.4 The potential hydrological and flood risk impacts of the proposed development are set out in Chapter 8 of the EIAR which is supported by a flood risk assessment (FRA) and a surface water drainage strategy. The hydrology and flood risk study area comprises a 1km buffer around the site boundary, which includes the access road.

2.10.5 The topographic survey carried out indicates that the landform across the application site slopes in a general southerly direction and forms an area of mixed conifer and felled woodland. The site slopes from an elevation of 75.00m AOD in the northern most corner of the site to 63.20m AOD in the centre of the south of the site. The western boundary falls from approximately 74.08m AOD in the northwest to approximately 64.25 m AOD in the southwest. The eastern boundary falls from approximately 70.70m AOD in the northeast to 64.12m AOD in the southeast. The EIAR identifies that the main water feature in close proximity to the site is Keir Burn, which runs along the southern boundary of the site, flowing in a westerly direction from the edge of Kirton Wood in the east into Keir Dam located approximately 740m west, subsequently draining to Moor Loch located approximately 2.6km to the west of the site. Several other small unnamed drainage watercourses are located within Devilla Forest. The closest unnamed drainage watercourse to the application site is located on the western side of the service road. The FRA confirms that the development would be at a low risk of flooding over its lifetime, and it will not result in an increase in flood risk off site.

2.10.6 Flood risk mitigation measures are described in the FRA and comprise raising building threshold levels by 150mm above external ground levels and elevation of equipment on platforms and / or bunds. This would help to minimise the potential impact of groundwater emergence (should it occur) during the operational phase of the development.

2.10.7 The EIAR sets out that during the construction phase, mitigation measures would be implemented through a Code of Construction Practice to control risks associated with accidental releases of materials and contaminated runoff into the waterbodies. The installation of a temporary drainage system would ensure there is no increase in uncontrolled off-site flows, which could adversely impact local receptors by increasing flood risk, during the construction phase. During the operational phase, a SuDS strategy is proposed, which would restrict surface water runoff to a rate lower than the greenfield rate through the provision of on-site storage within permeable paving and an attenuation pond. The SuDS strategy proposes a controlled discharge off-site, through the retention and slowing of water. The SuDS pond, to be located in south eastern corner of the site, would be designed to attenuate for a 1 in 200 year event, including a 40% allowance for climate change. The operation of the facility would require routine maintenance which may involve the use of chemicals, oils, and greases with the potential for spillages. This could affect the water quality of surrounding watercourses. Operational practices would be managed under appropriate Environmental Permits to mitigate against any decrease in water quality. With appropriate measures in place, the effects of operation and maintenance on surrounding watercourses is considered to be not significant. Cumulative impacts from nearby projects have been assessed and no significant cumulative effects have been identified. The EIAR concludes that, subject to the recommended mitigation measures being carried out, the proposed development would not give rise to any significant adverse environmental impacts on the water environment.

2.10.8 Fife Council's Structural Services (Flooding, Shoreline and Harbours) Officers were consulted on this application. Upon initial review, Structural Services Officers requested that the applicant provide additional clarifying information. This information was duly submitted and upon review, Structural Services Officers confirmed that they had no concerns or objections to raise.

2.10.9 The Planning Authority is satisfied that the proposed development would not be at risk of flooding, nor would it increase the risk of flooding downstream, with appropriate surface water management proposals incorporated into the construction and operational phases of the development to ensure the development would not give rise to any significantly adverse environmental impacts. The proposed development would therefore comply with Policies 1, 3 and 12 of FIFEplan. Were this application to be approved, planning conditions could be used to secure the mitigation measures recommended within the EAIR and FRA.

## 2.11 Land Contamination

2.11.1 SPP (2014), PAN 33: Development of Contaminated Land (2000), PAN 51: Planning, Environmental Protection and Regulation (2006) and Policies 1 and 10 of FIFEplan Local Plan (2017) apply this instance.

2.11.2 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. PAN 51 aims to support the existing policy on the role of the planning system in relation to the environmental protection regimes as set out in SPP. SPP (2014) states that in determining applications for new installations, planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

2.11.3 Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council.

2.11.4 Chapter 9 of the EIAR considers baseline conditions within the application site and surrounding area and the likely significant effects of the Project on hydrogeology, geology and ground conditions, taking into account the mitigation measures required to prevent or minimise any adverse effects. This Chapter of the EIAR is supported by a Phase 1 Preliminary Geo-Environmental and Geotechnical Risk Assessment, and a Phase 2 Intrusive Geo-Environmental and Geotechnical Risk Assessment. In addition to drilling boreholes and digging trial pits, groundwater and gas monitoring was undertaken as part of the site investigations.

2.11.5 The application site comprises an area of plantation woodland, with a number of tracks/pathways between the rows of trees. There are two watercourses bordering the site; an unnamed drainage watercourse flows southwards, along the western boundary of the Project site and Keir Burn flows westwards along the southern boundary of the site. The surrounding land uses include agricultural land to the north and east, the woodland to the south and the former sawmill site to the south west and woodland to the west. There are no recorded licensed or known historical landfill sites located within 250 metres of the application site. A review of historical maps and records did not uncover any past land uses on the site.

2.11.5 The site investigations did not uncover any evidence of contamination at the site, with the Phase 2 Report concluding that there is no plausible risk to human health. Similarly, no risks to the water environment were identified from the groundwater samples analysed. No significant potential sources of ground gas were identified at the site. No requirement for specific remediation was recommended following the site investigations. The geotechnical assessment within the Phase 2 Report concludes that the site soils are capable of supporting development providing appropriately designed foundations are installed. Chapter 9 of the EIAR (and accompanying Geo-Environmental and Geotechnical Risk Assessment reports) was reviewed by the Council's Land and Air Quality team where they noted that there was no requirement for specific remediation to be carried out. Land and Air Quality confirmed that submitted information was generally satisfactory and therefore they had no comments or concerns to raise.

2.11.6 Considering the construction and operational phases of the development, as well as potential cumulative effects from neighbouring developments and land uses, Chapter 9 of the EIAR concludes that whilst some minor adverse effects could occur, with no remedial ground works required, the magnitude of these impacts would be negligible and ultimately it is considered that no significant environmental impacts would arise providing the recommended mitigation measures are secured. Such measures include adhering to good working practises, the creation of construction and environmental management plan and the installation of construction and operational phases surface water management plans and drainage solutions. Planning conditions could be used to ensure the details of the construction and environmental management plan and surface water management proposals are submitted for the approval of the Planning Authority.

2.11.7 Overall, the Planning Authority is satisfied that the application site is not subject to any past contamination, and that the proposed development would not give rise to significant environmental effects with regard to hydrogeology, geology and ground condition considerations.

## 2.12 CCTV and Privacy

2.12.1 The proposed development shall include the installation CCTV cameras for security purposes. The law requires that systems must be designed such that they only record relevant images. The installation of CCTV cameras must meet the requirements of the Data Protection Act 1998 and the Codes of Practice for operating CCTV Systems in a compliant manner therefore the fields of view of cameras must be set up correctly to ensure that they do not include unnecessary details or intrude into the privacy of any neighbouring areas. Compliance with the guidance and legislation is not however a planning matter but at the location of the development, the potential range of view would appear to be limited.

## 2.13 Core Paths and Countryside Access

2.13.1 SPP (2014) and Policies 1 and 13 of FIFEplan shall be taken into consideration when assessing impacts on the Core Path Network and rights of way.

2.13.2 The SPP in terms of sustainable development advocates the protection of enhancement and promotion of access to the natural heritage, including green infrastructure, landscape and the wider environment. The part of the policy aimed at "Maximising the benefits of Green Infrastructure" sets out a set of policy principles to help guide the delivery of this. The planning system should ensure it is "an integral element of

places", facilitate the long term, integrated management of green infrastructure and provide for easy and safe access to and within green infrastructure.

2.13.3 Policy 13 of FIFEplan sets out that development proposals will only be supported where they protect or enhance natural heritage and access assets including: core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.13.4 Where adverse impacts on existing assets are unavoidable, the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. The application of this policy will require to safeguard (keep open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route, it must be suitably re-routed before the development commences, or before the existing route is removed from use.

2.13.5 The Moor Loch Loop Core Path route (R751) runs northwards from the A985 Trunk Road along the service road before veering westwards into the woodland at the southwestern corner of the former sawmill site. There is a proposal for a new core path to be formed in this location - 'Balgownie Wood Route' - which would continue northwards from where the Moor Loch Loop route turns west, with the proposed route continuing along the tarmac service road which runs along the western boundary of the application site before turning east as it approaches Righead Farm. The road along the western site boundary is also identified as forming part of the Devilla Forest cycle path network.

2.13.6 The proposed battery storage development does not propose any alterations to the existing road/path network. There would be an increase in vehicular traffic over the road during the site clearance/tree felling and construction works, however it is considered that this temporary traffic would not have a significantly adverse effect on users of the core path/cycle network as it is recognised that the road is already utilised by a number of large vehicles in connection with the storage use of the former sawmill site, as well as farm and visitor vehicles linked to Righead Farm. The proposed development is therefore considered to be acceptable in this regard.

2.13.7 In conclusion, the proposed development would have a significant impact on the existing core path and cycle network routes in this location.

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### **3.0 Conclusions**

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Fife Council, as Local Planning Authority, is not supportive in principle of the proposed battery storage development in the chosen location within Devilla Forest whilst there are also significant concerns regarding the ecological impact of the development. Fife Council therefore objects to the proposed development.

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### **4.0 Recommendation**

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It is recommended that Fife Council, as Local Planning Authority, advise the Scottish Government that planning permission should not be granted.

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### **Background Papers**

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

National Policy, Regulations and Guidance:

Scottish Planning Policy (2014)

PAN 1/2011: Planning and Noise

PAN 33: Development of Contaminated Land (2000)

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

Scottish Government Control of Woodland Removal Policy (2009)

Scottish Government Energy Storage: Planning Advice (2013)

The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013)

NatureScot National Landscape Character Assessment (2019)

Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,

Historic Environment Scotland Historic Environment Policy for Scotland (May 2019)

Historic Environment Scotland Managing Change in the Historic Environment (2010)

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

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

Data Protection Act 1998

Codes of Practice for Operating CCTV Systems

Development Plan:

SESplan Strategic Development Plan (2017)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other Guidance:

Fife Council Development and Noise (2021)

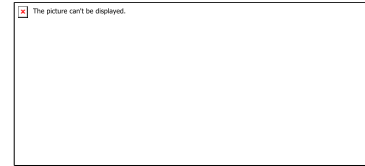
Fife Council Transportation Development Guidelines

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

## Report Contact

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## Planning Services

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Bryan Reid

development.central@fife.gov.uk

Your Ref: ECU00003469

Our Ref: 22/01420/CON

Date 22nd September 2022

Dear Sir/Madam

**Application No:** 22/01420/CON  
**Proposal:** ECU00003469 - Consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure  
**SITE:** Devilla Forest, Kincardine  
**Address:** Scottish Government Consultation Fife

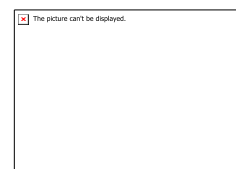
Having presented the application to Elected Members of the West and Central Planning Committee, Fife Council, as Local Planning Authority, can confirm that whilst the benefits of battery storage is acknowledged and encouraged, they are not supportive in principle of the proposed battery storage development in the chosen location within Devilla Forest. There are also significant concerns regarding the ecological impact of the development. Fife Council therefore objects to the proposed development.

### Principle of Development

The proposed development has the potential to make a substantial positive contribution towards meeting the nation's electricity needs and the Government's energy objectives, consistent with the requirements of SPP (2014), Policy 10 of SESplan Strategic Development Plan (2013), Policies 1 and 11 of FIFEplan Local Development Plan (2017), and Fife Council's Low Carbon Supplementary Guidance (2019). The positive attributes associated with battery storage use are therefore accepted, particularly within an appropriate location. This contribution is a significant material consideration in the assessment of the application, however, it is not the determining issue.

The application site is not located within a defined settlement envelope and is thus considered to be countryside land (FIFEplan, 2017). Fife Council has previously accepted that many of the emerging technologies which aim to drive Scotland towards a low carbon future, such as wind turbines and solar parks, have a proven need for countryside locations and are therefore supported under Policy 7 of FIFEplan. It is accepted by the Planning Authority that the location of battery storage developments is

Planning Services  
Fife House, North Street, Glenrothes, KY7 5LT





dependent on the location (and availability) of existing grid connection points and locations where there are transmission constraints in the transmission system. It is also generally accepted that there is a need for electricity storage solutions as Scotland transitions to 100% renewable electricity generation and that opportunities to support this should be encouraged by the Planning Authority. The applicant's site selection investigations have also identified a demand for the proposed development within the general location, and an accessible grid connection point available at Longannet. There is nothing before the Planning Authority to dispute that there is demand/availability for the proposed development in the region. It is acknowledged that it would be difficult to locate a development of the size and scale proposed (12ha), and given the potential amenity impacts, within an existing settlement, however it is considered by the Planning Authority that this does not give immediate support to locating the development within the countryside.

The proximity of the application site to the former Longannet Power Station – where the identified grid connection point is located – is noted. The 197.46ha former power station site is allocated in FIFEplan (2017) as site LWD034 for 'Employment - Class 4, 5 or 6 & Energy or Specialist uses'. The Longannet site is also identified as a national development in NPF3 for 'Carbon Capture and Storage Network and Thermal Generation' - this national development allocation has not been carried forward into the Draft NPF4. The applicant argues that the proposed battery storage development would not accord with the FIFEplan and NPF3 allocations for the Longannet site. The Planning Authority does not concur with this position and it is considered that Longannet would be a more appropriate location in principle for the development rather than the proposed countryside location. The Planning Authority considers that the proposed battery storage development would complement the identified national development proposals for Longannet as the battery storage could be utilised by the power generation station allocated for development on the site, nor would the site area of the battery storage significantly undermine the availability of land to deliver the identified national developments across the large site. Furthermore, the proposed battery storage development would not introduce a land use which would be susceptible to amenity impacts of any potential pipeline, carbon storage or power station development. Additionally, it is recognised that NPF3 is nearing the end of its lifecycle and with no sign of any carbon capture/storage or thermal generation development being proposed, the Planning Authority consider that it would be appropriate at this stage to support a battery storage development on the site rather than restricting development on the site in the interests of safeguarding for a development that is not proposed within the Draft NPF4. Moreover, giving consideration to the FIFEplan allocation, it is considered that whilst not representing an employment opportunity, the proposed battery storage development would comply with the 'energy or specialist' uses wording of the site allocation, with the area of land required for the proposed battery storage development not significantly impacting on the land available across the 197.46ha power station site – allowing for future employment uses to be delivered.

In principle, it is considered that a battery storage development would comply with Longannet's national development allocation within NPF3, as well as its site allocation within FIFEplan. Thus, the proposed development in the countryside is considered to be contrary in principle to Policies 1 and 7 of FIFEplan as it has not been demonstrated that the development has a proven need for a countryside location. The proposed development is not however considered to be significantly contrary to FIFEplan as the local development plan has not assigned any land specifically for battery storage developments, nor does it set out in principle that such developments should not be located in the countryside.

In conclusion, whilst the benefits of battery storage use in appropriate locations is noted, the development is deemed to be contrary to the requirements of FIFEplan (2017) as it is considered that insufficient justification has been presented for locating the development in the countryside, with a more appropriate setting considered to be available within the immediate vicinity (i.e. the Longannet Site).

### **Ecological Impact**

Chapter 5 of the EIA Report (EIAR) which accompanies the application considers ecology and nature conservation.

The application site is identified as a safeguarded green network policy area, additionally it is an important local and nationally recognised recreational and biodiversity asset. The locale attracts significant visitor numbers annually and provides space for outdoor education activities, recreation, heritage interpretation and habitats including potentially red squirrels. Devilla Forest comprises approximately 700ha of primarily Scots Pine plantation. Devilla Forest is a working forest, planted in the 1950s, maintained and overseen by Forestry and Land Scotland to balance the demands of timber production with recreation and conservation. Devilla Forest is also listed on the Ancient Woodland Inventory (Scotland) as long-established woodland (of plantation origin). Areas of semi-natural broadleaf planting can be found throughout Devilla Forest however not within the application site. The Keir Burn runs east to west along the southern boundary of the site. With respect to designated sites, the Firth of Forth SPA, Ramsar site, SSSI and LNR are located approximately 1.6km south of the application site.

The area of woodland permanently lost as a consequence of the proposed development would be circa 4.66ha, equivalent to 79% total habitat in the site. The total area of habitat lost would be 8.42ha, which includes the 4.66ha of woodland and 3.76ha of scrub. Development of the site would result in permanent loss of habitat identified as part of the Ancient Woodland Inventory of Scotland Long Established (of Plantation origin). The EIAR details that this would have a moderate adverse effect on habitats that would have a significant impact on the environment at regional level. As the proposed development would result in a moderate adverse effect that would be significant, the EIAR sets out that adequate mitigation measures would be required for the proposal to be acceptable in policy terms, including the Scottish Government's Control of Woodland Removal

Policy. These mitigation measures include ecological enhancement and woodland management on-site, as well as compensatory planting off-site.

To mitigate for the adverse impacts resulting from the woodland and habitat removal, the applicant proposes to plant a block of woodland planting on the site, providing approximately 0.47ha of new woodland. In addition, off-site compensatory planting is proposed, which would create approximately 16ha of new woodland, to be managed as forestry. The EIAR sets out that this would provide a net gain in the total area of forestry habitat as a result of the development. The proposed off-site planting would take place at the Gleneagles Estate in rural Perthshire, some 20km from the application site. An Ecological Enhancement / Woodland Management Plan is also recommended for the remaining woodland within the application site.

The Scottish Government's Control of Woodland Removal Policy (2009) sets out that as a default, 'compensatory planting' (or compensatory natural regeneration) implies an equivalent woodland area, on appropriate site types and with at least the equivalent woodland-related net public benefits; any compensatory planting must take place in Scotland. With the proposed development contributing towards helping Scotland mitigate and adapt to climate change, the applicant's proposal to plant compensatory woodland at Gleneagles Estate would accord with Control of Woodland Removal Policy which supports compensatory planting taking place across Scotland.

Notwithstanding the development's compliance with the Woodland Removal Policy, the Planning Authority consider that it is appropriate to adopt FIFEplan (2017) as the most up to date development plan position for assessing the appropriateness of compensatory planting. As above, Policy 13 of FIFEplan states that development proposals will only be supported where they protect or enhance natural heritage and access assets including woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Policy 13 of FIFEplan goes on to state that where adverse impacts on existing assets are unavoidable, the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. As set out within the EIAR, the proposed woodland removal would have a moderate adverse effect that would be significant at regional level, with the mitigation for this impact largely provided through 16ha of off-site compensatory planting at the Gleneagles Estate in Perthshire. It is considered by the Planning Authority that the proposed off-site compensatory planting would not satisfactorily mitigate the impacts of the development on the habitats at Devilla Forest, as required through Policy 13 of FIFEplan. The proposed development would therefore not comply with the Local Development Plan. It has previously been confirmed in this report that the Planning Authority is not supportive of the principle of the development taking place in the chosen location and further to this, it is argued that were the proposed development to be located at the Longannet Power Station, there would be no need to remove any woodland.

It is recognised that the plantation woodland is not protected by a TPO and therefore the trees could be removed outwith the planning process, indeed, the Forestry Appraisal

which supports the EIAR recommends that management of the trees is required, including felling, given the historic lack of management height of the trees. Such felling in the interests of forestry management would however necessitate replanting per the Woodland Removal Policy.

In conclusion, the Planning Authority is not supportive of the proposal to mitigate the significant impacts of the development through compensatory planting located some 20km from the application site. It is considered that this proposed off-site planting would not comply with Policies 1 and 13 of FIFEplan which seek to protect and enhance natural heritage and access assets; including woodlands. Additionally, it is considered that the applicant has not demonstrated a need for the development's chosen location within the woodland, with a more appropriate location deemed to be available in the vicinity – the development of which would not necessitate the removal of a significant area of woodland.

### **Additional Comments**

Per the attached committee report, from reviewing the application and supporting EIAR, the proposed development is considered to comply with the development plan with regard to its; landscape and visual impact; impact on cultural heritage; low carbon/sustainability proposals; transportation and road safety impacts; residential amenity impacts; flood risk impact and drainage proposals; land contamination considerations; and impact on core paths and countryside access.

In the event that this application is approved, Fife Council would expect conditions to be included on the deemed planning permission to secure the mitigation measures set out within the EIAR, with further conditions to secure final details of proposals. Should the ECU decide to grant the Section 36 Consent, the Planning Authority would request to be formally re-consulted to provide an overview of the planning conditions it would wish to see included on the deemed planning permission.

Were this application to be approved, planning conditions could be used to secure the on-site compensatory planting, woodland management plan and other ecological related mitigation measures, however, as the off-site planting would take place outwith the Fife Council local authority boundary, it would not be appropriate to use a planning condition to secure the planting and maintenance/retention of the woodland as Fife Council would be unable to take any necessary enforcement action. It is therefore considered that it should the ECU grant consent, a condition should be included on the Section 36 Consent (rather than the deemed planning permission) to secure the maintenance/retention of the off-site woodland. Alternatively, a legal agreement may prove suitable.

Further commentary on the Planning Authority's assessment of the proposed development is set out within the attached committee report.

Yours sincerely



Bryan Reid  
Lead Professional

**ITEM NO: 8**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01466/FULL**

**SITE ADDRESS: HIGH STREET KINCARDINE**

**PROPOSAL: ENVIRONMENTAL IMPROVEMENTS INCLUDING ALTERATIONS AND RE-ALIGNMENT OF CARRIAGEWAY (A977 AND A876) RESURFACING OF PUBLIC AREAS AND INSTALLATION OF STREET FURNITURE**

**APPLICANT: MR GARY PORTER, COALFIELDS REGENERATION TRUST  
2 KIRK STREET KINCARDINE SCOTLAND**

**WARD NO: W5R01  
West Fife And Coastal Villages**

**CASE OFFICER: Jamie Penman**

**DATE 24/05/2022**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representations have been received 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 64(1) of the Planning (Listed Buildings and

Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.1 Background

1.1.1 This application proposal relates to a large area of the centre of Kincardine. The application site boundary covers approximately 8Ha from the Feregait (A977) at its north west corner, to Toll Road (A977) at its north east corner, the application site then moves south down the High Street and the North Approach Road (A876) whilst also covering Elphinstone Street. The application site continues south along the North Approach Road past Walker St and terminates at the A876/A985 junction. The majority of the site is included in the Kincardine Conservation Area. There are also many listed buildings located within the application site. The area around the High Street and Elphinstone Street is also within the defined Local Shopping Centre. The application site covers the centre of Kincardine, where there is a mix of both commercial and residential uses. There is also good access to sustainable modes of transport with good footpath provision in the surrounding area and good access to bus services with bus stops located throughout the site. The A876 and A985 are trunk roads and fall under the authority of Transport Scotland. Both the northern (Feregait/Toll Road) and southern (A985) junctions on the A876 are signalised. Both junctions have pedestrian crossing facilities. The High Street is fully accessible by motor-vehicles however it is restricted to one-way travel in a northerly direction. The application site has a typical character which is found in many Fife villages. There are areas of landscaping throughout the site, areas of on-street parking and footpath surfaces consist of a mix of concrete slabs, monobloc and asphalt.

1.1.2 Had the works been proposed and undertaken by Fife Council, it is likely that many of the improvements would be permitted development and as such, full planning permission would not be required. However, as this application has been made by the Coalfields Regeneration Trust, who do not benefit from any permitted development rights, full planning permission is required. This application proposal is for full planning permission for a variety of environmental improvements within the centre of Kincardine. There are many parts of the overall proposal which do not require the benefit of planning permission such as the change in bus routes and the stopping up of existing roads, however, to realise all elements of the proposal, cooperation and buy-in from a range of different stakeholders will be required. Such parties will include, but may not be limited to Fife Council as Roads Authority, Transport Scotland as Trunk Road Authority and relevant public transport operators. Elements of the proposal which require full planning permission include footpath/carriageway resurfacing, installation of street furniture/bus stops and alterations to public spaces where significant areas of landscaping are proposed.

1.1.3 Whilst the application site does cover a large area, in line with The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, it is classed as a Local Development for the purposes of the planning assessment.

1.1.4 There is no relevant planning history associated with this site. It should be noted however that this application is a resubmission of an earlier application (21/03492/FULL) which was withdrawn in an attempt to address concerns raised in submitted representations.

1.1.5 A site visit has not been undertaken for this proposal. Given the information that is available through virtual means, this is deemed sufficient to determine the application.

## 2.1 Planning Assessment

2.1.1 This application proposal will be assessed against the development plan and other relevant associated guidance. The assessment of the proposal will cover the following issues:

- Principle of Development
- Visual Impact on Conservation Area and the Setting of Adjacent Listed Buildings
- Residential Amenity Impact
- Impact of Town Centre
- Road/Pedestrian Safety and Sustainable Transport
- Flooding and Drainage
- Land/Air Quality and Land Stability
- Biodiversity/Landscaping

## 2.2 Principle of Development

2.2.1 The application site is within the defined settlement boundary for Kincardine in terms of the adopted FIFEplan Fife Local Development Plan (2017). Policy 1: Development Principles of FIFEplan states that the principle of development will be supported within a defined settlement boundary where it is compliant with the policies for the location. Policies 3 (Infrastructure/Services), 10 (Amenity) and 14 (Built and Historic Environment) also inform the principle of development and will be considered in the remainder of this report.

2.2.2 Given the application site is located within an existing settlement boundary, there is a presumption in favour of development. The overall acceptability of the proposal will however require further consideration as detailed below.

## 2.3 Visual Impact on Conservation Area and the Setting of Adjacent Listed Buildings

2.3.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact 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, and safeguarding the characteristics of the historic environment and complying with Policy 14: Built & Historic Environment. Policy 10 states that development will only be approved where it does not have a significant detrimental impact on amenity, including in terms of the visual impact of development on the surrounding area. Policy 14 states that proposals will not be supported where it is considered they will harm or damage listed buildings, including features of special architectural or historic interest; or the character or special appearance of conservation area, having regard to Conservation Area Appraisals and associated management plans. Historic Environment Scotland's Historic Environment Policy for Scotland (2019), its accompanying Managing Change in the Historic Environment series, and Fife Council's Kincardine Outstanding Conservation Area Appraisal and Conservation Area Management Plan (2009) are also relevant here as are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, given the proposal potential impact on the Conservation Area and Listed Buildings.

2.3.2 The proposal includes several elements which have the potential to impact on the visual character of the Kincardine Conservation Area and the setting of its listed buildings. It is worthy to note that the Kincardine Conservation Area appraisal considers that "The south end of Kirk Street, High Street and Elphinstone Street form the main civic public open spaces in Kincardine, affording places where people can meet and gather, and levels of activity in the town are highest here.". It continues to note that "The High Street widens at its south end and is enclosed here by the Commercial Hotel to the south of the C17th mercat cross. The cross is now stranded on a



traffic island between the bus lane and one-way road leaving very little space around this important monument. High Street carries less traffic since the opening of the A985 relief road and Clackmannanshire Bridge. Its original function as a public gathering space, and site of town fairs and market could be returned with changes in traffic flow, perhaps allowing only buses, and the creation of a wider pedestrianised area at its south end with planting and seating.". The Conservation Area appraisal also considers trees and landscaping within Kincardine and notes that "There are few green spaces in the town, the exceptions being the Village Green with its playpark, the unkempt reclaimed land between Forth Street and the River Forth, the north end of High Street, Tulliallan churchyard and the small private front gardens to properties. Views within the town seldom include trees or hedges, but groups of trees are visible when looking from the Conservation Area out to Tulliallan Park Estate, the main park adjacent to Feregait and also across the agricultural land which abuts Kincardine to east and west. Trees within the more open spaces of the Conservation Area should be encouraged where there is room for proper growth as they provide shade and help reduce pollution from vehicle emissions.".

2.3.3 The Kincardine Conservation Area Appraisal includes a public realm audit and notes that "Over time, streets have been surfaced with modern materials, mostly tarmac, and tarmac pavements with concrete kerb edgings have been formed. The main places that would benefit from improvements in surfaces are the High Street and the piers and promenade. Efforts have been made in the High Street to use hard landscape materials to delineate areas of pavement, steps, road crossings and planting. More use of hand hewn natural stone for edgings, instead of squared concrete kerbs, and natural stone paving and setts, instead of concrete paving materials, would have given a softer and less garish feel to the scheme.". It continues to note that "The main junctions at the north ends of High Street and North Approach Road are extremely cluttered with signs and traffic lights and safety railings and spoil the visual amenity of this part of the Conservation Area, as well as being a tortuous crossing. Some improvements with more straight forward traffic management could be made here, particularly now that the North Approach Road carries much less traffic.".

2.3.4 The proposal can be split into two parts. The first being the application site area which is out with the High Street. This includes the Feregait/Toll Rd/North Approach Rd junction, the full length of the North Approach Road and the North Approach Road/A985 junction. Proposals in these areas are largely contained to carriageway narrowing, particularly on the North Approach Road, in an attempt to "de-trunk" the road and make it a more attractive gateway entrance into Kincardine. Footpaths would be widened, on-street parking bays would be provided, footpath resurfacing (asphalt - black with red chips) would be undertaken, additional landscaping would be added along with new street furniture (benches) and new bus stops would be positioned. These changes would largely be welcomed and make this route through Kincardine more appealing. They would have no significant impact on the setting of adjacent listed buildings nor the conservation area.

2.3.5 More substantial changes are proposed within the High Street area. Carriageway narrowing, on-street parking, footpath widening, footpath/road resurfacing, landscaping and the addition of more street furniture is proposed (benches/planters/public art). High quality surfacing materials are proposed which include Buff and black Caithness Slabs, with the different colours being used to differentiate between pedestrian areas and vehicle crossing points. Black and Buff granite blocks would be used to define the road surface from the cycle path. A large paved, pedestrianised area would also be provided to the south western edge of the High Street. The proposed changes would use high quality materials and provide a visual improvement to the whole length of the High Street. They proposed changes would complement the character of the Conservation Area whilst also preserving the setting of adjacent listed buildings.

2.3.6 With regard to the notes taken from the Kincardine Conservation Area Appraisal, the proposals would see the return of a functional public gathering space, specifically within the High Street Area but also within the whole application site. The proposal would also introduce more greenspaces within the Conservation Area. Areas within the High Street which currently have modern surface finishing materials would be replaced with more traditional high-quality materials. The proposal would also see the rationalisation of main junctions of the North Approach Road through the removal of traffic lights, street signage and safety railings.

2.3.7 The proposal would see public areas within the application site significantly improved through the introduction of spaces that prioritise pedestrian movement. Through the use of high-quality finishing materials, the proposal would complement the appearance of the Conservation Area whilst also preserving the setting of listed buildings. The proposal therefore complies with FIFEplan (2017) Policies 1, 10, 14 and other related guidance.

## 2.4 Residential Amenity Impact

2.4.1 Policy 1 of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by, amongst other things, protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. It must be demonstrated that development proposals will not lead to a significant detrimental impact on amenity in relation to, amongst other things, privacy or noise.

2.4.2 Concerns have been raised in submitted representations regarding increased noise levels from new parking areas.

2.4.3 The proposal would raise no significant residential amenity concerns. Whilst new bus stops would be installed on the Northern Approach Road, residential amenity impacts which may arise from busses stopping/anti-social behaviour at these locations cannot be considered through the planning process. Furthermore, the introduction of on-street parking spaces would raise no significant concerns with regard to noise associated with cars using these spaces.

2.4.4 The proposal would therefore comply with FIFEplan (2017) Policies 1, 10 and other related guidance in this instance.

## 2.5 Impact on Local Shopping Centre

2.5.1 Policy 1 of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by, amongst other things, make town centres the first choice for uses which attract a significant number of people and complying with Policy 6: Town Centres First. Policy 6 states that development proposals will be supported where they 3. will have no significant adverse effect on the vitality and viability of town centres and the local economy and are appropriate for the location in scale and character.

2.5.2 Concerns have been raised in submitted representations regarding the impact the proposals may have on trade within the local shopping centre.

2.5.3 The most substantial change to the High Street (which is a defined local shopping centre) is the pedestrianisation of the section of road between Elphinstone St and High Street, which runs between Ilario's hot food takeaway and Garvies Pub, for a length of approximately 50m.

Servicing business units would still be possible from within this space, however, it would not be open to through vehicle traffic. Whilst through traffic is currently allowed, parking on this section is not permitted due to double yellow lines. The pedestrianisation of this section of the High Street would not have any significant impact on the vitality or viability of the High Street. Furthermore, no significant concerns would be raised with regard to the rationalisation of parking areas on the High Street. With regard to the other improvements on the High Street, the proposed works would likely increase the number of people visiting the area, thereby contributing to the vitality and viability of the local shopping centre.

2.5.4 The proposal therefore complies with FIFEplan (2017) Policies 1,6 and other related guidance in this instance.

## 2.6 Road/Pedestrian Safety and Sustainable Transport

2.6.1 FIFEplan Policy 1 requires new development to address its local impact and Policy 3: Infrastructure and Services requires a proposal to be designed and implemented in a manner that ensures delivery of the required level of infrastructure in a sustainable way. This includes the provision of roads to integrate safely with existing networks. Policy 10: Amenity requires a development to mitigate its impacts on amenity in relation to traffic movements. Making Fife's Places Supplementary Guidance (SG) at Appendix G provides regional variations to the SCOTS National Roads Development Guidelines. It sets out standards relating to car parking and other matters of street design.

2.6.2 Concerns have been raised in submitted representations regarding the position of bus stops. Concerns have also been raised regarding parking being removed from the High Street and introduced on the North Approach Road.

2.6.3 The proposal involves the pedestrianisation of existing road space, carriageway narrowing, footpath widening and footpath/road resurfacing. Fife Council's Transportation Development Management Team (TDM) has been consulted on the proposal and has advised that planning approval is just one of the permissions that the applicant must obtain from Fife Council. A variety of further permissions must also be obtained from Fife Council and Roads Authority and Transport Scotland as Trunk Road Authority. TDM raise no significant concerns which are relevant to the planning assessment of the proposal, besides the location of a tree on the corner of Elphinstone Street and High Street (to the side of No. 2 High Street), as it is within the visibility splay of the junction. A condition will be added which requires its removal from the scheme. TDM also considers that the proposal will result in the loss of 11 parking spaces from the High Street, however, this would only result in the net loss of 1 space, with new parking areas being created on the North Approach Road, Elphinstone Street and Keith Street. Advice was sought from TDM regarding objectors concerns regarding the positioning of the bus stop opposite an existing junction on the North Approach Road with no significant concerns being raised.

2.6.4 Transport Scotland was also consulted on the proposal to provide comments on the changes proposed to the Trunk Road network and has advised that conditions should be attached to any consent granted which include a full design review being undertaken, the submission of a traffic management plan and a full walking/cycling/horse-riding assessment and review being undertaken. These conditions have been added.

2.6.5 In light of the above, the proposal raised no significant road safety concerns and therefore complies with FIFEplan Policies 1, 10 and other related guidance.

## 2.7 Flooding and Drainage

2.7.1 FIFEplan Policy 3: Infrastructure and Services expects developers to provide on-site infrastructure to serve the needs of the development in relation to both foul water drainage and surface water drainage. Policy 12: Flooding and the Water Environment sets a requirement for proposals to demonstrate that development is not at risk from flooding and will not result in an increase of flood risk elsewhere.

2.7.2 The majority of the application site is already a hard surface with surface water draining into the public network. The proposal will have no significant change on the existing situation. Fife Council's Structural Services Team has been consulted and has raised no significant concerns. Scottish Water has also been consulted and raised no objections.

2.7.3 The proposal therefore complies with FIFEplan Policies 1, 3, 12 and other related guidance.

## 2.8 Land/Air Quality and Land Stability

2.8.1 FIFEplan Policy 10: Amenity requires an applicant to demonstrate the development would not result in a significant detrimental impact on amenity in relation to contaminated and/or unstable land. Consideration of impacts includes the site and its surrounding area. A site investigation may be required to demonstrate that ground is in a suitable condition to accommodate the development. Where remediation is necessary to make the ground suitable, then these are clearly must be set out in a strategy that is agreed by Fife Council and other appropriate agencies. PAN 33: Development of Contaminated Land is a key reference document in the consideration of ground conditions and the legacy of previous land uses as it relates to proposed future uses.

2.8.2 Concerns have been raised in submitted representations regarding increased air pollution levels which may occur on the Northern Approach Road as a result of the proposals.

2.8.3 Fife Council's Land & Air Quality Team has been consulted on this proposal and has confirmed it has no comments. The Coal Authority has also been consulted on this application and has made no objections.

2.8.4 The proposal therefore complies with FIFEplan Policies 1, 10 and other related guidance in this instance.

## 2.9 Biodiversity/Landscaping

2.9.1 FIFEplan Policy 13 requires new development to protect natural heritage assets such as designated sites, woodlands, hedgerows and protected species. FIFEplan Policy 14 requires new development to contribute to good place-making through measures such as landscaping which, together with Policy 13, secure biodiversity benefits from new development.

2.9.2 The proposal involves the introduction of significant areas of additional landscaping. As such, the proposal will have a biodiversity benefit. No existing trees are indicated for removal and a tree protection plan has been submitted showing how existing trees would be protected during the construction period. A condition will be added to ensure tree protection measures are implemented, prior to any works starting.

2.9.3 The proposal complies with FIFEplan Policies 1, 13 and other related guidance.

## CONSULTATIONS

Transportation, Planning Services	No significant concerns which relate to the planning process. TDM has advised that further consents will be required from FC as Roads Authority and TS as Trunk Road Authority.
Transport Scotland	Conditions recommended.
Environmental Health (Public Protection)	Best practice should be followed during construction period.
Land And Air Quality, Protective Services	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Scottish Water	No objections.

## REPRESENTATIONS

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

- Positioning of bus stops would be detrimental to road safety (opposite junctions) - Addressed in Section 2.6
- Pedestrianisation of part of the High Street would direct trade/deliveries away from business - Addressed in Section 2.5
- Spaces created would not be beneficial to town - Addressed throughout
- Loss of parking on High Street - Addressed in Section 2.6
- Increase in noise and air pollution on North Approach Road - Addressed in Section 2.8
- Addition of parking on North Approach Road will increase noise - Addressed in Section 2.4

Concerns raised which are not materially to the assessment of the application include:

- Existing levels of antisocial behaviour
- Proposal should include roundabout
- Privacy impact on neighbouring homes from busses parked at bus stops
- Number of bus stops being proposed
- Road safety concerns regarding reopening of Feregait/High Street junction
- Bus stops will attract antisocial behaviour and increase noise levels

## CONCLUSIONS

This is an unusual application with many elements which are included in the submitted documents not actually requiring the benefit of planning consent. Such elements will require approval from Fife Council as Roads Authority and Transport Scotland as Trunk Road Authority. The proposal carriageway narrowing, footpath widening, landscaping, street furniture and resurfacing is welcomed and would provide the centre of Kincardine with areas with prioritise safe pedestrian movement and spaces for community events, without having a negative impact on the viability and vitality of the local shopping centre. The use of high-quality finishing

materials would ensure an acceptable visual standard is achieved which not only enhances the character of the Kincardine Conservation Area but also preserves the setting of listed buildings. The proposal would raise no other significant concerns in terms of its impact on residential amenity, road safety, land/air quality, flooding/drainage or biodiversity. The proposal therefore complies with the policies of FIFEplan (2017), Making Fife's Places (2017) and other related guidance.

## **RECOMMENDATION**

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

1. Prior to any works commencing on site, all proposed works on or adjacent to existing public roads shall be approved by Fife Council's Roads and Transportation Services and be designed and constructed in accordance with current SCOTS National Roads Guide and Fife Council Making Fife's Places Appendix G.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

2. Prior to the new street layouts coming into use, visibility splays 2.4m x 25m shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Making Fife's Places Appendix G. For the avoidance of doubt, the proposed tree to the east of High Street's revised junction with Elphinstone Street is within the 2.4m x 25m splay and must be re-positioned outwith the visibility splay. A revised plan shall be submitted showing the revised position for this tree, before it is planted on site. The visibility splays shall be retained for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at road junctions etc.

3. No part of the proposed town centre improvements affecting the A876(T) North Approach Road and A977(T) Feregait / Toll Road shall commence on site until the proposed works, generally as illustrated on Harrison Stevens Drawing No. 18072\_L\_200 Rev. E01 and titled General Arrangement Key Location Plan, have been subject to a full DMRB design review, and approved by Fife Council in consultation with Transport Scotland.

Reason: To ensure that the proposals comply with the current standards, and that the safety of the traffic on the trunk road is not diminished.

4. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland. In particular, this shall include details of any signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the site during construction. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

Reason: To mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.

5. No part of the proposed town centre improvements affecting the A876(T) North Approach Road and A977(T) Feregait / Toll Road shall commence on site until a walking, cycling and horse-riding assessment and review, carried out in accordance with DMRB GG 142, has been approved by Fife Council in consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

6. Before any works commence on site, tree protection measures as identified on the approved Tree Constraints and Protection Plans (Docs 15 - 18 inclusive) shall be implemented in full and be retained in a sound, upright condition for the duration of the construction works.

Reason: In order to protect existing trees.

7. Before any development commences on site, full details of all street furniture and public art which is to be installed shall be submitted to Fife Council as Planning Authority for prior written approval. All works shall then proceed in accordance with the approved plans unless otherwise agreed in writing.

Reason: In the interest of visual amenity; to ensure the details are appropriate for the area.

8. Before any development commences on site, full details of all lighting which is to be installed shall be submitted to Fife Council as Planning Authority for prior written approval. All works shall then proceed in accordance with the approved plans unless otherwise agreed in writing.

Reason: In the interest of visual amenity; to ensure the details are appropriate for the area.

9. Before any works commence on site, full details of all surface finishing materials (including samples), shall be submitted to Fife Council as Planning Authority for prior written approval. All works shall then proceed in accordance with the approved plans unless otherwise agreed in writing.

Reason: In the interest of visual amenity; to ensure the details are appropriate for the area.

## **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 Place's Supplementary Guidance (2018)

National  
Historic Environment Policy for Scotland (2019) and accompanying Managing Change in the Historic Environment series

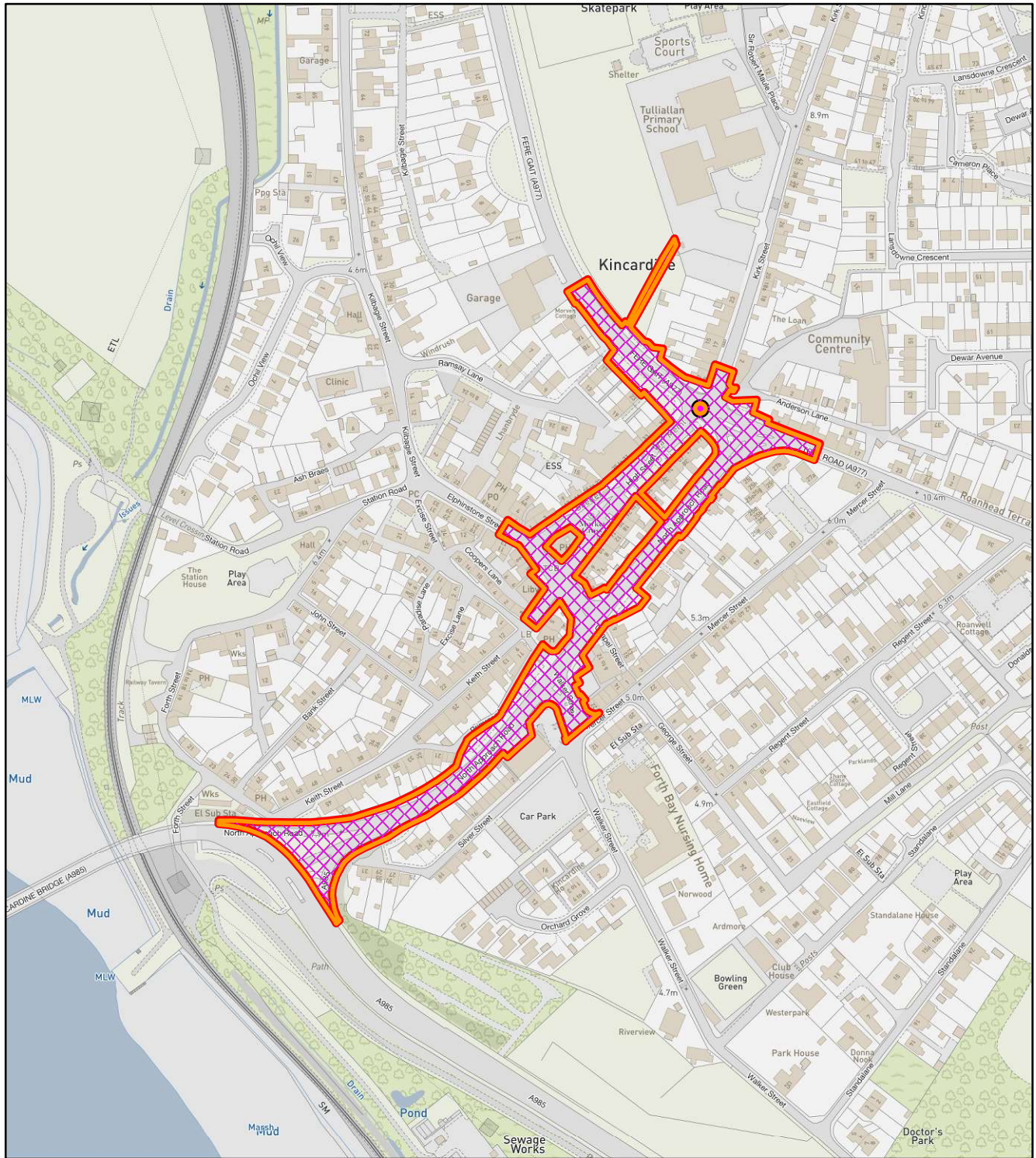
Other  
Kincardine Outstanding Conservation Area Appraisal and Conservation Area Management Plan (2009)

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

Date Printed 26/08/2022



## Street Record, High Street, Kincardine



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<b>Legend</b>	
 Application Boundary	
0 15 30 60 90 m	
 Economy, Planning & Employability Services	

**ITEM NO: 9**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03982/FULL**

**SITE ADDRESS: LAND AT Q3 DUNLIN DRIVE DUNFERMLINE**

**PROPOSAL : ERECTION OF RETAIL UNIT (CLASS 1) WITH ASSOCIATED  
OUTDOOR SALES AREA, PARKING, ACCESS AND  
BOUNDARY TREATMENTS**

**APPLICANT: TJ MORRIS LTD  
HEAD OFFICE PORTAL WAY LIVERPOOL**

**WARD NO: W5R03  
Dunfermline Central**

**CASE OFFICER: Sarah Purves**

**DATE REGISTERED: 19/01/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five letters of representation have been received expressing views which are contrary to the officer's recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

**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 The application site is approximately 1.36 hectares in area and is currently vacant, predominantly comprising of grassland. Access to the site has been formed from a roundabout on Dunlin Drive to the north, however the road infrastructure does not extend beyond this point. Dunlin Drive bounds the site to the north and west, residential properties bound the site to the south and a band of trees bounds the site to the east. The site slopes down from southeast to northwest by approximately 10 metres and there is a drainage pond in the southwest corner of the site.

1.1.2 The site is within the Dunfermline Settlement Boundary, however is unallocated as per the Adopted FIFEplan Local Development Plan (2017). The land to the east of the site forms part of a 46 hectare site of Employment land (DUN 059).

## 1.2 Planning History

1.2.1 In regards to the planning history of the site, the following is relevant:

- In 2008, planning permission in principle was granted for the development of a local centre, comprising a neighbourhood shopping scheme, care home and community centre (08/01306/WOPP)
- In 2008, planning permission was granted for the erection of six class 1 and class 2 units including associated car parking and landscaping (08/01336/WFULL)
- In 2012, planning permission was granted for a variation of condition 2(i) and 3(b) of outline planning permission 08/01306/WOPP to extend timescale for submission of further details and commencement for a further 2 years (11/06073/FULL)
- In 2012, planning permission in principle was granted for the erection of a Class 1 retail unit (2323sqm), 6 units (classes 2, 3, 10) and associated car parking, landscaping and ancillary works (11/06623/PPP)
- In 2014, planning permission in principle was granted for the erection of a local centre, including neighbourhood shopping scheme, care home and community centre (Renewal of planning permission 08/01306/WOPP, 11/06073/FULL) (14/00196/PPP)

## 1.3 Proposal

1.3.1 The application seeks full planning permission for the erection of a Class 1 retail unit with associated outdoor sales area, parking, access and boundary treatments. The building would be approximately 9.3 metres in height at the highest point and would comprise of a flat roof. Finishing materials would include blue, grey and silver cladding, a brick basecourse and aluminium doors/windows. The indoor sales area would measure approximately 2323 square metres and the outdoor sales area to the west of the building would measure approximately 741 square metres. The outdoor sales area would be finished with a brick basecourse and black mesh above to a height of 4.2 metres. There would be a service yard to the east of the building, which would be bound by a 1.2 metre high retaining wall to the east and 3 metre high acoustic fence to the south.

1.3.2 Vehicular access would be taken from the existing roundabout on Dunlin Drive to the north of the site. Parking would be arranged between the entrance to the site and the entrance to the shop on the northern elevation. There would be 129 parking spaces in total, which would include 12 electric vehicle spaces, 7 accessible spaces and 4 parent and child spaces. There would also be 6 cycle spaces located to the northeast of the building. There would be a footpath into the site

from Dunlin Drive to the west and two pedestrian crossings within the site, leading from the front of the shop through the car park to Dunlin Drive to the north.

#### 1.4 Procedural Matters

1.4.1 The application was advertised in The Courier newspaper on 27.01.2022.

1.4.2 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

### 3.0 PLANNING ASSESSMENT

3.1 The determination of this application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The issues to be assessed against the development plan and other guidance are as follows:

- Principle of Development
- Design and Layout
- Transportation
- Residential Amenity
- Ecology and Natural Heritage
- Contamination/Air Quality
- Flooding and Drainage
- Sustainability
- Low Carbon

#### 3.2 Principle of Development

3.2.1 Scottish Planning Policy (2014) (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act.

3.2.2 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.

3.2.3 Policy 6 Town Centres First supports proposals that comply with the sequential approach (taking into account catchment areas), comply with the respective uses and roles of the defined network of centres, will have no significant adverse effect on the vitality and viability of town centres and are appropriate for the location in scale and character. Outwith town centres, retail and leisure developments with a gross floorspace of over 2,500 square metres will require a retail impact analysis to be carried out to demonstrate that it will address a deficiency in the quantity and quality of retail floorspace when assessed against the latest Fife Retail Capacity Study.

3.2.4 A Planning and Retail Statement (Iceni Projects Limited, 2022) was submitted in support of the application, which concluded that the development would bring a vacant site into use and address shopping demands within the area. In addition to this, the statement makes reference to

the lack of retail facilities in the surrounding area and the planning history of this site, which included retail consent. The economic benefits of the proposed scheme are also noted, including the provision of approximately 50 jobs and £10 million investment.

3.2.5 An independent Retail Impact Assessment was sought by Fife Council, by Roderick MacLean Associates (2022). This noted that whilst the convenience turnover of the proposal is minor relative to the total convenience turnover of centres and stores in West Fife, there is no quantitative deficiency case to support the proposed convenience floorspace element of the application under the circumstances, especially as there are undeveloped planning consents in West Fife for additional convenience floorspace. The assessment also notes that the comparison turnover of the proposed store is minor compared with the comparison turnover of the centres and stores in West Fife, however there is no quantitative deficiency case to support the comparison element of the proposal until 2026 at least. Overall, the conclusion states that there are issues relating to cumulative convenience retail impact associated with the proposal. As the proposed development is small compared to the total convenience and comparison turnover in West Fife, the additional cumulative trade diversion may not cause shop closures elsewhere, however there is a risk.

3.2.6 Fife Councils Policy and Place team has, on balance, accepted that the scheme would have benefits in regard to 20-minute neighbourhoods, by providing access to everyday shopping needs such as fresh food. However, given that the shop would predominantly sell non-food items (70%) including approximately 741 square metres of outdoor garden centre space, this is not considered to be sufficient justification.

3.2.7 The proposal fails to comply with Policies 1 and 6, in that the spirit of these policies is to direct large-scale retail development to the existing defined centres, which are compatible with their respective roles. The sequential test supports out-of-centre locations as a least favourable option when these locations are or can be made easily accessible by a choice of transport modes. The garden centre/bulky goods element would not encourage sustainable travel, however, as individuals would use private cars to transport larger items, which is demonstrated in the number of parking spaces provided. Given the location outwith any other uses, private car use and single trips are likely to be the predominant mode of travel and therefore, not accessible by a choice of transport modes for the proposed use.

3.2.8 The proposed retail floorspace also has the potential to detrimentally impact town centres and local centres through enabling the relocation of existing/potential retailers and diverting trade. This would likely have an adverse impact on the viability and vitality of nearby town/local centres, as there is no deficiency of retail space in the surrounding area, as confirmed by the independent Retail Impact Assessment carried out by Roderick MacLean Associates (2022), the proposed development contradicts the aims of Policy 6 and the strategy of FIFEplan.

3.2.9 A number of objections have noted that development would be better suited to a retail park/town centre, whilst those in support of the application have noted the benefits of job creation, investment in the area and the use of a vacant site. As outlined above, the positive aspects of this proposal are outweighed by the conflict in terms of the overall principle of development.

3.2.10 Therefore, the proposed land use does not comply with Policies 1 and 6 of the Adopted FIFEplan (2017) and is therefore unacceptable in this respect.



### 3.3 Design and Layout

3.3.1 The SPP (Placemaking) advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place. These six qualities are distinctive; safe and pleasant; welcoming; adaptable; resource efficient and easy to move around and beyond. This is further expanded upon within the Scottish Government Policy document Designing Streets which states that an emphasis should be placed on design providing a sense of place and taking cognisance of the history and context of the surrounding area and design should connect and relate to the surrounding environment.

3.3.2 The site would occupy an elevated position within a prominent area of Dunfermline, which is mostly surrounded by residential properties. The residential nature of the surrounding area creates a relationship between the buildings, spaces and streets through the urban grain, with building elevations facing/enclosing streets or strips of open space creating a buffer between the buildings and street. There is also a continuation of materials throughout the residential area, largely comprising of lightly coloured dry dash render and concrete roof tiles.

3.3.3 The proposed development is reflective of a warehouse design and scale of building, which would be set back within the site in an elevated position. In contrast to the smaller individual dwellings which surround the site, the proposed building would be a large, industrial design which would be finished with cladding, steel and brickwork. The proposed car parking would fill the area between the building and Dunlin Drive almost entirely, with the exception of a 1 in 2.5 gradient landscape slope surrounding the site and the existing SUDS pond. A 3 metre high acoustic fence and single row of trees would separate the building from the residential properties to the rear (south). The acoustic fence would have a detrimental visual impact, particularly when viewed from Fieldfare View and Dunlin Drive.

3.3.4 Given the slope of the site at present, the ground level would be altered to create a flat surface. This would lower the ground level at the highest point of the site (southeast) and raise the ground level in the lower parts of the site towards the north and west. This would exacerbate the scale and massing of the building further when viewed from Dunlin Drive.

3.3.5 Fife Councils Urban Design officer has reviewed the application and concluded that the proposal would likely introduce an incongruous form of development which would be car dominated. It was noted that the development could have negative contribution to the character, distinctiveness and sense of place, without reflecting and responding to the general surrounding context. The building massing, urban grain, location and relationship to movement routes/existing housing would be out of keeping as a result.

3.3.6 Some of the support comments have noted the positive aspects of the development and proposed layout, whilst the objection comments have noted that the design, scale and massing of the building would be out of keeping with surrounding residential area, and that the proposal would result in overdevelopment. The substantial engineering works required has also been raised as an issue, as well as the lack of proposed planting. These matters have been discussed above.

3.3.7 Overall, the proposed design and layout is considered to be out of keeping with the residential character of the surrounding area. The mass and design of the proposal would be inappropriate and the layout of the site would fail to make a positive contribution to the street. These issues would be further exacerbated by the elevated position of the building on the site,

particularly when viewed from the west, and the expanse of car parking. As such, the proposal would not be in accordance with the six qualities of successful place, FIFEplan (2017) or Making Fife's Places, and would therefore not be acceptable.

### 3.4 Transportation

3.4.1 The national context for the assessment of the impact of new developments on transportation infrastructure is set out in SPP (A connected Place). 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. The overarching aim of this document is to encourage a shift to more sustainable forms of transport and reduce the reliance on the car. Planning permission should also be resisted if the development would have a significant impact on the strategic road network. The design of all new development should follow the place-making approach set out in the SPP and the principles of Designing Streets.

3.4.2 Policy 1 Part C (2) of the Adopted FIFEplan states that the site must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 (Infrastructure and Services) 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. The Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance (2018) provide details of expected standards to be applied to roads and parking etc.

3.4.3 A Transport Assessment (Livingstone and Partners Limited, 2021) has been submitted in support of this application. The TA provides an overall assessment of the transport implications of the proposed development, including sustainable modes of transport. The TA has analysed the impact of the vehicle trips generated by the proposed development on the adjacent road network. The TA has included the mixed-use development in the Shepherd Offshore site and the employment site on Sandpiper Drive as committed development. The proposed development would generate some 56 two-way trips in the weekday AM peak; 169 two-way trips in the weekday PM peak; and 189 two-way trips in the Saturday peak. A proportion of these trips are identified as already being on the road network (diverted trips). The existing site access/Dunlin Drive/ Pittsburgh Road roundabout would continue to operate within its practical capacity in the 2023 and committed development and proposed development tested scenarios.

3.4.4 The site is well connected by footways and cycleways adjacent to the nearby road network on Dunlin Drive, Pittsburgh Road and Greenshank Drive. There are existing bus stops on the Dunlin Drive frontage of the site; on Pittsburgh Road to the north of the site; and Dunlin Drive to the east of the site, all within a 400 metre walk distance of the site. The volume of peak hour trips on the adjacent road network, particularly Dunlin Drive, presents a challenge for safe pedestrian and cyclists crossing the roads, however. The adjacent road network benefits from several existing puffin and toucan crossings (4 on Dunlin Drive, 2 on Pittsburgh Road & 4 on Greenshank Drive). An additional toucan crossing is being provided on Dunlin Drive, between its roundabout junctions with Lochy Rise and Sandpiper Drive, as part of a separate development.

3.4.5 Fife Councils Transportation Development Management Team has reviewed the application submission and notes that the proposed development would attract pedestrian traffic from the north of Dunlin Drive and divert pedestrian traffic from the safer walking route to Carnegie Primary School. A toucan crossing on the Dunlin Drive (west) arm is proposed to

address this, which is welcomed by TDM. A raised table would also be provided on the southern arm of the roundabout, at the existing pedestrian/cyclist crossing points.

3.4.6 In terms of parking requirements, as per the current Fife Council Transportation Development Guidelines, the proposed 3,064m<sup>2</sup> unit would require a maximum of 219 parking spaces. The proposal originally included the provision of 133 parking spaces, and this was accepted by TDM due to the proximity and availability of sustainable travel methods such as walking and cycling. After discussions in relation to urban design, the parking provision was lowered to 129. This included 12 electric vehicle charging points, which is welcomed.

3.4.7 As a retail proposal, the application needs to be considered against Policy 4 of the Adopted FIFEplan (2017) and the Planning Obligations draft Supplementary Guidance (2017) on whether the site requires to contribute towards the strategic transportation intervention measures identified in the adopted 2017 FIFEplan and SG (Figure 5). As the proposal would provide more than 2,500sqm of retail space, it would be required to contribute towards the strategic transportation intervention measures identified in the adopted 2017 FIFEplan. The site lies within the Dunfermline Core Zone (Figure 4) and its contribution would be based on the calculation noted in paragraph 4.13. The strategic transportation intervention measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations; the Northern Link Road is the closest intervention measure in this instance. This contribution could be secured through the conclusion of a legal agreement.

3.4.8 Several support comments noted the good transport connections in the area, and that the proposed transport management systems would be appropriate, however a number of objections have noted the high levels of traffic and the detrimental impacts on road safety as a result of the development. These matters have been considered as part of the Transport Assessment which has been reviewed by Transportation Development Management and is acceptable.

3.4.9 Overall, Transportation Development Management have no objections to the proposal, subject to conditions in the interest of road safety, to ensure the provision of an adequate design, layout and construction and to ensure the provision of adequate pedestrian and cyclist facilities. Subject to the aforementioned conditions, the proposal would be acceptable in regards to transportation and road safety and would be in accordance with FIFEplan (2017) and Making Fife's Places.

### 3.5 Residential Amenity

3.5.1 Policy 10 of the Adopted FIFEplan 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. The policy sets out the considerations in this regard which includes impact from noise, traffic movements, construction impacts and loss of privacy, sunlight and daylight. PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It states that it promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. The WHO Guidelines (2015) are referred to as the standards which should be achieved for environmental noise. These include 50dB for external space with



55dB being considered an upper limit, 35dB for internal space through the day and 30dB for internal space through the night.

3.5.2 Whilst there are no residential dwellings within the application site, there are a number of residential properties adjacent to the site. There are dwellings located immediately to the south of the site, dwellings on the opposite site of Dunlin Drive and dwellings to the east, adjacent to the tree belt. A Noise Impact Assessment (Bureau Veritas, 2021) was submitted in support of the application. A noise model was prepared in order to predict the impact of the car park, HGV deliveries, forklifts and externally located plant and machinery. The impact of the proposed car park was found to be negligible/slight, the impact of the HGV deliveries and forklifts was found to be low and the impact of plant/machinery was also considered to be low.

3.5.3 Fife Councils Environmental Health (Public Protection) team has reviewed the Noise impact assessment and has confirmed that the most appropriate noise assessment tools have been utilised. The Public Protection team noted that the results from the Noise Impact Assessment indicate that noise from the proposed development would not have a significant impact on residential amenity. It is important to note, however, that some of the calculations are based on the erection of a 3 metre acoustic fence on the southern perimeter, which would have a detrimental visual impact on the site and surrounding area.

3.5.4 To reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the 'Guidance Notes for the Reduction of Light Pollution' produced by the Institution of Lighting Engineers. A lighting plan has been submitted, which demonstrates the layout of the proposed lighting, each model to be used and the illuminance which would result. The Public Protection team has reviewed the lighting scheme, and has confirmed that this is acceptable.

3.5.5 Given the distance between the proposed building and existing residential properties to the south (approximately 12 metres at the closest point) and that the retail unit would be located to the north of these properties, there would be no significant impact in terms of loss of sunlight or daylight due to the path of the sun. There would be no window openings on the south side of the proposed retail building, therefore there would be no loss of privacy for residents of these properties.

3.5.6 A number of objections have noted the detrimental noise impact as a result of the development. This has been considered as part of the Noise Impact Assessment by suitably qualified individuals and has been accepted by Fife Councils Public Protection Team. In addition, concerns with glare from the lighting scheme have been raised. These impacts have been addressed through the submission of a lighting plan which demonstrates this is not significant in terms of residential amenity and this has been accepted by the Public Protection team. The impacts on daylight/sunlight and loss of privacy as a result of the development which have been raised have been addressed in the preceding paragraph.

3.5.7 Overall, the development would have no detrimental impact in terms of loss of residential amenity and would be in accordance with the Development Plan and National Guidance in this regard.

## 3.6 Ecology and Natural Heritage

3.6.1 Policy 13 of the Adopted FIFEplan only supports proposals where they protect or enhance natural heritage and access assets, including designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest; 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; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

3.6.2 Whilst there are some trees and shrubs within the site, these appear to be self-seeded, and none are subject to a Tree Preservation Order. These would be removed as part of the development, however some planting is proposed in replacement, as shown on the Proposed Site Plan. The trees to the east of the site are also unprotected, however a condition could be added to ensure that a root protection buffer is established.

3.6.3 A Preliminary Ecological Appraisal (Wild Surveys Limited, 2021) was submitted in support of this application, which provided an assessment of the ecological features present within the site and surrounding areas. In addition to this, a Phase 1 Habitat Survey was completed, which included a description and map of the habitats within the site including a plant species list and target notes. The report concluded that the site is suitable for a number of species, and makes recommendations for retention, avoidance, mitigation and enhancements of the site.

3.6.4 NatureScot has reviewed the application and confirm they are satisfied with the conclusions of the ecological assessment. Naturescot noted that the recommendations of the report should be secured by condition.

3.6.5 A number of objections have noted the detrimental impacts on ecology and natural heritage as a result of the development. These impacts can be limited and mitigated through the recommendations of the ecological assessment, however, which could be secured by condition.

3.6.6 Subject to the use of appropriate conditions, the development meets the terms of the Development Plan in this regard.

### 3.7 Contamination/Air Quality

3.7.1 PAN33 advises that suspected and actual contamination and instability should be investigated and, if necessary, remediated to ensure that sites are suitable for their proposed end use. Policy 10 of the Adopted FIFEplan states that development shall not lead to a significant detrimental impact on amenity in terms of contaminated and unstable land.

3.7.2 A Stage 1 Geo-Environmental Investigation Report (Johnson, Poole and Bloomer, 2021) has been submitted with this application, which detailed the findings in relation to geotechnical, mining, chemical contamination and gas emissions within the site. Some invasive/non-native species were present on the site, and controlled vegetation removal was recommended as a result. In addition, it was noted that there may be a constraint from chemical contamination and gas emissions, therefore remedial measures may be required in this respect. Overall, it was recommended that an in-depth ground investigation (Stage 2) is undertaken at the site.

3.7.3 Fife Councils Land and Air Quality team have reviewed the application and have requested that a Geo Environmental Site Investigation Report is provided prior to any development at the site. Any Geo Environmental Risk Assessment should be undertaken in accordance with the appropriate technical guidance to ensure that the development would be suitable for the proposed use.

3.7.4 In regard to air quality, the Planning Statement notes that it is not anticipated that air quality of the local area will be detrimentally impacted by the proposed development. However, after reviewing the application, the Land and Air Quality team has requested that an appropriate Air Quality Impact Assessment (AQIA) is provided prior to any development at the site, given the scale of development and the proximity of the site to existing residential properties. A number of objections also noted concerns with the impact on air quality as a result of the development, which could be addressed through the submission of an AQIA.

3.7.5 Subject to the aforementioned conditions, the proposals could be acceptable in terms of contamination and land stability and would be in accordance with the Development Plan and National Guidance in this regard.

### 3.9 Flooding and Drainage

3.9.1 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

3.9.2 Policy 1 Part B (8) and Part C (5) requires flooding and impacts on the water environment to be avoided and sites to provide sustainable urban drainage systems with relevant drainage strategies. Policy 12 of the Adopted Local Development Plan states that development proposals will only be supported where they can demonstrate that they will not increase flooding or flood risk; will not reduce the water conveyance and storage capacity of a functional flood plain; will not detrimentally impact on ecological quality of the water environment; will not detrimentally impact on future options for flood management; will not require new defences against coastal erosion or coastal flooding; and will not increase coastal erosion on the site or elsewhere.

3.9.3 Drainage information and a Flood Risk Assessment (FRA) have been submitted in support of the development proposals. The submitted FRA (Terrenus Land and Water, 2021) concludes that there is little or no risk of flooding from fluvial sources, flooding as a result of coastal flooding, surface water flooding, isolated groundwater rise or flooding as a result of a failure in drainage infrastructure.

3.9.4 A Drainage Strategy (Ramage Young, 2022) has also been submitted, which notes that surface water run-off would be discharged to the existing storm water drainage system with a limited discharge rate. Foul drainage would comprise of a gravity drainage system which would also connect to the existing drainage system. The drainage systems would be maintained in accordance with the manufacturers recommendations by the developer.

3.9.5 Scottish Water has reviewed the application and have no objections. They have confirmed that there is sufficient capacity in the Glendevon Water Treatment Works and sufficient capacity for a foul only connection in the Dunfermline Wastewater Treatment Works to service the development. Fife Councils Structural Services team has also reviewed the submission and is satisfied that sufficient information has been submitted in regards to flooding and drainage. As such, they have no further comments to make.

3.9.6 Concerns were raised in the objection comments about flooding and drainage, however these matters have been accepted by Scottish Water and Fife Councils Structural Services team, as outlined above. As such, the development would comply with the aforementioned policies in regards to flooding and drainage.

### 3.10.1 Sustainability

3.10.2 SPP (2014) introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

3.10.3 SPP states that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery;
- and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

3.10.4 A Planning and Retail Statement (Iceni Projects Limited, 2022) was submitted in support of this application, which concluded that the development would bring a vacant site into use and address shopping demands within the area. In addition to this, the statement makes reference to the lack of retail facilities in the surrounding area and the planning history of this site, which

included retail consent. Lastly, the economic benefits of the scheme are noted, including the provision of approximately 50 jobs and £10 million investment.

3.10.5 An independent Retail Impact Assessment was sought by Fife Council, by Roderick MacLean Associates (2022). This noted that whilst the convenience turnover of the proposal is minor relative to the total convenience turnover of centres and stores in West Fife, there is no quantitative deficiency case to support the proposed convenience floorspace element of the application under the circumstances, especially as there are undeveloped planning consents in West Fife for additional convenience floorspace. The assessment also notes that the comparison turnover of the proposed store is minor compared with the comparison turnover of the centres and stores in West Fife, however there is no quantitative deficiency case to support the comparison element of the proposal until 2026 at least. Overall, the conclusion states that there are issues relating to cumulative convenience retail impact associated with the proposal. As the proposed development is small compared to the total convenience and comparison turnover in West Fife, the additional cumulative trade diversion may not cause shop closures elsewhere, however there is a risk.

3.10.6 Fife Councils Policy and Place team has, on balance, accepted that the scheme would have benefits in regard to 20-minute neighbourhoods, by providing access to everyday shopping needs such as fresh food. However, the garden centre/bulky goods element of this proposal would not encourage sustainable travel, as individuals would use private cars to transport larger items, which is demonstrated in the number of parking spaces provided. Given the location of the site outwith any other uses aside from residential, private car use and single trips are likely to be the predominant mode of travel in this instance.

3.10.7 In terms of the other principles, the development is not considered to support good design and the six qualities of successful places; would not make efficient use of existing capacities of land, buildings and infrastructure by supporting town centre and regeneration priorities and would not improve health and well-being by offering opportunities for social interaction and physical activity. The unsustainable nature of the development and large carbon footprint it would have has also been mentioned in the objection comments.

3.10.8 Overall, sustainable development, as set out within SPP, has been considered and it is noted that this development generally does not meet the sustainability principles.

### 3.11 Low Carbon

3.11.1 Scottish Planning Policy (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

3.11.2 Policy 11 (Low Carbon) of the Adopted Local Plan states that planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
  2. Construction materials come from local or sustainable sources;
  3. Water conservation measures are in place;
  4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and
  5. Facilities are provided for the separate collection of dry recyclable waste and food waste.
- All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

3.11.3 Fife Council's Low Carbon Fife Supplementary Guidance (January 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. In addition, planning application applicants are expected to submit a completed sustainability development checklist.

3.11.4 Within the submitted Design Statement, a section on Energy Efficiency and Sustainability has been submitted. This states that the building will achieve an improvement on the carbon emissions target set by the current Building Standards, with the installation of a heat exchange recovery system as part of the air supply and extract, which is a low and zero carbon generating technology. The DS also confirms that the client is committed to the use of locally sourced materials and labour where possible. In regards to Sustainable Urban Drainage Systems, as outlined, the proposals takes account of flood risk, drainage of the site and climate change. The proposals include 12 electric charging parking bays, however further details should be submitted in regards CO2 emissions reduction targets. Similarly, further information on the storage of waste is required. In terms of travel and transportation, as discussed within the transportation section, the proposals are considered to be acceptable. An Air Quality Impact Assessment has not been submitted with the application, and has been requested by Fife Councils Land and Air Quality Team.

3.11.5 Overall, it is considered that the development complies with the Local Development Plan in this regard and meets the requirements of the Low Carbon Fife policy and Supplementary Guidance, subject to the aforementioned conditions. Through this the development would also meet SPP in this regard.

## CONSULTATIONS

Environmental Health (Public Protection)  
Transportation, Planning Services

Air Quality Impact Assessment required  
No objections, subject to conditions if minded to approve the application.

Land And Air Quality, Protective Services

Conditions have been recommended, if minded to approve the application.

Policy And Place Team (West Fife Area)

Proposal could be acceptable although there is a risk of other convenience stores in Fife closing.

Transportation And Environmental Services -

Operations Team	No comments.
Business And Employability	No objections.
Scottish Water	The recommendations of the ecology report should be by secured by condition.
NatureScot	No comments.
Structural Services - Flooding, Shoreline And Harbours	No comments.
Urban Design, Planning Services	The development would likely have a detrimental impact on the character, distinctiveness and sense of place in the area.

## REPRESENTATIONS

The representations received for this application includes 173 objections, 30 support comments and 1 general comment. These are summarised as follows:

### Objections:

- High levels of traffic/detrimental impact on road safety as a result of the development - This has been addressed in section 3.4 of this report.
- Detrimental impact on ecology/natural heritage/protected species as a result of the development - This has been addressed in section 3.6 of this report.
- Detrimental noise impact as a result of the development - This has been addressed in section 3.5 of this report.
- Sufficient shops of similar nature nearby - This is not a material planning consideration.
- Incorrect reports - The reports provided have been checked and signed by sufficiently qualified individuals and are accepted.
- Overdevelopment in the area - This has been addressed in section 3.3 of this report.
- Limited infrastructure capacity - This could be provided as part of the development, as detailed within the main body of the report.
- Alternative uses would be better - Only the current proposal can be assessed at this stage.
- Detrimental impact on daylight/sunlight as a result of the development - This has been addressed in section 3.5 of this report.
- Detrimental impact on privacy/overlooking as a result of the development - This has been addressed in section 3.5 of this report.
- Empty units nearby could be used - Only the current proposal can be assessed at this stage.
- Detrimental impact on neighbouring property values as a result of the development - This is not a material planning consideration.
- Lack of planting/landscaping - This has been addressed in section 3.3 of this report.
- Design, scale and massing out of keeping with surrounding residential area - This has been addressed in section 3.3 of this report.
- Loss of green space - The area is not a safeguarded green/open space.
- The development would be better suited to a retail park/town centre- This has been addressed in section 3.2 of this report.
- Detrimental impact on air quality - This has been addressed in section 3.7 of this report.
- Unsustainable development with large carbon footprint - This has been addressed in section 3.10 of this report.

- No community consultation - This is not required for a development of this scale, however neighbour notification has been carried out and the application was advertised in the local newspaper.
- Antisocial behaviour including litter- This cannot be controlled by Planning legislation.
- No buffer between the development and the adjacent woodland - This is addressed in section 3.6 of this report.
- Detrimental impacts of light spill/glare as a result of the development- This has been assessed in section 3.5 of this report.
- Detrimental impact of construction activity- This is covered by Environmental Health legislation.
- Impact on roots of proposed trees on neighbouring properties - Tree planting does not require planning permission and cannot be controlled as part of this assessment.
- Flooding as a result of the development - This has been addressed in section 3.9 of this report.
- Substantial engineering works - This has been addressed in section 3.3 of this report.

#### Support:

- Job creation - This is addressed in section 3.2 of this report.
- Investment in the area - This is addressed in section 3.2 of this report.
- Good transport connections - This is addressed in section 3.4 of this report.
- Appropriate transport management proposed - This is addressed in section 3.4 of this report.
- More choice/affordable shopping/good addition to shops in the area - This is addressed in section 3.2 of this report.
- Good design/layout - This is addressed in section 3.3 of this report.
- Opportunity to utilise vacant site - This is addressed in section 3.2 of this report.
- No more fly tipping if development was constructed - This is not a material planning consideration.

#### General:

- Request for landscaping in adjacent residential area to reduce noise/ air pollution and increase privacy - This land is outwith the site boundary, therefore this cannot be controlled as part of this planning application.

## CONCLUSIONS

The development is contrary to Policy 1 (Development Principles) and Policy 10 (Amenity) of the adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) as it would result in a retail development outwith the town centre which would be out of keeping in terms of design, to the detriment of sustainability and visual amenity. Overall, the development is contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding existing and future town and local centres. The principle of development is contrary to Policies 1 and 6 of the adopted FIFEplan Local Development Plan (2017), as the proposal has the potential to adversely impact on the viability and vitality of nearby town and local centres by introducing a large-scale retail development outwith a



defined centre. The nature of the proposal would not encourage sustainable development, which is further contrary to the aims of the Local Development Plan.

2. In the interests of safeguarding the visual amenity of the site and surrounding area. The design and layout of the proposal is contrary to Policies 1 and 10 of the adopted FIFEplan Local Development Plan (2017), as it would be out of keeping with the character of the surrounding residential area. The massing of the building would be exacerbated by the elevated position it would be situated on and the expanse of hardstanding to accommodate car parking would not create a positive relationship with the street.

## **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.

### 2. National Policy and Guidance:

SPP - Scottish Planning Policy (2014)  
PAN 33 Development of Contaminated Land (2000)  
PAN 1/2011 Planning and Noise (2011)

### Development Plan and Supplementary Guidance:

SESPlan Strategic Development Plan (2013)  
Adopted FIFEplan (Fife Local Development Plan) (2017)  
Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places Supplementary Guidance (2018)  
Making Fife's Places Supplementary Guidance (2018)  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009)  
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

### Non Statutory National Guidance:

The Royal Environmental Health Institute of Scotland (REIS) Briefing 17 - Noise Guidance for New Developments  
Land-Use Planning and Development Control: Planning for Air Quality (2015)  
Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)  
Air Quality and Land Use Planning (2004)  
World Health Organisation (WHO) Guidelines for Community Noise (2015)

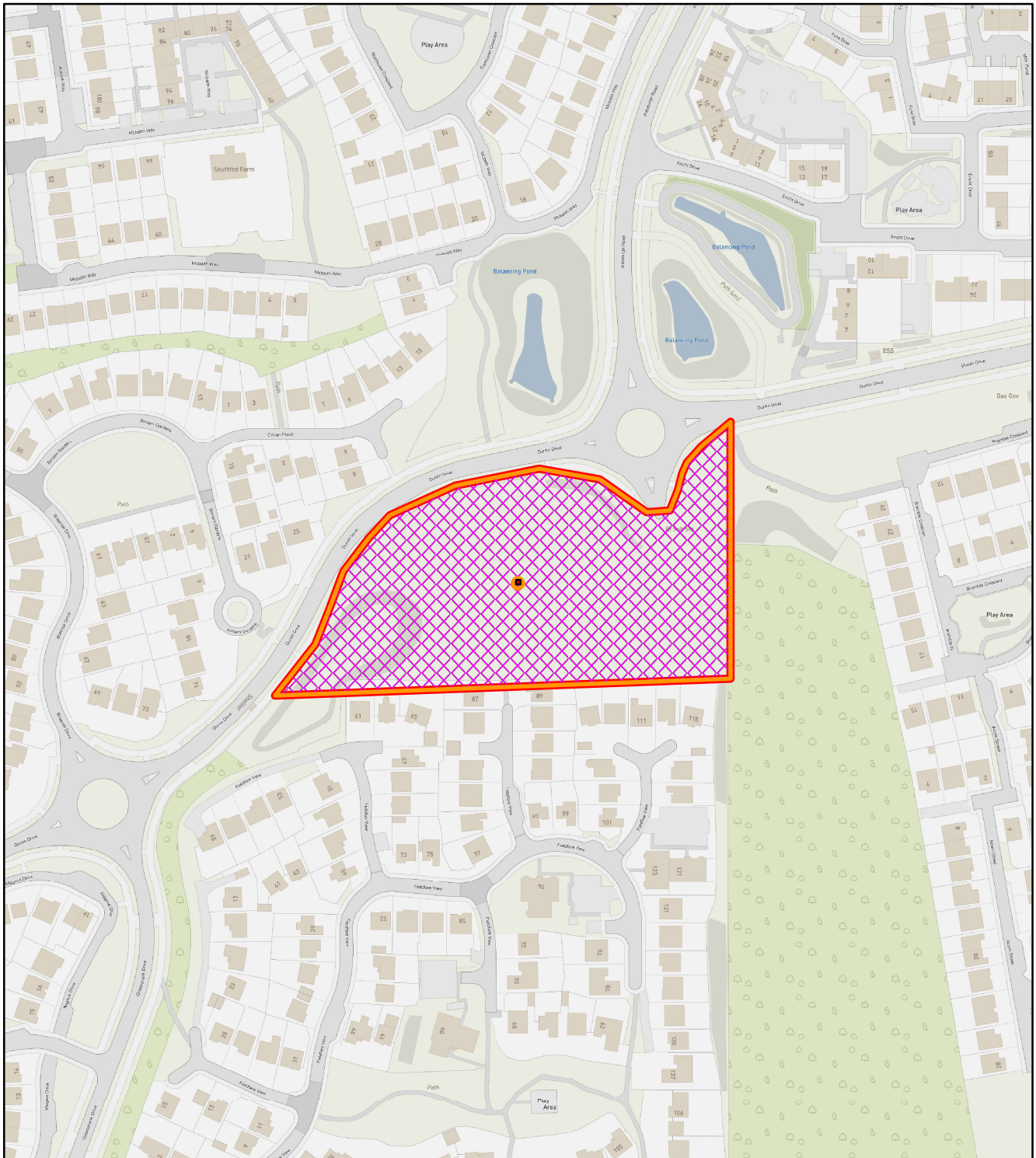
Report prepared by Sarah Purves, Planner and Case Officer

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

Date Printed 05/09/2022

# 21/03982/FULL

## Land at Q3, Dunlin Drive, Dunfermline

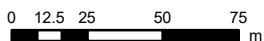


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### Legend



Application Boundary



Economy, Planning & Employability Services

**ITEM NO: 10**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03904/FULL**

**SITE ADDRESS: THE LODGE HOUSE 3 ORCHARD GROVE LEVEN**

**PROPOSAL: ERECTION OF SINGLE STOREY EXTERNAL STORE  
(RETROSPECTIVE) WITH ASSOCIATED LANDSCAPING  
WORKS**

**APPLICANT: MR STEVEN WINDSOR  
THE LODGE HOUSE 3 ORCHARD GROVE LEVEN**

**WARD NO: W5R21  
Leven, Kennoway And Largo**

**CASE OFFICER: Chris Smith**

**DATE REGISTERED: 07/01/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five representations have been submitted which are contrary to the 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 This application relates to a section of land located on the southern end of Orchard Grove and approximately 20m to the northwest of a category C Listed dwellinghouse. The site is located within the settlement boundary of Leven, Buckhaven, Methil and Methilhill as defined within the Adopted FIFEplan (2017). The trees along the eastern boundary of the site are covered by a Tree Preservation Order (TPO). Kennoway Road runs along the west of the site.

1.2 Retrospective planning permission is sought for a single storey external store with associated landscaping works. The store has a footprint of approximately 91.2 square metres with a height of 5m. Finishing materials of the proposal include plastisol coated steel sheeting box wall cladding, security door and roller shutter in the colour pearl green (RAL 6035). The roof cladding and fascias would be a dark green colour (RAL 6005). The site is located on an area of land covered by a Tree Preservation Order (TPO), the applicant advises that 5no. trees have been felled to accommodate the proposal. Additional self-seeded small scrub trees may have also been cleared but these are not significant in relation to the designation of the TPO.

1.3 There were several concerns expressed regarding the mutual land ownership of the site. Although this is not a material planning consideration, the case officer has clarified the issues with Legal Services and it has been confirmed that all mutual owners have been notified. The updated land ownership certificate is acceptable and therefore does not invalidate the application.

1.4 There are no relevant planning permissions for this site.

1.5 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. It is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

## 2.0 POLICY ASSESSMENT

2.0.1 The issues to be assessed against the Adopted FIFEplan 2017 policies and other related guidance are as follows:

- Design/Visual Impact and the Impact on the Setting of the Listed Building
- Residential Amenity Impact
- Trees
- Flood Risk and Drainage
- Road Safety

### 2.1 Design/Visual Impact and the Impact on the Setting of the Listed Building

2.1.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Scotland (HES) Policy Statement (April 2019) and Managing Change in the Historic Environment - Setting (2016), Making Fife's Places Supplementary Guidance, FIFEplan Local Development Plan (2017) Policies 1, 10 and 14 and Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016) apply in this respect.

2.1.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies and states that, in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Managing Change in the Historic Environment - Setting (2016) states that development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets. FIFEplan Policy 14 specifically relates to the built historic environment. These policies indicate development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development on the countryside and the setting of a category C listed building. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area.

2.1.3 The store is located approximately 2.5m from the western boundary (listed stone boundary wall in association with the adjacent listed lodge house) and it is visible from the public streetscape (Kennoway Road and Windygates Road) to the south and west, the building projects above the western stone boundary wall fronting onto Kennoway Road.

2.1.4 In the context of the provisions of Policy 14 regarding the development's impact on the setting of a listed building (3 Orchard Park), which is formally listed in the statutory list as Linwood Hall, Lodge House and boundary walls. The separation distance (20m) between the buildings is considered to result in no detrimental impact on the setting of the listed lodge house building. It is considered there would also be no detrimental impact upon the appearance of the immediate streetscene as this is defined by the buildings to the west within the industrial estate and the extent to which the existing lodge building has been altered already. Having regard to the context of the wider setting in particular the relationship of the garage store building presenting to the street which is seen as part of an area of existing industrial sheds and buildings; it is considered that the garage store while clearly seen from within the tree belt above the listed stone boundary wall it is not incongruous or detrimental to the overall setting of the listed building and boundary wall. It is considered that the proposal complies with the terms of Policy 14.

## 2.2 Residential Amenity Impact

2.2.1 Policies 1 and 10 of the Adopted FIFEplan (2017), BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011), Fife Council Customer Guidelines on Daylight and Sunlight (2018) and Garden Ground (2016) apply in terms of residential amenity.

2.2.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, sunlight, or daylight etc. Fife Council Planning Customer Guidelines on Garden Ground recommends that a home extension should not reduce a garden's usefulness, reduce a neighbour's quality of life by blocking out the sun or harm the quality of the local environment. Fife Council Customer Guidelines on Daylight and Sunlight advises that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and that unacceptable impacts on light to nearby properties are avoided.

2.2.3 In this instance the issues relating to the ownership of the site and surrounding land have some relevance to this aspect of the application. However the site is within ground formally

occupied by trees and is alleged to be mutually owned. In that respect the same consideration in terms of impact on residential amenity do not hold as the ground while impacting on third party land is not garden ground to which different considerations apply. The remaining trees and the fact that there are no gardens adjacent means in this instance there are no residential amenity concerns raised by the erection of the building. The proposal is considered to be compliant with Policy 1 of the adopted FIFEplan regarding residential amenity issues.

2.2.4 The proposal would introduce two doors to the east elevation. There are no third party neighbouring properties, or private gardens which would be affected by overlooking issues. In this context the development would have no detrimental impact on privacy, and as such, would be compliant with Fife Council's Planning Customer Guidance on Home Extensions and Policy 10 of FIFEplan in regards to privacy issues.

2.2.5 Fife Council Customer Guidelines on Garden Ground (2016) applies in this instance. Garden Ground guidelines advise that home extensions should not occupy more than 25% of the original private garden per dwelling house. The store is located to the side of dwellinghouse which does not occupy any private garden ground area. It is recognised that there is a dispute as to the ownership and rights of the applicant to erect the building and the status of the surrounding land. In so far as the applicant identifies the location of the building and sets out a site boundary these are required as part of the planning process but confer no legal rights in terms of land ownership. As noted above the application in relation to the requisite site ownership forms is considered to have been completed appropriately.

2.2.6 The proposal is considered acceptable with respect to residential amenity in terms of overshadowing, overlooking and garden ground, and would be compatible in terms of land use and be in compliance with the Development Plan and relevant guidance.

## 2.3 Trees

2.3.1 The Adopted FIFEplan (2017) Policies 1, 13 and the Making Fife's Places Adopted Supplementary Planning Policy Guidance Document (2018) apply amongst other matters with regard to the current proposal including the potential impact on areas covered by a Tree Preservation Order (TPO). Policy 13 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Fife's Making Fife's Places Supplementary Guidance.

2.3.2 Several concerns have been raised regarding the impact on the trees on site. In order to erect the garage/store the tree survey indicates that 5 trees were removed. A tree report was submitted and stated that the extent of ivy colonisation on trees to the western boundary is restricting lead and bud formation and reducing canopy mass. The surrounding trees have been recommended for remedial works due to the presence of deadwood and damaged limbs as part of an ongoing maintenance regime. The tree report concluded by recommending that replacement tree planting is carried out within the next planting season. The woodland surrounding the applicant's property and the wider policy land is covered by a group Tree Preservation Order. The premise of this designation is to preserve and protect the woodland setting and landscape. The test in relation to the harm caused to a group TPO arising from tree

removal is the extent to which the removal of trees significantly damages the overall woodland landscape setting.

2.3.3 A landscaping plan has been submitted which proposes the planting of additional trees of mixed native species and sizes appropriate to the location, and context. It is acknowledged that the works to remove the pre-existing trees and the erection of the garage store were undertaken without requisite planning permission or complying with the legislation relating to Tree Preservation Orders. Fife Council initiated enforcement action which resulted in the submission of a retrospective planning application. The application also includes the consideration of the context of the development relating to the implications arising from the removal of the trees and also the potential impact of the erection of the garage store on the adjacent trees which are all within the area of woodland covered by the Group Tree Preservation Order.

2.3.4 Given that the trees have already been felled, this assessment therefore relates to the overall visual harm to the overall characteristics of the TPO. The landscaping plan proposes replanting 13 trees. 3 holly trees, 2 linden trees, an oak, 5 hawthorns, and 2 yews. The planting scheme proposes the oak and linden trees would be 6 m high extra heavy standard specimens to provide a more immediate restorative scheme. The holly, hawthorn and yew would all be 2-3 metre high specimens. Notwithstanding that the application is retrospective the planning authority is assessing the merits of the scheme in such cases as though the work had not taken place. The works or development must of itself be considered acceptable when assessed against the relevant policy context.

2.3.5 The previous sections of the report have considered the physical characteristics of the building against the relationship to the listed building nearby, the wider streetscene and also the context of any impact on residential amenity. In these aspects the proposal is considered to comply with policy and is acceptable. The assessment in relation to impact on the woodland covered by the designated Tree Preservation Order requires to be considered further in this regard as it was the removal of the trees which afforded the space to be able to erect the garage/store. The relevant consents were not obtained to fell the trees in accordance with the relevant legislation however the applicant in applying retrospectively is also seeking to address the context of the unauthorised removal of the trees within the TPO grouping through the determination of the current planning application.

2.3.6 As noted above the designation of a group TPO relates to the landscape and amenity importance of the overall woodland area and not to the quality or value of an individual tree. The assessment of harm in a planning context is considered in this context. It is acceptable in planning terms for thinning and tree management to occur within woodland areas covered by a TPO. These should always be undertaken with the respective authorisation however where that happens a judgement is required as to the overall relative harm of the works undertaken to the merits of the designated protected woodland. The planning authority is entitled to consider retrospective applications and mitigation works an appropriate outcome from the enforcement process. This is set out in the Enforcement Charter. In considering the enforcement process the planning authority is also entitled to consider the likely success of a prosecution and this is balanced against an assessment of the seriousness and significance of any breach of planning or other legislation.

2.3.7 The applicant in this case has erected a building within a designated TPO woodland and in order to do so removed 5 trees. The enforcement assessment therefore hinges on the overall harm caused by the removal of the trees to the overall grouping and woodland policy of Orchard House Having carefully assessed the wider woodland areas in the landscape as a whole as well

as the immediate surroundings of the site, the colour and design of the garage/store and the proposed new tree planting it is considered that the woodland is not significantly compromised and the rationale for the designation of the group TPO has not been undermined to any detrimental extent. Having considered the proposal in relation to the visual impact of the new building and the loss of the original trees on the site as well as the mitigation measures proposed it is considered that this would not constitute a detrimental impact which would justify a refusal of the application or indeed demonstrate sufficient harm to present a strong case for prosecution to the procurator fiscal.

2.3.8 Whilst it is acknowledged that works have been done without proper authorisation through the planning process nor has the proper process been followed with regard to works affecting trees protected by a TPO as a group, having assessed the merits of the works undertaken and the overall impact on the woodland setting and rationale for the designation of the TPO it is considered that the proposal is compliant with the relevant policy context relating to the protection of trees and woodlands. A condition requiring the implementation of the replacement tree planting within the next planting season is attached to the recommendation.

2.3.9 In relation to concerns relating to the impact the construction of the garage had on wildlife which was allegedly on the site at the time the proposal was constructed that is a matter for the police to consider.

2.3.10 In respect of the impact the proposal has on the natural heritage and the overall integrity of the Group TPO; subject to the implementation of the planting scheme proposed it is considered that this provides an appropriate level of mitigation and complies with the objectives of policies 1,10 13 and the provisions of Making Fife's Places.

## 2.4 Flood risk and drainage.

2.4.1 The site is not in an area which is at risk to flooding as identified in the SEPA online mapping data. Concerns have been raised by nearby residents and neighbours that the building will give rise to flooding locally and create drainage issues arising from the run off from the roof. The applicants indicate that the drainage from the roof will be taken down to percolate into the ground. The applicant contends that the site is within their ownership and therefore the water run off will be mitigated within their own land. Issues arising to land outwith the applicant's control are matters for private civil action, as are matters arising from damage allegedly caused to third party land arising from the development or the implications arising from it as set out in Policy 3 Infrastructure and Services.

## 2.5 Road safety

2.5.1 Transportation Development Management colleagues have no objections to the erection of the garage store at this site. The proposal is considered to comply with the relevant policy in relation to infrastructure as set out in Policy 3: Infrastructure and Services and Policy 10 Amenity.

## CONSULTATIONS

Transportation, Planning Services  
Trees, Planning Services

No objections.  
No response.



## REPRESENTATIONS

19 letters of representations were received, and the material planning considerations are listed below.

- felling of 13 trees subject to the Tree Preservation Order; para 2.3
- design and visual impact on surrounding area; para 2.1
- the proposal's affect on the setting of the Listed Building; Para 2.1.4
- flood risk and drainage. para 2.4
- wildlife and natural heritage: para 2.3.9

## CONCLUSIONS

Whilst regrettable that the works proceeded without the relevant permissions in place, the development comprising the erection of a single storey external store with associated landscaping works, , is on balance considered to be acceptable in meeting the terms of National Legislation, the Development Plan and relevant Fife Council Planning Customer Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any significant detrimental overall impact on the setting of the listed building or compromise the woodland area covered by the group Tree Preservation Order. Subject to the condition relating to the replacement tree planting the proposal is therefore considered to be acceptable.

## RECOMMENDATION

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

1. The replacement tree planting specified in the submitted landscaping plan ref (20\_092)300 dated July 2022 shall be implemented in full within the first planting season following the approval of this application. Any trees which subsequently die within the following 5 years after planting shall be replaced with the same species and size of specimen as detailed in the landscaping plan.

Reason: To ensure landscaping works are completed at an appropriate stage in the development of the site.

## 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 Guidance

Managing Change in the Historic Environment - Setting (2016)

Historic Environment Scotland (HES) Policy Statement (April 2019)

Development Plan

Adopted FIFEplan 2017

Making Fife's Places Supplementary Guidance (2018)

Other Guidance

Fife Council Customer Guidelines - Garden Ground (2016)

Fife Council Customer Guidelines - Sunlight and Daylight (2018)

Report prepared by Chris Smith, Lead Officer.

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

Date Printed 30/08/2022

# 21/03904/FULL

The Lodge House, 3 Orchard Grove, Leven



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<b>Legend</b>			
	<b>Application Boundary</b>		

**ITEM NO: 11**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01011/FULL**

**SITE ADDRESS: 14 DEAN ACRES COMRIE DUNFERMLINE**

**PROPOSAL : ERECTION OF HEALTH AND BEAUTY TREATMENT FACILITY  
(CLASS 2)**

**APPLICANT: MRS LORRAINE NEWBIGGING  
CUIL FIAL 37 CARNOCK ROAD OAKLEY**

**WARD NO: W5R01  
West Fife And Coastal Villages**

**CASE OFFICER: Jack Wilson**

**DATE 11/04/2022  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application received more than 5 public comments that are contrary to the recommendation of the case officer.

**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 SITE DESCRIPTION**

1.1 This application relates to a residential dwelling located on Dean Acres within the settlement boundary of Comrie. The site is in the east of Comrie, to the south there is an area of protected open space and in all other directions there is agricultural land.

1.2 Full planning permission is being sought for the erection of a health and beauty treatment facility (Class 2) within the rear curtilage of the dwellinghouse. The proposal is a single storey unit clad with untreated European Larch with a sloped flat roof finished in grey rubberised membrane and the windows and doors would be PVC in colour anthracite grey. The building would be 55 square metres in area with a covered outdoor area bringing the total area to 70 square metres in total. Alterations to the driveway to the front of the dwellinghouse are proposed which include extending the driveway to 6.5 metres in width for 8.3 metres in length. The unit would operate between 8:30 am - 9:30 pm Monday to Friday.

### 1.3 Planning History

There is no relevant planning history for this site.

## 2.0 PLANNING ASSESSMENT

The issues to be assessed against the development plan and other material considerations are as follows:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Road Safety

### 2.1 Principle of Development

2.1.1 Policy 1 (Development Principles) of FIFEplan (2017) applies in this regard. Part A of Policy 1 outlines that the principle of development will be supported 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 through the development plan. Policy 10 (Amenity) also applies and outlines that development will only be supported if it does not have a significant detrimental impact on the amenity of existing land uses.

2.1.2 The site is located within the defined settlement boundary for Comrie and as such there is a presumption in favour of development. The site is in an established residential area but given the nature of the proposal and the proposed operating hours, there would be no significant impact on the neighbouring properties in principle. As such the principle of the development is acceptable in this instance. This is subject to further assessment against the relevant FIFEplan Policy that will be outlined below.

### 2.2 Design and Visual Impact

2.2.1 Policy 10 (Amenity) applies in this regard and states that proposals must demonstrate that they will not lead to a significant detrimental visual impact on the surrounding area. Fife Council's Customer Guidelines on Home Extensions (including garages and conservatories) (2016) also applies.

2.2.2 The outbuilding is located to the rear of the dwelling in the northeast corner of the site and comprises of a single storey unit with a decking area. The location of the unit is appropriate given that it would be obscured from view in most directions. The site is treelined to the north, east and west and the existing dwellinghouse and detached garage would obscure the view from the south. The materials proposed are those that are common amongst typical garden outbuildings and would introduce no significant detrimental visual impact to the site and surrounding area. As such the proposal complies with the relevant FIFEplan (2017) policies and supplementary guidance and is acceptable in regard to design and visual impact.

## 2.3 Residential Amenity

2.3.1 Policies 1 (Development Principles) and 10 (Amenity) apply in this regard. Part B of Policy 1 stipulates that development must protect the amenity of the local community and Policy 10 states that development should not lead to a significant detrimental impact on amenity in relation to privacy and noise.

2.3.2 The proposal is situated on an incline and as such has attracted an objection from a neighbouring property in relation to privacy concerns. As previously outlined, the outbuilding would be obscured from public view by tree lining and existing detached garages, additionally, boundary fencing exists between the proposal and the surrounding dwellings. Although, exact measurements of the fencing have not been submitted and cannot be determined from the original development planning application, site photographs show that the fencing is sufficient in continuing to provide the levels of privacy currently enjoyed by the surrounding dwellings.

2.3.3 In terms of noise, objectors raised concerns over the potential impact as a result of the operating hours being initially stipulated as 8:30 am to 9:30 pm Monday to Saturday. The applicant responded to these concerns by amending the proposed operating hours to exclude any works on Saturday, with the intention to provide a maximum of 10 appointments per week. The council's Environmental Health team was consulted in this regard and provided no objection to the proposal. A condition has been attached to this recommendation to ensure that the use is restricted to the proposed operating hours.

2.3.4 As such the proposal complies with the relevant FIFEplan (2017) policy in relation to residential amenity and is acceptable in this regard.

## 2.4 Road Safety

2.4.1 Policies 1 (Development Principles) and Policies 3 (Infrastructure and Services) apply in this regard. Part B of Policy 1 outlines that development proposals must address their impact by providing additional capacity or otherwise improving existing infrastructure. Policy 3 states that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure, in this case parking provision. Fife Council's Making Fife's Places Supplementary Guidance also applies.

2.4.2 The site benefits from a large driveway measuring 34 metres in length that can accommodate approximately 4 cars at a time, in single file. There is no on street parking provision within the residential estate and as such concern is raised surrounding the parking provision for the Class 2 unit. This concern was further amplified by a number of objections. Fife Council's Transportation Development Management Team (TDM) were consulted on this application and further highlighted this concern. TDM have no objection to the proposal subject to alterations to the driveway being carried out to allow the provision of another parking space

that can be accessed from the road while not disrupting the rest of the driveway. This was communicated with the agent and the appropriate provision was presented as mentioned in section 1.2. This has been further controlled by the recommended conditions in this report.

2.4.3 A number of objections also highlighted concern over increased traffic movements and potential pedestrian safety concerns. The applicant provided the intention to operate the business for a maximum of 10 appointments per week and as such there would be a minimal impact on traffic movements and pedestrian safety within the area. As such the proposal is compliant with the relevant FIFEplan (2017) policy in relation to road safety and is acceptable in this regard subject to the recommended conditions attached to this permission.

## CONSULTATIONS

Environmental Health (Public Protection)	No comment.
Transportation, Planning Services	No objection subject to the recommended conditions.

## REPRESENTATIONS

A total of 9 public objections and 1 general comment were received. The considerations include:

- Increased traffic movement (addressed in section 2.4.3)
- Concern around pedestrian safety (addressed in section 2.4.3)
- Parking concerns (addressed in section 2.4.2)
- Residential amenity (addressed in sections 2.3.2 and 2.3.3)

A number of objections included details of the title deeds attached to the dwellings. Title deeds are private legal regulations between the relevant interests of the land and the planning service is not concerned with ownership regulatory matters when determining an application.

Objections also included details of the length of time the applicant has owned the property which is not a material planning consideration and will not be further addressed.

## CONCLUSIONS

The proposal is acceptable in terms of form, scale, layout and choice of materials. It would have no significant detrimental impact on the surrounding area and would create no significant residential amenity issues in relation to privacy and noise. The initial road safety concerns have been adequately addressed and conditions have been attached to this permission to ensure these works are carried out to the Council's recommended standard. Therefore, the proposal is compliant with FIFEplan Local Development Plan (2017) and other guidance.

## RECOMMENDATION

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

1. The hours of operation of the use hereby approved shall be restricted to between 8:30 am and 9:30 pm Monday to Friday. No operations or activity shall take place at any time on a Saturday or Sunday, unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In order to protect the amenity of nearby residents.

2. Prior to the beauty salon coming into use, the construction of the widened vehicular crossing of the service strip shall be carried out in accordance with the current Fife Council Transportation Development Guidelines.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

3. Prior to the beauty salon coming into use, the access driveway shall be widened as per the layout shown on Drawing No OB/WN/01 Rev A. The widened driveway shall be constructed at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles. The additional customer parking space shall be retained for the lifetime of the development.

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

## **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.

- Adopted FIFEplan (2017)
- Fife Council's Customer Guidelines on Home Extensions (including garages and conservatories) (2016)
- Fife Council's Making Fife's Places Supplementary Guidance (2018)

Report prepared by Jack Wilson, Planning Assistant and Case Officer

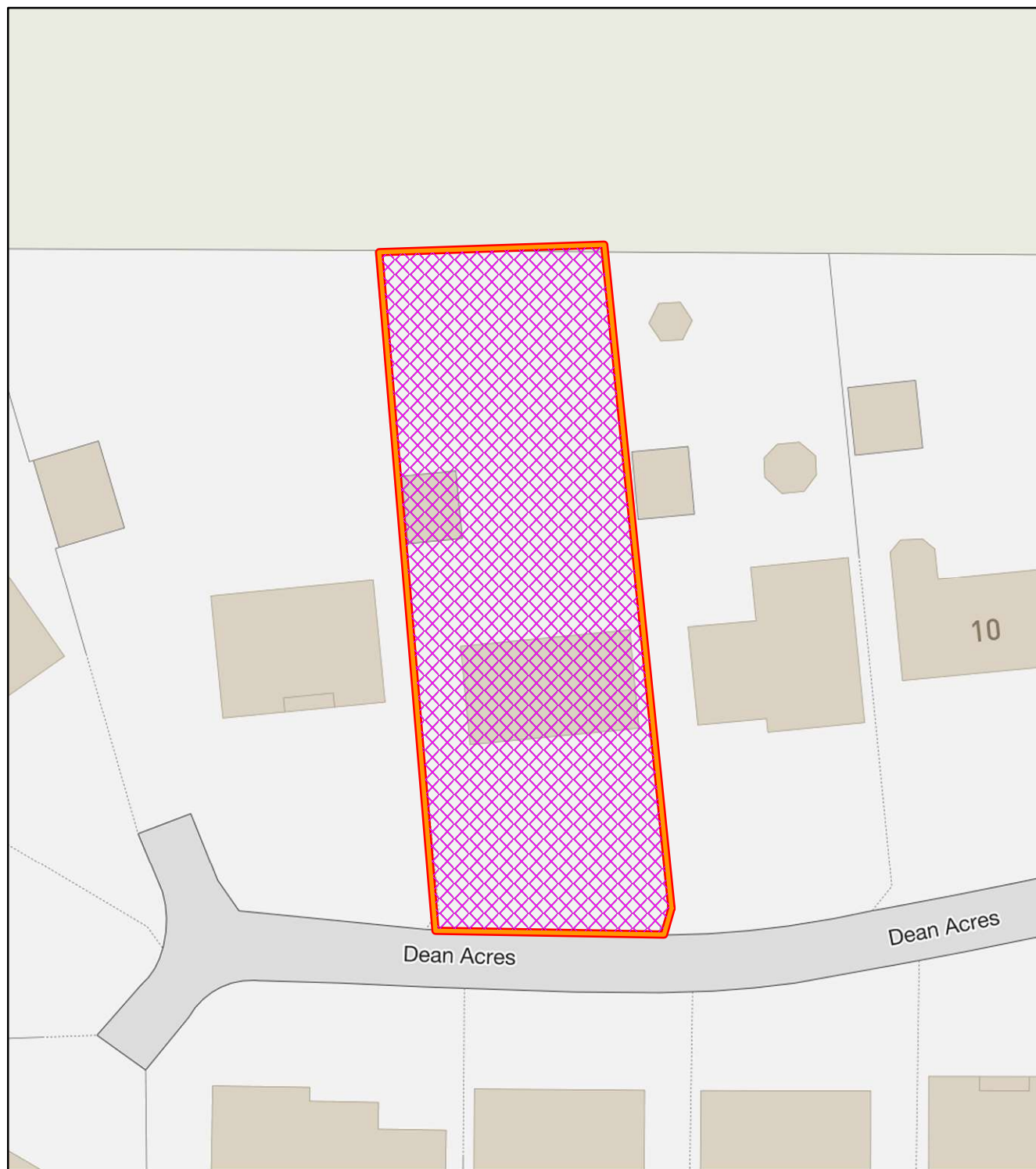
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 30/08/2022



# 22/01011/FULL

14 Dean Acres, Comrie, Dunfermline



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## Legend

 Application Boundary

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**Fife**  
COUNCIL  
Economy, Planning & Employability Services

**ITEM NO: 12**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00909/FULL**

**SITE ADDRESS: DEVONSIDE FARM DEVONSIDE SALINE**

**PROPOSAL: TWO STOREY EXTENSION, ERECTION OF CAR PORT AND FORMATION OF BALCONY TO SIDE OF DWELLINGHOUSE**

**APPLICANT: MR GRAEME STEWART  
DEVONSIDE FARM DEVONSIDE SALINE**

**WARD NO: W5R01  
West Fife And Coastal Villages**

**CASE OFFICER: Lauren McNeil**

**DATE REGISTERED: 24/03/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

To ensure the same process of appeal for the application for full planning permission and the corresponding application for Listed Building Consent.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

**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 This application relates to a Category B listed two-storey nineteenth century farmhouse situated in a countryside location, as defined within the Adopted FIFEplan (2017) located approximately 800m north-west of the settlement of Saline. The property is externally finished with stone, render to the rear, a slate roof and UPVC windows and doors. Historically the listed property has been externally altered including a two-storey lean-to extension to the side, a two-storey extension to the rear and replacement PVC windows to the front and rear. The listed property is set amongst various agricultural buildings associated with the farm use including two Category C listed buildings to the north.

1.2 The proposal seeks full planning permission for the erection of a two-storey extension, car port and the formation of balcony to the side of the dwellinghouse.

1.3 The proposed extension would occupy a footprint of approximately 26m<sup>2</sup> and would be externally finished with a wet dash render, slate roof and aluminium windows.

1.4 There is no relevant planning history for the property.

1.5 A physical site visit has not been undertaken in relation to the assessment of this application. 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 Street View and Google aerial imagery),
- GIS mapping software, and
- Photographs provided by the applicant/agent.

Therefore, given the scale and nature of the proposal the evidence and information available to the case officer is sufficient to determine the proposal.

## 2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are: -

- a) Impact on the Character and Setting of the Listed Building
- b) Residential Amenity

### 2.2 Impact on the Character and Setting of the Listed Building

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (2019), Historic Environment Scotland's Managing Change in the Historic Environment: Extensions (2010), and Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) apply in this respect. Policy 1 Part B states development proposals must address their development impact by complying with the following relevant criteria and supporting policies including safeguard the characteristics of the historic environment. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Policy 14 states that development proposals will not be supported where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest.

2.2.2 Representations received raised concerns regarding the scale, design and finish of the proposed extension and the impact of the proposal on the character of the listed building. The proposed extension would be situated to the side of the dwellinghouse and would be viewed in context of the principal elevation. The proposed extension would be set back from the principal elevation but would match the eaves height of the original listed building creating an unauthentic visual link between the historic listed building and the proposed extension and would disrupt the symmetrical appearance of the principal elevation of the listed property. The proposed extension would replace an existing side extension, however the overall height of the proposed extension (7.8m) would measure approximately 2 metres taller than the existing extension and would occupy an overall footprint of approximately 46m<sup>2</sup> (including the proposed carport/balcony) in comparison with the existing extension which occupies a footprint of approximately 18m<sup>2</sup>. Therefore, the proposed extension would be of a larger scale and massing than what currently exists and as such would have a greater visual impact on the character of the listed property. The roof pitch and design of the proposed extension would also not be in keeping with the character of the original listed building. The finishing materials of the external walls of the proposed extension would not be in-keeping with the traditional materials of the original listed building, however given the external walls to the side and rear were historically rendered the proposed finishing materials would be considered appropriate. The proportions of the proposed windows have been revised, however revised window details have not been submitted and the finishing materials of the proposed windows would not match the existing windows creating a disjointed appearance. The proposed carport/balcony would form a modern feature and given the design and finishes would be incongruous. Moreover, the cumulative impact of the proposal in addition to the existing external alterations would significantly detract from the character of the listed building.

2.2.3 The proposed extension would be visible from the road however given the remote countryside location, and the position of the proposed extension within an established farm, the proposal would not have a significant detrimental impact on the visual amenity of the surrounding area.

2.2.3 In light of the above, whilst the proposal would not have a significant detrimental impact on the visual amenity of the surrounding area, the proposal would have a significant detrimental impact on the character of the Category B listed building and as such would not be acceptable. The proposal would therefore not be in compliance with the Development Plan and relevant guidance.

## 2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017), BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011), and Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Garden Ground apply in this respect.

2.3.2 There are no immediate neighbours adjacent to the development site with the nearest neighbouring residential dwellinghouse situated approximately 124m to the east of the development site. Therefore, there are no concerns regarding overlooking/privacy nor loss of daylight/sunlight.

2.3.4 The dwellinghouse is served by a large curtilage therefore there are no concerns for the loss of garden ground resulting from the proposal.

2.3.5 In light of the above, the proposal would be acceptable in terms of loss of daylight/sunlight, loss of privacy and loss of garden ground. As such, the proposal would be in compliance with the Development Plan and its associated guidance in terms of residential amenity.

## **CONSULTATIONS**

Scottish Water

No objections

## **REPRESENTATIONS**

One letter of objection was received raising concerns for the scale, design and finish of the proposed extension and the impact of the proposal on the character of the listed building.

## **CONCLUSIONS**

The proposal would be acceptable in terms of residential amenity and would not have a significant detrimental impact on the visual amenity of the surrounding area, however the proposal would have a significant detrimental impact on the character of the Category B listed building and as such would not be acceptable. The proposal would therefore not be in compliance with Policies 1 and 14 of the Development Plan and relevant guidance.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. The proposed two storey extension, car port and balcony are contrary to Policies 1, 10 and 14 of the FIFEplan Local Development Plan and Historic Environment Scotland Managing Change in the Historic Environment: Extensions guidance. The proposed height and mass of the proposal would result in incongruous addition that would imbalance the symmetrical appearance of the building and is visually prominent from the front elevation. Therefore, the proposal would have a detrimental impact on the character and setting of the listed building. There are no materials reasons that outweigh this conclusion.

## **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.

### 2. National Guidance

Scottish Planning Policy (2014) (Valuing the Historic Environment)

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's Managing Change in the Historic Environment: Extensions (2010)

Development Plan  
The Adopted FIFEplan Local Development Plan (2017)

Other Guidance

BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight

Fife Council's Planning Customer Guidelines on Garden Ground

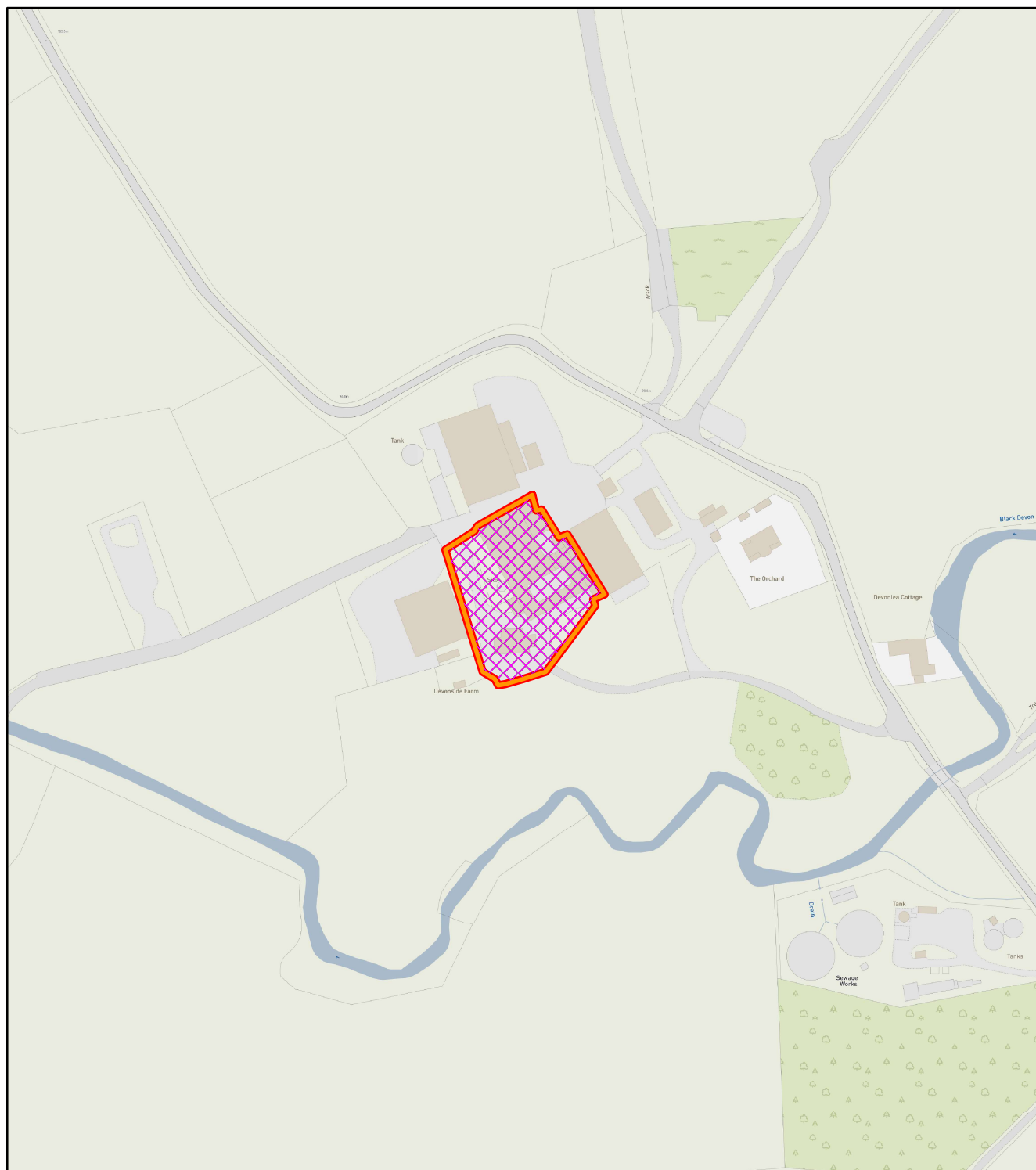
Report prepared by Lauren McNeil, Graduate Planner and Case Officer.

Report Reviewed and Agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 26/08/2022

# 22.00909.FULL

## Devonside Farm Devonside Saline



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**ITEM NO: 13****APPLICATION FOR LISTED BUILDING CONSENT REF: 22/00904/LBC****SITE ADDRESS: DEVONSIDE FARM DEVONSIDE SALINE****PROPOSAL: LISTED BUILDING CONSENT FOR TWO-STOREY EXTENSION TO SIDE OF DWELLINGHOUSE, ERECTION OF CAR PORT AND FORMATION OF BALCONY****APPLICANT: MR GRAEME STEWART  
DEVONSIDE FARM****WARD NO: W5R01  
West Fife And Coastal Villages****CASE OFFICER: Lauren McNeil****DATE REGISTERED: 24/03/2022****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

To ensure the same process of appeal for the listed building consent application and the corresponding application for full planning permission.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

Under Section 14(2) 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 This application relates to a Category B listed two-storey nineteenth century farmhouse situated in a countryside location, as defined within the Adopted FIFEplan (2017) located approximately 800m north-west of the settlement of Saline. The property is externally finished with stone, roughcast render to the rear, a slate roof and UPVC windows and doors. Historically the listed property has been externally altered including a two-storey lean-to extension to the side, a two-storey extension to the rear and replacement PVC windows to the front and rear. The listed property is set amongst various agricultural buildings including two Category C listed buildings to the north.

1.2 The proposal seeks listed building consent for the erection of a two-storey extension to the side of dwellinghouse, the erection of a car port and the formation of balcony.

1.3 The proposed extension would occupy a footprint of approximately 26m<sup>2</sup> and would be externally finished with a wet dash render, slate roof and aluminium windows.

1.4 There is no relevant planning history for the property.

1.5 A physical site visit has not been undertaken in relation to the assessment of this application. 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 Street View and Google aerial imagery),
- GIS mapping software, and
- Photographs provided by the applicant/agent.

Therefore, given the scale and nature of the proposal the evidence and information available to the case officer is sufficient to determine the proposal.

## 2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are: -

a) Impact on the Character and Setting of the Listed Building

### 2.2 Impact on the Character and Setting of the Listed Building

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (2019), Historic Environment Scotland's Managing Change in the Historic Environment: Extensions (2010) and Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) apply in this respect. Policy 1 Part B states development proposals must address their development impact by complying with the following relevant criteria and supporting policies including safeguard the characteristics of the historic environment. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Policy 14 states that development proposals will not be supported where it is

considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest.

2.2.2 Historic Environment Scotland was consulted on the proposal and advised the proposed extension would have a negative impact on the significance of the listed building raising concerns about the height and massing of the proposed extension. Fife Council's Built Heritage Team was also consulted and advised that while the proposal would replace an existing extension, unfortunately the proposed design would be more impactful and would not be supported.

2.2.3 Representations received raised concerns regarding the scale, design and finish of the proposed extension and the impact of the proposal on the character of the listed building. The proposed extension would be situated to the side of the dwellinghouse and would be viewed in context of the principal elevation. The proposed extension would be set back from the principal elevation but would match the eaves height of the original listed building creating an unauthentic visual link between the historic listed building and the proposed extension and would disrupt the symmetrical appearance of the principal elevation of the listed property. The proposed extension would replace an existing side extension, however the overall height of the proposed extension (7.8m) would measure approximately 2 metres taller than the existing extension and would occupy an overall footprint of approximately 46m<sup>2</sup> (including the proposed carport/balcony) in comparison with the existing extension which occupies a footprint of approximately 18m<sup>2</sup>. Therefore, the proposed extension would be of a larger scale and massing than what currently exists and as such would have a greater visual impact on the character of the listed property. The roof pitch and design of the proposed extension would also not be in keeping with the character of the original listed building. The finishing materials of the external walls of the proposed extension would not be in-keeping with the traditional materials of the original listed building, however given the external walls to the side and rear were historically rendered the proposed finishing materials would be considered appropriate. The proportions of the proposed windows have been revised, however revised window details have not been submitted and the finishing materials of the proposed windows would not match the existing windows creating a disjointed appearance. The proposed carport/balcony would form a modern feature and given the design and finishes would be incongruous. Moreover, the cumulative impact of the proposal in addition to the existing external alterations would significantly detract from the character of the listed building.

2.2.4 In light of the above, the proposal would not be acceptable and would have a significant detrimental impact on the character of the Category B listed building. As such, the proposal would not be in compliance with the Development Plan and relevant guidance.

## CONSULTATIONS

Built Heritage, Planning Services

The proposed design would be more impactful than what exists and would not be supported.

Historic Environment Scotland

The extension as proposed would have a negative impact on the significance of the listed building.

## REPRESENTATIONS

One letter of objection was received raising concerns regarding the scale, design and finish of the proposed extension and the impact of the proposal on the character of the listed building.

## **CONCLUSIONS**

The proposal would not be acceptable and would have a significant detrimental impact on the character of the Category B listed building. As such, the proposal would not be in compliance with Policies 1 and 14 of the Adopted FIFEplan and relevant guidance.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. The proposed two storey extension, car port and balcony are contrary to Policies 1 and 14 of the FIFEplan Local Development Plan and Historic Environment Scotland Managing Change in the Historic Environment: Extensions guidance. The proposed height and mass of the proposal would result in incongruous addition that would imbalance the symmetrical appearance of the building and be visually prominent from the front elevation. Therefore, the proposal would have a detrimental impact on the character and setting of the listed building. There are no material considerations that outweigh this conclusion.

## **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 Guidance

Scottish Planning Policy (2014) (Valuing the Historic Environment)

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's Managing Change in the Historic Environment: Extensions (2010)

### Development Plan

The Adopted FIFEplan Local Development Plan (2017)

### Other Guidance

BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight

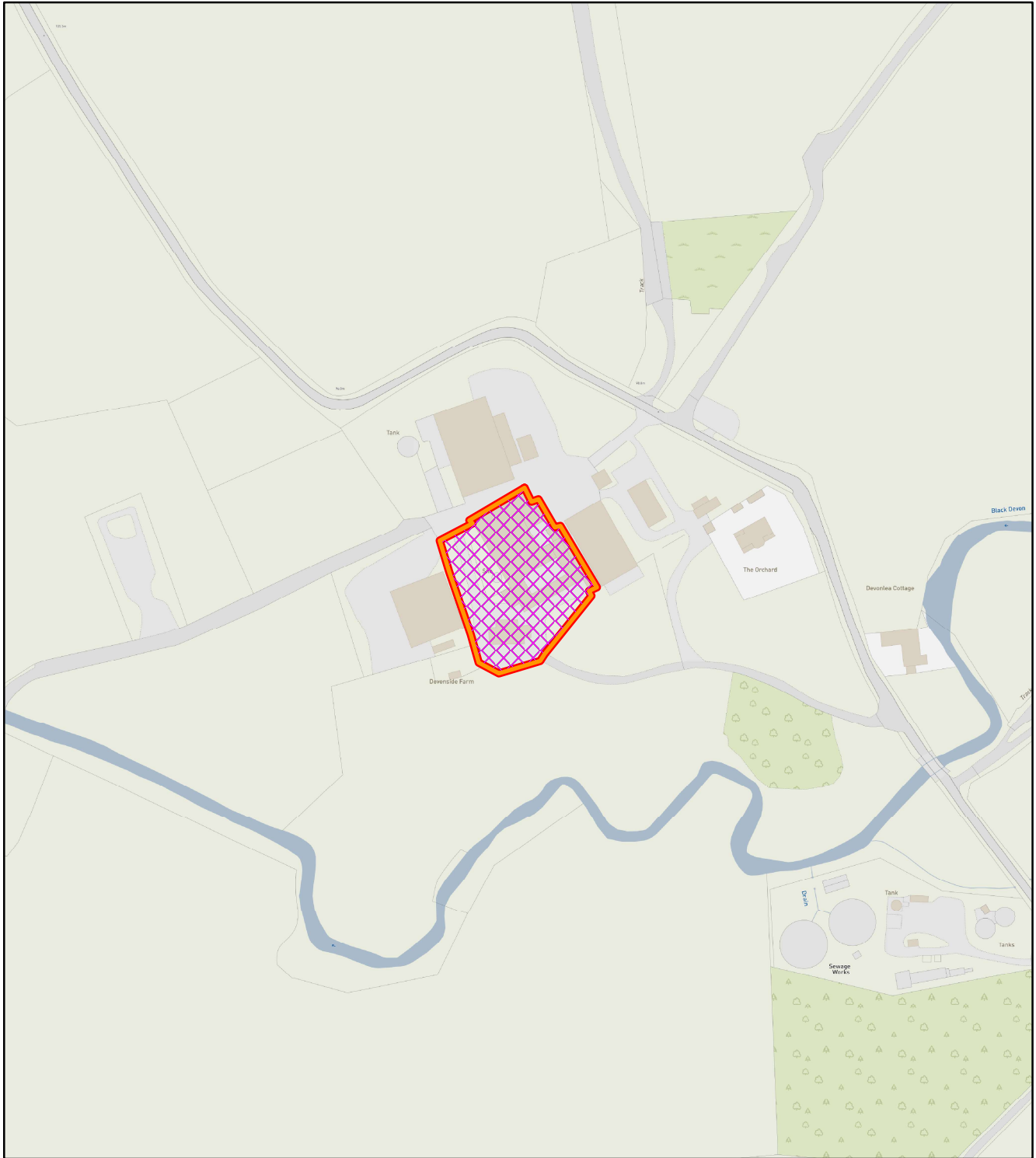
Fife Council's Planning Customer Guidelines on Garden Ground

Report prepared by Lauren McNeil, Graduate Planner and Case Officer.

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

# 22.00904.LBC

## Devonside Farm Devonside Saline



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Legend	
 Application Boundary	
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 Fife COUNCIL Economy, Planning & Employability Services	

**ITEM NO: 14**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02008/FULL**

**SITE ADDRESS: 66 STRATHBEG DRIVE DALGETY BAY DUNFERMLINE**

**PROPOSAL: ALTERATIONS AND EXTENSION TO DWELLINGHOUSE**

**APPLICANT: MR ANDREW EDWARDS  
66 STRATHBEG DRIVE DALGETY BAY DUNFERMLINE**

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

**CASE OFFICER: Gary Horne**

**DATE REGISTERED: 30/06/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

There have been six letters of representation which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional 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 The application site comprises of a two storey end-of-terrace dwellinghouse situated within the Dalgety Bay settlement boundary. The dwelling, which includes a porch to the front, is externally finished with a roughcast render, concrete roof tiles and modern uPVC casement windows. The development site is set at the entrance to a cul-de-sac within an established residential area comprising dwellings of a similar architectural form and scale.

1.2 This application seeks planning permission for the erection of a single storey extension to the front of the dwellinghouse (retrospective) and the erection of a single storey extension to the side and rear.

1.3 The proposed front extension occupies a footprint of approximately 3.5 sqm. The proposed side and rear extension would occupy a footprint of approximately 21 sqm. All finishes are proposed to match, with a roughcast render, lean-to concrete tiled clad roofing and modern windows/doors.

1.4 Additional works on site, including the erection of fencing and formation of hardstanding are Permitted Development and do not require Planning Permission.

1.5 A previous application (22/01105/FULL) for the erection of a two storey extension to the side and rear and front extension was submitted in April 2022 and subsequently withdrawn in June 2022.

1.6 Two enforcement enquiries (22/00158/ENF and 22/00185/ENF) were raised and investigated in May and June 2022. These related to works for the proposed front extension commencing on site prior to consent being granted and the fencing and hardstanding works, which do not require Planning Permission.

## 2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are

- Design
- Residential Amenity
- Road Safety

## 2.2 Design

2.2.1 Policy 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Planning Guidelines on Home Extensions (including garages and conservatories) (2010) apply in this respect.

2.2.2 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses, including in relation to the visual impact of the development on the surrounding area.

2.2.3 Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories) advises that extensions must be visually and physically subordinate to the existing building and not dominate or detract from it or neighbouring buildings.

2.2.4 The proposed porch extension, which extends the existing porch to the full width of the front elevation, has resulted in a porch extension which exceeds the recommended 2m x 1.5m limitations for extensions to the front of a property. The resultant expanded porch remains subsidiary to the property however and is considered to be minor in scope within the context of the wider surrounds, which includes a variety of extensions to the front of dwellings and several larger prominent side extensions including a two storey extension directly to the north of the site. Appropriate matching finishing materials have been used and it is considered that there is no significant impact upon the visual amenity of the streetscene.

2.2.5 A previous application, which proposed to erect a two storey extension to the side and rear of the property, was considered to be unacceptable due to its excessive scale and massing. Following discussions with the applicant, these plans were withdrawn from consideration with the proposed amended scheme submitted. The proposed side and rear extensions are now considered to be suitably scaled and would be subordinate to the original dwellinghouse. The extension would be positioned on secondary elevations and, whilst the extension would be visible from the public realm, given the prominence of the dwelling's gable elevation, it is considered there would be no significant detriment upon the aesthetic of the surrounding streetscene. Appropriate matching finishing materials are again proposed.

2.2.6 Representations received have raised concerns with regards to the design and scale of the proposals and it not conforming to the uniformity of the streetscene. As discussed above, the proposed porch extension would result in an enlarged front porch which exceeds the recommendations set out with Fife Council's Home Extension Guidelines, however within the context of the surrounding area, which includes a two storey extension and a double garage to the front of a property, it is considered that the porch extension has no significant visual impact. The proposed side and rear extension would be visible and would not match any other extensions within the streetscene however the surrounding area is not one of significant architectural merit, it is not a Conservation Area and the proposed extension complies with Fife Council's Home Extension Guidelines in terms of scale, layout and choice of materials.

2.2.7 In light of the above, the proposal is considered acceptable in this instance in terms of form, scale, layout, detailing and choice of materials; would have no significant adverse effect upon the surrounding environment and would be in compliance with the Development Plan and its related guidance.

## 2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan, BRE's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and Fife Council's Planning Guidelines on Sunlight and Daylight (2013), and on Garden Ground (2010) apply in this respect.

2.3.2 Policy 10 of the Adopted FIFEplan states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy, sunlight and daylight.

2.3.3 Fife Council Planning Guidelines on Daylight and Sunlight advises that all new development, including extensions, should be designed to minimise overshadowing of neighbouring properties and that Fife Council will not support extensions or any new development that would result in the loss of sunlight leading to overshadowing for the majority of the day.

2.3.4 Fife Council Planning Guidelines on Garden Ground recommends that a home extension should not reduce a garden's usefulness, reduce your neighbours' quality of life or the harm the quality of the local environment.

2.3.5 BRE's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice seeks to achieve good standards of sunlight and daylight both within buildings and in the open spaces between them.

2.3.6 In accordance with the standards set out in the Fife Council's and BRE's guidelines, an assessment has been carried out to establish the impact the proposed rear extension would have on the daylight currently enjoyed by the neighbouring adjoining property. In this instance, the proposal satisfied the 45 degree assessment method and, although some loss of natural light would occur as a result of this development, acceptable levels of natural light would still be enjoyed by the neighbouring property.

2.3.7 As the development site is positioned the immediate east of the neighbouring properties within this terrace, there would be no significant additional impact upon the sunlight enjoyed within the neighbouring rear amenity spaces. The neighbouring garden areas are narrow, relatively short and are sited to the north of a two storey terrace. As such, the neighbouring gardens would already be restricted from direct sunlight. The orientation of the development site in relation to the path of the sun would ensure there would be no significant additional impact within these garden spaces in this instance.

2.3.8 The proposed front and rear extensions would include additional window openings at ground floor level, however the views that would be achievable from these openings are already available from within the existing dwelling.

2.3.9 The proposed extension would occupy approximately 31% of the original garden ground sited to the rear of the curtilage (51m<sup>2</sup>). This would slightly exceed Fife Council's 25% recommendation however it is considered that, within the context of the existing site, that sufficient garden ground would be retained for the continued enjoyment of the property and the development would not constitute an overdevelopment of the plot which includes additional parcels of land to the side and front of the dwelling.

2.3.10 Representations received have raised concerns with regards to overshadowing and a loss of garden ground. As detailed above, the proposed rear extension complies with the 45 degree daylight assessment and it is considered that there would be no significant impact in terms of loss of daylight or sunlight. The footprint of the proposed rear extension would slightly exceed the 25% recommendation set out within Fife Council's Garden Ground Guidance however this would only be by 3 sqm which is not considered significant enough to warrant refusal of the application on this basis alone.

2.3.11 In light of the this, the proposal is considered acceptable in terms of its impact on residential amenity. and in compliance with the Development Plan and relevant guidance.

## 2.4 Road Safety

2.4.1 Policies 1 and 3 of the Adopted FIFEplan and Making Fife's Places - Transportation Development Management Guidelines (2015) apply in this instance.



2.4.2 Policies 1 and 3 of the Adopted FIFEplan advise that development must be designed in a manner that ensures safe access to transport, footpath and cycle links. Making Fife's Places Supplementary Planning Guidance and associated transportation guidelines provide further advice in this regard.

2.4.3 There would be one additional bedroom created as a result of this development and therefore no additional off-street parking is required, in accordance with Transportation Development Management Guidelines.

2.4.4 In light of the above, the proposal is considered acceptable in terms of road safety and therefore is in compliance with the Development Plan and its associated guidance in this respect.

## **CONSULTATIONS**

Scottish Water

No objections.

## **REPRESENTATIONS**

Six letters of representation have been received, raising the following material considerations which have been addressed within the main body of this report;

- design / scale
- loss of garden ground
- overshadowing

Concerns were also raised with regards to the following issues which are not materially relevant to the planning assessment of this proposal and have therefore not been considered;

- loss of view
- house prices
- land ownership
- noise during construction
- internal layout/use
- traffic management

## **CONCLUSIONS**

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials; would protect the visual amenity of the setting, and would create no additional overshadowing or overlooking issues. As such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally

## **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 Development Plan (2017)

#### Other Guidance

Making Fife's Places - Transportation Development Management Guidelines (2015)

BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)

Fife Council's Planning Customer Guidelines on Home Extensions (including conservatories and garages)

Fife Council's Planning Customer Guidelines on Garden Ground

Fife Council's Planning Customer Guidelines on Daylight and Sunlight

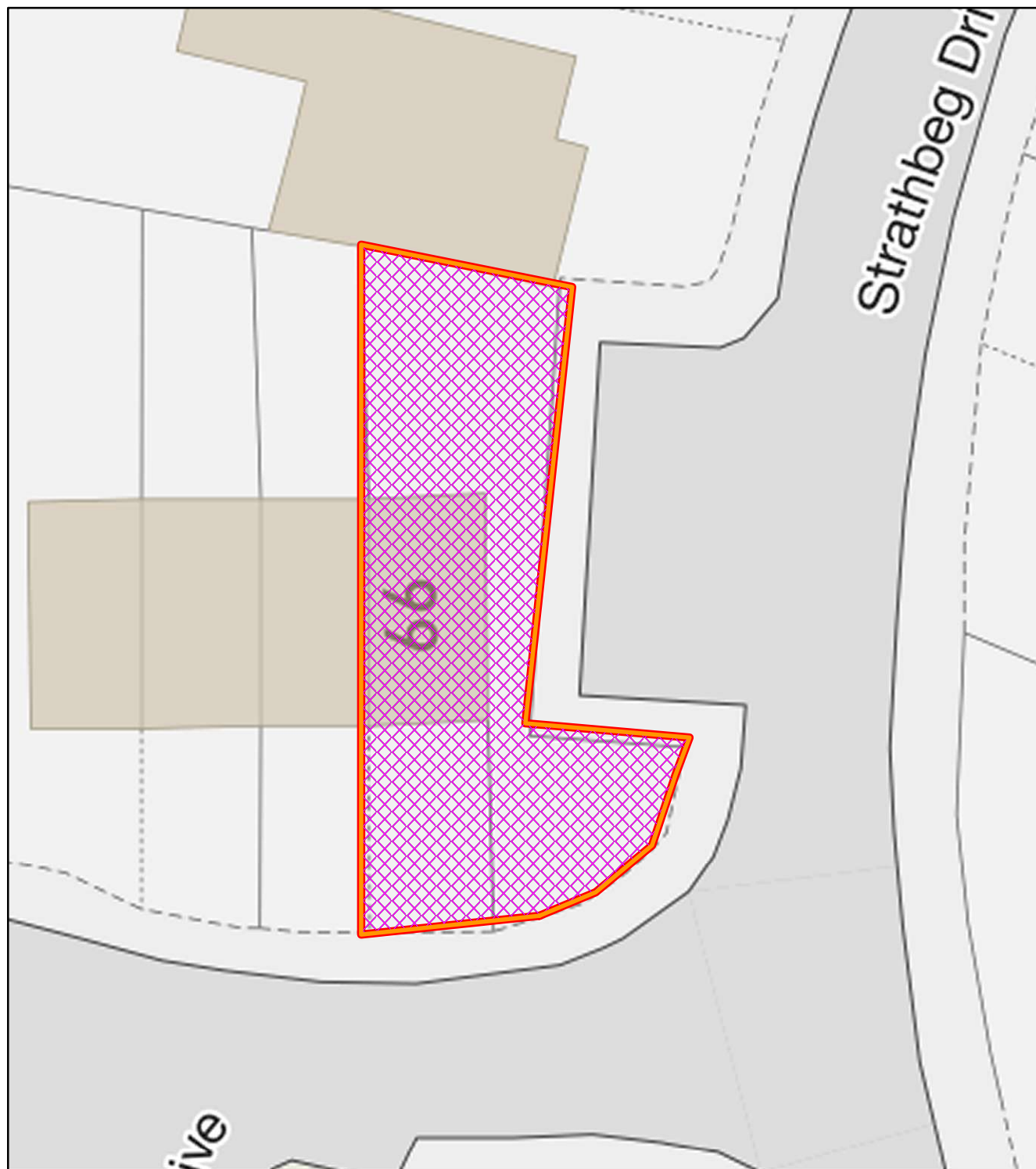
Report prepared by Gary Horne, Planning Assistant and Caser Officer

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

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66 Strathbeg Drive, Dalgety Bay



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