

# Planning Constraints



When you submit a planning application our planning officers will take into account any planning constraints which may have a bearing on the final decision. There are a number of planning constraints and each of these are considered on an individual basis. Please note the list below is not exhaustive but provides details of the most common constraints and organisations we will consult with.

## Tree Preservation Orders

Trees can be protected either by a [Tree Preservation Order](#) or because it is within a [conservation](#) area. If your application includes a tree in one of these categories you must obtain our consent before you commence work. A Tree Preservation Order may relate to a single tree or a group of trees. It is an offence to undertake work on a protected tree. This includes lopping, felling and removing. For further information and advice please read the information on our pages Planning – Tree Preservation Orders or contact one of our officers at [protected.trees@fife.gov.uk](mailto:protected.trees@fife.gov.uk)

## Contaminated Land

In some areas of Fife land may be affected by contamination due to former land uses, industrial processes, accidental spillages and waste disposal. This land needs to be carefully managed to avoid any unnecessary risks to human health, future development as well as protecting the natural environment. If you are aware of, or suspect any such contamination on the land you wish to develop you will need to inform us when you submit your application. There are no formally designated contaminated land sites in Fife at the present time. In the future, if a piece of land is determined as contaminated you will be able to access this information by contacting [contaminated.land@fife.gov.uk](mailto:contaminated.land@fife.gov.uk)

## Listed Buildings

You will need Listed Building Consent from Fife Council if you wish to alter, extend or demolish a listed building. Please check our pages on [listed buildings](#) for further information. In some cases we will need to consult with Historic Scotland before we can make a decision on your application.

## Conservation Areas

Fife is responsible for the conservation of designated areas which recognise the significance of both the built and natural environment. Development applications within a conservation area are subject to more constraints and you may be required to submit a planning application for works such as painting a building. The Council works closely with organisations such as Historic Scotland and Scottish Natural Heritage to ensure that Fife's landscape, buildings and ancient monuments are protected and maintained for future generations.

## Article 4 Directions

Some areas due to their importance have additional constraints attached to them. Article 4 Directions are issued by Fife Council where we require specific control over developments. They are more commonly applied in conservation areas. An Article 4 Direction removes permitted development rights thereby making it necessary to obtain planning permission. If you are unsure whether the site you wish to develop/alter is covered by an Article 4 Direction please contact us before you begin any work.

## Flooding

If we believe your application site is in an area identified as a flood site we have a duty to consult with the Scottish Environment Protection

Agency (SEPA). They will advise us on any flood risk as well as advise on flood prevention measures. Further information relating to flooding can be found on SEPA web page. Additional information is also available from [Planning Advice Note 69](#) Good Practice Advice on planning and building standards in areas where there is a risk of flooding.

### **Hazardous Substances**

There are a number of sites in Fife which have Hazardous Substances Consent. These sites are protected by buffer zones which will restrict any development proposals. Environmental Services will provide further information on the storage and disposal of hazardous substances.

### **Noise Pollution**

[Planning Advice Note 56 Planning and Noise](#) provides guidance on the use of statutory powers to negate the impact of noise in relation to a new application. Conditions may be attached to a

planning application to minimise noise pollution. These conditions will only be imposed where necessary to the planning process.

### **Coal Authority**

Depending upon the type and location of your application you may need to submit a Coal Mining Risk Assessment with your application. You will be advised if you are required to submit a report. Areas are divided into 3 categories

Coal Mining Referral Areas

Standing Advice Areas

Off Coalfield

Further information can be found on The Coal Authority's own web page [coal.decc.gov.uk](http://coal.decc.gov.uk)

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