

West and Central Planning Committee

Committee Room 2, 5th Floor, Fife House, North Street,
Glenrothes – Blended Meeting.



Wednesday, 19 November 2025 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTE - Minute of the meeting of the West and Central Planning Committee of 22 October 2025. 4 - 7

4. 25/02213/CON - LAND NORTH-EAST OF LESLIE (ROARING HILL) 8 - 33

Section 36 Consent Consultation for ECU00005104 as per the Electricity Act 1989 for installation of a Battery Energy Storage System (BESS) and associated infrastructure with a generating capacity of up to 60MW located on Land North-East of Leslie (Roaring Hill)

5. 21/02441/FULL - LAND TO THE SOUTH EAST OF MORRISONS ESPLANADE KIRKCALDY 34 - 71

Erection of 58 flatted dwellings (Sui Generis) including accommodation for over 55s only (22 flats) and extra care provision (36 flats), 6 dwellinghouses (Class 9) and a cafe (Class 3) including formation of a vehicular access and associated landscaping and infrastructure

6. 24/03281/FULL - KING MALCOLM HOTEL LABURNUM ROAD DUNFERMLINE 72 - 110

Erection of retail unit (Class 1A) and associated works (demolition of existing building)

7. 25/01085/FULL - LAND SOUTH OF PLUNKIE FARM NEWTON STAR 111 - 121

Alterations to and change of use from agricultural storage containers and associated development to form a mixed-use development (Sui Generis) comprising cafe/restaurant (with ancillary hot-food takeaway), children's play area and educational farm animal attraction

8. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

<https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

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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12 November, 2025

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BLENDED MEETING NOTICE

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

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

Committee Room 2, 5th Floor, Fife House, North Street, Glenrothes

22 October, 2025

2.00 pm – 4.10pm

PRESENT: Councillors David Barratt (Convener), David Alexander, Alistair Bain, John Beare, James Calder, Ian Cameron, Altany Craik, Dave Dempsey, Derek Glen, James Leslie, Lea Mclelland, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

ATTENDING: Mary Stewart, Service Manager, Major Business and Customer Services; Natasha Cockburn, Planner; Brian Forsyth, Planner; Jamie Penman, Planner; Katherine Pollock, Lead Professional - Strategic Development; Planning Services; Gemma Hardie, Solicitor; Lara Hunter, Solicitor and Elona Thomson, Committee Officer, Finance and Corporate Services.

276. DECLARATIONS OF INTEREST

No declarations of interest were submitted in terms of Standing Order No. 22.

277. MINUTE

The committee considered the minute of the meeting of the West and Central Planning Committee of 27 August 2025.

Decision

The committee approved the minute.

278. 25/00983/CON - BESS FORMER FIFE POWER STATION, WOODEND, CARDENDEN

The committee considered a report by the Head of Planning Services relating to a consultation on the application to install battery storage system and associated infrastructure with a generating capacity of up to 100MW at the Former Fife Power Station, Woodend, Cardenden.

Members were advised of the following verbal updates:

Page 8 - Tables note SEPA has objected. This was resolved directly with the Energy Consents Unit after the report was published.

Page 8 - para. 1.1.2 - notes that the site is 'adjacent' to Safeguarded employment area but is within the Safeguard employment area.

Page 9 – para. 1.2.1 Page 11 - para 2.3.2 references 27 battery enclosures, but it should read as 54.

Page 21 - Condition 15 and 16 are a duplication of the same condition with different wording. It was agreed that Condition 16 should be deleted and the Condition numbers that follow be updated accordingly.

Decision

The committee agreed: -

- (1) to advise the Scottish Government that they have no objections to the proposal subject to the 21 conditions and reasons detailed in the report and following the conclusion of a legal agreement to secure:
 - a financial bond to ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations.
- (2) that authority is delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement;
- (3) that authority is delegated to officers to ensure that the conditions make adequate provision to ensure that mitigation measures are maintained throughout the lifetime of the development; and
- (4) that authority is delegated to officers to ensure that the conditions make provision for the development to be removed and the site be restored should the development fail to import/export to the grid for a continuous period of 12 months.

279. 25/00990/ARC - LAND TO SOUTH OF COCKLAW STREET KELTY

The committee considered a report by the Head of Planning Services relating to approval of matters specified in conditions of 16/03915/EIA in relation to Strategic Infrastructure Delivery Plan (Conditions 3(l) & 10); Phase 1 Development Brief (Conditions 3(m) & 11); Proposed Boundary Treatment (Conditions 4(e) & 37); Biodiversity Action and Enhancement Plan (Conditions 4(j) & 32); Updated Ecological Surveys (Conditions 4(k) & 31); Travel Plan Framework (Conditions 10(j), 11(o) & 39); and off-site road works (Conditions 23 & 24).

Decision

The committee agreed to approve the application subject to the 6 conditions and for the reasons set out in the report.

280. 24/03281/FULL - KING MALCOLM HOTEL LABURNUM ROAD DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to the erection of retail unit (Class 1A) and associated works (demolition of existing building).

Decision

The committee agreed to continue consideration of the application to a future meeting of the committee, to allow the report to be updated to take account of additional representations received.

281. 25/01001/ARC - THE FARMHOUSE MASTERTON MASTERTON ROAD

The committee considered a report by the Head of Planning Services relating to approval of matters specified in conditions of planning permission in principle ref. 23/00739/PPP in respect of erection of 22 houses (Class 9) and associated works and landscaping.

Decision

The committee agreed to approve the application subject to the 15 conditions and for the reasons detailed in the report.

The meeting adjourned at 3:30pm and reconvened at 3:40pm.

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

282. 24/01441/FULL - LAND TO EAST OF CRAIGFOOT WALK KIRKCALDY

The committee considered a report by the Head of Planning Services relating to the erection of 6 dwellinghouses with associated vehicular access, open space, landscaping and infrastructure works.

Decision

The committee agreed to refuse the application for the 2 reasons set out in the report.

Councillor Glen left the meeting during consideration of the above item.

283. 25/00954/FULL - KADUNA 5 BROOMHILL BURNTISLAND

The committee considered a report by the Head of Planning Services relating to the installation of a driveway bollard.

Decision

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

284. 25/01085/FULL - LAND SOUTH OF PLUNKIE FARM NEWTON STAR

The committee considered a report by the Head of Planning Services relating to alterations to and change of use from agricultural storage containers and associated development to form a mixed-use development (Sui Generis) comprising café/restaurant (with ancillary hot-food takeaway), children's play area and educational farm animal attraction.

Decision

The committee agreed to continue consideration of the application to a future meeting of the committee to allow the applicant time to carry out a road speed survey.

285. 22/02475/FULL - THE FOUNDRY, CHARLESTOWN, DUNFERMLINE FIFE KY11 3DP

The committee considered a report by the Head of Planning Services relating to a mixed-use (Sui Generis) development (part retrospective) comprising: siting of yurt for delivery of yoga classes; erection of outbuilding/part-use of grounds for delivery of therapy services; and erection of shed for purposes incidental to delivery of the therapy services at The Foundry, Charlestown, Dunfermline, Fife KY11 3DP.

Decision

The committee agreed to continue consideration of the application to a future meeting of the committee to allow the applicant more time to conclude the legal agreement.

286. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

The committee noted the applications dealt with under delegated powers since the last meeting.

Committee Date: 19/11/2025

Agenda Item No. 4

Application for Consultation Request - SG/LA

Ref: 25/02213/CON

Site Address: Scottish Government Consultation Fife

Proposal: Section 36 Consent Consultation for ECU00005104 as per the Electricity Act 1989 for installation of a Battery Energy Storage System (BESS) and associated infrastructure with a generating capacity of up to 60MW located on Land North-East of Leslie (Roaring Hill)

Case Officer: Benet Davis

Wards Affected: Glenrothes North, Leslie and Markinch

Reasons for Referral to Committee

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.

The Scottish Ministers are responsible, under Section 36 of the Electricity Act 1989, for the authorisation of any new, or extensions to existing, electricity generation schemes with a generation capacity in excess of 50 Megawatts (MW).

Summary Recommendation

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

Resource Implications

In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, 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.

Legal & Risk Implications

Fife Council is being consulted as part of the determination process for the Section 36 (S36) 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 Inquiry unless the areas of objection can be satisfactorily addressed through modifications to the proposal or the imposition of appropriate conditions.

1.0 Background

1.1 The Site

1.1.1 The site relates to an area of agricultural land approximately 3.95 hectares (ha) in size which is defined in the Adopted FIFEplan (2017) as being situated in the countryside at the edge of the Lomond Hill Local Landscape Area (LLA) and Lomond Hills Regional Park (which covers an area of 6474ha). Holl Meadows SSSI is located approximately 720m northwest of the site. Leslie lies approximately 350m to the south.

1.1.2 The site has a slight gradient sloping downwards towards its north-eastern and eastern boundaries and sits within an area of mixed uses including residential to the east, industrial to the south and west, and agricultural to the west and north. A farm track and footpath (The Limekilns) (Core Path 336) runs along the northern boundary linking residential properties to the east across Lothrie Burn with adopted road U023 to the west. The existing site access is from The Limekilns, towards the northwest corner of the site.

1.1.3 An existing hedge bounds the western boundary of the site along U023. The northern site boundary consists of a mix of hedgerow and post and wire fencing. The eastern boundary is formed by Lothrie Burn. To the south is a battery energy storage system (BESS) site which is separated by a hedgerow which is still being established.

1.1.4 An existing electricity substation compound at Glenrothes Grid Supply Point 132/33kV (Huntingtower Park) is located to the south, adjacent to the neighbouring BESS site. A 400kV overhead line also runs adjacent to the eastern boundary of the site, from south to north.

1.1.5 Lomond Quarry (a sand and gravel) is situated approximately 350m west of the application site and is expected to be operational until 2040. The nearest residential properties are located on Greenwell Park, approximately 120 metres east of the proposed development. Vegetation and tree screening, outwith the application site boundary, act as a buffer between the proposed development site and aforementioned residential properties.

1.1.6 The application site is a mix of prime agricultural land (land capability classification 3.1 of the Hutton Institute) and non-prime agricultural land (land capability classification 3.2 of the Hutton Institute) roughly splitting the site in half, with prime agricultural land located in the northern half. The proposed development would be within the area of non-prime agricultural land.

1.2 The Proposed Development

1.2.1 Section 36 Consent Consultation for ECU00005104 as per the Electricity Act 1989 for installation of a Battery Energy Storage System (BESS) and associated infrastructure with a generating capacity of up to 60MW located on Land North-East of Leslie (Roaring Hill). Consent is sought for a period of no less than 50 years.

1.2.2 The proposal consists of:

64 battery and inverter units, each measuring up to 6.06m long by 2.44m wide by 2.59m tall.

32 transformers

1 auxiliary transformer

1 substation measuring 10.9m long by 6.96m wide by 4.2m tall.

Car parking for 4 vehicles

Security fencing consisting of 2.44m paladin fencing

Metering

CCTV poles 3m high

Internal road

2 new access points

1.3 Relevant Planning History

24/00996/CON - ECU00005104 - Consultation on EIA screening request (Regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017) for 60MW Roaring Hill Battery Energy Storage System to be submitted under Section 36 of the Electricity Act 1989 – EIA not required - 10/05/24

1.4 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 3: Biodiversity

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy 4: Natural places

To protect, restore and enhance natural assets making best use of nature-based solutions.

Policy 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 9: Brownfield, vacant and derelict land and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy 11: Energy

To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

Policy 12: Zero Waste

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy 13: Sustainable transport

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy 23: Health and safety

To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy 33: Minerals

To support the sustainable management of resources and minimise the impacts of the extraction of minerals on communities and the environment.

Adopted FIFEplan (2017)

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintained, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications demonstrating compliance with CO2 emissions reduction targets and district heating requirements;

requirements for air quality assessments.

Trees and Development

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

Policy for Development and Noise looks at both noisy and noise sensitive land. Noise sensitive developments may need to incorporate mitigation measures through design, layout, construction or physical noise barriers to achieve acceptable acoustic conditions.

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Decommissioning of the Proposal
- Economic and Community Benefit
- Archaeological Impact
- SGN Pipeline and Other Risks

2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 1, 2, 3, 11, 25 and 29, FIFEplan (2017) Policies 1, 3, 7, 11 and 13, Making Fife's Places Supplementary Guidance (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development.

2.2.2 NPF4 sets out the overarching spatial strategy for Scotland to 2045. Policy 1 (Tackling the climate and nature crises) of NPF4 states that when considering development proposals significant weight will be given to the global climate and nature crises. Policy 11 (Energy) of NPF4 states that proposals for all forms of renewable, low carbon and zero emissions technologies will be supported. These include solar arrays, energy storage, such as battery storage and enabling works, such as grid transmission and distribution infrastructure. NPF4 Policy 29 (Rural development) support essential infrastructure within the countryside. NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations.

2.2.3 Policy 11 of NPF4 also sets out that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. This policy further states that project design and mitigation will demonstrate how various material impacts are addressed

including residential amenity, significant landscape and visual impacts, road traffic impacts, effects on hydrology, the water environment and flood risk and biodiversity impacts amongst others. The maximisation of net economic impacts and socio-economic benefits and how the development addresses its material impacts are assessed in full under the relevant sections of this report. Policy 11 of NPF4 also requires that significant weight is attached to the contribution that a proposed energy development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets when considering these impacts and the principle of development.

2.2.4 FIFEplan (2017) policies 1 and 7 state that the principle of development within the countryside will only be supported where it is for other development which demonstrates a proven need for a countryside location. Policy 11 (Low Carbon) of the LDP states that development of low carbon energy schemes will be supported provided that the proposals do not result in unacceptable significant adverse effects or impact which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations. These considerations are further set out within this policy and are broadly similar to those set out in Policy 11 of NPF4. 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 greenhouse emissions shall form part of the assessment process.

2.2.5 The submitted Supporting Statement (AE Associates, 2025) advises that the proposal would help meet the Scottish Government's net zero greenhouse gas (GHG) emissions target by 2045. The statement further advises that the proposal could result in a saving of 24,797 metric tonnes of carbon dioxide equivalent (tCO₂e) per year when compared to non-renewable generated electricity and, based on the installed capacity of 60 MWp, the proposal could provide enough renewable electricity to power the equivalent of 25,025 households per year. The statement also advises that the proposed site was chosen due to its proximity to the grid connection (substation located approximately 200m to the southeast). The proposed battery energy storage system would store energy for release back to the National Grid when renewable energy production is low and demand high, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. Given the drive towards a low carbon economy, the proposed development is generally supported, however further consideration of the principle of the specific land uses for each part of the proposal must be considered.

2.2.6 It is proposed that the BESS installation would operate for a temporary period of fifty years, and it is expected that on expiry of the temporary period, the equipment will be dismantled, removed from the site and the site fully reinstated. A condition is, therefore, recommended to the ECU requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.2.7 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in NPF4 (2023) and the adopted FIFEplan Local Development Plan (2017). This is subject to compliance with other elements of the planning policy framework covering the site, and these matters are considered in the following sections of this Committee Report.

2.3 Design and Layout / Visual Impact

2.3.1 NPF4 policies 4, 11 and 14 of NPF4, FIFEplan (2017) policies 1, 7, 10, 11, 13 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Low Carbon Fife Supplementary Guidance apply.

2.3.2 NPF4 Policy 11 (Energy) states that project design and mitigation will demonstrate how visual impacts on communities and individual dwellings are addressed along with any significant landscape and visual impacts and cumulative impacts, recognising that such impacts are to be expected for some forms of renewable energy. Policy 11 further states that where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable.

2.3.3 The proposal would site the BESS plant in the southern area of the site, with transformers and battery storage units arranged in two rows running roughly south-west to north-east either side of the internal road. Four parking spaces as well as the site substation and welfare would be located at the south-west end of the rows. A 2.4m paladin fence would enclose the approximately 3500 square metre space.

2.3.4 A Landscape and Visual Impact Assessment (LVIA) (NEO Environmental, 2025) has been submitted with this application which sets out the proposed development and the landscape, visual and cumulative effects. The LVIA includes a zone of theoretical visibility (ZTV) including a 2- and 5-kilometre ZTV drawing, landscape designations, photos taken from eight viewpoints and photomontages from each of these viewpoints showing a modelled visual impact of the proposal at year 0 and year 5 of development. These demonstrate how the proposal would sit within the site and the surrounding landscape.

2.3.5 The main element of the proposal (BESS equipment and fenced area) would occupy the southern area of the site, covering an area of approximately 3500 square metres of the total 39500 square metres contained within the site. The eight viewpoints which were identified in the LVA to illustrate the potential visual and landscape impacts of the development along with the assessed impact of the development, as set out within the LVA, are as follows:

- Viewpoint 1 is taken from “The Limekilns” (Core Path 336), which runs along the northern edge of the site. It represents the view local walkers experience.
- Viewpoint 2 is taken from an unnamed local road to the northeast of the Application Site, looking southwest. The photo was taken approximately 10 metres from the site boundary and reflects views experienced by road users, pedestrians, and local residents in the area.
- Viewpoint 3 is taken from Balsillie Avenue, located to the west of the Proposed Development. The photograph was captured approximately 130 metres from the site boundary and represents views experienced by road users, pedestrians, and workers accessing nearby infrastructure or quarry entrances.
- Viewpoint 4 is taken from an unnamed local road to the northwest of the Application Site, looking southeast. The photo was captured approximately 190 metres from the nearest part of the site and reflects views experienced by road users, walkers, and residents travelling along this rural road.

- Viewpoint 5 is taken from an unnamed local road to the southwest of the Application Site, looking northeast. The photo was taken approximately 190 metres from the nearest section of the site and is representative of views experienced by passing road users and pedestrians travelling between Glenrothes and the rural fringe.
- Viewpoint 6 is taken from a local access road serving Glen Lions Football Club and, further north, Leslie Golf Course. The photo was taken approximately 600 metres south of the Application Site, looking northeast, and represents views experienced by recreational users, including footballers, golfers, and visitors to the surrounding area.
- Viewpoint 7 is taken from Monks Walk Road, a quiet cul-de-sac providing access to a small number of residential properties. The photo looks north toward the Application Site from approximately 370 metres away and represents views experienced by residents and occasional visitors in the area.
- Viewpoint 8 is taken from the entrance to the Glenrothes Substation on Huntingtower Park Road. The view looks northwest, toward the Application Site, from a distance of approximately 280 metres, and reflects the type of view experienced by utility workers and occasional service vehicles accessing this site.

2.3.6 The potential visual receptors include settlements/local residents, quarry workers, users of nearby roads and users of nearby recreational routes. The effects on local visual amenity of these receptors has been assessed at both the completion phase (Year 0) and the medium-term phase (Year 5) of development. In terms of settlements/local residents, for the properties on the north-west edge of Glenrothes (high sensitivity) the significance of effect would be low. Similarly, the properties and recreational uses to the south (high sensitivity) would experience a low effect. For road users of U023 the significance of the effect would be moderate due to the proximity to the site. However, this is a low/medium sensitive receptor. For core path users and other recreational receptors, the significance of effect would be medium-low for the core path 336 along The Limekilns and Balsillie Avenue and core path 335 along U023 (high sensitivity). In the medium-to-long-term, the growth and development of proposed planting in the northern and southern parts of the site would further reduce the visibility of the proposed development to be low or not significant from most angles. The proposed mitigation measures include infill and new hedge planting and trees along the northern boundary, and trees along the southwest boundary.

2.3.7 The proposal lies in an area consisting of a patchwork of residential, industrial and agricultural sites, and in an area used for recreation. An assessment of cumulative effects was also carried out. It was found that in combination with nearby developments the proposal may result in combined or sequential views, particularly from residences along Balsillie Avenue, and that road and path users, particularly along The Limekilns will also likely experience cumulative visibility from these developments. The report outlines that these combined views are expected to be moderated by intervening vegetation as well as existing buildings and topography, which will limit the duration and intensity of visual overlap.

2.3.8 Despite intensifying the existing BESS installations in this location, it is not considered that the scale of the proposal would significantly impact existing views or significantly impact the landscape character of the LLA or Regional Park. While some effects would be noticeable in the immediate vicinity of the site, these are expected to be limited to within 150m and limited to views from the north, north-west, and north-east with most being partial and or filtered by landscape form and intervening vegetation. Therefore, it is not considered that the proposed development would cause unacceptable landscape or visual harm to the wider surrounding

area. The proposal, would therefore, be visually acceptable, would have no significant detrimental impact on settlements/local residents, users of nearby roads and users of nearby recreational routes in visual terms.

2.3.9 Plans supplied as part of the application to the ECU indicate that final details of the plant are to be determined, but that dimensions presented are the maximum expected, so a condition requiring the final details, including colour, is recommended to the ECU. A condition is also recommended requiring the submission of a final landscape plan confirming details of proposed planting in order to ensure that visual amenity impacts are addressed and ensure planting takes place within a reasonable period. Subject to conditions the application is considered to comply with the relevant policies of NPF4 and the LDP.

2.4 Residential Amenity

2.4.1 NPF4 policies 11, 14 and 23, FIFEplan (2017) policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

2.4.2 A Noise Impact Assessment (NIA) (NEO Environmental, 2025) has been submitted alongside this application. The NIA considers the potential noise generation from the proposed plant and equipment, with respect to existing sound levels in the area, including the proposed mitigation. It is concluded that in several cases the development would give rise to sound levels that do exceed the acceptable limit of 5bd above measured background sound level in the area. To address this a 3m acoustic fence has been proposed, which is expected to reduce noise at all nearby sensitive receptors to below acceptable limits, which would therefore create a 'Low Impact'.

2.4.3 Fife Councils Environmental Health (Public Protection) team was consulted on this application and agreed with the findings of the NIA recommending an acoustic fence along the east and south sides of the installation. A condition requiring its installation is therefore recommended to the ECU. This has been added along with a condition to ensure that all other aspects of the NIA are adhered to.

Construction Impacts

2.4.4 Proposed hours for deliveries have been set out as to occur between the hours of 07:00 to 19:00 on Monday to Friday and 08:00 to 16:00 on Saturdays. In order to mitigate impacts on nearby residences a condition restricting site operation and HGV traffic to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays has been recommended.

2.4.5 Any construction disturbance caused as a result of the proposal would be temporary in nature, with the construction phase expected to occur over the course of one year. Site deliveries, as set out within the submitted Construction Traffic Management Plan (CTMP) specify that a maximum of 15 deliveries a day are expected, which are to abide by a schedule to avoid disruption to the road. A total of 302 deliveries are expected to facilitate the proposal, with the bulk of these taking place during the early phase of works.

2.4.6 Developers should work to best practice contained in British Standard 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". This is in order to mitigate the effects on sensitive receptors of dust, noise and vibration in relation to construction works. It should be noted that Fife Council's Public Protection Team can respond to any

complaints should they arise, and they can control noise and the operation hours of a construction site by serving a notice under the Control of Pollution Act 1974.

2.4.7 A condition is recommended in order to maintain control over construction activities. This takes the form of recommending to the ECU requiring that a Construction Environmental Management Plan (CEMP) is submitted for approval before any works commence on site.

2.4.8 In conclusion, subject to conditions, the proposed development would not give rise to adverse residential amenity impacts. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations within NPF4 and FIFEplan (2017).

2.5 Transportation/Road Safety

2.5.1 NPF4 policies 1, 2, 13, 14 and 15, FIFEplan (2017) policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 A Construction Traffic Management Plan (NEO Environmental, 2025) has been submitted with this application, which notes that during the construction phase, all vehicles will access the site by exiting the A92 at Preston Roundabout, travel along the A911 and then turn right on the unnamed road before turning right into Site Access 1. The site layout has been designed to ensure that there are two means of access into the site for emergency vehicles, with a secondary access to be located in the northwest corner of the site. An internal access track would be constructed throughout the site allowing for the movement of construction and maintenance vehicles, which would be retained as part of the operational layout.

2.5.3 Fife Councils Transportation Development Management (TDM) team has been consulted on this application and accepted the information contained within the CTMP report and appendices, but requested that the haul route to site be along A911, turning onto Murray Place and using Lomond Quarry haul road instead of the unnamed road. This would follow the existing procedures used by nearby Lomond Quarry.

2.5.4 The scale and type of development is such that site traffic generation during operation is not considered to be significant (20-40 LGVs per year) so a full transport assessment did not accompany the CTMP. During the construction phase a estimated 302 deliveries are expected during a 12 month period, with no more than 15 HGV deliveries per day.

2.5.5 There would be two vehicular accesses formed on the west boundary of the site to the U023. As this is an adopted road, TDM advise that an application under Section 56 of the Roads (Scotland) Act 1984 will be required to be made to the Transportation and Environmental Services for these works and prior to commencing works on site.

2.5.6 TDM also required that proof be provided prior to works starting on site that visibility splays of 3m by 140m can be provided to the north and south at the proposed access junction of the vehicular crossing and the public road and that these be maintained in perpetuity and clear of obstructions exceeding 600mm above the adjoining carriageway level. This is in accordance with Appendix G (Transportation Development Guidelines) of Making Fife's Places. This is in the interest of road safety. As such conditions have been recommended to ensure that these elements are provided prior to works commencing. The applicant has also confirmed that they are able to meet these requirements.

2.5.7 The applicant has also specified that a pre- and post-construction condition survey from Site Access 1 will be conducted along the unnamed road until its junction with the A011, with the applicant liable to repair any damage to the road attributed to the construction of the proposed development. A condition requiring adherence to the recommendations and actions set out within the CTMP, as well as providing an updated CTMP which is to include further details on site arrangements have been recommended. Subject to these conditions the application is considered to comply with the relevant policies of NPF4 and the LDP.

2.6 Flooding and Drainage

2.6.1 NPF4 policies 1, 2, 18, 20 and 22, FIFEplan (2017) policies 1, 3 and 12 and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply.

2.6.2 Policy 22 of NPF4 outlines the flood risk considerations for new developments. This includes strengthening the resilience of development by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. This policy sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for, amongst other criteria, essential infrastructure where the location is required for operational reasons. The glossary of NPF4 (which reflects SEPA guidance) sets out that 'all forms of renewable, low carbon and zero emission technologies for electricity generation and distribution' are considered to be 'essential infrastructure'.

2.6.3 A Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) (NEO Environmental, 2025) have been submitted in support of this application confirming that area proposed to be developed is not at risk of flooding. An area along the eastern boundary adjacent to Lothrie Burn is at risk of fluvial flooding, but this area is not proposed to be developed. A proposal for surface water management for the BESS consists of an underground piped system connecting to an attenuation structure. The FRA specifies that infiltration testing will be conducted to confirm whether infiltration drainage is suitable and will contribute to the submission of a detailed design package for drainage. This will be collected and submitted prior to commencement and the approved scheme will be implemented alongside construction and maintained for the lifetime of the development. The proposal is not expected to increase flood risk in the area.

2.6.3 Fife Council's Flooding, Shoreline and Harbours team initially submitted a holding objection to the proposed surface water management scheme, but through discussions with the applicant have advised that conditioning the submission of further details is acceptable in this instance. SEPA was consulted by the ECU and have no objections to the proposal.

2.6.4 It should also be noted that the discharge of surface water run-off to the water environment is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and SEPA, who are the regulating body regarding this matter, will risk assess these proposed activities before granting, if appropriate, an authorisation. This ensures that the proposal would cause no detrimental impact to the water body including matters relating to the pollution of the water environment. The submitted information also demonstrates that the proposal would be located outwith any flood risk area. SEPA's response to the ECU referred the applicant to SEPA's standing advice and advice specific to BESS. This advice confirms that SEPA consider BESS to be classed as essential infrastructure and so are accepted within areas of flood risk provided certain design parameters are met.

2.6.5 Submission of a competent scheme of surface water management has been recommended to be conditioned by the ECU prior to the development commencing, including the submission of independent check certificates. Therefore, no significant detrimental impact

on the site or the surrounding area is expected in terms of drainage/flooding, as the proposal would be served by an acceptable surface water management scheme. Subject to condition the proposal would, therefore, be acceptable and would comply with relevant policies of NPF4 and the LDP.

2.7 Contaminated Land and Air Quality

2.7.1 NPF4 policies 9 and 23 of NPF4, FIFEplan (2017) policies 1 and 10 and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.7.2 Fife Councils Land and Air Quality team was consulted on this application and have no objections to the proposal subject to conditions requiring the submission of the results of a phase 1 ground investigation and any required subsequent investigations, and for the suspension of works on the discovery of any unforeseen contaminated land during the construction phase. These conditions are therefore recommended to the ECU.

2.7.3 The proposal, subject to conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with relevant policies of NPF4 and the LDP.

2.8 Natural Heritage and Trees

2.8.1 NPF4 policies 1, 2, 3, 4, 6, 11 and 20, FIFEplan (2017) policies 1, 10, 11 and 13, Making Fife's Places Supplementary Guidance Document (2018) apply in this instance with regard to natural heritage protection.

2.8.2 The site is currently in use for agriculture and consists of a field bounded by a combination of hedgerows and post and wire fencing. Several trees are located along the eastern boundary, adjacent to Lothrie Burn, with others located along The Limekilns in the northeast corner of the site. Approximately 89 square metres of hedgerow is to be removed from the western site boundary for the formation of the two accesses. Additional areas of hedgerow adjacent to the accesses will require realignment and trimming to accommodate visibility splays for the accesses. The application included a Preliminary Ecological Appraisal (PEA) which also included a Biodiversity Management Plan (BMP) (NEO Environmental, 2025). A Landscape and Ecology Management Plan (LEMP) was included within the LVIA. These propose the planting of an additional 14 trees, predominantly along the northern boundary of the site, with a few to be planted in the south corner. The proposed species are Alder, Bird Cherry, Sessile Oak, Crab Apple and Whitebeam. The plan also proposes the reinforcement of existing hedgerows along the boundary, which is to consist of a mixture of Hawthorn, Blackthorn, Hazel, Dog Rose, Alder and White Willow. An area (2494 square metres) of bird seed planting is proposed in the northeast corner of the site, with two separate areas of wildflower planting proposed in the northwest corner and between the internal access road and the hedge (1684 and 738 square metres, respectively). The proposed LEMP also includes an insect hotel, 2 bird boxes, 2 bat boxes, and a hedgehog house to be spaced around the perimeter of the site. The planting scheme was accompanied by a maintenance scheme specifying aftercare measures for a period of 5 years.

2.8.3 Fife Council's Tree Protection Officer was consulted on the proposal and had no objections, saying that planting plans were suitable and confirmed that they would use a mix of native species which would improve current conditions.

2.8.4 The PEA provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and protected species surveys and provides recommended mitigation measures where required. The PEA described the site as being ecologically connected to Holl Meadows SSSI, located approximately 538m to the northwest, consisting of 'Northern hay meadow' and one of only three in Fife. Priority habitat was identified along the eastern boundary of the site, comprising part of Ben Plantation, an area identified within Scotland's ancient woodland inventory. The site itself is considered to be of low botanical interest and the local level.

2.8.5 In terms of protected species, the PEA advises that there is a low potential for bat roosting within the site. No signs of otter were identified, but ecological survey data associated with the neighbouring BESS site previously identified field evidence of otter within the locale. Field signs likely belonging to badger were recorded within the survey area and records indicate their presence within the local area. No evidence of pine martin was found, but it is noted that the site may provide suitable habitat capable of supporting pine martin populations. No record of brown hare was found, though the surrounding area was recognised as providing optimal habitat types. The site offers foraging opportunities for a variety of bird species, though the eight species identified within the data search are associated with habitat not present within the application site and it is not considered suitable for wintering birds. A low-level presence of herptile species was identified within the local area, and no suitable habitat exists within the site for great-crested newts. Hedgehog records suggest the use of nearby residential gardens and no records were associated with the application site.

2.8.6 The PEA recommended pollution prevention and wildlife protection measures to be utilised on the site. These details are to be submitted within the condition CEMP. The PEA states that with the implementation of these mitigation measures, best practice measures for habitat management, as well as implementation of the proposed development's design measures, no loss of ecologically notable habitats is expected as result of the proposal. Overall, when considering the proposed ecological enhancements, the PEA considers that the proposal will have no significant negative effects upon protected or notable species during the construction phase and has the potential to increase support for local wildlife, with residual effects on most protected species indicated as minor and positive, except for reptiles and amphibians where these are considered not to be significant.

2.8.7 The PEA recommends pre-construction surveys for badger and otter, with a further recommendation that incidental findings for brown hare and hedgehog should be recorded and considered accordingly. These have been recommended as conditions to the ECU.

2.8.8 Fife Council's Ecological Officer was consulted on the proposal and satisfied with the reports and provision for biodiversity gain. Therefore, subject to conditions for pre-construction species surveys, final landscape management details, aftercare provision, and related elements to be included in the CEMP, the proposal complies with NPF4 and FIFEplan (2017) in this regard.

2.9 Decommissioning of the Proposal

2.9.1 NPF4 policies 1, 2, 11 and 14, FIFEplan (2017) policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development

2.9.2 The Supporting Statement (AE Associates, 2025) submitted by the applicant indicates that the proposed development would operate for a temporary period of 50 years, after which the land would then be returned to the original condition. The 50-year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of battery energy storage equipment. Conditions are recommended to the ECU requiring the removal of the battery storage facilities and associated infrastructure and the restoration of the site to the satisfaction of Fife Council as Planning Authority on the expiry of the temporary period. Conditions are also recommended to the ECU requiring details of the scheme of restoration for the site to be submitted for approval in writing.

2.9.3 To ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations, a Section 75 Legal Agreement requiring a financial bond is also proposed. The applicant has indicated agreement with these requirements.

2.9.4 The proposed development, subject to the aforementioned conditions and the Section 75 Agreement and Bond would therefore be acceptable and would comply with NFP4 and FIFEplan (2017).

2.10 Economic and Community Benefit

2.10.1 NPF4 policies 11 and 25, FIFEplan Policy 11, and Low Carbon Supplementary Guidance (2019) applies in regard to community and economic benefits.

2.10.2 NPF4 Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) reinforces this, stating that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socioeconomic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.10.3 A Supporting Statement (AE Associates, 2025) has been submitted with the application, which states that the development would provide substantial investment into the local economy and provide a number of construction and longer-term job opportunities (through scheduled maintenance visits and landscape management, as well as during the decommissioning phase). The Supporting Statement estimates that the proposal will generate 10 jobs in the local area during the construction phase. Contractors will be sourced locally where possible, but the Statement acknowledges that these will be subject to professional competency and competitive tendering. Additionally, they stress the importance to the local area as well as the broader

energy grid of the energy storage capacity and its role balancing and responding to variations in grid frequency, which is vital for the sustaining local power distribution. The siting of the proposal was established by the applicant through discussions with the grid operators over suitable connection points with necessary capacity and constitutes Embedded Distributed Power, meaning it supplies power to the local distribution network at or near the point of use. This results in lower transmission losses which occur over long-distance networks.

2.10.4 Based on the submitted information, it is considered that the proposal would provide economic and community benefits as required by the Policy 11 of NPF4 and Policy 11 of FIFEplan. The proposals would also be supported by Policy 25 of NPF4 in that they would ensure the use of local supply chains and services, where possible, and aid in local job creation. The proposal would, therefore, be acceptable and would comply with NPF4 and the FIFEplan (2017) in this respect.

2.11 Archaeological Impact

2.11.1 NPF4 Policy 7 and FIFEplan (2017) policies 1 and 14 apply.

2.11.2 The applicant supplied an Archaeology Desk-Based Assessment (NEO Environmental, 2025) as part of the application. This advised that there is a low potential for archaeological remains to be located within the site. This advice is based on the results of a walk-over survey, lidar data, aerial photography and historic maps of the site and surrounding area. As such, no archaeological works are recommended.

2.11.3 Fife Council's Archaeological Officer agreed with the report and its findings, concluding that no works were required to be conditioned. Therefore, the proposal would comply with NPF4 and the Development plan as relates to Archaeological Impact.

2.12 SGN Pipeline and Other Risks

2.12.1 NPF4 Policy 23 (Health and safety) and FIFEplan Policy 5 (Employment Land and Property) apply.

2.12.2 SGN were consulted by the ECU and, due to the proximity of the site to two pipelines, submitted a holding objection until an assessment could be provided proving that the proposal would not impact the pipelines. Through discussions with SGN a condition was agreed which would satisfy this requirement for SGN and remove the holding objection. This condition has been included for recommendation to the ECU.

2.12.3 A Fire Safety Management Plan (FSMP) formed part of the submission to the ECU, specifying the fire safety features of the proposal, how it will comply with safety standards, and plans in case of emergency, as well as specifying that an Emergency Response Plan would be compiled prior to construction. Scottish Fire and Rescue Service (FRS) was consulted on the application by the ECU and acknowledged the submission but specified that there is currently no statutory requirement for FRSs to engage in the planning process for BESS sites or make formal comments on consultations for BESS planning applications. In lieu of comments, FRS shared a guidance document and encouraged the developer to engage with FRS early. As such, a condition is recommended to the ECU requiring an updated version of the FSMP, making sure to incorporate the guidance from FRS.

2.12.4 Subject to these conditions, the proposal complies with NPF4 and FIFEplan (2017) in this regard.

3.0 Consultation Summary

The following internal consultations were carried out:

<i>Consultee</i>	<i>Comments</i>
Land And Air Quality, Protective Services	No objections, subject to conditions
TDM, Planning Services	No objections, subject to conditions
Natural Heritage, Planning Services	Conditions recommended
Structural Services - Flooding, Shoreline And Harbours	No objections, subject to condition
Trees, Planning Services	No objections
Archaeology Team, Planning Services	No objections
Urban Design, Planning Services	No comments

In addition, the following organisations responded directly to consultation by the ECU:

<i>Consultee</i>	<i>Comments</i>
Scottish Water	No objections
Historic Environment Scotland	No objections
Health and Safety Executive	No objections
NatureScot	No objections. Recommendation for legal agreement to secure biodiversity enhancements
NATS	No objections
ONR	No objections
Scottish Forestry	No objections

Edinburgh Airport	No objections
Ministry of Defence	No objections
British Telecoms	No objections
SEPA	No objections
SGN	Holding objection resolved subject to condition
Transport Scotland	No objections
Scottish Fire and Rescue	No comments
Scottish Fire Service	No comments

4.0 Representation Summary

4.1 No representations received.

5.0 Conclusions

Fife Council, as Local Planning Authority, is supportive in principle of the proposed battery energy storage system at Roaring Hill, subject to conditions. There are no concerns with regard to the principle of development, design and layout/visual impact, residential amenity, transportation/road safety, flooding and drainage, contaminated land/air quality, natural heritage/trees, decommissioning of the proposal and economic and community benefit.

6.0 Recommendation

Conditions:

It is recommended that Fife Council, as Local Planning Authority, advise the Scottish Government that planning permission should be granted, following the conclusion of a legal agreement to secure:

- A. A financial bond to ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement.
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and subject to the following specific conditions and reasons:

CONDITIONS

1. The commencement of development shall be no later than three years from the date of this consent. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019 and to ensure that the permission is implemented within a reasonable period and to allow the Planning Authority to monitor compliance with obligations attached to this planning permission as appropriate.

2. The development shall be undertaken fully in accordance with the approved application, the planning drawings and all documentation submitted in support of the application. For the avoidance of doubt; this includes all recommended or proposed measures to avoid, minimise or offset any identified potential impact of the development which is committed to or recommended in the application and its constituent assessments. This includes, but is not limited to, all recommendations, working methodologies and mitigation measures contained within the following documents or their subsequent revisions approved by Fife Council as Planning Authority:

- Fire Safety Management Plan
- Preliminary Ecological Appraisal dated June 2025 (NEO Environmental).
- Biodiversity Management Plan dated June 2025 (NEO Environmental)
- Construction Traffic Management Plan dated June 2025 (NEO Environmental)
- Archaeological Desk-based Assessment dated June 2025 (NEO Environmental)
- Noise Impact Assessment dated June 2025 (NEO Environmental)
- Landscape and Visual Impact Assessment dated June 2025 (NEO Environmental).

Reason: To ensure that the development is carried out in accordance with the approved details and that all recommended mitigation and enhancement measures are carried out in full.

3. The Development will disconnect from the grid and cease to import or export electricity no later than the date falling fifty years from the date of final commissioning. The total period for operation, decommissioning and restoration of the Site in accordance with this condition shall not exceed fifty-two years from the date of final commissioning without prior written approval of the Planning Authority.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection

4. BEFORE WORKS COMMENCE ON SITE; a decommissioning, restoration and aftercare strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall, without limitation, detail proposals for:

- a. The removal of all above and below ground elements of the development;
- b. The treatment of all ground surfaces, including any sub surface areas, hard standing and access tracks which would restore the site to its former condition or other such condition as agreed in writing by the Planning Authority;
- c. The phasing and timing of the works, including any environmental management provisions; and

d. Details relating to how and when the strategy will be reviewed.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection.

5. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is earlier) a detailed decommissioning, restoration, and aftercare plan, based upon the principles of the approved outline decommissioning, restoration, and aftercare strategy approved by condition 4, shall be submitted to the Planning Authority for written approval. The detailed decommissioning, restoration and aftercare plan shall include (but not be limited to) the provisions in respect of the following matters:

- a. Decommissioning and removal of the development including treatment of liquid bearing components;
- b. Removal of any in-situ foundations including removal to a depth of at least 1 metre underground;
- c. Removal of all above ground infrastructure;
- d. Cable removal;
- e. Provision of Decommissioning Environmental Management Plan (DEMP) to be based on relevant elements of the Construction Environmental Management Plan (CEMP);
- f. A Traffic Management Plan (TMP) related to activities for decommissioning, demolition, and removal of infrastructure;
- g. Locations of temporary stockpiles for decommissioned materials and equipment
- h. Treatment of disturbed ground surfaces resulting from decommissioning of infrastructure including cable removal and any sub-surface elements to restore the land to its pre-construction status or such condition as agreed in writing with the Planning Authority;
- i. Restoration proposals. Where not proposing to restore to agricultural use, these will include ecological and biodiversity enhancement works such as (but not limited to) provision of bird boxes, insect refuge and use of native seed mixes to deliver biodiversity gains and measures to safeguard all landscaping on the site which for the avoidance of doubt shall be retained.
- j. An aftercare plan to monitor success of restoration measures with scope for interventions if required. The aftercare of the site shall then be carried out fully in accordance with the aftercare plan once approved.
- k. A Decommissioning Timetable.

Thereafter the detailed decommissioning, site restoration and aftercare shall be undertaken fully in accordance with the approved plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

6. The operator shall provide to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the battery storage facility fails to export electricity to the grid for a continuous period of 12 months, the Company shall; (i) by no later than the date of expiration of the following 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the battery energy

storage facility and its ancillary equipment and associated infrastructure shall be removed from the site and the ground fully restored as set out in condition 5; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within six months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the battery storage facility should it become redundant, and to ensure that the site is restored within a reasonable timeframe.

7. Twelve months prior to the decommissioning of the development, the results of an ecological survey, carried out by a suitably qualified ecologist, shall be submitted to and approved in writing by the Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Where decommissioning is required as a result of condition 6 (failure to export electricity) results of an ecological survey, carried out by a suitably qualified ecologist, shall be submitted to and approved in writing by the Planning Authority prior to decommissioning works commencing.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

8. BEFORE ANY WORKS COMMENCE ON SITE, either enabling works or construction works; a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include (but not be limited to) provisions in respect of:

- a. Introduction – Project overview, site description, scope of proposed works, programme of works, details of any previous environmental assessments;
- b. Roles and Responsibilities – Organisational Chart of project personnel and key contacts plus training and competencies and communication procedures;
- c. Environmental Management Policy Statement – To include any accreditations or EM Systems followed;
- d. Regulations and Requirements – Legislation, Regulations and Technical Guidance applicable to the nature and scope of the development;
- e. Identification of Environmental Assets and Impacts;
- f. Emissions to air – dust, noise, vibration, traffic/vehicle movements on site and to/ from site;
- g. Land and Water (extends to surface and ground water) – discharges from construction activities, i.e. pollution, substance contamination, damage, waste management;
- h. Ecological features including habitats and species;
- i. Environmental Mitigation Measures and control plans with regard to identified environmental assets and the potential impacts arising from construction; to take cognisance of relevant Legislation and Regulations and follow appropriate Technical Guidance/best practice;
- j. Inclusion of an Emergency / Incident Response Plan; and
- k. Monitoring and Auditing – Procedures for audits (internal and external), monitoring and inspections, environmental performance monitoring e.g. KPIs, monitoring/inspection reporting

The measures set out within the approved CEMP shall thereafter be implemented on site during the construction phase.

Reason: To ensure environmental impacts are mitigated during the construction phase, and that the construction phase is undertaken safely.

9. BEFORE ANY WORKS COMMENCE ON SITE a detailed design for the surface water drainage infrastructure will be submitted to and approved in writing by the Planning Authority. The submission shall include detailed design calculations and a layout drawing (including a section of the attenuation feature) for review. Should the option of a soakaway be pursued then onsite porosity testing results should be provided confirming its viability as per BRE 365, otherwise details of the outfall to the Lothrie Burn are to be submitted.

The detailed design is to be accompanied by signed Appendices 1 and 2 from current Fife Council Design Criteria Guidance v2.1 on Flooding and Surface Water Management.

Reason: To provide suitable surface water management.

10. The SUDS and drainage infrastructure approved as part of condition 9 shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to grid connection, unless otherwise agreed in writing by the Planning Authority. Thereafter shall be retained and maintained for the lifetime of the development. Prior to grid connection confirmation that the approved SUDS and drainage infrastructure has been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

Reason: To ensure the effective management of surface water and to ensure that the required drainage works are carried out and operational at the required stage of the development.

11. Construction work associated with the development shall only take place during the following hours: Monday to Friday: 08:00 to 18:00 and Saturday: 08:00 to 13:30. FOR THE AVOIDANCE OF DOUBT; no construction work associated with the development shall take place on the site on any Sunday, or Bank Holiday. Unless such work:

- a. does not cause the existing ambient background noise levels to be exceeded at any of the noise sensitive receptors identified in the application; or
- b. is associated with essential maintenance/testing; or
- c. is associated with an emergency; or,
- d. is approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

12. HGV movements associated with construction of the development (excluding abnormal loads) shall only enter or leave the site during the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:30 unless such movement is associated with an emergency; or is approved in advance in writing by the Planning Authority. FOR THE AVOIDANCE OF DOUBT, no HGV movements associated with construction of the development (excluding abnormal loads) shall take place on any Sunday, or Bank Holiday.

Reason: In the interests of local amenity.

13. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; there shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest size of vehicles expected to visit the premises. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

14. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; evidence shall be provided the Planning Authority that visibility splays of 3m x 140m can be provided to the North and to the South at the proposed access junctions of the vehicular crossing and the public road and that the visibility splays can be maintained clear of all obstructions exceeding 600mm above the adjoining carriageway level, in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. The visibility splays shall then be built before the accesses come into use and will be retained and kept clear of obstruction for the lifetime of the development.

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

15. BEFORE ANY WORKS COMMENCE ON SITE; full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by the Planning Authority. Any subsequent approved details shall, thereafter, be provided and maintained in an operational manner 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.

17. BEFORE ANY WORKS COMMENCE ON SITE; an updated Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The measures within the approved CTMP shall then be implemented in full and remain operational for the full duration of the construction phase. The CTMP shall include (but not be limited to) details in respect of:

- a. Details of the design, layout, geometry and surface finish of the site access including geometry for the construction and post construction phase of the development;
- b. The additional signage on public roads where access will be taken to inform drivers of the construction vehicles;
- c. Details of proposed temporary site compound for storage of materials, machinery, and designated car parking; and
- d. A timetable for the construction phase including confirmation of site operating times on each day of the week.
- e. The CTMP shall specify that all HGV's and other large vehicles shall travel to the site via the A911, Murray Place, and Lomond Quarry haul road. The reverse of this route shall be used on the return journey.

Reason: In the interest of road safety; to ensure the safe operation of all traffic during the construction phase.

18. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; a pre-construction survey for badgers shall be carried out by a qualified ecologist within the site and on land within 100 metres of the site. Any checks shall be undertaken fully in accordance with "Scottish Badgers Surveying for Badgers Good Practice Guidelines (2018)" or any subsequent revision. Should any evidence of badgers be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE. Any subsequent

approved mitigation measures shall then be carried out in full as recommended within any associated protection plan.

Reason: In the interests of species protection

19. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; pre-construction surveys for otters shall be carried out by a qualified ecologist within the site and any other required survey area outwith the site. Should any evidence of otters be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE. Any subsequent approved mitigation measures shall then be carried out in full as recommended within any associated protection plan.

Reason: In the interests of species protection

20. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; pre-construction surveys for brown hare and hibernating hedgehogs shall be carried out by a qualified ecologist within the site and any other required survey area outwith the site. Should any evidence be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE. Any subsequent approved mitigation measures shall then be carried out in full as recommended within any associated protection plan.

Reason: In the interests of species protection

21. No tree works, or scrub clearance, shall occur on site from 1st March through to 31st August, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, inclusive, an appropriate bird survey shall be carried out by a Suitably Qualified Ecologist (SQE) within 48 hours prior to works commencing in the proposed clearance area. Confirmation of the survey and ecological permission to proceed with the clearance works shall be submitted to this Planning Authority as proof of Condition Compliance. This proof should usually be in the form of a Site Note/Site Visit Report issued by the Suitably Qualified Ecologist.

Reason: In order to avoid disturbance during bird breeding seasons.

22. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of landscaping including a landscaping plan indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs, and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted to and approved in writing by this Planning Authority. These submitted details shall also include details of all proposed boundary treatments and retaining walls. The scheme as approved shall be implemented within the first planting season following the completion of the development.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

23. BEFORE ANY WORKS COMMENCE ON SITE; details of the future management and aftercare of the approved landscaping and planting shall be submitted to and approved in writing by the Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

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

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

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

25. BEFORE ANY WORKS COMMENCE ON SITE; the final design and layout of the proposed development, including colours, finishing materials, elevations and floor plans of all buildings and external infrastructure, as well as details of any access roads, fencing, lighting and CCTV columns shall be submitted to and agreed in writing by the Planning Authority. These details shall include the specification, materials and cross-sections of the proposed internal track. The layout must also take into account the findings of the site investigation work required by condition 24. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interest of visual amenity.

26. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE an acoustic fence, as specified in the Noise Impact Assessment (NEO Environmental, 2025) and any subsequently approved version, shall be erected. It shall be maintained for the lifetime of the development.

Reason: In the interest of public amenity in relation to noise.

27. IN THE EVENT THAT CONTAMINATION NOT 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 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 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.

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

28. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; an updated Fire Risk Management Plan shall be submitted to and approved in writing by the Planning Authority. This document shall ensure full compliance with the recommendations and guidance contained within the National Fire Chiefs Council - Guidance for FRS unless otherwise agreed. Thereafter the development shall be carried out in full accordance with the approved document.

Reason: To ensure that any potential fire risk/accidents are adequately mitigated against and to ensure that appropriate mitigation measures are put in place.

29. Energisation of the site shall not commence until the applicant has undertaken an assessment and modelling as required to determine the interference levels on the Scotland Gas Networks' adjacent pipelines E76 and B01 from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the nearby SGN pipeline and associated equipment. This includes:

- a. Any steady state AC or DC interference.
- b. Fault Condition Interference in accordance with the limits in BS EN50122-1 : 2022.
- c. If required, the applicant shall also design appropriate mitigation to ensure that levels of AC and DC interference are within acceptable limits (as described by SGN/PM/ECP/2, BS EN ISO 18086:2020 and BS EN 50162:2004).

The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of Scotland Gas Networks and the Planning Authority before energisation.

Reason: In order to ensure a mechanism is in place to assess and mitigate the effects of inducing unacceptable levels of electrical currents and voltage upon other utilities in the event they arise.

7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Benet Davis

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 27/10/25

Committee Date: 19/11/2025

Agenda Item No.5

Application for Full Planning Permission

Ref: 21/02441/FULL

Site Address: Land To The South East Of Morrisons Esplanade Kirkcaldy

Proposal: Erection of 58 flatted dwellings (Sui Generis) including accommodation for over 55s only (22 flats) and extra care provision (36 flats), 6 dwellinghouses (Class 9) and a cafe (Class 3) including formation of a vehicular access and associated landscaping and infrastructure

Applicant: Grant Road Properties Limited, 56 Torridon Road Broughty Ferry

Date Registered: 12 August 2021

Case Officer: Natasha Cockburn

Wards Affected: W5R09: Burntisland, Kinghorn and West Kirkcaldy

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

1.1 The Site

1.1.1 The application site comprises an L-shaped parcel of land, situated off the Esplanade on the south west side of Kirkcaldy. The site measures approximately 1.55 hectares and primarily includes vacant, former industrial land, sections of Rope Walk, Seafield Road, an access road into the Seafield Beach picnic area and grassed strip. The former industrial section of the site has been colonised by overgrown vegetation with large areas of hardstanding from previous development. The site is bound by a car and caravan garage to the north; Seafield Beach picnic area and open space to the south, Seafield Beach to the east, Morrisons supermarket and associated car park to the west and residential properties to the south west. The site is largely

open with remnants of wire and concrete post and Heras fencing on the south and east boundaries.

1.1.2 The application site was previously occupied by a factory unit, which was demolished many years ago and prior to that an open-air swimming pool. Vehicular access to the site is currently from the existing vehicular access to the north of the Morrisons retail unit that also provides access to the existing cars sales unit and Rope Walk.

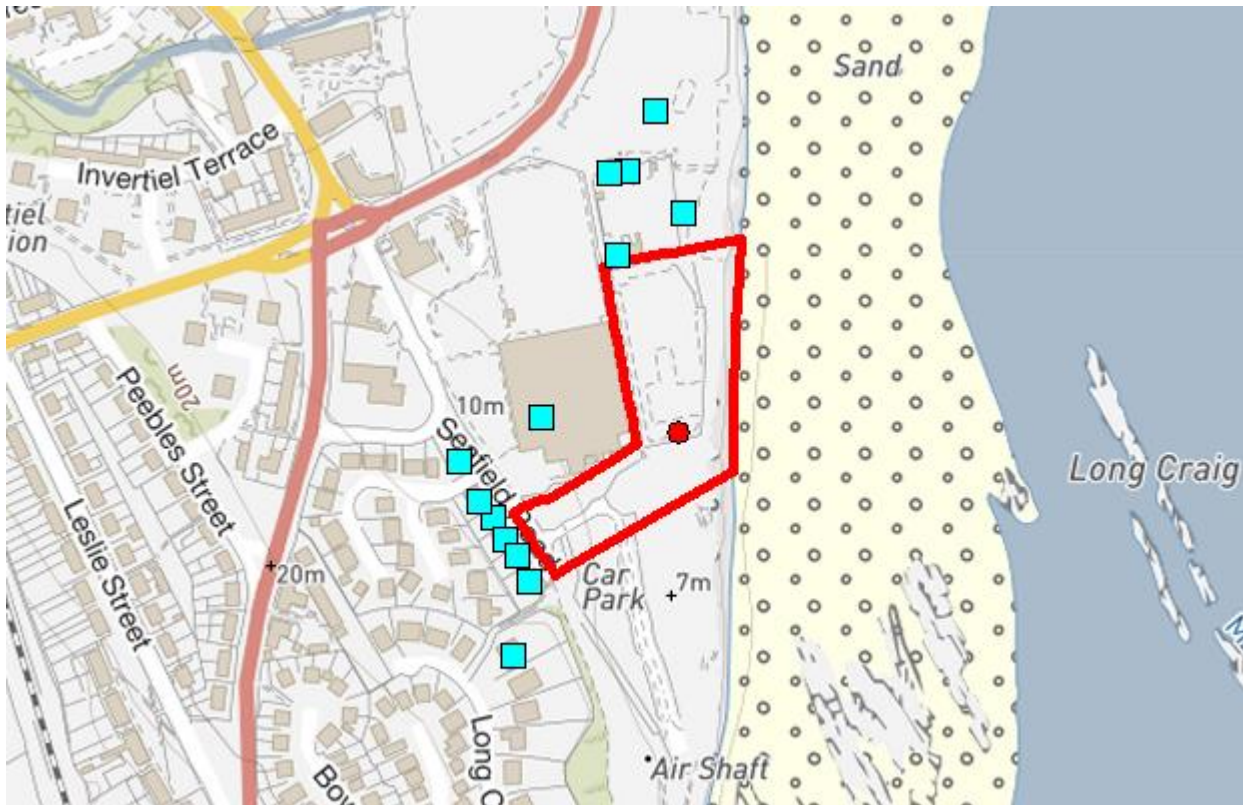
1.1.3 There is currently no formal road access directly into the site however, there is a gravel footpath running along the west side of the site on Rope Walk which has been tarmacked leading into the car park beyond the site to the north.

1.1.4 There is section of core path (475), part of the Fife Coastal Path within the application site which runs along the existing access road into the Seafield Beach picnic area to the south of Morrisons supermarket.

1.1.5 The application site along with land to the north is identified as a development opportunity site within FIFEplan (site ref: KDY 039 Inveriel) which notes that the preferred uses for the site are residential, Class 4, tourism and leisure. The allocation requires land at the former Stagecoach bus depot site to the north of the application site to be safeguarded for a potential cross Forth transport link. There is an area of Protected Open Space to the east of the application site, running along Seafield Beach and which extends along the coast to the north and south. The site lies within the Kirkcaldy Coast Green Network Policy Area (ref: KIRGN01).

1.1.6 Approximately 11 metres to the east of the site lies the Firth of Forth Special Protection Area (SPA), Firth of Forth Special Site of Scientific Interest (SSSI) and Firth of Forth Ramsar Site. The Tiel Burn is located approximately 250 metres to the north of the application site beyond the car and caravan garage and the former Stagecoach bus garage site.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The application seeks full planning permission for the erection of 58 flatted dwellings (Sui Generis) including accommodation for over 55s only (22 flats) and extra care provision (36 flats), 6 dwellinghouses (Class 9) and a cafe (Class 3) including the formation of a vehicular access and associated landscaping and infrastructure.

1.2.2 The proposed residential units comprise of two flatted blocks to the east of the site, facing towards Seafield Beach and 6 bungalows arranged in a terrace, along the south of the site, facing Seafield Picnic Area. The flatted Block 1 as identified on the proposed site plan would be the over 55s extra care flats, arranged in a U-shape with terraces to the east side, and it would be 4 storeys in height. Block 2 would be arranged in an L shape and would be 3 storeys in height, sitting further south. Both of the flatted blocks would be situated to the rear of Morrisons. To the ground floor of Block 2 to the southernmost end of the block would be a café with outdoor seating. The entrance to the café would be located to the south east of the building, adjacent to Southfield Beach.

1.2.3 The proposed flatted blocks would be finished in a combination of cream coloured bricks, aluminium flashing, grey precast concrete panels, and glazing. The flats would contain balconies with glazed balustrades. The fourth floor of block 1 would contain roof terraces using the brickwork proposed. Block 2 would use the same materials but would not contain balconies to each flat. The first level would contain a roof terrace with the same glass balustrade as Block 1. The roofs of each block would be flat.

1.2.4 Within Block 2 a café is proposed at ground level, situated at the south end of the block with an outdoor terraced area extending beyond the building to the south.

1.2.5 The six dwellings would be single storey units with flat roofs, with materials similar to the flatted blocks. They would contain car ports between the buildings and their back gardens would be located to the north of the dwellings, adjacent to Morrisons which is to the north.

1.2.5 Car parking is proposed on the west side of the flatted blocks comprising 73 parking spaces in total. Eight visitor parking spaces would also be provided to the south of the bungalows and a further three visitor parking spaces would be located to the east of the bungalows.

1.2.6 Vehicular access is proposed from Seafield Road to the south west of the application site, utilising the existing picnic area access road with upgrades to Rope Walk to provide a new road connecting into the development. Two new access points would be formed with Rope Walk providing separate accesses to the three new build blocks. No vehicular access is proposed from the north end of Rope Walk into the development. This section of Rope Walk would remain as a footpath only signified by bollards.

1.2.7 A pumping station and refuse stores would be located to the north of the proposed development, with cycle storage proposed within the courtyard of Block 1 to the west side of the building. Access to the commercial waste storage within the café area is proposed to the south west side of Block 2.

1.2.8 The Design and Access Statement submitted with the planning application explains that the proposed public realm utilises the concept of green "fingers" between the flatted blocks to facilitate public access to Seafield Beach with footpath connections being provided through the site from Rope Walk to the west down to Seafield Beach to the east. The footpaths would be lined with trees to create boulevard effects. Hedging is proposed around the edges of the car parks with trees and shrubs proposed along the western site boundary with Rope Walk and along the southern edge of Block 1A.

1.3 Relevant Planning History

19/01047/FULL - Erection of 55 residential units (including 4 live/work units), 95 sqm commercial unit (Classes 2, 3, 4, 10, 11 and sui generis hot food take away), associated infrastructure and landscaping. Refused on 5th August 2020. The reasons for refusal are below:

1. In the interests of visual amenity and creating a successful place; the applicant has failed to demonstrate that the site can accommodate the proposed residential units in an acceptable urban form and layout whilst adhering to the principles of good placemaking and demonstrating that the development complies with the six qualities of successful places. The proposal is therefore contrary to SPP 2014, Fife Council's Making Fife's Places Supplementary Guidance and Policies 1, 10 and 14 of the Adopted FIFEplan 2017.

2. In the interest of road safety and sustainable development; the applicant has failed to demonstrate that the trips generated proposed development would not result in an unacceptable impact on the local road network nor provided measures to promote the use of

sustainable transport. The proposal is therefore contrary to SPP 2014, Policies 1 and 3 of the Adopted FIFEplan 2017 and Fife Council Transportation Development Guidelines 2018.

3. In the interest of biodiversity and protecting natural heritage; the applicant has failed to demonstrate that the proposed development would protect or enhance natural heritage assets or promote biodiversity. The proposal is therefore contrary to SPP 2014, Policy 13 of the Adopted FIFEplan 2017 and Making Fife's Places Supplementary Guidance.

4. In the interest of preventing flood risk and coastal erosion; the applicant has failed to demonstrate that the proposed development will not lead to an increase in flooding and coastal erosion and that the development would deliver the required level of surface water drainage infrastructure and function in a sustainable manner. The proposed development is therefore contrary to Scottish Planning Policy (2014), SESplan - Strategic Development Plan (2013) Policy 15, and Policies 1, 3 and 12 of the Adopted FIFEplan - Local Development Plan (2017).

5. The proposed development would have an unacceptable, detrimental impact on education capacity at the catchment primary school which cannot be mitigated against. The proposed development is, therefore, contrary to Policies 1 and 4 of the Adopted FIFEplan - Local Development Plan (2017).

There have also been a number of planning permissions granted in the vicinity of the application site which are worth noting as summarised below.

On land to the north of the application site, beyond the existing car garage on the former stagecoach depot land planning permission was granted for the following:

10/00016/FULL - Use of former bus depot as a ferry terminal including formation of slipway, construction of hangar for hovercraft (including vessel storage and maintenance) with associated waiting room, car parking and demolition of former bus depot buildings. Approved with conditions on 8th December 2011.

14/03976/FULL - Use of former bus depot as a ferry terminal including formation of slipway, construction of hangar for hovercraft (including vessel storage and maintenance) with associated waiting room, car parking and demolition of former bus depot buildings (Section 42 Application to vary the terms of Condition 2 of 10/00016/FULL extension of time required for the demolition and removal of all buildings on the site. Approved with conditions on 30th January 2015. This permission extended the planning permission granted under application 10/00016/FULL for 5 years up to 30th January 2020. This planning permission has not been implemented to date and has now lapsed.

Within the wider site context, planning permission was granted (ref: 16/02147/FULL) on 17th February 2017 to Lidl on the former Stagecoach depot land on the north side of the Esplanade for a 2,487sqm Class 1 retail unit with associated car parking and trolley bays. There have since been further applications for a non-material variation to this consent (ref: 16/02147/NMV1) and an application under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended) to remove a condition (ref: 17/03841/FULL and subsequently an application for a non-material variation ref: 17/03841/NMV1). Planning permission was approved (ref: 20/00450/FULL)

on 11th January 2021 for the erection of retail unit (Class 1) and formation of access, car parking, hardstanding, and associated landscaping works.

1.4 Application Procedures

1.4.1 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. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 The proposed development comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding a public information event (ref: 18/01804/PAN). Following the refusal of the previous planning application, a further consultation was held based on a revised design prior to resubmission. A web-based digital consultation was held by means of an online website with chat functionality on Tuesday 22nd June 2021 and members of the Project Team were available to respond to questions submitted via the website at Kirkcaldyesplanade-development.co.uk. An advert was placed in the Courier on 14th June, seven days in advance of the public event. In addition to this, notices were placed with local community groups and local news. The presentation and question and answer session remained available to view after the event and throughout the period for comment up to 9th July. A copy of the presentation was also available online.

1.4.3 The application was advertised in the local press (The Courier) on 26th August 2021 for neighbour notification purposes.

1.4.4 As a separate part of the consideration of the application, Fife Council has a duty as the determining authority to consider whether an Appropriate Assessment is necessary in terms of the impact of the proposals with specific regard to the impact that the development may have on the qualifying interests of the Special Protection Areas (SPA), Firth of Forth Special Site of Scientific Interest (SSSI) and Firth of Forth Ramsar Site. In this regard it is noted that Nature Scot (formerly Scottish Natural Heritage) have stated that they have no comment. An Appropriate Assessment has been carried out and no significant effects are identified.

1.4.5 National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

1.4.6 The Adopted FIFEplan (2017) (LDP) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

1.4.7 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 3: Biodiversity

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy 4: Natural places

To protect, restore and enhance natural assets making best use of nature-based solutions.

Policy 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 9: Brownfield, vacant and derelict land

and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy 10: Coastal development

To protect coastal communities and assets and support resilience to the impacts of climate change

Policy 11: Energy

To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

Policy 12: Zero Waste

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy 13: Sustainable transport

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 15: Local Living and 20 minute neighbourhoods

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy 16: Quality Homes

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland

Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy 19: Heat and cooling

To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

To encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy 23: Health and safety

To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Policy 25: Community wealth building

To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

Adopted FIFEplan (2017)

Policy 2: Homes

Outcomes: An increase in the availability of homes of a good quality to meet local needs. The provision of a generous supply of land for each housing market area to provide development opportunities and achieve housing supply targets across all tenures. Maintaining a continuous five year supply of effective housing land at all times.

Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

Policy 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

National Guidance and Legislation

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

demonstrating compliance with CO2 emissions reduction targets and district heating requirements;

requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing development in Fife.

Planning Policy Guidance

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

Garden Ground

Daylight and Sunlight

Minimum Distances between Window Openings

Trees and Development

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Flooding, Drainage and Coastal Erosion
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Developer Contributions
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Strategic Transport Interventions

2.2 Principle of Development

2.2.1 Policies 1, 2, 9 of NPF4 (2023) and Policies 1, 2 and 6 of FIFEplan (2017) apply. The application site is located within the settlement boundary for Kirkcaldy as defined on the adopted FIFEplan Proposals Map. The site along with land to the north is identified as a development opportunity site within FIFEplan (site ref: KDY 039). FIFEplan notes that the preferred uses for the site are residential, Class 4, tourism and leisure uses. The allocation requires land at the former Stagecoach bus depot site to be safeguarded for a potential cross Forth transport link.

2.2.2 NPF4 Policy 1 gives significant weight to the nature crisis to ensure that it is recognised as a priority in all decisions. NPF4 Policy 10 (Coastal Development) recognises the particular sensitivities of coastal areas. NPF4 Policy 10 states that development proposals in developed coastal areas will only be supported where the proposal:

- a) i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- ii. is anticipated to be supportable in the long-term, taking into account projected climate change.

2.2.3 FIFEplan (2017) Policy 12 (Flooding and the Water Environment) states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively:

1. increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere;
2. reduce the water conveyance and storage capacity of a functional flood plain;
3. detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use;
4. detrimentally impact on future options for flood management;
5. require new defences against coastal erosion or coastal flooding; and
6. increase coastal erosion on the site or elsewhere.

Policy 12 states that in considering development proposals in coastal areas, regard should be given to the Council's Shoreline Management Plan which identifies preferred defence options along Fife's coast. It takes into account natural coastal processes, the need for coastal defence, environmental considerations, and planning issues. Development proposals in coastal areas will also be required to demonstrate that they will not be at risk from coastal erosion themselves and will not significantly alter the existing coastal processes, either erosive or accretive.

2.2.4 The proposal involves the redevelopment of brownfield land to create a residential development which is in accordance with the preferred uses noted in the adopted FIFEplan allocation (site ref: KDY 039). Given the proposals include the re-use of brownfield land, and on land allocated for residential development, and leisure uses, they are compliant with NPF4 policies 1, 2 and 9 which support development proposals that result in the sustainable reuse of brownfield land. The proposed development includes a small ground floor class 3 café unit. The proposed use for the unit is not specifically set out within the site allocation in FIFEplan but given the allocation sets out that class 4 and leisure uses would be appropriate, it is considered that a class 3 use would be appropriate for the site's location in scale and character and would not adversely impact on residential amenity or negatively impact on adjacent uses therefore, the principle of the proposed integral class 3 unit is acceptable.

2.2.5 It is noted that the FIFEplan allocation KDY 039 requires land at the former Stagecoach bus depot site to be safeguarded for a potential cross Forth transport link. This land is not included within the application site and therefore, is not relevant to the assessment of the proposal.

2.2.6 Whilst the use of the proposals may be considered acceptable in principle generally, they do not comply with Policies 1 and 10 of NPF4 and Policy 12 of FIFEplan (2017) in regard to coastal erosion. As set out in more detail in paragraph 2.3 of this report, the proposal would increase the risk to people from coastal erosion and fails to demonstrate how the proposed development could be designed in compliance with Policy 10 of NPF4 and Policy 12 of the Adopted FIFEplan (2017). The proposals have also, therefore, not addressed Reason for Refusal 4. of planning application reference: 19/01047/FULL. Therefore, the principle of the proposed development would ultimately be considered unacceptable.

2.2.7 The reasons for the previous application being refused are also material considerations for the assessment of this application. It is therefore discussed throughout the relevant parts of this report of handling, whether the reasons for refusal have been resolved. The refusal reasons are as follows:

1. In the interests of visual amenity and creating a successful place; the applicant has failed to demonstrate that the site can accommodate the proposed residential units in an acceptable urban form and layout whilst adhering to the principles of good placemaking and demonstrating that the development complies with the six qualities of successful places. The proposal is therefore contrary to SPP 2014, Fife Council's Making Fife's Places Supplementary Guidance and Policies 1, 10 and 14 of the Adopted FIFEplan 2017.

This will be discussed within the design and layout section of this report.

2. In the interest of road safety and sustainable development; the applicant has failed to demonstrate that the trips generated proposed development would not result in an unacceptable impact on the local road network nor provided measures to promote the use of sustainable transport. The proposal is therefore contrary to SPP 2014, Policies 1 and 3 of the Adopted FIFEplan 2017 and Fife Council Transportation Development Guidelines 2018.

This will be discussed within the Transportation and Road Safety section of this report.

3. In the interest of biodiversity and protecting natural heritage; the applicant has failed to demonstrate that the proposed development would protect or enhance natural heritage assets or promote biodiversity. The proposal is therefore contrary to SPP 2014, Policy 13 of the Adopted FIFEplan 2017 and Making Fife's Places Supplementary Guidance.

This will be discussed within the Natural Heritage section of this report.

4. In the interest of preventing flood risk and coastal erosion; the applicant has failed to demonstrate that the proposed development will not lead to an increase in flooding and coastal erosion and that the development would deliver the required level of surface water drainage infrastructure and function in a sustainable manner. The proposed development is therefore

contrary to Scottish Planning Policy (2014), SESplan - Strategic Development Plan (2013) Policy 15, and Policies 1, 3 and 12 of the Adopted FIFEplan - Local Development Plan (2017).

This will be discussed within the Flood Risk, Coastal Erosion and Drainage section of this report.

5. The proposed development would have an unacceptable, detrimental impact on education capacity at the catchment primary school which cannot be mitigated against. The proposed development is, therefore, contrary to Policies 1 and 4 of the Adopted FIFEplan - Local Development Plan (2017).

This issue will be discussed further in the Education section of this report.

2.2.8 The general principle of residential use on the application site (including an integral ground floor class 3 cafe unit) is acceptable in accordance with NPF4 Policies 1, 2 and 9 and FIFEplan Policies 1, 2 and 6. However, the proposal would increase the risk to people from coastal erosion and fails to demonstrate how the proposed development could be designed in compliance with Policy 10 of NPF4 and Policy 12 of the Adopted FIFEplan (2017). The proposals have also, therefore, not addressed Reason for Refusal 4. of planning application reference: 19/01047/FULL. Therefore, the principle of the proposed development would ultimately be considered unacceptable.

2.3 Flooding, Drainage and Coastal Erosion

2.3.1 NPF4 (2023) Policy 10 and 22 and FIFEplan (2017) Policies 1, 3 and 12 apply.

2.3.2 Policy 10 of NPF4 states that proposals in developed coastal areas will only be supported where the proposal does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and is anticipated to be supportable in the long-term, taking into account projected climate change.

2.3.3 Policy 10 states that development proposals for coastal defence measures will be supported if they are consistent with relevant coastal or marine plans; nature-based solutions are utilised and allow for managed future coastal change wherever practical; and any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets. Where a design statement is submitted with any planning application that may impact on the coast it will take into account, as appropriate, long-term coastal vulnerability and resilience.

2.3.4 FIFEplan Policy 12 states that development proposals will only be supported where they can demonstrate compliance with a number of criteria including, they will not, individually or cumulatively:

1. increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere;
2. reduce the water conveyance and storage capacity of a functional flood plain;
3. detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use;

4. detrimentally impact on future options for flood management;
5. require new defences against coastal erosion or coastal flooding; and
6. increase coastal erosion on the site or elsewhere.

2.3.5 Reason for refusal 4. states that the applicant has failed to demonstrate that the proposed development will 'not lead to an increase in flooding and coastal erosion and that the development would deliver the required level of surface water drainage infrastructure and function in a sustainable manner'. The proposed development was considered contrary to Scottish Planning Policy (2014), SESplan - Strategic Development Plan (2013) Policy 15, and Policies 1, 3 and 12 of the Adopted FIFEplan - Local Development Plan (2017).

2.3.6 Since the previous application was refused, NPF4 has been adopted and has superseded SPP. NPF4 is now the prevailing policy position and if there is a conflict between NPF4 policy and FIFEplan policy, NPF4 prevails. In this instance, NPF4 policy 10 aligns with the requirements of FIFEplan Policy 12 so there have been no policy changes which would mean that the refusal reason or the previous assessment should be different.

2.3.7 Crucially, Policy 10 of NPF4 states that the proposals would only be supported where the proposal does not result in the need for further coastal protection measures, taking account of future sea level change. FIFEplan (2017) similarly sets out that proposals would not be supported where they require new defences against coastal erosion or coastal flooding. Given the site is allocated for development and is brownfield, there are benefits to developing the site. The applicant was therefore provided the opportunity to demonstrate that, with appropriate mitigation measures, the proposals could be accepted in terms of coastal erosion and coastal flooding.

2.3.8 The SEPA flood risk maps indicate the site lies outwith, but adjacent to, the 0.5% annual probability (1 in 200-year) flood extent and may therefore, be at medium to high risk of coastal flooding. In their consultation response SEPA confirmed that it has no objection to the proposed development on flood risk grounds. SEPA was re-consulted to provide an updated response based on the updated guidance on climate change allowances for flood risk assessment in their land use planning advice from May 2022. SEPA responded that, previously in November 2021, the recommended sea level rise for this area was 0.86m (by 2100) based on the UK climate change predictions published in 2018. Now, the recommended sea level rise for this area is 0.85m as set out in SEPA's Guidance 'Climate change allowances for flood risk assessment in land use planning' (Version 2 March 2022). SEPA advised that this is a very minor change in climate change allowance and as such has no impact on this development proposal or SEPA's comments as of November 2021. SEPA indicated that it still has no objection to this development on flood risk grounds as the proposed development will be located on land which has a ground level of at least 6mAOD which sits comfortably above the estimated level of 5.6mAOD which is the estimated 1 in 1000 year flood level plus a 0.6m freeboard allowance and 0.86m climate change allowance.

2.3.9 In terms of coastal erosion, SEPA advised that Dynamic Coast should be consulted to provide comments and that the Fife Council Flood Risk Management Team is aware of any issues relating to coastal erosion around their coastline and the Council has their own Shoreline Management Plan. SEPA therefore advised that they would make no comments on coastal

erosion and the Council is best placed to comment on coastal erosion and any proposed mitigation measures and that it has no objection on flooding grounds.

2.3.10 Fife Council's Shoreline Management Plan (2011) for this area has proposals to 'Hold the Line' and there is therefore potential that if active management is not undertaken then there may be a risk of coastal erosion. The Council's Shoreline Management Plan states that the Hold the Line position:

'...proposes that defences and/or beach management activities are maintained to provide protection from coastal flood and erosion to assets or features at the coast. Such assets may include areas of development and/or redevelopment, industry and commerce, agriculture, etc. The method of maintaining or improving the line of defence may consider local adjustments to the alignment of defences or that existing structures are replaced or new defences constructed, depending on the local conditions and requirements identified.' Privately funded works may still be permissible, although there may be conditions associated with this such that private works do not result in negative impacts on other interests. Where applicable, the Draft SMP states that no public funding would be available for maintenance of privately-owned defences, although private owners may deem the works affordable.

The Shoreline Management Plan shows the predicted 20-, 50- and 100-year sea level and indicates that the site was not predicted be under the sea within the next 100 years. It is therefore clear that, when allocating this site for development within the FIFEplan (2017) Local Development Plan, the planning authority based their information on the 2011 data so did not know that this site would be eroded so significantly in the future. This is a material consideration which establishes that there has been a policy change and further information available to the planning authority in regard to coastal erosion, than there was when the site was allocated. The site allocation therefore carries less weight.

2.3.11 In their consultation response of 13th May 2019 to refused application reference 19/01047/FULL the Fife Council Flooding, Shoreline and Harbours (FSH) Team commented that, in regard to coast protection, during the pre-application stage FSH noted that there was evidence of erosion of the soft bank along the coastal perimeter of the proposed development site, and therefore a full assessment of the erosion potential over the lifespan of the development and/or proposals for preventing this erosion affecting the development would be required. At that stage, no assessment of erosion potential was provided with the application. FSH requested that this information was presented as a separate report and should analyse all available information, including but not limited to the Fife Shoreline Management Plan (note elements of this report are now out of date), the Dynamic Coast: Scotland's Coastal Change Assessment project, historical mapping from 1850s through to present, and historical and current aerial photography. Following submission of further information by the applicant for application reference 19/01047/FULL Fife Council Flooding, Shoreline and Harbours Team highlighted that the assessment of potential coastal erosion in the future was inadequate given the location of the development, the form of the shoreline, and the movement it can be seen from a spread of recent aerial photography from 2001, 2006, 2011, and 2015 which shows significant seawards and landwards movement of the soft vegetated coastline. A detailed assessment of historical coastal erosion using all available information including historic mapping and aerial photography was requested to determine the susceptibility of the coastline to erosion, and then an assessment of future susceptibility based on past changes and sea level rise and increased wave activity as a result of climate change.

FSH reiterated that it considers this a crucial part of the planning application to determine the long-term viability of the development behind a soft coastal edge. In an e-mail to the Applicant's Engineer from Fife Council Flooding, Shoreline and Harbours Team dated 14th April 2020, the Flooding, Shoreline and Harbours Officer continued to express concern regarding the information submitted on flood risk and coastal erosion. FSH noted that the wave over-topping results submitted were based on the existing coastline topography only and did not take into account future erosion/changes to topography. The report itself indicated that there is an erosion trend, and therefore a future coastline would need to be estimated based on the best available information and the wave over-topping assessment carried out for that scenario as well. In particular, FSH highlighted concern that between the disturbance of ground during the construction phase and the potential for erosion of the soft coast, the new wall proposed for the face of the flats would become the new "back of beach" in the near future and with a vertical wall in place there is a high risk of a resulting drop in foreshore levels due to wave reflection from a vertical wall. The Flooding, Shoreline and Harbours Team did not consider that the prudent course of action should be to deploy coastal defences along the face of the existing vegetated edge to maintain a narrow buffer strip between the flats and the coastline.

2.3.12 The applicant submitted a Coastal and Flood Risk Assessment report (October 2021) with this current application. FSH reviewed the submitted information and advised in their consultation response of November 2021 that the report contains the assumption that the shoreline position will be retained based on the Hold the Line strategy within the Shoreline Management Plan. FSH advised that the Shoreline Management Plan is not intended as a way of allowing new development in areas prone to coastal erosion and, based on the evidence presented in the report, new coastal defences would be required at the dune face to preserve the dune buffer strip in perpetuity, in front of the proposed development. The response notes that if defences are not included then the proposal will not meet the policy requirement that developers will not create developments that will require future coastal defence measures. Fife Council do not have plans to construct defences at this location, so the developer was requested to demonstrate how they intend to protect their proposed development.

2.3.13 A further Flood Risk Assessment report was submitted by the applicant in December 2021 and within their consultation response of December 2021, FSH offered the same response as previously and advised that the proposal will not meet the policy requirement that developers will not create developments that will require future coastal defences. The applicant was requested to demonstrate how they intend to protect their proposed development and the design for coastal protection was requested to be provided.

2.3.14 Coastal defence proposals in the form of a fence were submitted by the applicant in January 2022 and FSH responded in January 2022 after reviewing the proposed defence measures. They advised that the coastline at the site is not an established dune system but a narrow band of mixed vegetation with marram grass. Dune restoration techniques such as chestnut pale fencing are not appropriate for this location. It is noted that a similar attempt to establish a wider band of marram grass was attempted at Pathhead Sands, unsuccessfully. The correct baseline conditions for establishing a functioning dune are not there. The applicant was requested to provide a design for coastal protection in the form of hard coast defences that would retain the existing buffer strip of vegetation in perpetuity.

2.3.15 Further coastal defence proposals were submitted in February 2022 by the applicant, which included a fence, planting and a sheet pile wall with stone rip rap protection. FSH responded in March 2022 and advised that the proposals did not meet the requirements discussed in February 2022. The plans showed a buffer strip of vegetation retained in front of the development and the FRA report was based on the assumption that the future shoreline is assumed to be similar to the present-day shoreline, as it is assumed that coastal defence measures will be put in place to maintain the existing coastal edge with an undeveloped buffer strip between the coastal edge and the proposed development. Without the protection of the buffer strip, the central assumption of the FRA regarding the level of wave overtopping is invalid. Therefore, the coastal protection measures that are required to protect the development in the long term should be situated in front of the vegetated buffer strip on the back of the beach zone.

2.3.16 A further on-site meeting was held between the applicant and FSH in November 2022. Following the meeting, the applicant provided a letter from their engineer. FSH responded in December 2022 and advised that the development site has a frontage that is predicted to erode significantly during the lifespan of the development and any proposals for coastal erosion defences need robust measures to ensure the development does not need any additional coastal defence measures in the future. The developer may introduce a buffer strip to protect the defences or fences at the face of the development with no buffer. If the applicant intends to provide the coastal defence at the boundary of the development, then they must demonstrate that what is proposed can withstand full exposure to the sea and reduce wave overtopping onto the development to acceptable levels on the basis that any buffer strip will diminish over the lifespan of the development. As the buffer strip erodes, waves will reach the proposed development frontage along with sea level rise occurring.

2.3.17 In June 2023, the applicant provided proposals for a wave wall along the frontage, along with an assessment of coastal erosion. In August 2023, FSH responded that they recommend refusal of the application because this section of coast is highly likely to erode significantly in the future and the site is no longer considered to be an appropriate location for a long-term development of this nature. They also provided technical comments on the assessment of flood risk and the coastal defences proposed.

2.3.18 Kaya Consulting provided a letter dated 30 August 2023 which sets out that additional wave overtopping analysis was carried out for the site, assuming a future scenario of increased sea-level and extreme waves, together with a future prediction of dune and beach erosion seaward of the site (as per Dynamic Coast's prediction and the Council Flood team requests). Kaya notes that this section of the coast is identified as 'Hold the Line' in the Fife Council Shoreline Management Plan and Policy 10 in NPF4 allows for coastal defences if;

- 'they are consistent with relevant coastal and marine plans'
- 'nature-based solutions are utilised and allow for managed future coastal change wherever practical';
- 'any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets'.

They believe that the proposals are consistent with NPF4 as defending the coast has been identified in the shoreline management plan, the proposals allow for climate change and look to retain some of the remaining dunes at the site, and are required to protect existing development, roads and development land identified in the LDP. The Dynamic Coast response does not consider the long-term future of this section of the coast. The natural dunes along this coast form a narrow strip behind which is brownfield land, with hardstanding and made ground. They state

that over time the dunes will erode and expose the brownfield land to erosion. At that stage the front is likely to be unsightly and the existing development landward of the Site (Morrison's supermarket) would erode. Kaya expects that at this stage coastal protection works would be required in any case if the Dynamic Coast predictions are correct. The Applicant is proposing a set-back protection solution, which leaves the narrow dune section seaward of the site, with a set-back sheet pile wall provided to provide future protection for the Proposed Development. This application provides an opportunity to develop this area of brownfield land, including the provision of future coastal protection within the Proposed Development. The other option of 'do nothing' could leave this brownfield area falling into the sea in future or requiring future protection. The Flood Risk Assessment by Kaya Consulting (2021) estimated historic coastal erosion rates at the site from aerial imagery and map evidence and concluded that erosion along the site frontage has occurred at average rates of between 0.5 – 1.2m per year. Kaya advises that it does not necessarily corroborate Dynamic Coasts' future predictions. The land behind the dune/beach system comprises concrete hardstanding, where former buildings have been removed. Although the dune in this area could potentially erode at the rates indicated, erosion of the land behind may be much slower due to concrete hardstanding.

2.3.19 In January 2024, a Coastal and Flood Risk Assessment, Supporting Statement, Wave Wall Detail and Drainage Layout was submitted by the applicant. The main difference between the updated wave overtopping calculations and those provided previously is that when assessing foreshore waves, seabed was assumed to be at mean sea level rather than previously assumed location between mean sea level and Mean Low Water Springs (MLWS) level, which is lower than mean sea level and resulted in higher wave heights. As the seabed gradually rises to the proposed defence wall set at some 40m inland of existing MHWS line and at least 175m inland of existing MLWS line, the resulting depth of water gradually reduces and is less than previously assumed. As extreme sea levels are more critical for wave overtopping, taking seabed at mean sea level appears more realistic. The proposed sea wall is about 80-90m inland of seabed at mean sea level. As waves travel onshore, depth of water reduces further at site. Therefore, foreshore wave heights were recalculated assuming a bed level at mean sea level, which is still conservative (high) compared to depth of water near the proposed sea wall. Smaller depth of water results in lower wave heights. Foreshore waves and wave overtopping rates were recalculated at mean sea level. The overall conclusions of the previous assessment provided in the October 2021 report remain unchanged, only the predicted overtopping rates are now smaller. Kaya state that The Dynamic Coast study is a high level, national level assessment and is therefore not suitable for development level assessment, without a more detailed local assessment.

2.3.20 The updated wave overtopping report (January 2024) shows in Figure 12 that the estimated shoreline erosion does not reach the end of the proposed defences on both northern and southern boundaries over a period of 75 years. This assumes constant erosion rates over the full period, albeit it is smaller than data from the last 20 years suggest. The area immediately north of the site consists of concrete hardstanding and is protected by a vegetated dune and wide sandy beach. The area immediately south of the site is protected by Long Craig rock crop and a wide beach. Therefore, erosion rates for these areas would be expected to be smaller than average rates estimated for a standard dune/beach system. Based on information available, it is estimated that the extended ends of the proposed wall on the northern and southern boundaries will likely be beyond the eroded coastline

2.3.21 FSH responded in March 2024 as follows:

'Regarding the potential for coastal erosion at this proposed development site and the current relevant policies in both NPF4 and the Fife Local Development Plan (2017), we would support and reiterate all the points made in the response from Dynamic Coast dated 08 August 2023. The main point being this is a section of coast that is highly likely to erode significantly in the future and based on current policies is not considered to be an appropriate location for a long-term development of this nature. We note in the letter from Kaya Consulting to Fife Council (Structural Services) dated 30 August 2023 (ref: KC1828/SS) that there is an interpretation of this location being referenced in the Fife Council Shoreline Management Plan as 'Hold the Line'. This is incorrect as the term applies to areas where 'existing coastal defences offer a favourable cost benefit ratio while ensuring protection of residential and commercial property.' This location is brownfield and does not have coastal defences. Therefore, the default, applicable to the application site, is 'No Active Intervention'. NPF4 (Policy 10) is quoted as justification, however: - Per the above, this application is not consistent with relevant coastal plans. - A nature-based solution will not be resilient enough as evidenced by Dynamic Coast. - While there is no definition of 'essential assets' in NPF4, this application does not include components that would be termed 'Essential infrastructure', which is defined in NPF4. NPF4 (Policy 10) also notes that 'Development proposals in developed coastal areas will only be supported where the proposal:... (i) does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems;'. NPF4 (Policy 22) states an intent 'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.' Finally, the originally supplied Coastal and Flood Risk Assessment (Oct 2021) states in Section 2.2 that Policy 12 of FIFEplan (2017) notes a lack of support for development that will require new defences against coastal erosion or coastal flooding. On this basis we would recommend refusal of the application.'

2.3.22 An external consultant was appointed by the planning authority in April 2024, who advised that storms in 2023 – 2024 resulted in significant changes along the Kirkcaldy seafront. Metres of shoreline retreat has occurred at the application site, uncovering part of the concrete foundations of an old lido swimming pool demolished in 1959 – 1960. This has led to a concrete wall appearing along the rear of the beach, serving as a de facto sea wall. The vegetated dunes have now gone so all reports are now out of date and FSH requirement to protect the vegetated dune is no longer relevant. If the proposed development is refused and no defence measures put into place, then the remaining assets (including supermarket to the rear of the site) will be at risk of erosion in future, without any defences. They advised that all previous discussions on buffer strip retention are now redundant as it is gone. A detailed geotechnical survey was requested, to establish the site's susceptibility to erosion, and whether the existing wall is acting as an existing defence measure.

2.3.23 An updated wave overtopping assessment to include the effect of the 2023/24 storms was thereafter provided (Kaya Consulting, November 2024). FSH advise that the latest Updated Wave Overtopping Assessment Report (November 2024) underestimates the risk of coastal flooding to the site. The coastal overtopping scenarios modelled all appear to include the proposed wall. With the wall in place Tables 8-10 of the report predicts overtopping of the defences. The report notes that based on the predicted overtopping rate current guidance would class the rate to be regarded as zero overtopping though. Consultants which have been seconded to Fife Council have also reviewed the report. They believe the mean overtopping rates to be underpredicted by 1-3 orders of magnitude. If this is the case then the overtopping rates would be higher and therefore potentially increasing the vulnerability to coastal flooding, even with the proposed wall in place.

Section 3.4 of the report does also state that there is a risk of higher overtopping rates resulting from individual waves and there is still a risk of spray which would occur during extreme conditions, again increasing the vulnerability of the site to flooding. From reviewing the report is not clear if any coastal overtopping scenarios excluding the proposed wall are presented, such as the profile shown in Figure 5. Based on the modelling with the wall and predicting overtopping, regardless of the fact the overtopping rates are underpredicted by 1-3 magnitude, we feel the site would be at risk of coastal flooding. As it has been shown the wall does provide a level of benefit. It is our view that by needing a coastal wall/defence that it would go against NPF4 Policy 10. The FSH position regarding the predicted coastal erosion and protection remains the same as per their last response.

2.3.24 The Kaya overtopping assessment confirms that a new flood wall is essential to protecting the proposed development. While a structure currently exists on site, it appears to be the remnant foundation of a previous development and does not meet the criteria for an existing functional coastal/flood defence. This is substantiated by Figure 13 of the Kaya report, which illustrates the need for a purpose-built flood wall, incorporating sheet piling and a wave return wall to mitigate overtopping risks. Policy 10 of the National Planning Framework 4 (NPF4) states: "Development proposals in developed coastal areas will only be supported where the proposal: i.e. does not result in the need for further coastal protection measures, taking into account future sea level change." Given that the assessment clearly identifies the requirement for new coastal protection infrastructure, the proposal is in direct conflict with Policy 10 and would therefore not be supported under NPF4.

2.3.25 The report emphasises the need to preserving the beach frontage situated seaward of the proposed coastal defence. The report discusses that should erosion continue to reduce the beach level further than the current level, there is an increased likelihood of overtopping. This raises substantive concerns regarding the long-term sustainability and safety of the development, particularly in view of the uncertain trajectory of future climatic conditions. The report further substantiates this risk by documenting the severe storm events of winter 2023/2024, which have demonstrably eroded sections of the dune frontage, resulting in its current reduced elevation. The report also highlights that any natural measure to maintain the current level are unlikely to work. Under Policy 22 (Flood risk and Water management), development proposals must not increase flood risk and should avoid introducing more vulnerable land uses unless specific exceptions apply. The proposal involves the redevelopment of land to a more vulnerable use than its previous designation and it does not meet any of the exceptions outlined in Policy 22. As such, the development fails to comply with this policy and presents an increase in flood vulnerability.

2.3.26 Scottish Water were consulted and confirmed that they have no objection to the planning application. They confirmed there is sufficient capacity in the Glenfarg Treatment Works and the Kirkcaldy Waste Water Treatment Works to accommodate the proposed development.

2.3.27 In regard to surface water drainage, a calculation was requested to demonstrate the adequacy of the 150mm diameter surface water drainage pipe proposed to carry flows from the whole impermeable area of the development. There are no further comments from Fife Council Flooding, Shoreline and Harbours regarding drainage, therefore the refusal reason regarding drainage has been addressed.

2.2.28 In summary, whilst it is acknowledged that this site is allocated for development (including residential) and is a brownfield site, these benefits to developing the site do not outweigh the impact of coastal flooding and coastal erosion. Crucially, whilst the site is allocated for development, more information is available regarding coastal erosion than was available at the time that the site was allocated therefore the most up to date information is used to fully assess the proposals in detail. Furthermore, whilst the applicant has attempted to propose mitigation measures which will mitigate against coastal erosion and coastal flooding, Fife Council's Flooding, Shoreline and Harbours Team does not believe that the information provided demonstrates that the proposed mitigation measures would appropriately protect the site from coastal erosion and coastal flooding and there are concerns around the long term safety and sustainability of the proposed development, particularly given the sensitivity of the proposed use.

2.2.29 The proposal has been assessed against NPF4 Policies 10 and 22 and FIFEplan Policies 1, 3 and 12, which require that developments in coastal areas do not increase the risk of flooding or coastal erosion, or necessitate new coastal defences. The site, although brownfield and allocated for development, lies adjacent to an area at medium to high risk of coastal flooding and has shown significant erosion in recent years. While SEPA raised no objection on flood risk grounds, the Fife Council Flooding, Shoreline and Harbours (FSH) Team and Dynamic Coast have advised that the site is highly vulnerable to future erosion and that the development would require new, permanent coastal defence measures, contrary to policy requirements. Despite multiple iterations of coastal and flood risk assessments, including proposals for fences, sheet pile walls, and wave walls, the applicant has not demonstrated that the site can be safely developed without introducing new hard defences. Recent storms in 2023–2024 further worsened the situation by eroding the vegetated dunes entirely, exposing remnants of old structures and heightening the site's susceptibility to flooding and erosion. The most recent technical reviews confirm that a new flood wall would be essential, directly conflicting with NPF4 Policy 10 and Policy 22, which seek to avoid developments that increase flood vulnerability or require coastal protection.

2.4 Design And Layout / Visual Impact

2.4.1 Policy 14 (a) of NPF4 (Design, quality and place) states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 (b) of NPF4 also goes on to stipulate that development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, adaptable. Whilst not wholly applicable, Policy 16 (g) of NPF4 (Quality Homes) states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

2.4.2 Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) apply in this regard. Policies 1 and 10 aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Policy 14 states that the Council will apply the six qualities of successful places when considering development proposals. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design.

2.4.3 The application site is included within the Inveriel and Linktown Strategic Development Framework (May 2010) aimed to provide a strategic framework for the comprehensive regeneration of the Inveriel and Linktown area, setting out the general development and urban design principles with key land uses identified to help facilitate a mixed use development to meet the current Development Plan policies. In addition to the application site, the Framework extends to the north to include the KL Motors Garage, the whole of the former Stagecoach depot and garages to the north on both sides of the Esplanade and public car park; the Seafield Beach open space and picnic area to the south; the former B&Q warehouse site (now Morrisons supermarket) and commercial units on Seafield Road to the west. The Framework is now over 10 years old and therefore, somewhat out of date and has been significantly superseded by the granting of planning permission for the Morrisons supermarket (ref: 12/01771/FULL) and the Lidl supermarket (ref: 16/02147/FULL). Following approval of the Morrisons supermarket a report was submitted to the Kirkcaldy Area Committee on 27 February 2013 indicating that the Strategic Development Framework was no longer achievable in its current form. The report outlined how the approval of the supermarket deviated from the Framework and provided four potential options for taking the Inveriel regeneration forward. The option the report recommended was that the redevelopment be integrated within the emerging Local Development Plan. Strategic design principles and diagrams would be integrated into the emerging Plan. This would provide a design context for helping to connect the remaining development sites. The detail of any proposals would be provided in, and be negotiated through, the submission of planning applications. This option was agreed by the Area Committee and therefore the Inveriel and Linktown Strategic Development Framework now has limited status. Nonetheless, the Framework does establish some important urban design principles which are relevant to the proposed development. Objective 2 of the Framework requires development to embrace the coastal area rather than turn its back on it. It provides that active streets and spaces shall be presented to the coastal fringe. All streets and spaces overlooking the coast shall be presented by public and active elevations of buildings. The visual aesthetics of the streetscapes overlooking the sea shall be of the highest quality offering innovative and creative architectural design solutions and avoiding standard design solutions to this important frontage. Principal views and routes through the site should be directed towards the coast to help ensure development faces and embraces this important site feature. Appropriate breaks or gaps in building lines will, however, be required to allow for key views to the sea/coast to be protected, thereby retaining a strong visual connection to the coastal area through new development. The Framework advises that enhancements to the Fife Coastal Path will also be required as part of development proposals.

2.4.4 These requirements are reflected in the adopted FIFEplan site allocation KDY 039 which states that new development must provide quality and active frontages onto Rope Walk and towards the coast. It sets out Green Network Priorities including the provision of high quality development and landscape edge to the coast incorporating access and biodiversity improvements plus a high quality development edge to the core path along Rope Walk.

2.4.5 Reason for refusal 1. of application reference 19/01047/FULL sets out that the applicant has failed to demonstrate that the site can accommodate the proposed residential units in an acceptable urban form and layout whilst adhering to the principles of good placemaking and demonstrating that the proposed development complies with the six qualities of successful places. The proposal is therefore contrary to SPP 2014, Fife Council's Making Fife's Places Supplementary Guidance and Policies 1, 10 and 14 of the Adopted FIFEplan 2017.

2.4.6 Key Principles within the Design and Access Statement submitted, includes strategic views through the site from within and outwith the site, offering a visual connection between the town

and the coast; massing to step up from the domestic scale 1-2 storeys up to 5 storeys towards the Esplanade; active building fronts presented to Rope Walk or Seafield Road; fenestration to the eastern (coastal) elevation provides large areas of glazing or balcony areas; commercial (café) unit presented to Seafield Picnic Area; and hard landscaping materials, including street furniture to be in keeping with the coastal environment and provide a link to the site's cultural and industrial heritage.

2.4.7 Fife Council's Urban Design Officer advises that the overall variation in building height from 1 to 5 storeys is an appropriate means of addressing the transition from settlement fringe/coastal edge to the urban area, with the higher buildings located towards the Esplanade where, further northwards, there are examples of higher buildings on this part of the urbanised coast. The single storey commercial unit facing the adjacent open space would provide an appropriate building scale/orientation, with the three to four storey block behind offering a strong building presence, without visually overwhelming the public space to the south, and which includes activity in the form of significant window elevations facing both the open space and coast. The building lines present variation to provide a depth to the building mass/appearance when viewed from the south and east. This can help visually break the development into a series of different blocks as opposed to the previous scheme that presented a visually overwhelming massing with little building block variation or movement of building lines. The proposal may be read as a series of three building components, each with a slightly different mass and orientation, but unified through a common architectural language. The three storey block presents a strong horizontal massing which is appropriately broken up to the coastal elevation by large areas of window openings, which can give the appearance of a "cut out" to the building mass.

2.4.8 Through the building arrangement, the fenestration patterns, architectural detailing or materials, the proposals express a verticality to the appearance except for the Rope Walk elevations as referred to above. The single storey units to the rear of the supermarket are considered to offer an appropriate residential massing, with the building design creating a distinctive punctuated rhythm which can make a positive contribution to the character of the area. It would present active building fronts to the Seafield picnic area/car park, enclosing this space with an appropriate use, alongside visually screening the adjacent supermarket service area from this public space.

2.4.9 There are significant spaces between the flatted blocks – creating visual permeability, connecting the coast to wider views to and through the site and avoiding a barrier to visibility/movement between the coast and Rope Walk. This helps to provide relief to the overall visual impact of the buildings and their massing and provide a more appropriate setting and space context for the building components, giving them space to breathe within the context of the site. The building heights step up from 1 to 5 storeys, reflecting the site context and a transition from rural to urban environment (including reference to taller buildings elsewhere on the Esplanade). The enclosure of the adjacent public space with active building fronts/commercial use is a positive aspect that will present people activity to these areas at different times of the day/evening and will enhance the picnic site/beach offering with additional facilities within a high quality building and landscape context.

2.4.10 Rope Walk is a key people movement route connecting the coastal path towards the town centre and should be designed to reflect a Streets for People principle. The proposals include horizontal deflection to the road geometry and additional landscaping to reduce visibility and slow traffic naturally, which is welcomed and reinforces the importance of the pedestrian route, it is suggested that pedestrians are given priority and the street design reflects this prioritisation. There are footpaths crossing the street which are of a similar material to the adjacent footways, thus ensuring the roads appear to cross the footway rather than the other way around. This is also a positive aspect in relation to balancing out the needs of people against vehicle movement.

2.4.11 Overall, the proposed design is a significant improvement from the previously refused application. The focus on enclosure of the Seafield public realm with active building fronts (including café facility), the creation of a visually permeable development along the coast, and retention of Rope Walk all have the potential to make a significant positive contribution to the distinctiveness and character of the place. Amendments have been made to the proposals, including an area of coloured metal cladding added to the west elevation of block 2, which creates more visual interest and distinguishes the main entrance to the building, with some amendments to the rooms around the entrance area, which are welcomed and address concerns around the horizontal emphasis of the building. To give the end house units a more distinctive corner and gable and create a privacy strip to the front gardens, walls to the front of the bungalows are proposed. The gable ends of the bungalows would be concealed by the carports. To ensure that boundaries onto publicly visible spaces are addressed, the amount of soft landscaping between the road and parking areas has been increased. The applicant advises that the use of brick within the development is a nod to Kirkaldy's industrial past more specifically the well-established brickworks in Linktown and Denburn. The buff colour is sympathetic to the site's location adjacent to the beach, whilst harmonising with the sandstone tones amongst Kirkaldy's older housing stock. The houses propose using a cedar-coloured composited cladding. Traffic calming measures, changes in road surface material and the use of build-outs are proposed to reinforce the importance of the pedestrian routes at Rope walk and throughout the development. Seating is proposed along the front of the cafe space in groups, and to the north of the site and the central landscape zone between the over 55s flats and extra care building. The central landscaped area has been updated to provide more emphasis on the pedestrian route whilst providing areas of grouped seating to activate the public space.

2.4.12 The residential buildings should be contained by appropriate boundary materials to ensure attractiveness and robustness of place and visual quality. All boundaries onto publicly accessible or visible space (including streets, open spaces, parking courtyards, hard/soft landscaped areas) should be formed from railings, hedging, or wall – or a combination thereof. Timber fencing is not a robust boundary material, deteriorates quickly to the detriment of visual quality, and is not appropriate in these visually prominent places.

2.4.13 Detailed matters regarding landscaping, boundary treatments and street furniture could be covered sufficiently through an appropriate planning condition, were Members minded to approve the application.

2.4.14 Overall, all of the Urban Design comments have now been addressed, as have the issues raised for the previously refused planning application therefore the reason for refusal relating to

design has been addressed. The proposals comply with the relevant design and layout policies and guidance, subject to conditions regarding some detailed aspects.

2.5 Residential Amenity

2.5.1 NPF4 Policy 14 (Liveable Places) sets out that development proposals that are detrimental to the amenity of the surrounding area will not be supported. 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. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a number of factors including the loss of privacy, sunlight, and daylight.

2.5.2 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

2.5.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight (March 2018) is primarily concerned with protecting daylight to residential properties and in particular the level of sunlight received by amenity spaces and daylight received by neighbouring windows serving habitable rooms.

2.5.4 The proposed flatted blocks would be situated some distance from any nearby residential development. The nearest residential properties being the detached bungalows along Seafield Road beyond Morrisons to the west of the application site. The proposed flatted block would be set out in a roughly linear formation along the coast. Block 1A which stands alone from Blocks 1B and 1C would be slightly off set from Blocks 1B and 1C thereby, avoiding any potential overlooking or sunlight, and daylight issues.

2.5.5 In relation to flatted developments, Fife Council's Planning Customer Guidelines on Garden Ground (2016) advise that each flat should be set in or have at least 50 sq.m of private garden for each flat. The proposed development includes private terraced areas for a number of the flats at ground floor level on the east side of the proposed buildings but this would not extend to 50 sq.m of private garden for each flat. The flatted block would not be set in private gardens and therefore, the proposal does not comply with the requirements on private garden ground. On balance, however, this is considered to be acceptable in this instance given the close proximity of the proposals to protected open space including the beach and the town centre.

2.5.6 The proposals have been assessed in terms of privacy, sunlight, and daylight and will not have a significant detrimental impact on the amenity of neighbouring properties and therefore, is in accordance with FIFEplan Policy 10 and Fife Council's Planning Customer Guidelines on Daylight and Sunlight in this regard.

2.5.7 Objection comments note concern regarding noise from the adjacent supermarket to the proposed bungalows. A Noise Impact Assessment has been submitted with the application (Couper Acoustics, September 2021). The assessment indicates that both internal day and nighttime noise levels cannot be protected with a window open scenario, and an alternative

means of ventilation is recommended. The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided.

2.5.7 Having regard to the impact on the proposed dwellinghouses from the adjacent supermarket Morrisons, deliveries occur both during the day and night. Whilst the author of the noise impact assessment has used data gathered from a previous noise report produced by the supermarket when applying to extend their hours of operation, specific monitoring of deliveries should be assessed both during the day and night in this application. The noise assessment produced to support Morrison's application used existing residential dwellings which are located further from the proposed dwellings in this application. Distance will have an impact on conclusions reached. This assessment of specific noise from delivery vehicles and loading/unloading activities should be used to assess internal and external amenity for the proposed dwellings located closest to the supermarket. As the report currently highlights, exceedances are predicted both internally day and night more specific formal monitoring of delivery vehicles and the loading bay may give rise to possible noise nuisance conditions externally too. The proposed layout indicates that bedrooms in the bungalows nearest the supermarket are located facing the supermarket. Following a further in-depth assessment of deliveries, it may be that the applicant wishes to consider reconfiguring the layout of these dwellinghouses in order to protect amenity. Environmental Health Officers advised that they would need to be confident that the amenity of any future residents will be reasonable protected from extraneous noise sources and that the future viability of surrounding commercial businesses would not be prejudiced by likely complaints from future residents themselves.

2.5.8 An updated version of the Noise Impact Assessment has been submitted (January 2022) which addresses the concerns of Fife Council EHO. The updated report makes it clear what calculations are for day and night time. Fife Council EHO has reviewed the updated assessment and advised that they have no further concerns with the proposals in relation to noise impact.

2.5.9 The proposals therefore comply with the requirements of NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021) in terms of residential amenity.

2.6 Transportation/Road Safety

2.6.1 NPF4 Policy 13 (Sustainable Transport), NPF4 policy 14 (Design, Quality and Place) and NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods), FIFEplan Policy 3 and Making Fife's Places Supplementary Guidance apply.

2.6.2 Reason for refusal 2 of application reference 19/01047/FULL sets out that the applicant failed to demonstrate that the that the trips generated proposed development would not result in an unacceptable impact on the local road network nor provided measures to promote the use of sustainable transport. The proposal is therefore contrary to SPP 2014, Policies 1 and 3 of the Adopted FIFEplan 2017 and Fife Council Transportation Development Guidelines 2018.

2.6.3 Objection comments raise concern that an increase in traffic will have a negative impact on the area. A Transport Assessment (document 33A) prepared by ECS Transport Planning Limited on behalf of the applicant has been submitted in support of the planning application. The TA has followed the Scottish Government "Transport Assessment Guidance (2012)". The Transport Assessment has considered the impact of the proposed development on the surrounding public road network. The Transport Assessment has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport and can be designed in accordance with Making Fife's Places Supplementary Guidance. The TA has not considered the development of the whole of site KDY039.

2.6.4 In response to the previously refused planning application TDM noted that the provision of acceptable means of vehicular accesses to the site from the Esplanade and Seafield Road with Rope Walk being upgraded as the link between the two would be required. Seafield Road is a cul-de-sac serving 27 houses, an employment premises, a fitness studio and Seafield beach. Phase 1 is proposed to be served by an extension to the existing cul-de-sac, which is contrary to Making Fife's Places SG. Given that the planning application would be considered on its own merits and there is no guarantee that Phases 2 and 3 would follow and therefore no guarantee that the two vehicular access would be provided, this would not be acceptable. However, the vehicle trips generated by the proposed development (15 in the AM peak and 8 in the PM peak) are minimal and I would set aside my previous concern with the development being served from a cul-de-sac. The alignment of the proposed access road shown on the proposed site plan does allow for a potential vehicular link to the Esplanade, which is welcomed.

2.6.5 An assessment of the existing walking and cycling routes between the application site and local facilities, transport hubs, including bus stops has been carried out. The site lies adjacent to the existing Morrisons with the new Lidl located on the north side of the Esplanade both within short walking distance with safe crossing facilities on the Esplanade. The site is within 250 metres walk distance of existing bus stops on the Esplanade and Kinghorn Road. The site lies within 2,100 metres walk distance of the railway station with the bus station within 1,700 metres walk distance. The walk distances to both are outwith the recommended maximum of 1,600 metres, but as the walking routes are relatively straight and benefit from safe controlled pedestrian crossing points this is not a concern. Both facilities are within acceptable cycling distances.

2.6.6 The TA notes the vehicle trips generated by the proposed development would be 15 in the AM peak and 8 in the PM peak. In comparison, if the proposed development was for private residential the vehicle trips generated would be 34 in the AM peak and 32 in the PM peak. Traffic surveys established that the vehicle trips generated by the existing developments served by Seafield Road are 31 in the AM peak and 45 in the PM peak. The traffic impact assessment (chapter 5) shows that the Seafield Road/Kinghorn Road T-junction and A921/B9147 signalised junction continue to operate well within their practical capacity on all arms in the year of opening.

2.6.7 The proposed street layout shown on document is generally acceptable, however, the narrow carriageway between Blocks 1 and 2 would result in conflict between vehicles entering/exiting the car park and some raised tables can be deleted. The raised table at the bend in the access road would require to be amended to ensure the ramps are at 90 degrees to the carriageway. Given these are minor amendments, they could be covered through appropriate planning conditions.

2.6.8 According to the current Fife Council Parking Standards in Making Fife's Places SG the proposed development requires 44 parking spaces for the 22 flats in Block 1, 36 spaces for the 36 extra care flats in Block 2, with the café's parking requirements being accommodated within the residential requirement, and 2 in curtilage spaces per dwelling for the 6 dwellings. Communal car parking is proposed for Blocks 1 and 2, therefore only 2 visitor parking spaces are required. Therefore, a total of 82 communal parking spaces are required. The proposed site plan shows 86 communal car parking spaces for Block 1 and Block 2, which is acceptable. However, a minimum of 8 spaces is required to be provided as electric charging points with the remaining parking spaces future proofed for conversion to electric charging points. Parking spaces adjacent to prospectively adoptable roads is required to be in rows no greater than 6 in number. The row of 8 no. parking spaces at the south end of the site would therefore need to be split into two rows of 4 spaces or two rows of 3 spaces with 2 spaces being removed. These amendments could be covered through appropriate planning conditions. The 6 dwellings are being provided with the required 2 off-street car parking spaces each.

2.6.9 Subject to the minor amendments set out above, TDM has no objections to the proposed development, subject to conditions. The proposals have addressed the reason for refusal, in demonstrating that the that the trips generated proposed development would not result in an unacceptable impact on the local road network, and measures to promote the use of sustainable transport have been provided.

2.7 Contaminated Land And Air Quality

2.7.1 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. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to air quality, contaminated and unstable land.

2.7.2 The application site lies within a Coal Authority Development High Risk Area therefore, the applicants were required to submit a Coal Mining Risk Assessment Report in order to assess the potential risks to the proposed development which may result from the coal mining legacy.

2.7.3 A Coal Mining Risk Assessment (Mcgregor McMahon, July, 2021) was submitted with the application. The report identifies that the Lochgelly Splint and Five Foot coal seams are likely to underlie the site at shallow depth. It considers that the risk of ground instability at the site resulting from the unrecorded mining of these seams is high. The report recommends for the carrying out of intrusive ground investigations, in the form of the drilling of boreholes, to investigate the shallow mining situation. It indicates that the results of these boreholes will supplement ground investigation data obtained from previous investigations carried out at the site in relation to the previously refused planning application (19/01047/FULL).

2.7.4 The Coal Authority has been consulted and has advised that it welcomes the report's recommendation for the undertaking of further intrusive site investigations. It advises that these should be designed and carried out by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development. The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development, including buildings and external parts of the site such as

roads, driveways and vehicle parking and manoeuvring areas. Such works/measures may include grouting stabilisation works and foundation solutions. The Coal Authority concurs with the recommendations of the Coal Mine Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. The Coal Authority therefore has no objections, subject to conditions to address the aforementioned matters.

2.7.5 An updated site investigation report has been submitted with the application (McGregor McMahon, July 2021). Fife Council Land and Air Quality Team confirmed that the results of the further investigations/delineation works, ground gas monitoring and relevant risk assessment require to be submitted. A Remedial Action Statement will also be required and will confirm the remedial/mitigation measures to be employed. The statement must include a verification plan specifying when, how and by whom remedial measures will be inspected. The remedial action statement must be submitted to and accepted in writing by Fife Council before any development work begins on site. A Verification Report will be required on completion and before occupation of any property. These requirements could be covered by planning conditions.

2.7.6 The Land and Air Quality Team also advised that an Air Quality Impact Assessment is required. The applicant subsequently submitted an Addendum to Site Investigation Report (22nd August 2019, prepared by McGregor McMahon) which included an Air Quality Impact Assessment dated 21st August 2019 by The Airshed. Following a review of these reports, the Fife Council Land and Air Quality Team confirmed that the submitted Air Quality Impact Assessment is satisfactory and they have no further comments to make in this regard. In relation to the Addendum to Site Investigation Report, the Land and Air Quality Team noted that further delineation of the asbestos contamination is yet to be undertaken. The results of which should be provided. They re-iterated the requirement for a Remedial Action Statement and Verification Report, all of which could be covered by appropriate planning conditions.

2.7.7 On the basis of the above, submission of the findings of further site investigations (including information on the delineation of asbestos contamination) and any subsequent Remedial Action Statement and Verification Report could be secured via conditions to demonstrate compliance with PAN 33 and Policy 10.

2.8 Natural Heritage And Trees

2.8.1 Policy 3 (c) of NPF4 states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Policy 4 (a) of NPF4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 20 (a) of NPF4 states that development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

2.8.2 FIFEplan Policy 13: Natural Environment and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets

including: green spaces; biodiversity in the wider environment; and protected and priority habitats and species. Where adverse impacts on existing assets are unavoidable proposals will only be supported where these impacts will be satisfactorily mitigated.

2.8.3 Making Fife's Places Supplementary Guidance and in particular, Appendix A provides information on the site assessment which should be submitted with a planning application to provide details in relation to natural heritage and biodiversity.

2.8.4 The FIFEplan allocation for KDY039 identifies green network priorities for the site including a requirement to provide a high-quality development and landscape edge to the coast incorporating access and biodiversity improvements.

2.8.5 The FIFEplan allocation for KDY039 also sets out a number of requirements with regard to Habitats Regulations Appraisal Mitigation as follows:

- As a precautionary measure all works on/along the sea wall/defences and high tide line must be restricted to avoid the winter period (September - March);
- Proposals must comply with Local Development Plan Policies 1, 3, 12 and 13 and provide details of water discharge management; and
- To be in accordance with the Local Development Plan and for permission to be granted, detailed proposals, including applications for planning permission in principle, must demonstrate that the development would not adversely affect the integrity of the Firth of Forth SPA either alone or in combination with other plans or projects.

2.8.6 Reason for refusal 3. of planning application reference: states that the applicant failed to demonstrate that the proposed development would protect or enhance natural heritage assets or promote biodiversity. The proposal is therefore contrary to SPP 2014, Policy 13 of the Adopted FIFEplan 2017 and Making Fife's Places Supplementary Guidance.

2.8.7 An objection comment notes concern regarding the impact of the proposal on nesting birds. The applicant has submitted an Ecological Impact Assessment (EnviroCentre, January, 2025) and Landscape Proposals (NORR, September 2024). Fife Council's Natural Heritage Officer has reviewed the submitted information and advised that the opportunities for enhancement detailed within the report should be followed. The additional planting suggestions should be incorporated into the landscape design, to ensure biodiversity enhancement via native species inclusion and that bat and bird boxes should also be incorporated into the site design (building and landscaping). A particular reason for inclusion of native planting in the planting design for this development is that this site sits at the northern end of the coastal green corridor which effectively extends from Kinghorn to the Tiel Burn riparian corridor. Maintenance of such habitat corridors is viewed as an important factor in maintaining permeability for wildlife and will be a potential component of Fife's part in the national Nature Networks initiative. The NHO advises that the proposed *Stipa tenuissima* (Argentine needlegrass/Mexican feathergrass) should be removed from the species list as it is non-native and potentially invasive.

2.8.8 Nature Scot was consulted on the planning application but offered no comment "due to the relatively small scale" of the proposed development. They noted that they were content for Fife Council to consider the natural heritage aspects of the proposal.

2.8.9 The proposals have addressed reason for refusal 3 of planning application reference 19/01047/FULL by providing further information to demonstrate that the proposal would protect and enhance natural heritage assets and promote biodiversity. The proposals also comply with Policy 3 and 20 of NPF4 and Policy 13 of FIFEplan in regards to natural heritage.

2.9 Sustainability

2.9.1 Policy 1 of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises. Also, Policy 2 of NPF4 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.

2.9.2 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), 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.

2.9.3 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all major development should provide information about the energy use of a development to demonstrate that the requirements of FIFEplan Policy 11 regarding CO₂ emission reduction targets have been met (including how renewable and low-carbon energy technologies will be incorporated into the development); and will ensure that energy is an integral part of the development's design and evolution.

2.9.4 It is noted that the proposed development would not be able to connect into a heat network as there is not a heat network within 1km of the application site. The Energy Statement of Intention submitted with the previously refused planning application confirms that there will be a focus on maximising energy efficiency measures within the fabric of the buildings and maximising passive solar gain through large areas of glazing proposed throughout the buildings. Renewable technologies, such as PV panels or air source heat pumps, would be incorporated to meet the carbon reduction standards. The proposed development would utilise suppliers and products that are certified by BES 6001 Framework Standard for Responsible Sourcing to ensure that materials are sustainably sourced where possible. Water efficient fittings are to be provided to all WCs and WHBs within the flats. Dual flush WC cisterns should have an average flush volume of not more than 4.5 litres. Single flush WC cisterns should have a flush volume of not more than 4.5 litres. Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per

minute. Facilities would be provided for the separate collection of dry recyclable waste and food waste in accordance with the Fife Council waste collection regime. Bin stores are incorporated within each building. Whilst the above measures are considered acceptable, no Low Carbon Checklist or Energy Statement of Intention have been submitted with this application as required by Fifeplan (2017) Policy 11 and Fife Council's Low Carbon Supplementary Guidance so the applicant has not submitted sufficient information to demonstrate compliance with the policy requirements. The proposed development has also failed to demonstrate that it would not lead to an increase in flooding and coastal erosion without hard coastal defence measures. Fife Council Flooding, Shoreline and Harbours have recommended refusal of the planning application in this regard.

2.9.5 The proposal would make efficient use of a brownfield site and bring land back into beneficial use, thereby, contributing to the regeneration of the Inveriel area and could potentially support delivery of an accessible residential development. However, insufficient information has been provided to demonstrate that the proposals comply with FIFEplan (2017) Policy 11 and NPF4 Policies 1 and 2 as no information has been provided in relation to low carbon with no Energy Statement of Intention or Low Carbon Checklist having been provided. Additionally, with specific reference to flood risk and coastal erosion the proposed development has failed to demonstrate that it would not lead to an increase in flooding and coastal erosion without hard coastal defence measures. Overall, the proposal would not result in a development that would contribute to sustainable development.

2.10 Developer Contributions

2.10.1 Policy 18 (Infrastructure First) of NPF4 states that development proposals which provide (or contribute to) infrastructure in line with that identified in LDPs will be supported. FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies includes transport, schools, affordable housing, greenspace, public art and employment land. Policy 4 sets out a list of specific types of development which are exempt from the payment of contributions, including proposals for the conversion or renovation of listed buildings; the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement; employment uses and town centre redevelopment proposals; residential development of fewer than 10 houses, or retail proposals of less than 2,500 square metres gross floor area; affordable housing, special needs housing, and sheltered housing; or student housing.

2.10.2 The application site is identified as derelict land in the Fife Council Vacant and Derelict Land Audit 2018, the proposed development involves redevelopment of brownfield and potentially contaminated land within the Kirkcaldy settlement boundary and therefore is exempt from the payment of contributions.

2.10.3 In relation to affordable housing contributions, the Fife Council Affordable Housing Supplementary Guidance also sets out a number of exemptions. This includes where a proposal involves the reuse of long-term vacant land within a defined settlement as is the case with the proposed development and therefore, it is exempt from affordable housing contributions.

2.11 Education

2.11.1 Policy 18 of NPF4, Policies 1 and 4 of the LDP and Fife Council's Planning Obligations Framework Guidance (2017) apply. Certain types of development will be required to provide education contributions, where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of new development.

2.11.2 The application site lies within the catchment areas of Kirkcaldy West Primary School, St Marie's Roman Catholic Primary School, Balwearie High School and St Andrew's Roman Catholic High School.

2.11.3 Reason for refusal 5. of planning application reference 19/01047/FULL states that the proposals would have an unacceptable, detrimental impact on education capacity at the catchment primary school which cannot be mitigated against. The proposed development is therefore, contrary to Policies 1 and 4 of the Adopted FIFEplan - Local Development Plan (2017).

2.11.4 To address the education capacity issues, the proposals have been amended and all of the units on the site, including the extra care provision, would be for solely for occupants aged 55 and over. Based on this, the proposals would not expect any children from the new homes and there would therefore be no impact on school capacity. Fife Council Education Service have been consulted and have advised that, as the age of the occupants would be restricted to over 55, then there would be no impact on the school rolls and therefore they would have no objections, subject to the age restrictions being in place.

2.11.5 In conclusion, subject to a legal agreement restricting the age of the occupants of all of the units on site, the proposals would be acceptable in regards to the impact on education capacity. The proposals would therefore be compliant with NPF4 Policy 18, FIFEplan Policies 1 and 3 and 4 and the Draft Planning Obligations Framework Supplementary Guidance (2017).

2.12 Open Space and Play Areas

2.12.1 Policies 14, 20 and 21 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.12.2 An objection comment raises concern that the proposals will impact negatively on the open aspect of the widely used natural community space, specifically the bungalows adjacent to Seafield road. The area adjacent to the bungalows is not designated as Protected Open Space and it is not identified as although it is acknowledged that it is an area used for recreation. The proposals do not alter the existing picnic area at Seafield Road. It is also not considered that the proposals, being adjacent to the picnic area, would not adversely affect this area and would continue to allow it to be used for recreational purposes. The proposed development would not provide for 60sqm of open space per residential unit as required by Making Fife's Places Supplementary Guidance. In setting out how the requirement for each development will be assessed, the guidance also asks if the residential units are within 250 metres walkable distance of an existing open space via a safe and attractive route. Both Seafield Beach and the Seafield picnic area and open space are within 250 metres walking distance of the application site. The

proposal makes provision for steps down to Seafield Beach to the east and would link into the footpaths along the south side of the site to provide access to the Seafield picnic area and open space and therefore, could provide safe and attractive routes to each. In these circumstances, the guidance advises that applicant could contribute to the upgrade of existing open space or green network required rather than provide 60sqm of open space on-site. Fife Council Parks, Development and Countryside Team requested that the applicant contribute £1,000 per flat towards improvements to Inveriel or Beveridge Park. However, the proposed development is exempt from the requirement to provide developer contributions as discussed in Section 2.10 of this report, so no contributions would be sought in this instance.

2.12.3 The proposed development is acceptable in terms of access to open space.

2.13 Strategic Transport Interventions

2.13.1 Policy 18 of NPF4, Policies 1 and 4 of the LDP and Fife Council's Planning Obligations Framework Guidance (2017) apply.

2.13.2 The site is located within the Kirkcaldy Core Strategic Transport Zone as per the Planning Obligations Framework Guidance (2017). However, the site is identified as derelict land in the Fife Council Vacant and Derelict Land Audit 2018, the proposed development involves redevelopment of brownfield and potentially contaminated land within the Kirkcaldy settlement boundary and therefore is exempt from the payment of contributions.

2.14 Community and Economic Benefit

2.14.1 NPF4 (2023) Policy 16 advises that development proposals that include 50 or more homes should be accompanied by a Statement of Community Benefit. The statement should explain the contribution of the proposed development to: i. meeting local housing requirements, including affordable homes; ii. providing or enhancing local infrastructure, facilities and services; and iii. improving the residential amenity of the surrounding area.

2.14.2 The applicant has not provided a Statement of Community Benefit. The agent was given the opportunity to provide this information, but it has not been forthcoming. Whilst it is acknowledged that such a proposal would likely provide community benefit to the area, no information in this regard has been provided by the applicant therefore this cannot be fully assessed. The submitted information has therefore not demonstrated that the proposal would provide an economic and community benefit to Fife as no Statement of Community Benefit has been provided. The proposals therefore do not comply with NPF4 Policy 16.

3.0 Consultation Summary

Structural Services - Flooding, Shoreline And Harbours	Objection – coastal erosion and coastal flooding.
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NatureScot	No comments.
Scottish Environment Protection Agency	No objections.
TDM, Planning Services	No objections, subject to conditions.
Natural Heritage, Planning Services	No objections, subject to conditions.
Scottish Water	No objections.
TDM, Planning Services	No objections, subject to conditions.
Land And Air Quality, Protective Services	No objections, subject to conditions
Urban Design, Planning Services	Comments provided.
Parks Development And Countryside	No objections.
The Coal Authority	No objections, subject to conditions
Education (Directorate)	No objections.
Housing And Neighbourhood Services	No objections.
Transportation And Environmental Services - Operations Team	No response.
Community Council	No response.
NHS Fife	No response.
Policy And Place Team (Central Area)	Object – coastal erosion.
Environmental Health (Public Protection)	No objection.
Parks Development And Countryside - Rights Of Way/Access	No response.
Asset And Facilities Management Services	No response.

4.0 Representation Summary

4.1 One letter of objection has been received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Noise from supermarket and road would impact on bungalows proposed	2.5.7
b. Proposal will affect nesting birds and wildlife on the site	2.8.7
c. Large increase in traffic will have a negative impact on area	2.6.3
d. Proposal will impact negatively on the open aspect of the widely used natural community space, specifically the bungalows adjacent to Seafield road.	2.12.2

5.0 Conclusions

Whilst it is acknowledged that the principle for residential properties on the site could generally be supported on a brownfield, vacant and derelict site, allocated within the FIFEplan (2017) Local Development Plan (KDY 039) for a Development Opportunity, including residential, and the proposals have addressed previous refusal reasons including natural heritage, biodiversity, and education impacts and design, the proposal would increase the risk to people from coastal erosion. Despite numerous attempts, the proposals have failed to demonstrate that the proposed coastal defence measures would provide adequate and sustainable protection for the development over its lifetime and does not satisfactorily establish that the proposed defences would be effective in preventing coastal erosion or flooding in the long term. Accordingly, the proposal is contrary to Policies 10 and 22 of NPF4 (2023) and Policies 1, 3 and 12 of the Adopted FIFEplan Local Development Plan (2017), which require that development proposals in coastal areas do not increase the risk of flooding or coastal erosion and are designed to function sustainably without reliance on new coastal defence infrastructure. Further, the proposal is not acceptable in principle, as it is contrary to Policy 1, 2 and 10 of NPF4 (2023) and Policy 1 and 12 of the Adopted FIFEplan (2017) because it would result in the need for new coastal protection measures and increase vulnerability to coastal erosion and flooding. The proposal involves the redevelopment of land to a more vulnerable use than its previous designation and it does not meet any of the exceptions outlined in Policy 22. Therefore, the proposal would ultimately be considered unacceptable in principle. The proposal has also failed to provide information regarding community benefit, as required by NPF4 Policy 16 and how the proposals would be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change, how they would meet the current carbon dioxide emissions reduction targets (including how renewable and low-carbon energy technologies will be incorporated into the development); and how they will ensure that energy is an integral part of the development's design and evolution, as no Low Carbon Checklist or Energy Statement of Intention has been provided, as required by FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (2019). The proposals therefore cannot be fully assessed against NPF4 Policies 1 and 2 and FIFEplan Policy 11 and the Low Carbon Fife Supplementary Guidance (2019). Despite being an allocated and brownfield site, where development would generally be supported, in this instance, further information is available in

regards to coastal erosion than was available when the site was allocated, and it has not been demonstrated that there will be no significant impacts to a vulnerable use on the site (residential) in regards to coastal erosion or flooding and so the site's allocation and brownfield nature does not outweigh the non-compliance with coastal erosion and flooding policies of the Local Development Plan in this instance particularly when considering the significance of tackling the climate and nature crisis (NPF4 Policy 1) and the unpredictability of climate change in the future.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. The proposal has failed to demonstrate that the proposed coastal defence measures would provide adequate and sustainable protection for the development over its lifetime and does not satisfactorily establish that the proposed defences would be effective in preventing coastal erosion or flooding in the long term. Accordingly, the proposal is contrary to Policies 10 and 22 of NPF4 (2023) and Policies 1, 3 and 12 of the Adopted FIFEplan Local Development Plan (2017), which require that development proposals in coastal areas do not increase the risk of flooding or coastal erosion and are designed to function sustainably without reliance on new coastal defence infrastructure.

2. The proposal is not acceptable in principle, as it is contrary to Policy 1, 2 and 10 of NPF4 (2023) and Policy 1 and 12 of the Adopted FIFEplan (2017) because it would result in the need for new coastal protection measures and increase vulnerability to coastal erosion and flooding.

3. The proposal has not demonstrated that the proposal would provide an economic and community benefit to Fife as no Statement of Community Benefit has been provided, as required by NPF4 Policy 16. Therefore insufficient information has been submitted to demonstrate that the proposals comply with NPF4 Policy 16.

4. The proposal has not demonstrated that how the proposals would be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change, how they would meet the current carbon dioxide emissions reduction targets (including how renewable and low-carbon energy technologies will be incorporated into the development); and how they will ensure that energy is an integral part of the development's design and evolution, as no Low Carbon Checklist or Energy Statement of Intention has been provided, as required by FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (2019). Therefore insufficient information has been submitted to demonstrate that the proposals comply with FIFEplan (2017) Policy 11, Fife Council's Low Carbon Fife Supplementary Guidance (2019) and NPF4 (2023) Policies 1 and 2.

7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Natasha Cockburn

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 10.11.25

Committee Date: 19/11/2025

Agenda Item No. 6

Application for Full Planning Permission

Ref: 24/03281/FULL

Site Address: King Malcolm Hotel Laburnum Road Dunfermline

Proposal: Erection of retail unit (Class 1A) and associated works (demolition of existing building)

Applicant: Lidl Great Britain Limited, 1 Coddington Crescent Eurocentral

Date Registered: 5 March 2025

Case Officer: Natasha Cockburn

Wards Affected: W5R04: Dunfermline South

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional approval requiring a legal agreement

1.0 Background

1.1 The Site

1.1.1 The application site measures approximately 7,837sqm in area. The site is within the settlement boundary of Dunfermline. It is not allocated for any particular use, however there is a vacant hotel located on the site (King Malcolm Hotel), which closed in 2020. The surrounding area is predominantly residential, with Queensferry Road located to the west of the site. The current access road into the site is taken from Laburnum Road to the south at two points. The site is predominantly hardstanding around the hotel building, and trees surround the site to the north, west and southern boundaries. There is an area of surface water flooding on the eastern side of the site. There are no statutory designated sites present within 2km of the site. The site is dominated by buildings and hardstanding with areas of modified grassland, introduced scrub, urban trees and ornamental hedgerows. There are 55 individual trees on the site - 20 small trees, 33 medium and 2 large trees of local value. Laburnum Road is subject to a 20mph speed limit and there is an existing pair of bus stops on the Laburnum Road frontage of the site. The site is predominantly level but it sits lower than Queensferry Road and lower than Pitcorthie Road to the north. To the north and east, the site is bounded by a painted timber post and rail

fence. The fence is decayed, damaged and missing in some areas. A section of the boundary to the north comprises a masonry retaining wall.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The proposal is for the erection of a retail unit (Class 1A) with associated access, parking, landscaping and other associated works. The proposed supermarket would measure 1,986sqm GIA with a net sales area of 1,335 sqm. 80 percent of the unit would be for convenience good sales and 20 percent for comparison goods sales. The proposed gross floor area would be 2,076sqm. The proposed retail unit would be located in the northeastern part of the site, with access taken from Laburnum Road to the south of the site, which is an existing access previously used for the hotel. A second existing access road, further west of Laburnum Road, would be closed. Pedestrian access is proposed from Laburnum Road to the south and via two stair accesses from Queensferry Road to the west. Parking would be located to the west and south of the proposed building. The warehouse would be located to the eastern side of the building, where vehicles would load and unload. Parking would be located to the west side of the site, with 91 parking spaces proposed. The entrance lobby of the store would be to the southwest corner of the building so the store frontage would be to the south. The proposal includes a landscape/acoustic buffer to the north of the site, between the loading area and the residential area to the north, a 3.5m high acoustic barrier is proposed to the east side of the loading bay and a 2.2m high acoustic fence is proposed along the eastern boundary of the site, against the boundary to the neighbouring gardens. Standard trading hours are 0800 - 2200 Monday to Saturday including bank holidays and 0800 - 2100 on Sundays. Pedestrian access is proposed along the southern and western boundaries of the site. At this point, dedicated

footpaths and crossings will convey customers across the car park to the store entrance. These elements will promote safe and convenient access for pedestrians to and from the site. The cycle parking will be located in a convenient and visible location within the car park, beneath the canopy close to the north-western corner of the store building.

1.3 Relevant Planning History

- 85/00473/HIST – Advertisement Consent for the erection of 2 Advertising Flagpoles at King Malcolm Thistle Hotel Wester Pitcorthie Dunfermline – **Refused** on 13/08/85
- 18/01300/ADV - Advertisement Consent for the display of 6 non-illuminated timber advertisement boards – **Refused** on 18/07/18
- 22/00826/TEL - Prior notification for the installation of telecommunications equipment – **Closed** on 08/04/22
- 25/01236/SCR - EIA Screening opinion for demolition of existing buildings and erection of new development comprising a discount food store (Class 1A) with car parking and landscaping – **EIA Not required** on 12/05/25

1.4 Application Procedures

1.4.1 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. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 Under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development falls within Schedule 2 of the Regulations as an urban development project. The application threshold for this type of development is 0.5 hectares. The site measures approximately 1.36 hectares, therefore it was screened for EIA purposes. A screening assessment was carried out which determined that the characteristics of the development, the environmental sensitivity of its location and the characteristics of its potential impact were such that an EIA was not required in this instance (ref: 25/01236/SCR).

1.4.3 The application was advertised in The Courier newspaper on the 13th March 2025 for Neighbour Notification purposes. Due to design alterations, the application was re-advertised on the 17th July 2025 and neighbours within 20 metres of the application site were also re-consulted.

1.4.4 A physical site visit was undertaken by the case officer on the 17th July 2025. The following evidence was also used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery)
- GIS mapping software, and
- Site photographs provided by the applicant/agent

As such, the evidence and information available to the case officer is considered sufficient to determine the proposal.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 3: Biodiversity

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy 4: Natural places

To protect, restore and enhance natural assets making best use of nature-based solutions.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 9: Brownfield, vacant and derelict land

and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy 12: Zero Waste

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy 13: Sustainable transport

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 15: Local Living and 20 minute neighbourhoods

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy 27: City, town, local and commercial centres

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

Policy 28: Retail

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

Policy 30: Tourism

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

Adopted FIFEplan (2017)

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

Policy 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 6: Town Centres First

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

National Guidance and Legislation

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on: assessing low carbon energy applications demonstrating compliance with CO2 emissions reduction targets and district heating requirements; requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

Policy for Development and Noise looks at both noisy and noise sensitive land. Noise sensitive developments may need to incorporate mitigation measures through design, layout, construction or physical noise barriers to achieve acceptable acoustic conditions.

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

Developing Brownfield Sites

Daylight and Sunlight

Trees and Development

Other Relevant Guidance

Local Living and 20 minute neighbourhoods: planning guidance (2024)

Planning Advice Note 1/2011: planning and noise (2011)

Planning Advice Note 33: Development of contaminated land (2017)

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability

2.2 Principle of Development

2.2.1 NPF4 Policy 30 (Tourism) criteria c) states that development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.

2.2.2 Further to this, FIFEPlan (2017) states that any proposed loss of community facilities will be resisted and may only be deemed acceptable by the Council if it is accompanied by a statement that demonstrates, through evidence of marketing for a reasonable time period (at least 18 months) and at a fair market value for the current use, that:

- the existing business is not viable;
- the existing building cannot be reused for its existing purpose;
- equivalent alternative facilities exist in the local community; and
- the site cannot be redeveloped for a local community or tourism purpose.

Any proposed loss of community facilities will be resisted and may only be deemed acceptable by the Council if it is accompanied by a statement that demonstrates, through evidence of marketing for a reasonable time period, that the existing business is not viable, the existing building cannot be reused for its existing purpose and the site cannot be redeveloped for a local community or tourism purpose. A hotel is defined as a Community Use within FIFEplan (2017).

2.2.3 A Condition Survey Report (Rapleys, December 2024) and a Viability Report (Colliers, January 2025) were provided with the application. It should be noted that several fires have taken place on the site since the condition survey report was undertaken so this survey does not include the latest fire damage. The Condition Survey Report sets out that the building is in poor condition with an accumulation of defects and issues which would require rectification if it were to be re-used. A recommended schedule of works has been provided within the report, which reports refurbishment and repair works would have a cost of around £3,391,000. The Viability Report uses the Condition Survey Report as a basis to establish whether it would be economically viable to re-open the property and trade as a hotel. It concludes that there would be no logical support for committing to the funds required to return the property to a hotel use, with costs likely to be more than £4 million with capital loss greater than £3 million. It is concluded in the report that a licensed hotel use is not economically viable on the site.

2.2.4 In regards to NPF4 Policy 30 which states that development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area, it is considered that information has been provided to show that the current use is not viable but no demonstration has been provided to show that there is no requirement for alternative tourism-related facilities in the area. In this regard, Fife Council's Town Centres Team (TCT) has advised that the loss of hotel capacity in Dunfermline would not help develop the city economy and sustain the existing retail and service offer. The Fife Council Hotel Demand Study (GVA Consultancy, March 2017), indicated a need to develop additional hotel capacity in Dunfermline to enable growth of the visitor economy, but this was constrained by a lack of available sites at that time. The subsequent granting of City Status in 2022, and current and planned investment into the City's heritage/destination offer (for example Dunfermline Abbey, City Square, Carnegie Halls, War Memorial), suggest that the growth of the local economy would be better served by retaining the scope to readily increase visitor accommodation. The TCT therefore do not support the proposals to redevelop the site for a different use. It is, however, noted that whilst a tourism demand is noted in Dunfermline city, there is no evidence of a tourism demand in this particular area of Dunfermline. It is considered

that a hotel or community use would be directed towards the city centre and would be preferred in a city centre location to drive footfall into the town centres.

2.2.5 The agent has submitted a statement which sets out that the owner of the site has advised that after the closure of the hotel in December 2020 (almost 5 years ago), they had approached several hoteliers with a view to confirming whether they would be interested in the site for use as a hotel. However, the hoteliers responded that the expense of refurbishing the existing building was prohibitive and there is not sufficient demand for hotel use in the area. They state that the lack of market demand reflects the issues faced by the previous operator who has gone into administration. As such, reusing the existing building for its existing purpose is deemed to be unviable. Furthermore, they state that there was little demand for the hotel when it was operational which meant that the business was run at a loss for several years and this resulted in the business going into administration.

2.2.6 A Viability Report for the existing property and use has been produced by Colliers, which accompanies this application. The report concludes that the reuse of the existing building is unviable due to its condition and the costs involved in the building's refurbishment, and the likely trading profile for such a facility in the event it was refurbished and occupied. The applicant has submitted a further statement which sets out that they acknowledge that marketing information is not available and they do not have the ability to market the site because they are not the owners of the site. They consider that they have demonstrated that the hotel use is not viable in accordance with Policy 3. They state that the viability report demonstrates that a hotel use on the site would not be viable whether the existing building was refurbished or a new building was constructed. The condition survey demonstrates that there would be significant costs associated with restoring the existing building and this would reduce viability further. Following recent fires on the site, it is estimated by the applicant that it is even less likely that the building could be refurbished.

2.2.7 The applicant considers that the site does not therefore currently represent a viable or valuable cultural, tourism or community resource. Accounts have been provided which show that the hotel was running at a loss and was only able to trade because they were part of a wider group of hotels. It is therefore unlikely that any independent hoteliers would be willing to trade from this location or operate a viable business. The current landowner previously approached hoteliers such as Premier Inn and Travelodge who are tenants of the owner in other group companies and were advised, that the site was not an attractive destination for a hotel, and that the cost to refurbish or rebuild a hotel would be too excessive, making a hotel unviable. The applicant considers that the site is a detriment to the area, given recent anti-social behaviour occurring on the site, including the recent fires. The applicant, therefore, overall, considers that there would be no merit in requiring an 18-month marketing exercise to be undertaken at this stage and that this would likely show that there is no demand for a hotel use on the site. The requirement for marketing information would delay and prevent a viable economic use from coming forward on the site which would result in the site being redeveloped and being brought back into beneficial use, bringing benefits to the local area. Therefore, no formal marketing exercise has been undertaken, and the applicant contends that this would be unnecessary given the clear lack of viability demonstrated within the submission.

2.2.8 In terms of NPF4 Policy 30, while viability evidence has been provided, there has been no demonstration that there is no requirement for alternative tourism facilities in Dunfermline. Fife Council's Town Centres Team (TCT) considers that the loss of hotel capacity would undermine city growth, referencing the Hotel Demand Study (2017) and City Status (2022). Under

FIFEplan Policy 3, no marketing evidence has been submitted, nor has it been shown that alternative facilities exist or that the site cannot be redeveloped for another community/tourism use. The proposal therefore fails to meet the technical requirements of these policies, however, the applicant has provided significant information demonstrating the lack of the viability of the existing/previous hotel use which gives weight and goes some way to demonstrating that the siting of a hotel or other similar use on this site would not be the most appropriate use, given its location out of the town centre. It is acknowledged that the economic viability information submitted has not been verified by a third party in this instance, however the report has been written by a suitably qualified professional and is therefore considered to be a reliable source of information. Further, it is worth noting that the building itself can be demolished without the requirement of planning permission.

2.2.9 Overall, the application does not fully comply with NPF4 Policy 30 or FIFEplan Policy 3 but there is significant argument and evidence to demonstrate that the current use on the site is no longer appropriate and would be best located elsewhere in the centre of the city where the use would be better complemented.

2.2.10 Support comments raise that the proposals would bring a derelict, brownfield site back into use. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) states that development proposals that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. The site has not naturalised. Therefore, the proposals are supported by NPF4 Policy 9 in that they would result in the reuse of brownfield land, and it has been demonstrated that the existing building could not be reused, particularly following the fire damage.

2.2.11 NPF4 Policy 1 (Tackling the climate and nature crises) gives significant weight to the global climate and nature crises. By developing this brownfield site, the proposals would be supported by this policy. NPF4 Policy 2 requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be sited and designed to adapt to current and future risks from climate change. The location of the proposals on brownfield land, in a well connected area, within walking distance to residential properties and immediately adjacent to bus routes, bus stops and cycle lanes, would give support to this proposal from Policies 1 and 2 of NPF4.

2.2.12 Overall, there are material considerations which weigh strongly in favour of the redevelopment of the site. Independent viability and condition reports confirm that the former hotel building is in very poor condition, that refurbishment or rebuilding for hotel use would involve prohibitive costs, and that there is no realistic prospect of a viable hotel business operating from the site. The building has remained vacant for almost 5 years, has suffered repeated fire damage, and is now subject to antisocial behaviour. Independent reports noted above confirm the building is derelict, repeatedly fire-damaged, and not viable for reuse or new hotel development. The redevelopment of the site would remove a dilapidated building and bring brownfield land back into beneficial use. NPF4 Policies 9 (Brownfield land), 1 (Climate), and 2 (Net Zero design and sustainable locations) support the redevelopment of this site given its condition, connectivity, and potential for sustainable reuse. It is also considered that a hotel use or similar, would likely be directed into the city centre anyway, so the loss of this use within a residential area is not significant.

2.2.13 On balance, whilst the loss of the hotel conflicts with the tourism/community policies (Policy 30 of NPF4 and Policy 3 of FIFEplan), these other material considerations are judged to outweigh this, and the principle of loss of the hotel use is accepted in this instance.

2.2.12 NPF4 Policies 15 (Local Living), 25 (Community Wealth), 26 (Business & Industry), 27 (Centres), and 28 (Retail), together with FIFEplan Policy 6 (Town Centres First), are relevant in regard to the proposed use.

2.2.14 NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) encourages, promotes and seeks to facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

2.2.15 NPF4 Policy 25 (Community Wealth Building) aims to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. Policy 26 of NPF4 (Business and Industry) aims to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

2.2.16 Policy 27 (City, town, local and commercial centres) states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

- i. will be supported in existing city, town and local centres, and
- ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
 - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
 - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
 - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

2.2.17 Policy 28 (a) of NPF4 (Retail) states that Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:

- i. will be supported in existing city, town and local centres, and
- ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP.
- iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).

2.2.18 Policy 28 (c) states that proposals for new small scale neighbourhood retail development will be supported where the proposed development:

- i. contributes to local living, including where relevant 20 minute neighbourhoods and/or
- ii. can be demonstrated to contribute to the health and wellbeing of the local community. Policy 28 (d) is not relevant as this relates to island and rural areas.

2.2.19 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either

- (a) within a defined settlement boundary and compliant with the policies for this location; or
- (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.20 Policy 6 (Town Centres First) of FIFEplan 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.

2.2.21 Objection comments raise concern that there is no need for another supermarket so close to Asda, Tesco, Iceland and Aldi. Support comments highlight that increased competition for the adjacent supermarkets is beneficial and that a new store is required for the increasing housing being built in the area. Competition between businesses is not a material planning consideration, however it is acknowledged that the proposed supermarket will bring further convenience retail into the area which the surrounding residential area would benefit from.

2.2.22 Support comments highlight that the shop will be easily accessible by bus and walking from residences nearby and will encourage people to walk or take the bus rather than use the car. Support comments also highlight that the proposals would increase development and investment in the area and that the proposals would also bring a sense of community to the area. Support comments highlight that people currently travel to other towns to visit a Lidl, so this would be better for the environment and that stores are not within easy walking distance for older people who do not have easy access to a car.

2.2.23 Given that the development would not exceed the 2,500 square metre threshold, a Retail Impact Assessment is not required as part of this application. However, a Planning and Retail Statement (Rapleys, January 2025) was submitted along with the application, which includes a section on the sequential assessment which was carried out. The sequential assessment provided by the applicant is based on a primary catchment area of a 5-minute drive which includes Dunfermline Town Centre, Carnegie Drive Retail Park and Local Centres at Abbeyview, Hospital Hill, Rosyth North, Rosyth Middle and Rosyth South. FIFEplan (2017) sets out the catchment areas expected to be used for a retail proposal of this scale, and it includes a Retail Catchment area covering central and west Fife, including Kincardine, Cowdenbeath, Inverkeithing and Dalgety Bay. Given the applicant's submitted assessment uses a 5 minute drive as their catchment area, it has not covered all of the areas set out within Policy 6.

2.2.24 The applicant has submitted justification for not assessing using the retail catchment area as required by Policy 6, stating that assessing all centres within the West Fife Retail Catchment Zone, which covers a significant area, is not considered appropriate in the context of this proposal because Lidl shops serve a relatively compact catchment area as they provide a neighbourhood shopping facility. Lidl's locational strategy is based on stores in urban areas serving a catchment typically equating to a 0–5-minute drive-time from the chosen site. They state that the location of other Lidl shops also plays a role in defining the sequential assessment catchment area, where each store is sited to serve their own distinct catchment areas.

2.2.25 Lidl has an existing store in the neighbouring town of Cowdenbeath and there is planning permission for a new store in Rosyth, where Lidl intend to begin construction soon. A planning

application is currently in the system for amendments to this planning application (reference: 25/01831/FULL). As such, if the sequential assessment catchment area was expanded, it would result in the overlap between the catchment of other Lidl stores. This would not accord with Lidl's commercial operating model and therefore it would be illogical to adopt an alternative catchment. Residents would not be traveling away from a Lidl store in Cowdenbeath or Rosyth, to a store in Dunfermline, which is further away from their place of residence. If the catchment was expanded, it would result in areas being assessed that are located closer to other Lidl stores than the proposed store. Accordingly, the proposed sequential assessment catchment area is justified and appropriate in this context.

2.2.26 In terms of the sequential assessment carried out, the minimum requirements for the retailer when looking for sites, has been set out as: having a minimum total site area of 0.5ha, reflecting the need to provide the store, warehousing area and associated servicing, parking and landscaping requirements, as well as the additional road network; a site that can accommodate a minimum store size of 1,800sqm (GIA); a site that can allow for the safe manoeuvring of customer vehicles; a prominent site with the ability to attract passing trade; a site that is able to offer adjacent surface level car parking, so that customers can easily transfer foods to their vehicles; a site that can accommodate a dedicated service area to the rear of the store and associated HGV's deliveries and manoeuvres; and a single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which can be developed as such.

2.2.27 No suitable sites were available within the town or local centres identified by the sequential assessment. One site at Unit E Kingsgate Centre, Dunfermline, was reviewed further. The TCT comments agree with the submitted Sequential Assessment that Unit E (formerly Debenhams) within the Kingsgate Centre is the only site within Dunfermline of sufficient size to accommodate the proposed development. This unit was found to be unsuitable because the two available floors are either significantly larger or significantly less than Lidl's floorspace parameters, there is no ability to attract passing trade because there is no active frontage with the entrance being within the shopping centre and there is no access from Carnegie Drive, there is no level car parking available, and the internal structure contains pillars and columns throughout the floors which is not suitable for a Lidl store which requires an unrestricted floor area. Further justification for this unit was requested, and a further statement has been submitted, which sets out that the HGV delivery access serves the whole shopping centre and does not therefore have a dedicated service area to serve the store, which would create significant operational problems. Additionally, the marketing details which were available in 2024 no longer appear to be available, so it is questionable whether the site is currently available. The justification provided for the chosen site is therefore accepted in this instance.

2.2.28 The TCT is opposed to a new medium scale convenience store in an out-of-centre location as they consider it will divert trade and threaten the vitality of the existing city centre and other local centres. The TCT comments also state that the vacancy rate in Dunfermline City Centre is above the national average (20.9% based on Experian data from April 2024, and 18% based on the Rapleys health check conducted in August 2024). However, the TCT acknowledge that whilst the trade diversion that this store alone is likely to generate would not cause any significant harm to the city centre, they are concerned about the precedent that would be set by granting planning permission. With regard to the vacancy rate of Dunfermline City Centre, the Rapleys health check from August 2024 shows a 2.9% reduction in vacancy compared to the Experian data from April 2024. As such, this demonstrates that the vacancy rates within Dunfermline City Centre are showing signs of improvement. Additionally, the comments acknowledge that trade diversion to the proposed store would not be significant in the context of the City Centre. Therefore, they consider that they have demonstrated that the proposal would not directly harm the vitality or viability of Dunfermline City Centre, and the TCT

accept this position. A supermarket of the scale proposed would not compete with the convenience retail offering provided by the surrounding Local Centres. Local Centres typically provide small-scale convenience offerings in which people can undertake small top-up shops, whereas the proposed supermarket would provide a convenience facility for people to carry out their main weekly shop. The submitted Retail Impact Assessment demonstrates that there will not be a significant adverse trade draw from these Local Centres, and the TCT does not challenge the figures presented. As such, it is considered that the proposal would not demonstrably harm the vitality or viability of any Local Centres within the catchment area. The concern raised in relation to the setting of a precedent is not a material consideration in the determination of a planning application. Each planning application should be determined on a site-by-site basis and on its own merits.

2.2.29 The submitted Retail Impact Assessment, contained within the Planning and Retail Statement, demonstrates that the proposal would not have a significant adverse impact on the vitality and viability of the surrounding centres. The proposed development is located adjacent to Queensferry Road, which provides key transport links within Dunfermline. As such, the proposal is located in a suitable location and is accessible via a range of sustainable modes of transport. The Transport Assessment submitted with this application supports this view, and this view is also supported by Fife Council's Transportation Development Management Team.

2.2.30 Support comments mention that the proposals would bring convenience to the area, which is currently lacking. Fife Council's Local Living and 20-Minute Neighbourhoods mapping and analysis tool classifies essential, important and desirable features, based on how a large portion of the community would use the features and how frequently they would be used. A range of walking and cycling buffers were applied to these features depending on the nature of the feature, some of these reflect standards established in Fife Council strategies, others are based on a consideration of what would be an acceptable distance for accessing these facilities on a day to day basis (400-800m, 5-10 minute walking). For some facilities such as bus stops and convenience stores, a 400m or 5 minute walking buffer has been applied, as the distance most people would be willing to walk on a day to day basis. The nearest retail offering from the site is a Morrisons Daily on St Andrews Street which is approximately 0.4 miles and a 9 minute walk from the site and further from some of the surrounding residential properties. There is a KS Stores on Whitelaw Road which is approximately 0.9 miles and a 21 minute walk from the site and further from some of the surrounding properties. The proposal would provide access to convenience retail within a 10 and 5-minute walk for the surrounding residential area. The supermarket could provide access to convenience or comparison retail for local people and could therefore be supported on a basis of improving local amenity, reducing car travel, improving the health and well-being of the local community due to its sustainable location, in accordance with NPF4 Policy 15. It is considered that this residential area would benefit from the proposed retail use, by providing convenience retail within walking distance where this option currently does not exist. It also provides further access to a convenience retail unit by sustainable modes of transport including bus and cycle, as the site is very well connected to existing bus routes and an existing cycle route immediately adjacent to the site.

2.2.31 A late objection submitted raises concern with the weight given to NPF4 Policy 15 and that NPF4 policies cannot be relied on to outweigh the conflict, particularly where they are of secondary importance within the development plan. Concern is raised that there are no considerations which would justify setting aside the development plan. As outlined within the assessment included within this report of handling, all material considerations have been assessed, including Policy 15, and appropriate weight has been given to Policy 15 in terms of the proposal's contribution to local living, including 20 minute neighbourhoods.

2.2.32 The proposed retail development does not fully comply with NPF4 Policies 27 and 28 or FIFEplan Policy 6, as it is located outwith a defined town or local centre and has not been accompanied by a sequential assessment that fully reflects the catchment area requirements set out in policy. The scale of the principal retail unit is also larger than would typically be expected of a neighbourhood development. Accordingly, the proposal is technically contrary to these policies. Nevertheless, material considerations weigh in favour of the development. The site is a prominent brownfield location which has remained vacant for a significant period, and its redevelopment would remove a derelict and deteriorating building and replace it with an active use. The proposed retail unit would provide a local shopping destination within walking distance of nearby residential areas, improving access to everyday goods and services, reducing the need for car travel, and supporting the principles of local living and 20-minute neighbourhoods. The proposals would also deliver economic benefits including new investment, job creation, increased consumer choice, and competition at a time of wider cost-of-living pressures.

2.2.33 A late objection comment references the *Tesco Stores Limited v. Perth and Kinross Council Judicial Review* decision from April 2024. In that instance, in assessing the application with reference to Policy 28, the planning authority concluded that that proposal was in accordance with policy 28(a) in that it would be justified by reference to the exception provided for by in 28(c) - it followed that, on their interpretation of paragraph (c), the proposal could properly be described as a small-scale neighbourhood development. Having satisfied this pre-condition, the other criteria in paragraph (c) were then considered and were found to have been met. Assessed in this way, the proposal was supported by Policy 28 of NPF4. The court's decision concluded that the Aldi proposal could not be considered small scale, nor could it be considered to serve only the local neighbourhood. The planning authority in this case only assessed the proposals against an uplift of 711sqm rather than the full 1884sqm because they considered it as an extension to an existing Aldi store, which would be relocating. The court decision concluded that the planning authority should have assessed the full 1884sqm store area. In response to this, it is explicitly acknowledged within this assessment that the proposals do not fully comply with NPF4 28, and it is explicitly acknowledged that the proposals are not considered to be small scale but that there are other material considerations which outweigh this policy non-compliance. As per the Chief Planner's letter (February 2023) NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement. The *Tesco Stores Limited v. Perth and Council* case is therefore not considered to be relevant in this instance.

2.2.34 A late objection also considers that NPF4 Policy 27 does not apply to retail proposals. Whilst the assessment of this application and the recommendation does not hinge on Policy 27, it is considered that Policy 27 is relevant and should be considered as part of the assessment of this application, considering that retail development is in a city/town/local/commercial centre, and the vitality/viability of the centre, the mix of uses, and the town centre first approach is being applied here. Policy 27 can therefore be relevant to retail developments via the centre-first and town centre vitality aspects, but it is not exclusive to retail uses nor does it exclude retail.

2.3.35 Support comments mention that the proposals would bring jobs to the area. Policy 25 of NPF4 (Community Wealth Building) states that development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply

chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. The proposal would provide opportunity for community wealth building through the delivery of up to 40 new employment opportunities in the local area at a minimum rate of £12.40 per hour for all employees; additional jobs generated through the construction process; 2 EV rapid chargers provided at the store; high quality, healthy, and affordable food for residents, in accordance with the health outcomes identified in NPF4; providing a positive and active contribution to the area with vandalism, arson and anti-social behaviour taking place on the existing site and Lidl's 'Feed it Back' scheme supporting local food banks with donations from the store. These factors taken together provide material considerations in favour of the proposal, which is supported by Policy 25 of NPF4. In addition, the proposal would align with Policy 26 (Business and Industry) in that it would ensure that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services.

2.2.36 A late objection comment states that the economic benefits associated with the proposed development are not site-specific and would be transferrable to another development which is located, as per the objectives of the Development Plan and NPF4, in the town centre. Thus, the proposal would not accord with the development plan as a whole and the limited benefits are transferrable and as such do not constitute material considerations adequate to determine the application otherwise than to refuse, as directed by the development plan. In response to this comment, whilst it is accepted that certain economic benefits could, in theory, be achieved through other developments in sequentially preferable locations, the current proposal presents a deliverable opportunity for immediate investment, job creation, and increased consumer choice. These benefits are not entirely abstract or transferable, as they are contingent on this specific site coming forward in the short term. These site-specific delivery factors warrant weight as material considerations, even if they do not override the need for accordance with the Development Plan and ultimately, combined with other factors, on balance, the economic benefits of the proposals are one of the factors which outweigh some other factors discussed throughout this assessment.

2.2.37 Furthermore, whilst it is noted that the proposal does not fully comply with Policies 27 and 28 of NPF4, in that it would be located in an out-of-centre location and not explicitly small-scale, the proposal would contribute to local living, as required by Policy 15. Overall, whilst there are tensions between the aspiration for local living and the impact that the development could have on town and local centres, in this instance the proposal would introduce a broader range of retail and service provision which would better serve the local area. The proposed retail element would be below the 2500sqm threshold in terms of requiring a Retail Impact Assessment, therefore the potential impacts are not considered to outweigh the benefits which would be provided in terms of economic growth and local living in this instance. On balance, therefore, the proposal would be acceptable in terms of NPF4 Policies 15, 25 and 26.

2.2.38 The assessment of an application proposal must be made against the development plan as a whole, providing a balanced assessment of all relevant policies and then forming a view on the compliance, or otherwise, with the adopted development plan. The benefits of the proposal, as outlined above, amount to sufficient positive material planning considerations to outweigh conflict with some aspects of NPF4 Policy 28 and FIFEplan Policy 6.

2.3 Design And Layout / Visual Impact

2.3.1 Policy 14 of NPF4 (National Planning Framework 4) states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

2.3.2 Policies 1 and 10 of FIFEplan (2017) apply regarding design and visual impact. Policy 1 of FIFEplan (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.

2.3.3 Support comments consider that the site is a gateway into Dunfermline and building a supermarket will have a positive impact in comparison with an empty site, which is repeatedly being vandalised. Support comments also highlight that the entrance to the city of Dunfermline would be aesthetically improved through the proposals.

2.3.4 Objection comments raise concern that the building will be close to the east boundary of the site, too close to neighbouring properties and high fences will make the properties feel closed in. A pre-application enquiry was submitted for this application, and it was raised at that time by the Planning Authority that the building would be better located further west, closer to the main road to respond positively to the prominent corner location referred to within the support comments. It was also considered that the car parking should be located behind the building, the loading bay should be located further away from the existing residential properties, and further pedestrian desire lines were requested, to integrate the site better and promote more sustainable methods of transport, including walking and wheeling, to the site. In response, the applicant has advised that the site layout has been informed by the constraints within the site and Lidl's operational requirements. A further detailed design review was undertaken by the applicant, to explore alternative layout solutions. They advise that, due to the site levels and existing trees, it is not possible for the building to be sited along the western boundary – there is a large level difference between Queensferry Road and the site. Due to the required access and servicing arrangements, it is not possible for the building to be located to the south of the site. The layout proposed therefore represents the optimal layout, having regard to the constraints and technical requirements of the proposed building and the site. To address the Urban Design Officer's comments, the applicant submitted amended drawings, which moved the pedestrian access steps into the site to the northeast to better reflect the desire lines, which is welcomed. The remaining points regarding the site constraints are accepted and, with an appropriate design, acoustic mitigation, and landscaping, the layout is appropriate.

2.3.5 In terms of the design of the building, objection comments raise concern that only detached, semi-detached, bungalows and flats no higher than 3 storeys should be built on this land because it is a private housing estate. The proposed building would be single storey in height, with the eaves at 5.1m in height. The roof incorporates a sloping roof with a maximum height along the southern elevation of approximately 7.1m, which will slope downwards to approximately 5.1m along the northern elevation. This height reflects the scale of a typical two storey house. The scale of the development is considered to be in keeping with the surrounding area which comprises a mix of predominantly one and two storey buildings, particularly when considering that the site currently contains a non-residential use which does not necessarily reflect the residential appearance of the surrounding area.

2.3.6 Fife Council's Urban Design Officer also commented that the building should provide distinctiveness to define the place and not provide a replication of building design that can be

found elsewhere. It is considered by the Urban Design Officer that this site is unique and requires an architectural response to acknowledge this. The originally submitted elevations contained white and grey metal panels with a light grey roof which had a more harsh, industrial appearance to it in the context of the surrounding area. A Material Context Study has been submitted by the agent and the materials have been amended. The white panels have been replaced with a pebble grey colour; the grey feature panels have been replaced with a Mistique (yellow/cream colour) brick slip, and a darker coloured grey roof and it is considered that this design better reflects the surrounding residential area. The darker roof colour reflects the colour of a traditional slate roof, the pebble grey reflects the surrounding buff brick and sandstone and the buff brick finish to Queensferry Road provides a design feature. It is considered that this is a more appropriate design response in order to better reflect the surrounding residential area, rather than creating a more contemporary and unique response, which may be viewed as more incongruous in this context. Overall, the proposed building provides a distinctive design in a prominent location, and is sympathetic to the surrounding buildings, particularly when considering the existing building on the site.

2.3.7 A 2.2m high acoustic barrier is required at the eastern boundary immediately adjacent to the residential properties along the eastern boundary of the site, to mitigate against noise from the delivery bay. A further 3.5m high acoustic barrier is also required immediately adjacent to the delivery bay, for the same reason. The submitted proposals include untreated fences as the proposed barriers and no planting adjacent to the fences to screen/soften their visual impact. Concerns were raised by the Planning Authority regarding the height of the proposed boundary treatments and that that these boundary treatments could give rise to an overbearing impact upon the neighbouring residential properties adjacent to the site to the east. The applicant has undertaken a technical review to assess whether reducing the height of the acoustic barriers is feasible, however this would result in an increase in noise levels reaching the neighbouring properties, and therefore, this is not an approach that can be taken, a matter which is agreed by the Planning Authority. The applicant has stated that the store cannot be redesigned to reposition the loading bay because the position of the loading bay is influenced by Lidl's operating model and efficient store design. The applicant states that the proposed 2.2m high close boarded timber fence along the eastern boundary is only slightly higher than a typical 1.8m high garden fence. It is therefore, considered that the proposed boundary treatment would not be significantly overbearing or intrusive.

2.3.8 The applicant advises that they will accept a planning condition that requires the fence to be treated in a specific colour. The existing eastern boundary treatment consists of a dilapidated white timber fence, which provides no screening for the residential property at 3 Laburnum Road from a view of the existing car park on the site. The proposed development would replace this fence with a new timber fence, whilst also screening the property from the car park. It is therefore considered that the proposed fence would represent a betterment to the existing situation. The main doors of the properties along Laburnum Road open to the side wall of the adjacent properties to the east, and the principal windows of these properties look out to the front and rear. This means that the views from the main door and/or side windows are already obstructed, and the proposed boundary treatment would not impact upon the outlook of the front or rear windows. As such, it is considered that the proposed boundary treatments would not result in a significant adverse impact upon residential amenity or result in an overbearing or intrusive impact.

2.3.9 It is accepted that, with more design consideration, the acoustic fences could be designed and/or coloured in a more muted tone to ensure the visual impact is not as obtrusive as what is shown in the visuals submitted with the application. The existing fence at the boundaries of the neighbouring gardens is a smaller, derelict fence and this would improve the appearance of this fence and the neighbour's outlook into a derelict site.

2.3.10 Subject to the aforementioned condition, the proposal would be in accordance with NPF4, FIFEplan and Making Fifes Places with regards to design and layout/visual impact and is therefore acceptable in this regard.

2.4 Residential Amenity

2.4.1 Policy 23 of NPF4 (Health and Safety) notes that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.4.2 Adopted FIFEplan Policy 10 (Amenity) advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality; contaminated and unstable land; noise, light and odour pollution or other nuisances; traffic movements; loss of privacy, sunlight and daylight; construction impacts; or a visual impact of a development on the surrounding area.

2.4.3 Objection comments have highlighted that the building and loading bay should be moved further west away from the existing neighbouring residential properties immediately to the east and north of the site. Concerns have been raised by objectors that lighting will face Elm Road and disturb neighbours, that noise from the supermarket and delivery bay, including reversing vehicles, will disturb residents and that the proposals would impact on daylight and sunlight levels to the residential properties. Objection comments also raise concern that the proposals would increase littering.

2.4.4 Support comments highlight that the current noise from cars racing along Queensferry Road are far more damaging than noise from deliveries would be. Support comments highlight that the lights will bring safety to the area and will not shine into houses. Support comments also highlight that there was previously a bar on this site, where there was much noise, traffic and antisocial behaviour and a function suite that played loud music late into the night. They consider that the proposals for a supermarket will bring less noise than arose from the previous use.

2.4.5 A Noise Impact Assessment has been provided with the application submission (Environmental Equipment Corporation Ltd., June 2025). A noise model was used to predict the daytime and night-time impact of the car park, Heavy Goods Vehicle (HGV) deliveries and externally located mechanical plant. The results of the model indicate the property most affected by noise from the delivery operation is located on Elm Grove to the south of the delivery bay. In order to address noise impacts to other closer properties on Laburnum Road and Pitcorthie Road, acoustic screening is proposed along the north and east edge of the delivery bay in the form of a 3.5m high fence and a 2.2m high boundary fence along the eastern boundary. The Elm Gove properties are separated from the proposed Lidl store by Laburnum Road and noise from traffic flow along this road can be expected to mask noise from delivery activity. An assessment of noise from the delivery operation has indicated that deliveries to the store, whilst having the potential to have some adverse impact during the daytime, when considered in context with the existing traffic controlled noise levels and the associated resultant noise level expected within the dwellings, the noise impact could be mitigated and considered to be low during the full daytime period of 0700-2300hrs. The building design includes a plant compound sited within a well in the southeast corner of the roof of the store. The well would be formed with acoustic louvres within some of the external elevations. It was concluded that the existing residents would not perceive any change in noise levels due to the operation on the new car

park. In terms of the HGV deliveries, the impact would be low both during the daytime and at night. Noise from operational plant is likely to be inaudible due to the very low noise levels predicted.

2.4.6 Fife Council's Environmental Health (Public Protection) Team (PPT) has reviewed the noise report and confirmed satisfaction with the methodology. PPT noted that the development should be able to operate without detrimentally affecting the amenity of nearby residential premises, therefore there are no objections regarding the development on noise grounds. However, Fife Council's PPT notes concern with effects from nighttime deliveries and advises that these should be limited. The report demonstrates that the rating level from deliveries will be 9dB above the evening background level. The authors believe that the noise during daytime will be masked by ambient noise such that, no further mitigation would be required. Fife Council's PPT is satisfied with this conclusion, for daytime and evening, but not for nighttime. Therefore, it is recommended that a condition is added to the consent that prohibits deliveries and dispatches from the premises outside of the hours of 07:00 and 23:00 Monday to Saturdays and no deliveries shall take place on Sundays or Bank Holidays.

2.4.7 In regard to lighting, there will be lights within the supermarket itself, which will be to the glazed entrance of the store, facing Queensferry Road to the west and not into residential properties. There is no indication of lighting on the proposed site layout but there are streetlights indicated within the CGI rendering, which shows standard streetlights shining into the car park area. A condition can be added to the consent to ensure that no lighting is proposed which would shine into neighbouring properties, although it is unlikely that this would be the case.

2.4.8 The agent has submitted a daylight and sunlight assessment in relation to the proposed retail units and the neighbouring windows and gardens of the properties to the east and north of the site. The results confirm that better than compliant levels of sunlight amenity will be experienced in every instance following the construction of the development. A large majority of the windows will not see any difference in their sunlight access as a result of the proposed development. It confirms that all rooms achieve results in excess of the recommendations of the BRE guide. All rooms will not see a change in their daylight levels as a result of the construction of the proposed development and excellent levels of daylight will therefore be received to all rooms following the construction of the proposed development. The results confirm that all amenity spaces achieve results that exceed the recommendations within the guidance, meaning that their sunlight is not affected by the proposals. The proposal would, therefore, be acceptable and would comply with Fife Council's Minimum Distance Between Windows guidance and Fife Council's Planning Customer Guidelines on Daylight and Sunlight. In regard to privacy, the main, glazed entrance would be located on the west side of the building which does not overlook any residential properties. The south and east elevations would contain tree buffers and fencing, which precludes any overlooking into neighbouring gardens or windows.

2.4.9 The proposals do not provide any details regarding how litter would be dealt with. It is considered that this can be dealt with through an appropriate planning condition.

2.4.10 It is considered that the proposal should not result in a significant increase in anti-social behaviour within the area and this could be managed by the retail unit through good working practices. Any matter relating to anti-social behaviour would be a matter for other relevant authorities as these matters are not completely within the remit of the planning authority. It is considered that as there would be waste bins located around the site with staff also being trained in how to deal with these matters that the proposal would have no significant impact on

the amenity of the surrounding area in terms of littering/anti-social behaviour and would, therefore, comply with Policies 1 and 10 of the Adopted FIFEplan (2017).

2.4.11 Any construction disturbance caused as a result of the proposal would be temporary in nature and would not be significant due to the scale and nature of the development. The developer should work to the best practice contained in British Standard 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". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that PPT can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. A condition is also recommended, requiring that a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting should be submitted and a draft condition regarding this matter is recommended.

2.4.12 As such, the proposal is in line with NPF4 and FIFEplan requirements with regards to residential amenity and is therefore acceptable, subject to the aforementioned conditions.

2.5 Transportation/Road Safety

2.5.1 Policy 13 of NPF4 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

2.5.2 FIFEplan Policy 3 requires development to incorporate measures to ensure that it will be served by adequate infrastructure and services. This includes 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. 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.

2.5.3 In view of the size of the proposed development, a Transport Assessment (TA) (ECS Transport Planning Limited) has been submitted in support of the proposed development. The TA follows the Transport Scotland Transport Assessment Guidance and has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport. Support comments raise that the shop will be easily accessible by bus and walking from residences nearby and will encourage people to walk or take the bus rather than use the car. Support comments raise that the proposal will bring much needed electric charging points to an area where there are none and it will therefore encourage the use of electric cars and be better for the environment. The TA has carried out a sustainable accessibility assessment. It is agreed that the site is within an acceptable walking distance of a significant part of Dunfermline, including most of the adjacent Pitcorthie and Abbeyview housing areas. The site is also within an acceptable cycling distance of all of Dunfermline and Rosyth. Cycle parking spaces are proposed to be provided on the site and there are an existing pair of bus stops on the Laburnum Road frontage of the site and an existing pair of bus stops on Queensferry Road to the north of the site, all within a 400 metre walking distance. The bus stops provide access to several bus services, with links to Dunfermline Queen Margaret Bus Station, Rosyth, North Queensferry, Dalgety Bay, Blairhall, Kelty, Leven and express bus services to Livingston and Edinburgh.

2.5.4 Objection comments raise concern that the proposals would result in an increase in traffic. Objection comments raise concern that the traffic counting sample was only taken for 4 hours of a 24-hour day. Support comments raise that increased traffic will not be an issue because it was previously busy with traffic from the hotel use and is already on a main road. Overall, TDM has assessed the proposals, including the TA and has accepted that the TA submitted with the application has taken sufficient samples and that the proposals would not result in an unacceptable increase in traffic.

2.5.5 A Transport Appraisal of the impact of the adopted 2017 FIFEplan land allocations on the local and trunk road network was prepared on behalf of Fife Council. The 2015 FIFEplan Transport Appraisal (FTA) concluded that the transportation intervention measures identified within the 2012 Dunfermline and West Fife Local Plan could accommodate the trips generated by the additional FIFEplan allocations, but that the proposed Northern Link Road should extend both westwards to Carnock Road and eastwards to link with the Halbeath Bypass via Kingseat Road by means of a bridge crossing of the Fife Circle Railway. The FTA does not include the potential trips generated by a proposed retail unit, rather than the existing hotel, within the application site. One of the identified strategic transport intervention measures (STIM) is the provision of the Western Distributor Road, which includes the Grange Drive Link Road and Grange Drive/Queensferry Road signalisation, which is located adjacent to the southwest boundary of the application site. In terms of the Planning Obligations Framework Guidance 2017, the proposed retail unit would be exempt from contributing because it is the redevelopment of a brownfield site and the retail unit is less than 2,500sqm GFA. However, the TA submitted in support of the planning application must assess what impact the proposed retail unit would have on the adjacent STIM, particularly to establish if the additional vehicle trips result in an earlier trigger point for the STIM. Given the requirement to support sustainable and active travel the proposed retail unit may require an earlier delivery of the Grange Drive/Queensferry Road signalisation to provide safe pedestrian/cyclist crossing facilities on all arms of the junction. The application site is within a 20-minute walk distance of a substantial number of existing dwellings on the west side of the A823. The number of dwellings within a 20-minute walk distance of the application site will increase significantly as the Kingswood site on the west side of the railway builds out.

2.5.6 The TA has not assessed what impact the proposed retail unit would have on the adjacent STIM. It is accepted that Kingswood (formerly known as Broomhall) has been slow to commence, but it has been a committed development for several years. In addition, there is no guarantee that should the proposed retail unit be granted planning permission that it would be open by 2026. The TA has provided a comparison between the trips generated by the proposed retail unit and former hotel. The proposed retail unit would generate an increase in total trips on the Queensferry Road/ Grange Drive/ Laburnum Road roundabout of 2.5% in the AM peak and 3.7% in the PM peak in the 2026 design year. The operational assessment submitted shows the Queensferry Road/ Grange Drive/ Laburnum Road roundabout would operate within its practical capacity in the design year of 2026. However, the TA has not assessed the committed Broomhall development. Neither the Transport Appraisal of the impact of the adopted 2017 FIFEplan land allocations nor the Broomhall TA considered possible redevelopment of the King Malcolm Hotel site. Therefore, the additional trips generated by the proposed retail unit have not been taken into consideration. The increase in trips is unlikely to result in any change to the identified STIM (Grange Drive/ Queensferry Road signalisation) but it will bring forward the trigger point. Given that the identified STIM are being delivered by Fife Council from transport contributions from development sites, and the proposed retail unit is adding to the cumulative impact, then a contribution is required from the proposed retail unit. The exemption in the Planning Obligations Framework Guidance 2017 can therefore be set aside in this instance. The applicant has also agreed to setting aside the exemption. Therefore, Figure 5 of the

Planning Obligations Framework Guidance 2017 sets out that the cost of the Western Distributor Road, including Grange Drive/ Queensferry Road signalisation is £17M with the Grange Drive/ Queensferry Road signalisation being £1.5M. Chapter 4.13 sets out the calculation used to determine contributions towards this: Contribution required (£) = $X/(X + Y) \times Z$, where: X = weekday PM trips from proposed development; Y = weekday PM trips from FIFEplan Land Allocations (Dunfermline = 5,177; Kirkcaldy & Glenrothes = 3,277) and Z = cost of transportation intervention measures as referenced in this guidance. The required contribution would therefore be $84/(84 + 5177) \times £1,500,000 = £23,573.43$.

2.5.7 The retail unit would be served from the existing eastern access from Laburnum Road, with the existing western vehicular access being closed and reinstated as a footway, which is welcome. The width of the vehicular access has been increased to 7.5 metres to accommodate the swept path for an articulated delivery vehicle. The junction is not being formed as a raised table due to long-term maintenance concerns. The design of the access prioritises motor vehicle movements rather than pedestrian/cyclist movements, but this is balanced out by one of the two existing vehicular accesses being closed. TDM has reviewed the junction design and location and advised that the location of the vehicular access to the site and proximity to the vehicular access to 3 Laburnum Road is not a concern.

2.5.8 A non-standard zebra crossing is proposed but this would not be located on the pedestrian desire line, and it is noted that the dropped kerb pedestrian crossing point should be located much closer to the pedestrian desire line. The non-standard zebra crossing should be located behind the public road boundary. A new dropped kerb pedestrian crossing point is proposed on Laburnum Road to the west of the existing speed cushions. The existing footway on the Laburnum Road frontage of the site is to be widened to a 3 metres shared footway/cycleway and would tie-in to the existing 4 metres wide segregated footpath/cyclepath on Queensferry Road.

2.5.9 Support comments raise that the car park could be used by parents for school pick up/drop off. Objection comments raise concern that congestion during school drop off times will be made worse at Laburnum Road. The TA does note that the proposals do provide an off-street parking area for parents accessing the local school, which will be encouraged by Lidl, and will alleviate congestion on Laburnum Road during pick up and drop off periods. TDM has not raised any concerns regarding congestion during school drop off times. In accordance with Making Fife's Places Supplementary Guidance, 1,986sqm GFA retail unit requires between 99 minimum and 142 maximum parking spaces. The proposals include 91 parking spaces. The Transport Assessment notes that discount foodstores require considerably less parking provision than standard superstores, which is evidenced by similar operational stores throughout the country. Surveys undertaken at the store in Cupar have evidenced this within the submitted TA. This justification is accepted by TDM. It is also considered that a reduced level of parking should be encouraged in favour of the use of more sustainable transport methods. The balance of the site containing enough parking so as not to adversely impact on road safety but whilst also encouraging other modes of transport, is met in this instance.

2.5.10 Objection comments raise concern that cars that race along Queensferry Road will use the Lidl car park in the evening. This is a matter for Lidl to address, and this could be done so through the addition of barriers to the car park in the evenings.

2.5.11 Late objection comments note concern around the trip rates used, the parking standards used and the access junction. The trip rates used are the agreed rates from the Lidl Rosyth application which was current at the time of the assessment and agreed with Fife Council

Roads and Transport Scotland. As such, they are appropriate and robust. Fife Council Transportation Development Management agree that the weekday commuter periods represented the highest background traffic scenario, therefore, a weekend assessment was not necessary. The parking assessment considers two stores in the Fife area which is more representative than a Lidl based survey in England. Scottish Government planning policy supports reduced parking provision for all land uses in accessible locations, which is consistent with the application site. The access junction meets the council's design guidance and is agreed with Fife Council Transportation Development Management.

2.5.12 On the above basis, Transportation Development Management confirmed that there were no objections, subject to conditions in the interest of road safety. These have been added accordingly. The proposal is therefore acceptable in regards to transport and road safety, as it would align with NPF4 policy 13 and FIFEplan policy 3, subject to conditions and a legal agreement for payment of the STIM contributions.

2.6 Flooding And Drainage

2.6.1 Policy 22 (Flood risk and water management) states 'development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice'. Policy 22 also states, amongst other criteria, that development proposals will not increase the risk of surface water flooding to others, or itself be at risk; manage all rain and surface water through sustainable urban drainage systems (SUDS); and seek to minimise the area of impermeable surface.

2.6.2 Policy 1 Part B (8) and Part C (5) OF FIFEplan 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.

2.6.3 Scottish Environmental Protection Agency (SEPA) flood maps indicate that the site is not at risk of coastal or river flooding, therefore, there is no requirement for a Flood Risk Assessment.

2.6.4 The proposed Sustainable Urban Drainage System techniques have been outlined in the submitted Drainage Strategy (Blyth & Blyth, 2025). This outlines that below ground cellular storage tanks would be installed within the car park areas providing storage for the building roof drainage and adjacent hardstanding and the car park and access road will drain to open graded sub-base material with 30% voids underneath the proposed parking bays and drop off areas. A filter trench is also proposed, adjacent to the proposed building. The proposed surface water drainage will discharge to the existing manhole on Laburnum Road to the south of the site and proposed foul water drainage will discharge to the existing combined sewer, proposed for diversion round the new building. The drainage system would be maintained by the developer.

2.6.5 Fife Councils Structural Services team were consulted on the application and confirmed that there were no objections on flooding or in regards to the surface water management proposals.

2.6.6 Scottish Water was also consulted on the application and had no objections.

2.6.7 The application would be acceptable with regards to flooding and drainage and in compliance with NPF4 policy 22 and FIFEplan policies 1 and 12.

2.7 Contaminated Land And Air Quality

2.7.1 Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 notes that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.

2.7.2 Policies 1 and 10 of the Adopted FIFEplan advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.3 A Stage 1 Geoenvironmental Investigation Report (Johnson, Poole and Bloomer, 2024) was submitted with this application and a further response from Johnson, Poole and Bloomer dated 2025. Fife Councils Land and Air Quality Team were consulted on this application and reviewed the reports and their findings. The team advised initially that the results of any gas monitoring should be provided in relation to pre-demolition ground investigation works. Further information was provided, and Land and Air Quality Team advise that the additional rounds of gas monitoring do not appear to have identified a requirement for gas protection measures, and they therefore have no further comments to make regarding pre-demolition investigation works. Land and Air Quality Team recommended that conditions are attached to any consent to ensure that any potential risk arising from previous land uses has been investigated and any requirement for remedial action is suitably addressed.

2.7.4 Objection comments raise concern that the building contains asbestos. The Land and Air Quality Team advises that there is the potential for the building to contain Asbestos Containing Materials (ACM). An asbestos survey should therefore be carried out, with all ACMs identified and subject to appropriate removal and disposal prior to any development. SEPA and the HSE would be consulted regarding asbestos survey/removal companies which are licensed by the Asbestos Licensing Unit (ALU)

2.7.5 Objection comments raise concern that there will be an increase in pollution. With regards to air quality, an Air Quality Assessment (IPTEnergisied, 2024) has been submitted with the application. Land and Air Quality Officers have reviewed the assessment and advise that it has referenced appropriate assessment criteria and standards, and it is noted that the site is considered suitable for the proposed end use from an air quality perspective. Land and Air Quality Officers therefore have no further comment to make regarding Air Quality. It is noted that various dust emission mitigation measures have been proposed and it is recommended that these be suitably actioned to minimise the potential for nuisance complaints being raised by local residents during the demolition/construction activities. This aspect can be covered through the recommended construction works condition.

2.7.5 Subject to the aforementioned conditions, the proposal would be acceptable with regards to contaminated land and air quality, and in compliance with NPF4 policy 9 and FIFEplan policies 1 and 10 as a result.

2.8 Natural Heritage And Trees

2.8.1 Policy 3 (Biodiversity) of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 of NPF4 (Natural places) aims to protect and restore natural places. In addition, natural assets are to be managed in a sustainable way that maintains and grows essential benefits and services. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 6 of NPF4 aims to protect and expand forests, woodland and trees.

2.8.2 FIFEplan Policy 13 Natural Environment and Access supports proposals where they enhance natural heritage and access through landscape character and views, green networks, greenspaces and core paths and cycleways.

2.8.3 Scottish Government's Policy on Control of Woodland Removal: Woodland removal, without a requirement for compensatory planting, is most likely to be appropriate where it would contribute significantly to: • enhancing priority habitats and their connectivity; • enhancing populations of priority species; • enhancing nationally important landscapes, designated historic environments and geological Sites of Special Scientific Interest (SSSI); • improving conservation of water or soil resources; or • public safety. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to: • helping Scotland mitigate and adapt to climate change; • enhancing sustainable economic growth or rural/community development; • supporting Scotland as a tourist destination; • encouraging recreational activities and public enjoyment of the outdoor environment; • reducing natural threats to forests or other land; or • increasing the social, economic or environmental quality of Scotland's woodland cover.

2.8.4 An Arboricultural Impact Assessment (Biodiverse Consulting, 2025), Ecological Impact Assessment (Biodiverse Consulting, 2025) and Biodiversity Enhancement and Management Plan (Biodiverse Consulting, 2025) have been submitted with the application. The site is unaffected by any statutory protections of trees such as Tree Preservation Orders or Conservation Areas and is unaffected by designations such as Ancient Woodland.

2.8.5 Objection comments raise concern regarding the removal of trees. Objection comments expressed concern with the proposal to remove all mature trees to the south and west and possibly some to the north. They are concerned that their removal will allow noise to be more widespread to the close community.

2.8.6 In regards to noise, a Noise Impact Assessment has been undertaken and submitted, which is referred to in section 2.4 of this report. Support comments note that the removal of trees will be compensated for by Lidl.

2.8.7 The proposals as originally submitted highlighted the removal of 54 trees (43 Category B, 9 Category C and 2 Category U) from the site and compensatory planting of 24 standard size trees. An updated landscape plan was submitted, which now proposes the removal of 43 trees, with most of the largest and most established trees to be retained. Additionally, many of the trees to be removed are sycamore, as opposed to valuable native woodland of high biodiversity.

The largest tree proposed to be removed is 10m high, indicating that most removals are of trees in a young life stage, so although this degree of removal is significant, the most established trees will be retained, a tree line will be kept along the north side which will provide some screening, and this impact is not severe relative to the tree species and ages impacted. Relative to NPF4 and Scottish Government's Policy on Control of Woodland Removal, this proposal will not result in damage to woodland of high biodiversity value, will not result in the fragmentation of woodland habitat, and will provide compensatory planting measures. Therefore, this proposal is in line with these policies.

2.8.8 Referring to Making Fife's Places, since the extant trees are relatively young/small and the nature of the building is a business, this may avoid future pressure on tree removal so the guidance relating to trees adjacent to buildings does not apply. All details relevant to tree protection have been sufficiently addressed, including use of special mitigation measures and an arboricultural method statement. According to the provided maps, Fife Council's Tree Officer notes that several trees could have their Root Protection Areas impacted by more than 20% by special mitigation measures. However, this represents a willingness to retain more existing trees alongside the development and still creates provision for tree protections, and large diameter roots will be protected, which is welcomed.

2.8.9 The proposed landscape planting plans include planting of mixed species of broadleaf trees with mixed canopy height and visual interest. However, 32 trees are proposed to be planted to replace the 43 being lost, which is less than a 1:1 planting ratio and represents a net loss. Whilst this does provide a degree of mitigation where the development layout will impose spatial constraints, this loss is not in line with ensuring environmental protection through net gain, although it is noted that the species diversity will be increased. This will also be undertaken alongside significant planting of diverse species of shrub and hedgerow which will further serve to offset the initial impact. The applicant has suggested that they would be willing to plant further trees off-site. It is considered that there is a potential opportunity for the applicant to provide further tree planting, by planting the remaining trees adjacent to the site, on the roundabout where there are improvement works planned, including planting. This land is council-owned therefore an appropriate condition is recommended regarding details to be submitted for off-site planting.

2.8.10 Fife Council's Tree Officer has no objections in regards to the proposed removal of trees, tree protection works and compensatory planting proposals. Conditions are recommended regarding the compensatory planting and tree protection works.

2.8.11 Fife Council's Natural Heritage Officer has reviewed the proposals. They advise that the proposed planting will ensure that the overall character of the site's presentation to the street is retained, while the mix of ornamental and native shrubs will provide both interest and additional foraging resources for wildlife species (with particular reference to pollinators). There are opportunities within hedgerows and trees for foraging and commuting bats, with trees along the west providing connectivity to trees and woodland south of the site, however the connectivity is restricted by the A823 road. The submitted Ecological Impact Assessment includes a bat survey, and the results have been included. The potential impacts are identified, as are mitigation measures; compensation and enhancement measures are outlined (bat and bird boxes; landscape planting to include native species to provide foraging resources) and reference is made to a site Construction Environmental Management Plan (CEMP) which will be used to deliver environmental commitments, including tree protection and landscape planting/enhancement measures. No further protected species were found to be affected on or around the site but a precautionary approach is proposed to safeguard Great Crested Newt

during construction, which will be identified within the CEMP. The site is of low value for birds due to the urban nature of the surrounding area and no badger activity or signs of badgers or red squirrel were found on the site, and it is unlikely that they will be present. A precautionary approach to safeguarding badgers is also proposed. With the various measures detailed in the updated landscape and ecology documents, the Natural Heritage Officer has no objections to the proposed use-change of this brownfield site.

2.8.12 Overall, the proposal would be in line with the requirements of NPF4 Policies 3, 4 and 6 and FIFEplan Policies 1 and 13 in terms of trees, biodiversity and natural heritage and is therefore acceptable in this regard.

2.9 Sustainability

2.9.1 Policy 1 of NPF4 (Tackling the climate and nature crises) notes that 'significant weight' will be given to the global climate and nature crises when considering all development proposals. In addition, development that addresses the global climate emergency and nature crisis should be encouraged, promoted and facilitated. Policy 2 of NPF4 (Climate mitigation and adaptation) aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

2.9.2 Policies 1 and 11 (Low Carbon) of the FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that proposals meet the criteria set out within the policy. Small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal. 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.

2.9.3 An Energy and Sustainability Statement (DDA Consultant Engineers Ltd, 2025) has been submitted with this application. This notes that the store is orientated with a heavily glazed side façade facing west, offering high levels of natural daylighting within the store, thus reducing dependency on electric lighting through the natural contribution towards lux levels. It also notes that the development has good local transport links and is near residential properties, ensuring transport associated carbon emissions can be reduced. Focusing on the fabric thermal performance, ensures the building has reduced conductive heat loss during winter months and reduced conductive heat gains during summer months. This allows the internal environmental conditions to be better managed with reduced reliance on mechanical systems.

2.9.4 With regards to renewable technologies, Air Source Heat Pump (ASHP) technology is also proposed, to serve the space heating and cooling demands of the proposed development and photovoltaic (PV) solar panels are proposed to generate renewable electricity on site.

2.9.5 In order to reduce internal water consumption within the proposed scheme, the store will incorporate water efficient fittings in line with equivalent BREEAM standards to reduce water consumption. The incoming mains cold water supply will be separately metered, using a smart meter to allow Lidl and the local water authority to easily monitor water consumption. There will also be a water sub-meter in the utility room, which will be connected to the store building management system and will record and monitor store consumption. The water consumption will be monitored by Lidl on a regular basis, via their central control system.

2.9.6 With regards to waste, the Sustainability Statement does not include any information on this. This information will be required to be provided through a planning condition.

2.9.7 The carbon impact of not utilising existing buildings was raised as a concern by an objector. However, as the Sequential Analysis has highlighted, there are no buildings available which are suitable for the proposed development and the existing building is not suitable for re-use due to its condition.

2.9.8 The site is well connected by footways and cycleways adjacent to the nearby road network on Queensferry Road. There are existing bus stops on Laburnum Road and Queensferry Road frontages of the site, all within a 400 metre walk distance of the site. The Sustainability Statement makes reference to this, noting the linkages to a range of local facilities which would be enhanced by the proposed footpaths which would provide access to the wider residential area of the settlement of Dunfermline. Similarly, a number of existing cycle facilities are present within the surrounding area.

2.9.9 Overall, the proposal would be in line with the requirements of NPF4 Policies 1 and 2 and FIFEplan Policies 1 and 11 in terms of sustainability and is therefore acceptable in this regard.

3.0 Consultation Summary

Land And Air Quality, Protective Services	No objections, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Trees, Planning Services	No objections, subject to conditions.
Urban Design, Planning Services	Urban Design has made comments regarding the design and layout of the building, and the comments are discussed in section 2.3 of the main body of this report.
Town Centre Development Unit	Objection, discussed further in section 2.2 of the main body of this report.
TDM, Planning Services	No objections, subject to conditions and planning obligation.
Natural Heritage, Planning Services	No objections, subject to conditions.
Scottish Water	No objection.
Transportation And Environmental Services - Operations Team	No response.

4.0 Representation Summary

4.1 Eight objections have been received and eighty-four support comments. Four late objections were received and seventy-six late support comments.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Increase in traffic	2.5.4
b. Increase in pollution	2.7.5
c. Congestion during school drop off times will be made worse at Laburnum Road	2.5.8
d. Cars who race along Queensferry Road will use the Lidl car park in the evening	2.5.10
e. Light will face Elm Road and disturb neighbours	2.4.10
f. Littering	2.4.10
g. Removal of the trees not acceptable	2.8.5
h. There is no need for another supermarket so close to Asda, Tesco, Iceland and Aldi	2.2.20
i. The traffic counting sample was only taken for 4 hours of a 24-hour day	2.5.4
j. Noise from the supermarket will disturb residents	2.4.4
k. The building contains asbestos	2.7.4
l. Only detached, semi-detached, bungalows and flats no higher than 3 storeys should be built on this land because it is a private housing estate.	2.3.5
m. The building will be close to the east boundary of the site, too close to neighbouring properties and high fences will make the properties feel closed in	2.3.4
n. The building should be moved further west to give homes more privacy and light	2.4.5
o. Unhappy with the proposal to remove all mature trees to the south and west and possibly some to the north. Their removal will allow noise to be more widespread to the close community	2.8.6
p. The siting of the loading area is totally unacceptable as it is immediately adjacent to houses to the east and close to those on the north. The beep beeping from reversing lorries would prove unacceptable to local elderly residents living in retirement bungalows to the east. This could potentially be totally resolved by placing the loading bay at the western end of the building. This then takes the loading area as far away from residential properties in all directions north, east (where most disturbance would be felt) and south.	2.4.5

4.2.2 Support Comments

Issue	Addressed in Paragraph
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a. The supermarket would bring jobs to the area, including construction jobs	2.2.33
b. The supermarket would bring convenience to the area which is currently lacking	2.2.30
c. The car park could be used by parents for school pick up/drop off	2.5.8
d. Would bring a derelict, brownfield site back into use	2.2.8
e. The removal of trees will be compensated for by Lidl	2.8.6
f. The site is a gateway and building a supermarket will have a positive impact in comparison with an empty site which is being vandalised	2.3.3
g. The current noise from cars racing along Queensferry Road are far more damaging than noise from deliveries	2.4.4
h. Lights will bring safety to the area and will not shine into houses	2.4.7
i. The shop will be easily accessible by bus and walking from residences nearby and will encourage people to walk or take the bus rather than use the car	2.2.21
j. Increased traffic will not be an issue because it was previously busy with traffic from the hotel use and is already on a main road	2.5.4
k. The entrance to the City of Dunfermline would be aesthetically improved	2.3.3
l. Increase development and investment in the area	2.2.30
m. Would bring a sense of community to the area	2.2.30
n. People currently travel to other towns to visit a Lidl, so this would be better for the environment. stores are not within easy walking distance for older people who don't have easy access to a car	2.2.21
o. will bring much needed electric charging points to an area where there are none. It will therefore encourage the use of electric cars and be better for the environment	2.5
p. Local residents who are complaining the store will prevent them from enjoying the amenity of their home and bring traffic, noise and antisocial behaviour seem to forget that there previously existed at this site a bar where there was much noise, traffic and antisocial behaviour and a function suite that played loud music late into the night. Why were residents happy with this situation but not a store which closes at 10pm and does not play loud music and have patrons leaving late at night.	2.4.4
q. A new store is needed for the increasing housing being built in the area	2.2.21
r. The previous use contributed to a lively but positive atmosphere to the neighbourhood. While there was occasional noise from the pub and events, it was rarely disruptive.	2.4.4

4.2.3 Other Concerns Expressed

Issue	Comment
a. School pupils will go to the supermarket	This is not an issue that will be controlled through Planning.
b. Seagulls nest on the roof of the hotel - will the new building remove the seagulls or ensure that they do not nest on the site?	Seagulls nesting is not an issue that can be controlled through Planning.

c. Would improve the view from neighbour's house	Views are not a material planning consideration.
d. Increased competition is good	Commercial competition is not a material planning consideration.
e. A quality budget supermarket is sorely needed during a cost-of-living crisis	Not a material planning consideration.

4.2.4 Late Representations

4 late objections were received and 76 late support comments. Their points are covered below:

Issue	Comment
a. Questions around the Transport Assessment, including the trip rates used and parking standards.	Addressed in paragraph 2.5.11 of the report of handling
b. Road Safety	Addressed in Section 2.5 of the report of handling.
c. Anti-social Behaviour	Not a material planning consideration – addressed by other legislation.
d. The proposal does not comply with NPF4 Policy 28. Reference to Tesco Stores Limited v. Perth and Kinross Council Judicial Review in which Lord Richardson set aside the decision by Perth and Kinross Council to grant planning permission for a new Aldi store.	Addressed in paragraph 2.2.33 of the report of handling.
e. Weight should not be applied to NPF4 Policy 27 because that policy does not apply to retail proposals.	Addressed in paragraph 2.2.34 of the report of handling.
f. Too much weight has been applied to Policy 15 and there is no proper basis given for the application of Policy 15(a).	Addressed in paragraph 2.2.31 of the report of handling.
g. The economic benefits associated with the proposed development are not site-specific and would be transferrable to another development which is located, as per the objectives of the Development Plan and NPF4, in the town centre.	Addressed in paragraph 2.2.36 of the report of handling.

Thus, the proposal would not accord with the development plan as a whole and the limited benefits are transferrable and as such do not constitute material considerations adequate to determine the application otherwise than to refuse, as directed by the development plan.

5.0 Conclusions

The redevelopment of the site would remove a dilapidated building and bring brownfield land back into beneficial use and is therefore supported by NPF4 Policies 9 (Brownfield land), 1 (Climate), and 2 (Net Zero design and sustainable locations) given its condition, connectivity, and potential for sustainable reuse. The proposal would contribute to local living, as required by Policy 15 (Local Living and 20 minute neighbourhoods). The proposals would also comply with Policy 25 of NPF4 (Community Wealth Building) and Policy 26 (Business and Industry) in that it would ensure that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services. On balance, whilst the loss of the hotel conflicts with Policy 30 (Tourism) of NPF4 and Policy 3 (Infrastructure and Services) of FIFEplan and does not fully comply with NPF 4 Policies 27 (City, town, local and commercial centres) and 28 (Retail) or FIFEplan Policy 6 (Town Centres First) in terms of the supporting information provided, it has been demonstrated that the former hotel building is in very poor condition, that refurbishment or rebuilding for hotel use would involve prohibitive costs, and that there is no realistic prospect of a viable hotel business operating from the site. The proposed retail unit would provide a local shopping destination within walking distance of nearby residential areas, improving access to everyday goods and services, reducing the need for car travel, and supporting the principles of local living and 20-minute neighbourhoods. The proposals would also deliver economic benefits including new investment, job creation, increased consumer choice, and competition at a time of wider cost-of-living pressures. Overall, whilst there are tensions between the aspiration for local living and the impact that the development could have on town and local centres, in this instance the proposal would introduce a broader range of retail and service provision which would better serve the local area. The potential impacts are not considered to outweigh the benefits which would be provided in terms of economic growth and local living in this instance. On balance, therefore, the proposal would be acceptable in principle. The proposals would also fully comply with policies in regards to visual impact, residential amenity, transportation and road safety, flooding and drainage, contaminated land and air quality, natural heritage and trees and sustainability.

6.0 Recommendation

It is accordingly recommended that the application be approved subject to

A. The conclusion of a legal agreement to secure;

- a financial contribution of £23,573.43 to the Dunfermline Strategic Transport Infrastructure Measures in line with the adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017)

B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement

C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application

and the following conditions and reasons:

PRE-COMMENCEMENT CONDITIONS:

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

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

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

3. BEFORE ANY WORKS START ON SITE, full details (height, materials, colouring, etc) of all boundary treatments including the species and planting specification for all hedging and including the colours, materials and scaled sections of all acoustic barriers, shall be submitted for prior written approval by Fife Council as planning authority. All boundary treatments shall thereafter be carried out in accordance with the approved details.

Reason: To reserve the rights of the Planning Authority with respect to these details.

4. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details for the lifetime of the development.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

5. BEFORE ANY WORKS START ON SITE, the developer shall submit a Scheme of Works the details of which shall include measures to mitigate the effects on sensitive premises/areas etc. of dust, noise, vibration from construction activities. For the avoidance of doubt, 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' or applicable updated versions shall be referred to and complied with, where applicable. Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provision of the approved Scheme. Any amendment to such a Scheme will require the prior written approval of the Planning Authority following appropriate consultation.

Reason: In the interests of amenity protection; to ensure construction activities are not undertaken at times that are likely to result in a significant noise and vibration disturbance or dust generating nuisance to neighbouring noise sensitive receptors.

6. BEFORE ANY WORKS START ON SITE; full details of tree protection measures which require to be implemented during the construction phase of the development shall be submitted to and approved in writing by Fife Council as Planning Authority. This Planning Authority shall be formally notified in writing of the completion of such measures and NO WORKS SHALL COMMENCE ON SITE until this Planning Authority has confirmed in writing that the tree protection measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations, and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery. The development shall also be carried out fully in accordance with the approved AIA. No trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

Reason: In the interests of safeguarding the trees shown within the tree survey as being retained and protected.

7. BEFORE ANY WORKS START ON SITE; full details of the proposed energy efficiency measures along with manufacturer's details shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in the accordance with the approved details.

Reason: In the interests of sustainability; to ensure the development meets the current CO2 emissions reduction targets.

8. BEFORE ANY WORKS START ON SITE, details of the proposed trolley enclosure shall be submitted to and for approval in writing by Fife Council.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

9. BEFORE ANY WORKS START ON SITE, a Construction Ecological Management Plan (CEcMP) shall be submitted to and approved in writing by Fife Council as Planning Authority. The CEcMP shall take account of the mitigation measures set out within the approved Ecological Impact Assessment (Biodiverse Consulting, June 2025, Plan Reference: 36).

Reason: To avoid and reduce impacts on wildlife as a result of construction.

10. BEFORE ANY WORKS START ON SITE; full details relating to the required opportunities for roosting bats and nesting birds within the development as set out in the submitted Preliminary Ecological Appraisal (Biodiverse Consulting, June 2025, Plan Reference: 36) shall be submitted to and approved in writing by this Planning Authority. These details shall include a scaled site plan showing the proposed location of these measures and a phasing plan for the provision of these measures. All works shall then be carried out in full accordance with any subsequent approved details and these measures shall be provided on site in line with the approved phasing plan.

Reason: In the interests of biodiversity enhancement and species protection.

11. BEFORE ANY WORKS START ON SITE; a landscaping plan showing compensatory tree re-planting at a ratio of 5:1 for Category A Trees, 4:1 for Category B Trees and 3:1 for Category C tree on a site within Dunfermline shall be submitted to and approved in writing by Fife Council as Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of biodiversity enhancement and to ensure that the loss of trees on site is satisfactorily compensated for.

CONDITIONS:

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

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

12. PRIOR TO THE OPENING OF THE RETAIL UNIT, all works done on or adjacent to existing public roads serving the proposed development as shown on document 03C (drawing 2379_303 Rev K), including the stopping up of the western vehicular access; widening of the existing footway on the Laburnum Road frontage of the site to a 3 metres wide shared path; dropped kerb pedestrian crossing point on the site access on the desire line; and a dropped kerb pedestrian crossing point on Laburnum Road to the west of the existing speed cushions, shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction. For the avoidance of doubt, the adoption limit on the vehicular access would be denoted by the northern edge of the dropped kerb pedestrian crossing point.

13. PRIOR TO THE OPENING OF THE RETAIL UNIT, visibility splays of 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the site access with Laburnum Road in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access with the public road.

14. PRIOR TO THE OPENING OF THE RETAIL UNIT, the off-street parking provision as approved through this planning permission shall be provided in accordance with the current Fife Council Parking Standards. 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.

15. THE BUILDING SHALL NOT BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 2. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

16. 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.

17. Deliveries and dispatches shall be restricted to between 7am and 11pm Monday to Saturday. No operations or activity related to delivery and dispatch shall take place at any time on a Sunday or Bank Holidays.

Reason: In order to protect the amenity of adjoining and nearby residents.

18. No tree works or scrub clearance shall occur on site from 1st March through to 31st August, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, inclusive, an appropriate bird survey shall be carried out by a Suitably Qualified Ecologist (SQE) within 48 hours prior to works commencing in the proposed clearance area. Confirmation of the survey and ecological permission to proceed with the clearance works shall be submitted to this Planning Authority as proof of Condition Compliance. This proof should usually be in the form of a Site Note/Site Visit Report issued by the Suitably Qualified Ecologist.

Reason: In order to avoid disturbance during bird breeding seasons.

19. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: : In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

20. PRIOR TO THE OPENING OF THE RETAIL UNIT the noise mitigation measures as specified within the submitted noise impact assessment report (Plan Reference 22) shall be carried out in full and thereafter be maintained for the lifetime of the development.

Reason: In the interests of safeguarding residential amenity.

21. PRIOR TO THE OPENING OF THE RETAIL UNIT; full details of any proposed lighting scheme shall be submitted for approval in writing by Fife Council as Planning Authority. The

submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any wildlife, neighbouring public roads or sensitive properties with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a manner which prevents spillage of light or glare into any neighbouring public roads or sensitive properties or any impacts in accordance with the manufacturer's specification and approved details.

Reason: In the interests of safeguarding the amenity of the surrounding area.

22. PRIOR TO THE OPENING OF THE RETAIL UNIT; full, details of the proposed bin/refuse collection methods for customer use within the application site including details of the location of any bins shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter and unless otherwise agreed in writing with Fife Council as Planning Authority, the agreed refuse collection details shall be implemented in full on site and shall remain in situ for customer use for the lifetime of the development and be regularly maintained/emptied.

Reason: In the interests of protecting the local character and amenity of the area and reducing waste.

23. The retail unit, hereby approved, shall have no more than 20% of the net retail sales area of the unit being used for comparison retail. Any increase in the floor space for comparison retailing shall only be made with the written approval of Fife Council as planning authority. The unit shall not be subdivided without the prior written consent of Fife Council as planning authority.

For avoidance of doubt the net sales area for any use shall be calculated on the basis of any area within the shop or store which is visible to the public and to which it has access, including fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including customer toilets.

Reason: In order to retain proper control over the use of the development in the interests of protecting the vitality and viability of the town centre.

24. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interests of amenity.

25. The gross internal floor space of the development shall not exceed 2,058sqm including any mezzanine levels. Any increase in the size of the unit shall only be made with the written approval of Fife Council as planning authority.

Reason: To define the planning permission in the interests of ensuring the vitality and viability of the town centre.

7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Planner

Report reviewed and agreed by Alastair Hamilton, Service Manager and Committee Lead
10/11/25

Committee Date: 19/11/2025

Agenda Item No. 7

Application for Full Planning Permission

Ref: 25/01085/FULL

Site Address: Land South of Plunkie Farm Newton Star

Proposal: Alterations to and change of use from agricultural storage containers and associated development to form a mixed-use development (Sui Generis) comprising cafe/restaurant (with ancillary hot-food takeaway), children's play area and educational farm animal attraction

Applicant: Mr & Mrs David Downie, Upper Star Plunkie Farm

Date Registered: 9 May 2025

Case Officer: Brian Forsyth

Wards Affected: W5R14: Glenrothes North, Leslie and Markinch

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Approval to conditions

1.0 Background

1.1 The Site

1.1.1 This application site comprises an approximately 0.18 hectare area of prime agricultural greenfield land on which there are two agricultural storage containers, part of the surrounding Plunkie Farm on the south side of Star, along with an approximately 190 metres stretch of the adjoining private access road serving the farm from the C32 Markinch to Kennoway road to the south. The private access road forms the larger part of a local path, a claimed right of way, between the C32 and West End, Star. The nearest third-party residential property is on the edge of Star, approximately 240 metres to the north. This is not an area in respect of which there is a statutory requirement to consult the Mining Remediation Authority and is not in or near to an area shown liable to future flooding in the Scottish Environment Protection Agency flood maps.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

Full planning permission is sought for alterations to and change of use from agricultural storage containers and associated development to form a mixed-use development (Sui Generis) comprising a cafe/restaurant (with ancillary hot-food takeaway) which makes use of the storage containers, and an adjacent children's play area and educational farm animal attraction. The associated development is principally a car park for eight vehicles.

1.3 Relevant Planning History

00/02372/CFULL - Amended details to application 95/N/1163 for erection of dwellinghouse – permission granted subject to conditions - 20/11/00

12/04017/OBL - Discharge of planning obligation 95/N/1163 - withdrawn - 20/09/12

1.4 Application Procedures

The application, due to the size of the site and the overall scale of the proposals, constitutes a 'Local' application in terms of The Town and Country Planning (Hierarchy of Developments)

(Scotland) Regulations 2009. The site was last visited by the case officer on 1 September 2025.

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. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 3: Biodiversity

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy 9: Brownfield, vacant and derelict land
and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy 13: Sustainable transport

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Adopted FIFEplan (2017)

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintained, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

National Guidance and Legislation

Scottish Government Planning Advice Note 1/2011: Planning and Noise

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

Other Relevant Guidance

Fife Council Policy for Development and Noise 2021

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Natural Heritage

2.2 Principle of Development

2.2.1 The site lies within a 'countryside' area in terms of FIFEplan, and is considered a 'rural' area in terms of NPF4.

2.2.2 Collectively, FIFEplan Policies 1 and 7 only support development in the countryside where it:

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

Criterion '2' above is relevant in the case of this application, supporting text to Policy 7 stating that these are activities which require a countryside location or which are important contributors to the diversification of farms into new enterprises in order to survive as viable business.

In all cases, development must be, amongst other things, of a scale and nature compatible with surrounding uses, and well-located in respect of available infrastructure. Development on prime agricultural land is not supported except where it is essential, amongst other things, for small-scale development directly linked to a rural business.

2.2.3 NPF4 Policy 1 states that when considering proposals, significant weight will be given to the global climate crisis. NPF4 Policy 5 states that proposals on prime agricultural land will only be supported where it is for, amongst other things, small-scale development directly linked to a farm. NPF4 Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by the local development plan. NPF Policy 13 states that proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. NPF4 Policy 14 states that proposals will not be supported where they are, amongst other things, inconsistent with the qualities of successful places, including 'Sustainable'. NPF4 Policy 29 states that proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including farms and diversification and rural business, and essential community services; proposals in rural areas to be suitably scaled and consider how development will contribute towards local living.

2.2.4 The applicant has submitted a report providing an economic evaluation of the proposals, prepared by SAC Consulting and dated July 2025. The report highlights that the proposal, if not essential to future profitability of this farm, has an important potential role to play alongside other existing diversification projects on the farm such as horse liveries and Airbnb. The applicant has asked that the report and its contents not be made public.

2.2.5 30 representations have been received in support of the principle of the development, mainly welcoming the potential benefit of the proposal to the residents of Star as a social space,

the village lacking a pub, etc. The potential benefits to the farm as a business, and to children in terms of encouraging outdoor play and environmental appreciation, are also mentioned.

2.2.6 Planning Services' Transportation Development Management team (TDM) objects to the principle of the proposal as it would result in the creation of an unsustainable development which, amongst other things, would have no viable opportunities for person trips via walking, cycling and public transport.

2.2.7 It is noted that the proposal is on prime agricultural greenfield land, in a location where it is expected a significant proportion of users would visit by private car, such that the location for the proposal may be considered unsustainable. It is also noted that the proposal is not directly linked to operation of the farm, and it is not considered sufficiently demonstrated that the proposal is essential to the viability of the farm as a diversification project, particularly given that other diversification projects have been undertaken and have the potential to deliver viability of the farm business. However, it is recognised that the proposal is expected to deliver a valuable social space for the residents of Star, who will currently look elsewhere for such provision, and in this way the proposal can be considered to contribute to the overall sustainability of the local community. On balance, and subject to conditions of planning permission to ensure the café/restaurant use makes use of produce from the farm and locally, the anticipated community benefit is considered to justify the proposal in this case. In reaching this conclusion, it is considered the extent of prime agricultural greenfield land impacted is modest and not of sufficient concern as to outweigh the local community benefit. The overall acceptability of the proposal remains subject to compliance with the below provisions of policy and guidance.

2.3 Design and Visual Impact

2.3.1 NPF4 Policy 14 states that proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale; proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the qualities of successful places not supported. NPF4 Policy 29 states that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.

2.3.2 Collectively, FIFEplan Policies 1, 7, 10 and 14 state that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses; proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, visual impact on the surrounding area; the Council applying the qualities of successful places when considering proposals, new development requiring to demonstrate how it has taken account of and meets these qualities, guidance on how these qualities will be interpreted provided in Making Fife's Places Supplementary Guidance (2018).

2.3.3 Noting that the proposal would not be readily visible from the C32 road or other principal public vantage points, and considering that this is a relatively modest proposal in visual terms and would read as reasonably scaled in its landscape setting, the proposal is considered to accord with the above provisions of policy and guidance in relation to design and visual impact.

2.4 Residential Amenity

2.4.1 Collectively, FIFEplan Policies 1 and 10 state, amongst other things, that proposals must see the amenity of the local community protected, development only supported if it would not have a significant detrimental impact on the amenity of existing or proposed land uses. As such,

it requires to be demonstrated that proposals will not lead to a significant detrimental impact on amenity in relation to, amongst other things, noise and odour pollution.

2.4.2 NPF4 Policy 23 states that proposals that are likely to raise unacceptable noise issues will not be supported.

2.4.3 Scottish Government Planning Advice Note 1/2011: Planning and Noise and Fife Council Policy for Development and Noise 2021 are also relevant here.

2.4.4 The six objections from five individuals express concern in relation to the potential for noise from music and otherwise to adversely impact the residential amenity of nearby houses and the quiet rural character of the area. Concern is also expressed in relation to the potential impact on residential amenity of food smells.

2.4.5 Notwithstanding the views of the objectors; and subject to conditions of planning permission to limit operation and activity associated with the uses to hours to be agreed (there appears to be some inconsistency in the hours proposed across documents), to the café/restaurant use to within the storage containers, and to there being no amplified music or voice; it is not envisaged that there would be any significant adverse impact on residential amenity because of noise. The extent of physical separation between the proposal and third-party residential property is such that significant adverse impact on residential amenity as a consequence of food smells is considered very unlikely. As such, the proposal stands to be considered acceptable in terms of the above provisions of policy and guidance in relation to residential amenity.

2.5 Transportation/Road Safety

2.5.1 Collectively, FIFEplan Policies 1 and 3 state that development must be served by adequate infrastructure and services, including local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places. Supporting text to Policy 3 states that proposals will demonstrate how they will, amongst other things, integrate with existing footpaths and roads, addressing any impacts on the local road network and road safety.

2.5.2 A number of the objectors raise road safety concerns.

2.5.3 Transportation Development Management (TDM) states that it has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, it is explained that the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. TDM advises that this policy can be relaxed if a proposed rural development has agricultural justification; promotes tourism or saves a building, such as a steading, deemed worthy of retention by Planning Services; but that this relaxation is only possible when either the junction of the access to the site and the public road has acceptable visibility splays or if the proposals include acceptable improvements being undertaken to existing sub-standard visibility splays

2.5.4 Following submission of a speed survey, TDM states that it has been demonstrated that the necessary visibility splays can be provided within land in the applicant's control, and that, in this

regard, TDM has no objection to the grant of planning permission, subject to the imposition of a condition to keep these splays clear throughout the lifetime of the development.

2.5.5 TDM advises that off-street parking must be provided within the curtilage of the site, and that in accordance with Making Fife's Places Supplementary Guidance (2018) Appendix G off-street parking provisions for Class 3 Café are one parking space per five square metres. TDM notes that the plans submitted show an internal café as approximately 32sqm which would require six off-street parking spaces and an outdoor seating area of 26.4sqm which would require six off-street parking spaces, a total of 12 spaces. TDM notes that there are only eight parking spaces proposed, a shortfall of four parking spaces. TDM notes that the agent has since commented that additional parking would be provided, but that this has not been shown in any of the submitted plans. However, TDM states that it has no objection to the grant of planning permission, subject to the imposition of a condition to secure the provision and retention of the 12 parking spaces.

2.5.6 Taking into particular account the views of TDM, and subject to the conditions recommended by the team, the proposal is considered to accord with the above provisions of policy and guidance in relation to transportation and road safety.

2.6 Natural Environment

2.6.1 NPF4 Policy 1 states that significant weight will be given to the global nature crisis. NPF4 Policy 3 states that proposals for local development will include appropriate and proportionate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 Policy 14 states that proposals will be supported where they are compliant with the qualities of successful places, including integrating nature positive, biodiversity solutions.

2.6.2 FIFEplan Policy 1 adds that proposals must address their individual and cumulative impacts, complying with relevant criteria and supporting policies, including improving existing infrastructure capacity and complying with Policy 3. Policy 3 adds that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure; where necessary and appropriate as a direct consequence of the development or as a consequence of the cumulative impact of development in the area, proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services; such infrastructure and services may include, amongst other things, green infrastructure. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.6.3 As the site is currently part of a field for agricultural grazing, Planning Services' Natural Heritage Officer raises no objections.

2.6.4 Subject to a condition to secure biodiversity enhancement, it is considered that the proposal accords with the above provisions of policy and guidance in relation to the natural environment.

3.0 Consultation Summary

TDM, Planning Services

Objection to principle only.

Natural Heritage, Planning Services

No objection.

4.0 Representation Summary

4.1 Six objections have been received from five individuals. 30 representations have been received from individuals in support of the proposal.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Potential for noise from music and otherwise to adversely impact the residential amenity of nearby houses and the quiet rural character of the area.	2.4.5
b. Concern expressed in relation to the potential impact on residential amenity of food smells.	2.4.5
c. Road safety impacts	2.5

4.2.2 Support Comments

Issue	
a. Welcome potential benefits to Star as a social space, Star lacking a pub, etc.	2.2.7
b. Welcome potential benefits to the farm as a business.	2.2.7
c. Welcome potential benefit to children in terms of encouraging outdoor play and environmental appreciation.	2.2.7

4.2.3 Other Concerns Expressed

Issue	Comment
a. No site notice.	There is no requirement for such a notice in this case.

5.0 Conclusions

Subject to conditions, the development accords with or is otherwise acceptable in terms of the provisions of policy and guidance relating to the principle of development, design and visual impact, residential amenity, transportation and road safety, and the natural environment. Subject to conditions, the development accords with the Development Plan overall, with no material considerations of sufficient weight to justify departing therefrom.

6.0 Recommendation

It is accordingly recommended that:

The application be approved subject to the following condition(s):

1. BEFORE ANY OF THE USES HEREBY APPROVED ARE FIRST BROUGHT INTO USE, visibility splays of 3m x 210m shall have been provided to the left and to the right at the junction of the vehicular crossing and the public road and thereafter maintained throughout the lifetime of the development hereby approved, clear of all obstructions exceeding 1 metre above the adjoining carriageway level, in accordance with the current Fife Council Making Fife Places Supplementary Guidance (2018) Appendix G.

Reason: In the interests of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access and the public road.

2. BEFORE ANY OF THE USES HEREBY APPROVED ARE FIRST BROUGHT INTO USE, and notwithstanding the details shown in the approved plans and drawings, there shall have been provided a total of 12 nos. off-street parking spaces in service of the development hereby approved, in accordance with details which shall have been submitted to and approved in advance in writing by the planning authority, which details shall accord with the current Fife Council Making Fife's Places Supplementary Guidance (2018) Appendix G. These parking spaces shall thereafter be retained throughout the lifetime of the development hereby approved.

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

3. Notwithstanding the details hereby approved, the hours of operations and activity associated with the development hereby approved shall be restricted to such times as shall have been agreed in writing by the planning authority in advance of commencement of the uses hereby approved.

Reason: In the interests of residential amenity; to ensure proper control over noise.

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

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

5. The cafe/restaurant and ancillary hot-food takeaway uses hereby approved, including any associated entertainment, and any other uses ancillary or incidental to the said uses, shall be limited to within the containers shown in the approved drawings.

Reason: In the interests of residential amenity; to ensure proper control over noise.

6. There shall be no amplification of music or voice in connection with the uses hereby approved.

Reason: In the interests of residential amenity; to ensure proper control over noise.

7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Brian Forsyth, Planner (Chartered Town Planner)

Report reviewed and agreed by Alastair Hamilton, Service Manager and Committee Lead
10/11/25