

West and Central Planning Committee

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



Wednesday 7 February 2024 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTE – Minute of the meeting of West and Central Planning Committee of 10 January 2024. 4 - 5

4. 23/01942/FULL - LAND AT ADMIRALTY PARK ROSYTH 6 - 40

Erection of new high school (Class 10), formation of associated sports pitches, landscaping and footpaths, erection of floodlighting, formation of vehicular access and associated infrastructure.

5. 23/02531/FULL - BLACK SHED SITE, BELLEKNOWES INDUSTRIAL ESTATE, INVERKEITHING 41 - 62

Installation of a 20.7MW gas-fired peaking plant and associated infrastructure (application to increase capacity from 19.9MW as approved under application reference 22/03551/FULL to 20.7MW).

6. 23/00674/FULL - GRAHAMS THE FAMILY DAIRY. MILK PRODUCTS. LTD BLOCK 1 2 AND 3 GLENFIELD INDUSTRIAL ESTATE 63 - 73

Extension to industrial building (Class 5).

7. 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.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street

Glenrothes
Fife, KY7 5LT

31 January, 2024

If telephoning, please ask for:

Emma Whyte, Committee Officer, Fife House 06 (Main Building)

Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

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

10 January 2024

2.00 pm – 3.00 pm

PRESENT: Councillors David Barratt (Convener), David Alexander, Lesley Backhouse, Alistair Bain, Ian Cameron, Altany Craik, Dave Dempsey, Derek Glen, James Leslie, Gordon Pryde, Sam Steele and Andrew Verrecchia.

ATTENDING: Mary Stewart, Service Manager - Major Business & Customer Service, Natasha Cockburn, Lead Professional (Infrastructure) and Scott Simpson, Planner, Planning Services; Gemma Hardie, Solicitor, Steven Paterson, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor James Calder.

141. DECLARATIONS OF INTEREST

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

142. MINUTE

The committee considered the minutes of the following meetings:-

- (1) Pre Determination Hearing of 6 December 2023; and
- (2) West and Central Planning Committee of 6 December 2023.

Decision

The committee agreed to approve the minutes.

143. 23/02125/PPP - LAND EAST OF RIVER LEVEN ELM PARK LEVEN

The committee considered a report by the Head of Planning Services relating to an application for the formation of an active travel network.

This application was subject to a Pre Determination Hearing and the committee was asked to make a recommendation on the determination of the application to the Fife Planning Committee.

Decision

The committee agreed to recommend approval of the application to the Fife Planning Committee subject to the 9 conditions and for the reasons detailed in the report.

144. 22/02117/EIA - LAND NORTH OF LOCHORE MEADOWS GREAT NORTH ROAD KELTY

The committee considered a report by the Head of Planning Services relating to an application for a change of use from agricultural land and agricultural building to holiday accommodation site incorporating 80 holiday lodges, cafe (Class 3) and three retail units (Class 1) and formation of vehicular access and associated landscaping and parking.

Decision

The committee agreed:-

- (1) to approve the application subject to the 24 conditions and for the reasons detailed in the report;
- (2) the conclusion of a legal agreement to secure a contribution of £5189 towards Strategic Transportation Intervention Measures as set out in paragraph 4.13 of Fife Council's Planning Obligations Supplementary Guidance;
- (3) that authority be delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement; and
- (4) that should no agreement be reached within 6 months of the committee's decision, authority was delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

146. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

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

Committee Date: 07/02/2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 23/01942/FULL

Site Address: Land at Admiralty Park, Rosyth

Proposal: Erection of new high school (Class 10), formation of associated sports pitches, landscaping and footpaths, erection of floodlighting, formation of vehicular access and associated infrastructure.

Applicant: Fife Council Education and Children's Services, Rothesay House Rothesay Place

Date Registered: 24 July 2023

Case Officer: Katherine Pollock

Wards Affected: W5R05: Rosyth

Reasons for Referral to Committee

This application requires to be considered by the Committee because:

This is a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Summary Recommendation

The application is recommended for:

Conditional approval.

1.1 Background

1.1 The Site

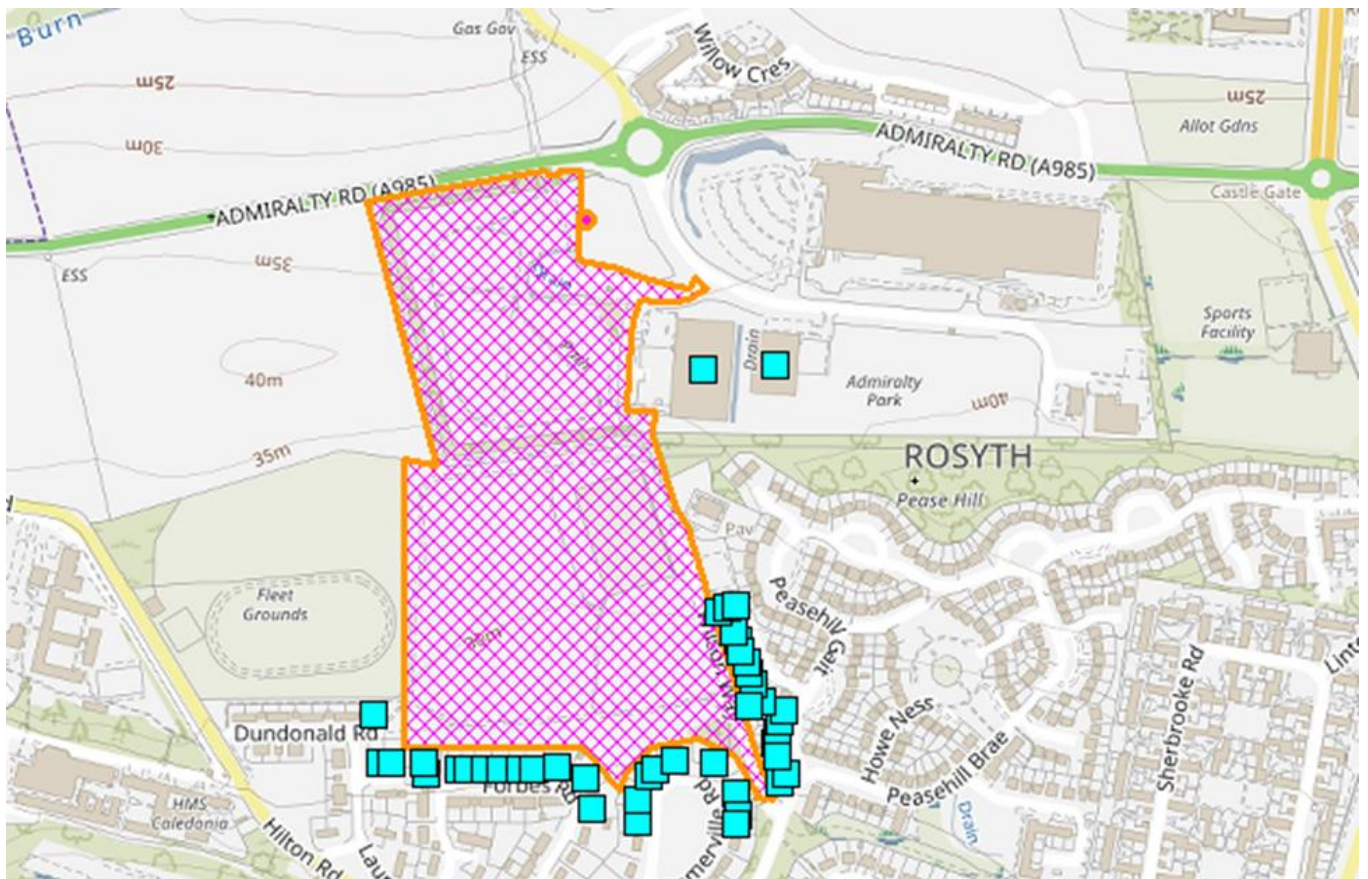
1.1.1 The application site extends to approximately 12 hectares, situated on the west side of Rosyth. It is bound by Admiralty Road (A985) to the north; the rear gardens of residential properties to the south; the Ministry of Defence Fleet Grounds and an agricultural field to the west; residential properties, a small parcel of agricultural land and an industrial estate to the east. The site predominantly comprises an agricultural field and open space with a tree belt running through the centre and along the west side of the site. There is an existing football pitch within the open space in the southern portion of the site. Wilson Way runs through the east side of the site. Along the southern site boundary there is a strip of woodland with the rear gardens of residential properties beyond. To the east side of the site there is a sports pavilion with an associated car park, the gardens of residential properties and a building materials supplier. The north eastern

leg of the site includes Caledonia Heights which links into Admiralty Park, providing the principal vehicular access into the site. Beyond the A985 to the north there are agricultural fields, the Brankholm Brae / A985 roundabout and the Hilton Garden City development are situated to the north east. There is a core path (ref: P637/03), right of way and sections of the Fife Coastal Path and Pilgrim Way which run along and adjacent to, Wilson Way and through the middle and western section of the site.

1.1.2 There are no listed buildings within or immediately adjacent to the application site and the site does not lie within a conservation area. None of the trees within the site are subject to a Tree Preservation Order. The fields to the north of the site beyond the A985 are within the South West Dunfermline Local Landscape Area.

1.1.3 The application site is located within the settlement boundary of Rosyth as defined on the adopted FIFEplan 2017 Proposals Map. The northern portion of the site, along with land to the east is designated as an employment site ROS 011 Admiralty Park 1 where uses are restricted to Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution). The remainder of the site (excluding Wilson Way) is protected open space. The application site sits within the Admiralty Green Network Policy Area (reference: ROSGN04). Approximately two thirds of the site is classified as prime agricultural land (Class 2) in the latest Hutton Institute Soil Survey of Scotland.

1.1.4 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

1.2 The Proposed Development

1.2.1 The application seeks full planning permission for the erection of a new high school (Class 10), formation of associated sports pitches, landscaping and footpaths, erection of floodlighting, formation of vehicular access and associated infrastructure.

1.2.2 The proposed high school building would extend to approximately 17,000 sq.m over three storeys, situated in the northern section of the site adjacent to the A985. To the immediate north of the school building a car park comprising 159 parking spaces, 16 electric vehicle charging points, a drop-off layby and 16 coach parking bays is proposed. To the south of the school building would be a variety of sport pitches including two multi-use games areas (MUGAs), two all-weather pitches and three grass pitches. The applicant has confirmed that these pitches would also be available for community use outwith school hours. An external play area is proposed to the rear of the school building which would include seating areas, outdoor table tennis and a basketball court.

1.2.3 A dedicated service area to provide access for deliveries and refuse access is proposed on the east side of the building, accessed via Caledonia Heights. This area would also house the bin stores, sprinkler water storage, a tank room and sprinkler pump room.

1.2.4 A community garden is proposed to the south west of the school building which would comprise a number of growing areas and a greenhouse. A supported learning provision garden is proposed to the north east corner of the school which would include a sensory garden, seating, picnic benches, pergola, trike track, informal games area and storage shed all set within an area of green landscaping.

1.2.5 Vehicular access to the site is proposed via an existing access spur from Caledonia Heights on the north east side of the site. No vehicular access is proposed via Wilson Way at the south east corner of the site.

1.2.6 The proposed site boundary enclosures mainly include weldmesh fencing of varying heights ranging from 1.5 metres on the southern periphery to five to seven metres around the sports pitches.

1.2.7 The proposal includes diversion of the existing core path and a section of the Fife Coastal Path which currently run along Wilson Way and through the middle and western section of the site. The proposed diversion would remove the section of path which runs through the middle and western edge of the site and would instead run along Caledonia Heights on the east side of the school, connecting into the existing and improved footpath network on the A985. The connection with Wilson Way at the south eastern corner of the site would be upgraded to provide a continuous footpath link at this point.

1.2.8 The majority of the existing tree belts to the north and west site boundaries and through the middle of the site would be retained with some small areas removed to accommodate new footpath connections and the diverted core path and Fife Coastal Path.

1.2.9 The school building would comprise a compact block form with an external courtyard on the west side of the building which would provide an external learning area. A projecting feature is proposed on the front of the building at second floor level and large canopy to the rear. The roof would include a wingspan feature and would house plant associated with the building's heating and cooling system. The principal material on all elevations would be a grey brick with a dark grey mortar. The rear elevation would also incorporate light grey metal cladding panels. Dark grey metal panels would be used on the games hall on the east side of the building and to highlight features on the west elevation. The windows would be triple glazed with PPC aluminium frames also in dark grey. The projecting feature at the front elevation and the wingspan roof feature would be clad in red metal oxide panels. The main entrance to the school building would be situated on the north elevation facing towards the A985.

1.2.10 The proposal includes a range of improvements and new road infrastructure in order to provide active travel routes. This is discussed in greater detail in Section 2.5 on Transportation and Road Safety.

1.3 Relevant Planning History

- 23/00769/PAN - Proposal of Application Notice for erection of high school (class 10), sports pitches, landscaping, floodlighting, access and associated infrastructure.
- 23/01021/SCR - Screening Opinion for erection of new High School (Class 10), formation of associated sports pitches, landscaping and footpaths, erection of floodlighting, formation of vehicular access and associated infrastructure.

1.4 Application Procedures

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 The proposal comprises development on a site area greater than 2 hectares and therefore, is classified as a Major Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public information events (ref: 23/00769/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation. This included promotional flyers being posted in a number of local libraries, public buildings and schools within the high school catchment area. An e-mail containing the flyer was also sent to all parents and guardians of those pupils attending feeder schools. The public events were also publicised via social media and a press release was issued on the 18th April 2023 advertising the consultation events to the Dunfermline Press and published on the Fife Council website. Four public consultation events were held including two at the Parkgate Community Centre in Rosyth on the 26th April and 24th May 2023; and two at Inverkeithing High School on the 27th April and 25th May 2023. The public events were advertised in the Dunfermline Press on the 13th April and 11th May 2023; and The Courier on the 18th April and 11th May 2023. In addition, the applicant created a dedicated website which contained information and updates on the proposal and provision for the public to make comments and complete an online questionnaire.

1.4.3 The application was advertised in the local press on 3rd August 2023 as being potentially contrary to the Development Plan and a Schedule 3 development.

1.4.4 As the application site for the proposed development exceeds 0.5 ha, per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is classed as a 'Schedule 2' development which required to be screened for EIA. The proposed development was screened by the Planning Authority (Ref: 23/01021/SCR), where it was concluded that an EIA was not required.

1.4.5 Paragraph 7 of Planning Advice Note 82: Local Authority Interest Developments (PAN 82) sets out some examples where a local authority may be considered to have an interest in development. In the case of this planning application, the Council as Education Authority is the applicant and the developer. The Council as Education Authority will be the operator of the development. Also, a section of the land which forms the application site is under Council ownership. Therefore, in this case, Fife Council as the Local Authority has an interest in the proposed development. Paragraphs 18 and 19 of PAN 82 highlight the importance of distancing the planning consideration from the corporate view when assessing planning applications, this is relevant to the assessment of both Planning Officers and Planning Committees. Paragraph 19 states that *“While the council, as a whole, may have reached a corporate view to propose or*

support a particular development, the planning authority must still carry out its statutory planning functions without interference. So once a planning application has been lodged, it is a matter for the council's planning officials and planning committee alone to carry out a thorough planning assessment – following all necessary procedures - and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. The authority's corporate decision to support development must not take precedence over the need for a proper and fair planning assessment; nor should the authority's wish to proceed to a certain timetable."

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 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 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 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.

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.

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 5: Employment Land and Property

Outcomes: An increase in the percentage of settlements in Fife with a population of 5,000 or more which have an immediately available 7 year supply of employment land. Improved employment prospects. More opportunities for economic investment.

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 7: Development in the Countryside

Development on prime agricultural land will not be supported except where it is essential:

1. as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available;

2. for small-scale development directly linked to a rural business; or

3. for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

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.

National Guidance and Legislation

PAN 1/2011 Planning and Noise

PAN 33 Contaminated Land (Revised 2000)

PAN 82 Local Authority Interest Developments

Scottish Government Assessment of Noise: Technical Advice Note (TAN)

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.

Other Relevant Guidance

Scottish Government Draft Planning Guidance: Biodiversity (November 2023)

Sport England Artificial Grass Pitches Acoustics Planning Implications Design Guidance Note (Revision 001, August 2015)

Fife Greenspace Audit (July 2010)

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
- Amenity
- Transportation and Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Archaeology and Historic Built Environment
- Sustainability

2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 5 and 27 and Policies 1, 3, 5 and 7 FIFEplan (2017) apply.

2.2.2 The application site is located within the settlement boundary of Rosyth as defined on the adopted FIFEplan 2017 Proposals Map. The northern portion of the site, along with land to the east is designated as an employment site ROS 011 Admiralty Park 1 where uses are restricted to Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution). The remainder of the site (excluding Wilson Way) is protected open space. Approximately two thirds of the site is classified as prime agricultural land (Class 2) in the latest Hutton Institute Soil Survey of Scotland.

Loss of Employment Land

2.2.3 The proposed development would result in the loss of approximately 4.35 hectares of the employment land allocation ROS 011 Admiralty Park 1 which extends to 6.9 hectares in total.

2.2.4 FIFEplan Policy 3 states that development proposals will not be supported where they would result in a loss of business or industrial land and makes reference to FIFEplan Policy 5. FIFEplan Policy 5: Employment Land and Property states that all existing employment areas, and those allocated within FIFEplan will be safeguarded for continued industrial and business use. With regard to changes of use from employment land these will only be considered if:

- 1. it is demonstrated that the existing building or site cannot be reused or redeveloped for employment uses, based on prevailing market conditions which will be determined at the date of the application; and*
- 2. it will not create a shortfall in the 7 year supply of employment land in settlements with a population of 5,000 or more*

Policy 5 also notes that in all cases an assessment must be undertaken to identify potential impact on amenity. This issue is considered in greater detail in Section 2.4 on Residential Amenity.

2.2.5 The proposed development would result in the loss of 4.26 hectares of employment land to an education use and therefore, is contrary to FIFEplan Policy 5. The submitted Industrial Market Overview Report by JLL (dated July 2023) confirms that the site owners (Scottish Enterprise) have marketed the site for sale via their commercial agents for a considerable period of time, in excess of 15 years. The agent has done so via a variety of methods including marketing boards on the site; mail shots; advertisements in property publications and via recognised property letting websites. The Industrial Market Overview Report advises that during this time only four of the Plots available within the Admiralty Business Park have proceeded beyond Heads of Terms stage, these relate to other plots and not the application site. The status of these plots are as follows: Plot 7 - sold 2009; Plots 4 and 5 - subject to an option agreement to adjacent proprietor since 2012 but has not been developed for any business or industrial use; Plot 2 (part) – currently under offer but not to a business or industrial user. Plots 4, 5 and Plot 2 (part) remain undeveloped and vacant to date. There are no live applications or planning consents in place for any business or industrial uses on these Plots. The proposed development would be located on Plots 1, 3 and part of Plot 2. Through discussions with Scottish Enterprise the agent has confirmed that there has been no interest received in these Plots for employment uses despite the long-term marketing of the site. It is evident that the site has been extensively marketed for over 15 years with very little success in attracting Class 4, 5 and 6 users to enable the site to be redeveloped for employment uses. The proposal is therefore, in compliance with Criterion 1 of FIFEplan Policy 5.

2.2.6 In relation to Criterion 2, it is noted that within the Fife Council Employment Land Audit 2022 that Rosyth has a 'red' RAG Status where the allocation of marketable employment land meets less than 80% of the requirement defined in the Fife Employment Land Strategy 2014 – 2021 (FELS). Given that there is an existing shortfall in the 7-year land supply in Rosyth the loss of this employment land will increase this shortfall. Nonetheless, as provided for in FIFEplan Policy 5, the consultation response received from the Fife Council Economic Development Team confirms that payment of a commuted sum to mitigate against the loss of employment land would be acceptable. The District Valuer was instructed to assess the appropriate level of commuted sum to be paid in order to compensate for the loss of employment land. In formulating his opinion of value the District Valuer considered all relevant factors pertaining to the nature, condition, location, and situation of the subjects. This figure was arrived at from examining economic

indicators and the available sales evidence which has been appropriately weighted having regard to the extent to which the sites are serviced, the location, price, sales date and nature, and having regard to the valuer's knowledge and experience of the area. The District Valuer's headline valuation of the land was £230,000 per hectare, equating to a commuted sum of £1,000,000. Economic Development have confirmed that they have no objection to the proposal subject to securing the commuted sum to offset the loss of employment land. This would be used to help deliver other employment land allocations and development in the Rosyth area. The applicant has confirmed that they agree to payment of the commuted sum. Given that the payment of the commuted sum would involve a transfer of money between two different Fife Council Departments, it is recommended that this transfer is secured via the signing of a Memorandum of Understanding between Fife Council Education and Children's Services (the applicant) and Fife Council Economic Development prior to the issuing of the decision notice should Committee grant planning permission for the proposed development.

Loss of Prime Agricultural Land

2.2.7 The proposed development would result in the loss of Class 2 prime agricultural land as identified in the latest Hutton Institute Soil Survey of Scotland. The prime agricultural land designation covers approximately two thirds of the site but actually excludes the majority of the agricultural field within the application site. The Class 2 designation covers a large expanse of land extending from and including the Pease Hill residential properties to the east of the site, the land to the west of the application site including the Fleet Grounds and extending north beyond Pattiesmuir, south towards the shipyard and beyond to the west, north west of Limekilns. The area which would be lost to the proposed development represents a very minor part of this wider designation.

2.2.8 NPF 4 Policy 5 b) and FIFEplan Policy 7 will only support development proposals on prime agricultural land in a limited number of circumstances including (as applies to this proposal) where the proposal forms essential infrastructure and there is a specific locational need and no other suitable site. NPF 4 Policy 5 b) states that the layout and design of a proposal should minimise the amount of protected land that is required.

2.2.9 The proposed development is considered to be essential to address the need for a new educational facility which would serve a number of key settlements in the west and south east of Fife. The proposal has a specific locational need in that it must be located within the education catchment which it serves. The Rosyth / Inverkeithing area is where the majority of the population who would access the school live. The applicant has undertaken an extensive site selection process in selecting the application site. There are no other suitable sites available within the catchment which would avoid the need for the proposed development to build on the prime agricultural land. The suitability of other sites and the site selection process undertaken by the applicant is discussed in greater detail in the section on Town Centre First below. However, it is considered that the resulting loss of prime agricultural land is justified in accordance with the requirements of NPF 4 Policy 5 b) and FIFEplan Policy 7.

Town Centre First Assessment

2.2.10 FIFEplan Policy 6 and NPF 4 Policy 27 b) require development proposals to be consistent with the town centre first approach. Proposals for uses which generate significant footfall including education uses will not be supported outwith city, town and local 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. It is noted that NPF 4 Policy 27 states

that with regard to education uses the town centre first assessment should be applied flexibly and realistically so that they are easily accessible for the communities they are intended to serve.

2.2.11 The application site is not located within or on the edge of any existing city, town or local centre as identified within the adopted FIFEplan and therefore, the applicant is required to provide a Town Centre First Assessment in order to demonstrate compliance with NPF 4 Policy 27 and FIFEplan Policy 6.

2.2.12 In selecting the application site, Fife Council Education and Children's Services undertook an extensive site selection process looking at some 27 sites across the high school catchment area which extends from Rosyth in the west to Aberdour in the east, including a number of settlements namely Inverkeithing, Dalgety Bay and North Queensferry. The selection criteria included a site of sufficient size in order to accommodate the school, open space, external learning, sports facilities, community needs and extracurricular activities. It would also have to allow for potential future expansion. All in accordance with the relevant Scottish Government Guidance and current Fife Council priorities. The site would need to be located within the designated Inverkeithing High School catchment area whilst being accessible on foot and by bicycle, car and public transport and be available to allow for occupancy of the school within a reasonable timescale. The cost of developing the site for a new school would need to be achievable within the capital budget available. Of the 27 sites initially identified, 21 of these were discounted at an early stage with feasibility studies prepared for the remaining six sites: the existing Inverkeithing High School site; Land north of the A921 – West; Land north of the A921 – East; Fleet Grounds (application site); HMS Caledonia; West Rosyth (Hilton Road / Caledonia Way). Of the final six sites, the application site was considered by Fife Council Education and Children's Services to meet the most criteria and provide best value for the Council.

2.2.13 As referred to at Section 1.4 of this report, PAN 82 advises on the importance of distancing the planning consideration from the corporate view therefore, it should be noted that the Planning Authority's assessment of the proposed development is independent of the Education Authority's site assessment. The Planning Authority's assessment is a separate process where the proposed development is assessed against the relevant Development Plan policy as required by legislation and not the applicant's own search criteria. As required by NPF 4 Policy 27, the applicant's agent carried out and submitted a Town Centre First Assessment (by JLL, dated December 2023). The relevant sites to be sequentially assessed within the Town Centre First Assessment were scoped in advance with the Planning Authority. The results of the submitted sequential assessment confirm that there are no suitable or available sites within or on the edge of the designated local centres in Inverkeithing, Rosyth, Dalgety Bay and Aberdour which could accommodate the proposed development. It is worth noting that the size of the designated local centres themselves (which range from approximately 1.6 to 4.4 hectares) are significantly smaller than the area of land required to accommodate the proposed development (12 hectares) There is no prospect of the scale of the proposed development being reasonably altered or reduced to enable it to be accommodated within a centre. The sites which were assessed in greater detail were all edge of centre sites. These were found to be too small to accommodate the proposed development, with the exception of an area of protected open space occupied by Aberdour Golf Club and the potential option of combining two sites within Inverkeithing (at Ballast Park and Caldwell Mill). Looking at the area of open space on the edge of Aberdour Local Centre, this extends to approximately 36 hectares and therefore, would be large enough to accommodate the development. The site is in private ownership, the availability of which has not been established however, it comprises an operational golf course. The loss of an operational outdoor sports facility could be considered contrary to the Development Plan (in particular NPF4 Policy 21 and FIFEplan Policy 3). This site is not suitable. The option of combining land at Ballast Park and Caldwell Mill within Inverkeithing would provide a site of a sufficient size however, was deemed not suitable due to technical constraints including contamination and flooding.

2.2.14 With regard to the other town centre first assessment considerations noted under NPF4 Policy 27, the submitted Town Centre First Assessment notes that there are no designated town centres within the school catchment area, there are local centres identified within the key catchment area settlements. The nearest are the three local centres on Queensferry Road, Rosyth. The proposed development is unlikely to have a close relationship with these centres given its location and distance from the centres however, any potential impacts are likely to be positive. Given the education use proposed, the development would not be in competition with the existing local centre uses and therefore, there would be no significant adverse impact on the vitality and viability of the designated retail centres within the catchment. It is noted that the existing Inverkeithing High School site is not located within or on the edge of the designated Inverkeithing Local Centre, while this local centre may currently experience some benefit from the presence of the school within the town, this is considered to be minimal and therefore, the relocation of the school to another settlement is unlikely to have substantial negative impact in terms of adverse effects on the vitality and viability of Inverkeithing Local Centre. The new school could have a positive economic impact in terms of jobs created during the construction period. There would be no jobs lost as a result of the school relocation. The applicant is committed to using local suppliers and employing workers from the local area. In relation to the environmental impact of transporting goods and also staff and visitor travel to the application site, the submitted Air Quality Assessment confirms that there would be no significant impact resulting from the proposed development on air quality.

Loss of Open Space

2.2.15 The southern portion of the application site is designated as protected open space in the adopted FIFEplan, therefore, it could be considered that there would be a loss of open space as a result of the proposed development which would be contrary to NPF4 Policy 20 and FIFEplan Policy 3. However, this section of the site is where the sports pitches are proposed which would be available for community use. Sports facilities are a type of open space in their own right. The new sports facilities would be an improvement on the existing empty grassland and therefore, would accord with Part 2a. of FIFEplan Policy 3.

2.2.16 Within the Fife Greenspace Audit Rosyth is identified as a settlement which has very high amounts of greenspace (199% to 150%). The southern portion of the site, along with the open space adjacent to Fleet Grounds is identified as a 'sports area' greenspace site. The remainder of this greenspace site would not change, nor would access to it become restricted as a result of the proposed development. With the proposed sports pitches in place, the land would not be lost as a greenspace site and it would remain in the 'sports area' category.

2.2.17 Fife Council Parks, Development and Countryside Team was consulted on the application and has not expressed any concerns in relation to the loss of the existing area of grassland and offered no objection to the proposed development. The proposal would be in accordance with NPF4 Policy 21 which aims to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

2.2.18 In conclusion, the proposed development would result in the loss of prime agricultural land however, this is justified in accordance with the requirements of NPF 4 Policy 5 b) and FIFEplan Policy 7. The proposed education use is one which would generate significant footfall at an out of centre site outwith any designated city, town or local centre. The applicant has demonstrated that there are no other sites which are suitable and available that could accommodate the proposed development. The development would not have a significant adverse effect on the vitality and viability of the designated city, town or local centres. It is, therefore, compliant with the town centre first approach as required by NPF 4 Policy 27 and FIFEplan Policy 6. The loss of open space is justified in accordance with the criteria set out in Part 2 of FIFEplan Policy 3, with

an improved alternative provision proposed. While the development is contrary to Policies 1, 3 and 5 of the adopted FIFEplan in terms of the resultant loss of business and industrial land, this can be compensated for in accordance with FIFEplan Policy 5. The proposed loss of employment land is considered to be acceptable in this instance, subject to securing a commuted sum equating to £230,000 per hectare of the gross area of employment land lost. Payment of this commuted sum would be secured via a Memorandum of Understanding.

2.3 Design and Visual Impact

2.3.1 NPF4 (2023) Policies 14 and 15, FIFEplan Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) apply with consideration of the design and visual impact of the proposed development.

2.3.2 In accordance with the principle of local living and 20 minute neighbourhoods promoted by NPF4 Policy 15 the proposed development would contribute to both of these objectives by providing an education facility which can be easily accessed from the surrounding local area. Located within the settlement envelope of Rosyth, it would be easily integrated, taking account of the existing settlement pattern and adding to the mix of uses within its immediate neighbourhood. The proposed design layout promotes connections to the surrounding area.

2.3.3 The proposed development has been assessed against the six qualities of successful places as follows:

1. **Healthy:** the proposal aims to support the prioritisation of women's safety and improving physical and mental health by incorporating external amenity spaces with varied characteristics and quality landscaping. The external spaces would be overlooked and well-lit to minimise any potential safety concerns. The proposal aims to promote active travel. The proposed site layout is designed to minimise traffic confining vehicular access to the car park area at the north end of the site. The proposed sports pitches would provide opportunities for physical exercise by a wider range of users. In addition to providing facilities for the school the pitches would be available for community use.
2. **Pleasant:** the proposed development would create a highly attractive and sustainable place to learn and work. The scheme will deliver an attractive, well managed and appropriately scaled development designed to encourage activity and overlooked by surrounding buildings and active frontages. A range of public and private spaces will be provided, and the internal layout would create an attractive environment for both pupils and staff. The proposal includes a scheme of public art which would enhance the visitor experience. The proposed public art strategy includes public display boards associated with the Fife Coastal Path, outdoor seating, decorative signage and a graphics wall within the main atrium space.
3. **Connected:** the proposal includes measures to support and encourage the use of sustainable transport options with a range of improvements proposed to the surrounding road, footpath and cycle networks to ensure that the site is well connected to the surrounding area and beyond. Within the application site, the proposed layout would create a highly permeable footpath and cycle network, facilitating ease of movement between different parts of the site. The proposal would result in improvements to the Fife Coastal Path.
4. **Distinctive:** the proposed building design draws upon a range of local architectural styles and local landmarks. For example, the colour and industrial nature of the projecting feature

to the front of the building takes design cues from the Forth Rail Bridge and Rosyth Shipyard in terms of its industrial appearance and colour. The site is set within an area comprising a mix of uses and therefore, includes a range of architectural styles. The proposed building would add to this mix creating a distinctive gateway building upon entering Rosyth from the west which is set within a soft landscaped setting. It would retain existing features such as the tree belts running along the front and west side of the site, providing enhancements to these by way of additional tree and wildflower meadow planting.

5. Sustainable: the proposed design solution for the site has been developed in accordance with the Passivhaus Classic Standard which is the leading international design standard for low energy, comfortable, high quality buildings. In order to achieve this standard, the building has been designed to meet a strict set of criteria to ensure maximum comfort with minimum overall energy consumption. The proposed building includes the following sustainable features: high levels of thermal insulation, high performance Passivhaus accredited triple glazed windows, mechanical ventilation with heat recovery, airtight building design and significantly reduced thermal bridges. In addition to those proposed throughout the external areas within the site, the building would incorporate a range of biodiversity enhancements including bat and bird boxes. Such measures would ensure an efficient use of resources and ensure climate resilience.
6. Adaptable: the school building has been designed in order to accommodate a range of potential expansion options should an extension to the school be required in the future. This would allow for flexibility to accommodate population growth and demonstrates the ability of the building to adapt in order to accommodate changing requirements over time whilst extending the life cycle of the building.

2.3.4 In relation to the visual impact of the proposed development on the surrounding area, it is noted that the application site is situated on the edge of an urban settlement and is surrounded by a mix of uses including industrial and residential buildings to the east and south and agricultural fields to the west. The proposed development would present as an extension to the urban form when viewed on approach to Rosyth from the west and from the north. It is considered that the proposed development would have limited impacts, if any, on the nearby South West Dunfermline Local Landscape Area which is situated north of the site, beyond the A985. The proposal would not have a detrimental impact on the qualities of the Local Landscape Area.

2.3.5 Initially the Fife Council Urban Design Officer expressed concerns in relation to building design and visual impact and in particular, regarding the building mass, uniformity, lack of distinctiveness, and the overall visual impact of the building. These issues were resolved during the application process with changes to the building design, the key elements of which include the amendment of the roof feature which projects forward of the northern building line, alongside material changes to the southern elevation. The Urban Design Officer confirmed that he considered that the amended roof feature introduces a prominent and distinctive element to the principal elevation. It acts as an entrance canopy, as well as visually breaking up the building mass and horizontality. The previous uniformity of the building is now significantly altered by the introduction of this roof feature. The extensive glazing across this element, alongside the strong colour and its significant projection forward of the building line, all makes a positive contribution towards addressing previous concerns raised. The material changes to the southern elevation are considered appropriate and sympathetic to the overall design concept. It offers a notable degree of variation between the northern and southern elevations but retains a continuity of appearance and texture (including colours, entrance canopy, glazing and stairwell recessing), so that it reads as part of the whole design concept, but is distinctive in its own right. Overall, the recent amendments, alongside the previous changes/proposals, such as the stairwell recesses, window louvres, parapet roof banding, varying brick colour/textures and the contrasting colour of

the PE block on the east side of the building, are now considered to present a structure with elements of distinctiveness and character that can make a positive contribution to the visual quality of the site and wider context. These elements help address the urban design concerns raised previously in relation to building design. The Urban Design Officer confirmed that he has no objection to the proposed development.

2.3.6 The proposal complies with the relevant policies of NPF4 and FIFEplan in relation to design and visual impact.

2.4 Amenity

2.4.1 NPF4 (2023) Policies 14 and 23, FIFEplan (2017) Policies 1, 5, and 10, Planning Advice Note (PAN) 1/2011: Planning and Noise and Fife Council Policy for Development and Noise (2021), apply in terms of the amenity of residents and neighbouring businesses.

2.4.2 PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It states that it promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. The WHO Guidelines (2015) are referred to as the standards which should be achieved for environmental noise. These include 50dB for external space with 55dB being considered an upper limit, 35dB for internal space through the day and 30dB for internal space through the night.

2.4.3 A Noise Impact Assessment by Envirocentre (dated August 2023) has been carried out for the site. This looks specifically at the potential additional road noise, noise resulting from the proposed roof top plant and noise from the proposed playing fields to the rear of the school building. The report found that the potential increase in road noise resulting from the development would be of 0.7 dB or less at all of the agreed assessment locations. A change in level of this magnitude is unlikely to be detectable. The potential noise associated with the rooftop plant was predicted for all first-floor bedrooms with windows partially open for ventilation. Noise levels were predicted to meet the agreed NR25 criterion by a significant margin in all cases. Potential noise from the proposed sports pitches was assessed in accordance with the guidance contained within the Sport England Artificial Grass Pitches Acoustics Planning Implications Design Guidance Note, the guidance which the Fife Council Environmental Health Team expect applicants to use in their assessment. The guidance states that when a site is in an open location, noise levels of 50 dB LAeq(1 hour) can be achieved at a distance of 40 metres, measured from the pitch sideline at the halfway line.

2.4.4 The Noise Impact Assessment found that achieving the full 40 metre standoff distance would not be possible whilst still delivering the number of sports pitches required by the school. The pitch layout has been designed to ensure that this standoff distance is only breached from the corners of a limited number of the pitches. At these locations the noise propagation is reduced. The maximum predicted noise level due to cumulative pitch noise at any noise sensitive receptor (NSR) is 53.3 dB LAeq,1h. This noise level is predicted at 4 NSRs located along the southern boundary at properties on Forbes Road. This equates to a Minor impact and therefore, a resultant Slight/Moderate level of significance. A Moderate effect is defined in the Scottish Government Assessment of Noise: Technical Advice Note (TAN) as "These effects, if adverse, while important, are not likely to be key decision-making issues". A further 13 properties located along the southern and eastern site boundaries are predicted to be exposed to pitch noise between 50 and 53 dB LAeq,1h. and are considered to result in a Negligible magnitude of impact, and therefore a

resultant Slight level of significance. This is defined in TAN as “these effects may be raised but are unlikely to be of importance in the decision-making process”.

2.4.5 The Noise Impact Assessment highlights that the assessment has been carried out on the basis of a worst case scenario where all of the sports pitches are in use at once and therefore, would be generating noise simultaneously, these results are therefore, likely to be an over-prediction of typical noise levels which could be experienced in the gardens of the affected properties. During more sensitive periods, such as evenings and weekends, it is expected that the artificial pitches which are closest to the school building will be more commonly in use. These pitches are located further away from the affected residential properties and therefore, the noise levels arising when these artificial pitches are in use is predicted to be less than 50 dB LAeq,1h at all of the NSRs modelled. The applicant has confirmed that the proposed sports pitches would be available for bookings by the local community outwith school hours including in the evenings and weekends, this could potentially be until 10pm. However, the use of the grass pitches which would be situated closest to the residential properties is likely to be more limited, particularly during the autumn and winter months when they are only likely to be used at weekends. These pitches would not be floodlit and therefore, would not be used beyond 3pm. Also, given the more intensive maintenance requirements presented by grass pitches, this would further limit the frequency of use, this would be especially pertinent during the winter months when the likelihood of poor weather such as prolonged wet spells is greater.

2.4.6 The Fife Council Environmental Health Team has expressed some concerns regarding the potential noise levels resulting from the proposed sports pitches. The team noted that there is a risk that some properties could experience noise levels, above the Sports England recommended level of 50 dB LAeq,1h when all the pitches are in use however, the likelihood of all pitches being used at once is very low. The team confirmed that they have no objection to the application, however, would strongly recommend that the Education Service carefully manage the use of the proposed development to avoid any significant negative impacts on the amenity of neighbouring residents. The Fife Council Environmental Health Team also assessed the submitted floodlighting information for the two Multi-Use Games Areas (MUGAs). They confirmed that there would be no negative impacts on residential amenity resulting from the proposed floodlights.

2.4.7 In accordance with FIFEplan Policy 5, the proposed development is considered to have a limited impact on the amenity of the adjacent industrial and business occupiers, the immediate neighbours being a fish processing factory and a building materials supplier. The existing and proposed landscaping would assist in providing a pleasant outlook for neighbouring occupiers, the building is set back within the site to avoid any overlooking. Whilst it is noted that the building materials supplier would be adjacent to the school service yard however, such an arrangement would not be uncommon in a business / industrial area. There would be a limited number of vehicles accessing the service yard for deliveries and waste collection and therefore, the potential for any vehicular conflicts in this area is limited. Looking at the amenity of the new education use given the industrial and business nature of the surrounding uses, it is considered that any potential impacts on amenity would not be significant. With regard to noise, the industrial activities associated with the adjacent uses would be largely contained within the buildings, with the exception of vehicular movements which is discussed further in Section 2.5. The adjacent uses are not heavy industrial uses as such which could be the source of continuous and unacceptable levels of noise that would potentially have a significant impact on the users of the school. Odours from the adjacent modern fish processing factory are in general, understood to be minimal however, the operators have advised that there is potential for some odour when certain processes are taking place such as smoking. This would not be a daily occurrence. The majority of the industrial buildings would be some distance from the school and are set within an established landscape setting which would further limit any potential impact on the amenity of the school users.

2.4.8 There would be no potential loss of privacy, sunlight and daylight for residents resulting from the proposed development. The school building would be situated in the northern portion of the site, adjacent to the Admiralty Business Park and therefore, a sufficient distance away from the nearest residential properties.

2.4.9 In conclusion, it is noted that noise pollution resulting from the new school has been raised in the objections to the planning application. It is evident that there is potential for some impact on residential amenity resulting from the operation of the grass sport pitches which would be situated at the south end of the site. The submitted Noise Impact Assessment was undertaken on the basis of a worst scenario where all of the pitches (all-weather and grass), were in use at once. It is noted that the probability of this occurring is low. Also, taking into account the potential usage patterns of the pitches, with the floodlit all-weather pitches (where there would be no exceedance of 50 dB) more likely to be in use more often. Use of the grass pitches would vary throughout the year. The maximum predicted noise level due to cumulative pitch noise at any noise sensitive receptor is 53.3 dB. This noise level could potentially be experienced at a limited number of residential properties. According to the TAN 53.3 dB could result in a minor adverse impact. The school should carefully manage the use of the grass pitches to minimise any potential impact on amenity and this can be secured through the imposition of a Condition requiring the submission and subsequent operation of a pitch management plan. Overall, the proposed development would not have a significant detrimental impact on the amenity of residents or adjacent businesses and therefore, is in accordance with the noted Development Plan policies and guidance.

2.5 Transportation and Road Safety

2.5.1 NPF4 (2023) Policies 13, 15 and 18; 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 The submitted Transport Assessment by Goodson Associates (dated October 2023) (TA) confirms that the proposed development could accommodate 1,735 pupils and 159 full-time equivalent (FTE) staff. It advises that the travel modal share calculated for pupils was based on the results of a questionnaire which was sent out to the current Inverkeithing High School pupils and pupils of the feeder primary schools. In terms of the predicted travel demands of the development, the Transport Assessment confirms it is anticipated that 487 pupil trips would be via active travel modes (walk, cycle and scooter); 939 by public transport (school buses, public buses, and train); and 310 would be by private car (passenger in a private car or taxi). The predicted staff travel demand was based on the Scotland Commute datashine website, using information extracted from the 'Rosyth South' zone. The TA estimates that 7 staff trips would be via active travel modes (walk and cycle); 6 by public transport (public buses and train); 126 would be via a private car; with 12 by means of car passenger.

2.5.3 NPF4 Policies 13 and 15 and FIFEplan Policy 3 provide support for development proposals where it can be demonstrated that the transport requirements generated by the development have been considered in a sustainable manner. The interconnectivity of the proposal with the surrounding area must be considered including sustainable modes of transport such as local public transport and safe, high quality walking, wheeling and cycling networks. Proposals must provide direct, easy, segregated and safe links via these networks before occupation. Taking into account the policy requirements and the results provided in the TA, providing for safe routes to the school via active travel improvements are a key consideration. The TA as originally submitted included four safe routes to the school. These are as follows:

Route 1 – would link Inverkeithing to Rosyth via the Dunfermline Wynd overbridge, Castlandhill Road and Ridley Drive, passing St John’s RC primary school. The route then crosses Castle Road and reaches the school via the Peasehill estate. This route is intended to serve pupils who live in West Inverkeithing, within the 2-mile walking catchment, as well as pupils living in south Rosyth. For pupils residing in West Inverkeithing the Dunfermline Wynd overbridge and Castlandhill Road are being promoted as a safe means of crossing the M90, avoiding the need to use the Admiralty interchange, where the existing facilities consist of uncontrolled crossing points at the bottom of the slip roads. Route 1 is understood to have good footway provision and street lighting throughout. The proposal does not include any improvements to this route. The Transport Assessment anticipates that the predicted pupil demand on this route would be approximately 93 pedestrian and 32 cyclists.

Route 2 - would serve the catchment north of the A985. Pupils can cross the A985 to Castle Road at the existing Toucan crossing immediately to the east of the King’s Road roundabout, opposite King’s Road primary school. Once on Castle Road, pupils would continue south and join Route 1 at the new Toucan crossing, accessing the school through the Peasehill residential area. As part of the Castle Road corridor measures, a new Toucan crossing is being provided south of the King’s Road roundabout. This gives the option of continuing along the south side of the A985 and to access the campus via the Brankholm Brae roundabout. The Transport Assessment anticipates that the predicted pupil demand on this route would be approximately 91 pedestrian and 31 cyclists.

Route 3 - would connect the school to the residential areas to the south, via Wilson Way. A new pedestrian/cycle route would be provided parallel to Wilson Way as part of the school proposal. The Transport Assessment anticipates that the predicted pupil demand on this route would be approximately 53 pedestrian and 18 cyclists.

Route 4 - would connect the Camdean area of the catchment to the school. A new Toucan crossing is proposed on the A985 which, with extension of the existing footway, would allow pupils to access the campus via Brankholm Brae. The Transport Assessment anticipates that the predicted pupil demand on this route would be approximately 73 pedestrian and 25 cyclists.

2.5.4 While not specifically noted in the Transport Assessment as a safe route to school, both Transport Scotland and Fife Council Transportation Development Management (TDM) highlighted the importance of the A985 in providing a direct, safe access to the school, in particular for pupils travelling from the east and the north side of Rosyth. Transport Scotland sought a three metre shared cycleway/footway with a one metre buffer strip to the A985 from the Castle Road roundabout to the entrance to Admiralty Park. After discussions between the various parties, the applicant confirmed that this can be achieved principally by making adjustments to the existing carriageway. A Transport Assessment Addendum by Goodson Associates (dated December 2023) (TAA) was submitted to reflect these improvements and in response to queries raised by Transport Scotland and Fife Council TDM. The TAA states that *“With this change in emphasis towards the A985, the original safe routes to school detailed in the Transport Assessment are now being promoted more as ‘quiet routes’ rather than formal active travel corridors. The proposed new link into the campus from the east via Peasehill Gait will no longer be promoted. Pupils choosing to travel through Peasehill can access the campus from the south via Wilson Way, which is being upgraded as part of the campus proposals.”*

2.5.5 The consultation response from Fife Council TDM dated 16th January 2024 provided detailed comments in relation to the active travel improvements and safe routes to school, a summary of these comments and areas where conditions are required is provided below.

Route 1 - In general, the proposed route is acceptable, but there are some concerns that can be addressed by condition. Hill Street and Dunfermline Wynd have narrow existing footways. It would not appear to be possible to provide an active travel route along these streets. It would not appear to be possible to widen the existing footway on the east side of Castlandhill Road between Dunfermline Wynd and the 30mph limit to provide an active travel route. In other words, cyclists would have to use the carriageway, which could discourage cycle usage. I would accept that there is nothing that can be done to widen existing footways. A controlled crossing would be required on Castlandhill Road to the south of the Ridley Drive junction. This is not being provided. No justification is provided for this being omitted. The TAA notes the “emphasis now shifting to the A985 corridor”, but this does not justify accepting a lesser standard on the other routes. This is addressed by condition.

A new path link to the west of the Hillpark Hotel car park is proposed. No consideration has been given to the new path or existing paths between Hillpark Hotel and Boyle Drive and Boyle Drive and Castle Road being upgraded and widened to active travel routes. Similarly, no consideration has been given to the provision of an active travel route on Ridley Drive by widening the footway on the south side into the carriageway. Not being proposed due to the “emphasis now shifting to the A985 corridor”. There is no justification for not widening the existing path which is on Fife Council controlled land. However, it is accepted that widening the footway on Ridley Drive would be difficult. The widening of the existing path is addressed by condition.

Peasehill Road and Peasehill Gait have 2 metre wide footways on both sides of the carriageway and are subject to a 20mph speed limit. Widening a footway to provide an active travel route would not be possible. However, dropped kerb pedestrian crossing points would be required at several of the junctions on the route. This is addressed by condition.

A shared path would be required between the Peasehill Gait turning head and Wilson Way. The land required to provide the link is owned by Fife Council. The adopted Peasehill Gait overlaps the Fife Council land ownership so there should be no land ownership concerns. Details shall be submitted via condition.

Route 2 –The TA notes a “new toucan crossing is being provided on Castle Road south of the Kings Road Roundabout.” The toucan crossing shall be in a position that would not result in abortive works when the Admiralty Road/Castle Road signalisation STIM is provided. Traffic Management colleagues have been consulted on the location of the proposed Castle Road toucan crossing. Priority must be given to active travel, the toucan crossing shall be located generally in the position shown within the TA Addendum. However, this would be subject to the following as discussed with Fife Council Traffic Management and is addressed by condition –

- The crossing width is considered too long. To address this a staggered crossing shall be provided with the middle lane being used to provide a pedestrian refuge.
- The existing two northbound lanes shall be reduced to one with the two lanes being retained between the crossing and the roundabout. This can be achieved with road markings. The centreline can remain; the markings between the northbound lanes and destination markings would be removed; with hatched markings provided on the approach to the toucan crossing refuge.
- The existing toucan crossing between the two proposed crossings shall be removed. The build-out can remain, but the textured paving and dropped kerbs shall be removed

and replaced with 100mm upstand kerbs. The footpath link through the grass verge on the west side of Castle Road would have to be removed and replaced with grass.

Route 3 – A shared path is proposed on the west side of the unadopted section of Wilson Way between the campus and the existing adopted shared footway/cycleway on the west side of Wilson Way. The Proposed Site Plan (document 02C) shows a path close to the southern boundary of the campus. The west end of the path terminates at the site boundary and does not link with Dundonald Road. This is addressed by condition. It is acknowledged that a path link with Somerville Road cannot be provided due to third party land ownership.

Route 4 – The provision of a puffin crossing at the south end of Brankholm Brae to link with existing/ proposed pedestrian cycle routes in the “Hilton Garden City” site is required. The TAA notes “*A signal-controlled crossing has not been considered at this location given the close proximity to the roundabout and the risk of traffic blocking back and impeding the safe operation of the trunk road*”. TDM noted that priority would be given to motor vehicles rather than active travel, contrary to NPF4. This is addressed by condition.

2.5.6 Following feedback provided by Fife Council TDM on the submitted TAA, the applicant agreed that an uncontrolled crossing on Castlandhill Road, near the junction with Ridley Drive could be accommodated. The applicant’s transport consultant undertook a further modelling exercise to include a controlled crossing on Brankholm Brae. This found that there would be minimal impact on the operation of the trunk road. This was accepted by Transport Scotland. The proposed crossing on Brankholm Brae would therefore, now be a controlled crossing in order to address the safety concerns raised. These measures were agreed following receipt of the TAA and therefore, are not reflected in the application submission but, would be required via condition and are reflected in the proposed conditions put forward by Fife Council TDM as noted above. It should be noted that the applicant has since confirmed acceptance of all of the conditions put forward by Fife Council TDM and Transport Scotland.

2.5.7 With regard to accommodating bicycle facilities within the school grounds, the proposed site layout includes secure cycle parking comprising one cycle shelter to the west of the school building and three shelters to the north of the sports pitches. This would provide capacity for 168 bicycles in total which could be used by both pupils and staff. The consultation response from Fife Council TDM notes that the location of the western cycle shelter could result in cyclists having to take a convoluted route through the car park to reach it. Cyclists are likely to take the direct route through the car park which could result in conflicts with manoeuvring cars. A clear cycle route is required between the site access/shared path and western cycle shelter to the south of the car parking spaces. This is addressed by condition. With the exception of the noted point above, the site layout has been designed to maximise flexibility for pedestrian and cycle access and reduce potential conflicts with vehicular traffic. The layout is fully permeable in terms of pedestrian access, with level access routes to the building provided from the north, east and south.

2.5.8 Car parking is proposed in accordance with Fife Council’s parking standards, which for secondary schools is one space per full time staff member therefore, 159 car parking spaces are proposed, including eight disabled spaces. Electrical vehicle charging spaces would be provided in accordance with the latest building regulations, which state that a minimum of 10% of parking spaces should be EV enabled. For the proposed development this equates to 15 standard spaces and 1 accessible space. The EV charging units would be double stations serving 2 parking spaces, so 16 standard spaces and 2 accessible spaces would be EV enabled. A pick-up / drop-off layby is proposed on the east side of the car park albeit, it is understood that this will be predominantly for use by the Supported Learning Provision pupils. Use of this facility would be for the school to manage.

2.5.9 The Transport Assessment confirms that a large proportion of pupils would travel to the school via bus (673 pupils). As such, 16 coach parking bays would be provided within the school car park which would connect to the school building via safe footpath links. The layout of the bus parking area includes a dedicated bus lane which loops around the north of the site, providing segregated access to the coach parking bays. A return link is also being provided, allowing the coaches to exit the campus safely in forward gear. The Transport Assessment confirms that 16 coaches could accommodate up to 832 passengers, assuming 52-seater capacity, so the coach parking provision should be more than adequate to meet the predicted demand.

2.5.10 The school would be serviced via a dedicated service area on the east side of the school. This would provide access for any deliveries and waste disposal access via Caledonia Heights and will operate in a one way loop system.

2.5.11 In order to promote sustainable travel by pupils and staff to the school and to raise awareness of the safe active travel routes to school, a School Travel Plan will require to be submitted prior to the opening of the school. This should also assist in helping to minimise the volume of traffic created at pick-up / drop-off times which has potential to cause issues on the adjacent residential and industrial estate streets. Submission of a Travel Plan, subsequent implementation of the measures identified within the plan and including a system of management, monitoring, review, reporting of the plan would all be required via condition as requested by Fife Council TDM and Transport Scotland. Concerns have been raised regarding the potential for the surrounding streets to be used for pick-up / drop-off purposes. This would need to be managed by the school should it become an issue. It should be noted that the submitted Transport Assessment found that the majority of trips to the school by pupils would be via active travel modes (24%) or by bus (51.3%), with trips via private car likely to equate to approximately 16.5%. There is a drop-off layby proposed within the site on the east side of the car park which could accommodate approximately 6 to 7 waiting cars. A number of the objections have raised road safety concerns and in particular the potential for conflicts between pedestrians accessing the school and vehicular / industrial traffic. As discussed in Paragraphs 2.5.3 to 2.5.6, there are a number of safe active travel routes being promoted as part of the proposed development. A range of improvements are proposed along these routes to help ensure easy access and safety. These improvements include a number of new crossings at key points identified on the routes. Those closest to the site include a toucan crossing to the west of the Brankholm Brae/A985/Admiralty Park roundabout and a crossing on Caledonian Heights within Admiralty Park which should assist in avoiding any potential conflicts between pedestrians accessing the school and industrial traffic. One of the representations received queried why the site vehicular access was not going to be taken direct from the A985. Transport Scotland have a general presumption against allowing new junctions on trunk roads when there are existing junctions available. Transport Scotland are unlikely to support a new junction with the A985 given the close proximity of the existing roundabout which provides access to Admiralty Park.

2.5.12 The proposal includes diversion of the existing core path and a section of the Fife Coastal Path which currently run along Wilson Way and through the middle and western section of the site. The proposed diversion would remove the section of path which runs through the middle and western edge of the site and would instead run along Caledonia Heights on the east side of the school, connecting into the existing and improved footpath network on the A985. The connection with Wilson Way at the south eastern corner of the site would be upgraded to provide a continuous footpath link at this point. The Fife Council Access Officer confirmed that she would support the application as long as the condition of the diverted core path / Fife Coastal Path is the same or improved.

2.5.13 The proposed site plan shows the vehicular access to the school and car park being partially constructed on an existing adopted road which also includes a section of footpath and turning head. As advised in the TDM consultation response, this section of adopted road and

footpath would have to be removed from the List of Public Roads therefore, stopping up orders would be required. Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 (as amended) allow a planning authority to by order, authorise the stopping up or diversion of a road or footpath if they are satisfied that it is necessary to do so in order to enable a development to be carried out. Planning permission must be in place before such orders can be granted. The granting of Stopping Up Orders is dealt with via a separate process, with a report to be taken to the relevant Area Committee for their consideration.

2.5.14 Looking at the potential impact of the proposed development in terms of the increase in traffic on the surrounding road network (both local and trunk roads), the modelling undertaken as part of the Transport Assessment and Transport Assessment Addendum found that there would be some increase in journey times on the local road network once the school has opened. As outlined in the submitted TAA, Transport Scotland requested that, in addition to the modelling undertaken by Systra, all trunk road junctions where the proposed school has an impact of more than 5% on any one arm should be assessed in detailed junction modelling software. The TAA considered the potential impact on the following junctions in greater detail: A985/Brankholm Brae Roundabout; A985/King's Road Roundabout; A985/Queensferry Road/B980 Roundabout and M90/A985 Admiralty Junction. The modelling tested the following scenarios: 2026 – No school, 2026 – With school, 2034 – No school and 2034 – With school. The turning flows were provided for the AM peak (0800-0900), campus peak (155-1600) and PM peak (1700-1800) peak hours. The TAA confirmed that the Junctions 10 analysis reports the Ratio of Flow Capacity (RFC) and maximum forecast queue for each movement within the junction. The RFC of a junction is one of the principal factors in influencing queues and delays. General engineering design principles advise that the RFC should not exceed 0.85 in order for the junction to operate within 'practical' capacity. Should the RFC level exceed 1.0 then the junction is operating above 'theoretical' capacity. The results set out in the TAA confirmed that all of the junctions on the A985 corridor would have sufficient capacity in order to accommodate the proposed development. The exception to this is the A985/Queensferry Road/B980 roundabout (Crossroads Roundabout). The TAA confirms that the results show that in general the roundabout can accommodate the school traffic in the year of opening (2026). The one exception is the A985 (W) approach in the PM peak, where the RFC reaches 0.88 (compared with 0.85 without the school). In this situation it is usual to propose some physical mitigation measures to achieve a 'no net detriment' solution. However, in this case the opportunities to provide any physical mitigation are extremely limited, given that the junction is landlocked. A suitable contribution towards sustainable transport measures may be more appropriate in this instance. Following further discussions on this matter, it was accepted that physical mitigation measures could not be achieved at the Crossroads Roundabout and therefore, a contribution in lieu of these works would be a suitable solution. Transport Scotland confirmed that they currently have no sustainable transport projects planned on this section of the A985 which a contribution could be put towards. It was agreed with the applicant and Transport Scotland that it would be appropriate for the development to contribute towards the active travel measures for example, safe pedestrian/cyclist crossing facilities which would be delivered as part of the Admiralty Road/Castle Road signalisation STIM. It was agreed that this contribution should be calculated on the basis of the cost of the physical mitigation measures which would be required to mitigate the impact at the Crossroads Roundabout. The applicant provided an initial detailed breakdown of the potential costs which would amount to approximately £25,000. Fife Council Officers consider that these initial costs require detailed review before the final amount is confirmed. The applicant has confirmed their acceptance that this sum (subject to review) is included within a Memorandum of Understanding. Payment of the contribution would involve a transfer of money between two different Fife Council Departments, therefore, it is recommended that this transfer is secured via the signing of a Memorandum of Understanding between Fife Council Education and Children's Services (the applicant) and Fife Council as Planning Authority prior to the issuing of the decision notice should Committee be minded to grant planning permission for the proposed development.

2.5.15 The TA and TAA submitted in support of the school showed that the King's Road /Admiralty Road/Castle Road STIM as designated in the adopted FIFEplan (ref: ROS018), could accommodate the additional PM trips generated by the school individually, however, the STIM would have to accommodate all active travel trips generated by the school. It is known that an intervention is needed in this location to accommodate the cumulative development of consented sites and allocations within FIFEplan (2017). The additional trips from this development through the junction would add to this cumulative effect and add to the need for mitigation. It is therefore, considered appropriate that the proposed development should contribute towards the King's Road /Admiralty Road/Castle Road STIM noting its potentially localised impact on this STIM. A contribution has been calculated on the basis of the formula for non-housing uses as set out at Paragraph 4.13 of the Planning Obligations Framework Guidance. On this basis the development should contribute a sum of £22,614.98. The applicant has confirmed acceptance of this figure. As is the case outlined in Paragraph 2.5.14 above, it is recommended that this transfer of funds is secured via the signing of a Memorandum of Understanding between Fife Council Education and Children's Services (the applicant) and Fife Council as Planning Authority prior to the issuing of the decision notice should Committee be minded to grant planning permission for the proposed development.

2.5.16 The detailed consultation responses provided by Fife Council Transportation Development Management (TDM) and Transport Scotland confirm that they have no objection to the proposed development, subject to the provision of the financial contributions and conditions referred to above and detailed in Section 6.0 of this report. Overall, the proposed development is in accordance with NPF4 Policies 13 and 15, FIFEplan Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines subject to the noted transport related conditions and contributions.

2.6 Flooding and Drainage

2.6.1 NPF 4 Policy 22 (Flood Risk and Water Management) and FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment) and Making Fife's Places Supplementary Planning Guidance apply.

2.6.2 At the site frontage with the A985, around the site entrance, and to the north east corner of the existing football pitch there are some small areas identified as being at low, medium to high risk of surface water flooding on the SEPA Flood Map. The submitted Flood Risk Assessment by Goodson Associates (dated July 2023) notes that there are no significant historic reports of flooding on the site however, there are local reports of historic flooding to the south of the site on Hilton Road. This is likely to be a result of failed historic adopted sewer networks, which Scottish Water is aware of. The proposed development is predicted to better the current situation with all surface water landing on the northern site being attenuated and treated prior to discharging to the north and all surface water to the southern site captured and stored prior to being released into the surface water sewer network at a much reduced rate. This control and management of surface water should limit the impacts of extreme rainfall. Other reports of minor historic flooding include wet ground to the south of the site along with surface water runoff onto Admiralty Road to the north of the site. These are both as a result of overland surface water runoff which has not had the chance to infiltrate as a result of the clay composition of the soils. There is currently no land drainage in place to dissipate this runoff. Within the Forth Estuary Flood Risk Management Plan the application site lies within the Inverkeithing, Rosyth, Dunfermline and Wellwood area, Rosyth is not noted as an area of historically high risk of flooding.

2.6.3 With regard to fluvial flooding, the nearest watercourse is the Brankholm Burn which is situated approximately 200 metres to the north of the site on the opposite side of the A985. A review of the SEPA interactive flood map indicates that this watercourse does flood locally but

poses no likely flooding risk to this site during the High (1:10), Medium (1:200) or Low (1:1000) year events. Fluvial flooding does not pose a risk to the application site.

2.6.4 In relation to the potential flooding downstream, currently the surface water from the site runs off into gulleys which service the access road. These discharge unattenuated into the surface water sewer which discharges into the Brankholm Burn. By developing the site and considering this as a 'sensitive watercourse', these unattenuated gulleys will be removed, runoff from the site will be collected, captured and stored prior to discharging at an agreed and controlled rate. The Flood Risk Assessment predicts that the risk of flooding to downstream properties is therefore, likely to reduce as a result of development of this site.

2.6.5 The Flood Risk Assessment confirms that all of the Scottish Water adopted sewers that this site is proposed to connect into have been CCTV surveyed. Sewers to the northern site were generally found to be in good condition, however, those to the south are found to be in less favourable condition. These are generally of older construction with some root inundation. These sewers are currently being jetted and cleared through root cutting to improve the capacity of the sewers back to their design flows. In summary due to the elevated position of the school building on the site, there is no risk of sewer flooding. As well as this the likelihood of sewer flooding will be reduced through the development of the site as currently surface water is entering the sewers at an uncontrolled rate. The report confirms that the risk of flooding from ground water is marginal. In relation to pluvial flooding, the report confirms that areas identified as being at risk of surface water flooding on the SEPA Flood Map on the north side of the site are as a result of large areas of overland surface water runoff finding its way to the lowest points in the site, which currently have no suitable drainage infrastructure nor infiltration characteristics in order to remove the water. The new development will consist of reprofiling of this land and positive drainage installed through gully's and filter trenches, removing the likelihood of any future surface water flooding in this vicinity. In designing the site drainage scheme, SUDs ponds were considered however, they were not considered to be appropriate due to the site levels, access road location and drainage connection points. An underground cellular storage system with hydrobrakes to control discharge rates is proposed as the most suitable drainage solution for the northern section of the site.

2.6.6 Fife Council Flooding, Shoreline and Harbours Officers were consulted. They initially provided a 'holding objection' subject to the applicant providing further information in relation to the flood risk and surface water management proposals. Following a review of the further information submitted they confirmed that they had no objection to the proposed development. Scottish Water has advised that there is currently sufficient capacity at the Glendevon Water Treatment Works and for a foul only connection at the Dunfermline Waste Water Treatment Works to service the proposed development. They have advised that further studies will need to be carried out to determine if the existing water network can meet the demands of the development, or if any mitigation or enhancement work is necessary. A flow and pressure test will be required. This matter would be dealt with when the applicant makes the relevant applications to Scottish Water to connect to their network. Scottish Water confirmed that they have no objection to the planning application.

2.6.7 The proposed development would not increase the risk of flooding within the site or elsewhere, all rain and surface water could be managed via the sustainable urban drainage system proposed and impermeable surfaces would be minimised all in accordance with NPF4 Policy 22, FIFEplan Policies 1, 3 and 12 subject to a condition requiring installation of the approved SUDs scheme prior to the occupation of the development and that the scheme shall be signed off by a suitably qualified drainage engineer and thereafter, maintained for the lifetime of the development.

2.7 Contaminated Land and Air Quality

2.7.1 Policy 23 of NPF4, Policies 1 and 10 of the Adopted FIFEplan and PAN 33 are applicable.

2.7.2 The application site lies within a Coal Authority Development Low Risk Area and therefore, is not considered to be at risk from past coal mining hazards, a Coal Mining Risk Assessment is not required in support of the proposal.

2.7.3 The Geotechnical Design and Environmental Risk Assessment Report by Goodson Associates (dated July 2023) confirms that the exploratory site investigation undertaken, along with laboratory analysis and generic quantitative risk assessment found that no viable pollutant linkages have been identified. The site should be considered suitable for use upon redevelopment with no mitigation measures required. The application site may be considered stable with regard to past mineral extraction. The document also made various recommendations in relation to the required cut and fill for regrading of the site and foundations. The Council's Land and Air Quality Team noted the findings of the report and requested that a condition be attached regarding the report of unexpected contamination, should this be encountered during the construction process.

2.7.4 The Council's Land and Air Quality Team reviewed the submitted Air Quality Assessment by Environcentre (dated August 2023) and noted that the predicted NO², PM¹⁰ and PM^{2.5} concentrations at all sensitive receptors were found to meet the relevant air quality objectives and therefore, offered no objection in this regard.

2.7.5 The proposed development is considered to be acceptable and in accordance with NPF 4 Policy 23, FIFEplan Policies 1 and 10 and PAN 33 subject to the above noted condition.

2.8 Natural Heritage and Trees

2.8.1 NPF4 (2023) Policies 1, 3, 4, 6 and 20 and FIFEplan (2017) Policies 1, 10 and 13 and Fife Council's Making Fife's Places Supplementary Guidance (2017) apply.

2.8.2 There are no statutory designated sites covering the planning application site and the site is not designated for any natural heritage feature. The submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Report by Direct Ecology, Version 3 (July 2023) found that there are three statutory designated sites within 2km of the site, the Firth of Forth SSSI / SPA / Ramsar site, St Margaret's Marsh SSSI and Ferry Hills SSSI. The Loch Leven SSSI / NNR / SPA / Ramsar site is within 20 km of the site. Due to the distance of the application site to these designated sites it was concluded that the proposed development would not have any negative impacts on these sites. There are no non-statutory designated sites within 1km of the site. There are no parcels listed on the Ancient Woodland Inventory or Native Woodland Survey of Scotland (NWSS) within 50m of the site.

2.8.3 The submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Report found evidence of bat activity however, confirmed that this was considered to be fairly low. The limited activity from both soprano and common pipistrelle bats was recorded in the south of the site around the trees on the southern site boundary (where no tree removals are proposed) and around the east of the site close to the existing artificial sports pitch and gardens of the properties on Peasehill Gait. Foraging activity was recorded around the northern and western tree blocks. No evidence of any other protected species was found within the application site or around the site boundaries.

2.8.4 In relation to birds, the woodland strips and grassland habitats within the site could provide foraging and nesting opportunities for birds. The Preliminary Ecological Appraisal notes that the grassland habitats are heavily disturbed by both people and dogs making successful breeding by any bird species less likely. A total of 37 bird species were recorded across the site (and in the fields or gardens immediately adjacent to the site). These include seven species that are red listed in Birds of Conservation Concern 5 (BoCC) (Stanbury et al. 2021). Three of these species may potentially breed within the application site boundary with others either flying over the site, or foraging in the grassland or woodland areas. A total of ten amber listed BoCC species were recorded with four of these also potentially breeding within the application site boundary.

2.8.5 It is noted that overall, the woodland strips within the site would be largely retained. No tree removals are proposed on the woodland running along the southern site boundary or adjacent to Wilson Way. Therefore, the tree habitats would continue to provide opportunities for foraging for both bats and birds and nesting for birds. A condition is recommended to ensure that any tree or vegetation removal should take place outwith the bird breeding season from March to August inclusive. The existing areas of open space are heavily used by people and dogs and therefore, provide very limited opportunities for both bats and birds. The Preliminary Ecological Appraisal notes that the poor semi-improved grassland, improved grassland and tall ruderal habitats within the site are of negligible ecological value and therefore, any loss of these would have very limited impacts. The Preliminary Ecological Appraisal sets out a range of mitigation measures to reduce any potential impact on bats and birds during and post construction. It is considered that with the proposed mitigation measures in place there would be no significant impact on the bat and bird populations. A condition is proposed requiring adherence to these mitigation measures in full. The Fife Council Natural Heritage Officer has offered no objection regarding the potential impact on ecology and is satisfied with the mitigation measures proposed.

2.8.6 NPF4 Policy 3 requires that significant biodiversity enhancements measures are provided for proposals which are classed as major developments in addition to any proposed mitigation. In the absence of guidance from the Scottish Government at the time of the planning application submission, the Preliminary Ecological Appraisal and Biodiversity Net Gain Report, as agreed with the Fife Council Natural Heritage Officer, used the Biodiversity Metric 4.0 in order to calculate the Biodiversity Net Gain which would be generated by the proposed development. This found that there would be a net gain of +4.05% of habitat units and a gain of 1.82 hedgerow units. In addition to the proposed new tree planting (150 new trees) and landscaped areas proposed, a range of bat boxes (8), swift boxes (11), house martin cups (7) and sparrow terraces (9) would be integrated into the new school building and a further 10 bird boxes and 6 bat boxes attached to the mature trees around the site. These would all provide significant enhancement to the site. The Fife Council Natural Heritage Officer has confirmed that the Biodiversity Net Gain resulting from the development is sufficient, taking into account the existing ecological conditions and the potential impacts of the development.

2.8.7 The Tree Survey and Arboricultural Impact Assessment by Heritage Ecological Limited (dated November 2023) confirmed that there are 14 Category A trees within the application site; 52 of the trees were categorised as category B; 31 as C category and 18 as U (unsuitable for retention). The proposed development would result in the loss of 25 single trees (16 category B and 9 Category C) plus approximately 6 small tree groups and therefore, compensatory planting is required. The report advises that compensatory planting should be based on a ratio of 3 trees planted for each lost in order to achieve a positive residual impact in terms of tree loss in the mid-to long-term. It is also recommended that enhancement measures are provided in the form of additional planting to ensure biodiversity enhancement and fulfil the requirements of NPF4. The proposed development includes the planting of a minimum of 150 new trees, 617 m² of broadleaf woodland planting and 450m² area of new hedging.

2.8.8 The report includes a detailed Arboricultural Method Statement (ArbMS) which outlines the proposed scheme of supervision for the proposed works, and a series of avoidance, mitigation and compensation measures to ensure that the arboricultural impacts of the proposal are minimised. It sets out a series of measures to ensure that the remaining trees are protected, particularly where works would be carried out close to trees to ensure their protection and without causing damage to their crowns/stems or root systems. A Scheme of Supervision is proposed which would be undertaken by suitably qualified arborist (Arboricultural Clerk of Works [ArbCoW]) who would be responsible for overseeing the implementation of all tree protection measures. The submitted Landscape Management Plan by Oobe (dated September 2023) provides details of the long-term maintenance of the trees and proposed landscaped areas.

2.8.9 The application site is not within but, is in close proximity to the South West Dunfermline Local Landscape Area. The proposed development would not have significant adverse effects on the integrity of the area or the qualities for which it has been identified in accordance with NPF4 Policy 4 and FIFEplan Policy 13.

2.8.10 In conclusion, the proposal is based upon an understanding of the existing characteristics of the site as reflected in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Report and Tree Survey and Arboricultural Impact Assessment. The potential negative effects have been assessed and a range of appropriate mitigation measures identified. In addition, significant biodiversity enhancements and measures to facilitate the ongoing management of the enhancement measures are proposed in compliance with NPF4 Policy 3. In accordance with NPF4 Policy 6, the proposal would enhance, expand and therefore, improve the tree cover within the application site, it would not result in the loss of any ancient woodlands, ancient or veteran trees. There could be a slight adverse impact due to the proposed tree removal and habitat removal. However, the latter is not of high biodiversity value and adequate compensatory tree planting is proposed in order to mitigate against the tree losses. Overall, the proposed development would have minimal negative impact on and would enhance the natural heritage assets within the site and therefore, is in accordance with NPF Policies 1, 3, 4, 6 and 20 and FIFEplan Policies 1, 10 and 13 subject to the noted conditions.

2.9 Archaeology and Historic Built Environment

2.9.1 NPF 4 Policy 7 and FIFEplan Policy 14 apply in relation to the impact of development on archaeology and the historic built environment.

2.9.3 There no archaeological sites, monuments or deposits recorded within the proposed development footprint. There are no listed buildings within or immediately adjacent to the application site. The site does not lie within a designated conservation area or World Heritage Site. It is not recorded in the Inventories of Historic Gardens and Designed Landscapes or Historic Battlefields. The Council Archaeologist confirmed that the site is not considered to be archaeologically sensitive and therefore, concluded that no archaeological condition will be required.

2.9.4 The proposed development would not cause any harm or damage to any protected built heritage or archaeology and therefore, is in accordance with NPF 4 Policy 7 and FIFEplan Policy 14 in this regard.

2.10 Sustainability

2.10.1 NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply in regards to sustainability.

2.10.2 The proposed school building has been designed to achieve the Passivhaus Classic standard to provide a high quality environment with the benefits of low energy use. The standard requires an embodied carbon target of under 540kg/CO₂e/m² as per the RIBA 2030 Target; a 67kWh/m² energy in use target (LEIP requirement); contribute to the Scottish Government goal to be Net Zero emissions of all Greenhouse gasses by 2045 and reduce emissions by 75% by 2030. The submitted Sustainability Statement confirms that the building would have a very low heating and cooling demand through low U-values, airtight construction and an orientation specific design. The energy demand which remains would be met by an all electric solution to capitalise in decarbonating the grid. This would include the use of a solar PV array which would reduce demand on the grid network. Air source heat pumps are proposed which provide a 100% energy efficient solution. The proposed building materials would be from recycled and local sources as far as is possible. The collection of dry recyclable waste and food waste would be in full accordance with the Fife Council's waste management standards. Adequate bin storage has been provided within a dedicated service yard to allow for easy access by refuse vehicles. The school would develop it's own recycling policy. The application site is not within 1km of a district heat network and therefore, no feasibility assessment is required in this regard. The proposed development includes a sustainable drainage system to 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. Fife Council Flooding, Shoreline and Harbours Team have confirmed that the proposed sustainable drainage system is acceptable.

2.10.3 While the proposal would generate an increase in vehicular traffic it includes measures to support and encourage the use of sustainable transport options with a range of improvements proposed to the surrounding road, footpath and cycle networks. Within the application site, the proposed layout would create a highly permeable footpath and cycle network, encouraging walking and cycling throughout the site. In order to promote sustainable travel by pupils and staff a School Travel Plan would be prepared.

2.10.4 The proposed development is in accordance with NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) in relation to sustainability.

3.0 Consultation Summary

Scottish Water	No objection.
Community Council	No response.
Transport Scotland	No objection subject to conditions in relation to active travel improvements, lighting, drainage, signage, fencing, Construction Traffic Management Plan, the transportation of construction material, wheel cleaning facilities and a Travel Plan.
Office For Nuclear Regulation	No response.

Parks Development and Countryside - Rights Of Way/Access

No objection as long as the condition of the diverted core path / Fife Coastal Path is the same or improved.

Archaeology Team, Planning Services

No archaeological implications. Should consent be granted, no archaeological mitigation works will be required.

Business and Employability

No objection subject to a commuted sum to mitigate against the loss of allocated employment land.

Natural Heritage, Planning Services

No objection.

Urban Design, Planning Services

No objection.

Land And Air Quality, Protective Services

No objection subject to a condition on the reporting of unexpected contamination.

Structural Services - Flooding, Shoreline and Harbours

No objection.

TDM, Planning Services

No objection subject to conditions in relation to objection subject to conditions in relation to the construction of active travel measures; the construction and delineation of parking, manoeuvring, servicing, cycle routes, turning and access areas; and wheel cleaning facilities.

Parks Development and Countryside

No objection.

Trees, Planning Services

No objection.

4.0 Representation Summary

4.1 There were nine representations received, consisting of five letters of objection, two letters of support and two raising general queries.

4.2 Material Planning Considerations

4.2.1 Objection Comments

Issue	Addressed in Paragraph
-------	------------------------

a. Noise impact	Section 2.4
b. Traffic impact	Section 2.5
c. Impact on ecology	Section 2.8
d. Potential to cause parking, access and safety problems at the existing Wilson Way/ Peasehill Brae junction and surrounding streets	2.5.11
e. Potential for on-road parking within the adjacent industrial estate and within adjacent occupiers car parks	2.5.11
f. Vehicular access to the school should be taken direct from the A985 to avoid conflict with industrial traffic	2.5.11
g. Road safety concerns between pedestrians and industrial traffic	2.5.11
h. Poor condition / inadequate width of the footpath from the A985/King's Road/Admiralty Road roundabout to the entrance of the industrial estate	2.5.4

4.2.2 Support Comments

Issue	Addressed in Paragraph
a. Will provide sports facilities for community use	2.4.5
b. Potential opportunities to attract residential development	This is not a material planning consideration.
c. Support for an alternative use other than those falling within Classes 4, 5 and 6 on the site	Section 2.2

4.2.3 Other Concerns Expressed

Issue	Comment
a. Reduction in the area for dog walking, an alternative route should be provided for dog walkers	All users will continue to have access to the Fife Coastal Path and core path which connect to other open spaces in the surrounding area.
b. Footpath behind the houses on Forbes Road should be connected to the Fife Coastal Path	The footpath would connect into Wilson Way which is part of the Fife Coastal Path.
c. A play park should be provided	There is no specific planning policy requirement for a new education use to provide a play park. The proposed development would not result in the removal of an existing play park.

d. How will the access route from the south via Wilson Way be controlled to stop vehicle access and in particular use at pick up / drop off times?	It is not possible to restrict access to Wilson Way given that is used by other parties and not solely the new high school. Any access and pick-up / drop-off matters will need to be managed by the school.
e. Will the contractors respect the natural vegetation at the southern boundary?	2.8.5 and 2.8.8.
f. I have not received any notification about this proposal – 26 Forbes Road, Rosyth	According to the list of addresses notified, a neighbour notification letter was sent to this address via post on 24 th July 2023.
g. New footpath too close to the rear of the Forbes Road residential properties	There is an existing informal path. The new formalised path would follow the same route. It would not be closer to the properties than the existing informal path. The existing trees and strip of grass which sit between the houses on Forbes Road and the footpath would not be removed as a result of the proposed development.

5.0 Conclusions

The proposed development was assessed against the provisions of the Development Plan and other guidance in relation to the principle of development; design; visual impact; amenity; impact on the road network and parking; trees; natural heritage; contamination and land stability; air quality; flooding and drainage; developer contributions; and sustainability. On balance, the proposal is acceptable and in accordance with the Development Plan and relevant guidance subject to a Memorandum of Understanding to allow for payment of the commuted sum and transport contributions and the planning conditions noted below.

6.0 Recommendation

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

- A. A commuted sum equating to £1,000,000 to mitigate against the employment land lost to non-employment use(s) to be the subject of a Memorandum of Understanding.
- B. A contribution equating to £25,000 to mitigate against traffic impact on the trunk road to be the subject of a Memorandum of Understanding. This sum is indicative and is to be confirmed via detailed design and agreed between Fife Council, Transport Scotland and the applicant.
- C. A contribution equating to £22,614.98 (index linked) to mitigate against potential impact on the strategic transport intervention measures to be the subject of a Memorandum of Understanding.

and the following conditions and reasons:

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

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

2. 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.

3. Tree and vegetation removal shall not take place at any time between March and August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority with the submission of an updated breeding bird survey.

Reason: In the interests of ecology, to minimise disruption within the bird nesting season.

4. The development shall be implemented in accordance with the recommendations set out within the Preliminary Ecological Appraisal and Biodiversity Net Gain Report by Direct Ecology, Version 3 (July 2023) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the ecology of the site.

5. The development shall be implemented in accordance with the recommendations set out within the Tree Survey and Arboricultural Impact Assessment by Heritage Ecological Limited (dated November 2023). Ongoing maintenance of the trees and landscaping shall be in accordance with the Landscape Management Plan by Oobe (dated September 2023) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the trees within the site.

6. PRIOR TO ANY WORKS STARTING ON SITE, a Scheme of Works designed to mitigate the effects on sensitive premises/ areas (i.e. neighbouring properties and road) of dust, noise and vibration from the proposed development shall be submitted and approved in writing by Fife Council as Planning Authority for written approval. The use of British Standard BS 5228: Part 1: 2009 (Noise and Vibration Control on Construction and Open Sites) and BRE Publication BR456 - February 2003 (Control of Dust from Construction and Demolition Activities) should be consulted. The dust control measures shall reflect the conclusions of the Air Quality Assessment submitted with the application. The Scheme of Works shall provide details of the proposed working times for the site during construction. Development shall take place in accordance with the details approved through this condition.

Reason: In the interests of residential amenity.

7. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

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

8. Unless otherwise agreed in writing with Fife Council as planning authority, access to the Core Path shall be retained during the construction period.

Reason: To ensure the Core Path is free of obstruction.

9. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, 16 bus parking bays shall be constructed and operational as shown on drawings SWF-AHR-ZZ-00-DR-L-000001 Rev P24 and SWF-AHR-ZZ-00-DR-L-000009 Rev P04.

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

10. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, 159 parking spaces shall be constructed and operational as shown on drawings SWF-AHR-ZZ-00-DR-L-000001 Rev P24 and SWF-AHR-ZZ-00-DR-L-000009 Rev P04. Of these spaces, 8 shall be accessible.

Reason: In the interest of road safety and climate change; to ensure the provision of adequate off street parking facilities for a range of users.

11. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, the two secure cycle shelters, to cater for 168 cycles, shall be constructed and operational as shown on drawings SWF-AHR-ZZ-00-DR-L-000001 Rev P24 and SWF-AHR-ZZ-00-DR-L-000009 Rev P04.

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

12. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, details of 16 electric vehicle charging points shall be submitted for written approval of Fife Council as planning authority. The approved electric vehicle charging points shall, thereafter, be constructed and operational prior to the school building coming into operation.

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

13. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the trunk roads authority. The Travel Plan shall include the appointment of a Travel Plan Coordinator, identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. The development hereby approved shall then be operated and managed in accordance with the terms of the approved Travel Plan.

Reason: To ensure the provision of sustainable travel.

14. Prior to the commencement of the development, details of the external lighting within the site (including unit types, heights, spillage zones etc.) shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the trunk roads authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

15. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected, and that the standard of construction is commensurate with that required within the road boundary.

16. There shall be no advertising signage visible from the trunk road network.

Reason: To minimise distraction to drivers on the trunk road.

179. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

18. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland as the trunk roads authority. This should consider the construction impact in relation of vibration, noise and dust and propose appropriate mitigation. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

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

19. All HGVs transporting material from the proposed development shall be sheeted and required to pass through a wheel washing facility prior to exiting the site.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

20. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, all roads and associated works serving the proposed development shall be constructed in accordance with Making Fife's Places PPG and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption, as shown on drawing document 02C.

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

21. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, a 3 metre wide clear cycle route shall be provided between the site access/shared path and western cycle shelter to the south of the car parking spaces.

Reason: In the interest of road safety; to ensure a safe route for cyclists.

22. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, the construction and delineation of the parking, manoeuvring, servicing, turning and access driveway areas shall be completed in accordance with document 02C. The car parking spaces shall be future proofed for conversion to additional ELV charging points with the provision of ducting.

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

23. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, details of wheel cleaning facilities shall be submitted to, for the approval of, Fife Council as Planning Authority. The approved wheel cleaning facilities shall thereafter, be provided and maintained throughout the construction works so that no mud, debris, or other deleterious material is carried by vehicles on to the public roads.

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

24. BEFORE THE SCHOOL BUILDING IS BROUGHT INTO USE, the detailed design for all active travel measures serving the proposed development (including shared cycle tracks, crossings, associated lighting, drainage, traffic signs, and road markings) shall be submitted for the approval of Fife Council as Planning Authority, after consultation with Transport Scotland as the trunk roads authority. The detailed active travel measures shall include those shown on drawings SWF-GOO-XX-XX-DR-C-0703 (P02), SWF-GOO-XX-XX-DR-C-0705 (P02), and SWF-GOO-XX-XX-DR-C-0714 (P01) within document 56.

The works shall include the following –

- The provision of a puffin crossing on Castlandhill Road to the south of the Ridley Drive junction.
- The widening of the existing paths between Hillpark Hotel and Boyle Drive and Boyle Drive and Castle Road to 3 metres wide active travel routes.

- The provision of dropped kerb pedestrian crossing points at the T-junctions on Peasehill Road and Peasehill Gait on the route of SRTS1.
- The proposed toucan crossing on the Castle Road arm of the Kings Road/Admiralty Road roundabout crossing shall be a staggered crossing with the middle lane of the carriageway being used to provide a pedestrian refuge. The two existing northbound lanes shall be reduced to one with the two lanes being retained between the crossing and the roundabout. This can be achieved with road markings. The centreline can remain; the markings between the northbound lanes and destination markings would be removed; with hatched markings provided on the approach to the toucan crossing refuge.
- The existing toucan crossing between the two proposed crossings shall be removed. The build-out can remain, but the textured paving and dropped kerbs shall be removed and replaced with 100mm upstand kerbs. The footpath link through the grass verge on the west side of Castle Road shall be removed and replaced with grass.
- The west end of the path on the southern boundary of the site shall extend westwards to provide a connection with Dundonald Road.
- The provision of a puffin crossing on the Brankholm Brae arm of the Admiralty Road/Admiralty Park roundabout, in-lieu of the proposed uncontrolled crossing (dropped kerbs + a pedestrian refuge).
- Widening of the footway to create a 3 metre footway / cycleway as shown on drawing SWF-GOO-XX-XX-DR-C-0703 (P02) unless otherwise agreed.

For the avoidance of doubt, the approved works shall thereafter, be constructed before the school building is brought into use and in accordance with Making Fife's Places PPG, the current Fife Council Transportation Development Guidelines (Appendix G) and the Design Manual for Roads and Bridges (DMRB) to a standard suitable for adoption by the relevant Roads Authority.

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

25. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, a management plan setting out details of how the sports pitches will operate, including measures to minimise any potential noise will be submitted to, for the approval of Fife Council as Planning Authority. The measures detailed in the approved plan shall be implemented for the lifetime of the sport pitches.

Reason: In the interest of residential amenity; to ensure any noise impact is minimised.

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 Katherine Pollock, Lead Professional and Chartered Planner

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

Committee Date: 07/02/2024

Agenda Item No. 5

Application for Full Planning Permission

Ref: 23/02531/FULL

Site Address: Black Shed Site Belleknowes Industrial Estate Inverkeithing

Proposal: Installation of a 20.7MW gas-fired peaking plant and associated infrastructure (application to increase capacity from 19.9MW as approved under application reference 22/03551/FULL to 20.7MW)

Applicant: Mr Jim Cleland, Riverside Business Park 22 Pottery Street

Date Registered: 1 November 2023

Case Officer: Scott Simpson

Wards Affected: W5R06: Inverkeithing and Dalgety Bay

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: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 The application site measures approximately 0.49 hectares (93 metres by 48 metres at its widest) and forms part of the Belleknowes Industrial Estate, which is located to the northern end of Inverkeithing and is accessed directly from the A921. The predominantly level site consists of a metal corrugated clad hanger style industrial unit (approximately 70 metres by 38 metres by 15 metres high to roof ridge level) in poor condition, with associated off-street parking and outdoor hardstanding (tarmac and hardcore) yard area. Access to the site from the A921 is via Kirkgate and a site-specific access point.

1.1.2 The surrounding land uses consist predominantly of commercial uses (including engineering/repair companies, housebuilder hardware depot, scrap merchants, self-storage facility, building/trade outlet, removal company and travel/transport companies). The site is also located to the north of the Brankholm Burn, to the west of a smaller watercourse and to the south-east of a water body. The site is bound by a mix of security fencing of various styles and heights and areas of overgrown shrubs and trees. Residential properties are located (approximately 310 metres at their closest along Struan Place) to the south and west of the site,

a cluster of properties are present to the east beyond the railway lines and there are properties along Craig Street (approximately 385 metres) to the west beyond the M90.

1.1.3 The site is located on the northern half of the Belleknowes Industrial Estate within the settlement boundary for Inverkeithing, as defined in the Adopted FIFEplan (2017) (LDP). The site is also identified within the LDP as part of an Employment opportunity site (INV006 - Belleknowes Industrial Estate 1). Such an identified development opportunity should be for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage or Distribution) land uses. The supporting text for INV006 advises that there would be a need for a Flood Risk Assessment with any proposal; and employment uses should reflect the accessible, prominent and strategic nature of the site capitalising on the proximity to the Forth Bridgehead and M90. Further to this, a 6 metres wide buffer strip should be provided between the development and the watercourse. Consideration, through a feasibility study, should be given to the potential for restoration and improvement of the water environment through the site design. The site is also located within the site of the second battle of Inverkeithing and therefore proposals should have regard to the landscape characteristics and special qualities of the battlefield site.

1.1.4 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

1.2 The Proposed Development

1.2.1 This application seeks full planning permission for a 20.7MW gas-fired peaking plant and associated infrastructure. The proposed gas fired peaking plant and associated infrastructure would match the design and layout of that approved under application reference 22/03551/NMV1 with the only change being an increase in capacity from 19.9 MW to 20.7 MW. The previous applications (19/02662/FULL and 22/03551/FULL) approved up to 10 gas engines which would be contained within standard rectangular shaped shipping containers (measuring approximately 15m x 3.5m x 3.7 m high) with each including a 3.3m high emissions flue stack and 2.6m high intercooler on top of each container unit giving an overall total height of 7m. The

approved non-material variation application (22/03551/NMV1) reduced the number of engines on the site from 10 to 6 along with the layout and position of the associated infrastructure. This current application for full planning permission comprises of the following:

- Six gas engines contained within standard rectangular shaped shipping containers (measuring approximately 17m x 4m x 3.7m high) with each including a 3.3m high emissions flue stack and 2.6m high intercooler on top of each container unit giving an overall total height of 7m. These 6 containers would cover an approximate distance of 43 metres along the frontage of the site and would be centrally located within the site.
- A Comms building (6m x 2.5m x 3m) and a lube oil tank (4.5m x 4.4m x 3m high) would be located on the eastern side of the proposed engines.
- A transformer unit (9m x 7m x 4.7m high) would be located on the north-east part of the site.
- A DNO substation (8m x 5m x 3 m) and an LV Kiosk building (2.3m x 2.3m x 2.5m) would be located on the south-eastern part of the site.
- A gas kiosk building (5.4m x 3m x 2.6m high) would be located on the south-west corner of the site with three parking spaces located on the western side of this Kiosk.
- A welfare building (6.5m x 3m x 3.5m) would be located on the southern part of the site. The welfare building would be a storage container type building with a metal clad finish and would include an accessible WC and a rest room and office.
- An HV/LV switchgear container (11.9m x 3.75m x 3.5m) containing high and low voltage rooms and an MVA auxiliary transformer (2.3m x 2.1 m x 2.13 m) would be located between the proposed engines at the front of the site.
- Six-metre-high security columns located at each corner of the site.

1.3 Relevant Planning History

03/00759/WOPP - Outline planning permission for business park development with associated access road - WITHDRAWN ON 08/12/03.

03/00760/WFULL - Erection of office building (class 4) and formation of access road, car parking area and landscaping - WITHDRAWN ON 08/12/03.

03/03958/WOPP - Outline planning permission for business park development with associated access road - REFUSED ON 28/10/05.

03/03959/WFULL - Erection of office building (class 4) and formation of access road, car parking area and landscaping - APPROVED WITH CONDITIONS ON 04/03/04.

19/00218/FULL - Formation of gas-powered electricity generation facility (19.9 MW) including siting of ten containers with associated infrastructure including access, parking, fencing, lighting and CCTV monitoring system - WITHDRAWN ON 09/07/19.

19/02662/FULL - Application for a 19.9MW gas-fired peaking plant and associated infrastructure - APPROVED WITH CONDITIONS ON 22/01/20.

22/03551/NMV1 - Application for a 19.9MW gas-fired peaking plant and associated infrastructure (non-material variation to approved 22/03551/FULL to reduce the number of engine containerised units from 10 to 6) - APPROVED ON 16/02/23.

22/03551/FULL - Application for a 19.9MW gas-fired peaking plant and associated infrastructure (Section 42 application to amend condition 1 of planning permission 19/02662/FULL to extend the permission from 20 years to 25 years) - APPROVED WITH CONDITIONS ON 23/12/22.

A number of applications (19/02662/CND002, 19/02662/CND003, 19/02662/CND004, 19/02662/CND012) to discharge conditions 2, 3, 4 and 12 of planning permission reference 19/02662/FULL were approved in December 2022 and January 2023.

23/01602/PAN - Proposal of application notice for a 20.7MW gas-fired peaking plant and associated infrastructure – PAN AGREED ON 29/06/23.

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) (NPF4) and the LDP.

1.4.2 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 NPF4 and a provision of the LDP, 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.

1.4.3 This application would constitute a major development as per Class 4 (Electricity Generation) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the capacity of the generating station exceed 20 Megawatts. This application is, therefore, classified as a Major development. The applicant has carried out the required pre-application consultation (ref: 23/01602/PAN) and a Pre-Application Consultation Report (Online Plan Reference: 17) has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.4 The proposal would not fall under Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it does not meet or exceed the applicable thresholds and criteria contained within the regulations. The proposal, does not therefore, require to be screened for an Environmental Impact Assessment.

1.4.5 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally and drone footage was produced in December 2023 to allow the full consideration and assessment of the proposal.

1.4.6 Objections state that no neighbour notification was received even though all local residents should be contacted directly.

1.4.7 This application was advertised in The Courier newspaper on 9th November 2023 for neighbour notification purposes and as it was considered to be a potential Schedule 3 development. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 2nd November 2023. The neighbour notification process, has, therefore, been carried out as required by the relevant legislation and Regulations.

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 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 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 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 26: Business and industry

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.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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 5: Employment Land and Property

Outcomes: An increase in the percentage of settlements in Fife with a population of 5,000 or more which have an immediately available 7-year supply of employment land. Improved employment prospects. More opportunities for economic investment.

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.

National Guidance and Legislation

PAN 1/2011: Planning and Noise

This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It also advises that Environmental Health Officers should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

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.

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 and air quality assessments.

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.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land
- Air Quality
- Natural Heritage and Trees
- Impact on Battle of Inverkeithing Site
- Decommissioning of the Proposal

2.2 Principle of Development

2.2.1 Policies 1, 2, 9, 11 and 26 of NPF4 and Policies 1 and 5 of LDP apply

2.2.2 The agent has submitted a planning statement which advises that there is no change to the design or specification to that granted planning permission on the 23 December 2022 (ref: 22/03551/FULL). The increase in output from 19.9MW to 20.7MW is achieved through engine efficiencies. The statement advises that the principle of development at this site has already been consented by Fife Council, whereby the existing planning permission is still valid. The statement further advises that in relation to NPF4 it is considered that there is no conflict between the LDP and NPF4 as there exists a valid planning permission, the site is brownfield in character and the proposal contributes to the provision of security of energy supply linked to the renewables industry. It also states that the efficiencies secured from the existing engines can be considered an improvement to the consented infrastructure. The planning statement considers that the policies of NPF4 also support the proposal as the proposal supports the provision of renewable energy in line with Policy 1 of NPF4, compensating for any 'failure' in the supply of electricity to the National Grid; it prioritises the use of brownfield land as per Policy 9 of NPF4 and it is designed to support the provision of renewable energy, such as when renewable technology is not generating sufficient electricity to meet demand, then the proposal would start-up and provide security of supply of electricity until such time as supply meets demand, therefore, this proposal is mutually compatible to the growth of the renewable energy sector, which is considered necessary to provide security of electricity supply in line with Policy 11 of NPF4.

2.2.3 Objections state that the development and increased capacity of this plant is not in line with the Scottish Government's latest policy positions on onshore oil and gas which includes "no support for "the continued use of unabated fossil fuels to generate electricity". They further state that the proposal is not in line with Fife Council's climate emergency declaration and NPF4 clearly states no support for the exploration, development, and production of fossil fuels and requires that development proposals be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and support climate adaptation.

2.2.4 It should be noted that full planning permission (19/02662/FULL) for a 19.9MW gas-fired peaking plant and associated infrastructure was approved with conditions at the Central and West Planning Committee on 20th January 2020. This Planning Authority accepted that, whilst a gas peaking plant is not in itself a renewable energy development, it is designed to support the National Grid in ensuring surety of electricity supply whilst it increases the supply of electricity generated from renewable sources and can be viewed as an enabling development for renewable energy in that context. The principle of this type of development on this employment site was, therefore, considered acceptable. A Section 42 application (22/03551/FULL) to amend condition 1 of this planning permission (19/02662/FULL) to extend the timescale of the development from 20 years to 25 years was then approved with conditions on 23rd December 2022 with this permission expiring on 23rd December 2025. There is, therefore, currently a live consent for a gas peaking plant on this site. An application for a non-material variation request to reduce the number of engines on the site from 10 to 6 engines was then approved and this application which is currently under consideration matches the design and layout of this extant planning permission (22/03551/FULL and 22/03551/NMV1) with the only change being to the output of the gas-peaking plant. This increase in output is possible due to the improvements in technology making the engines more efficient than those approved.

2.2.5 Fife Council's Economic Development team advise that their comments to the previously approved applications remain unchanged. They, therefore, have no objections to the proposal and consider that employment sites may be appropriate locations for a development of this type subject to appropriate mitigation measures being put in place, if required.

2.2.6 Overall, it is considered that the principle of the proposed peaking plant at this location would be acceptable on the basis that it would be located within the Inverkeithing settlement boundary, would see a long-term vacant brownfield site brought back into use for a compatible purpose and it would also assist in providing energy security and back up supply, therefore, supporting development for renewable energy. The principle of this type of development on the site has also already been accepted by this Planning Authority, as set out in section 2.2.3 above and this previous permission does not expire until December 2025. This previous permission can, therefore, be implemented any time until December 2025. This current proposal would also result in an improvement to that originally approved as it would be more efficient and, therefore, result in less engines being provided on site (6 engines instead of 10). The overall acceptability of such a development must however also meet other policy criteria and these issues are considered in detail below.

2.3 Low Carbon, Sustainability and Tackling the Climate and Nature Crises

2.3.1 Policies 1, 2 and 11 of NPF4, Policies 1 and 11 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.3.2 Objections state that the proposal will impact on Scotland's commitments to climate change, whilst the focus should be on transition away from dependence on oil and gas and

toward further renewable energy generation and storage. The objections also consider that NPF4 clearly states that development proposals should be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and support climate adaptation. The objections also consider that the submitted justification is that the development will support renewable energy when electricity demand exceeds supply, however, Scotland is a net exporter of renewable energy and has to curtail output of wind farms.

2.3.3 In this instance the proposal is considered acceptable, as it would involve the use of relatively low levels of fossil fuel and would only be used as an auxiliary generator for limited periods as well as providing a backup supply to the wider National Grid. As mentioned under section 2.2 above whilst a gas peaking plant is not in itself a renewable energy development, it is designed to support the National Grid in ensuring surety of electricity supply whilst it increases the supply of electricity generated from renewable sources and can be viewed as an enabling development for renewable energy in that context. There are other types of technology which can also fulfil this function; however, this proposal is for a gas peaking plant and is being assessed on that basis. There is also currently a live consent for a gas peaking plant with ten engines on this site with a thermal input of approximately 48 MW and an output of 19.9 MW. This current application reduces the number of engines on site from 10 to 6 engines and these would have an approximate thermal input of 46.8 MW and an output of 20.7 MW. This increase in output is achieved through improved technology and engine efficiencies. This current proposal would, therefore, result in an improvement to the thermal input and energy output of the previously approved application. It is also a material consideration that the previously approved less efficient gas peaking plant can be built on site at any time up until 23rd December 2025. The objections also state that NPF4 does not support the exploration, development or production of fossil fuels, however, this proposal would not result in the search for new gas and would involve the usage of existing gas supplies, therefore, Policy 33 (Minerals) of NPF4 which does not support the exploration, development or production of fossil fuels except in exceptional circumstance is not considered relevant. Policy 33 (B) of NPF4 also clarifies that the development of unconventional oil and gases in Scotland relates to development connected to the onshore exploration, appraisal or production of coal bed methane or shale oil or shale gas using unconventional oil and gas extraction techniques, including hydraulic fracturing and dewatering for coal bed methane. This proposal does not relate to that type of development. The proposal would, therefore, be acceptable in this instance.

2.4 Design and Layout / Visual Impact

2.4.1 Policies 11 and 14 of NPF4, Policies 1, 10 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.4.2 The proposed gas fired peaking plant and associated infrastructure would match the design and layout of that approved under application reference 22/03551/NMV1 with the only change being an increase in capacity from 19.9 MW to 20.7 MW.

2.4.3 In this instance the proposal would be visually acceptable as it would result in the removal of a large industrial unit that is currently in substandard condition and the redevelopment of a long-term vacant site with the installation of a series of well-laid out small scale commercial container units with appropriately designed ancillary units, all of which would be visually appropriate within the Industrial Estate setting within which the site is located. Whilst the units would be single storey in height (excluding the flues) and would have a functional modern design, it is considered that they would be in keeping with the visual context of the wider

Industrial Estate. The structures would not be visually overbearing or dominant within the local context, would be significantly lower in height than the existing shed, would be suitably spaced and equally distant from each other so as not to appear overly dense and would be visually compatible in design and scale terms with other modern structures located nearby. The proposal would also have less of a visual impact than that previously approved as this proposal would result in the provision of six engine units on site as opposed to the previously approved ten. No details of the proposed external finishing colour(s) have been submitted; therefore, a condition is recommended requiring the submission of these details for approval in writing by this Planning authority. The proposal subject to conditions, would therefore, be visually acceptable and would comply with the Development Plan in this respect.

2.5 Residential Amenity

2.5.1 PAN (Planning Advice Note) 1/2011, Policies 11 and 23 of NPF4, Policies 1, 5 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply.

2.5.2 Noise

2.5.2.1 Objections state that noise will increase to the detriment of the surrounding area and that the proposed operational hours are unclear, whilst there would be no adequate monitoring during in-operational hours. With regards to the monitoring of the site, the agent has advised that once operational, the site would be unmanned but remotely operated with periodic maintenance visits (typically less than twice per month).

2.5.2.2 A noise impact assessment report has been submitted and advises that the proposal would have a low impact on the surrounding area as it would operate well below background noise levels at all receptors during both day and night times, even with all six units operating. The report also advises that due to the presence of a large number of existing industrial/commercial units in the area, along with the M90 motorway, the development is considered to fit well within the acoustic context of the local environment. The report's findings also show that the total noise from the proposed plant and machinery would also comply with the required noise limits of NR30 during the day (07:00-2300) and NR25 during the night (23-00 to 7-00) at the nearest noise sensitive receptors. The NR concludes, overall, that there would be no significant noise impact on the surrounding area as a result of the proposal.

2.5.2.3 The noise which would be generated by the previously approved ten engines on the site was also considered to be acceptable by this planning authority and the proposal has not significantly changed in terms of its design or specification. Conditions are recommended relating to the noise from all proposed plant and machinery and these conditions also require that verification that the required noise limits have been achieved is submitted to this Planning Authority within 3 months of the proposal becoming operational. The proposal subject to conditions, would therefore, be acceptable in terms of noise impact and would comply with the Development Plan in this respect.

2.5.3 Construction Impacts

2.5.3.1 It is considered that any construction disturbance caused as a result of the proposal would be temporary in nature and any developer should also 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 the Council's Public Protection Team can deal with any complaints should they arise and can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would, therefore, be no significant impact on the surrounding area as a result of any associated construction works. A condition is, however, recommended, as per the previous planning approvals, requiring that a Construction Method Statement and Management Plan, including an Environmental Protection Plan and Scheme of Works are submitted for approval before any works commence on site.

2.5.3.2 Subject to Conditions, the proposed development would, therefore, be acceptable and would comply with the Development Plan in respect of impacts on the amenity of adjacent land uses.

2.6 Transportation/Road Safety

2.6.1 Policies 11, 13, 14 and 15 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.6.2 A construction traffic management plan (TMP) has been submitted in support of this application. The TMP sets out the types of construction vehicles which would be employed on the site and also sets out the number of vehicles expected during the construction phase per month. The TMP advises that based on an 8-month construction period, the highest number of HGV movements would be during the first 1-2 months whilst the access and compound elements are provided. HGV movements, within the first two months, would be around 208 per month (typically equating to around 7 HGV deliveries per day) along with associated staff vehicles movements, whilst this would reduce to around 115 in months 3 and 4 (typically 4 HGV's per day and then 10 in months 6 and 7 (typically 1 HGV per day). Staff would arrive by cars or light vehicles and their impact would be negligible. The TMP also states that the primary route for construction traffic travelling to and from the site would be from the M90 via Kirkgate and the A921 Admiralty Road and the proposed construction route is illustrated within the TMP. The TMP also proposes that the principal contractor would liaise with the other businesses served by Kirkgate to develop measures to manage the flow of traffic on the private road section beyond Kirkgate.

2.6.3 Fife Council's Transportation Development Management team has no objections to the proposal subject to the imposition of condition 3 and 4 from the previous planning approval (19/02662/FULL). Condition 4 required a detailed plan showing the parking area(s) for contractor's vehicles to be submitted for approval by this Planning Authority and condition 3 required the submission of details of wheel cleaning facilities. Conditions are recommended regarding these matters. It is considered that the proposal could comply with these road safety conditions, therefore, there would be no detrimental impact on the site or surrounding area in terms of road safety. It should also be noted that this proposed level and type of construction traffic was accepted under the previous planning approval with the most recent approval remaining extant.

2.6.4 The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal and would comply with the Development Plan in this respect.

2.7 Flooding and Drainage

2.7.1 Policies 1, 2, 18, 20 and 22 of NPF4 and Policies 1, 3 and 12 of the LDP apply.

2.7.2 A Flood Risk Assessment and Drainage Impact Statement (FRA) has been submitted in support of this application. The FRA has been updated since the previously approved applications to take into account latest flood data and climate change allowances. The FRA states that the facility is indicated to be affected by fluvial flooding for design return period events now and in the future. It then sets out flood mitigation measures such as raising of all on-site controls and critical infrastructure to 600mm above the maximum fluvial flood level, construction of a place of safe refuge within the property and the incorporation of flood resistant and resilient construction techniques within the design of the facility. These mitigation measures are the same as those required for the previously approved gas peaking plant. The FRA concludes that with the outlined flood mitigation and management measures in place, the identified residual flood risks to the site and its users can be reduced to a practicably Low level through the development lifetime and that it is also demonstrated that the proposals will not detrimentally impact flood risk elsewhere.

2.7.3 Fife Council's Flooding, Shoreline and Harbours team have not responded. SEPA and Scottish Water have no objections to the proposal.

2.7.4 It was accepted under the previously approved applications (19/02662/FULL and 22/03551/FULL) that there would be no significant flooding or drainage impact on the site or the surrounding area as a result of the approved gas peaking plant as long as the proposed mitigation measures were put in place. A condition is recommended requiring that the proposed mitigation measures set out within the FRA are carried out in full before the development is brought into use. Policy 30 (Flood Risk) of NPF4 also states that proposals at risk of flooding or in a flood risk area will only be supported if they are for redevelopment of an existing building or site for an equal or less vulnerable use and 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. The site was previously used for an employment use with an existing industrial building located on the site. The proposed use is considered to be a less vulnerable use to this previous use, and it has also been previously accepted that this type of development would be acceptable at this location. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.7.5 Fife Council's Flooding, Shoreline and Harbours team responded to the 2022 planning application on 14th November 2022 and advised that they had no objections subject to the retention of a previous condition attached to planning permission reference 19/02662/FULL. This required the submission of a surface water management plan before any works commence on site. This information would usually be submitted before approval of a planning application, however, due to the temporary nature and type of development and as a condition was accepted previously under the previous two planning permissions, it is considered reasonable in this instance to include this condition again. The proposal, subject to conditions, would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.8 Contaminated Land

2.8.1 Policy 9 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.8.2 Fife Council's Land and Air Quality Team advises that they note that the proposed site layout remains the same as that previously approved and a Contaminated Land verification report was due to be submitted following the approval of a previously submitted Site Investigation and Remediation Strategy report. They, therefore, have no objections subject to the retention of conditions 13 (Contaminated Land Remediation) and 14 (discovery of contaminated land during construction works) of planning permission reference 22/03551/FULL. Conditions are recommended regarding these matters. The proposal, subject to these conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in respect.

2.9 Air Quality

2.9.1 Policy 9 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.9.2 Objections state that there will be an increase in emissions near residential areas, the proposal will result in air pollution and Nitrogen oxides are also precursors for the formation of ozone.

2.9.3 Fife Council's Land and Air Quality team advises that SEPA should be consulted regarding the air quality impact of the proposal and that condition 11 (Specification Details) of 22/03551/FULL should be retained. SEPA were consulted in relation to air quality impact and has no objections. The proposal's thermal input has also reduced from that previously approved under the previous application with the thermal input now being 46.8 MW as opposed to the approved overall thermal input of 48 MW. This reduction is possible due to the increase in efficiency of the proposed engines. The proposal would, therefore, have no significant detrimental impact in terms of air quality impact and would comply with the Development Plan in this respect.

2.10 Natural Heritage and Trees

2.10.1 Policies 1, 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP apply.

2.10.2 Fife Council's Tree Officer has no objections subject to the submission of a tree protection plan in relation to the existing trees adjacent to the site. A condition regarding this matter is recommended and was also included on the previously approved extant planning permission. This proposal would also have less of an impact on the surrounding area as it involves the installation of less plant and machinery than was previously approved (six engines as opposed to the approved ten). The proposal subject to conditions, would therefore, be acceptable and would comply with the Development Plan in this respect.

2.10.3 Fife Council's Natural Heritage Officer has no objections subject to the submission of confirmation relating to the retained vegetation and additional mitigations that were requested under the previous consents. The matter relating to retained vegetation is dealt with under section 2.10.2 above. The conditions relating to natural heritage impacts which were attached to the previous planning permission include conditions requiring that works should take place outwith the bird breeding season and requiring the submission of a landscaping scheme. Conditions are also recommended regarding these matters. Policy 3 of NPF4 also requires that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible. A condition is, therefore, also recommended requiring details of biodiversity enhancement

measures to be submitted for approval in writing, whilst it is also considered that an updated Ecological report including a habitat and protected species survey of the site should be submitted for approval before any works commence. This is considered necessary as a precautionary approach as the previous applications were approved more than a year ago. This report should also include recommendations relating to the provision of biodiversity enhancement measures on the site in line with the current NatureScot Guidance. The proposal subject to these conditions would, therefore, have no significant natural heritage impact and would comply with the Development Plan in this respect.

2.11 Impact on Battle of Inverkeithing Site

2.11.1 Historic Environment Scotland and Fife Council's Archaeological Officer (AO) were consulted as the proposal would be located within the site of the second battle of Inverkeithing. They have advised that they have no objection to the proposal, whilst the AO further advises that the site is of very low archaeological value and, therefore, no archaeological conditions would be required.

2.11.2 In this instance the proposal is considered acceptable as it would not detrimentally affect any culturally important or significant historical protected sites or buildings as the site is a previously developed employment site of low archaeological value. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Decommissioning of the Proposal

2.12.1 Policy 11 of NP4 applies.

2.12.2 The previously approved application (22/03551/FULL) amended condition 1 of planning permission 19/02662/FULL to extend the permission from 20 years to 25 years and the agent has advised that this also applies to the current proposal. A condition is, therefore, recommended regarding this matter. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Scottish Water	No objections
Scottish Environment Protection Agency	No objections with regards to air quality impact or flood risk.
Historic Environment Scotland	No objections
Community Council	No response
Archaeology Team, Planning Services	No objections
Business And Employability	No objections
Natural Heritage, Planning Services	No objections subject to the submission of confirmation relating

	to the retained vegetation and additional mitigations that were requested under the previous consents.
Trees, Planning Services	No objections subject to the submission of a tree protection plan.
Land And Air Quality, Protective Services	No objections subject to conditions and SEPA being consulted with regards to Air Quality Assessment.
Structural Services - Flooding, Shoreline and Harbours	No response
TDM, Planning Services	No objections subject to conditions 3 and 4 from planning permission reference 19/02662/FULL being attached to any potential consent.

4.0 Representation Summary

4.1 Three letters of objection have been received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- The development and increased capacity of this plant is not in line with the Scottish Government's latest policy positions on onshore oil and gas which includes "no support for "the continued use of unabated fossil fuels to generate electricity".	2.2 and 2.3
- Not in line with Fife Council's climate emergency declaration.	2.2 and 2.3
- NPF4 clearly states no support for the exploration, development, and production of fossil fuels and requires that development proposals be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and support climate adaptation.	2.2 and 2.3
- Will impact on Scotland's commitments to climate change.	2.3
- Focus should be on transition away from dependence on oil and gas and toward further renewable energy generation and storage.	2.3

- Justification that development will support renewable energy when electricity demand exceeds supply, however, Scotland is a net exporter of renewable energy and has to curtail output of wind farms.	2.3
- Noise will increase in area.	2.5.2
- Operational hours are unclear	2.5.2
- No adequate monitoring during in-operational hours	2.5
- Increase in emissions near residential areas	2.9
- Air pollution	2.9
- Nitrogen oxides are also precursors for the formation of ozone	2.9

4.2.2 Other Concerns Expressed

Issue	Addressed in Paragraph
- No neighbour notification received even though all local residents should be contacted directly	1.4

5.0 Conclusions

The proposal would be acceptable in principle and would be compatible with its surrounds in terms of land use. It would not cause any detrimental impacts on the surrounding area in terms of road safety, amenity, flooding and drainage, contaminated land, air quality or natural heritage impacts, whilst, the proposal, is considered acceptable in terms of its visual impact. The proposal is, therefore, considered acceptable in meeting the terms of the Development Plan and National Guidance.

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. BEFORE ANY WORKS COMMENCE ON SITE; details of the specification and colour of all proposed external finishes (including boundary walls, fences and hardstanding) shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out fully in accordance with these approved details.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the surrounding area.

2. BEFORE ANY WORKS COMMENCE ON SITE; full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by Fife Council as 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.

3. BEFORE ANY WORKS COMMENCE ON SITE; a detailed plan showing the parking area(s) for contractor's vehicles shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, these parking facilities shall be provided and retained for the duration of the site clearance and construction phase.

Reason: In the interest of road safety; to ensure the provision of adequate parking facilities for vehicles during the construction phase.

4. BEFORE ANY WORKS COMMENCE ON SITE; an Ecological Appraisal report which shall include a phase 1 habitat survey and a protected species survey shall be submitted to and approved in writing by Fife Council as Planning Authority. This report shall include detailed proposals for incorporating biodiversity enhancement measures within the development, as per the guidance contained within NatureScot's Developing with Nature. All works shall then be carried out in full accordance with any subsequent approved details and all approved biodiversity enhancement measures shall be provided BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE; unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of ecological enhancements and as a precautionary measure to ensure the protection of protected species.

5. BEFORE ANY WORKS COMMENCE ON SITE; the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees and shrubs on or immediately adjacent to the site during the development phase. This Planning authority shall be formally notified in writing, including photographs of these measures, of the completion of such measures and no work on site that affects identified trees shall commence until this planning authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition and development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding the existing trees on or adjacent to the site.

6. BEFORE ANY WORKS COMMENCE ON SITE; a fully detailed surface water management plan as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020), or any subsequent revision shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out fully in accordance with these approved details.

Reason: In the interests of surface water management.

7. 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 or occupation of the development, whichever is sooner.

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

8. BEFORE ANY WORKS COMMENCE ON SITE; a Construction Method Statement and Management Plan, including an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site, shall be submitted to and approved in writing by Fife Council as Planning Authority. All construction works shall then be carried out in full accordance with any approved details.

Reason: In the interests of safeguarding amenity.

CONDITIONS:

9. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of any associated proposed lighting scheme shall be submitted to and approved 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 neighbouring public roads, sensitive properties or adjacent sensitive habitats with regards to light spillage and glare. The lighting scheme shall include lighting mitigation and shall utilise the methods recommended in the Institute of Lighting Professional's Bats and Artificial Lighting Guidance Note (ILP, 201833) or any subsequent revision. These methods shall include using directional and or baffled lighting, variable lighting regimes, avoidance of blue-white short wavelength lights and high UV content or creation of light barriers utilising hedgerows and tree planting. Thereafter, the lighting shall be installed and maintained in accordance with the manufacturer's specification and approved details.

Reason: In the interests of safeguarding the amenity of the surrounding area and species protection.

10. 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.

11. The permission hereby granted shall be for an operational period of twenty five years from the date of commissioning by which time, unless with the express prior approval of the Planning Authority, the gas-fired peaking plant and any buildings or ancillary equipment or features associated with the approved scheme shall be dismantled and removed from the site, and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of ensuring this non-renewable energy generator is of a temporary nature and in order to retain proper control over the development.

12. The total noise from the approved plant and machinery, shall be such that any associated noise does not exceed 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, daytime shall be 0700-2300hrs and night-time shall be 2300-0700hrs. **WITHIN THREE MONTHS OF THE DEVELOPMENT BEING BROUGHT INTO USE;** written evidence demonstrating that the aforementioned noise rating levels have been achieved shall be submitted to and approved in writing by Fife Council as Planning Authority. The operations on site shall cease if these associated noise levels are not achieved within any noise sensitive properties and shall not commence again until the written approval of this Planning Authority is received.

Reason: In the interests of safeguarding residential amenity.

13. 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.

14. **NO BUILDING SHALL BE OCCUPIED UNTIL** remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to the approved Remediation Strategy (Plan References: 27, 28 and 29). 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 to and approved in writing by this 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 this 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 this Planning Authority.

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

15. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all 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 this 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 this 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 this Planning Authority. Unless otherwise agreed in writing with this 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 this Planning Authority.

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

16. No building, vegetation, trees 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. If clearance is proposed between these dates, then a bird survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area which provides justification and recommendations with regards to the proposed clearance works. This report shall be submitted to and approved in writing by this Planning Authority before those clearance works commence. Once written approval has been provided, the works themselves should be carried out within a specified and agreed timescale as per the agreed methodology.

Reason: In the interests of species protection.

17. The development shall be carried out fully in accordance with the recommended mitigation measures set out within the, hereby approved, Flood Risk Assessment (Plan Reference 26).

Reason: In the interests of safeguarding the development from flood risk.

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 Scott Simpson, Chartered Planner

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

Committee Date: 07/02/2024

Agenda Item No. 6

Application for Full Planning Permission

Ref: 23/00674/FULL

Site Address:	Grahams The Family Dairy. Milk Products. Ltd Block 1 2 And 3 Glenfield Industrial Estate
Proposal:	Extension to industrial building (Class 5)
Applicant:	Grahams The Family Dairy Limited, Airthrey Kerse Farm Henderson Street
Date Registered:	31 May 2023
Case Officer:	Derek Simpson
Wards Affected:	W5R07: Cowdenbeath

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

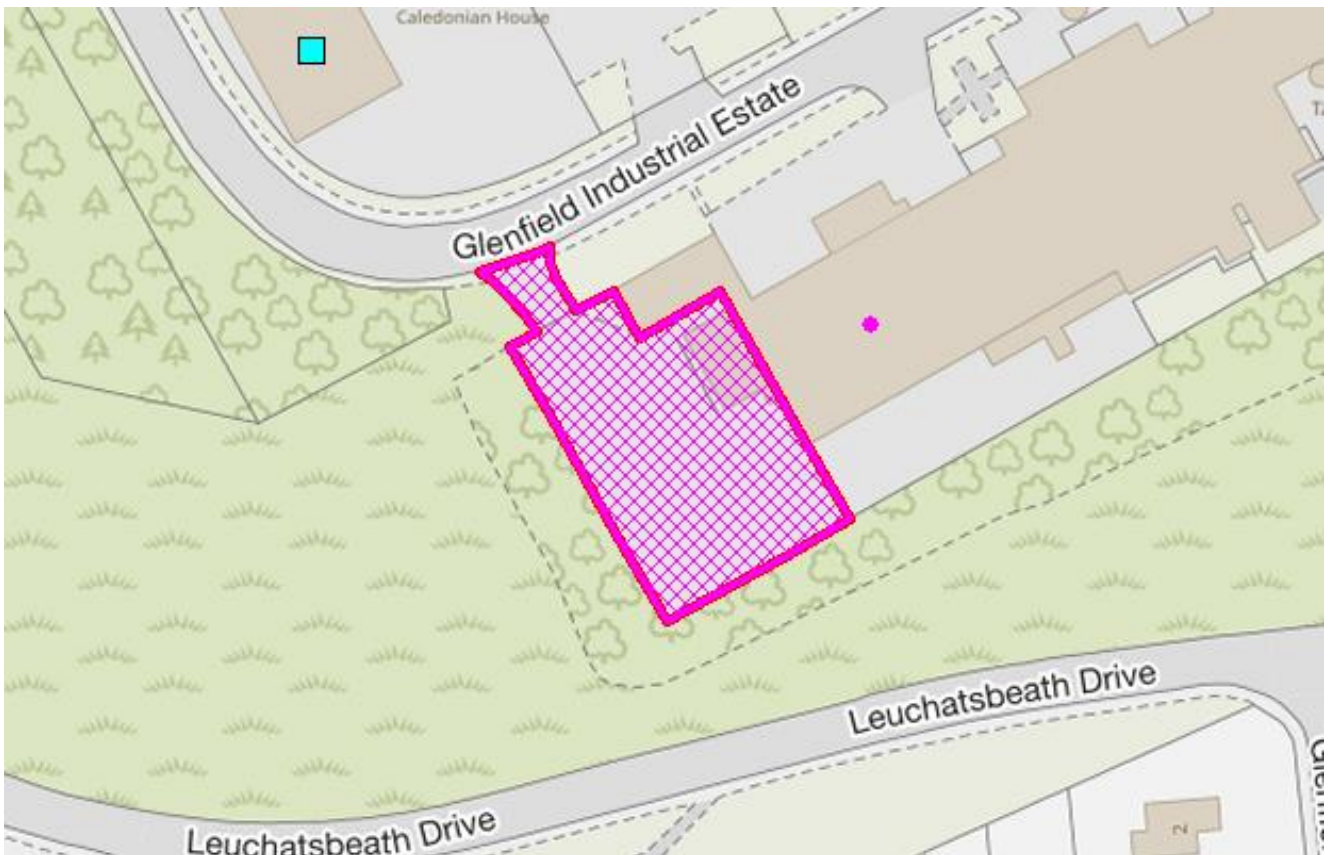
The application is recommended for: Conditional Approval

1.0 Background**1.1 The Site****1.0 BACKGROUND**

1.1 This application relates to an existing Class 5 industrial building located within the Glenfield Industrial Estate. The application building, known as 'Block 1' is the southern most of the four units, laid out in a square, which make up Grahams The Family Dairy. The planning application relates to the south building (Block 1) only, which is separated from the other buildings by the main access road to the industrial estate which connects to A909 Perth Road. Located to the south of the junction of the main access road with Perth Road, Block 1 is the first industrial unit at the entrance to the established employment area, as defined by FIFEplan Local Development Plan (2017). The Grahams The Family Dairy site is surrounded by the other industrial units within the industrial estate. The industrial activities of the Grahams The Family Dairy site operate 24 hours a day, 7 days a week. Residential properties are situated at the boundary of the industrial estate to the east and south, with the nearest residential property to Block 1 being 105 Perth Road, which is located approximately 34 metres to the south of the building's rear

elevation. Residential properties are also located at a further distance to the south west and west of the site. The application site is currently used as a service area for Block 1 and is bounded by tree planting and open space to the south and west.

1.1.1 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

1.2 The Proposed Development

1.2.1 Planning permission is sought for the erection of a pitched roof extension with a footprint of 616 square metres and a height of 10.5 metres to the ridge line. The extension would be used for the cold storage and dispatching of produce from the wider Grahams Dairy site. No new plant or ventilation is proposed. Internal ducting from existing chillers within Block 1 is proposed to deliver cold air to the extension. The extension would be located on the south west elevation of block one. Two vehicular access doorways would front onto the road to the north with a pedestrian access door located to the south. The extension would be finished in insulated panels with a metal profile sheet finish externally. The existing vehicular access to the west of block one would serve the extension.

1.3 Relevant Planning History

10/03403/FULL - Alterations and extensions to industrial unit (in retrospect) - Approved - 04/05/11

13/02112/FULL - Installation of acoustic shelters, fencing and ducting unit, blast chill unit, refrigeration units, silos, 2 no. extension to building, replacement external generator (in retrospect) and acoustic barrier, security fencing and gates and relocation of staff welfare building. - Approved with Conditions - 27/03/14

13/02113/FULL - Installation of smoking shelter, fencing (including diversion of right of way) and relocation of plant with acoustic fencing - Approved with Conditions - 04/04/14

19/03130/FULL - Erection of 3no. single storey extensions to food production facility (Class 5) with associated air-conditioning condensers and drainage works (retrospective) - Approved with Conditions - 01/10/21

19/03295/CLE - Certificate of lawfulness (existing) - Erection of storage silo associated with dairy manufacturing facility - Approved - 03/04/20

21/00393/FULL - Erection of 1no. acoustic attenuation screen associated with industrial building at East Building (Block 2) (in retrospect) - Approved - 28/07/21

21/02909/FULL - Extension to industrial building (Class 5) - Approved with Conditions - 20/01/22

23/03359/FULL - Installation of solar panels – Pending consideration

1.4 Application Procedures

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).

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

- Google imagery (including Google Street View and Google satellite imagery);
- GIS mapping software; and
- Site photographs

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 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 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 26: Business and industry

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

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 5: Employment Land and Property

Outcomes: An increase in the percentage of settlements in Fife with a population of 5,000 or more which have an immediately available 7 year supply of employment land. Improved employment prospects. More opportunities for economic investment.

Policy 10: Amenity

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

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 14: Built and Historic Environment

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

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.

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.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Residential Amenity
- Design and Layout/Visual Impact
- Transportation/Road Safety
- Flooding and Drainage

2.2 Principle of Development

2.2.1 NPF4 Policy 26 and Policies 1 and 5 of FIFEplan Local Development Plan (2017) apply.

2.2.2 The application site is located within a safeguarded employment area as defined in the adopted FIFEplan 2017. As such the proposed Class 5 extension to the existing Class 5 operation on site would be acceptable in principle.

2.2.3 The proposed development is considered to meet the land use requirements for the location as set out in Policies 1 and 5 of FIFEplan (2017). The proposed development is thus considered to be acceptable in principle. The overall acceptability of the development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

2.3 Residential Amenity

2.3.1 PAN (Planning Advice Note) 1/2011, Policies 11 and 23 of NPF4, Policies 1, 5 and 10 of the FIFEplan Local Development Plan (2017), Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Fife Council's Policy for Development and Noise apply.

2.3.2 Representations have been received raising objections on the basis that the proposed extension would be closer to some noise sensitive properties than the existing building which would have an adverse impact on residential amenity through increased noise levels from the site. Objections have been received that the existing noise from the site is unacceptable and that this proposal would make the current situation worse for neighbouring residents. Objections have been received that a Noise Impact Assessment has not been submitted and that the proposal would result in additional forklift movements resulting in unacceptable nighttime noise impacts.

2.3.3 The existing service yard area and the original Block 1 building that the extension would be adjoined to have no planning restrictions with respect to hours of operation or noise levels. This means that there are no planning restrictions as to how this building can operate within its existing lawful Class 5 use class. It is noted that small scale extensions to Block 1 approved under application 19/03130/FULL included conditions relating to noise monitoring.

2.3.4 The wider Grahams site as well as Block 1 and the area subject to the current planning application has been and continues to be subject to noise complaints from third parties. As a

result, Fife Council's Protective Services commissioned a Noise Survey carried out by an independent noise consultant. The result of these noise investigations was that the operations on site at the time of noise survey did not constitute a statutory noise nuisance and as such no further action was taken by Protective Services. Following this Grahams Dairy installed some new equipment in Block 1 which did not require planning permission as it was permitted development as defined in Class 24 of General Permitted Development Order Scotland 1992 as amended. Following the installation of this new equipment further investigations are taking place and if there is a statutory noise issue, this would fall within the remit of Environmental Health to address through their own legislation.

2.3.5 Public Protection officers have been consulted on the application and have no objections to the proposal subject to conditions relating the removal of permitted development rights, a restriction on Fork Lift Truck and HGV movements and that all external doors must be closed outwith 7am to 11pm. The existing application site is not subject to any restrictions with regards to traffic movements, times of operations or permitted development rights. The applicants have stated in their submission that no new plant, machinery or ventilation is proposed, that fork lift truck movements within the site would decrease and that the extension would be insulated with 100mm thick KS1100CS insulated panels with a weighted sound reduction of $RW=28dB$.

2.3.6 Whilst the rationale for the proposed conditions from Public Protection officers is understood the existing lawful use of the site needs to be factored in when considering if such conditions would meet the tests which Planning applies to the conditioning of planning permissions. At present the application site can generate any amount of noise from traffic movements and potentially other plant and machinery which could be installed without the need for a planning application under the terms of Class 24 of the GDPO. In this instance it is considered that the conditions proposed by Public Protection Officers would not be enforceable or reasonable thereby not meeting the tests which apply to the use of planning conditions.

2.3.7 In the context of the unrestricted class 5 uses on the wider industrial site and the application site it would not be reasonable to remove permitted development rights or restrict traffic movements/door opening times. For the same reason such conditions would not be enforceable. In these circumstances the proper mechanism for controlling noise impacts falls under the remit of Public Protection and they have the necessary powers under their own legislation to take action should any noise impacts arise that constitute a statutory noise nuisance. Whilst it is noted that previous small scale extensions have been conditioned to try and control noise impacts, the enforceability of such conditions has not been effective due to the reasons detailed above.

2.3.8 The proposed extension would provide the capacity to deal with the refrigeration, storage and dispatch of produce some of which is currently being transported from block 1 to another unit within the wider Industrial site. The proposal would thereby reduce some internal traffic movements within the industrial estate and would allow for delivery vehicles to be loaded within the building rather than outside as is currently the case. No new plant or machinery is proposed, and the applicant has confirmed that no new ventilation is required. On this basis and in the context of the existing lawful use of the site it is considered that the proposed extension would not have a significant impact on the amenity of any noise sensitive properties in the surrounding area. Furthermore, should any noise issue arise Public Protection officers have statutory powers under the own legislation to take action to deal with statutory noise nuisance. The proposal is therefore considered to comply with the Development Plan in relation to amenity impacts.

2.4 Design And Layout / Visual Impact

2.4.1 NPF4 Policy 14 and Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017) and the Making Fife's Places Supplementary Guidance Document (2018) apply.

2.4.2 Representations have been received raising objections on the basis that the extension would be out of scale with the existing building, the extension would result in the overdevelopment of site and that the extension would have an adverse impact on the visual amenity of the surrounding area.

2.4.3 The proposed extension measures 616 square metres with a height of 10.5 to the ridge line of the pitched roof. The extension would be 1.8 metres higher than the existing building (Block 1). The extension would be set 3.89 metres from the southern boundary of the application site and 4.53 metres from the western boundary. The main potential impact of the extension would be when viewed from outwith the safeguarded employment area to the south and south west. Between the application site and Leuchatsbeath Drive to the south there is an area of tree planting which extends along the southern and western boundaries of the application site. Whilst this planting provides some screening the proposed extension would still be visible from some limited viewpoints along Leuchatsbeath Drive to the south.

2.4.4 The proposed extension would be finished in grey metal cladding which would complement the existing building which is finished in blue metal cladding. The scale and massing of the extension would respect that of the existing building and it would not appear as an incongruous addition. Whilst higher than the existing building, the increased height would have no adverse impact on the visual amenity of the surrounding area in the context of the industrial character of the site.

2.4.5 In conclusion, the proposed development is considered to be acceptable and would comply with the aforementioned legislation, development plan policy and national and local guidance with regard to design and visual impact.

2.5 Transportation/Road Safety

2.5.1 Policies 11, 13, 14 and 15 of NPF4, policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply.

2.5.2 Representations have been received raising objections on the basis that no details of traffic movements have been submitted and that there is a lack of a turning area for vehicles accessing the site.

2.5.3 The applicant has advised that application site currently serves predominantly as a service yard where products are taken from the main chill store within Block 1 and transported by forklift to a dispatch building within the wider site. The proposed extension would serve as cold store and dispatch building that would allow vehicles to reverse into the building and be loaded internally.

2.5.4 No changes are proposed to the existing access within the application site boundary. The applicant has provided a swept path analysis which demonstrates that lorries accessing the site/extension will be able to safely enter and exit the site. It is not considered that the proposed extension will result in any adverse impacts in relation to traffic generation. The applicant has advised that the proposed development will result in fewer internal traffic movements within the application site and wider employment land area as the cold store produce will no longer be required to be moved to another storage building in the wider site. No additional parking spaces are required and no formal parking spaces would be lost. Transportation Development Management have been consulted on the application and raise no objections to the proposal.

2.5.5 The proposed development is therefore considered to be acceptable in road safety terms and would comply with aforementioned legislation, development plan policy and national and local guidance with regard to road safety impacts.

2.6 Flooding And Drainage

2.6.1 Policies 1, 2, 18 and 22 of NPF, policies 1 and 3 of FIFEplan (2017), Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) apply.

2.6.2 The application site is not within a known area of surface water or river flood risk. Due to the size of the proposal a SUDS system is required. The proposed extension would be located on an existing area of hardstanding. The applicant has advised that the existing area of hardstanding drains to an underground tank, with its current drainage location unknown. It is proposed that a storm block attenuation system is provided to the north of the proposed extension which would discharge into an existing Scottish Water sewer located to the north of site.

2.6.3 The applicant has submitted a surface drainage design report and plans which detail the location and specification of the proposed SUDS. Appendices 1 and 2 of Fife Council's SUDS guidance have been submitted as part of the application submission and signed by a suitability qualified person confirming compliance with the required drainage standards. The applicant has not provided evidence that Scottish Water have approved the proposed connection into their network. Scottish Water were consulted on this application and did not raise any objections to the proposal, however cautioned that this does not mean that they will accept any new connections into the combined sewer. The applicant will require to apply to Scottish Water for the proposed connection and this matter lies outwith the control of the Planning Authority. Fife Council's Harbours Flood and Coast Team have been consulted on this application but have not responded.

2.6.4 Given that the application site comprises an existing area of hardstanding and subject to conditions requiring the SUDS to be delivered on site as per the details submitted with this application it is considered that application would comply with Fife Council's and National Guidance on flood risk and drainage.

3.0 Consultation Summary

Land And Air Quality, Protective Services	No objections subject to standard safeguarding condition.
Structural Services - Flooding, Shoreline And Harbours	No response.
Scottish Water	No objections.
TDM, Planning Services	No objections.
Environmental Health (Public Protection)	No objections subject to conditions removing PD rights, external doors to be closed between 11pm - 7am and no fork lift or HGV movements between 11pm and 7 am.

4.0 Representation Summary

4.1 18 representations from 15 third parties have been received raising objections.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- Extension is closer to residential properties than existing building and no Noise Impact Assessment (NIA) has been submitted	2.3
- Noise will have an adverse impact on quality of life of nearby residents	2.3
- Proposal would result in Increase in vehicle activity(forklifts) resulting unacceptable night time noise levels.	2.3
- Existing noise levels from the site are already unacceptable and this proposal would increase noise levels.	2.3
- Proposal contrary to FIFEplan 2017 and NPF 4 in relation to amenity impacts and visual amenity (scale)	2.3 /2.4
- Overdevelopment of the area	2.4
- No details of vehicle movements provided	2.5
- Lack of turning area of vehicles	2.5
- No details of new or relocated plant and machinery	1.2
- No details on ventilation	1.2
- No details of height of building	1.2

4.2.2 Other Concerns Expressed

Issue	Addressed in Paragraph
- No details of who has been consulted or neighbour notified	4.2.3
- Emergency access to rear of building now blocked off	4.2.3

4.2.3 The consultee and Neighbour Notification list is available to view on the online file. Emergency access to the rear of the property is the responsibility of the applicant and would be a matter for the Health and Safety Executive to regulate.

5.0 Conclusions

The proposed development would not have any significant adverse impacts with regards to visual amenity and road safety impacts. In terms of the impacts on residential amenity it is considered that the extension would not result in any new significant noise impacts in the context of the existing lawful use and operation of the site. The development is therefore considered to comply with the terms of the Development subject to the conditions detailed below.

6.0 Recommendation

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

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.

2. 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.

3. Prior to the extension hereby approved coming in to use confirmation that the approved SUDS 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 approved SUDS infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

4. The SUDS and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to the extension hereby coming into use unless otherwise agreed in writing. Thereafter shall be retained and maintained for the lifetime of the development.

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.

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 Derek Simpson Lead Officer

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