

Wednesday 7 February 2024 - 12.00 noon

---

## AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

**3. MEMBERSHIP OF COMMITTEE**

Councillor David Alexander (SNP)  
Councillor Lesley Backhouse (SNP)  
Councillor Alistair Bain (SNP)  
Councillor David Barratt (SNP)  
Councillor John Beare (SNP)  
Councillor James Calder (Liberal Democrat)  
Councillor Ian Cameron (Labour)  
Councillor Altany Craik (Labour)  
Councillor Colin Davidson (Labour)  
Councillor Dave Dempsey (Conservative)  
Councillor Derek Glen (SNP)  
Councillor Alycicia Hayes (SNP)  
Councillor Gary Holt (Liberal Democrat)  
Councillor Allan Knox (Liberal Democrat)  
Councillor Robin Lawson (Conservative)  
Councillor Derek Noble (Labour)  
Councillor Gordon Pryde (Labour)  
Councillor Sam Steele (SNP)  
Councillor Jonny Tepp (Liberal Democrat)  
Councillor Ann Verner (SNP)  
Councillor Andrew Verrecchia (Labour)

**4. 23/02125/PPP - LAND EAST OF RIVER LEVEN ELM PARK LEVEN**

4 - 31

Formation of active travel network.

**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.**

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](mailto:Emma.Whyte@fife.gov.uk)

Agendas and papers for all Committee meetings can be accessed on  
[www.fife.gov.uk/committees](http://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.

**Committee Date: 07/02/2024**

**Agenda Item No. 4**

---

**Application for Planning Permission in Principle**                      **Ref: 23/02125/PPP**

**Site Address:**                      **Land East Of River Leven Elm Park Leven**

**Proposal:**                              **Formation of active travel network**

**Applicant:**                            **Green Action Trust**

**Date Registered:**                  **24 August 2023**

**Case Officer:**                      **Natasha Cockburn**

**Wards Affected:**                  **W5R22: Buckhaven, Methil And Wemyss Villages**

---

### **Reasons for Referral to Committee**

---

The application is a National Application and the Fife Planning Committee requires to consider the report and the recommendation made by the West and Central Planning Committee on 10<sup>th</sup> January 2024 for a final determination.

### **Summary Recommendation**

---

The application is recommended for: Conditional Approval

---

## **1.0 Background**

---

### **1.1 The Site**

1.1.1 The site encompasses an area along the River Leven, from Kennoway to the north west, down to Windygates and Cameron Bridge and Methil to the south west, along the east to Mountfleurie and Leven. The majority of the site is located in the settlement boundary of Leven, Buckhaven, Methil & Methilhill, however part of the site to the north west corner is outwith the settlement boundary. To the north east of the site is Safeguarded Employment Area Burnmill IE and Waste Management Facility, Methil. Wildlife Site Natural Heritage Site Windygates-Kennoway runs up to the north towards Kennoway (NHFG Code WS81). Various Core Path Networks run through the site (R368 Water balk path); Coastal path R Leven to Buckhaven to the east (R365) and Creosote / river road to Bawbee bridge (R811). There are Right of Ways to the west side of the site: Crow ID: FK72, FK73 and FK70. The site is located in Green Network Policy Areas: Methil Coastal Link LEVGN07 and Leven to Lundin Links Coast LEVGN02. The railway line is safeguarded within FIFEplan (2017) for the Thornton to Leven Rail Line (LEV005). Existing Green Network Assets are located throughout the site (26, 141, 479). LEVGN05: River Leven Valley Green Network and Green Network Asset runs through the north of the site, west to east. The River Leven Valley Green Network follows the course of the Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. Although most of the site area sits outwith the floodplain there are some key sections to the north west and south east, which lie within the 1 in 200 year flood extent with 53% allowance for climate change.

1.1.2 The surrounding area is mostly landscaping and industry, and housing. The former Mayfield works (the Creosote site) is located at the centre of the site area and is designated as vacant and derelict land. However, the vacant site is colonised by regenerating native shrubs and trees.

1.1.3 The red line boundary encompasses the entire area around the River Leven, but the proposal is a linear development which only covers a small portion of the red line boundary. The applicant has advised that the reason they have included a wider site boundary is because, given this is an application for planning permission in principle, they do not yet know the full details of exactly where the proposed engineering works would be required so a larger red line boundary has been included to encompass a wider area in case the works need to encroach further than expected from the linear route.

1.1.4 The River Leven Valley Green Network follows the course of the River Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. The key features and opportunities for enhancement for the River Leven Valley Green Network and Green Network Asset set out in the LDP include:

- Key green network spine, with existing active network. Links to green networks 4 and 8, but some key gaps in network, as well as accessibility, quality and perceived safety issues.
- Railway and River are barriers to north-south: existing crossing points are therefore significant and need to be protected.
- Significant landscape resource, with a strong landscape character – makes an important contribution to landscape setting.
- Significant greenspace asset, but quality is poor and area has significant potential to be used much more heavily for recreation.
- Provides a significant flooding and drainage function.
- Significant habitat corridor through area, but better management of existing vegetation/woodland is required.
- Railway sidings provide good habitat for invertebrates and scrubland/trees developing on railway heritage site.
- Includes some sites with contaminated land issues.

Opportunities for Enhancement:

- Potential to become a key riverside park and significant recreational asset – investment required to improve greenspace quality and accessibility.
- Upgrades are required at the footbridge at the western end to deliver a multi-use north - south active travel link
- Small-scale interventions such as better signage and path works could begin to improve use for active travel.
- Significant potential to develop function as key green network spine, establishing key multi-use active travel connections to green networks LEVGN02, LEVGN04, LEVGN06 and LEVGN07, and to Methil waterfront, the transport interchange, and to Leven promenade.
- Possible future potential to establish an active travel route which links all the way to Loch Leven – would require more detailed scoping.
- Significant potential to enhance habitat value through appropriate new planting and management of existing woodland assets. Potential also to improve contribution to landscape setting.
- Possible mine water treatment plant by Scottish Water Waste Water Treatment Plant may be able to deliver wider green network benefits.

Development Site Priorities:

Protect existing green network assets

More detail on the Green Network Opportunities is below:

144: Significant potential to develop function as key green network spine, establishing key multi-use active travel connections to green network LEVGN04. Small-scale interventions such as better signage and path works could begin to improve use for active travel.

496: Significant potential to develop function as key green network spine, establishing key multi use active travel connections to green networks LEVGN02, LEVGN04, LEVGN06 and LEVGN07, and to Methil waterfront, the transport interchange, and to Leven promenade. Significant potential to enhance habitat value through appropriate new planting and management of existing woodland assets. Potential also to improve contribution to landscape setting. Potential to become a key riverside park and significant recreational asset - investment required to improve greenspace quality and accessibility. Small-scale interventions such as better signage and path works could begin to improve use for active travel. Possible future potential to establish an active travel route which links all the way to Loch Leven - would require more detailed scoping. Possible mine water treatment plant by Scottish Water Wastewater Treatment Plant may be able to deliver wider green network benefits. Enhance Proposal MET 004 through landscape restoration and decontamination and establish a high-quality landscape edge with the existing River Leven Valley Green Network assets incorporating a formal landscaped walkway along the River Leven frontage that links the areas of protected open space to the west and east of proposal MET 004.

### 1.1.5 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 proposal is for the installation of a new active travel network within the River Leven valley for shared use between cycle users, pedestrians and wheelchair users as part of the 'Levenmouth Connectivity Project'. The project forms part of wider, national project the 'Central

Scotland Green Network' project which is set out within NPF4 as a National Development. The works include upgrading works to an existing footbridge at the western end to deliver a multi-use north to south active travel link and routes also to connect to new river and rail crossings and routes to the approved new railway stations at Leven and Cameron Bridge. The River Park Routes are the off-road component of the Levenmouth Connectivity Project Active Travel Network which is being delivered jointly by Fife Council and Green Action Trust. Once completed, the River Park Routes will be managed by Fife Council Communities and Neighbourhoods Services. The Levenmouth Connectivity Project is a key element of the multi-partner Leven Programme led by SEPA.

1.2.2 The proposals include approximately 11km of active travel routes consisting of Primary routes and Secondary routes, to be delivered in 4 phases. The proposed works include the upgrade of existing routes (core paths, other paths, informal desire lines) and the creation of new paths, which would all connect together and into the surrounding communities. The proposals include biodiversity improvements, planting, lighting and street furniture (seating, signage, litter bins and bollards), and linear play spaces. The proposals include a new river bridge/crossing at the Burn Mill dam, including a new wetland shelter/hide and associated public realm works; and the resurfacing of the existing rail footbridge and new approach routes involving regrading and embankment stabilisation to allow path widening at Bridge 19. The routes are all shared use between pedestrians and cyclists and are divided into Primary Routes (3.5-4m wide) and Secondary Routes (3m wide). The surfacing materials are proposed to be a fully permeable natural stone aggregate paving material in a soft buff tone. Litter and dog waste bins will be provided at the entrances to the River Park alongside existing servicing routes where it is practical for refuse trucks to stop and collect. Bicycle stands are proposed to be installed at key entrances.

1.2.3 The project would form part of the 'Central Scotland Green Network which is a national development as set out within NPF4 (2023) Annex B. It is described within NPF4 as 'one of Europe's largest and most ambitious green infrastructure projects'. It states that it 'will play a key role in tackling the challenges of climate change and biodiversity loss including by building and strengthening nature networks. A greener approach to development will improve placemaking, can contribute to the roll-out of 20 minute neighbourhoods and will benefit biodiversity connectivity. This has particular relevance in the more urban parts of Scotland where there is pressure for development as well as significant areas requiring regeneration to address past decline and disadvantage.' Priorities include 'enhancement to provide multi-functional green and blue infrastructure that provides greatest environmental, lifelong physical and mental health, social wellbeing and economic benefits. It focuses on those areas where greening and development can be mutually supportive, helping to improve equity of access to quality green and blue space, and supporting communities where improving wellbeing and resilience is most needed, including to help people adapt to future climate risks.' The development is needed to improve quality of place and create new opportunities for investment.

### **1.3 Relevant Planning History**

02/02658/CFULL - Engineering operations involving formation of footpath and change of use from derelict industrial land to form 30 space car park and picnic area with associated works - PERC - 15/10/02

### **1.4 Application Procedures**

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

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

1.4.2 The proposal falls within 'Class 6: Transport and infrastructure projects' of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As the length of the road exceeds 8km, the proposal is categorised as a Major development.

1.4.3 In accordance with NPF4 'Annex B – National Developments Statements of Need' this proposal is part of the 'Central Scotland Green Network' Project which is set out within NPF4 as a National Development. NPF4 sets out that a development contributing to 'Central Scotland Green Network' for an active travel network that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development. The application is therefore considered a National Development.

1.4.4 The applicant has carried out the required Pre- Application Consultation (PAC) through holding public information events (Ref: 23/00357/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Overall, the manner of public consultation was considered to be acceptable.

1.4.5 As the application site for the proposed development exceeds 1ha, per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which required to be screened for EIA. The proposed development was screened by the Planning Authority (Ref: 23/00517/SCR), where it was concluded that an EIA was not required.

1.4.6 In accordance with Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended), a pre-determination hearing is required for a National Development. A pre-determination hearing should give the applicant and persons who submit representations to the planning authority in respect of that application in accordance with these Regulations an opportunity of appearing before and being heard by a committee of the authority. A pre-determination hearing was held for this application in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended) and The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 on 6th December 2023. No third parties attended the pre-determination hearing.

1.4.7 There were three issues raised at the pre-determination hearing related to: parking, flooding and seagull protection measures to proposed bins. Responses to the comments made at the hearing are noted in the relevant sections below under the "Update Post-Hearing" paragraphs.

1.4.8 The West and Central Planning Committee considered a report by the Head of Planning Services relating to this planning application on 10<sup>th</sup> January 2024. The report recommended that the application was approved, subject to the conditions set out within the report. The West and Central Planning Committee were asked to make a recommendation on the determination of the application to the Fife Planning Committee on 7<sup>th</sup> February 2024. West and Central Planning 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. The Fife Planning Committee are asked to consider the recommendation made by the West and Central Planning Committee that the application is approved, subject to the 9 conditions set out within this report.

## **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 9: Brownfield, vacant and derelict land

and empty buildings

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

#### Policy 11: Energy

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

#### Policy 12: Zero Waste

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

#### Policy 13: Sustainable transport

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

#### Policy 14: Design, quality and place

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

#### Policy 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 21: Play, recreation and sport

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

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 25: Community wealth building

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

### **Adopted FIFEplan (2017)**

Policy 4: Planning Obligations

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

Policy 7: Development in the Countryside

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

## Policy 15: Minerals

Outcome: The environmental and cumulative impacts of minerals extraction, including commercial peat extraction, will be closely managed so that a balance is achieved between the safeguarding and responsible extraction of workable minerals and environmental protection. The economic or conservation value of minerals is recognised and their working and use is within acceptable environmental limits.

## 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.

### **National Guidance and Legislation**

PAN 1/2011: Planning and Noise

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

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

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

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

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

National Transport Strategy 2

Cycling by Design 2021

### **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**

Trees and Development

Planning Policy Guidance: Development and Noise (2021)

## **2.0 Assessment**

---

### **2.1 Relevant Matters**

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

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

- Natural Heritage and Trees
- Sustainability
- Health and Safety

## 2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 1, 13, 21, 26 and 29 of NPF4 apply and Policies 1, 3, 5 and 7 FIFEplan (2017) would also apply. The River Leven Project is referred to in NPF4 as a Spatial Planning Priority stating: ‘The River Leven Project in Fife is a holistic place-based approach to development. Blue and green infrastructure will support investment and provide environmental, health and wellbeing benefits for communities.’

2.2.2 The proposals would comply with NPF4 Policy 1 and 13 in that they would promote more sustainable modes of transport infrastructure by enhancing active travel networks and sustainable connections to public transport, including new railway stations. The proposals are for upgrades to path networks associated with an active travel network, which aligns with the low carbon objectives of NPF4. The majority of the path network is located in the settlement, with some of the network being outwith the settlement boundary (to the north west). The majority of the proposals therefore conform to FIFEplan Policy 1 as they would be located within the defined settlement boundary. In regards to the parts of the site outwith the settlement boundary, NPF4 Policy 29 (Rural Development) states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including: i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected; ii. diversification of existing businesses; iii. production and processing facilities for local produce and materials, for example sawmills, or local food production; iv. essential community services; v. essential infrastructure; vi. reuse of a redundant or unused building; vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention; ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or x. improvement or restoration of the natural environment.

2.2.3 NPF4 considers that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area and they should consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. The applicant has submitted a Planning Statement which sets out that the development would be considered as ‘essential infrastructure’ under v. of Policy 29. NPF4 defines ‘essential infrastructure’ as ‘travel networks identified in the local development plan’. The proposals are for a travel network which is identified in the local development plan as a Green Network and the project is also set out within NPF4 as part of a nationally important project. The proposals can therefore be regarded as essential infrastructure and would therefore meet the requirements of Policy 29 where they are located outwith the settlement boundary. Furthermore, the proposals would provide upgrades to existing routes which would provide sustainable connectivity throughout some rural areas in the River Leven area and the proposals would also provide sustainable access to the natural environment and improvements to existing infrastructure in a sustainable manner all of which is welcomed and would, on balance, be supported given the overriding benefits of the provision of active travel routes which would improve the connectivity of a community in a sustainable manner.

2.2.4 The proposal would contribute to the viability, sustainability and diversity of rural communities and local rural economy by providing improved connectivity they would have a

proven need for a countryside location given they are adjoining existing routes and enhancing the path networks in the area so would comply with FIFEplan Policy 7.

2.2.5 The proposals include connections to a Safeguarded Employment Land site, as identified within FIFEplan (2017). Employment use is defined as 'all land identified for business (Class 4) and industrial (Classes 5 and 6) uses' within FIFEplan (2017). Safeguarded sites should be safeguarded for continued employment use in accordance with NPF4 Policy 26 and FIFEplan Policy 5. Proposals to connect the safeguarded employment site into the surrounding area would not prejudice the employment sites, would increase connectivity and desirability of the sites and would therefore be supported. Similarly, there are some areas within the site identified as Protected Open Space FIFEplan (2017). However, the proposals involve connectivity through areas of open space to connect them into the surrounding area would not prejudice the areas of open space and instead would increase their use, which is welcomed. The proposals would therefore meet the requirements of NPF4 Policy 21 and FIFEplan Policy 3.

2.2.6 In conclusion, it is considered that the proposed active travel network would be acceptable in principle. The principle of the active travel route accords with the provisions of the Development Plan subject to further detailed assessment carried out below.

## **2.3 Design And Visual Impact**

2.3.1 NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 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 A Design and Access Statement, Landscape Statement and Biodiversity Enhancement/Net Gain Statement has been submitted in support of the application. In regards to design, there are opportunities to create distinctiveness to the individual routes and/or phases, using the design of landscaping, natural play/informal seating/benches and signage to form a variety of character areas. The proposals use the design of landscaping, natural play/informal seating/benches and signage to form a variety of character areas along the route. Users would therefore have a clear sense of location and change from one area (or route) to another – the detail of these aspects should be considered when the final details are being finalised and referred to within a Design and Access Statement. This aspect is therefore recommended as a condition of this PPP.

2.3.3 The proposed inclusion of natural play features and benches are welcomed and can make a positive contribution to the development, making the routes multi-functional and allowing rest, play and social interaction to take place along the network. A network of these features should be located across the whole network in line with the principle of creating character areas.

2.3.4 The proposals would be consistent with the NPF4 Policy 15 approach requiring developments to contribute to local living, including where relevant, 20 minute neighbourhoods. The proposals would improve and enhance connectivity between communities and would improve access to sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks; employment; shopping; health and social care facilities; childcare, schools and lifelong learning opportunities; playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities.

2.3.5 With future detailed applications, confirmation that the active travel network will fully connect into existing movement routes without gaps should be provided and is recommended in a proposed condition of this PPP. Landscaping proposals should be considered in relation to their location and sense of security for users. For example, within or adjacent to built-up urban areas, avoid the design of landscaping which may make it easy for people to hide within or to make people feel uncomfortable. The lighting proposals should contribute to the sense of place while

taking cognisance of the Natural Heritage Officer's recommendations, discussed further in Section 2.8. A signage strategy should form part of the detailed submission(s) to ensure an appropriate design and location of these features. This is also recommended as a condition of this PPP.

2.3.6 The proposals comply with the relevant policies of NPF4 and FIFEplan in relation to design and visual impact, subject to recommended conditions.

## **2.4 Built Heritage**

2.4.1 NPF4 (2023) Policy 7, FIFEplan (2017) Policy 14 and Making Fife's Places Supplementary Guidance (2018) apply with consideration of the impact of the development on built heritage.

2.4.2 The red line boundary of the application site includes Methilmill Cemetery which is Category C Listed. However, the proposals do not include any works to be carried out here or immediately adjacent to that site. The proposals would not encroach into the listed building, therefore these policies are not relevant but are raised as a precaution, given the red line boundary encompasses the area. Fife Council's Built Heritage Officer has been consulted and has advised that there is potential for impacts to the Category C Footbridge Over River Leven at the centre of the site and they advise that this should form a keystone of the active travel network, and the opportunity for its refurbishment, and use as part of the scheme capitalised on. The project does not include scope for the refurbishment of this bridge, so this is not relevant to the application. The Category C Sawmill Bridge Over River Leven is located at the eastern extent of the project and is also acknowledged as outwith the scope of the direct project. Overall, Built Heritage Officers advise that opportunities should be taken to safeguard the future of these structures, and opportunities should be taken to enhance the setting of these structures, showcasing them as landmark features within the active travel network, and achieving positive placemaking and historic environmental outcomes. They advise that the detail of how these historic structures, and any others identified through the above assessment will be sympathetically incorporated and safeguarded within the scheme should be demonstrated within future detailed applications. Although it is acknowledged that this would be desirable, these structures are not along the routes proposed for upgrading, and proposed works would not affect these features.

2.4.3 Fife Council's Built Heritage Officer advised that there are a large quantity of non-designated heritage structures and industrial archaeological features in the area of proposed works, including the footbridge downstream of the Kirkland Dam, various railway associated features and track, the Fife Heritage Railway site, and various structures associated with redundant and demolished mill works. They advise that these features should be adequately assessed, and any impact understood on these identified features as part of any future detailed applications. The condition requiring details demonstrating how the proposals are consistent with the urban environment within which they sit and how they address the six qualities of successful places will cover this issue.

2.4.4 Fife Council's Archaeologist has been consulted and they have advised that the site is not covered by any historic environment designations and no known archaeological sites/monuments/deposits are recorded on site. No conditions are therefore recommended in relation to archaeology.

2.4.5 The proposals comply with the relevant policies of NPF4 and FIFEplan in relation to built heritage.

## **2.5 Residential Amenity**

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

2.5.2 There are residential areas located adjacent to the proposed routes however any noise or dust disturbance would only have a potential impact during the construction phase. A condition is therefore recommended requiring that a Construction Environmental Management Plan (CEMP) be submitted for approval. The remote location of the site and adherence to best working practices detailed in the CEMP will be sufficient to mitigate any potential negative impact during the construction phase, including protecting air quality through the control of dust.

2.5.3 In conclusion, the proposed development would not give rise to adverse residential amenity concerns. The proposed development is therefore acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017).

## **2.6 Transportation/Road Safety**

2.6.1 NPF4 (2023) Policies 1, 2, 13, 14, and 20, 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.

2.6.2 A Transport Statement has been submitted in support of the proposed development. The Transport Statement notes that the proposals are all entirely 'off-road' and there are no areas where the proposals cross roads or live traffic points. The route will adjoin the Fife Coastal Path and the Pilgrim's Way to connect two significant non-traffic routes together, which is welcomed. The proposed active travel network will connect into the local neighbourhoods within Levenmouth to provide a more connected walking and cycling network. The proposals would provide alternative ways to travel that is more sustainable than motor vehicles and they would also provide greater opportunities to use public transport including the new rail stations at Leven and Cameron Bridge and the bus station in Leven town centre, thus reducing carbon emissions, all in line with NPF4 Policy 1 and 13.

2.6.3 The proposals are supported by NPF4 Policy 20 and FIFEplan Policy 13 in that their purpose is to enhance existing network connections. The proposals take account of the Green Network Assets and Opportunities set out within Making Fife's Places Appendix H. Various Core Path Networks run through the site (R368 Water balk path); Coastal path R Leven to Buckhaven to the east (R365) and Creosote / river road to Bawbee bridge (R811). There are Right of Ways to the west side of the site: Crow ID: FK72, FK73 and FK70. The Council's Access Officer has been consulted and has advised that an 'Access Plan' should be submitted which demonstrates how access to the area can be protected as much as possible throughout the development process, including during construction works. It should be noted that if any core paths or public rights of way require to be diverted then this will require a separate application to the Area committee.

2.6.4 The applicant has advised that once completed, the routes will be managed by Fife Council Communities and Neighbourhoods Services and the on-road routes are being delivered by Fife Council Roads and Transportation Services. This means that none of the proposed off-road active travel routes would require a Roads Construction Consent under Section 21 of The Roads (Scotland) Act 1984 and would not be considered for addition to the Fife Council List of Public Roads.

2.6.5 Transportation Development Management Officers have been consulted and have advised that they have no objections, and they do not require any conditions to be added to the consent particularly as the routes would not be adopted by Fife Council Roads.

2.6.6 The proposals are therefore considered acceptable in road safety terms. In transportation terms, the proposed development satisfies all policy requirements subject to a condition relating to access.

### **Update Post-Hearing**

2.6.7 The Pre-determination Hearing on 6<sup>th</sup> December 2023 asked for clarification of the parking provision along the route and whether the development would create the need for further parking at the approved Leven and Cameron Bridge Railway Stations. Transportation Development Management Officers have commented on this query and have advised that the proposed active travel network does not in itself generate a demand for off-street car parking in terms of the parking standards within Making Fife's Places Supplementary Guidance Appendix G – Transportation Development Guidelines. The proposals are for the delivery of infrastructure rather than a trip generating development. The proposed active travel network is intended to promote behavioural change and encourage active travel along and across the River Leven Valley and railway line between Leven, Methil, Methilhill, Windygates and Kennoway in preference to the use of private cars. The active travel routes would provide sustainable links with both Leven and Cameron Bridge Railway Stations and Leven Bus Station, to encourage short trips by walking, cycling, and wheeling.

2.6.8 The potential improvements to the River Park in conjunction with the proposed active travel routes may result in the works becoming a recreational/tourism destination, but these considerations are out with the scope of this planning application. These issues would be addressed separately via a planning application for the potential future improvements to the River Park. The proposed active travel routes do not require off-street car parking provision. The provision of car parking where the active travel routes meet public roads would be counter intuitive. A motorist intending to drive to an active travel route and park then continue by walking, cycling, or wheeling, would pass the active travel route and complete the trip by private car.

2.6.9 There is no justification for increasing the size of the car parks at both Leven and Cameron Bridge Railway Stations as a result of this proposed development. The Leven Railway Station car parking provision cannot be increased due to land constraints. The promotion of the active travel routes as a potential recreational destination should encourage active travel for short trips to the destination and use of public transport (bus and rail) for longer trips.

2.6.10 The proposals are therefore considered acceptable in road safety terms and in regards to parking specifically. NPF4 Policy 13 supports developments with low parking to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably so the introduction of more parking would be seen as encouraging a less sustainable method of transportation which is not encouraged by NPF4.

## **2.7 Flooding And Drainage**

2.7.1 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.



2.7.2 A Flood Risk Assessment (FRA) has been submitted with this application which details the qualitative assessment of flood risk to the River Park Routes and sets out the mitigation and compensatory flood storage strategy and a detailed Flood Risk Assessment will be produced for each subsequent phase of the River Park Routes in support of further detailed applications.

2.7.3 A Drainage Strategy Report has been submitted with this application. The report summarises the existing arrangement of surface water drainage on the proposed development site and describes how the site will be drained once complete. The report sets out recommended maintenance requirements for the surface water drainage network, including any SUDS, and identifies who is responsible for this maintenance.

2.7.4 In regards to flooding, SEPA have been consulted and they advise that they have no objection in principle to the proposals. They have reviewed the FRA submitted and they highlight that the proposed compensatory storage arrangements at Cameron Bridge Station and the associated FRA are yet to be finalised and signed off and these works have impacts on other sites and works downstream of the new Cameron Bridge Station. The FRA therefore would need to be updated with any future detailed applications to take account of this. Further, SEPA advise that the proposed signage should include information boards, advising members of the public about flood risk in the area. SEPA recommend that the signage is located at the Gateways and Rest Stops as set out in the 'Masterplan – Public Spaces' document submitted with this application. In terms of drainage, SEPA advised that the information in the surface water drainage strategy is very high level and there are no details of how construction site run off will be dealt with during the construction phase. This will need to be prepared and submitted as part of a Construction Environmental Management Plan (CEMP) prior to any works commencing on site. A CEMP is recommended to be required through a planning condition.

2.7.5 Fife Council Flooding, Shoreline and Harbours Officers have been consulted and in terms of flooding, they initially submitted a 'holding objection' and did not consider that the proposals accorded with the avoidance principle of NPF4 Policy 22 because routes in phase 1 – 4 fall within the flood risk area. The applicant has since submitted further information which sets out that the avoidance principle has been tested and cannot be implemented in this instance, due to existing infrastructure and topographic constraints. The applicant has outlined that each of the Flood Risk Assessments submitted with future detailed applications will clearly set out whether there are alternative options for avoidance in-line with the principals of NPF4, and where this is not possible, what mitigation measures will be in place. It will also include clear details on the access and egress arrangements to be provided for each route. Therefore, mitigation approaches would be incorporated into the detailed designs which can be considered through future detailed applications. A condition is therefore recommended by Flooding, Shoreline and Harbours Team which sets out that appropriate mitigation measures are to be incorporated into the detailed design layout, including (but not limited to) information/signage as to potential hazards, information/signage as to emergency egress/alternative routes and information regarding procedures to be actioned in the event of flooding and consequential path closures.

2.7.6 In terms of surface water management, Flooding, Shoreline and Harbours Officers have no objections. They acknowledge the proposal to form the pathways/cycleways in permeable material meets the SEPA SIA requirements while it should be noted that the attenuation capacity of the sub-base course should be designed to accommodate up to a 0.5% AEP + CC (39%) event without increasing the runoff rate beyond the maximum 4l/s/Ha stipulated in Fife Council's guidance. Appendices 1, 2 and 7 should be completed and submitted. These requirements are recommended to be required through planning conditions of the PPP.

2.7.7 The proposals comply with NPF4 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 in regard to flooding and drainage, subject to conditions.

## **Update Post-Hearing**

2.7.8 The Pre-determination Hearing on 6<sup>th</sup> December asked for clarification that the flood mitigation measures could be met as referenced in paragraph 2.7.5 above. In response to this, the mitigation measures that both SEPA and Fife Council Flooding, Shoreline and Harbours have suggested have been reviewed by the Applicant for this planning application. The mitigation measures would include information/signage as to potential hazards, information/signage as to emergency egress/alternative routes and information regarding procedures to be actioned in the event of flooding and consequential path closures. These measures are not exhaustive and can be reasonably implemented, the signage will supplement existing signage proposed through the PPP at gateway locations and any areas where flooding is expected. It is therefore considered that the mitigation measures can be reasonably implemented by the Applicant.

## **2.8 Contaminated Land And Air Quality**

2.8.1 Policy 9 and Policy 23 (Health and Safety) of NPF4 and Policies 1 and 10 of the Adopted FIFEplan are applicable. The site is located within a High Risk Coal Mining Area and historical maps indicate several former industrial land uses (refuse tips/landfills, works, mills, railway land) within the boundary of the proposed development.

2.8.2 A Coal Mining Risk Assessment has been submitted with the application (Phase I Geo-Environmental Desk Study (dated June 2023) from Geovia). The Coal Authority has been consulted and advise that records indicate that the application site lies in an area of both recorded and probable shallow coal mining and that within, or within 20m of the planning boundary there are 6 recorded mine entries. Coal Authority records also confirm that thick coal seams outcropped across the site, which may have been worked from the surface. Based on this review of available information, the report concurs with the Coal Authority records and considers that currently, the site is at a low to medium risk from coal mining legacy (stability and safety) and that this could significantly impact on the development proposed. Therefore, in order to mitigate the risk and to design the required remedial and / or mitigation measures to ensure that the development will be safe and stable, recommendations have been made that intrusive ground investigation works are required in order to determine the geological and mine setting beneath / within the site. As part of the investigations, the Coal Authority would also expect the depth to rockhead adjacent to the planning boundary to be established in order that the applicant's technical consultants can calculate the zone of influence (no build exclusion zone) of the other mine entries within influencing distance of the site to inform the layout of the development. We would expect the applicant to make every effort to design the detailed development proposal in a manner that avoids construction over or within influencing distance of these specific mining features. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out as part of this planning application submitted. In order to ensure that sufficient information is provided

by the applicant to demonstrate that the site is safe and stable for the development proposed, the Coal Authority have advised of conditions requiring the undertaking of a scheme of intrusive site investigations, the submission of a report of those findings and the implementation of any remedial works advised as a result. The Coal Authority have no objections to the application, subject to the recommended conditions.

2.8.3 Fife Council Land and Air Quality Officers have reviewed the Phase I Geo-Environmental Desk Study. They note the recommendations specifically that targeted Phase II Geo-Environmental investigations would be undertaken within the Creosote Garden (former rail sidings and refuse heap), Burgh Hill Garden (former mill site and steel foundry) and Dock Garden areas (reclaimed land and former power station). The results of such investigations (with associated monitoring works and risk assessment) should be submitted for review. If remedial measures are required to ensure safe development of the site, these must be described in a Remedial Action Statement detailing the measures that will be used to mitigate against any identified risks. The statement must include a verification plan specifying when, how and by whom remedial measures will be inspected. The remedial action statement must be submitted to and accepted in writing by the council before any development work begins on site. A Verification Report would be required on completion. These requirements are recommended as planning conditions of this PPP. Fife Council Land and Air Quality Officers have no objections to the application, subject to the recommended conditions.

2.8.4 In terms of ground water and land contamination, SEPA consider that the preliminary conceptual site model is a reasonable starting point to inform a future Phase II Investigation and Detailed Design. At the detailed stage, an appropriate risk assessment would be required to be undertaken and mitigation measures may be required for a groundwater abstraction supplying Cameron Bridge Distillery to the west of the site boundary. This requirement is recommended to be addressed through a planning condition. SEPA advise that below-ground excavations relating to the creation of new and upgraded bridges may create new preferential pathways for contamination and may disrupt the interaction between groundwater and surface waters. River margin and embankment reinforcement may present the same risks if they involve groundworks. Once detailed proposals are finalised the Construction Environmental Management Plan (CEMP) and associated submissions will need to assess the potential for these risks and consider the requirements for any mitigation measures. A CEMP is recommended to be required through a planning condition. The proposed intrusive investigation includes the installation of boreholes with a groundwater monitoring standpipe, but no mention of groundwater level monitoring is made. Groundwater level monitoring would be a useful means of informing the assessment of risks to groundwater posed by this proposal. SEPA Groundwater note, based on the Coal Authority Interactive Map, that there are areas of known previous shallow mining in the vicinity of Kirkland Dam, around the A915 to the east of Duniface Farm, and in the vicinity of Burn Mill Dam. Most of the project area upstream of Dam Wood is in an area of probable previous shallow mining. In these areas, there is a higher risk that the works could create preferential pathways for contaminants to groundwater, and this risk should be assessed and, if required, mitigated against appropriately. There is the potential for creosote related contamination in the area of the former Mayfield Sawmill site; this will need to be confirmed. When undertaking the Phase II Site Investigation works for the Connectivity Project caution will need to be exercised in order to avoid creating pathways for contamination to migrate to the River Leven and groundwater beneath the site and to impact any other receptors. SEPA recommend that if any works are proposed north to Kennoway along a path to the east of the Kennoway Burn then there is a petrol/fuel site 80m north of the northern end of this area and they recommend that, if any works are proposed near the service station, that an appropriate risk assessment is carried out. The applicant has advised that they do not intend on carrying out any works in this location.

2.8.5 The proposed active travel network is to be used for activities such as walking, cycling etc. Such activities are unlikely to have a detrimental impact on local air quality so an air quality impact assessment is not required.

2.8.6 Subject to the aforementioned conditions, the proposals comply with the relevant policies and guidance in relation to land and air quality. There are no objections from consultees in this regard.

## **2.9 Natural Heritage And Trees**

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

2.9.2 There is a designated site within the site boundary – the Windygates-Kennoway Wildlife Site - which follows the route of the Kennoway Burn to the north west of the site boundary. This site was designated due to the mix of semi-natural habitats predominantly broad-leaved semi-natural woodland, dense scrub, semi-improved neutral grassland, tall ruderal and running water. The River Leven discharges into the Firth of Forth Special Protection Area (SPA), (Site Code 8499), specifically into the Outer Firth of Forth and St Andrews Bay Complex SPA (Site Code 10478), the Firth of Forth SSSI and the Firth of Forth Ramsar Site. As per the Habitats Regulations Appraisal (HRA) process, given the proposals would not significantly impact on the on a Natura site, due to the distance of the footpath network to the SPA and SSSI and the nature of the proposed works an Appropriate Assessment is not deemed necessary in this instance. It is acknowledged however that works, either during construction or operation must not negatively impact on these protected areas. The submitted Preliminary Ecological Appraisal sets out recommendations to ensure that the protected areas are not adversely impacted by the proposals in regards to waste management, which would be covered through a Construction Environment Management Plan (CEMP) set out within the recommended conditions.

2.9.3 The site is located in Green Network Policy Areas: Methil Coastal Link LEVGN07 and Leven to Lundin Links Coast LEVGN02. Existing Green Network Assets are located throughout the site (26, 141, 479). LEVGN05: River Leven Valley Green Network and Green Network Asset runs through the north of the site, west to east. The River Leven Valley Green Network follows the course of the River Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. In accordance with NPF4 Policy 20, the proposals would incorporate new and enhanced blue and/or green infrastructure and so would be supported. This is an integral element of the design and it responds to local circumstances considering the proposals would be for the upgrading of existing routes. NPF4 Policy 20 also sets out that proposals will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these. The applicant has identified that it will be Fife Council who are responsible for the long term maintenance of the active travel network and further confirmation and details for this will be required through condition of the PPP.

2.9.4 A Tree Report, Biodiversity Enhancement Statement, Landscape Statement, Phase 1 Habitat Survey Report, Green Network Phase 1 Report, Green Network Biodiversity and Habitats Phase 2 Report and a Preliminary Ecological Appraisal (PEA) have been submitted with the application.

2.9.5 Development proposals that affect a site designated as a local nature conservation site will only be supported where the development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. The proposals would not be considered to have a significant adverse effect on the Windygates-Kennoway Wildlife Site. There is an existing route within this area, which is proposed to be upgraded, so impacts would not be significant. The applicant has advised that the trees will be retained as far as possible and where impacts occur, trees will be replaced at a suitable replacement value. The overall approach is to expand and plant up woodland areas where viable along the route, which is welcomed.

2.9.6 The PEA and Habitat Surveys involve an assessment of the ecological features present within the site boundary and the zone of influence in relation to the proposals. The assessments identify the likely ecological constraints associated with the proposals, the Habitats and Species Management Plan and any mitigation measures likely to be required. The site was assessed for its ability to support a variety of protected species including otter, water vole, reptiles, birds, bats, badgers and other species of principal importance. Additionally, the site and surrounding area was surveyed for invasive non-native species (INNS). Otters were found to use the area, 50 species of breeding birds, a badger sett was identified, three species of bats (but no roosts), amphibians, diverse terrestrial insects and pollinator, a diverse range of fish within the river including salmon and sea trout, aquatic insects, deer and giant hogweed, Japanese knotweed and Himalayan balsam (INNS) were found by the river. The PEA sets out mitigation measures to remove INNS and to protect the recorded and potential species during site clearance and construction works (including recommending further surveys where relevant). The report identifies potential opportunities for biodiversity enhancement on the site including landscaping, installation of nest/roost boxes for bats and birds, further check for the three invasive species found, creation of log piles, further targeted breeding bird surveys, signage, fish rescues, and a Construction Environment Management Plan (CEMP).

2.9.7 The Biodiversity Enhancement Statement sets out that the proposals would supplement existing habitats on the site and increase connectivity, use native trees and planting, create new connected areas of pollinator habitat along the footpath network, any trees which require to be felled would be replaced with at least two new trees to any one felled, any young aspen trees would be replaced by aspen trees of local origin, felled timber would be retained on site, foraging plants would be proposed for use by local residents, wetland habitat would be provided adjacent to the footpath network where appropriate, and future management would be specified to ensure biodiversity enhancement retained in the longer term. The proposals would confirm to NPF4 and FIFEplan and they take note of the Fife Local Biodiversity Action Plan in regards to biodiversity enhancement, which is welcomed.

2.9.8 The Landscape Statement sets out the existing landscape characteristics of each area, potential impacts of the proposal and an overall strategy in relation to the existing and proposed landscaping. There is an emphasis on the maintenance of existing landscape assets, such as foraging areas along the route, minimising the impact on trees and maintaining a natural flow to the route. On completion of construction, responsibility for the management and maintenance of the routes will be passed to Fife Council. It is advised that the maintenance strategy would be for Fife Council Communities and Neighbourhoods team to undertake maintenance through training teams supported by Fife Council Employability Services although discussions are ongoing regarding maintenance of bins and lighting. Maintenance details are recommended to be covered through an appropriate condition.

2.9.9 Fife Council's Natural Heritage Officer advises that the habitat reports submitted provide an appropriate level of ecological baseline data however the habitat species reports submitted with this application are now out of date. Whilst noting that the general overall habitats will not have significantly changed, the accepted lifespan of ecological reporting is 18 months so it is recommended that the reports are updated to ensure that the design accounts for any changes in the ecological baseline and that micro siting can be facilitated ahead of construction commencing. It is noted that the aquatic surveys are valid beyond 18 months due to the type of habitat. The Natural Heritage Officer comments that with public access to the natural resources of the area desirable (and a key driver of this application), the new routes will require to avoid more sensitive habitats or be designed such that footfall/wheels can be suitably directed/controlled to avoid damage, such as via boardwalks through wetland areas, which is proposed in some areas. The proposals set out that lighting is proposed for all Primary and Secondary Routes where suitable to help increase the safety and comfort of those using paths at night, which will help reduce harassment and improve safety. Also acknowledged within the submission is that detailed design should include ensuring that path lighting is appropriate and compatible with wildlife use (with particular reference to bat and otter foraging habitat and fish passage). To ensure edge habitats are retained at suitable light levels, path lighting columns will require to be directional and shaded as needed. To ensure that fish passage is uninterrupted (as light can form a barrier to nocturnal fish migrations) lighting on the watercourse crossings will require to be tightly focused to prevent spillage onto the river surface below the bridges. Lighting unit wavelength is required to be bat-appropriate without compromising path-user safety. A condition is recommended requiring the submission of lighting details. Conditions are recommended to account for the Natural Heritage comments, and they do not have any objections to the proposals, subject to these conditions.

2.9.10 As discussed in section 2.8 of this report, the applicant will require to safeguard (keep open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route it should be suitably re-routed before the development commences, or before the existing route is removed from use. The Council's Access Officer has requested an Access Plan to be submitted to assess this requirement.

2.9.11 The proposals will encourage the use of the existing Green Networks and enhance them through the upgrading of the existing connections, creating of new connections, increasing their attractiveness and enhancing the biodiversity of the areas through the proposed provision of supplementary planting across the networks.

2.9.12 NatureScot have been consulted on this application and they advised that they have no comments to make.

2.9.13 A tree plan has been submitted with the application, which provides a topographic survey showing the existing trees along the proposed route. Components of the riverside area habitats are included as part of the Fife Woodland, Broadleaved. None of the trees within the site boundary are covered by Tree Preservation Orders or Conservation Areas, and none of these woodlands are listed as ancient or plantation on ancient woodland. The proposed site area is very large and includes many separate wooded areas. It is important to recognise that there will be habitat connectivity and green corridors, so although each separate phased area of works should be considered at a smaller scale in terms of specific tree removals and planting requirements, therefore a holistic perspective must be maintained in order to ensure no habitat and woodland fragmentation takes place. For each separate phased area of works, there will be separate and contextual requirements in terms of extant trees and the potential for development to affect these.

Arboricultural impact assessments will be required in order to gauge potential impact of development on extant trees, along with tree protection plans to ensure that retained trees near areas of proposed development remain protected throughout any development works. Further, wherever tree removal will be required to facilitate development works, it will be expected that compensatory planting will take place. It should be noted that compensatory planting often takes many years (30 plus) to reach a point when environmental losses can be compensated adequately, so woodland removal should be avoided wherever possible. There is a strong presumption in favour of protecting Scotland's woodland resources, and Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. Therefore, for any areas within this development where woodland removal is proposed, it will be expected that clear justification will be given, and it will be explained why this is in the public interest. For all compensatory planting and landscape plans, there will be a requirement to consider both small scale tree removal mitigation, and holistic large scale environmental improvements and connectivity. This development has potential to bring several wooded areas that have fallen into various states of disrepair into active management including invasive non-native species mitigation, enrichment planting, and improving woodland species diversity and structure, which is vitally important for mitigating potential climate change impacts and is welcomed. At the detailed application stage, arboricultural impact assessments, tree protection plans, and landscape and compensatory planting plans should be provided. Fife Council's Tree Officer has no objection to the proposals, subject to the imposition of appropriate conditions requiring the submission of further, more detailed information regarding tree planting, protection and removal where required. These requirements are recommended within conditions of this PPP.

2.9.14 Overall, it is considered that the proposed development would be acceptable regarding natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). The proposed development would not adversely impact on any protected species, with suitable mitigation, landscaping and biodiversity enhancement measures identified. Conditions are included to secure the proposed landscaping, enhancement measures, tree protection and tree planting. There have been no objections from consultees, subject to conditions.

## **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 A Low Carbon Checklist has been submitted with this application. Although the application is a Major (National), which would normally require the submission of an Energy Statement of Intention, this application is exempt because it is not a development which would require heating or cooling. Details of waste management have been submitted with the application, including details of proposed litter and recycling bins along the route. The applicant is working with Fife Council Maintenance regarding the location of the bins and litter collection. The proposals by their nature will encourage and facilitate the use of sustainable transport, by focusing on the priorities of walking, cycling and access to public transport.

2.10.3 The proposals would, in principle, meet the requirements of the above policies, in that they would be encouraging sustainable modes of transport.

## **Update Post-Hearing**

2.10.4 The Pre-determination Hearing on 6<sup>th</sup> December requested that seagull protection was included to any bins proposed along the network to ensure that litter is contained. It was suggested that this requirement was included in a planning condition of the PPP. It is considered reasonable to request such measures through a planning condition, to ensure that the natural environment is protected in accordance with NPF4 Policy 4 and the overall aims of the national development to which this application relates. The Applicant has agreed that such measures are possible, therefore Condition 2 (y) includes the requirement for the bins to include seagull protection measures.

## 2.11 Health and Safety

2.11.1 NPF4 Policy 23 applies in regards to health and safety.

2.11.2 NPF4 Policy 23 requires proposals to be designed to take into account suicide risk. This requirement would be relevant to the proposed river crossings. A condition is recommended which would require supporting details to be submitted to address this as part of any future, relevant detailed applications.

2.11.3 The proposals would, in principle, meet the requirements of the above policy in relation to health and safety, subject to conditions.

## 3.0 Consultation Summary

---

Scottish Water	No objections.
Scottish Environment Protection Agency	No objections, subject to conditions.
Community Council	No response.
Transport Scotland	No objections.
The Coal Authority	No objections, subject to conditions.
Parks Development And Countryside - Rights Of Way/Access	No objections, subject to conditions.
Archaeology Team, Planning Services	No objections.
Built Heritage, Planning Services	No objections, subject to conditions.
Business And Employability	No comments.
Natural Heritage, Planning Services	No objections, subject to conditions.
Trees, Planning Services	No objections, subject to conditions.
Urban Design, Planning Services	No objections, subject to conditions.
Land And Air Quality, Protective Services	No objections, subject to conditions.



Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions.
TDM, Planning Services	No objections.
Parks Development And Countryside	No objections.
NatureScot	No comments.

## 4.0 Representation Summary

---

No representations received.

## 5.0 Conclusions

---

The principle of this development is acceptable in meeting the terms of the Development Plan and national guidance. The River Leven Project is referred to in NPF4 as a Spatial Planning Priority stating: ‘The River Leven Project in Fife is a holistic place-based approach to development. Blue and green infrastructure will support investment and provide environmental, health and wellbeing benefits for communities.’ The development is also a National Development set out in NPF4: ‘Central Scotland Green Network’ and it supports the aims of this development to improve quality of place and create new opportunities for investment. The approval of the development would provide sustainable connectivity between communities in the Leven area and would enhance connectivity to the green network. The development would promote alternative ways to travel that are more sustainable than motor vehicles and they would provide greater opportunities to use public transport including the new rail stations at Leven and Cameron Bridge and the bus station in Leven town centre, thus reducing carbon emissions. The development can be carried out without unacceptable impacts on residential amenity, and no road safety concerns are raised by the development. There are no significant visual impact concerns to address. Through appropriate conditions, compensatory tree planting and other landscaping would be secured, along with biodiversity enhancement and appropriate mitigation measures where required for the habitat on and near to the site.

It is recommended that members endorse the West and Central Planning Committee’s recommendation to approve the application, subject to conditions, as the final consenting process for this National Development.

## 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 5 years from the date of this permission.

Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland ) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. A further application(s) for certain matters (Approval of Matters Specified By Condition) for each phase or phases, shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

(a) A location plan of all the site to be developed to a scale of not more than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the paths and all street furniture. This plan should be sufficient to identify the land to which it relates and should show the situation of the land in relation to the locality and in relation to neighbouring land;

(b) Detailed plans to a scale of not more than 1:500 showing the site contours, the position and width of all proposed roads and footpaths, any bridge structures proposed, including public access provision, ground levels, sections, boundary treatments and all street furniture locations;

(c) A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places;

(d) A supporting statement setting out how each phase ties in with any previously approved phases. The proposals shall show a holistic approach to tree planting across the site to ensure no habitat and woodland fragmentation takes place and how the proposed materials, landscaping, signage, street furniture and gateway features tie in with one another across the site;

(e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. These details shall also include replacement tree planting, where required;

(f) Details of the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;

(g) Details of all proposed materials and a demonstration of how new hard surfacing ties in with any existing surfaces;

(h) Details and locations of the gateway features and 'rest stops';

(i) Full elevations and sections and detailed design features of any proposed bridge structures, boardwalks or river crossings where relevant to that phase;

(j) A surface water management plan with relevant certification included, and as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision;

(k) An updated Flood Risk Assessment (FRA) with relevant certification included, and mitigation where required and where relevant to that phase. The updated FRA shall take into account the detailed design of the proposal and shall demonstrate that the proposals comply with Policy 22 of NPF4 (2023) in regards to flood risk. Where relevant to that phase, mitigation measures shall include but not be limited to:

- Information / signage as to potential flooding hazards, including maps
- Information / signage as to emergency egress / alternative routes
- Information regarding procedures to be actioned in the event of flooding and consequential path closure

The FRA shall take account of the comments by SEPA within their consultation response, dated 21st September 2023.

(l) An updated Arboricultural Impact Assessment including a tree protection plan and arboricultural method statement which takes into account any subsequent detailed layout;

(m) An updated Ecological Appraisal report which takes into account any subsequent detailed layout and sets out any required mitigation and biodiversity enhancement measures;

(n) Biodiversity Action and Enhancement Plan which takes account of the detailed layout;

(o) Updated Habitat and Ecological surveys, including but not limited to otter; bats/bat roost trees and breeding birds where identified;

(p) A Construction Method Statement and Management Plan (CEMP), including an Environmental Protection Plan and Scheme of Works relating to construction activities on site and details of the proposed construction traffic routes. The CEMP shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site. Any alterations to the principles described in the CEMP during construction shall be agreed in writing by the Planning Authority;

(q) Full details of the proposed lighting scheme. 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 surrounding habitat with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a manner which prevents spillage of light or glare into any neighbouring public roads, sensitive properties or habitat in accordance with the manufacturer's specification and approved details.

(r) A scheme of intrusive site investigations designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;

(s) A report of findings arising from the intrusive site investigations and any remedial and / or measures necessary including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries and the definition of suitable 'no build' zones of influence for all mine entries and the definition of 'no-build' zones;

(t) A Preliminary Contaminated Land Risk Assessment (Phase I Desk Study Report) and where further investigation is recommended in the Preliminary Risk Assessment, a suitable Intrusive Investigation shall be carried out and a phase II Investigation Report shall be submitted. Where remedial action is recommended in the Phase II Intrusive Investigation Report, a suitable Remedial Action Statement shall also be submitted. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures;

(u) A sustainable development checklist, in line with the terms of NPF4 Policy 2, FIFEplan (2017) Policy 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife (2019), or equivalent;

(v) An access plan which shall consider how access through alleged or vindicated rights of way on or adjacent to the application site will be protected as much as possible throughout the construction process;

(w) A statement setting out how the proposals, where relevant, would be designed to take into account suicide risk in line with NPF4 Policy 23.

(x) A maintenance strategy setting out future maintenance details for the route, including street furniture, landscaping, bins and lighting.

(y) Full details of elevations, sections, location and materials of all street furniture, including (but not limited to) benches, bins and signage. For the avoidance of doubt, the bins shall include seagull protection measures.

No works associated with the development shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

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

3. The indicative drawings and layout plans and the masterplan drawings showing the wider development not associated with the active travel route is hereby not approved. This application relates to the active travel route only.

Reason: The details shown on the submitted drawings are not regarded as the best or only solution for the development of this site and the wider masterplan is for illustrative purposes only in this instance.

4. No building or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

5. BEFORE DEVELOPMENT COMMENCES ON SITE, the Planning Authority shall be formally notified in writing of the completion of the tree protection measures agreed through Condition 2(l) and no development on site shall commence until the 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 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 interest of the protection of trees to be retained

6. 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.

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

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

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

8. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT the remedial works shall be implemented in accordance with the report of findings required by Condition 2 (s).

Reason: To ensure the site is safely developed in regards to past coal mining activity

9. The landscaping scheme pursuant to Condition 2 (e) as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

Reason: To ensure the landscaping scheme is implemented at an appropriate time.

## **7.0 Background Papers**

---

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Lead Professional Planner - Infrastructure  
Report Reviewed and agreed by Mary Stewart, Service Manager and Committee Lead