

West and Central Planning Committee

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



Wednesday, 21 May 2025 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTE - Minute of the meeting of the West and Central Planning Committee of 23 April 2025. 4 - 8

4. 22/04086/PPP - PRESTONHILL QUARRY PRESTON CRESCENT INVERKEITHING 9 - 84

Proposed redevelopment of former Prestonhill Quarry, Inverkeithing to create a mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, cafe/bistro, associated access, open space, landscaping, SuDS and other infrastructure.

5. 24/03098/ARC - HILLSIDE SCHOOL 3 MAIN STREET ABERDOUR 85 - 149

Approval of matters specified in conditions 2 (a and b), 2 (d to f in part), 3 (a, k & l), (3 b to j and m in part), 4 in part, 5 (a to c, l, m and n in part), 5 (d to k and o) 6, 9 and 12 in part of planning permission in principle 24/01423/PPP for residential development with associated landscaping, open space, access, drainage and other infrastructure and the relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access

6. 24/03087/ARC - HILLSIDE SCHOOL 3 MAIN STREET ABERDOUR 150 - 181

Approval of Matters Specified in Conditions: 2 (c), 2 (d, e and f in part), 3 (a to f and h, i, j and m in part), 4 in part, 5 (a, b, c, l, m and n in part), 12 in part of planning permission in principle 24/01423/PPP for the construction of educational buildings, residential blocks, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure.

APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.

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

Fife House
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Fife, KY7 5LT

14 May, 2025

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

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

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

23 April 2025

2.00 pm – 4.15 pm

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

ATTENDING: Derek Simpson, Lead Officer, Development Management, Sarah Hyndman, Planner, Lauren McNeil, Planner, Planning Services; Mary McLean, Legal Services Manager, Gemma Hardie, Solicitor and Elona Thomson, Committee Officer, Finance and Corporate Services.

241. DECLARATIONS OF INTEREST

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

242. MINUTE

The committee considered the minute of the meeting of the West and Central Planning Committee of 26 March 2025.

Decision

The committee approved the minute.

With reference to the report relating to the proposed redevelopment of Prestonhill Quarry para. No. 243, the committee agreed to continue consideration of this application to the meeting of 21 May 2025 due to officer availability.

243. 22/04086/PPP - PRESTONHILL QUARRY PRESTON CRESCENT INVERKEITHING

Decision

The committee agreed to continue this application to the meeting on 21 May 2025.

244. 24/01380/EIA - BALBIE FARM ORROCK AUCHTERTOOL

The committee considered a report by the Head of Planning Services relating to an application for the change of use of agricultural land and landfill restoration to form an energy crop facility, with provision of ancillary infrastructure (alteration and hard standing) and landscaping.

Members were advised of the following amendment: -

Condition 3 was amended to: - Prior to the commencement of works, a Phasing Plan shall be submitted for the agreement of Fife Council as Planning Authority.

Once agreed, the phasing plan would be adhered to for the lifetime of the development.

Decision

The committee agreed to: -

- (1) approve the application subject to the 17 conditions and reasons detailed in the report, with the following revised wording to Condition 7: -

“The mitigation specified in the Ecology and Biodiversity chapter of the EIA document (Document 20A) (Babbity Environmental, 2025), including the additional surveys, shall be carried out/adhered to before, during and after construction, as applicable. For the avoidance of any doubt the additional surveys required shall be carried out before any development works start on site and the survey reports and any required mitigation measures shall be submitted for the prior written approval of Fife Council as Planning Authority.”
- (2) the conclusion of a legal agreement to secure the necessary planning obligations, namely: -
 - to provide the visibility splays required to allow clear and unobstructed views of traffic at the junction; and
 - a bond to address the costs of site restoration and aftercare of the site.
- (3) that authority be delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement; and
- (4) that should no agreement be reached within 6 months of the Committees decision, be delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

Councillor Sam Steele left the meeting during consideration of the above item.

245. 24/02548/FULL - CRAIGLUSCAR CRAIGLUSCAR ROAD MILESMARK

The committee considered a report by the Head of Planning Services relating to the installation of 40MW solar PV array with 9.9MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, auxiliary transformer and other ancillary development.

Motion

Councillor David Barratt, seconded by Councillor David Alexander, moved to approve the application subject to the conditions set out in the report.

Amendment

Councillor Derek Glen, seconded by Councillor Alistair Bain, moved to refuse the application on the grounds that it failed to demonstrate economic impact to the local area.

Roll Call Vote

For the motion - 6 votes

Councillors David Alexander, David Barratt, Ian Cameron, Altany Craik, Derek Noble and Gordon Pryde.

For the Amendment – 6 votes

Councillors Alistair Bain, James Calder, Dave Dempsey, Derek Glen James Leslie and Lea McLelland.

As there was an equality of votes for each proposition, the Convener used his casting vote, and the motion was accordingly carried.

Decision

The committee agreed to: -

- (1) approve the application subject to the 36 conditions and reasons detailed in the report with the addition of the following Condition and amendment to Condition 7: -

“Prior to the battery storage facility coming into use a Fire Risk Management and Emergency Plan shall be submitted to and approved in writing by the Planning Authority. This document shall ensure full compliance with the recommendations and guidance contained within the National Fire Chiefs Council - Guidance for FRS unless otherwise agreed. Thereafter the development shall be carried out in accordance with the approved document.

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

“Condition 7 updated - PRIOR TO THE COMMENCEMENT OF WORKS, the applicant shall carry out a dilapidation survey in the presence of Fife Council's Roads and Transportation Services officers on the full length of the U010 (Drumtuthill Road) between its junctions with the A823 and the B913 and the U011 (Craigluscar Road) road between its junction with the U010 and the A907 (Carnock Road). Any subsequent damage to the carriageway and roadside verges as identified by Fife Council as Planning Authority shall be repaired by the applicant to a standard acceptable to Fife Council, within 6 months of the completion of the construction works, unless an alternative timescale is agreed in writing by the Planning Authority. Should Fife Council carry out any road improvements to these sections of road following the initial dilapidation survey and before the completion of construction works then the applicant shall repair any damage caused by construction traffic to any road improvement works

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carried out by Fife Council. Such works shall be agreed in writing with Fife Council and shall be carried out within 6 months of the completion of the construction works. The applicant shall enter into a Section 96 Agreement under the Roads (Scotland) Act 1984.”

- (2) the conclusion of a legal agreement to secure the necessary planning obligations, namely: -
 - a bond to address the arrangements and costs of decommissioning, site restoration and aftercare of the development;
- (3) that authority is delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement; and
- (4) that should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

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

Councillor Beare left the meeting at 3.00pm and re-joined the meeting at 3.10pm.

246. 24/00732/PPP - LAND AT GRANGE FARM STEADING BURNTISLAND FIFE

The committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for the erection of 8 dwellinghouses and formation of access.

Decision

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

247. 24/01338/FULL - WEE CAUSEWAY HOUSE LITTLE CAUSEWAY CULROSS

The committee considered a report by the Head of Planning Services relating to an application for the change of use from domestic outbuilding to dwellinghouse (Class 9) and external alteration including installation of replacement windows and doors, alterations to boundary wall to form new vehicular access, and formation of parking area.

Decision

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

The meeting adjourned at 3.35pm and reconvened at 3.45pm

248. 24/01301/LBC - WEE CAUSEWAY HOUSE LITTLE CAUSEWAY CULROSS

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for internal and external alterations

including the installation of new windows, replacement doors and part demolition of boundary wall.

Decision

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

249. 24/01954/FULL - 2 EAST FERGUS PLACE KIRKCALDY FIFE

The committee considered a report by the Head of Planning Services relating to an application for external alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows (retrospective) and doors, removal of rendering of exterior walls and formation of hard standing (amendment to 22/00518/FULL)

Decision

The committee agreed: -

- (1) to refuse the application for the reason set out in the report; and
- (2) that the appropriate enforcement action be taken with respect to the unauthorised activity.

250. 24/01955/LBC - 2 EAST FERGUS PLACE KIRKCALDY FIFE

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for external alteration to dwellinghouse including installation of windows, doors, re-location of heat pump, removal of existing side extension, removal of rendering, and formation of hard standing. Alteration to previous application (22/00528/LBC)

Decision

The committee agreed: -

- (1) to refuse the application for the reason set out in the report; and
- (2) that the appropriate enforcement action be taken with respect to the unauthorised activity.

251. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

Committee Date: 21/05/25

Agenda Item No. 4

Application for Planning Permission in Principle

Ref: 22/04086/PPP

Site Address: Prestonhill Quarry Preston Crescent Inverkeithing

Proposal: Proposed redevelopment of former Prestonhill Quarry, Inverkeithing to create a mixed-use development including approximately 180 residential units (including affordable housing), holiday lodges, cafe/bistro, associated access, open space, landscaping, SuDS and other infrastructure.

Applicant: DDR (UK) Ltd, c/o Herbert House 22 Herbert Street

Date Registered: 14 December 2022

Case Officer: Natasha Cockburn

Wards Affected: W5R06: Inverkeithing And Dalgety Bay

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval subject to Legal Agreement

1.0 Background

1.1 The Site

1.1.1 The application site extends to approximately 18 hectares, comprising land associated with the former Prestonhill Quarry, and an area known as "Old Cricket", which lies east of Preston Crescent and south of Fraser Avenue. The site would be accessed from Preston Terrace to the west and Fraser Avenue to the north. The Fife Coastal Footpath runs to the west and south of the quarry void and associated despoiled land, with the shoreline of the Forth beyond to the south and Stone Marine industrial facility beyond the Coastal Footpath to the west. There is currently no formal vehicular access into the site, although informal vehicular access is taken on occasion along the route of the coastal footpath. Quarrying of hard rock has taken place at the site, intermittently, between 1896 and the 1980s, with up to 2 million square metres of material having been taken from the quarry over that timeframe.

1.1.2 The former dolerite quarry lies adjacent to the eastern edge of the town of Inverkeithing and represents a major cut into the hillside, with a deep water-filled void on the quarry floor. The site

itself is partly naturally regenerated and is used as informal recreation space by the residents of both Inverkeithing and Dalgety Bay, being located adjacent to the route of the Coastal Footpath. The water-filled void has also been used over a number of years by divers, both local and from further afield, as a diver training venue. Bathymetry data from a local diving website suggests the pond is 11m deep. There have been four fatalities in the quarry pond between 1973 and 2017, 3 resulting from misadventure by under-19s and the other a 36-year old diver engaged in an organised diving activity, all of which were the cause of local concern and wider press/media interest at the time. Videos taken by divers show the extent of the dumping that has taken place in the quarry pond over the years, in which there are sunken boats and a number of vehicles (understood to have been pushed in off the high faces) as well as smaller items of debris such as old tyres.

1.1.3 As well as the safety issues presented by the water-filled quarry void, there are safety concerns related to the angle and integrity of the quarry faces themselves, with many of the quarry faces rising almost vertically to a height of around 30m. There is no record or evidence of any slope stability work having been carried out on completion of quarrying at the site and, over the years since then, there has been extensive weathering leading to concerns about further uncontrolled rock fall at the site, presenting a significant potential hazard to anyone below the site of the fall. It is likely that past quarrying operations, erosion over time, and the lack of any maintenance regime has led to a weakening of the rock mass. There are existing large blocks at height which are considered to pose a particular risk due to the nature of their physical connection to the main rock mass. The risk of continued rock fall is significant and will continue to increase should no remedial action be taken.

1.1.4 Despite the potential dangers of the quarry in its current condition, the site is open to the public and is being used as an informal recreation area. The site has been fenced off in the past, but the fencing has been continually breached to allow access to be gained. The complex ownership situation has led to difficulties in applying and maintaining security measures at the site.

1.1.5 In 2016, Fife Council funded the erection of fencing around the quarry, and signage warning of the dangers of the site. The cost of these works was in excess of £20,000. The fence was vandalised during construction, meaning repairs were required even before completion. Once the fencing was complete it was very quickly vandalised again to allow access. A Notice served on the owner of the site under the Environmental Protection Act 1990, advising that the owner should erect fencing and signage went unheeded, and a subsequent report to the Procurator Fiscal by Fife Council's Environmental Health Team for failure to comply with the Notice did not result in legal action being taken against the owner of the site.

1.1.6 The topography of the site is complicated by the presence of the former quarry with the outer edges of the developable area closest to the Firth of Forth being generally flat. A large area of deep water is present centrally within the site, with steep cliff edges surrounding the water pool on three sides. A smaller excavated area is located towards the western portion of the site and as such these areas are well screened from the industrial/commercial premises to the west and the metal recycling facility across the inner bay.

1.1.7 The site lies to the north of the Firth of Forth and south of the settlement boundary of Inverkeithing within the adopted 2017 FIFEplan. The eastern part of the application site lies within the Letham Hill local landscape area. Vehicular access to the site is from Preston Crescent, which is subject to a 20mph speed limit. The Fife Coastal Path and National Cycle Route 76 pass through the southern part of the site. Core path P631 passes through the northern part of the site.

1.1.8 The site is defined by the existing Prestonhill Quarry and associated historical quarrying activities. The main part of the quarry is irregular in shape and is approximately 330m long by 100m wide in size. Located within the north central part of the quarry is a flooded basin, approximately 50m long by x 70m wide, that holds a consistent 10 metres depth of water. The

remainder of the quarry floor is level and extends to the south and south-west towards the banks of the Firth of Forth. Here, the site slopes very gently up from the estuary, starting at an elevation of about 6m above Ordnance Datum. The defining features of the site are the main rock faces surrounding the inner quarry which are near vertical and measure up to 30m in height. The existing rock faces appear unstable in places and there are signs of the rock being fractured near the top. The condition of the rock faces is detailed in the Quarry Rock Face Inspection Report and Desktop Study prepared by Bayne Stevenson Associates, included with this application. To the west of the quarry is an undeveloped grass and heathland area, that slopes up from the western boundary. Historical evidence suggests that this area was once part of the quarry floor with current ground profile a result of made ground or spoil from the quarry. This raised area then extends around the north-west and north of the quarry continuing into a larger undeveloped expanse of land forming the eastern third of the proposed development site.

1.1.9 Quarrying of dolerite at the site commenced in the 1890s and continued through the early and mid 20th century, with operations having ceased by 1980. The majority of the equipment associated with the quarry operations has since been removed from the site. Despite being accessible to the public, the site presents a dangerous environment due to the vertical and unstable quarry walls. The flooded basin is also regularly used as a dumping area. The site is currently listed on the Scottish Vacant and Derelict Land Survey register. It is widely known in the local area that the neglected site poses a risk to members of the public entering the former quarry areas. There have been four recorded fatalities in the flooded portion of the quarry. During the resulting investigations into these fatal accidents, no party could be found to be held accountable for the condition of the site. Due to the danger to the public, Fife Council made attempts to seal off the inner quarry area and cliff edges with substantial fencing, however, the fencing was vandalised after erection and has not been maintained since. Access to the quarry cliffs and flooded basin is currently unrestricted. The history of fatal accidents within the quarry has resulted in significant community pressure and support for addressing the safety issues associated with the disused quarry and surrounding land. The key of controlling Standard Security over the site was obtained in June 2017. A legal agreement has been put in place with the applicant, DDR (UK) Ltd, allowing redevelopment proposals for the quarry site to be progressed.

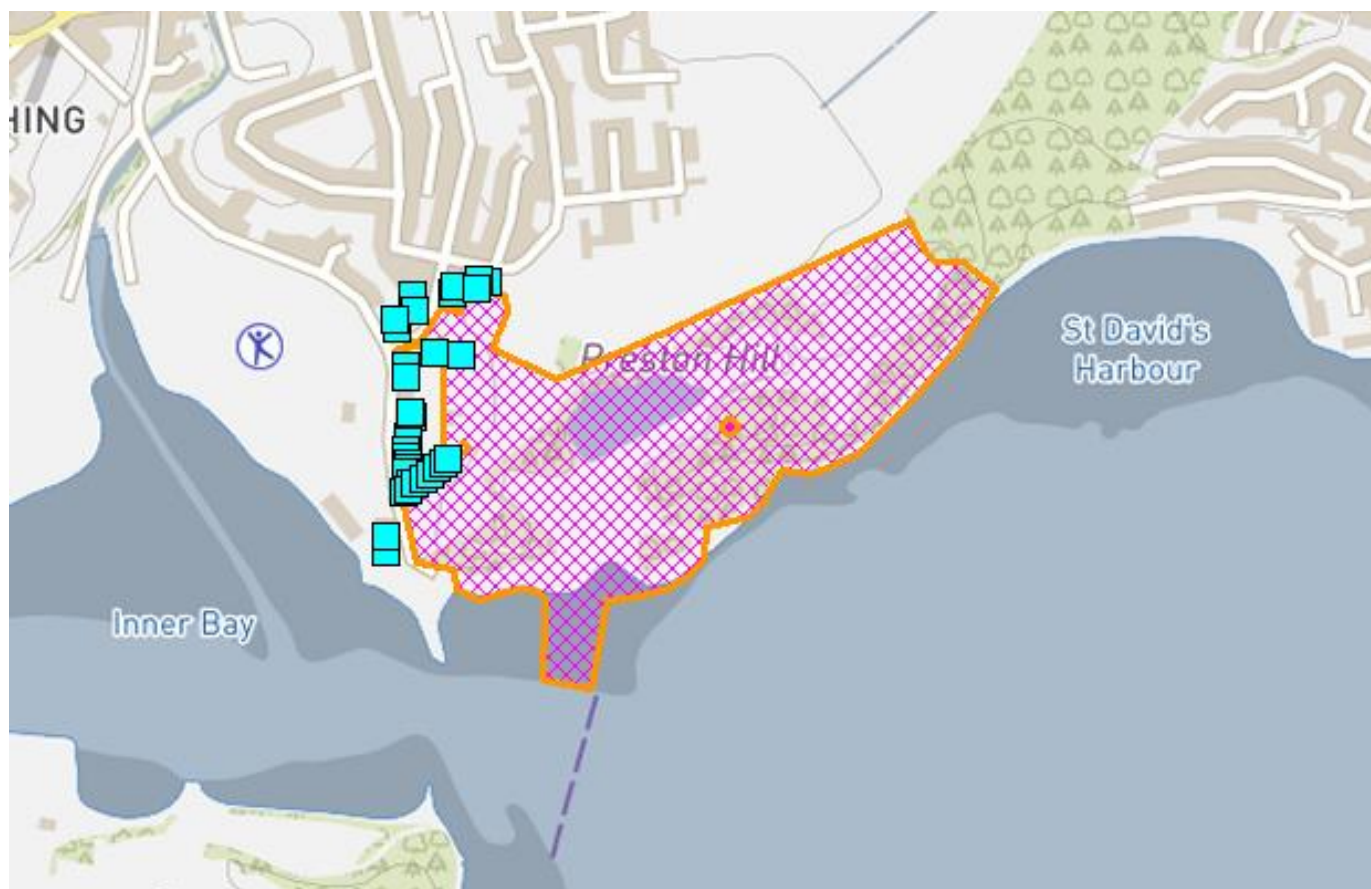
1.1.10 The overall site lies mainly outwith, but adjacent to, the settlement boundary of Inverkeithing as identified in the FIFEplan Local Development Plan 2017. Letham Hill Wood separates the site from the Dalgety Bay settlement boundary. The 'Old Cricket' area is within Inverkeithing's settlement boundary. A small area occupied by a garage/shed lying opposite Preston Terrace, at its south end, is also included in the settlement boundary. The site is therefore predominantly 'countryside' in terms of its planning policy consideration but is integrated with the adjacent settlement.

1.1.11 Prestonhill Quarry is included in Fife Council's most recent 'Vacant and Derelict Land Audit 2024' (February 2025) as Prestonhill Quarry, Inverkeithing (Site Reference DC070). The site is recorded as being 8.14ha, a derelict site in countryside. The Audit records that ownership is unknown, that the site has been recorded in the Audit since 2001-2004 with its previous use being mineral activity. This survey collects data on the extent and state of vacant and derelict land in Scotland with the purpose of informing the programming of rehabilitation, reuse and future planning. Derelict land is defined by the Scottish Government as 'land which has been so damaged by development, that it is incapable of development for beneficial use without rehabilitation. In addition, the land must currently not be used for the purpose for which it is held or a use acceptable in the local plan. Land also qualifies as derelict if it has an un-remedied previous use which could constrain future development. For both vacant and derelict land records must be at least 0.1ha in size to be included.

1.1.12 The topography of the site is complicated by the presence of the former quarry with the outer edges of the developable area closest to the Firth of Forth being generally flat. A large area of deep water is present centrally within the site, with steep cliff edges surrounding the water pool on three sides. A smaller excavated area is located towards the western portion of the site and

as such these areas are well screened from the industrial/commercial premises to the west and the metal recycling facility across the inner bay.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The application seeks planning permission in principle for a mixed-use development incorporating approximately 180 residential units (including affordable housing units), holiday lodges, café/bistro, associated access, open space, landscaping, SuDS, and other infrastructure. The quarry pond would be infilled as part of the proposal.

1.2.2 Objection comments, including comments from the Community Council, have raised concern that the submitted application does not contain any new or amended information compared to the previously refused application. A planning application (reference 21/01842/PPP) for a similar mixed-use development was refused in 2022. The previously refused planning proposal was for approximately 123 private dwellinghouses, 12 private flatted dwellings and 45 affordable dwellings. The current proposals are for approximately 100 private dwellinghouses, 35 flatted dwellings and 45 affordable dwellings. The provision of the 45 affordable homes previously showed affordable housing on land to the northwest of the site, part of the original Fraser Avenue redevelopment approval and further affordable housing was indicated in the southwest of the site. The land to the northwest of the site which previously contained proposed affordable housing has now been removed from the proposals and all affordable housing is proposed to be located within the main part of the site along the north within four pockets. The affordable housing to the northern section, which has been removed from the proposal, has planning permission for affordable homes as part of the Fraser Avenue redevelopment by Campion Homes so is no longer part of

the proposals for this site. A larger buffer zone is now proposed to the west, adjacent to the Stone Marine Services and Preston Terrace. A large area of the hill to the east of Preston Terrace and facing the frontage of the Terrace, rising from the access road as it joins with Preston Crescent, will not be developed and will be retained as existing, providing open space with opportunity for recreational use and biodiversity benefits. The remainder of the proposals remain the same as planning application reference 21/01842/PPP, which was refused.

1.2.3 The submitted Concept Plan and Design and Access Statement illustrate the proposals indicatively, in principle. The concept plan includes an area of open space to the north west, intended to contribute to green and blue infrastructure, providing safe public recreational space and biodiversity enhancements along with sustainable drainage provision. A buffer zone is indicated to the west, separating the site from Preston Terrace and the Stone Marine Services, in the form of a mound/embankment providing noise mitigation from the existing industrial sources of noise. The plan includes an area of stone walling along the coastal path, made from recycled quarry stone, along the southern boundary of the site. A small number of holiday lodges would be located on the higher ground between the quarry and Letham Hill Wood to the eastern side of the site. Four pockets of affordable housing are proposed along the northern part of the site, and six pockets of private housing are proposed in the remainder of the centre of the site. In the middle, a central public landscape area is proposed, with a SUDS pond and a feature bridge with footpaths, picnic areas and a playground. To the south west of the site, at the coastal edge, a viewpoint and drinking fountain is proposed alongside the Beamer Rock Lighthouse which is proposed to be relocated and reassembled as a landscape feature. A high level viewpoint is indicated to the north west of the site, connecting to a footpath network to the north. The disused conveyor structure stretching out into Inverkeithing Bay would be re-purposed to provide a pier for leisure boat access.

1.2.4 A new road link is proposed from the site into Fraser Avenue, connecting to the new approved development to the north (planning reference: 24/01407/FULL) and to Preston Crescent to the northwest. The proposals also include the relocation and realignment of the Fife Coastal Path within the site boundary, which would be located along the southern boundary of the site at the coastal edge. Pedestrian routes are indicated along the northern boundary of the site, connecting to the core path to Spencerfield to the northeast, and further west to Letham Woods, through the proposed holiday lodge development, extending south connecting into the coastal path. Footpath connections are indicated to the west, also connecting to the coastal path.

1.2.5 It is advised that it would be necessary to excavate stone from the quarry to regrade the existing steep quarry faces, infill the water-filled quarry void and provide materials for construction of the development platforms and for the new buildings. This would involve blasting, which would require no more than 8 blasts over the lifetime of the project. The development is expected to be a 6-year project, estimated to commence in 2025 and complete in 2031. These timescales would be updated depending on whether the application is approved by Planning Committee.

1.2.6 There is a row of individual lock up garages located to the northwest of the site, used by the properties on Preston Terrace. Part of the application site is also currently being used as garden ground by some of the properties. The submission advises that the undeveloped portion of land to the west of the site would allow some visitor parking to be incorporated and for land to be gifted to the properties of Preston Terrace for private gardens due to the limited garden space available to these properties.

1.2.7 Three Character Areas are indicated within the Design and Access Statement: Character Area 1 is located at the west of the site, adjoining Preston Crescent and Preston Terrace. This area is proposed to provide one of two gateways into the site, and it is where the Fife Coastal Path enters the site from the west. Character Area 2 forms the southern edge of the site that

adjoins the Fife Coastal Path and will sit below the level of the housing, incorporating reused quarry materials and native planting. The housing in this area would consist of larger, 1.5 and 2 storey detached units located to maximise views out to sea. Character Area 3 provides a transition from the denser character of the northern part of the site through to the housing at the southern coastal edge. It is envisaged that housing in this area would be organised to frame views south to the sea with narrow lanes and mews type houses forming the character.

1.2.8 Objection comments have raised concern that this application does not contain additional information or amendments above what was submitted with the previously refused application. The additional information submitted with this application which did not form part of the previously refused application is as follows, amongst other additional details provided throughout the assessment of this application:

- Amended Landscape and Visual Impact Assessment
- Amended Design and Access Statement including a Character Plan
- Amended Planning Statement
- Economic Assessment Report
- Rock Removal Method Statement
- Bat Activity Report
- Amended Concept Plan as described above
- Drainage Strategy
- Additional Cross Sections

1.3 Relevant Planning History

1.3.1 The Prestonhill Quarry site has considerable planning application history, relating both to its former use as a quarry and thereafter in terms of its redevelopment for residential development.

1.3.2 Various Minerals related applications date from the 1960s, with the concluding mineral related application for an Interim Development Order registration in 1992:

65/00001/HIST (65/1153) - Winning and working of minerals at Spencerfield, Inverkeithing (APPROVED 2.11.65)

66/00002/HIST (66/318) - Winning and working of minerals at Spencerfield, Inverkeithing (APPROVED 10.6.66)

72/00001/HIST (72/714) - Extension of Jetty at Prestonhill Quarry, Inverkeithing (APPROVED 16.6.72)

72/00002/HIST (72/1163) - Extension of Prestonhill Quarry, Inverkeithing (APPROVED 16.10.72)

77/00001/HIST (77/0064) - Construction of new access road at Prestonhill Quarry, Inverkeithing (APPROVED 17.3.77)

92/00003/HIST (CN/LT/IDO/DDC/001) - Interim Development Order registration in respect of the winning and working of minerals at Prestonhill Quarry, Inverkeithing (APPROVED 4.12.92)

1.3.3 In the early 2000s applications were submitted to Fife Council for residential development along with recontouring of the quarry and formation of an access road, and were refused:

00/03085/WFULL - Recontouring of quarry by extraction and placement of rock, and formation of an access road at and adjacent to Prestonhill Quarry, Inverkeithing (REFUSED 24.5.02)

00/03093/WOPP - Outline planning application for a residential development with associated road access, footpath and landscaping at Prestonhill Quarry, Inverkeithing (REFUSED 24.5.02)

The proposal for the residential development (initially 350 units and reduced to 280 units during the application process) was outline/in principle only. A difficulty with achieving the proposal at the time was that the potential access from Fraser Avenue was not in the control of the applicant (now resolved in this current application).

The assessment of the proposal at that time did include discussion of the quarry Interim Development Order which potentially allowed the quarry to continue extraction. At the time of these applications the Council concluded that it was unlikely that future extraction would take place given previous difficulties in the working of the quarry and the proximity of residential properties. At that time, the Council considered that it would be difficult to conclude whether conditions could be agreed with the Council to restart extraction, given the environmental implications and the difficulty in any future quarrying being possible in an environmentally acceptable manner.

The two applications below were ultimately refused by Committee with 7 votes against and 6 votes for approval. The public safety issue associated with the water and quarry walls, although given some recognition at the time, did not appear to be the high-profile issue that has subsequently become the case with more recent losses of life. Subsequent applications were made in 2002, reducing the number of houses, and these were also refused/withdrawn:

02/02285/WOPP - Outline application for the erection of 280 residential units with associated vehicular accesses; footpaths and landscaping at Prestonhill Quarry, Inverkeithing (REFUSED 16.1.03). The land within the site to the northwest of the quarry area, known as 'Old Cricket,' has planning approval, in principle, as part of the Fraser Avenue redevelopment (15/03844/PPP). The area was identified as Phase 5, the final phase, of the scheme.

02/02286/WFULL - Recontouring of quarry by extraction and placement of rock; and formation of an access road at and adjacent to Prestonhill Quarry, Inverkeithing (WITHDRAWN 18.10.05)

21/01842/PPP - Redevelopment of former Prestonhill Quarry, Inverkeithing to create a mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, cafe/bistro, associated access, open space, landscaping, SuDS and other infrastructure. Recommended for approval by Council Officers, Refused by Members and appeal dismissed by Reporter (REFUSED 22.02.22). The committee's reason for refusal was that there would be an impact on the character of historic Inverkeithing and its surrounding natural heritage assets and that this was not outweighed by the safety advantages offered by the proposal.

The Environmental Impact Assessment (EIA) Screening and Proposal of Application Notice (PAN) associated with application reference 21/01842/PPP are below:

20/02468/SCR - Request for Screening Opinion for mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, associated access, open space, landscaping, SUDs and other infrastructure (EIA NOT REQUIRED 6.11.20)

20/03263/PAN - Proposal of application notice for mixed use development including approximately 180 residential units, holiday lodges, access, open space, landscaping, SUDS and associated infrastructure (PAN AGREED 16.12.20).

1.4 Application Procedures

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

1.4.2 The proposed development is over 2 hectares in site area and comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public information events (ref: 20/03263/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application.

1.4.3 Objection comments have raised concern that the applicant has not been in discussion with the community since the previous application was refused. The Planning Application was submitted on 14th December 2022 and the Proposal of Application Notice (PAN) was submitted on 8th December 2020, making the PAN almost 2 years old when the amended application was submitted. However, The Town and Country Planning (Scotland) Act (1997) (as amended) sets out exemptions to the requirement for further Pre-Application Consultation (PAC) to be carried out for an amended application. PAC exemptions under section 35A(1A)(b) were introduced on 1 October 2022 and an exemption under section 35A(1A)(b) applies where:

- (a) the application for planning permission relates to proposed development—
 - (i) of the same character or description as development (or part of the development) in respect of which an earlier application for planning permission was made (“the earlier application”),
 - (ii) comprised within the description of the development contained in the proposal of application notice for PAC given to the planning authority under section 35B(2) in respect of the earlier application, and
 - (iii) to be situated on or within the same site as the development to which the earlier application related and on no other land except land which is solely for the purpose of providing a different means of access to the site of the proposed development,
- (b) there has been compliance with the PAC requirements in respect of the earlier application, (c) the planning authority has not exercised their power under section 39 to decline to determine the earlier application, and

(d) the application for planning permission is made no later than 18 months after the validation date of the earlier application.

1.4.4 As the new application meets the criteria under the above listed exemptions, and the application was submitted 12 months after the validation of the original application so was within the 18-month timescale requirement, the original PAC could therefore be relied upon for the amended submission and no further PAC was required in this instance. It is set out within the Development Management Procedures Circular (2022) that the exemption provided for by section 35A(1A)(b) and regulation 4A is intended to allow, for example: applicants to address grounds for refusal of permission; make amendments to address practical considerations that arise in the wake of planning permission being granted; or, where an application has to be withdrawn and a fresh one submitted, to address some aspect of the development without having to start PAC again.

1.4.5 Objectors have raised concerns that the neighbour notification process was not carried out correctly because the application was submitted before the festive break and during a postal strike. Neighbour Notification was carried out on 14th December 2022 and the application was advertised in the local press as a Schedule 3 "Bad Neighbour" development on 29th December 2022. The Neighbour Notification process was carried out as per the Town and Country Planning (Scotland) Act 1997 (as amended) with letters sent out to neighbours within 20 metres of the boundary of the application site and given a minimum of 21 days to make representations. The Planning Authority cannot control matters such as postal strikes, or when a planning application is submitted to them. It is also noted that the application attracted 119 responses from the public.

1.4.6 Fife Council had previously been asked by the applicant to adopt a Screening Opinion under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Following a review of the submitted documents, and an assessment of the extent and significance of the potential impacts of the development proposal on the natural environment, built heritage and residential amenity, the Planning Authority concluded that the development did not create a significant effect in environmental impact assessment (EIA) terms and therefore an Environmental Statement was not required (reference: 20/02468/SCR).

1.4.7 As detailed in the Pre-Application Consultation (PAC) Report submitted with this application, consultation measures included two, 3-hour, online public consultation events held on 21st January 2021 and 18th February 2021. The first event was advertised in both The Courier and the Dunfermline Press on 7th December 2020, with the public notice of the 1st event also published on the Dunfermline Press Facebook page on 6th January 2021. The second event was advertised in both The Courier and the Dunfermline Press on 4th February 2021. A total of 59 attendees took part in the first event and 37 attendees participated in the second event.

1.4.8 The applicant's initial proposal, promoted during the Pre-Application Consultation, included Letham Hill Wood within the application site. The applicant's intention in including the Wood within the site was to support the community's existing recreational use of this area, improving paths and accessibility, and to gauge opinion in relation to any additional proposals for recreation. Facilities such as zip wires had been an early suggestion. However, the feedback during public consultation made it clear that there was a preference that there should be no additional recreational provision in Letham Hill Wood. The Wood was therefore removed from the site in the submitted application. In addition, further to initial public consultation, a café/bistro has been included in the proposal, located on the higher ground to the east of the site.

1.4.9 A physical site visit was carried out on 13th November 2024. Drone footage of the site is also available.

1.4.10 Objection comments raise concern that no fee was taken for this application. In accordance with the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, revised or fresh applications for development or advertisements of the same character or description within 12 months of refusal, or within 12 months of expiry of the statutory 2 months period where the applicant has appealed to the Secretary of State on the grounds of non-determination occur no fee. This application was submitted within the timescale for re-submission and was of the same character and description as previously refused, therefore no fee was required to be paid.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

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

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

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

Policy 31: Culture and creativity

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 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 4: Planning Obligations

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

National Guidance and Legislation

Historic Environment Scotland Policy Statement (2019)

This policy statement advises that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2016)

This guidance sets out the general principles that should apply to developments affecting the setting of historic assets or places including listed buildings. The guidance advises that it is important to identify the historic assets that may be affected, define the setting of each asset and assess the impact any new development may have on this.

PAN (Planning Advice Note) 1/2011

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

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

Planning Customer Guidelines

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

This guidance sets out that unacceptable impacts on light to nearby properties should be minimised and preferably avoided.

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)

This guidance advises that clear glazed windows should be set 9 metres off a mutual garden boundary where there is a potential for overlooking to the garden of the neighbouring property.

Fife Council's Planning Customer Guidelines on Garden Ground (2016)

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space. This does not include space for garages, parking or manoeuvring vehicles. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. This guidance also advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

Fife Council's Minimum Distance between Windows Guidance (2011)

This guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

Other Relevant Guidance

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

This guidance provides advice to all stakeholders involved in the planning process in relation to flooding and surface water management requirements.

2.0 Assessment

2.1 Relevant Matters

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

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

- Developer Contributions
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Strategic Transport Interventions
- Other Infrastructure Considerations
- Community Plans

2.2 Principle of Development

2.2.1 Policies 1, 16, 17, 23 and 9 of NPF4 and Policies 1 and 2 of FIFEplan Local Development Plan (LDP) apply. Planning application reference 21/01842/PPP and subsequent appeal reference PPA-250-2377 is also a material consideration.

2.2.2 Planning application 21/01842/PPP was recommended for approval by Council Officers and was subsequently refused by Members at Central and West Planning Committee. The applicant appealed the decision to the Scottish Government and the Reporter dismissed the appeal. Fife Council Officer's recommendation for approval cited that: '...whilst the application is considered to be contrary in principle to the Adopted FIFEplan (2017), in that it does not meet the terms of Policies 8 and 2, it is not considered significantly contrary as it would not conflict with the strategy of the Development Plan...the impacts are not so severe as to warrant refusal of the application, can be mitigated to some degree and are justified by the end result of creating a new development on a site with significant public safety concerns'. Significant weight was placed on the public safety concerns and the benefits of developing the site to address these concerns.

2.2.3 Fife Council Central and West Planning Committee Members refused the application for the following reason: 'the nature and scale of the application proposal would detrimentally impact upon the character of the historic town of Inverkeithing and the surrounding natural heritage assets (including the coastal plain), contrary to Policies 1, 7, 8, 13 and 14 of the Adopted FIFEplan (2017), and this impact is not outweighed by the safety advantages offered in terms of the application proposal'.

2.2.4 The Reporter, in deciding the Appeal (PPA-250-2377), refused the application because:

- 'Insufficient detail has been provided...to fully assess the landscape and visual impact of the proposal in relation to LDP policy 13'
- 'Significant concerns regarding the landscape and visual impact from the Fife Coastal Path and the upper parts of Inverkeithing, in particular'
- 'The outcome of the ecological assessment, in relation to the impact on bats, to be inconclusive'
- 'The proposal has not demonstrated how it would meet the six qualities of successful places.'
- 'Insufficient information has been provided in relation to quarrying and site engineering works to allow an assessment of likely impacts on residential amenity.'

The Reporter did not place significant weight on the public safety concerns of the site, stating: 'I have not been directed to any policy which indicates that public safety should be the paramount consideration in the determination of this appeal, and no evidence has been provided to demonstrate that the appeal proposal represents the only opportunity to address the public safety issues on the site. I conclude that the public safety benefits associated with the proposal are a

material consideration to be assessed alongside other benefits and adverse impacts. I do not underestimate the importance of making the site safe or the serious consequences of not doing so. However, I do not consider that this matter in itself would justify the approval of the appeal proposal'.

2.2.5 Planning application reference 21/01842/PPP and the appeal (PPA-250-2377) were both determined prior to the adoption of NPF4, therefore the decisions were both based on FIFEplan Local Development Plan (2017) and SESplan Strategic Development Plan (2013). SESplan is now out of date and has been superseded by NPF4 (2023) so the current proposal must be assessed against NPF4 (2023) and FIFEplan (2017) where relevant.

2.2.6 Objection comments raise concern that the proposal does not comply with FIFEplan (2017) Policies 7 and 8 for development in the countryside. Objection comments also raise concern that there is no housing shortfall. Support comments state that they would like to see the site developed, that redeveloping brownfield land is more preferable than developing on greenfield sites, and that they would like to see this proposed development in the area. The site is not allocated for development and lies immediately adjacent to, but predominantly outside of, the settlement boundary of Inverkeithing. The area to the northwest end of the site, lying behind Preston Crescent and to the south of Fraser Avenue, and a small area fronting the south end of Preston Terrace are within the Inverkeithing settlement boundary. The site is therefore predominantly outside of the settlement boundary and therefore classed as 'countryside' in terms of relevant policies. The entire site is identified as an existing Green Network Asset, with specific Green Network Opportunities identified within FIFEplan. The Letham Hill Local Landscape Area extends from Letham Hill across the eastern part of the site to its west, terminating around the eastern quarry wall. The site is included in the Council's Vacant and Derelict Land Audit (Site Reference: DC070) and given its quarrying history, it is predominantly brownfield land, a matter which was agreed by the Reporter in the Appeal decision.

2.2.7 NPF4 Policy 1 sets out that when considering all development proposals significant weight will be given to the global climate and nature crises. This is the overarching aim of NPF4, which has a focus on tackling the climate and nature crisis. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) states that proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. This site is included in the Council's Vacant and Derelict Land Audit and so is 'vacant and derelict land' in this context, so the re-use of this land is supported by NPF4. The principle of the re-use of this site is therefore supported, however it must also be considered whether the proposed use for housing is acceptable. An assessment of the existing biodiversity value of the site has been carried out and compared with the projected biodiversity value of the site once developed as per the proposed plans. It has been established that the quarry site has been disturbed by previous industrial activity, so the environmental baseline is different from a greenfield site. A development still needs to ensure that the proposal incorporates measures to protect the surrounding natural environment, particularly regarding water quality, wildlife habitats, and landscape character are undertaken. The site, as existing, is not of significant biodiversity value and the biodiversity of the site can be significantly increased with a more diverse landscape mix, including enhanced woodland. The proposals could significantly enhance the biodiversity of the site, aligning with NPF4 Policy 9 and NPF4 Policy 17.

2.2.8 In determining whether the principle of the proposal was acceptable, the Reporter placed significant weight on the shortfall in the five-year effective supply of housing, which Officers did not. The Reporter considered that the proposal would meet FIFEplan (2017) Policy 2 (Housing)

criterion 1 which supports housing on land not allocated for housing where a shortfall in the 5-year effective housing land supply is shown to exist within the relevant Housing Market Area, if the development is capable of delivering completions in the next five years. The Reporter also considered that it would meet criterion 3 in that it would complement and not undermine the strategy of the LDP because the West Villages Area Strategy within the LDP states that 'it is appropriate that further allocations are made in this area due to its proximity to jobs, services, and other infrastructure which allows access to the rest of Fife and the wider region'. The Reporter did not find that the proposals met the second criterion in policy 2 which states that the proposals should not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan, because they considered there to be insufficient information to establish this (these are the issues outlined above in paragraph 2.2.2). It was considered that criterion 4 could be met, which requires proposals to address infrastructure constraints.

2.2.9 Given the time passed since the Reporter decided the appeal, NPF4 has been adopted and now forms part of the Development Plan. This is a new consideration which was not present at the time the previous application was considered by Fife Council Officers, Members and the Reporter. This application must now be assessed against NPF4 policies and where there is a conflict between LDP Policies and NPF4 Policies, it is NPF4 which prevails.

2.2.10 The applicant's Planning Statement sets out that it is FIFEplan (2017) Policy 2 which prevails in this instance, rather than NPF4 Policy 16. The applicant's Planning Statement sets out that Chief Planner's letter published in June 2024 (Planning for Housing) outlines that Policy 16 states 'LDPs are expected to identify a Local Housing Land Requirement for the area they cover.' The Minimum All Tenure Housing Land Requirement (MATHLR) will be part of the preparation of the forthcoming Fife Local Development Plan, with due process carried through in its preparation. The statement sets out that NPF4 provides only the broad basis for the detailed preparation of the Fife housing land requirement using the MATHLR, without the ability for it to be used in the decision-making process at this time, and therefore FIFEplan Policy 2: Homes and its stated housing land requirement must prevail to ensure needs are met at this time.

2.2.11 The applicant's statement sets out that the MATHLR figure for Fife (Central and South) is informed by the Housing Need and Demand Assessment 3 (HNDA3) for South East Scotland. It is stated that, during the Appeal of the earlier application for the redevelopment of Prestonhill Quarry, the Reporter requested comments on Fife Council's submission that the HNDA3 (published during 2022) gave support to its assertion that there was a surplus in the housing land supply in relation to the Prestonhill Quarry application. In response, the appellant noted that the function and purpose of HNDA3 is to provide an evidence base and support the preparation of Local Housing Strategies and the Local Development Plan land allocations and policies. The NPF4 Explanatory Report sets out the changes made between Draft NPF4 and the Revised Draft NPF4 in response to the consultation undertaken. It responds to comments on the approach to establishing the MATHLR, stating that 'It is expected that the HNDA process will be completed in full as part of the Evidence Report stage of the LDP preparation process and planning authorities will be able to use the outcome of the full HNDA to inform setting the Local Housing Land Requirement for the LDP, which is expected to exceed the NPF4 MATHLR figure. Meantime, we are content the MATHLR process provides a robust, evidence-based approach to establishing the national requirement.' This clarifies that the MATHLR establishes a national requirement, with the preparation of Local Development Plans establishing the Local Housing Land Requirement through the evidence of the plan preparation process. The applicant therefore contends that significant weight cannot be given to the MATHLR in the decision-making process, or the HNDA3, as has already been argued in the appeal of the earlier application.

2.2.12 The applicant references a recent Court of Session decision (West Lothian Council v The Scottish Ministers and Ogilvie Homes Ltd ([2023] CSIH 3) of 20 January 2023, which challenged the Reporter's decision on Appeal PPA_400_2121 for residential development at Hen's Nest Road, East Whitburn, West Lothian. The Reporter, in the decision, noted that 'in the particular circumstances of West Lothian, where at the date of this notice there is less than 2.5 years of the plan period left to run, the debate over methodologies and the calculated scale over 5 years is not particularly helpful.' The reporter took a 'more straightforward approach' – comparing the number of houses planned to be built as set out in SESplan with the evidence from the housing land audit of how many were expected to be built by the end of the plan period and noting that the housing land shortfall was significant. The Council challenged this approach. The Court of Session opinion clarified that development plan 'exceptional release' policies, i.e. where there is a shortfall in the 5-year housing land supply, are a 'means to an end and not an end in themselves. That end is the fulfilment of the overall purpose of a development plan, which is to ensure that the housing need in the area is met.' The decision notes that the Reporter's conclusion was not that the difference in the numbers 'triggered the exceptional release provisions, but that it demonstrated the existence of a significant shortfall in the effective HLS presently available.' The decision continues that 'An adequate land supply should be available at all times.'

2.2.13 The submitted 'Planning Statement v2' takes this same approach (para 12.34) for the SESplan area of Fife (with these figures taken forward into the extant FIFEplan), highlighting a significant housing land shortfall. NPF4 intends that there should be sufficient housing land available to meet needs. The MATHLR that is set for Central and South Fife (and expects to be exceeded) is a basis for the preparation of the 'new' Local Development Plan and the LHLR, with the Call for Sites having been closed in February 2025 and the Proposed Plan consultation expected to begin in early 2026. The submitted statement suggests that at this time decision making can only be based on the existing FIFEplan Policy 2: Homes and its stated housing land requirement, with this clearly identifying a shortfall of housing land in the Dunfermline and West Fife Housing Market Area. The report sets out that this approach is not incompatible with the application of Policy 16, its policy intent or its detailed policy criteria. The submitted report states that the Chief Planner's letter emphasises that NPF4 must be applied as a whole, with the balance of planning judgement guiding decision making and the proposal can demonstrate compliance with NPF4's strategy, regional spatial priorities and policies, contributing to its 'crosscutting outcomes' and overarching intent to tackle the climate and nature crises.

2.2.14 In response to the applicant's discussion regarding the MATHLR figures and relevance of NPF4 Policy 16, it is noted that a more recent appeal and court of session case (Miller Homes vs Scottish Government) provides a more up to date judgement on this matter. This appeal concerned a called-in application for around 250 homes on an 18.45 ha unallocated greenfield site in Mossend, West Lothian. This case considered NPF4 Policy 16 and whether it could be reasonably applied without new-style Local Development Plans to include local housing targets and measurable delivery pipelines. The matter of whether extant LDP targets for 5-year effective supply were incompatible with the Minimum All-Tenure Housing Land Requirement (MATHLR), as set out in Annex E of the NPF4, was also discussed. In dismissing the appeal, the court found that where an inconsistency arises, Policy 16 (f) of NPF4 (which considers new homes on land not allocated in an LDP) overrides housing land release policies in old-style LDPs adopted prior to NPF4. It also found that where it is considered to be the most up-to-date position, the MATHLR is the local housing target, until such time as the authority adopts a new Local Housing Land Requirement as part of a new-style LDP, which may exceed the MATHLR. Under an old style LDP, a Delivery Programme (a document required by NPF4 as part of the new-style LDPs) can be provided and these establish a delivery pipeline.

2.2.15 The concept of a 'shortfall' in housing land as referred to in FIFEplan LDP Policy 2 and referred to by the Reporter in their acceptance of the principle of the development outlined above, does not feature in NPF4. As discussed above, there is a conflict between NPF4 and FIFEplan LDP in this regard and therefore NPF4 prevails. It is the NPF4 reference to a deliverable housing land pipeline set out in NPF4 Policy 16 which is therefore relevant, which is to be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained. NPF4 requires a Minimum All Tenure Housing Land Requirement (MATHLR) set out in Annex E of NPF4. NPF4 is clear that the Local Housing Land Requirement (LHLR) should exceed the MATHLR for Fife figures set by NPF4. For Central and South Fife, the 10-year unconstrained supply is 226 percent of the MATHLR, and for North Fife, the 10 year unconstrained supply is 158 percent of the MATHLR. The Dunfermline and West Fife Housing Market Area therefore has sufficient housing land.

2.2.16 Therefore, in terms of the principle of housing on this unallocated, brownfield site, outside of the settlement boundary, NPF4 Policy 16 applies. Policy 16 of NPF4 is clear that proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances. Those include where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
- iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained;
 - or the proposal is consistent with policy on rural homes;
 - or the proposal is for smaller scale opportunities within an existing settlement boundary;
 - or the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

2.2.17 The proposal is supported by an agreed timescale for build-out, and this aspect can also be covered through conditions, so the proposals would meet criterion i. The proposals would be consistent with the plan spatial strategy, in terms of the re-use of brownfield land, so would meet criterion ii. For Central and South Fife, the 10-year unconstrained supply of housing is 226 percent of the MATHLR, and for North Fife, the 10- year unconstrained supply is 158 percent of the MATHLR. The Dunfermline and West Fife Housing Market Area therefore has sufficient housing land, and this development would not deliver earlier than pipeline timescales. The policy on rural homes is NPF4 Policy 17, which supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- lii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.18 It therefore needs to be established firstly, whether the proposal for new homes is suitably scaled, sited and designed to be in keeping with the character of the area. Secondly it needs to be established whether the proposal meets any of the criterion set out within Policy 17. Given the location of the site, immediately adjacent to the settlement boundary of Inverkeithing, the location and scale of the development is appropriate. The proposal is for Planning Permission in Principle, so in terms of the proposals being well designed to integrate into the surrounding landscape, this can be fully addressed in detail at the detailed design stage through Planning Conditions. Further assessment on the design and scale of the proposal is also included in Section 2.4 of this report, however, and is considered to be acceptable. Policy 17 criteria (ii) supports the reuse of brownfield land where a return to a natural state has not or will not happen without intervention. The site has been established as brownfield land (and is also on the Vacant and Derelict Land Audit), although it is acknowledged that parts of the site have re-naturalised. Whether the site will return to a natural state without intervention needs to be considered. Given the high level of alteration that the landscape has endured, including the steep cliff faces and deep pools which have been formed, it would be unlikely that the quarry would fully return to its natural state that it was before any quarrying activities occurred. It is highly likely that significant rehabilitation efforts would be required to return the site fully back to its natural state. It is recognised that once a quarry has been exhausted of its resources or is no longer in operation, it cannot fully return to its exact natural state as it existed before extraction, but it can be restored or rehabilitated to a more natural or ecologically functional state through land reclamation or restoration, and this requires intervention. This mixed-use proposal would significantly contribute towards the rehabilitation of this site. Amongst the development of the site would be areas of useable open space, connections for people to use recreationally, and areas of biodiversity value amongst other benefits such as economic and community benefits.

2.2.19 The Chief Planner's letter emphasises that NPF4 must be applied as a whole, with the balance of planning judgement guiding decision making and the proposal can demonstrate compliance with NPF4's strategy, regional spatial priorities and policies, contributing to its 'crosscutting outcomes' and overarching intent to tackle the climate and nature crises.

2.2.20 The development of 180 homes could be seen as a large-scale change, however it is considered that the site can be well integrated into the surrounding landscape and the design can respect the local setting, whilst being mindful of the fact that the proposal is for Planning Permission in Principle, where design matters can be further assessed at the detailed stage, and through appropriate planning conditions. As the site is vacant and derelict, development is a positive intervention in terms of land reuse and regeneration. NPF4 Policy 17 would support the remediation of such sites to provide new homes, as it aligns with broader goals of regeneration and sustainability. The development is located in an area where it can be integrated into existing infrastructure and services, the design respects the rural character of the landscape, and the environmental impacts are mitigated. It is important to note that Inverkeithing is a town rather than a purely rural countryside area, so the development of 180 homes is more acceptable than it

would be within more remote rural settings outwith the settlement boundary. The brownfield status of the quarry is a strong point in favour of the proposal, as NPF4 encourages redeveloping vacant and derelict land. The proximity to Inverkeithing provides good transport links, access to services, and overall connectivity, which aligns with the policy's focus on sustainable development.

2.2.21 In summary, while NPF4 Policy 17 generally supports rural housing development, the key challenge for a proposal of 180 homes at Prestonhill Quarry would be the scale of the development in relation to the site's location. If the proposal can demonstrate alignment with local housing needs, environmental sustainability, and community benefits, and if concerns related to infrastructure and environmental impacts are addressed then it would meet the relevant policies of NPF4.

2.2.22 The Adopted FIFEplan Local Development Plan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7 and 8.

2.2.23 Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is where the proposal is in line with Policy 8 (Houses in the Countryside). However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.24 Policy 8 of FIFEplan aims to manage the demand for new housing in the countryside having regard to the way in which it can bring social, environmental, and economic benefits. Policy 8 sets out that development of houses in the countryside will only be supported where;

1. It is essential to support an existing rural business.
2. It is for a site within an established and clearly defined cluster of five houses or more.
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits.
4. It is for the demolition and subsequent replacement of an existing house (provided certain criteria apply)
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building.
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5-year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes); or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 of the plan.

In all cases, development must be of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved

infrastructure; and located and designed to protect the overall landscape and environmental quality of the area.

2.2.25 Where FIFEplan (2017) is specific about defining countryside (all areas outwith settlement boundaries), NPF4 refers to rural areas which are not specifically defined. It appears to make sense to apply these policies to the same locations given their broad similarity, although the site is not within a rural area, rather, it is in a sustainable location, immediately adjacent to the settlement boundary. FIFEplan (2017) Policy 8 restricts the number of units, and it was previously acknowledged by Officers that the proposal did not meet FIFEplan (2017) Policy 8. However NPF4 (2023) policy 17 does not restrict the number of units which would be acceptable in a countryside location and it supports new homes in rural areas where proposals reuse brownfield land where a return to a natural state has not or will not happen without intervention. This is similar to FIFEplan Policy 8 but there is no requirement in NPF4 for there to be a cluster of at least 5 houses.

2.2.26 It is therefore considered that the proposals would meet NPF4 Policy 17 in regards to housing in the countryside, as the proposals are for new homes in rural area where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, bearing in mind that the site is on the edge of the settlement, surrounded by development to the north of the site and is not a remote rural area. Further assessment of the scale and design of the development is provided within section 2.3 of this report. Further, the proposal reuses brownfield land where a return to a fully natural state has not or will not happen without intervention. It is therefore considered that NPF4 has further support for housing in the countryside than FIFEplan, where the site is brownfield.

Health and Safety

2.2.27 Objection comments have been received which outline concerns that the quarry pond is used for recreational diving, and that the site itself is currently used for other recreational purposes. Objection comments also note concern that the Reporter did not consider health and safety to be a paramount consideration in the determination of the appeal and would not, itself, justify the approval of the development. Comments also raise concern that anti-social behaviour should be dealt with separately and is not a planning issue. Support comments note concern that the site is unsafe with its steep cliffs and deep water and that the site currently attracts anti-social behaviour, including dumping within the site.

2.2.28 NPF4 contains an additional policy relating to Health and Safety, which was not a policy which was present at the time the previous application was assessed, as referred to by the Reporter who did not consider there to be any policy which related to safety. The Reporter, in his decision, did consider that as the site is no longer required for quarrying purposes, there would be benefits in finding an alternative use for the site and addressing the current risks to public safety. The Policy Intent of NPF4 Policy 23 'Health and Safety' is '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'. It is agreed that anti-social behaviour is a separate issue outside of planning and it is not a matter which would amount to a material consideration in the assessment of this application.

2.2.29 A 'Health and Safety Report' (Hardies, September 2021) has been submitted with the application, which provides a review of the site hazards and risks associated with the site, which pose a risk to public health and safety. The report provides a review of the existing hazards and risk factors, that have the potential to cause danger to the public and a risk analysis and evaluation

to determine appropriate ways to eliminate hazards or to control them. The report sets out mitigation measures to address the issues. The report sets out that the main rock faces surrounding the inner quarry pose a significant risk, being near vertical and up to 30m in height. There is evidence of rock falls at the foot of the slopes and cliff faces are at different stages of weathering, leading to erosions and scarring which will increase the likelihood of further rockfall over time. The cliff faces have little or no segregation and are widely open to public access. An undeveloped area of grass and heath to the west site was associated with quarry operations and is made up of made ground and spoil. Fife Council has erected security fencing and signage to deter the public and limit access to high-risk areas. However, this fencing has been subject to vandalism and damage and is now redundant, with the site having unrestricted access. The area is subject to fly tipping and dumping, which items including caravans, cars, furniture, tyres, cable drums and bicycles among other debris associated with the former quarry operations within the quarry pools – these are hazardous. It is noted that the site is widely used for recreational activities. However, given the above safety issues and attempts to secure the site, it is not considered that this site is safe for recreational use. It is also recognised that the pond is used by the diving community and local diving schools. The submitted report notes that diving is a potentially dangerous sport, and it is impossible to remove all risks associated with this recreational activity. However, it notes that the likelihood and severity of an incident is amplified when external factors and hazards associated with the setting are considered. As there is no monitoring or supervision of the site, behaviours such as the fly tipping, unregulated diving and swimming can occur at any time and with no formal permission in place. It is considered to be significantly dangerous to conduct diving within these unregulated waters, with the very nature of the fencing, and signage stating “do not enter” the water being a red flag for anyone looking to conduct a professionally controlled dive. The report goes on to list a number of serious incidents, including four tragedies, which have occurred over the last 40 years. It is considered that, without regular monitoring of the site, Prestonhill Quarry will remain a serious risk and concern to public safety. The report concludes that Prestonhill Quarry poses significant public safety risks and dangers, and the lack of specific ownership means that responsibility for the implementation, maintenance, and safety of the area and without direction, accountability and governance, the issues will remain unresolved. Notwithstanding this, any safety measures attempted by Fife Council have failed to remain in place due to antisocial behaviours and lack of ongoing monitoring. The site has become an unregulated recreational area with frequent life endangering activities, nuisance, and antisocial behaviour being issues. It is considered that, to improve public safety, investment into the area is required and future development which fills in the quarry would be the safest way to eliminate the risk to public safety in the long term. Regrading and securing the cliff face profiles along with the infilling of the pond would eliminate the high-profile risks associated with the site and remove the attraction for misuse of the area. NPF4 Policy 23 f) also considers that proposals will be designed to take account of suicide risk, whilst it advises that LDPs should create awareness of locations of concern for suicide. Given the steep cliffs on this site and the history of the dangers associated with these cliffs, this is also a matter relevant to this proposal. In addition, future development will ensure that the short-term health and safety of the area is improved, with the developer then having a legal obligation to ensure the health and safety of their site.

2.2.30 It is acknowledged that the redevelopment of the site for housing and a small number of holiday accommodation units is not the only option for securing the site and making it safe. However, this is the proposal which is before the Planning Authority at this time. Health and safety is therefore another element of consideration for this planning application in principle which needs to be considered alongside other policies. The proposals would allow a developer to take control of the whole site and, in turn, would help to address the health and safety risks of the site, in line with Policy 23 of NPF4.

2.2.31 As such, Policy 23 of NPF4 gives further support to the proposals.

2.2.32 Policies 1, 2, 13, 14, 15 and 30 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.2.33 NPF4 Policy 15 supports proposals which will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local 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;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

2.2.34 NPF4 Policy 13 states that proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. Will be accessible by public transport, ideally supporting the use of existing services;
- iii. Integrate transport modes;
- iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles
- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.

2.2.35 NPF4 Policy 2 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale, will be well connected to reduce car dependency and sustainable. FIFEPlan (2017) Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner.

2.2.36 A key issue would therefore be whether the land is well-connected to services, infrastructure, and existing settlements. A Transport Assessment has been submitted, which has considered the impact of the proposed development on the surrounding public road network. The TA has considered person trips, not car trips and has covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport and can be designed in accordance with Scottish Government Designing Streets. An Accessibility review was undertaken and submitted with the TA. Figure 6 of the TA shows that most of Inverkeithing can be reached within a 1,600m walking distance (20 minutes) from the proposed development site, including the primary school, high school, railway station and town centre facilities. Paragraph 4.23 of the TA notes that the site is an “example of the ‘walkable neighbourhoods’ aspiration outlined in Designing Streets”, notwithstanding the site lies outside the settlement boundary of Inverkeithing. The TA has considered safer routes to Inverkeithing Primary School and Inverkeithing High School. Both schools are within acceptable walking distance of the site with the provision of a second means of vehicular/pedestrian access from Fraser Avenue providing a shorter route than via Preston Crescent. The existing High School is due to be replaced by 2026 and the new school is currently under construction, located on the Fleet Recreation Grounds at the west end of Rosyth, approximately 4.5km from the Prestonhill Quarry site. Walk distances more than 2 miles would entitle pupils to free bus travel, but this is under constant review. The TA notes that measures would be provided to ensure pupils would have easy access to convenient bus stops. No details are provided but this is a matter which can be addressed by condition.

2.2.37 National Cycle Route 76 (Fife Coastal Path) passes through the site and links with NCR 1 (Edinburgh to Aberdeen) to the west. The existing cycle route would have to be retained and/or relocated and enhanced and this is addressed by a recommended condition. There are existing local bus services served by existing bus stops on Spittalfield Road and Spencerfield Road. When the redevelopment of Fraser Avenue is completed, new bus stops would be available on the new street, Craigmyle Avenue. Further bus services, including express services, with links to Ferry Toll Park and Ride are available on Hillend Road and High Street. The internal streets would be designed to allow bus penetration into the site, and this is addressed by a recommended condition.

2.2.38 Inverkeithing has good transport links to Edinburgh and other nearby urban areas, including proximity to the Queensferry Crossing and Forth Bridges, and the railway station. The site benefits from good transportation connectivity, including access to services (schools, healthcare and shops) and sustainable transportation options. The proximity to Inverkeithing would mitigate some of the challenges of rural isolation that might otherwise arise from developing in more remote rural areas. The proposals are not located within a remote, rural area, and there is adequate infrastructure in the surrounding area to connect to.

2.2.39 The proposals would comply with policies relating to sustainability, which would provide further support for the proposals in principle.

Community and Economic Benefit

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

2.2.41 The applicant has provided a Planning Statement Addendum regarding NPF4 (A.S. Associates, February 2023). The Community Benefits identified as resulting from the proposal, as shown on the architects' indicative Concept Plan presented during public consultation on the earlier application include: adjusting the topography of the site to address public safety by replacing cliffs with sloping embankments; removing the deep water pond on the quarry floor; creating a new pier from the derelict conveyor gantry and providing access for water taxis, diving boats and water activities; enhancing the Coastal Path, including improved signage; establishing high quality landscape setting for the coastal path and coastal fringe; reconstructing the Beamer Rock lighthouse as a feature on the Coastal Path; improving accessibility to high level areas and Letham Hill Wood and creation of accessible path network; establishing viewpoints across the site and seating areas; providing new landscaped ponds for recreation and ecological biodiversity; improving visitor parking and parking for local residents; providing private amenity ground for Preston Terrace residents; retaining the concrete industrial loading platform as industrial heritage and developing it as feature viewpoint; providing a freshwater drinking fountain as a public amenity. In addition, a café/bistro has been included in the proposals, located on the higher ground to the east of the site, adjacent to Letham Hill Wood. The Reporter, in considering the Appeal of the earlier application, referred to the potential community benefits associated with the proposal, noting the enhanced recreational public access and viewpoints, creation of a new pier and industrial heritage and amenity features. The Reporter stated that 'I have no doubt that should planning permission be granted, there would be an opportunity to deliver detailed features and environmental features which would be beneficial to existing and future residents and those visiting the area.'

2.2.42 This proposal would provide community benefits, including a development proposal which enables the removal of potential dangers associated with the derelict quarry, achievable through the applicant gaining ownership of the site and having a viable solution for its redevelopment; housing to meet local needs and support the local community and economy; green infrastructure, including a range of enhanced public open spaces and fulfilling the priorities of the green network, including in relation to the Fife Coastal Path and National Cycle Route 'Around the Forth'; business opportunities in relation to the proposed café and the re-use of the conveyor as a pier.

2.2.43 Economic benefits would occur through future construction, including employment, and in the longer term through new residents and leisure visitors supporting the local economy. An Economic Assessment (DDR (UK) Ltd, November 2022) has been submitted with the application. The assessment sets out that the proposals would result in over £500,000 per annum increase in Council Tax; a Gross Value Add (GVA) to the Fife Economy post construction of £17m ; the creation of a minimum of 110 jobs, lasting at least for a 4-year period; Gross Value Add (GVA) to the Fife Economy during the construction period of £25.1m; career building apprenticeships and young people training, in conjunction with Opportunities Fife Partnership (OFP); a direct, pedestrian only, water link to West Fife from South Queensferry/Edinburgh; a leisure development containing high-quality, holiday lodges; a natural extension to Phase 5 of Fraser Avenue; a reduction on the significant demands on police, fire and ambulance Services; implementation of key issues highlighted in the Fife Economic Strategy and the potential development of new GP facilities in Inverkeithing in future.

2.2.44 The submitted information has demonstrated that the proposal would provide an economic and community benefit to Fife, and it is accepted that a development of this type would provide an economic benefit to the surrounding area through the guests of the holiday accommodation and residents of new homes making use of local services and through the creation of jobs. The

proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

Non-Housing Elements of the Proposal

2.2.45 Policy 30 (Tourism) of NPF4 states that proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. FIFEplan Policy 7 (Development in the Countryside) advises that development in the countryside will only be supported where, amongst other instances, it is for facilities for access to the countryside or for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. In all cases the development must be of a scale and nature compatible with surrounding uses; be well located in respect of available infrastructure and contribute to the need for any improved infrastructure; and, be located and designed to protect the overall landscape and environmental quality of the area. The café/bistro use associated with the proposed holiday lodges and the holiday lodges are considered, subject to final details, to be capable of conforming to the Development Plan. The proposed re-purposing of the disused conveyor to provide a pier would be in line with its coastal location, supported by NPF4 Policy 20 (blue and green infrastructure), Policy 21 (play, recreation and sport), FIFEplan (2017) Policy 13 (natural environment and access) and also FIFEplan Policy 7 (Development in the Countryside) and NPF4 Policy 29 (rural development) in terms of its location in the countryside, providing a recreational use within the site and re-purposing an existing disused feature. The principle of these aspects of the development proposals were not disputed within the previously refused application. This proposal would, therefore, accord with the above policies relating to development in the countryside as it would provide a facility for a tourism use.

2.2.46 With regard to the provision of a site for the rebuilding of the Beamer Rock lighthouse, this would conform with NPF4 Policy 7 (Historic Assets and Places) and FIFEplan Policy 14 Built and Historic Environment, which seek to support the protection or enhancement of built heritage of special architectural or historic interest. It is noted that the Beamer Rock lighthouse is currently in storage within Fife and the applicant has been liaising with the people who are currently storing it. The applicant has confirmed that it is still their intention to include the reconstruction of the lighthouse within the development if they are successful in obtaining planning permission. It is therefore acknowledged that, although it is the applicant's intention to go ahead with this part of the proposals, it does rely on the lighthouse becoming available to the applicant. The proposal to go ahead with this is, however, welcomed if it is able to go ahead.

2.2.47 In the context of the general principle of these however, the non-housing elements of the proposal are, at this Planning Permission in Principle stage, either in conformity with the Development Plan or could be made to be so in a subsequent detailed application.

2.2.48 Overall, the proposals are considered to meet the relevant policies of the development plan, subject to the consideration of detailed matters which are assessed in the remainder of the report, with particular regard to design and visual impact, ecology and residential amenity, all of which were matters that the Reporter highlighted as issues within his Appeal decision.

2.3 Design and Layout / Visual Impact

2.3.1 NPF4 (2023) Policies 4, 7, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary

Guidance (2019), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013), NatureScot's Landscape Character Assessment of Scotland (2019) and Historic Environment Scotland's (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment: Setting apply with consideration of the design and visual impact of the proposed development.

2.3.2 The site sits within the Coastal Hills Landscape Character Type (LCT). The site is also within the Letham Hills Local Landscape Area (LLA). The site is located adjacent to the coast of the Firth of Forth and is within the viewcones of the Forth Bridge World Heritage Site.

2.3.3 The Design and Access Statement (Sinclair Watt Architects Ltd, Prestonhill Quarry Planning Statement 42 December 2022 v2, December 2022) sets out the design approach taken to achieve high quality design and placemaking that demonstrates the 'six qualities of successful places'. It responds to the Central and West Fife Committee's consideration that the proposal would have an adverse impact on the historic character of Inverkeithing and the Reporter's view that the proposal needed to further demonstrate its use of site attributes and enhancement of the character of the area. A Landscape and Visual Appraisal (LVA) (brindley associates, November 2023) has been provided, which includes viewpoints, giving an overview of the landscape impact of the proposed development. This is a more detailed assessment of the landscape and visual impact than was submitted with the previously refused application.

2.3.4 The Reporter considered that 'Insufficient detail has been provided...to fully assess the landscape and visual impact of the proposal in relation to LDP policy 13' and they had 'Significant concerns regarding the landscape and visual impact from the Fife Coastal Path and the upper parts of Inverkeithing, in particular'. The Reporter also considered that 'The proposal has not demonstrated how it would meet the six qualities of successful places'. Objection comments have raised concern regarding the visual impact of the proposals, particularly from the coastal path. Objection comments raise concern that photo montages have been superimposed with non-specific housing units onto the existing topography and vegetation. Objectors are concerned that the photo montages do not provide any evidence to overturn the Reporter's findings on the inability to mitigate adverse landscape and visual impact that the applicant's Landscape and Visual Assessment identifies permanent major and moderate adverse landscape and visual impact.

2.3.5 The proposal contained in the earlier application had included housing development located in the southwest area of the site, separated by landscaped buffers from Preston Terrace and Forth Bridge Stevedoring Ltd. Development on this area of land required changes to the levels of the land, including the introduction of an embankment to the south of Preston Terrace. In addition, as part of the mitigation of potential noise impacts from the industrial activities across Inverkeithing Bay and from the nearer area of the Stevedores acoustic barriers/embankments were required at the west edge of the site. The Reporter in the Appeal Decision for the earlier application had indicated that the natural extension of Inverkeithing would be constrained by the embankment proposed to accommodate changes in level near Preston Terrace; and the acoustic barriers/embankment. The Reporter noted that '...due to the marked difference in site levels and the requirement for an embankment for noise mitigation purposes, the development would not result in a natural extension of the built up area or reflect the existing pattern of development along Preston Crescent...the indicative levels strategy shows a retaining wall of up to four metres directly opposite the row of cottages on Preston Terrace, and site levels increasing from 6.5 metres AOD on the existing street to 10 metres AOD on the site boundary. This would suggest that, notwithstanding the provision of a "buffer zone", the proposal would have a detrimental impact on the character of Preston Terrace and the outlook from the existing cottages.'

2.3.6 To address the issues raised during the assessment and decision making for the earlier application, the proposal for the southwest area of the site has been altered in this application. The proposals now retain the existing landscape relationship between Preston Crescent/Preston Terrace and the entrance to the quarry at its west end. Further viewpoints have also been provided, along with an updated Design and Access Statement. The photomontages provided are considered to be appropriate and contain sufficient detail in order to make an assessment of the potential impact of a development on this site. Given the application is a Planning Permission in Principle, it is not expected to have finalised details of any aspect of the design of the buildings at this stage.

2.3.7 12 viewpoints have been included within the LVA, the extent and location of which are considered appropriate to provide a broad overview of the landscape impact of the proposed development and to support the assessment made within the report. The high level LVA submitted with the previously refused application contained 10 viewpoints. The 12 viewpoints include:

1. Open space off Cochrane Avenue north of Prestonhill Quarry
2. Fife Coastal Path along Inverkeithing Bay coast
3. Core Path R630 adjacent to Spencer Fields
4. Adjacent to Core Path R707 within Ballast Bank open space
5. Friary Gardens within Inverkeithing Conservation Area
6. Fife Coastal Path adjacent to The Bridges
7. Core Path R635 within open space off Forth View
8. Fife Coastal Path adjacent to Port Laing Wynd
9. The Forth Bridge key viewpoint 03 - B9157 Clocklunie Road
10. The Forth Bridge key viewpoint 02 - B981 Above and below Balbougie Glen
11. Viewing platform along Fife Coastal Path within St David's Harbour
12. Footpath adjacent to Muckle Hill development

2.3.8 In relation to the impact on the Coastal Hills Landscape Character Type, on the settlement of Inverkeithing and wider users, the report considers that the character of the landscape type is inconsistent with the key characteristics of the wider landscape character within which it sits. This position is agreed, as the quarry and immediate environment as presented is the result of industrial operations which have altered the landscape considerably. The report suggests that the landscape character is therefore tolerant to the type of change proposed. In principle, this is an acceptable position.

2.3.9 In relation to the Letham Hills Local Landscape Area, the report identifies that the LLA is noted for providing greenspace between Dalgety Bay and Inverkeithing, which is an important attribute, as well as the distinguishing scarp slope and woodland which runs along the spine off Letham Hill. The submitted Zone of Theoretical Visibility (ZTV) predicts some visibility of the development from within the LLA, but this is restricted to the north of the site and sections of farmland to the west of Letham Hill Wood.

2.3.10 The report concludes that the effects of the development on the LLA are predicted to be moderate/minor across all stages of development, and suggests Viewpoint 01 (Open space off Cochrane Avenue north of Prestonhill Quarry), as a representative view of this area of visibility, would suggest that limited, or no, development would be visible following completion of development and after 10 years of maturing tree planting to the north of the site. Visibility of development from within the LLA is likely to be principally related to the proposed holiday lodges.

2.3.11 It was suggested that the viewpoint assessment and imagery should show development immediately following completion, alongside the viewpoint after 10 years, which can indicate tree cover. Imagery at Year 1 has now been provided within the updated LVA, which allows an assessment of the immediate visual impacts of development, on completion. The LVA concludes that the magnitude of change afforded by the proposal is low and the visual effects upon Letham Hill LLA predicted to be moderate/minor across all stages of development.

2.3.12 The viewpoint analysis within the report shows that the proposed development is entirely screened from view by existing vegetation and topography in Viewpoints 09 and 10 (Forth Bridge viewcones). For Viewpoint 1 (Open space off Cochrane Avenue north of Prestonhill Quarry), the holiday lodges and occasional rooftops are likely to be visible. A photomontage from completion has been provided to demonstrate the initial visual effects. The design, location and landscaping of the holiday lodges would require careful consideration to avoid being visually prominent. However, the proposed lodges would be small in number, and views would not be visually obtrusive from this viewpoint. This viewpoint is not, therefore, concerning.

2.3.13 Major effects are predicted within the LVIA from Viewpoint 02 (Fife Coastal Path along Inverkeithing Bay Coast), which lies in relatively close proximity to the proposed development with clear views towards it across the water. The majority of the proposed development would therefore be visible, although lower portions would be screened or allow filtered views along the coastline. The LVA shows varying heights between the buildings, with buildings between one and two storeys and the introduction of coastal tree and shrub planting. The built form has been amended and would now be separated from Dalgety Bay, contained by a high point between Inverkeithing and Dalgety Bay. Thus, concerns regarding coalescence have been addressed.

2.3.14 There were initially concerns around Viewpoint 3 (Core Path adjacent to Spencer Fields residential development) and a photomontage from development completion was requested. This has been provided, and there are no further concerns regarding Viewpoint 3. This viewpoint shows that the impact of the proposed holiday lodges would not be significant, especially with the proposed planting. Even at year 1 without the planting having yet established, the impact would be minimal given the small number of lodges on this part of the site.

2.3.15 At Viewpoint 4 (Adjacent to Core Path R707 within Ballast Bank open space), a limited number of rooftops may be visible, but it is expected that they would be read in the context of the existing residential development, raising no significant concerns. At Viewpoint 5 (Friary Gardens within Inverkeithing Conservation Area), new development would sit behind the existing buildings. The change in topography would be notable from this viewpoint, but green corridors and other tree planting would break up the visual impact of new development, which would largely be read in the context of the existing urban environment in the foreground, raising no significant concerns. At Viewpoints 6 (Fife Coastal Path adjacent to The Bridges) and 11 (Viewing platform along Fife Coastal Path within St David's Harbour), the completed development would expand the urbanised appearance along the coastline. The new buildings could be read in the context of the existing urban fabric of Inverkeithing in the background, and while a notable change to the character of the coastline adjacent to the Coastal Path, the overall magnitude of change does not raise significant concerns. With an appropriate landscaping scheme to break up the visual impact of new housing and to filter the views of new development from this viewpoint, no significant concerns would be raised. At Viewpoint 7 (Core Path R635 within open space off Forth View), the new development would sit behind the existing buildings. The change in topography would be notable from this viewpoint, but green corridors and other tree planting would break up the visual impact of new development, which would largely be read in the context of the existing urban environment in the foreground, raising no significant concerns. At Viewpoint 8 (Fife Coastal Path adjacent to Port Laing Wynd), most of the proposed development would be screened from this

location. However, the easternmost residential buildings would be visible, alongside the holiday lodges. As referred to in Viewpoint 2, the removal of the easternmost residential buildings would retain, and not undermine, the significance of the slopes as a separating feature between Inverkeithing and Dalgety Bay.

2.3.16 There is a remaining concern that Viewpoint 12 (footpath adjacent to Muckle Hill development) would reduce the separation between Inverkeithing and Dalgety Bay. Given this is the only remaining concern, although the viewpoint is a prominent one, there are elements of detail that can be addressed through planning conditions to address this one remaining concern. The arrangement of buildings can be reviewed, to provide gaps to allow views between the two settlements, with tree planting provided in between, and there is also an opportunity to lower building heights.

2.3.17 The Reporter considered that the proposal did not address the need to be “distinctive”, in other words, to make best use of site attributes and enhance the character of the surrounding area. The Reporter also considered that a housing development of suburban character would be poorly integrated with its landscape and coastal context, and the settlement of Inverkeithing. Whilst design and layout details do not require to be approved at this stage, the Reporter stated that he ‘remained unconvinced that the principle of housing development on this scale could be accommodated without adverse impact on the character of the existing settlement’. The Reporter considered that the proposal had not demonstrated how it would meet the ‘six qualities of successful places’.

2.3.18 The Reporter raised concerns that the indicative levels strategy showed a retaining wall of up to four metres directly opposite the row of cottages on Preston Terrace, and site levels increasing from 6.5 metres AOD on the existing street to 10 metres AOD on the site boundary. He stated that ‘this would suggest that, notwithstanding the provision of a “buffer zone”, the proposal would have a detrimental impact on the character of Preston Terrace and the outlook from the existing cottages’.

2.3.19 This submission includes an updated levels strategy, which removes the retaining wall opposite Preston Terrace. The proposal seeks to work with the natural topography of the site as much as possible however it is acknowledged that substantial rock removal will be required in certain areas to provide building platforms and to make safe the vertical cliff faces. Only limited retaining structures will be required, and these are lower than 4m high. The site levels would increase in some areas too and there would be a difference in site levels between Preston Terrace and the site, of around 7m, but the buffer zone between Preston Terrace has been increased with this application and proposed tree planting and landscaping would mitigate against concerns regarding outlook from Preston Terrace. Sections have also been provided which demonstrate the level differences between Preston Terrace and the proposed site, and due to the distances between the existing and proposed sites, the level differences are acceptable at this stage.

2.3.20 The submitted Design and Access Statement has been amended (Design and Access Statement and Site Appraisal, May 2024) and now provides a robust contextual assessment which can be used to inform the design/layout and characteristics of the development to help relate a development to its place. The Design and Access Statement sets out a series of design principles which can be used to inform future detailed proposals and ensure they align with the strategy of the current document alongside wider design policy aspects. The architectural strategy has identified four main character areas within the site, with each area having unique characteristics, whilst still being linked by common architectural themes. Character Area 1 would

define the new entrance into the site, from the north, providing a sense of arrival from Craighleith Avenue. Prominent 'gateway' buildings could be located at this entrance into the site, overlooking adjacent landscaped areas and the proposed SUDs. Stone walls would be used to link buildings together. Character Area 2 would be located to the west end of the site, adjoining the established street pattern at Preston Crescent and Preston Terrace. This area would provide a 'gateway' into the site, and this is where the Fife Coastal Path enters the site from the west. An open space area would be retained to the western entrance to the site, allowing properties on Preston Terrace to continue the open aspect to the south. This area would provide a landscaped setting and would provide an acoustic buffer between the industrial premises and the proposed housing. This area would include visitor parking to be incorporated and land to be gifted to the properties of Preston Terrace for private gardens. Character Area 4 would provide a transition between the denser character of the northern part of the site to the housing at the southern coastal edge. This is seen as key in assisting the creation of attractive views from the development to the coastal frontage. The housing here would create distinct clusters, grouped around courtyards. Other groups would be organised around public open spaces. The courtyards and lane would be utilised so that parked vehicles are removed from the primary streets. The layout in this area should be organised to frame views south to the sea, with narrow lanes and mews type houses forming the character here. The quarrying heritage of the site would remain visible throughout, with reclaimed stone to be used on buildings and boundary walls and larger boulders to be used for informal seating areas within the open space.

2.3.21 The only remaining issue is with Character Area 3. It is considered that this an important frontage being the coastal edge, green corridor and Fife Coastal Path which are considered the key routes and spaces to which the development should respond. The proposals note that these frontages would be dual aspect, with low boundary treatments to allow views into and out of the coastal edge. However, it is considered that buildings should present active frontages to principal spaces and movement routes as, over time, these boundary treatments will likely be replaced with high boundary treatments along this important edge of the development. There are examples elsewhere along the Coastal Path in Fife where new buildings both face the coastal edge, and others turn their backs to the edge. The latter examples have resulted in developments that fail to provide attractive, distinctive, active or pleasant places. This approach is not supported from an Urban Design position. As a detailed matter of design and layout, it is considered that this matter can be easily addressed at the detailed stage through consideration of detailed design. A condition has therefore been proposed to reflect this.

Green Network Requirements

2.3.22 Inverkeithing Bay Green Network (INVGN01) encompasses areas of habitat alongside brownfield sites and stretches around the bay from North Queensferry to Letham Woods. INVGN01 states that key features are:

- Existing core path, part of the Fife Coastal Path route. NCN1 runs through the town centre as part of an on-road cycle route. NCN76 runs through the town centre and then connects to the coast along the road north of Ballast Bank Park. There are good links along the coast.
- The section of the core path behind the former Caldwell Mill is narrow and needs upgraded. The bridge under the rail line represents a pinch point.
- Greenspace assets include Ballast Bank Park, which is the largest park in Inverkeithing, but the quality and functionality is currently poor and there is no connectivity to the Bay.
- Friary Gardens is a quality asset in the town centre
- The Bay includes SPA, RAMSAR and SSSI habitat designations – protect and enhance important habitat value.

- There is some coastal flood risk for reclaimed land in the bay area.
- Limited public access to the waterfront – business use.
- Existing active travel links in the area around the work for the new Forth Crossing, will be reinstated as part of the works.
- Avoid coalescence with Dalgety Bay

Opportunities for enhancement include:

‘Former Prestonhill Quarry – any development of this area needs to consider the wider context and the intertidal area’s SPA designation. Opportunities to enhance the setting and route of the existing Coastal Path and cycle routes; to deliver coastal edge and habitat improvements and better access to the water’s edge; to establish a high quality edge along northern boundary to enhance the landscape setting for the Bay area. must be fully considered in the development of any site proposals’.

2.3.23 The Fife coastal path shares the roadway into the derelict quarry currently and the coastal path is proposed to be enhanced and separated from vehicle traffic along its entire length as it crosses the site. A green corridor is proposed along the southern coastal fringe to incorporate the coastal path. Enhanced connections are proposed from the coastal path to the existing woodland to the west of the site. Footpaths adjacent to the two primary routes into the site are proposed to be set within a landscaped corridor and separated from the roadways. These main routes are proposed to connect to the coastal path, the existing natural environment on the high ground, the existing core path network and additional green spaces throughout the site to ensure the development and the existing settlement of Inverkeithing are linked to the coastal fringe and wider countryside. The proposals include a landscaped area at the entrance to the site from Preston Crescent to create an attractive arrival experience at this connection with the coastal path. This would create a visual and acoustic buffer between the existing industrial premises to the west and maintain the green outlook for Preston Terrace. The proposals also include high quality development edges and boundary treatments fronting on to Fraser Avenue and Preston Terrace and along the edges of the site.

2.3.24 The Design and Access Statement clearly sets out the site attributes and how the proposals would enhance the character of the surrounding area, and it has demonstrated how it would meet the ‘six qualities of successful places’. The information submitted shows that that a housing development of suburban character could be integrated with its landscape and coastal context, and the settlement of Inverkeithing, based on the LVA and DAS submitted with this application. With the updated information provided, it is considered that the principle of housing development on this scale could be accommodated without adverse impact on the character of the existing settlement.

Built Heritage Impact

2.3.25 The site falls within the vistas afforded by View Cones 2 and 3 as described in The Forth Bridge World Heritage Site: Key Viewpoints (Making Fife's Places, Appendix I). The applicant has provided an analysis of how the proposed development would sit in the context of the Bridge as part of both the Design and Access Statement (DAS) and the Landscape and Visual Assessment (LVA) submitted in support of the application, using photographs taken from a number of local viewpoints, including from the perspective of View Cones 2 and 3. These indicate that the topography of the site means that the site is largely not visible in View Cones 2 and 3 and therefore has an insignificant impact on those vistas.

2.3.26 The applicant proposes to retain and refurbish existing, dilapidated piers/jetties and re-purpose them to allow water-borne access to the area. The applicant also proposes to rescue the Beamer Rock Lighthouse from storage and provide it with a home adjacent to the Coastal Footpath. The lighthouse was removed from its original position on the Beamer Rock in 2011 to allow the construction of the Queensferry Crossing and, given that the lighthouse was originally erected at the request of Inverkeithing Town Council in 1826, there is a direct historical link to the area in reinstating it in this location, so this is welcomed.

2.3.27 The proposal affects a historic area of Inverkeithing which developed from the early medieval period due to trade. The site is outside the conservation area and adjacent to, but not contiguous with, the B-listed Inverkeithing Harbour.

2.3.28 Fife Council Built Heritage Officers have advised that they are unopposed to the principle of development at the site and the ambition to secure a viable use for it.

Impact on the Setting of Inverkeithing Conservation Area and Category B Listed Inverkeithing Parish Church

2.3.29 Objection comments raise concern that the proposals would adversely impact on the historic town. Inverkeithing Conservation Area lies approximately 480m to the north east of the site and Inverkeithing Parish Church lies around 600m to the north east of the site. Inverkeithing East and West Harbour is located to the west of the site and is B Listed. Fife Council Built Heritage Officers have reviewed the proposals and advise that the extent of the existing suburban development on the hills to the west and east of Inverkeithing, and beyond the development of Rosyth have greatly altered the historic setting of rural coastal port settlement. This extensive urban sprawl has partly subsumed the historic settlement, divorcing it from much of its historic medieval, and pre-20th Century landscape setting. However, the settlement and Conservation Area retain great architectural, historic and social special interest. In its preserved setting elements, it retains a direct connection to the coastline features and the apron of the Inner and outer Inverkeithing Bays. Depending on the observation point, the settlement also retains a buffer of separation from the from the westward urban sprawl located between Dalgety and Inverkeithing Bays, and North Queensferry. The lack of development of the Prestonhill Quarry, its partly retained 'coastal hill landscape' morphology of hill, coastline, and forest contributes significantly to this. Built Heritage Officers advise that there is potential for agglomeration of Inverkeithing with the urban sprawl to its east which would greatly limit its legibility as a standalone settlement in views from the south through the cumulative impact of urban development here. This matter has been addressed in the paragraphs above in relation to the assessment of the LVA and it is considered that this matter has been addressed for most viewpoints, apart from viewpoint 12 where there are alterations that can be made at the detailed design stage to address this outstanding matter.

2.3.30 NPF4 Policy 7 d) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the: i. architectural and historic character of the area; ii. existing density, built form and layout; and iii. context and siting, quality of design and suitable materials. NPF4 Policy 7 e) states that development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained. It is considered that any detrimental impact to the setting and cultural significance of the Conservation Area would be low level and the impact on the setting of

the B Listed Inverkeithing Parish Church would be very low, thereby complying with Policy 7 d) and e) of NPF4.

Impact on setting of Forth Bridge World Heritage Site (WHS)

2.3.31 The Forth Bridge World Heritage Site lies approximately 1.9km to the south west of the site. Views from the Forth and south shore taking in adjacent coastal and rural hill landscape are not explicitly referenced in the Forth Bridge World Heritage Site: Key Viewpoints Publication. However, it is considered that the remaining landscape parcels that have not been developed are an important component in framing the identified key views. The historic context of the bridge set within a coastal agricultural landscape remains in a large part contributing to this setting, though this has been diminished. In views north from the Forth channel and from the south coastline of the Forth at the northern extent of Dalmeny Estate, and in views west from the Forth channel and from the coastline along the northeast shore of Inverkeithing Bay (at the area known as St Davids) towards the bridges there is the potential for cumulative impact of urban development here upon the setting of the WHS through the agglomeration of urban sprawl which would encroach on the remaining rural coastal setting of the Forth Rail Bridge. In the newly submitted LVA documents some of this agglomeration is shown. NPF4 Policy 7 l) states that development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved. It is considered that any detrimental impact to the setting and cultural significance of the World Heritage Site would be low level.

2.3.32 Historic Environment Scotland (HES) has been consulted and advise that it would have no comments to make on the proposals in regards to its impact on the Forth Bridge World Heritage Site.

2.3.33 Fife Council Built Heritage Officers advise that they are not opposed to the sympathetic development of the lower part of the site; however, they state that they do uphold their initial concern that there would be a detrimental impact on the setting of a several designated heritage assets including the Forth Rail Bridge, Inverkeithing Conservation Area, and Inverkeithing Parish Church. Of particular concern is the impact the development would have on views of these heritage assets from the south side of the Forth and from the channel where the development site will be most visible. However, they do also acknowledge that the level of impact would be at the low-medium end and would be partly mitigated in the use of high-quality traditional materials, finishes, and boundary treatments and can be further mitigated by scaling back the quantum of development from the shore. They note that the impact of the hill-top development of holiday lodges and cafe is likely to increase once the detail of these developments is given in detailed applications, particularly due to the elevation and likely high visibility of this part of the site. Cumulatively, the impact of the development would therefore increase.

2.3.34 Fife Council's Built Heritage Officer has commented on the potential impact on access to strategic resources for use in maintaining the historic built environment. They consider that Prestonhill Quarry may be considered a strategic resource for its potential to provide dark whinstone for sustainable construction, and for repairs to historic structures and buildings in Fife and across Scotland constructed of dark whinstone. Examples of this can be found in proximity to the Quarry. The nearby Cruiks Quarry may be a petrographically comparable, however the extracted material is paler and greyer in colour. Development of the site as proposed would in NPF4 Policy 33 terms 'sterilise' the site against future use. The retention and repurposing of industrial heritage, and reinstatement of the former navigation light which could be considered non-designated heritage assets in planning terms is supported subject to sympathetic detailing and any required building recording subject to works commencing. Given the historical use of the

site has ceased 40 years ago, it is not considered that this is a relevant concern but it is acknowledged.

2.3.35 Overall, Built Heritage Officers advise that the degree of impact remains in-part unclear given the nature of the application being a planning permission in principle, rather than a detailed planning permission. Built Heritage Officers advise that great care must be taken through use of comprehensive conditions to secure necessary mitigation and quality assurance measures were this application to be approved. These measures must be adequately phased with the development's build-out to ensure that positive mitigation measures are secured at an early stage of the development. Appropriate conditions can secure this information and the concerns that have been highlighted by Built Heritage Officers can be adequately addressed through these conditions.

Archaeology

2.3.36 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply in regards to archaeology. Fife Council's Archaeologist has been consulted in regards to this application and has no objections to the proposals. The Archaeologist has advised that no significant archaeological sites, monuments or deposits are recorded within the proposed development area and given the very shallow soft sediment deposits overlying the quartz dolerite sill that makes up the site, it is unlikely that significant buried archaeology will exist on this site. The history of quarrying on the site is well understood and well documented and does not need further record by site recording. In general terms, this proposal involves no significant archaeological issues.

2.4 Residential Amenity

2.4.1 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. PAN 50 Annex D: Controlling the Environmental Effects of Surface Mineral Workings applies in regard to the proposed blasting.

2.4.2 The Reporter considered that 'Insufficient information has been provided in relation to quarrying and site engineering works to allow an assessment of likely impacts on residential amenity'. Objection comments raise concern regarding amenity issues resulting from the construction process. Concerns have been raised by objectors that the applicant indicates that noise pollution, dust and other debris will be attenuated by the quarry walls but as the blasting is being undertaken to remove, lower or reduce the height of the quarry walls, and the rear of Prestonhill then the proposed mitigation will become progressively less effective. Objectors have raised concerns that no geological investigation of the blasting on site has been undertaken.

2.4.3 A Vibration Blast Impact Assessment (Vibrocheck, April 2023) has been submitted with the application, which assesses the requirement for blasting and what the impact would be from those operations. The report sets out that there would be a requirement for limited drilling and blasting operations to reduce the unsafe face heights on the site. It sets out that this would be limited to a very small number of events, but the activity has the potential to result in levels of vibration that would be perceptible outwith the site. An assessment has been carried out of the impact of the vibration on existing sensitive receptors around the site. The assessment considered the potential effect of blast induced vibration on the occupants of surrounding properties and other sensitive structures and receptors, the production of explosive charge weights and recommendations for any mitigation measures that should be adopted. The area towards the centre of the site would require drilling and blasting, with the highest face height at which blasting is required being at

22m. The closest residential properties to this area are Preston Terrace, Cochrane Avenue and Seafield House to the west, north and northeast. The report recommends that all blasts should be designed to comply with vibration criteria 15mms at 95% confidence level, as measured in any of the three planes of measurement at receptor locations. It is concluded that all vibration will be of a low order of magnitude and would be entirely safe with respect to the possibility of the most cosmetic of plaster cracks. With the use of a double decking technique, the vibration would be below recommended levels for intermittent vibration during construction operations. The report recommends that a programme of blast monitoring should be implemented, which will indicate whether there is compliance with the vibration criteria, and they can be used to continually update the analysis and input to the design of any future blasts. With these recommendations in place, it is concluded that the development would work within the vibration criteria and without undue annoyance to local residents. Concerns regarding noise issues and lack of barrier from the cliffs are noted, once some rock is removed however mitigation measures would be applied to counteract this, including noise barriers.

2.4.4 A Rock Removal Method Statement has been provided, which sets out that a blast would last less than a second. In this instance, the noise level for each blast would be 105dBs over air pressure. Dust and noise monitoring will be in place at the nearest properties and information will be available to review and adjustments made for future blasts where possible. It is estimated that the total number of blasts would not exceed 8 over the timescale of the project and would be spaced timeously to avoid nuisance to neighbouring properties. Notification to neighbouring properties would also take place in advance. Dust would be controlled through water suppression systems (water cannons).

2.4.5 Fife Council Environmental Health (Public Protection) Team (PPT) has reviewed the Vibration Blast Impact Assessment and does not have any objections to the proposals for blasting. PPT notes that complaints will be expected, however the submitted report is confident that blasting can be designed to be within the guidance limits and British Standard. PPT does also advise that the blasting would be controlled under the Control of Pollution Act 1974. Further information would be submitted with any detailed applications in future.

2.4.6 A Noise Impact Assessment (Vibroac, May 2021) has been submitted with the application. This document is the same as submitted in support of 21/01842/PPP. Forth Bridge Stevedoring Limited occupy the buildings to the west of the site, with activities consisting of ship unloading/loading at the pier, stockpiling of material within yard areas and buildings and road haulage deliveries to the site. During the daytime, activities include the loading and unloading of HGVs in the yard using forklift trucks. Ship unloading/loading can occur once per month and during both day and night-time periods. On the opposite side of the inner bay is Robertson Metals Recycling at Cruickness Road. The business operating hours are between 07:00 and 17:00 hours Monday to Friday, and between 07:00 and 11:30 hours on Saturdays. The noise prediction calculations for noise from the industrial/commercial sources, indicate that some form of mitigation would be required to protect certain areas of the proposed development from unacceptable levels of noise. Acoustic barriers are recommended along the western edge of the proposed development, adjacent to the proposed affordable housing area and within the area indicated as a buffer zone, with a minimum height of 3.5m, which could be in the form of an embankment/bund or fence, or a combination. It is also recommended that the layout and design take account of the surrounding uses, particularly those closest to and facing the industrial/commercial noise sources. Bedrooms should be located away from the industrial/commercial noise sources and any proposed residential properties in the vicinity of the yard area at Forth Bridge Stevedoring should be single storey in height, to ensure windows to habitable rooms do not have direct line of sight over the top of any proposed boundary screening.

2.4.7 With the proposed mitigation in the form of environmental barriers/boundary fencing the prevailing ambient noise level in western areas of the site will meet the lower guideline value of

50 dB LAeq,T in external amenity areas. With the recommended mitigation measures in place the internal noise levels within habitable rooms at the closest proposed development areas to the industrial/commercial uses are predicted to meet with the criteria in BS8233:2014 with windows open for ventilation.

2.4.8 Any further construction disturbance caused as a result of the development would be temporary in nature and any developer should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Environmental Health Public Protection team can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would, therefore, be no significant impact on the surrounding area as a result of any associated construction works. A condition is, however, recommended requiring that a Construction Method Statement and Management Plan, including an Environmental Protection Plan and Scheme of Works are submitted for approval before any works commence on site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in respect of impacts on the amenity of adjacent land uses.

2.4.9 This addresses the Reporter's concerns in relation to noise impacts on residential amenity and the proposals are acceptable in regards to amenity impacts.

Privacy and Daylight/Sunlight

2.4.9 Fife Council Planning Customer Guidelines on Garden Ground (2016) provide advice and guidance on the required amenity standards for residential properties and also includes the nationally approved standards with regards to minimum window to window distances between existing and proposed glazed openings (Appendix A). Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) set out the standards for individual residential units in terms of ensuring that properties are not unacceptably overshadowed nor are the levels of natural daylight entering properties significantly diminished as a result of any proposed development.

2.4.10 Concerns have been raised in objection comments with regard to privacy impacts on existing properties on Preston Terrace and Preston Crescent, which it is considered would be considerably impacted by the overlooking of their homes and gardens by the proposed new development on Prestonhill, as well as along the proposed access point from Fraser Avenue where the proposals indicate that existing homes and rear gardens will be substantially overlooked by new building.

2.4.11 The applicant indicates that the application seeks to considerably enhance the amenity of the properties on Preston Terrace by donating land for private gardens and providing parking facilities. A landscaped strip will be retained between these properties and the new development to avoid overlooking and provide an attractive outlook. It is noted that there will be a level difference between Preston Terrace and the development, with the development sitting higher. However, this is an in principle application, and details regarding privacy would be fully considered at the detailed stage.

2.4.12 As this is an application for Planning Permission in Principle, and the proposed layout is merely indicative, should Committee be minded to approve the application, then conditions should be included to ensure full details and appropriate residential amenity assessments are carried out under future applications for matters specified in conditions which would ensure that the proposal meets the Development Plan and other relevant guidance in respect of these matters.

Other Potential Amenity Impacts

2.4.13 No potential impacts from any other sources, such as odour, or from lighting, are expected to arise as a result of the development. Any site lighting required would be subject to assessment and potential planning condition at detailed stage

2.4.14 It is therefore considered that the proposals would accord with the Development Plan and other relevant guidance, subject to conditions of planning permission being applied, as far as regulating potential impacts on local amenity is concerned.

2.5 Transportation/Road Safety

2.5.1 NPF4 (2023) Policies 1, 2, 13, 14 and 15, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 Concerns have been raised by objectors regarding potential transportation and road safety impacts that the development may have. These relate largely to the capacity and geometry of the local road network and parking facilities, including loss of parking during construction. Concerns were expressed particularly that the roads are already busy and narrow, which is exacerbated by the amount of people using open space facilities at Ballast Bank for leisure purposes. Concerns have been raised regarding narrow access through a listed structure and lack of assessment regarding vehicles entering/exiting via Preston Crescent. Concerns have also been raised that the proposals would deteriorate footpaths due to additional footfall and increase the use of shortcuts.

2.5.3 A Transport Appraisal of the impact of the proposed FIFEplan allocations on the local and trunk road network was prepared on behalf of Fife Council. The FIFEplan Transport Appraisal (FTA) does not include this unallocated site. The FTA concluded that the transportation intervention measures identified within the former Mid Fife and Dunfermline and West Fife Local Plans can accommodate the trips generated by the additional FIFEplan allocations. A proposed development of an additional 180 houses and other uses would be unlikely to result in the requirement for additional strategic transportation intervention measures, but it would be the responsibility of the applicant to submit the transport appraisal to show this. The closest strategic transportation intervention measures are within Rosyth and Dunfermline.

2.5.4 A Transport Assessment (TA) (ECS Transport Planning Limited, May 2021) and Addendum Transport Note (ECS Transport Planning Limited, September 2021) has been submitted on behalf of the applicant in support of the proposed development. These documents are the same as submitted in support of 21/01842/PPP. The TA has considered the impact of the proposed development on the surrounding public road network. The TA has considered person trips, not car trips and has covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of

sustainable modes of transport and can be designed in accordance with Scottish Government Designing Streets policy. The TA has not been updated in support of the current application but as they were both less than two years old they are considered acceptable.

2.5.5 Chapter 4 of the TA carries out an accessibility review of the site. Figure 6 of the TA shows that most of Inverkeithing can be reached within a 1,600m walking distance (20 minutes) from the proposed development site, including the primary school, high school, railway station and town centre facilities. Paragraph 4.23 of the TA notes that the site is an “example of the ‘walkable neighbourhoods’ aspiration outlined in Designing Streets”, notwithstanding the site lies outside the settlement boundary of Inverkeithing. The TA has considered safer routes to Inverkeithing Primary School and Inverkeithing High School. Both schools are within acceptable walking distance of the site with the provision of a second means of vehicular/pedestrian access from Fraser Avenue providing a shorter route than via Preston Crescent. The existing High School is due to be replaced by 2026 and the new school is currently under construction, located on the Fleet Recreation Grounds at the west end of Rosyth, approximately 4.5km from the Prestonhill Quarry site. Walk distances more than 2 miles would entitle pupils to free bus travel, but this is under constant review. The TA notes that measures would be provided to ensure pupils would have easy access to convenient bus stops. No details are provided but this is a matter which can be addressed by condition.

2.5.6 National Cycle Route 76 (Fife Coastal Path) passes through the site and links with NCR 1 (Edinburgh to Aberdeen) to the west. The existing cycle route would have to be retained and/or relocated and enhanced and this is addressed by a recommended condition. There are existing local bus services served by existing bus stops on Spittalfield Road and Spencerfield Road. When the redevelopment of Fraser Avenue is completed, new bus stops would be available on the new street, Craigleith Avenue. Further bus services, including express services, with links to Ferry Toll Park and Ride are available on Hillend Road and High Street. The internal streets would be designed to allow bus penetration into the site and this is addressed by a recommended condition. The TA has carried out a traffic impact assessment on the following junctions within Inverkeithing: Commercial Road/King Street/Car Park junction; Boreland Road/Church Street junction; Heriot Street/Church Street mini-roundabout; and the Hillend Road/A921 signalised junction. In the assessed year of opening, with the Fraser Avenue redevelopment and Spencerfield development 100 percent complete, all junctions would continue to operate within their practical capacity during the AM and PM peaks. The submitted Concept Plan and Design and Access Statement both provide an indicative alignment of the street network within the site, including separate pedestrian/cyclist provision, which appears to be reasonable.

2.5.7 Transportation Development Management (TDM) has requested conditions requiring the upgrading of Preston Crescent between its junction with Fraser Avenue and the site to a standard suitable to accommodate busses, the route through the site linking Preston Crescent and Fraser Avenue having a minimum carriageway width of 6m to allow for bus penetration, the provision of bus stops with shelters, boarders and poles and provision for safe crossing facilities on the route through the site, the existing National Cycle Route 76 (Fife Coastal Path) being constructed as a 4 metres wide shared path, including street lighting, between Preston Crescent and the eastern boundary of the site, Shared paths a minimum of 3 metres wide being provided between the National Cycle Route 76 (Fife Coastal Path) and new housing streets within the site, a construction management plan, including details of the proposed construction traffic routes being provided with the first Approval required by Condition application submitted and various pre-occupation conditions. The addition of further formal footpaths would increase connectivity throughout the site and beyond, and would be a positive aspect of the proposed development,

which is welcomed. This would also decrease the requirement for informal shortcuts to be used. Any footpath upgrades required are set out by TDM above and through planning conditions to be assessed through detailed applications, although there would be no requirement to seek any costs for further footfall as a result of this development, although some road improvements would be made and improvements to the core path are also proposed.

2.5.8 Any road or footpath closures or diversions will also require the promotion of formal closure/diversions Orders under Sections 207 & 208 of the Town and Country Planning (Scotland) Act 1997 (as amended) once the detailed layout of the development is known.

2.5.9 Notwithstanding the site is outside the settlement boundary of Inverkeithing within the adopted 2017 FIFEplan, TDM has no objection to the proposed development subject to conditions due to its sustainable location, adjacent to the settlement boundary.

2.6 Flooding And Drainage

2.6.1 NPF4 (2023) Policies 22 and 10, FIFEplan (2017) Policies 1, 3 and 12, the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to flood risk and drainage infrastructure. Fife Council's Shoreline Management Plan (2011) is also relevant in regard to coastal protection.

2.6.2 Objection comments raise concern that further pressure will be placed on the pump station which will not cope, which would impact on the current sewage system. Scottish Water has been consulted on this application and advises that it has no objections to the proposals. In regard to water capacity, Scottish Water advises that there is currently sufficient capacity in the Glendevon Water Treatment Works to service the development, but a Water Impact Assessment would be required to be carried out by the applicant to assess any impact of new connection on the existing water network. Scottish Water advises that the outcome of this assessment may highlight upgrades to the existing network required to mitigate any impact caused by the connection of the proposed new dwellings to the water network and it would be the responsibility of the developer to fund and deliver these upgrades with Scottish Water providing some reimbursement through the Reasonable Cost Contribution (RCC) process for any assets built to Scottish Water's Water for Scotland technical specification that are vested to Scottish Water's ownership. In regards to wastewater capacity, Scottish Water advises that there is currently sufficient capacity for a foul only connection in the Dunfermline Waste Water Treatment works to service the development. Again, the development proposal will require a Drainage Impact Assessment to be carried out by the applicant to assess any impact of these new connections on the existing drainage network. The outcome of this assessment may highlight upgrades to the existing network required to mitigate any impact caused by the connection of these new dwellings to the drainage network. This would be the responsibility of the developer to fund and deliver these upgrades with Scottish Water providing some reimbursement through Reasonable Cost Contribution (RCC) process for any assets built to Scottish Water's Sewers for Scotland technical specification that are vested to Scottish Water's ownership. This is a process separate to the planning consent process and will be resolved separately through Scottish Water.

2.6.3 Objection comments raise concern that the proposals would exacerbate existing flooding issues at Preston Crescent. SEPA has advised that the site is partly within the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium risk of coastal

flooding. The approximate 1 in 200-year flood level is 4.2m AOD based on calculations using the Coastal Flood Boundary Method (CFB). This is a still water level which does not account for the effects of wave action, climate change, funnelling or local bathymetry. The expected sea level rise for the area is 0.85m by 2100 based on the latest UK climate change predictions published in 2018. This allowance, plus a minimum freeboard allowance of 0.6m to account for uncertainties and the effects of wave action means that SEPA would recommend that all development on the site is limited to land which is higher than 5.65m AOD. SEPA is satisfied that the recommendations of the flood risk assessment (FRA), dated December 2022 undertaken by Kaya Consulting Ltd, have been taken into account in the design of the site. Development has been limited to land which is unlikely to flood based on information held by SEPA, including an appropriate allowance for uncertainty.

2.6.4 The FRA confirms that there is an unnamed watercourse that is culverted to the north of the site. It has been confirmed that there will be no properties situated over the culvert, and it is to be diverted as part of the Fraser Avenue masterplan. Kaya Consulting have completed an assessment of the culvert and confirmed that the site is not currently at flood risk from it. SEPA agrees that the flood risk from the diverted culvert should be reassessed and confirmed at the detailed design stage once proposals for the culvert diversion have been finalised. On this basis, SEPA is satisfied that the development is not at risk from fluvial flooding. The site sits adjacent to the Firth of Forth and the FRA has completed a review of coastal flood risk. The majority of the site sits above the 200-year coastal flood level (4.2m AOD) and the proposals include land raising, outwith the functional floodplain, in order to mitigate future flood risk. It has been confirmed that there will be no development below 6m AOD, which is above the minimum development level recommended by SEPA (5.65m AOD). Using the latest techniques, the FRA has considered the potential impacts of wave overtopping. It has been confirmed that the site is currently not at risk of wave-overtopping during a 200-year joint probability event (waves and sea level). However, once climate change and sea level rise is considered, a small section of the site is identified at being at risk of wave-overtopping, although this could be mitigated with the construction of a small wall. SEPA recommends that the Council consider the suitability of this. In this regard, Fife Council Flooding, Shoreline and Harbours Officers has confirmed that the proposed wall would be against NPF4 Policy 10 a (i) which states that proposals within developed coastal areas will only be supported where the proposal does not result in the need for further coastal protection measures. However, they recommend that if a condition is added to the PPP consent, requiring no housing being proposed within any area determined to be at risk of flooding, then they would not have any concerns with the proposals in regards to flood risk. Given the small area associated with the flood risk concerns, in the south east corner of the site, it is considered that this would not significantly impact on the future detailed proposals, although some units would need to be removed from this area should future detailed consents come forward. The applicant has agreed that this would not be a concern for future detailed proposals and has agreed to the proposed condition.

2.6.5 The site is elevated above the 200-year CFB level, and the FRA has demonstrated that it is currently not at risk from wave-overtopping. On this basis, SEPA is satisfied that the development is not at coastal flood risk.

2.6.6 SEPA has requested that a condition is added to any PPP consent, that (i) no land raising, and (ii) all development on the site be limited to land which is higher than 5.65m AOD. This is because the site is not an exception as set out within NPF4 Policy 22, which sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified

a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

2.6.7 Objection comments raise concern that the SUDS proposed is not large enough to cope with the site. In regards to surface water management proposals, Fife Council Flooding, Shoreline and Harbours Team advise that the information submitted regarding the drainage design for the development is adequate for a Planning Permission in Principle application. Detailed matters would be addressed at the detailed application stage, including drainage designs for each holiday lodge and an updated discharge rate for the proposed SUDs basin to the northwest of the site discharging to a culverted watercourse. Subject to appropriate conditions, the proposals would therefore be acceptable regarding surface water management.

Coastal Protection

2.6.8 Objection comments raise concern that the site is shown to be at risk of coastal erosion in the future. The level of information provided with regard to coastal protection is adequate for a PPP Application. The site is located within Policy Unit 12 (Inverkeithing to St David's Bay) of the Fife Shoreline Management Plan (2011) (SMP). A small part of the western area of the site is located within Policy Unit 11 (Inner Bay). The SMP recommends 'no active intervention' at Unit 12. The proposals include retaining walls around 20m from the Mean High Water Spring (MHWS) line and are associated with the site levels. They do not result in active intervention within the coastal zone and the development would therefore comply with the policy statement set out for this section of the coastline within the SMP.

2.6.9 NPF4 Policy 10 a) states that 'development proposals in developed coastal areas will only be supported where the proposal: i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and ii. is anticipated to be supportable in the long term, taking into account projected climate change'. Previous consultation responses related to the site identified a need to repair or reinstate existing rock armour protection along the edge of the site and that the work should be carried out along the full length of the coastline fronting the development. However, Fife Council Flooding, Shoreline and Harbours requested that confirmation was provided that there 'is no requirement for further coastal protection measures to ensure compliance with Policy 10' of NPF4. The proposed site is an old quarry. Historical maps show that the quarry was originally located at the shoreline in the 1800s, but over time the quarry extended to the north and the shoreline at the site is man-made through the lowering of the original rocky coastline. This is shown by the topography of the area and is indicated within the submitted Flood Risk Assessment (FRA) report. The FRA has evidenced that the shoreline at the quarry has been protected in the past. As a result, the site has an unusual history for a coastal development site with the shoreline being manmade (i.e., not a natural shoreline) and one where there has been coastal protection in the past, although it is in poor condition.

2.6.10 A statement submitted by the applicant (Technical Memo, Kaya Consulting, August 2024) sets out that the site is previously developed land (quarry) with the shoreline at the site man-influenced, with evidence of the existence of coastal protection works that are now in a state of disrepair. The ground at the shoreline is 'made ground' rather than a natural shoreline (dunes/rock). The development proposals include coastal protection works taking account of future climate change, which will replace the existing protection and provide some additional protection for wave action along the edge of the site (set back from the shoreline and to protect residents against wave splash). Therefore, as the site was originally protected then the proposals do not include 'further' coastal protection measures, apart from the low wave wall. The site does not

have a natural dune system or natural coastline, with the coastline at the site the result of quarrying activity and the quarrying of the natural coast.

2.6.11 NPF4 Policy 10(b) refers to underdeveloped land and the site is previously developed; therefore this part of Policy 10 is not applicable. Policy 10(c) states that 'development proposals for coastal defence measures will be supported if: i. they are consistent with relevant coastal or marine plans; ii. nature-based solutions are utilised and allow for managed future coastal change wherever practical; and iii. any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets'. The site is located at the boundary of Policy Units 11 and 12 of the Fife Shoreline Management Plan. Unit 12 is designated as 'no active intervention', while Unit 11 is designated as 'hold the line'. Although most of the site front is within Unit 12, the brownfield nature of the site is more consistent with Unit 11, which also includes other industrial/brownfield land. Therefore, it would appear practical to consider the site within Unit 11 given its brownfield nature. Without active intervention at the site there would be erosion and flooding of low-lying parts of the quarry site. The site is not an essential asset requiring protection. The current proposals would replicate older coastal protection measures which are not nature-based solutions however it is considered that it could be possible to develop more natural solutions at the detailed design stage, to limit the use of rock along the frontage.

2.6.12 It is recognised that a key (overall) policy aim of NPF4 is to promote the re-development of brownfield land. It is considered by the applicant that Policy 10 of NPF4 has not been written with sites like Prestonhill Quarry in mind, which has a man-made shoreline and the purpose of Policy 10 would be to prevent development along areas of natural coast affected by flooding or erosion. Notwithstanding this, the old quarry shoreline was already protected in the past and the current proposals look to repair and reinstate these defences. The works would not increase the risk to people or coastal flooding based on the measures outlined in the development proposals.

2.6.13 Fife Council Flooding, Shoreline and Harbours (FSH) Officers have reviewed the proposals, including the Technical Memo by Kaya Consulting regarding coastal protection. FSH has no objections to the proposals in terms of coastal protection. It is acknowledged that there is existing rock armour at the shoreline by the proposed development and the current proposal is for this to be repaired and reinstated. The applicant has committed to all existing rock armour coastal protection to be repaired / reinstated as necessary. This work should be carried out along the full length of the coastline fronting the development. The design of the proposed embankments and retaining walls set back from the current coastal edge shall be submitted for approval at the detailed stage, should this application be approved.

2.6.14 The proposals would comply with the relevant policies in regards to flooding, drainage and coastal protection, subject to the aforementioned conditions.

2.7 Contaminated Land and Air Quality

2.7.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

2.7.2 A Desktop Study Report (Bayne Stevenson Associates Ltd, July 2020) was submitted with the application. The report concludes that detailed intrusive site investigations should be undertaken to establish geotechnical, geochemical and ground gas conditions. The results of such investigations (including appropriate monitoring works and risk assessment) are to be submitted for review and comment through appropriate planning conditions. If remedial measures are required to ensure the safe development of the site, these must be described in a Remedial

Action Statement, also recommended to be covered by an appropriate planning condition. The statement will detail the measures that will be used to mitigate against any identified risks and will 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 and before occupation of any property – matters which are recommended to be covered by planning conditions.

2.7.3 It is noted that the proposed development will include the draining and infilling of the quarry lake. There is an unknown quantity of debris (cars, household appliances etc.) in the lake. Such materials have the potential to be a source of contamination as well as cause stability and structural issues should they be left in situ when the lake is infilled. It is also noted that the quarry lake is influenced by the local groundwater. Any works (draining, clearing, infilling) should take into account potential impacts on the groundwater environment. Land and Air Quality Officers advise that contaminated land conditions are utilised to ensure the site would be developed in accordance with the relevant technical guidance including PAN 51 and PAN 33.

2.7.4 An Air Quality Impact Assessment (Airshed, February 2023) has been submitted with the application. The information provided by The Airshed's traffic consultants advised that the majority of the road traffic generated by the development will use a new site access on Fraser Avenue leading to Spencerfield Road (and then to the junction with Hillend Road). While the traffic is expected to split at the Spencerfield Road/Hillend Road, traffic between the Hillend Road junction and the development site is predicted to exceed the 500 AADT threshold. The 2021 assessment is based on pre-COVID-19 baseline flow data for Hillend Road. Due to the COVID-19 restrictions in place at the time of writing (May 2021 report), a baseline road traffic survey could not be completed on Spencerfield Road. It was therefore suggested that the applicant should consider using updated baseline traffic data to confirm the need or otherwise for a quantitative air quality impact assessment. Additional comments were provided by Airshed in May 2023 advising that a quantitative Air Quality Impact Assessment was not deemed to be required because the baseline flow on the side roads would be well below 5,000 AADT. Land and Air Quality Officers have accepted this and overall are content with the information provided in regard to air quality.

2.7.5 Land and Air Quality Officers have no objections to the proposals, subject to conditions. The proposals comply with the relevant policies regarding land and air quality, subject to the aforementioned conditions.

2.8 Natural Heritage And Trees

2.8.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 11 and 20, Scottish Government's Control of Woodland Removal Policy (2009), Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.8.2 At the eastern extent of the site, the Letham Hill Local Landscape Area adjoins the site boundary. Any development in this part of the site should ensure that the quality of the Local Landscape Area is maintained, and that the AWI woodland remains undisturbed.

2.8.3 The Reporter considered ‘The outcome of the ecological assessment, in relation to the impact on bats, to be inconclusive’. Objection comments raise concern that protected species, including bats, has not been adequately assessed.

Trees

2.8.4 The site of proposed development is not covered by any protection from Conservation Areas, Tree Preservation Orders, Ancient Woodland, Site of Special Scientific Interest, or other known protection affecting trees. There is, however, a woodland present within the site which has naturally seeded and regenerated since works at the quarry ceased. It is considered to be an area of natural beauty and high natural amenity. It appears that the plans have the potential to significantly change the natural character of the area and affect several trees. The concept plan details areas and buildings which appear to be where trees are currently standing, which would mean felling those trees. An arboricultural report would therefore be required, with proposed replanting for any trees which would be removed as part of this development (which should be commensurate). Further, tree protection plans (BS5837) for the duration of the development will be necessary for trees intending to be retained. A tree care plan, or details of how trees associated with the development will be cared for into the future, would also be a requirement. An arboricultural report/method statement, landscape plan for replanting (if trees are intending to be felled) and a tree care plan for the future would be important for this proposal and these are recommended to be covered through appropriate planning condition(s).

Protected Species and Wildlife Habitats

2.8.5 Objection comments raise concern that the site has not been adequately assessed for bats. Fife Council’s Natural Heritage Officer initially queried the assessment of bat use of the site. The applicant has since submitted further information regarding bats, including a ‘Bat Activity Surveys’ report (Nigel Rudd Ecology, October 2022). The updated report has clarified the question of bat use of the application area. Fife Council’s Natural Heritage Officer has advised that the information submitted is clearly presented and identifies that, as per guidance, two surveys were undertaken in 2022, with the first on 22nd July (i.e. within the peak active time of May-August) and the second on 29th September, just before the end of the active season. Bat activity was demonstrated to be relatively low. This addresses the concern outlined by the Reporter in his refusal of application 21/01842/PPP regarding the lack of information surrounding bats.

2.8.6 A further habitat assessment has been provided in regard to potential use of the site by Peregrine Falcon (Peregrine Falcon Habitat Assessment, Ellendale Environmental, October 2024). The survey notes that, whilst the cliffs (particularly the inner rock face) are suitable, this species is particularly sensitive to low levels of disturbance when nesting, especially from point sources above a nest. The ecological surveyor noted anthropogenic (environmental change, caused by humans) disturbance of the site, with dog-walkers using the path just back from the inner cliff edge (i.e. the face with most potential for nesting use); evidence of further human presence is wide-spread. The survey’s conclusion was that the site is too disturbed for nesting use by peregrine, despite their tolerance of human-generated noise, light and vibration outside the immediate vicinity of their breeding sites. Based on the survey results, the ecological site survey conclusion is that the Prestonhill Quarry site is of low suitability for peregrine falcon use as a breeding site. No other protected species were observed using the site, though other species of conservation interest are in the wider area. These conclusions are deemed reasonable and there are no remaining concerns from Fife Council’s Natural Heritage Officer relating to protected bird use of the location for breeding purposes.

2.8.7 Objection comments raise concern that the presence of aquatic species has not been adequately assessed. An additional survey was also carried out which has addressed points regarding otter presence along the shoreline and the potential for use of the quarry pond by great crested newt. No evidence of the presence of otters was found within the site, however, there was evidence found outwith the site to the east and west. The ecological appraisal therefore advises that further surveys would be carried out to inform the detailed applications, should they come forward in future. Measures would also be taken to ensure protection of otters throughout the construction period. The habitat suitability assessment undertaken found that there was no value for Great Crested Newts within the site. The nearest record of Great Crested Newt is within 2.5km of the site, and there is no other pond within 1km of the site.

2.8.8 Objection comments note concern that the proposals have not fully assessed the impact on fauna within the site. The ecological assessments and phase 1 habitat surveys submitted with this application assess the existing site and identify that the site is made up of neutral grassland, dense shrub, open water and extensive bare ground. The site has a low species diversity and any habitat lost would be of low value. Making Fife's Places Supplementary Guidance provides information on the site assessment which must be submitted for natural heritage and biodiversity. The habitat and species assessments conducted to date fulfil these requirements.

Impact on Firth of Forth SPA and SSSI

2.8.9 NatureScot has responded and advised that they stand by their advice and response that they provided as part of the previous planning application for this proposal. In their 2021 consultation response NatureScot determined that the Firth of Forth SPA would not be adversely affected by the proposal. They advise that a Habitats Regulations Appraisal (HRA) would not be required in relation to the adjacent internationally important designated site of the Firth of Forth SPA (and this would extend to the Outer Firth of Forth and St Andrews Bay Complex SPA located within 1km to the east). Fife Council's Natural Heritage Officer indicated that use of the adjacent mudflats by SPA qualifying bird species would require to be taken into account during the detailed design stage. The recommendations contained within the revised Ecological Assessment report for screening any development from the shore and thereby reducing the potential to cause disturbance to the qualifying avian interests of the nearby SPAs are considered consistent with the expressed opinion of 2021.

2.8.10 A habitat regulations appraisal (HRA) as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) was carried out for this proposal. Under the Habitats Regulations, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, they must carry out an 'appropriate assessment'. This process is known as HRA. An Appropriate Assessment has concluded that, after a full assessment in line with HRA principals that the proposal will not have any Likely Significant Effects alone, or in combination with, other assessments on either the Firth of Forth SPA. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

Biodiversity Enhancement

2.8.11 The site currently contains neutral grassland, dense shrub, open water and extensive bare ground. The site has a low species diversity and any habitat lost would be of low value. For the

detailed application stage, as previously noted in 2021, the development would need to demonstrate an integrated approach to natural heritage and biodiversity, landscaping and SuDS design, as detailed in Making Fife's Places Supplementary Guidance. Biodiversity enhancement should be considered throughout the design process and details of this must be provided with the application, as required by policy. These aspects can be addressed through a condition. The detailed stage landscape design and planting schedule will be required to maximise biodiversity: native species of local or Scottish origin should therefore be specified for scheme landscaping. Also expected would be the use of native species-rich hedgerows, street trees, swales, plot raingardens, integrated bat roost boxes and integrated bird nesting boxes, and wildflower grassland instead of amenity grassland. Given the low biodiversity value of the site as existing, it would be possible to increase the biodiversity of the site significantly through the above noted enhancement measures.

2.9 Core Path Network

2.9.1 Policies 11 and 20 of NPF4 (2023) and Policies 1 and 13 of FIFEplan shall be taken into consideration when assessing impacts on the Core Path Network and rights of way.

2.9.2 Objection comments have raised concerns regarding how works can be carried out without the closure of the Coastal Path. Objection comments also raise concerns regarding the proposed relocation of the Fife Coastal Path and how this would impact on visual amenity. Any changes to the routing of the Fife Coastal Path/National Cycle Route 76 path would be subject to discussion and agreement with Fife Council/Fife Coast and Countryside Trust (FCCT) and Sustrans (the custodians of the National Cycle Network). These stakeholders will require direct input to the redesign of the route, including construction detail and considerations for climate change resilience, to ensure that changes to be made are both fit for purpose and acceptable to all. Any road or footpath diversions will also require a footpath closure/diversion order under Sections 207 & 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). A condition is also recommended, which requires an access plan to be submitted to provide further details regarding the management of the core path routes. The re-routing of the core path is considered to be a positive outcome which would ensure the continued use of the route, and it would allow for an attractive route along the shoreline for users of the path, whilst integrating the site with the surrounding area.

2.9.3 The proposals are acceptable in regard to the impact on the core path network, subject to final details.

2.10 Affordable Housing

2.10.1 Policies 15 and 16 of NPF4, Policies 1,2 and 4 of the LDP and Fife Council's Supplementary Guidance on Affordable Housing apply. This Supplementary Guidance advises that the affordable housing requirement for the West Fife Villages Local Housing Strategy Area (LHSA), is that 25% of the total number of houses proposed within a housing development should be affordable. FIFEplan Policy 4 sets out exemptions to the requirement for planning contributions. These exemptions apply to a range of different types of sites and types of development. The exemptions support wider Fife Council objectives by encouraging the regeneration and the reuse of existing property, directing development to brownfield sites, encouraging the removal of contamination, re-use of listed buildings, affordable housing sites and specialist housing to meet the needs of students and residents. Fife Council's Planning Obligations Framework Policy sets out that planning contributions will not be sought for the re-

use of derelict land or buildings, brownfield (previously developed land) within a defined settlement (excluding sites currently occupied by operational employment uses, former mine workings and naturalised previously developed land). Given the site is not located within a defined settlement, it would not be exempt from planning contributions.

2.10.2 Objection comments raise concern that the affordable housing contribution proposed does not represent a net gain of 45 homes as stated and the principle already set through 15/03844/PPP establishes 22 affordable homes in the same area as is proposed through this application. The Location Plan and Concept Plan have been revised to take account of the affordable housing development at Fraser Avenue Phase 3 and detailed in planning application 24/01407/FULL. The development must provide 25% of the total units within this site boundary as affordable units, in accordance with the Planning Obligations Framework Guidance. The Affordable Housing requirement for this development would be for 45 affordable units to be provided on site. To meet the affordable housing needs identified within the Dunfermline and Coast Local Housing Strategy Area (LHSA), the affordable housing on this development should be provided as social rented housing. The proposed mix for the affordable housing is:-

- 4 x 2 bed ground floor cottage flat (amenity standard)
- 4 x 2 bed upper floor cottage flat (general needs)
- 15 x 2 bed house
- 8 x 3 bed house
- 4 x 4 bed house
- 2 x 2 bed amenity bungalow
- 1 x 3 bed amenity bungalow
- 2 x 2 bed wheelchair bungalow
- 1 x 3 bed wheelchair bungalow
- 2 x 4 bed house (min 1 bedroom and shower room on ground floor to amenity standard)
- 2 x 5 bed house (min 1 bedroom and shower room on ground floor to amenity standard)

2.10.3 The house types to be provided include 31 general needs units, 14 specific needs units and 3 wheelchair units. The unit size and type are indicative and subject to consultation and agreement with Fife Council Affordable Housing Team. The affordable housing should be fully integrated into the new development and be indistinguishable from the open market housing. The density of the affordable housing should be approximately 30 units per hectare.

2.10.4 Subject to a legal agreement requiring the 25% affordable housing to be provided on the site, the proposals would therefore be acceptable in regards to affordable housing provision.

2.11 Education

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

2.11.2 This site is not included in the Housing Land Audit (HLA) and the development is expected to be completed in 2031. This application site is currently within the catchment areas for Inverkeithing Primary School; St John's Roman Catholic Primary School; Inverkeithing High School; St Columba's Roman Catholic High School and the site is also located within the Dalgety Bay and Inverkeithing local nursery area. Based on the available information at this time, this development is expected to create or contribute to a capacity risk at the schools within the catchment area of the development site.

2.11.3 Fife Council's Education Services has been consulted and advises that they would not object to this planning application, subject to notification of any reviews to the build out rate to monitor development progress and the timing of impact at the schools. There is a capacity risk expected at Inverkeithing Primary School as a result of this development. However, it is expected that Education Services will aim to manage the pupil numbers within the existing capacity by monitoring the school roll and applying the School Admissions Policy, therefore no planning obligations are sought for this application. There is also a capacity risk expected at Inverkeithing High School as a result of this development. However, it is expected that Education Services will endeavour to manage the pupil numbers within the existing capacity by monitoring the school roll and applying the School Admissions Policy, therefore no planning obligations are sought for this application. There is currently no capacity risk expected at the St John's primary school as a result of this development, or at St Columba's Roman Catholic High School. A review of the capacity across the nursery local area has indicated there are sufficient nursery places to accommodate nursery aged pupils from this development. There is currently no capacity risk expected across the Dalgety Bay and Inverkeithing local nursery area.

2.11.4 Education Services may require reviews of the phasing of the development to ensure that the school does not exceed capacity. However, Education Services has no objections to the proposals and has confirmed that it would not impact on the school roll. No mitigation measures are therefore required. A phasing plan is required through condition, so Education will be informed throughout the process of any amendments to the phasing.

2.13 Open Space and Play Areas

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

2.13.2 The site is not identified as an area of protected open space within the LDP and it is not identified as a sports facility. The site is however identified within Making Fife's Places Supplementary Guidance (2018) as providing a Green Network Opportunity, as follows:

"Former Prestonhill Quarry - any development of this area needs to consider the wider context and the intertidal areas SPA designation. Opportunities to enhance the setting and route of the existing Coastal Path and cycle routes and to deliver coastal edge and habitat improvements and better access to the water's edge must be fully considered in the development of any site proposals."

2.13.3 Concerns have been raised by objectors that the development of the site would lead to the loss of pleasant green space, open space and the loss of a valuable water resource used by local diving groups, including loss of income to businesses that rely on the water-filled void. The view has been expressed that safety concerns on the site are a result of poor practice and behaviour and do not represent the majority of people using the site, and the feeling amongst many is that the site has naturally regenerated to such an extent that the quarry should be kept as a place of leisure for the local area and wider Fife residents. Objection comments also raise concern that the proposals would result in the loss of sports facilities.

2.13.4 The Design and Access Statement submitted with the application indicates how Green Network priorities for the development of the site have been key in developing the design strategy through: the provision of a landscaped wide corridor at the end of Preston Crescent where the site begins to create a defined entrance to the coastal path, creating physical and noise buffer space between the development and the existing industrial unit at the eastern boundary; the provision of safe crossings along the site and connection of proposed footways; and the provision of a landscaped corridor along the proposed new link road from Fraser Avenue which will connect

to the Coastal path and provide links to the north part of the site, which then further connects to Letham Hill Wood.

2.13.5 The applicant has indicated that the use of the quarry site is presently unrestricted and unregulated and attempts by Fife Council (in the wake of fatalities at the site) to improve site safety have been met with acts of vandalism to such an extent that it became impossible to maintain those attempts. There is no readily available emergency equipment on hand at the quarry and the Health and Safety Assessment submitted in support of the application highlights areas of significant concern relating to the unsafe condition of the quarry. The applicant indicates that the proposed development looks to enhance the facilities for local residents and visitors by significantly upgrading the condition and safety of the site, making it a more valuable asset in its location adjacent to the Fife Coastal Path, providing viewpoints and local historical interpretation of the cultural heritage through the provision of a new, permanent home for the Beamer Rock Lighthouse, re-establishing its link with the town of Inverkeithing. Shallow ponds are indicated to the north of the site near Fraser Avenue and centrally within the quarry area. These are intended to contribute to green and blue infrastructure, providing safe public recreational space and biodiversity enhancements along with sustainable drainage provision.

2.13.6 With regard to objection comments concerned with the matter of the water-filled quarry void being used as an asset by diving groups, the applicant indicates that the use of the void by divers to date has been unregulated. The applicant indicates that they engaged with the divers in the early stages of the process to establish if they could become part of the proposed development however the applicant formed a view that there was not a sustainable business model on which to base their future involvement.

2.13.7 With regard to the objections stating that this proposal is not a truly "mixed use" proposal and diminishes the opportunity to further enhance a potential tourism asset, the proposed development is demonstrably a mixed use, as can be seen from the description of the development, and there are no alternative live, costed and realistic proposals for the site's redevelopment against which a comparison of relative benefits can be made.

2.13.8 Making Fife's Places Supplementary Guidance (2018) sets out the open space requirements for developments located outwith a 250 metre walking distance of an existing open space are required to provide 60 square metres of open space per dwelling on site. If the development is within a 250 metre walking distance to an area of open space, an alternative financial contribution towards existing open space is required. The open space provided should be able to accommodate informal activities such as play, walking, sitting, picnics, communal gardening, informal sports and recreation. Making Fife's Places Supplementary Guidance (2018) states that open space needs to be usable space. It will generally be green in character with a significant proportion of soft landscaping although it can include elements of hard landscaped public spaces such as squares and plazas or people friendly (very low traffic) streets and courts. Some elements of SuDS may also be included as part of the open space requirement if they are fully accessible. Open space is space designed for people to undertake recreational activity. This will generally be informal activity such as play, walking, sitting, picnics, communal gardening, social/community gatherings, informal sports and recreation. Open spaces should have paths and routes passing through them but narrow, connecting greenways and corridors should not be included as part of the open space requirement. Amenity planting and structural landscaping would only be included as part of the open space if it is accessible for people to pass through it (such as paths through a woodland). Small areas of greenspace which have limited usage will not be included as part of the open space requirement. Play facilities should also be provided on site.

2.13.9 Overall, it is considered that the applicant has demonstrated, through the Design and Access Statement provided with the application, appropriate consideration of the requirements for green infrastructure and open space to a level commensurate with a PPP application and the proposal therefore complies with the Development Plan and other relevant guidance in this regard.

2.14 Public Art

2.14.1 Policy 14 and 31 of NPF4, Policies 1, 4 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply.

2.14.2 It is proposed to reconstruct the historic Beamer Lighthouse in a prominent and public location within the new development as a public art element. The lighthouse will provide contextual robustness and distinctiveness to the site. Interpretive signage would be installed to inform walkers of this unique structure that will create a feature point for this section of the coastal path. It is likely that the proposed rebuilding and placement of the Beamer Rock lighthouse, as a point of historic interest and interpretation on the Fife Coastal Footpath, would fulfil the obligation in that particular context. No further details regarding the proposed public art have been provided, therefore a condition is recommended regarding this matter, and the submitted details should demonstrate how it has incorporated public art into the overall development with the cost of the public art equating to £300 per dwellinghouse as per the requirement contained within Making Fife's Place's. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect. Queries have been raised as to the ownership and location of the Beamer Lighthouse. The applicant has advised that they are aware of the location of the lighthouse, and are in discussions with people who have the lighthouse in storage at the moment. For a PPP application, enough information has been provided in regards to public art and, should the lighthouse not be available for any reason, a further public art strategy would need to be provided and would be fully assessed at the detailed application stage, should this application be approved by Members.

2.14.3 This matter can be considered further at the detailed planning application stage if the application was approved and therefore, at this stage, it is considered that the development would not be in conflict with the Development Plan or Supplementary Guidance in this regard

2.15 Strategic Transport Interventions

2.15.1 Policy 13 of NPF4, and Policies 1 and 4 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply

2.15.2 In accordance with the approved FIFEplan Planning Obligations Framework Supplementary Guidance 2017, the proposed development shall contribute towards the strategic transportation intervention measures identified in the Local Plan (both the adopted and proposed) and SG (Figure 5). The application site lies within the Dunfermline Intermediate Zone (Figure 4) and shall contribute £2,428 per dwelling, excluding affordable housing, to the transport fund (Figure 3). The strategic transportation intervention measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations. The proposed development site has not been included within the FIFEplan Transport Appraisal. Notwithstanding, the trips generated by the proposed development contribute towards the requirement for the transportation intervention measures identified within the proposed Local Plan and the SG. The monies collected would be utilised to deliver the Dunfermline and Rosyth

measures identified within Figure 5 of the Planning Obligations Framework Supplementary Guidance 2017.

2.16 Other Infrastructure Considerations

2.16.1 Objection comments received set out concerns that the development would have an adverse impact on, and would not contribute towards, infrastructure such as health care including hospitals, dentists and GPs. Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The Circular requires that planning obligations meet the five tests as set out within paragraphs 14 – 25 of the Circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects. Policy 18 (Infrastructure First) of NPF4 states that development proposals which provide (or contribute to) infrastructure in line with that identified in LDPs will be supported. This policy further requires that the impacts of development proposals on infrastructure should be mitigated. Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure.

2.16.2 Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use of employment land or leisure site, will be exempt from these obligations if they are for the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement boundary. Fife Council's Planning Obligations Framework Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply, and how methodologies will be applied when considering the impacts, a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art, and employment land.

2.16.3 The Planning Obligations Framework Guidance advises that planning obligations will not be sought for the construction of residential development of fewer than ten houses, Town Centre redevelopment, listed building conversions, brownfield sites (previously developed land), rehabilitation of contaminated land (excluding mine workings) within a defined settlement or changes of use. The Planning Obligations Framework Guidance advises that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required. Previously developed land is defined within the Planning Obligations Framework Guidance as land or site that have previously been developed and this could include vacant or derelict sites, infill sites, land occupied by redundant or unused buildings and employment land which is not in operational use.

2.16.4 In response to the representations received from members of the public regarding the impact of the development on healthcare services locally, this is not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practices business case to expand services where required

to meet additional demand. The funding of healthcare is an issue for central government. GP practices are often run as individual businesses who make a business case to expand and establish the practices if they seek to do so. This remains a matter that is closely monitored, and Council officers periodically liaise with those from NHS Fife during the Local Development Plan implementation or review process and will continue to consult NHS Fife in relation to large-scale or significant development proposals that could potentially impact on healthcare service provision. NHS Fife were consulted as part of a wider discussion with NHS Fife on development within Fife. NHS Fife were consulted specifically on this application and did not respond to a consultation request for their comments.

2.16.5 Planning contributions can be taken without specific mitigation being identified and costed. In line with Circular 3/2012 the developer can only pay what is directly attributed as their impact. This has not been specified for this application. Moving forward, the Planning Authority will be requesting that NHS Fife set out an overall strategy for expanding their estate to deal with any capacity constraints and outline the cost of this and how this should be attributed to developments. This would be positioned within any revision of the Planning Obligations Supplementary Guidance. Without this information and the policy support, no contribution can be taken for this development for healthcare services, and this would be the same for shops. All other infrastructure that the development would be expected to contribute towards is set out above.

2.17 Community Plans

2.17.1 Community plans (including the Inverkeithing Neighbourhood Plan) are also a material consideration.

2.17.2 Fife Council's Community Plan, Plan for Fife 2017 – 2027 (2019) sets out a vision for Fife with priority themes of Opportunities for All, Thriving Places, Inclusive Growth and Jobs and Community Led Services. Under the theme of Thriving Places, the ambition includes 'Our thriving places will be places where people feel they belong to their community, enjoy their environment and have access to high quality open spaces; good, affordable housing; and community facilities.' (Fife Council, Plan for Fife 2019, page 17).

2.17.3 A Local Community Plan was prepared for the South and West Fife Area, reflecting the four main priorities of the Plan for Fife. The Plan for South and West Fife 2019-2022 highlights the attractions, assets and opportunities in the area and future challenges. The vision for the South and West Fife Area is: 'We want South West Fife to be a place where residents are proud to say they live there, where tourists are keen to visit, and businesses want to invest in and grow. This means creating an area that people enjoy living in, with good access to services, amenities and opportunities to prosper. We want to make best use of our assets and facilities, our natural heritage, and the great potential that we have in the community spirit that exists within the area.' Delivering the 'Vision' for south west Fife is supported by several topic specific plans, including in relation to outdoor recreation, health, affordable housing, tourism, employment and training opportunities and the economy.

2.17.4 Local community planning for the Inverkeithing area included the preparation of the Inverkeithing Spatial Masterplan (Fife Council/AECOM 2019) that established a shared vision for the community and a basis for investment and community decision making. The masterplan was developed as part of a community design 'charrette', to establish priorities for Inverkeithing and an action plan to progress their implementation. The community engagement identified actions for the short, medium, and longer term. The spatial masterplan identifies 5 co-ordinating programmes to deliver the community vision. These have been taken forward in the

Neighbourhood Plan for Inverkeithing, 'Imagine Inverkeithing' under the themes of 'Promote the Coastal Edge', 'Pride in the Past', 'Legible Links', 'Bring Nature In' and 'Town-wide Strategies'.

2.17.5 Objection comments raise concern that Inverkeithing Neighbourhood Plan supports the improvement of the physical and mental wellbeing in the community through leisure and recreation activities as well as 'bringing nature in' which this proposal would not do. Objection comments raise concern that Prestonhill and the Quarry would be an important area for protection that the community would wish to include in its Local Place Plan for Inverkeithing.

2.17.6 The applicant believes that there is considerable opportunity for developers of the quarry site to be active delivery partners in achieving these project goals and that this application can enable the outcomes referred to in the Neighbourhood Plan. The Reporter, in considering the appeal of the earlier application, specifically referred to the 'Inverkeithing Spatial Master Plan 2019' as a material consideration in the determination of the application. The Reporter noted that the Plan identifies 'the setting of Inverkeithing Bay, the coastal edge, and the wooded braes of Letham Wood' as assets valued by the community and notes that the proposal 'could help deliver some of the projects listed in the spatial master plan.'

2.17.7 Inverkeithing now has a Local Place Plan (LPP) (June, 2024), in place produced by members of Inverkeithing Community Council, working with key stakeholders including Inverkeithing Trust and elected Councillors to consult the community and to write and prepare the Plan. Members of the community were consulted on various sites within Inverkeithing, including the Prestonhill Quarry site. The LPP sets out that 'private housing developments, excluding small scale development such as single plots or infill sites, should be limited to brownfield land where housing would bring about the redevelopment of vacant and derelict land' but also goes on to say that 'All housing developments should be restricted to within the existing settlement boundary'. Whilst this proposal would bring about the redevelopment of vacant and derelict land, it would not be within the existing settlement boundary. The LPP sets out that 'Prestonhill and associated Quarry area should be safeguarded and designated as Green Belt land. The only development that would be accepted would be for the primary purpose of advancing leisure activities, promoting access to recreation and the countryside and for promoting biodiversity'. It sets out that NPF4 Policies 20 and 3 support this proposal, as it would contribute to the enhancement of biodiversity and protect and enhance green infrastructure and networks.

2.17.8 It is clear from the local community plans presented in the past and in the current Local Place Plan, that the community see Prestonhill Quarry as an opportunity for leisure and recreation space and do not see housing and holiday accommodation as one of the opportunities for development on this site. The proposals would therefore not align with the Local Place Plan for Inverkeithing.

2.17.9 Overall, the re-development of Prestonhill Quarry can provide significant benefits, both for the community and visitors. The Committee Report on the earlier application, in reference to the improvement ideas proposed by the community, highlighted that 'None of the proposals/ideas contained in the Spatial Plan were costed or had the support of developer financial backing; rather, the Plan built on the improvement work carried out during the redevelopment of the Fraser Avenue housing stock and aimed at establishing a general direction of travel towards improvements in the wider area. Possible improvements put forward included a putting-green, an amphitheatre for public events, more restaurants and family friendly pubs, art murals, better sports facilities, a dry ski slope, a river taxi/ferry, practice room for musicians, public Wi-fi and a large supermarket.' The Committee Report for the earlier application also notes that 'Local residents also wanted greater recognition of the town's history and industrial past and were keen to promote the re-use of former industrial sites as places for people.' This in-principle planning application can address these aspirations – with the quarry re-development proposal including the re-use of

the conveyor structure to form a pier for passenger boats and a bistro/café also proposed within the site. It provides a foundation for future detailed proposals that will promote the heritage of Inverkeithing and its quarrying/port history in this location – including through its public art and within the design and layout of buildings and open space. There is also opportunity to achieve more in relation to these improvements, with the potential for the open space within the Prestonhill Quarry future development to provide sports/recreational space and facilities, including enhancement of the Coastal Path and surrounding green network. The Spatial Masterplan makes detailed reference to elements of the project areas identified in the community exercise. Several of these make specific reference to Prestonhill Quarry, with others having clear potential to link into the proposal. For example, in relation to the project identified for 'Fife Coastal Path Enhancement', opportunities and aims include: 'A new 'gateway' feature to the Inverkeithing section of the route, potentially at Jamestown and near Prestonhill Quarry. This feature must have a prominent spatial location and could reference assets of the town most valued by the community, the town's industrial past of historic significance' and 'Unique points of interest, for example a viewing platform at the pier to the south of Prestonhill Quarry, looking across the Firth of Forth to the distant Edinburgh skyline.' There would also be opportunity to facilitate the aims identified for the 'Urban to Coast Connection' and for the 'Green Infrastructure Strategy'.

2.17.10 Whilst the aspirations of the community are recognised within the Local Place Plan, the community plans including the Local Place Plan, does not form part of the Local Development Plan at this point. When LDP 2 comes forward in future, it will recognise Local Place Plans and incorporate them into the LDP where possible. However, greater weight is given to the Local Development Plan which comprises NPF4 (2023) and FIFEplan (2017).

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

2.18.1 Policies 1, 2 and 19 of NPF4, Policies 1 and 11 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.18.2 A Low Carbon Checklist and Energy Statement of Intention has been submitted with the application. The Low Carbon Checklist confirms that proposed refuse bin collection points will be available within the site and sets out that the domestic waste will be separated and treated as required by Fife Council. The submission advises that bin storage facilities would be accommodated within each house plot as per the council's standards. The Energy Statement sets out that renewable technologies would be used throughout the site, including roof mounted PV panels, low carbon dMEV fans and air source heat pumps. Local contractors would be utilised, and materials would be sourced from Fife as first choice with Scotland being second choice. Toilets would be fitted with dual flush cisterns, low-flow taps to basins, and aerated shower heads to showers, which would reduce water consumption. In terms of sustainability, the site is in a well-connected area, with connections to Edinburgh and Fife, with sustainable options including rail and bus. This is all outlined within the sustainability section of this report. Given the site is further than 1km from a district heat network, there would be no option to connect to a district heat network in this instance.

2.18.3 Sufficient information has been submitted to demonstrate that the proposal could incorporate energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. Conditions are also recommended requiring that full details of all proposed energy generating technologies and measures are submitted with any detailed applications in future. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

TDM, Planning Services	No objections, subject to conditions.
Parks Development And Countryside	No response.
Scottish Environment Protection Agency	No objections, subject to conditions.
Community Council	Objection. The issues raised previously have not been addressed.
NatureScot	No objections.
NHS Fife	No response.
Parks Development And Countryside - Rights Of Way/Access	No objections.
Archaeology Team, Planning Services	No objections.
Built Heritage, Planning Services	No objections, subject to conditions.
Strategic Policy And Tourism	No response.
Business And Employability	No comments.
Natural Heritage, 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.
Education (Directorate)	No objections.
Housing And Neighbourhood Services	No objections, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	Conditions recommended.
Environmental Health (Public Protection)	No objections, subject to conditions.
Historic Environment Scotland	No comments.
Scottish Water	No objections.
RSPB	No response.

4.0 Representation Summary

4.1 5 support comments, one general comment (which contains negative comments within it so has been counted as an objection comment) and 113 objections have been received. Comments are summarised below.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Concerns with current sewage system. Further pressure will be placed on the pump station which will not cope.	2.6
b. No change to previous proposal	1.2
c. The development is in the countryside and contrary to FIFEplan (2017) Policies 7 and 8	2.2
d. Loss of open space and green networks	2.13
e. Impact on road safety. Potential new residents will use all access routes available, including via Commercial Road to Preston Crescent. There are cars parked on the streets which would create road safety issues and increase in traffic volumes would also create road safety issues.	2.5
f. The quarry cliffs have not been adequately assessed for bats	2.8
g. There is no housing shortfall	2.2
h. Amenity impact from construction, including blasting impacts	2.4
i. Visual impact, particularly from the coastal path and resulting in coalescence between Inverkeithing and Dalgety Bay	2.3
j. Loss of sports facilities and diver training facilities	2.13
k. The developer proposes to widen the footpath on the existing C-listed (18th century) bridge over the Keithing Burn. This does not consider the existing heavy traffic.	2.5
l. Overlooking to Preston Terrace and Preston Crescent	2.4
m. Loss of light	2.4
n. The affordable housing contribution proposed does not represent a net gain of 45 homes as stated. The principle already set through 15/03844/PPP establishes 22 affordable homes in the same area	2.10

o. Inverkeithing Neighbourhood Plan supports the improvement of the physical and mental wellbeing in the community through leisure and recreation activities as well as 'bringing nature in'	2.17
p. The site is shown to be at risk of coastal erosion in the future	2.6
q. Impact on protected species has not been thoroughly assessed	2.8
r. Concern that the proposals would exacerbate existing flooding issues at Preston Crescent	2.6
s. The issue of anti-social behaviour should be addressed by the landowner through appropriate security measures and this is not a material planning consideration.	2.2.25
t. Prestonhill and the Quarry would be an important area for protection that the community would wish to include in its Local Place Plan for Inverkeithing	2.17
u. Queries regarding how works can be carried out without the closure of the Coastal Path	2.9
v. Impact on local fauna and aquatic species has not been assessed	2.8
w. Nothing has changed since the original application as refused, and the submitted information does not warrant overturning the previous decision to refuse permission	1.2.8
x. No geological investigation of the blasting site has been undertaken.	2.4
y. There has been no contact from the developer to the community since the application was refused by the Reporter	1.4.3
z. This application should not have been free of charge	1.4.10
aa. Impact on Letham Woods	2.8
bb. The leisure centres, medical practices and shops in the neighbourhood are not fit for this increase of population.	2.16
cc. Would adversely affect the historic town	2.3
dd. Would deteriorate footpaths due to additional footfall and increase the use of shortcuts	2.5
ee. SUDS is too small and will not be able to cope with groundwater	2.6
ff. Moving the core path will have an unacceptable visual impact	2.9

4.2.2 Support Comments

Issue

a. Would like to see the area developed	2.2.6
b. Safety concerns due to steep rock faces and deep water	2.2.27
c. The quarry attracts antisocial behaviour and is used as a dump	2.2.27
d. Using a previously used site is better than losing greenfield land	2.2.6

4.2.3 Other Concerns Expressed

Issue

a. Contest DDR's statement that 96% of local residents support their proposals. This figure is based upon the numbers of local residents who did not reply at the consultation stage. Over 80% of those who did reply were against the proposals.

b. Uncertainty around using sea transportation and government grants to remove waste material. No indication has been given for alternative means of disposal should government grants not be forthcoming.

c. Questions around the accuracy of the ecologists work on another site in the past.

d. The applicant (and it could be suggested that the planning dept) is attempting to use the festive holiday period to their advantage. postal strikes and festive holidays would appear to have exacerbated this as I received a letter in the post today 28th December which was dated 15th December. At very least it would be appropriate to extend the window for public comments in order to compensate for time lost due to postal delays.

e. The old mill should be developed instead, the development should be a non-profit project where any gains are reinvested into the community, and the area should be converted into a safe communal swimming area.

f. Inverkeithing, Dalgety Bay and Hillend residents are against the development

g. Queries regarding how the movement of materials via water can be carried out, given no operational pier exists within the site boundary

Comment

Not relevant to the assessment of this planning application. Representations including objections have been fully considered in the assessment of this planning application.

This application is for planning permission in principle only, and detailed matters would be addressed at the detailed stage.

This is not a material planning consideration. The ecology reports have been carried out by a suitably qualified ecologist and reviewed by suitably qualified experts.

The Planning Authority cannot control when a planning application is submitted to them for consideration and the public was given more than the statutory period of time to comment.

The Planning Authority must assess the application that is before them, so this is not a matter that is materially relevant to this planning application.

Formal objection comments have been reviewed from residents who are against the development.

Not material to this planning application.

5.0 Conclusions

The proposals address the concerns raised by the Reporter within the previous appeal decision in regard to visual impact, impact on protected species, how the development would meet the six qualities of successful places, and how the quarrying and site engineering works would likely impact on residential amenity. The proposal would result in the redevelopment of a long-standing, vacant and derelict, predominantly brownfield site which has longstanding issues of safety from misuse and a misunderstanding of the dangers of the site. The proposed redevelopment of Prestonhill Quarry represents a significant opportunity to address long-standing public safety concerns while delivering meaningful regeneration of a prominent derelict site. The application aligns with the strategic objectives of National Planning Framework 4 (NPF4), particularly in relation to the reuse of brownfield land, enhancing public safety, and contributing to sustainable placemaking. The proposal would comply with NPF4 Policy 9 and 17 in regard to development in the countryside as it would successfully redevelop a brownfield site, outwith but adjacent to the settlement boundary whilst taking into account the biodiversity of the site and whether the site will re-naturalise. The site is located within a sustainable location, immediately adjacent and connected to the surrounding town of Inverkeithing and would be well connected to the immediate and extended surrounding area with various sustainable transport options available, including bus, rail and footpath connections readily available, thus fulfilling the overall aims of NPF4 in relation to sustainable transport (Policy 13) and the wider overarching aim of addressing the climate and nature crisis (Policy 1). The proposals are in principle at this stage but it has been demonstrated that it can provide biodiversity enhancement on the site through landscaping and the provision of other biodiversity enhancement measures, whilst the proposals would not adversely impact on any high value biodiversity on the existing site. On balance, proposals would bring a vacant site into use, within a sustainable location, to the benefit of the surrounding community and without detriment in regard to amenity, impact on natural heritage, visual impact and impact on infrastructure which can all be mitigated or addressed through the submission of further detail at the detailed application stage.

6.0 Recommendation

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

- A. The conclusion of a legal agreement to secure;
 - 25% of the total units on site to be provided as affordable housing as per the definition contained within Fife Council's Affordable Housing Supplementary Guidance (2018);
 - a financial contribution of £2,428 per market dwelling unit to the Dunfermline Strategic Transport Infrastructure Measures in line with the adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017)
 - delivery of public art on the site of a value at least equivalent to
 - o £300 per residential unit;
 - o £10 per square metre of leisure floorspace
 - o £10 per square metre of retail floorspace

In line with Making Fife's Places Supplementary Guidance (2018)

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

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

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 the matters of the development (Approval of Matters Required by Condition) as set out below shall be submitted for the requisite approval of this Planning Authority;

- (a) engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination;
- (b) the construction of residential development and associated infrastructure, including road/pedestrian access, internal roads and footpaths, open space and play provision;
- (c) the construction of holiday lodges and associated infrastructure, including road/pedestrian access;
- (d) the construction of a café/bistro and associated infrastructure, including road/pedestrian access;
- (e) the construction of SUDS facilities and flood attenuation including all associated engineering works;
- (f) improvements to the Fife Coastal Path, cycleways and footpath networks incorporated within/adjacent to the development site;
- (g) improvements to/upgrading of any disused piers/jetties on the development site;
- (h) proposals to erect the Beamer Rock Lighthouse within the development site, including any associated infrastructure required;
- (i) an updated Masterplan for the development of the site;
- (j) a Development Brief for each phase of development, showing how each phase complies with the latest version of the Masterplan and the approved Design and Access Statement and how each phase incorporates the mitigation measures set out within the approved Visual Impact Assessment including the timing of the delivery of each mitigation measure; and
- (k) an Infrastructure Delivery Plan.

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

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

3. The first application for Approval of Matters Specified by Condition submitted under the terms of Condition 2 shall be submitted for the written permission of this Planning Authority with the following supporting documents, unless otherwise agreed in writing by the parties:-

- (a) a Masterplan detailing all development on the site, as defined by condition 10;
- (b) an updated Landscape and Visual Impact Assessment, as defined by condition 25;
- (c) a Biodiversity Action and Enhancement Plan, as defined by condition 14;
- (d) an updated Noise Assessment, as defined by condition 27;
- (e) an updated Air Quality Assessment with mitigation as defined by conditions 30 and 31;
- (f) a Construction Environment Management Plan (CEMP), as defined by condition 24;
- (g) a Construction Traffic Management Plan (CTMP), as defined by condition 26; and
- (h) an Infrastructure Delivery Plan, as defined by conditions 11, 12 and 13.

All Matters Specified By Condition applications shall be submitted in accordance with the details approved through the assessments approved through this condition.

Reason: To provide guiding principles for future applications.

4. Every application for Approval of Matters Specified by Condition submitted under the terms of Condition 2 shall be submitted for the written permission of this Planning Authority with the following supporting information, unless otherwise agreed in writing between the parties, each acting reasonably, and this shall include, where relevant: -

- (a) A location plan of all the existing site to be developed to a scale of not less than 1:2500, showing generally the site, existing contours, any existing trees, hedges and walls (or other boundary markers);
- (b) A detailed plan of not less than 1:1250 showing any previous phases of development and how this application relates to that development;
- (c) A detailed plan to a scale of not less than 1:500 showing the current site contours, the position and width of all proposed roads and footpaths including public access provision and accesses.
- (d) Detailed plans, sections, proposed contours and elevations of all development proposed to be constructed on the site, together with details of the colour and type of materials to be used;
- (e) Details of boundary treatment;
- (f) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. This shall also include details of strategic landscaping associated with that phase of development;
- (g) Details of the future management and aftercare of the proposed landscaping and planting;
- (h) A Design and Access Statement including an explanation in full how the details of the application comply with the Masterplan, relevant Development Brief, Infrastructure Delivery Plan, Environmental reports and any of the strategies required in conditions 1 and 2 and shall provide a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2018);
- (i) Site Sections (existing and proposed);
- (j) Details of land regrading and retaining walls;
- (k) Biodiversity Action and Enhancement Plan for that phase;
- (l) Updated Ecological surveys;

- (m) Updated landscape and visual appraisal with the detail of the development (including photomontages);
- (n) The contractors' site facilities including storage, parking provision and areas for the storage of topsoil and subsoil;
- (o) A sustainability statement;
- (p) Noise and Vibration Assessment on development from existing and future sources of noise and impact of construction process on existing properties.
- (q) A Drainage Strategy with validation certificates;
- (r) Site investigation and remediation strategy in accordance with the agreed Strategy for Site Investigation;
- (s) Air Quality Assessment;
- (t) Construction Traffic Management Plan (including details of wheel washing facilities);
- (u) Updated Flood Risk Assessment with mitigation
- (v) Construction Environmental Management Plan;
- (w) Maintenance details of SUDS, coastal protection measures, water courses, drains, culverts, open space and play areas;
- (x) Tree surveys of any trees to be removed and tree protection measures for trees being retained.
- (y) An Integrated Site Management Plan for long term management and protection of created habitats; and
- (z) Transportation Statement.
- (aa) An energy statement and low carbon checklist

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

5. Every Application for Approval of Matters Specified by Condition submitted under the terms of Condition 2(a) shall be submitted with the relevant details as required by condition 4 and the following details and supporting information, unless otherwise agreed in writing between the parties, each acting reasonably: -

- (a) Details of the intended methodology to ameliorate existing sources of hazard from the quarry, including de-watering, clearing-out and infilling the quarry void, removing the potential for rock fall from weathered quarry faces;
- (b) Details of the duration and frequency of mineral working, including proposed hours of operation, required in pursuit of condition 5(a);
- (c) Details of the proposed frequency and timing, of any blasting required at the quarry in pursuit of condition 5(a);
- (d) Details of access arrangements for construction traffic required in pursuit of condition 5(a);
- (e) Details of the amount of material to be moved within/won at the quarry in pursuit of condition 5(a), specifying the percentages of material to be used for: infilling the quarry void; regrading the quarry faces to create development platforms; and to be stockpiled for later use as construction materials in the development hereby approved in principle;
- (f) Updated noise and vibration assessments (separate from the general noise and vibration assessments covering the development as a whole as indicated in conditions 28 and 31) covering all elements of the engineering operations required in pursuit of condition 5(a).

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

6. Every Application for Approval of Matters Specified by Condition submitted under the terms of Condition 2(b) shall be submitted with the relevant details as required by condition 4 and the following details and supporting information, unless agreed otherwise in writing between the parties, each acting reasonably: -

- (a) Details of the intended methodology and delivery of the on-site Affordable Housing, including tenure;
- (b) A statement indicating the aggregate number of housing units already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission, split into open market units and affordable units;
- (c) Details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Detailed plans of open space provision and play provision associated with this residential area with 60 square metres of open space provided per residential unit expected to be delivered in the site or shown to be delivered elsewhere;
- (e) Noise and vibration assessment covering any approved or existing significant noise generating land uses. The development shall comply with the noise assessment carried out for the development unless updated noise assessments justify otherwise.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

7. Every Application for Approval of Matters Specified by Condition submitted under the terms of Conditions 2(c) and 2(d) shall be submitted with the relevant details required by condition 3 and the following details and supporting information, unless agreed otherwise in writing between the parties, each acting reasonably: -

- (a) A statement indicating the aggregate gross floor space of the land use being applied for and already approved through previous Approval of Matters Specified by Condition applications across the whole site at the time of submission;
- (b) Where relevant a noise assessment and mitigation for the impact on existing residential properties and future residential areas set out within the Masterplan;
- (c) Where relevant the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Where relevant the details of plant and machinery including the mechanical ventilation and noise output information;
- (e) A retail or leisure impact assessment when considered necessary. Any application for retail or leisure which individually or cumulatively with previous applications for retail or leisure on the overall site would equate to a total gross floor area of 2000sqm shall be accompanied by a sequential approach assessment and a retail or leisure impact assessment. A retail or leisure impact assessment may also be requested for smaller applications when considered necessary by the planning authority.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

8. If any of the information required within conditions 4, 5 and 6 was submitted and subsequently approved as part of a previous application and is still relevant, then a statement setting out this detail can be submitted in lieu of a full package of information. This statement shall provide sufficient information to allow the planning authority to easily identify the information in the other planning applications.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

9. The development shall be carried out in accordance with the terms of the environmental reports and any mitigation measures contained therein shall be incorporated into any further applications submitted under condition 2 above.

Reason: To ensure the development progresses in accordance with the terms of the environmental reports which form part of the application proposals.

10. The Masterplan required by condition 3(a) shall be submitted for the written approval of Fife Council. This shall include an updated Design Statement.

Reason: To create a single Masterplan document which encompasses all the key principles for the site.

11. THE FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2 SHALL BE/ OR BE ACCOMPANIED BY an Infrastructure Delivery Plan in accordance with condition 3(h) for the prior written approval of Fife Council as planning authority. This shall divide the Masterplan area into phased development zones to confirm the phasing of the delivery of infrastructure within each of those zones and across the whole site. The plan shall include the general location and timing of delivery of the following matters within each zone:

- a) Green infrastructure;
- b) Number of units within each area/ phase (including affordable housing)
- c) Public art (overall theme);
- d) Strategic landscaping;
- e) Advance planting;
- f) Details of existing assets for retention such as trees, hedgerow, walls;
- g) Biodiversity Action and Enhancement Plan mitigation;
- h) Temporary and permanent safe routes to school;
- i) Delivery of SUDS;
- j) Strategy and commitment to the Flood Risk measures identified within the Flood Risk Assessment including retention of overland flow routes;

- k) Design details of proposed embankments and retaining walls set back from the current coastal edge, based upon a detailed assessment of potential future coastal erosion, using all available data at the final application/removal of conditions stage (including the latest Dynamic Coast Projections, and a review of all available historic maps and historic aerial images);
- l) Hierarchy of Open Space and delivery;
- m) Woodland management and improvement;
- n) Direction of build;
- o) Strategy for mineral extraction storage and re-use, and land clearance in advance of development;
- p) Strategy for retaining access to Rights of Way, Core Paths and the National Cycle Route during construction;
- q) Strategy for timings and delivery of upgrades to Rights of Way and Core Paths; and
- r) Site Investigation Strategy.

The timing of the delivery of each matter shall be associated to the phasing and completion of any triggers associated with the neighbouring development within that zone. Updates to the Infrastructure Delivery Plan can be made through the submission for the written approval of Fife Council as planning authority of an amended Infrastructure Delivery Plan under the terms of this condition but the Council, reserves the right to request a new planning application through condition 2(k) in the event that the change to the Infrastructure Delivery Plan requires significant assessment or consultation.

Thereafter all applications for Matters Specified By Condition 2 shall reflect the details approved through this condition where directly relevant to that further application.

Reason: To set out in one document the delivery of the site infrastructure within development zones to ensure these areas are delivered in the interest of amenity, landscape impact and natural heritage.

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

- a) Character/ design themes, concepts, styles for the phase which comply with the approved Design and Access Statement;
- b) Identification of character areas (in accordance with the approved Design and Access Statement), sensitive locations and constraints;
- c) Set the design criteria for the character areas (in accordance with the approved Design and Access Statement);
- d) Indicative heights of buildings;
- e) Hierarchy of streets and footpath network;
- f) Play area locations, form and age groups (including timescale for delivery);
- g) Final public art theme for phase including locations, contribution level and delivery;
- h) Biodiversity enhancement locations and delivery;

- i) Strategic landscaping and advanced planting;
- j) Enhanced detailing locations including boundary treatment, gables and elevations;
- k) Bus route infrastructure (including timescale for delivery);
- l) Internal and external footpath and vehicular connections including the connections to the existing settlement;
- m) Hierarchy of open space.
- n) Temporary and permanent safe routes to school;
- o) Connections to the countryside
- p) Strategy for integrating new development with existing residential properties;
- q) Existing topography, gradients and landscape features;
- r) Design solution for the topography, gradients and landscape feature;
- s) Delivery of upgrades or re-routing Rights of Way and Core Paths;
- t) Potential noise mitigation locations; and
- u) Phasing for installation of ultrafast broadband.

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

The timing of the delivery of each matter shall be associated to the phasing and completion of any triggers associated with the neighbouring development within that zone. Updates to the Development Brief can be made through the submission for the written approval of Fife Council as planning authority of an amended Development Brief under the terms of this condition but the Council reserves the right to request a new planning application through condition 2(j) in the event that the change to the Development Brief requires significant assessment or consultation. Development Brief requires significant assessment or consultation.

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

13. The Infrastructure Delivery Plan and Development Briefs received through conditions 11 and 12 shall provide the following detail:

- The provision of the Green network shall be delivered concurrently with adjacent land parcels.
- The Infrastructure Delivery Plan shall include details of enhancement, improvement and management to the woodlands within the site.
- Access to the Core Paths, Rights of Way and National Cycle Route shall be retained during the construction period and thereafter unless otherwise agreed in writing with Fife Council as planning authority. The likely need for temporary closure or diversion shall be detailed within the Infrastructure Delivery Plan and associated Development Briefs. An alternative route shall be provided for temporary closures. The existing alignment of these routes are not necessarily fixed, and consideration should be given to providing alternatives where there is the potential conflict with vehicles if they are currently routed on private driveways.

Reason: To confirm the detail required within the Infrastructure Delivery Plan and Development Briefs to ensure the delivery of the Masterplan.

14. The Biodiversity Action and Enhancement Plan required as part of condition 3(c) shall be informed by updated survey work including bat, badger, otter and great crested newt and shall include the following details:

- Mitigation measures identified through the updated ecological survey work;
- Mitigation measures identified within the Environmental reports;
- Species Protection Plans taking into account the above;
- Bat Mitigation Plan including provision of Bat boxes and protection of foraging routes during construction;
- Nestbox scheme for breeding birds identified at risk within the Environmental reports;
- Biodiversity enhancements identified within the Environmental reports. The measures identified should not be considered exhaustive and further enhancement shall be considered;
- Planting of species rich vegetation;
- Use of wetland SUDS/ Blue Space Plan;
- Treatment of invasive species;
- 6m buffer to water courses;
- Woodland Management and Enhancement strategy.

Such measures can be implemented off site if this is considered acceptable by Fife Council as planning authority and can be secured by appropriate means. Delivery of these measures shall be detailed within the Infrastructure Delivery Plan and relevant Development Brief with subsequent planning applications. The Biodiversity Action and Enhancement Plan required for each site under condition 4(k) shall specify the measures for that site and can propose further enhancements over and above those identified with the more strategic documents.

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

15. The updated ecological survey required by conditions 4(l) and condition 14 shall include bat surveys of the trees within the site which are proposed for removal, trees for retention and trees neighbouring the site. The surveys shall also include updated surveys for badger, otter and great crested newt, to be carried out within the 6 months prior to work starting on site.

Reason: To avoid any significant impact on the ecology within the site in accordance with the environmental reports which form part of the application proposals.

16. No land or vegetation clearance shall occur prior to the written approval of the Infrastructure Delivery Plan and the strategy for land clearance (11n) within it. The strategy for land clearance shall provide a strategy for land clearance within the site and this shall limit land clearance to pods of development that have applications or require engineering works far in advance of development. Areas of land should not be cleared of vegetation well in advance of development unless necessary. This is to avoid significant landscape impact. Land clearance shall not occur in any subsequent phase unless the previous phase of development is substantially complete. The Strategy shall propose a notification system, whereby the developer shall notify Fife Council

as planning authority of any advanced land clearance with any mitigation or on the substantial completion of a phase, and this shall be considered by Fife Council as planning authority and confirmation shall be given by Fife Council as planning authority that the land clearance can occur or give agreement that the phase has been complete. Only on receipt of this confirmation can land clearance occur.

Reason: In the interests of protecting the rural environment and landscape until development proceeds and mitigation is provided.

17. Written notification shall be submitted to Fife Council as planning authority of the intended date of commencement of engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination. Thereafter, development should not commence until this notification has been acknowledged by Fife Council as planning authority and all engineering operations so included herewith shall cease no later than 24 months from the date of commencement. No new housing or leisure development shall be occupied until all engineering operations so included herewith are complete.

Reason: To afford the Planning Authority adequate control of mineral working and site preparation works and to protect residential amenity.

18. Where relevant, applications for Approval of Matters Specified by Condition 2 shall incorporate the following design requirements:

- (a) Access driveways at a gradient not exceeding 1 in 10 (10%) with appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation. These shall not exceed 5m in width;
- (b) Visibility splays of 2.4m x 25m being provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access with Fraser Avenue;
- (c) Visibility splays of 2.4m x 25m being provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal junctions of prospectively adoptable roads in accordance with the current Fife Council Transportation Development Guidelines;
- (d) All roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development;
- (e) Off street parking, including cycle and visitor parking spaces, being provided in accordance with the current Fife Council Parking Standards contained within Making Fife's Places SG and the current Fife Council Transportation Development Guidelines (Appendix G);
- (f) Garages adjacent to dwelling houses located at least six metres from the road boundary and all driveways in front of dwellings having a minimum of six metres from the road boundary; and
- (g) Electric car charging points.

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

19. The visibility splays, parking spaces and boundary marker heights specified in condition 18 (b) shall be secured prior to the occupation of the first house and the visibility splays specified within condition 18 (c) shall be secured prior to the occupation of the first house within each development parcel, and thereafter retained through the lifetime of the development.

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

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

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

21. All roads and associated works serving the proposed development shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption. Work shall include the following –

- The upgrading of Preston Crescent between its junction with Fraser Avenue and the site to a standard suitable to accommodate busses. A minimum carriageway width of 6 metres shall be provided. Localised narrowing of the carriageway would be considered acceptable where there is no direct frontage vehicular access to dwellings.
- The vehicular/pedestrian access from Fraser Avenue shall be constructed and open to traffic prior to occupation of the 50th dwelling within the site.
- The route through the site linking Preston Crescent and Fraser Avenue shall have a minimum carriageway width of 6 metres to allow for bus penetration and be constructed and open to traffic prior to occupation of the 50th dwelling within the site.
- The provision of one pair of bus stops with shelters, boarders and poles and provision for safe crossing facilities on the route through the site.
- The existing National Cycle Route 76 (Fife Coastal Path) shall be reconstructed/realigned as a 4 metres wide shared path, including street lighting, between Preston Crescent and the eastern boundary of the site, with all works completed prior to occupation of the 50th dwelling within the site. The National Cycle Route 76 (Fife Coastal Path) shall remain open (with temporary diversions if required) throughout the construction works within the site. Shared paths a minimum of 3 metres wide shall be provided between the National Cycle Route 76 (Fife Coastal Path) and new housing streets within the site.

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

22. No residential unit shall be occupied prior to the installation of operating street lighting and footways (where appropriate) serving that residential unit.

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

23. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site

investigation works) shall cease immediately unless otherwise agreed with Fife Council as planning authority. The local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

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

24. The Construction Environmental Management Plan (CEMP) required through condition 4(v) shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site.

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

25. All development within the site must take cognisance of views to and from The Forth Bridge. The Landscape and Visual Assessments required under condition 4(m) for each application must consider this aspect in particular within the assessment. Existing views to The Forth Bridge should be retained where possible and, when this is not possible, justification must be provided as to why this is not a significant impact. Views from The Forth Bridge must be considered in terms of proposed landscape and open space mitigation.

Reason: In the interests of protecting the setting of the Forth Bridge World Heritage Site.

26. The Construction Traffic Management Plan (CTMP) required by condition 3(t) shall provide a construction traffic routing plan and phasing arrangements for the site. This will be particularly relevant for later phases which are situated centrally within the site and will be surrounded by residential properties. It shall include the mitigation as specified within the Environmental Statement also mitigation such as deliveries avoiding peak hours, maximising loads to minimise trips, preventing vehicles waiting on streets until the site opens, restricted reversing alarms and agreed transport routes. Details of the provision of wheel washing facilities shall also be provided.

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

27. The noise assessment required by conditions 3(p), 5(e) and 6(b) shall demonstrate that the development can comply with the following environmental noise criteria for new dwellings:

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

The noise assessment must consider noise from adjacent industrial development. Also, noise from future leisure uses envisaged as part of the development proposal. It must also address any risks or mitigation identified within the environmental reports submitted with this application. The noise assessment shall address the potential range of mitigation measures that could be implemented to ensure compliance with these noise criteria. Mitigation measures shall be considered in the following order of preference, taking into account the feasibility of their implementation, and having regard to the masterplanning and urban design requirements of the Indicative Development Framework hereby approved:

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

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

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

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

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

28. In accordance with condition 5(f), a separate Vibration Assessment shall be submitted with the FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 1(a) for the engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination.

Reason: To ensure that the existing amenity of nearby residents is adequately protected in the initial preparatory phase of the development, which will involve mineral working.

29. The drainage strategy required through condition 4(q) shall provide the drainage details for the proposed development with SUDS. This shall include: an assessment of surface water culvert capacity; post-development flow path diagrams showing overland flow exiting the development site boundary to the north and west onto the public road; and details of how the culvert and drains within the site will be accommodated within the development. Surface water should be attenuated within the development site boundary. The Drainage Strategy required shall include details of existing groundwater abstractions in relation to the proposed development and, if relevant, further information and investigation to ensure that impacts on abstractions are acceptable. The Strategy shall consider and mitigate for, if necessary, private surface/ foul water drainage supplies, springs and wells and Scottish Water assets. Details of how these would be mitigated shall be submitted with the Drainage Strategy. The Drainage Strategy shall include a certification from a Chartered Engineer.

Reason: To avoid significant flood risk.

30. The Air Quality Assessment required by condition 4(s) shall demonstrate that the National Air Quality Strategy objectives would not be exceeded during construction or normal site use following completion. The methodology shall be agreed with Fife Council as planning authority and it shall include an appropriate air quality impact assessment for the proposed development. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating the impacts for submission to and approval by the Council and thereafter implement it in accordance with said details before any work commences on site. Additional information can be found at www.fife.gov.uk/airquality. A cumulative assessment shall be undertaken with any other sites given planning permission.

Reason: To avoid any significant impact on air quality.

31. FOR THE AVOIDANCE OF DOUBT, separate Noise Impact and Air Quality Impact Assessments shall be submitted with the FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2(a) for the engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals

required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination.

Reason: To ensure that the existing amenity of nearby residents is adequately protected in the initial preparatory phase of the development, which will involve mineral working.

32. FOR THE AVOIDANCE OF DOUBT, any minerals won in pursuit of the FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2(a) for the engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination, shall be for on-site use only, related to the infilling of the quarry void, other safety-related engineering operations, construction of development platforms, or for stock-piling for future use as building materials . No minerals won from Prestonhill Quarry will be permitted to leave the site, either for a commercial sale or for any other purpose unless with the prior written agreement of Fife Council as Planning Authority.

Reason: To ensure that the existing amenity of nearby residents is adequately protected in the initial preparatory phase of the development, which will involve mineral working.

33. The design of the proposals at the coastal edge (Character Area 3 set out within the approved Design and Access Statement) shall ensure that active frontages of any buildings will front the coastal edge.

Reason: To provide active frontages at principal movement routes.

34. The design of the development in the area identified as Viewpoint 12 within the approved Visual Appraisal shall demonstrate that the issue of coalescence between Inverkeithing and Dalgety Bay has been addressed. The development shall include mitigation such as gaps between buildings, tree planting and/or levels and building height variations to address this.

Reason: In the interest of landscape and visual impact, to ensure the proposal does not introduce coalescence between Inverkeithing and Dalgety Bay from this viewpoint.

35. The development shall include no landraising and all development on the site shall be limited to 5.65AOD, unless there are any justifying reasons otherwise, in consultation with SEPA.

Reason: In accordance with SEPA's guidance to ensure the site is developed in accordance with NPF4 Policy 22a.

36. No development shall be located within any areas shown to be at risk of flooding, unless there are any reasons to fully justify otherwise.

Reason: To ensure that properties are protected from flooding.

37. The development shall be carried out as per the phasing approved through condition 2 unless otherwise agreed in writing by the planning authority in consultation with education services.

Reason: To ensure no detrimental impact on the school roll.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Planner

Report reviewed and agreed by Mary Stewart, Service Manager

Committee Date: 21/05/2025

Agenda Item No. 5

Application for Approval Required by Condition(s) **Ref: 24/03098/ARC**

Site Address: Hillside School 3 Main Street Aberdour

Proposal: Approval of matters specified in conditions 2 (a and b), 2 (d to f in part), 3 (a, k & l), (3 b to j and m in part), 4 in part, 5 (a to c, l, m and n in part), 5 (d to k and o) 6, 9 and 12 in part of planning permission in principle 24/01423/PPP for residential development with associated landscaping, open space, access, drainage and other infrastructure and the relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access

Applicant: Hillside School & CALA Management Ltd., Cairnlee House
Callander Business Park

Date Registered: 6 December 2024

Case Officer: Scott Simpson

Wards Affected: W5R06: Inverkeithing and Dalgety Bay

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations and an objection from a statutory consultee which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 The application site measures approximately 20 hectares and is located to the north and west of the Aberdour village settlement boundary as designated within the Adopted FIFEplan (2017) (LDP). The site includes the Hillside School grounds and large open space grassed

areas which are covered in parts by several trees. Hillside School is a Category B Listed Building, whilst the site also comprises of a Category C Listed walled garden which is located on the eastern boundary of the site. The northern part of the site is a large open space area and the Inch Marton Plantation woodland area, which is located at the crest of a hill, runs through the central part of the overall site.

1.1.2 The application site is bound on the south by Main Street (A921 distributor Road), on the east by residential properties (The Glebe) and open space field areas and on the west by Mill Farm Road which connects the village with the B9157 to the north. The Dour Burn runs through the western and southern parts of the site. The site is bound on the west and south by trees, with more shelter planting located north of a field access road that connects the site to Mill Farm Road. The remainder of the site comprises of fields or uses associated with the education facility that Hillside School is currently used for.

1.1.3 The topography of the site is varied and steeply sloping across the majority of the site. The high point of the site is at approximately 80 metres AOD at the Inch Marton Plantation woodland area and the topography falls north down towards the B9157 and south towards the Dour Burn at around 20 metres AOD. This southern area of the site sits at a lower level than Main Street. The main Hillside School building has been extended several times over the years and new buildings added to provide facilities relating to the educational activities on the site.

1.1.4 The Hillside School portion of the site is allocated (ABD001) as a housing opportunity site in the LDP with an estimated capacity for 70 dwellings. The allocation states that the residential development would fund the provision of replacement school facilities and associated employment uses. The allocated area is located to the south and north of the school buildings with the majority of the allocation area being located between the walled garden and the school buildings. The remainder of the application site is not allocated for development and is in an area designated as countryside in the LDP. The LDP also notes the potential Green Network Opportunity (ref: 323) to connect and provide access through the site between the village and the Inch Marton Plantation in a north-south direction.

1.1.5 The part of the site not allocated under the LDP is designated as part of the Cullaloe Hills and Coast Local Landscape Area. The entire application site is subject to a Tree Preservation Order (F0038, designated under 17/04091/TPO). The James Hutton Institute Land Capability for Agriculture in Scotland survey also shows that the site has a mix of soil qualities with the majority of the site including Classes 3.2 and 4.2 non-prime agricultural land. The northern area of the site located between the B9157, and the Dour Burn is categorised as prime agricultural land (Classes 2 and 3.1).

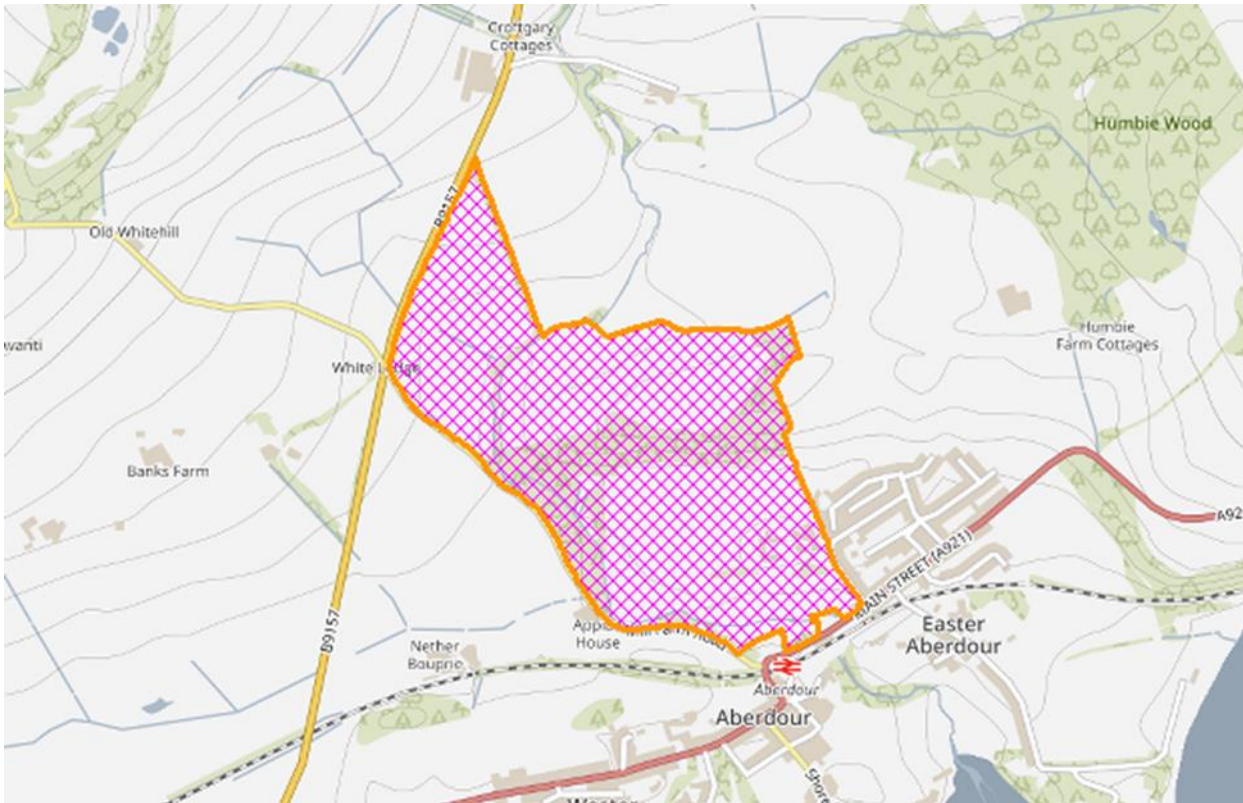
1.1.6 The southern and western parts of the site are subject to river flood risk as per SEPA's flood risk maps and due to the Dour Burn which runs through these parts of the site. Parts of the site are also subject to surface water flood risk as per SEPA's flood risk maps. The north-west part of the site is located within the Health and Safety Executive Major Hazard pipeline consultation zone for the Mossmorran to Braefoot Bay Pipeline. Core Paths (Inch Marton Plantation – P735/01 and P735/02 and Croftgary to Hillside – P736/01) also run through and around the site. These connect the site with other paths around Aberdour and the Fife Coastal Path to the south. The description for the Inch Marton Plantation route advises that this is overgrown and impassable.

1.1.7 The site is located adjacent to the Category B Listed Building known as Mill Farmhouse and Steading, the Category B Listed Aberdour Railway Station and the Category A Listed Aberdour Castle, including its Garden Terraces and Boundary Walls. There are several other category B and C Listed Buildings located within Aberdour. Western and Eastern Aberdour are centred on the remains of Aberdour Castle, a Category A Listed Building and Scheduled Ancient Monument. The Castle grounds are designated as the Aberdour Castle Garden and Designed Landscape and are located across the A921 road to the south of the site. The centre of the village is a Conservation Area, and the Conservation Area extends to the south of the application site.

1.1.8 The Historic Environment Scotland Listing description for Hillside House which is Category B Listed advises that it includes the pedestrian gate to the south boundary wall. The two-storey building has a stone finish, timber framed sash and case windows and a hipped roof clad in natural slate. The listing description states that the building dates back to 1800 to 1810 and is a “basement and 2-storey, 5-bay rectangular-plan house (residential school, 2002) with irregular L-plan 1970s extension attached to W. Doric portico to principal elevation. Squared, snecked, stugged stone, droved ashlar to ground floor string course, eaves course. Raised, droved ashlar margins to arises with droved rybats, raised ashlar window surrounds. Eaves cornice with low parapet, coped pediment to advanced central section of S elevation. 1970s 2-storey L-plan school running to W and N of house; render, numerous openings (not included in listing)”. The description further advises that the house was served by a gatelodge to the south and one to the north. The north lodge (opposite Croftgary farm) no longer exists; however, the remnants of a tree line avenue stretch towards Hillside.

1.1.9 The listed description of the walled garden which is Category C Listed states that the walls were built in the early mid-19th century and that it is a large rectangular plan walled garden built into a rising slope. The description further states that it has a random rubble finish to outer walls with droved quoins, brick running bond to N, E and W inner walls. Low wall to S elevation with rounded coping stones, higher walls with missing wall head to N, E and W elevations, swept to NW and NE corners. It also states that the wall includes “2 evenly placed segmentally arched doors to N elevation; ashlar surrounds with voussoirs, droved rybats, raised margins. Remains of rectangular ashlar entrance pier at far right to W elevation. Inserted modern wide entrance to right corner of S elevation. Low squat door to left corner of E elevation, ashlar margins to outer wall; thick rectangular margin to right”.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application is for approval of matters specified in conditions 2 (a and b), 2 (d to f in part), 3 (a, k & l), (3 b to j and m in part), 4 in part, 5 (a to c, l, m and n in part), 5 (d to k and o) 6, 9 and 12 in part of planning permission in principle 24/01423/PPP for residential development with associated landscaping, open space, access, drainage and other infrastructure and the relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access.

1.2.2 Twenty-one different housetypes are proposed throughout the site. The dwellings within the site would be a mixture of two and two and a half storeys high and these would include a mix of terraced, semi-detached and detached properties. A variety of finishing materials would also be utilised throughout the site with a mix of red and grey coloured concrete roof tiles, reconstituted stone, dry dash renders (white, buff and coral colours) and UPVC windows and rainwater goods. Two vehicular accesses are proposed to the site including a new access onto Mill Farm Road to the west and the utilisation of an existing access onto the A921 road to the south. Pedestrian footpaths and an internal loop road are proposed within the site and the proposal also includes an active travel route through the site from Mill Farm Road to the A921 Road.

1.2.3 A mixture of boundary treatments are proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens and 1.8-metre-high re-constituted stone walls and hedging along public boundaries. The majority of high timber fencing would be located around rear garden ground boundaries which do not face public streets, whilst public facing boundaries would utilise facing brick walls. The entrance to the site from Mill Farm Road

would also include one-metre-high feature walls with piers and this would re-use the stone from the existing stone boundary wall which is to be demolished to make way for the proposed access.

1.2.4 A surface water detention basin is proposed on the south-western part of the site, and this would provide approximately 4433.2 cubic metres including freeboard of storage. Filter Trenches and road gullies are also proposed throughout the site along with a series of underground drainage pipes. The detention basin would discharge to the watercourse located at the south of the main site area.

1.2.5 A phasing plan for the proposed housing development, school site and landscaping have been submitted as required by the relevant conditions attached to the PPP. These show that the housing development would be built in 5 phases with these phases beginning construction at the western part of the site. The submitted phasing plan also shows that a construction compound would be located within the south-western area of the residential site with this being re-located to the eastern part of the site during phases 4 and 5. The submission advises that the phasing strategy allows for the Hillside School to remain operational whilst the new school campus is under construction. Each phase would include the erection of the following number of units:

- Phase 1 would include the erection of 35 open market units along with 11 affordable units, the proposed vehicular access onto Mill Farm Road, the proposed SUDS detention basin and associated landscaping.
- Phase 2 would include the erection of 27 open market units and associated landscaping.
- Phase 3 would include the erection of 34 open market units and associated landscaping.
- Phase 4 would include the erection of 36 open market units and associated landscaping with Hillside School to vacate the existing building during this phase.
- Phase 5 would include the erection of 8 open market units, 35 affordable units and associated landscaping. This phase would commence once the school has exited the existing school building and moved into the new school accommodation.

1.2.6 The extension and ancillary detached education buildings are to be demolished to make way for the proposed housing development and the principle of the demolition of these building was accepted under the associated PPP. The proposal would result in the modern extensions being removed from Hillside House with the windows located on this wall to be re-instated and necessary repair works to be carried out to the original wall that the extension adjoins.

1.3 Relevant Planning History

1.3.1 The recent relevant planning history for the application site is as follows:

- An associated application (24/03087/ARC) for approval of matters specified in conditions (AMSC) 2 (c), 2 (d, e and f in part), 3 (a to f and h, i, j and m in part), 4 in part, 5 (a, b, c, l, m and n in part), 12 in part of planning permission in principle 24/01423/PPP for the construction of educational buildings, residential blocks, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure is currently pending

decision and has been submitted to this current West and Central Planning Committee for determination.

- An application (24/01703/ARC) for AMSC 1 (a and b), 1 (d to f in part), 2 (a, k and l), (2 b to g and h to j in part), 3 in part, 4 (a, b, c, l, m and n in part), 4 (d to k and o), 5, 8, 14, 21 in part, 22 in part, 25 in part, 26 in part and 27 of planning permission in principle 18/03468/PPP (appeal reference: PPA-250-2341) for residential development with associated landscaping, open space, access, drainage and other infrastructure and the relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was withdrawn on 16th December 2024. This application was withdrawn as the agent/applicant advised that they would be applying for approval of matters specified by condition of application reference 24/01423/PPP.

- An application (24/01727/ARC) for AMSC 1(c), 1(d, e and f in part), 2(a to f and h, i and j in part), 3 in part, 4 (a, b, c, l, m and n in part), 21 in part, 22 in part, 25 in part and 26 in part of planning permission in principle 18/03468/PPP (appeal reference: PPA-250-2341) for the construction of educational buildings, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure was withdrawn on 16th December 2024. This application was withdrawn as the agent/applicant advised that they would be applying for approval of matters specified by condition of application reference 24/01423/PPP.

- Planning permission in principle (24/01423/PPP) for erection of approximately 125 residential units (including retention of original listed buildings) with associated landscaping, sculpture garden, servicing and access and erection of interpretive centre, and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access (Section 42 application to vary Condition 14 of application reference 18/03468/PPP (appeal reference PPA-250-2341) to alter the trigger points for the provision of the vehicular accesses and footpath/cyclepaths was approved with conditions on 16th August 2024. This application was determined under delegated powers and in line with Fife Council's List of Officer Powers which states that the appointed person is authorised to determine Major Section 42 applications where the application does not relate to a condition specifically added by Committee.

- An application for listed building consent (24/02525/LBC) for external alterations and demolition of extensions was withdrawn on 20th November 2024.

- Planning permission in principle (18/03468/PPP) for the erection of approximately 125 residential units (including retention of original Hillside School building for residential conversion) with associated landscaping, sculpture garden, servicing and access; and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was refused by Fife Council as Planning Authority under delegated powers on 3rd February 2020. This application was refused due to lack of information to fully assess the matters relating to the principle of the development, landscape impact, impact on surrounding built heritage and cultural heritage assets, enhancement of the green network, residential amenity impact, flood risk, impact on trees/woodland and natural heritage impacts. This refusal was appealed (PPA-250-2341) to the Scottish Government and the appeal was allowed and planning permission in principle subject to conditions and a section 75 planning obligation was granted on 19th August 2021. The

section 75 agreement related to the provision of affordable housing on the site, the payment of a primary education contribution and a strategic transport contribution and the timing of the delivery of the replacement school and associated business units. The section 75 agreement requires that a primary education contribution of £179,348 index linked towards the temporary addition of education facilities at Aberdour Primary School and a transport contribution of £456 per open market house index linked toward the upgrading and/or provision of new strategic transport infrastructure within the Dunfermline area be paid in full before the date of completion of the 25th residential unit on the site. It also requires that 25% of the total housing units on site be provided as affordable housing units with the matters relating to this to be agreed before the occupation of the 60th open market housing unit. The section 75 agreement also requires that the replacement school must legally commence construction no later than 24 months after the sale of the 50th open market housing unit, whilst the replacement school must be completed no later than 24 months from the commencement date of the school. The associated business units' commencement and completion timescales are also controlled through this agreement and the construction of these units must commence no later than 24 months after the completion of the replacement school, whilst the units must be completed 24 months after this date. This section 75 agreement also legally applies to the subsequently approved section 42 planning permission in principle (24/01423/PPP) and the subsequent approval of matters specified by conditions applications.

- A proposal of application notice (18/01117/PAN) for erection of approximately 125 residential units (including retention of original listed building) with associated landscaping, servicing and access and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was submitted to this Planning Authority on 19th April 2018 and the method of consultation was agreed on 17th May 2018.

- An Environmental Impact Assessment (EIA) Screening Opinion Request (18/02445/SCR) for erection of approximately 125 residential units (including retention of original listed building) with associated landscaping, servicing and access and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was submitted on 4th September 2018, and this Planning Authority determined that an EIA would not be required for this development on 21st September 2018.

- Planning permission in principle (17/01870/PPP) for erection of approximately 125 residential units (including retention of original listed buildings) with associated landscaping, sculpture garden, servicing and access and erection of interpretive centre, and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was refused on 2nd February 2018.

- An EIA Screening Opinion Request (17/00427/SCR) for residential development with associated landscaping, servicing and access, relocation of existing school with associated playing fields, landscaping, servicing and access was submitted to this Planning Authority on 13th February 2017. A screening opinion was provided on 23rd March 2017, and this Planning Authority determined that an EIA would not be required for this development.

- A proposal of application notice (16/03599/PAN) for residential development with associated landscaping, access and car parking, and relocation of existing school and facilities was

submitted to this Planning Authority on 13th October 2016, and the pre-application consultation process was agreed on 1st November 2016.

1.3.2 A Major residential development for 84 dwellings was also approved on the eastern side of Aberdour village on an agricultural field to the south of Main Street and approximately 350 metres to the east of the current proposed site. This approved site included the following applications:

- An application (20/02623/ARC) for AMSC 1 (A-E) of planning permission in principle 17/02487/PPP for a residential development of 84 units, associated SUDS, drainage infrastructure, access arrangements, roads, footpaths, open space and landscaping was approved subject to a planning obligation and conditions on 19th May 2021. This application was determined by Central and West Planning on 12th May 2021. The housetypes approved within this application are similar to some of those proposed within the current proposed site, whilst the planning obligation related to an open space contribution of £56,700 towards the upgrade/installation of open space/play equipment provision within the local area.
- PPP (17/02487/PPP) for a residential development and associated works including landscaping, greenspace, parking, access arrangements and related infrastructure was refused by this Planning Authority on 24th July 2018. This application was recommended for approval by the Case Officer, and it was then refused by the West Planning Committee for three reasons including the principle of the development not being acceptable, road safety concerns and in the interest of protecting the visual amenity and landscape setting of Aberdour. This refusal was appealed (PPA-250-2312) to the Scottish Government and the appeal was allowed and planning permission in principle subject to conditions and planning obligations was granted on 12th December 2018.

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). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.4.2 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 This application would constitute a major development as per Class 2 (Housing) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the area of the site exceeds 2 hectares and the proposal is for more than 50 dwellings. This application is, therefore, classified as a Major development.

1.4.4 The proposal would fall under Class 10 (Infrastructure Projects) (b – Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it would have a site area which is more than 0.5 hectares. The proposal could, therefore, have an impact that would necessitate the need for an Environmental Impact Assessment (EIA). A formal EIA screening (18/02445/SCR) for the original planning permission in principle (PPP) for the erection of approximately 125 residential units (including retention of original listed building) with associated landscaping, servicing and access and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was carried out by this Planning Authority in September 2018. Taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria, it was determined that an EIA would not be required for this proposal. The proposed site plan submitted in support of this screening opinion request reflected the indicative layout submitted under the original PPP application (18/03468/PPP). The current AMSC application shows a denser housing layout with 186 dwellings proposed, whilst the proposed dwellings would be located on a smaller area of land (approximately 9 hectares) than that shown in the previous indicative layout (approximately 9.97 hectares) and the proposed school site would also be located in the same approximate area of the site as shown in the screening opinion indicative layout. It is considered that this previous screening opinion would still apply to the current AMSC proposal as the proposed increase of dwellings which would be located within the same approximate and smaller area than those dwellings shown in the screening opinion and PPP indicative layout would have no further significant impact on the environment in EIA terms when compared to the original indicative layout which was screened by this Planning Authority. An EIA would not, therefore, be required in this instance as a result of the additional 61 dwellings. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal, and several reports carried out by professional consultants have been submitted in support of this application. These include an ecological report, protected species surveys, a geo-environmental report and a flood risk assessment and drainage strategy report.

1.4.5 A physical site visit was undertaken for this application on 23rd December 2024. All other necessary information has been collated digitally, and drone footage was also produced in October 2024 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier and Edinburgh Gazette newspapers on 19th and 17th December 2024 respectively. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 18th December 2024. Site notices were also posted on site on 24th December 2024 for these applications.

1.4.7 As an AMSC application, this proposal needs to receive a formal permission, but it is not in itself planning permission. Any permission granted for this proposal must be read entirely in accordance with the terms of the PPP approval (24/01423/PPP).

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 re-use of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. This policy also deals with the matter relating to contaminated land and states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

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

Policy 31: Culture and creativity

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 4: Planning Obligations

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Historic Environment Scotland Policy Statement (2019)

This policy statement advises that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2020)

This guidance sets out the general principles that should apply to developments affecting the setting of historic assets or places including listed buildings. The guidance advises that it is important to identify the historic assets that may be affected, define the setting of each asset and assess the impact any new development may have on this.

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Windows (2020)

This guidance advise that maintenance and appropriate repair is the best means of safeguarding the historic character of a window and where a window is beyond repair, replacements must match the original design as closely as possible.

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on External Walls (2020)

This guidance advises that the design, materials, method of construction, colour, texture, detailing and finish typically contribute to the character of a historic wall. The guidance advises that maintenance and appropriate repair are the best means of safeguarding the historic character of a wall and that any proposed alterations should consider the design and characteristics of the historic wall whilst the design, materials and construction should also seek to complement the original wall.

PAN (Planning Advice Note) 1/2011

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

This circular requires that planning obligations meet all the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

The Scottish Government's Policy on Control of Woodland Removal

This guidance provides policy direction for decisions on woodland removal in Scotland.

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

Planning Customer Guidelines

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

This guidance sets out that unacceptable impacts on light to nearby properties should be minimised and preferably avoided.

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)

This guidance advises that clear glazed windows should be set 9 metres off a mutual garden boundary where there is a potential for overlooking to the garden of the neighbouring property.

Fife Council's Planning Customer Guidelines on Garden Ground (2016)

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space. This does not include space for garages, parking or manoeuvring vehicles. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. This guidance also advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

Fife Council's Minimum Distance between Windows Guidance (2011)

This guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

Other Relevant Guidance

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

This guidance provides advice to all stakeholders involved in the planning process in relation to flooding and surface water management requirements.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development/Compliance with 24/01423/PPP
- Loss of Prime Agricultural Land
- Design and Layout/Visual Impact
- Landscape Impact
- Impact on Setting of adjacent Listed Buildings, Conservation Areas, Scheduled Ancient Monuments and Gardens and Designed Landscapes
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land/Air Quality
- Natural Heritage including impact on Trees, Protected Species, Wildlife Habitats and Biodiversity Enhancement
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Hazardous Safeguarding Zone
- Affordable Housing
- Infrastructure and Planning Obligations including Education, Strategic Transport Intervention Measures, Open Space and Other Infrastructure Considerations
- Public Art
- Archaeological Impact
- Community and Economic Benefits

- Core Paths

2.2 Principle of Development/Compliance with 24/01423/PPP

2.2.1 Objections state that the proposal would be in contravention of FIFEplan and would result in the number of dwellings being increased from 125 to 190 plus. They also state that there would be an unacceptable loss of greenspace and a playing surface, and that the original app was misleading as there is now an increase in housing on site. They also consider that the 50% increase in houses would not be acceptable and that the new school is not justified. The objections also state that there is no need to increase the number of houses to address a housing shortage as housing targets have changed. They also consider that there are plenty of brownfield or greyfield locations that the development should be built on before this location.

2.2.2 The principle of residential development, education buildings and workshop/business units on this site does not need to be revisited as it has already been established with the approval of the original application for PPP (18/03468/PPP) and the subsequent section 42 application for PPP (24/01423/PPP). The proposal, however, must comply with the conditions set out in the most recent PPP decision (24/01423/PPP) to be considered acceptable. In this regard, the current application has been submitted under the following conditions of application reference 24/01423/PPP and these set out the detailed plans and information which are to be submitted to allow a full detailed assessment of the proposal to be carried out:

- 2 (a) (The construction of market residential units and associated infrastructure).
- 2 (b) (The construction of affordable residential units equating to 25% of the total number of units).
- 2 (d) (Sustainable Drainage System and drainage infrastructure).
- 2 (e) (Roads, access, footpath and cycle path provision).
- 2 (f) (Open space and community areas including the creation of a north- south green network link and the provision of public art).
- 3 (Details Plans and Information required to be submitted with each AMSC, where relevant).
- 4 (Cross Sections).
- 5 (Detailed Plans and Information required to be submitted under the first AMSC).
- 6 (Development Framework).
- 9 (Variation of Housing Numbers).
- 12 (Phase 2 Contaminated Land Investigation Report and Remedial Action Statement).

2.2.3 Condition 9 of the associated PPP states that “the total number of homes permitted on this site is 125. This figure can be varied by the written agreement of the planning authority where this is justified by the supporting information required under the terms of Conditions 2, 3, and 5 and where the applicant can demonstrate there is sufficient infrastructure capacity to support additional homes above 125 units”. The reason provided for this condition was “to specify the total number of homes approved for the site and provide the flexibility to increase the capacity of the site where this can be fully justified through a robust and credible design process”. This condition was also recommended to the Directorate for Planning and Environmental Appeals by Fife Council as Planning Authority through their appeal response (PPA-250-2341) for application reference 18/03468/PPP. This current proposal is for a total of 186 homes on the site which would result in an increase of an additional 61 dwellings above the indicative figure of

125 units. The matters relating to the impact that these additional 61 dwellings would have on infrastructure capacity and the submitted supporting information as required under the terms of conditions 2, 3 and 5 is fully assessed below. It should also be noted that the current AMSC application does show the proposed housing on a smaller area of land (approximately 9 hectares) than that shown in the previous indicative layout (approximately 9.97 hectares) and the proposed school site would also be located in the same approximate area of the site as shown in the PPP indicative layout.

2.2.4 Condition 3 (G) and 5 (K) of the PPP require that a Development Framework Plan for the whole site comprising the timing of the construction of the school and ancillary development; a landscape framework; a drainage strategy; a design framework and a public art strategy for the whole site be submitted. A Development Framework Plan for the whole site which sets out specific areas for the proposed land uses including the school buildings, residential, light industrial buildings, accesses, landscaping and sustainable urban drainage systems has been submitted. A design framework, phasing plan and a public art strategy have also been submitted. This application along with the associated AMSC application (24/03087/ARC) also includes the fully detailed information for the proposed school site and associated buildings and the residential part of the site and this reflects the information contained within this Development Framework for the site. Overall, this application has met the information submission requirements for the relevant conditions, where appropriate, and these matters are fully assessed in more detail below and within subsequent sections of this report of handling.

2.3 Loss of Prime Agricultural Land

2.3.1 Policies 1 and 5 of NPF4 and Policies 1 and 7 of the LDP apply. These policies state that proposals on prime agricultural land will only be supported in certain circumstances.

2.3.2 Objections state that the proposal would result in the loss of prime agricultural land.

2.3.3 The land within the site which is to be developed is designated as non-prime agricultural land (Classes 3.2 and 4.2) as per the James Hutton Institute. The northern part of the site does include areas of prime agricultural land; however, no development is proposed on these areas. The principle of the development within these areas has also been accepted under the associated PPP. The proposal would, therefore, result in the loss of no prime agricultural land and would comply with the Development Plan in this respect.

2.4 Design and Layout/Visual Impact

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

2.4.2 Conditions 2 (a), (b), (d), (e) and (f) and (3), (4) and (5) of the associated PPP set out the detailed plans and information which requires to be submitted in this regard and where relevant. This includes a proposed site plan, sections and elevations of all buildings, a landscaping scheme, cross sections and a Design and Access Statement.

2.4.3 Objections state that the proposal would detrimentally alter the character of the village and would result in overdevelopment of the site with a development that is too dense. They also consider that the proposal would have a detrimental visual impact, the proposed finishing materials are not appropriate for this location and the proposal would not be in keeping with the scale of the existing village. Objections further state that the development is far too large and that the scale and size of the proposal is not acceptable, whilst natural stone should be used for the proposed dwellings. They also consider that the proposal would not integrate with the village in terms of connectivity, no single storey properties are proposed, and that the proposal should take into account the recently built development within Aberdour.

2.4.4 Fife Council's Urban Design Officer (UDO) has no objections to the proposal and advises that the case officer should be satisfied that the proposed boundary treatments and gable elevations are visually acceptable.

2.4.5 A Design and Access Statement (DAS) and various drawings have been submitted which include contextual drawings, photographs and visualisations along with sections through the site and elevation drawings which demonstrate how the proposal would sit on the site in relation to the surrounding area and adjacent buildings. The DAS advises that the purpose of the document is to demonstrate continuity between the residential design proposals and the adjacent school and workshop development areas of the masterplan, and to illustrate the proposal's satisfactory integration with Aberdour village, thereby complying with the requirements of the PPP. The DAS undertakes a review of the PPP and LDP requirements, the existing site context including constraints and opportunities and advises that the proposal has been prepared in strict accordance with the Development Framework. The DAS considers that the proposal supports a sustainable residential development of 186 units whilst demonstrating compliance with LDP policies relating to affordable housing, private garden and open space areas, car parking requirements, privacy, overlooking and the retention of notable built and landscape features, whilst adopting suitable mitigation and re-planting measures in excess of policy requirements where tree retention is not possible. The DAS further advises that the design proposals respond to the local character, avoid areas of the site at risk of flooding, demonstrate capacity within the road network and provides new development on a smaller area of land than that indicated on the illustrative masterplan attached to the original PPP. The DAS concludes that the proposed design of the development is consistent with the masterplan indicated within the Development Framework and it has been demonstrated that there is sufficient capacity to increase the number of houses on the site to 186 which include 46 affordable dwellings. It states that the proposal provides a high quality permeable and well-connected residential development within a unique woodland setting that would integrate well with the existing Aberdour settlement.

2.4.6 In terms of the design and materials of the proposed houses, 21 different housetypes are proposed throughout the site and these are considered to be well designed with varied detailing. The dwellings within the site would be a mixture of two and two and a half storeys high and these would include a mix of terraced, semi-detached and detached properties. A variety of finishing materials would also be utilised throughout the site with a mix of red and grey coloured concrete roof tiles, reconstituted stone, dry dash renders (white, buff and coral colours) and UPVC windows and rainwater goods. These finishing materials and style of dwellings are considered appropriate within the context of the surrounding area where properties within the surrounding area also utilise similar finishing materials. The proposal also details active street frontages, enhanced gables onto public areas and corner properties which would incorporate dual frontages. The application would, therefore, result in a proposed scheme that would

integrate well with and would visually respect the character and appearance of the existing and proposed neighbouring residential developments, whilst the proposed finishing materials would be visually appropriate within the context of the surrounding rural area. This would also help to create a place that is a pleasant, welcoming and distinctive place to live. It should also be noted that, whilst each application is assessed on its own individual merits, similar housetypes have previously been accepted and approved within the surrounding area.

2.4.7 The agent has submitted cross sections and visualisations which demonstrate that the building heights would sit comfortably within the site and would relate well to the surrounding area. The heights of the proposed buildings would, therefore, be appropriate at this location. The submitted sections, visualisations and site layout drawings also demonstrate that the proposal utilises the topography of the site and the differing housetype heights to ensure that the building heights are varied along streets, whilst some dwellings are pulled closer to the road than others to create a sense of enclosure and varied interesting building lines. This variation to the layout, heights, materials and different housetypes proposed throughout the overall site, would ensure that the development provides a visually interesting and distinctive place to live. The proposal would be in keeping with the scale, massing and layout of the existing built form adjacent to this location and would be an appropriate form of development which would sit comfortably within the site and which would respect the visual amenity of the surrounding area. A mix of off-street parking and parking courts combined with the varied building lines and house types also helps to create elements of interest within the development.

2.4.8 The proposed hard and soft landscaping along with active travel routes and the proposed green corridor through the site would be of high quality and the proposed areas of open space and landscaped areas would help soften the visual impact of the development and would make it a welcoming place in terms of open green spaces, whilst, the proposed green areas and the incidental areas of open space, street trees, hedgerows and planting throughout the proposed residential area would provide a significant positive contribution to the distinctiveness and character of the place which would be welcoming for visitors to the site. The proposed open space, parking areas and footpaths within the site are also overlooked by surrounding buildings and the development would include active frontages and dual frontages on corner plots providing informal surveillance and a sense of safety throughout the site which would create a safe and pleasant place to live. The proposed soft landscaping would also contribute to biodiversity and this matter is further assessed under section 2.12.7 (Biodiversity Enhancement) of this report of handling.

2.4.9 A mixture of boundary treatments are proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens and a 1.8-metre-high reconstituted stone walls and hedging along public boundaries. The majority of high timber fencing would be located around rear garden ground boundaries which do not face public streets, whilst public facing boundaries would utilise reconstituted stone walls and hedging. The entrance to the site from Mill Farm Road would also include one-metre-high feature walls with piers and this would re-use the stone from the existing stone boundary wall which is to be demolished to make way for the proposed access. These proposed boundary treatments within rear gardens and along public facing boundaries as well as the proposed wall at the entrance to the site would be visually acceptable and in keeping with the surrounding area.

2.4.10 The area of the site which can be developed for the housing development is also limited by the constraints of the site including the flood risk area which is located to the south and west. This has resulted in dwellings which were indicatively shown on the PPP as being located within

the flood risk area to the south and west now being moved to the central part of the site. This requirement has resulted in an overall improvement to the visual impact that the development would have on the surrounding area, when compared to the indicative PPP layout, as it would now be located within a more visually contained part of the site which is also located further away from the surrounding public roads. The current AMSC application, therefore, shows the proposed housing on a smaller and more contained area of land (approximately 9 hectares) than that shown in the previous PPP indicative layout (approximately 9.97 hectares). The overall proposed density of the development on this 9 hectare area of land is considered to be acceptable and appropriate at this location, whilst, the proposed density would also be in keeping with the existing neighbouring Aberdour Village. The matters relating to garden ground sizes and open space requirement are also fully assessed under sections 2.8 (Garden Ground) and 2.16.6 (Open Space) of this report of handling.

2.4.11 Two vehicular accesses to the site (one from Mill Farm Road and one from Main Street), pedestrian footpaths, an active travel route and an internal loop road are proposed which creates an integration and connection with the existing adjacent residential and surrounding area. The proposal also includes an active travel route within the site which would connect Mill Farm Road with Main Street at the south-east part of the site. The proposal, therefore, includes multiple points of pedestrian/cycle accesses which would integrate the development into the existing urban structure and movement routes and the street widths vary throughout the site whilst there are distinctive movement junctions and edges formed by green spaces and overlooked by active building frontages which would ensure that the development is easy to move around and safe and pleasant to be in. The matters relating to connectivity and access into the site are also further assessed under section 2.9 (Road Safety) of this report of handling.

2.4.12 In conclusion, the proposal would provide a well-designed, welcoming, high-quality development through a varied layout and mix of property types and the height, massing, roofing and other detailing is considered to respect the character and appearance of the surrounding built environment and rural area. The proposal overall would, therefore, result in a development which would be visually acceptable within the context of this rural area, and which would comply with the six qualities of a successful place as set out within the Development Plan. The proposal overall would, therefore, be visually acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.5 Landscape Impact

2.5.1 Policies 4 and 14 of NPF4 and Policies 1, 10, 13 and 14 of the LDP and Making Fife's Places apply.

2.5.2 Condition 3 (k) of the associated PPP requires that a landscape and visual appraisal (LVA) which also illustrates the site before and after development should be submitted

2.5.3 Objections state that the proposal would have a detrimental impact on the landscape.

2.5.4 A LVA for the whole site including the school site to the north has been submitted. The LVA includes a zone of theoretical visibility (ZTV) which includes a 2-kilometre ZTV drawing (one for the housing site, one for the school site and a combined ZTV), wireframes, photos taken from 15 viewpoints and photomontages from each of these viewpoints showing a

modelled visual impact of the proposal. These demonstrate how the proposal would sit within the site and the surrounding landscape. The LVA also makes reference to the Fife Landscape Character Assessment and sets out the characteristics of these landscape areas, whilst the assessment includes the likely landscape and visual effects of the proposal and provides a conclusion with regards to these effects.

2.5.5 The LVA advises that the site is located entirely within the NatureScot Pronounced Hills and Craggs landscape character type (LCT). The LVA then sets out a description of this LCT and it states that this is a very large landscape character area (LCA), extending from Dalgety Bay to Kirkaldy, inland from the coast, whilst, the characteristics of this area are its distinctive hills and steep landform, with mixed farmland and woodland. The landscape has an open character, with views available across its large arable fields, with the eye drawn to low hills and craggy landforms. The area is settled with small settlements and farm steadings. Quarrying has affected parts of the landscape, for example at Goat Hill to the north-west of the site. Hilltop masts are a feature in views to the character area and the more northerly housing of Aberdour extends into this character area. The LVA also advises that the proposed development site is located partly within the Cullaloe Hills and Coast Local Landscape Area with the designation covering much of the study area, largely overlapping with the NatureScot Pronounced Hill and Craggs LCA. The LVA advises that the Statement of Importance for the designated area is provided in the 2009 Fife Local Landscape Designation Review (Fife Council/Carol Anderson Associates) and this sets out features contributing to the special qualities of the area. It states that the special qualities include rounded interlocking hills and lower farmland, gently rolling low coastal hills, steep deciduous woodland of the coastal braes which have scenic qualities and that the hills and coastal braes contribute to connectivity between areas of countryside between settlements.

2.5.6 The 15 viewpoints which were identified in the LVA to illustrate the potential visual and landscape impacts of the development along with the assessed impact of the development as set out within the LVA are as follows:

- Viewpoint 1 was taken from the A921 approximately 0.69 kilometres to the south-west of the site. The magnitude of impact would be low, and the visual effect of the development would be slight to moderate adverse. This viewpoint was included within the original approved PPP application.
- Viewpoint 2 was taken from 2 Main Street approximately 0.24 kilometres to the south of the site. The magnitude of impact would be negligible/low, and the visual effect would be slight adverse. This viewpoint was included within the original approved PPP application.
- Viewpoint 3 was taken from the Core Path R732 to the north of Aberdour approximately 0.24 kilometres to the east of the site. The magnitude of impact would be medium, and the visual effect would be moderate/adverse.
- Viewpoint 4 was taken from Aberdour Castle approximately 0.23 kilometres to the south-east of the site. The magnitude of impact would be negligible, and the visual effect would be negligible neutral. This viewpoint was included within the PPP application.

- Viewpoint 5 was taken from Silversands Park approximately 0.70 kilometres to the south-east of the site. The magnitude of impact would be negligible, and the visual effect would be negligible neutral.
- Viewpoint 6 was taken from Core Path R719 Otterston Road approximately 1.37 kilometres to the west of the site. The magnitude of impact would be low, and the visual effect would be slight to moderate adverse.
- Viewpoint 7 was taken from Core Path R732 near The Murrel approximately 1.11 kilometres to the north-east of the site. The magnitude of impact would be negligible/low, and the visual effect would be slight adverse.
- Viewpoint 8 was taken from the B9157 near Black Lodge approximately 0.45 kilometres to the west of the site. There would be no magnitude of impact or visual effect from this viewpoint.
- Viewpoint 9 was taken from the A921 road approximately 1 kilometre to the east of the site. The magnitude of impact would be negligible, and the visual effect would be negligible neutral.
- Viewpoint 10 was taken from Otterston Loch Road approximately 1.48 kilometres to the south-west of the site. The magnitude of impact would be negligible, and the visual effect would be negligible neutral.
- Viewpoint 11 was taken from Mill Farm Road approximately 1.19 kilometres to the north-west of the site. The magnitude of impact would be low, and the visual effect would be slight to moderate adverse.
- Viewpoint 12 was taken from Croftgary approximately 0.61 kilometres to the north of the site. The magnitude of impact would be low/medium reducing to low as woodland planting matures and the visual effect would be moderate adverse reducing to slight to moderate adverse.
- Viewpoint 13 was taken from the Core Path to The Murrel approximately 0.48 kilometres to the north of the site. The magnitude of impact would be low/medium reducing to low after planting matures and the visual effect would be moderate adverse reducing to slight to moderate adverse after planting matures.
- Viewpoint 14 was taken from Main Street approximately 0.18 kilometres to the south-east of the site. The magnitude of impact would be negligible, and the visual effect would be negligible neutral. This viewpoint was included within the original approved PPP application.
- Viewpoint 15 was taken from Mill Farm Road approximately 0.11 kilometres adjacent to the western boundary of the site. The magnitude of impact would be low, and the visual effect would be slight adverse. This viewpoint was included within the original approved PPP application. This viewpoint was included with the original PPP application.

2.5.7 The LVA concludes that the proposed housing development would be located in a part of the landscape separate from much of the settlement of Aberdour, beyond the shallow valley of the Dour Burn and in the grounds of Hillside School and adjacent farmland. It states that views

from the village to the proposed housing development would tend to be limited by the undulating topography on which the village is sited, existing built development, and trees/woodland close to the development site and within the village. Within Aberdour, there would be material changes in view when close to the housing area to the east and west such as at the Glebe, but there would be no material change in view from the wider settlement. It further states that material effects to landscape/townscape character from the housing site are not likely to extend beyond the site boundary. The LVA advises that the village currently has an irregular, compartmentalised form, influenced by natural constraints, historical landholdings, and economic changes, and the addition of the proposals would not be inconsistent with this historical pattern of development. It considers that the proposal's presence is unlikely to significantly change how the village is perceived in terms of its visible characteristics or views.

2.5.8 The LVA also considers that the school development would be located on an area of the site which is rural in character, and it would result in a material change to the landscape character within approximately 0.5 kilometres of the site including part of the Cullaloe Hills and Coast Local Landscape (LLA) Character and the Pronounced Hills and Crags landscape character area. The LVA states, however, that the proposal would not materially affect the special qualities of the LLA described in the 2009 Fife Local Landscape Designation Review beyond a local change to landscape character. The LVA also concludes that there would be notable changes to visual amenity from the path networks close to the school and housing sites, and from a single residential property with views to the school site, however, it is expected that woodland planting included within the school proposals would, over time, be effective in reducing the landscape and visual effects of the school development.

2.5.9 The reporter dealing with the appeal (PPA-250-2341) for the site advised in their report of handling that they were satisfied that, subject to appropriate landscape planting, the proposal would have only localised effects on the character of the landscape, and that the valuable features of the Cullaloe Hills and Coast Local Landscape Area would be maintained. They, therefore, accepted, based on the submitted landscape and visual appraisal information at the PPP stage, that the proposal could be accommodated on the site with no significant detrimental impact on the landscape. The submitted AMSC proposal does not significantly alter the proposal assessed by the reporter with the school site still located on the northern portion of the site and the housing site still located on the southern portion of the site. The residential part of the site, has however, been amended so that the number of dwellings has increased by 61 dwellings with all of the housing development now located to the north, west and east of the existing Hillside School buildings with no built development proposed to the south, south-west or south-east of the Hillside School Buildings. The previous indicative drawings submitted with the PPP showed some of the housing within a flood risk area to the south-west of the school buildings directly adjacent to the western and southern boundary of the site, however, this south-western area now mostly includes the proposed SUDS detention basin, an open space area and an active travel route. As mentioned earlier in this report, this requirement to locate the dwellings and associated infrastructure outwith the adjacent flood risk area has resulted in an overall improvement to the visual impact that the development would have on the surrounding area, when compared to the indicative PPP layout, as it would now be located within a more visually contained part of the site which is also located further away from the surrounding public roads.

2.5.10 The findings of the LVA are accepted and it is considered that the proposal residential development would have no significant detrimental impact on the surrounding landscape including the Pronounced Hills and Crags landscape character area and the Cullaloe Hills and

Coast Local Landscape Area. The proposed housing site on the southern part of the overall site is well screened due to the significant tree planting which surrounds the site and due to the undulating nature of the site. It would be visible from some viewpoints surrounding the site; however, these are mostly located within the direct vicinity of the site. The proposal would also be visible from the approach road on the A921 (VP1) to the west of the site however, the development does not appear as a visually dominating development and is well contained within the site with only the roof areas mostly visible. The development would also be partially visible from the B9157 road near Black Lodge to the west of the site, the Core Path at Otterston Road (VP06) to the north-west of the site, the Core Path/Murrel Road (VP03) to the north-east of the site and from Mill Farm Road (VP11) to the north-west of the site, but it would again have no significant detrimental impact on the surrounding landscape area as these views look towards the existing settlement of Aberdour which forms a backdrop to the proposal and the proposal when viewed within this context would result in no significant change to this landscape area. The development would also be partially visible from Main Street (VP02) to the south of the site, but the majority of the development would be well screened along this street and its impact at this location would not be significant in terms of its impact on the surrounding landscape. The proposed housing site is, therefore, considered to be visually well contained within the site and the proposed landscape impact of the housing part of the site would be acceptable.

2.5.11 The proposed school development part of the site would be located within an area of a more rural character than the housing part of the site and it would be situated within the relatively well enclosed valley of the Dour Burn, however the school development would be visible from surrounding roads, paths, and properties. The school development would be visible from Croftgary on the B9157 road (VP12) and the Core Path to the Murrell (VP13) to the north of the site, however, the proposal would be partially screened by existing trees and would not have a significant detrimental impact on the site or surrounding area. The proposed planting would also further screen and soften the development once it fully matures, whilst the low-lying nature of the two storey buildings helps to reduce the impact of the proposal at this location. The proposal would have a localised impact on the landscape; however, it is considered that the proposal could be accommodated on this site with no significant detrimental impact on the landscape character of the area and the resultant landscape impact would be acceptable. It should also be noted that the report for the PPP appeal accepted that a similar school proposal on this northern part of the site could be accommodated on the site with no significant landscape impact.

2.5.12 Based on the submitted information, it is considered that the overall proposal including the school, housing and workshop units would have no significant detrimental landscape impact on the site or the surrounding Cullaloe Hills and Coast Local Landscape Area, therefore, the proposal would be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.6 Impact on Setting of adjacent Listed Buildings, Conservation Areas, Scheduled Ancient Monuments and Gardens and Designed Landscapes

2.6.1 The Historic Environment Scotland Policy Statement, Policies 7 and 14 of NPF4, Policies 1, 10 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Notes on Setting, External Walls and Windows apply.

2.6.2 Objections state that the proposal would have a negative impact on historic assets including a detrimental impact on the setting of the listed buildings and the character of the Conservation Area. They also state that no details of what will happen to the existing listed building Hillside House have been submitted.

2.6.3 Fife Council's Built Heritage officer (BHO) advises that the changes to the layout around the walled garden and the listed school building, when compared to the layout submitted under the previously withdrawn AMSC applications (24/01703/ARC and 24/01727/ARC) are a positive improvement, however, they have no further comments to add to the responses they provided for these previous applications. Their responses to the previously withdrawn applications which were for the same number of dwellings and for a school site advises that the school site does not raise any concerns related to any heritage assets, however, the new shared access drive from Mill Farm Road could impact on the setting of the B-Listed Mill Farmstead to the South-west. The BHO advises they are supportive of the removal of the extensions from the B Listed Hillside House; however, they consider that further information and details should be submitted with regards to this including repair details. They also have concerns that the proposal promotes a much denser layout around Hillside House than was shown within the PPP and they would encourage amendments to retain more of its existing open green character. They further consider that the layout will have a high level of impact on the visual relationship between Hillside House and the walled garden and a more sympathetic layout could be found to better preserve this relationship. As mentioned earlier, these comments are based on the previously withdrawn applications and the BHO has advised for the current applications that the changes to the layout around the walled garden and the listed school building, when compared to the layout submitted under the previously withdrawn AMSC applications are a positive improvement.

2.6.4 The BHO response also advises that the boundary wall which runs along Mill Farm Road and South Gate Lodge house could potentially be considered curtilage listed under the listing of Hillside House, therefore, any proposal to form an access through the wall or alter South Gate Lodge could require a separate application for listed building consent. They consider that it would be preferable for the existing access onto Mill Farm Road to be re-used instead of forming a new access. They further consider that there could potentially be a historic bridge structure which runs across the Dour Burn, and this may be impacted upon as a result of construction vehicles crossing the structure. The BHO also states that any works to Hillside House and the Walled Garden should be carried out at an early stage of the development. Further discussions took place between the case officer and Fife Council's Built Heritage Lead Officer (BHLO) regarding the matter relating to curtilage listing and the BHLO has advised that the wall to the west which runs along the edge of Mill Farm Road and the Gatehouse to the south along with the boundary wall would not benefit from curtilage listing as they are not considered to meet the relevant tests for curtilage listing. Listed building consent would not, therefore, be required for any alterations to these structures. The developer has also confirmed that the aforementioned existing bridge structure would not be used by construction traffic with a temporary bridge put in place over the burn until the access onto Mill Farm Road is formed.

2.6.5 A heritage impact assessment (HIA) report has been submitted in support of this application. No conditions were attached to the PPP requiring this report to be submitted, however, this information was requested to allow a full assessment of the proposal to be carried out. The HIA identifies the above ground cultural heritage assets within one kilometre of the application site that may be affected by the proposal and then identifies those assets where

setting is not likely to be affected. It then discounts these justifying their removal from further assessment and assesses the remaining heritage assets in greater detail where physical fabric and/or setting may be affected by the proposal. Table 4.1 of the HIA presents a list of these historic assets and provides justification as to why these assets require further assessment or are discounted. The HIA lists the heritage assets within one kilometre of the site as Aberdour Castle (Garden and Designed Landscape/Scheduled Ancient Monument), Aberdour Kirk (Category A Listed Building), Aberdour Conservation Area including notable listed buildings within this area, Mill Farm Road Farmhouse and Steading (Category B Listed Building), Category B and C listed buildings located along Main Street, The Murrel (Category A Listed Building), Black Lodge (Category B Listed Building), Banks Farm and Steading (Category B Listed Building) and St Colme (Garden and Design landscape). It advises that each of these assets would not be significantly impacted upon, and these heritage assets are, therefore, discounted from further detailed assessment. The HIA states that this is based on the evidence submitted within the corresponding landscape and visual impact assessment and these assets have been discounted as there is either limited or no intervisibility due to the distances involved between the site, intervening topography and existing buildings and the significant tree belt and planting which is located around and within the site. The assessment also advises that for some of these assets that there would be negligible impact on their current setting and the contribution that the setting makes to their overall significance. This is when compared to the existing baseline where there is current surrounding built development and new housing.

2.6.6 The HIA advises that Hillside House (Category B Listed) and the Walled Garden (Category C Listed) which are located within the site would be directly impacted upon by the proposal in terms of their setting and in the case of Hillside House, the listed building's fabric. The HIA sets out the local historic context for Aberdour and then provides an analysis of Hillside House, the Walled Garden and their setting. The HIA advises that Hillside House is a Category B Listed building and sets out a description of the listed building. The HIA considers that the extensive L-shaped 1970s extension attached to the western elevation is an inappropriate extension which not only partially obscures, but also notably detracts from the architectural value and historic interest of Hillside House. In terms of the setting of Hillside House, the HIA considers that the setting makes a substantial contribution to its overall significance and some elements such as the mature parkland estates and walled garden make a positive contribution, whereas the inappropriate extensions and ancillary buildings within the curtilage make a negative contribution. The HIA also sets out a description of the walled garden and its setting and it advises that the walled garden has low architectural interest even though it is Category C Listed, and this is based on the deterioration of key features and the current poor condition of its physical fabric with this assessment supported by a Structural Review report and site photographs showing missing masonry, poor repairs, vandalism, structural instability and biological growth. The HIA states that the architectural interest and aesthetic value are further diminished with the addition of inappropriate ancillary structures that abut the wall, however, the remaining original plan form of the walled garden and its setting provide the structure with moderate historic interest. The HIA considers that though some of the original formal avenues of trees are no longer visible, the character of this parkland setting of the wall remains largely unchanged and this reinforces the historic role the walled garden played in the operation of Hillside House and its estate during the C19th. Hence, it is therefore considered that setting makes a substantial contribution to historic interest and that this contribution is positive.

2.6.7 The HIA then assesses the impact of the proposal on Hillside House and its Walled Garden. It states that the proposal will only affect the physical fabric of Hillside House in terms

of works associated with the demolition of the L-shaped extension attached to its western elevation and this includes the re-instatement of the inappropriately blocked windows and removal of the incongruous C20th extension external fire escape. The HIA concludes that this part of the proposal would provide an enhancement to the listed building by revealing its architectural and historic interest with the overall impacts considered to be positive. The HIA then considers that the erection of housing within the immediate grounds of Hillside House will re-use some of the existing inappropriate extensions and the ancillary detached buildings built footprint, however, the new development would not be viewed as a homogeneous block like the current extensions and instead the 2 to 2.5 storey buildings with simplified materials and colour palette would not visually compete with the listed building and would enable less impacted and opened up views to Hillside House. The HIA concludes that the removal of the extensions and the erection of several dwellings within the immediate vicinity of the listed building would enhance the setting of this listed building. It also considers the wider impact of the housing development on the setting of this listed building and considers that there could be negative impacts on the setting of Hillside House due to the number of dwellings being erected on the remainder of the former open space area which is mostly perceived as countryside, however, the severity of this harm is minimised with the retention of the walled garden, key landscape features such as open space and mature trees, and the connection to the rural landscape beyond. The HIA considers that the 'bowl effect' of the landscape and the proposed soft-muted colour palette of materials also mitigates the visual impact in this view by visually containing the new housing below Hillside House and responding to the local landscape/townscape.

2.6.8 The HIA then assesses the impact of the development on the walled garden and advises that the historic interest of the walled garden will be preserved with the retention of its rectangular plan form and continuation of its current use as open space and this is because the proposal will not impact a viewer's ability to understand it as the original walled garden of Hillside House. The HIA considers that in terms of the impact on the setting of the walled garden, there are likely to be some negative impacts, however, the severity of this harm is minimised with the substantial 'buffer' of green infrastructure/no build development proposed around the southern and western boundary of the walled garden alongside the retention of key landscape features and importantly the areas of open space enable views to/from the walled garden. The HIA concludes that the fundamental special interest of the walled garden and the character of its setting connected to the visual and historic connection to Hillside House will be preserved. It also considers that the retention of vital landscape features across the site, notably existing tree belts and open space, soften the development and enable it to be largely visually contained within a 'bowl' below the ridge line, whilst the intentional permeability through the site including the use and re-instatement of historic routes including the active travel route that runs through the southern part of the site will enable public access across the site allowing increased appreciation and understanding of the significance of Hillside House.

2.6.9 It should be noted that the removal of the extensions adjoining Hillside House has already been accepted with the approval of the associated PPP. A separate listed building consent application will also be required in relation to the removal of the extension and re-instatement of the blocked-up windows and wall repairs, whilst a separate application for full planning permission for the change of use of the building will also be required as a change of use cannot legally be dealt with through PPP and AMSC applications. The removal of the extension and the re-instatement of the blocked-up windows and wall repairs which would utilise materials to match the existing historic fabric would be acceptable and would have a positive impact on the historic character of this Category B Listed Building through the removal of a visually inappropriate modern extension and the re-instatement of the western elevation to its original

state. This matter would also be further assessed once an application for listed building consent is submitted. A condition is also recommended requiring that a listed building consent application is submitted for the repair works to Hillside House before the occupation of the 25th open market housing unit and that any subsequently approved repairs etc and re-instatement of windows on Hillside House and repairs to the walled garden are carried out in full and completed by the occupation of the 139th open market unit. This will, therefore, control the timing of the works to the listed buildings and ensure that these works are carried out, thus the historic fabric and character of these listed buildings would be protected and enhanced as a result of the proposed development. This part of the proposal is, therefore, considered acceptable and would comply with the Development Plan in this respect.

2.6.10 The proposal would include the erection of dwellings within the curtilage of the Category B Listed Hillside House and the Category C Listed Walled Garden. The proposed dwellings nearest to the Category B Listed Hillside House would be located within the approximate footprint of the existing Hillside House extensions and would be located approximately 11 metres to the north-west, 29 metres to the north and 30 metres to the north-east of the existing Category B Listed building. The dwellings nearest to the walled garden would be located approximately 28.8 metres to the west and approximately 25 metres to the south of the walled garden. A road and open space area would also be located between the wall and these dwellings with the open space area measuring approximately 16.5 metres wide. Sections and existing and proposed visualisations have been submitted which show the proposal in relation to the Category B Listed Hillside House. An HIA has also been submitted in relation to this and the findings of the HIA are accepted. These demonstrate that the proposed removal of the modern style extensions and the erection of the proposed dwellings within the approximate footprint of these extensions would result in a visual improvement in terms of the setting of the adjacent Category B listed building. Views into the listed building would be opened up when viewing the listed building from the approach road to the west and there would also be less built development located within the direct curtilage of the listed building which would have a positive impact on its setting. The proposed height, simplified materials and colour palette of the dwellings would also not visually compete with and would reduce their visual impact on the listed building which would result in these having a positive impact on this building when compared to the current buildings adjoining and within the curtilage of the school building. A parking area and access road are also proposed on the north side of the Category B Listed building, and this would be located in an existing hardstanding area which is currently used for parking. This parking area would be broken up through the planting of trees and grassed areas, therefore, this part of the proposal would have no significant impact on the setting of the listed building. The proposal would, therefore, have an overall positive impact on the immediate setting of the existing Category B Listed building and would comply with the Development Plan in this respect.

2.6.11 Dwellings are also proposed to the south and west of the existing Category C Listed walled garden which is between the walled garden and the B Listed Hillside School building. The reporter dealing with the appeal (PPA-250-2341) for the original PPP for the site advised in their decision report that “the proposed housing development between Hillside House and the walled garden, as is depicted in the illustrative layout, would lie within the setting of these listed buildings, but would replace the existing extensive complex of school buildings and is likely to offer the opportunity to provide a more sympathetic setting to these assets. The planning authority’s allocation of this part of the site for development suggests that it shares this view”. The proposed dwellings would have an impact on the setting of the walled garden; however, the proposal would be located on an area of land which is partially occupied by the existing ancillary

school buildings and it is considered that, whilst wider views into the walled garden would be interrupted, the walled garden could still be viewed from the proposed access road when approaching the wall from the south and west of this wall. The walled garden is also currently partially screened from clear views from the west due to intervening trees, shrubs and hedges and a green open space buffer zone is proposed around the southern and western boundary of the walled garden which would limit the developments impact on the setting of the walled garden. This proposal would also involve repairs and maintenance being carried out to the proposed wall; however, this would be dealt with under a separate application for listed consent which has not yet been received. There would, therefore, be positive improvements carried out to the wall as a result of this proposal and the walled garden would be utilised as an open space area for the residents of the development, thus allowing its historical merits to be fully appreciated and understood. A condition is also recommended requiring that a listed building consent application is submitted for any required repair works to the Walled Garden, which require listed building consent, before the occupation of the 25th open market housing unit and that any subsequently approved repairs to the walled garden are carried out and completed by the occupation of the 110th open market unit. This will, therefore, control the timing of the works to the listed wall and ensure that these works are carried out, thus the historic fabric and character of the listed wall would be protected and enhanced as a result of the proposed development. The proposal to locate dwellinghouses at this location would, therefore, be acceptable, would have no significant detrimental impact on the setting of the Category C Listed Walled Garden and would comply with the Development Plan in this respect.

2.6.12 The submitted LVA which is summarised in section 2.5 above also sets out the proposal's impact on the surrounding landscape and includes viewpoints from around the site. These along with the submitted HIA demonstrate that the proposal would have no significant impact on the surrounding built heritage assets which include Aberdour Castle (Garden and Designed Landscape/Scheduled Ancient Monument), Aberdour Kirk (Category A Listed Building), Aberdour Conservation Area including notable listed buildings within this area, Mill Farm Road Farmhouse and Steading (Category B Listed Building), Category B and C listed buildings located along Main Street, The Murrel (Category A Listed Building), Black Lodge (Category B Listed Building), Banks Farm and Steading (Category B Listed Building) and St Colme (Garden and Design landscape). It should be noted that the reporter for the PPP also advised within their decision report that they were "satisfied that the setting of Aberdour Castle and the railway station would not be materially affected by the redevelopment of this site, provided that the southern parkland area was kept free from development, as it is only this part of the site that can be seen from, or in conjunction with, the castle or station. For similar reasons, the setting of Aberdour conservation area, which lies almost entirely to the south of the railway, would be unaffected". The current submitted layout shows that the southern parkland area has been kept free from housing development and in fact, shows less development within this area than what was proposed within the PPP indicative layout. The reporter also advised in their report that they saw no reason why the proposed redevelopment should have any detrimental effect on cultural heritage and could potentially offer some improvement, particularly to the setting of Hillside House. The proposal due to the substantial screening located between it and the surrounding area and the distances involved along with the limited intervisibility between these areas would, therefore, be acceptable and would have no significant impact on the setting of the surrounding built heritage assets which are located outside the application site boundary.

2.6.13 In conclusion, the proposal would have no significant impact on the surrounding built heritage assets including the setting of adjacent Listed Buildings, the Aberdour Conservation

Area, Scheduled Ancient Monuments or nearby Gardens and Designed Landscapes. The proposal would also enhance the immediate setting of the Category B Listed Hillside House. The proposal subject to conditions would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.7 Residential Amenity including noise, daylight/sunlight, privacy levels, construction disturbance and garden ground.

2.7.1 PAN (Planning Advice Note) 1/2011, Policies 14 and 23 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Dormer Extensions, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply.

2.7.2 Conditions 2, 3, 4 and 5 of the associated PPP set out the detail plans and information which requires to be submitted in this regard and where relevant. This includes a proposed site plan, a noise impact assessment, sections and elevations of all buildings, cross-sections through the site and levels. Condition 4 also requires that this information should include details of windows of buildings within 18 metres of the proposal.

2.7.3 The nearest residential dwellings are located directly adjacent to the eastern boundary of the application site and are located at 29 to 39 St Fillans Crescent, 32 St Fillans Crescent and 37 to 49 The Glebe. No proposed dwellings are located directly to the west of the Glebe, however, plots A12, A39 to A46 and Plots 102 to 105 are located between approximately 19.7 and 21.3 metres to the west of the eastern boundary of the application site. There is an existing access road and greenspace area located within this area which would be retained/upgraded and incorporated into the development.

2.7.4 Noise

2.7.4.1 Objections state that the proposal would result in a detrimental noise impact.

2.7.4.2 The reporter dealing with the appeal for the PPP advises within their report of handling that they did not share the council's concerns over the potential for noise nuisance to arise from the proposed workshop/business units, as they would be situated well away from both existing and proposed houses and they found no grounds to doubt the submitted noise report's conclusion that the site would provide a suitable noise environment for residential development and that the proposal would cause no harm existing to residential amenity due to increased noise levels.

2.7.4.3 The proposed residential development would be a wholly compatible use with the adjacent existing residential uses in terms of noise impact and would, therefore, have no significant impact on the surrounding area in terms of noise. The A921 Road and Mill Farm Road are located to the south and west of the application site, therefore, a noise impact assessment report (NIA) has been submitted which assesses the impact of road noise from the A921 road and the East Coast Mainline Railway line on the proposal. The NIA advises that a baseline noise survey was carried out at three locations within the proposed site. The NIA has used the standard noise level criteria for outdoor living areas, inside dwellings, bedrooms and a school and playground area. The NIA concludes that based on the findings of the baseline

noise survey that the ambient noise levels at the proposed residential and school site are below the target noise levels for daytime and night-time, therefore, there would be no significant impact on the amenity of the residential site or the school site in terms of noise impact from the surrounding area. The NIA also concludes that no additional noise mitigation measures are, therefore, required in relation to the proposal. The existing roads surrounding the site would, therefore, have no significant detrimental noise impact on the proposal.

2.7.4.4 The proposal also includes the erection of Class 4 light industrial units and the school site on the northern portion of the site; however, it is considered that due to the distances involved between this part of the site and neighbouring dwellings that this part of the proposal would have no significant noise impact on the surrounding area. The Class 4 light industrial units are also defined within the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) as “being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”. The proposed light industrial uses would, therefore, be acceptable at this location. A condition is also recommended, for the avoidance of doubt, which requires that the proposed light industrial uses are used as per the definition of a Class 4 use contained within the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended). The proposal would therefore comply with the Development Plan in this respect and would be acceptable in terms of noise impact.

2.7.5 Daylight/Sunlight

2.7.5.1 The proposed dwellinghouses would have no significant impact on the sunlight levels experienced by other existing neighbouring residential properties due to the distances involved and the orientation of the proposed dwellinghouses in relation to neighbouring properties, with the sun rising in the east, setting in the west and at its highest point when due south. The majority of proposed dwellings would also have no significant impact on the daylight levels experienced by other existing residential dwellings due to the distances involved. Plots A12, A39 to A46 and 102 to 105 are located between approximately 19.7 and 21.3 metres to the west of 29 to 39 St Fillans Crescent, 32 St Fillans Crescent and 37 to 49 The Glebe. These plots directly face the rear windows of these existing properties and Fife Council’s Planning Customer Guideline on Daylight and Sunlight advises that a 25-degree daylight assessment should be carried out where neighbouring windows would directly face a development. A 25-degree daylight assessment has been carried out for the potentially affected properties and all of the dwellings would pass this assessment. The proposal would, therefore, have no significant impact on the daylight levels experienced by neighbouring properties. The proposed dwellinghouses within the application site have also been designed to ensure that no properties would significantly overshadow or block daylight/sunlight to any other adjacent proposed properties within the site itself. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.7.6 Privacy Levels

2.7.6.1 Fife Council’s Planning Customer Guidelines on Garden Ground and Dormer Extensions requires a 9-metre set back from neighbouring garden boundaries to ensure that acceptable privacy levels are achieved between properties. Fife Council’s Minimum Distance Between Windows Guidance advises that the minimum distance between windows should be no less than 18 metres, however, this distance can be reduced where windows are at an angle to each

other. Fife Council's Garden Ground Guidance also advise that the 18-metre distance between windows can be reduced where a public road/pavement or high barrier is located between dwellings.

2.7.6.2 The minimum 18 metre window to window distance would be complied with between all of the existing and proposed properties with all of the proposed dwellings being located more than 26 metres away from existing dwellings. All proposed plot layouts have also been designed to ensure that the window-to-window distances between the proposed dwellings within the site would be acceptable in terms of the relevant Fife Council Guidance including Fife Council's Minimum Distance Between Windows and Fife Council's Garden Ground Guidance. There would also be no unacceptable overlooking/privacy impact on existing rear neighbouring garden ground areas due to the distances involved between properties with the nearest garden ground areas being located between approximately 19.6 and 22.3 metres to the east of the proposal. The proposal would, therefore, have no further significant impact on the privacy levels of the surrounding area, in terms of overlooking, due to the distances involved between neighbouring residential properties and the proposed. All plot layouts have also been designed to ensure that proposed dwellings would be acceptable in terms of the proposed privacy levels achieved. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.7.7 Construction Impacts

2.7.7.1 Objections state that the proposal would result in a detrimental impact including noise impacts during the construction phase and that the construction compound should not be located near to residential dwellings.

2.7.7.2 A construction environmental management plan (CEMP) has been submitted, and this sets out how construction works would be carried out on site taking into account the site context and surrounding neighbours. This includes methods to reduce dust, noise and vibration and the measures which will be implemented to prevent any potential future environmental incidents. The CEMP also sets out that commercial vehicles associated with construction works could only enter or leave the site from 8 am to 6 pm, Monday to Friday, 8 am to 1 pm on a Saturday and at no time on a Sunday. The CEMP also state that the proposed construction working hours would be restricted to Monday to Friday from 8 am to 6 pm and on a Saturday from 9 am to 4 pm with no working on Sundays. These hours reflect those which are set out and controlled within condition 11 of the PPP. A phasing plan has also been submitted which shows that a construction compound would be located within the south-western area of the residential site with this being re-located to the eastern part of the site during phases 4 and 5.

2.7.7.3 Any construction disturbance caused as a result of the proposal would be temporary in nature and developers should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Public Protection Team can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. The submitted construction environmental management plan is also considered to be acceptable. There would, therefore, be no

significant impact on the surrounding area due to any associated construction works. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.7.8 Light Pollution

2.7.8.1 Objections state that the proposal would have a detrimental impact in terms of light pollution.

2.7.8.2 It is considered that as the proposal is for a residential development on a site which is surrounded by residential development on two sides, with the site being significantly screened from the surrounding area due to tree belts and intervening land that the proposal would not result in any further significant light pollution when compared to the existing surrounding residential area. There would, therefore, be no further significant impact on the surrounding area as a result of light pollution from the proposal. The matter relating to light pollution was also fully assessed through the PPP appeal and it was accepted that a development with street lighting would be acceptable in principle on this site. The matter relating to the impact of light pollution on habitats and protected species is also fully assessed in section 2.12 of this report and the luminaire spectrum of the proposed street lighting has been reduced after discussion between this Planning Authority and the Developer. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.7.8.3 The proposal overall would, therefore, have no significant impact on the surrounding area in terms of noise, daylight/sunlight, privacy, light pollution or construction impacts. The proposal has also been designed to ensure that the proposed plots would be acceptable in terms of these overall residential amenity impacts. The proposal, would, therefore, be acceptable in terms of its overall amenity impacts, would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.8 Garden Ground

2.8.1 Policies 14 and 20 of NPF4, Policies 1, 10 and 14 of the LDP and Fife Council's Planning Customer Guidelines on Garden Ground apply. Fife Council's Garden Ground guidance states that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space, whilst new flats should be set in or have at least 50 square metres of private garden for each flat. This guidance does not set out a recommended minimum size for terraced properties. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. No conditions were attached to the PPP which specifically refer to garden ground areas apart from condition 25 which sets out that no garden ground areas should be within 6 metres of a water main.

2.8.2 There are a total of 103 houses and 4 flatted affordable dwellings which would have more than the required 100 or 50 square metres of rear useable garden ground area. A total of 33 dwellings (21 semi-detached and 20 four in a block flatted dwellings) would have less than the required 50 or 100 square metres of garden ground area. The remaining 37 properties would be terraced.

2.8.3 In this instance, it is considered that a reduction in the recommended garden ground area standard for the 21 semi-detached properties and 20 flatted dwellings would be acceptable as this would offer choice to those buyers who wish to have a smaller garden ground area and all of the dwellings within the site would also have access to the extensive proposed open space areas within the site. The proposed layout is also in keeping with the prevailing pattern of development at this location where there are a number of dwellings within the area which have varied garden ground sizes and it should be noted that the residential development for 84 dwellings (20/02623/ARC) to the east of Aberdour which was approved in 2021, at West and Central Planning Committee, included garden ground areas for semi-detached and flatted dwellings which did not fully comply with Fife Council's Garden Ground guidance. The proposed garden ground area provision would, therefore, be acceptable in this instance.

2.9 Transportation/Road Safety

2.9.1 Policies 1, 13, 14, 15 and 18 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation states that a Transport Statement is required to identify the most suitable access points, and this was provided at the PPP stage.

2.9.2 Condition 2 (e) of the associated PPP requires that details of the roads, access roads, access, footpath and cycle path provision be submitted. The conditions further state that these details shall include the proposed vehicular access from the A921; the proposed vehicular access from Mill Farm Road; the existing footway on the north side of Mill Farm Road, between the proposed vehicular access from Mill Farm Road and its junction with the A921, being widened to a 3 metres wide footway/cycleway or alternatively a 3 metres wide footpath/cycle path through the site between the two proposed vehicular accesses. Condition 5 (J) requires that a Residential Travel Plan to be provided to each new homeowner, detailing the public transport, active travel options and other measures available to reduce the reliance on trips by private car shall be submitted. Condition 2 (c) requires details of the proposed construction traffic routes to be submitted and conditions 2 and 5 also set out requirements for the submission of detailed plans such as site plans etc which must show the proposed road layout.

2.9.3 Condition 14 of the PPP requires that all works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. Condition 15 requires that the proposed vehicular access from Mill Farm Road shall be completed and open to vehicular traffic before the occupation of the first residential unit. Condition 16 requires that within 67 months from commencement of construction of the development, the proposed vehicular access from the A921 be completed and open to vehicular traffic. Conditions 19 and 20 require that the agreed visibility splays at the junctions of the aforementioned accesses are provided at the same time as the provision of the accesses onto Mill Farm Road (2.4 metres x 43 metres) and the A921 (2.4 metres x 25 metres). Condition 22 requires that the required off-street parking, including cycle and visitor spaces are provided before the occupation of each house or proposed development. Condition 17 requires that the existing footway on the north side of Mill Farm Road, between the proposed vehicular

access from Mill Farm Road and its junction with the A921, shall be widened to a 3 metres wide footway/cycleway and shall be completed and open to pedestrian and cyclist traffic or alternatively, a 3 metres wide footpath/cycle path through the site between the two proposed vehicular accesses would be acceptable and shall be open to pedestrian and cyclist traffic prior to the occupation of the tenth residential unit.

2.9.4 Objections state that the proposal would have a detrimental impact on the road network, whilst the increase in traffic would not be acceptable on dangerous roads including the Mill Farm Road/B9157 junction. They also state the proposal would have a detrimental impact in terms of road safety, the proposal would lead to congestion and that the B9157 junction should be improved. Objections also state that the original Road Safety Audit from 2018 highlighted an issue with the new access onto Mill Farm Road and they consider that the proposal would not integrate with the village in terms of connectivity. Objections further consider that the 30 MPH zone will need to be moved, and Transport Scotland should have commented on the application. Further concerns were raised that Fife Council's Transportation Development Management team's consultation response has ignored community concerns regarding pedestrian safety and access, whilst a robust and long-term solution should be provided at the Mill Farm Road/B9157 junction with the proposed mitigation measures including refreshed rumble strips, signage and a VMS sign considered to be insufficient. Objections also state that the Glebe entrance junction would be unsafe, and no construction traffic should be allowed to access the site from the village side. They also consider that the proposal is inconsistent with sustainable travel principles as it does not include a pedestrian bridge over the Dour Burn, or an enhanced footway which undermines the aims of active travel promotion.

2.9.5 It should be noted that although the previous PPP application (18/03468/PPP) was refused, it was accepted that the surrounding road network could safely accommodate the proposed residential (125 units), school and workshop development at this location and the matter relating to road safety and traffic impacts did not form part of the refusal reasons for this PPP application (see planning history section above). This Planning Authority also accepted that all junctions within the public road network agreed for assessment would all operate well within practical capacity with the proposal having a negligible impact on these junctions. It was, therefore, determined by this Planning Authority that no mitigation measures were required at these junctions in terms of the impact of the proposal. The original PPP appeal decision (PPA-250-2341) also accepted that the surrounding road network could accommodate the proposal and did not include any conditions requiring mitigation measures in relation to the surrounding road network. This assessment was based on a total of 125 residential dwellings, the replacement school and associated business units. Condition 9 of the most recent PPP states that "the total number of homes permitted on this site is 125. This figure can be varied by the written agreement of the planning authority where this is justified by the supporting information required under the terms of Conditions 2, 3, and 5 and where the applicant can demonstrate there is sufficient infrastructure capacity to support additional homes above 125 units". This current proposal is for a total of 186 homes (140 private open market dwellings and 46 affordable dwellings) which would be an increase of 61 dwellings from that assessed in the previous Transport Assessment (TA). An updated TA has, therefore, been submitted in support of this application.

2.9.6 The TA assesses the trips generated by the proposal including the increase in dwelling numbers and it has considered the impact of the proposal on the surrounding public road network. The TA has considered person trips, not car trips and covers access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being

developed to encourage the use of sustainable modes of transport and can be designed in accordance with Making Fife's Places. The increase in housing numbers does not significantly change the conclusions of the TA previously submitted in support of 18/03468/PPP and then 24/01423/PPP in relation to the sustainability of the location of the development. The majority of the site is within walking distance of Aberdour Primary School, existing bus stops, Aberdour Railway Station and a number of amenities are readily available within Aberdour Village. The proposal would, therefore, be located within a sustainable location.

2.9.7 The TA shows that the increase to 186 dwellings would generate 111 two-way vehicle trips (37 arriving and 74 departing) in the AM peak and 101 two-way trips (62 arriving and 39 departing) in the PM peak. In comparison with 125 dwellings, this represents an increase of 42 two-way trips (16 arriving and 26 departing) in the AM peak and an increase of 31 two-way trips (20 arriving and 11 departing) in the PM peak. To provide a robust assessment, the TA has assumed a worst-case scenario that 100% of trips would use the Mill Farm Road vehicular access to the west (0% using the A921 vehicular access to the south) with 75% arriving/departing via the Mill Farm Road/B9157 junction and 25% via the Mill Farm Road/A921 junction. The TA considers that the increase in trips generated by 186 dwellings, rather than 125, can be accommodated within the existing road network without the requirement for mitigation measures with the extra traffic being safely accommodated within the road network.

2.9.8 The TA has also assessed the following junctions: (1) A921/B9157 roundabout; (2) A921/Mill Farm Road T-junction; (3) A921/The Glebe T-junction; (4) B9157/Mill Farm Road crossroads junction; and (5) Mill Farm Road/new site access T-junction. The TA has assessed a year of opening of 2026 and concludes that junctions 1, 2, 3 and 5 would operate within practical capacity with no impact on safe operation. The TA also considers that junction 4 would also operate within practical capacity but acknowledges that there are concerns with the safe operation of the junction, which has very restricted visibility to the south on the Mill Farm Road arm of the junction; and substandard forward visibility on the B9157 of vehicles turning right into the Mill Farm Road arm of the junction. The TA recommends that the existing rumble strips and road markings at this junction could be refreshed along with the provision of an additional advance warning sign opposite the existing warning sign and the provision of VMS speed signs all on the B9157 approach to the junction. A Road Safety Audit has also been submitted which reaches the same conclusions regarding the B9157/Mill Farm Road Junction.

2.9.9 Fife Council's Transportation Development Management (TDM) team advise that they agree with the methodology used and the findings of the TA. They consider that the proposal will be accessible by sustainable modes of travel, would integrate well with the existing transport network and would have a negligible impact on the existing road network when compared to the previous number of 125 dwellings. TDM, therefore, has no objections to the proposal subject to conditions relating to road safety matters including the provision of off-street parking, the provision of the recommended mitigation measures at the B9157/Mill Farm Road junction and that all roads and associated works are completed in accordance Making Fife's Places Supplementary Guidance. Conditions are not required with regards to the provision of off-street parking or requiring that all roads and associated works are carried out in accordance with Making Fife's Places as these conditions are included on the associated PPP as per section 2.9.3 above. Conditions are, however, recommended regarding the proposed measures at the Mill Farm Road/B9157 junction and the construction traffic route plan. Fife Council's Traffic Management team were also consulted by TDM, and they advise that they would welcome the improvements relating to refreshing the rumble strips and road markings at the junction. The construction route condition is required as TDM do not consider the current proposed

construction route to be fully acceptable and this condition would allow this matter to be fully addressed before any works commence on site.

2.9.10 The findings of the TA are accepted, in this instance, and it is considered that the proposed site layout has been designed in accordance with Making Fife's Places Supplementary Guidance. The submitted information also complies with the relevant road safety conditions attached to the associated PPP and TDM have no objections to the proposal subject to their recommended conditions. It should also be noted that the location of the proposed accesses onto Mill Farm Road and the provision of an access onto the A921 road have already been accepted with the approval of the associated PPP. The proposal also shows an active 3-metre-wide travel route through the site as required by condition 2 (e) of the PPP. The proposal would, therefore, include multiple points of pedestrian/cycle access to the west and south including an access onto the A921 road and an access onto Mill Farm Road with an active travel route proposed through the site which would ensure the integration and connectivity of the development with the surrounding area. These accesses can also provide the required visibility splays and the movement routes, and the street widths vary throughout the site, whilst the proposal includes sufficient off-street parking to accommodate the development. The submitted information has, therefore, demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings also demonstrate an acceptable layout in terms of access, parking and connectivity. The proposed development would be easily accessible via a range of sustainable transport modes and there is capacity to accommodate the additional traffic generated by the proposal on the local road network. The proposed development subject to conditions would, therefore, provide the required transport measures to minimise and manage future levels of traffic generated by the proposal, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

2.10 Flooding and Drainage

2.10.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1, 3 and 12 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply. The LDP allocation states that a drainage impact assessment is required.

2.10.2 Condition 2 (d) of the associated PPP requires that details of a Sustainable Drainage System (SuDS) and drainage infrastructure be submitted. Condition 3 (g) requires that a drainage strategy be submitted as part of a Development Framework Plan. Condition 3 (h) requires that detailed designs including appropriate technical reports for the SuDS and other drainage infrastructure associated with the development, including management of surface water drainage and potential flooding be submitted. Condition 5 (h) requires that a SuDS and Drainage Strategy and Flood Risk Assessment for the whole site be submitted with the first AMSC application.

2.10.3 Objections state that flooding will worsen in the area as houses will be built within the flood risk area, whilst they consider that the flood assessment is inaccurate. They also state that the SuDS scheme is not appropriate, that the proposal would have a detrimental impact in terms of surface water run-off and that there would be pollution to water due to this run-off. They also consider that there would a detrimental impact to the Dour Burn in terms of flooding and it appears that existing culverts have not been taken into account. Objections further state that

the existing drainage system and water supply would not cope with more houses and there are existing sewage issues within the area with regular sewage overflow to the beach.

2.10.4 A flood risk assessment (FRA) and a Drainage Strategy Report (DSR) have been submitted in support of this application. The FRA advises that the Dour Burn flows along the northern, western, and southern boundaries of the site and is the main flood risk to the site. It also states that SEPA flood maps show flooding within the valley of the Dour Burn and upstream of Main Street, Aberdour. The FRA focuses on flood risks from the burn but also considers risks from other sources such as surface water flooding, groundwater and existing drainage systems. The FRA also advises that there are two footbridge crossings and a larger road access to the site from Mill Farm Road which cross the Dour Burn. It states that the existing undersized road access would be removed and replaced with a new access, whilst the footbridges would be retained. The proposed new access road would include a box culvert underneath it and the FRA has modelled the impact on this proposed culvert and surrounding culverts in terms of blockage scenarios. The FRA modelling shows that flooding from the Dour Burn is generally limited to low-lying land close to the burn. The FRA also confirms that the proposal would be located outwith the 200 years plus climate change floodplain and advises that drainage, ground levels and surface water overland flow pathways should be designed to convey any excess flows to landscaped areas and suitable discharge locations, without flooding properties, or increasing the risk of flooding to any land outside of the site boundary. A separate drainage strategy report and surface water management plan which deals with this matter has been submitted in support of this application.

2.10.5 The DSR advises that it should be read in conjunction with the relevant drainage drawings and the submitted FRA. The DSR further advises that the intended discharge location for surface water is to the Dour Burn to the south, at an attenuated flow and after an appropriate SUDS treatment train. Attenuation and treatment for the surface water would be provided by a detention basin located at the south-western part of the site and this would provide approximately 4433.2 cubic metres (including freeboard) of storage. Filter Trenches, swales and road gullies are also proposed throughout the site along with a series of underground drainage pipes. The submission also advises that the proposal would be connected to the public water supply network and foul water would generally drain to the south-west of the development (163 units) except for 23 units at the south-east of the site which would drain by gravity to the existing Scottish Water Sewer infrastructure on the Glebe. The DSR also advises that the larger part of the development draining to the south-west and the new Hillside School are to drain to a foul water pump station proposed for adoption by Scottish Water, pumping flows toward the gravity sewer leading to The Glebe.

2.10.6 SEPA initially objected to this proposal on the basis of insufficient information to fully assess the matters relating to flood risk. Further information was then submitted by the agent to address these concerns and SEPA were re-consulted. SEPA now advise that they agree with the methodology used and the findings of the submitted FRA, therefore, they have no objections to the proposal and consider that the proposal including the residential and school site would not be at risk from flooding.

2.10.7 Scottish Water has no objections to the proposal and advise that there is currently sufficient capacity in the Glendevon Water Treatment works and for a foul only connection to the Silver Sands Waste Water Treatment Works to service the development. Fife Council's Flooding, Shoreline and Harbours team have no objections to the flooding proposal subject to the submission of updated appendices 3 and 4 of Fife Council's Design Criteria Guidance on

Flooding and Surface Water Management requirements. These appendices have been submitted and have been updated to reflect the most recent layout. They also have no objections to the proposed surface water management proposals.

2.10.8 It is considered that the proposal could be connected to the existing public water supply and foul drainage network, and it should be noted that the applicant would also need to submit a formal application to Scottish Water before proceeding with the development. The relevant compliance and independent check SUDS and Flood Risk certificates including a SUDS maintenance certificate have also been submitted as required by Fife Council's Design Criteria Guidance on Flooding and Surface Water Management and an acceptable surface water management scheme has been proposed. It should also be noted that the discharge of surface water run-off to the water environment is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and SEPA, who are the regulating body regarding this matter, will risk assess these proposed activities before granting, if appropriate, an authorisation. This ensures that the proposal would cause no detrimental impact to the water body including matters relating to the pollution of the water environment. The submitted information also demonstrates that the proposal would be located outwith any flood risk area and the submitted FRA has been accepted by SEPA. There would, therefore, be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water and drainage system. The proposal would, therefore, be acceptable, would comply with the Development Plan in this respect and would comply with the relevant conditions attached to the associated PPP.

2.11 Contaminated Land/Air Quality

2.11.1 Policies 9 and 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.11.2 Condition 5 (a) of the associated PPP requires that the first AMSC shall be submitted with a preliminary site investigation (Phase 1 Desk Study Report), whilst condition 12 requires that where further investigation is recommended in the Preliminary Risk Assessment required under the terms of condition 5 (a), no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

2.11.3 A contaminated land site investigation and remediation strategy report have been submitted in support of this application. Fife Council's Land and Air Quality Team have no objections and advise they are generally satisfied with the submitted information and consider that this meets the requirements of conditions 5 (a) and 12 of the PPP. They also advise that condition 13 of the PPP should be retained until a suitable verification report has been submitted. Condition 13 does not form part of the assessment of this AMSC application as it requires that no building shall be occupied until remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 12. This condition does not, therefore, require any information to be submitted at this stage. The

information that has been submitted within the site investigation and remediation strategy report is accepted; therefore, the proposal would have no significant impact on amenity in relation to contaminated land and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.11.4 Objections state that the proposal would have a detrimental impact on air quality. The matter relating to air quality impact was assessed under the original PPP for the school site and 125 dwellings, whilst the PPP decision does not contain any conditions requiring the submission of updated details relating to this matter. Condition 9 of the PPP states that the number of houses on site can be varied as long as there is sufficient infrastructure capacity to support additional homes above 125 units, but it does not require the submission of an additional air quality impact assessment. An air quality impact assessment was submitted in support of the original PPP and this advised that the predicted annual mean concentration of NO₂ within the proposed site would be significantly below the required target levels, whilst the change in annual mean NO₂ and PM₁₀ concentrations was predicted to be negligible. Fife Council as Planning Authority and the reporter dealing with the appeal accepted the findings of this report, whilst the reporter did not consider it necessary to include a condition requiring the submission of an updated report at the AMSC stage. An updated air quality impact assessment has not, therefore, been submitted for this application. The current application would result in an increase of 42 two-way trips (16 arriving and 26 departing) in the AM peak and an increase of 31 two-way trips (20 arriving and 11 departing) in the PM peak and it is considered that this would not make a significant difference to the original findings of the previously submitted air quality impact assessment. The proposal would, therefore, be acceptable and would comply with the conditions attached to the associated PPP.

2.12 Natural Heritage including impact on Trees, Protected Species, Wildlife Habitats and Biodiversity Enhancement

2.12.1 Policies 1, 3, 4 and 6 of NPF4, Policies 1 and 13 of the LDP apply and The Scottish Government's Policy on Control of Woodland Removal apply.

2.12.2 Condition 2 of the associated PPP requires that the following be submitted with every AMSC application, where relevant:

(d) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscape elements, including surface finishes and boundary treatments. These details shall include a programme for the implementation/phasing of the landscaping in relation to the construction of the development and details of the future management and aftercare of the proposed landscaping and planting.

(g) A Development Framework Plan for the whole site comprising the following: (i) the timing of the construction of the school and ancillary development; (ii) a landscape framework.

(m) Details and specifications of the protective measures necessary to safeguard trees on the site during development operations.

2.12.3 Condition 5 of the PPP also requires that the following information be submitted with the first AMSC application:

(f) Landscape and Open Space Strategy for the whole site.

(n) Ecology Survey including Bat, Badger and Red Squirrel Surveys.

2.12.4 Condition 27 of the PPP also requires that no works associated with the construction of the development shall commence on site until the approved tree protection measures as required under the terms of condition 3 (d) and 3 (m) are fully in place and this Planning Authority has been formally notified in writing of the completion of such measures and has confirmed in writing that these measure are acceptable. These tree protection 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.

2.12.5 Trees

2.12.5.1 Objections state that the proposal would result a detrimental environmental impact including a loss of trees which are protected by a tree preservation order, and they consider that the tree report is not accurate.

2.12.5.2 A number of trees including an ancient woodland area (Inch Marton Plantation which is predominantly a conifer plantation woodland) are located within and around the site. An arboricultural impact assessment report (AIA), tree protection plan and landscaping plan have, therefore, been submitted to assess the impact on these trees. The AIA report states that a total of 347 individual trees and various groups of trees were surveyed on and immediately adjacent to the site. The location of these trees is shown within the submitted AIA and this also sets out the quality of trees (A, B, C or U Value), crown spreads, root protection areas and falling distances. The AIA advises that 74 individually surveyed trees (of which 7 are assessed as Category A, 38 are Category B and 29 are Category C), will be or are likely to be lost to facilitate the proposal. The loss of trees includes an area at the south-west part of the site where the new vehicular access from Mill Farm Road would enter into the site and this would affect an area of semi-mature planted mixed woodland area (shown as P1, P2 and P3 on the submitted tree information). The AIA advises that the impact on this young plantation area which is required to form the access which has already been agreed in principle would be kept to a minimum. In addition, the AIA advises that there will be encroachment into a number of areas of young plantation, however, the important mature boundary tree cover, and the majority of mature parkland trees will be retained. The AIA also sets out recommended tree protection measures including protective fencing, construction exclusion zones and arboriculture method statements in relation to the protection of the trees to be retained on or directly adjacent to the site. The AIA also advises that the majority of trees are sufficiently far enough away from the proposal so as not to be affected and this includes trees along the north, south and west boundary and most of the young plantations. The historic parkland trees to the south and the ancient woodland of the Marton Plantation to the north are not significantly affected. The AIA states that the majority of the individually surveyed trees will be retained, with limited impact to the good quality trees around the boundary of the site. It further states that the impact on the historic parkland trees at the south of the site is restricted to a few mature trees of note, whilst there will be no significant impact to the ancient woodland of the Marton plantation to the north

of the site. A separate AIA has also been submitted under the corresponding AMSC application (24/03087/ARC) which assess the impact of the school site and the access through the Inch Marton Woodland Plantation. The impact on the areas of trees affected by the school site and associated assessed road will be fully assessed under that application.

2.12.5.3 The submitted landscaping proposals include the planting of a number of trees which would equate to the planting of a total of 337 individual trees within the development site with the majority of trees to be planted to the south of the site within areas of parkland and a number of trees are also proposed along the north of the site along proposed roads and in landscaping areas. The landscaping details also show orchard planting (48 orchard trees) to the west of the site adjacent to the proposed SUDS basin. A Woodland Management Plan has also been submitted which sets out how the retained woodland areas will be managed and maintained. This document seeks to ensure the protection and sustainable management of the retained trees and boundary woodland on site and in particular to maintain and enhance the historic parkland landscape tree cover.

2.12.5.4 Fife Council's Tree Protection Officer (TO) agrees with the findings of the AIA and has no objections to the proposal. They also advise that the submitted Woodland Management Plan would be acceptable, is comprehensive and fully addresses all relevant woodland management requirements. The TO advises that the proposed loss of 74 trees on the site would be acceptable due to the proposed compensatory tree re-planting at a ratio of 5:1, whilst, most trees affected will be under 15 metres in height, with many being fast grown species or those with pest and disease issues such as Ash or Larch, so replacement with diverse broadleaf species could help to build a future woodland of increased resilience and adaptability. They do note, however, that some notable trees will require to be removed, such as a 16 metre and 18 metre Horse Chestnut, and 15 metre Beech of A category, however, they consider that the replacement tree-replanting is sufficient to compensate for their loss. They also advise that they consider that the proposal would comply with the Scottish Government Policy on the Control of Woodland Removal. Fife Council's Natural Heritage Officer (NHO) also has no objections to the tree species proposed.

2.12.5.5 The submitted layout and tree information shows that the proposal would result in the loss of 74 trees (7 Category A, 38 Category B and 29 Category C Trees) on site with an area of a young semi-mature woodland area to also be removed to make way for the proposed access from Mill Farm Road. The proposed landscaping information also shows a significant number of compensatory tree re-planting to off-set the loss of these trees including the planting of a total of 337 trees. It is considered that due to the significant re-planting of trees on site that there would be no significant environmental impact due to the loss of the existing trees and the proposed re-planting would represent a positive biodiversity enhancement, in the long term, at this location which would contribute to improving the quality of woodland in the area. An acceptable tree protection methodology has also been proposed in relation to those trees to be retained and with regards to the Ancient Woodland Area to the north. The housing development would also be located between approximately 18 and 32 metres away from the woodland area to the north, whilst the dwellings and gardens would be located outwith the root protection areas and falling distances of these trees. The Scottish Government's Policy on Control of Woodland Removal also provides criteria, whereby, woodland removal could be acceptable with and without compensatory planting, and this includes enhancing priority habitats and their connectivity, sustainable economic growth and increasing the quality of Scotland's Woodland Cover. The proposal would comply with this acceptability criteria as it would increase the quality of Scotland's woodland cover and would contribute to sustainable

economic growth (see section 2.19 below). Fife Council's TO is also in agreement with this and has no objections to the proposal. The proposal has, therefore, demonstrated that a development of this type could be located on this site with no unacceptable overall impact in terms of tree loss/woodland removal and that it would have no significant impact on retained trees and the ancient woodland area to the north. The proposal would, therefore, be acceptable, would comply with the Development Plan in this respect and would comply with the relevant conditions attached to the associated PPP.

2.12.6 Protected Species and Wildlife Habitats

2.12.6.1 Objections state that the proposal would result in the loss of habitat and would have a detrimental impact on nature, birds and protected species. They also state that there is no reference to aquatic life in the burn.

2.12.6.2 A Preliminary Ecological Appraisal Report (PEA) has been submitted in support of this application. The report provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and protected species surveys of the application site. It also provides recommended mitigation measures where required. Separate dedicated protected species surveys for badgers, bats, red squirrel, otter and wintering geese were also carried out. The PEA advises that the survey area included the site plus an outer zone of 30 metres from the site. It further advises that nine habitat types within the site were identified, and these included mixed plantation woodland, scrub, dense/continuous, broadleaved parkland/scatter trees, semi-improved natural grassland, running water, amenity grassland, walls, buildings and other habitat (tarmac drive). The PEA also states that signs of badger, squirrel drey and structures/trees with bat roost potential were identified within the search area. Varying nests for birds were also identified but there was no evidence to suggest they were in active use at the time of the survey. The PEA also states that Himalayan Balsam which is a non-native invasive species was identified at multiple locations along the watercourse. An invasive weed survey has, therefore, also been submitted which identifies species which could present a risk to the proposed development in terms of its end users and the environment. The survey states that Himalayan Balsam, Cotoneaster and Rhododendron were recorded within the site, and it recommends that an invasive weeds management plan is put in place to prevent the risk of spread of these weeds into uncontaminated areas and to prevent spread out-with the site. Conditions are recommended regarding this matter.

2.12.6.3 The PEA also identifies internationally designated sites within 2 kilometres of the site, and these include the Cullaloe Reservoir SSSI and Cullaloe Local Nature Reserve to the north, Firth of Forth SSSI to the south and the Otterston Loch SSSI to the west. The PEA advises that there is not considered to be an effective pathway as the site is not linked physically or functionally to these locations. As such, no impacts are predicted as a result of the proposed development on these sites. The appeal decision report for the 2018 PPP stated that "the site lies within one kilometre of the Firth of Forth Special Protection Area and Ramsar Site", whilst it further advised that the reporter agreed "with Scottish Natural Heritage (now NatureScot) that significant effects on the qualifying interests of these designations is unlikely to arise". They therefore advise that a detailed Habitats Regulation Assessment (HRA) as per the relevant legislation was not required. It is considered that based on the submitted information and as per the PPP decision that the proposal would have no significant impact on these designations, therefore, a fully detailed HRA is not considered necessary on this basis.

2.12.6.4 A Red Squirrel and Otter Survey has been submitted, and this carries out a desk-based study and field survey of the search area. This advises that no field signs indicating the presence of red squirrel or otter were identified during the survey of the area. The submitted information does, however, recommend that a pre-construction survey for otters should be carried out as a precautionary approach to ensure that there are no direct impacts to otter due to the works. A condition is recommended regarding this matter. A wintering geese survey was also carried out and this advises that no overwintering geese were recorded using the site for feeding or resting, therefore, there is no constraints relating to overwintering geese for this site.

2.12.6.5 A badger survey was also carried out and this covered the site and a 30-metre study area around the site. Evidence of badgers was identified within the search area and the report recommends all proposed works are undertaken at a minimum distance of 30 metres from any potential badger sett locations (extending to 100m for piling or blasting works) to allow any impacts to badgers to be avoided by design. It further advises that should it be necessary to complete works within 30 metres of any sett locations (or undertake piling or blasting), further mitigation will be required together with an application for a license from NatureScot to prevent an offence from occurring under the relevant legislation. The report also advises that Inch Marton Plantation Ancient Woodland was scoped out of this survey as the development design has included a no works protection buffer zone around the Inch Marton Plantation and this no works zone ensures no direct impacts to the Ancient Woodland or the species utilising the habitat. The submitted information advises that on review of the landscape design, one sett is likely to be directly impacted by the proposal and further monitoring was recommended in order to classify the sett. It was concluded that design changes to microsite the works 30 metres from the badger sett were not possible and therefore further survey works have been proposed to facilitate a license application. The report advises that a license granted by NatureScot, together with a Species Protection Plan which will include measures such as artificial sett construction and monitoring must be in place prior to any works within 30 metres of the badger sett, whilst 30 metres no works zone must be in place around all sett entrances on site for the duration of the works. A species protection plan has also been submitted with this application, and it sets out the measures necessary to ensure the protection of any badgers on the site. The submitted information also recommends that a pre-construction survey for badgers is carried out. Conditions are recommended regarding these matters which require that any works on site are carried out fully in accordance with the recommended mitigation measures.

2.12.6.6 Bat surveys were carried out in relation to the site, and these identified some bat roosts within the site, therefore, the proposed works could result in direct impacts to bats. The submitted information advises that the type of bats discovered are considered to be a widespread species of low conservation concern and are currently considered to have an increasing population trend. The bat survey report also advises that as the roost can be characterized as non-breeding due to the low number of roosting bats found and the inconsistent roosting habits, the impact from the planned development is not likely to be significant on a wider geographical scale. The report recommends that a license from NatureScot supported by a species protection plan is sought to allow the destruction of the roosts to comply with legislation and allow works relating to the proposal including demolition of some buildings on site to take place. The report also advises that the roosts will need to be successfully excluded, and a suitable alternative provided on site or nearby, such as bat boxes. A biodiversity enhancement plan report has been submitted which identifies suitable locations for bat boxes on the site and conditions are also recommended regarding this matter.

2.12.6.7 Ground level tree assessments with regards to bats were also carried out in relation to the site, and these identified some trees with bat roost potential, therefore, the proposed works could result in direct impacts to bats. The survey advises that a total of 51 trees were identified within and around the overall site (school and residential) with either low or medium potential roost features (PRF). The survey report further advises that 11 of these trees are within the overall development area or potentially within the 30-metre disturbance buffer zone with 17 of these trees having low PRF and one sycamore tree having medium PRF. The report further advises that best practice guidance recommends that further survey work is not required for trees identified with low PRF, however, further survey work would be required for the tree with medium PRF if it is to be removed from the site. The report recommends that a licence from NatureScot will be required if a roost is identified within a tree which requires to be removed. The report also advises a precautionary working method statement should also be provided for any works that affect trees with low PRF. The aforementioned Sycamore tree with medium PRF is located within the residential site to the south, however, there are no plans to remove this tree. A condition is, however, recommended requiring that a pre-construction bat survey is carried out with regards to all trees which could be impacted upon with any required mitigation measures also submitted for approval by this Planning Authority. The proposal subject to this condition would, therefore, have no significant detrimental impact on bats.

2.12.6.8 Fife Council's Natural Heritage Officer (NHO) initially advised that the proposed luminaire spectrum (4000K) of the proposed street lighting would not be wildlife friendly and further details regarding landscape phasing should be submitted. Amended details relating to the street lighting was submitted and this now shows a luminaire spectrum specification of 2700K and further details relating to the landscape phasing was also submitted. The NHO was re-consulted and they now confirm they have no objections to these amended details, whilst, they also agree with the findings and recommendations contained within the PEA/protected species surveys. They, therefore, have no objections to the overall proposal subject to the proposed mitigation measures contained within the PEA and protected species surveys being carried out in full. They also advise that the submitted information would comply with the requirements of conditions 3 (d) (Landscaping Scheme), (g) (Landscape Framework) and (i) (street lighting) and 5 (c) (CMP), (f) (Landscape and Open Space Strategy) and (n) (Ecology Survey including Bat, Badger and Red Squirrel Surveys) of the associated PPP.

2.12.6.9 NatureScot advise that they are satisfied with the findings contained within the aforementioned assessments, species protection plans and biodiversity enhancement measures. They, therefore, have no objections subject to a condition requiring that the conclusions, recommendations and proposed working methodologies contained within these submissions are carried out in full. A condition is recommended regarding this matter.

2.12.6.10 The findings of the submitted PEA and protected species surveys/reports are accepted, and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. It should also be noted that a licence is required for any works that would affect badgers or bats, and the agent has confirmed that they are currently in the process of applying for a licence for the works which would affect these protected species. Conditions are also recommended requiring that the proposed mitigation measures as set out in the PEA and other associated documents are carried out in full. The proposal subject to conditions would, therefore, be acceptable, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

2.12.7 Biodiversity Enhancement

2.12.7.1 Objections state that the proposal would result in biodiversity loss.

2.12.7.2 A Biodiversity Enhancement Plan (BEP) has been submitted alongside the PEA. The BEP states that it has been informed by the PEA, protected species surveys, landscape plans and urban wildlife strategy reports. The BEP states that 337 trees are to be planted within the site, and these include a variety of flowering species which attract pollinators, and fruiting species which would provide a food source for birds and small mammals. It also advises that the proposed tree planting in the south part of the site would improve physical and functional connectivity to the woodland in the west and south-west of the site, whilst the tree planting in the north of the site maintains connectivity to the Inch Marton Plantation. The BEP also explains the different types of planting proposed within the site and sets out the benefits this could provide in terms of biodiversity and habitat and food source creation. The BEP also sets out habitat creation measures which will be provided on site, and these include the installation of invertebrate bricks in boundary walls, the provision of bat and bird boxes around the site and small holes being created in fencing throughout the site to allow access for foraging and commuting hedgehogs. A wildlife pack will also be provided to new homeowners which will include bird boxes which can be located in individual gardens.

2.12.7.3 A landscaping plan has also been submitted which reflects the recommendations contained within the BEP and this sets out the planting of a number of native species including trees, shrubs, hedges, wildflower meadows, shrub planting and native bulb planting around the site. The proposed planting of trees, shrubs and hedges would represent a re-planting ratio of approximately 5:1. The submission also includes phasing details and future management and maintenance details for the proposed landscaping.

2.12.7.4 Fife Council's NHO and NatureScot have no objections to the proposed biodiversity enhancement measures subject to these measures being carried out in full.

2.12.7.5 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges and wildflowers and would also include a number of other biodiversity enhancement measures as set out above. The proposal would also result in the management of invasive weed species on the site which would also provide a biodiversity enhancement at this location. A condition is also recommended with regards to the provision of the biodiversity enhancement measures as set out in the PEA. The proposal would, therefore, bring about a biodiversity enhancement to the site and surrounding area when compared to the existing site. The proposal subject to conditions would, therefore, be acceptable, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

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

2.13.1 Policies 1, 2, 12 and 19 of NPF4, Policies 1 and 11 of FIFEplan and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.13.2 Condition 5 (b) of the associated PPP requires that an Energy Statement of Intention (ESI) as set out in the Fife Low Carbon supplementary guidance (2019) or any subsequent revision be submitted.

2.13.3 Objections state that the proposal would not be sustainable, would be contrary to the climate emergency and the energy statement is incorrect as it states there are not non-domestic buildings. They also consider that a heat network should be investigate for the non-domestic element and solar panels should be used on all buildings.

2.13.4 An ESI has been submitted, and this sets out the environmental, sustainability and energy strategies for the proposed development. The ESI also includes an assessment of district heating feasibility for the proposed development, an analysis of available low and zero carbon technologies and a sustainability statement. The ESI advises that the proposed development is located more than one kilometre from the heating district buffer zones of Dunfermline, Glenrothes and Guardbridge, therefore no further investigation is required in relation to this matter. The ESI also states that the development does not have the substantial heat demand required to support a heat network alone and it concludes that a heat network is not a viable option for this development. The ESI then carries out a low and zero carbon feasibility study and summarises the technology opportunities (solar water heating, heat pumps, solar panels, biomass boilers, ground or source water heat pumps and air source heat pumps) for a development of this type. The ESI advises that the proposal shall be designed in accordance with the energy hierarchy of reducing energy demand, meeting the demand as efficiently as possible and then utilising renewable energy to offset the outstanding demand. The ESI states that a number of passive measures will be used to reduce energy demand including ensuring good levels of daylighting, passive solar design, excellent fabric performance for new thermal elements and openings to reduce heat loss, high levels of air tightness and limiting of thermal bridging. The ESI also advises that the relevant Building Standards targets will be met, whilst efficient energy technologies will be utilised including zero carbon heating systems such as air source heat pumps, energy efficient LED lighting and energy metres. The report recommends that the proposal utilises an energy efficient and zero carbon system like air source heat pumps to reduce carbon emissions and running costs for occupants in line with the National Planning Framework 4 policies 1 and 2 and national climate change ambitions. A sustainability statement has also been submitted, and this advises that each building and dwelling will utilise energy efficient measures to reduce the effects of climate change, whilst solar gain will be maximised, and energy efficient materials and renewable energy technology will be utilised.

2.13.5 It is considered that sufficient information has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The application site is located more than one kilometre from a district heating network; therefore, it is not required to investigate the feasibility of connecting to an existing or proposed district heat network. The proposal would also integrate well with and would include sufficient connectivity to the existing Aberdour Village which would enable occupants to easily access local services from the proposed site with a number of services located within a 20-minute walking distance of the site, therefore the proposal would be located within a sustainable location. A condition is also recommended requiring that details of the proposed energy generating technologies are submitted for approval. The proposal subject to a condition would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.14 Hazardous Safeguarding Zone

2.14.1 Policy 23 of NPF and Policies 1 and 5 of the LDP apply.

2.14.2 Condition 5 (c) of the associated PPP requires that details of any required exclusion zones either side of the existing pipelines; the arrangements for monitoring the construction and operational phases of the development; and any required pipeline protection, scope of works and work methods including the laying of any new services or access roads (both temporary and permanent) which encroach upon the pipelines. This condition was requested by the pipeline operator during the PPP assessment. Details regarding these matters have been submitted.

2.14.3 Objections state that there are concerns as the proposal is next to Pipelines and the Health and Safety Executive have objected. Further concerns regarding the impact of the pipeline on the residential development and due to the topography of the site were also submitted. These concerns were also forwarded onto the Health and Safety Executive (HSE).

2.14.4 The far north-western part of the site is located within a Major Hazard Pipeline Consultation zone. The HSE was therefore consulted on this application, and they have no objections to the proposal. ExxonMobil and Shell UK who are the operators of the Pipelines also advise that they have no objections to the proposal and agree with the submitted CEMP. The proposal would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.15 Affordable Housing

2.15.1 Policies 15 and 16 of NPF4, Policies 1,2 and 4 of the LDP and Fife Council's Supplementary Guidance on Affordable Housing apply. This Supplementary Guidance advises that the affordable housing requirement for Aberdour is 25% of the total number of houses proposed within a housing development.

2.15.2 Conditions 2 (b), 3 (b) and 5 (i) of the associated PPP require that plans shall be submitted which show the construction of affordable residential units on the site (25% of the total number of units) with details of these units to be provided and also details of the intended methodology and delivery of the onsite affordable housing, including a tenure and timetable for delivery. These details have been submitted and include an affordable housing statement which sets out the tenure and a timetable for the delivery of the affordable dwellings.

2.15.3 Objections state that the proposed affordable dwellings may never come forward.

2.15.4 The proposal would provide 46 affordable dwellings on the south-eastern and north-eastern parts of the site. Fife Council's Affordable Housing (AH) team initially advised that the ground floor cottages should be wheelchair accessible and amended drawing were submitted to address these comments. AH was re-consulted, and they have no objections to the proposal as it would provide the required 25% of the total number of homes as affordable. The matter relating to the requirement to provide the affordable dwellings on site was also secured through

the original Section 75 agreement for the PPP, and this still legally applies. A phasing plan has also been submitted which shows the timing of the construction of the proposed development and this is set out within section 1.2.5 of this report. The proposal subject to this planning obligation would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.16 Infrastructure and Planning Obligations including Education, Strategic Transport Intervention Measures, Open Space and Other Infrastructure Considerations

2.16.1 Policies 14, 18, 20 and 21 of NPF4, Policies 1, 3 and 4 of the LDP, Making Fife's Places Supplementary Guidance, Fife Council's Planning Obligations Framework Guidance and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply.

2.16.2 Condition 9 of the associated PPP states that the total number of homes permitted on this site is 125. This figure can be varied by the written agreement of the planning authority where this is justified by the supporting information required under the terms of Conditions 2, 3, and 5 and where the applicant can demonstrate there is sufficient infrastructure capacity to support additional homes above 125 units. The matter relating to the impact on infrastructure capacity of 125 units, the school site and the business units has, therefore, already been accepted under the PPP application, however, the impact of the additional 61 dwellings on infrastructure will require to be fully assessed.

2.16.3 Objections state that the proposal would have a detrimental impact on infrastructure including schools, public transport and healthcare facilities.

2.16.4 Education

2.16.4.1 Objections state that the proposal would have a detrimental impact on schools and nurseries.

2.16.4.2 The Section 75 agreement for this development requires that a sum of £179,348 index linked is paid to Fife Council for the provision of temporary accommodation at Aberdour Primary School and this must be paid upon occupation of the 25th residential unit.

2.16.4.3 Fife Council's Education Services (ES) were consulted regarding the current proposal as the number of dwellings has been increased by 61 units. ES advise that they have re-assessed the proposal based on 186 dwellings and there would be no requirement for additional mitigation as a result of the increase in units. ES, therefore, has no objections to the proposal. The proposal subject to the previously agreed planning obligation would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.16.5 Strategic Transportation Intervention Measures

2.16.5.1 The Section 75 agreement for this development requires that a sum of £456 per open market unit index linked is paid to Fife Council upon occupation of the 25th residential unit. This proposal, is therefore, required to pay a total contribution of £63,840 (140 dwellings (Private

open market units – affordable dwellings) x £456). This matter has already been secured through a Section 75 planning obligation and does not require to be re-visited as the current guidance is still applicable and the contribution amount agreed at the time was per open market unit. Fife Council's Transportation Development Management Team have also advised that they have no objections to the proposed development. The proposal subject to this planning obligation would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.16.6 Open Space

2.16.6.1 Polies 14, 20 and 21 of NPF4, Policies 1, 3 and 4 of the LDP and Making Fife's Places Supplementary Guidance apply. Conditions 2 (f), 3 (f) and 5 (f) of the associated PPP require that details relating to open space are submitted. The relevant conditions of the PPP also require that any open space in the site should be for a broad range of users. An open space user statement and various drawings showing open space areas have been submitted.

2.16.6.2 Fife Council's Parks, Development and Countryside team advise they have no objections and have requested a contribution towards the play area at Humble Terrace, Aberdour.

2.16.6.3 The open space statement advises that an area of 9500 square metres is provided as a central open greenspace area through the site, and this will incorporate grassed landscaped areas along with benches, whilst approximately 11,500 square metres of useable landscaped open space areas will be provided around the site to separate buildings, and which are accessible via an interconnected network of footpaths. The statement advises that these areas can be used for a variety of informal social activities such as picnics, kickabout or gathering areas. The statement also advises that green corridors measuring approximately 48,700 square metres are proposed at the north and south of the residential site and these act as buffer areas between the development and the rest of the settlement, however, these can also be used for walks, cycling or horse riding. The statement also considers that civic space measuring approximately 9500 square metres will also be provided and these would mainly be squares and streets and would consist of hardstanding areas where residents can socialise. A management and maintenance plan has also been submitted for these open space areas.

2.16.6.4 This development, as per the open space criteria set out in Making Fife's Places, is required to provide approximately 11,160 square metres of useable open space on the site or it should make a financial contribution towards existing open space if the development is located within 250 metres walking distance of an existing open space.

2.16.6.5 The proposed layout shows a total of approximately 69,700 square metres of open space on the site which would far exceed the requirement of 11,160 square metres. This area also includes various seating areas and soft landscaping which will encourage people to utilise and socialise within these areas thus creating an attractive, welcoming and successful place. A contribution towards the open space area at Humble Terrace, as requested by Parks, Development and Countryside would, however, not be required as the proposal would comply with the relevant guidance regarding this matter and there is no justification to request a contribution. The proposal would, therefore, be acceptable, would comply with the relevant conditions attached to the PPP and would comply with the Development Plan in this respect.

2.16.7 Other Infrastructure Considerations

2.16.7.1 Objections state that there will be a detrimental impact on healthcare infrastructure such as dentist and doctor's surgery as there is not enough capacity to support the development.

2.16.7.2 The impact on healthcare infrastructure is currently not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practices business case to expand services where required to meet additional demand. The funding of healthcare is an issue for central government. GP practices are often run as individual businesses which make a business case to expand and establish the practices if they seek to do so. This remains a matter that is closely monitored, and Council officers periodically liaise with NHS Fife during the Local Development Plan implementation or review process and will continue to consult NHS Fife in relation to large-scale or significant development proposals that could potentially impact on healthcare service provision. NHS Fife were consulted as part of a wider discussion with NHS Fife on development within Fife.

2.16.7.3 No planning contributions can be taken without specific mitigation being identified and costed. In line with Circular 3/2012 the developer can only pay what is directly attributed as their impact. This has not been specified for this application. Moving forward, the Planning Authority will be requesting that NHS Fife set out an overall strategy for expanding their estate to deal with any capacity constraints and outline the cost of this and how this should be attributed to developments. This would be positioned within any revision of the Planning Obligations Supplementary Guidance. Without this information and the policy support, no contribution can be taken for this development for healthcare services, and this would be the same for retail uses within the area. All other infrastructure that the development would be expected to contribute towards is set out above.

2.17 Public Art

2.17.1 Policy 14 and 31 of NPF4, Policies 1, 4 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply.

2.17.2 The relevant conditions (2 (f), 3 (g and (l) and 5 (d) of the associated PPP require that a public art strategy and details of this public art are submitted. These details have been submitted with this application.

2.17.3 The public art strategy sets out the context and history of the site and surrounding area and also identifies potential formats and locations for the artwork. These areas are located in and around the site within useable open space areas and near active travel routes. Details of public art in the form of benches has also been submitted. The submission advises that these benches will celebrate day trips to Aberdour over the years with different stylise infill panels at the rear of the benches with flags which will inform and grab the imagination.

2.17.4 The public art is mostly considered acceptable, however, no specific costing details regarding this have been submitted and it is considered that this could be further improved. A condition is, therefore, recommended requiring that further details regarding this matter are submitted and these submitted details should demonstrate how it has incorporated public art into the overall development with the cost of the public art equating to £300 per open market dwellinghouse which would equate to a total of £42,000 (140 dwellings x £300) as per the requirement contained within Making Fife's Place's. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area and the developer should also consult the relevant Community Council with regards to the design of the public art provision. The proposal subject to this condition would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.18 Archaeological Impact

2.18.1 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply. Condition 5 (I) of the associated PP requires that a Written scheme of Archaeological Investigation is submitted. This has been submitted with this application.

2.18.2 Objections state that the proposal could have a detrimental impact on archaeological sites.

2.18.3 A written scheme of archaeological investigation has been submitted, and this included a walk-over survey and archaeological trenching evaluation. The submitted report advises that no significant archaeology was discovered on site.

2.18.4 Fife Council's Archaeological officer has no objections to the proposal and advises that the submitted information complies with the requirements of condition 5 (I) of the PPP. The proposal would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.19 Community and Economic Benefits

2.19.1 Policy 16 and 25 of NPF apply. Policy 16 states that proposal that include 50 or more homes should be accompanied by a Statement of Community Benefit and this statement will explain the contribution of the proposed development to meeting local housing requirement including affordable homes, providing or enhance local infrastructure and improving the residential amenity of the surrounding area.

2.19.2 Objections state that there would be no benefit to the village.

2.19.3 No conditions were attached to the PPP requiring the submission of a statement of community or economic benefit; however, the submission does include an economic impact assessment report. The report states that the proposal would support 250 gross direct full time equivalent (FTE) jobs during the construction phase over each year of the construction period which is estimated to be over a period of 5 years and 8 months. The report also advises that the construction phase will involve indirect and induced employment benefits which would

support an additional 215 FTE equivalent jobs in sectors across the UK economy, whilst local businesses could benefit from a temporary increase in expenditure from the direct and indirect employment effects of the construction phase with workers spending in local shops, bars, restaurants and other services and facilities. The estimated economic output during the construction phase would be £31.6 million gross value added. The report also advises that the new residents of the proposal could generate £1.3 million of first occupation expenditure which would help sustain the vitality and viability of local businesses and could support 12 additional jobs in the local area, whilst the proposed households could generate a total gross expenditure of around £4.2 million per annum. The report further advises that the total net additional spending generated by new residents will equate to around £2.5 million per annum and this additional spending would support the vitality and viability of local businesses and could encourage other shops and services to move to the local market as well as supporting the functioning of town centres. Based on the above, the report advises that it is estimated that the additional expenditure could support a further 35 FTE jobs in retail, leisure, hospitality, catering and other service sectors within the Fife economy.

2.19.4 The report further advises that there would also be direct employment benefits as a result of the proposal with 30 FTE jobs associated with the small business/workshop units and 55 FTE jobs associated with the education facility with this generating an increase in GVA with the direct employment generating £7 million per annum. The report also states that the development would also benefit the revenue base of Fife Council by generating an increase in council tax and business rates with the proposal potentially generating around £532,750 per annum in additional council tax payments and an annual business rates contribution of £56,250.

2.19.5 The submitted supporting statement also includes a section on community and economic benefits and advises that the proposal would include significant community benefits within an accessible and well-connected area with new residents helping to improve the resilience of the local economy. The statement advises that new open space and play space would contribute to the health and wellbeing of the community and that the proposal would result in the enhancement of local biodiversity. The submission further advises that the landowner is willing to provide land to the north of the junction of Mill Farm Road/B9157 to enable the re-location of this junction as suggested in the TDM response and objections from the public. The developer considers that this could benefit the community as it would allow for Fife Council to re-locate this junction to provide better visibility splays at this location. This matter can, however, not be controlled through this planning application as the requirement to re-locate the junction is not considered necessary based on the impacts of the development. This would, therefore, be a separate matter to this AMSC application as the overall proposed impact on the road network and the existing junction is considered to be acceptable subject to the aforementioned conditions and as set out in section 29 (road safety) of this report. The agent has, however, advised that the proposed offer of this land would be for community benefit following concerns raised by the local community. The proposed land option would be submitted to the council as a separate matter to be signed between the relevant parties and the offer of the land would be for a period of 10 years with the draft land option agreement to be provided to the Council prior to these Committees. The applicant would, however, not be liable for the re-location of the junction and this would be a matter for Fife Council to address.

2.19.6 It is accepted that this proposal could provide a significant economic and community benefit to Aberdour and the surrounding Fife area. The proposal would also provide 46 affordable dwellings on the site which would be an increase of 13 affordable dwellings to that previously indicatively proposed which would also represent a positive community benefit. The

proposed offer of land to allow Fife Council to re-locate the Mill Farm Road/B9157 junction would also result in a potential improvement to this junction which would also benefit the community within the area. This would, however, be dependent on Fife Council carrying out works to re-locate the junction within the next 10 years. The proposal would, therefore, be acceptable, would provide an economic and community benefit and would comply with the Development Plan in this respect.

2.20 Core Paths

2.21 Policy 20 of NPF4 and Policies 1 and 13 of the LDP apply.

2.22 Core Paths (Inch Marton Plantation – P735/01 and P735/02 and Croftgary to Hillside – P736/01) run through and around the site. These connect the site with other paths around Aberdour and the Fife Coastal Path to the south. The description for the Inch Marton Plantation route advises that this is overgrown and impassable. The proposed access point onto Mill Farm Road would exit onto a Core Path and it should be noted that the location of this access point was accepted during the associated PPP. It is not considered that there would be any significant impact on these Core Paths due to the nature of the works involved and as the proposed construction works would be temporary in nature. The Core Path which runs from east to west through the Inch Marton Plantation is stated as being impassable as it is overgrown due to being located within this woodland area. It is not considered that the proposal, would, therefore, have a significant impact on this Core Path and, there would also be no requirement for this development to carry out works to make this length of Core Path passible as this is an existing situation which the development would have no significant impact on. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Natural Heritage, Planning Services	No objections
Archaeology Team, Planning Services	No objections
Structural Services - Flooding, Shoreline and Harbours	No objections subject to the submission of appendices 3 and 4 of SUDS Guidance.
Historic Environment Scotland	No response
Community Council	Object
Built Heritage, Planning Services	Have raised concerns regarding the proposal.
Trees, Planning Services	No objections

Urban Design, Planning Services	No objections
Land And Air Quality, Protective Services	No objections
Education (Directorate)	No objections
Housing And Neighbourhood Services	No objections
TDM, Planning Services	No objections subject to conditions.
Transportation And Environmental Services - Operations Team	No response
Parks Development and Countryside	No objections and have requested a contribution towards play area at Humble Terrace, Aberdour.
Parks Development and Countryside - Rights of Way/Access	No response
Scottish Environment Protection Agency	No objections
Scottish Water	No objections
NatureScot	No objections

4.0 Representation Summary

4.1 Eighty letters of objection have been received from seventy-four individuals. The Aberdour Community Council have also objected, and the concerns raised include:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- In contravention to FIFEplan	2.2
- Number of dwellings has increased from 125 to 190 plus.	2.2
- Loss of green space.	2.2
- New school not justified.	2.2
- The original app was misleading as there is now an increase in housing on site.	2.2
- 50% increase in houses not acceptable.	2.2

- No need to increase number to address a housing shortage as housing targets have changed.	2.2
- Loss of playing surface.	2.2
- Plenty of brownfield and greyfield locations that development should be built on before greenfield location.	2.2
- Loss of prime agricultural land	2.3
- Application should take into account recently built development within Aberdour.	2.4
- Overdevelopment/too dense.	2.4
- Will dilute village character.	2.4
- Does not preserve character of local village.	2.4
- Visual Impact	2.4
- Finishing materials are not appropriate at this location.	2.4
- Development is far too large.	2.4
- Scale and size not acceptable.	2.4
- No single storey properties.	2.4
- Not in keeping with scale of existing village.	2.4
- Dwellings should use natural stone.	2.4
- The character of the village will be unacceptably fundamentally altered.	2.4
- Connectivity and proposal would not integrate with village because of this.	2.4 and 2.9
- Proposal would have a detrimental landscape impact.	2.5
- Negative impact on historic assets.	2.6
- Impact on setting of listed buildings.	2.6
- Detrimental impact on character of Conservation Area.	2.6
- No details on what will happen to existing listed building Hillside House	2.6
- Detrimental impact including noise impact during construction phase	2.7.7
- Light pollution	2.7.8
- Development will be closer to existing residential area	2.7
- Noise impact	2.7.4
- Detrimental Impact on local road network.	2.9
- Increase in traffic is not acceptable on dangerous roads including Mill Farm Road junction with B9157.	2.9
- Congestion	2.9
- Detrimental impact on road safety.	2.9
- Original stage one road safety audit for the 2018 PPP highlighted the issue with new access onto Mill Farm Road.	2.9
- B9157 junction should be improved.	2.9
- Increase the risk of traffic accidents.	2.9
- Junction at the Glebe will substantially increase in terms of traffic and not safe.	2.9
- 30 MPH zone will need to be moved.	2.9

- Proposal is inconsistent with sustainable travel principle as it does not include a pedestrian bridge over the Dour Burn, or enhanced footway which undermines the aims of active travel promotion.	2.9
- Fife Council's Transportation Development Management team's consultation response has ignored community concerns regarding pedestrian safety and access, whilst a robust and long-term solution should be provided at the Mill Farm Road/B9157 junction with the proposed mitigation measures including refreshed rumble strips, signage and a VMS sign considered to be insufficient.	2.9
- Flooding will worsen as houses will be built within flood risk area.	2.10
- SUDS scheme not appropriate.	2.10
- Pollution of waters due to run-off	2.10
- Detrimental impact due to surface water run-off.	2.10
- Flood assessment is inaccurate.	2.10
- It appears that existing culverts have not been taken into account.	2.10
- Existing drainage system would not cope with more houses.	2.10
- Sewage issues with regular sewage overflow to the beach.	2.10
- Detrimental impact on Dour Burn in terms of flooding and impact on aquatic species.	2.10
- Water supply will not be able to cope with extra houses.	2.10
- Loss of trees and trees which are protected by a tree preservation order	2.12.5
- Proposal would have a detrimental environmental impact.	2.12
- Detrimental Impact on wildlife.	2.12.6
- Detrimental impact on habitats for protected species.	2.12.6
- No reference to aquatic life in the burn.	2.12.6
- Impact on birds.	2.12.6
- Tree report is not accurate.	2.12.5
- Biodiversity Loss	2.12.7
- Development is contrary to climate emergency.	2.13
- Proposal is not sustainable.	2.13
- Energy Statement is incorrect as states that there are no non-domestic buildings.	2.13
- Heat Network should be investigated for non-domestic element.	2.13
- Solar panels should be used on all buildings.	2.13
- Health and Safety Executive have objected and concerns with proposal as it is next to a pipeline.	2.14
- Affordable housing may never come forward.	2.15
- Detrimental Impact on existing infrastructure, roads etc.	2.16
- Detrimental impact on schools and nurseries.	2.16
- Detrimental impact on healthcare facilities.	2.16
- Detrimental impact on public transport.	2.16
- Could have detrimental impact on archaeological sites.	2.18
- No benefit to existing village.	2.19

- Air Quality impact	2.11
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4.2.3 Other Concerns Expressed

Issue	Comment
- Inadequate community consultation, whilst democratic procedure is not being followed by Fife Council for these applications.	See section 1.4 which sets out the community consultation which was carried out. The Developer has also advised that they also separately contacted the Community Council regarding the withdrawal of the previous applications and with an explanation of the application processes.
- No legal obligation to erect school as school proposal and housing have been separated, whilst school might close in near future and new school might never be built.	See planning history section and description for application reference 18/03468/PPP. This sets out the matters relating to the legal obligation to erect the school. This application and the previous associated PPP including the erection of the school must comply with the terms of the section 75 agreement which sets out the timings relating to the erection of the new school. The matter relating to the existing school potentially closing is not a material planning consideration as the Planning Authority has no control over this matter.
- Two new PPP apps should be applied for if the applicant wishes to separate ARCs.	The two separate approval of matters specified by conditions applications are legally competent and relate back to the approved PPP application (24/01423/PPP). These two applications which are currently under consideration are legally bound by the terms of the PPP.
- Approved by Scottish Ministers despite hundreds of objections being lodged against the original application.	The appeal decision of the Scottish Government along with their report of handling which sets out their consideration of the application can be viewed online at the DPEA website. The case officer at the time would have considered the objections associated with the PPP.

Is the term 'business units' builder speak for retail park?	The proposed business units which have been approved in principle are not retail units and are light industrial units (Class 4) as defined within the Schedule attached to the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
Why has no EIA been carried out? App should be screened again for EIA purposes due to the increase in numbers.	See section 1.4.4 above.
These two apps are attempting to sever the link between school and housing approved under PPP, whilst, the original section 75 may now no longer apply, therefore, a new section 75 is required.	The two approval of matters specified by conditions applications would not legally sever any link between these applications and the approved PPP application. The section 75 agreement would also still legally apply to these applications.
Is there requirement for a bond for maintenance of wall along Mill Farm Road.	The matter relating to the maintenance of the wall along Mill Farm Road is not a material planning consideration in this instance as this would not be necessary in terms of the impact of the development.
Not enough time to review submission as 3 weeks is not long enough	See section 1.4 which sets out the community consultation which was carried out. The timescales associated with the neighbouring notification process met the relevant legislative requirements
Number and type of properties do not reflect local need.	The mix and type of affordable units provided is assessed under section 2.15 of this report.
Walled garden could be used for allotment.	It is proposed to use the walled garden as a shared open space area.
Non-native invasive species should be eradicated to ensure no future infestation.	See section 2.12
Affordable housing has not progressed on other housing site within area.	This is not a material planning consideration in this instance. The timing and provision of the affordable housing element of the proposal is also controlled through the associated section 75 agreement.
No listed building consent in place.	There is no legal requirement for listed building consents to be in place before the determination of this application.

Previous apps withdrawn and this is disappointing as previous comments no longer stand.	The previous applications were withdrawn due to procedural matters and the standard process when a new application is submitted is for comments to be submitted in relation that specific application. It is not legally possible to transfer comments from one application to another.
Why is Transport Scotland not commenting on the application.	There was no legal requirement to consult Transport Scotland as the proposal does not significantly impact on a Trunk Road. They were also not consulted in relation to the two previous PPP applications.

5.0 Conclusions

5.1 The proposal would be compatible with its surrounds in terms of land use and would cause no detrimental impacts on surrounding residential properties within the proposed scheme or within the surrounding area. The proposal would provide a welcoming, high-quality, connected development which would respect the character and appearance of the surrounding built and rural environment, and which would provide a visually acceptable form of development on this site. The proposal would be considered acceptable in terms of its impact on road safety and its impact on the surrounding area in terms of natural heritage, built heritage, amenity, landscape impact, flooding, contaminated land, sustainability and in terms of its impact on existing infrastructure. The proposal would also provide an acceptable surface water management and drainage scheme and would bring about a positive biodiversity enhancement to the site along with community and economic benefits to the area. The proposal subject to conditions and the already agreed planning obligations, would therefore, be acceptable in meeting the terms of the Development Plan and National Guidance and would comply with the relevant conditions attached to the associate planning permission in principle (24/01423/PPP).

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. BEFORE ANY WORKS COMMENCE ON SITE; full details of the proposed energy generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of sustainability; to ensure compliance with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

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

Reason: In the interests of species protection.

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

Reason: In the interests of species protection.

4. BEFORE ANY WORKS COMMENCE WITHIN 30 METRES OF ANY AFFECTED TREES WITH POTENTIAL BAT ROOST FEATURES; updated ecological surveys for bats in line with the recommendations contained within the Bat Survey Ground Level Tree Assessment Report (Plan References: 141, 142, 143 and 144) shall be undertaken and the findings of this shall be submitted to and approved in writing by this Planning Authority. These details shall also include any required mitigation for any protected species found on site and a precautionary working method statement for any works that affect trees with low potential roost features. FOR THE AVOIDANCE OF DOUBT; NO AFFECTED TREES WITH POTENTIAL BAT ROOST FEATURES SHALL BE REMOVED FROM SITE until the required updated surveys/details have been submitted to and approved by this Planning Authority.

Reason: To ensure that protected species are properly assessed and mitigated for on the site.

5. BEFORE ANY WORKS COMMENCE ON SITE; an updated construction traffic route plan for all movements to/from the site shall be submitted to and approved in writing by this Planning Authority. All construction traffic shall then adhere to the approved plan with the construction traffic to be monitored and managed by the Site Manager in accordance with this construction traffic route plan. FOR THE AVOIDANCE OF DOUBT; the developer shall take all reasonable steps to ensure that construction traffic associated with the approved development adhere to this plan. Reasonable steps shall include (but not be limited to) including this requirement within contractual arrangements for sub-contractors engaged in the construction, providing

temporary signage indicating the approved access routes, briefing all staff engaged in construction activities on the site and specifying the access route to be used for deliveries when ordering materials.

Reason: In the interest of road safety; to ensure the provision of an acceptable construction route.

6. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the required bird and bat box/bricks as set out in the approved Biodiversity Enhancement Plan (Plan Reference: 145) shall be submitted to and approved in writing by this Planning Authority. These details shall include a scaled site plan showing the proposed location of these measures and a phasing plan for the provision of these measures. A minimum of ten bat boxes/bricks shall be provided on site, whilst the total number of bat boxes/bricks should reflect any required compensation measures for roost loss on site. All works shall then be carried out in full accordance with any subsequent approved details and these measures shall be provided on site in line with the approved phasing plan.

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

7. BEFORE ANY WORKS COMMENCE ON SITE (including vegetation removal); an Invasive Non-Native Species (INNS) management plan for the treatment and removal of the invasive species which would be affected by the development and as set out in the Invasive Weed Survey (Plan Reference: 232) shall be submitted to and approved in writing by this Planning Authority. The INNS management plan shall include a timescale for the removal of the non-native invasive weeds from the site. The approved INNS management plan shall thereafter be adhered to in full unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of ensuring all non-native invasive weeds are dealt with appropriately.

CONDITIONS:

8. BEFORE THE OCCUPATION OF THE 50TH DWELLING; the following mitigation measures shall be provided at the existing Mill Farm Road/B9157 junction –

- Refresh all the existing rumble strips, high-friction surfacing, and road markings on all arms of the junction.
- Provision of additional advance warning signs opposite existing warning signs.
- Provision of a VMS/VAS signs, incorporating interactive technology (to warn vehicles of turning traffic on the B9157) on the B9157 northbound approach to the junction.

Details of the above measures shall be submitted for approval to Fife Council within 12 months of the date of planning permission being granted and thereafter these measures shall be fully installed and operational in accordance with the approved drawings.

Reason: In the interests of road safety; to improve the existing signage and road markings at the Mill Farm Road/B9157 junction.

9. All works shall be carried out fully in accordance with the following approved documents or any subsequently approved related reports:

- Preliminary Ecological Appraisal (Plan Reference: 135)
- Bat Survey Reports (Plan References: 140 and 144)
- Biodiversity Enhancement Plan (Plan Reference: 145)
- Species Protection Plan (Plan Reference: 221)

All approved biodiversity enhancement measures shall be provided on site in accordance with the approved biodiversity measures and landscaping phasing details; whilst all mitigation measures including the proposed working methodologies and recommendations contained within these reports shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

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

10. BEFORE THE OCCUPATION OF THE FIRST DWELLINGHOUSE; full details relating to the provision of public art on the site shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a full contextual and historic analysis of the site in relation to this public art and shall provide evidence that the cost of the public art provision is equivalent to £42,000. The Developer shall also consult the relevant Community Council during the design of the required public art provision and a collaborative approach with the community shall be incorporated into the design process. Evidence that this consultation has taken place shall also be submitted with these details. Thereafter, the development shall be carried out in full accordance with these approved details and the approved public art shall be in place BEFORE THE OCCUPATION OF THE ONE HUNDREDTH DWELLINGHOUSE.

Reason: In the interests of successful placemaking.

11. No tree 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.

12. BEFORE THE OCCUPATION OF THE 25TH OPEN MARKET DWELLING; applications for listed building consent with regards to the removal of the extensions, re-instatement of windows and repair works to the external walls of Hillside House and any required works to the Walled Garden shall be submitted to and have been validated by this Planning Authority for consideration. Any subsequently approved works in relation to Hillside House shall then be carried out in full BEFORE THE OCCUPATION OF THE 139th open market housing unit. Any subsequently approved works in relation to the Walled Garden shall be carried out in full before the occupation of the 110th open market unit. These works shall adhere to these timescales unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of preserving/enhancing the historic character of the listed buildings on site.

13. FOR THE AVOIDANCE OF DOUBT; the workshop/business units are to be used as Class 4 (Business) units as defined in the Schedule included within The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or any subsequent amendment to this Order.

Reason: In order to ensure that the use class of the units is clearly defined.

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](#)

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

The Scottish Government's Policy on Control of Woodland Removal

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2020)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Windows (2020)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on External Walls (2020)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Affordable Housing Supplementary Guidance (2018)

Low Carbon Fife Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Planning Obligations Framework Guidance (2017)

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Planning Customer Guidelines on Dormer Extensions (2016)

Planning Customer Guidelines on Garden Ground (2016)

Minimum Distance between Windows Guidance (2011)

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Report prepared by Scott Simpson, Chartered Planner and Case Officer

Report reviewed and agreed by Derek Simpson (Lead Officer) 12.5.25

Committee Date: 21/05/2025

Agenda Item No. 6

Application for Approval Required by Condition(s) **Ref: 24/03087/ARC**

Site Address: **Hillside School 3 Main Street Aberdour**

Proposal: **Approval of Matters Specified in Conditions: 2 (c), 2 (d, e and f in part), 3 (a to f and h, i, j and m in part), 4 in part, 5 (a, b, c, l, m and n in part), 12 in part of planning permission in principle 24/01423/PPP for the construction of educational buildings, residential blocks, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure.**

Applicant: **Hillside School & CALA Management Ltd, 3 Hillside School Aberdour**

Date Registered: **6 December 2024**

Case Officer: **Scott Simpson**

Wards Affected: **W5R06: Inverkeithing and Dalgety Bay**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations and an objection from a statutory consultee which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 The application site measures approximately 20 hectares and is located to the north and west of the Aberdour village settlement boundary as designated within the Adopted FIFEplan (2017) (LDP). The site includes the Hillside School grounds and large open space grassed areas which are covered in parts by several trees. Hillside School is a Category B Listed Building, whilst the site also comprises of a Category C Listed walled garden which is located on the eastern boundary of the site. The northern part of the site is a large open space area and the Inch Marton Plantation woodland area, which is located at the crest of a hill, runs through the central part of the overall site.

1.1.2 The application site is bound on the south by Main Street (A921 distributor Road), on the east by residential properties (The Glebe) and open space field areas and on the west by Mill Farm Road which connects the village with the B9157 to the north. The Dour Burn runs through the western and southern parts of the site. The site is bound on the west and south by trees, with more shelter planting located north of a field access road that connects the site to Mill Farm Road. The remainder of the site comprises of fields or uses associated with the education facility that Hillside School is currently used for.

1.1.3 The topography of the site is varied and steeply sloping across the majority of the site. The high point of the site is at approximately 80 metres AOD at the Inch Marton Plantation woodland area and the topography falls north down towards the B9157 and south towards the Dour Burn at around 20 metres AOD. This southern area of the site sits at a lower level than Main Street. The main Hillside School building has been extended several times over the years and new buildings added to provide facilities relating to the educational activities on the site.

1.1.4 The Hillside School portion of the site is allocated (ABD001) as a housing opportunity site in the LDP with an estimated capacity for 70 dwellings. The allocation states that the residential development would fund the provision of replacement school facilities and associated employment uses. The allocated area is located to the south and north of the school buildings with the majority of the allocation area being located between the walled garden and the school buildings. The remainder of the application site is not allocated for development and is in an area designated as countryside in the LDP. The LDP also notes the potential Green Network Opportunity (ref: 323) to connect and provide access through the site between the village and the Inch Marton Plantation in a north-south direction.

1.1.5 The part of the site not allocated under the LDP is designated as part of the Cullaloe Hills and Coast Local Landscape Area. The entire application site is subject to a Tree Preservation Order (F0038, designated under 17/04091/TPO). The James Hutton Institute Land Capability for Agriculture in Scotland survey also shows that the site has a mix of soil qualities with the majority of the site including Classes 3.2 and 4.2 non-prime agricultural land. The northern area of the site located between the B9157, and the Dour Burn is categorised as prime agricultural land (Classes 2 and 3.1).

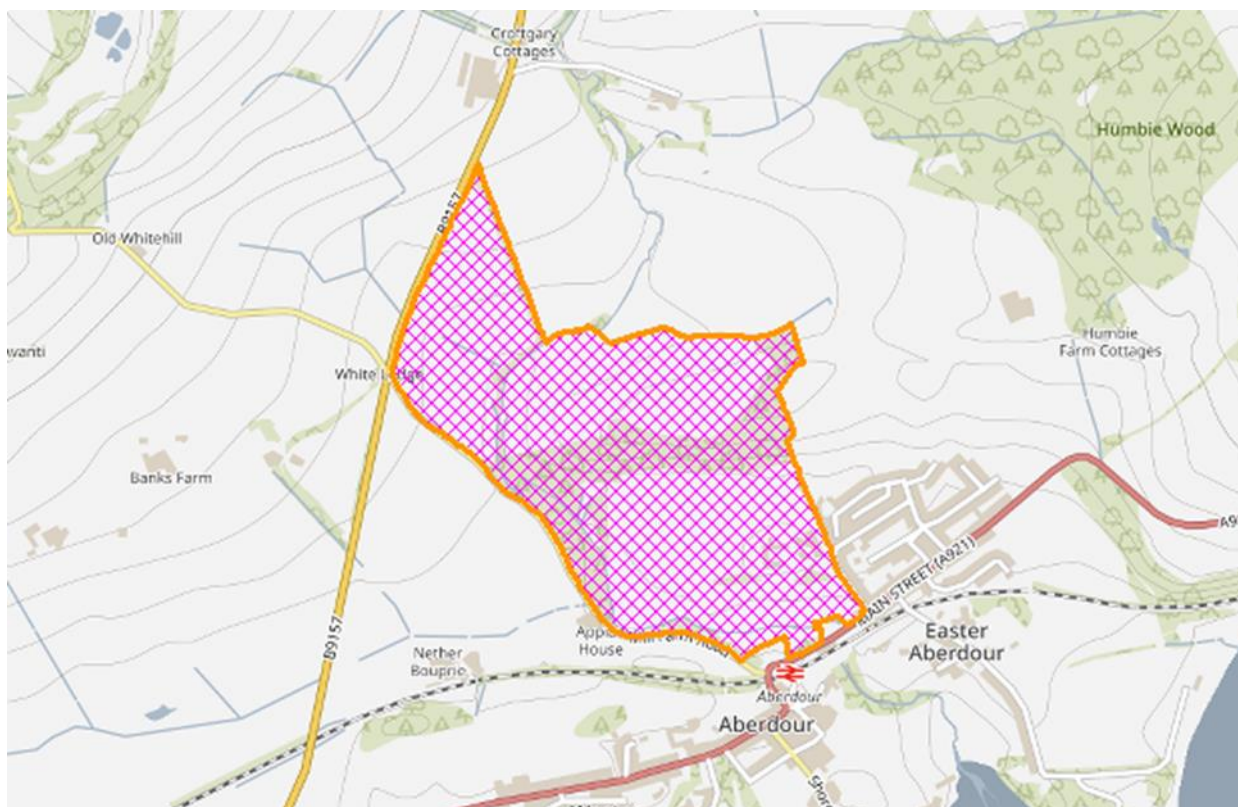
1.1.6 The southern and western parts of the site are subject to river flood risk as per SEPA's flood risk maps and due to the Dour Burn which runs through the site. Parts of the site are also subject to surface water flood risk as per SEPA's flood risk maps. The north-west part of the site is located within the Health and Safety Executive Major Hazard pipeline consultation zone for the Mossmorran to Braefoot Bay Pipeline. Core Paths (Inch Marton Plantation – P735/01 and P735/02 and Croftgarry to Hillside – P736/01) also run through and around the site. These connect the site with other paths around Aberdour and the Fife Coastal Path to the south. The description for the Inch Marton Plantation route advises that this is overgrown and impassable.

1.1.7 The site is located adjacent to the Category B Listed Building known as Mill Farmhouse and Steading, the Category B Listed Aberdour Railway Station and the Category A Listed Aberdour Castle, including its Garden Terraces and Boundary Walls. There are several other category B and C Listed Buildings located within Aberdour. Western and Eastern Aberdour are centred on the remains of Aberdour Castle, a Category A Listed Building and Scheduled Ancient Monument. The Castle grounds are designated as the Aberdour Castle Garden and Designed Landscape and are located across the A921 road to the south of the site. The centre of the village is a Conservation Area, and the Conservation Area extends to the south of the application site.

1.1.8 The Historic Environment Scotland Listing description for Hillside House which is Category B Listed advises that it includes the pedestrian gate to the south boundary wall. The two-storey building has a stone finish; timber framed sash and case windows and a hipped roof clad in natural slate. The listing description states that the building dates back to 1800 to 1810 and is a “basement and 2-storey, 5-bay rectangular-plan house (residential school, 2002) with irregular L-plan 1970s extension attached to W. Doric portico to principal elevation. Squared, snecked, stugged stone, droved ashlar to ground floor string course, eaves course. Raised, droved ashlar margins to arises with droved rybats, raised ashlar window surrounds. Eaves cornice with low parapet, coped pediment to advanced central section of S elevation. 1970s 2-storey L-plan school running to W and N of house; render, numerous openings (not included in listing)”. The description further advises that the house was served by a gatelodge to the south and one to the north. The north lodge (opposite Croftgary farm) no longer exists; however, the remnants of a tree line avenue stretch towards Hillside.

1.1.9 The listed description of the walled garden which is Category C Listed states that the walls were built in the early mid-19th century and that it is a large rectangular plan walled garden built into a rising slope. The description further states that it is has a random rubble finish to outer walls with droved quoins, brick running bond to N, E and W inner walls. Low wall to S elevation with rounded coping stones, higher walls with missing wall head to N, E and W elevations, swept to NW and NE corners. It also states that the wall includes “2 evenly placed segmentally arched doors to N elevation; ashlar surrounds with voussoirs, droved rybats, raised margins. Remains of rectangular ashlar entrance pier at far right to W elevation. Inserted modern wide entrance to right corner of S elevation. Low squat door to left corner of E elevation, ashlar margins to outer wall; thick rectangular margin to right”.

1.1.10 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application is for approval of Matters Specified in Conditions: 2 (c), 2 (d, e and f in part), 3 (a to f and h, i, j and m in part), 4 in part, 5 (a, b, c, l, m and n in part), 12 in part of planning permission in principle 24/01423/PPP for the construction of educational buildings, residential blocks, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure.

1.2.2 The proposal relates to the northern part of the overall site with the southern residential development part of the site assessed under the corresponding approval of matters specified by condition (AMSC) application (24/03098/ARC). This part of the proposal would include an additional support needs school building with an accompanying maintenance storage building, two business workshop buildings, five residential accommodation buildings for students/staff residents, one accessible residential accommodation building for student/staff residents and one guest residential accommodation building for visiting guests such as parents etc. The proposal would also include a multi-use games area (38 metres x 18 metres), a sensory garden and a communal garden along with associated bin storage and bike storage areas. Access into the site would be via the shared vehicular access onto Mill Farm Road which would also serve the residential development to the south of this site.

1.2.3 The proposed school building and associated residential accommodation would utilise a contemporary style design with a variety of finishing materials including facing brick finishes, pigmento red standing seam cladding, insulated wall panels and a white smooth render finish along with Kingspan insulated roof panels coloured anthracite and brown. The school building would include three distinctive elements to the building with the single storey part of the building containing the admin wing. The building then steps up in height with the middle section containing the main entrance and the larger two storey building would include the sports hall. The school building utilises a variety of finishing materials and heights with large areas of glazing. The workshop units would also use a facing brick basecourse, flat roofs, metal flashing cladding and insulated wall panels coloured green and grey and insulated roof panels would also be used. The buildings would all be a maximum of two storeys high.

1.2.4 A mixture of boundary treatments are proposed throughout the site including 1.2-metre-high post and wire woodland fencing and 1.2-metre-high timber picket fencing and hedgerows. A number of open space and seating areas are also proposed throughout the site and the MUGA would be surrounded by a 3-metre-high black coloured weldmesh sports fencing.

1.2.5 The proposed surface water scheme would incorporate two detention basins to attenuate and treat flows. The first basin to the north-west would have a storage volume of 1250m³ and would serve the school campus, school parking and residential/guest housing area and associated roads. Discharge from the basin would be to the Dour Burn to the west at a controlled rate of 6.0l/s. The proposed second basin would be located to the west of the site and would have 322m³ of available storage volume and this would serve the access road and workshop area. Discharge from the basin would be to the Dour Burn at the controlled rate of 1.7l/s. Filter Trenches and road gullies are also proposed throughout the site along with a series of underground drainage pipes. The detention basin would discharge to the watercourse located at the south of the main site area.

1.3 Relevant Planning History

1.3.1 The recent relevant planning history for the application site is as follows:

- An associated application (24/03098/ARC) for AMSC 2 (a and b), 2 (d to f in part), 3 (a, k & l), (3 b to j and m in part), 4 in part, 5 (a to c, l, m and n in part), 5 (d to k and o) 6, 9 and 12 in part of planning permission in principle 24/01423/PPP for residential development with associated landscaping, open space, access, drainage and other infrastructure and the relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access is currently pending decision and has been submitted to this current West and Central Planning Committee for determination.
- An application (24/01703/ARC) for AMSC 1 (a and b), 1 (d to f in part), 2 (a, k and l), (2 b to g and h to j in part), 3 in part, 4 (a, b, c, l, m and n in part), 4 (d to k and o), 5, 8, 14, 21 in part, 22 in part, 25 in part, 26 in part and 27 of planning permission in principle 18/03468/PPP (appeal reference: PPA-250-2341) for residential development with associated landscaping, open space, access, drainage and other infrastructure and the relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was withdrawn on 16th December 2024. This application was withdrawn as the agent/applicant advised that they would be applying for approval of matters specified by condition of application reference 24/01423/PPP.
- An application (24/01727/ARC) for AMSC 1(c), 1(d, e and f in part), 2(a to f and h, i and j in part), 3 in part, 4 (a, b, c, l, m and n in part), 21 in part, 22 in part, 25 in part and 26 in part of planning permission in principle 18/03468/PPP (appeal reference: PPA-250-2341) for the construction of educational buildings, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure was withdrawn on 16th December 2024. This application was withdrawn as the agent/applicant advised that they would be applying for approval of matters specified by condition of application reference 24/01423/PPP.
- Planning permission in principle (24/01423/PPP) for erection of approximately 125 residential units (including retention of original listed buildings) with associated landscaping, sculpture garden, servicing and access and erection of interpretive centre, and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access (Section 42 application to vary Condition 14 of application reference 18/03468/PPP (appeal reference PPA-250-2341) to alter the trigger points for the provision of the vehicular accesses and footpath/cyclepaths was approved with conditions on 16th August 2024. This application was determined under delegated powers and in line with Fife Council's List of Officer Powers which states that the appointed person is authorised to determine Major Section 42 applications where the application does not relate to a condition specifically added by Committee.
- An application for listed building consent (24/02525/LBC) for external alterations and demolition of extensions was withdrawn on 20th November 2024.
- Planning permission in principle (18/03468/PPP) for the erection of approximately 125 residential units (including retention of original Hillside School building for residential conversion) with associated landscaping, sculpture garden, servicing and access; and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was refused by Fife Council as Planning Authority under delegated powers on 3rd February 2020. This application was refused due to lack of information to fully assess the matters relating to the principle of the

development, landscape impact, impact on surrounding built heritage and cultural heritage assets, enhancement of the green network, residential amenity impact, flood risk, impact on trees/woodland and natural heritage impacts. This refusal was appealed (PPA-250-2341) to the Scottish Government and the appeal was allowed and planning permission in principle subject to conditions and a section 75 planning obligation was granted on 19th August 2021. The section 75 agreement related to the provision of affordable housing on the site, the payment of a primary education contribution and a strategic transport contribution and the timing of the delivery of the replacement school and associated business units. The section 75 agreement requires that a primary education contribution of £179,348 index linked towards the temporary addition of education facilities at Aberdour Primary School and a transport contribution of £456 per open market house index linked toward the upgrading and/or provision of new strategic transport infrastructure within the Dunfermline area be paid in full before the date of completion of the 25th residential unit on the site. It also requires that 25% of the total housing units on site be provided as affordable housing units with the matters relating to this to be agreed before the occupation of the 60th open market housing unit. The section 75 agreement also requires that the replacement school must legally commence construction no later than 24 months after the sale of the 50th open market housing unit, whilst the replacement school must be completed no later than 24 months from the commencement date of the school. The associated business units' commencement and completion timescales are also controlled through this agreement and the construction of these units must commence no later than 24 months after the completion of the replacement school, whilst the units must be completed 24 months after this date. This section 75 agreement also legally applies to the subsequently approved section 42 planning permission in principle (24/01423/PPP) and the subsequent AMSC applications.

- A proposal of application notice (18/01117/PAN) for erection of approximately 125 residential units (including retention of original listed building) with associated landscaping, servicing and access and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was submitted to this Planning Authority on 19th April 2018 and the method of consultation as agreed on 17th May 2018.

- An Environmental Impact Assessment (EIA) Screening Opinion Request (18/02445/SCR) for erection of approximately 125 residential units (including retention of original listed building) with associated landscaping, servicing and access and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was submitted on 4th September 2018, and this Planning Authority determined that an EIA would not be required for this development on 21st September 2018.

- Planning permission in principle (17/01870/PPP) for erection of approximately 125 residential units (including retention of original listed buildings) with associated landscaping, sculpture garden, servicing and access and erection of interpretive centre, and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was refused on 2nd February 2018.

- An EIA Screening Opinion Request (17/00427/SCR) for residential development with associated landscaping, servicing and access, relocation of existing school with associated playing fields, landscaping, servicing and access was submitted to this Planning Authority on 13th February 2017. A screening opinion was provided on 23rd March 2017, and this Planning Authority determined that an EIA would not be required for this development.

- A proposal of application notice (16/03599/PAN) for residential development with associated landscaping, access and car parking, and relocation of existing school and facilities was

submitted to this Planning Authority on 13th October 2016, and the pre-application consultation process was agreed on 1st November 2016.

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). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.4.2 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 This application would constitute a major development as per Class 2 (Housing) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the area of the site exceeds 2 hectares and the proposal is for more than 50 dwellings. This application is, therefore, classified as a Major development.

1.4.4 The proposal would fall under Class 10 (Infrastructure Projects) (b – Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it would have a site area which is more than 0.5 hectares. The proposal could, therefore, have an impact that would necessitate the need for an Environmental Impact Assessment (EIA). A formal EIA screening (18/02445/SCR) for the original planning permission in principle (PPP) for the erection of approximately 125 residential units (including retention of original listed building) with associated landscaping, servicing and access and relocation of existing school with associated playing fields, pavilions, workshops/business units, residential blocks, landscaping, parking, servicing and access was carried out by this Planning Authority in September 2018. Taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria, it was determined that an EIA would not be required for this proposal. The proposed site plan submitted in support of this screening opinion request reflected the indicative layout submitted under the original PPP application (18/03468/PPP). The current AMSC application shows the proposed school site being located in the same approximate area of the site as shown in the screening opinion indicative layout. It is considered that this previous screening opinion would still apply to the current AMSC proposal as there has been no significant change to the proposed school site which was assessed under the PPP. An EIA would not, therefore, be required in this instance. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal, and several reports carried out by professional consultants have been submitted in support of this application. These include an ecological report, protected species surveys, a geo-environmental report and a drainage strategy report.

1.4.5 A physical site visit was undertaken for this application on 23rd December 2024. All other necessary information has been collated digitally, and drone footage was also produced in October 2024 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier newspaper on 19th December 2024 and neighbour notification letters were sent out to all physical premises within 20 metres of the application site boundary on 18th December 2024. Site notices were also posted on site on 24th December 2024 for these applications.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

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

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

To encourage, promote and facilitate the re-use of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. This policy also deals with the matter relating to contaminated land and states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

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

Policy 31: Culture and creativity

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

This circular requires that planning obligations meet all the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

The Scottish Government's Policy on Control of Woodland Removal

This guidance provides policy direction for decisions on woodland removal in Scotland.

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 and also provides requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

Planning Customer Guidelines

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

This guidance sets out that unacceptable impacts on light to nearby properties should be minimised and preferably avoided.

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)

This guidance advises that clear glazed windows should be set 9 metres off a mutual garden boundary where there is a potential for overlooking to the garden of the neighbouring property.

Fife Council's Minimum Distance between Windows Guidance (2011)

This guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

Other Relevant Guidance

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

This guidance provides advice to all stakeholders involved in the planning process in relation to flooding and surface water management requirements.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development/Compliance with 24/01423/PPP
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Surface Water Management and Drainage
- Natural Heritage including impact on Trees, Protected Species, Wildlife Habitats and Biodiversity Enhancement
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Hazardous Safeguarding Zone
- Archaeological Impact
- Core Paths
- Contaminated Land

2.2 Principle of Development/Compliance with 24/01423/PPP

2.2.1 The principle of the educational buildings, residential blocks, workshop/business units (Class 4) with associated landscaping, open space, MUGA, access, drainage and other infrastructure on this site does not need to be revisited as it has already been established with the approval of the original application for PPP (18/03468/PPP) and the subsequent section 42 application for PPP (24/01423/PPP). The proposal, however, must comply with the conditions set out in the most recent PPP decision (24/01423/PPP) to be considered acceptable. In this regard, the current application has been submitted under conditions 2, 3, 4, 5 and 12 of application reference 24/01423/PPP which set out the detailed plans and information which are to be submitted to allow a full detailed assessment of the proposal to be carried out. Overall, this application has met the information submission requirements for the relevant conditions, where appropriate, and these matters are assessed in more detail below.

2.2.2 The matters relating to impact on prime agricultural land, landscape impact, flood risk from the Dour Burn, noise impact, impact on infrastructure capacity such as GPs, schools and other

infrastructure considerations, public art and the impact on the setting of adjacent Listed Buildings, Conservation Areas, Scheduled Ancient Monuments and Gardens and Designed Landscapes have been fully assessed under the associated AMSC application (24/03098/ARC) for the whole site (residential and school parts of the site), therefore, these matters do not require to be assessed again under this current application.

2.3 Design and Layout/Visual Impact

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

2.3.2 Conditions 2 (c), (d), (e) and (f) and (3), (4) and (5) of the associated PPP set out the detailed plans and information which requires to be submitted in this regard and where relevant. This includes a proposed site plan, sections and elevations of all buildings, a landscaping scheme, cross sections and a Design and Access Statement.

2.3.3 Objections state that the proposal would alter the character of the village and would result in overdevelopment of the site, whilst the proposal would use finishing material that are not appropriate at this location. They also state that the design of the residential accommodation is not appropriate in a rural setting, whilst the scale and size of the development is not acceptable within the open countryside.

2.3.4 Fife Council's Urban Design Officer (UDO) has no objections to the proposal.

2.3.5 A Design and Access Statement (DAS) and various drawings have been submitted which include contextual drawings, photographs and visualisations along with sections through the site and elevation drawings which demonstrate how the proposal would sit on the site in relation to the surrounding area and adjacent buildings. The DAS sets out the evolution of the design process which included design workshops being held with the existing school staff, pre-app consultation with Fife Council as Planning Authority and an informal community consultation event which took place in April 2024. The DAS undertakes a review of the PPP and LDP requirements and the existing site context and surrounding area including constraints and opportunities. The DAS then sets out how the final design layout was developed and sets out a rationale behind the final solution. The DAS advises that the natural setting of the site is impacted greatly by changing seasons throughout the year with the exposure, visibility and colours of the site being particularly different in spring compared with autumn. The DAS further states that both the school building and residential accommodation will utilise a similar palette of materials taking cues from the natural landscaping of the site, emphasizing the natural, earthy and rustic colours within the surrounding environment, through use of facing brickwork, render and standing seam metal cladding. It further advises that the ancillary buildings, such as the maintenance sheds and industrial units, will be green, steel-clad structures creating a more rural and agricultural feel and representing similar structures found in the local rural landscape. The DAS concludes that the new Hillside School Campus would represent a positive development for the area offering a modern and exciting facility for pupils and the school. It states that the key elements in achieving this are a clear and integrated site solution which is appropriate for its rural surroundings, a robust and contextual response to the buildings massing, form and materiality and a suitably simple and robust design from a client and user perspective given the nature of the facility. It also states that the proposal utilises a carefully considered and developed landscape plan which maximises potential for outdoor learning and opportunities to support pupil groups and encourages sustainability and a clear and modern learning environment with excellent educational facilities which supports education learning and the working environment.

2.3.6 In terms of the design and materials of the proposed education buildings, workshop units and associated residential accommodation, the education and residential accommodation buildings within the site would be of a high quality contemporary design and would utilise a variety of finishing materials including facing brick finishes, pigment red standing seam cladding, insulated wall panels and a white smooth render finish along with Kingspan insulated roof panels coloured anthracite and brown. The school building would include three distinctive elements to the building with the single storey part of the building containing the admin wing. The building then steps up in height and the middle section would contain the main entrance with the larger two storey building to include the sports hall. The school building utilises a variety of finishing materials and heights with large areas of glazing which create a positive and distinctive design solution to this building. The workshop units would also use a facing brick basecourse, flat roofs, metal flashing cladding and insulated wall panels coloured green and grey and insulated roof panels would also be used. The workshop units are typical of the type of buildings you may find within a rural countryside setting and the green colour cladding would be considered appropriate within this rural setting. The proposed finishing materials and style of buildings are, therefore, considered appropriate within the context of the surrounding rural area and would offer a high-quality contemporary style solution to the site. The application would, therefore, result in a proposed scheme that would integrate well with and would visually respect the character and appearance of the surrounding rural area. This would also help to create a place that is a pleasant, welcoming and distinctive place for staff and school pupils. The submitted 3D visualisation drawings also demonstrate, how, the proposed building and landscaping would fit into the surrounding area. Although the application site is in an isolated position away from any existing buildings, it is considered that in terms of the design of the proposal and the proposed boundary treatments and landscaping that this proposal would have no significant adverse impact on the rural character of the surrounding countryside setting. The proposed layout and design is also considered to provide a high-quality design which would be visually acceptable within this rural location. The proposal would, therefore, be visually acceptable and would comply with the Development Plan in this respect.

2.3.7 The agent has submitted cross sections and visualisations which demonstrate that the building heights would sit comfortably within the site and would relate well to the surrounding area. The submitted sections, visualisations and site layout drawings also demonstrate that the proposal utilises the topography of the site and the differing heights to ensure that the building heights are varied within the site. This variation to the layout, heights and materials proposed throughout the overall site and the high-quality contemporary style design of the proposal, would ensure that the development provides a visually interesting and distinctive place. The proposal would, therefore, be an appropriate form of development which would sit comfortably within the site and would respect and enhance the visual amenity of the surrounding area.

2.3.8 In conclusion, the proposal would provide a visually acceptable, welcoming, high-quality development through a varied layout and mix of property types and the height, massing, roofline and other detailing is considered to respect the character and appearance of the surrounding built environment. The proposal overall would, therefore, result in a development which would provide a visually acceptable form of development within this rural area, and which would comply with the six qualities of a successful place as set out within the Development Plan. The proposal overall would, therefore, comply with the Development Plan in this respect and would be visually acceptable.

2.4 Residential Amenity including daylight/sunlight, privacy levels, construction disturbance and garden ground.

2.4.1 PAN (Planning Advice Note) 1/2011, Policies 14 and 23 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Dormer

Extensions, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply.

2.4.2 Conditions 2, 3, 4 and 5 of the associated PPP set out the detailed plans and information which requires to be submitted in this regard and where relevant. This includes a proposed site plan, sections and elevations of all buildings, cross-sections through the site and levels. Condition 4 also requires that this information should include details of windows of buildings within 18 metres of the proposal.

2.4.3 The nearest residential dwellings are located to the north-west of the site at White Lodge, Whitehill, Aberdour, Fife, KY3 0RW and to the south-west of the site at Mill Farm Steadings.

2.4.4 Daylight/Sunlight and Privacy levels

2.4.4.1 The proposal would have no significant impact on the surrounding area as no residential dwellings are located within the direct vicinity of the proposal. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.4.5 Construction Impacts

2.4.5.1 Objections state that the proposal would result in noise during the construction process and that there would be a detrimental impact on the road due to construction traffic.

2.4.5.2 A construction environmental management plan (CEMP) has been submitted, and this sets out how construction works would be carried out on site taking into account the site context and surrounding neighbours. This includes methods to reduce dust, noise and vibration and the measures which will be implemented to prevent any potential future environmental incidents. The CEMP also sets out that deliveries would be made from 8 am to 6 pm, Monday to Friday, and 8 am to 1 pm on a Saturday, whilst construction working hours would be restricted to Monday to Friday from 8 am to 6 pm and on a Saturday from 9 am to 4 pm with no working on Sundays or Public Holidays. The submitted phasing plan also shows that the access road into the site would be developed during phase 1 with a construction site compound located within the proposed parking area on site. The SUDS detention basins, education, workshop and residential buildings would then be constructed during phase 2.

2.4.5.3 Any construction disturbance caused as a result of the proposal would be temporary in nature and developers should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Public Protection Team can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. The submitted construction environmental management plan is also considered to be acceptable and there are no dwellings located with the direct vicinity of the school site. There would, therefore, be no significant impact on the surrounding area due to any associated construction works. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.4.6 Light Pollution

2.4.6.1 Objections state that there will be a detrimental impact due to light pollution.

2.4.6.2 It is considered that the submitted information demonstrates that the proposal would not result in any further significant detrimental light pollution to the site or the surrounding area. The matter relating to the impact of light pollution on habitats and protected species is also fully assessed in section 2.7.6 of this report. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.4.6.3 The proposal overall would, therefore, have no significant impact on the surrounding area in terms of daylight/sunlight, privacy, light pollution or construction impacts. The proposal, would, therefore, be acceptable in terms of its overall amenity impacts and would comply with the Development Plan in this respect.

2.5 Transportation/Road Safety

2.5.1 Policies 1, 13, 14, 15 and 18 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation states that a Transport Statement is required to identify the most suitable access points.

2.5.2 Condition 2 (e) of the associated PPP requires that details of the roads, access roads, access, footpath and cycle path provision be submitted. Condition 2 (c) requires details of the proposed construction traffic routes to be submitted and conditions 2 and 5 also set out requirements for the submission of detailed plans such as site plans etc which must show the proposed road layout.

2.5.3 Condition 14 of the associated PPP requires that all works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. Conditions 19 and 20 require that the agreed visibility splays at the junctions of the aforementioned accesses are provided at the same time as the provision of the accesses onto Mill Farm Road (2.4 metres x 43 metres) and the A921 (2.4 metres x 25 metres). Condition 22 requires that the required off-street parking, including cycle and visitor spaces are provided before the occupation of each house or proposed development.

2.5.4 Objections state that the proposal would have a detrimental impact on the surrounding road network, whilst the surrounding roads will not be able to cope with the extra cars generated by the proposal. They also state that the proposal does not integrate with the village in terms of connectivity and the proposed pedestrian access should be improved with the inclusion of a footbridge over the burn. Objectors also consider that the increase in traffic would not be acceptable on dangerous roads including at the Mill Farm Road/B9157 and Main Street junction, whilst the B9157 junction should be improved.

2.5.5 Fife Council's Transportation Development Management (TDM) team advise that they have no objections to the proposal subject to conditions that the off-street parking is provided before the opening of the school and for the lifetime of the development and that an updated construction traffic route plan is submitted for approval before works commence on site. Conditions are not required with regards to the provision of off-street parking as this condition is included on the associated PPP as per section 2.5.3 above. Conditions are, however, recommended regarding the submission of an updated construction traffic route plan. This condition is required as TDM do not consider the current proposed construction route to be fully

acceptable and this condition would allow this matter to be fully addressed before any works commence on site.

2.5.6 It is not considered necessary to revisit whether the surrounding road network can accommodate the traffic associated with the school development site as this matter would have been fully assessed during the previous PPP applications (18/03468/PPP and 21/02110/PPP). It should also be noted that although the previous PPP application (18/03468/PPP) was refused, Fife Council as Planning Authority accepted that the surrounding road network could safely accommodate the proposed residential (125 units), school and workshop development at this location and the matter relating to road safety and traffic impacts did not form part of the refusal reasons for this PPP application (see planning history section above). This Planning Authority also accepted that all junctions within the public road network agreed for assessment would all operate well within practical capacity with the proposal having a negligible impact on these junctions. It was, therefore, determined by this Planning Authority that no mitigation measures were required at these junctions in terms of the impact of the proposal. The original PPP appeal decision (PPA-250-2341) also accepted that the surrounding road network could accommodate the proposal and did not include any conditions requiring mitigation measures in relation to the surrounding road network. This assessment was based on a total of 125 residential dwellings, the replacement school site and associated business units. The information submitted has also demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings demonstrate an acceptable layout in terms of access, parking, visibility splays and connectivity. The submitted information, therefore, complies with the relevant road safety conditions attached to the associated PPP and TDM have no objections to the proposal subject to their recommended conditions. The proposed development subject to conditions would, therefore, provide the required transport measures to minimise and manage future levels of traffic generated by the proposal, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

2.6 Surface Water Management and Drainage

2.6.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1, 3 and 12 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply. The LDP allocation states that a drainage impact assessment is required.

2.6.2 Condition 2 (d) of the associated PPP requires that details of a Sustainable Drainage System (SuDS) and drainage infrastructure be submitted. Condition 3 (h) requires that detailed designs including appropriate technical reports for the SuDS and other drainage infrastructure associated with the development, including management of surface water drainage and potential flooding be submitted.

2.6.3 Objection state that the proposal would worsen flooding within the area as the houses would be built in a flood risk area, whilst the SuDS scheme is not suitable. They also state that there will be a detrimental impact due to surface water runoff and that the existing water supply will not cope.

2.6.4 A Drainage Strategy Report (DSR) has been submitted in support of this application. The matter relating to flood risk from the Dour Burn does not need to be assessed under this current application as this matter was fully assessed under the corresponding AMSC application (24/030987/ARC). The DSR state that it is proposed to drain foul flows from the site to the foul drainage network of the proposed residential development to the south with surface water runoff to be conveyed to the Dour Burn to the west of the site. The DSR further advises that the surface water network will incorporate two detention basins to attenuate and treat flows. The

first basin to the north-west would have a storage volume of 1250m³ and would serve the school campus, school parking and residential/guest housing area and associated roads. Discharge from the basin will be to the Dour Burn to the west at the controlled rate of 6.0l/s. The second basin to the west of the site will have 322m³ of available storage volume and will serve the access road and workshop area. Discharge from the basin will be to the Dour Burn at the controlled rate of 1.7l/s. Due to the level difference between the site and the receiving watercourse, outlets from the basins to the Dour Burn will be via cascading outfalls with stone erosion protection. The DSR also states that a variety of SUDS treatment methods would be used including porous paving, rain gardens, swales and basins. The DSR concludes that the proposed SUDS methods would result in a neutral or positive effect to the receiving watercourse.

2.6.5 Scottish Water has no objections to the proposal and advise that there is currently sufficient capacity in the Glendevon Water Treatment works and for a foul only connection to the Silver Sands Waste Water Treatment Works to service the development. Fife Council's Flooding, Shoreline and Harbours team have no objections to the proposal and consider that an acceptable surface water management scheme would be provided on site. SEPA also has no objections to the proposal.

2.6.6 It is considered that the proposal could be connected to the existing public water supply and foul drainage network, and it should be noted that the applicant would also need to submit a formal application to Scottish Water before proceeding with the development. The relevant compliance and independent check SUDS certificates including a SUDS maintenance certificate have also been submitted as required by Fife Council's Design Criteria Guidance on Flooding and Surface Water Management and an acceptable surface water management scheme has been proposed. It should also be noted that the discharge of surface water run-off to the water environment is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and SEPA, who are the regulating body regarding this matter, will risk assess these proposed activities before granting, if appropriate, an authorisation. This ensures that the proposal would cause no detrimental impact to the water body including matters relating to the pollution of the water environment. There would, therefore, be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water and drainage system. The proposal would, therefore, be acceptable, would comply with the Development Plan in this respect and would comply with the relevant conditions attached to the associated PPP.

2.7 Natural Heritage including impact on Trees, Protected Species, Wildlife Habitats and Biodiversity Enhancement

2.7.1 Policies 1, 3, 4 and 6 of NPF4, Policies 1 and 13 of the LDP apply and The Scottish Government's Policy on Control of Woodland Removal apply.

2.7.2 Condition 2 of the associated PPP require that the following be submitted with every AMSC application, where relevant:

(d) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscape elements, including surface finishes and boundary treatments. These details shall include a programme for the implementation/phasing of the landscaping in relation to the construction of the development and details of the future management and aftercare of the proposed landscaping and planting.

(m) Details and specifications of the protective measures necessary to safeguard trees on the site during development operations.

2.7.3 Condition 5 of the PPP also requires that the following information be submitted:

(f) Landscape and Open Space Strategy for the whole site.

(n) Ecology Survey including Bat, Badger and Red Squirrel Surveys.

2.7.4 Condition 27 of the associated PPP requires that no works associated with the construction of the development shall commence on site until the approved tree protection measures as required under the terms of condition 3 (d) and 3 (m) are fully in place and this Planning Authority has been formally notified in writing of the completion of such measures and has confirmed in writing that these measure are acceptable. These tree protection 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.

2.7.5 Trees

2.7.5.1 Objections state that the proposal would result in the unacceptable loss of trees with the trees being TPOd and the proposal would have a detrimental environmental impact.

2.7.5.2 A number of trees including a woodland area (Inch Marton Plantation which is predominantly a conifer plantation woodland) are located within and around the site. An arboricultural impact assessment report (AIA), tree protection plan and landscaping plan have, therefore, been submitted to assess the impact on these trees. The AIA report states that the survey includes individuals and groups of trees, with one hundred and fifty-five individual trees and six main groups surveyed. The submitted information shows that the proposed access through the western area of the Inch Marton Plantation would result in parts of this woodland area being removed to allow for the proposed vehicular access road. As per the submitted tree surveys, this would include much of group 2, the eastern end of group 3 (a belt of Hazel), group 4 (a distinct pine plantation), most of group 3 and a section of P3. Trees within the woodland areas to the north are also recommended for removal due to the poor quality of these trees and not as a result of the direct impact of the development. The Inch Marton Plantation area is designated as an ancient woodland area as per NatureScot's maps, however, the proposed access route corridor to be formed through the woodland area would be located within an area which is designated outwith the ancient woodland area with the actual ancient woodland area being located further to the east and to the north-west of the access road.

2.7.5.3 The submitted landscaping proposals include the planting of a number of trees/woodland areas which would equate to the planting of a total of 3143 individual trees within the development site. The submission sets out that a series of new linear native species woodland planting blocks would be located along the new 'fill' slopes to the east and west, to provide a medium to long term increase to the existing woodland associated with the Dour Burn, and to compensate for the corridor that needs to be cleared for the new access road, much of which is single species young woodland (the Hazel and Pine plantations). It further states that the proposed woodland would be mixed with a variety of tree and lower canopy species drawn from the those present on site, whilst woodland mixes will incorporate proportions of longer lived 'climax' species, and shorter lived, faster growing varieties. The submission also advises that this woodland would provide future connectivity to the woodland adjacent and provide shelter and feeding opportunities for bird species.

2.7.5.4 Fife Council's Tree Protection Officer (TO) agrees with the findings of the AIA and has no objections to the proposal subject to the submission of a woodland management plan which is mentioned in the submitted AIA. The TO advises that the proposed loss of trees on the site would be acceptable due to the proposed compensatory tree re-planting which would help to build a future woodland of increased resilience and adaptability. They do consider that there will initially be a significant arboricultural impact including a small degree of fragmentation to allow for the access road through the Plantation area, however, they consider that most mature trees will be retained and enhanced, with the majority of removal impacting upon smaller/younger trees of worse physiological condition. They also advise that the replacement woodland/tree replanting is sufficient to compensate for their loss alongside appropriate proposed arboricultural/silvicultural management. They further consider that the proposed changes in existing canopy will replace the plantation (of minimal species and structural diversity) with new mixed species and structure planting, alongside delivery of important objectives, whilst this will improve biodiversity and canopy in the long-term, even if initial arboricultural impact is required. The TO states that the submitted tree protection measures are also acceptable with the submission demonstrating that retained trees would be sufficiently protected during construction. They also consider that the proposal would comply with the Scottish Government Policy on the Control of Woodland Removal. Fife Council's Natural Heritage Officer (NHO) also advises that he has no objections to the tree species proposed.

2.7.5.5 The submitted layout and tree information shows that the proposal would result in the loss of a group of trees/woodland area to enable an access road to be provided for the site. The proposed landscaping information also shows a significant number of compensatory tree re-planting to off-set the loss of these trees including the planting of a total of 3143 trees. It is considered that due to the significant re-planting of trees on site along with blocks of new woodland area planting that there would be no significant environmental impact due to the loss of the existing trees and the proposed re-planting would also represent a positive biodiversity enhancement, in the long term, at this location which would contribute to improving the quality of woodland in the area. An acceptable tree protection methodology has also been proposed in relation to those trees to be retained and with regards to the woodland area to the north. The Scottish Government's Policy on Control of Woodland Removal also provides criteria, whereby, woodland removal could be acceptable with and without compensatory planting, and this includes enhancing priority habitats and their connectivity, sustainable economic growth and increasing the quality of Scotland's Woodland Cover. The proposal would comply with this acceptability criteria as it would increase the quality of Scotland's woodland cover and would contribute to sustainable economic growth. Fife Council's TO is also in agreement with this and has no objections to the proposal. It should also be noted that the principle of an access route through this woodland area was accepted at the PPP stage, however, the indicative PPP layout drawing showed a larger area of woodland being removed within this area. The proposal has, therefore, demonstrated that a development of this type could be located on this site with no unacceptable overall impact in terms of tree loss/woodland removal and that it would have no significant impact on retained trees and the ancient woodland area to the north. The proposal would, therefore, be acceptable, would comply with the Development Plan in this respect and would comply with the relevant conditions attached to the associated PPP.

2.7.6 Protected Species and Wildlife Habitats

2.7.6.1 Objections state that the proposal would result in the loss of habitat and would have a detrimental impact on nature, wildlife and protected species. They also advise that a bat survey should be carried out and that invasive species on site need to be properly managed.

2.7.6.2 A Preliminary Ecological Appraisal Report (PEA) has been submitted in support of this application. The report provides a baseline ecological evaluation of the site along with a desk-

based search, a phase 1 habitat survey and protected species surveys of the application site. It also provides recommended mitigation measures where required. Separate dedicated protected species surveys for badger, bats, red squirrel, otter and wintering geese were also carried out. The PEA advises that the survey area included the site plus an outer zone of 30 metres from the site. It further advises that five habitat types within the site were identified, and these included mixed plantation woodland, amenity grassland, arable land, intact hedgerow and running water. The PEA also states that signs of badger and trees with bat roost potential were identified within the search area. Varying nests for birds were also identified but there was no evidence to suggest they were in active use at the time of the survey. The PEA also states that Himalayan Balsam which is a non-native invasive species was identified at multiple locations along the watercourse. An invasive weed survey has, therefore, also been submitted which identifies species which could present a risk to the proposed development in terms of its end users and the environment. The survey states that Himalayan Balsam, Cotoneaster and Rhododendron were recorded within the site, and it recommends that an invasive weeds management plan is put in place to prevent the risk of spread of these weeds into uncontaminated areas and to prevent spread out-with the site. Conditions are recommended regarding this matter.

2.7.6.3 The PEA also identifies internationally designated sites within 2 kilometres of the site, and these include the Cullaloe Reservoir SSSI and Cullaloe Local Nature Reserve to the north, Firth of Forth SSSI to the south and the Otterston Loch SSSI to the west. The PEA advises that there is not considered to be an effective pathway as the site is not linked physically or functionally to these locations. As such, no impacts are predicted as a result of the proposed development on these sites. The appeal decision report for the 2018 PPP stated that “the site lies within one kilometre of the Firth of Forth Special Protection Area and Ramsar Site”, whilst it further advised that the reporter agreed “with Scottish Natural Heritage (now NatureScot) that significant effects on the qualifying interests of these designations is unlikely to arise”. They therefore advise that a detailed Habitats Regulation Assessment (HRA) as per the relevant legislation was not required. It is considered that based on the submitted information and as per the PPP decision that the proposal would have no significant impact on these designations, therefore, a fully detailed HRA is not considered necessary on this basis.

2.7.6.4 A Red Squirrel and Otter Survey has been submitted, and this carries out a desk-based study and field survey of the search area. This advises that no field signs indicating the presence of red squirrel or otter were identified during the survey of the area. The submitted information does, however, recommend that a pre-construction survey for otters should be carried out as a precautionary approach to ensure that there are no direct impacts to otter due to the works. A condition is recommended regarding this matter. A wintering geese survey was also carried out and this advises that no overwintering geese were recorded using the site for feeding or resting, therefore, there is no constraints relating to overwintering geese for this site.

2.7.6.5 A badger survey was also carried out and this covered the site and a 30-metre study area around the site. Evidence of badgers were identified within the search area and the report recommends all proposed works are undertaken at a minimum distance of 30 metres from any potential badger sett locations (extending to 100m for piling or blasting works) to allow any impacts to badgers to be avoided by design. It further advises that should it be necessary to complete works within 30 metres of any sett locations (or undertake piling or blasting), further mitigation will be required together with the application for a license from NatureScot to prevent an offence from occurring under the legislation noted earlier in this report. The report also advises that Inch Marton Plantation Ancient Woodland was scoped out of this survey as the development design has included 30 metres no works protection buffer around Inch Marton Plantation and this no works zone ensures no direct impacts to the Ancient Woodland or the species utilising the habitat. The submitted information also advises that no setts were

identified within the overall school and workshop site and recommends that a pre-construction survey for badgers is carried out. Conditions are recommended regarding these matters.

2.7.6.6 Bat surveys including ground level tree assessments were carried out in relation to the site, and these identified some trees with bat roost potential, therefore, the proposed works could result in direct impacts to bats. The survey advises that a total of 51 trees were identified within and around the overall site (school and residential) with either low or medium potential roost features (PRF). The survey report further advises that 11 of these trees are within the overall development area or potentially within the 30-metre disturbance buffer zone with 17 of these trees having low PRF and one sycamore tree having medium PRF. The report further advises that best practice guidance recommends that further survey work is not required for trees identified with low PRF, however, further survey work would be required for the tree with medium PRF if it is to be removed from the site. The report recommends that a licence from NatureScot will be required if a roost is identified within a tree which requires to be removed. The report also advises a precautionary working method statement should also be provided for any works that affect trees with low PRF. The school site would have no significant impact on any trees with high or medium PRF, however, there are trees to the north with low PRF which may be disturbed. The aforementioned Sycamore tree with medium PRF is located within the residential site to the south and, therefore, is not affected by the proposed school site. A condition is recommended requiring that a pre-construction bat survey is carried out with regards to all trees which could be impacted upon with any required mitigation measures also submitted for approval by this Planning Authority. The proposal subject to this condition would, therefore, have no significant detrimental impact on bats.

2.7.6.7 It is also considered that areas of the site could provide suitable nesting habitat for birds, therefore, a condition is recommended requiring that the site's vegetation is worked upon outside of the bird nesting season which occurs from March to August, inclusive, however, if this is not possible then nesting bird checks should be carried out by a suitably qualified ecologist.

2.7.6.8 Fife Council's Natural Heritage Officer (NHO) initially advised that the proposed luminaire spectrum (4000K) of the proposed lighting would not be wildlife friendly and further details regarding landscape phasing should be submitted. Amended details relating to the street lighting was submitted and this now shows a luminaire spectrum specification of 2700K and further details relating to the landscape phasing was also submitted. The NHO was reconsulted and they now confirm they have no objections to these amended details and that they agree with the findings and recommendations contained within the PEA/protected species surveys. They, therefore, have no objections to the overall proposal subject to the proposed mitigation measures contained within the PEA and protected species surveys being carried out in full. They also advise that the submitted information would comply with the requirements of conditions 3 (d) (Landscaping Scheme), (g) (Landscape Framework) and (i) (street lighting) and 5 (c) (CMP), (f) (Landscape and Open Space Strategy) and (n) (Ecology Survey including Bat, Badger and Red Squirrel Surveys) of the associated PPP.

2.7.6.9 NatureScot advise that they are satisfied with the findings contained within the aforementioned assessments, species protection plans and biodiversity enhancement measures. They, therefore, have no objections subject to a condition requiring that the conclusions, recommendations and proposed working methodologies contained within these submissions are carried out in full. A condition is recommended regarding this matter.

2.7.6.10 The findings of the submitted PEA and protected species surveys/reports are accepted, and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. It should also be noted that a licence would be required for any works that would affect badgers or

bats. Conditions are also recommended requiring that the proposed mitigation measures as set out in the PEA and other associated documents are carried out in full. The proposal subject to conditions would, therefore, be acceptable, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

2.7.7 Biodiversity Enhancement

2.7.7.1 Objections state that the proposal would result in the loss of biodiversity.

2.7.7.2 A Biodiversity Enhancement Statement (BEP) has been submitted alongside the PEA. The BEP states that it should be read in conjunction with the submitted soft landscaping drawings. The BEP advises that the proposed planting strategy would establish a variety of different habitat types across the proposal with woodland planting, native perennial wildflower and grassland to be planted with bat and bird boxes and bug hotels to be included on the site. The BEP also states that fencing within the site would include suitable gaps to allow for hedgehogs and other mammals to pass through. The BEP also explains the different type of planting proposed within the site and sets out the benefits this could provide in terms of biodiversity and habitat and food source creation.

2.7.7.3 A landscaping plan has also been submitted which reflects the recommendations contained within the PEA and this sets out the planting of a number of native species including trees, shrubs, hedges, wildflower meadows, shrub planting and native bulb planting around the site. The submission also includes phasing details and future management and maintenance details for the proposed landscaping.

2.7.7.4 Fife Council's NHO has no objections to the proposed biodiversity enhancement measures subject to these measures being carried out in full, whilst they also note that a non-native species is proposed which should be substituted for a native species and they also seek further details regarding the wildflower mix. Updated details were submitted regarding this matter and Fife Council's NHO has advised that these details are now considered acceptable.

2.7.7.5 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges and wildflowers and would also include a number of other biodiversity enhancement measures as set out above. The proposal would also result in the management of invasive weed species on the site which would also provide a biodiversity enhancement at this location. A condition is also recommended with regards to the provision of the biodiversity enhancement measures as set out in the PEA. The proposal would, therefore, bring about a biodiversity enhancement to the site and surrounding area when compared to the existing site. The proposal subject to conditions would, therefore, be acceptable, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

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

2.8.1 Policies 1, 2, 12 and 19 of NPF4, Policies 1 and 11 of FIFEplan and Fife Council's Low Carbon Fife Supplementary Guidance apply. Condition 5 (b) of the associated PPP requires that an Energy Statement of Intention (ESI) as set out in the Fife Low Carbon supplementary guidance (2019) or any subsequent revision be submitted.

2.8.2 A building services energy report and sustainability statement (included within the DAS) has been submitted, and these set out the environmental, sustainability and energy strategies for the proposed development. This information states that The Hillside School Campus design

sets out to encompass a Passive First approach with initial work focusing on the architectural form of the building ensuring that a balance of building orientation, form factor, air tightness and window to wall ratios are optimized from the very outset whilst still designing for good levels of daylight and delivering the operational needs of the school. It further states that a whole building approach to energy usage and consumption has been taken. Such an approach offers design flexibility and favours the use of localised and building -integrated low and zero carbon energy generating technologies. The submission also states that the design will seek to minimise operational energy and carbon production through a fabric first approach thermal modelling analysis and specification of products with reportable embodied carbon figures. The submission also advises that low and zero carbon technologies will be utilised. It further states that the proposed development is located more than one kilometre from the heating district buffer zones of Dunfermline, Glenrothes and Guardbridge, therefore no further investigation is required in relation to this matter.

2.8.3 It is considered that sufficient information has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The application site is located more than one kilometre from a district heating network; therefore, it is not required to investigate the feasibility of connecting to an existing or proposed district heat network. The proposal would also integrate well with and include sufficient connectivity to the existing Aberdour Village; therefore, the proposal would be located within a sustainable location. A condition is also recommended requiring that details of the proposed energy generating technologies are submitted for approval. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.9 Hazardous Safeguarding Zone

2.9.1 Policy 23 of NPF and Policies 1 and 5 of the LDP apply. Condition 5 (c) of the associated PPP requires that details of any required exclusion zones either side of the existing pipelines; the arrangements for monitoring the construction and operational phases of the development; and any required pipeline protection, scope of works and work methods including the laying of any new services or access roads (both temporary and permanent) which encroach upon the pipelines. This condition was requested by the pipeline operator during the PPP assessment. Details regarding these matters have been submitted.

2.9.2 Objections state that there are concerns as the proposal is next to Pipelines.

2.9.3 The far north-western part of the site is located within a Major Hazard Pipeline Consultation zone. The Health and Safety Executive (HSE) was therefore, consulted on this application and has no objections to the proposal. ExxonMobil and Shell UK who are the operators of the Pipelines also advise that they have no objections to the proposal and agree with the submitted CEMP. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.10 Archaeological Impact

2.10.1 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply. Condition 5 (l) of the associated PPP requires that a Written scheme of Archaeological Investigation is submitted. This has been submitted with this application.

2.10.2 Objections state that the proposal could have a detrimental impact on archaeological sites.

2.10.3 A written scheme of archaeological investigation has been submitted, and this included a walk-over survey and archaeological trenching evaluation. The submitted report advises that no significant archaeology was discovered on site.

2.10.4 Fife Council's Archaeological officer has no objections to the proposal and advises that the submitted information complies with the requirements of condition 5 (l) of the PPP. The proposal would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

2.11 Core Paths

2.11.1 Policy 20 of NPF4 and Policies 1 and 13 of the LDP apply.

2.11.2 Objections states that the core path within the site should be made passable.

2.11.3 Core Paths (Inch Marton Plantation – P735/01 and P735/02 and Croftgary to Hillside – P736/01) also run through and around the site. These connect the site with other paths around Aberdour and the Fife Coastal Path to the south. The description for the Inch Marton Plantation route advises that this is overgrown and impassable. The proposed access point onto Mill Farm Road would exit onto a Core Path and it should be noted that the location of this access point was accepted during the associated PPP. It is not considered that there would be any significant impact on these Core Paths due to the nature of the works involved and as the proposed construction works would be temporary in nature. The Core Path which runs from east to west through the Inch Marton Plantation is stated as being impassable as it is overgrown due to being located within this woodland area. It is not considered that the proposal, would, therefore, have a significant impact on this Core Path and, there would also be no requirement for this development to carry out works to make this length of Core Path passable as this is an existing situation which the development would have no significant impact on. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Contaminated Land

2.12.1 Policies 9 and 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.12.2 Condition 5 (a) of the associated PPP requires that the first AMSC shall be submitted with a preliminary site investigation (Phase 1 Desk Study Report), whilst condition 12 of the associated PPP requires that where further investigation is recommended in the Preliminary Risk Assessment required under the terms of condition 5 (a), no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

2.12.3 A contaminated land site investigation and remediation strategy report have been submitted in support of this application. Fife Council's Land and Air Quality Team have no objections and advise they are generally satisfied with the submitted information and consider that this meets the requirements of condition 12 of the PPP. They also advise that condition 13

of the PPP should be retained until a suitable verification report has been submitted. Condition 13 does not form part of the assessment of this AMSC application as it requires that no building shall be occupied until remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 12. This condition does not, therefore, require any information to be submitted at this stage. The information that has been submitted within the site investigation and remediation strategy report is accepted; therefore, the proposal would have no significant impact on amenity in relation to contaminated land and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

3.0 Consultation Summary

Archaeology Team, Planning Services	No objections
Structural Services - Flooding, Shoreline and Harbours	No objections
Scottish Environment Protection Agency	No objections
Community Council	Object
Historic Environment Scotland	No response
Built Heritage, Planning Services	No objection to school development.
Natural Heritage, Planning Services	No objections
Trees, Planning Services	No objections
Urban Design, Planning Services	No objections
Land And Air Quality, Protective Services	No objections
TDM, Planning Services	No objections subject to conditions
Transportation And Environmental Services - Operations Team	No response
Parks Development and Countryside	No response

4.0 Representation Summary

4.1 Forty-six letters of objection have been received. The Aberdour Community Council have also objected, and the concerns raised include:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- In contravention to FIFEplan.	2.2
- Approved by Scottish Ministers despite number of objections.	2.2
- Loss of green space.	2.2
- Loss of agricultural land and grazing land.	2.2.2
- New school not justified.	2.2
- Scale and size of development not acceptable within open countryside.	2.3
- Visual Impact	2.3
- Does not preserve character of local village.	2.3
- Design and material of residential elements are not appropriate in rural setting.	2.3
- Finishing materials are not appropriate at this location.	2.3
- Not in keeping with scale of existing village.	2.3
- Development is far too large.	2.3
- Scale and size not acceptable.	2.3
- Overdevelopment/too dense.	2.3
- Will have a detrimental impact on villages character.	2.3
- Light pollution	2.4.5
- Detrimental impact during construction phase.	2.4.4
- Impact on local road network.	2.5
- Improvement of pedestrian access required including footbridge over Dour Burn.	2.5
- Road network will not cope with extra cars.	2.5
- Does not integrate with village in terms of connectivity.	2.5
- B9157 junction should be improved.	2.5
- Detrimental impact on Road safety.	2.5
- An increase in traffic is not acceptable on dangerous roads including Mill Farm Road junction with B9157.	2.5
- Mill Farm road junction and Main Street Junctions will not be safe.	2.5
- Flooding will worsen as houses will be built within flood risk area.	2.2.2
- SUDS scheme not appropriate.	2.6
- Development will have detrimental impact in terms of drainage and water run-off.	2.6
- Water supply capacity will not cope.	2.6
- Flood Risk	2.6
- Detrimental impact due to surface water run-off.	2.6
- Loss of trees.	2.7.5
- Loss of trees and trees are TPOd.	2.7.5
- Detrimental environmental impact.	2.7
- Bat Survey needs to be carried out.	2.7.6
- Impact on wildlife.	2.7.6
- Loss of biodiversity.	2.7.7
- Detrimental impact on habitats for protected species.	2.7.6
- Invasive species should be controlled.	2.7.6
- Detrimental impact on schools, healthcare facilities and public transport.	2.2.2
- Impact on existing infrastructure, roads, GPs, etc.	2.2.2

- App should be screened again and should include an EIA due to increase in housing numbers.	1.4.4
- Negative impact on historic assets and detrimental impact to Conservation Area.	2.2.2
- No listed building consent application.	2.2.2
- Detrimental landscape impact and impact on views.	2.2.2
- Core path should be made passable.	2.11
- Archaeological surveys should be undertaken.	2.10
- Could have detrimental impact on archaeological sites.	2.10
- Proposed school site land should not be for housing if the school is not built.	2.2
- Site is located next to a hazardous pipeline.	2.9

4.2.2 Other Concerns Expressed

Issue	Comment
- These two apps are attempting to sever the link between school and housing approved under PPP.	The two separate approval of matters specified by conditions applications are legally competent and relate back to the approved PPP application (24/01423/PPP). These two applications which are currently under consideration are legally bound by the terms of the PPP.
- Two new PPP apps should be applied for if the applicant wishes to separate ARCs.	Two new PPP apps are not required as the two separate AMSC applications are legally bound and link back to the approved PPP application (24/01423/PPP).
- Section 75 may now no longer apply.	The original section 75 agreement still legally applies to the current applications.
- Is the term 'business units' builder speak for retail park?	The proposed business units which have been approved in principle are not retail units and are light industrial units (Class 4) as defined within the Schedule attached to the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
- What safeguards are there that school will be built and it appears there is no legal obligation for the school to be built.	The original section 75 agreement controls this matter, and this is further explained within the planning history section (section 1.3) for application reference 18/03468/PPP.
- School might close in near future.	This is a matter which is outwith the remit and control of the planning system.

- A comprehensive and fully funded business plan should be submitted for school to ensure viability.	This is not required under this current application as the principle of the development was fully considered under the previous PPP application.
- No requirement for further housing and increase in housing is not acceptable.	The matter relating to the housing development was addressed under application reference 24/03098/ARC.
- The original app was misleading as there is now an increase in housing on site.	The matter relating to the housing development was addressed under application reference 24/03098/ARC.
- Increase in housing not acceptable.	The matter relating to the housing development was addressed under application reference 24/03098/ARC.
- Affordable housing may never come forward.	The matter relating to the housing development was addressed under application reference 24/03098/ARC.
- Initial application is invalid due to the increase in housing numbers.	The matter relating to the housing development was addressed under application reference 24/03098/ARC.
- Inadequate community consultation.	The consultation carried out was legally competent and this matter is also set out under section 1.4 of this report.

5.0 Conclusions

5.1 The proposal would be compatible with its surrounds in terms of land use and would not cause any detrimental impacts on the site or surrounding area. The proposal would provide a welcoming, high-quality, connected development which would respect the character and appearance of the surrounding rural environment, and which would provide a visually acceptable form of development on this site. The proposal would be considered acceptable in terms of its impact on road safety and would result in no significant detrimental impacts on the surrounding area in terms of natural heritage, amenity, contaminated land, sustainability, hazardous pipelines or in terms of impact on existing infrastructure. It would also bring about a positive biodiversity enhancement to the site. The proposal subject to conditions and the already agreed planning obligations, would therefore, be acceptable in meeting the terms of the Development Plan and National Guidance and would comply with the relevant conditions attached to the associate planning permission in principle (24/01423/PPP).

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. BEFORE ANY WORKS COMMENCE ON PHASE 2 OF THE SCHOOL SITE AS SHOWN IN THE APPROVED PHASING PLAN (Plan Reference: 48); full details of the proposed energy

generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of sustainability; to ensure compliance with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

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

Reason: In the interests of species protection.

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

Reason: In the interests of species protection.

4. BEFORE ANY WORKS COMMENCE WITHIN 30 METRES OF ANY AFFECTED TREES WITH POTENTIAL BAT ROOST FEATURES; updated ecological surveys for bats in line with the recommendations contained within the Bat Survey Ground Level Tree Assessment Report (Plan Reference: 78) shall be undertaken and the findings of this shall be submitted to and approved in writing by this Planning Authority. These details shall also include any required mitigation for any protected species found on site and a precautionary working method statement for any works that affect trees with low potential roost features. FOR THE AVOIDANCE OF DOUBT; no affected trees with potential bat roost features shall be removed from the site until the required updated surveys/details have been submitted to and approved in writing by this Planning Authority.

Reason: To ensure that protected species are properly assessed and mitigated for on the site.

5. BEFORE ANY WORKS COMMENCE ON SITE; an updated construction traffic route plan for all movements to/from the site shall be submitted to and approved in writing by this Planning Authority. All construction traffic shall then adhere to the approved plan with the construction traffic to be monitored and managed by the Site Manager in accordance with this construction traffic route plan. FOR THE AVOIDANCE OF DOUBT; the developer shall take all reasonable steps to ensure that construction traffic associated with the approved development adhere to this plan. Reasonable steps shall include (but not be limited to) including this requirement within contractual arrangements for sub-contractors engaged in the construction, providing temporary signage indicating the approved access routes, briefing all staff engaged in

construction activities on the site and specifying the access route to be used for deliveries when ordering materials.

Reason: In the interest of road safety; to ensure the provision of an acceptable construction route.

6. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the required bird and bat box/bricks shall be submitted to and approved in writing by this Planning Authority. These details shall include a scaled site plan showing the proposed location of these measures and a phasing plan for the provision of these measures. The total number of bat boxes/bricks should also reflect any required compensation measures for roost loss on site. All works shall then be carried out in full accordance with any subsequent approved details and these measures shall be provided on site in line with the approved phasing plan.

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

7. BEFORE ANY WORKS COMMENCE ON SITE (including vegetation removal); an Invasive Non-Native Species (INNS) management plan for the treatment and removal of the invasive species which would be affected by the development and as set out in the Invasive Weed Survey (Plan Reference: 73) shall be submitted to and approved in writing by this Planning Authority. The INNS management plan shall include a timescale for the removal of the non-native invasive weeds from the site. The approved INNS management plan shall thereafter be adhered to in full unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of ensuring all non-native invasive weeds are dealt with appropriately.

CONDITIONS:

8. BEFORE THE REMOVAL OF ANY TREES/WOODLAND AREAS; a woodland management plan shall be submitted to and approved in writing by this Planning Authority. All works shall then be carried out in full accordance with any subsequent approved woodland management plan.

Reason: In the interests of long term, sustainable woodland management.

9. All works shall be carried out in full accordance with the following approved documents or any subsequently approved related reports:

- Preliminary Ecological Appraisal (PEA) (Plan References: 75, 76 and 77)
- Biodiversity Statement (74)
- Bat Survey Report (Plan Reference: 78)

All approved biodiversity enhancement measures shall be provided on site in accordance with the approved biodiversity measures and landscaping details; whilst all mitigation measures including the proposed working methodologies and recommendations contained within these reports shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

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

10. No tree 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.

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](#)

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

The Scottish Government's Policy on Control of Woodland Removal

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Low Carbon Fife Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Planning Obligations Framework Guidance (2017)

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Planning Customer Guidelines on Dormer Extensions (2016)

Planning Customer Guidelines on Garden Ground (2016)

Minimum Distance between Windows Guidance (2011)

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Report prepared by Scott Simpson, Chartered Planner and Case Officer

Report reviewed and agreed by Derek Simpson (Lead Officer) 12.5.25