

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 13 December 2023. 3 – 5
4. **23/01703/FULL - GOLF MUSEUM CAR PARK, BRUCE EMBANKMENT, ST ANDREWS** 6 – 15  

Siting of mobile sauna unit.
5. **23/01786/FULL - 87-89 SOUTH STREET, ST ANDREWS, FIFE** 16 – 20  

Painting of front elevation of shopfront.
6. **23/01787/LBC - 87-89 SOUTH STREET, ST ANDREWS, FIFE** 21 – 24  

Listed building consent for external alterations including display of signage and painting of front elevation.
7. **23/01994/ADV - 87-89 SOUTH STREET, ST ANDREWS, FIFE** 25 – 28  

Display of 2 no. internally illuminated fascia signs and 1 no. externally illuminated projecting sign, including 1 internally illuminated wall mounted sign and one internally illuminated menu board.
8. **23/01505/FULL - ST MICHAELS QUARRY, ST MICHAELS, FIFE** 29 – 45  

Extraction of sand and gravel and restoration to agriculture (Section 42 application to vary conditions 1, 5, 19 and 25 to extend duration and scale of operations, including formation of new access, and deletion of condition 13, all relative to planning permission 01/87/0690).
9. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

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

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

Lindsay Thomson  
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Finance and Corporate Services

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10 January 2024

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### **BLENDING 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 - NORTH EAST PLANNING COMMITTEE – BLENDED MEETING**

**JP Court Room, County Buildings, Cupar**

**13 December 2023**

**1.00 pm – 3.55 pm**

**PRESENT:** Councillors Jonny Tepp (Convener), Al Clark, Alycia Hayes, Stefan Hoggan-Radu, Gary Holt, Allan Knox, Robin Lawson, Jane Ann Liston, David MacDiarmid and Ann Verner.

**ATTENDING:** Alastair Hamilton, Service Manager Development Management, Scott McInroy, Planner, Scott Simpson, Chartered Planner, Sarah Purves, Planner, Planning Services; Steven Paterson, Solicitor, Planning & Environment and Diane Barnet, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors John Caffrey, Fiona Corps, Margaret Kennedy and Donald Lothian.

**120. DECLARATIONS OF INTEREST**

Councillor Hayes declared an interest in para. No. 122: 22/03003/PPP – Land at number 12 Station Road, Kingsbarns – as she resided in Kingsbarns.

Councillor Clark declared an interest in para. No. 124: 23/02301/FULL - Land For Prospective Student Accommodation, Albany Park, St Andrews – as he was employed by the University of St Andrews.

Councillor Lawson also declared an interest in para. No. 124 – as he was a Fife Council appointed member of the Court of the University of St Andrews.

**121. MINUTE**

The committee considered the minute of the North East Planning Committee of 15 November 2023.

**Decision**

The committee agreed to approve the minute.

*Prior to consideration of the following item, Councillor Hayes, having declared an interest, left the meeting at this point.*

**122. 22/03003/PPP - LAND AT NUMBER 12 STATION ROAD, KINGSBARNES**

The committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for the erection of 3 dwelling houses.

## 2023 NEPC 56

Councillor Lawson moved an amendment to refuse the application on the grounds that the proposed development in principle was likely to result in overdevelopment of the site. Having failed to find a seconder, Councillor Lawson requested that his dissent be recorded.

### **Decision**

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

*Councillor Hayes re-joined the meeting prior to consideration of the following item.*

### **123. 23/01121/PPP - HAWKSWOOD COUNTRY ESTATE, PEAT INN, FALFIELD**

The committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for a mixed holiday tourism development, including treehouse style holiday homes, golf greens and bunkers, private grass airstrip, wedding venue and chapel, play barn, indoor swimming pools, store building and associated infrastructure.

### **Motion**

Councillor Tepp, seconded by Councillor Hogan-Radu, moved to approve the application subject to:-

- (1) the 15 conditions and for the reasons detailed in the report, including:
  - (a) an amendment to condition 7 relating to the play barn, swimming pool and wedding venue/chapel, restricting their use to **resident** guests of the overall holiday site development; and
  - (b) an additional condition restricting the use of the airstrip to resident guests visiting and leaving the development and for the applicant's private use only; and
- (2) to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, drafting and formulating appropriately worded planning conditions to properly reflect those issues outlined and referred to at (a) and (b) above.

### **Amendment**

Councillor Liston, seconded by Councillor Clark moved as an amendment to refuse the application on the grounds that the development in principle did not comply with Policies 13 and 30 of the National Planning Framework 4 (2023), Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) as it was considered the site location was not accessible by sustainable transport.

### **Roll Call Vote**

**For the Motion – 5 votes**

Councillors Hoggan-Radu, Holt, Knox, Tepp and Verner.

## 2023 NEPC 57

### For the Amendment – 5 votes

Councillors Clark, Hayes, Lawson, Liston and MacDiarmid.

As there was an equality of votes for each proposition, the convener used his casting vote in favour of the motion to approve.

### Decision

The committee agreed to approve the application subject to:-

- (1) the 15 conditions and for the reasons detailed in the report, including:
  - (a) an amendment to condition 7 relating to the play barn, swimming pool and wedding venue/chapel, restricting their use to **resident** guests of the overall holiday site development; and
  - (b) an additional condition restricting the use of the airstrip to resident guests visiting and leaving the development and for the applicant's private use only; and
- (2) the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, drafting and formulating appropriately worded planning conditions to properly reflect those issues outlined and referred to at (a) and (b) above.

*Prior to consideration of the following item, Councillors Clark and Lawson, having declared an interest, left the meeting at this point.*

*The committee adjourned at 3.15 pm and reconvened at 3.30 pm.*

### **124. 23/02301/FULL - LAND FOR PROSPECTIVE STUDENT ACCOMMODATION, ALBANY PARK, ST ANDREWS**

The committee considered a report by the Head of Planning Services relating to an application for the erection of student accommodation buildings, alterations to Woodburn House, bin stores, cycle storage, air source heat pumps, electrical sub-stations, formation of parking, landscaping and other ancillary works.

### Decision

The committee agreed to approve the application subject to the 24 conditions and for the reasons detailed in the report.

### **125. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

### Decision

The committee noted the list of applications dealt with under delegated powers for the period 30 October to 26 November 2023.

**Committee Date: 17/01/2024**

**Agenda Item No. 4**

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**Application for Full Planning Permission**

**Ref: 23/01703/FULL**

**Site Address: Golf Museum Car Park Bruce Embankment St Andrews**

**Proposal: Siting of mobile sauna unit**

**Applicant: Mrs Judith Dunlop, Roseville Links Place**

**Date Registered: 18 July 2023**

**Case Officer: Scott McInroy**

**Wards Affected: W5R18: St. Andrews**

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

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

### **Summary Recommendation**

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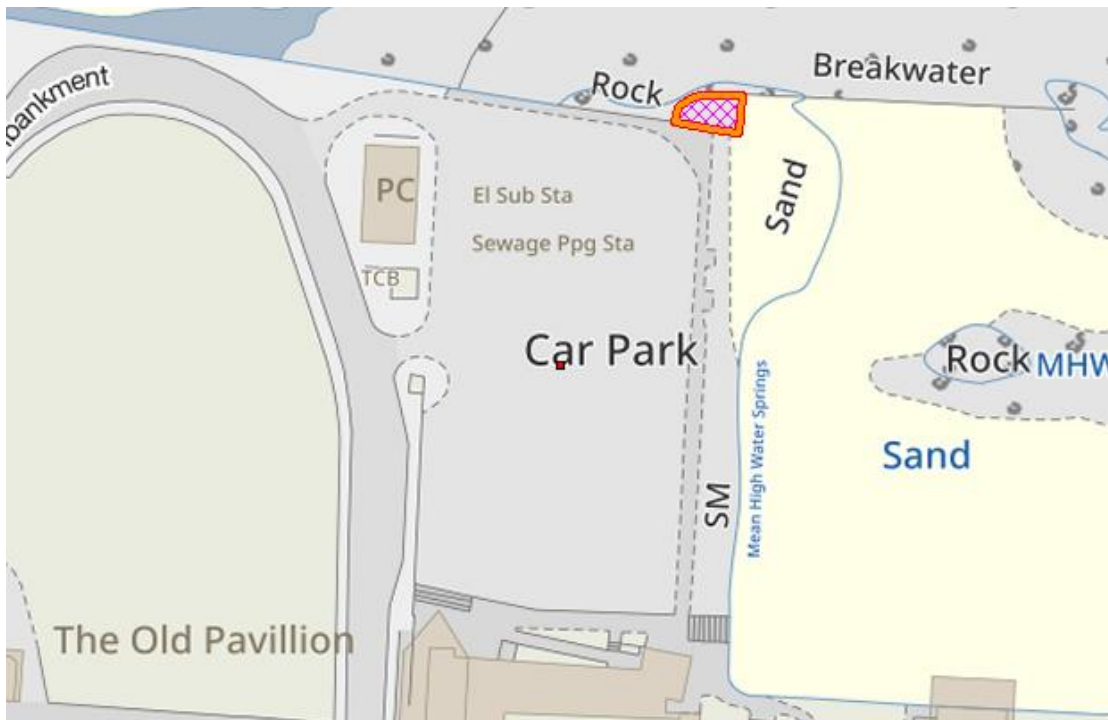
The application is recommended for: Refusal

## **1.0 Background**

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### **1.1 The Site**

### 1.1.1 LOCATION PLAN



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**1.1.2** The application site is located on a concrete platform that sits on the northeast corner of the Bruce Embankment public car park adjacent to the R&A World Golf Museum. The application site is close to the existing public toilets and car parking. To the east is the Doo Craigs rocks and to the north the wider West Sands area while to the south is the public car park where the site would be accessed from. The site is also located within the settlement boundary for St Andrews as defined in the adopted FIFEplan (2017) Local Development Plan as well as being located within the designated St Andrews Conservation Area. The coastal environment located adjacent to but out with the application site itself is designated as an ecological/environmental protected area under defined Special Protection Area (SPA); Special Area of Conservation (SAC); Site of Special Scientific Interest (SSSI); and designated Ramsar site categories.

## 1.2 The Proposed Development

**1.2.1** Full planning permission is sought for the siting of a mobile sauna unit. The mobile sauna would be formed through the conversion of a shipping container, which measures approximately 6.06m in length, 2.34m in width and 2.6m in height. A twin wall insulated stainless steel extract flue would extend a further 500mm above the roof. Externally, the main elevations of the unit would be timber clad, whilst the gable ends would retain the appearance of container doors. One gable end (the end facing away from public view) would also incorporate a covered entrance / changing area, whilst the main elevation fronting onto the waterfront would contain a large (2m x 2m) double glazed feature window providing views out across West Sands. The proposed development does not require any external water, power, or drainage connections.

## 1.3 Relevant Planning History

00/01272/FULL - Install low level lighting, erect wooden seats on whinstone bases and erect railings - approved 13.09.200

02/01119/FULL - Formation of golf buggy route - approved 22.05.2002.

04/00930/FULL - Widen road carriageway, reconstruct coastal revetments, install street lights, railings and other ancillary structures - approved 28.06.2004.

## **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** National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan. In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

**1.4.3** Under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (as per the advice contained within Circular 3/2009) that where Fife Council has an interest in an application as applicant or landowner or where the Council has a financial interest in the proposed development, the Scottish Ministers must be notified of the application before planning permission is granted but only where the development is considered to be significantly contrary to the Development Plan. Such a procedure allows Ministers to consider whether any possible conflicts of interest may have unduly influenced the planning authority or have made it difficult for the authority to retain an impartial view of the merits of the proposed development. The Direction also advises that planning authorities are not required to inform objectors of their intention to grant planning permission or advise them of their reasons for doing so, nor does it require an authority to invite further comment prior to notifying Ministers. In this instance the proposed development is not considered to be significantly contrary to the Development Plan and therefore, if approved or refused, the application should not be referred to Scottish Ministers but can be determined by the Council and the decision notice issued.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### **Policy 1 & 2: Tackling the climate and nature crises**

NPF 4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

#### **Policy 3: Biodiversity**

NPF4 Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.



#### **Policy 4: Natural places**

NPF4 Policy 4 aims to protect, restore and enhance natural assets making best use of nature-based solutions.

#### **Policy 7: Historic assets and places**

NPF4 Policy 7 stipulates 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 and mitigation.

#### **Policy 10: Coastal development**

NPF4 Policy 10 aims to protect coastal communities and assets and support resilience to the impacts of climate change.

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

NPF4 Policy 14 states development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. NPF Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

#### **Policy 16: Quality Homes**

NPF4 Policy 16 aims 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 22: Flood risk and water management**

NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported if 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 long-term safety and resilience can be secured in accordance with SEPA advice. The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate climate change effects.

Proposals will: (i) not increase the risk of surface water flooding to others, or itself be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; (iii) seek to minimise the area of impermeable surface.

Proposals will be supported if they can connect to the public water mains. If connection is not feasible, the applicant will need to demonstrate that drinking water will be sourced from a sustainable water source resilient to periods of water scarcity.

Proposals for natural flood risk management, including blue and green infrastructure, will be supported.

#### **Policy 26: Business and industry**

NPF4 Policy 26 aims to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

### **Policy 30: Tourism**

NPF4 Policy 30 aims to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

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

#### **Policy 1: Development Principles**

FIFEplan Policy 1 Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will be supported if the site is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan.

#### **Policy 3: Infrastructure and Services**

FIFEplan Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance.

#### **Policy 10: Amenity**

FIFEplan Policy 10 Amenity states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, contaminated and unstable land, noise/light/odour pollution, traffic movements, privacy, loss of sunlight/daylight, visual appeal of surrounding area or the operation of existing or proposed businesses. Policy 10 also states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

#### **Policy 12: Flooding and the Water Environment**

FIFEplan Policy 12 Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources on the site or elsewhere. To ascertain the impact on flooding, developers may be required to provide a flood risk assessment addressing potential sources of flooding and the impact on people, properties, or infrastructure at risk.

#### **Policy 13: Natural Environment and Access**

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**

FIFEplan Policy 14 Built and Historic Environment states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest and sites recorded in the Inventory Historic Gardens and Designed Landscapes. For all historic buildings and archaeological sites, whether statutorily protected or not, support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building or character or appearance of the conservation area.

## **National Guidance and Legislation**

Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland Policy Statement (June 2016)

Historic Environment Scotland's Managing Change in the Historic Environment (2010)

## **Supplementary Guidance**

### **Making Fife Places Supplementary Planning Guidance (2018)**

This document sets out Fife Council's expectations for the design of development in Fife. It explains the role of good design in creating successful places where people will want to live work and play through an integrated approach to buildings, spaces and movement.

Supplementary Guidance: Low Carbon Fife (2019)

## **Planning Policy Guidance**

### **St Andrews Design Guidelines (2011)**

This sets out a number of principles to ensure appropriate design and materials are incorporated into new development. The guidance advises that buildings should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions, including contemporary design where appropriate.

## **Other Relevant Guidance**

### **Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010)**

This provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within the HES Historic Environment Policy for Scotland (May 2019).

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Residential Amenity
- Design/Visual Impact on the Conservation Area
- Natural Heritage
- Flooding and Drainage

### **2.2 Principle of Development**

**2.2.1** 23 objections have been raised regarding the principle of development in this location, whilst 6 comments have been received supporting the proposed use in this location due to the health and wellbeing benefits associated with the sauna for those using the wider West Sands area for outdoor recreation. The application site is located on the edge of the public car park adjacent the R&A World Golf Museum, within the conservation area and settlement envelope of St Andrews. Given that the application site is located within the settlement boundary of St Andrews, there is a presumption in favour of development. However, in this instance this

proposal would introduce a new outdoor micro business/tourism/leisure use in a location which is used by pedestrians and as a public car park. All existing tourism/leisure based land uses associated with the West Sands outdoor recreational area are concentrated in a location between West Sands Road and the dunes which sit over 400m to the north west of the application site. Given that existing leisure/tourism based uses are clustered in an area to the north west of the application site with direct access to and from the West Sands beach as well as the West Sands Road and car parking areas, it is therefore considered that the principle of the proposed development in this location is not acceptable, as it would introduce a new use that is not compatible with the surrounding area and would be better located next to the existing leisure/tourism uses in this locale. Further to this that area of the car park and coastal environment is not developed. Instead, all buildings locally are set further back from the coastal fringe and the potential impact of this proposal is considered later in the Design section of this report. Suffice to say the land/coast edge is undeveloped at present.

## **2.3 Residential Amenity**

**2.3.1** The nearest third-party dwelling would be over 210m to the south, across a car park public park. Given the distance and location of the proposed mobile sauna, it is considered that this proposal would not affect the residential amenity of the surrounding dwellings.

**2.3.2** In this instance, it is considered that this proposal does comply with NPF 4 Policies and Policy 10 of the adopted FIFEplan (2017) in that there would be no adverse residential amenity issues such as odour or air pollution; overshadowing or daylight sunlight loss; nor privacy issues should the application be approved contrary to the officer recommendation.

## **2.4 Design/Visual Impact on the Conservation Area**

**2.4.1** Concerns have been raised regarding the design and visual impact of this proposal on the Conservation Area. The application site is located on the edge of the public car park adjacent to the British Golf Museum, within the conservation area and settlement envelope of St Andrews. The mobile sauna would be formed through the conversion of a shipping container or similar structure. The proposed sauna measures approximately 6.06m in length, 2.34m in width and 2.6m in height, with a twin wall insulated stainless steel extract flue extending a further 500mm above the roof. Externally, the main elevations of the unit would be timber clad, whilst the gable ends retain the appearance of container doors. One gable end (the end facing away from public view) will also incorporate a covered entrance /changing area, whilst the main elevation fronting onto the waterfront will contain a large (2m x 2m) double glazed feature window providing views out across West Sands. The proposed development does not require any external water, power, or drainage connections.

**2.4.2** The application site would also be viewed from key public viewpoints including one of the most prominent viewpoints in St Andrews from The Scores/Bandstand/Martyrs Monument area and public park out onto the West Sands/St Andrews Bay. As stated in paragraph 2.4.1, the proposed sauna would be a timber clad shipping container. Although contemporary buildings and structures are acceptable in certain locations within the conservation area, given the prominent location, this type of non-traditional temporary building would not be in keeping with those found in prominent sites within the St Andrews Conservation Area. Although the proposal is relatively small in nature given the prominent location, style of building and materials proposed, it is considered that the proposal would have a detrimental visual impact on the setting of the conservation area and undeveloped coastal fringe at that particular location.

**2.4.3** In light of the above, the proposal would be deemed contrary to NPF4 Policies and FIFEplan Policies 1, 10 and 14 in this instance.

## 2.5 Natural Heritage

**2.5.1** The coastal environment is located adjacent to but out with the application site itself is designated as an ecological/environmental protected area under defined Special Protection Area (SPA); Special Area of Conservation (SAC); Site of Special Scientific Interest (SSSI); and designated Ramsar site categories.

**2.5.2** Fife Councils Natural Heritage colleague was consulted and given the temporary nature of the building and limited siting requirements and that the proposal would not have any direct links or interface with the coastal protected habitats listed, they have no objections to this proposal.

## 2.6 Flooding And Drainage

**2.6.1** Given the temporary nature of the structure and that it is a standalone structure with no drainage this proposal would not create and flooding or drainage issues in this location.

## 3.0 Consultation Summary

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Scottish Water	No objections
Transportation And Environmental Services - Operations Team	No comment
Structural Services - Flooding, Shoreline And Harbours	No comment
Natural Heritage, Planning Services	No objections
TDM, Planning Services	No comment

## 4.0 Representation Summary

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4.1 23 objections received and 6 supporting comments. The material planning considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.4 (Design/Visual Impact on the Conservation Area) of this report of handling.

Comments regarding potential other locations for this type of proposal are noted.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Principle of Development	2.2.1
b. Impact on Conservation Area	2.4.1

## 4.2.2 Support Comments

### Issue

a. Principle of Development

2.2.1

## 4.2.3 Other Concerns Expressed

### Issue

a. Other applications for the same type of proposal

### Comment

Comments regarding other applications of this sort are noted, however these are not a material planning consideration in the assessment of this application.

b. Alternative locations for this type of use

Comments regarding potential alternative locations are noted, however these are not a material planning consideration in the assessment of this application. Paragraph 2.2.1 discusses the principle of development.

## 5.0 Conclusions

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The application is considered to be unacceptable in principle as it is contrary to Policies 1, 10 and 14 of FIFEplan (2017) as well as Policies 7 & 14 of NPF4 (2023). FIFEplan sets out strict policy requirements for when developments within a Conservation Area would be deemed to be acceptable, however, the proposed development does not satisfy these criteria as it does not satisfy relevant design/visual impact criteria. The application is therefore recommended for refusal.

## 6.0 Recommendation

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It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of protecting the character and appearance of the St Andrews Conservation Area; the undeveloped coastal fringe and the surrounding built historic and coastal environments; the proposed sauna unit by virtue of its prominent location, design, form, layout and external finishing materials would detrimentally affect the established character and setting of the Conservation Area designated as "Outstanding" as well as the undeveloped coastal fringe. The Application Proposal is therefore considered to be contrary to section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997; Historic Environment Scotland Policy for Scotland (2019); NPF 4 (2023) Policies 7 & 14; Policies 1, 10 and 14 of the adopted FIFEplan Local Development Plan (2017); the adopted Making Fife's Places Supplementary Planning Guidance (2018); the St Andrews Conservation Area Appraisal and Management Plan (2010); and Guideline 16 of the St Andrews Design Guidelines (2011) by virtue of its detrimental visual impact on the designated conservation area, coastal environment, lack of coastal fringe structures in that locality and the undeveloped built and historic environment due to its modern design, form, isolated location and use of external finishing materials.

2. In the interests of protecting visual amenity; the proposed sauna unit, having due and proper regard to its prominent location, design, form, isolated location and proposed modern external finishing materials would result in a detrimental impact upon the character and appearance of the surrounding area/coastal environment and as such out of keeping therewith. Further, and by virtue of the design, location and external finishing materials, it is considered that the application proposal fails to make a positive contribution towards the surrounding coastal/immediate environment and built environmental quality. The application proposal is therefore considered to be contrary to NPF4 (2023) Policies 7 & 14; Policies 1, 10 and 14 of the adopted FIFEplan Local Development Plan (2017); and the adopted Making Fife's Places Supplementary Planning Guidance (2018).

## 7.0 Background Papers

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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](#)

Development Plan:  
NPF4 (2023)  
FIFEplan Local Development Plan (2017)  
Making Fife's Places Supplementary Guidance Document (2018)

National Guidance -

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Historic Environment Scotland's Historic Environment Policy for Scotland (May 2019)  
Historic Environment Scotland's Managing Change in the Historic Environment (2010)

Other Guidance

St Andrews Conservation Area Appraisal and Management Plan (2010)  
St Andrews Design Guidelines (2011)

Report prepared by Scott McInroy, Planner Development Management  
Report reviewed and agreed by Alastair Hamilton, Service Manager(Committee Lead) 8/1/24

Committee Date: 17/01/2024

Agenda Item No. 5

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<b>Application for Full Planning Permission</b>	<b>Ref: 23/01786/FULL</b>
<b>Site Address:</b>	<b>87 - 89 South Street St Andrews Fife</b>
<b>Proposal:</b>	<b>Painting of front elevation of shopfront</b>
<b>Applicant:</b>	<b>Mr Angelo Mareri, Capital House 25 Chapel Street</b>
<b>Date Registered:</b>	<b>9 August 2023</b>
<b>Case Officer:</b>	<b>Declan Semple</b>
<b>Wards Affected:</b>	<b>W5R18: St. Andrews</b>

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

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This application requires to be considered by the Committee because the application has attracted an objection from a statutory consultee, whilst the officer's recommendation is for approval.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

## **1.0 Background**

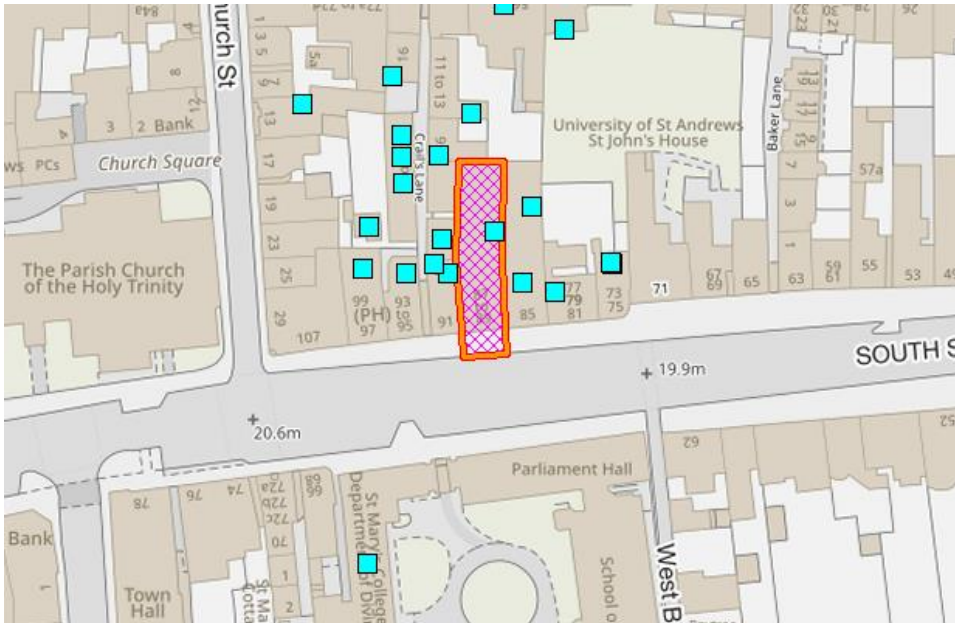
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### **1.1 The Site**

1.1.2 The application site relates to an early 19th century two storey B listed building within the St Andrews Conservation Area and Town Centre. The application site is within the settlement of St Andrews as defined within the FIFEplan (2017) Local Development Plan. The ground floor is occupied by a Class 3 restaurant with a shop front appearance. The upper floor has a plain design with three traditional sash and case timber windows with six over six pane formation. The roof plane has two rooflights and a central roof dormer window with a two over two pane formation.



## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 Exterior wall painting of front ground floor elevation. The existing awnings would be removed and the shopfront painted blue-grey RAL 5008

## 1.3 Relevant Planning History

23/01787/LBC - Listed building consent for external alterations including display of signage and painting of front elevation - PDE -  
23/01994/ADV - Display of 2.no internally illuminated fascia signs and 1.no externally illuminated projecting sign including 1 internally illuminated wall mounted sign and one internally illuminated menu board - PDE -

## 1.4 Application Procedures

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

## 1.5 Relevant Policies

### National Planning Framework 4 (2023)

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.

### 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 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.

### **Planning Policy Guidance**

Business Selling Food and Drink

### **Planning Customer Guidelines**

St Andrews Design Guidelines

The St Andrews Design Guidelines provide design principles for buildings, streets and shop fronts in St Andrews Conservation Area and on the main approaches to the town.

Shop Front Design Guidelines

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Impact on Built Heritage

### **2.2 Impact on Built Heritage**

2.2.1 The shopfront is currently painted white with white windows and door frame, pink awnings and a blue-grey fascia (RAL 5008). The shopfront is proposed to be updated to remove the awnings, replace the signage and extend the blue-grey (RAL 5008) paint to cover the whole shopfront. Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area applies.

2.2.2 Two representations have been submitted and an objection from the Royal Burgh of St Andrews Community Council as a Statutory Consultee. The representations object due to the impact on built heritage. The representations also raised issues relating to proposed outdoor seating however, these aspects have been removed from the proposal and are being assessed through a Section 59 of the Roads (Scotland) Act 1984 application. The ground floor will be painted blue-grey (RAL 5008) which is different from the upper storeys however, this approach is accepted for shopfronts which are clearly differentiated from the upper floors. The use of a single colour and muted colour schemes such as the proposed are encouraged. South Street, St Andrews has a range of muted coloured shopfronts with do single predominant colour scheme. Historic Environment Scotland have been consulted on the application and have no comment. Accordingly, the proposed colour is compatible with the character and of the listed building and character and appearance of the conservation area.

## **3.0 Consultation Summary**

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Transportation And Environmental Services -  
Operations Team  
TDM, Planning Services

Object to previously proposed street furniture however, this element has been omitted from the proposal and will be considered under a separate application under Section 59 of the Roads (Scotland) Act 1984.

Object to signage and proposed street furniture. The street furniture element of the proposal has been removed and will be considered under Section 59 of the Roads (Scotland) Act 1984.

## 4.0 Representation Summary

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4.1 Two representations have been received in relation to this application

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Impact on built heritage;	2.2

#### 4.2.2 Other Concerns Expressed

Issue	Comment
a. Pavement furniture	The proposal for outdoor seating has been removed from the application and is being considered under Section 59 of the Roads (Scotland) Act 1984.

## 5.0 Conclusions

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The proposals as revised are considered to be acceptable in terms character of the listed building and character and appearance of the conservation area. The proposal are compliant with the terms of National Guidance, the Development Plan, and relevant Fife Council Planning Customer Guidelines.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

## 7.0 Background Papers

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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](#)

St Andrews Design Guidelines

Shopfront Design Guidelines

Businesses Selling Food and Drink

Report prepared by Declan Semple

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 8/1/24

**Committee Date: 17/01/2024**

**Agenda Item No. 6**

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**Application for Listed Building Consent** **Ref: 23/01787/LBC**

**Site Address:** 87 - 89 South Street St Andrews Fife

**Proposal:** Listed building consent for external alterations including display of signage and painting of front elevation

**Applicant:** Mr Angelo Mareri, Capital House 25 Chapel Street

**Date Registered:** 9 August 2023

**Case Officer:** Declan Semple

**Wards Affected:** W5R18: St. Andrews

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

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This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

### **Summary Recommendation**

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The application is recommended for: Unconditional Approval

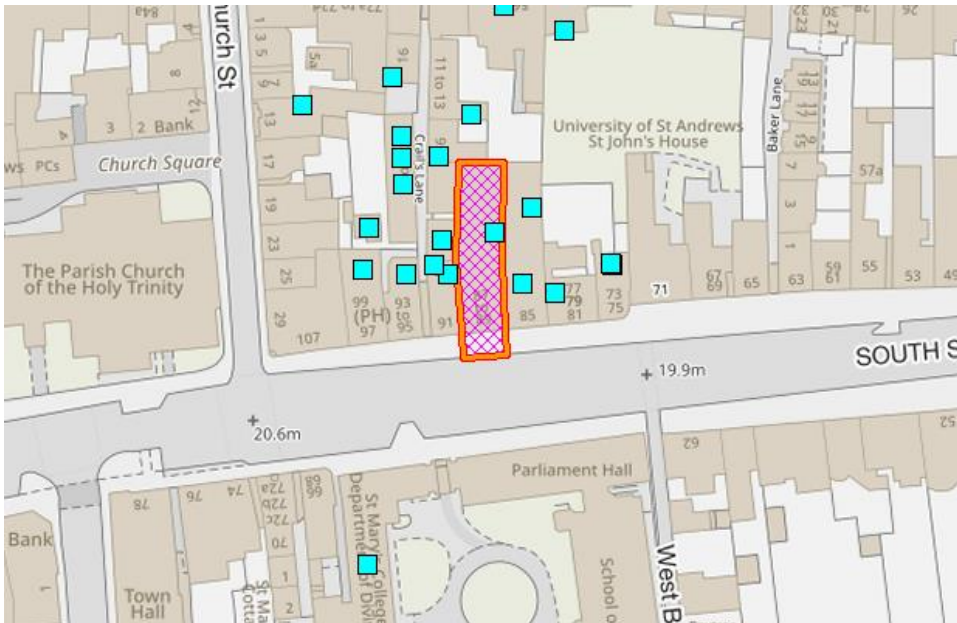
## **1.0 Background**

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### **1.1 The Site**

1.1.2 The application site relates to an early 19th century two storey B listed building within the St Andrews Conservation Area and Town Centre. The application site is within the settlement of St Andrews as defined within the FIFEplan (2017) Local Development Plan. The ground floor is occupied by a Class 3 restaurant with a shop front appearance. The upper floor has a plain design with three traditional sash and case timber windows with six over six pane formation. The roof plane has two rooflights and a central roof dormer window with a two over two pane formation.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 Listed building consent for the display of two internally illuminated fascia signs, one externally illuminated projecting sign, one internally illuminated wall mounted sign, one illuminated menu board and exterior wall painting of front ground floor elevation. The existing awnings would be removed and the shopfront painted blue-grey RAL 5008.

## 1.3 Relevant Planning History

23/01786/FULL - Display of 2.no internally illuminated fascia signs and 1.no externally illuminated projecting sign including 1 internally illuminated wall mounted sign and one internally illuminated menu board and exterior painting - PDE -

23/01994/ADV - Display of 2.no internally illuminated fascia signs and 1.no externally illuminated projecting sign including 1 internally illuminated wall mounted sign and one internally illuminated menu board - PDE -

## 1.4 Application Procedures

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

## 1.5 Relevant Policies

### National Planning Framework 4 (2023)

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.

### Adopted FIFEplan (2017)

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.



## **Planning Policy Guidance**

### **St Andrews Design Guidelines**

The St Andrews Design Guidelines provide design principles for buildings, streets and shop fronts in St Andrews Conservation Area and on the main approaches to the town.

Painting Exterior of Listed or Unlisted Buildings in Conservation Areas

Business Selling Food and Drink

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Impact on Built Heritage

### **2.2 Impact on Built Heritage**

2.2.1 The shopfront is currently painted white with white windows and door frame, pink awnings and a blue-grey fascia (RAL 5008). The shopfront is proposed to be updated to remove the awnings, replace the signage and extend the blue-grey (RAL 5008) paint to cover the whole shopfront. Historic Environment Scotland's Managing Change in the Historic Environment: Shopfronts and Signs advises that signage should lettering should be carefully designed to respect the character of the building and located appropriately. The design and illumination and siting of projecting signs should be carefully considered. Fife Council's Planning Customer Guidelines on Advertising Signs for Businesses (2016) applies and sets out that signs that are too big, finished in a way that is not appropriate for their surroundings or have bright lighting that is not needed are not considered to be acceptable. The St Andrews Design Guidelines sets out detail on appropriate signage and advertisement and supports individual fret cut letters and unobtrusive traditional illumination. Projecting signs are a traditional feature of shopfronts and encouraged. Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area applies.

2.2.2 Two representations have been submitted, including a representation from the Royal Burgh of St Andrews Community Council. The representations object due to the impact on built heritage. The representations also raised issues relating to proposed outdoor seating however, these aspects have been removed from the proposal and are being assessed through a Section 59 of the Roads (Scotland) Act 1984 application. The design and scale of the proposed signage complies with the above guidance and would be appropriate within the context of the listed building and would have a neutral impact to the character and appearance of the conservation area. The proposal is therefore acceptable in terms of design and scale, would have no adverse impact upon the character of the listed building or character and appearance of the conservation area. The ground floor will be painted blue-grey (RAL 5008) which is different from the upper storeys however, this approach is accepted for shopfronts which are clearly differentiated from the upper floors. The use of a single colour and muted colour schemes such as the proposed are encouraged. South Street, St Andrews has a range of muted coloured shopfronts with no single predominant colour scheme. Historic Environment Scotland have been consulted on the application and have no comment. Accordingly, the proposed colour is compatible with the character and of the listed building and character and appearance of the conservation area.

## 3.0 Consultation Summary

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Historic Environment Scotland

No comment.

## 4.0 Representation Summary

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4.1 Two representations were received including one from a member of the public and one from the Royal Burgh of St Andrews Community Council.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

##### Issue

- a. Impact on built heritage;

**Addressed in Paragraph**  
2.2

#### 4.2.3 Other Concerns Expressed

##### Issue

- a. Pavement furniture

##### Comment

The proposal for outdoor seating has been removed from the application and is being considered under Section 59 of the Roads (Scotland) Act 1984.

## 5.0 Conclusions

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The proposals as revised are to be acceptable in terms character of the listed building and character and appearance of the conservation area. The proposal are compliant with the terms of National Guidance, the Development Plan, and relevant Fife Council Planning Customer Guidelines.

## 6.0 Recommendation

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It is accordingly recommended that the application be approved unconditionally

## 7.0 Background Papers

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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 Declan Semple

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 8/1/24



Committee Date: 17/01/2024

Agenda Item No. 7

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**Application for Advertisement Consent**

**Ref: 23/01994/ADV**

**Site Address:** 87 - 89 South Street St Andrews Fife

**Proposal:** Display of 2.no internally illuminated fascia signs and 1.no externally illuminated projecting sign including 1 internally illuminated wall mounted sign and one internally illuminated menu board

**Applicant:** Mr Angelo Mareri, Capital House 25 Chapel Street

**Date Registered:** 1 August 2023

**Case Officer:** Declan Semple

**Wards Affected:** W5R18: St. Andrews

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

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This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

### **Summary Recommendation**

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The application is recommended for: Unconditional Approval

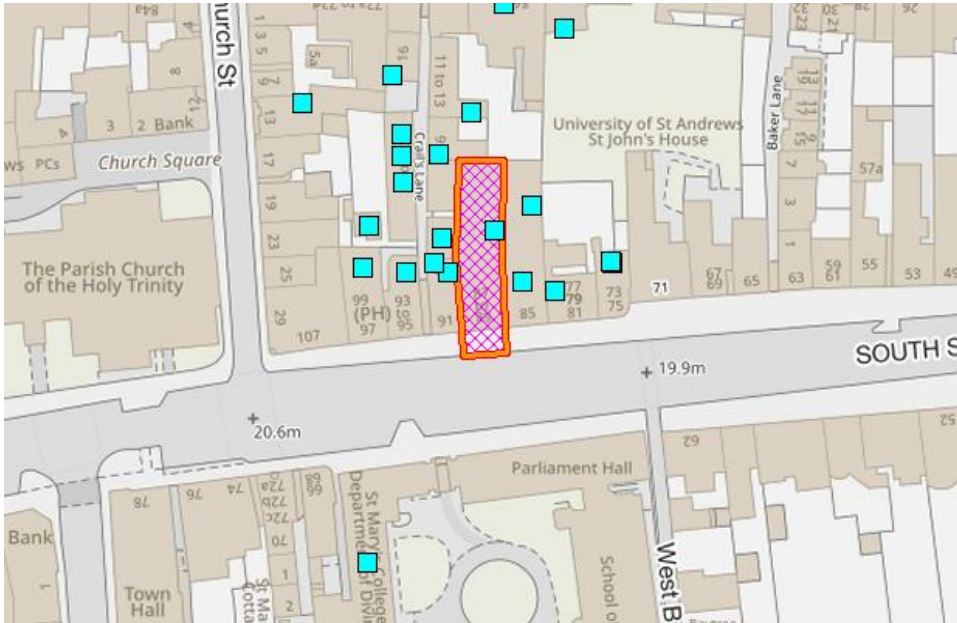
## **1.0 Background**

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### **1.1 The Site**

1.1.2 The application site relates to an early 19th century two storey B listed building within the St Andrews Conservation Area and Town Centre. The application site is within the settlement of St Andrews as defined within the FIFEplan (2017) Local Development Plan. The ground floor is occupied by a Class 3 restaurant with a shop front appearance. The upper floor has a plain design with three traditional sash and case timber windows with six over six pane formation. The roof plane has two rooflights and a central roof dormer window with a two over two pane formation.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

The proposed advertisement consent for two sets of halo illuminated fascia text, one internally lit LED illuminated menus, one internally illuminated text behind glazing and one projecting sign with warm white LED illumination.

## 1.3 Relevant Planning History

23/01786/FULL - Erection of pergola and exterior painting - PCO -  
23/01787/LBC - Listed building consent for external alterations including display of signage and painting of front elevation - PCO -

## 1.4 Application Procedures

Under Article 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, the Planning Authority shall make any determination of the application only in the interests of amenity and public safety.

## 1.5 Relevant Policies

### Planning Policy Guidance

St Andrews Design Guidelines

The St Andrews Design Guidelines provide design principles for buildings, streets and shop fronts in St Andrews Conservation Area and on the main approaches to the town.

### Planning Customer Guidelines

Advertising Signs for Businesses

## 2.0 Assessment

---

### 2.1 Relevant Matters

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

- Amenity
- Road Safety

## 2.2 Amenity

2.2.1 Fife Council's Planning Customer Guidelines on Advertising Signs for Businesses (2016) applies and sets out that signs that are too big, finished in a way that is not appropriate for their surroundings or have bright lighting that is not needed are not considered to be acceptable. The St Andrews Design Guidelines sets out detail on appropriate signage and advertisement and supports individual fret cut letters and unobtrusive traditional illumination. Projecting signs are a traditional feature of shopfronts and encouraged.

2.2.2 The design and scale of the proposed signage complies with the above guidance and would be appropriate within the context of the listed building and would have a neutral impact to the character and appearance of the conservation area. The proposal is therefore acceptable in terms of design and scale, would have no adverse impact upon the surrounding area and would be compliant with the related guidance.

## 2.3 Road Safety

2.3.1 Fife Council Advertising Signs for Businesses (2016) applies to this proposal. The guidelines state that advertisements should not endanger pedestrians and/or road users and advise that the safety of pedestrians and drivers must not be prejudiced by advertisement signs.

2.3.2 Fife Council's Transport Development Management Team was consulted and have not provided a response. The proposed signage is clear of any visibility splay and will not introduce any new road safety concerns. The proposed projecting sign is positioned over three metres above the adjacent footway and as such would not impact on pedestrian safety. Therefore, the proposal would comply with relevant road safety policy and guidance.

## 3.0 Consultation Summary

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TDM, Planning Services

No response.

## 4.0 Representation Summary

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4.1 No representations were received.

## 5.0 Conclusions

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The proposal is acceptable in meeting the terms of the Fife Council Planning Customer Guidelines and St Andrews Design Guidelines. The advertisement scheme is compatible with its surroundings in terms of amenity and will not have a detrimental impact on road safety.

## 6.0 Recommendation

---

It is accordingly recommended that the application be approved unconditionally.

## 7.0 Background Papers

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

[Planning Guidance](#)

Advertising Signs for Businesses  
St Andrews Design Guidelines

Report prepared by Declan Semple  
Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 8/1/24

Committee Date: 17 January 2024

Agenda Item No. 8

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**Application for Full Planning Permission**

**Ref: 23/01505/FULL**

**Site Address: St Michaels Quarry St Michaels Fife**

**Proposal: Extraction of sand and gravel and restoration to agriculture (Section 42 application to vary conditions 1, 5, 19 and 25 to extend duration and scale of operations, including formation of new access, and deletion of condition 13, all relative to planning permission 01/87/0690)**

**Applicant: Mr Kris Bremner, Ethiebeaton Quarry Kingennie**

**Date Registered: 26 July 2023**

**Case Officer: Martin McGroarty**

**Wards Affected: W5R17: Tay Bridgehead**

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### Reasons for Referral to Committee

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This application requires to be considered by the Committee because

### Summary Recommendation

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The application is recommended for: Conditional Approval

## 1.0 Background

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### 1.1 The Site

1.1.1 St Michaels Quarry is a sand and gravel quarry set in a rural location in the north-east of Fife, located around 750m to the north-west of St Michaels, 870m to the south-west of Pickletillum, 2.3km north-west of Leuchars and 9km north-west of St Andrews. Following initial operations within Phase 1 after the original grant of planning permission in 1993, quarry operations largely ceased, with only minimal extraction having been undertaken periodically over the last twenty years. The current proposed operator acquired the site, which is considered to be a strategic long-term reserve for the North Fife area, in 2012. A remaining permitted reserve of 2.75 million tonnes of material has been identified within the site.

1.1.2 The site is located within farmland owned by Strathburn Farm. Strathburn Farm and farmhouse are located on the south-western boundary of the site. Strathburn Farm Cottage, a private residential property, is located around 70m to the south-west of Strathburn Farm. The site is accessed from the A914, around 400m to the north-west of St Michaels.

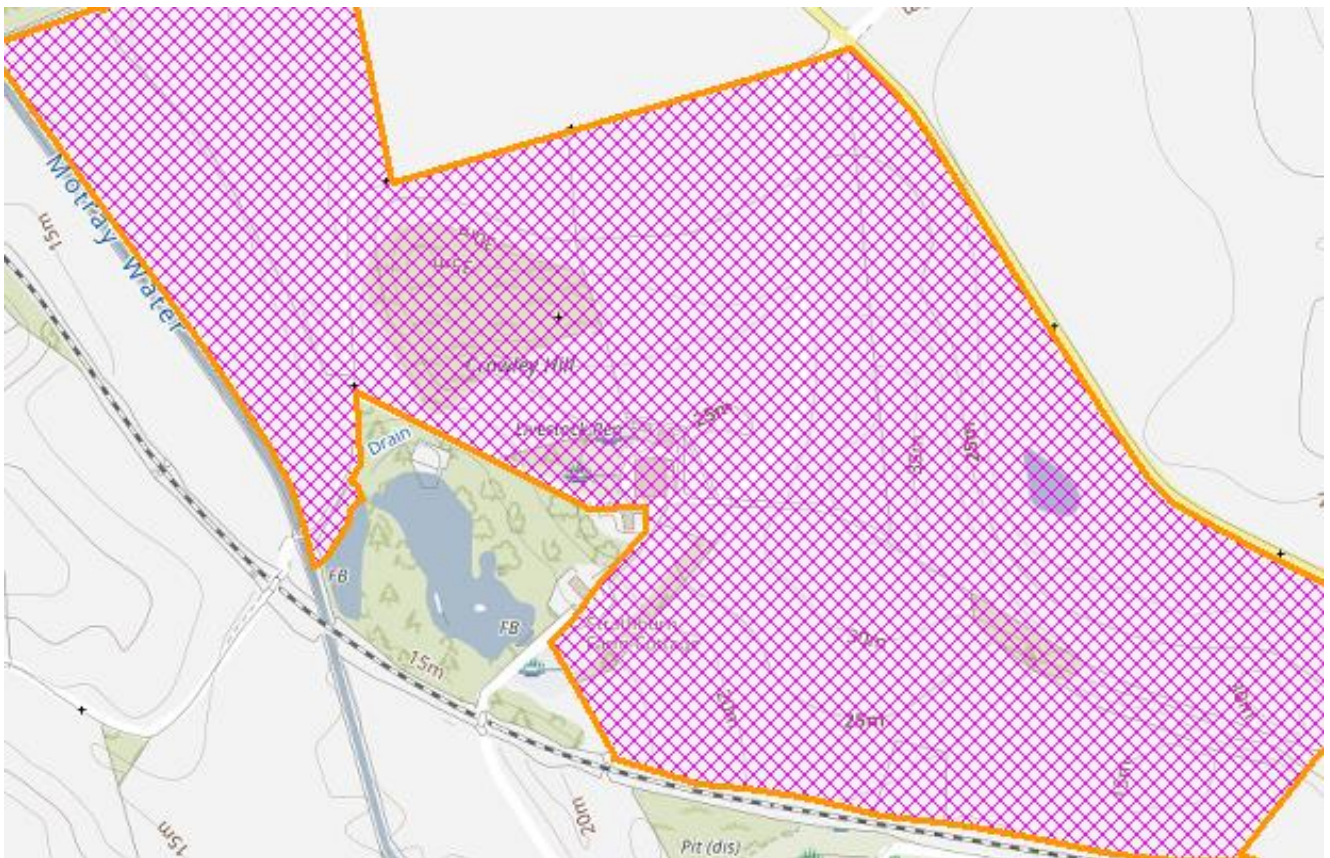
1.1.3 The site is predominantly either cultivated arable land or semi-improved grassland. The site is bounded to the east and west by agricultural fields. The unclassified C12 road, which



runs from the A914 to the A92, forms the northern boundary of the site. The Edinburgh to Aberdeen railway line forms the southern boundary of the site; former sand and gravel workings are also located to the south of the railway. A block of coniferous woodland is located to the east of Strathburn Farm Cottage and provides a screen between the property and the permitted operational area. To the south-west there is a large area of garden ground belonging to Strathburn Farm which comprises woodland and ponds. The Motray Water stream runs along the far south-western boundary. The land surrounding the site is predominantly agricultural with intermittent areas of woodland.

1.1.4 The site is located within an area of rolling topography and ground levels vary throughout the site. On the north-western, northern, eastern, and southern site boundaries ground levels are around 20m Above Ordnance Datum (AOD), with the ground dropping to around 15m AOD on the south-western boundary at the Motray Water. A higher mound runs roughly east to west through the site, rising from around 30m AOD in the east, to 35m AOD in the centre and 40m AOD at Crawley Hill in the western part of the site.

## LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This proposal is an application under Section 42 of the Town & Country Planning (Scotland) Act to vary conditions 1, 5, 13, 19 and 25 of planning permission 01/87/0690. This would allow the full remaining permitted reserve of 2.75 million tonnes of sand and gravel to be extracted.

1.2.2 Approval of this application would have the effect of: amending the currently approved phasing plan (Condition 1); extending the operational life of the quarry from 30 years from the date of the original planning permission to 30 years from the re-commencement of development (Condition 5); removing a proximity restriction for quarrying near a now-decommissioned MoD pipeline (Condition 13); doubling the approved annual rate of extraction of sand and gravel from

the quarry (Condition 19); and allowing for the construction of a new route to maintain access to Strathburn Farm (Condition 25).

1.2.3 These are the only significant changes that are being sought to existing planning permission 01/87/0690 – other important matters, such as the monitoring regimes for noise and dust, and hours of operation – are unchanged from the terms of the existing permission, and all existing planning conditions (other than those conditions proposed to be amended) would be reapplied to any grant of planning permission. Given the time that has elapsed since the granting of the original permission, references to the “District Council” (North East Fife District Council was the Planning Authority at the time) would be amended to read “Fife Council”, and similar updates are required to references including to the Tay River Purification Board (functions now overseen by SEPA) and references to now updated legislation.

1.2.4 The application submission is supported by a full suite of plans, including: phasing and working plans; a waste management plan; an updated restoration plan; an environmental impact assessment; landscape and visual montages and assessment; historic environment assessment; noise and dust impact assessments; and an explanatory Planning Statement.

### **1.3 Relevant Planning History**

01/87/0690 (87/00690/HIST) - Extraction of sand and gravel and restoration to agriculture - PERC - 11/06/93

23/00315/SCO - EIA Scoping for Section 42 application to vary Conditions 1, 5, 13, 19, 22 and 25 of planning permission 01/87/0690 - SCOPEA - 10/03/23

### **1.4 Application Procedures**

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

1.4.2 The relevant guidance covering the use of Applications under Section 42 of the Town & Country Planning Act 1997 (as amended) is contained in Annex I of Planning Circular 3/2013: Development Management Procedures. This indicates that it is appropriate to deal with the applicant's request to amend Conditions 1, 5, 13, 19 and 25 of planning permission 01/87/0690 under the terms of a Section 42 application.

### **1.5 Relevant Policies**

#### **National Planning Framework 4 (2023)**

1.5.1 Policy 33 of NPF4 indicates that, amongst other things, economically important minerals should be safeguarded from sterilisation by other development, and that development proposals for the sustainable extraction of minerals will be supported where they:

- i) will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats, and the historic environment, as well as landscape and visual impacts;
- ii) provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise;
- iii) can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations;
- iv) demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air, and water;

- v) minimise transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical;
- vi) have appropriate mitigation plans in place for any adverse impacts; and
- vii) include schemes for a high standard of restoration and aftercare and commitment that such work is undertaken at the earliest opportunity. As a further safeguard a range of financial guarantee options are available, and the most effective solution should be considered and agreed on a site-by-site basis. Solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms.

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

1.5.2 Policy 15 of FIFEplan indicates that development proposals for the extraction of minerals will be supported where they:

1. do not result in an unacceptable impact on communities, the environment, or the economy;
2. provide for restoration and aftercare to a high standard, including the provision of an appropriate guarantee, such as bonds or other financial guarantees; and
3. in the case of aggregates, facilitate a minimum 10-year landbank of permitted reserves for construction aggregates at all times in all market areas.

### **PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings (1996)**

1.5.3 This Planning Advice Note provides advice on the more significant environmental effects arising from mineral working operations including noise, dust, blasting, traffic, and ground/surface water management.

### **FIFEplan Minerals Supplementary Guidance (2018)**

1.5.4 The FIFEplan Minerals Supplementary Guidance provides further detail on how the policies of FIFEplan are intended to balance the positive contribution of minerals extraction with its negative impacts. This is to be achieved through: establishing Areas of Search for minerals extraction; safeguarding minerals deposits from sterilisation; ensuring that there is a sufficiency of workable minerals available to serve current and future needs (both locally and regionally); and ensuring the protection of the environment and the local communities.

## **2.0 Assessment**

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### **2.1 Relevant Matters**

#### **2.1.1 Scope of Assessment**

2.1.2 As this is an application under Section 42, the planning assessment is not required to revisit the analysis of the acceptability of the quarry use in the context of the local and national policy framework - this was properly carried out in approving the existing planning permission 01/87/0690. This being the case, there is no requirement for this Report of Handling to examine in detail matters that would otherwise be the material considerations in assessing a full application for such development (which would include: the principle of the development; the visual and landscape impact of the development; the ecological impact of the development; matters relevant to road safety; any effects upon amenity; any implications for the cultural heritage; and the consideration of rights of way and access to the countryside). Rather, the planning assessment here will consider the reasoning behind the proposed amendments to Conditions 1, 5, 13, 19 and 25 of planning permission 01/87/0690 and make a recommendation as to their acceptability, taking into account any significant material planning changes that may have occurred since the existing permission was granted on 9th June 1993.

2.1.3 The most significant material planning change that has occurred in the intervening period between 1993 and 2023 has been the change in the documents forming the Development Plan.



2.1.4 The current Development Plan, within which this Section 42 application must be considered, consists of: national policy in the form of National Planning Framework (NPF) 4 (2023); local policy in the form of the Adopted FIFEplan Local Development Plan (2017) and FIFEplan Minerals Supplementary Guidance (2018); with technical guidance provided by Planning Advice Note (PAN) 50 – Controlling the Environmental Effects of Surface Mineral Workings (1996).

2.1.5 The Development Plan in June 1993 consisted of the Fife Structure Plan and the St Andrews Hinterland Local Plan, with national guidance coming from the Scottish Office in the form of the National Planning Policy Guidance (NPPG) topic series. NPPG4 Minerals (1994) was an emerging document in 1993 and, whilst PAN 50 had not yet been published, the advice given in PAN 50 was predicated on the existing best practice document produced by Roy Waller Associates for the Department of the Environment published in 1992 called “Environmental Effects of Surface Mineral Workings”.

2.1.6 Whilst there have been significant changes to the Development Plan since the original application was approved in 1993, the general thrust of the minerals policy framework governing the extraction of hard rock/sand and gravel from quarries has remained largely unaltered across that time period. Given that minerals can only be worked where they lie, the assessment of minerals proposals has always revolved around ensuring that economically important minerals can be extracted without unacceptable environmental effects occurring and without undue nuisance to neighbours. The guidance contained in PAN 50 existed at the time of the original planning approval in 1993 and remains the basis on which the potential environmental effects of mineral workings are assessed and controlled.

2.1.7 The most significant change to the policy framework within which minerals applications are now assessed is that NPF4 places addressing the climate emergency as a key core policy of its guidance (Policy 2) and is particularly keen that biodiversity enhancements should accrue from development proposals that are granted planning permission (Policy 3). NPF4 also seeks to put Community Wealth Building at the heart of national policy (Policy 25).

2.1.8 In terms of NPF4 Policy 2, St Michaels Quarry provides a local source of aggregate, reducing the requirements for long-distance haulage, thereby reducing the carbon footprint associated with transportation.

2.1.9 In terms of NPF4 Policy 3, the proposal has been the subject of an ecological impact assessment which has demonstrated that, subject to appropriate mitigation, there will be no significant negative ecological effects associated with the proposal. The proposal makes provision for appropriate restoration and for a five-year aftercare period which will ensure that habitats are successfully established. Overall, there will be a net increase in biodiversity.

2.1.10 In terms of NPF4 Policy 25, the proposed development would provide employment onsite and indirect employment, using local firms for supplies, maintenance, and specialist support. The applicant has expressed a willingness to take part in a community liaison group for the quarry, should there be a demand for such.

## 2.2 The Purpose of Condition 1

2.2.1 Existing Condition 1 of 01/87/0690 states that "The extraction of sand and gravel shall take place in seven phases in the progressive numerical order from phase I to phase VII as defined in the stamped approved plan and the direction of working in each phase shall be as shown on the stamped approved plan. No amendments to the phasing shall be carried out by the operators unless previously agreed with the District **Council** as Planning Authority.

2.2.2 This condition was necessary in the interests of visual amenity, and to minimise the temporary loss of agricultural land, while at the same time allowing for continuity of production.

## **2.3 Assessment of Proposed Change to Condition 1**

2.3.1 The applicant wishes to amend the wording of Condition 1 such that it reads as follows:

"The extraction of sand and gravel shall take place in five phases in the progressive numerical order from phase 1 to phase 5 as defined in the stamped approved plans and the direction of working in each phase shall be as shown on the stamped approved plans. No amendments to the phasing shall be carried out by the operators unless previously agreed with Fife Council as Planning Authority."

2.3.2 The applicant has submitted a supporting Planning Statement with this planning application which explains that Phase 4 of the current permitted method of working is located adjacent to the Motray Water, and it is within an area that is identified on the SEPA Flood Maps as being prone to river flooding. The applicant proposes to remove this phase from the development. It is also proposed to vary the phased development of the remaining site, the revised phasing being split into five development phases, to reflect current best practice in working methods.

2.3.3 The applicant considers that the proposed amendment to the phasing of the operations is required to update the best possible means of extracting the approved mineral resource from the site. The sand and gravel will be 'dry worked', i.e. all excavations have been designed to be undertaken above the water table. No concerns were raised by consultees or interested parties as regards the proposed phasing of the quarry operations, such that the proposed amendment to Condition 1 would require further detailed re-assessment of environmental or technical information. Fife Council's Structural Services' Flooding, Shoreline and Harbours Team has been consulted on the proposal and offers no objection in terms of either the flooding or surface water management proposals contained within this application.

2.3.4 Therefore, as explained in Section 2.1 of this Report of Handling, whilst there have been significant changes in the Local Development Plan Policy Framework within which the decision of June 1993 was taken, Fife Council considers that the proposed amendment to the phasing of the operations does not give rise to any adverse effects beyond those assessed and approved as part of the original consent and the proposed amendment to Condition 1 is acceptable.

## **2.4 The Purpose of Condition 5**

2.4.1 Existing Condition 5 of 01/87/0690 states that "The permission is limited to a period of 30 years from the date of receipt of planning consent. All plant and machinery shall be removed from the site and the land entirely reinstated to agricultural use to the satisfaction of the District Council as Planning Authority at the termination of site operations or the expiry of the term of approval, whichever is the earlier. The termination of operations on site shall be assumed on the cessation of operations for a period of 24 consecutive months. Any exception to these requirements shall be subject to the express prior consent of the District Council as Planning Authority."

2.4.2 This condition was necessary to enable the review of progress of working and restoration in the interests of amenity and agriculture, and to retain control over the future use of the land.

## **2.5 Assessment of Proposed Change to Condition 5**

2.5.1 The applicant wishes to amend the wording of Condition 5 such that it reads as follows:

"The permission is limited to a period of 30 years from the date of initiation of development. All plant and machinery shall be removed from the site and the land entirely reinstated to agricultural use to the satisfaction of Fife Council as Planning Authority at the termination of site operations or the expiry of the term of approval, whichever is the earlier."

2.5.2 Following initial operations within Phase 1 following the original grant of planning permission in 1993, quarry operations largely ceased, with only minimal extraction having been undertaken periodically over the last twenty years. The current proposed operator acquired the site, which is a strategic long-term reserve for the North Fife area, in 2012.

2.5.3 The proposed amendment to the duration of the operations is required to enable the approved mineral resource to be extracted from the ground, given that the site has largely lain dormant since the original approval was granted. No concerns were raised by consultees or interested parties as regards the time extension to the quarry operations, such that substantial further detailed re-assessment of environmental or technical information would be required.

2.5.4 Fife Council's Natural Heritage specialist notes, however, that the Ecological Impact Assessment Report submitted in support of this Section 42 application is at the end of its 18-month "shelf-life" and, whilst the habitats at this location are likely to be reasonably stable, faunal use of the area will be subject to change and the studies would require to be further updated to establish the current baseline condition at the re-commencement of quarrying. This is a matter that can be controlled by a pre-start condition of any planning permission that may be granted in respect of this Section 42 application.

2.5.5 Overall, in terms of NPF4 Policy 3 Biodiversity and the change in emphasis on biodiversity, nature recovery, nature networks and nature-based solutions, the proposed restoration would be progressive and make provision for a range of habitats which would ensure an increase in biodiversity. The planting scheme would connect existing woodland and provide additional habitat; and an additional 3.68ha of woodland would be established. Fife Council's Natural Heritage specialist considers that the operational mitigations and decommission recommendations for a comprehensive restoration scheme are deemed appropriate and can be secured by conditions of any planning permission that may be granted in respect of this Section 42 application.

2.5.6 Given all the above, it is considered that the proposed amendment to Condition 5 is acceptable, with the caveat that the applicant's proposed wording of "... a period of 30 years from the date of initiation of development" should read "... a period of 30 years from the date of commencement of development" to tie in with the legislative requirement to submit a commencement notice.

## **2.6 The Purpose of Condition 13**

2.6.1 Existing Condition 13 of 01/87/0690 states that "The proposed workings of the eastern boundary of the site shall respect the location of the MOD pipeline which is located adjacent to the public road (C12). There shall be no excavation of land within 36.6m of the MOD pipeline unless otherwise agreed in writing with the District Council as Planning Authority."

2.6.2 This condition was necessary "to ensure the protection and the line (sic) and operation of the MOD pipeline." Note that the original reason for the condition should have read "to ensure the protection and operation of the MOD pipeline."

## **2.7 Assessment of Proposed Change to Condition 13**

2.7.1 The applicant wishes to delete Condition 13 on the basis that recent correspondence between the applicant and the MOD (Defence Infrastructure Organisation) indicates that the pipeline has been decommissioned since planning permission was originally granted in 1993 and, this being the case, the MOD no longer requires any restriction in relation to adjacent development.

2.7.2 The applicant has submitted email correspondence on this matter with the MOD (Defence Infrastructure Organisation) dating from April and May 2023 which confirms that the MOD no longer has a pipeline in the area and that it has no objection to the development proposal.

2.7.3 Fife Council is therefore content that Condition 13 is no longer required and can be deleted from any new planning permission that may be granted under this Section 42 application.

## **2.8 The Purpose of Condition 19**

2.8.1 Existing Condition 19 of 01/87/0690 states that "The rate of excavation of sand and gravel shall not exceed 50,000 tonnes per annum except with the express prior consent of the District Council as Planning Authority."

2.8.2 This condition was necessary to "restrict the rate of extraction to a reasonable level in accordance with the mineral operations (sic) own proposals and in the interests of visual amenity." Note that "operations" in the original reason for the condition should have read "operator's".

2.8.3 From the wording of the reason for this condition, it is clear that the impetus for existing condition 19 was about controlling the visual impact of the amount of land being worked at any one time, rather than coming from any concern regarding impact on the road network. Existing Conditions 1 and 2 of 01/87/0690 control the phasing of the excavations, such that progressive restoration is required, meaning that no more than two phases (in transition) shall be being worked at the same time.

2.8.4 As indicated in section 1.3 Relevant Planning History, the applicant received a Scoping Decision (23/00315/SCO) from Fife Council on this proposal, part of which was based on consultation with Fife Council's Transportation Development Management (TDM) Team. Fife Council's decision (issued March 2023) was that Access and Traffic matters could be scoped out of consideration for any supporting Environmental Impact Assessment documentation to be submitted with this application.

2.8.5 TDM notes that by doubling the permitted annual extraction rate to 100,000 tonnes per year, and assuming all material is exported by 20 tonne capacity vehicles, this would result in an average of only 20 loaded vehicles per day, which is significantly less than the maximum of 50 loaded vehicles per day permitted by Condition 12 of 01/87/0690 (proposed Condition 13 of this Section 42 application). Condition 12 does allow for fluctuations in the demand for material from the quarry. Given that this S42 application does not include a proposed amendment to existing Condition 12, TDM has confirmed that it has no concerns with the variation to the four conditions.

## **2.9 Assessment of Proposed Change to Condition 19**

2.9.1 The applicant wishes to amend the wording of Condition 19 such that it reads as follows:

"The rate of excavation of sand and gravel shall not exceed 100,000 tonnes per annum except with the express prior consent of the Fife Council as Planning Authority."

2.9.2 The permitted reserve at the date of the permission in 1993 was in the region of 3.0 million tonnes and, with an annual limit of 50,000 tonnes, it would have been impossible to extract the permitted reserve within the consent period. As Planning Condition 12 of the existing planning permission limits despatch to a maximum 50 loaded vehicles per day (which at 20 tonne loads equates to up to 1,000 tonnes per day) there is no specific access problem that would necessitate the limitation of annual production.

2.9.3 Existing Condition 12 of permission 01/87/0690 allows for the removal of up to 1,000 tonnes per day. As there is no requirement for a new access onto the public road, and quarry traffic is unlikely to have a significant impact on the A914, the site could operate at increased production without significant impacts on the road network, the environment, or the local amenity. All this was acknowledged and confirmed in the Fife Council Scoping Opinion decision issued in March 2023 under reference 23/00315/SCO. There are no policy concerns raised by the proposed amendment to Condition 19 in the context of the transition to the current Development Plan. All this being the case, it is considered that the proposed amendment to Condition 19 is acceptable.

## **2.10 The Purpose of Condition 25**

2.10.1 Existing Condition 25 of 01/87/0690 states that "The existing vehicular accesses to Strathburn Farm shall remain open at all times to the satisfaction of the District Council as Planning Authority and shall not be obstructed or diverted. Any new access to the C12 public road shall be subject to the submission of a planning application to the District Council as Planning Authority."

2.10.2 This condition was necessary "in the interests of the satisfactory operation of Strathburn Farm and to ensure that independent access is maintained from the development."

## **2.11 Assessment of Proposed Change to Condition 25**

2.11.1 The applicant wishes to amend the wording of Condition 25 such that it reads as follows:

"Vehicular access to Strathburn Farm shall remain open at all times to the satisfaction of the Fife Council as Planning Authority and shall not be obstructed or diverted. The approved new access route shall be available for use prior to the removal of the existing access route."

2.11.2 The current permission (01/87/0690) makes provision, during Phase 6, for the creation of a new farm access route through the worked-out quarry with a new access point being created onto the C12 road, with the existing access route being worked through thereafter. The applicant has, however, reviewed potential access options with the landowner, and it is now proposed to form a new access track from the existing farm access onto the C12 road, this route being created around the northern, western, and southwestern boundaries of Phases 2 and 3.

2.11.3 The landowner has submitted a representation to this application, indicating that, whilst not objecting to the proposals, there was concern that the additional length of the agreed route for the alternative access proposed (a 40% increase in length) would lead to an increased financial burden on the landowner due to raised maintenance costs (the landowner has 50% liability for maintenance of the current access road). In response, the applicant has met with the landowner and agreement has been reached on the matters raised in the landowner's representation.

2.11.4 The new access route will be constructed by the quarry operators, with neither the property owners of Strathburn Farm nor Strathburn Farm Cottage responsible for contributing towards its construction. The alternative access will be for the sole use of Strathburn Farm and Cottage and shall not be used for quarry operations and the operator is willing to contribute towards the additional reasonable maintenance costs once the road has been constructed. The applicant has agreed with the landowner that this would be discussed more fully at a later date.

2.11.5 The applicant has also reached agreement with the landowner on the other matters raised in the landowner's representation, namely that a mains water supply and telephone landline will be maintained to Strathburn Farm and Cottage throughout the lifespan of the workings, and an error in the land ownership position as shown on the original plans has been corrected.

2.11.6 The revised access route is an internal traffic management provision, separate from the route used by quarry traffic, designed to accommodate the proposed revised phasing of the workings, and provide maximum amenity for non-quarry traffic accessing Strathburn Farm and Cottage. The landowner's initial concerns regarding the route have been successfully negotiated with the applicant and no objections have been raised to the proposed amendment of Condition 25. The proposed amendment to the condition does not raise any new transportation or other issues, in the context of planning policy, that have not already been considered as part of the original. All this being the case, the proposed amendment to Condition 25 is considered to be acceptable.

## **2.12 Consequential Changes Arising from Proposal and Additional Conditions Required**

2.12.1 Should Committee be minded to approve this application, Fife Council as Planning Authority would require to make further minor changes to existing conditions to reflect the change in phasing notation, acknowledge changes in road numbering (the A92 in 1993 in this location is now the A914 for example), address any changes required in relation to references to organisations and legislation that no longer exist, and address any further changes required to ensure that the conditions are up to date and relevant to the revised permission (including where parts of the original conditions have previously been discharged).

2.12.2 North East Fife District Council was the Planning Authority at the time the original permission was granted in 1993, therefore all references within conditions of planning permission 01/87/0690 to the “District Council” would be amended to read “Fife Council” under any new permission granted under this application.

2.12.3 There would require to be a change in the numbering of conditions of any permission granted due to the necessity to add a new Condition 1, which is the time condition required by legislation on all new planning permissions granted. This would mean that existing Conditions 1 to 12 of 01/87/0690 would be renumbered as Conditions 2 to 13 of any new permission granted. The proposed deletion of existing Condition 13 of 01/87/0690 however, means that all subsequent conditions of the original permission (Conditions 14 to 25 of 01/87/0690) would remain numbered as per the original permission.

2.12.4 The change in the Development Plan since the original permission was granted in 1993 means that there is an enhanced safeguarding of archaeological interests and a stronger Archaeological condition is required, particularly as the development site is located in an Area of Archaeological Importance. Condition 24 of the original permission has therefore been updated to require a written statement of investigation for archaeological interest to be submitted prior to development recommencing on site.

2.12.5 As indicated in paragraph 2.5.4 of this Report of Handling, the submitted Ecological Impact Report is considered to be out of date and an additional condition, Condition 26, would be added to any grant of planning permission to ensure that the most up to date position on the existing natural assets of the site are established as baseline data, from which any additional protection or mitigation can be agreed in advance of development recommencing on site.

2.12.6 Additional conditions would be added to any new permission granted under this application, namely Conditions 27 to 37, which are conditions required by Network Rail to ensure the safety and integrity of the railway infrastructure and railway operations.

## **2.13 Requirement for a Section 75 Agreement**

2.13.1 There is no Section 75 agreement covering a restoration bond required for this proposal as the operator is a member of the Mineral Products Association industry scheme (the MPA Restoration Guarantee Fund) which guarantees funds towards restoration of any site where a member operator is unable to fulfil the restoration condition for reasons of financial insolvency of the company. This was the case at the time of the original application and remains the case today.

## **3.0 Consultation Summary**

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Archaeology Team, Planning Services	No objection, subject to Planning condition.
Land And Air Quality, Protective Services	No objection.
Structural Services - Flooding, Shoreline And Harbours	No objection.

Parks Development And Countryside

No response.

Network Rail

No objection, subject to Planning conditions.

Scottish Water

No objection.

Natural Heritage

No objection, subject to Planning conditions.

## 4.0 Representation Summary

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4.1 One letter of representation to this application was received, which was from the landowner of the site. The landowner indicated that, whilst not objecting to the proposals, there was concern that the additional length of the agreed route for the alternative access proposed (a 40% increase in length) would lead to an increased financial burden on the landowner due to raised maintenance costs (the landowner has 50% liability for maintenance of the current access road). The landowner was also concerned that a mains water supply and telephone landline must be maintained to Strathburn Farm and Cottage throughout the lifespan of the workings and pointed to an error in the land ownership position as shown on the original plans.

### 4.2 Material Planning Considerations

#### 4.2.1 Other representation comments: None

#### 4.2.2 Other Concerns Expressed

Issue	Comment
a. Access route - financial implications.	Amicably resolved with landowner.
b. Connection to mains water supply.	Amicably resolved with landowner.
c. Telephone landline must be maintained.	Amicably resolved with landowner.
d. Incorrect land ownership plan.	Amicably resolved with landowner.



## 5.0 Conclusions

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Both the principle and the significant details of the proposed development have been established in the grant of the original permission for mineral extraction at St Michaels Quarry (01/87/0690) in June 1993. Circumstances have dictated that the original development was only partially implemented, which leaves a significant quantity of approved mineral resource in situ at this location. Minerals are safeguarded as an important economic resource and can only be worked where they lie. Re-opening existing consented quarries is preferable to establishing new minerals sites and an updated assessment of the original permission, in the context of the current Development Plan, has concluded that the proposed amendments to Conditions 1, 5, 19 and 25 (and the deletion of Condition 13) of planning permission 01/87/0690 does not give rise to any new adverse effects beyond those assessed and approved as part of the original consent.

## 6.0 Recommendation

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

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

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

2. The extraction of sand and gravel shall take place in five phases in the progressive numerical order from phase 1 to phase 5 as detailed in planning application submission documents 06, 07, 08, 09 and 10 (Figures 3.3, 3.4, 3.5, 3.6 and 3.7 respectively) and the direction of working in each phase shall be as shown on the aforementioned approved plans. No amendments to the phasing shall be carried out by the operators unless previously agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of visual amenity and to minimise the temporary loss of agricultural land while at the same time allowing for continuity of production

3. Prior to any work commencing on phase 5, the entire area covered by phases 1 to 4 (excluding any settlement ponds) shall be entirely restored to agricultural use in accordance with the approved Restoration Plan (planning application submission document 16 – Figure 3.8).

Reason: In the interests of visual amenity and to minimise the temporary loss of agricultural land while at the same time allowing for continuity of production

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no buildings, plant or machinery shall be erected or installed without the express prior consent of Fife Council as Planning Authority.

Reason: In the opinion of Fife Council as Planning Authority, an additional degree of planning control is necessary because of the location of the site and the need to protect the appearance of the area.

5. An aftercare scheme for restoration to agriculture shall be submitted within 12 months of the date of the completion of each phase for the prior approval of Fife Council as Planning Authority in accordance with the approved Restoration Plan (planning application submission document 16 – Figure 3.8).

Reason: To ensure the satisfactory restoration of the proposed workings and to minimise the temporary loss of agricultural land while at the same time allowing for the continuity of production and to prevent any detrimental impact to adjacent agricultural land.

6. The permission is limited to a period of 30 years from the date of commencement of development. All plant and machinery shall be removed from the site and the land entirely reinstated to agricultural use to the satisfaction of Fife Council as Planning Authority at the termination of site operations or the expiry of the term of approval, whichever is the earlier.

Reason: To enable the review of the progress of working and restoration in the interests of amenity and agriculture; to retain control over the future use of the land.



7. Vehicular access to the public road system shall be via the existing site access only, to the public A914 road. No new vehicular access shall be formed to the public road system at any location without the express prior consent of Fife Council as Planning Authority.

Reason: To ensure the provision of an adequate location of access to the site and adequate arrangements.

8. The existing junction with the A914 shall be maintained and kept clear of mud and other materials to the satisfaction of Fife Council as Planning Authority at all times during the minerals operations.

Reason: To ensure the provision of an adequate location of access to the site and adequate arrangements.

9. Visibility splays measuring 6m x 210m shall be provided and maintained free from all obstructions exceeding 1m in height above the adjacent road channel level, at the aforementioned junction with the A914, insofar as they lie within the applicant's control.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

10. Sufficient parking and manoeuvring space shall be set aside and kept clear within the curtilage of the site in order to accommodate the greatest size and number of vehicles expected to visit the site at any one time all to the satisfaction of Fife Council as Planning Authority.

Reason: To ensure that all vehicles taking access to and egress from the site can do so in a forward gear and to ensure the provision of adequate and convenient on-site parking to avoid vehicular parking on the public road.

11. Wheel cleaning facilities, approved by Fife Council as Planning Authority, shall be provided and operated throughout the duration of the proposed mineral workings so that no mud or other materials shall be carried by vehicles on to the public road system.

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

12. There shall be no excavation below the level of the adjacent public road (C12) within a distance of 20m from the nearside edge of the public road.

Reason: In the interests of the stability of the public road.

13. There shall be no more than 50 loaded lorry trips during any one working day and such trips as there are shall be spread evenly throughout the working day in order to avoid the morning and evening peaks on the public road system insofar as this is practicable.

Reason: In the interests of road safety and residential amenity, to ensure that the impact on the public road network of the traffic generated is kept to a minimum.

14. There shall be no disturbance of or alteration to the flow of water in the adjacent watercourse (Motray Burn) and there shall be no discharge to the watercourse from the excavation site except with the express prior approval of the Scottish Environment Protection Agency.

Reason: To maintain the watercourse in a free-flowing condition and to safeguard it from possible pollution.

15. No excavation shall take place in the Motray Burn or its banks and no dumping of extraneous material shall be permitted in or on the banks of the Burn.

Reason: To maintain the watercourse in a free-flowing condition and to safeguard it from possible pollution.

16. Prior to work taking place on each phase such topsoil as exists shall be removed and satisfactorily set aside and stored on site. There shall be no sale of topsoil from the site. The mounding shall incorporate smooth contours and shall not be less than 2m and not more than 6m in height and shall be grassed over and maintained to the satisfaction of Fife Council as Planning Authority. The finished levels after excavation shall be so graded as to ensure satisfactory natural drainage of the area in order to provide easy overall soaks and contours blending with those surrounding landforms to the entire satisfaction of Fife Council as Planning Authority. All existing topsoil shall be respread to a depth of approximately 300mm (12") or to such a depth as it permits over the excavated land after the grading of levels.

Reason: To ensure the satisfactory restoration of the proposed workings and to minimise the temporary loss of agricultural land while at the same time allowing for the continuity of production and to prevent any detrimental impact to adjacent agricultural land.

17. All injurious weeds on the site shall be regularly treated during working to the satisfaction of the District Council as Planning Authority.

Reason: To ensure the satisfactory restoration of the proposed workings and to minimise the temporary loss of agricultural land while at the same time allowing for the continuity of production and to prevent any detrimental impact to adjacent agricultural land.

18. All fuel and oil storage shall be contained in bunded areas with pumping points and flexible fuel filling hoses within the bund, the exact details of which shall be agreed with the Scottish Environment Protection Agency.

Reason: To prevent any form of spillage causing pollution of the site and in turn local watercourses.

19. The rate of excavation of sand and gravel shall not exceed 100,000 tonnes per annum except with the express prior consent of Fife Council as Planning Authority.

Reason: To restrict the rate of extraction to a reasonable level in accordance with the mineral operator's own proposals and in the interests of visual amenity.

20. Precise details illustrating the area for stockpiling of extracted materials and also the maximum height of stockpiles shall be submitted for the prior approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity and to minimise the impact of the storage of materials.

21. No working or operations shall take place outwith the hours of 7.00am - 6.00pm Monday to Friday inclusive and 7.00am to 1.00pm on Saturdays unless otherwise agreed in writing with Fife Council as Planning Authority. On Saturday afternoons and Sundays, maintenance work only will be permitted.

Reason: To enable Fife Council as Planning Authority to exercise proper control over the impact of the operation on the surrounding area and in the interest of residential amenity.

22. Prior to works commencing on site a landscaping and planting scheme shall be submitted for the prior approval of Fife Council as Planning Authority. The landscape plan shall indicate the siting, numbers, species, and heights (at time of planting) of all trees, shrubs, and hedges to be planted and the extent of any areas of earth mounding. Particular attention shall be given to the introduction of landscaping on the northern and northwest boundaries of the site in order to screen the excavation workings from public view.

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

23. Following approval of the detailed landscaping scheme by Fife Council as Planning Authority the site shall be landscaped in accordance with the submitted landscape scheme and to an approved timescale. Any trees, hedges or shrubs which subsequently die within 5 years of planting shall be promptly replaced with similar species to the satisfaction of Fife Council as Planning Authority.

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

24. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by Fife Council as Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site, which lies within an area of archaeological importance, and to ensure that the developer provides for an adequate opportunity to investigate, record, and rescue archaeological remains on the site.

25. Vehicular access to Strathburn Farm shall remain open at all times to the satisfaction of the Fife Council as Planning Authority and shall not be obstructed or diverted. The approved new access route shall be available for use prior to the removal of the existing access route.

Reason: In the interests of the satisfactory operation of Strathburn Farm and to ensure that independent access is maintained from the development.

26. BEFORE ANY WORKS START ON SITE, the developer shall submit an updated version of planning submission document 51 (Ecological Impact Assessment) for the written approval of Fife Council as Planning Authority.

Reason: In the interests of biodiversity and protecting the existing natural assets of the development site, ensuring the most up to date information is available.

27. No operations shall take place within a lateral distance of 5m from the railway boundary fence.

Reason: To ensure the stability of railway infrastructure.

28. The exposed face of the excavation and any soil mounds within 10m of the railway boundary shall be maintained in a stable condition until restoration of the site is complete.

Reason: To ensure the stability of railway infrastructure.

29. The length of open sidewall adjacent to the railway shall be kept to the minimum necessary and backfilling against it must be undertaken as soon as practicable.

Reason: To ensure the stability of railway infrastructure.

30. There must be no reduction in the effectiveness of any drain or water course belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

31. Without the prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

32. Storm or surface water must not be discharged onto or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

33. Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed at any point which could adversely affect the stability of Network Rail infrastructure.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

34. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3m of the nearest rail to the boundary.

Reason: To maintain the safety of railway operations.

35. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

Reason: To maintain the safety of railway operations.

36. Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

Reason: Derailment of trains can occur where trees are blown down across railway tracks.

37. Where alterations to existing ground levels are proposed within 10m of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections, risk assessments and method statements should be submitted to and approved in writing by the planning authority in consultation with Network Rail prior to the commencement of development.

Reason: To ensure the stability of railway infrastructure and to maintain the safety of railway operations.

## 7.0 Background Papers

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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](#) (including FIFEplan Minerals Supplementary Guidance (2018))

[PAN 50 \(1996\)](#)

Report prepared by Martin McGroarty, Lead Professional (Minerals)

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead)  
08/01/24.