

Fife Planning Review Body

Committee Room 2, Fife House, North Street, Glenrothes /
Blended Meeting



Monday, 29 April 2024 - 2.00 pm

AGENDA

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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 the Fife Planning Review Body of 26 February 2024. 5 - 6
4. **APPLICATION FOR REVIEW - SITE AT FORMER IRONWORKS, STATION ROAD, AUCHTERMUCHTY (APPLICATION NO. 23/01208/FULL) -**
Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing
 1. Decision Notice 7 - 11
 2. Report of Handling 12 - 23
 3. Notice of Review 24 - 74
 4. Consultee Comments 75 - 91
5. **APPLICATION FOR REVIEW - 159 MAIN STREET, LOCHGELLY (APPLICATION NO. 22/04007/FULL)** – Alterations to and change of use from shop (Class 1A) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation
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 2. Report of Handling 97 - 104
 3. Notice of Review 105 - 137
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6. **APPLICATION FOR REVIEW - WOODLAND AT CRAIGS PLANTATION, FORDELL, DUNFERMLINE (APPLICATION NO. 23/01726/FULL)** – Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)
 1. Decision Notice 141 - 145
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 6. Further Representations 295 - 297
 7. Response to Further Representations 298 - 300

Plans and papers relating to the applications and review can be found online at www.fife.gov.uk/committees.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT

22 April 2024

If telephoning, please ask for:

Michelle McDermott, Committee Officer, Fife House, North Street, Glenrothes
Telephone: 03451 555555, ext. 442238; email: Michelle.McDermott@fife.gov.uk

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

BLENDED MEETING NOTICE

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

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

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

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

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

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

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

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

- Convener introduces elected members and advisers; both there to advise the Review Body and not argue the officer's case; planning adviser in particular independent of the planning officer who made the decision.
- Convener advises members that photos/powerpoint are available
- Convener clarifies procedure for meeting and asks members if they have any points requiring clarification

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

Convener advises other documents, including Strategic Development/Local Plan and emerging plan(s) are there for Members to inspect if necessary, and asks members to ask Planning Adviser points of clarification on the details of the presentation.

5. Procedural agreement.

Members discuss application and decide whether –

- decision can be reached today
- if there is any new information, whether this is admissible or not in terms of the legislation
- more information required, and if so, if
- written submissions required
- site visit should be arranged (if not already happened)
- Hearing held

6. Assessment of case. Convener leads discussion through the key factors (assuming we can proceed)

Members should recall that planning decisions should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, it is important the Members debate each point fully and explain whether they are following policy, or, if not, what material considerations lead them to depart from it. If they are taking a different view of policy from the officer who made the original decision they should make this clear.

a) Convener asks the LRB to consider

- Report of Handling and
- the applicant's Review papers

to establish the key issues pertinent to this case

- b) Detailed discussion then takes place on the key issues with specific regard to
 - Strategic Development Plan
 - Local Plan
 - Emerging Plan(s)
 - Other Guidance
 - National Guidance
 - Objections

Legal/Planning Advisers respond to any questions or points of clarification from elected members

- c) Convener confirms the decision made by the LRB. At this stage if a conditional approval is chosen then additional discussion may be necessary regarding appropriate conditions

7. Summing Up by the Convener or the Legal Adviser identifying again the key decision reached by the LRB

8. Next stages Convener confirms the next stages for the benefit of the audience:

- Draft decision notice
- Agreed by Convener
- Issued to applicant and interested parties (posted on Idox)
- Approximate timescale for issuing decision. (21 days)

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY - BLENDED MEETING

Committee Room 2, Fife House, North Street, Glenrothes

26 February 2024

2.00 pm - 4.20 pm

PRESENT: Councillors David Barratt (Convener), Altany Craik, Alycia Hayes and Jane Ann Liston.

ATTENDING: Steve Iannarelli, Strategic Development Management, Planning Service; Mary McLean, Legal Services Manager and Michelle McDermott, Committee Officer, Legal and Democratic Services.

52. DECLARATIONS OF INTEREST

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

53. MINUTE

The minute of the Fife Planning Review Body of 11 December 2023 was submitted.

Decision

The Review Body approved the minute.

54. APPLICATION FOR REVIEW - FORMER RESERVOIR, NORTH OF CULROSS, DUNFERMLINE (APPLICATION NO. 23/01660/FULL)

The Review Body considered the Application for Review submitted by Mr. Mark Williamson, on behalf of Mr. Bruce Ferguson, in respect of the decision to refuse planning permission for a change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking (Application No. 23/01660/FULL).

Councillor Jane Ann Liston moved an amendment that the application be approved. Having failed to find a seconder, Councillor Liston requested that her dissent be recorded.

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

**55. APPLICATION FOR REVIEW - 12 LINK ROAD, OAKLEY, DUNFERMLINE
(APPLICATION NO. 23/01575/FULL)**

The Review Body considered the Application for Review submitted by Sabahat Hamad, on behalf of Mr. Muhammad Shafiq, in respect of the decision to refuse planning permission for a change of use from shop (Class 1A) to a hot food takeaway (Sui Generis) (Application No. 23/01575/FULL).

Councillor Jane Ann Liston moved an amendment that the new additional information that had been submitted by the applicant be accepted. Having failed to find a seconder, Councillor Liston requested that her dissent be recorded.

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter;
- (2) that the new additional information that had been submitted by the applicant not be accepted; and
- (3) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

The meeting adjourned at 3.40 pm and reconvened at 3.50 pm.

56. APPLICATION FOR REVIEW - LAND ADJACENT TO THE NORTH OF 4 LADY HELEN COTTAGES, LADY HELEN ROAD, CARDENDEN (APPLICATION NO. 23/01353/PPP)

The Review Body considered the Application for Review submitted by Toni Coppola, on behalf of Mr. Brian Abel, in respect of the decision to refuse planning permission, in principle, for the erection of a dwellinghouse (Class 9) and associated development (Application No. 23/01353/PPP).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter;
- (2) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Agenda Item 4(1)

**Site at former Ironworks, Station Road,
Auchtermuchty**

Application No. 23/01208/FULL

Planning Decision Notice

Campbell of Doune Ltd
John Robb
Clan House
Muthill Road
Crieff
Scotland
PH7 4HQ

Planning Services

Sarah Purves

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01208/FULL

Date 12th October 2023

Dear Sir/Madam

Application No: 23/01208/FULL

Proposal: Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing

Address: Site At The Former Ironworks Station Road Auchtermuchty Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Sarah Purves, Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 23/01208/FULL
Proposal: Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing
Address: Site At The Former Ironworks Station Road Auchtermuchty Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01208/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of safeguarding the countryside from unjustified development; the large expanse of hardstanding at this location is not acceptable. The proposal would result in the irreversible and unjustified loss of a greenfield site which is designated as Prime Agricultural Land. The proposal would, therefore, be contrary to Policies 1, 5 and 9 of National Planning Framework 4 (2023) and Policies 1 and 7 of the Adopted FIFEplan (2017).

Dated: 12th October 2023

Declan Semple

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01A	Location Plan/Block Plan
02	Topographic Site Plan
03	Existing various eg elevation, floor etc
04	Proposed various - elevation, floor etc
05	Additional Information
06	Low Carbon Sustainability Checklist
07	Drainage Plan
08	Drainage statement/strategy
09	Sustainable Drainage Certificates
10	Supporting Statement

Dated:12th October 2023

Declan Semple

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 4(2)

**Site at former Ironworks, Station Road,
Auchtermuchty**

Application No. 23/01208/FULL

Report of Handling

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	Site At The Former Ironworks, Station Road, Auchtermuchty		
PROPOSAL	Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing		
DATE VALID	24/05/2023	PUBLICITY EXPIRY DATE	10/07/2023
CASE OFFICER	Sarah Purves	SITE VISIT	14/06/2023
WARD	Howe Of Fife And Tay Coast	REPORT DATE	10/10/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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.

1.0 Background

1.1 The application site measures approximately 1.5 hectares, which comprises of the existing access road, the existing building with associated hardstanding and part of the adjacent field. Part of the site to the north is located within the Auchtermuchty Settlement Boundary and the Former Iron Works Safeguarded Employment Area, as designated within the Adopted FIFEplan (2017). Approximately half of the site area to the south would be located within the countryside, on Prime Agricultural Land (Classes 2 and 3.1), as per the James Hutton Institute Soil Survey of

Scotland. Fields bound the site to the south and west, a care home and the remainder of the employment area bound the site to the north and Protected Open Space lies to the east.

1.2 Proposal

1.2.1 This application seeks planning permission for an extension to the industrial unit (Class 5) and change of use of the adjacent field to form associated hardstanding for the yard and car parking including formation of drainage infrastructure and erection of fencing. The extension would measure approximately 22 metres in width, 43 metres in length and 9.6 metres in height to the roof ridge. The hardstanding area would measure approximately 5100m², with screen planting proposed on the western boundary and an additional 2-metre-high palisade security fence. The Sustainable Urban Drainage System (SUDS) pond would be created on the eastern side of the hardstanding, which would drain to the Auchtermuchty Burn.

1.3 Planning History

1.3.1 In regard to the planning history for the site, the following is relevant:

- Planning permission for an extension to the industrial workshop building was approved in 2018 (18/00720/FULL).

1.4 Procedural Issues

1.4.1 The application was publicised in The Courier for Neighbour Notification purposes on 15.06.23.

2.0 ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of Development
- Landscape and Visual Impact
- Natural Heritage and Biodiversity
- Amenity
- Road Safety
- Flooding and Drainage
- Contaminated Land/Air Quality
- Archaeological Impact
- Low Carbon

2.2 Principle of Development

2.2.1 Policy 1 (Tackling the climate and nature crises) of National Planning Framework 4 notes that 'significant weight' will be given to the global climate and nature crises when considering all development proposals. Policy 5 of NPF4 (Soils) states that development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site; small-scale development directly linked to a

rural business, farm or croft or for essential workers for the rural business to be able to live onsite; the development of production and processing facilities associated with the land produce where no other local site is suitable; the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and in all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

2.2.2 Policy 9 (Brownfield, vacant and derelict land and empty buildings) notes that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

2.2.3 Policy 26 of NPF4 (Business and Industry) states that development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where it is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and the nature and scale of the activity will be compatible with the surrounding area. In addition, development proposals for business and industry will take into account the impact on surrounding residential amenity; sensitive uses and the natural and historic environment and the need for appropriate site restoration at the end of a period of commercial use.

2.2.4 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 1, Part B advises that development proposals must address their development impact by complying with the following relevant criteria and supporting policies including in the case of proposals in the countryside or green belt and be a use appropriate for these locations as per Policies 7 (Development in the Countryside) and 5 (Employment Land and Property).

2.2.5 Policy 5 of FIFEplan (Employment Land and Property) states that, amongst other criteria, development for industrial or business uses on employment land will be supported only if it is an employment use class consistent with existing or proposed employment activity on the site or neighbouring site; or it will not restrict the activities of existing or future businesses on the site or neighbouring employment sites.

2.2.6 Policy 7 of FIFEplan (Development in the Countryside) states that, amongst other criteria, development in the countryside will only be supported where it is for the extension of established businesses and/or is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements. Policy 7 also notes that development on Prime Agricultural Land will not be supported except where it is essential:

1. as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available;
2. for small-scale development directly linked to a rural business; or
3. for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

2.2.7 Whilst part of the site would be located in a Safeguarded Employment Area within the Auchtermuchty Settlement Envelope, a large portion (over 5100m²) would be outwith the settlement boundary, on a greenfield site which is also Prime Agricultural Land. Given that the development is not for essential infrastructure, is not considered to be 'small-scale' and is not for renewable energy, the proposal is not compliant with Policies 1 and 7 of FIFEplan.

2.2.8 The agent responded to concerns about the principle of development by confirming that the existing business is well established, with Swan Engineering based in the building since 2016. Equipment is now being provided worldwide and the proposed extension and yard area are said to be required to meet the increase in orders.

2.2.9 The justification provided is not sufficient to outweigh the adverse effects on the countryside and loss of prime agricultural land. The loss of a large portion of Prime Agricultural Land on a greenfield site and replacement with hardstanding would contradict Policies 1, 5 and 9 of NPF4.

2.2.10 The principle of the proposal would, therefore, not comply with NPF4 or the Adopted FIFEplan (2017).

2.3 Landscape and Visual Impact

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

2.3.2 Policies 1 and 10 of the Adopted FIFEplan advises that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area. Policy 7 of the Adopted Local Plan continues that new development in the countryside must be of a scale and nature that is compatible with its surrounding uses and must be located and designed to protect the overall landscape and environmental quality of the area. Policy 13 of the FIFEplan states that development proposals will only be supported where they protect or enhance natural heritage and access assets including landscape character and views.

2.3.3 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how development proposals can be evaluated to ensure compliance with the six qualities of successful places. The guidance sets out the level of site appraisal an applicant is expected to undertake as part of the design process. This includes a consideration of the landscape setting, character and the topography of the site. This consideration is particularly important when determining proposals at the edge of a settlement. The appraisal process may also require an assessment of the townscape character of the site context, where appropriate. Appendix B of the Supplementary Guidance sets out the detailed site appraisal considerations in relation to landscape change.

2.3.4 The proposed extension would be located to the rear (southwest) of the existing building and would be smaller in height. The extension would be slightly longer than the existing building, so would be visible from the frontage on either side, however this would not have an adverse impact when viewed from the entrance to the site as this would be at an obscure angle from the

northeast. There would be two roller shutter doors on each side of the east facing elevation, a pedestrian door on the east facing elevation, rooflights on both roof pitches and a pedestrian door on the south facing elevation. The external finish would be mushroom coloured cladding, to match the existing building. Overall, the proposed extension would have a limited visual impact and would therefore be acceptable in this respect.

2.3.4 The proposed hardstanding area would measure approximately 5100m² and would be bound by a 2-metre-high palisade security fence. There is an existing band of trees between the site and the care home to the north, established planting to the east between the site and the skatepark and a bund/planting would be formed on the western side of the site. The southern boundary of the site is not widely viewable from the main public area. Whilst the removal of soft landscaping and replacement with hardstanding would have a detrimental visual impact, the site would largely be screened from the public domain. As such, there would be a neutral visual impact when viewed in the wider context.

2.3.4 On balance, the landscape and visual impact would be acceptable as a result of the substantial screening which currently exists in and around the site, and the bunding/planting proposed. This element therefore complies with NPF4 and FIFEplan.

2.4 Natural Heritage and Biodiversity

2.4.1 Policy 3 of NPF4 (Biodiversity) states that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.4.2 Policies 1 and 13 of the FIFEplan state that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.4.3 Fife Council's Tree Officer noted that there are several extant trees in and around the site, some of which have the potential to be affected by development works. As such, a tree survey was requested to detail what trees have the potential to be affected by the proposal and what tree works/removals will be required. A tree protection plan was also requested, given that the development would be in close proximity to existing trees. The agent confirmed that there is no expectation or intention to fell any of the existing trees, however a tree survey and protection plan could be provided. This could be conditioned.

2.4.4 Fife Council's Natural Heritage Officer requested that an assessment of the ecological baseline was carried out, to include an assessment of both the habitats present and any potential for use of these by Protected Species. In addition, further information was requested with respect to the proposed SUDS pond, the associated outfall to Auchtermuchty Burn and the proposed landscaping. These matters could also be conditioned.

2.4.5 The application could be acceptable in regard to natural heritage and biodiversity, and thus in compliance with NPF4 and FIFEplan, subject to the aforementioned conditions.

2.5 Amenity

2.5.1 Policy 26 of NPF4 notes that development proposals for business and industry will take into account the impact on surrounding residential amenity and sensitive uses. Policy 23 of NPF4 (Health and Safety) notes that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development.

2.5.2 Policies 1 and 10 of the FIFEplan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advises that new development should not lead to the loss of privacy or sunlight and daylight. Policy 10 also states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.5.3 The closest property to the proposed development would be the Strathview Residential Care Home to the north. Given that the proposed extension would be to the south of the care home, there is potential for impact on daylight/sunlight, due the path of the sun. However, the proposed extension would be positioned approximately 11.5 metres from the care home at the closest point and would be the same height as the existing building. In addition, the southern elevation of the care home is already screened by dense planting. As such, there would be no significant impact in regard to sunlight/daylight as a result of the development.

2.5.4 There would be no openings on the northern side of the proposed extension, therefore there would be no impact on the privacy of the residents of the care home as a result of the development.

2.5.5 Given that the existing industrial unit is already operational and is located within an established employment area, there would be no significant additional noise impact as a result of the development.

2.5.6 Overall, the proposal is acceptable in terms of amenity, and would be compliant with NPF4 and FIFEplan in this regard.

2.6 Road Safety

2.6.1 Policy 1 of NPF4 (Sustainable Transport) states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

2.6.2 Policy 1, Part C, Criterion 2 of the Adopted FIFEplan states that development proposal must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and

street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.6.3 Fife Council's Transportation Development Management team (TDM) have been consulted and have advised that the proposal requires two off street parking per 100 square metres of Gross Floor Area of Class 5 Industrial Unit. As a result of the development, 6 spaces would be removed and relocated within the proposed extension area. Planning application reference 18/00720/FULL, which was approved in 2018, includes a condition to secure 20 off street parking spaces. TDM therefore concluded that the total number of spaces required is 40 off street parking spaces.

2.6.4 Due to the extent of the proposed hardstanding area, there could be sufficient space for the required parking spaces within this area. As such, the development could be acceptable in terms of road safety.

2.7 Flooding and Drainage

2.7.1 Policy 22 of NPF4 (Flood Risk and Water Management) states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons, water compatible uses, redevelopment of an existing building or site for an equal or less vulnerable use, or redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. In addition, development proposals will not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS), and seek to minimise the area of impermeable surface.

2.7.2 Policies 1 and 3 of the FIFEplan states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. 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 measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.7.3 Policy 12 of the FIFEplan advises 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 (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.7.4 Scottish Environmental Protection Agency (SEPA) flood maps have been analysed and part of the site is at risk of river flooding.

2.7.5 Scottish Water were consulted and have confirmed that there are no objections to the application.

2.7.6 Fife Councils Structural Services team were consulted; however, no response was received.

2.7.8 Given that the response from the Structural Services team remains outstanding, it has not been possible to determine if the impact on flooding and drainage as a result of the development would be acceptable in this instance.

2.8 Contaminated Land/Air Quality

2.8.1 Policy 9 of NPF4 states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

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

2.8.3 Fife Council's Land and Air Quality Team (LAQ team) has been consulted and advised that the location of the proposed extension building has been used for the storage of unknown materials since the 1980's. As such, a condition has been recommended to ensure that works would be stopped if any unexpected materials or conditions are encountered during any future development process. Thereafter, remedial action would be undertaken as required.

2.8.4 No comments were made in regard to air quality.

2.8.4 The works would therefore be acceptable in regard to contaminated land, subject to the aforementioned condition.

2.9 Archaeological Impact

2.9.1 Policy 7 (Historic Assets and Places) of NPF4 states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

2.9.2 Policies 1 and 14 of the Adopted FIFEplan advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Development proposals which impact on archaeological sites will only be supported where remains are preserved in-situ and in an appropriate setting or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed. Policy 14 also states that the archaeological investigation of all buried sites and standing historic buildings within an Archaeological Area of Regional Importance will be a required in advance of development unless good reason for an exemption can be shown.

2.9.3 A small portion of the northern area proposed for development formerly operated as a foundry. The foundry ceased production in the early 1990s when all but some of the ancillary buildings of little historic significance were demolished. Fife Council's Archaeology team have

reviewed the application and have confirmed that nothing of archaeological/historic significance remains on site. As such, the development would be acceptable with regard to the archaeological impact.

2.10 Low Carbon

2.10.1 Policy 11 (Energy) of NPF4 aims to encourage, promote and facilitate all forms of renewable energy development. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

2.10.2 Policies 1 and 11 (Low Carbon) of the FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that the proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020.

2.10.3 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, applicants are expected to submit a completed sustainable building statement (Appendix B of the guidance).

2.10.4 A Low Carbon Checklist (LCC) has been submitted which confirmed that the building would not be heated or cooled, therefore it would be exempt from the CO2 emissions reduction targets criteria. The LCC also confirms that materials will be sourced locally and sustainably where possible. The existing recycling and waste facilities at the site are to be utilised and the proposal would consolidate the current workforce, which would have a limited impact on travel and transport.

2.10.5 The information provided demonstrates that sustainability has been considered as part of the development and there would be a limited impact with regards to carbon as a result of the proposal. The proposal would therefore be acceptable and would comply with NPF4 and the Development Plan in this respect.

CONSULTATION RESPONSES

Natural Heritage, Planning Services	Further information requested.
Archaeology Team, Planning Services	No Archaeological works required.
Land And Air Quality, Protective Services	Condition recommended.
Structural Services - Flooding, Shoreline And Harbours	No response.
Transportation And Environmental Services - Operations Team	No response.
Trees, Planning Services	Further information requested.
TDM, Planning Services	The parking requirements could be accommodated.
Scottish Water	

REPRESENTATIONS

None

CONCLUSION

The proposed works would be acceptable in regards to design/visual impact, amenity, road safety, archaeological impact and low carbon. However, the principle of development including the loss of a greenfield site which forms part of prime agricultural land in a countryside location outwith the settlement boundary would be unacceptable. On balance, the proposal does not accord with Policies 1, 5 and 9 of NPF4 or Policies 1 and 7 of the Adopted FIFEplan (2017).

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unjustified development; the large expanse of hardstanding at this location is not acceptable. The proposal would result in the irreversible and unjustified loss of a greenfield site which is designated as Prime Agricultural Land. The proposal would, therefore, be contrary to Policies 1, 5 and 9 of National Planning Framework 4 (2023) and Policies 1 and 7 of the Adopted FIFEplan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Planning Framework 4 (NPF4) (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Planning Guidance (2018)

Agenda Item 4(3)

**Site at former Ironworks, Station Road,
Auchtermuchty**

Application No. 23/01208/FULL

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100627667-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Campbell of Doune Ltd		
Ref. Number:	8080-21	You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Clan House
Last Name: *	Robb	Building Number:	
Telephone Number: *	01764655459	Address 1 (Street): *	Muthill Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Crieff
Fax Number:		Country: *	Scotland
		Postcode: *	PH7 4HQ
Email Address: *	john@campbellofdoune.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Hycroft"/>
First Name: *	<input type="text" value="T"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Carswell"/>	Address 1 (Street): *	<input type="text" value="Hatton Road"/>
Company/Organisation	<input type="text" value="St John's Holdings Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="07765480985"/>	Postcode: *	<input type="text" value="PH2 7DB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="tom@stj-eng.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Swan Engineering Ltd Station Road Auchtermuchty KY14 7DP"/>

Northing	<input type="text" value="711335"/>	Easting	<input type="text" value="323892"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing at Site at The Former Ironworks Station Road Auchtermuchty Fife

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The purpose of this local review application is that given the reason for refusal and the subsequent undertaking of the soil survey and land capability for agricultural classification report by the James Hutton Institute, this has fundamentally changed the principle reason for the refusal of the application, that being that the hardstanding yard area would result in a loss of prime agricultural land. Please refer to the justification letter contained within the supporting documents.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Soil Survey and Land Capability for Agricultural Classification (LCA) - Report by James Hutton Ltd. Email chain between agent and planning. Justification Letter

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01208/FULL

What date was the application submitted to the planning authority? *

24/05/2023

What date was the decision issued by the planning authority? *

12/10/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Robb

Declaration Date: 20/12/2023



Our Ref: 8080-21

12 December 2023

Fife Council
Committee Service,
Corporate Services Directorate
Fife House
North Street
Glenrothes
Fife
KY7 5LT

Dear Sirs,

**Re: Local Review of Planning Application Ref No. 23/01208/FULL
Extension to Industrial Unit (Class 5) and change of use of agricultural land to
form associated hardstanding for yard and car parking including formation of
SUDS infrastructure and erection of fencing at Site at the Former Ironworks,
Station Road, Auchtermuchty, Fife.**

We apply for a local review for the refusal of the aforementioned planning application.

The reason for refusal was the following;

In the interest of safeguarding the countryside from unjustified development; the large expanse of hardstanding at this location is not acceptable. The proposal would result in the irreversible and unjustified loss of a greenfield site which is designated as Prime Agricultural Land. The proposal would, therefore, be contrary to Policies 1, 5 and 9 of National Planning Framework 4 (2023) and Policies 1 and 7 of the Adopted FIFEplan (2017).

The purpose of this local review application is that given the reason for refusal and the subsequent undertaking of the soil survey and land capability for agricultural classification report by the James Hutton Institute, this has fundamentally changed the principle reason for the refusal of the application, that being that the hardstanding yard area would result in a loss of prime agricultural land. It should also be noted that the field which is in the applicants ownership does not form part of an agricultural holding or farm, and is not cultivated or used for the purposes of farming. The area of ground out with the proposed site is within a medium flood risk from the Auchtermuchty Burn.

The James Hutton Institute report was not available at the time of the decision notice for the application due to the ongoing discussions in relation to the reasons for the application not being supported and the applications decision date already having been extended several times and the timescales for providing such a report which would have prolonged the application even further than the 5 months which had already passed at the time of the issuing of the decision notice.

**Re: Local Review of Planning Application Ref No. 23/01208/FULL
Extension to Industrial Unit (Class 5) and change of use of agricultural land to
form associated hardstanding for yard and car parking including formation of
SUDS infrastructure and erection of fencing at Site at the Former Ironworks,
Station Road, Auchtermuchty, Fife.**

The following National Planning Framework 4 (NPF4) policies are noted as justification in the refusal;

Policy 1 – Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 5 – Soils

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

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Station Road, Auchtermuchty, Fife.**

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:

i. the extracted peat is supporting the Scottish whisky industry;

ii. there is no reasonable substitute;

iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;

iv. the time period for extraction is the minimum necessary; and

v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

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

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

**Re: Local Review of Planning Application Ref No. 23/01208/FULL
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Station Road, Auchtermuchty, Fife.**

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

The following FIFEplan (Local Development Plan) policies are noted as justification in the refusal;

FIFEplan Policies

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. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

Part A

1. The principle of development will be supported if it is either:

*a) within a defined settlement boundary and compliant with the policies for the location;
or*

b) in a location where the proposed use is supported by the Local Development Plan.

2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:

a) housing on a site which is not allocated for housing in this plan but which accords with the provisions of Policy 2: Homes; or

b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

Part B

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

1. Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure (see Policy 3 Infrastructure and Services, Policy 4 Planning Obligations);

2. Avoid the loss of valuable cultural, tourism, and community resources (see Policy 3 Infrastructure and Services);

**Re: Local Review of Planning Application Ref No. 23/01208/FULL
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Station Road, Auchtermuchty, Fife.**

3. Protect Fife's existing and allocated employment land (see Policy 5 Employment Land and Property);

4. Make town centres the first choice for uses which attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses, and accord with the town centres spatial frameworks (see Policy 6 Town Centres First and settlement proposals)

5. In the case of proposals in the countryside or green belt, be a use appropriate for these locations (see Policy 2 Homes, Policy 7 Development in the Countryside, Policy 8 Houses in the Countryside, Policy 9 Green Belt and Policy 11: Low Carbon Fife);

6. Protect sport and recreation facilities and the amenity of the local community and businesses (See Policy 3 Infrastructure and Services and Policy 10 Amenity);

7. Safeguard the character and qualities of the landscape (see Policy 13 Natural Environment and Access, and Policy 15 Minerals);

8. Avoid flooding and impacts on the water environment (see Policy 12 Flooding and the Water Environment);

9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites (see Policy 13 Natural Environment and Access and Policy 15 Minerals);

10. Safeguard the characteristics of the historic environment, including archaeology (see Policy 14 Built and Historic Environment);

11. Not compromise the performance or safety of strategic infrastructure or, alternatively, assist in the delivery of necessary improvements to mitigate impact arising from development (see Spatial Strategy diagram).

Part C

Development Proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant:

1. Meet the requirements for affordable housing and Houses in Multiple Occupation (see Policy 2 Homes);

2. Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal (see Policy 3 Infrastructure and Services);

3. Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland (see Policy 3 Infrastructure and Services);

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4. Provide green infrastructure as required in settlement proposals and identified in the green network map (see Policy 3 Infrastructure and Services);

5. Provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments (see Policy 3 Infrastructure and Services);

6. Meet the requirements of any design briefs or development frameworks prepared or required for the site (see Policy 13 Natural Environment and Access, Policy 14 Built and Historic Environment, and relevant settlement proposals tables);

7. Provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Government's Creating Places policy (see Policy 14 Built and Historic Environment);

8. Provide for energy conservation and generation in the layout and design (see Policy 3 Infrastructure and Services, Policy 11 Low Carbon Fife, Policy 13 Natural Heritage, Woodland, and Access, and Policy 14 Built and Historic Environment).

9. Contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations (see Policy 11 Low Carbon Fife).

Policy 7: Development in the countryside

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;

2. will diversify or add to the above land-based businesses to bring economic support to the existing business;

3. is for the extension of established businesses;

4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;

5. is for facilities for access to the countryside;

6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or

7. is for housing in line with Policy 8 (Houses in the Countryside)

In all cases, development must:

be of a scale and nature compatible with surrounding uses;

**Re: Local Review of Planning Application Ref No. 23/01208/FULL
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Station Road, Auchtermuchty, Fife.**

be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and

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

Prime Agricultural Land

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

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

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

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

Responses demonstrating conformance with the relevant policies of NPF4

NPF 4; Policy 1 – Tackling the Climate and Nature Crisis;

The proposals are to develop the adjoining ground to the existing business, therefore by doing this the business is consolidated on a single site, thus promoting compact growth and reducing potential movements, of both people and materials between a main site and possible satellite site(s) elsewhere.

NPF 4; Policy 5 – Soils

As refer to in the report carried out by the Jame Hutton Institute the field as a single entity is graded 3.2 therefore would not be designated prime agricultural land. Whilst there are soils which are classified as 3.1 within the existing field, it is important that the entire field is taken into account, as the basis of prime agricultural land would be on the basis of a field as a single unit as opposed to sporadic areas within the single agricultural field unit.

Furthermore the hardstanding area would minimise disturbance to the soils as the depth of top soil to be removed and re utilised within bunding on the site would be 300mm maximum, the sub soils below the top soil can remain as they are currently without being disturbed, with the a permeable layer of type 1 forming the yard area placed above the sub soils.

NPF 4; Policy 9 – Brownfield vacant and derelict land and empty buildings

As reasoned, the Local Development Plan supports the proposals.

In response demonstrating conformance with the relevant Local Development Plan policies (FIFEplan);

**Re: Local Review of Planning Application Ref No. 23/01208/FULL
Extension to Industrial Unit (Class 5) and change of use of agricultural land to
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SUDS infrastructure and erection of fencing at Site at the Former Ironworks,
Station Road, Auchtermuchty, Fife.**

FIFEplan; Policy 1 Development Principles

There is a clear evidence of a shortfall in employment land for industrial or business use in the Auchtermuchty area.

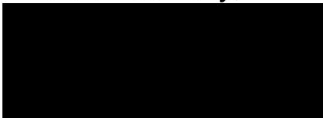
FIFEplan; Policy 7 – Development in the countryside

The existing business is established and therefore this is an extension to the existing established business. It is important to note that the 70% of the existing business's workforce reside in the village of Auchtermuchty. No suitable alternative areas of land within the settlement boundary are available within the Auchtermuchty settlement boundaries.

Whilst site AUC003 (identified in the LDP) is within the settlement boundary and is zoned for employment use, this site would directly conflict with Policy 1, given its isolation to the applicants current site, meaning that materials would need to be moved between the sites, it is also with a medium flood zone, which is against the advice within FIFEplan policy 12 which states "*new development should avoid the functional floodplain and medium to high risk areas*".

The AUC003 site is also within an area which has a land capability for agricultural of 2 in terms of the prime agricultural land classification which would also conflict with policy 7 of the adopted FIFEplan.

Yours faithfully,



John Robb
For Campbell of Doune Ltd

Soil Survey and Land Capability for Agriculture Classification (LCA) on land adjacent to Swan Engineering, Station Road, Auchtermuchty, Fife

Prepared for: Campbell of Doune Ltd

Report Author: R L Hewison and A J Nolan

James Hutton Limited
Invergowrie
Dundee
DD2 5DA

December 2023

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Summary

1. A soil survey was carried out on the 20th November 2023 on land to the south of the Swan Engineering site on Station Road, Auchtermuchty in Fife, to investigate the nature of the soils present over the area to enable a detailed local assessment to be made of the Land Capability for Agriculture (LCA).
2. The original LCA map which was produced in 1986, categorises the majority of the land as Land Class 3.1w (with slight wetness limitations). The area is around 1.5 ha in extent and has not been managed intensively for a long period of time but is occasionally topped for winter keep.
3. To ascertain the current LCA Class, thirteen soil inspection pits were selected, located on either a 40m grid across the area as a whole or on a 20m grid concentrated on the area which has been proposed for an extension to the existing Industrial building. This included a total of thirteen inspection points.
4. At each grid intersection, soil inspection pits were dug with a spade and auger to a minimum depth of 60 cm and a maximum depth of 80 cm to determine the nature of the topsoil and the subsoil and to enable the determination of the LCA class.
5. The LCA classification was assessed for each soil inspection pit, based on an integrated consideration of the physical limitations that climate, soil, and site factors impose upon agricultural systems and practices.
6. The soils were predominantly classified as alluvial soils. Two of the five soil inspection points were assessed as closest to Wetness Class II-III and LCA Class 2 with slight wetness limitations, nine as Wetness Class III and LCA Class 3.1w and the remaining two inspections as Wetness Class IV and LCA Class as 3.2w. Those classed as 3.2w are in the lowest part of the field, in a slight depression adjacent to the disused railway line and, while part of the agricultural management unit, are outwith the area of development.
7. The limit for 'poorer' quality land in terms of a pattern limitation for class 3 is to be <10%. Based on the inspection pits, at the scale of the whole management unit of the field where the development is proposed, this threshold is exceeded so technically, the land should now be considered as 3.2w overall. However, the area where the building development is planned is on land classified as 3.1w.
8. Because the area has not been used intensively in an agricultural sense, for a prolonged period of time, some localised management measures such as drainage works would probably be required if they were to be improved to a level where the whole management unit could be classed as 3.1. Due to the diminutive size of the area and its geographic isolation now though, from larger surrounding areas of more intensively used ground, this is very unlikely to happen.

Introduction

A soil survey was carried out on land adjacent to the Swan Engineering works, Station Road, Auchtermuchty, to enable a Land Capability for Agriculture (LCA) Classification (Bibby *et al*, 1991) to be carried out. This survey was undertaken by Mr Richard Hewison and Mr Andrew Nolan of the James Hutton Institute, Aberdeen.

The main objective was to describe and classify the soils and their accompanying LCA class. The fieldwork was carried out on the 20th November 2023.

It must be stated at the outset that the original Soil Survey of Scotland and the accompanying LCA maps were produced at a scale of 1:63,000 or 1:50,000 respectively and cannot always accurately display the LCA class of small individual parcels of ground as there is often much inherent local variability in soil conditions over very short distances and not all areas were visited on the ground when the surveys were carried out. Hence, the maps should only be used as a guide to the Soils and Land Class of any given area, and a local inspection is always recommended if there is any question as to the allocation of the most appropriate LCA Class, especially of areas for example of less than 5-10 ha in extent.

The area surveyed was originally recorded on the Soil Survey of Scotland Kinross, Elie & Edinburgh sheet 40 as being on the boundary between loamy Alluvial soils and the Kilwhiss Soil Series, imperfectly drained soils of the Eckford Association. The parent materials are Alluvium and Fluvio-glacial sands and gravels (derived mainly from Old Red Sandstone sediments along with some Highland Schists and lavas). The Land Class allocated on the Soil Survey of Scotland Perth and Kinross sheet (58) & the St Andrews and Kirkcaldy sheet (59), were assessed as 3.1w. Land Class 3.1 is described as 'Land capable of producing consistently high yields of a narrow range of crops (principally cereals and grass) and/or moderate yields of a wider range (including potatoes, field beans and other vegetables and root crops)' but with stoniness limitations.

To ascertain the most appropriate current LCA Class of both the development area and the wider management unit, the following tasks were carried out:

- Allocating the location of soil inspection points to be dug by spade and auger,
- Digging thirteen soil inspection pits (nine within the area proposed for development and a further four across the remaining parts of the wider management unit),
- Recording the soil profiles and drainage characteristics at each of these locations,
- Determining the current Land Capability for Agriculture (LCA) Class of the profiles at these locations from the soil inspection data.

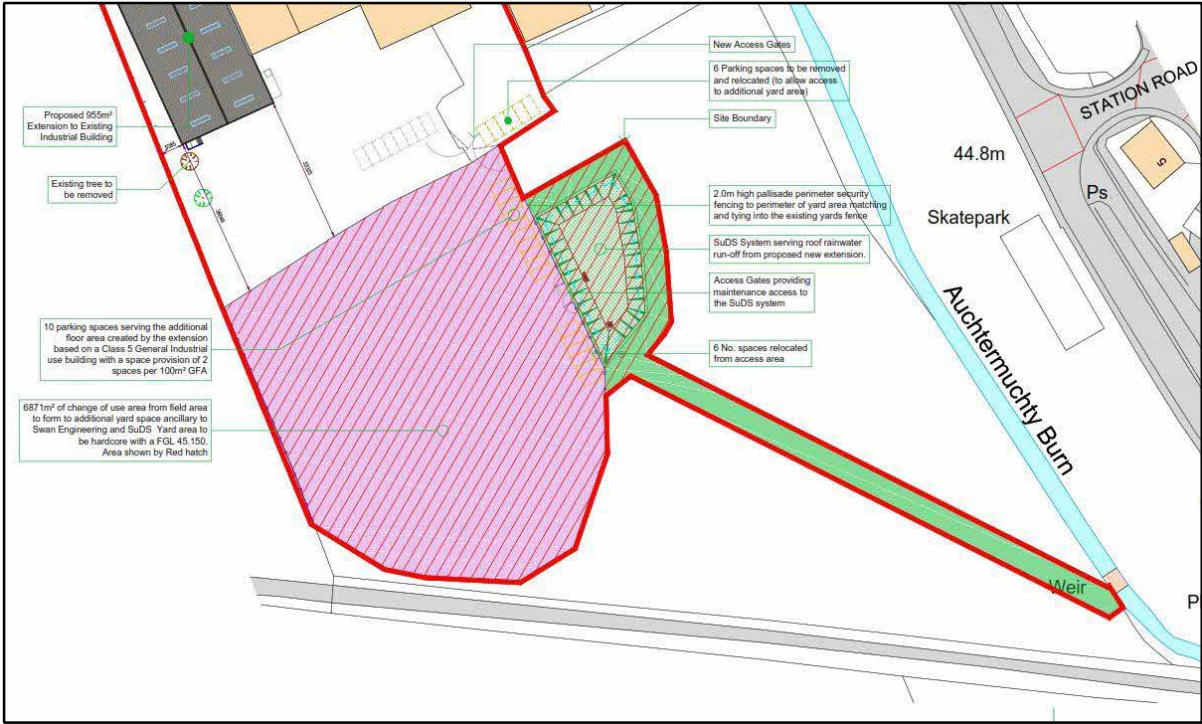
Site Description

The site lies approximately 0.5 km south-east of the centre of Auchtermuchty in Fife centred on Ordnance Survey Grid Reference NO 2397011270 and incorporates land at the southern periphery of the Swan Engineering works and the adjacent whisky warehousing and bottling facility of Auchtermuchty Bond Ltd. A dyke that runs along the edge of the Auchtermuchty Burn forms the eastern boundary, whilst the line of the disused railway forms the southern boundary. The western boundary is adjacent to an arable/ley pasture field. The site slopes very gently (1-2 degrees) from north to south. The area is currently managed as permanent grassland with occasional topping and removal of grass for winter keep and has not been managed as an arable or cropping unit for a considerable period of time. The size of the unit is approximately 1.5 ha. The location of the site is shown in Figure 1 which also demarcates the extent of the survey area in red and the extent of the proposed development in Figure 2.

Figure 1. The general location of the area. The red polygon shows the extent of the management unit which was assessed. Image courtesy of Bing Maps accessed November 2023.



Figure 2. The extent of the proposed development. The areas in pink and green signify areas relating to a change of use from Agricultural land to Yard Space and SuDS (Sustainable drainage systems) Area.



Climate

The average annual rainfall is approximately 875 mm with Annual mean Max and Min temperatures of 12.1 and 5.1 respectively (Meteorological Office, 1981-2010). The area has an annual total of 1389 sunshine hours. It lies within the 'warm rather dry lowland' climatic region of Scotland (Birse and Dry, 1970) and experiences an average annual accumulated temperature in excess of 1418 day-degrees C and a mean annual potential water deficit of greater than 84 mm. The area is moderately exposed with moderate winters of 60-70 day-degrees C of accumulated frost (Birse and Robertson, 1970). The Climatic data suggests that the Land Capability Class could be as high as 2.

Methods

a) General principles of soil survey

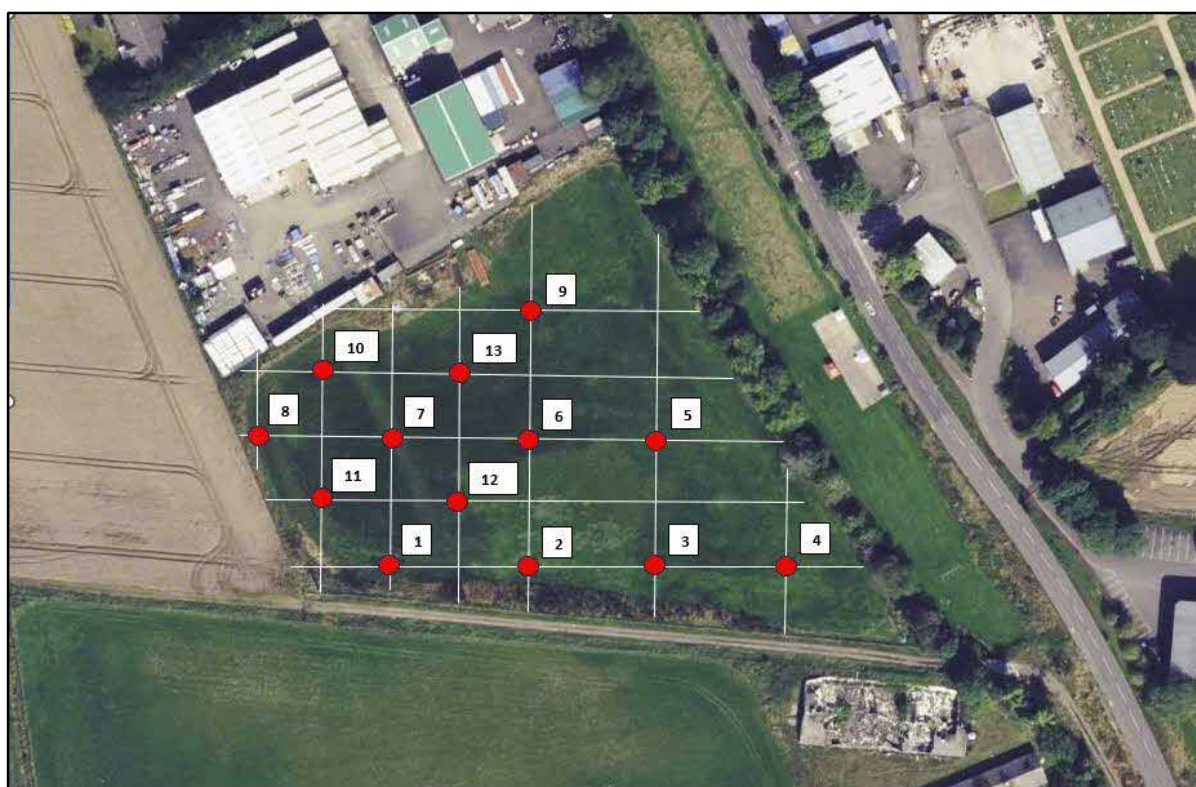
The primary aim of a soil survey is to identify and describe different soil types and to record their distribution on a map. The soil profile, a vertical section approximately 0.8 to 1 metre deep from the surface of the ground to the soil parent material, excavated at any point in the landscape, is the general means used to study and classify the soils of an area. Soil types are identified on the basis of morphology and characteristics, principally by the description of the different horizons (layers) present within the soil profile. Physical characteristics are examined in the field and described according to standard terminology, notably in relation to colour (Munsell, 1975) extent of mottling and gleying, texture (Appendix 2) stoniness, organic matter content, structure, moisture, and the nature of the boundary of each horizon (Soil Survey of Scotland, 1979, revised and updated, 2007). Such features, described for each soil horizon, are of major relevance in the LCA classification, notably the nature and depth of the topsoil and subsoil layers. These have a major influence on the overall flexibility of use for agriculture.

Although no two soil profiles are exactly alike, it is possible to group those that are very similar into primary groupings called series. Soil series are generally named after the specific locality in which they were first described and are classified in terms of soil type and drainage status. The soil association is a grouping of related soil series, often reflecting a characteristic pattern of different soil types in the landscape determined by altitude, slope and drainage status. In Scotland, the grouping of soil series into associations is closely linked to the parent material from which the soil is derived. Consequently, the association usually contains primary mapping units that have been developed on materials derived from the same parent rock. The soil association usually has the same name as its most extensive series. Soil complexes are used as mapping units where the soils occur in such an intricate pattern that delineation into individual series is considered impractical. Soil phases are used where mappable variations in soil series are present, for instance in relation to considerable differences in depth of topsoil.

During most systematic soil surveys, the location of soil inspections is unconstrained, with the aim of maximising information recorded about the relationship between soil patterns and the landscape. Soil profiles are examined at numerous points in the landscape by means of shallow to moderately deep pits dug by spade, soil auger examinations and from any natural or man-made exposures that occur. Any correlation established between soil type and external factors such as slope, topography and vegetation assist greatly in the placing of boundaries between soil mapping units. For very detailed surveys at the field scale, observations are more generally recorded on a grid or on transects. The system of soil classification used in this report is based on that of the Soil Survey of Scotland (1984, revised and updated, 2014).

In this investigation, soil inspections were recorded at 13 locations, at either 20 or 40 m apart. The locations of these inspection points were pre-selected prior to the field visit and are shown in Figure 3. The positions were located in the field with a hand-held GARMIN 62s GPS. Soil inspection pits were hand-dug by spade and auger and described as outlined to a depth usually in excess of 60 cm and occasionally down to 80 cm. Several features were recorded, notably depth of the topsoil and subsoil horizons, soil colour, texture, drainage status and stoniness to determine the LCA classification. In addition, information was also noted on slope and pattern of topography.

Figure 3. Location and designation of soil inspection pits at the site. Image courtesy of Bing Maps accessed November 2023.



b) Land Capability for Agriculture Classification

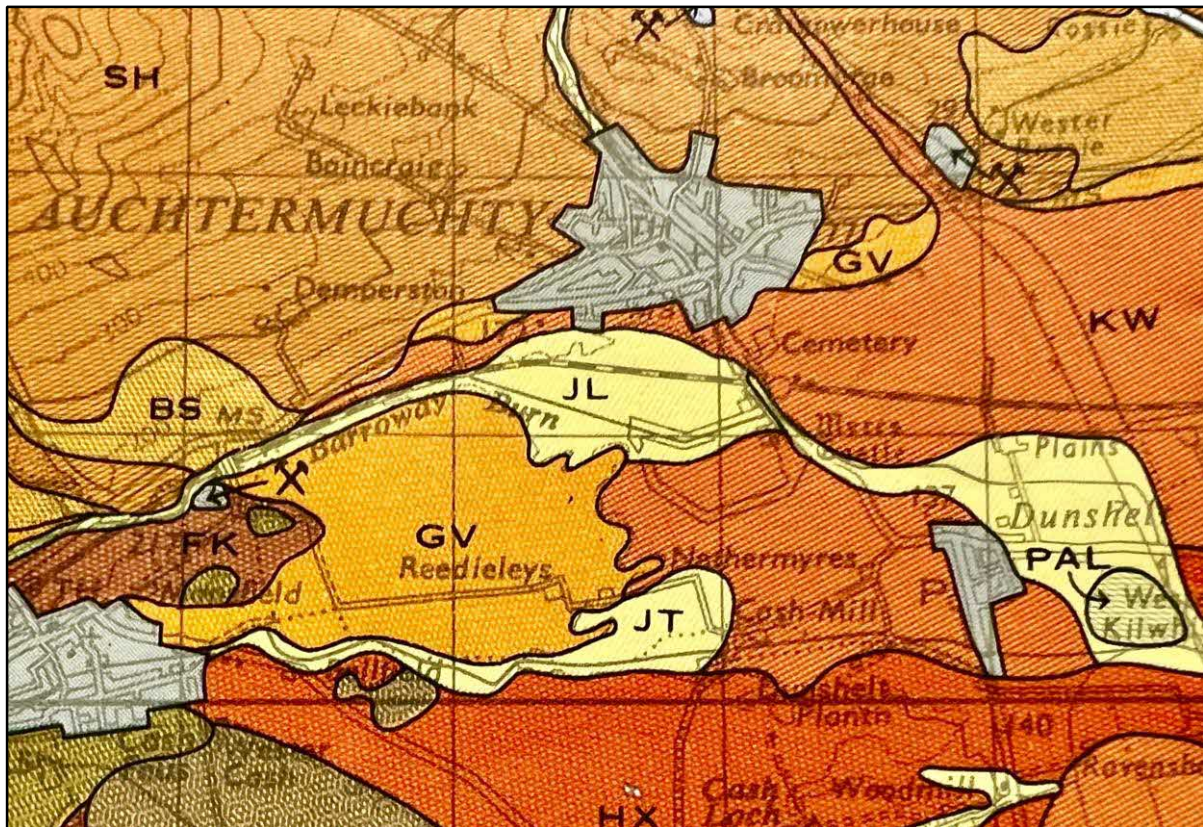
The Land Capability for Agriculture (LCA) classification is a system designed to illustrate the potential productivity and cropping flexibility of land (Appendix 3). It is based on an integrated consideration of the physical limitations that climate, soil and site factors impose upon agricultural systems and practices. The classification is described in detail in the LCA Monograph of Bibby *et al*, (1991) and is recognized by the Scottish Government and Planning Authorities as the official system of land classification in Scotland (Scottish Development Department, 1987). The Scottish Government has a long-standing commitment implemented through the planning process to protecting the best quality land from development and retaining its capacity for food production. 'Prime Agricultural Land' is defined by the Scottish Government as LCA Classes 1, 2 and Class 3 Division 1 (Scottish Executive, 2001) and this protection is incorporated in the Land Use Strategy (Scotland's Environment, 2014) and National Planning Policy (Scottish Government, 2014). These documents are complex, and it must be stated that it is not always possible to elucidate a single LCA class for even small parcels of land due to the inherent spatial variability of the majority of the soils of Scotland.

Results

a) Soil Survey and Profile Characteristics

They soils were originally mapped on the systematic 1:63,360 scale soil survey Sheet 40 as poorly drained Loamy Alluvium (JL), and soils belonging to the Kilwhiss Soil Series (KW) (Imperfectly drained cultivated brown podzolic soils) as shown in Figure 4. (Laing *et al*, 1974). Both soil types are relatively fertile soils. The former are developed from alluvial parent materials of either a loamy or silty texture whilst the latter have parent materials dominated by fluvioglacial sands derived mainly from Upper Old Red Sandstone sediments.

Figure 4. Original 1:63,360 scale soil survey Sheet 40 (Kinross, Elie & Edinburgh).



The inspection pits confirmed that most of the soils are of Alluvial origin. The topsoil of the profiles was mostly quite similar, typically having a deep dark brown (10YR 3/3) ploughed topsoil (Ap horizon), to 26-30 cm depth, with a fine sandy loam or more frequently a fine sandy silt loam texture, a weak-moderate fine-medium sub-angular blocky structure with usually a few mottles (usually less than 2%). Stone contents were very low (frequently between 1-5%). The transition to the B horizon was gradual. The upper subsoil (B(g) or Bg) horizon varied from pit to pit but was still relatively uniform across the area and generally to a depth of between 50-55 cm. This horizon was generally slightly lighter brown in colour (10YR 4/3 or 7.5YR 4/3) with a silty loam texture and a higher frequency of mottles (typically between 2-20 or occasionally 21-40% of the matrix) and a similarly low stone content. The lower subsoil (BCg horizon) usually exceeded 75 cm in depth and was usually wetter with many mottles and sometimes with more gleyic properties (greyer) in colour (typically 10YR 4/2 or 10YR 5/3). The texture of the subsoil varied significantly from loamy sand to clay loam but was most typically of a silty loam texture. Some of the soil pits displayed water ingression at mid to lower depth during inspection, most likely due to the unusually wet autumn that this

Table 1. Summary of soil characteristics and LCA Classes of inspections. Soil Inspection points that are within the area designated for a change of use from Agricultural land to Yard Space and a SuDS (Sustainable drainage systems) area are shaded grey whilst the unshaded points are in areas that would remain undeveloped.

Soil Insp.	Grid Ref. (NO)	Wetness Class	Presence of limiting layer within 80 cm	Stoniness of topsoil (%)	LCA Class	Limitation Type
1	23930 11230	III	None	5-15	3.1	w
2	23970 11230	III-IV	None	1-5	3.2	w
3	24010 11230	IV	None	5-15	3.2	w
4	24050 11230	III	None	1-5	3.1	w
5	24010 11270	III	None	1-5	3.1	w
6	23970 11270	III-(IV)	None	1-5	3.1	w
7	23930 11270	III	None	1-5	3.1	w
8	23890 11270	III-(IV)	None	1-5	3.1	w
9	23970 11310	III	None	1-5	3.1	w
10	23910 11290	II-III	None	1-5	2	w
11	23910 11250	III	None	1-5	3.1	w
12	23950 11250	III	None	1-5	3.1	w
13	23950 11290	II-III	None	1-5	2	w

Discussion

It must be stated at the outset that the LCA system was not designed specifically for alluvial soils, which are the dominant soil type at the site. Despite this, its general principles can still be used to categorise such soils, although their characteristics don't always fit well into the system as there is rarely a limiting layer/impermeable horizon within 80 cm. It must also be mentioned that part of the system is based on climatic data which is now somewhat out of date being averaged on data from the 1940s- 1970s. Particularly since the 1990s, we are experiencing typically warmer weather but with more intense rainfall and these factors have yet to be incorporated into an improved or updated LCA system. Nevertheless, it is still the best system that we have at our disposal. Assigning definitive LCA Classes to an individual soil profile is a complex assessment covering many aspects of the climate, landscape, and a variety of different soil characteristics and inevitably there is not always a clear LCA Class that all factors can be accommodated within. If there is some variability between pit inspections across a site, an average LCA Class can be assigned but this must be done carefully by an experienced pedologist with a good knowledge of how the LCA system works and in line with the guidelines on the variability in pattern or soil heterogeneity across the site.

The area was originally categorised on the 1986 LCA map, as Class 3.1w, Land capable of producing consistently high yields of a narrow range of crops (principally cereals and grass) and/or moderate yields of a wider range of crops (including potatoes, field beans and other vegetables and root crops) but with some minor wetness limitations.

It is clear from the soil inspection pits that the original LCA class fits generally well into what was found at the site now with nine out of the thirteen pits classed as Class 3.1, two as Class

2, and two as Class 3.2. All of the pits were recorded as having a minor degree of wetness limitations, but none recorded as having any notable stoniness limitations. The limit for 'poorer' quality land in terms of a pattern limitation for class 3 is to be <10%. Based on the inspection pits, this threshold is exceeded so technically, based on the entire management unit, the land should now be classified as 3.2 overall. However, the land where the actual development is planned is actually outwith the areas classed as 3.2 so this area is technically still classifiable as 3.1. There are minor wetness limitations overall, precluding the land being considered to be in a higher class, but these are quite common in the local landscape in areas also recorded as Land Classes 2 & 3.1 and many of these areas are still under relatively intensive arable agriculture.

Land management is linked to the physical properties of the land, to farm size and structure, to the personal and societal circumstances of the farmer and to the level of capitalisation considered economically justified by the farmer. In view of this complexity, it is clearly impossible to define closely a national management standard for land capability assessment. In broad terms, however, the land should be assessed on its capability under a *satisfactory level of management*. If such management has been relatively extensive for a prolonged period, the Land Class would be expected to have declined somewhat but that it should be able to be improved again with a higher level of appropriate management. In this situation however, this seems unlikely as the management unit is now exceedingly small and of a shape that would be unlikely to be favourable to being used again for relatively intensive agriculture.

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Scottish Government website, (26th June 2001):

The Scottish Executive uses the land capability classification for agricultural land as developed by the Macaulay Land Use Research Institute in Aberdeen to define prime land. The best quality land, i.e. prime land, falls in classes 1, 2 and 3.1. This comprises 5.8% of the land surface of Scotland. The agricultural policy of protecting such land from development has been implemented through development plans and development control under the Town & Country Planning (Scotland) Act 1997, with specific policies for its protection being set out in National Planning Policy Guidelines (NPPGs) and Circulars.

Scotland's Environment (5th June 2014). Based on 'Getting the best from our land - A land use strategy for Scotland' ISBN 978-1-78045-104, (Publication Date: March 17, 2011).

Extract: Protection of agricultural land: Scottish Planning Policy recognises that prime agricultural land is an important resource and should be protected from development. The importance of agricultural land is also recognised in the Scottish Government's land use strategy, which states that we should continue to ensure that our prime agricultural land retains its capacity for food production. www.environment.scotland.gov.uk/get-informed/land

Scottish Government, (2014). National Planning Policy.

Paragraph 80: Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

- *As a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or*
- *For small-scale development directly linked to a rural business; or*
- *For the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.*

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Appendix 1: Precognition – Relevant Experience of Field Staff

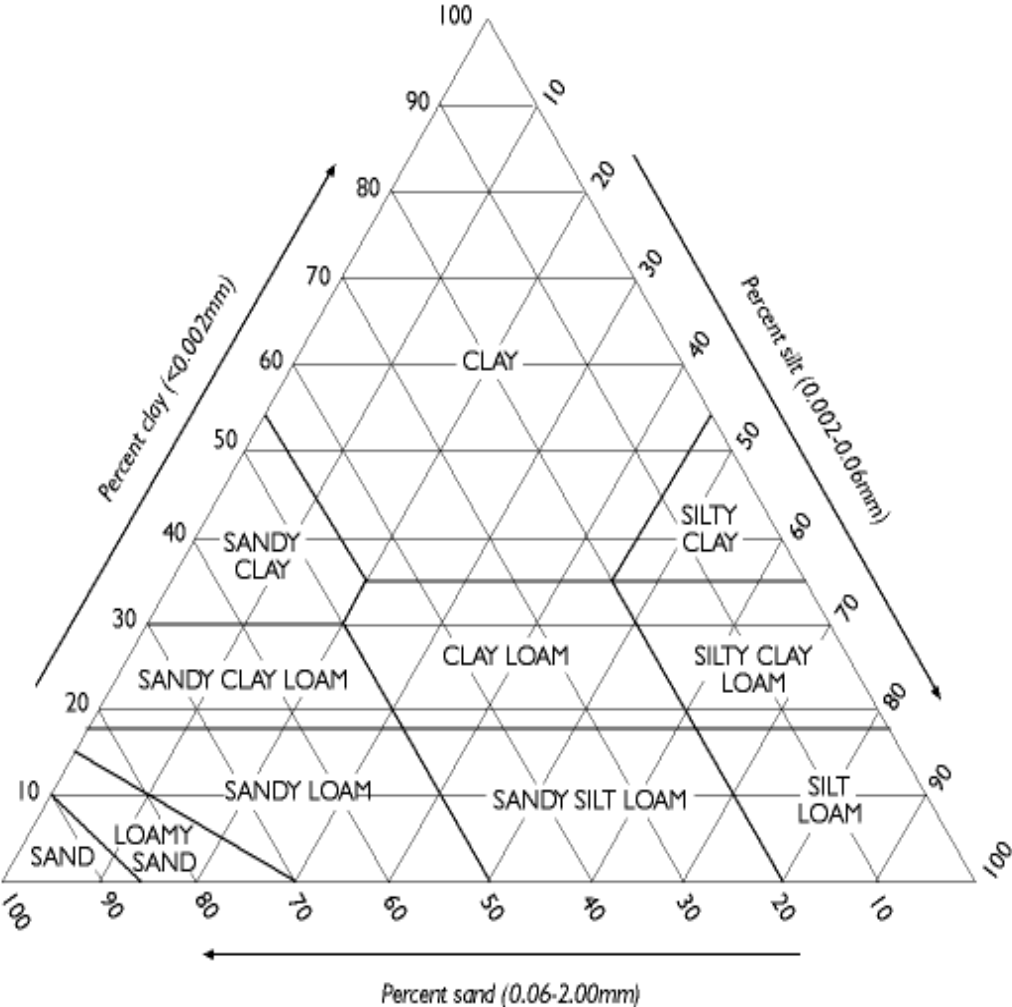
Mr Richard Langwell Hewison

Mr. R. L. Hewison graduated with an Honours degree in Geography from Portsmouth Polytechnic in 1986 and an MSc in Ecology from Aberdeen University in 1990, joining the Macaulay Land Use Research Institute in 1995 as an upland ecologist. He has 20 years' experience of carrying out resource assessments, soil sampling, and vegetation and soil mapping, including extensive involvement in consultancy work. He was involved in the recording of long-term changes in vegetation in the Scottish Environmentally Sensitive Areas and re-sampling the National Soils Inventory of Scotland. Current research interests are in the soil classification, soil mapping, botanical survey work, and habitat assessment work for the Scottish Government and a wide range of clients. Over the last 12 years, he has primarily worked on managing and carrying out soil surveys for Forestry and Land Scotland.

Mr Andrew Nolan

Mr Andrew Nolan started work at The Macaulay Institute for Soil Research, in 1979 as a soil surveyor with the Soil Survey of Scotland. He has undertaken soil surveys at a wide range of scales, including reconnaissance mapping, systematic survey and grid surveys for site characterisation and resource assessment. He was involved in the production of Land Classification for Agriculture and Forestry maps at a range of scales. He was formerly a Principal Investigator (now an Honorary Associate) with 40 years' experience in carrying out soil surveys, land classification and assessment of land resources for a wide range of clients.

Appendix 2: British Soil Textural Classes



Appendix 3: Land Capability for Agriculture Classification

CLASS DESCRIPTIONS	DIVISION DESCRIPTIONS	
LAND SUITED TO ARABLE CROPPING		
<p>LAND CAPABLE OF PRODUCING A VERY WIDE RANGE OF CROPS Cropping is highly flexible and includes the more exacting crops such as winter harvested vegetables (cauliflower, brussels sprouts, leeks). The level of yield is consistently high. Soils are usually well-drained deep loams, sandy loams, silty loams or their related humic variants with good reserves of moisture. Sites are level or gently sloping and the climate is favourable. There are no or only very minor physical limitations affecting agricultural use.</p>	1	Not divided
<p>LAND CAPABLE OF PRODUCING A WIDE RANGE OF CROPS Cropping is very flexible and a wide range of crops can be grown but the land may be unsuited to winter harvested crops. The level of yield is high but less consistently obtained than on Class 1 land due to the effects of minor limitations affecting cultivation, crop growth or harvesting. The limitations include, either singly or in combination, slight workability or wetness problems, slightly unfavourable soil structure or texture, moderate slopes or slightly unfavourable climate. The limitations are always minor in their effects and land in the class is highly productive.</p>	2	Not divided
<p>LAND CAPABLE OF PRODUCING A MODERATE RANGE OF CROPS Land in this class is capable of producing good yields of a narrow range of crops, principally cereals and grass, and/or moderate yields of a wider range including potatoes, some vegetable crops (e.g. field beans and summer harvested brassicae) and oil seed rape. The degree of variability between years will be greater than is the case for Classes 1 and 2, mainly due to interactions between climate, soil and management factors affecting the timing and type of cultivations, sowing and harvesting. The moderate limitations require careful management and include wetness, restrictions to rooting depth, unfavourable structure or texture, strongly sloping ground, slight erosion or a variable climate. The range of soil types within the class is greater than for previous classes.</p>	31	Land in this division is capable of producing consistently high yields of a narrow range of crops (principally cereals and grass) and/or moderate yields of a wider range (including potatoes, field beans and other vegetables and root crops). Short grass leys are common.
	32	This land is capable of average production but high yields of barley, oats and grass are often obtained. Other crops are limited to potatoes and forage crops. Grass leys are common and reflect the increasing growth limitations for arable crops and degree of risk involved in their production.
<p>LAND CAPABLE OF PRODUCING A NARROW RANGE OF CROPS The land is suitable for enterprises based primarily on grassland with short arable breaks (e.g. barley, oats, forage crops). Yields of arable crops are variable due to soil, wetness or climatic factors. Yields of grass are often high but difficulties of production or utilisation may be encountered. The moderately severe levels of limitation restrict the choice of crops and demand careful management. The limitations may include moderately severe wetness, occasional damaging floods, shallow or very stony soils, moderately steep gradients, moderate erosion risk, moderately severe climate or interactions of these which increase the level of farming risk.</p>	41	Land in this division is suited to rotations which, although primarily based on ley grassland, include forage crops and cereals for stock feed. Yields of grass are high but difficulties of utilisation and conservation may be encountered. Other crop yields are very variable and usually below the national average.
	42	The land is primarily grassland with some limited potential for other crops. Grass yields can be high but difficulties of conservation or utilisation may be severe, especially in areas of poor climate or on very wet soils. Some forage cropping is possible and, when the extra risks involved can be accepted, an occasional cereal crop.
LAND SUITED ONLY TO IMPROVED GRASSLAND AND ROUGH GRAZINGS		
<p>LAND CAPABLE OF USE AS IMPROVED GRASSLAND The agricultural use of land in Class 5 is restricted to grass production but such land frequently plays an important role in the economy of British hill lands. Mechanized surface treatments to improve the grassland, ranging from ploughing through rotavation to surface seeding and improvement by non-disruptive techniques are all possible. Although an occasional pioneer forage crop may be grown, one or more severe limitations render the land unsuitable for arable cropping. These include adverse climate, wetness, frequent damaging floods, steep slopes, soil defects or erosion risks. Grass yields within the class can be variable and difficulties in production and particularly utilisation are common.</p>	51	Establishment of a grass sward and its maintenance present few problems and potential yields are high with ample growth throughout the season. Patterns of soil, slope or wetness may be slightly restricting but the land has few poaching problems. High stocking rates are possible.
	52	Sward establishment presents no difficulties but moderate or low trafficability, patterned land and/or strong slopes cause maintenance problems. Growth rates are high and despite some problems of poaching satisfactory stocking rates are achievable.
	53	Land in this division has properties which lead to serious trafficability and poaching difficulties and although sward establishment may be easy, deterioration in quality is often rapid. Patterns of soil, slope or wetness may seriously interfere with establishment and/or maintenance. The land cannot support high stock densities without damage and this may be serious after heavy rain even in summer.
<p>LAND CAPABLE OF USE ONLY AS ROUGH GRAZINGS The land has very severe site, soil or wetness limitations which generally prevent the use of tractor-operated machinery for improvement. Reclamation of small areas to encourage stock to range is often possible. Climate is often a very significant limiting factor. A range of widely different qualities of grazing is included from very steep land with significant grazing value in the lowland situation to moorland with a low but sustained production in the uplands. Grazing is usually insignificant in the full arctic zones of the mountain lands, but below this level grazings which can be utilized for five months or longer in any year are included in the class. Land affected by severe industrial pollution or dereliction may be included if the effects of the pollution are non-toxic.</p>	61	Land in the division has proportions of palatable herbage in the sward, principally the better grasses, e.g. meadow grass-bent grassland, bent-fescue grasslands.
	62	Moderate quality herbage such as white and flying bent grasslands, rush pastures and herb-rich moorlands or mosaics of high and low grazing values characterise land in the division.
	63	The vegetation is dominated by plant communities with low grazing values, particularly heather moor, bog heather moor and blanket bog.
<p>LAND OF VERY LIMITED AGRICULTURAL VALUE This land has extremely severe limitations that cannot be rectified. The limitations may result from one or more of the following: extremely severe wetness, extremely stony rocky land, unvegetated soils, scree or beach gravels, toxic waste tips and dereliction, very steep gradients, severe erosion including intensively hagged peat lands, and extremely severe climates (exposed situations, protracted snow-cover and short growing season). Agricultural use is restricted to very poor rough grazing.</p>	7	Not divided
<p>UNCLASSIFIED LAND Land in this category consists of built-up areas, quarries and gravel workings, and collieries and bings - Not divided</p>		
SUBCLASS SYMBOLS	<p>c climatic limitations g gradient limitations s soil limitations w wetness limitations e erosion limitations</p>	

Appendix 4: Summary Soil Profile Descriptions

Insp No:	1	Grid Reference:		NO 23930 11230		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	31	10YR 3/3	Dark brown	SZL	<2	5-15
B(g)	52	10YR 4/3	Brown	SL	<2	5-15
2BCg	65+	7.5YR 4/3	Brown	LS	2-20	16-35
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Phaeozem (Amphiloamic, Endoarenic, Aric, Humic)				
Parent material		Alluvium over fluvioglacial sands and gravels				
Wetness Class		III				
LCA		3.1w				

Insp No:	2	Grid Reference:		NO 23970 11230		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	29	10YR 3/2	Very dark brown	FSZL	2-20	1-5
B(g)	52	10YR 3/3	Dark brown	FSZL	21-40	5-15
2BCg	75+	7.5YR 4/2	Brown	CL	2-20	1-5
SSOS Soil type*		Poorly Drained Clayey Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Amphiloamic, Endoclayic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		III-IV				
LCA		3.2w				

Insp No:	3	Grid Reference:		NO 24010 11230		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	26	10YR 3/3	Dark brown	FSZL	2-20	5-15
Bg	50	10YR 4/2	Dark grayish brown	FSZL	21-40	5-15
2BCg	75+	7.5YR 4/2	Brown	LS	21-40	16-35
SSOS Soil type*		Poorly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Amphiloamic, Endoarenic, Aric, Humic)				
Parent material		Alluvium over fluvioglacial sands and gravels				
Wetness Class		IV				
LCA		3.2w				

Insp No:	4	Grid Reference:		NO 24050 11230		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	29	10YR 3/3	Dark brown	FSZL	<2	1-5
Bg	53	7.5YR 4/3	Brown	ZL	21-40	5-15
BCg	75+	10YR 4/2	Dark grayish brown	ZL	2-20	1-5
SSOS Soil type*		Imperfectly drained Silty Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Epiloamic, Amphisiltic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		III				
LCA		3.1w				

Insp No:	5	Grid Reference:		NO 24010 11270		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	27	10YR 3/3	Dark brown	FSZL	<2	1-5
B(g)	51	7.5YR 3/3	Dark reddish brown	FSZL	2-20	1-5
2BC(g)	75+	10YR 4/2	Dark grayish brown	LS	2-20	6-15
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Phaeozem (Epiloamic, Endoarenic, Aric, Humic)				
Parent material		Alluvium over fluvioglacial sands and gravels				
Wetness Class		III				
LCA		3.1w				

Insp No:	6	Grid Reference:		NO 23970 11270		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	28	10YR 3/3	Dark brown	FSZL	<2	1-5
Bg	65	10YR 4/3	Brown	FSZL	21-40	1-5
2BCg	85+	10YR 4/2	Dark grayish brown	LS	2-20	6-15
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Epiloamic, Endoarenic, Aric, Humic)				
Parent material		Alluvium over fluvioglacial sands and gravels				
Wetness Class		III-(IV)				
LCA		3.1w				

Insp No:	7	Grid Reference:		NO 23930 11270		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	29	10YR 3/3	Dark brown	FSZL	<2	1-5
Bg	54	10YR 4/3	Brown	ZL	21-40	1-5
BCg	75+	10YR 5/4	Yellowish brown	ZL	21-40	1-5
SSOS Soil type*		Poorly Drained Silty Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Epiloamic, Amphisiltic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		III				
LCA		3.1w				

Insp No:	8	Grid Reference:		NO 23890 11270		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	23	10YR 3/2	Very dark grayish brown	FSZL	<2	1-5
Bg	46	10YR 4/3	Brown	ZL	2-20	1-5
BCg	75+	10YR 5/2	Grayish brown	ZL	21-40	1-5
SSOS Soil type*		Imperfectly Drained Silty Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Epiloamic, Amphisiltic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		III-(IV)				
LCA		3.1w				

Insp No:	9	Grid Reference:		NO 23970 11310		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	28	10YR 3/2	Very dark grayish brown	SZL	-	1-5
Bg	53	10YR 4/3	Brown	SZL	2-20	1-5
BCg	75+	10YR 4/2	Brown	SZL	21-40	1-5
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Amphiloamic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		III				
LCA		3.1w				

Insp No:	10	Grid Reference:		NO 23910 11290		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	27	10YR 3/3	Dark brown	SZL	-	1-5
B(g)	46	10YR 4/3	Brown	SZL	<2	1-5
BC(g)	70	7.5YR 4/3	Brown	SZL	2-20	6-15
2BCg	80+	10YR 5/3	Brown	LS	2-20	16-36
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Phaeozem (Amphiloamic, Endoarenic, Aric, Humic)				
Parent material		Alluvium over fluvioglacial sands and gravels				
Wetness Class		II-III				
LCA		2w				

Insp No:	11	Grid Reference:		NO 23910 11250		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	29	10YR 3/2	Very dark grayish brown	FSZL	<2	1-5
Bg	50	10YR 4/3	Brown	ZL	2-20	1-5
BCg	70+	10YR 5/3	Brown	ZL	21-40	1-5
SSOS Soil type*		Imperfectly Drained Silty Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Epiloamic, Amphisiltic, Aric, Humic)				
Parent material		Alluvium over fluvioglacial sands and gravels				
Wetness Class		III				
LCA		3.1w				

Insp No:	12	Grid Reference:		NO 23950 11250		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	26	10YR 4/2	Dark grayish brown	FSZL	<2	1-5
Bg	50	10YR 4/3	Brown	FSZL	2-20	1-5
BCg	75+	10YR 5/3	Brown	ZL	21-40	1-5
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Stagnic Phaeozem (Amphiloamic, Endosiltic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		III				
LCA		3.1w				

Insp No:	13	Grid Reference:		NO 23950 11290		
Horizon	Depth (cm)	Colour Munsell	Colour Name	Texture	Mottles (%)	Stones (%)
Ap	29	10YR 3/2	Very dark grayish brown	FSZL	<2	1-5
B(g)	50	10YR 4/3	Brown	FSZL	2-20	1-5
BC(g)	75+	10YR 4/2	Brown	SZL	2-20	1-5
SSOS Soil type*		Imperfectly Drained Loamy Alluvial Soil				
WRB Soil type*		Cambic Fluvic Phaeozem (Amphiloamic, Endosiltic, Aric, Humic)				
Parent material		Alluvium				
Wetness Class		II-III				
LCA		2w				

From: [Sarah Purves-EP](#)
To: [John](#)
Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty
Date: 22 September 2023 09:27:03
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Outlook-4h1vppob.png](#)
[Outlook-rl3jkhbl.png](#)
[Outlook-whlnci5j.png](#)

Good morning John,

Thank you for your email and the additional information provided.

You will note that an Extension of Time has been requested until 09/10/23 to allow the Report to be written and the application to be determined.

Many thanks,
Sarah

Sarah Purves

Planner | Major Business and Customer Service | Planning Services



development.central@fife.gov.uk
www.fife.gov.uk/planning



From: John <John@campbellofdoune.co.uk>
Sent: 21 September 2023 15:49
To: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>
Subject: RE: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

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Hi Sarah,

We have just submitted a letter and updated site and location plan for the proposed new extension and yard area at Auchtermuchty in response to the various points that have been raised during the applications process.

Whilst the Council are not supportive of the proposals, we feel that our responses provide justification for the proposals.

If we can now proceed to a determination, then we can take it from there.

Please do not hesitate to contact me, should you wish to discuss any of the aforementioned or any of the submission.

Many Thanks

John Robb

Campbell of Doune Ltd

Consulting Civil and Structural Engineers

Campbell of Doune Ltd
Clan House
Muthill Road
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PH7 4HQ

Tel: 01764655459

e-mail: john@campbellofdoune.co.uk

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From: Sarah Purves-EP

Sent: Monday, August 28, 2023 5:32 PM

To: John <John@campbellofdoune.co.uk>

Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Hi John,

Do you have any update on the above?

Regards,
Sarah

Sarah Purves

Planner | Major Business and Customer Service | Planning Services



development.central@fife.gov.uk
www.fife.gov.uk/planning



From: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>
Sent: 22 August 2023 17:20
To: John <John@campbellofdoune.co.uk>
Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Hi John,

Thank you for your email.

Yes, you could have two applications considered in tandem. In order to benefit from a free go with the next application, however, the current application would need to be withdrawn.

Alternatively, the current application could be refused, and you could appeal that decision (if that is the intention) and submit another application at the same time as the appeal is being considered, also as a free go if in line with the requirements of Fife Councils [Scale of Planning Fees - April 2023 \(fife.gov.uk\)](http://www.fife.gov.uk).

Hopefully this clarifies your options, but I am happy to call to discuss if that would be easier.

Regards,
Sarah

Sarah Purves

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development.central@fife.gov.uk
www.fife.gov.uk/planning



From: John <John@campbellofdoune.co.uk>
Sent: 21 August 2023 11:29
To: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>
Subject: RE: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

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Sarah,
In terms of the current planning application is it possible to allow this to continue, whilst also submitting another planning application for the extension to the existing building and the associated SuDS etc with the reduced boundary (i.e. no change of use area)? Essentially the 2 planning application would run concurrently, both for the extension and associated SuDS but one with the additional yard space and one without?
Are there an implications to this or are they dealt with purely on their own merits with the outcomes not having any bearing on each another.
Regards
John Robb

From: Sarah Purves-EP
Sent: Friday, August 18, 2023 8:40 AM
To: John <John@campbellofdoune.co.uk>
Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Hi John,

Thank you for the update. I will await formal confirmation in the meantime.

Regards,
Sarah

Sarah Purves



development.central@fife.gov.uk
www.fife.gov.uk/planning



From: John <John@campbellofdoune.co.uk>
Sent: 18 August 2023 08:38
To: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>
Subject: RE: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

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Hi Sarah,
I am awaiting our client's response, but it is looking most likely that we will withdraw and resubmit an application for the extension alone with the SuDS situated in the field. I will confirm in the next day or so once our client has confirmed this.
Regards
John Robb

From: Sarah Purves-EP
Sent: Friday, August 18, 2023 8:34 AM
To: John <John@campbellofdoune.co.uk>
Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Hi John,

I have added a further Extension of Time to the above application, until 04/09/23.

Please confirm how you wish to proceed by this date.

Regards,
Sarah

Sarah Purves

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development.central@fife.gov.uk
www.fife.gov.uk/planning



From: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>

Sent: 02 August 2023 12:56

To: John <John@campbellofdoune.co.uk>

Cc: Tom Carswell <Tom@stj-eng.co.uk>

Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Good afternoon John,

Thank you for your email.

Based on the information you have given, the SUDS pond in the field could be acceptable, given that there is opportunity for biodiversity enhancement. In regards to the car parking requirement, if a reduction could be justified by demonstrating that 40 spaces are not necessary, this could reduce the overall requirement and need for any further development within the field.

For information, I am on annual leave as of tomorrow for two weeks. If you have any queries or issues during this time, please email the central email account (Development Central) at Development.Central@fife.gov.uk.

Regards,
Sarah

Sarah Purves

Planner | Major Business and Customer Service | Planning Services

development.central@fife.gov.uk
www.fife.gov.uk/planning



From: John <John@campbellofdoune.co.uk>
Sent: 01 August 2023 13:41
To: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>
Cc: Tom Carswell <Tom@stj-eng.co.uk>
Subject: RE: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

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Morning Sarah,

Before we decide on what direction to take with the current planning application, I would like to run something by you if I may.

In terms of the existing building and the proposed extension, given the councils drainage requirements for buildings, would the planning department be supportive of locating the SuDS system serving the proposed extension within the existing field? A SuDS pond would provide biodiversity enhancement. Also given that 40 car parking spaces are required we would like to utilise a strip to the Northern end of the field to ensure that the requested parking standard can be met, whilst also ensuring that the existing yard space can be fully maximised, given that the council are not supportive of the much-needed additional yard space applied for in the currently application.

Would the council be supportive of the aforementioned, should an application for this be submitted?

Please do not hesitate to contact me should you wish to discuss,

Regards

John Robb

Campbell of Doune Ltd

Consulting Civil and Structural Engineers

Campbell of Doune Ltd
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PH7 4HQ

Tel: 01764655459
e-mail: john@campbellofdoune.co.uk

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From: Sarah Purves-EP
Sent: Thursday, July 27, 2023 5:09 PM
To: John <John@campbellofdoune.co.uk>
Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Hi John,

Thank you for your email.

The Principle of Development is not the only concern in this instance. The design/visual impact and the impact on the landscape and environmental quality of the area would also be unacceptable.

The proposal would be contrary to National Planning Framework 4 (NPF4), Policy 1 (Tackling the climate and nature crises) which notes that 'significant weight' will be given to the global climate and nature crises when considering all development proposals. The removal of agricultural land and replacement with hardstanding on this scale does not 'reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area'. Similarly, Policy 4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

Policy 9 of NPF4 (Brownfield, vacant and derelict land and empty buildings) notes that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Given that this greenfield site is not allocated for development in the FIFEplan Local Development Plan (2017) and is not explicitly supported by the LDP policies, this is unacceptable. Policy 14 (Design Quality and Place) states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

As such, the application is still to be refused, unless the application is withdrawn. Given that the previous deadline has now passed, I have extended the timescale for confirmation until 01/08/23.

Regards,
Sarah

Sarah Purves

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development.central@fife.gov.uk
www.fife.gov.uk/planning



From: John <John@campbellofdoune.co.uk>
Sent: 24 July 2023 14:09
To: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>
Cc: Hugh <Hugh@campbellofdoune.co.uk>
Subject: RE: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

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Hi Sarah,
We are currently consulting with the Scottish Agricultural Collage (SAC) with regards to the point being raised regarding the land being prime agricultural land, and I will email you as soon as we have had a response in relation to which path our client wishes to take.

In the meantime, if it can be proved that the land is not prime agricultural land would this be sufficient, to satisfy this objection and to justify the development?

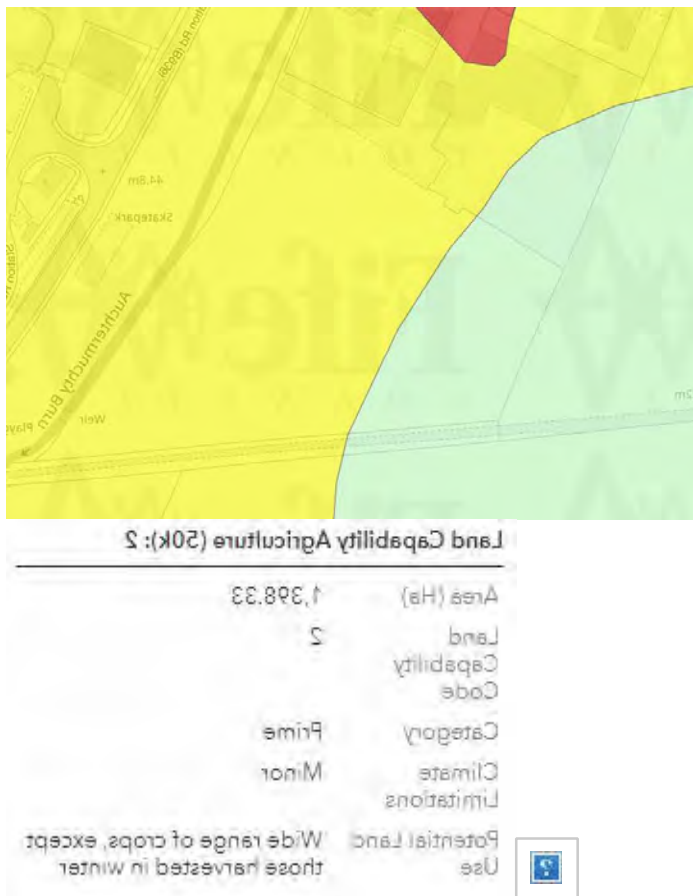
Regards
John Robb

From: Sarah Purves-EP
Sent: Tuesday, July 18, 2023 5:37 PM
To: John <John@campbellofdoune.co.uk>
Subject: Re: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Good afternoon John,

Thank you for your email and responses to each of the points raised.

Please find attached an extract from the GIS Mapping system which demonstrates the land capability of agriculture. The yellow (Land Capability Code 2) indicates the potential for a wide range of crops, except those harvested in winter. The green (Land Capability Code 3.1) indicates the potential for a moderate range of crops, with good yields for some (cereals and grass) and moderate yields for others (potatoes, field beans, other vegetables). Both areas are Prime Agricultural Land.



The response provided is insufficient to justify development on Prime Agricultural Land outwith the Settlement Boundary. As I mentioned previously, the extension alone may be acceptable, however this could not be assessed individually through this application. You may wish to withdraw this application and apply only for the extension on this basis.

Alternatively, the application will be recommended for refusal. There will be an opportunity to request a review of the decision by the Council's Local Review Body if you are not satisfied with this. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on the notice.

Please confirm how you wish to proceed by 25/07/23.

Regards,
Sarah

Sarah Purves

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www.fife.gov.uk/planning



From: John <John@campbellofdoune.co.uk>

Sent: 17 July 2023 16:51

To: Sarah Purves-EP <Sarah.Purves-EP@fife.gov.uk>

Subject: RE: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

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Good afternoon Sarah,

Further to your email please find our response to the points raised below (noted in Green).

Please do not hesitate to contact me should you wish to discuss any of our responses.

Regards

John Robb

From: Sarah Purves-EP

Sent: Tuesday, July 4, 2023 3:59 PM

To: John <John@campbellofdoune.co.uk>

Subject: 23/01208/FULL - Site At The Former Ironworks, Station Road, Auchtermuchty

Good afternoon,

I am the case officer for the above planning application. I have now had the opportunity to review the proposal in detail and have summarised my assessment below:

Principle of Development-

Policy 1 (Development Principles), Part A, of the Adopted FIFEplan (2017) stipulates that the

principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 7 (Development in the Countryside) states that, amongst other criteria, development in the countryside will only be supported where it is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location.

The existing business is well established at the current location.

Swan Engineering has been based within this building since 2016. The existing original building was originally a flour mill and there after became an engineering workshop prior to Swan Engineering occupying it. The original building was built by the applicant's father and has been in the applicants family's ownership for over 90 years.

Part of the site is located outwith the Auchtermuchty Settlement Envelope, on Prime Agricultural Land; therefore, the development would only be acceptable where the use is in a location which can otherwise be supported by the Local Development Plan. Policy 7 of FIFEplan notes that development on Prime Agricultural Land will not be supported except where it is essential:

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

The existing business is well established and has increased in size given that they are now providing equipment worldwide.

The additional building is required to ensure that the existing increase in orders can be met and the additional yard area for storage of the required materials to service these orders, along with parking and the required SuDS scheme to serve the drainage requirements.

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

The existing business specialises in processing equipment supplied to, and linked to rural business's for the food industry throughout Scotland and the world.

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

N/A

National Planning Framework 4 also resists development proposals on Prime Agricultural Land, except in circumstances such as those highlighted above.

Justification for this has not been provided. As it stands, the proposal would result in the loss of Prime Agricultural Land and development in a countryside location, which is contrary to the principles of NPF4 and Policies 1, 7 and 10 of FIFEplan.

The land is not Prime agricultural land. The Agricultural land use classification of the land is 3.1. the part to the East of this land, not proposed for development, is prone to flooding.

The existing field area to the south has been in the applicant's family ownership for over 70 years and has never formed part of an agricultural holding nor has it been utilised as arable land forming part of a crop rotation since being owned by the applicant.

Design/Visual Impact-

NPF 4 aims to deliver liveable places, by encouraging, promoting and facilitating well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual quality of the development on the surrounding area.

The proposed extension would have a limited visual impact, given its position to the rear of the building and that it would be set below the main roof height. The proposed removal of agricultural land and replacement with hardcore, however, would have a detrimental impact on the landscape and environmental quality of the area.

The site is screened from the East side by the existing tree belt which runs parallel with the Auchtermuchty burn.

The applicant is happy to provide additional planting / screening to the western side of the site to mitigate any visual impact which this may have.

Residential Amenity

Fife Councils Environmental Health (Public Protection) team has been consulted on this application; however, no response has been received yet.

Given the proximity to the neighbouring residential care home and the height of the proposed development, there may be adverse impacts on daylight/sunlight. Details should be provided in this respect, to allow an assessment to be carried out.

The existing Northern boundary currently has a well-established existing screen planting along this boundary. Consent was given to extend the existing building in 2018 under application reference number 18/00720/FULL. The currently proposed extension has no different effect on the Care Home than that consented previously.

Transportation/Road Safety-

Transportation Development Management have been consulted and have confirmed that the proposal requires 2 No. off street parking per 100sqm of Gross Floor Area of Class 5 Industrial Unit. As such, 20 spaces are required.

It appears that 6 spaces are to be removed and relocated within the proposed extension area, however the existing parking area within the yard cannot be used for off street parking due to the number of structures stored in this area.

Planning application No. 18/00720/FULL was for an extension to the West of this building. This had a condition on it for a total of 20 No. off street parking spaces, shown on Drawing No. 001 dated 27.02.18.

The total number required therefore, is 40 off street parking spaces.

The proposals can accommodate the number of parking spaces and turning spaces required.

Flooding/Drainage-

Fife Councils Structural Services (Infrastructure) team has been consulted on this application, however a response has not yet been received.

Scottish Water has been consulted on this application and have no objections to the proposal.

Noted

Natural Heritage-

Awaiting response.

Noted

Trees-

Fife Councils Tree officer has noted the following

'The topographical maps provided show that there are several extant trees in and around the site, some of which have the potential to be affected by development works. As such, a tree survey should be undertaken to detail what trees have the potential to be affected by the proposal and what tree works/removals will be required. This should include information on tree root protection areas in relation to development areas.

A Tree protection plan will also be required since development will take place in close proximity to trees. This should show on a map where protective fencing will be erected in relation to tree root protection areas. This should also include information on the type of fencing to be erected.

If any trees are to be removed to accommodate this proposal, then in order to not create a net loss in biodiversity these removals will need to be offset with new planting. This is conditional on there being tree removals required, but if there are then additional information will be required as to what mitigatory planting will take place. Further, if this mitigatory planting is extensive then maintenance plans may also be conditionally requested.'

Noted – If required we can provide a tree survey and protection plan for any trees which may be effected during the works and information required for any new mitigatory planting / screening.

Archaeology-

Awaiting response.

Noted

Contaminated Land/Land Stability-

Fife Councils Land and Air Quality team has been consulted on this application and have noted that the location of the proposed extension has been used for material storage for a number of years. As such, a condition has been recommended (if the application were to be recommended for approval) to ensure that unexpected contamination is suitably addressed if encountered.

Noted

Low Carbon/Sustainability-

Policy 11 of FIFEplan requires proposals to meet the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies contribute at least 20%. The Low Carbon Checklist notes that the building will not be heated or cooled, however this exemption only applies to domestic properties.

The extension will be compliant in terms of the requirements for energy efficiency as is required by the building standards regulations.

Biodiversity Enhancement-

NPF4 requires biodiversity enhancement, however no information appears to have been provided in this respect.

There is potential within the site to provide a seeded bunding to the extremities, with habitat planting and screen planting.

Summary:

The proposed development would be contrary to Policies 1, 7 and 10 of FIFEplan Local Development Plan and NPF4 given that it would be partly outwith the Auchtermuchty Settlement Envelope and on Prime Agricultural Land. The extension alone may be acceptable, given that this is within the Settlement Envelope, however this could not be assessed individually through this application.

Please advise how you would like to proceed by 18th of July 2023.

Regards,
Sarah

Sarah Purves

Planner | Major Business and Customer Service | Planning Services



development.central@fife.gov.uk
www.fife.gov.uk/planning



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Proposal Details

Proposal Name	100627667
Proposal Description	Erection of a single storey extension to existing building and formation of additional yard area including change of use from agricultural ground and SuDS
Address	
Local Authority	Fife Council
Application Online Reference	100627667-005

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Justification Letter	Attached	A4
Email Chain	Attached	A4
James Hutton LCA Report	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-005.xml	Attached	A0

Agenda Item 4(4)

**Site at former Ironworks, Station Road,
Auchtermuchty**

Application No. 23/01208/FULL

Consultee Comments

Thursday, 08 June 2023



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Former Ironworks, Station Road, Auchtermuchty, KY14 7DL
Planning Ref: 23/01208/FULL
Our Ref: DSCAS-0088217-QH4
Proposal: Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 150 mm Combined Sewer
- ▶ 200 mm Combined Sewer within your site boundary.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

MEMORANDUM

TO: Sarah Purves, Planner, Development Management
FROM: Donald Payne, Technical Officer, Land & Air Quality
DATE: 19 June 2023
OUR REF: PC130245C2 **YOUR REF:** 23/01208/FULL
SUBJECT: Extension to business units at Unit 1 Station Road Business Park Auchtermuchty

Thank you for your consultation on the above application.

A suspensive planning condition or advice note for contaminated land is recommended.

The location of the proposed extension building has been used for the storage of unknown materials since the 1980s. In the event that any unexpected materials or conditions such as asbestos, hydrocarbon staining, made-ground, gassing, odours or other apparent contamination are encountered during the development process, work should stop and Development Management should be notified. This might necessitate undertaking a suitable site-specific risk assessment for contaminated land, see www.fife.gov.uk/contaminatedland.

Should Development Management approve an application for the site, it is advised that the contaminated land condition LQC3 (attached) be utilised to ensure the site would be developed in accordance with the relevant technical guidance including PAN 33.

Please note that we are not qualified to comment on geotechnical matters relating to ground stability or foundation design. This response is from the Land & Air Quality team; our colleagues in Public Protection may submit their own response in relation to noise, odour or dust nuisance. Should you require any further information or clarification regarding the above comments, please do not hesitate to contact this office.

LQC3

IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED that was not identified by the developer prior to the grant of this planning permission, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

Planning Portfolio Internal Assessment Sheet

EPPS Team	Trees, Planning Services
Application Ref Number:	23/01208/FULL
Application Description:	Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing
Date:	21/06/2023

Important Note

This is an internal planning assessment response provided from within Economy, Planning and Employability Service. It forms part of the overall assessment to be carried out by Staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course.

Assessment Summary

POLICIES:

1.0 Adopted FIFEPlan (2017) Spatial Strategy: Section 26: Fife’s rich natural, built and cultural heritage assets attract tourism to the area and encourage investment. These assets are protected by policies in the Plan. Preserving the local character of settlements and landscapes across Fife, (particularly where these are considered to have distinct and special qualities), and avoiding the loss or degradation of natural resources are fundamental principles of the Plan.

1.1 Adopted FIFEplan Policy 1 (Part B (7)); Policy 10 (7 and 8); and Policy 13: Proposals should safeguard the character and qualities of the local and natural environment and wider landscape, proposals should not lead to the loss of amongst others protected trees and woodland. Further guidance on how these qualities will be interpreted and addressed are provided in Fife Council's Making Fife's Places Supplementary Guidance document. Policy 13 of FIFEplan also reiterates that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance including in this amongst others listed woodlands and trees and hedgerows that have a landscape, amenity or natural conservation value.

1.2 Scottish Government Policy Statement Creating Places: An emphasis should be placed on creating a 'sense of place' and taking cognisance of the context of the surrounding area and wider environment. Local Development Plans should have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live, and ensure proposals have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

2.0 CONTEXT

2.1 The site "Former Ironworks Station Road Auchtermuchty Fife" is not affected by any Conservation Areas, Tree Preservation Orders, or any other relevant protections affecting trees.

3.0 OVERALL ASSESSMENT

3.1 The topographical maps provided show that there are several extant trees in and around the site, some of which have the potential to be affected by development works. As such, a tree survey should be undertaken to detail what trees have the potential to be affected by the proposal and what tree works/removals will be required. This should include information on tree root protection areas in relation to development areas.

3.2 A Tree protection plan will also be required since development will take place in close proximity to trees. This should show on a map where protective fencing will be erected in relation to tree root protection areas. This should also include information on the type of fencing to be erected.

3.3 If any trees are to be removed to accommodate this proposal, then in order to not create a net loss in biodiversity these removals will need to be offset with new planting. This is conditional on there being tree removals required, but if there are then additional information will be required as to what mitigatory planting will take place. Further, if this mitigatory planting is extensive then maintenance plans may also be conditionally requested.

4.0 CONCLUSION

4.0 In the first instance, an arboricultural survey should be undertaken.

Important note

The above internal planning assessment response has been prepared at officer level within the Economy, Planning and Employability Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Signed by J Treadwell, Tree Protection Officer, Policy & Place Team
Date: 21/06/2023 E-mail: james.treadwell@fife.gov.uk

Planning Portfolio Internal Assessment Sheet

EPPS Team	Archaeology Team, Planning Services
Application Ref Number:	23/01208/FULL
Application Description:	Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing
Date:	
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input type="checkbox"/> Non-statutory
Consultation Summary	

Important Note

This is an internal planning assessment response provided from within Economy, Planning and Employability Service. It forms part of the overall assessment to be carried out by Staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course.

Assessment Summary

1.0 POLICY CONTEXT

Local Plans

Relevant FIFEplan policies on built and historic environment:

- **Policy 1** – Development Principles

Part B

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

2. *Avoid the loss of valuable cultural, tourism and community resources*

- **Policy 14** – Built and Historic Environment

All archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where:

- *Remains are preserved in-situ and in an appropriate setting; or*
- *There is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.*

Proposals will not be supported where it is considered they will harm or damage:

- *Patterns of traditional orchards and medieval garden riggs*

In all the above, development proposals must be accompanied with the appropriate investigations. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations.

Applying Policy 14

11. The archaeological investigation of all buried sites and standing historic buildings within an Archaeological Area of Regional Importance will be required in advance of development unless good reason for an exemption can be shown.

Relevant International and national cultural heritage policy and guidance that underpins FifePLAN Policy 14:

- *National Planning Framework 4, Policy 7*
- *Scottish Planning Policy (2014) Paragraphs 135-151: Valuing the Historic Environment, particularly paragraph 150 'Archaeology and Other Historic Environment Assets'*
- *Planning Advice Note (PAN) 2/2011: Planning and Archaeology*
- *Town and Country Planning (Scotland) Act 1997, the Planning etc (Scotland) Act 2006, and the Historic Environment (Amendment) (Scotland) Act 2011*
- *Historic Environment Policy for Scotland (HES, 2019)*
- *Our Place in Time - the Historic Environment Strategy for Scotland (2014)*
- *The European Convention on the Protection of the Archaeological Heritage (Revised) 1992*
- *Historic Environment Scotland's Managing Change in the Historic Environment series, particularly Managing Change in the Historic Environment: Gardens and Designed Landscapes (2016)*
- *Visual Impact Assessment (2002) guidance note series*

2.0 ARCHAEOLOGICAL ASSESSMENT

2.1 The archaeological implications of this proposal have been assessed against all statutory and non-statutory heritage constraint data sets held by Fife Council, including:

- Scheduled Ancient Monuments
- Non-Statutory List of Monuments
- National Inventory of Gardens & Designed Landscapes
- National Inventory of Historic battlefield Sites
- Conservation Areas
- Archaeological Areas of Regional Importance
- Archaeological Sites of Regional Importance
- Non-Statutory archaeological sites (FSMR & NMRS sites)
- Archaeological Unit library
- HES aerial photograph transcription data
- HES ground survey data
- HES Historic Landscape Assessment data
- Ordnance Survey historic mapping (all editions back to the First Edition)
- Historic cartographic material
- Listed Building data
- GIS archaeological landscape and comparative modelling approaches
- Lidar data

3.0 OVERALL ASSESSMENT

3.1 Advice is sought on the archaeological implications of the extension of industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing at the former ironworks site on the southern edge of Auchtermuchty.

3.2 A small portion of the northern area proposed for development formerly operated as a foundry. It was established in the mid-1870s by Robert Ferlie & Sons, supplying iron castings to the neighbouring John White & Sons at 19 Station Road (producers of cast iron balance scales). The foundry ceased production in the early 1990s when all, but some ancillary buildings of little historic significance were demolished.

4.0 CONCLUSIONS

4.1 Nothing of archaeological/historic significance remains on site.

5.0 RECOMMENDATIONS (include any suggested conditions/planning obligations if considering approval)

5.1 Should consent be granted, no archaeological works will be required.

Important note

The above internal planning assessment response has been prepared at officer level within the Economy, Planning and Employability Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Signed: Douglas Speirs, Archaeologist, Development Plan Team
Date: 4th July, 2023
E-mail: Douglas.Speirs@fife.gov.uk
Number: 473748

Signed by *insert name and upload to Consultee Access* (Service Manager)
Date _____
E-mail _____
Number _____

NB Referral to Senior Manager by Service Manager on a need to know basis.
Effective from January, 2015.

**Consultation Request Notification
Planning Services Internal Assessment Sheet**

Team Consulted:	Natural Heritage, Policy & Place
Application Ref Number:	23/01208/FULL
Application Description:	Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing
Date:	07/07/2023
Case Officer:	Sarah Purves
Reason for assessment request/consultation	
Consultation Summary	

Important Note

This is an internal planning assessment response which has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon, but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course.

Assessment Summary

1.0 POLICY CONTEXT

National Planning Framework 4

The Scottish Parliament voted to approve Scotland's fourth National Planning Framework (NPF4) on 11 January 2023. Provisions of the Planning (Scotland) Act 2019 were enacted on 12 February 2023, with NPF4 being subsequently adopted on 13 February 2023 at 9am. Upon adoption, NPF4 superseded the 2014-issued Scottish Planning Policy.

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of a planning application is to be made in accordance with the development plan unless material considerations indicate otherwise.

Policies of relevance to this application include:

Policy 3 Biodiversity

This Policy aims to “...*protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.*” The targeted result is for development to

enhance biodiversity and ensure better connections through strengthened nature networks and use of nature-based solutions.

Policy 4 Natural places

This Policy aims to “...*protect, restore and enhance natural assets, making best use of nature-based solutions.*” The targeted result is for development to ensure natural places are protected and restored and that natural assets are managed in a sustainable way such that their essential benefits and services are both maintained and grown.

Policy 6 Forestry, woodland and trees

This Policy aims to “...*protect and expand forests, woodland and trees.*” The aim is to protect existing trees and woodlands, expanding the cover and ensure that these resources are sustainably managed on development sites. There is a focus on habitat enhancement, or expansion to prevent fragmentation and improve ecological connectivity. Policy for woodland removal and compensatory planting is also covered.

Policy 20 Blue and Green Infrastructure

This Policy aims to “...*protect and enhance blue and green infrastructure and their networks.*” The defined result is to ensure blue and green infrastructure are integral to development design from an early stage in the process and are designed to deliver multiple functions, including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management. An additional benefit identified for communities is the increased access to high quality blue, green and civic spaces.

Policy 22: Flood risk and water management Policy Principles

This Policy aims to “...*to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.*” The defined result is to ensure places are resilient to current and future flood risks; efficient and sustainable water resource use; and promote wider use of natural flood risk management to benefit people and nature. This will involve utilisation of the blue green infrastructure.

FIFEPlan

Policy 1 (Part B) 7, 8 and 9: Development Principles

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

7. Safeguard the character and qualities of the landscape.
8. Avoid impacts on the water environment.
9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites.

Policy 12 – Flooding and the Water Environment

Development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively:

3. Detrimentially impact on water quality and the water environment, including its natural characteristics, river engineering works, or recreational use.
4. Detrimentially impact on future options for flood management.

Policy 13 – Natural Environment and Access

Development proposals will only be supported where they protect or enhance natural heritage and access assets. Where adverse impacts on existing assets are unavoidable we will only support proposals where these impacts will be satisfactorily mitigated.

Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in *Making Fife's Places Supplementary Guidance*.

In the particular case of development proposals that affect national sites, such proposals will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

The application of this policy will require to safeguard (keeps open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route it must be suitably re-routed before the development commences, or before the existing route is removed from use.

2.0 CONTEXT

- 2.1 This application relates to the extension of an existing industrial unit and creation of additional yard space, car parking and a sustainable drainage system (SuDS) to handle increased runoff from the additional proposed hard surfaces, with this to be installed in what is currently an agricultural field.
- 2.2 The FIFEplan interactive mapping resource indicates this site to be partially within the Auchtermuchty settlement envelope (the building extension) and also extending beyond the envelope (SuDS, yard and car parking).

3.0 OVERALL ASSESSMENT

- 3.1 FIFEplan states that all development should be considered through Policy 1. Examination of FIFEplan and review of the various publicly available interactive Council natural heritage mapping resources indicates that there are several natural heritage priorities within either close proximity or a potential Zone of Influence of the application site:
 - The Greenspace record notes the yard/car park/SuDS part of the site as *Open space*
 - The Fife Integrated Habitat Network (IHN) record identifies the Auchtermuchty Burn and its tributary the Barroway Burn which joins it to the south of the SuDS outfall as part of the *Wetland* IHN.
- 3.2 There are no development or other natural heritage priorities (sites designated for nature conservation, TPOs, etc.) within either close proximity or a Zone of Influence/zone of potential construction disturbance. No potential access issues, relating to the Core Path Network, have been identified.
- 3.3 The standard requested approach to natural heritage site assessment for planning applications is as follows:
 - *Making Fife's Places Supplementary Guidance* provides information on the site assessment which must be submitted for natural heritage and biodiversity. A habitat survey should be undertaken and be used to help inform what further surveys are required. Any Protected Species (European and UK/Scotland) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals, following recognised current UK/Scottish guidelines and methodologies and the

approach taken must be consistent. Surveys should be reported in full, with mapping provided as appropriate.

- Documents and plans should clearly identify existing natural heritage assets and how they are being retained and protected (e.g. any trees). A suitable buffer must be maintained between these and any development. No buildings or garden ground should be included in the buffer area.
- As required by policy and as detailed in *Making Fife's Places Supplementary Guidance*, biodiversity enhancement should be considered throughout the design process and details of this must be provided with the application. A proposed development will need to demonstrate an integrated approach to natural heritage and biodiversity, landscaping and Sustainable Drainage System (SuDS) design.
- To maximise biodiversity, native species of local or Scottish origin should be specified for landscaping. Also expected would be use of some of the following: native species-rich hedgerows, swales, plot raingardens, integrated bat roost boxes, integrated bird nesting boxes, and wildflower grassland instead of amenity grassland. *Making Fife's Places Supplementary Guidance* covers the integration of biodiversity enhancement into design. Further guidance is available from NatureScot in the form of their publication *Developing with Nature Guidance*¹, which is set within the framework of NPF4 Policy 3 and provides details of how to take nature into account when submitting a planning application and the types of enhancement available.
- From the Natural Heritage perspective, there is a design preference for surface water management to be removed from pipes as far as possible, as this provides an opportunity to create wildlife-friendly, visually attractive SuDS features that integrate with landscaping and amenity and deliver biodiversity enhancement.
- With regards to access and public rights of way, the responsibilities of land managers (and any appropriate provisions that may be required) are detailed in the Scottish Outdoor Access Code (SOAC), under the terms of the Land Reform (Scotland) Act 2003, as amended in 2016.

3.4 This application is supported by a package of documents which include:

- Doc 01 *Proposed Extension to Existing Building* (Campbell of Doune Ltd., April 2023) displays the proposed layout of the site.
- Doc 07 *Drainage Layout Plan & Details* (Campbell of Doune Ltd., April 2023). This drawing details the surface water management design, including SuDS basin and outfall headwall location.
- Doc 08 *Surface Drainage Design Report* (Campbell of Doune Ltd., March 2022) includes a note of the SuDS detention pond capacity and discharge flow rate (including hydrobrake)

4.0 CONCLUSIONS/RECOMMENDATIONS

4.1 Though clearly of a simple mix of habitats, an assessment of the ecological baseline (in the form of an extended habitat survey as a minimum, i.e. to include assessment of both the habitats present and any potential for use of these by Protected Species) is still deemed to be appropriate for this site, particularly in view of the SuDS pond and its proposed outfall to the Auchtermuchty Burn, the drainage run of which will access the burn through a line of apparently mature trees.

¹ NatureScot (2022). *Developing with Nature Guidance. Guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c)*. Available online at: [Developing with Nature guidance | NatureScot](#)

- 4.2 As an additional consideration, the Planning Case Officer should be satisfied that the drainage outfall does not require any further scour protection to the channel of the Auchtermuchty Burn – this will be a factor of the designed release flow rate and the outfall headwall design (as relates to angle of discharge relative to the direction of burn flow and its flow rate). The wrong angle of confluence and flow rate could potentially result in excessive scour.
- 4.3 There is no indication of how the soft landscaping is to be treated. A landscape design is to be expected, especially in light of the biodiversity enhancement requirements of the relevant NPF4 and FIFEplan policies. Liaison with an ecologist would be recommended, to ensure the correct mix of treatment/use of planting specification to guarantee compliance with national and local biodiversity policies and priorities.
- 4.4 For the application to be compatible with the aims of the FIFEplan policies relating to the natural environment, access, flooding and the water environment, it must address the matters noted above and be supported by the information identified and as detailed in *Making Fife's Places Supplementary Guidance*.

Signed by: M Berry MCIEEM PIEMA, Natural Heritage Officer
Date: 07 July 2023
E-mail: mark.berry-ps@fife.gov.uk
Number: 03451 555555 extension: 474548

Agenda Item 5(1)

159 Main Street, Lochgelly, KY5 9JR
Application No. 22/04007/FULL

Planning Decision Notice

AJ Montgomery Associates
Arthur Montgomery
8 Hunter Street
Kirkcaldy
Scotland
KY1 1ED

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/04007/FULL

Date 13th September 2023

Dear Sir/Madam

Application No: 22/04007/FULL

Proposal: Alterations to and change of use from shop (Class 1A) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation

Address: 159 Main Street Lochgelly Fife KY5 9JR

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Brian Forsyth, Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 22/04007/FULL
Proposal: Alterations to and change of use from shop (Class 1A) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation
Address: 159 Main Street Lochgelly Fife KY5 9JR

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/04007/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of supporting the vitality and viability of the core retail area of Lochgelly Town Centre and the vibrancy, health and resilience of the centre as a place to enjoy and visit, the proposed change of use from retail (Class 1A) to a non-commercial residential use (sui generis) and resulting increase in dead frontage expected to undermine the role and function of the core retail area, contrary to Policies 1: Development Principles and 6 : Town Centres First of the adopted FIFEplan Fife Local Development Plan (2017) and Policy 27 City, Town, Local and Commercial Centres of the adopted National Planning Framework 4 (2023).

Dated:13th September 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Block Plan
03	Existing various eg elevation, floor etc
04	Floor Plan Existing
05	Proposed various - elevation, floor etc
06	Photographs
07	Low Carbon Sustainability Checklist

Dated:13th September 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 5(2)

**159 Main Street, Lochgelly, KY5 9JR
Application No. 22/04007/FULL**

Report of Handling

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	159 Main Street, Lochgelly, Fife		
PROPOSAL	Alterations to and change of use from shop (Class 1A) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation		
DATE VALID	14/06/2023	PUBLICITY EXPIRY DATE	27/07/2023
CASE OFFICER	Brian Forsyth	SITE VISIT	None
WARD	Lochgelly, Cardenden And Benarty	REPORT DATE	08/09/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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.

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

The adopted FIFEplan Fife Local Development Plan (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.

Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's letter adds that provisions that are contradictory or in conflict would likely be considered incompatible.

1.0 BACKGROUND

1.1 This application site relates to a c. 56 square metres unoccupied ground floor shop (Class 1A) fronting the north side of Main Street, Lochgelly, midway between Bank Street and High Street. This stretch of the street is towards the edge of the recognisable commercial area of the town centre, a takeaway premises nearer High Street being the only other commercial premises beyond on the same side of the street before the commercial area ends. Aside from the applicant's adjacent ground floor flat, this stretch of the street is characterised by ground floor commercial and service uses with flats on the first floor. The agent states that the premises have been vacant for some six years, online street imagery suggesting over seven years, consistent with assertions previously made (see 1.3 below).

1.2 Full planning permission is sought for alterations to and change of use from the shop to form an enlargement to the applicant's adjacent ground floor flat, including formation of window openings to the front elevation in lieu of the existing shopfront. The enlargement is shown for use as a living area with shower room/WC and utility area all to the rear, connecting through to the existing flat by removal of a stretch of wall.

1.3 The applicant applied for a very similar development of the site on 27 September 2017, under ref. 17/03180/FULL. The then agent's supporting statement advised that use as a shop had ceased on 16 July 2016. The application was refused on 25 January 2018, for the following reason: "In the interests of safeguarding the role and function of the core retail area of the Lochgelly Town Centre; the proposed change of use from retail (Class 1) to a non-commercial residential use (Sui Generis) would result in the loss of a ground floor retail premises which would have an adverse effect on the vitality and viability of the core retail area of the Lochgelly Town Centre; all contrary to Policies 1 and 6 of the adopted FIFEplan (2017)." The applicant sought to appeal the decision but was advised by the DPEA that they had no remit to accept or consider. There is no record of a subsequent application to Fife Planning Review Body in respect of the proposal.

1.4 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow for the full assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. Online satellite/aerial and street imagery provides good coverage of the site.

2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed as part of the development plan and other guidance are as follows:

- Principle of Development

- Design/Visual Impact
- Residential Amenity
- Road Safety/Transportation

2.2 Principle of Development

2.2.1 NPF4 states that a plan-led approach is central to supporting the delivery of Scotland's national outcomes and broader sustainable development goals, reinforcing the provisions of Section 25 of the Act.

2.2.2 FIFEplan Policy 1: Development Principles states that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the local development plan. FIFEplan Policies 1: Development Principles and 6: Town Centres First collectively state that town centres will be the first choice for uses likely to attract a large number of people including retail, offices, leisure, entertainment, recreation, cultural, and community facilities. It also states that development proposals will only be supported where they comply with the respective uses and roles of the defined networks of centres as defined in FIFEplan and where they will have no significant adverse effect on the vitality and viability of town centres and the local economy. Figure 6.5 in FIFEplan Policy 6 states that within the core retail area for Lochgelly, only Classes 1, 2, 3 and 11 would be acceptable at ground floor level. FIFEplan Policy 6 also advises that within core retail areas, changes of existing ground floor commercial uses (specifically including retail) to non-commercial uses (specifically including residential) will not be supported.

2.2.3 NPF4 Policy 27 City, Town, Local and Commercial Centres states that proposals for residential use at ground floor level within town centres will only be supported where the proposal will: i. retain an attractive and appropriate frontage; ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and iii. not result in an undesirable concentration of uses or 'dead frontages'.

2.2.4 The site is located within the Core Retail Area of Lochgelly Town Centre in terms of FIFEplan and would involve the change of an existing ground floor commercial use to a non-commercial use. Whilst it is acknowledged in terms of the above provisions of policy that residential uses have a role to play in town centres, FIFEplan Policy 6: Town Centres First specifically states that within core retail areas, changes of existing ground floor commercial uses to non-commercial uses will not be supported. The town centre framework for Lochgelly states that only Classes 1, 2, 3 and 11 are acceptable at ground floor level, within the core retail area. The loss of this existing retail commercial premises within this core retail area could, therefore, set an undesirable precedent and would detrimentally impact upon the role and function of the core retail area of the Lochgelly Town Centre as defined within FIFEplan. Whilst it is recognised that the unit has been vacant for several years, the proposed change of use would sterilise the premises from being brought back into use for commercial purposes. As such, it is considered that the principle of the proposed change of use from a retail use to a non-commercial residential use is not acceptable as it would have an adverse impact on the vitality and viability of the core retail area, contrary to the above provisions of FIFEplan policy relating to the principle of the development. In light of this adverse impact on the vitality and viability of the core retail area, and the increased 'dead frontage' in this part of the area, the proposal is also considered contrary to the above provisions of NPF4 policy in relation to the principle of the development.

2.3 Design/Visual Impact

2.3.1 NPF4 Policy 14: Design, Quality and Place states that proposals will not be supported where detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, including 'pleasant'. NPF4 Policy 27 City, Town, Local and Commercial Centres states that proposals for residential use at ground floor level within town centres must retain an attractive and appropriate frontage. FIFEplan Policy 1: Development Principles adds that the individual and cumulative impacts of development proposals are to be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. FIFEplan Policy 10 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, amongst other things, the visual impact of the development on the surrounding area.

2.3.2 The proposed new window arrangements would match those of the existing flat and would not give rise to any significant detrimental impact on the visual amenity of the area, rather presenting an attractive and appropriate-looking frontage, consistent with being 'pleasant'. As such, it is considered that the proposal accords with the above provisions of policy in relation to design/visual impact.

2.4 Residential Amenity

2.4.1 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area or inconsistent with the qualities of successful places will not be supported, including in terms of noise. NPF4 Policy 23 Health and Safety states that development proposals that are likely to raise unacceptable noise issues will not be supported. FIFEplan Policy 1: Development Principles states that development proposals must address their individual and cumulative impacts, complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. FIFEplan Policy 10 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, amongst other things, noise. Fife Council's Policy for Development and Noise (2021) is also relevant here.

2.4.2 Fife Council's Environmental Health (Public Protection) ((EH(PP))) team were consulted on the very similar proposals the subject of the previous application for planning permission and raised no objection. Taking these views of EH(PP) into particular account, it is considered that the residential amenity of the enlarged flat and the resulting residential amenity of the surrounding area would be acceptable in terms of and accord with the above provisions of policy and guidance relating to residential amenity.

2.5 Road Safety/Transportation

2.5.1 FIFEplan Policy 1: Development Principles states that development proposals must address their individual and cumulative impacts, complying with relevant criteria and supporting policies, including improving existing infrastructure capacity and complying with Policy 3: Infrastructure and Services. FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure; where necessary and appropriate as a direct consequence of the development or as a consequence of

the cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served adequate infrastructure and services; such infrastructure and services may include, amongst other things: local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in the Council's Making Fife's Places Supplementary Guidance (2018); development proposals will demonstrate how they will, amongst other things, address any impacts on road safety.

2.5.2 Planning Services' Transportation Development Management team (TDM) raises no objection and offers no comment. Taking into account TDM's position and that the road traffic impacts associated with the proposed use would be expected to be significantly less than for continued use as a shop, it is considered that the proposal accords with the above provisions of policy and guidance in relation to road safety/transportation.

CONSULTATION RESPONSES

TDM, Planning Services

No objection.

REPRESENTATIONS

None.

CONCLUSION

Whilst the development would accord with the provisions of policy and guidance in relation to design/visual impact, residential amenity and road safety/transportation, the overriding determining issue in this instance is the impact the change of use would have on the role and function of the core retail area of Lochgelly Town Centre, the loss of ground floor commercial premises to non-commercial uses not supported in such areas in terms of the adopted FIFEplan Fife Local Development Plan (2017), it standing to be considered, therefore, that the development would have an unacceptable adverse impact on the vitality and viability of the core retail area of the Lochgelly Town Centre. In light of this unacceptable adverse impact on the vitality and viability of the core retail area, and the increased 'dead frontage' in this part of the area that would result, the development is also not supported in terms of the adopted National Planning Framework 4 (2023). Overall, the development is contrary to the development plan, with no material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of supporting the vitality and viability of the core retail area of Lochgelly Town Centre and the vibrancy, health and resilience of the centre as a place to enjoy and visit, the proposed change of use from retail (Class 1A) to a non-commercial residential use (sui generis) and resulting increase in dead frontage expected to undermine the role and function of the core retail area, contrary to Policies 1: Development Principles and 6 : Town Centres First of the adopted FIFEplan Fife Local Development Plan (2017) and Policy 27 City, Town, Local and Commercial Centres of the adopted National Planning Framework 4 (2023).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted National Planning Framework 4 (2023)
Adopted FIFEplan Fife Local Development Plan (2017)
Adopted Making Fife's Places Supplementary Guidance (2019)

Other

Fife Council Policy for Development and Noise 2021

Agenda Item 5(3)

159 Main Street, Lochgelly, KY5 9JR
Application No. 22/04007/FULL

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100654000-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Montgomery Forgan Associates		
Ref. Number:	6230	You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	Eden Park House
Last Name: *	Queripel	Building Number:	
Telephone Number: *	01334 654936	Address 1 (Street): *	Eden Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Cupar
Fax Number:		Country: *	Scotland
		Postcode: *	KY15 4HS
Email Address: *	davidq@montgomery-forgan.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text" value="163"/>
Last Name: *	<input type="text" value="Hamill"/>	Address 1 (Street): *	<input type="text" value="Main Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lochgelly"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY5 9JR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@montgomery-forgan.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="159 MAIN STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOCHGELLY"/>
Post Code:	<input type="text" value="KY5 9JR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="693425"/>	Easting	<input type="text" value="318749"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations to and change of use from shop (Class 1A) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See papers apart

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See papers apart

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/04007/FULL

What date was the application submitted to the planning authority? *

14/06/2023

What date was the decision issued by the planning authority? *

13/09/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr David Queripel

Declaration Date: 07/12/2023

Notice of Review

Refusal of Planning Permission Ref. 22/04007/FULL
for Alterations to and Change of Use from Shop (Class 1A)
to Form Enlargement to Flatted Dwelling (sui generis),
including Formation of Window Openings to Front Elevation
at 159 Main Street, Lochgelly

December 2023

INDEX

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- 5.0 THE DEVELOPMENT PLAN AND MATERIAL PLANNING CONSIDERATIONS
- 6.0 CONCLUSIONS

1.0 INTRODUCTION

- 1.1 This notice of review is on behalf of Mr and Mrs Hamill who live at 163 Main Street, Lochgelly, KY5 9JR. It relates to a small retail premises at 159 Main Street Lochgelly which has lain empty for around 7 years.
- 1.2 Mr and Mrs Hamill bought 159 Main Street to undertake a modest extension to their existing ground floor flat which had been extended into 161 Main Street in 1999.
- 1.3 The planning application was refused for the following single reason:

“In the interests of supporting the vitality and viability of the core retail area of Lochgelly Town Centre and the vibrancy, health and resilience of the centre as a place to enjoy and visit, the proposed change of use from retail (Class 1A) to a non-commercial residential use (sui generis) and resulting increase in dead frontage expected to undermine the role and function of the core retail area, contrary to Policies 1: Development Principles and 6: Town Centres First of the adopted FIFEplan Fife Local Development Plan (2017) and Policy 27 City, Town, Local and Commercial Centres of the adopted National Planning Framework 4 (2023).”

2.0 BACKGROUND

- 2.1 Mr and Mrs Hamill have lived at their present address at 163 Main Street Lochgelly for well over 20 years. It is a ground floor flatted dwelling comprising of a very modest amount of living accommodation. In 1999 Mr and Mrs Hamill obtained planning permission to extend their dwelling next door into 161 Main Street in order to provide a modest kitchen extension. At the time, 161 Main Street was a small shop.
- 2.2 Around 2016 a local builder bought a number of properties at auction within this part of Lochgelly and redeveloped them for sale, including 159 Main Street. Due to its small size, 159 Main Street remained undeveloped and unsold until Mr and Mrs Hamill bought the property from the builder around 2017. This was after having received verbal advice from Fife Council's planning service that the property could be changed from a retail premises to an extension to their flatted dwelling if the retail use of the premises had been discontinued for a year or more.
- 2.3 Mr and Mrs Hamill then applied for planning permission to extend their flatted dwelling into 159 Main Street. The planning application was subsequently refused as Fife Council's planning service considered that the loss of a ground floor retail premises within Lochgelly town centre would have an adverse effect on the vitality and viability of the town centre.
- 2.4 This was an extremely disappointing outcome, bearing in mind the verbal advice that Mr and Mrs Hamill had been given by Fife Council's planning service previously, and the fact that 159 Main Street had lain empty for so long.
- 2.5 Mr and Mrs Hamill mistakenly appealed the refusal to the DPEA rather than to Fife Council's Local Review Body, and they were advised by the DPEA that this was not the correct procedure. By the time the mistake was realised, there was no time to submit a Notice of Review to Fife Council.
- 2.6 Mr and Mrs Hamill therefore decided to approach DM Hall to put the property up for sale as a retail premises as they did not know what else to do. DM Hall advised them that the property was unmarketable as a retail premises due to its small size, its location and the general lack of demand for retail floor space in Lochgelly. DM Hall also advised Mr and Mrs Hamill not to waste their money formally marketing the property, as through experience, DM Hall knew there would be no interest in the property as a retail premises. Mr and Mrs Hamill decided that the only thing they could try was to informally advertise the premises themselves through leaflet drops and word of mouth. Absolutely no interest was shown from anyone in purchasing 159 Main Street as a retail premises.
- 2.7 Time has now moved on and the property still remains empty. In addition, Mr and Mrs Hamill's personal circumstances have changed in that Mrs Hamill's father is elderly and in a care home, and Mrs Hamill wants her mother to move in with herself and Mr Hamill, so she can be better cared for.

However, there is no room at 163 Main Street for this to be an outcome. It was for this reason that Mr and Mrs Hamill applied for planning permission again to change 159 Main Street from a retail premises to an extension to their own flatted dwelling in order to form a small lounge, shower room and utility/kitchenette where Mrs Hamill's mother could be better cared for.

2.8 Mr and Mrs Hamill were again extremely disappointed that the planning application was refused by Fife Council's planning service. The refusal was again based on the opinion of Fife Council's planning service that such a change of use would undermine the vitality and viability of Lochgelly's town centre, thus increasing dead frontage which in turn would undermine the role and function of the town centre.

2.9 We would contend that such a minor change of use of a long empty and unwanted retail premises to create a modest extension to 159 Main Street would not harm Lochgelly town centre in any meaningful or material way. In fact, we would argue that the proposal would enhance the appearance of the town centre by bringing a long disused eyesore back into use, which in turn would help enhance a family's life in the local area.

3.0 THE SITE AND PROPOSAL

- 3.1 163 Main Street has lain empty for approximately 7 years and prior to that was a computer repair shop. Internally, the premises measures around 56m². Externally, the premises has the appearance of a typical shop unit. As part of the proposal, the exterior of the premises would be altered to form 2 window openings, essentially the same as the alterations made to 161 Main Street when that retail change of use was approved.
- 3.2 Internally, the proposal would allow the creation of a living area, utility/kitchenette and shower room, where Mrs Hamill's mother could live and be cared for.
- 3.3 This extreme end of Main Street is a one way road. It is narrow and on-street parking is a constant issue for the other retail premises.

4.0 THE RETAIL PREMISES OVERVIEW

4.1 This part of the supporting statement identifies the numerous empty retail premises within Lochgelly town centre and the approximate length of time they have been empty. The accompanying photographs shows their external condition. This is to illustrate that it is vital that a more flexible and considerate approach to planning decision making should be taken in circumstances such as this.

1. 159 Main Street (Notice of Review site) - empty for approximately 7 years
2. 153 Main Street (currently used for temporary storage) - empty for approximately 10 years
3. 162 Main Street - empty for approximately 35 years
4. 142 Main Street - empty for approximately 6 months
5. 120 Main Street - only open 2 days a week having been empty
6. 106 Main Street - empty for approximately 25 years
7. 108 Main Street - empty for approximately 25 years
8. 90 Main Street (former Royal Oak) - empty for approximately 25 years
9. 29 Main Street - empty for approximately 4 years
10. 49 Main Street - empty for approximately 7 years
11. 83 Main Street - empty for approximately 1 year
12. 85 Main Street - empty for approximately 1 year
13. 4 Bank Street - empty for approximately 4 years
14. 17 Bank Street - empty for approximately 1 year
15. 25 Bank Street - empty for approximately 5 years
16. 61 Bank Street (former post office) - empty for approximately 20 years

4.2 The number of retail premises that are currently lying empty within Lochgelly town centre, the length of time they have been empty and the very poor condition of many of these empty premises, demonstrates that there is next to no demand for retail floor space within Lochgelly town centre. It is therefore contended that the loss of a very modestly sized unused retail premises at the extreme end of Lochgelly town centre to form a much needed extension to a family home, will make no difference whatsoever to the vitality and viability of Lochgelly town centre.

5.0 THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

- 5.1 The development plan comprises of the Local Development Plan (FIFEplan) adopted in 2017 (over 7 years ago) and National Planning Framework 4 (NPF4) approved earlier this year.
- 5.2 Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's letter adds that provisions that are contradictory or in conflict would likely be considered incompatible.
- 5.3 The site is located with Lochgelly town centre as identified within FIFEplan. Policy 6: Town Centres, states that within Lochgelly town centre at ground floor level, use classes 1, 2, 3 and 11 will be acceptable. Essentially these use classes comprise of shops, financial and professional services, food and drink and assembly and leisure. It is accepted that the proposal to change 159 Main Street to an extension to Mr and Mrs Hamill's flatted dwelling does not comply with this policy.
- 5.4 However, NPF4 Policy 27: City, town, local and commercial centres, is much more up to date than FIFEplan Policy 6, and therefore should prevail. NPF4 Policy 27 states that development proposals for residential development within city/town centres will be supported including, amongst other matters, the re-use of a vacant building within city/town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to the viability and vitality of the area.
- 5.5 NPF4 Policy 27 goes on to state that development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will retain an attractive and appropriate frontage, not adversely affect the vitality and viability of a shopping area or the wider centre and will not result in an undesirable concentration of uses or 'dead frontages'.
- 5.6 It is contended that the proposal subject to this Notice of Review is compliant with NPF4 Policy 27. The reuse of a long empty retail premises to form a much needed extension to Mr and Mrs Hamill's flatted dwelling, therefore helping Mrs Hamill's elderly mother, will do much to assist the family and the social fabric of the area.
- 5.7 In addition, this part of the town centre already has long established residential dwellings at ground floor level.
- 5.8 As can be seen from the photographs of long empty retail premises in Lochgelly, the proposal will have no negative impact on the viability and vitality of Lochgelly town centre as a whole, as there is already so much vacant retail floor space within much more prominent parts of the town centre. In fact, the proposal will at least re-use one long empty retail premises.

- 5.9 The amendments to the shop front will fit in with what has been approved by Fife Council previously at 161 Main Street and the proposal will do away with a 'dead frontage' rather than a dead frontage continuing to remain.
- 5.10 It is clear that NPF4 Policy 27 has moved on from FIFEplan Policy 6, as it recognises that there has to be flexibility in the use of land and buildings within town centres, especially post COVID, when so many town centres are now struggling to attract mainstream retail uses.

6.0 CONCLUSIONS

- 6.1 The planning policy objectives of NPF4 in relation to town centres have moved on from FIFEplan. In a post covid environment, NPF4 recognises that rigid town centre land use policies are no longer appropriate, with a more flexible approach being advocated.
- 6.2 It is clear that this very modest proposal at the outer edge of Lochgelly town centre will make no material difference at all to the vitality and viability of the town centre. Prominent retail premises within the main part of the town centre have lain empty for years, and some for decades. Nor will it set an undesirable precedent due to it being such a modest proposal within an edge of town centre location.
- 6.3 We would ask that the Local Review Body positively considers this proposal as it will bring a long vacant retail premises back into use and provide much needed family accommodation, thereby allowing an elderly person to be looked after by her family.
- 6.4 We would respectfully ask that planning permission is granted in this case.

Photographs

Lochgelly Town Centre



1. 159 Main Street (Notice of Review site) - empty for approximately 7 years



2. 153 Main Street (currently used for temporary storage) - empty for approximately 10 years



3. 162 Main Street - empty for approximately 35 years



4. 142 Main Street - empty for approximately 6 months



5. 120 Main Street - only open 2 days a week having been empty



6. 106 Main Street - empty for approximately 25 years



7. 108 Main Street - empty for approximately 25 years



8. 90 Main Street (former Royal Oak) - empty for approximately 25 years



9. 29 Main Street - empty for approximately 4 years



10. 49 Main Street - empty for approximately 7 years



11. 83 Main Street - empty for approximately 1 year



12. 85 Main Street - empty for approximately 1 year



13. 4 Bank Street - empty for approximately 4 years



14. 17 Bank Street - empty for approximately 1 year



15. 25 Bank Street- empty for approximately 5 year



16. 61 Bank Street (former post office) - empty for approximately 20 years

Proposal Details

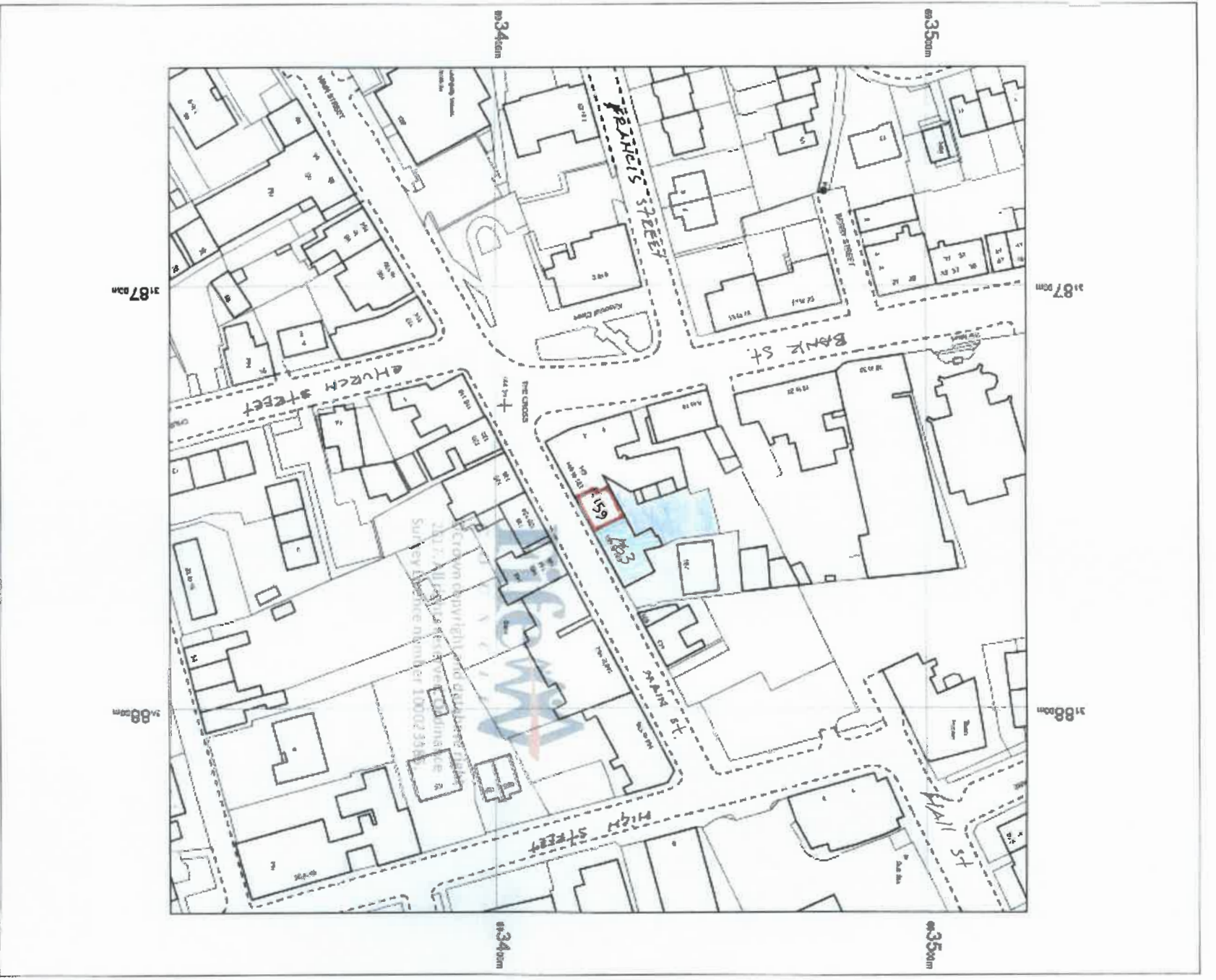
Proposal Name	100654000
Proposal Description of Shop to Enlarged Flat	Appeal to Local Review Body for Change of Use
Address	159 MAIN STREET, LOCHGELLY, KY5 9JR
Local Authority	Fife Council
Application Online Reference	100654000-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Notice of Review Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



Location Plan
 1:1250
 1586-Loc

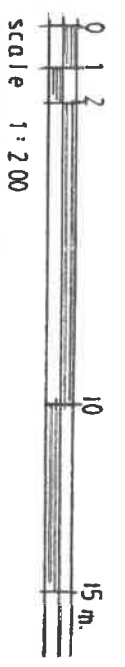
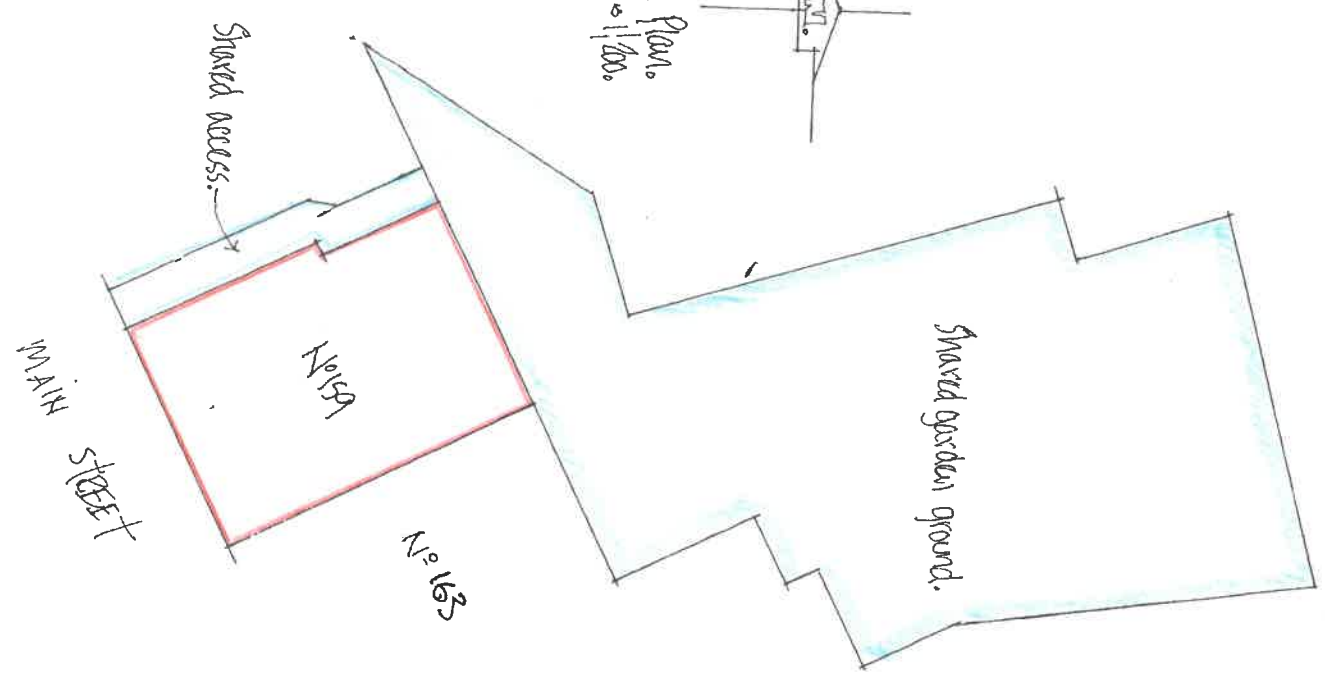
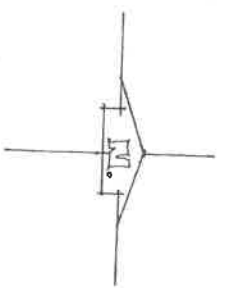
OS MasterMap 1250/2500/10000 scale
 13 April 2015, ID: MNCW-00418852
 mapsnow.co.uk
 1:1250 scale print at A4, Centre: 318749 E, 683424 N



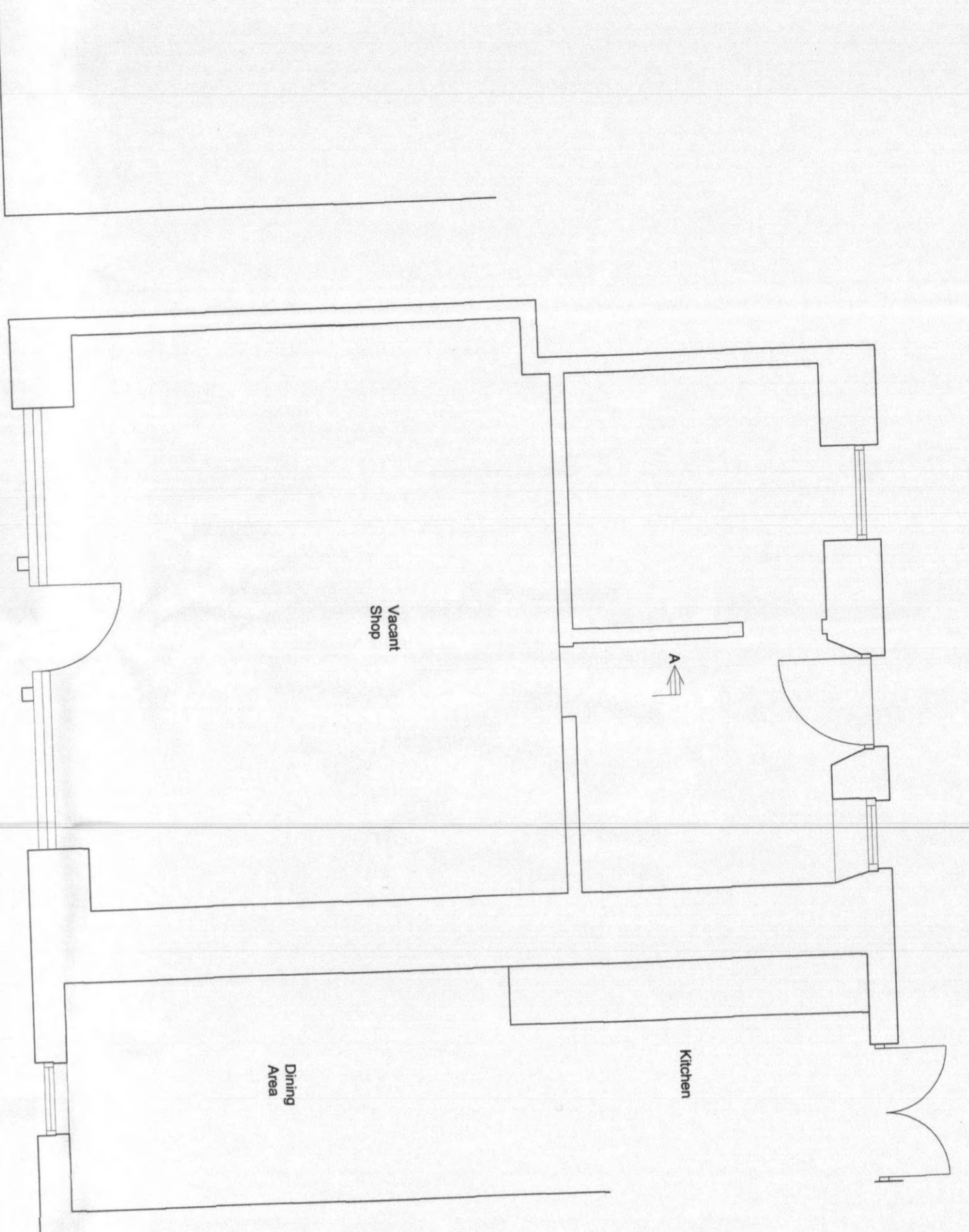
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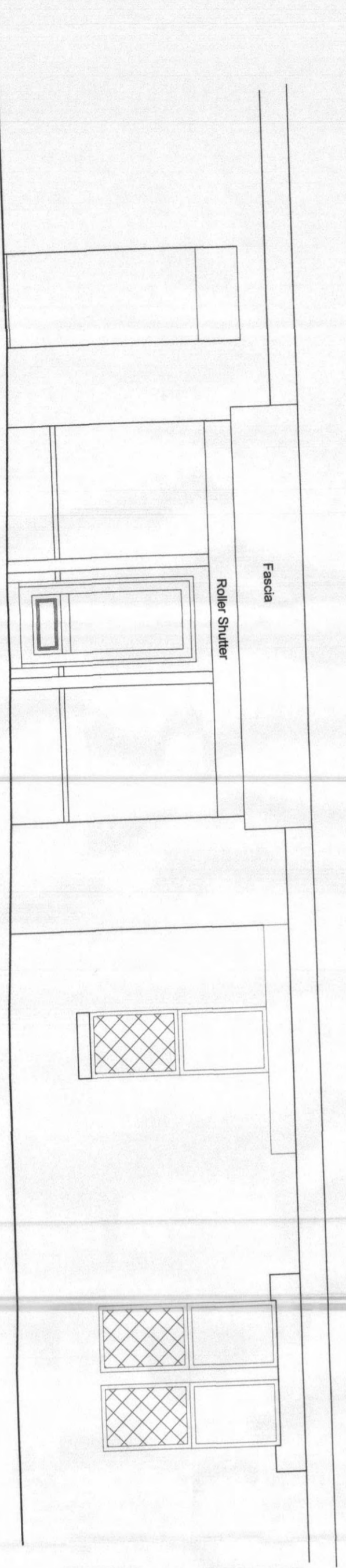
Block Plan.
Scale = 1/1000.



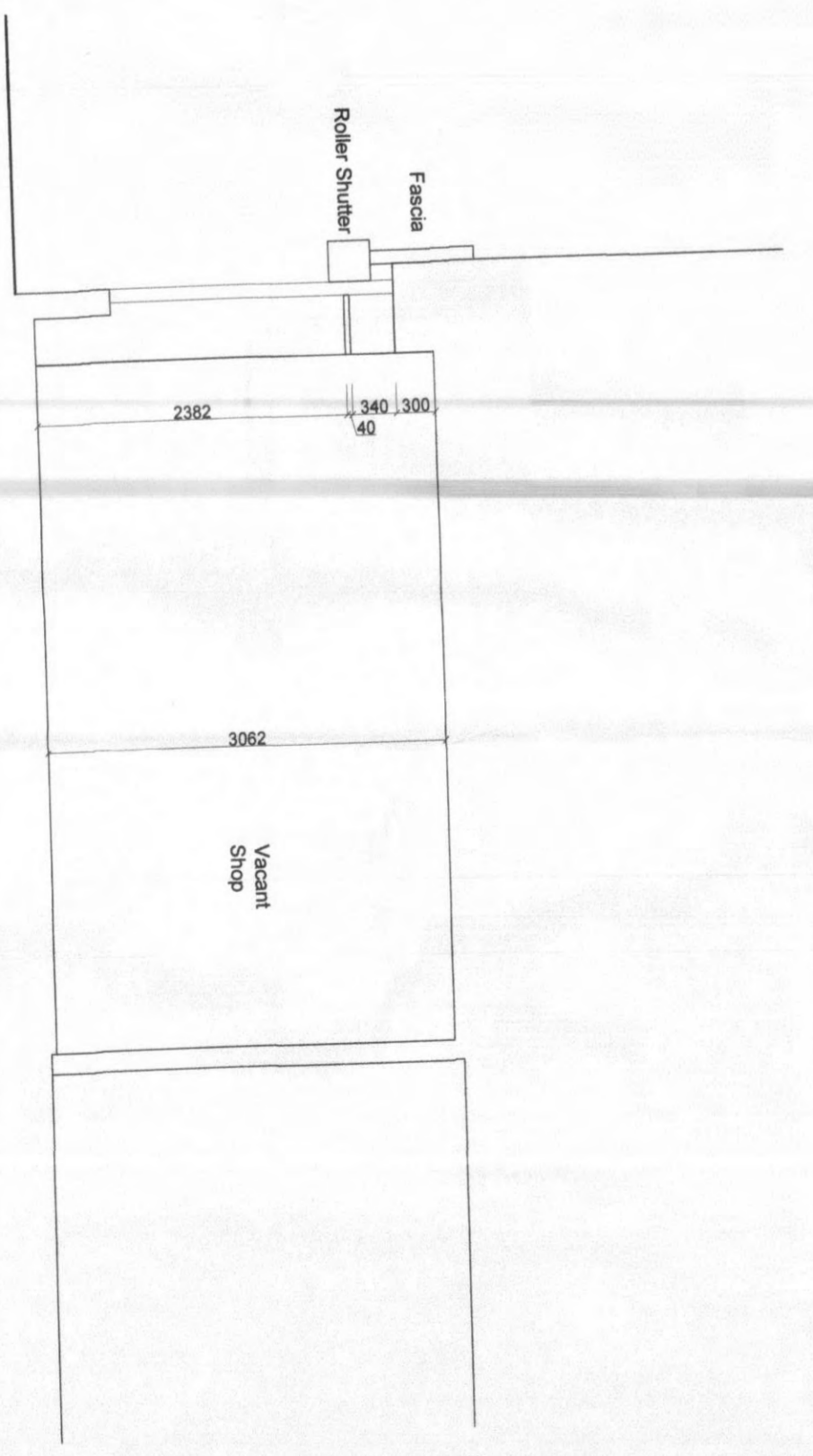
Change of Use and Alterations
159 Main Street
Lymington. 1:200
1586 - Block



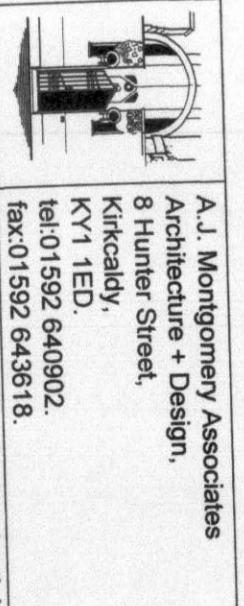
Part Ground Floor Plan



Part Front Elevation



Section A-A



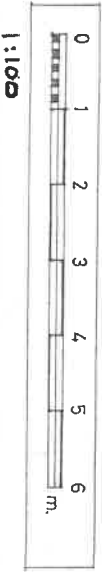
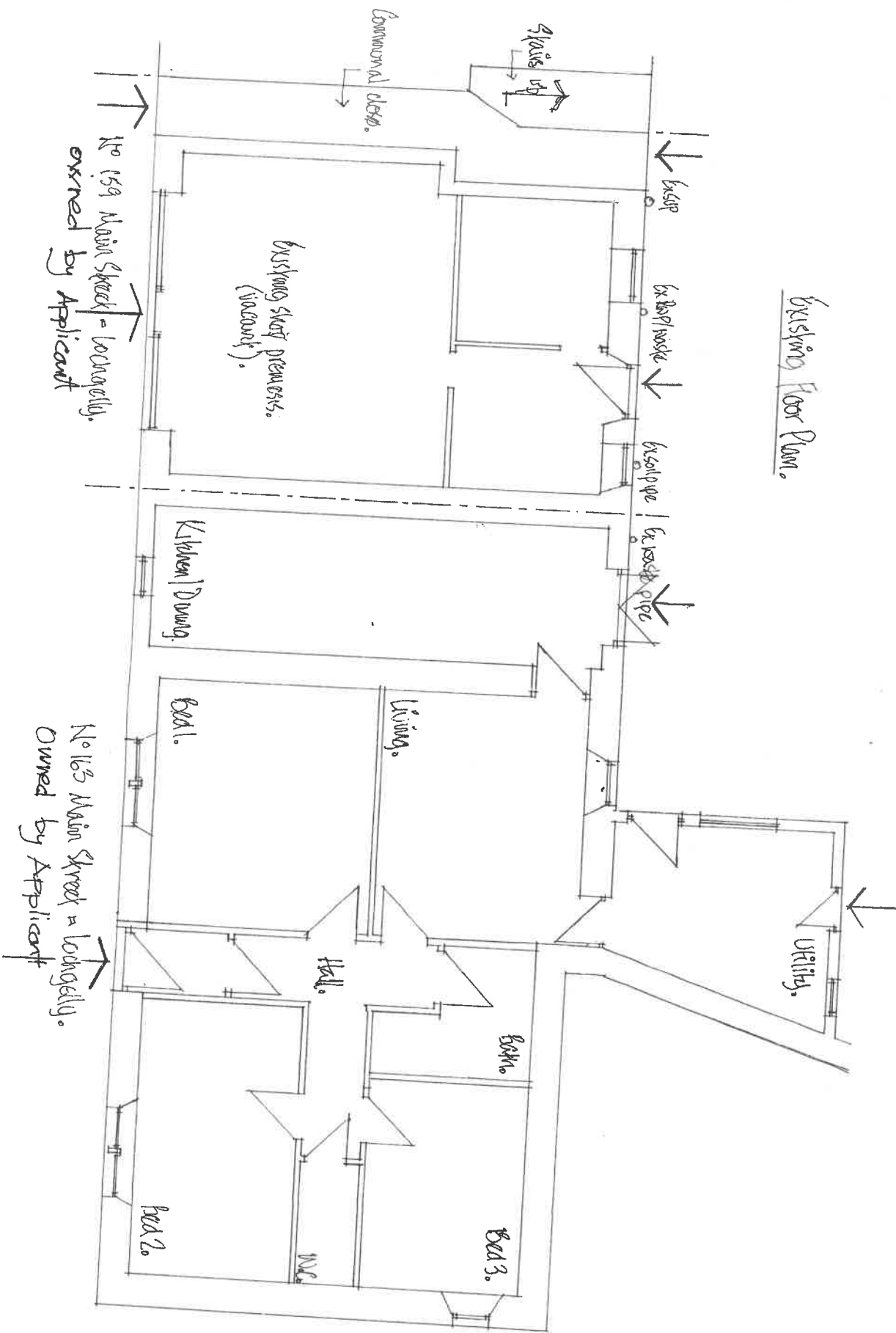
A.J. Montgomery Associates
Architecture + Design,
8 Hunter Street,
Kirkcaldy,
KY1 1ED,
tel:01592 640902
fax:01592 643818

Change of Use From Vacant Retail To Residential
159 Main Street,
Lochgelly.

Existing Part Floor Plan, Front Elevation & Section.
Date: 01/25/22
rev: /
Date

August 2022

Existing Floor Plan.



EXISTING FLOOR PLANS OF NO
 165 & 159, MAIN STREET.
 LOCHGELLY. SCALE 1:100
 DRAWING 1586-0 EXISTING
 Mr. A. Montgomery
 Principal/Owner
 1st Floor
 8 Hunter Street
 Kirkcaldy
 KY1 1ED



SIDE ENTRANCE
TO COMMUNAL
ENTRANCE.
FRONT ELEVATION
AS EXISTING.

NO 159, MAIN ST.
LOCHGELLY

163, MAIN ST.
LOCHGELLY



SHAKE AS LEFT AT A DIFFERENT ANGLE



CLOSE UP PHOTO OF SIDE COMMUNAL ENTRANCE.
DOOR FRONT ELEVATION

PROPOSED CHANGE OF USE FROM VACANT SHOP PREMISES TO GROUND FLOOR
FLAT 159, MAIN STREET AND ALTERATIONS TO NO.163 GROUND FLOOR FLAT TO
MAKE ONE RESIDENTIAL UNIT.

1586-PHOTOS SEPT 2022



FRONT ELEVATION OF 16 ADJACENT TO NO 159



PHOTO OF EXISTING ELEVATION TO FRONT, 163, MAIN ST. LOCHGELLY



PHOTO OF EXISTING FRONT ELEVATION WINDOWS ADJACENT TO RIGHT SIDE OF ENTRANCE DOOR NO 163, MAIN ST. LOCHGELLY.

PROPOSED CHANGE OF USE FROM VACANT SHOP PREMISES TO GROUND FLOOR
 FLAT 159, MAIN STREET AND ALTERATIONS TO NO, 163 GROUND FLOOR FLAT TO
 MAKE ONE RESIDENTIAL UNIT.

1586-PHOTOS SEPT 2022

Agenda Item 5(4)

159 Main Street, Lochgelly, KY5 9JR
Application No. 22/04007/FULL

Consultee Comments

Fife Council
Glenrothes
Fife
KY7 5LT

Advice : HSL-230711143214-368 Does Not Cross Any Consultation Zones

Your Ref: 22/04007/FULL (KF)

Development Name: 159 Main Street Lochgelly Fife KY5 9JR

Comments: Alterations to and change of use from shop (Class 1) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation



The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

This advice report has been generated using information supplied by Keith Foster at Fife Council on 11 July 2023.

Consultee Comments for Planning Application 22/04007/FULL

Application Summary

Application Number: 22/04007/FULL

Address: 159 Main Street Lochgelly Fife KY5 9JR

Proposal: Alterations to and change of use from shop (Class 1) to form enlargement to flatted dwelling (sui generis), including formation of window openings to front elevation

Case Officer: Brian Forsyth

Consultee Details

Name: Mr Andy Forrester

Address: Kingdom House, Kingdom Avenue, Glenrothes, Fife KY7 5LY

Email: Not Available

On Behalf Of: TDM, Planning Services

Comments

TDM have no objections.

Agenda Item 6(1)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Planning Decision Notice

A.S Associates Ltd
Alison Arthur
85 High Street
Newburgh
Fife
KY14 6DA

Planning Services

Emma Baxter

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01726/FULL

Date 12th October 2023

Dear Sir/Madam

Application No: 23/01726/FULL
Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)
Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Emma Baxter, Graduate Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 23/01726/FULL
Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)
Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01726/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding the countryside from unjustified sporadic residential development; the need for a new dwelling at this location has not been justified as the application site lies outwith any defined settlement boundary and the proposal does not meet any of the criteria set out in Policies, 1, 7 or 8 of the Adopted FIFEplan. The proposal is therefore contrary to Policies 1 and 7 of the Adopted FIFEplan (2017) and Policies 29 and 30 of National Planning Framework 4.
2. In the interests of natural heritage/biodiversity; insufficient information by way of the lack of tree report, has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of National Planning Framework 4 and Policies 1 and 13 of the adopted FIFEplan (2017).
3. In the interest of road safety; the proposed development would result in the formation of a new vehicular access which has sub-standard visibility in the south direction and this would introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, all to the detriment of road safety. The proposal is therefore considered contrary to Policy 13 of National Planning Framework 4 and Policies 1 and 3 of the Adopted FIFEplan (2017).

Dated:12th October 2023

Derek Simpson

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location, Block and Other
02A	Proposed various - elevation, floor etc
03A	Planning Statement
04	Drainage Plan
05	Drainage statement/strategy
06	Drainage Details

Dated:12th October 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 6(2)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Report of Handling

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	Woodland At Craigs Plantation, Fordell, Dunfermline		
PROPOSAL	Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)		
DATE VALID	31/07/2023	PUBLICITY EXPIRY DATE	07/09/2023
CASE OFFICER	Emma Baxter	SITE VISIT	None
WARD	Inverkeithing And Dalgety Bay	REPORT DATE	05/10/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

ASSESSMENT

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.

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 adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 Background

1.1 Description

1.1.1 The application site measures approximately 4100 square metres, is located outwith any settlement boundary and is within the countryside as designated within the Adopted FIFEplan (2017). The site is surrounded by a wooded area to the north, south and west with open countryside to the east, and is located approximately 2 kilometres to the south of Crossgates with Dunfermline situated approximately 430 metres to the west. The woodland area directly surrounding the site is designated as semi-natural woodland by Nature Scot, whilst the woodland area to the north and south is part of Nature Scot's Ancient Woodland Inventory and is designated as long-established woodlands of plantation origin. The northern part of the site includes approximately 739 square metres of this ancient woodland. The site is also located within the Cullaloe Hills and Coast Local Landscape Area, the Letham Woods to Fordell Green Network Policy Area ((DGBGN02) and the Fordell Castle Garden and Designed Landscape as designated within the Adopted FIFEplan. The site is also within a Green Network Asset Area (1071) as per the FIFEplan. The east boundary is bound by an approximately one-metre-high post and wire fence and the site is not visible from the B981 distributor road to the west. The site is classed as non-prime agricultural land. The area that forms part of the application site was historically part of a quarry, however, Google Earth aerial View shows that the site had re-naturalised and was covered in trees and grass between 2006 and May 2021. These trees and the grassed area were subsequently removed, and a Type 1 hardstanding area laid to form the access from the B981.

1.2 The Proposal

1.2.1 This application seeks full planning permission for the erection of a holiday cabin, associated drainage infrastructure and formation of access (retrospectively). The proposed holiday accommodation cabin would have a footprint area of approximately 92 square metres, would be approximately 3.5 metres high above ground level and would have a flat roof clad in single ply membrane, a grey coloured facing brick basecourse, dark grey coloured aluminium framed windows and doors and a standing seam steel finish to walls. The cabin would have one bedroom and a decking area measuring approximately 40 square metres. The building has been partially completed. The northern part of the application site (approximately 739 square metres) includes an area of Ancient Woodland, however, no development appears to be proposed within this area. A large area of approximately 2300 square metres is also included within the application site, however, there also appears to be no development proposed within this area.

1.3 Planning History

1.3.1 The relevant planning history for the application site and surrounding area is as follows:

- Full planning permission (21/01837/FULL) for change of use from woodland to hutting site (erection of 3 huts) and associated access and car parking was approved on 7th September 2021. This planning permission included the access from the public road into the site, however, it did not include the proposed access road that has been formed within the proposed site. The approved huts would be located approximately 165 metres to the north of the proposed dwelling.

- Full planning permission (22/01110/FULL) for the rection of dwellinghouse (holiday accommodation for personal use) (Class 9) and formation of access road (part retrospective) was refused on 6th July 2022. This application was refused in the interests of safeguarding the countryside from unjustified sporadic residential development, in the interests of providing adequate surface water management, in the interests of safeguarding trees which have a landscape, amenity and nature conservation value and in the interests of supporting the transition to a low carbon economy

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

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

2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of development
- Design, Scale and Finishes/Visual Impact on Garden and Designed Landscape and Local Landscape Area
- Natural Heritage
- Road Safety
- Residential Amenity
- Contaminated Land
- Low Carbon
- Drainage/Flood Risk

2.2 Principle of development

2.2.1. Policy 29 of NPF4 states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.2. Furthermore, Policy 30, Part B, states that proposals for tourism related development will take into account:

- The contribution made to the local economy;
- Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- Impacts on communities, for example by hindering the provision of homes and services for local people;
- Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- Accessibility for disabled people;
- Measures taken to minimise carbon emissions;
- Opportunities to provide access to the natural environment.

2.2.3. Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that development in the countryside will only be supported where it:

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

In all cases, development must:

- be of a scale and nature compatible with surrounding uses;
- be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and
- be located and designed to protect the overall landscape and environmental quality of the area.

2.2.4. Objections state that the proposal would be contrary to the Fife Local Development Plan's policy regarding development in the countryside and would be inappropriate for the site's rural setting.

2.2.5. The agent has submitted a planning statement which advises that the proposal would meet Policy 7, Criterion 6 of the FIFEplan as it would be for facilities for outdoor recreation, tourism or other development which demonstrates a proven need for a countryside location. The agent advises that the proposal will diversify an area of existing woodland for small scale holiday accommodation and would enable more access to the countryside and outdoor recreation. They also consider that the proposal requires to be in this countryside location due to these reasons.

2.2.6. The applicant has submitted supporting information as part of this application which highlights and references various tourist attractions within south and west Fife, as well as the wider local authority area. Whilst it is not disputed that there are various tourist attractions within the south/west Fife region, such as Culross, Inverkeithing, the Forth Rail Bridge and Fife Pilgram Way, the development site is not located in close proximity to any of these areas highlighted. As such, whilst it is acknowledged that the proposed development could facilitate access to the countryside and outdoor tourism, it is considered that insufficient evidence has been provided to demonstrate why a holiday unit is required in this particular location. In addition, and as will be discussed further in section 2.4 of this report, the proposal would not be located and designed to protect the overall landscape and environmental quality of the area as required by Policy 7 of FIFEplan.

2.2.7. In light of the above it is considered that the proposed development would result in unjustified sporadic development within the countryside and therefore be contrary to Polices 29 & 30 of NPF4 and Policies 1 and 7 of FIFEplan.

2.3 Design, Scale and Finishes/Visual Impact on Garden and Designed Landscape and Local Landscape Area

2.3.1. Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, Policy 17(a) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. Policy 7 of NPF4 also states development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

2.3.2. Policies 1 and 10 of the adopted FIFEplan (2017) states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 also states that development will not be supported where it would harm, or damage sites located within the Inventory Historic Garden and Designed Landscape. Policy 13 of the FIFEplan states that development proposals will only be supported where they protect or enhance natural heritage and access assets including Local Landscape Areas and rural character.

2.3.3 Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Gardens and Designed Landscapes sets out the principles that apply to developments affecting gardens and designed landscapes. The guidance states that the development should ensure that the most important gardens and designed landscapes survive, and that change should be managed to protect and, where appropriate, enhance the significant elements. Significant features within a garden and designed landscape are likely to include both built structures and planting.

2.3.4 Historic Environment Scotland were consulted due to the site's location within the Fordell Castle Garden and Designed Landscape, and they have no objections.

2.3.5 Objections state that the proposal would be completely incongruous in the surrounding natural environment and local landscape area. Furthermore, objectors consider that the proposal would not be visually appropriate, and that the proposal does not protect the overall landscape and environmental quality of area.

2.3.6. The proposed site is in an isolated position on a plateau, however, the proposed building would not be easily visible from any significant public vantage points and the building is not visible from the B981 distributor road, due to the extensive wooded area that runs between the road and the site. The proposal would be visible from the agricultural field to the east of the site, however, there are no public rights of way or core paths which run through this field. The proposal would also be single storey with a flat roof (approximately 3.5 metres high above ground level) and would use materials which are typical of and in keeping with the character of agricultural/rural buildings within the wider surrounding rural area. The proposal would therefore not result in any significant detrimental impact on the rural character of the surrounding countryside setting, the Cullaloe Hills and Coast Local Landscape Area or on the character of the Fordell Castle Historic Garden and Designed Landscape.

2.3.7. In light of the above, it is considered that the proposal is acceptable in terms of visual amenity.

2.4. Natural Heritage

2.4.1. Policy 3, Part A of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Furthermore, Part C states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Moreover, Policy 6(b) states that development proposals will not be supported where they will result in:

- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
- ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
- iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
- iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

Part c also states that development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

2.4.2. Policy 13 of the adopted FIFEplan 2017 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including (but not limited to) woodlands, trees and hedgerows that have a landscape, amenity or natural conservation value and landscape character and views. Furthermore, Policy 13 stated that development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets.

2.4.3. Objectors state that there are protected species within vicinity of site, and that the site has not been used as a quarry for a number of decades, having now naturally regenerated with a wide variety of flora and fauna, however with several of the trees now being lost. They also consider that the site is part of the SNH Ancient Woodland and is as an existing green network in FIFEplan.

2.4.4. The site is within a woodland listed as plantation on the ancient woodland site. This woodland therefore has high environmental value. The planning statement advises that the applicant intends to manage the woodland to enable it to regenerate across the clear quarry area. The applicant would also carry out extensive planting to enhance the woodland, both for biodiversity benefits and for visual amenity, including benefits to the setting for the cabin. No further details such as a landscaping plan have, however, been submitted with regards to this matter. It is acknowledged that the applicant intends to regenerate the site, however it is also understood from Google Earth Aerial View (May 2021) as well as details set out in the report of handling for 22/01110/FULL, that the site was previously covered in trees/shrubbery, which were subsequently removed and a Type 1 hardstanding area laid to form the access. Furthermore, whilst it is acknowledged that a track was already in situ, it is clear from Google Streetview and other photographs that this was more akin to a footpath and has been significantly altered to form its current state as a vehicular access. Whilst it is also acknowledged that the tree removal on the site could have been conducted without requiring planning permission, notwithstanding this, it is considered that the felling works conducted to facilitate the development need to be taken into consideration. Fife Council's Natural Heritage Officer was consulted and advised that an ecological assessment of this is required due to the likelihood of protected species within the area. Moreover, the NHO advised that whilst the planning statement indicates that the applicant will be reforesting the site, insufficient detail has been provided in this regard. Fife Council's Tree Protection Officer was also consulted and advised that any tree removal would be expected to

be replanted on at least a 2:1 ratio so as to ensure an overall biodiversity enhancement. The applicant has not demonstrated that this would be carried out, nor does it appear possible to facilitate on the site. Furthermore, it is considered that the proposed development, particularly the access track, could have a detrimental impact on the adjacent trees in terms of their root protection area and falling distances and a tree survey would be required to allow a full assessment of the proposal's impact on these trees. A tree survey has not been submitted in support of this application.

2.4.5. According to the Scottish Government's Policy on Control of Woodland Removal, there is a strong presumption in favour of protecting Scotland's woodland resources. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:

- o helping Scotland mitigate and adapt to climate change;
- o enhancing sustainable economic growth or rural/community development;
- o supporting Scotland as a tourist destination;
- o encouraging recreational activities and public enjoyment of the outdoor environment;
- o reducing natural threats to forests or other land; or
- o increasing the social, economic or environmental quality of Scotland's woodland cover.

It is considered that the proposed development would not comply with any of the above points. The required felling for creating access and the cabin footprint may have fragmented areas of woodland, would have reduced net canopy cover, and would not provide a clear public benefit as recognised as under the Scottish Government's Control of Woodland Removal Policy. Accordingly, this development cannot be supported in this regard.

2.4.6. Overall, it is considered that insufficient information has been submitted to demonstrate that the proposed development would a) conserve, restore and enhance biodiversity, in accordance with national and local guidance and b) achieve significant environmental benefits or be located and designed to protect the overall landscape and environmental quality of the area. In light of the above, the proposal would be considered contrary to Policy 3 and 6 of NPF4 and Policy 1 and 13 of the Adopted FIFEplan (2017) and is therefore not acceptable.

2.5 Road Safety

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

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

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

2.5.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development will only be supported where it has no road safety impacts. Furthermore, these policies state that developments must be designed and implemented in a manner that ensures it delivers the required levels of infrastructure and functions in a sustainable manner. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.5.3. Objections received for this application state that the proposed access has sub-standard visibility and is therefore dangerous.

2.5.4. Fife Council's Transportation Development Management team (TDM) have been consulted and advised that there is a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Moreover, TDM have advised that whilst the necessary oncoming (north) 3m x 210m visibility splays could likely be achieved (subject to the cutting back of trees/vegetation), an approximate visibility splay of only 3m x 130m is achievable in the south direction (as opposed to the required 3m x 210m). It is acknowledged that the applicant could commission a traffic speed survey on the B981 to attempt to justify a reduction in the splays specified above. However, the B981 is a busy road with high traffic speeds, therefore, in TDM's opinion, it is unlikely that the recorded 85th percentile of traffic speeds would be much below the 60mph limit of the road.

2.5.5. Whilst it is acknowledged that that the access which would serve the proposed development was previously approved to provide access for a hutting site (3 huts) under planning permission reference 21/01837/FULL (against TDM's objection for the same reasons as above), the case officer in that instance considered that it would be acceptable to set aside TDM's objection due to the proposal being for small scale huts which would be used intermittently as recreational accommodation, and which would have no significant impact on the surrounding area in terms of road safety. However, in this instance given that the proposed development would be for use as holiday accommodation which by its nature would regularly be used by people who are unfamiliar with the site, it is considered that the intensification in use of

the vehicular access with sub-standard visibility would result in a significant detrimental impact in terms of road safety. The proposed development would therefore be considered incompatible with NPF4 and FIFEplan in this regard and thus not acceptable.

2.6 Residential Amenity

2.6.1. Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours with regard to noise, light and odour pollution (amongst others).

2.6.2 Given that the proximity of the site to the surrounding properties, it is considered that the proposal would have no significant detrimental impact on neighbouring residential properties in terms of daylight, sunlight and privacy levels.

2.6.3. In light of the above, it is considered that the proposed development would be acceptable in regard to residential amenity. This is however not considered to be a determining issue in this instance.

2.7 Contaminated Land

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

2.7.2. Objections received for this application have raised concerns with the stability of the site given its former quarry use.

2.7.3. Fife Council's Land and Air Quality Team were consulted on the proposal and commented that given the property is in the vicinity of a former quarry, Development Management should be notified should any unexpected materials or conditions be encountered during the development. As such, a condition is recommended to ensure any expected materials or conditions encountered during any development work e.g. made ground, gassing, odours, asbestors or hydrocarbon staining are reported and suitably addressed.

2.7.4. In light of the above, the proposal subject to condition would be considered acceptable in terms of land stability / contamination. This is however not considered to be a determining issue in this instance.

2.8 Low Carbon

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

2.8.2. Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife supplementary Guidance (2019) apply with regard to the low carbon requirements expected of this proposal. All local developments are expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, applicants are expected to submit a completed sustainability checklist with any future planning applications.

2.8.3. The applicant has submitted an energy statement which states that the development will be insulation to a high standard, along with the adoption of water conservation methods and renewable energy technologies in order to meet the standards of Policy 11 with regard to energy performance.

2.8.4. In light of the above, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to sustainable construction. This is however not considered to be a determining issue in this instance.

2.9 Drainage/Flood Risk

2.9.1 Policy 22, part C of NPF4 states that development 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 bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface

2.9.2. FIFEplan Policies 1 and 12 advise that developments should not place unacceptable demands on public infrastructure including drainage systems, developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not taken.

2.9.3 It is proposed to install a stone filled trench within the site to attenuate surface water. This would be located to the north-east of the site. Scottish Water have been consulted on this application and raised no objections. The site is also not shown to be at risk of flooding as per SEPA's flood maps.

2.9.4. In light of the above, the proposed development is considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

CONSULTATION RESPONSES

Scottish Water	No objections
TDM, Planning Services	Recommended refusal
Land And Air Quality, Protective Services	No objections subject to conditions
Historic Environment Scotland	No objections
Structural Services - Flooding, Shoreline And Harbours	No response

Transportation And Environmental Services - Operations Team	No response
Natural Heritage, Planning Services Trees, Planning Services	Application not supported Application not supported

REPRESENTATIONS

One letter of objection was received for this application which raised the below concerns

- Principle of development - This has been addressed in paragraph 2.2.5 above.
- The applicant commenced development without planning permission - This is not a material factor in the consideration of this planning application.
- The applicant did not consult neighbouring landowners regarding the proposed development - This is not a material planning consideration. Due process has been followed as part of this planning application whereby any neighbouring properties within a 20-metre radius of the site were notified, and a neighbour notification advertisement was placed in The Courier 17/08.
- Stability of the site - This has been addressed in paragraph 2.7.3. above

CONCLUSION

The development is contrary to the provisions of policy and guidance relating to the principle of development and natural heritage but accords with those provisions relating to flooding/drainage, land stability, residential amenity, road safety and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, as it would result in unjustified development within the countryside as well as significant detrimental impacts in term of natural heritage/biodiversity and road safety, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the countryside from unjustified sporadic residential development; the need for a new dwelling at this location has not been justified as the application site lies outwith any defined settlement boundary and the proposal does not meet

any of the criteria set out in Policies, 1, 7 or 8 of the Adopted FIFEplan. The proposal is therefore contrary to Policies 1 and 7 of the Adopted FIFEplan (2017) and Policies 29 and 30 of National Planning Framework 4.

2. In the interests of natural heritage/biodiversity; insufficient information by way of the lack of tree report, has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of National Planning Framework 4 and Policies 1 and 13 of the adopted FIFEplan (2017).

3. In the interest of road safety; the proposed development would result in the formation of a new vehicular access which has sub-standard visibility in the south direction and this would introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, all to the detriment of road safety. The proposal is therefore considered contrary to Policy 13 of National Planning Framework 4 and Policies 1 and 3 of the Adopted FIFEplan (2017).

and

That the appropriate enforcement action be taken with respect to the unauthorised activity

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted FIFEplan (2017)

Making Fife's Places Transportation Development Guidelines (2018)

National Planning Framework 4 (2023)

Agenda Item 6(3)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100628450-007

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	A.S Associates ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Allie	Building Name:	<input type="text"/>
Last Name: *	Arthur	Building Number:	154
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Newburgh
Fax Number:	<input type="text"/>	Country: *	Fife
		Postcode: *	KY14 6DZ
Email Address: *	info@asassociatesltd.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Simpson"/>	Address 1 (Street): *	<input type="text" value="Linnwood Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Leven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Fife"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY8 5AD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@asassociatesltd.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land at Fordell Woods, Dunfermline"/>

Northing	<input type="text" value="686240"/>	Easting	<input type="text" value="314137"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of holiday accommodation cabin and associated drainage infrastructure and formation of a access (retrospective)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached statement for details

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Simpson LRB Final statement, Location and site plan, Plan and elevation, Drainage and access details, Drainage layout, Drainage note, Land owner certificate, Letter from Scottish forestry, planning statement, Simpson portfolio applicants own submission

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01726/FULL

What date was the application submitted to the planning authority? *

31/07/2023

What date was the decision issued by the planning authority? *

12/10/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? * Yes No

Is it possible for the site to be accessed safely and without barriers to entry? * Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The entrance gate is locked

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Allie Arthur

Declaration Date: 15/12/2023



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

www.asassociatesltd.co.uk/
info@asassociatesltd.co.uk

Fife Planning Review Body

Statement of Reasons for Seeking Review

Application 23/01726/FULL

Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Woodland at Craigs Plantation, Fordell, Dunfermline

Introduction

This statement is submitted to the Planning Review Body on behalf of the applicant, Mr Paul Simpson, who is seeking approval of his proposal for the erection of a holiday accommodation cabin in woodland near Fordell.

Mr Simpson purchased this varied and interesting woodland with the aim of actively managing and enhancing it as a valuable biodiverse asset for the area. He is seeking consent for a small holiday cabin to enable visitors to appreciate: the woodland setting; the recreational opportunities in the surrounding countryside and coast; and the excellent location for access to the many visitor attractions of west Fife, and further afield.

Although the description of the development refers to it being retrospective, we believe that it is 'partly' retrospective and have explained this reasoning in relation to the 'existing' access below.

With respect, Mr Simpson seeks the members of the Fife Planning Review Body to fully consider the following response to the reasons for refusal and to reach a conclusion that, **on balance, it is reasonable to approve this proposal.**

Mr Simpson has prepared his own submission and has asked that we submit this also, in support of the review of his application. He has also provided confirmation from Scottish Forestry that trees were legally felled by him during 2021.

Background

The site is within a woodland area, lying around Pitadro Crags, and was formerly a quarry associated with Fordell Castle estate.

The application proposes the erection of a low level cabin located on the crags, within an existing open area of the woodland. The cabin is designed to accommodate two people, with a single bedroom.

The applicant started to construct a cabin, unaware of the need for planning permission. His initial idea had been akin to a 'hut' for family recreational use. An earlier application was refused, as due to the size and facilities within the cabin it was assessed as a 'dwellinghouse' and did not comply with the Council's Houses in the Countryside Policy.

In seeking to resolve the situation, there was very helpful discussion with the case officer for the earlier application. In email correspondence the case officer advised that a re-submitted proposal for commercial 'holiday accommodation' would be likely to comply with Development in the Countryside policy, with the response received stating:

'Thank you for the updated planning statement with regards to the proposed holiday accommodation. I think that a holiday accommodation unit could be accepted in principle at this location, however, this would be subject to your supporting information fully justifying the need for a holiday unit at this specific location, for example, why would there be a demand for a holiday let here and what in the local area would attract people to this location? The supporting statement does cover this, but it needs to be more detailed and relate to this specific location.'

Encouraged by this response, we prepared a more detailed justification for the proposal as holiday accommodation (included in the attached previously submitted Planning Statement). In addition, the applicant instructed a drainage design and layout. This had not been prepared for the earlier application given that the case officer had advised that the application was to be refused for other reasons, and to avoid unnecessary expense.

The Report of Handling for this current application indicates that it was assessed in relation to eight issues and found to be acceptable in terms of: Design, Scale and Finishes/Visual Impact on Garden and Designed Landscape and Local Landscape Area; Residential Amenity; Contaminated Land; Low Carbon; and, Drainage/Flood Risk.

The assessment raised concerns with the Principle of Development, Natural Heritage and Road Safety and these were included in the three Reasons for Refusal. **We believe that the proposal complies with the relevant policies and guidance related to these issues and merits approval. We believe there have been some misunderstanding and inconsistencies in the assessment of the application and the clarity of the Report.**

Our response to the issues raised by the Reasons for Refusal is submitted below.

Response to Reason for Refusal 1 Development in the Countryside

Reason for Refusal 1 includes that 'In the interests of safeguarding the countryside from unjustified sporadic residential development; the need for a new dwelling at this locations has not been justified...'

We make the following points below:

This is an inaccurate interpretation of the proposal. The proposed cabin is **not** residential development and is **not** a dwellinghouse. The proposal is for **holiday accommodation to support tourism, a key sector of Fife's economy.**

The Report of Handling states that 'Whilst it is not disputed that there are various tourist attractions within the south/west Fife region, such as Culross, Inverkeithing, the Forth Rail Bridge and Fife Pilgrim Way, the development site is not located in close proximity to any of these areas highlighted.'

Information was provided in the submitted Planning Statement to support the justification for tourist accommodation in this area of Fife, including an extract from the Dunfermline and West Fife Visitor Guide. In email correspondence with the case officer we were advised that the considerable information submitted (please refer to pages 10 and 11 of the Planning Statement attached) was considered to be insufficient to demonstrate the case.

We strongly disagree that the site is not 'in close proximity' to a wide range of attractions - the site is ideally located for visits to both towns and the countryside. Within a very short distance of approx. 3 miles to the east and south there is access to the countryside and coastline, including Cullaloe Local Nature Reserve, the Coastal Path and Aberdour beach, Aberdour Castle, Aberdour Golf Club, Deep Sea World and more. To the west and north there are the visitor attractions in Dunfermline. A further short distance from the site opens up an immense further range of Fife's attractions that would appeal to visitors. Importantly, the site is less than 1km to bus stops with regular services to Dunfermline, N. Queensferry, Dalgety Bay, with links into the wider area. The site is approx. 3km from Dalgety Bay Rail Halt and Inverkeithing, with access throughout Fife and beyond.

We emphasised to the case officer that the site is very well located for the Core Path network and there are a wide range of promoted cycle routes in the local area. As an example, two specialist cycling websites promote routes in the area local to the site. The Komoot website highlights [Top 20 Most Beautiful Road Biking Routes around Dalgety Bay And Hillend | Komoot](#) and there are many routes promoted for walking, cycling and horse-riding on the Trailforks website [Dalgety Bay Trail Map | Trailforks](#). We believe that the proposed accommodation would provide an ideal venue for a holiday based around outdoor recreation or to access visitor attractions in Fife and beyond.

Response to Reason for Refusal 1 Development in the Countryside (continued)

We believe that the assessment of this application is inconsistent with that of other applications approved for tourist accommodation within Fife. We highlight the following examples, from West Fife. We contend that this proposal has an equally desirable location, if not more so, than these examples, below.

Application 20/03283/FULL for 3 holiday glamping pods at Hillend, Saline - approved in July 2021. The assessment of the principle of the proposal was considered acceptable and states that:

‘The glamping pods would cater towards rural based tourism within the west of Fife and would help meet demand for tourism accommodation in a countryside location. The proposal could also provide an economic benefit to the wider surrounding area and like many other rural tourism sites, the attractiveness of the rural setting is integral to the potential success of this type of business.’

The supporting statement submitted with that application justified the location, simply with one sentence, indicating that the site was an idyllic location attractive to holidaymakers attracted to the countryside.

Application 21/01017/FULL for 2 holiday accommodation pods at Balgowrie, between Blairhall and Valleyfield - approved in August 2021.

The assessment in the Report of Handling states, in referring to the accommodation units, that **‘they would be discreetly located and would be well connected to infrastructure such as Fife Council's Core path network and the West Fife Way. It is also considered that the pods would help to boost Scotland's tourism recovery by promoting staycations- especially important due to the impact of the coronavirus pandemic on people and the economy...**

Whilst it is acknowledged that the holiday accommodation could be located within an existing settlement boundary it is also recognised that there is a demand for more rural experiences where guests can relax and enjoy the countryside. This is reinforced by FIFEplan' s (2017) spatial strategy which states that the rural economy and community will be supported by allowing developments which are of an appropriate scale and location that will complement existing settlements. The spatial strategy also continues by noting that tourism plays an important role across Fife and that the countryside is often a key visitor destination which is essential in supporting Fife's economy...

On balance, it considered that the proposal would benefit from a countryside location and would help to boost local tourism and the economy. As such, the principle of the development is acceptable and complies with FIFEplan (2017).’

We also refer to a recent (July 2023) Scottish Government decision on an appeal for a proposal for 3 holiday huts at Balerno, near Edinburgh. (PPA-230-2422) We believe this is relevant to the consideration of this application, particularly in terms of NPF4. In that appeal the Reporter did not accept the Council's contention that the appeal site was inaccessible by public transport and noted ‘particularly given the nature of the proposed development and its likely appeal to walkers and cyclists seeking to explore the area’. The Reporter noted that the application site was on the core path network, 2.9km distant from a bus stop, and that this was satisfactory in terms of accessibility by sustainable and active modes of transport.

Response to Reason for Refusal 2 Natural Heritage/Biodiversity

Reason for Refusal 2 refers to a lack of information being provided i.e. a tree report. We make the following points below:

We had queried the remit of a 'tree report' for this proposal as it has been unclear how **this proposed development** impacts on the woodland. We sought advice from the case officer on what trees required to be surveyed and assessed. We did not receive any reply to clarify this situation.

We believe that the assessment of the proposed development in relation to the woodland misunderstands the detail of the 'development' proposed in terms of trees. We make the following points:

The access track leading from the B971 through the wooded area and into the quarry area is a **historic track** (not development proposed as part of this application).

The Report of Handling states that '**it is acknowledged that a track was already in situ**'. The Report suggests that this was a footpath and 'has been significantly altered to form its current state as a vehicular access.'

We seek to emphasise that the 'historic' access is a 'constructed track', but its surface had become overgrown to an extent, prior to the applicant's purchase of the woodland. This is a common occurrence with hardcore type tracks when there is not ongoing maintenance or frequent traffic. We contend that the work carried out by the applicant should be considered as 'maintenance', refreshing the surfacing of the track with hardcore. It is not a materially different surface and is not widened. We highlight that the sales particulars for the woodland (overleaf) refer to the 'track', and this is shown by the double hatched line in the Map Key and on the plan. 'Footpaths' are also shown in the Map Key, as a single hatched line, and none are shown on the Map.

We therefore contend that the track is not new development and therefore the woodland through which the track passes is not a consideration in the assessment of the proposal.

There is new track leading through the quarry area to the proposed cabin and we recognise that this is part of the 'retrospective' application. However, there are no trees close to the new track, site of the cabin, or proposed area for drainage.

We highlight that the applicant intends to carry out extensive tree planting to enhance the woodland cover and the biodiversity of the quarry area. The applicant will be happy to provide a planting plan and agree to a planting condition should the Planning Review Body be minded to approve the application. A Tree Survey/Report can also be provided if clarification can be provided of the relevant area of the woodland considered to be affected by the proposed track and cabin.

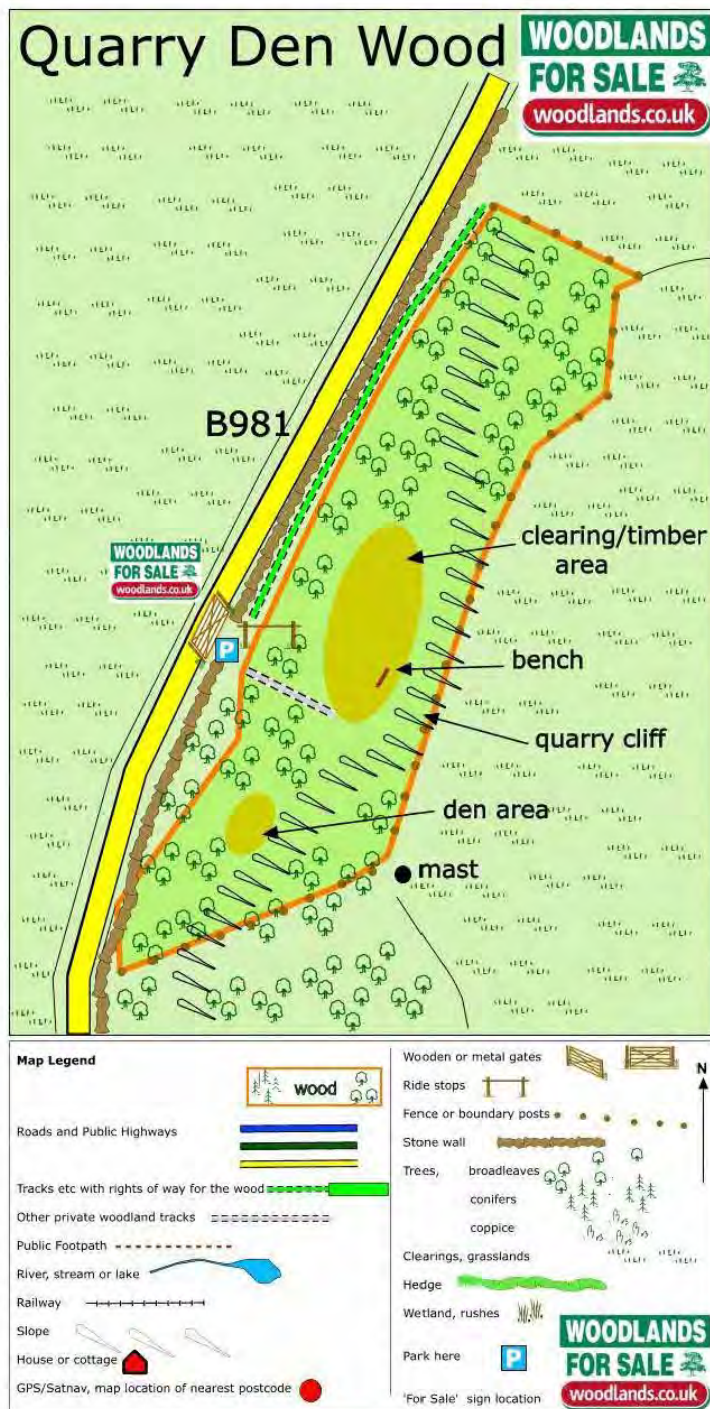
The Report of Handling refers to there having been trees located within the quarry area, having regenerated over time, and that felling has previously taken place by the applicant. The applicant has provided a letter from Scottish Forestry confirming that the trees were legally felled under the relevant exemptions in terms of the Forestry (Exemptions)(Scotland) Order 2019.

Response to Reason for Refusal 2 Natural Heritage/Biodiversity (continued)

We believe that this proposal provides an opportunity to secure additional tree planting and biodiversity benefits across the site, mitigating any considered impacts, and that the proposal can be considered to comply with **NPF4 Policy 3: Biodiversity, Policy 6: Forestry, woodland and trees, FIFEplan Policy 1: Development Principles and Policy 13: Natural Heritage.**

With respect we seek that the FPRB conclude that it is **reasonable**, to determine that the impact on trees and woodland is **not a reason** for refusal.

Extract from sales brochure for woodland, prior to applicant's purchase. Although diagrammatic the access from the B981 is clearly shown along with a track into the quarry area.



Response to Reason for Refusal 3

Road Safety

Reason for Refusal 3. states that the proposal would 'result in the formation of a new vehicular access', that this would have sub-standard visibility in the south direction and would be detrimental to road safety. We make the following points, below:

Road safety was not a reason for refusal of the earlier application (22/01110/FULL). The applicant re-submitted an application believing, in good faith, that road safety would not be a reason to refuse the application, given that the proposal was no different in terms of its scale or nature. It is inconsistent and unreasonable that the conclusion reached in this current application differs.

The Report of Handling for the earlier, refused, application for the same cabin on this site (22/01110/FULL) assessed road safety and concluded that:

'The proposed holiday accommodation dwelling which would also utilise the existing access in addition to the three huts would also have no significant impact on the area in terms of road safety and it would be appropriate in this instance to again set aside TDM's objection. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.'

There is a recent planning consent for 3 recreational huts on a site within the woodland to the north of this application site (21/01837/FULL). The **existing** access from the B9999 is shared with the site to the north. The Report of Handling for that application refers to the '**existing access/parking area**'. In that application the case officer's assessment was that the proposal would have '**no significant impact on the surrounding area in terms of road safety.**'

We advised the case officer for this current application that there is an **existing vehicular access** to the site. This is historic and is **not part** of the retrospective application. This is evidenced by photographs and by the sales document for the woodland that shows the access from the B981, a parking area and track into the site.

We contend that the traffic associated with this application, a **single unit**, will be insignificant in terms of additional use and any related impact. The application is likely to only generate a single vehicle at most. The accommodation may also appeal to those who wish to use active travel and will arrive by bicycle - having used the close access to public transport, and the adjacent cycle path, to arrive at the cabin. Equally, visitors may choose to leave a car at the cabin, and visit the surrounding area by walking/cycling or public transport during their stay.

We believe that the above points clearly demonstrates that the proposal **in terms of road safety, complies with FIFEplan Policy 1: Development Principles, Policy 3: Infrastructure and Services and NPF4 Policy 13: Sustainable Transport.**

With respect we seek that the FPRB conclude that it is **reasonable**, to determine that road safety is **not a reason** for refusal.

Conclusion

The applicant seeks to build a small holiday cabin within a woodland setting to provide accommodation for visitors, supporting Fife's tourist economy.

The proposal for a holiday cabin in this location benefits from a secluded location within the woodland. It enables excellent access to Fife's core paths/cycleways and to public transport - both bus and train. The site is well located for visitors seeking a countryside/coast holiday or to visit the numerous attraction in the west of Fife, beyond into the wider Fife area or further afield.

We contend that the proposal can gain support from the range of NPF4 and FIFEplan policies and that the issues of the principle of the development, road safety, and natural heritage are not reasons to refuse the application.

With respect, the applicants seeks the Fife Planning Review Body's approval of this application.

1

The following portfolio has been created to show any unjustifications for failure to permit a holiday cabin to be built on land at Woodlands at Craigs plantation, Fordell, Dunfermline.

Included is the letter of rejection from Fife Council and the 3 points in which they felt it failed on. This portfolio has contradicting evidence to these failings and has information included to support this.

Kind regards,

Paul Simpson.

Quarry Den Wood Location

WOODLANDS FOR SALE
woodlands.co.uk

SHARED ACCESS ROAD WITH NEIGHBOUR B981

HUTTING SITE APPROVED BY COUNCIL

Quarry Den Wood

WOODLANDS FOR SALE

Outlined in black is my neighbours land owned by Mr Girish Bharadway. He has been granted approval to build 3 huts for holiday rental. He also uses the same access road that was refused for Craig's plantation cabin.

Right is a picture of the hut (x3) that has been erected on my neighbours land, covering more area than the cabin at Craig's plantation.



The map on the next page has been co-ordinated with the pictures on the following pages to let you see which picture belong to which area. As you can see from these pictures most of these areas remain the same as when purchased, despite many complaints from neighbouring establishments.

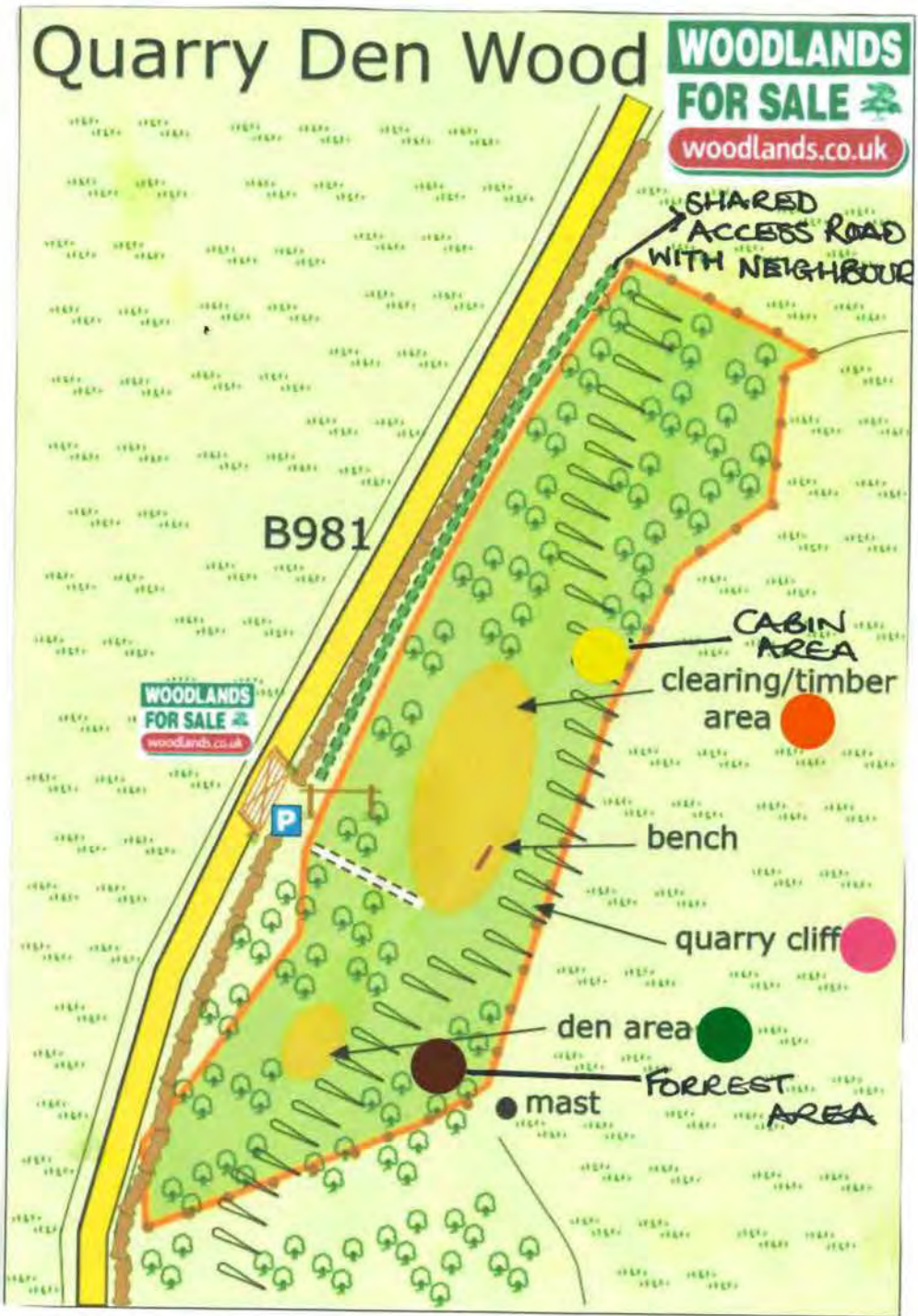
A lot of time and consultations were undertaken to ensure rules and regulations were being met with and nothing was being endangered.

These meetings included time with wildlife police to ensure neighbouring badger setts were never interfered with or any noise would disturb them.

After further investigation we were told that these badger setts were unoccupied and even if there were badgers in these setts they are over 100 meters away and would not be affected by any human habitation on the area.

The Forestry Commission were also consulted about the clearing/timber area of the land as there were some small silver birch trees appearing sporadically over this area, along with overgrown weeds and a lot of rubbish. After a site visit, we were told that we could remove the smaller silver birch trees as they were classed as "weed trees" and are not established like oak or cedar trees, therefore are able to be removed as they will grow back much quicker than other trees, as the soil on the quarry land is only 6" thick and the silver birch are shallow rooted and find it difficult to take to ground that isn't established, unlike Fordell forest, we have the "runt of the litter" forest as they say.

As you can see from a lot of the pictures, the quarry land is still very much intact and hasn't been touched. The land may look like it's well established but underneath the 6" of soil, the quarry land remains.



The map above has been co-ordinated by coloured dots with the pictures on the following pages, to let you see which picture belongs to which area of land. As you can see from these pictures, apart from a few small tree's removed, the land remains virtually unchanged.















12

Google Maps Fordell Firs



● T. Townston + Son Farm (closed temporarily)

● Cabin at Woodlands Craigs plantation

● Wind turbine



Wind turbine in both pictures as a focal point.

T.Johnston's cottage
(complaining neighbour)
looking onto Woodland
at Craig's plantation,
visibility restricted.



Cabin at Woodlands
Craig's plantation, looking
onto T.Johnston's cottage
(complaining neighbour)
visibility restricted.



Pictured above and to the right are cabins which belong to Mr Swarbrick, a complaining neighbour who said that a holiday cabin on Craig's plantation would be unnecessary and ruin the nature of the land, yet Mr Swarbrick has done exactly the same with his cabins. Clearly no concern for nature and more concern for business to be stolen.





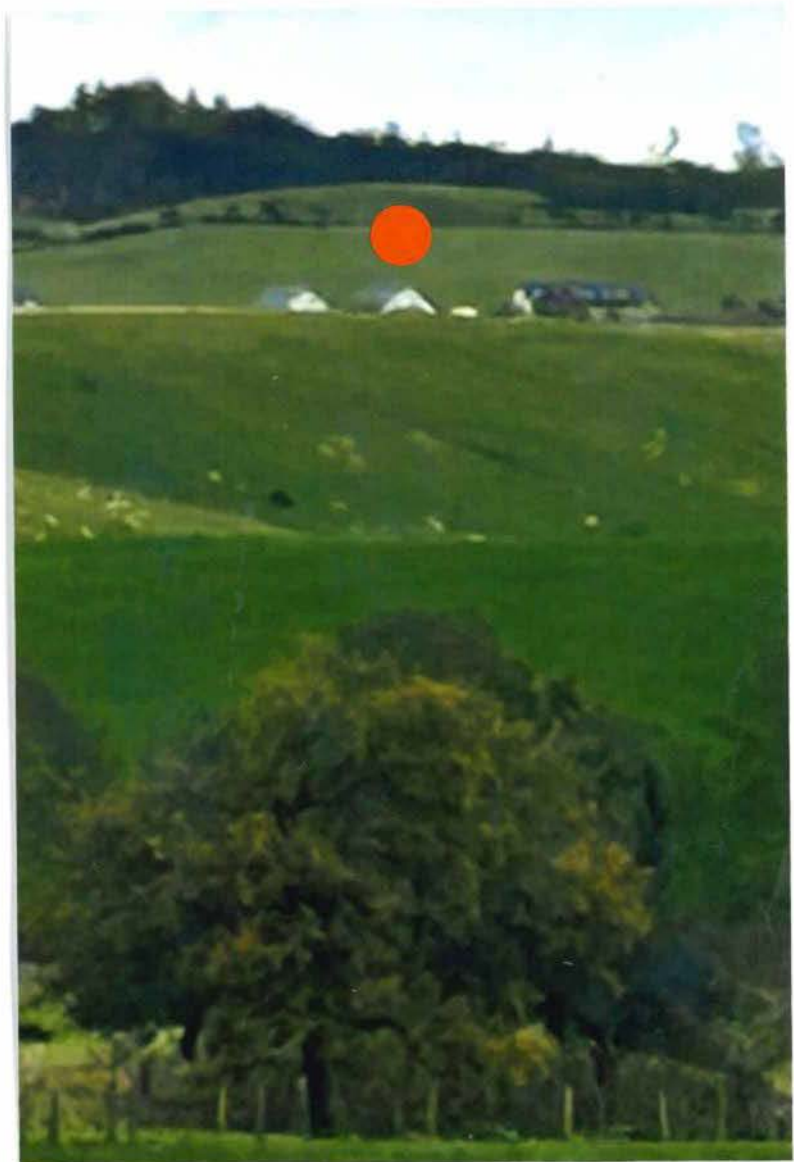
How can permission be given for 4 of these houses to be built at the other end of the field, which cover far more ground than the cabin at Craig's plantation which has been refused. A complaint was submitted that the holiday cabin, which would be built with wood, would be an eyesore in the middle of nature, yet it seems to be an acceptable vision looking onto 4 new build bright white brick houses.





The picture on the left shows the visibility of the cabin at Craig's plantation, from the new build white houses, which are pictured below.





The picture above and to the right shows the view from the cabin at Craig's plantation, onto the 4 new build houses on the other end of the field.



The pictures on this page and the next page are of cabins in the neighbouring village, which have been given permission to be erected and used as a cattery. These are much larger and more unsightly than the cabin at Craig's plantation would be.







10

Again the pictures above and on the following pages, are of cabins which have been given permission to be erected and are far more unsightly than Craig's plantation cabin would be.









The pictures above are of the wind turbine and the pictures on the next page of the mobile phone tower, both agreed are unsightly to nature but still granted permission. The cabin at Craig's plantation would be built between these two eyesore's, smaller and less unsightly in comparison.





Imagery ©2023 Airbus, CNES / Airbus, Getmapping plc, Maxar Technologies, Map data ©2023 100 m

● Holiday cabin - woodland at Craigs plantation, Fordell access

● 3 Bridges Vets - Fordell access.



Pictured above is 3 Bridges Vets which is located south of Woodlands at Craig's plantation. How can a large metal construction be given planning permission (also new permission for an extension has been granted), which gives no aesthetic pleasure to the surrounding area, yet a holiday cabin which is made of timber and inkeeping with its surroundings be rejected?



View from Aberdour road onto
3 Bridges vets (B981).





View from 3 Bridges vets
access road onto B981.
The same visibility of access
North and Southbound as
Woodland at Craigs plantation.





Imagery ©2023 Airbus, CNES / Airbus, Getmapping plc, Maxar Technologies, Map data ©2023 100 m

● Holwey cabin - woodland at crags plantation access

● Fordell Castle access road.

20



Fordell castle access
B981 North and
and, shorter visibility
ction than at
at Craigs plantation
ction.

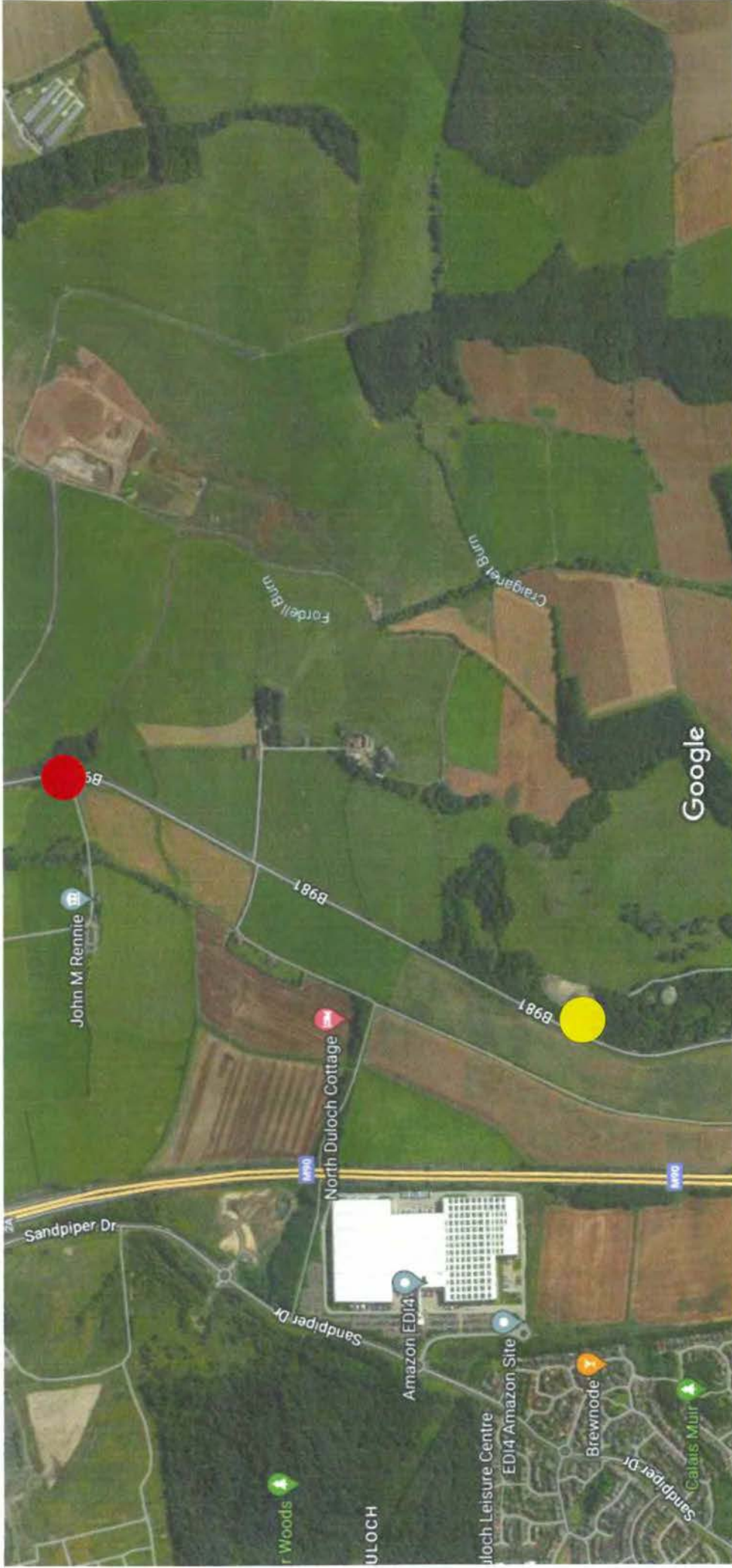


As you can see visibility is better South direction B981 than access road from Fordell castle North direction.



View from Woodland at Craigs plantation access road onto B981. The same access road as Mr Girish Bharadway, an application for 3 holiday huts that we approved on neighbouring land.





Imagery ©2023 Airbus, CNES / Airbus, Getmapping plc, Maxar Technologies, Map data ©2023 200 m

33

● Woodland at Craigs plantation access

● John. M. Rennie (livestock breeder) access

34

Google Maps B981

Scotland

Google Street View

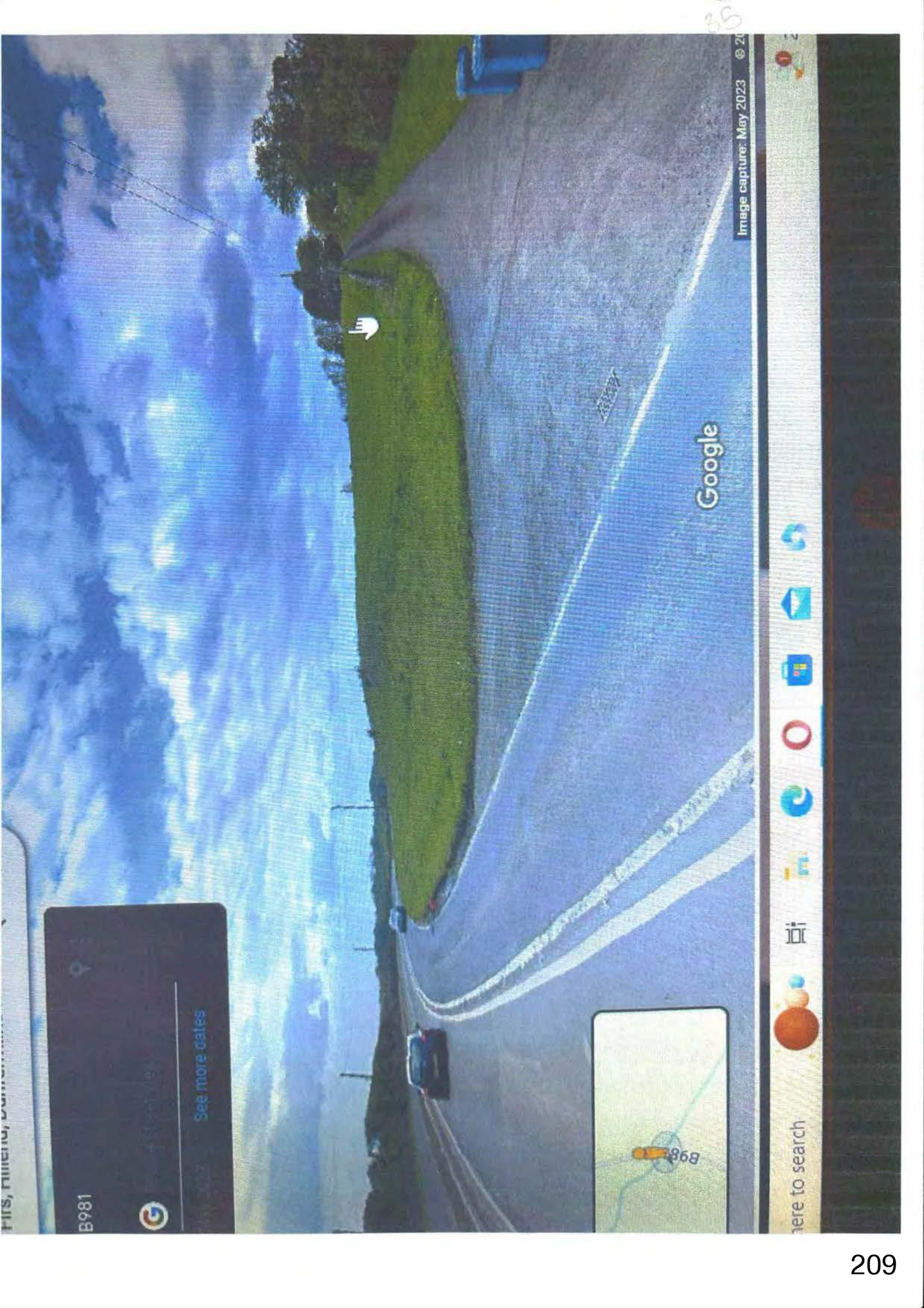
May 2023

See more dates



As you can see from the picture above and on the next page, the access road from John M Rennie's farm is more of a liability in safety than at Craig's plantation.

The visibility is severely restricted from South direction and more likely for an impending accident.



35

Image capture: May 2023 © 2023

Google

B981

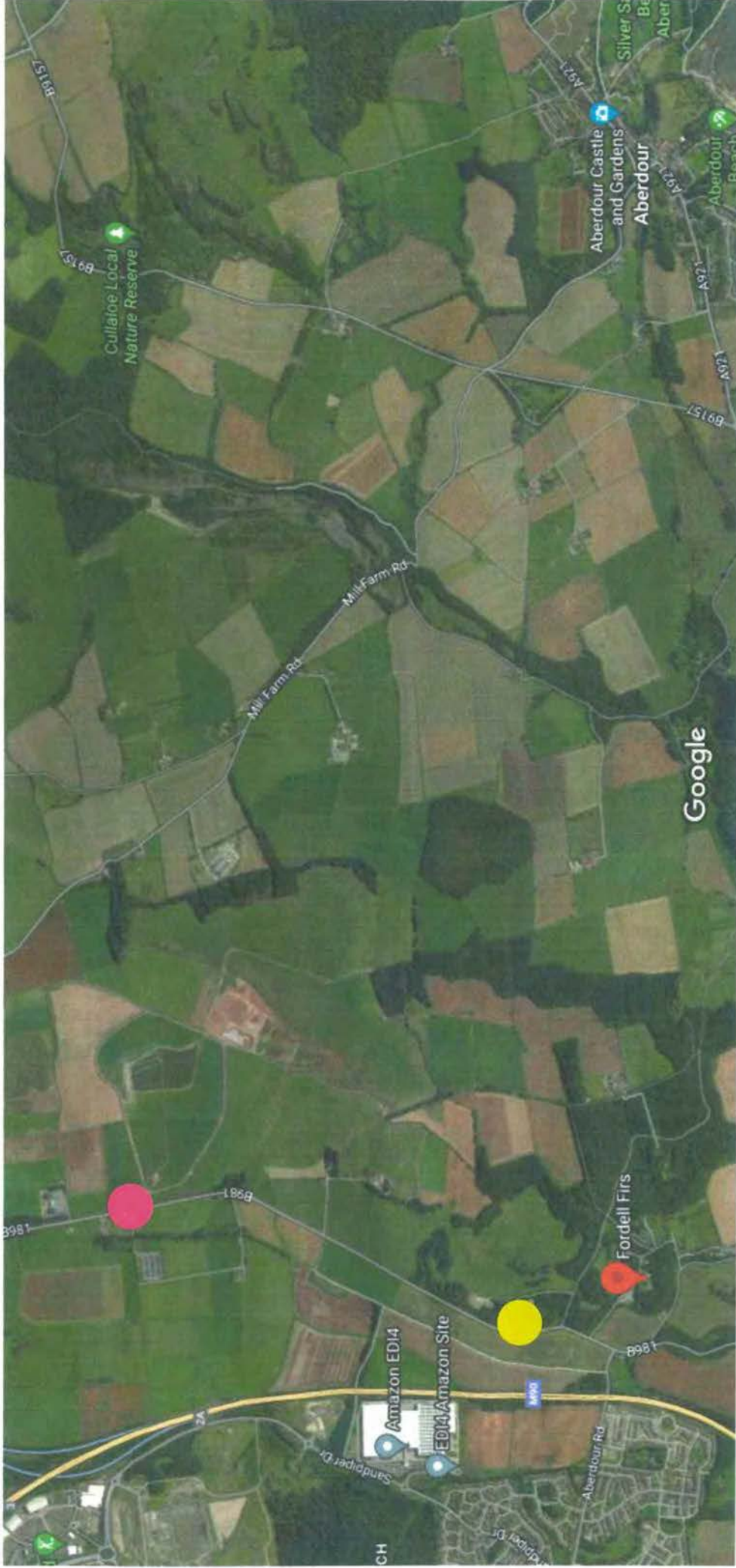


See more dates



here to search





Imagery ©2023 Airbus, CNES / Airbus, Getmapping plc, Landsat / Copernicus, Maxar Technologies, Map data ©2023 500 m

26

● Woodland at Craigs plantation access

● Poultry farm access



37
Cabin which is not indifferent to size to my cabin, has been erected at the near by poultry farm.

Exit from poultry farm.



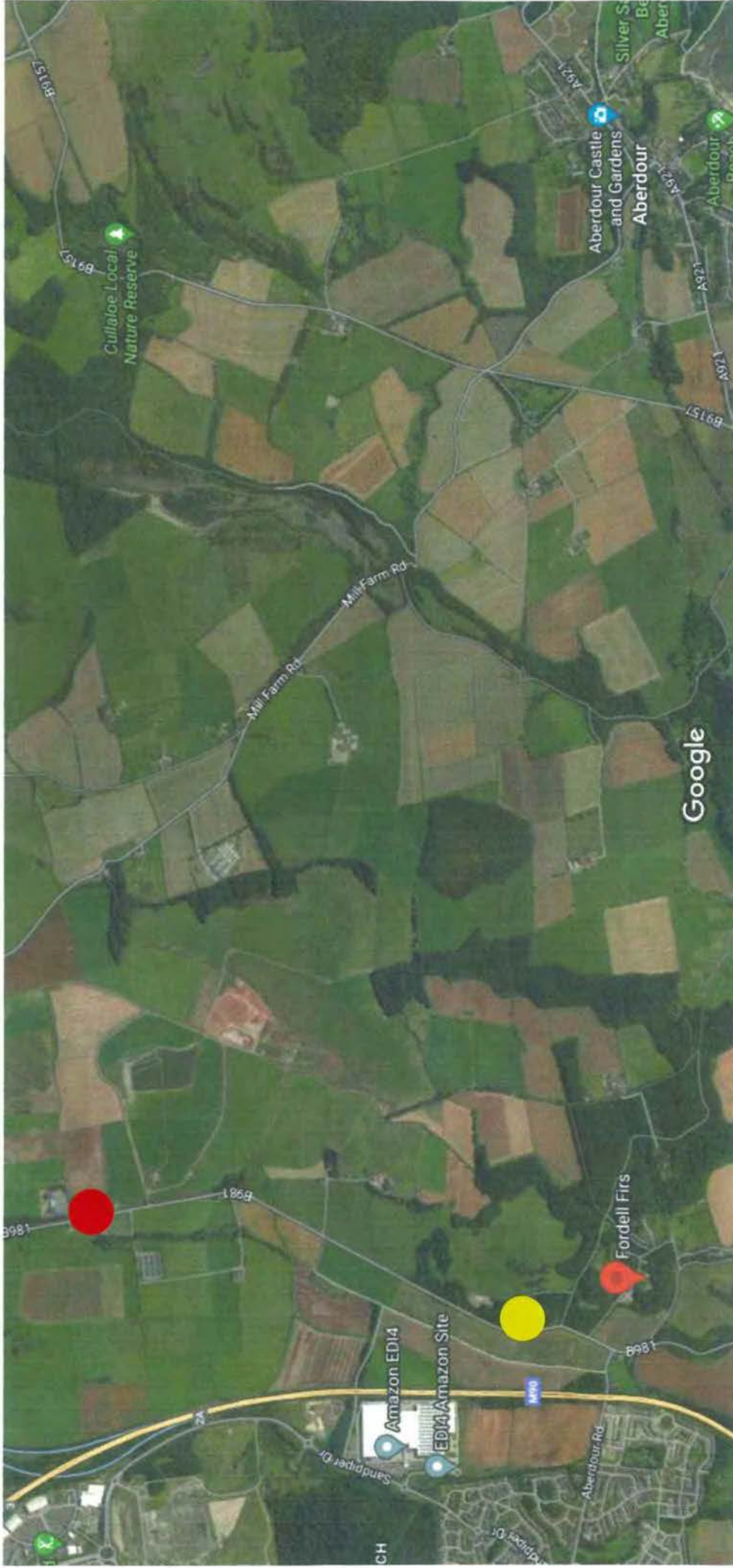
38

View from access road at poultry farm from South.



View from access road at poultry farm North.





Imagery ©2023 Airbus, CNES / Airbus, Getmapping plc, Landsat / Copernicus, Maxar Technologies, Map data ©2023 500 m

09

● Woodland at Craigs plantation access

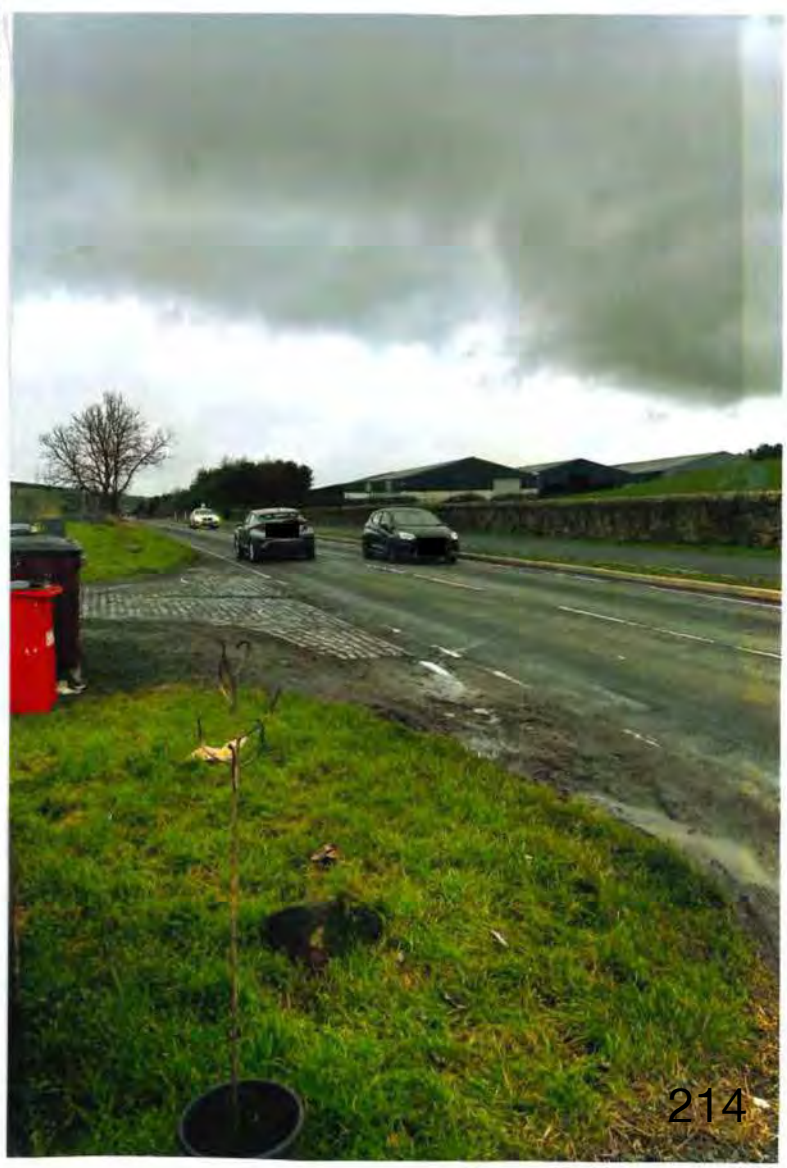
● Woodlea stables farm shop access

40



View from access road at Woodlea stables farm shop from South.

View from access road at Woodlea stables farm shop from North.





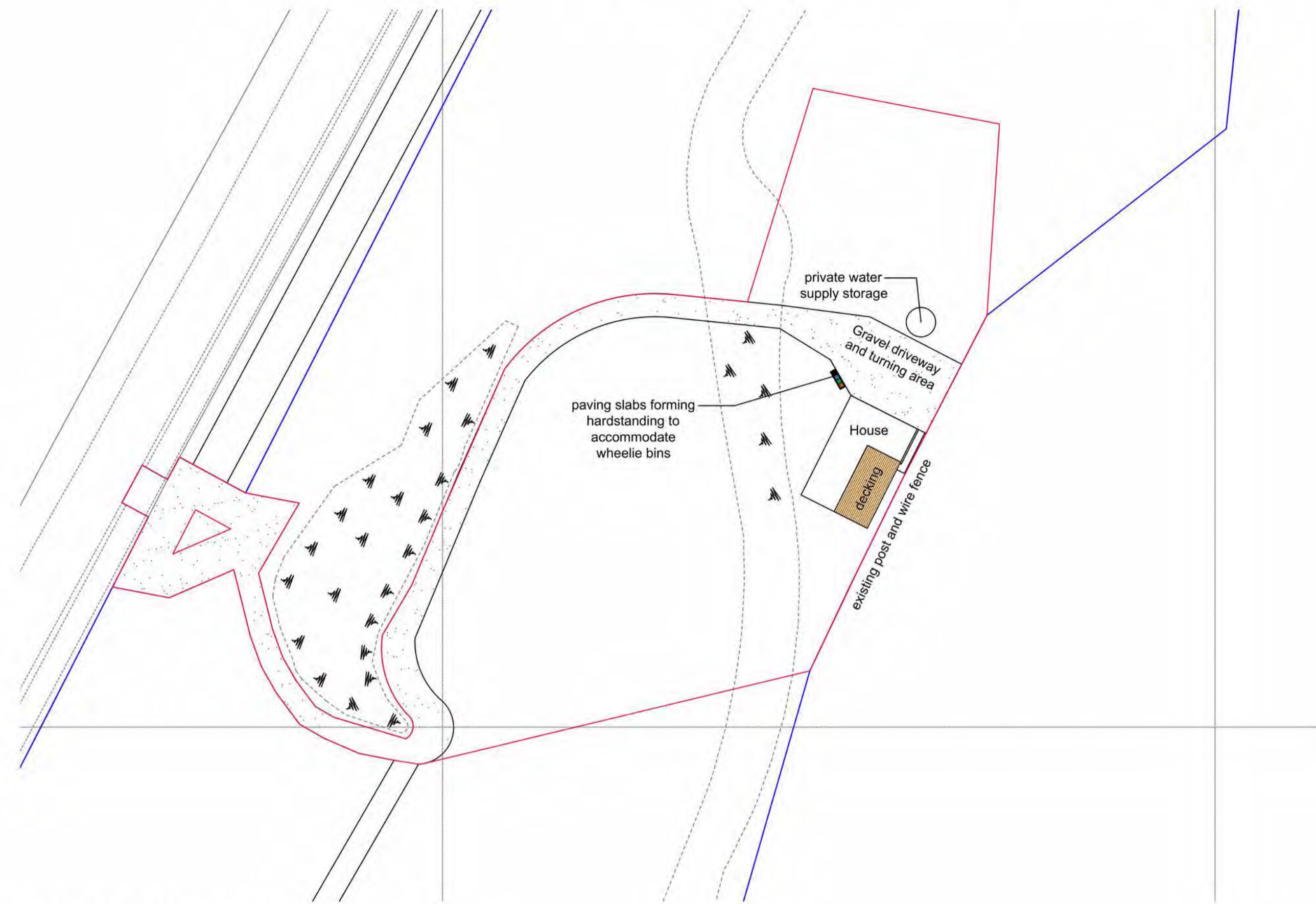
View North and South from Woodlea stables farm shop.

As you can see visability is good but because of the long stretch of road, vehicles have built up speed, causing difficulty exiting the farm shop and potential hazzards.

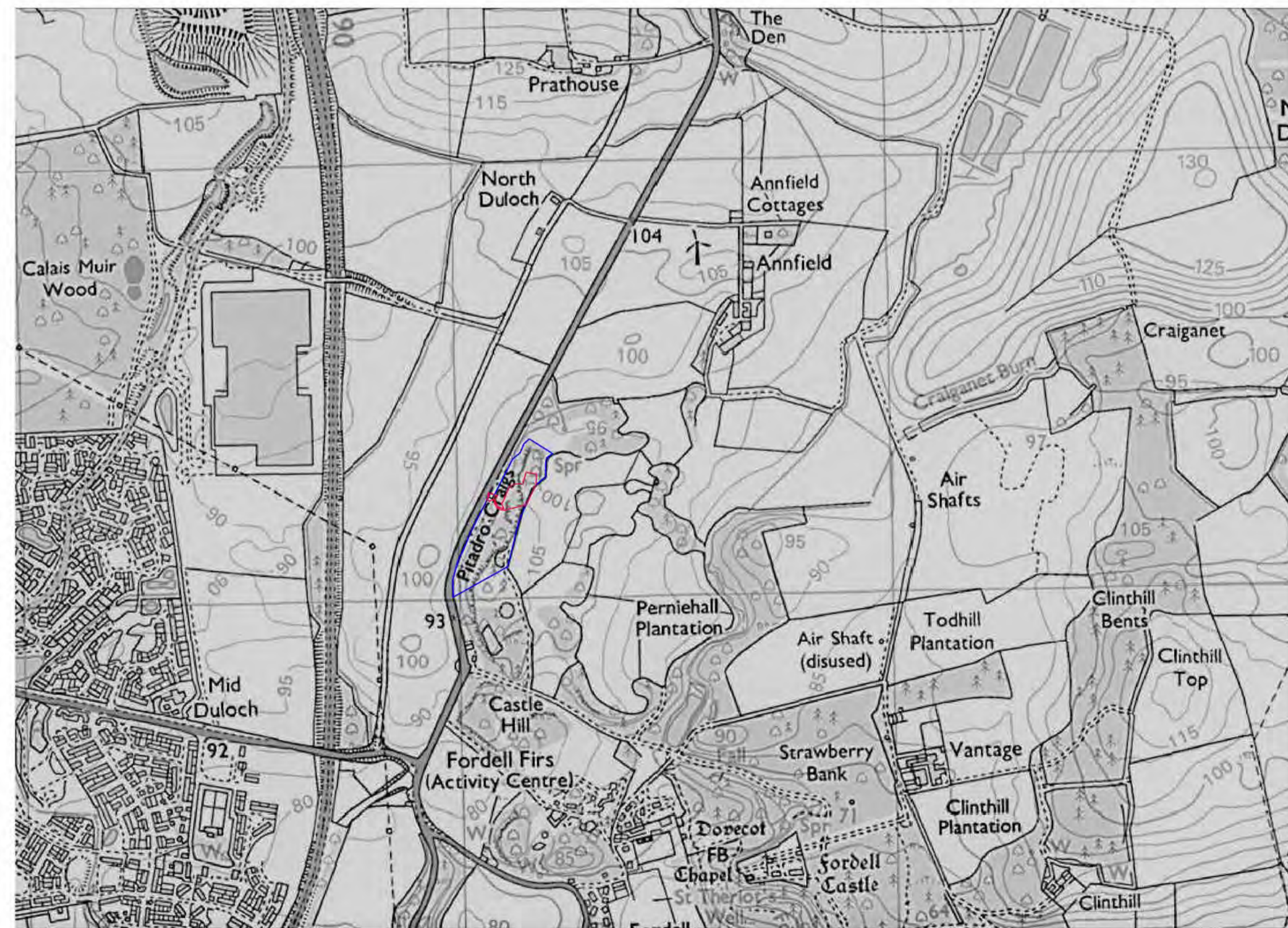
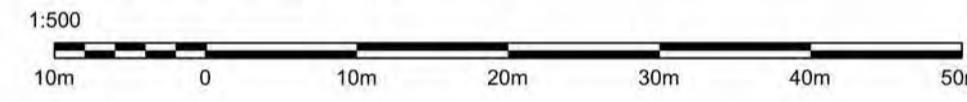




Location Plan 1:1250



Site Plan 1:500



Locating Plan 1:10000



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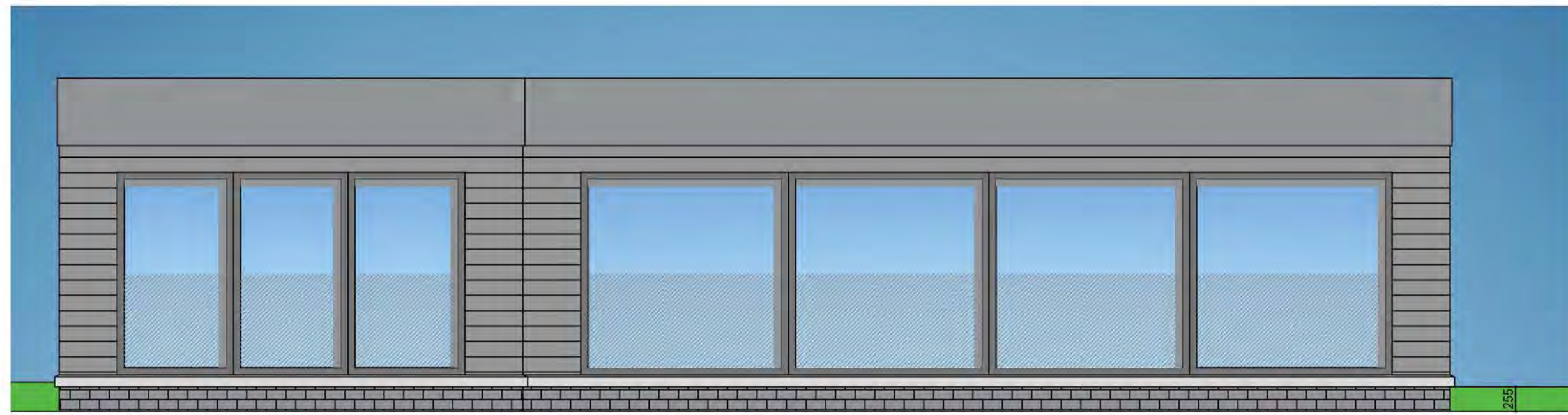
REVISION	INT	DATE
THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SIZES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FROM THESE DRAWINGS.		
E: INFO@ARTHURSTONEPLANNING.CO.UK T: 01337 840988		
A: 85 HIGH STREET, NEWBURGH, KY14 6DA		



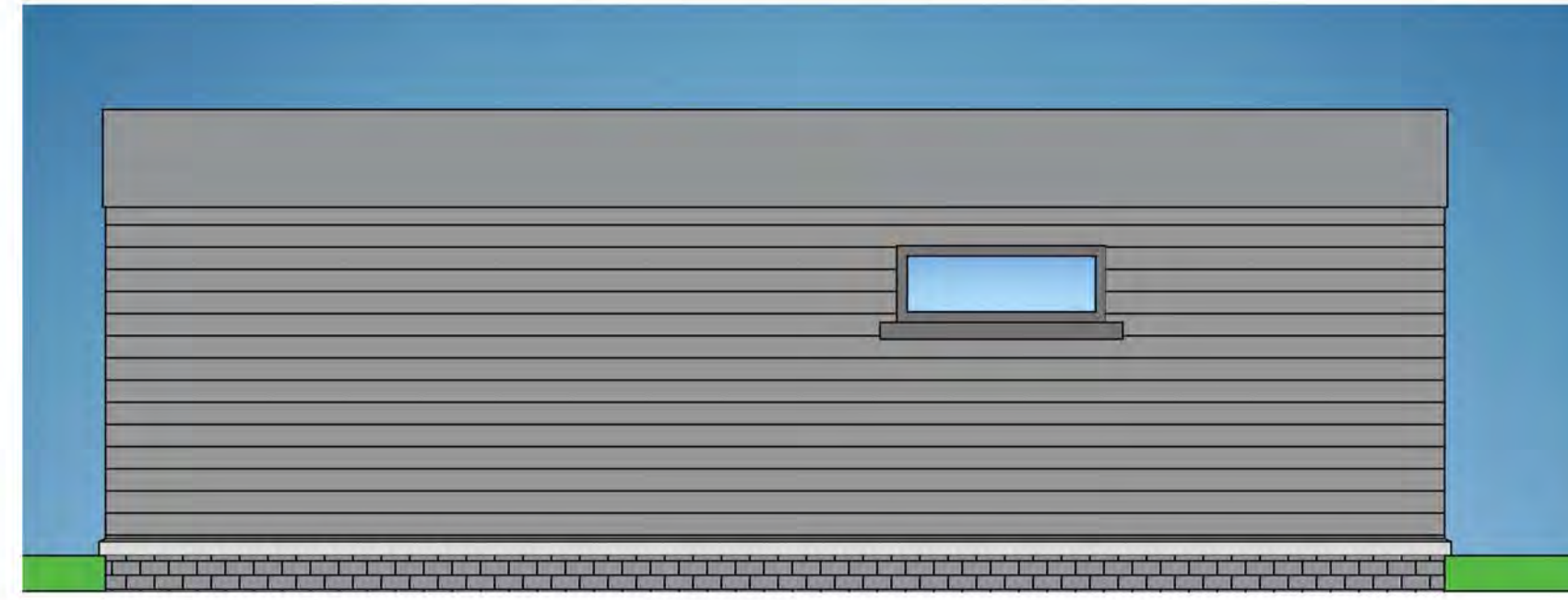
PROJECT:
Mr Simpson
Holiday accommodation
Land 700m North of Fordell Firs

TITLE:
Site & Location Plan

TECHNICIAN: GP	SCALE(S): As Ntd	SHEET: A1
DATE: 22/02/22	PROJECT NO: 3269 - PP - 000	24/6



East Elevation
Scale 1:50



North Elevation
Scale 1:50

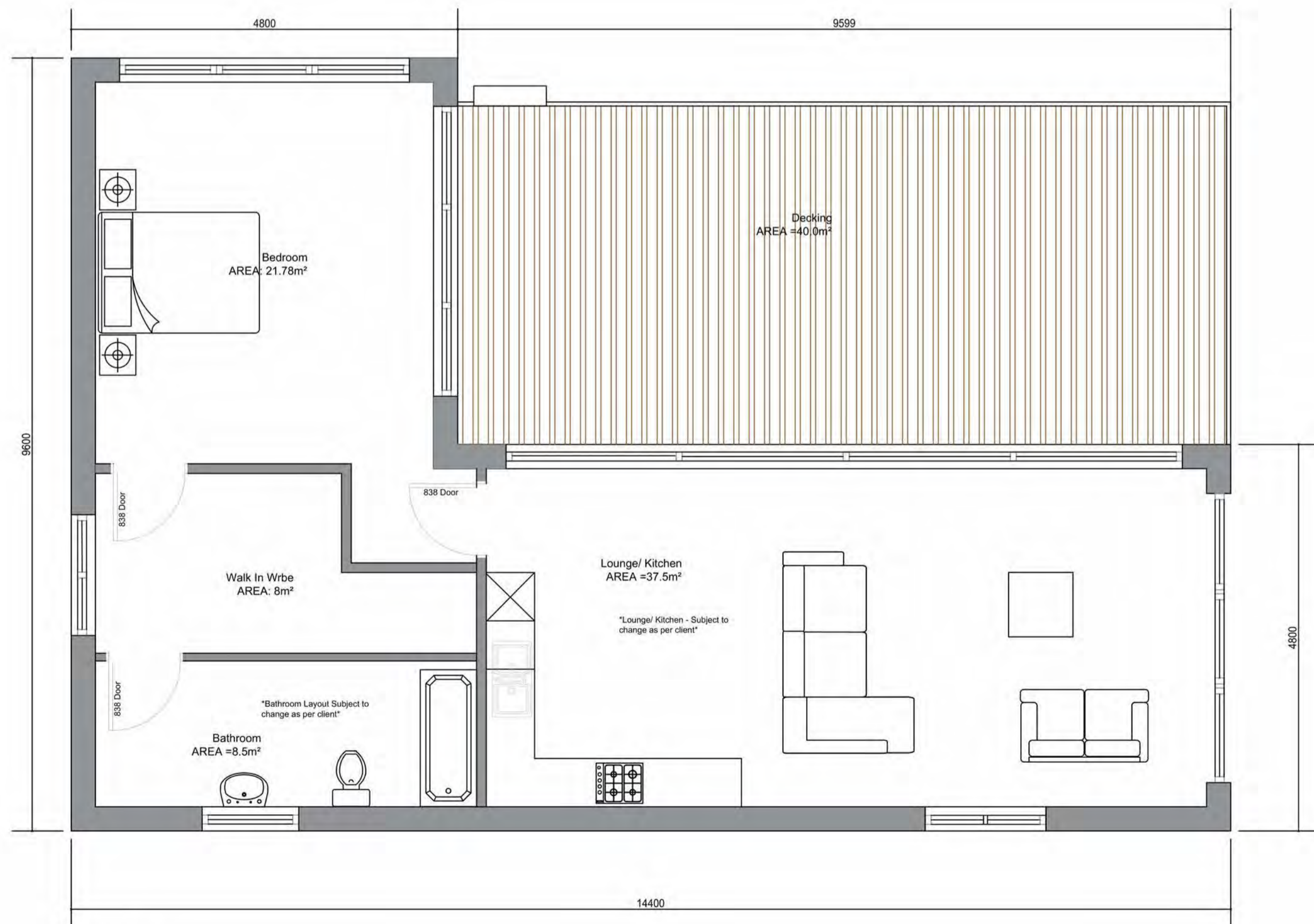
EXTERNAL FINISHES
 Single ply membrane roof finish.
 Grey facing engineering brick base course.
 Calvic SSR2 Cladding, colour Alaska (RAL 7000)
 Standing Seam Pre-Finished Steel to walls.
 Dark Grey Aluminium Framed windows and doors.
 Dark Grey Fascia, gutters and downpipes.



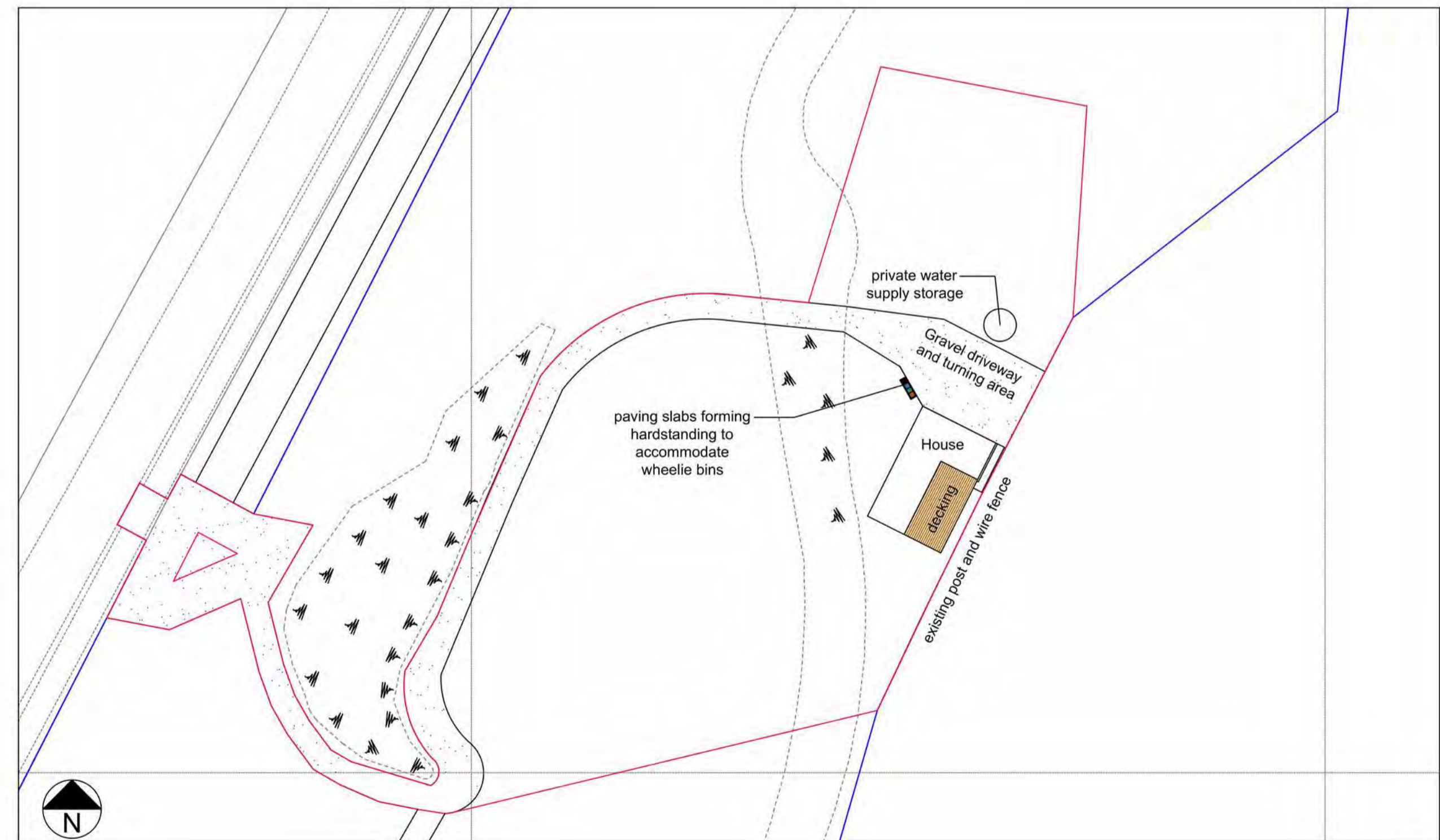
West Elevation
Scale 1:50



South Elevation
Scale 1:50



Floor Plan
Scale 1:50



Block Plan
Scale 1:500

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REVISION INT DATE
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 A: 85 HIGH STREET, NEWBURGH, KY14 6DA



PROJECT:
 Mr Simpson
 Holiday Accommodation
 Land 700m North of Forcell Firs
 TITLE:
 Plans and Elevations

TECHNICIAN: GP SCALE(S): 1:50 & 1:100 SHEET: 2 of 7
 DATE: 22/02/22 PROJECT NO: 3269 - PP - 001

Planning Statement
(including Sustainability Checklist)

Erection of single holiday accommodation cabin and associated drainage infrastructure (part retrospective)

Quarry Den Wood, Fordell, Inverkeithing

3269_Mr Simpson

May 2023



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088



www.asassociatesltd.co.uk/
info@asassociatesltd.co.uk



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3.0 Proposal	7
4.0 Principle of Development	9
5.0 Detailed Policy Considerations	12
6.0 Conclusion	17
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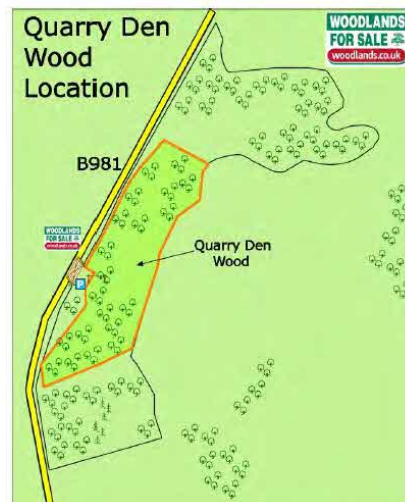
1.0 Introduction and Background

This statement has been prepared for our client, Mr Simpson, to support his application for planning permission for erection of a single holiday accommodation cabin within an area of mature woodland near Fordell, Fife.

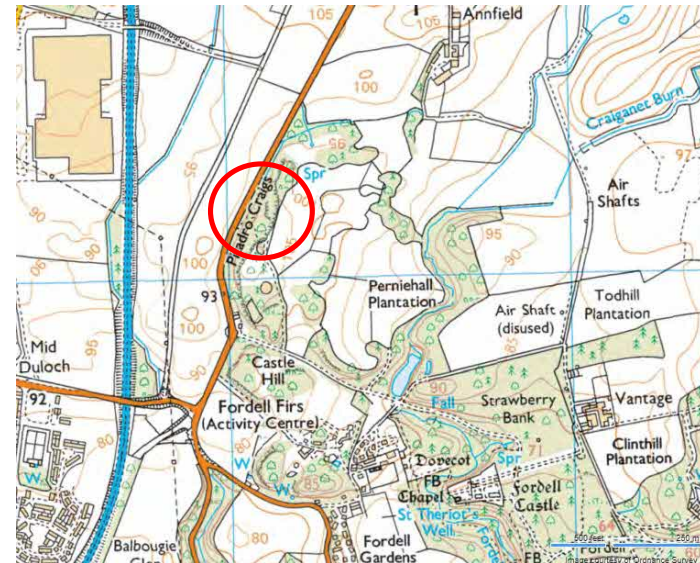
This statement provides supporting information which we trust will assist the Council in its decision-making process. The planning policies of the FIFEplan Local Development Plan 2017 have been the basis for the justification of the proposal, along with other relevant supplementary guidance. Reference is also made to National Planning Framework 4 (NPF4) adopted in February 2023.

Our client's earlier application, for holiday accommodation for personal use and formation of an access road, (22/01110/FULL) was refused in July 2022. The Council assessed the proposal in terms of Class 9, erection of a dwellinghouse, and found that it did not meet with the requirements of the relevant policies relating to housing in the countryside. Our client now wishes to have the proposal assessed as commercial holiday accommodation, and this statement provides justification for this use in terms of the relevant policies.

We will be pleased to discuss any aspect of the proposal prior to a formal decision being made.



Extract from woodlands.co.uk sales information



Site Location



Location of site—Quarry Den Wood

2.0 Site Context and Description

This application relates to an area of woodland known as Quarry Den Wood, located to the east of the B891, running between Hillend and Crossgates. The M90 lies 300m to the west of the site. Quarry Den Wood has an area of approximately 2.1ha and is part of Pitadro Craigs Plantation, a woodland area containing former whinstone quarries.

The woodland is accessed from the B981 through a gated entrance and with dropped kerb enabling access across the cycle path. Beyond the gate there is a parking and turning area. From this point an existing track runs north, parallel to the public road, accessing an adjacent woodland lot, 'Pleachers Wood' in separate ownership. Permission was recently granted for three huts within this woodland and the existing access and parking area (21/01837/FULL, October 2021). A further existing track leads from the parking area towards the east, providing the access to the application site. There may have been some misunderstanding in the description of the earlier application and its assessment. The access into the quarry area, through the woodland, is existing, dating back at least to the time that the quarry was operating. The only work carried out in relation to this track has been its improvement, as it had become overgrown with vegetation. The track is referred to in the sale details for the woodland, see next page, and can be seen on historic images on Google Streetview.

Quarry Den Wood has a distinct topography which defines its different character areas. The land rises from the B981 to a level open 'hardstanding' area, associated with the former quarry and used more recently for woodland management timber operations. The quarry crags lie to the rear, east, of this area. The woodland also contains a 'den' - to the south of the application site.

The woodland contains species such as oak, elm, ash, willow and yew and is described in the Native Woodland Survey of Scotland as young mixed broadleaf woodland.

The application site is screened by the rising land and woodland from the only public view, from the west and the B981 and cycle path. The site is bounded by a post and wire fence to the east, with farmland and extensive woodland within Fordell Estate beyond. The site's north and south boundaries lie adjacent to the surrounding Quarry Den woodland.

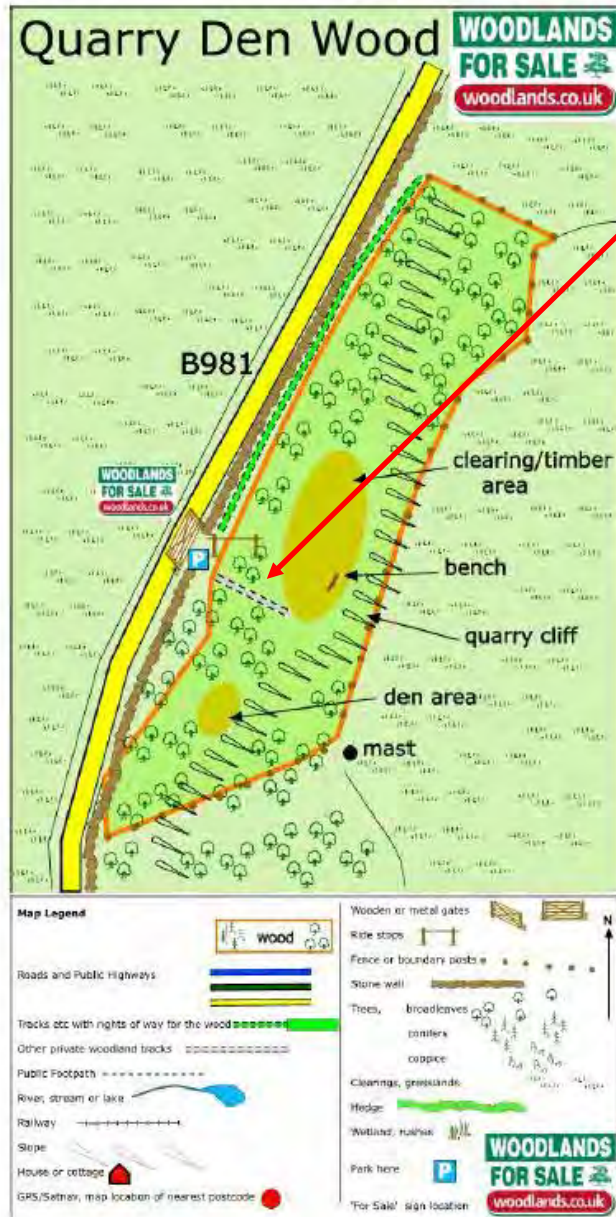
The site lies within the Cullaloe Hills and Coast Local Landscape Area and within the Fordell Castle garden designed landscape. Fordell Castle lies within woodland more than 1km to the south east. FIFEplan identifies the woodland as an Existing Green Network Asset. There are no nearby nature conservation designations.



Historic OS Map (1856) showing Quarries within Pitadro Craigs Plantation

Reproduced with permission of the National Library of Scotland

2.0 Site Context and Description



Extracts from woodlands.co.uk sales details showing (indicatively) existing access track to site and reference in description of Wood.

Description

Quarry Den Wood, as its name suggests, is part of what was Pitadro Craigs, a quarry linked to Fordell Castle estate and may have supplied stone to one of Scotland's oldest railways that ran within 500m of the woods. The Fordell railway route took coal from the Fife coalfields to the ships waiting in St Davids Bay, now part of the Dalgety Bay settlement, although this line is now long gone.

Pitadro Craigs has, over time, transformed itself into a quite wonderful little woodland and Quarry Den Wood incorporates three distinctive and contrasting zones: in May it is all carpeted in a sea of bluebells.

From the ride stop entrance a track rises to a plateau and hard standing. This type of hard, lean ground is a perfect habitat for wild orchids and woodland herbs and is a stunning sight in summer. The plateau area is framed with the backdrop of the small crags that represent the upper boundary. Dry ground conditions here create a secluded space and would make an site to build a woodland shelter or to set up a campsite.

To the right of the access track is the quarry den, an interesting area for using and did to explore and with matured timber. A wide range of



Google Streetview image (March 2021) [B981 - Google Maps](#) showing overgrown track leading to quarry from entrance.

2.0 Site Context and Description

Site viewed from south showing former quarry area, crags and access road



Site viewed from north showing former quarry area, and access road



View east from site



3.0 Proposal

The proposal is for the erection of a single holiday accommodation cabin to be located on the 'plateau' area of the crags within the woodland. This area is within an existing open area within the woodland, associated with the historic quarrying and used for more recent woodland management operations. There is an existing access into the quarry area from the public road.

The proposed cabin is low level, with height of 3.075m. The proposed materials include a grey brick basecourse with the cabin elevations finished in grey standing seam steel cladding. Windows and doors would be dark grey aluminium framed and fascia, gutters and downpipes also dark grey. The roofing would be single play membrane.

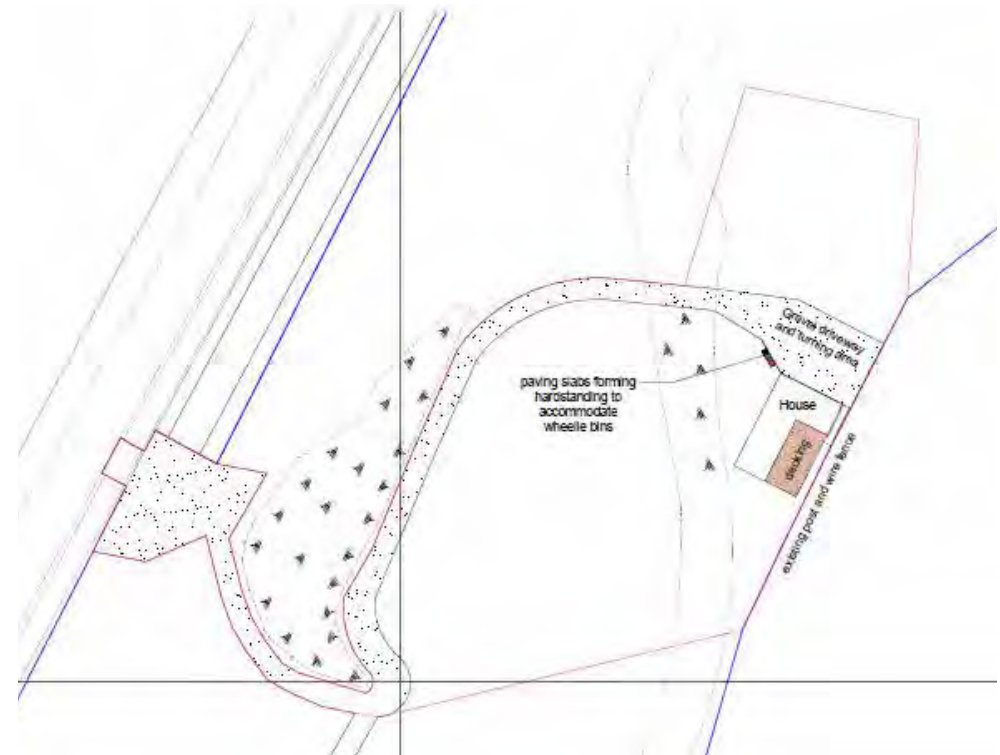
The proposed cabin has a 14.4m x 9.6m footprint (138 sqm) with internal floorspace of 76 sqm and decking area of 40 sqm. The cabin would be oriented on the site with the fully glazed walls and decking facing east, with views out from the woodland across the more open countryside.

There is existing access to the site of the proposal, parking and turning area. An area of hardstanding will be designated for bins and recycling.

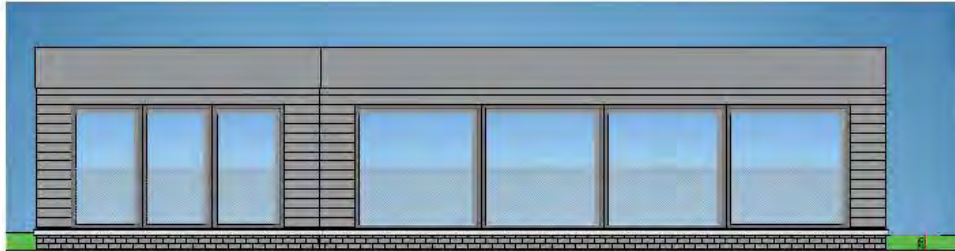
The applicant intends to manage the woodland to enable it to regenerate across the clear quarry area. The applicant has already begun to carry out new tree planting, to enhance the woodland, both for biodiversity benefits and for visual amenity, including benefits to the setting for the cabin.

Proposed Block Plan (not to scale)

(extract from submitted Drawing 3269-PP-001)



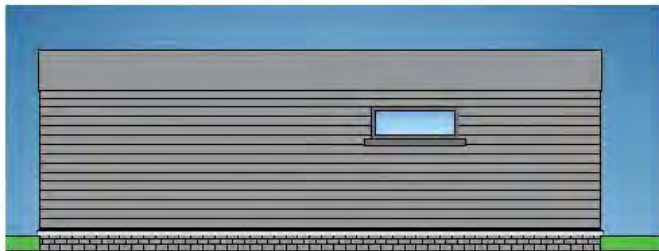
3.0 Proposal



East Elevation
Scale 1:50



West Elevation
Scale 1:50



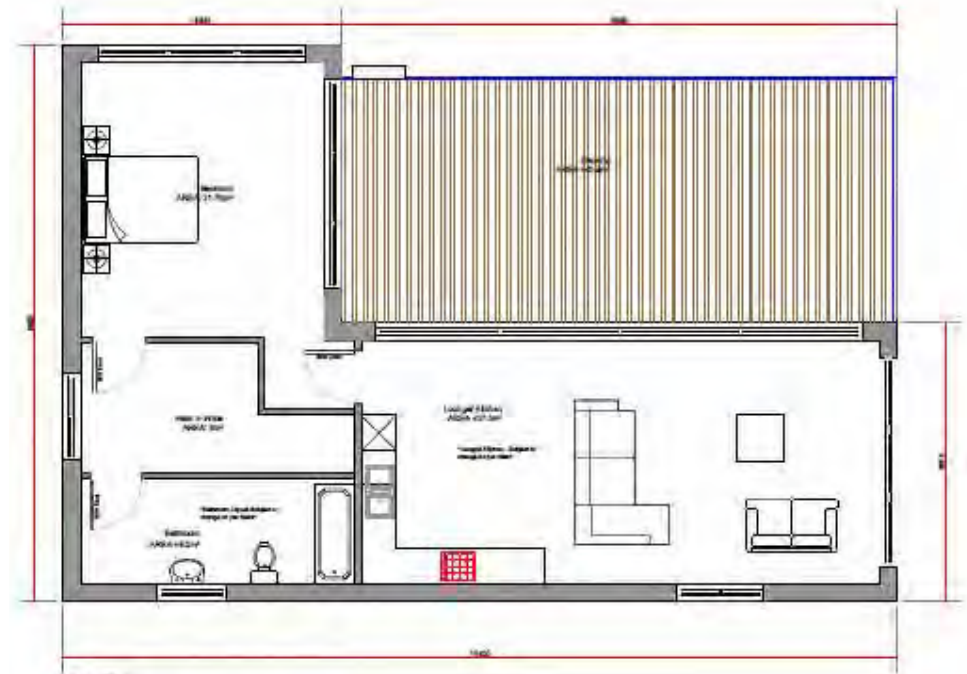
North Elevation
Scale 1:50



South Elevation
Scale 1:50

Proposed Floor Plan and Elevations (not to scale)

(extract from submitted Drawing 3269-PP-001)



4.0 Principle of Development

The Development Plan which applies to this site is the Approved SESplan Strategic Development Plan 2013 and the Adopted FIFEplan Local Development Plan 2017. Fife Council's range of supplementary guidance is also a material consideration in the assessment of this proposal, including Making Fife's Places Supplementary Guidance 2018. NPF4 also contains relevant National Planning Policy and direction.

Policy 1 Development Principles is the gateway policy which the Council indicates will be used in the assessment of all development proposals. It advises that proposals will be supported where located within a 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.

The site is not allocated for development within FIFEplan and lies outwith any settlement boundary as identified in the Adopted FIFEplan, in countryside in terms of relevant policies. This proposal is submitted in terms of Policy 1, Part A 1b, i.e. the principle of development will be supported if it is in a location where the proposed use is supported by the Local Development Plan.

Part B and part C of the policy are also met in that, in terms of Part B, the proposal addresses its impact, as referred to below relative to other FIFEplan policies. Part C requires supporting information, if required, and we will be pleased to discuss the need for any further submissions with the case officer.

Policy 7: Development in the Countryside has as its outcome, 'A rural environment and economy which has prosperous communities and businesses whilst protecting and enhancing environmental quality.' The policy supports development in the countryside where the proposal fits with at least one of several stated criteria relating to the nature of the proposal, and in all cases, where it is of a scale and nature compatible with surrounding uses, well located in relation to infrastructure and be located and designed to protect the overall landscape and environmental quality of the area. In addition, controlling

development on prime agricultural land is a consideration.

This proposal, for small scale holiday accommodation to support tourism in South and West Fife, is submitted as gaining support from stated criterion:

'6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proved need for a countryside location.'

This proposal for a holiday accommodation unit (cabin) aims to provide diversification of the use of the applicant's woodland, providing tourist accommodation and enabling access to the countryside for recreation. It therefore requires to be in this countryside location. We contend that the proposed use is appropriate in this countryside location.

The text in FIFEplan relating to 'Applying Policy 7: Development in the Countryside' indicates that the policy will be used as protection against unplanned development but recognises that 'there are activities which require a countryside location...' This proposal gains policy support in its need for a countryside location. Policy 7 also includes that, 'the protection and enhancement of the built, natural, and historic qualities of the countryside are important considerations and these attributes must be maintained and enhanced wherever possible'. These detailed consideration are addressed in the following section with reference to relevant FIFEplan policies.

NPF4 Policy 29 Rural development encourages rural economic activity and provides support for development proposals that contribute to the viability, sustainability and diversity of the local rural economy. NPF Policy 30 Tourism aims to encourage, promote and facilitate sustainable tourism development. Proposals for tourism related development are to be assessed in terms of a number of criteria. We contend that these are met, as shown by the following justification and detailed policy consideration.

4.0 Principle of Development

Justification for tourism development at this site

Fife's Plan for Fife 2017—2027 includes that ambition to attract more visitors and increase annual visitor spend. The Fife Economic Strategy 2017—2027 includes tourism as a key sector within Fife's economy and highlights its importance in Fife's overall economic growth. The Fife Tourism & Event Strategy 2019—2029, developed by the Fife Tourism Partnership, Fife Council and the Local Tourist Associations challenges the tourism sector to achieve greater economic growth. This Strategy includes statistics from 2017, identifying that around 700, 000 visitors to Fife stayed overnight, with average stays being 4 and a half days and visitors spending around one half of their budget on accommodation. The Strategy notes that this demonstrates the importance of quality accommodation across Fife.

The Fife Partnership's South & West Fife Area Local Community Plan 2019—2022 (Plan 4 South & West Fife Area) has the promotion of business and tourism as one of its three key priorities and includes in its vision that 'We want South West Fife to be a place ... where tourists are keen to visit...This means creating an area that people enjoy living in, with good access to services, amenities and opportunities to prosper. We want to make the best use of our assets and facilities, our natural heritage, and the great potential that we have in the community spirit that exists within the area.'

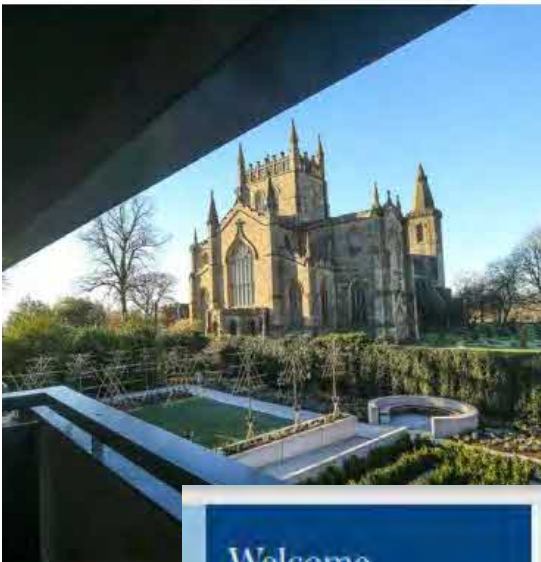
In terms of Inclusive Growth and Jobs, the Plan highlights the opportunities to 'capitalise and build on the Area's tourism potential and unique heritage.' A main area of focus is stated as to 'Maximise the potential of key tourism assets including woodland walks and local trails.'

The Plan 4 South & West Fife Area recognises that the area has much more to offer tourists, stating that 'South and West Fife has a number of key tourist attractions including the 5 bridges, excellent heritage sites as well as the unique geography of the coast and countryside.' The Plan recognises existing assets and opportunities that 'could be built upon' including 'The Forth Rail Bridge with its World Heritage Site status, Fife Coastal Path and Pilgrims Way and the Area's associated history around the Royal Burghs of Inverkeithing and Culross are all assets that should be built upon to release the Area's full tourism potential.'

VisitScotland promotes cabin/chalet/lodge type accommodation extensively on its website, highlighting that 'Scotland is home to hundreds of forests, woodlands, lochs, and beautiful landscape spots that are the perfect location for a lodge or chalet getaway.' However, searches on VisitScotland and other booking sites highlight the lack of rural 'cabin' type accommodation within the South & West Fife area.

We believe that this proposal is well placed to contribute to the development of tourism in Fife, diversifying and supplementing the type of accommodation available and well placed to take advantage of the many tourist attractions, in South & West Fife and further afield.

Visitor Guide **Dunfermline & West Fife**



welcometofife.com

Welcome

One of the best connected destinations in Scotland, West Fife is home to ancient capital Dunfermline as well as pretty villages, great walking and cycling routes, golf, beaches, shopping and lots to do. Rich in historical interest and with a host of attractions including Knockhill Racing Circuit and Deep Sea World, West Fife is a fascinating place to visit and an excellent base for a touring holiday. It's just a short journey across the Forth from Edinburgh and as the gateway to the rest of Fife it's within easy reach of the fishing villages of the East Neuk and the golfing paradise of St Andrews.



Extract from Dunfermline & West Fife Visitor Guide, showing that the site is well located for many highlighted attractions

5.0 Detailed Policy Considerations

Residential Amenity

FIFEplan Policy 10: Amenity advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses.

The proposed cabin will be in a secluded woodland setting and is isolated from any nearby residential properties. The nearest is the North Lodge of Fordell Estate, lying 400m to the south. The proposal will not impact on the amenity of the huts approved by 21/01837/FULL in the woodland to the north east, approximately 250m distant. It is therefore considered that there will be no impact on the privacy of any nearby residential, or recreational, properties resulting from the occupancy of the proposed cabin.

Traffic movements to and from the site generated by occupancy of the proposed holiday cabin will be minimal and is therefore not expected to cause noise disruption to the surrounding area.

Design and Visual Amenity /Impact on Landscape

FIFEplan Policy 10: Amenity applies in this case and advises that proposals will be supported where they do not have a significant or detrimental visual impact on the surrounding area. FIFEplan Policy 14: Built and Historic Environment supports development that will not harm or damage sites within the Inventory of Historic Gardens and Designed Landscapes. FIFEplan Policy 7: Development in the Countryside requires new development to be of a scale and nature compatible with surrounding uses and located and designed to protect the landscape and environmental quality of the area. FIFEplan Policy 13: Natural Environment and Access requires the protection and enhancement of natural heritage and access assets including Local Landscape Areas and rural character.

The site for the proposal lies on the flat area above the quarry crags. Although elevated above the quarry area, the proposed cabin will be screened by the surrounding woodland, with further future planting also proposed. The site of the cabin is currently visible in the agricultural landscape from the east, although there are few visual receptors within this area, including no Core Paths that pass the site to the east.

The proposed cabin will be low level and flat-roofed, constructed with grey steel sheet cladding and a single ply membrane roof. It will have extensive glazing on its east elevation and a timber decking area. The design, materials and finishes for the cabin are considered appropriate for this site, in terms of its topography, the characteristics of its former quarry use and surrounding agricultural/woodland setting. The cabin will be a sympathetic addition to the surrounding rural area.

The applicant intends to carry out extensive tree planting (in part already carried out) to increase the woodland coverage across the quarry area and to further integrate the cabin into its woodland setting.

Overall, it is considered that the proposed cabin is of an appropriate design and suitably located to ensure that it will have no detrimental visual impact. The Report of Handling for application 22/01110/FULL concurs that the proposal would be visually sympathetic to the surrounding area with no adverse impact on its rural character, the Local Landscape Area or the Fordell Castle Historic Garden and Designed Landscape, compliant with the Development Plan.

5.0 Detailed Policy Considerations

Flooding and Drainage

FIFEplan Policy 3: Infrastructure and Services requires that development must deliver required infrastructure and functions in a sustainable manner, including in relation to foul and surface water drainage. FIFEplan Policy 12: Flooding and the Water Environment advises that development proposals will only be supported where they can demonstrate that they will not increase flooding or flood risk from all sources on the site or elsewhere or detrimentally impact on future options for flood management.

A surface and foul water drainage scheme design and report has been commissioned by the applicant and is submitted in support of the application. There is no adopted sewer in the area and no percolation available in the existing sub-soil and therefore a two stage sewage treatment plant is proposed for foul drainage. Surface water from the cabin roof will be filtered through a stone trench

The SEPA flood map for the area shows that there is no likelihood of flooding from any source on the site. There is some likelihood of surface water flooding on the B981 lying to the west of the site and providing its access. It is not considered that the proposed cabin will cause any increase in flooding or flood risk.

It is anticipated that the proposal can be assessed as fully compliant with the terms of Policy 3 and Policy 12 and the relevant guidance.

Waste Management

FIFEplan Policy 10: Amenity requires that development proposals must not have a significant detrimental impact on amenity in relation the operation of existing or proposed waste management facilities. Refuse bins will be located on hardstanding adjacent to the cabin. Organic waste will be composted on site. Waste will be transported from the site to be safely collected/deposited

and recycled. The Report of Handling for the earlier application, 22/01110/FULL includes that the proposal has the necessary waste management facilities, would not impact on amenity and would comply with the Development Plan.

Transport, Traffic Impact and Road Safety

FIFEplan Policy 3: Infrastructure and Services states that all development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner, including 'local transport and safe access routes which link with existing networks, including for walking and cycling'.

Traffic movements to and from the site generated by occupancy of the proposed holiday cabin will be minimal. It is likely that holiday visitors, if using car travel, will make only a single trip away from the site and returning within a day. The rural location of the cabin, with adjacent cycle path, will encourage visitors to use active travel from the site for recreation within the surrounding countryside, limiting car movements.

The entrance to the site from the B981 is an existing access which has been used for access in the past, including for forestry operations. The access passes across the recently constructed cycleway and a dropped kerb has been incorporated into those works. The nature of the proposal, for holiday accommodation, will generate very low numbers of vehicle movements.

The Report of Handling for the earlier application 22/01110/FULL notes that the access serving this proposal was included in the site of a the recently approved application 21/01837/FULL, providing access to the hutting site (3 cabins) to the north. The Report of Handling for 22/01110/FULL concludes that the holiday accommodation proposal, utilising the existing access, in addition to the three huts, would have no significant impact in terms of road safety, and would comply with the Development Plan.

5.0 Detailed Policy Considerations

Accessibility

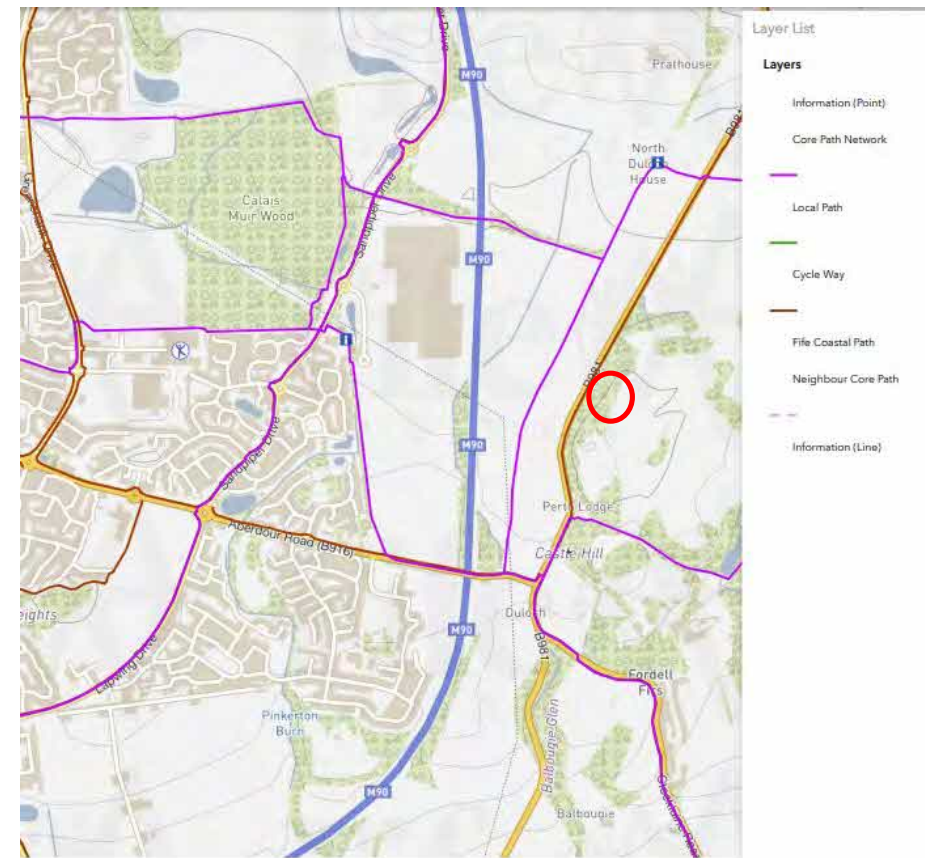
The B981 has a dedicated traffic free shared use cycle/pedestrian path along its length, connecting into the extensive Core Path network in the area, providing direct access from the site for countryside recreation and to reach nearby Fordell, Crossgates and Dunfermline.

The site is also within easy reach of the public transport network. Bus services are available within approx. 900m on the B916, Aberdour Road, to the south west and connecting into Dunfermline and the wider public transport network. Dalgety Bay rail halt is within 2km and accessible on the Core Path network.



Image from Google Streetview (Nov 2022) showing access to site from B981 (with adjacent cycleway).

Location of site within surrounding active travel network



5.0 Detailed Policy Considerations

Natural Heritage

FIFEplan Policy 13: Natural Environment and Access advises that development proposals will only be supported where they protect or enhance a range of natural heritage and access assets, including: designated sites; woodlands; trees and hedgerows; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; carbon rich soils, and green networks, greenspaces, core paths and other access routes.

This proposal is using an open area, part of the former quarry, as its site. The application site lies on the western edge of the Cullaloe Hills Local Landscape Area. The woodland area around the quarry is described in the Native Woodland Survey of Scotland as young lowland mixed deciduous woodland. The woodland is also identified in FIFEplan as an existing Green Network Asset.

The Report of Handling for the earlier application 22/01110/FULL notes that any of the work already carried out on the site would have been covered by separate legislation relating to wildlife protection, and given the retrospective nature of the proposal, any impact has occurred. The Report of Handling did not consider it necessary for any further protected species survey.

The quarry area has experienced some natural regeneration of woodland in the past, with some tree cover across the area shown on Google aerial images. The applicant's management of the woodland has included some past tree felling. The applicant's intention for the site is to re-establish woodland over the quarry area and planting has already been carried out.

Earlier removal of trees on the site does not fall within the assessment of this planning application. The proposal does not include the removal of any further trees surrounding the site. We believe that there are no trees sufficiently close to the proposed cabin or the access track to be at threat of impact from the proposal. (please refer to separately submitted photographs)

The proposal does not conflict with the overall policy aim of maintaining and enhancing the landscape qualities of the area and will enable the longer term management and maintenance of the woodland by the applicant. The proposal is a low impact proposal within this former industrial area, it is intended that in time it will enhance this green network asset and the woodland.

We believe that this proposal is small scale and low impact in terms of its construction and use, will have no adverse impact on the surrounding environment, with the potential for both biodiversity and landscape benefits.

In summary, the proposal for this cabin can be achieved without any adverse impact on natural heritage, compliant with FIFEplan Policy 13: Natural Environment and Access.

Contaminated Land and Site Stability

FIFEplan Policy 10: Amenity states that proposals must not have a significant detrimental impact on amenity, including in relation to contaminated and unstable land. The application site lies outwith the defined Coal Mining Development High Risk Area which has its southern boundary some distance to the north of the site. We note that in the Council's Land and Air Quality Team consultation response on the earlier application 22/01110/FULL was that there was no objection to the proposal subject to conditions relating to the discovery of any previously unencountered contamination. The applicant is content that a contaminated land condition be applied to any consent, enabling compliance with the Development Plan.

5.0 Detailed Policy Considerations

Low Carbon Fife

FIFEplan Policy 11: Low Carbon Fife requires new development to show that it includes measures to address sustainable building, water conservation, sustainable urban drainage, recycling and the use of sustainable transport.

FIFEplan Policy 3: Infrastructure and Services requires a development proposal to demonstrate the required level of low and zero carbon generating technologies in accordance with FIFEplan Policy 11. The Council's Supplementary Guidance: Low Carbon Fife (2019) includes a sustainable development checklist which is required by the Council as part of a planning application submission. The cabin is not 'exempt' in terms of the Caravan Sites and Control of Development Act 1960 and therefore requires to comply with the Scottish Building Standards.

This Checklist is attached as Appendix 1, demonstrating that this proposal fully addresses the above measures.

6.0 Conclusion

In conclusion we make the following points in support of this proposal:

The proposal is for a small scale, low impact holiday cabin, located within an existing clearing, formerly a quarry area, within surrounding woodland. It is well located for travel, both active and vehicular and will not encourage unsustainable travel.

The proposal will support the aims of Fife's aims to promote tourism as a key component of the Fife economy.

There is no conflict with surrounding land uses or the residential amenity of the local area.

There is no adverse impact on the landscape or environmental value of the site

The cabin will be appropriate in terms of its scale, design and materials in terms of its surrounding rural location.

The proposal will generate a minimal amount of traffic and will have no impact on the road capacity, safety and environment

Overall, we believe the proposal merits support from the FIFEplan LDP 2017 policies and related guidance, and NPF4.

With respect, the applicant seeks the support of Fife Council in the approval of this planning application.

Appendix 1 Sustainability Checklist

Appendix B. Demonstrating compliance with Policy 11: Low Carbon Fife (sustainable buildings and district heating requirements)

Requirements under Policy 11: Sustainable Buildings

1. Demonstrate that the application meets the CO₂ emissions reduction targets currently in place and that the required proportion of that reduction is met by low and zero carbon generation technologies

Does an exemption apply?

The exemptions listed in building Standard 6.1 apply including:

- Conversions of buildings;
- Small extensions;
- Development proposals which are not heated or cooled (other than heating for frost protection);
- Temporary buildings with an intended life of less than 2 years.

Yes/No

If no has an energy statement of intention been submitted? - Yes/No

Extract from Fife Council checklist

Energy Statement of Intention

The proposed holiday cabin will be subject to the current Building Regulations and will accord with the standards required at that time in relation to energy efficiency and energy generating technologies to contribute to a reduction in carbon dioxide emissions. This will include through insulation, renewable energy technology and water conservation.

2. Demonstrate that construction materials come from local or sustainable sources

A statement should be included setting out that the development will endeavour to provide the materials from local or sustainable sources. Additional detail should be included if available.

Extract from Fife Council checklist

Materials

The applicant understands the environmental benefits of locally and sustainably sourced materials, including the options for using recycled materials, accredited responsible suppliers and materials with recognised reduced environmental impact.

This proposal does not address Air Quality in the Checklist as it has a site area of less than one hectare. It is also exempt from considering District Heating, being more than 1km from an existing or proposed district heating network.

Appendix 1 Sustainability Checklist

3. Demonstrate that water conservation measures are in place

A statement should be included setting out that the development will include water conservation measures. Detail of the measures to be taken should be included if available.

Extract from Fife Council checklist

Water Conservation

The proposed holiday cabin will be constructed to meet with the relevant Building Standards, including maximum flush volume WC, restricted flow at taps and shower head.

4. Demonstrate that sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment

We require Compliance and Independent Check Certificate's to be submitted as per Fife Council's [Sustainable Drainage Systems \(SuDS\) - Design Criteria Guidance Note](#) (see the Appendices to the note).

Extract from Fife Council checklist

Drainage

Surface water will be addressed through natural process on the existing site and a stone trench to deal with water from the cabin roof.

5. Demonstrate that facilities are provided for the separate collection of dry recyclable waste and food waste.

PPP applications: We require a statement setting out that measures for the storage of dry recyclable waste and food waste will be provided as part of the development.

Full/detailed applications: We require full details on how dry recyclable waste and food waste will be stored.

Extract from Fife Council checklist

Waste Management

The proposed holiday cabin will comply with Building Standards and Fife Council's requirements for the storage and collection of landfill waste, for dry recyclables and for food waste. Ample dedicated space to accommodate bin and recycling storage will be provided.

Appendix 1 Sustainability Checklist

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

PPP applications: A statement should be included setting out the intended measures to encourage and facilitate the use of sustainable transport focusing on the order of priority set out in policy 11.

Full/detailed applications: We require full details on how the development encourages and facilitates the use of sustainable transport focusing on the order of priority set out in policy 11.

Extract from Fife Council checklist

Transport

The site is very well located for active travel with access to the Core Path network. The B981 has a dedicated traffic free shared use cycle/pedestrian path along its length, connecting into the extensive Core Path network in the area, providing direct access from the site for countryside recreation and to reach nearby Fordell, Crossgates and Dunfermline.

The site is also within easy reach of the public transport network. Bus services are available within approx. 900m on the B916, Aberdour Road, to the south west and connecting into Dunfermline and the wider public transport network. Dalgety Bay rail halt is within 2km and accessible on the Core Path network.

The site is therefore well located for access by active travel and sustainable transport to local, and more distant, visitor attractions, minimising the need for longer unsustainable car journeys.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
 Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
 Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

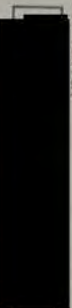
CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:



On behalf of:

PAUL SIMPSON

Date:

11/08/23

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:



Scottish
Forestry
Coilltearachd
na h-Alba

Central Scotland Conservancy
Bothwell House, Caird Park
Hamilton
ML3 0QA
www.forestry.gov.scot
centralscotland.cons@forestry.gov.scot
Tel. 0300 067 6006

Conservator
KIM WILSON

Thursday, 10 June 2021

Paul Simpson
40 Forbes Road
Rosyth
KY11 2AN

Dear Mr Simpson

**Forestry and Land Management (Scotland) Act 2018
Felling at Pitadro Quarry**

I am writing to inform you that our investigation into the above felling is now complete. Thank you for your cooperation with the investigation to date.

I am pleased to confirm that Scottish Forestry will not take any further action as we have established that the trees you felled during the month of May 2021 on the property at Pitadro Quarry were legally felled under the exemption listed below, as defined in the Forestry (Exemption) (Scotland) Regulations 2019.

4a. The tree(s) were of a diameter not exceeding 10 centimetres measured at 1.3 metres from the ground.

4c. The aggregate cubic content of all the trees felled on your land did not exceed 5 cubic metres in the calendar quarter May - August and the trees were not in a small native woodland (0.1 to 0.5 ha) or in a Caledonian Pinewood.

It is worth noting that if felling is carried out under an exemption, it is the landowners responsibility to prove that the exemption applies by keeping appropriate records.

You must apply for Felling Permission if you wish to fell a tree, where no exemption applies.

Felling without a valid Felling Permission and where exemptions or directions do not apply, is an offence and may result in prosecution, a fine and a criminal record for anyone involved. The Act considers the felling of each tree a separate offence with a maximum penalty of up to £5,000 per offence.

If you are considering any further felling operations and are in doubt as to whether an exemption applies or whether you need a Felling Permission please do not hesitate to get in touch with this office and we would be happy to provide you with free advice and help you to apply for a permission if required.

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

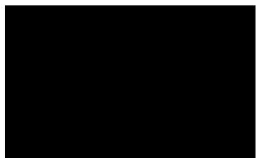
S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Rìghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd



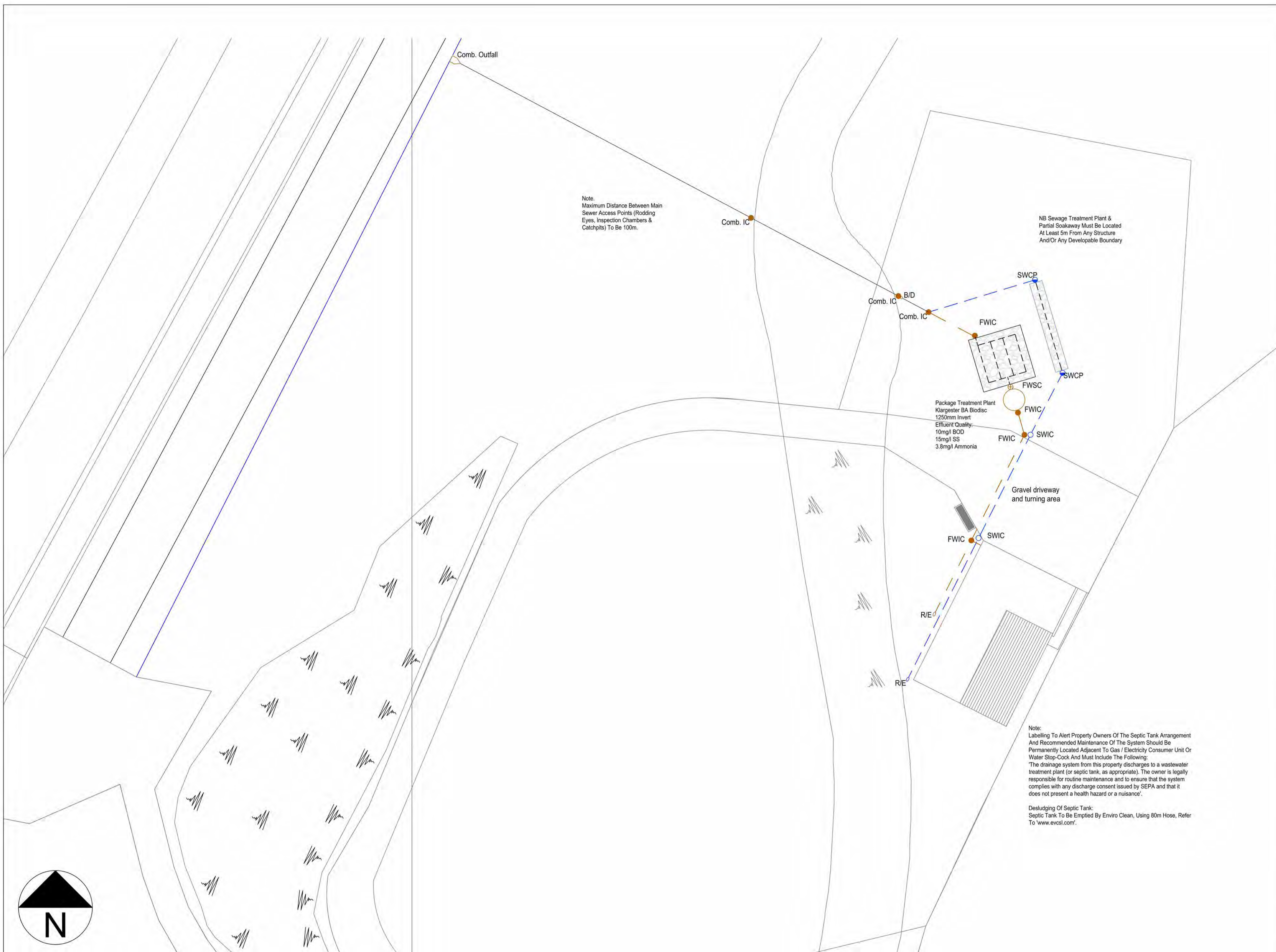
Scottish Government
Rìghaltas na h-Alba
gov.scot

For further information, you can find our booklets 'Tree Felling in Scotland – Getting Permission' and 'Felling Permission – Application Guidance' on our website (<https://forestry.gov.scot/support-regulations/felling-permissions>).

Yours sincerely,



Joanne Daly
Woodland Officer
Tel – 07780227126
Email – joanne.daly@forestry.gov.scot



Notes:

Proposed Drainage Legend

- RE Denotes Foul Water Rodding Eye
- FWIC Denotes Foul Water Inspection Chamber
- FWSC Denotes Foul Water Sampling Chamber
- Denotes 0110mm UPVC Foul Water Sewer Laid At 1:60 Min
- Denotes Foul Water Partial Soakaway Laid At 1:200
- RE Denotes Surface Water Rodding Eye
- SWIC Denotes Surface Water Inspection Chamber
- SWCP Denotes Surface Water Catch Pit
- Denotes 0110mm UPVC Storm Water Sewer Laid At 1:100 Min
- Denotes 0110mm Perforated Carrier Pipe Within Filtration Trench Laid At 1:200
- Denotes 1m Storm Water Deep Filtration Trench

Incurtillage Drainage Notes

- All Levels Shown Must Be Confirmed On Site Prior To Commencing Work.
- The Contractor Should Evaluate Which Drainage Lines Require A Concrete Surround, As A Result Of The Crown Of The Pipe Being < 1.2m From The Finished Trafficked Level.
- The Contractor Must Ensure That The Location Of SVPs Indicated On This Drawing Concords With The Location Of The SVPs On The Architects Current Building Layout Plan.
- Refer To Architects Internal Layout For All Internal POP UPSVP Setting Out Locations.
- All Pipe To Pipe Connections Are To Be Made Crown Of Pipe To Crown Of Pipe Unless Noted Otherwise.
- All Drainage To Be Installed In Accordance With The Manufacturers Recommendations And With Section 3 - Environment, Scottish Building Standards Agency - Technical Handbooks.
- All External Drainage To Be Constructed And Installed In Accordance With BS EN 752-3: 1997 (Amendment 2), BS EN 752-4: 1998 And BS EN 1610: 1998.

The Contractor Must Check All Invert Levels On The Existing Manholes As Soon As They Take Control Of The Site And Advise Engineer To Allow A Check Of The Drainage To Be Carried Out.

ANY VARIATION FROM THE DESIGN SHOWN ON THIS DRAWING MUST BE NOTIFIED TO THE ENGINEER & HIS APPROVAL MUST BE OBTAINED. ANY UNAUTHORISED VARIATION FROM THE DESIGN MAY INVALIDATE ANY CERTIFICATION. IF IN DOUBT CONTACT THE ENGINEER.

THE CONTRACTOR MUST CONTACT THE ENGINEER PRIOR TO COMMENCING ANY WORK TO DISCUSS AND ENSURE FULL UNDERSTANDING OF THE DESIGN INTENT.

Revision	Description	By	Date

Client
Mr Simpson

Architect
Arthur Stone

DRGCS
CONSULTING CIVIL & STRUCTURAL ENGINEERS

Tel: 01786 649689 email: admin@drags.co.uk

Project
Land 700m North of Fordell Firs, Dunfermline

Drawing
Drainage Layout

DRAWING STATUS: FOR INFORMATION

Engineer: KD Date: 11.05.23
Technician: Date:

Project No. 22.5207	Drawing No. 100	Revision
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Drawing Scale: 1:200



Project: 5207 –Fordell Firs	Client: Mr. Simpson	Date: 11.05.23
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INTRODUCTION: -

DRGCS were appointed by Mr Simpson to provide suitable surface and foul water drainage schemes for the construction of a single storey timber framed holiday cabin, located at grid reference NT 1415 5624, lying some 700m to the north of Fordell Firs, on the eastern side of the B981 (refer Appendix A).

OBSERVATIONS: -

Inspection of the Scottish Water records confirms that there are no adopted sewers in the vicinity (refer Appendix C) and the presence of elevated rock-head, as the site is located in the base of a former quarry, precludes the use of sub-soil infiltration (refer Appendix E). Therefore, it is proposed that the disposal of both foul water effluent & treated surface water run-off will be directed to the drain identified on the SEPA classification map in Appendix D. Inspection of the SEPA Flood Map (Appendix D) confirms that the site lies out with any area of concern.

DESIGN: -

Foul Drainage:

As there are no adopted sewers within the vicinity of the site and there is no percolation available within the existing sub-soils, it was decided to provide a two stage sewage treatment plant in the form of a BA Biodisc by Kingspan Environmental, providing discharge figures of 10mg/L BOD, 15 mg/L SS & 3.8mg/L Amm, prior to discharging to the watercourse identified above, following further treatment in the form of a 10m² partial soakaway, as per SEPA's current guidance.

The sewage treatment plant should be fitted with an audible alarm system, in accordance with the manufacturers recommendations and a scheduled maintenance scheme should be employed.

Surface Water Drainage:

Rule 10(d) of SEPA document WAT-SG-12, covering "General Binding Rules For Surface Water Drainage Systems" effectively exempts single dwellings from the requirement for SuDS, however, in the interests of good practice and as encouraged by the aforementioned document it is recommended to install filtration of the surface water run-off from the development to improve water quantity, water quality, amenity and biodiversity in an effort to allow urban areas to cope with severe rainfall for now and into the future incorporating urban creep and climate change.

The filtration will be in the form of a stone filled trench sized to accommodate 15mm of rainfall over the area of hardstanding (refer CIRIA C753), with a further 10% allowance for urban creep & 39% for climate change.

Refer - <https://scottishepa.maps.arcgis.com/apps/webappviewer/index.html?id=2ddf84e295334f6b93bd0dbbb9ad7417>

Treatment Volume (V_t) = (Area drained x 0.015 x 1.1 x 1.39) / 0.3 (void ratio) = (133 x 0.015 x 1.1 x 1.39) / 0.3 = 10.2m³.

Therefore adopt 8.5m long x 1.2m wide x 1m deep filtration trench, filled with clean stone & lined with geotextile to prevent the ingress of fines.

As the access road & car parking is to be formed in granular material, with no positive drainage, the only land use hazards that may be present due to the proposed development will be residential roofing which has a very low hazard level & will be mitigated by the filtration trench as is evidenced by the simple index approach within Appendix F.

As recommended in CIRIA SuDS Manual 2015 please see the maintenance schedules outlined below:

Table 16.1 Extract from C753 –Part D page 310

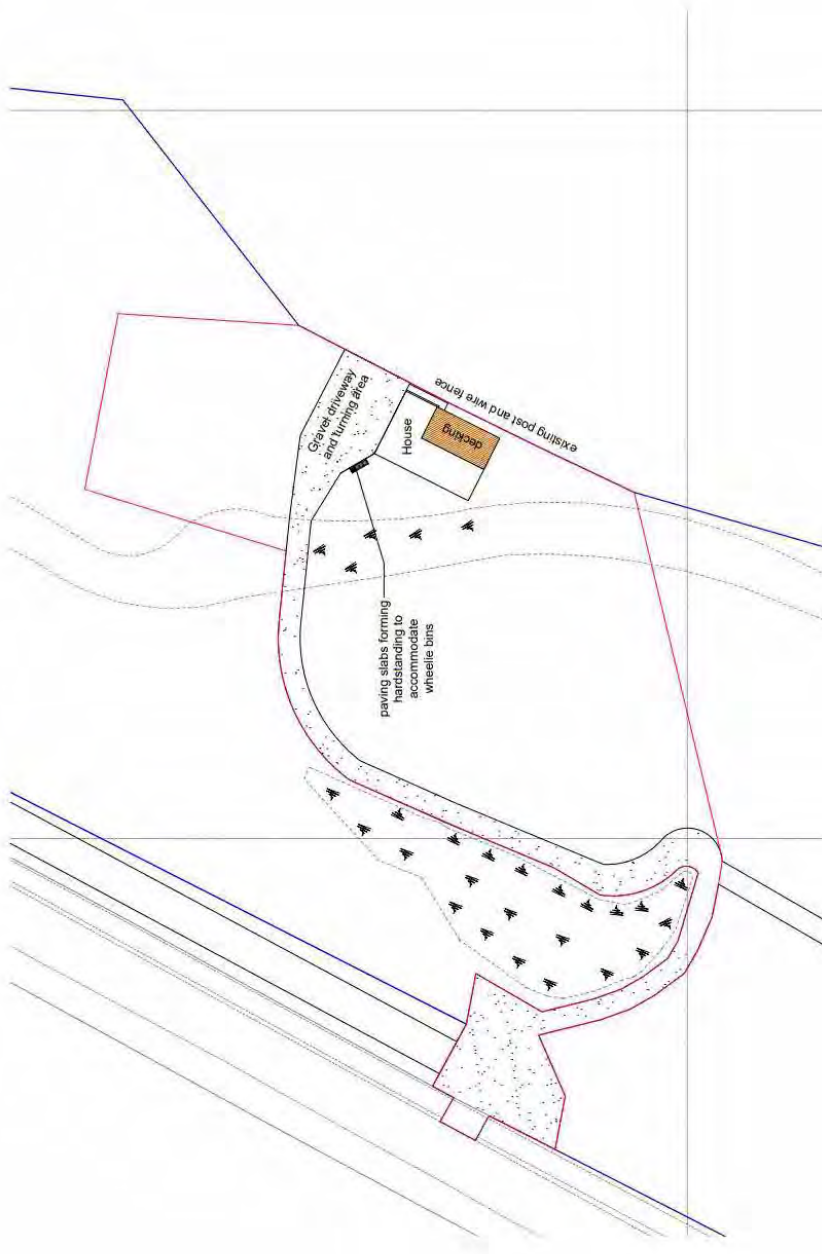
TABLE 16.1 Operation and maintenance requirements for filter drains		
Maintenance schedule	Required action	Typical frequency
Regular maintenance	Remove litter (including leaf litter) and debris from filter drain surface, access chambers and pre-treatment devices	Monthly (or as required)
	Inspect filter drain surface, inlet/outlet pipework and control systems for blockages, clogging, standing water and structural damage	Monthly
	Inspect pre-treatment systems, inlets and perforated pipework for silt accumulation, and establish appropriate silt removal frequencies	Six monthly
	Remove sediment from pre-treatment devices	Six monthly, or as required
Occasional maintenance	Remove or control tree roots where they are encroaching the sides of the filter drain, using recommended methods (eg NJUG, 2007 or BS 3998:2010)	As required
	At locations with high pollution loads, remove surface geotextile and replace, and wash or replace overlying filter medium	Five yearly, or as required
	Clear perforated pipework of blockages	As required



22.5207 – Fordell Firs

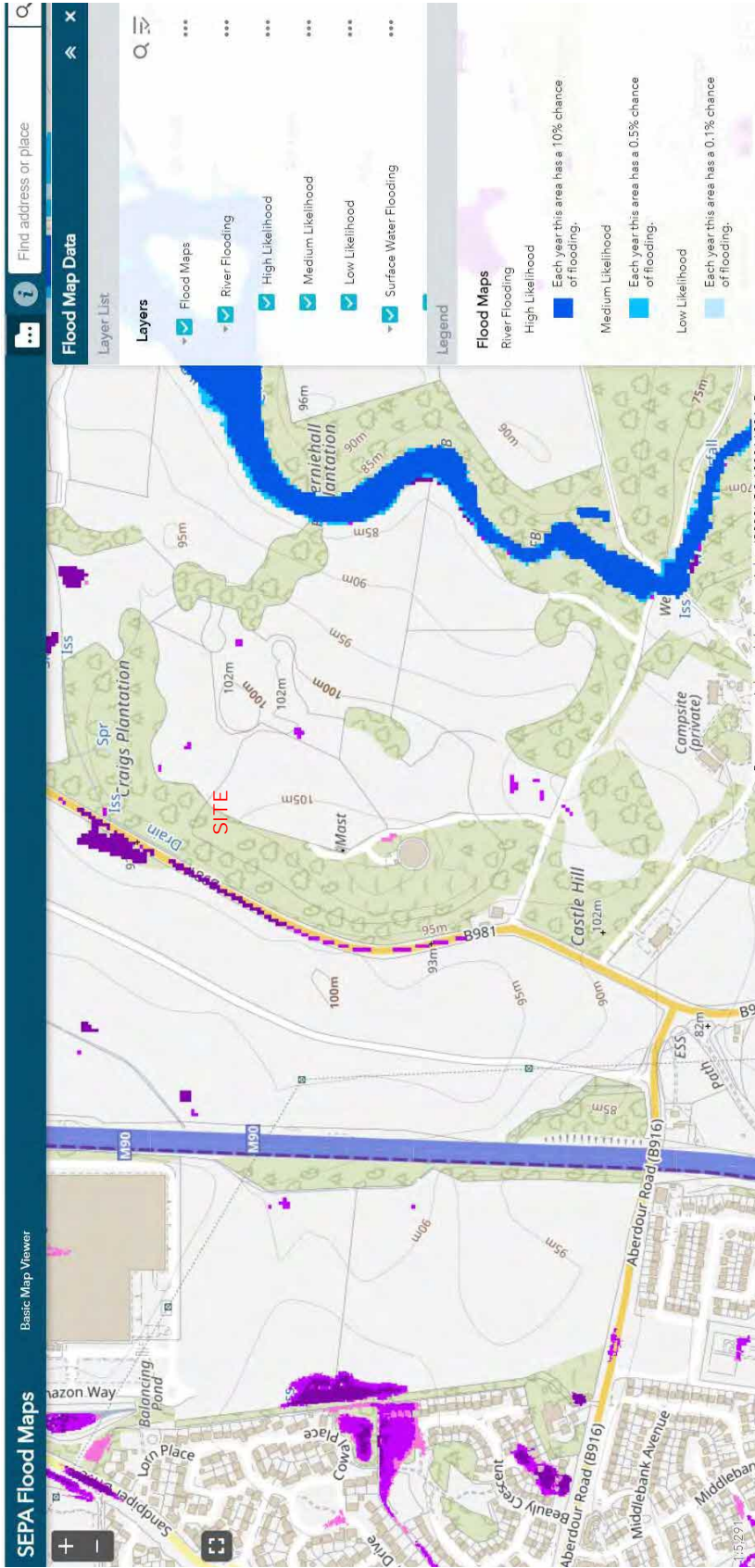
Location Diagram

(NT 1415 8624)



22.5207 - Fordell Firs

Site Layout



22.5207 – Fordell Firs

SEPA Flood Map

(NT 1415 8624)

Search Map and Data:

Search

Quick help
Full help

Terms and conditions

Navigation Panel

I'm interested in

Overall status

for:

surface waters

I would like to see an:

interactive map only

What is the latest condition?

What about previous years?

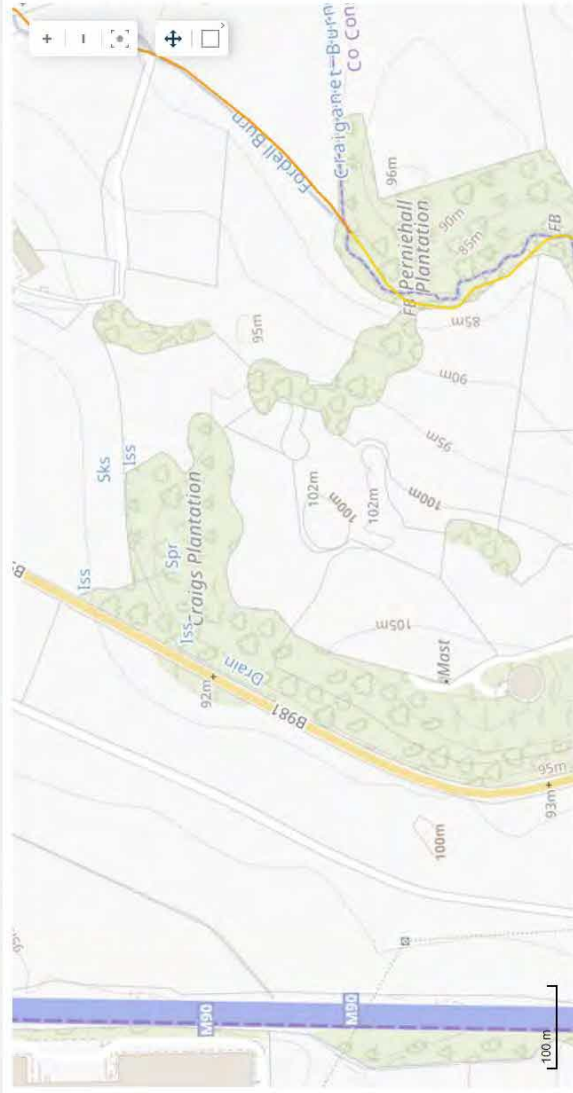
How can I download all the data?

Looking for detailed information on a single water body or protected area? Click here...
Clear all filters

Geographical Filters

Additional Filters

Data are displayed for the latest available year: 2020.



© Crown Copyright. SEPA
Licence Number 100016991
(2015).

This map displays bodies of surface waters coloured by overall status for the latest available year

Condition

- High
- Good
- Moderate
- Poor
- Bad

Select a water body from the map to view further details here.

ID and Name

Local Authority

Catchment

Category

22.5207 – Fordell Firs

SEPA Classification Map



22.2507 –Fordell Firs
Photographs Showing Quarry Base

**SIMPLE INDEX APPROACH:
SUMMARY TABLE**



HRW shall not be liable for any direct or indirect damage claim, loss, cost, expense or liability howsoever arising out of the use or impossibility to use the tool, even when HRW has been informed of the possibility of the same. The user hereby indemnifies HRW from and against any damage claim, loss, expense or liability resulting from any action taken against HRW that is related in any way to the use of the tool or any reliance made in respect of the output of such use by any person whatsoever. HRW does not guarantee that the tool's functions meet the requirements of any person, nor that the tool is free from errors.

		DESIGN CONDITIONS			
		1	2	3	4
Land Use Type	Residential roofing				
Pollution Hazard Level	Very low				
Pollution Hazard Indices					
TSS	0.2				
Metals	0.2				
Hydrocarbons	0.05				
SuDS components proposed					
Component 1	Filter drain (where the trench is not designed as an infiltration component)	SuDS components can only be assumed to deliver these indices if they follow design guidance with respect to hydraulics and treatment set out in the relevant technical component chapters of the SuDS Manual. See also checklists in Appendix B	Filter drains should be preceded by upstream component(s) that trap(s) silt, or designed specifically to retain sediment in a separate zone, easily accessible for maintenance, such that the sediment will not be re-suspended in subsequent events		
Component 2	None				
Component 3	None				
SuDS Pollution Mitigation Indices					
TSS	0.65				
Metals	0.565				
Hydrocarbons	0.8				
Groundwater protection type	None				
Groundwater protection Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Combined Pollution Mitigation Indices					
TSS	0.65				
Metals	0.565				
Hydrocarbons	0.8				
Acceptability of Pollution Mitigation					
TSS	Sufficient				
Metals	Sufficient				
Hydrocarbons	Sufficient				

Proposal Details

Proposal Name	100628450
Proposal Description	Erection of single holiday accommodation cabin and associated drainage infrastructure
Address	
Local Authority	Fife Council
Application Online Reference	100628450-007

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Simpson LRB_Final Statement	Attached	Not Applicable
3269 PP 000B Location and Site plan	Attached	A1
3269 PP 001 B Plan and Elevation	Attached	Not Applicable
Drainage and access details	Attached	Not Applicable
3269 Drainage layout	Attached	Not Applicable
3269 Drainage note	Attached	Not Applicable
land owner certificate	Attached	Not Applicable
Letter from Scottish Forestry	Attached	Not Applicable
3269 Planning statement	Attached	Not Applicable
Simpson Portfolio_Applicants own submission	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-007.xml	Attached	A0

Agenda Item 6(4)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Representation(s)

Comments for Planning Application 23/01726/FULL

Application Summary

Application Number: 23/01726/FULL

Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Case Officer: Emma Baxter

Customer Details

Name: Mr Thomas Swarbrick

Address: Juniper Fordell Estate Clockluine Road, Hillend, Fife KY11 7EY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As this has been the subject of several enforcement notices and nothing has been followed up, I feel this should be refused on the grounds of.....

1. Ignoring the need for planning permission and carrying on even when told to stop.
2. No consultation carried out with surrounding landowners or neighboring businesses.
3. This an old quarry site which has been infilled.

Have ANY investigations been carried out as to the materials used for the infilling??

I have my doubts!

There could be, and probably are, all sorts of toxic materials in there. As far as I am aware there was little checking of what went in that site.

4.

As far as I can see this is contrary to your development in the countryside policy on numerous counts.

If this is passed will you then allow other developments which are currently contrary to that policy.?

I have had several turned down over the years for that specific reason.

If this is passed will I be allowed to go ahead with them??

I wish to object to this development on all the above grounds.

Yours

Tom Swarbrick.

Laura Robertson

From: Alan Evans [REDACTED]
Sent: 05 September 2023 21:35
To: Development Central
Subject: 23/01726/full

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I strongly object to the above application and all previous objections still stand. The people making the application have no sense of what matters for both environment and the Country way of life. They have already shown complete disregard for how things should be handled and completely no respect for the Planning process.

Given the above and previous objections I feel that any retrospective application should be thrown out and not be given.

The entrance to this site was deemed to be very dangerous and an accident waiting to happen. This was some 20 years ago during a review of possible site locations suitable for Travelling families throughout Fife. Traffic over the last 20 years has increased dramatically and the judgment given at the time stands very firm today.

I am confident the Council will make the correct judgment to ensure we all live by the same rules.

Regards
Alan Evans
North Dhuloch
Dunfermline
Ky118hw

This email was scanned by Fife Council

Comments for Planning Application 23/01726/FULL

Application Summary

Application Number: 23/01726/FULL

Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Case Officer: Emma Baxter

Customer Details

Name: Mr John Johnston

Address: Drum House, Annfield Farm Annfield, Crossgates Dunfermline, Fife KY11 7EU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this planning application on the following grounds.

It is inappropriate for a rural setting with no other building in sight. The application states it is screened but not to the east where it is visible from some distance.

The septic tank and associated works are within the 30m protected area surrounding the habitat of a protected species.

The plans state the windows and doors will be brown but white doors and windows are already in place.

The new application is purely to get round previous refusal by claiming it is a holiday house. This is admitted by the agent in the statement. It is not believable that it is going to be a holiday property and not a permanent residence as the applicant has previously started to build without planning permission, and then when the planning application was refused he continued to build requiring the council to begin enforcement action.

Laura Robertson

From: John Johnston [REDACTED]
Sent: 06 September 2023 22:36
To: Development Central
Subject: Planning objection - Ref 23/01726/Full
Attachments: 20230828_085517.jpg; 20230906_114747.jpg; 20230828_085956.jpg

Categories: LR

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I have recently commented on the above planning application using the planning Web page. However I would like to include some photographs taken from the east showing how the building is not screened from that direction.

The pictures show how out of place in the rural environment this structure is.

Regards, John Johnston

Drum House
Annfield Farm
Dunfermline
KY11 7EU

This email was scanned by Fife Council







Comments for Planning Application 23/01726/FULL

Application Summary

Application Number: 23/01726/FULL

Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Case Officer: Emma Baxter

Customer Details

Name: Mrs Margo Johnston

Address: Annfield Farm, Annfield, Crossgates Dunfermline, Fife KY11 7EU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this retrospective planning application.

Page 1 of the application form states that "the applicant was unaware that permission would be required". The applicant is a builder by profession, so it stretches credibility that he was unaware that planning permission was required before building a house.

Page 3 of the application form describes the existing use as a "former quarry and timber operations yard". This is highly inaccurate. The land was historically described as a quarry in the 19th century, although it was also described as "plantation" and the 19th century OS maps show it with full tree cover, so clearly the quarry was not fully operational. The last reference to it being a quarry was on the 1894 OS Map. It was not called a quarry on the 1913 and 1925 OS Maps; it is only shown as tree cover, so it hasn't been a quarry for at least 110 years. Part of the woodland to the north not belonging to the applicant was infilled with spoil material from building the motorway in the 1960s, but since then the entire woodland has been left completely undisturbed and allowed to naturally regenerate as a native woodland with accompanying flora and fauna and it had become a valuable wildlife habitat and home for protected species and many other species, undisturbed by human interference. The current owner did use it as a timber operations yard last year when he removed a substantial amount of the trees and shrubs from the site during bird breeding season, and all ground flora including a large area of native bluebells and orchids, without relevant surveys and permission, and caused considerable disturbance in the area to protected species. A large area of the surrounding woodland was cleared completely down to bare earth, not just on the site of the house. The owner was dumping builders waste on the site, again unauthorised. The woodland was sold as amenity woodland by Woodlands.co.uk and was intended to be used as amenity woodland, not as a building plot or builder's yard.

The plans (page 7 planning statement) show "private water supply storage" to the north but no further details are given about this private water supply. The sewage treatment plant is shown on 04 Drainage Layout, also to the north, but there is no plan showing both together, how they would be situated next to each other. That area to the north is very close to a protected species site, which the applicant has already caused significant disturbance to, and would require a survey and licence before work could be carried out.

Page 5 of the application form states that there are no "trees on or adjacent to the application site". That is because the applicant has already removed all the existing trees that were on and adjacent to the site.

Although the applicant identifies the site as a former quarry, he took no account of air and land quality conditions when undertaking his original ground clearance work of the whole site.

The applicant's earlier application for holiday accommodation for personal use was refused in July 2022 because the Council assessed the proposal as erection of a dwelling house and found that it did not meet with the requirements of the relevant policies relating to housing in the countryside. The applicant wishes to have his current proposal assessed as commercial holiday accommodation, presumably because he thinks it will be more likely to be passed in that case, as witnessed by his detailed arguments about tourism on pages 9, 10 and 11 of the Planning Statements. Trying to pass it off as an asset to tourism is disingenuous as that was clearly not the applicant's original intention for the house when he built it. What is to stop him from using the house as his own, either permanently or as holiday accommodation for personal use? That was his original intention, so the alteration of his proposal to commercial holiday accommodation seems very suspicious. Indeed, the letter from Fife Planning Services dated 28 June notes that the applicant was referring to the proposal as a dwelling in his application plans, when the proposal is supposed to be for holiday accommodation; it was subsequently altered but it shows that the applicant's intention is still to use it as a dwelling house for himself.

Page 4 of the Planning Statement refers to the existing short track up to the plateau area. However the applicant has formed a completely new track by bulldozing from the point where the short track meets the plateau, around and up to his house site, before his first retrospective application for permission.

Page 5 of the Planning Statement shows an extract from the original site particulars from Woodlands.co.uk. "Pitadro Craigs has, over time, transformed itself into a quite wonderful little woodland... in May it is all carpeted in a sea of bluebells... a plateau of hard standing, this type of hard lean ground is a perfect habitat for wild orchids and woodland herbs and is a stunning sight in summer". No longer, since the applicant effectively trashed the entire hard standing area with a bulldozer in a matter of days, removing all vegetation, including the naturally regenerated trees, orchids and bluebells, effectively turning it into a barren bare field site. He proceeded to

restructure the area with earthworks (the mounds shown in his photos on page 6) and forming the new track up to his house site. The extensive damage caused by his clearance work can be seen in the applicant's photos on page 6. What is the applicant intending to do with this large, completely cleared area? More houses built without planning permission perhaps?

The applicant's removal of all the existing vegetation, trees and shrubs shows scant regard for the natural environment, which was mentioned in the objections to his previous retrospective application. Presumably that is why page 7 of the Planning Statement states that "the applicant intends to manage the woodland to enable it to regenerate across the clear quarry area. The applicant has already begun to carry out new tree planting, to enhance the woodland, both for biodiversity benefits and for visual amenity;" also "The applicant's intention for the site is to re-establish woodland over the quarry area" (page 15). Laudable aims which make one question why the applicant destroyed all the existing vegetation over a large area, leaving not even a blade of grass. Regeneration would not be necessary if the applicant had not destroyed it all in the first place. There is no sign of new tree planting. Is the applicant saying this to increase his chances of getting the application passed, after many of the objections to his previous application mentioned his wilful and wanton destruction of the natural environment?

There is no precedent for any housing on this site. The house will not be a sympathetic addition to the surrounding rural area. The proposed design would be completely incongruous in the surrounding natural environment and local landscape area. The design is neither traditional or vernacular in style, nor is it good modern design; it is a dark grey box with windows. The design and prominent siting ensure that it is an eyesore and a blot on the landscape.

The proposal shows "dark grey aluminium framed windows and doors (page 8). However the applicant has already installed white framed windows.

The location is in an otherwise entirely rural and natural environment, on land which is designated as part of the Cullaloe Hills and Coast Local Landscape Area and forms part of the Fordell Castle Historic Garden and Designed Landscape. Its siting is prominent and elevated as mentioned on page 12, at the highest level of the site and would make it highly visible from a considerable distance to the north, south and east (not just the east as stated on page 12) within the historic designed landscape area. The applicant is clearly trying to maximise the borrowed view of the surrounding countryside from his house. Page 12 states that "Although elevated above the quarry area, the proposed cabin will be screened by the surrounding woodland, with further future planting also proposed". However there is no room for tree planting around the house, particularly on the east side as the applicant has positioned his partially constructed house right next to the existing field fence, so there is no scope for screening the house from view at all; it will always be highly visible in the surrounding landscape. The building is not of a sensitive and coherent architectural design in relation to the rural and unspoiled surrounding environment. The proposed finishing materials and exterior appearance would not be visually appropriate within the rural setting, detracting significantly from the surrounding Local Landscape Area. Its design and

prominent siting would have a significant detrimental visual impact on the surrounding area, in direct contravention of policies 1 and 10 of the Fife plan. The design and siting of this building would not protect or enhance the overall landscape and environmental quality of the area as required by Policy 7 of the Adopted Local Plan. The proposal contravenes Policy 7: Development in the Countryside of the Adopted Local Plan: it is not of a scale and nature compatible with surrounding uses, it is not well-located in respect of available infrastructure and it is not located and designed to protect the overall landscape and environmental quality of the area.

The existing access from the B981 main road has only been opened up for vehicular access in the last few years; it was blocked by boulders for many years with no vehicles using it. The only access is a dangerous one as it is situated very close to the sharp double bend on the main road to the south, so it has sub-standard visibility in the southerly direction and is on the 60 mph section where vehicles speed up coming out of the 40 mph speed limit that applies on the bends. There have been numerous vehicle accidents on this section of the road over the years. The forestry operations the applicant is referring to on page 13 were his own timber clearance operations that he undertook to clear the large area of unspoilt woodland.

Page 15 states that "the proposal is using an open area, part of the former quarry, as its site". It is an open area now only because the applicant has cleared it extensively himself, without seeking permission from the relevant authorities first. It has been undisturbed woodland for over 110 years. Calling it a former quarry now is disingenuous and an attempt to make it seem as if it is a brownfield site.

Page 15 states that "The woodland area around the quarry is described in the Native Woodland Survey of Scotland as young lowland mixed deciduous woodland". Actually, the Woodland Survey is describing the whole area, including the former quarry. Nature reclaimed the quarry a long time ago and it has been woodland for over 110 years. The application site is part of an area of woodland identified on the SNH Ancient Woodland and Scottish Semi-Natural Woodland Inventories as long-established broadleaved woodland. The site is identified as an existing green network asset in FIFE plan. The site comprises long-established ancient woodland of plantation origin.

Page 15 states that "given the retrospective nature of the proposal, any impact (on wildlife protection) has occurred." This is true in that significant damage to the habitat, removing trees during nesting season and severe disturbance to protected species' home and habitat has already been done by the applicant in his initial clearing of the site and extensive groundwork. However further damage will be done if this proposal is allowed to proceed any further, particularly from the construction of the water supply storage and sewage treatment plant, plus regular ongoing disturbance to protected species from occupation of the house. The "private water supply storage" (page 7 planning statement) and the sewage treatment plant (04 Drainage Layout) are both to be located to the north, and thus very close to a protected species site, within 30 metres of it. Any further construction work, particularly in that area, would require a protected species survey and

licence before it could be carried out.

The proposed building does not comply with Fife Council's biodiversity plan; in particular, this construction project has already affected protected species and their habitat and has contributed to habitat loss and degradation; any further development would only contribute further to the damage to this naturally biodiverse habitat. I have significant concerns about the wildlife and the natural environment in connection with this application. The entire woodland was a valuable wildlife habitat that had been undisturbed by human activity for a long time. As the Council is aware, there are protected species concerns closely associated with this site. It appears from the documents provided for view in the planning portal that protected species have not been taken into account within the application, despite their close proximity to the site.

"Some past tree felling" (page 15) is an interesting way to describe complete annihilation of every living plant over a wide area, much larger than was seemingly necessary for the preparation of a site for one house. The applicant's tree felling operations did not resemble most accepted ideas of woodland management and they were conducted without the relevant permissions.

"The proposal does not include the removal of any further trees surrounding the site. We believe that there are no trees sufficiently close to the proposed cabin or the access track to be at threat of impact from the proposal" (page 15). There aren't any trees sufficiently close because the applicant had already removed them all in his extensive ground clearance work.

"The proposal is a low impact proposal within this former industrial area" (page 15); this was never an industrial area and quarrying operations ceased over 110 years ago.

"We believe that this proposal is small scale and low impact in terms of its construction and use, will have no adverse impact on the surrounding environment, with the potential for both biodiversity and landscape benefits" (page 15). The applicant's impact on the site already has been substantial, far from low impact. He has had an adverse impact on the surrounding environment already and will presumably continue to do so if he is given permission for this proposal.

I have made similar points repeatedly, but I wish to draw attention to the fact that an individual who has already shown scant regard for planning, waste management and wildlife legislation can hardly be trusted to do what he is claiming in his retrospective application. I trust that the planning committee will see sense and not allow this proposal to be passed. If they do allow it, it can only be seen as a travesty of the planning process and will send out a clear message to all that anyone can build whatever they like, wherever they like.

Woodlands.co.uk requires its buyers to sign a covenant on purchase, which I reproduce below.

Please note points 3, 4, 5 and 7 .

Our covenant (Scotland): The objectives. The vendors are trying to ensure that the purchaser does not use the wood or meadow for anything which would detract from the immediate landscape or be a nuisance to neighbours such as vehicle racing, anything noisy or smelly. The purchaser will also be asked not to subsequently divide the ownership of the wood or meadow into smaller units or erect signboards on the woodland or meadow.

Wording of the covenant (or "legal promise") for the transfer.

The purchaser and successors in title hereby covenants with the vendor that the land shall not be used in such a way as to create a nuisance to the neighbouring owners (including the vendor) and specifically the purchasers shall not:

1. do any rough or game shooting or pest control at times or in a manner constituting a nuisance or danger to any neighbour;
2. use the land for any sort of racing whether with motor bikes, cars or other vehicles;
3. use the land for a commercial campsite;
4. use the land for siting mobile homes or static caravans. Any other structures should be faced or painted in a dark brown or green colour and should not be visible from the shared private access tracks or public roads;
5. use the land for residential accommodation, unless planning permission for such use is specifically granted;
6. use the land for clay pigeon shooting;
7. conduct any business from the land apart from forestry or agriculture
8. use the land in a way which will damage the access tracks.

The purchaser and successors in title shall not erect any signboards visible from the public highway. The purchaser and successors in title shall not sell the land except as a whole specifically not in such a way that it could be registered in separate titles or in separate ownerships.

<https://www.woodlands.co.uk/buying-a-wood/covenant-scotland>

Comments for Planning Application 23/01726/FULL

Application Summary

Application Number: 23/01726/FULL

Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Case Officer: Emma Baxter

Customer Details

Name: John Cameron

Address: The Old Steading, Newmill, Auldearn, Nairn IV12 5HY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object in the strongest possible terms to this application. I apologise for the length of my submission but feel that this case deserves a great deal of scrutiny.

The applicant was justifiably refused their previous, almost identical application for a multitude of reasons. To simply attempt to address some of the objection points made at the determination, conveniently avoids the bigger picture. I would also add that we as neighbours were not notified of either application. We can only interpret this as an attempt to reduce the possibility of an objection from us.

Environmental vandalism has occurred at this site on an unbelievable and frankly eye watering scale, in order to gain a foothold, via the back door, to developing a site that was previously a very rare and biodiversity rich woodland.

As the previous owners of the once beautiful woodland, formerly known as Quarry Den Wood, our experience of the applicant has been one of consistent obfuscation and misleading statements. The suggestion that a stated builder was not aware that planning permission would be required for the building works, is beyond comprehension. Had the applicant embarked upon the correct due process before beginning such monumental environmental destruction, a more full picture would be available against which the destruction could be fully measured. The biodiversity of the site was rare in the extreme, from mature native deciduous trees, rare orchids and other diverse wild flower species, all of which were bulldozed into oblivion before a proper environmental impact assessment could be carried out, as would have been required of a responsible development. Had this assessment been carried out prior to the immense bulldozing works to prepare the building site, it would have provided irrefutable evidence as to the importance of the site with regard to its

biodiversity. Unfortunately there is little if anything left beyond our library pictures, to show what this beautiful site was like previous to the applicants destruction.

I cannot comment on the applicants responses to the particular planning points laid out in the previously refused determination. I do however feel that as the previous land owner, I had as great an understanding of the location as probably anyone in the recent past. In this capacity I comment on the applicants submitted Planning Statement, point 5.0, page 14 , Accessibility and page 15, Natural Heritage.

With regard to the supplied picture on page 14, showing the entrance gateway, this has been drastically changed into something completely different and entirely to benefit the applicant, entirely WITHOUT our consent as the owners of the gateway (5.5m either way of the centre line of the dropped curb and extending 11m from the stone wall boundary) and its surrounding area. We are at a loss as to what we are able to do about this gross infringement on our legal rights as the owners of the gateway area. I am able to provide photographs of how this entrance has been modified, presumably by the applicant and with the consent of the new owner of the neighbouring woodland, as it affects their access as well. This is yet another example of how the applicant behaves with utter disregard to the law and other peoples rights, let alone protection of the environment. Unfortunately I am unable to upload the before and after photographs but I am more than happy to supply them if requested. Aside from moving and extensively redesigning the arrangement of just one gate into now two, the gateway has been substantially altered without I presume consultation with Highways or Planning, despite its proximity to the public highway. I was under the impression that there are limits to the extent of boundary feature changes that can be undertaken without Planning Permission. I would like confirmation that the modifications that the applicant has made are indeed legal. Moving an established gateway, widening it and erecting 8 foot high gates where there were previously none, surely contravenes these regulations? These unauthorised changes were made between October 2022 and May 2023.

I would also respond to the applicants suggestion that there was some "misunderstanding" in the previous application, regarding the the track that the applicant has bulldozed into existence. They have evidenced the sales details that we prepared in marketing the wood, as proof that the now vehicle track was already in existence. This is not correct. The track that was marked on the particulars was a foot track, to enable visitors to access the upper reaches of the wood on foot. It was not envisaged that vehicles would ever need to access the upper plateau but the applicant has seen fit to bulldoze the existing foot track into a much larger vehicle track.

On page 15 of the Planning Statement, the first paragraph states,

"FIFEplan Policy 13: Natural Environment and Access advises that development proposals will only be supported where they protect or enhance a range of natural heritage and access assets, including: designated sites; woodlands; trees and hedgerows; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views;....".

The policy is clear.

In which case I wonder how the applicant has been able to bulldoze hundreds of square metres of bio diversity rich woodland into oblivion? This wanton destruction, prior to any formal professional and independent assessments appears to be a cynical, if effective, attempt to redefine the exemplary flora and fauna that inhabited the site, prior to the applicants actions to erase it from history.

The second paragraph states,

"This proposal is using an open area, part of the former quarry, as its site. The application site lies on the western edge of the Cullaloe Hills Local Landscape Area. The woodland area around the quarry is described in the Native Woodland Survey of Scotland as young lowland mixed deciduous woodland. The woodland is also identified in FIFEplan as an existing Green Network Asset."

The area upon which this proposal is based was not, I repeat, was not previously, " an open area", as is suggested in the application, prior to the environmental vandalism carried out by the applicant. It was created by the extensive bulldozing of the rich woodland and the many species of established wild flowers, including a majority covering of bluebells and rare orchids, coltsfoot etc. Goodness knows what other flora and fauna were obliterated in the unauthorised and premature site clearance paving the way for the already started development. The flora diversity was particularly rich owing to the nutrient poor soils that favoured these rare species. Furthermore, the soak away provision for the septic system will inevitable result in nutrient rich liquid being added to the landscape, to the detriment of the nutrient poor conditions that so many of the rare species that inhabit the site need in order to flourish. Far from adding to the diversity at the site as is stated in the application, this would remove existing rare species. Again I can supply photographs of this area prior to its bulldozing.

In the third paragraph it states,

"The Report of Handling for the earlier application 22/01110/FULL notes that any of the work already carried out on the site would have been covered by separate legislation relating to wildlife protection, and given the retrospective nature of the proposal, any impact has occurred. The Report of Handling did not consider it necessary for any further protected species survey."

It is a pity that the previous determination was not able to bring the legislation relating to the protection of wildlife etc referred to, to bear on the previous application. To state that the "Report of Handling did not consider it necessary for any further protected species survey", seems at best presumptuous and at worst in contempt of the report itself. On what authority can this conclusion be drawn? The use of the phrase " any impact", is dismissive and plays down the incredible effort that the applicant has gone to, to sanitise the now cleared area and remove all traces of the rare

species that were inhabiting it, prior to the levelling conducted to create the building site.

The next paragraph states.

"The quarry area has experienced some natural regeneration of woodland in the past, with some tree cover across the area shown on Google aerial images. The applicant's management of the woodland has included some past tree felling. The applicant's intention for the site is to re-establish woodland over the quarry area and planting has already been carried out.

To state that, " the quarry has experienced some natural regeneration of woodland in the past, with some tree cover across the area", is an huge understatement and blatant misrepresentation of fact.

The entire wooded area that was Quarry Den Wood was extensively naturally regenerated, carried out over at least 60 years, going on 100 years. To even refer to the site as a quarry is misleading: it was last referred to as a quarry more than 100 years ago. It now goes by the name Pitadro Crags, a reflection of the extent of the naturalisation that this site has undergone. This goes far beyond what is normally considered "regeneration" timescale and would be normally be considered an established natural ecosystem: it is beyond regeneration and is now considered sustaining, balanced and renewing. The applicants actions to clear this thriving and established ecosystem is a travesty in itself. To suggest that "some regeneration" had taken place, appears to be an effort to downplay the value of the high quality and rare ecosystems at Pitadro. It would be a travesty for this site to be considered a brown field site by an attempt to identify it as a recent quarry.

The following paragraph states,

"Earlier removal of trees on the site does not fall within the assessment of this planning application. The proposal does not include the removal of any further trees surrounding the site. We believe that there are no trees sufficiently close to the proposed cabin or the access track to be at threat of impact from the proposal. (please refer to separately submitted photographs)"

If the earlier removal of trees from this site does not fall within the assessment of this application, what does it fall under? The obvious cost and extent of the major clearance work carried out by the applicant would suggest that there was an ulterior motive, otherwise why invest so much time and resource into clearing the ground of all previous traces? Stating that the proposal does not include the removal of further trees is stunning! THERE ARE NO TREES LEFT AS THE APPLICANT HAS BULL-DOZED THEM! ~Presumably to make sure that there was no room for arguing that they could be affected: simply perverse. As a further example of the applicants contempt for others, we were informed by another neighbour that the applicant had cut branches down and thrown them onto the neighbours land. They also stated that the applicant had had a portable toilet sited on their neighbouring land without permission.

With further consideration of the "removal of trees", the applicants actions of act first ask questions later, has made it impossible to prove, but in our experience as forestry experts, the timber volume felled, far exceeded the national legislation allowable amount and would have required Forestry Commission involvement and permissions. Of course we cannot know this, due to the applicant's egregious actions.

Moving on to the following paragraph,

"The proposal does not conflict with the overall policy aim of maintaining and enhancing the landscape qualities of the area and will enable the longer term management and maintenance of the woodland by the applicant. The proposal is a low impact proposal within this former industrial area, it is intended that in time it will enhance this green network asset and the woodland."

How can this statement be true when the applicant has already effectively erased any evidence of the once rare and thriving biodiverse ecosystem and its attendant flora and fauna? To be stating at this point, after the methodical destruction and removal of all traces of a once thriving biodiverse ecosystem, that the proposal will enable the longer term management and maintenance of the woodland, is utterly staggering. If the applicant had any intent on this stated objective, why on earth did they feel it was justified to destroy the woodland in the first place? In considering the earnestness of this statement it should also be weighed against the fact that it took a visit by the police to warn the applicant that any further bulldozing was likely to result in a prosecution for interfering with the resident badger sett.

Referencing the proposal as low impact within a former industrial area can only be interpreted as disingenuous. The development, at nearly 140sqm, is hardly a "hut" in the commonly accepted sense and therefore is not low impact. The Scottish government published guidelines for "hutting" in 2014. The guideline for size of a "hut" is no more than 30sqm. This proposal is nearly 5 times the guide, casting doubt on the legitimacy of the "low impact" claim and an occasional use hut. The size of the stated "cabin" is clearly greater than some houses. I appreciate that the planning system cannot determine to what use something might be put in the future, but surely it can determine whether the proposed development is in keeping with the landscape and whether it is an appropriateness location to be used as commercial holiday accommodation. The application system does rely on genuine intent and statement of fact. As previously stated, the applicants previous documented history would suggest otherwise. Reference is made of a neighbouring site having a successful application for 3 huts, suggesting that their own development be judged in a similar light. This is another confusing claim as the two developments are as different as chalk and cheese, plus the successful applicant did not obliterate their site and start work before going through due process.

Also the use of the term 'former industrial area', is again at odds with recent history. Yes the location was a quarry, but it ceased to be this well over a 100 years ago. Since then there has been no evidence of it being a recent industrial area whatsoever. The Pitadro Craggs are a haven of well established diverse wilderness, that should otherwise be protected from development,

especially given its rarity in the surrounding landscape.

Lastly the final paragraphs state'

"We believe that this proposal is small scale and low impact in terms of its construction and use, will have no adverse impact on the surrounding environment, with the potential for both biodiversity and landscape benefits.

In summary, the proposal for this cabin can be achieved without any adverse impact on natural heritage, compliant with FIFEplan Policy 13: Natural Environment and Access."

Small scale in comparison to what? This development is a sizeable house in an other wise undeveloped and what was previously a pristine woodland and wildflower environment, biodiverse and thriving. To suggest that it will bring potential benefits to biodiversity and the landscape, when the applicant has already bulldozed any evidence of the wonderfully diverse ecology that was already present before their destructive actions, is bizarre to say the least.

Suggesting that they now wish to replant and exercise careful management stretches the imagination in the extreme.

As the former owners of the woodland I can state that we sell hundreds of similar locations every year, and understandably very many owners wish to sensitively place rudimentary temporary dwellings on the land. In decades of experience we have never before come across such a flagrant disregard for the environment, neighbours or the accepted laws of planning. This application appears to be a cynical and selective manipulation of a previously refused application, which in itself was a flagrant disregard for the environment by attempting to circumvent due process, both by carrying out development out of view of the public and by calculated destruction of the outstanding biodiverse flora and fauna that has inhabited the woodland for over a century.

Comments for Planning Application 23/01726/FULL

Application Summary

Application Number: 23/01726/FULL

Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Case Officer: Emma Baxter

Customer Details

Name: Mr Owen Davison

Address: 2, Thornville Terrace, EDINBURGH EH6 8DB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1) The description of the site as a former quarry most recently used for timber management works is disingenuous. The timber works were the applicant's clearing of the site, which was previously mature woodland.

2) The reference to the access road as existing, with reference to the description on the woodlands.co.uk site is also misleading. The original path was at most 100m in length, this has been extended by the applicant to several times this length, and covers a large area that it did not before. The woodlands.co.uk description also refers to the wildflower meadow habitat, with wild orchids, etc. This was destroyed by the applicant when he built the road.

3) The supposed change of use from a private dwelling house to a holiday property does not alter the fact that a house would be built in an area where it is not supported by the planning guidance. If planning is granted, who would monitor whether the house is indeed used for commercial letting to visitors?

4) In my opinion, the applicant has from the outset sought to subvert planning regulations to get what he wants, and I do not think he should be rewarded with retrospective permission

Comments for Planning Application 23/01726/FULL

Application Summary

Application Number: 23/01726/FULL

Address: Woodland At Craigs Plantation Fordell Dunfermline Fife

Proposal: Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)

Case Officer: Emma Baxter

Customer Details

Name: Ms Laury-Anne Boschman

Address: 38 Hilton Road, Cowdenbeath, Fife KY4 9EJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As per previous refusal of 22/01110/FULL which was the previous application for this location:

- The proposal still does not comply with policy 1, 2, 7 or 8 of the adopted FIFEplan
- The proposal mentions tree planting as a mean of "increasing biodiversity", considering the applicant is the one who illegally removed dozens and dozens of decades old trees and hasn't replanted any so far it seems hard to believe that anything will actually happens in terms of tree planting. If this application is granted the council will have very little power over the applicant to ensure anything is done. The applicant has already demonstrated multiple times his disdain for the ruling of the council on his previous application and there is no reason to believe that any recommendation by the council would be respected.

As per comments on previous application:

- The access into this area is poor and dangerous. The access is taken over the newly constructed Crossgates to Inverkeithing foot/cycle path. This path has seen a huge amount of use and vehicular access across this would be dangerous to both pedestrian and cycle users. Additionally, the proposed access is very close to a blind corner meaning visibility for other road users is poor. Fife council undertook multiple speed monitoring exercises which recorded a highest speed in excess of 140mph. An access so close to a corner is increasing the danger. Turning this into a tourism venture means increasing traffic in a known-dangerous area.
- The planning application is inaccurate, previous uses are described as quarry and timber yard, however natural woodland (destroyed by the applicant) has been omitted and the site has never been used as a timber yard. It is very clear through google maps that the only use as a timber yard was by the applicant himself before he started building the dwelling.
- Fife council biodiversity policy is contravened through this development and works that have

already been completed. The applicant has already cleared woodland and undertaken a large amount of earthworks without authorisation to facilitate this development. Fife Council states that it is important to conserve biodiversity and they aim to ensure that "Fife's environmental assets are maintained and enhanced". The destruction of woodland certainly does not fit this criterion. Additionally, Fife Council aims to enhance biodiversity in the wider environment and reduce pressure on ecosystems. This development and works undertaken to date actively contradict this. Fife Council admits that "without care poorly sited and designed development can affect species and habitats and lead to habitat loss, degradation and fragmentation", and this is a prime example where good quality habitat has been impacted already and will be impacted even more if the planning is granted. Fife Council states that "Development proposals must provide an assessment of the potential impact on natural heritage and biodiversity and include proposals for the enhancement of natural heritage and access assets", this application provides neither

- The area of the proposed development is in current use as an unlicensed commercial building waste disposal site from the owner's business. This development raises concerns that this will continue and increase should this be granted
- Despite the previous application being refused the applicant has kept on building the dwelling and has started using it. This shows a complete lack of care for the rules which will not improve should this be granted as a tourism spot.
- Turning this into a tourism business increases the risk to local wildlife, the area is well know for housing multiple different protected species (both plants and animals). There has already been major disturbances and destruction of local wildlife due to the work being undertaken illegally by the applicant, granting this application will only have a further detrimental impact on them.
- The dwelling design itself does not fit in with the surroundings, building a black cabin in the middle of trees and next to agricultural fields is nothing but an eye sore. It does not enhance its surroundings and it certainly does not blend in.
- There is also the increased risk of livestock worrying if this is turned into a tourism business. There have been a number of case around fife this year of dogs worrying livestock, farmers have lost tens of thousands of pounds because livestock was decimated by out of control dogs. Allowing more people to stay alongside fields that are used exclusively for livestock is increasing the risk of something going wrong.
- There is a biodiversity and natural heritage statement within the planning application, however, it only states that the impacts on local wildlife and biodiversity has already happened therefore it is irrelevant. However, the biodiversity of the area would not have impacted without the illegal actions of the applicant and the fact that this has already happened does not negate the impact on local species.

Agenda Item 6(5)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Consultee Comments

Laura Robertson

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 13 August 2023 10:50
To: Development Central
Subject: RE: Consultation -23/01726/FULL

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning,

Scottish Water has no objection to this planning application.

According to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options for any additional surface water.

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Kind regards,

Angela

Angela Allison

Technical Analyst

Scottish Water

Dedicated Freephone Helpline : 0800 389 0379

Business Email: Angela.Allison@scottishwater.co.uk

Team Mailbox: DevelopmentOperations@scottishwater.co.uk

Business Weblink: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

The Bridge

Buchanan Gate Business Park

Cumbernauld Road

Steps

Glasgow G33 6FB

Scottish Water

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----- Original Message -----

From: Local Planner <development.central@fife.gov.uk>;
Received: Tue Aug 08 2023 13:42:40 GMT+0100 (British Summer Time)
To: <planningconsultations@scottishwater.co.uk>;
Subject: Consultation -23/01726/FULL

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Scottish Water



By email to:
development.central@fife.gov.uk

Fife Council
Planning and Development
Kingdom House
Kingdom Avenue
Glenrothes
KY7 5LY

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300067575
Your ref: 23/01726/FULL
18 August 2023

Dear Fife Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Woodland At Craigs Plantation Fordell Dunfermline Fife - Erection of holiday
accommodation cabin and associated drainage infrastructure and formation of access
(retrospective)

Thank you for your consultation which we received on 08 August 2023. We have
assessed it for our historic environment interests and consider that the proposals affect
the following:

Ref	Name	Designation Type
GDL00182	FORDELL CASTLE	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters
including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on
the proposals. Our decision not to provide comments should not be taken as our support
for the proposals. This application should be determined in accordance with national and
local policy on development affecting the historic environment, together with related
policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may
require another consultation with us.



HISTORIC
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Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

MEMORANDUM

TO: Sarah Purves, Planner, Development Management.

DATE: 15th August 2023

OUR REF: PC220038.C2-JR-SS-SUSP-RETRO

CONTACT: Jim Robb, Technical Officer – Environmental Health (Public Protection) – Land & Air Quality.

TEL (VOIP) : 440 458 - **EMAIL:** Jim.Robb@fife.gov.uk

SUBJECT: **23/01726/FULL** | Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective) | Woodland At Craigs Plantation Fordell Dunfermline Fife

This Document Is Double Sided

I thank you for your recent correspondence in which you requested comments regarding the above retrospective application and associated plans and documents. I would comment as follows...

This response has been sent directly from the Land & Air Quality Team, our colleagues in other sections of Public Protection will provide their own comments where requested.

Land Quality – Recommend Suspensive Condition for any remaining works.

Air Quality – No AQ concerns.

Land Quality

While our mapping and records, and previous correspondence provided by my Colleague Eloise indicates that the proposed development appears to be land which was the subject of former quarrying. While this does not appear to be have been intensive in nature, it is advised that if any unexpected conditions are encountered during any remaining development work at this site (we note the retrospective status), e.g. made ground / gassing / odours / asbestos or hydrocarbon staining, the Land & Air Quality team should be informed, as a Site Specific Risk Assessment may be required.

Condition

Given the above, if Development Management is minded to approve this application, it is advised that a land quality suspensive condition, such as the model condition **LQC3** (below), or similar, be utilised to ensure any unforeseen contamination issues associated with the above site are suitably addressed.

Should you or the applicant require any further information or clarification regarding the above comments, please do not hesitate to contact this office.

Kind regards,

JR Jim Robb

Enc. Model Condition

LQC3 - Suspensive Land Quality Condition

IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

**Consultation Request Notification
Planning Services Internal Assessment Sheet**

Team Consulted:	Natural Heritage, Policy & Place
Application Ref Number:	23/01726/FULL
Application Description:	Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)
Date:	19/09/2023
Case Officer:	Emma Baxter
Reason for assessment request/consultation	
Consultation Summary	

Important Note

This is an internal planning assessment response which has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon, but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course.

Assessment Summary

1.0 POLICY CONTEXT

National Planning Framework 4

The Scottish Parliament voted to approve Scotland's fourth National Planning Framework (NPF4) on 11 January 2023. Provisions of the Planning (Scotland) Act 2019 were enacted on 12 February 2023, with NPF4 being subsequently adopted on 13 February 2023 at 9am. Upon adoption, NPF4 superseded the 2014-issued Scottish Planning Policy.

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of a planning application is to be made in accordance with the development plan unless material considerations indicate otherwise.

Policies of relevance to this application include:

Policy 3 Biodiversity

This Policy aims to “...*protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.*” The targeted result is for development to enhance biodiversity and ensure better connections through strengthened nature networks and use of nature-based solutions.

Policy 4 Natural places

This Policy aims to “...*protect, restore and enhance natural assets, making best use of nature-based solutions.*” The targeted result is for development to ensure natural places are protected and restored and that natural assets are managed in a sustainable way such that their essential benefits and services are both maintained and grown.

Policy 6 Forestry, woodland and trees

This Policy aims to “...*protect and expand forests, woodland and trees.*” The aim is to protect existing trees and woodlands, expanding the cover and ensure that these resources are sustainably managed on development sites. There is a focus on habitat enhancement, or expansion to prevent fragmentation and improve ecological connectivity. Policy for woodland removal and compensatory planting is also covered.

Policy 20 Blue and Green Infrastructure

This Policy aims to “...*protect and enhance blue and green infrastructure and their networks.*” The defined result is to ensure blue and green infrastructure are integral to development design from an early stage in the process and are designed to deliver multiple functions, including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management. An additional benefit identified for communities is the increased access to high quality blue, green and civic spaces.

Policy 22: Flood risk and water management Policy Principles

This Policy aims to “...*to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.*” The defined result is to ensure places are resilient to current and future flood risks; efficient and sustainable water resource use; and promote wider use of natural flood risk management to benefit people and nature. This will involve utilisation of the blue green infrastructure.

FIFEPlan

Policy 1 (Part B) 7, 8 and 9: Development Principles

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

7. Safeguard the character and qualities of the landscape.
8. Avoid impacts on the water environment.
9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites.

Policy 12 – Flooding and the Water Environment

Development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively:

3. Detrimentially impact on water quality and the water environment, including its natural characteristics, river engineering works, or recreational use.
4. Detrimentially impact on future options for flood management.

Policy 13 – Natural Environment and Access

Development proposals will only be supported where they protect or enhance natural heritage and access assets. Where adverse impacts on existing assets are unavoidable we will only support proposals where these impacts will be satisfactorily mitigated.

Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in *Making Fife's Places Supplementary Guidance*.

In the particular case of development proposals that affect national sites, such proposals will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

The application of this policy will require to safeguard (keeps open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route it must be suitably re-routed before the development commences, or before the existing route is removed from use.

2.0 CONTEXT

- 2.1 This retrospective application is for a timber-clad “holiday cabin” located within the Pitadro Craigs area, with the building already built on the eastern edge of a cleared woodland. With a previous use history including the site of a former whinstone quarry, this area developed a cover of primarily semi-natural forestry from when quarrying ceased in the late 1800s until recently, when the Applicant apparently cleared the site.
- 2.2 The site application history includes 22/01110/FULL *Erection of dwellinghouse (holiday accommodation for personal use) (Class 9) and formation of access road (part retrospective)*, with this to the same design as the current application (Arthur Stone Planning & Architectural Design, February 2022). This application was refused in July 2022. Notably, the *Planning Statement* (Arthur Stone Planning & Architectural Design, April 2022) indicates a wildlife study being conducted, but this was never submitted for consideration by the DM Team.
- 2.3 Review of GoogleEarth aerial imagery indicates clearance of the semi-natural tree, scrub and field layer vegetation of the site area between April and July 2021 (i.e. within the peak sensitivity period of the bird breeding season). It is understood that the Applicant was the landowner at this time (unconfirmed) and clearance would appear to have been a full soil-strip of the entire open area. The building foundations appear on site in September 2022, with a completed roof by April 2023, i.e. this structure was constructed after the original application had been refused.
- 2.4 The woodlands.co.uk sales information extract provided in the *Planning Statement* (AS Associates, May 2023) notes the presence of bluebell (*Hyacinthoides non-scripta*) throughout the woodland owned by the Applicant. This species is listed on Schedule 8 of the Wildlife & Countryside Act 1981, as amended. For reference and as noted by NatureScot¹:

“For any Schedule 8 plant and fungus species, it is an offence to:

- *intentionally or recklessly pick, uproot or destroy any wild plant or fungus (or its seeds or spores)*
- *sell, offer for sale, possess or transport for the purpose of sale any living or dead plant or fungus*
- *Partial protection of a species under Schedule 8 generally prohibits you from selling or advertising for sale any plant or fungus. But it isn’t an offence to pick such plants or fungi.”*

¹ NatureScot [Protected species: plants and fungi | NatureScot](#)

2.5 Of note, the woodlands.co.uk website² very clearly states the difficulty of obtaining planning permission for a dwelling in a wood. The website also details the felling permissions required.

2.6 Removal/translocation of protected plants is licensable; however, there is no evidence of any attempt to ensure legal compliance with the regulations.

2.7 With regard to woodland removal (i.e. clearance for use-change meaning no replanting of the forestry), Scottish forestry policy implementation guidance³ states:

“Where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration should be maintained through adherence to good forestry practice as defined in the UK Forestry Standard. The UK Forestry Standard sets the criteria for the sustainable creation and management of forests and woodlands and promotes good practice. All woodland removal proposals, felling and replanting operations, CP and future management must comply with the UK Forestry Standard...”

2.8 Where continued woodland management is to be practiced, then for any single tree or area of woodland to be felled, felling permissions must be sought, unless the felling is exempt⁴. Felling without permission is a prosecutable offence (with a fine of up to £5000 per tree). Exemptions relate to:

- Size: trees <10cm dia at 1.3m above ground;
- Volume: felling of up to 5m³ of wood per calendar quarter, unless the trees “...are in a small native woodland or a Caledonian Pinewood Inventory site – as here the 5 cubic metre exemption does not apply and all felling will require Felling Permission. Owners and everyone involved should be aware of the status of their land and keep accurate records of what has been felled and when it was felled.”
- Safety: The Forestry and Land Management Act provides for the requirement to fell a tree on safety grounds.

3.0 OVERALL ASSESSMENT

3.1 FIFEplan states that all development should be considered through Policy 1. Examination of FIFEplan and review of the various publicly available interactive Council natural heritage mapping resources indicates that the application area is within the *Cullaloe Hills and Coast Local Landscape Area* and the Green Space record notes the application site as a mix of *Semi-natural* and *Open spaces*.

3.2 Two coupes of Ancient Woodland Inventory-listed woodland are present in close proximity to the application area (a point missed by the *Planning Statement*): the coupe of the Craigs Plantation to the north is identified as *2b Long-established (of plantation origin)*, while the southern designated area is identified as part of Fordell Castle Woods *2b Long-established (of plantation origin)*. It should be noted that the woodland surrounding the application area is identified as part of the Fife *Woodland Integrated Habitat Network (IHN)*. Grassland shown as being part of the *Grassland IHN* has already been lost from the application area when it was stripped (with over 100 years to develop on the quarried surface, this is likely to have been a species-rich neutral grassland of high ecological value).

3.3 No other greenspace priorities or sites holding nature conservation designation have been identified in close proximity to the application boundary.

² Woodlands.co.uk: [Woodlands and planning legislation](#)

³ Scottish Government’s policy on control of woodland removal: implementation guidance, February 2019

⁴ The Arboricultural Association: [Arboricultural Association - Felling Permissions \(Scotland\): what you need to know \(trees.org.uk\)](#)

- 3.4 No potential access issues, relating to the Core Path Network, have been identified.
- 3.5 The standard requested approach to natural heritage site assessment for planning applications is as follows:
- *Making Fife's Places Supplementary Guidance* provides information on the site assessment which must be submitted for natural heritage and biodiversity. A habitat survey should be undertaken and be used to help inform what further surveys are required. Any Protected Species (European and UK/Scotland) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals, following recognised current UK/Scottish guidelines and methodologies and the approach taken must be consistent. Surveys should be reported in full, with mapping provided as appropriate.
 - Documents and plans should clearly identify existing natural heritage assets and how they are being retained and protected (e.g. any trees). A suitable buffer must be maintained between these and any development. No buildings or garden ground should be included in the buffer area.
 - As required by policy and as detailed in *Making Fife's Places Supplementary Guidance*, biodiversity enhancement should be considered throughout the design process and details of this must be provided with the application. A proposed development will need to demonstrate an integrated approach to natural heritage and biodiversity, landscaping and Sustainable Drainage System (SuDS) design.
 - To maximise biodiversity, native species of local or Scottish origin should be specified for landscaping. Also expected would be use of some of the following: native species-rich hedgerows, swales, plot raingardens, integrated bat roost boxes, integrated bird nesting boxes, and wildflower grassland instead of amenity grassland. *Making Fife's Places Supplementary Guidance* covers the integration of biodiversity enhancement into design. Further guidance is available from NatureScot in the form of their publication *Developing with Nature Guidance*⁵, which is set within the framework of NPF4 Policy 3 and provides details of how to take nature into account when submitting a planning application and the types of enhancement available.
 - From the Natural Heritage perspective, there is a design preference for surface water management to be removed from pipes as far as possible, as this provides an opportunity to create wildlife-friendly, visually attractive SuDS features that integrate with landscaping and amenity and deliver biodiversity enhancement.
 - With regards to access and public rights of way, the responsibilities of land managers (and any appropriate provisions that may be required) are detailed in the Scottish Outdoor Access Code (SOAC), under the terms of the Land Reform (Scotland) Act 2003, as amended in 2016.
- 3.6 This (retrospective) application is supported by the following documents of relevance to natural heritage:
- Doc 02A *Plans and Elevations* (Arthur Stone Planning & Architectural Design, February 2022), which shows an apparently identical structure to that which was refused for 22/01110/FULL;
 - Doc 03A *Planning Statement* (AS Associates, May 2023) details the site, cabin and landscape proposals (including reforestation of the quarry area, which has already commenced); and sets out the policy context. The assertion that “*the quarry area has*

⁵ NatureScot (2022). *Developing with Nature Guidance. Guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c)*. Available online at: [Developing with Nature guidance | NatureScot](#)

experienced some natural regeneration of woodland in the past, with some tree cover...” is contradicted by review of GoogleEarth imagery, the latest of which is dated June 2023. There can’t be any adverse impact on the site’s natural heritage as the damage has already been done ahead of both this and the previous application;

- Doc 04 *Drainage Layout* (DRGCS, May 2023) includes display of the foul and surface water drainage;
- Doc 05 *Drainage Note* (DRGCS, May 2023) supports the *Layout* plan;

4.0 CONCLUSIONS/RECOMMENDATIONS

- 4.1 The submission documents loosely follow the standard requirements, though with some notable omissions.
- 4.2 Other than in terms of its land use history, naming this a “former quarry” is stretching the term (i.e. disingenuous), given the intervening century. The *Planning Statement* describes the land rising “...from the B981 to a level open ‘hardstanding’ area, associated with the former quarry and used more recently for woodland management timber operations.” After over a century, the “hardstanding” would have vegetated – which is exactly what can be seen from review of aerial imagery for the woodland and as indicated by the presence of both the trees and a grassland identified on the Fife Integrated Habitat Network resource. Such grasslands are neutral in nature, highly biodiverse and therefore of high ecological value.
- 4.3 With regards to deforestation of the site (see paragraphs 2.7 and 2.8, above), the status of the area of land in question is not confirmed in terms of use change, nor does it appear to qualify for a felling licence exemption if it is to continue under forestry management.
- 4.4 Given the current state of the site, the extant conditions and the scale of the holiday cabin development, no ecological assessment is deemed to be required for the footprint of the building and cleared area (there is nothing left to assess), though the surrounding woodland and fields are likely to support protected species (e.g. red squirrel are known to be present within the Fordell woodlands and bluebells are found throughout the Pitadro Craigs area). An ecological assessment is therefore required (the wildlife study apparently conducted for the previous application is still outstanding and could potentially still be within its shelf-life: submission of this study is requested for review).
- 4.5 It is clear that vegetation clearance (with no indication of licensed or otherwise permitted felling) of the site took place within the breeding bird season of 2021 and apparently while under the Applicant’s stewardship (N.B. unconfirmed, as the Registers of Scotland has yet to be updated for this area – previous sale was in 2014): neither this nor the previous application offer any evidence to suggest that the cleared area was assessed by an ecology professional prior to works occurring. There is nothing to indicate licensed translocation of protected plants (i.e. bluebells). There is no evidence offered to demonstrate that felling of the site was conducted with the appropriate permissions (see forestry notes in Section 2, above). Clearance to full soil strip is highly unusual for an area under woodland rotation, as the tree saplings need soil media to grow – with reference to the photographic record of the *Planning Statement*, the surface would appear to be granular material, with very little soil in evidence on the surface and no soil storage bunds present to suggest an intended restoration of the “timber management area” upon completion of management operations (this is highly irregular for an ongoing forestry concern).
- 4.6 The *Planning Statement* indicates that the Applicant will be reforesting the site (and has apparently already commenced planting), but there is no detail provided to demonstrate how this is to be/is being done. Active management of the woodland resource is noted and this requires to be detailed (refer to the Tree Protection Officer for full requirements). At minimum, a forestry management plan drawing, detailing planting areas, species and

management should be submitted for appraisal, together with a statement of how site biodiversity will be enhanced.

- 4.7 For the application to be compatible with the aims of the FIFEplan policies relating to the natural environment, access, flooding and the water environment, it must address the matters noted above and be supported by the information identified and as detailed in *Making Fife's Places Supplementary Guidance*. Compatibility with the relevant NPF4 policies will also require to be considered, as summarised above. However, as it stands, it is not possible to support this (previously refused) development from the Natural Heritage position.

Signed by: M Berry MCIEEM PIEMA, Natural Heritage Officer
Date: 19 September 2023
E-mail: mark.berry-ps@fife.gov.uk
Number: 03451 555555 extension: 474548

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	23/01726/FULL
	Erection of Holiday Accommodation Cabin and Formation of Vehicular Access at Woodland, Craigs Plantation, B981, Fordell
Date:	5th October 2023
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This latest application is for the erection of a holiday cabin that would be used as tourism accommodation.
- 1.2 As part of my considerations for the application (21/01837/full) for a hutting site close to this site, I undertook a site visit and at that time observed that the original informal parking layby on the B981 at the field access gate to the site had been removed to accommodate the new 3 metre wide cycleway/footway on the east side of the B981. As part of the cycleway works the contractor installed a vehicular crossing of the footway/cycleway at the location of the former field access gate. Presumably they installed the vehicular crossing of the footway as they were unaware that the type 1 internal vehicular access had been illegally formed and did not have the relevant permissions.

In addition, a new vehicular access and parking area had been formed to the rear of the wall at the former field access gate. TDM recommended application (22/01225/FULL) for refusal but our road safety concerns were set aside by the case officer and the application was approved.

- 1.3 Transportation Development Management has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Consideration can be given to setting aside this policy, for example if the case officer accepts the application is justified in terms of providing accommodation for an agricultural worker.
- 1.4 According to the current Fife Council Transportation Development Guidelines, 3m x 210m visibility splays must be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the new vehicular access and the B981 public road.
- 1.5 Visibility in the oncoming direction (north) is currently obscured by tree canopies overhanging the newly constructed cycleway/footway, however, these should be cut back so that they are not overhanging the public footway/cycleway. Therefore, I am prepared to accept that the necessary 3m x 210m oncoming splay is achievable within land in the applicant's control/the public road boundary.

However, an approximate 3m x 130m visibility splay is achievable in the other direction (south), as a combination of the geometry of the public road and foliage to the rear of the public road boundary, obscure visibility beyond this point. It should be noted that the available visibility in the south direction is to a point approximately 165 metres short of the start of the 40mph speed limit.

- 1.6 The applicant could choose to commission a traffic speed survey on the B981 to attempt to justify a reduction in the splays specified in 1.4 above. However, the B981 is a busy road with high traffic speeds, therefore, in my opinion, it is unlikely that the recorded 85th percentile of traffic speeds would be much below the 60mph limit of the road.

2.0 CONCLUSIONS

- 2.1 The proposal would result in the formation of a new vehicular access (there was previously an informal parking layby at this location) which has sub-standard visibility in the south direction and this would introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, all to the detriment of road safety.
- 2.2 No commercial operations have been undertaken at this site for a long time (20 plus years) and as a result, there has never been a formal vehicular access from the B981 at this location for a considerable amount of time. It appears that the vehicular access from the B981 is unauthorised as the approval for 21/01837/full only covered the formation of the internal access roads.

3.0 RECOMMENDATIONS

- 3.1 Refusal for the road safety reasons detailed above.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 05/10/2023

E-mail: andy.forrester@fife.gov.uk

Number: 03451 555555 extension 480211

Planning Portfolio Internal Assessment Sheet

EPPS Team	Trees, Planning Services
Application Ref Number:	23/01726/FULL
Application Description:	Erection of holiday accommodation cabin and associated drainage infrastructure and formation of access (retrospective)
Date:	04/10/2023

Important Note

This is an internal planning assessment response provided from within Economy, Planning and Employability Service. It forms part of the overall assessment to be carried out by Staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course.

Assessment Summary

1 POLICIES:

1.0 Adopted FIFEPlan (2017) Spatial Strategy: Section 26: Fife's rich natural, built and cultural heritage assets attract tourism to the area and encourage investment. These assets are protected by policies in the Plan. Preserving the local character of settlements and landscapes across Fife, (particularly where these are considered to have distinct and special qualities), and avoiding the loss or degradation of natural resources are fundamental principles of the Plan.

1.1 Adopted FIFEplan Policy 1 (Part B (7)); Policy 10 (7 and 8); and Policy 13: Proposals should safeguard the character and qualities of the local and natural environment and wider landscape, proposals should not lead to the loss of amongst others protected trees and woodland. Further guidance on how these qualities will be interpreted and addressed are provided in Fife Council's Making Fife's Places Supplementary Guidance document. Policy 13 of FIFEplan also reiterates that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance including in this amongst others listed woodlands and trees and hedgerows that have a landscape, amenity or natural conservation value.

1.2 Scottish Government Policy Statement Creating Places: An emphasis should be placed on creating a 'sense of place' and taking cognisance of the context of the

surrounding area and wider environment. Local Development Plans should have regard to the need to improve the quality of life in local communities by conserving and

enhancing the natural and built environment to create more healthy and attractive places to live, and ensure proposals have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

2.0 CONTEXT

2.1 The site “Woodland At Craigs Plantation Fordell Dunfermline Fife” is not affected by any legal protections of trees such as Tree Preservation Orders, Conservation Orders.

2.2 The site is within a woodland listed as plantation on ancient woodland site. Accordingly, this woodland has high environmental value, and it will be presumed that development which can affect trees with such designation will not be supported. According to NPF4, Policy 6, b) Development proposals will **not** be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition.

3.0 OVERALL ASSESSMENT

3.1 This application is retrospective and so damage has already been done; whilst it is not possible to assess the extent or nature of this since no information has been provided as to the removal of trees in order to facilitate development, there is an assumption that the footprint of the access road and building will have required some degree of tree removal, as well as damage to extant trees.

3.2 For any trees removed, it is expected that trees are replanted on at least a 2:1 ratio, if not more where high quality trees are concerned, so that an overall biodiversity improvement and gain in the number of trees is created. In this case, this is not possible due to development.

3.3 Close in close proximity to the access road or building and within falling distance may have been irreparably damaged due to development. If roots are severed or compacted, trees can become unstable, creating an ongoing safety hazard. Since no information has been provided as to the condition of extant trees prior to development or the affect of development on trees, it must be assumed that there is an ongoing element of danger present posed by trees surrounding this development.

3.4 According to NPF4, Policy 6, A) Development proposals that enhance, expand and improve woodland and tree cover will be supported. B) Development proposals will not be supported where they will result in: iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy. C) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered. The required felling for creating access and the cabin footprint may have fragmented areas of woodland, would have reduced net canopy cover, and do not provide a clear public benefit as recognised as acceptable in NPF4 or the Scottish Government’s Control of Woodland Removal Policy. Accordingly, this development cannot be supported in this regard.

3.5 According to the Scottish Government's Policy on Control of Woodland Removal, there is a strong presumption in favour of protecting Scotland’s woodland resources. Woodland removal should be allowed only where it would achieve significant and clearly

defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to: • helping Scotland mitigate and adapt to climate change; • enhancing sustainable economic growth or rural/community development; • supporting Scotland as a tourist destination; • encouraging recreational activities and public enjoyment of the outdoor environment; • reducing natural threats to forests or other land; or • increasing the social, economic or environmental quality of Scotland's woodland cover. This development does not comply with these points. A single cabin is not significant enough to contribute to supporting Scotland as a tourist destination, nor encouraging recreational activities and public enjoyment of the outdoor environment, especially so when considered in the context of the required impact on the outdoor environment required to spatially facilitate this development.

4.0 CONCLUSION

4.1 From the available information and in regard trees, this development cannot be supported, referring to policy documents NPF4 and the Control of Woodland Removal.

Important note

The above internal planning assessment response has been prepared at officer level within the Economy, Planning and Employability Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Signed by J Treadwell, Tree Protection Officer, Policy & Place Team
Date: 04/10/2023 E-mail: james.treadwell@fife.gov.uk

Agenda Item 6(6)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Further Representation(s)

From: [REDACTED]
To: [Michelle McDermott](#)
Subject: Application Ref: 23/01726/FULL - Woodland at Craigs Plantation, Fordell, Dunfermline
Date: 10 January 2024 00:14:11

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

9th January 2024

Dear Ms McDermott,

Thank you for your letter of 18th December 2023, regarding Application Ref: 23/01726/FULL – Woodland at Craigs Plantation, Fordell, Dunfermline. I am perplexed as to how the applicant is being allowed the opportunity to request a review of the Council's Decision Notice, when he completely ignored the planning process in the first instance by building a house without making any application for planning permission and his subsequent applications have all been retrospective.

However, In relation to the review of the original decision, I would like to repeat my objection to the erection of a house on this site and the formation of access to it, including the concomitant environmental vandalism inflicted by the applicant over a large area of previously undisturbed native woodland, all done without the requisite planning permission and wildlife and nature surveys and permissions being granted prior to the work being done. I refer to all the information stated in my previous objections to his two retrospective planning applications. I would also draw attention to the fact that the applicant has been doing work on the house since and despite the Council's Refusal of Planning Permission on 12th October 2023.

Yours sincerely,
Margo Johnston

Annfield Farm
Dunfermline
Fife
KY11 7EU

This email was scanned by Fife Council



woodlands.co.uk

19 Half Moon Lane London SE24 9JU

8 January 2024

Application Ref 23/01726/FULL

Dear Michelle,

Thank you very much indeed for the opportunity to make final representation about this inappropriate and highly irregular application.

It is incredible that the applicant, who has clearly shown no respect whatsoever for the planning process, as evidenced by their environmental vandalism in an attempt to eradicate any evidence of rare and important flora and fauna, in essence attempting to sanitise the site, and then their complete and utter disregard to follow due process, despite them professing to be a builder/developer.

I am aware that the applicant has still been returning to their project to continue their construction; presumably in contempt of the decision to not grant planning permission. The applicant seems to have an attitude that the guidance and laws of the land do not apply to them?

I cannot really add anything else to my previous statement I am afraid. If the applicant succeeds on this next throw of the dice it will be a travesty of the greatest proportion, sending a message that it does not matter how irresponsible, destructive, devious or downright dishonest you are, planning permission can be overcome.

The woodland site has suffered enough, but given time (but ideally with legally binding reparation rulings on the miscreant) the woodland would over 50 years, probably regain its former health. If planning permission is granted and this becomes a dwelling, there is no chance whatsoever for this to happen.

The disturbance to the badger sett, the loss of habitat for rare orchids and other flora will be permanent.

I urge and implore the arbitrating Review Body to come to the correct conclusions, as evidenced by the applicant's utter contempt for the environment, due process and the law, as witnessed and submitted by the numerous and varied objectors. It is time that the verging on criminal acts committed by the applicant are brought to a stop once and for all, for the benefit of the environment.

Yours sincerely John Cameron
UK North Manager WIM Ltd (neighbour)

Agenda Item 6(7)

**Woodland at Craigs Plantation, Fordell,
Dunfermline**

Application No. 23/01726/FULL

Response to Further Representations

Dear Michelle,

I have received the letters of representation from both interested parties and would most definitely like to put my own points across on these. The first point I would like to make clear and very strongly at that is, I have **NOT** carried any work out on the land or cabin since being instructed to do so by anyone at Fife council.

I do however go up on close to a daily basis to check there has been no vandalism to the land, as on occasion youngsters are using it for use of their quad bikes and also fly tippers leaving rubbish lying around. I usually check during the day or when finishing work so I do tend to do this in my works van as this is my only mode of transport, but that is all. My neighbour, who has been granted planning permission, has ongoing work done on his land, to which vehicles are continuously coming and going and which use the same entrance gate as this is a shared access point, I can only think that this is where these objectors may be jumping to conclusions and thinking this is work being done by myself. So unless there is photographic evidence, which I am confident there is not as I haven't been doing anything, I sincerely hope this accusation will be disregarded, especially since one of the complaint letters is from someone hundreds of miles away and may only be getting his information second hand.

As for being accused of having NO respect for the planning process, if this was the case, after realising the route I needed to take after being misinformed, I wouldn't have spent nearly ten thousand pounds on architect fees, engineering fees, forestry and wildlife reports to make sure everything is done properly and in place. When I first became interested in buying the woodland at Fordell, the representative for Woodlands.co.uk (being one of the objecting letters) said that a holiday rental cabin on site would be no problem as the gentleman who bought the neighbouring land was planning on doing exactly the same but on a much larger scale and because my intentions were so small that he said approval shouldn't be needed. So if this is the information Woodlands.co.uk give out I strongly suggest he retrains his employees in sales, unless this is the false information they give to close a sale and then when everything is signed on the dotted line, they send in objection letters, as I feel in my opinion this has what's been done to myself.

I would very much like to address the accusation of vandalism to my land, as you can see from the pictures that were attached to my appeal, where is this vandalism occurring? There has been NO attempt to eradicate any rare and important flora and fauna because everything that was there when I purchased the land is still there, the only thing that was removed was dead shrubbery and very bad soil it was growing from, which was from years of previous owners using it as a waste dumping site for building materials, tarmac rubble, old tyres, which have now been removed along with any other hazardous materials. If anything I have spent money on trying to

revive and improve on the flora that is already there. As instructed by the Forestry commission I cleaned up what was already dead and unable to regrow and brought in £6000 worth of premium graded top soil and replanted hundreds of pounds of wildflower seeds and planting bulbs for seasonal flowering, enhancing the beauty of the land, as before it was a dormant quarry dormant and very unkept. Hence why the holiday cabin has been applied to be built on top of the quarry face, away from where no flora or fauna will be disturbed. The holiday let will be far enough away from any disturbance to existing wildlife compared to my neighbours land, which has already been approved and is actually closer to the badger set than where my holiday let would be situated. The distance has already been checked and passed on my behalf by wildlife police, twice, stating that any badger sets are more that 50% dormant and any that are still used are well outwith the distance needed from human habitation, this is also checked on a regular basis.

Also addressing the disrespectful comments about having “utter contempt for the environment” is completely untrue. As you can see from the planning application the cabin let would be built as an environmentally friendly holiday let, the cabin itself being partly built from recycled materials and environmentally friendly materials, i.e. no concrete or bricks being used. Also solar powered panels will be used for electricity and recycled rain water from the roof for showers etc. Everything about the land and holiday rental will be built and maintained with nothing but the environment in mind, using all up to date technology to ensure the most eco-friendly and sustainable holiday cabin is built, for anyone to suggest otherwise is being spiteful or at the very least misinformed.

As for suggesting by our objectors that any activity being performed now or in the future is verging on “criminal activity” is completely absurd and bordering on certain levels of slander and by accusing this themselves maybe bordering on “criminal activity”.

I feel that since this process has started, there has been nothing but victimisation from surrounding neighbours as to my intentions to land without proper research or knowledge on their behalf which has only exacerbated the situation. The only thing keeping my spirits up is the odd walker strolling through my land commenting on how nice things are looking and how nice it would be to be able to rent a property and share in the beautiful landscape surrounding Fordell. It is not my intention to deceive anyone on what I plan on creating, it's just merely a chance to bring business and enjoyment to the surrounding area of Dunfermline.

Yours sincerely,

Paul Simpson.