

# West and Central Planning Committee

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



Wednesday, 18 June 2025 - 2.00 p.m.

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## AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

- 3. MINUTE** – Minute of the meeting of West and Central Planning Committee of 21 May 2025. 4 - 7

- 4. 25/00311/CON - NETTLY BURN FIFE** 8 - 48

Section 36 Consent Consultation for ECU00006007 as per the Electricity Act 1989 for construction of an electricity generating station and associated infrastructure on land adjacent to Knockhill Racing Circuit (known as Nettly Burn Renewable Energy Park), Fife.

- 5. 24/00924/FULL - LAND AT Q3 DUNLIN DRIVE DUNFERMLINE** 49 - 73

Erection of retail unit (Class 1A) and 4 No. commercial units (Class 1A and Class 3) including formation of access, car parking and cycle parking, landscaping and boundary treatments, and installation of EV chargers and drainage infrastructure.

- 6. 24/01442/FULL - PUBLIC PARK FEREGAIT KINCARDINE** 74 - 92

Erection of health and wellbeing centre (Class 1A) including formation of accesses with car parking, landscaping, air source heat pumps, substation and ancillary works.

- 7. 24/02689/ARC - LAND AT CALAIS MUIR WOOD SANDPIPER DRIVE DUNFERMLINE** 93 - 119

Approval of Matters Specified by Condition 1 (A-T) of planning permission in principle 20/00774/PPP for a mixed-use development including Class 4 (Business), 5 (General Industrial) and 6 (Storage & Distribution) with associated landscaping, access, parking, drainage and other infrastructure

- 8. 24/02650/FULL - 142 - 146 MAIN STREET LOCHGELLY FIFE** 120 - 129

Change of use from vacant shop (Class 1A) to cafe/hot food takeaway (mixed use) (sui generis) with installation of associated flue to rear

- |            |   |           |
|------------|---|-----------|
| <b>9.</b>  | <b>25/00123/FULL - SEATH HOUSE 5 TRANSY PLACE DUNFERMLINE</b>   | 130 - 141 |
|            | Change of use from sheltered accommodation (Class 8) to a House of Multiple Occupancy (18 persons) (Sui Generis)  |           |
| <b>10.</b> | <b>25/00559/PPP - GOSPEL HALL BENNOCHY ROAD KIRKCALDY</b>   | 142 - 158 |
|            | Planning permission in principle for residential development and associated works (demolition of existing building)   |           |
| <b>11.</b> | <b>24/00987/FULL - 21 AVA STREET KIRKCALDY FIFE</b>   | 159 - 166 |
|            | Formation of hardstanding, formation of vehicular access and alterations to boundary wall (retrospective)   |           |
| <b>12.</b> | <b>24/03182/FULL - LUNDIN GOLF CLUB GOLF ROAD LUNDIN LINKS</b>  | 167 – 177 |
|            | Installation of safety net  |           |
| <b>13.</b> | <b>APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS</b>  |           |
|            | <a href="https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2">https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2</a> |           |

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

Lindsay Thomson  
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Finance and Corporate Services

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

11 June, 2025

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## **BLENDED MEETING NOTICE**

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

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

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

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

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

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

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

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

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

**21 May 2025**

**2.00 pm – 5.00 pm**

**PRESENT:** Councillors Derek Glen (Depute Convener) David Alexander, Alistair Bain, John Beare, James Calder, Ian Cameron, Dave Dempsey, James Leslie, Carol Lindsay, Gordon Pryde and Sam Steele.

**ATTENDING:** Derek Simpson, Lead Officer, Development Management, Scott Simpson, Planner, Natasha Cockburn, Planner, Mark Barrett, Lead Officer, Transportation Development Management, Planning Services; Gemma Hardie, Solicitor and Elona Thomson, Committee Officer, Finance and Corporate Services.

**APOLOGIES FOR ABSENCE:** Councillors David Barratt, Altany Craik, Derek Noble and Andrew Verrecchia

**252. DECLARATIONS OF INTEREST**

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

**253. MINUTE**

The committee considered the minute of the meeting of the West and Central Planning Committee of 23 April 2025.

**Decision**

The committee approved the minute.

**254. 22/04086/PPP - PRESTONHILL QUARRY PRESTON CRESCENT INVERKEITHING**

The committee considered a report by the Head of Planning Services relating to the proposed development of the former Prestonhill Quarry, Inverkeithing, to create a mixed-use development including approximately 180 residential units (including affordable housing), holiday lodges, café/bistro, associated access, open space, landscaping, SuDS and other infrastructure.

Members were advised of the following amendment: -

Section 2.16.5 of report of handling states “ Planning contributions can be taken...” This was amended to read, “ Planning contributions cannot be taken”

**Motion**

Councillor Glen, seconded by Councillor Cameron, moved to approve the application subject to the conditions set out in the report.



Amendment

Councillor Dempsey, seconded by Councillor Steele, moved to refuse the application on the grounds that there would be a detrimental impact on the character of historic Inverkeithing and its surrounding natural heritage assets and that this was not outweighed by the safety advantages offered by the proposal.

Roll Call Vote

**For the Motion - 5 votes**

Councillors David Alexander, Alistair Bain, Ian Cameron, Derek Glen and Gordon Pryde.

**For the Amendment – 6 votes**

Councillors John Beare, James Calder, Dave Dempsey, James Leslie, Carol Lindsay and Sam Steele.

Having received a majority of votes, the amendment to refuse the application was carried.

Decision

The committee agreed: -

- (1) to refuse the application on the grounds that there would be a detrimental impact on the character of historic Inverkeithing and its surrounding natural heritage assets and that this was not outweighed by the safety advantages offered by the proposal; and
- (2) to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

**255. 24/03098/ARC - HILLSIDE SCHOOL 3 MAIN STREET ABERDOUR**

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

Motion

Councillor Glen, seconded by Councillor Alexander, moved to approve the application subject to an amendment to Condition 5 to minimise potential disruption to the village of Aberdour, and the conditions set out in the report.

Amendment

Councillor Dempsey, seconded by Councillor Pryde, moved to approve the application subject to amendments to Condition 5 to minimise potential disruption

to the village of Aberdour, and Condition 8 to reduce the trigger point of 50 dwellings before mitigation measures be put in place, and the conditions set out in the report.

**Roll Call Vote**

**For the Motion - 7 votes**

Councillors David Alexander, Alistair Bain, John Beare, James Calder, Ian Cameron, Derek Glen and Carol Lindsay.

**For the Amendment – 4 votes**

Councillors Dave Dempsey, James Leslie, Gordon Pryde and Sam Steele.

Having received a majority of votes, the motion to approve the application subject to the amendment of Condition 5 was carried.

**Decision**

The committee agreed to approve the application subject to the 13 conditions and reasons detailed in the report, with the following revised wording to Condition 5: -

“BEFORE ANY WORKS COMMENCE ON SITE; an updated construction traffic route plan for all movements to/from the site shall be submitted to and approved in writing by this Planning Authority. This plan shall also include measures to minimise and manage any potential disruption to the village of Aberdour specifically in relation to the High Street in terms of impact from construction traffic including delivery vehicles associated with the construction of the development. All construction traffic shall then adhere to the approved plan/measures with the construction traffic to be monitored and managed by the Site Manager in accordance with this construction traffic route plan/measures.

FOR THE AVOIDANCE OF DOUBT, the developer shall take all reasonable steps to ensure that construction traffic associated with the approved development adhere to this plan/details. Reasonable steps shall include (but not be limited to) including this requirement within contractual arrangements for sub-contractors engaged in the construction, providing temporary signage indicating the approved access routes, briefing all staff engaged in construction activities on the site and specifying the access route to be used for deliveries when ordering materials.”

**256. 24/03087/ARC - HILLSIDE SCHOOL 3 MAIN STREET ABERDOUR**

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

**Decision**

The committee agreed to approve the application subject to the 10 conditions and reasons detailed in the report, with the following revised wording to Condition 5: -

“BEFORE ANY WORKS COMMENCE ON SITE; an updated construction traffic route plan for all movements to/from the site shall be submitted to and approved in writing by this Planning Authority. This plan shall also include measures to minimise and manage any potential disruption to the village of Aberdour specifically in relation to the High Street in terms of impact from construction traffic including delivery vehicles associated with the construction of the development. All construction traffic shall then adhere to the approved plan/measures with the construction traffic to be monitored and managed by the Site Manager in accordance with this construction traffic route plan/measures.

FOR THE AVOIDANCE OF DOUBT, the developer shall take all reasonable steps to ensure that construction traffic associated with the approved development adhere to this plan/details. Reasonable steps shall include (but not be limited to) including this requirement within contractual arrangements for sub-contractors engaged in the construction, providing temporary signage indicating the approved access routes, briefing all staff engaged in construction activities on the site and specifying the access route to be used for deliveries when ordering materials.”

**257. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

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

Committee Date: 18/06/2025

Agenda Item No. 4

**25/00311/CON - Section 36 Consent Consultation for ECU00006007 as per the Electricity Act 1989 for construction of an electricity generating station and associated infrastructure on land adjacent to Knockhill Racing Circuit (known as Nettle Burn Renewable Energy Park), Fife.**

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Report by: Pam Ewen, Head of Planning Services

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Wards Affected: West Fife and Coastal Villages

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### **Purpose**

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The purpose of this report is to seek the Committee's agreement on the Council's proposed formal response to the consultation from Scottish Ministers under Section 36 of the Electricity Act, 1989.

The Scottish Ministers are responsible, under Section 36 of the Electricity Act 1989, for the authorisation of any new, or extensions to existing, electricity generation schemes with a generation capacity in excess of 50 Megawatts (MW)

### **Recommendation(s)**

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To agree with the conclusions set out in the report and make additional comments as appropriate to enable the submission of the consultation response as the formal position of Fife Council to Scottish Ministers

### **Resource Implications**

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In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions. The Planning Authority would be tasked with subsequently enforcing any conditions of the deemed planning permission, in a similar way to where conditions are imposed by a Reporter on appeal.

### **Legal & Risk Implications**

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Fife Council is being consulted as part of the determination process for the Section 36 (S36) application. Fife Council is not the determining Authority with regard to this application and is responding to The Scottish Government's Energy Consent Unit (ECU) as a Statutory Consultee. All other statutory consultees will be submitting individual comments and views direct to the ECU. If the Council as a Statutory Consultee is minded to object to the proposals, Scottish Ministers shall be required to convene a Public Inquiry

unless the areas of objection can be satisfactorily addressed through modifications to the proposal or the imposition of appropriate conditions.

## Consultation

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Internal consultation was undertaken with officers from:

Consultee	Comments
Fife Council's Natural Heritage Officer	No objections subject to a clear and guaranteed commitment to protection and restoration of as much of peatland habitat as possible.
Fife Council's Flooding, Shoreline and Harbours team	No objections
Fife Council's Land and Air Quality Team	No objections subject to condition.
Fife Council's Tree Protection Officer	No objections
Fife Council Transportation Development Management Team	No objections subject to conditions.
Fife Council's Archaeology officer	No objections subject to a condition relating to mitigation works.

In addition, the following organisations responded directly to consultation by the ECU:

Scottish Water	No objections.
Historic Environment Scotland	No objections
The Health and Safety Executive	No comments as not within their remit.
SEPA	No objections
NatureScot	No objections
Defence Infrastructure Organisation	No objections
Saline and Steelend Community Council	No objections and are supportive of the proposal.
The Coal Authority	No objections as solar farm is on exemptions list but suggest a condition.
Forth District Salmon Fishery	No objections subject to potential conditions relating to works within the rivers and burns.
Scottish Forestry	No objections subject to compensatory tree planting for loss of two trees.
Transport Scotland	No objections

## 1.0 Background

1.1 This consultation relates to land measuring approximately 129 hectares, to the north of Knockhill Racing Circuit and the A823 Distributor Road. This land comprises of open fields, whilst, the site elevation slopes upwards from south to north, from a low point of approximately 240 metres above ordnance datum (AOD) along the southern site boundary with the A823, to a high point of circa 280 metres AOD. The site is undulating and after climbing from the A823 to a high point of circa 270 AOD, it slopes down in elevation towards the Nettle Burn (approximately 260 metres AOD) before rising again to the high

point in the northern part of the site. The site is located within the countryside and the nearest settlement boundary is the Steelend Settlement Boundary located approximately 3.5 kilometres to the south-west as designated within the Adopted FIFEplan (2017) (LDP), with Knockhill Race Circuit located between the site and this settlement. The nearest settlement within Perth and Kinross is Cleish, located approximately 3.7 kilometres to the north of the site. The site is open in nature with rough and semi-improved grazing. The Nettly Burn traverses the site in an east west direction. There is also a small area of plantation, Outhmuir Plantation, located along the eastern site boundary close to a much larger plantation located outside of the site boundary to the east. The site would be accessed directly from the A823.

1.2 Residential properties within the immediate vicinity are sparse and there would appear to be a total of eleven residential properties within a 2km radius of the application site boundary. The nearest residential properties would be located at South Lethans to the south of the site and Outh Farmhouse and North Lethans House to the north-west of the site. The Park Hill and Tippeton Moss SSSI is located directly adjacent to the north boundary and to the west of the site boundary, whilst the Black Loch (Cleish) SSSI is located approximately 537 metres to the north beyond the Tippeton SSSI. The Loch Glow Reservoir Wildlife Site is located to the north beyond these SSSIs. The Swallow Craig Den SSSI is located to the south-west across the A823 road. The Outh Hill, buildings and field system Scheduled Monument (275m NE of Lethans Muir Lodge) is located approximately 1 kilometre to the west of site at its closest point, whilst the Dumglow, Cairn and Fort, Cleish Hills Scheduled Monument is located approximately 1 kilometre north of the site boundary at its closest point. Small parts of the site are potentially contaminated due to historic mining & quarrying carried out at this location. The majority of the site is located within a coal mining low risk area, whilst the western and northern parts of the site are located within a coal mining high risk area. The land is designated as non-prime agricultural land as per the James Hutton Institute land classification. There are no core paths located within the site, however, the Knockhill Road Core Path (Route Code: R615) runs along the A823 to the south of the site. The Health and Safety Executive Major Hazard Pipeline consultation zone for the Kirriemuir/Charlestown Feeder Pipeline is also located to the west of the site, however, the site is not located within the consultation zone for the pipeline. The site is also located within the Cleish Hills Local Landscape Area as per the LDP.

1.3 Temporary consent is sought for a period of 40 years for the development of a renewable energy park, which includes the following elements:

- A ground mounted solar array, comprising up to approximately 125,000 panels, and associated electrical equipment with a capacity of approximately 80-MegaWatt peak (MWP). The freestanding solar panels would measure approximately 2.9 metres at their highest point and would be located around the site. A series of static transfer switch (STS) buildings would also be located around the site, and these would measure approximately 2.4 metres high above ground level and would be located in metal clad units with a flat roof and an approximate floor area of 4.6 square metres.
- A battery energy storage system (BESS) and compound with a site area of approximately 0.15 hectares and a grid connection capacity of 15 MegaWatts (MW). The BESS site would comprise of several containerised battery units located on a concrete area, medium voltage skids containing inverters, switchgear and transformers, power conversion systems measuring approximately 2.74 metres high and cooling equipment. The containers would measure approximately 2.81 metres high above ground level, whilst the MV skids equipment would measure approximately 2.7 metres above ground level at their highest point. The MV skids

group the energy generated by a group of string inverters and adapt it to the power grid whilst, the PCS converts electrical power from one form to another. The compound would be located at the south-western area of the site adjacent to the A823;

- A substation and compound, including control building. The control building would have a metal clad finish with a flat roof and would measure approximately 2.6 metres high with a floor area of approximately 14.5 square metres. The control building would be located adjacent to the BESS.
- A network of onsite cables with a mixture of underground and overground cables;
- Security fencing and CCTV. The CCTV would be located on metal poles measuring approximately 4.2 metres high and would be located around the site for security purposes. The fencing would measure approximately 2.05 metres high.
- Access from the A823;
- Onsite access tracks including floating tracks and two associated watercourse crossings over the Nettly Burn;
- Surface water drainage including filter trenches and swales; and
- Landscaping and biodiversity enhancement proposals.

## 1.4 Planning History

1.4.1 The relevant recent planning history for the site and surrounding area is as follows:

**13/01898/EIA** - Full planning permission with an environmental impact assessment for the erection of 5 wind turbines (each up to 110 metres high to tip of blade) and associated infrastructure including new site entrance/access tracks, transformers, temporary construction compound and control building/substation. This application was located within and adjacent to the application site and was refused by Planning Committee on 27th March 2014 as it would have a detrimental landscape impact on the surrounding Cleish Hills Local Landscape Area and the surrounding area, whilst the wind farm would also have a detrimental impact on the setting of a scheduled ancient monument, Dumglow, cairn and fort, Cleish Hills, and would not serve to protect this nationally important historic environment asset. In addition, it was also considered that the Environmental Statement had understated the significance of the visual impact on the historic skyline of Dunfermline and important (Category A) listed buildings, namely Dunfermline Abbey. This refusal was appealed (appeal reference: PPA-250-2196) to the Directorate for Planning and Environmental Appeals (DPEA) and the appeal was dismissed on 4th September 2014 for the same reasons for refusal as the planning application, however, the DPEA advised that they did not consider that the proposal would have a detrimental impact on the historic skyline of Dunfermline.

**14/00008/EIA** - Full planning permission with an environmental impact assessment for the erection of eleven wind turbines with maximum height of 115 metres to tip with formation of associated hardstanding, site access, new access tracks, substation, construction compound, control building compound, cabling, and anemometry mast. This application was located in the woodland area to the east of the application site and was refused by Planning Committee on 27th October 2016 as it would have a significant detrimental impact on the landscape at this location, there was insufficient landscape capacity for wind turbines of this type, it would have a detrimental impact on the amenity of the residential property at King Seat of Outh due to the scale, height and position of the turbines in relation to the property and the development would adversely affect telecommunications links travelling through the site without any mitigation being provided.

**08/01368/WFULL** - Full planning permission for change of use of former MOD communications bunker to form dwellinghouse with ancillary parking and landscaping was approved with conditions on 26th June 2008 on land approximately 125 metres to the east of the proposed application site boundary and directly adjacent to the A823 road.

## 1.5 Application Procedures

1.5.1 Applications which relate to development contributing to 'Strategic Renewable Electricity Generation and Transmission' which have a capacity of greater than 50MW are made to the Scottish Ministers for determination under Section 36 of the Electricity Act 1989. These cases are administered by the Energy Consents Unit. In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission.

1.5.2 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (NPF4) (2023) and FIFEplan Local Development Plan (2017). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

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

## 2.0 Assessment

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

- Principle of Development, including Contribution to Renewable Energy Targets
- Landscape and Visual Impact
- Impact on setting of Scheduled Ancient Monument, Garden and Designed Landscape and Listed Buildings
- Natural Heritage including Ecology and Trees
- Residential Amenity
- Transportation and Road Safety
- Flood Risk and Drainage
- Contaminated Land/Land Stability
- Community and Economic Benefit
- Decommissioning of the Site
- Archaeological Impact

2.2 Principle of Development, including Contribution to Renewable Energy Targets

2.2.1 Policies 1, 2, 3, 11 and 29 of NPF4, Policies 1, 3, 7, 11 and 13 of the LDP, Making Fife's Places Supplementary Guidance and Low Carbon Supplementary Guidance apply.



2.2.2 The proposed electricity generating station would provide for both the generation of electricity using solar panels and for the storage of energy in battery units to accommodate fluctuations in levels of energy supply and demand. This type of combined generation and storage facility is key to providing balance and stability in a National Grid increasingly reliant upon renewable sources, whilst minimising the impacts of increasing demand on the network transmission infrastructure. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. Given the drive towards a low carbon economy, the proposed development is generally supported, however further consideration of the principle of the specific land uses for the proposal must be considered.

2.2.3 NPF4 sets out the overarching spatial strategy for Scotland to 2045. Policy 1 (Tackling the climate and nature crises) of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 11 (Energy) of NPF4 states that proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported and these include solar arrays, energy storage, such as battery storage and enabling works, such as grid transmission and distribution infrastructure. Policy 11 of NPF4 also sets out that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. This policy further states that project design and mitigation will demonstrate how various material impacts are addressed including residential amenity, significant landscape and visual impacts, road traffic impacts, effects on hydrology, the water environment and flood risk and biodiversity impacts amongst others. The maximisation of net economic impacts and socio-economic benefits and how the development addresses its material impacts are assessed in full under the relevant sections of this report. Policy 11 of NPF4 also requires that significant weight is attached to the contribution that a proposed energy development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets when considering these impacts and the principle of development.

2.2.4 NPF4 also sets out this this proposal would contribute to 'Strategic Renewable Electricity Generation and Transmission' as it is for on-shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity. The proposal is, therefore, designated as a national development. NPF4 advises that a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets, whilst, certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require.

2.2.5 Policies 1 and 7 of the LDP state that the principle of development within the countryside will only be supported where it is for other development which demonstrates a proven need for a countryside location. Policy 11 (Low Carbon) of the LDP states that development of low carbon energy schemes will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations. These considerations are further set out within this policy and are broadly similar to those set out in Policy 11 of NPF4. Fife Council's Low Carbon Supplementary Guidance (2019) advises that consideration of the scale of contribution to renewable energy generation targets and the effect of proposals on greenhouse emissions shall form part of the assessment process.

2.2.6 The submitted planning statement advises that the proposal would help meet the Scottish Government's net zero greenhouse gas (GHG) emissions target by 2045 and it currently has a grid connection date of October 2026. The statement further advises that the proposal could result in a saving of 34,690 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) per year when compared to non-renewable and non-nuclear generated electricity and based on the installed capacity of 80 MWp, the proposal could generate enough renewable electricity to power the equivalent of 19,775 household per year. The statement also advises that the proposed site was chosen due to its proximity to the grid connection and the large land take required for this size of development.

2.2.7 The application site is located outwith any settlement boundary as identified within the LDP. Policy 29 (a) of NPF4 provides support for essential infrastructure applications within the countryside, whilst Policy 11 of NPF4 provides support in principle for this type of development providing the proposal is designed to address its impacts, with significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. This proposal is, therefore, considered to be essential infrastructure and can be supported at this location by Policy 29 (a) of NPF4. Policy 7 of the LDP likewise provides support for developments which have a proven need to be located in the countryside. In terms of site selection, the Planning Statement notes that the site was specifically chosen due to its proximity to the grid connection at Oath Muir along with the land take required to accommodate the renewable energy park. The proposal would also provide a contribution to renewable energy targets at a national strategic scale as set out in section 2.2.6 above. Noting the above and giving significant weight to the global climate crises and contribution of the proposal to renewable energy generation targets, the principle of locating the proposed development in this countryside location is accepted.

2.2.8 It is also proposed that the energy park would operate for a temporary period of forty years, and it is expected that on expiry of the temporary period, the renewable energy park will be dismantled, removed from the site and the site fully reinstated. A condition is, therefore, recommended to the ECU requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.2.9 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in NPF4 (2023) and the LDP. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan in this respect. The overall acceptability of such a development must, however also meet other policy criteria and the proposal should not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated. These issues are considered in detail below

## 2.3 Landscape and Visual Impact

2.3.1 Policies 4, 11 and 14 of NPF4, Policies 1, 7, 10, 11, 13 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Low Carbon Fife Supplementary Guidance apply.

2.3.2 Policy 11 (Energy) of NPF4 states that project design and mitigation will demonstrate how visual impacts on communities and individual dwellings are addressed along with any significant landscape and visual impacts and cumulative impacts, recognising that such impacts are to be expected for some forms of renewable energy. Policy 11 further states that where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable.

2.3.3 A Landscape and Visual Impact Assessment (LVA) has been submitted with this application. The LVA includes a zone of theoretical visibility (ZTV) which includes a 4-kilometre ZTV drawing, wireframes, photos taken from eight viewpoints and photomontages from each of these viewpoints showing a modelled visual impact of the proposal. These demonstrate how the proposal would sit within the site and the surrounding landscape. The LVA advises that the solar panels would have a maximum height of 2.93 metres above ground level, therefore, any notable landscape or visual effects would be contained within this geographical area. The LVA also makes reference to the Fife Landscape Character Assessment and sets out the characteristics of these landscape areas, whilst the assessment includes the likely landscape and visual effects of the proposal and provides a conclusion with regards to these effects.

2.3.4 The LVA advises that the landscape within the study area is characterised by rolling farmland, with expansive areas of moorland and forestry on higher ground, whilst, the A823 runs north south through the study area, intersecting with the B914 at Roscobie. These represent the key transport routes within the surrounding area. These roads are flanked by localised clusters of properties, agricultural barns/commercial sheds, and quarries (some disused) in places. The site itself comprises undulating gently sloping open moorland/grassland which is open in character and is located within the Cleish Hills Local Landscape Area (LLA) as designated within the LDP, whilst the Cleish Castle Garden and Designed Landscaped (GDL) is located approximately 2.4 kilometres to the north of the site. The LVA further states that settlement is primarily limited to dispersed dwellings and farmsteads, which are linked by a series of minor roads, whilst the visual influence of all these elements is typically limited by roadside vegetation and intervening landform. The LVA also considers that the site is open in character with very few features of note other than some ruined buildings resulting in a very simple landscape pattern, whilst the landform in the site varies from approximately 240 metres to 290 metres AOD. The landform in the surrounding area also rises steadily towards the summits of Knock Hill, Outh Hill, Wether Hill, Park Hill, Dumglow and The Inneans and this along with the expansive areas of forestry that surround the site result in the visual containment of the site on most sides. The LVA states that the Racing Circuit to the south of the site encompasses the full extent of the landscape between the site and the foot of Knock Hill, although its visual presence along nearby sections of the A823 is restricted by established tree planting along the perimeter, whilst, other infrastructure within the study area comprises the existing masts and substation at Lethans Muir (to the south of the site), transmitter masts atop Knock Hill (1.3km to the west of the site), and small-scale wind turbines at Lynn (1.3km to the south of the site) and Roscobie Farm (1.5km to the southeast of the site).

2.3.5 The LVA states that the site is located primarily within the Upland Hills Landscape Character Type (LCT), whilst the southern-most corner of the site extends into the neighbouring Foothills – Fife LCT as per NatureScot's National Landscape Character Assessment (2019). It then sets out the key characteristics and sensitivities of these LCTs. The Upland Hills LCT key characteristics include elevated, massive, pronounced, dramatic

physical landform and open, large scale, rolling hills of upland semi-natural land cover and pasture with peaks, knolls and ridges with a lack of present-day settlements and man-made features, except for areas of forestry. The Foothills – Fife LCT defines the edge of, and provide the distinctive backdrop to, other LCTs and the extent of views across the lowlands and includes medium to large scale, open, simple landscapes and gentler, more natural and less pronounced than the Hill Slopes but usually steeper and higher than the lowland hills, whilst this LCT can also have extensive views over other LCTs. The LVA also advises that there are no settlements within the study area, however, there are a number of dispersed dwellings located within the surrounding 2 kilometre area with the closest dwelling being at South Lethans which is approximately 20 metres to the west of the site and the furthest away dwellings being located at Brundlebank and Lethans View which are approximately 2 kilometres to the south-west and north-west of the site respectively.

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

- Viewpoint 1 was taken directly adjacent to the southern-boundary of the site from the A823/Core Path R615. This view is representative of road users and recreational walkers, however, there is no footway or maintained verge along this section of road which would encourage pedestrian access at this location. The proposal would be clearly visible from this area; however, views would be limited to localised parts of the proposal and the infrastructure in the northern part of the site would be fully screened by the proposed panels in the foreground in combination with intervening landform. The proposed woodland planting along the southern boundary of the site would also result in the proposal being increasingly screened as it matures over time. The resultant level of effect experienced by walkers and other road users would be major and major/moderate respectively. The effect on the Foothills – Fife landscape character at this location would be major/moderate as the proposal would introduce built form within an area that is primarily rural in character. The LVA states that this landscape effect would reduce over time with the establishment of the proposed planting with the magnitude of change reducing to slight and the effect on landscape character reducing to moderate/minor in year 6.

- Viewpoint 2 was taken directly adjacent to the western boundary of the site from the A823 at Outh Bridge. This view is representative of local road users travelling south at a point where views across the site open up. The proposal would be clearly visible from this area with the panels extending across the area of open moorland to the south/east, and across parts of the horizon with partial views of the substation and battery storage compound in the middle distance on the western edge of the site. The magnitude of change would be substantial and the resultant level of effect at this location would be major/moderate, however, by year 6 the established planting within the site would screen views of the proposal, although there would continue to be filtered views of infrastructure within more elevated parts of the site. The magnitude of change would reduce to slight, and the level of effect would be moderate/minor by year 6. The magnitude of change on the Upland Hills LCT would initially be substantial and the effect would be major/moderate as the proposal would introduce built development within this local landscape. The LVA states that this impact would gradually soften as the proposed planting along the north-west edge of the site establishes, however, the panels would remain partially visible during

the winter months where they would exert a limited influence on local landscape character. The LVA advises that the magnitude of change at year 6 would reduce to slight and the level of effect would reduce to moderate/minor, not notable.

- Viewpoint 3 was taken approximately 848 metres from the east at Core Path R539. This viewpoint is located on the path network that extends through the forestry to the east of the site and is representative of views experienced by recreational walkers from a localised section of the route. Potential views of the proposal would be restricted by the intervening landform, which forms a slight ridge on the western edge of the forestry, and this would predominantly screen the proposal from view. The LVA states that the magnitude of change would be negligible due to the containing influence of the intervening terrain and tree cover, whilst the resultant level of effect experienced by walkers would be negligible and at year 6, the views would remain predominantly unaltered, and there would be no change to the level of effect. This area is located within the Upland Hills LCT and the proposal would have no significant impact on existing landscape character at this location. The LVA states that the magnitude of change would be negligible, the effect on landscape character would be negligible and there would be no notable change at Year 6.

- Viewpoint 4 was taken approximately 1.1 kilometres from the west of the site at West Lethans (on Core Path R616). This view is representative of views experienced by walkers on an open section of the route, and residents at the nearby property at West Lethans. The submission shows that the proposal would be partly screened by intervening coniferous tree cover. As such, potential views would be limited to the panels in the northwestern part of the Site (at the foot of White Hill), which would be back-clothed by the landform and forestry beyond and experienced in the context of Knockhill Racing Circuit. The LVA further considers that the magnitude of change would be slight based on the extent of intervening screening and the context of the view, in which the Knockhill Racing Circuit would continue to represent the most influential element of built form. The resultant effect would be moderate, which is assessed as not notable in this instance based on the distances involved. At Year 6, the established planting within the site would further soften views of the proposal. The magnitude of change would then reduce to slight/negligible, and the level of effect would reduce to moderate/minor. The LVA also states that the impact on the Hill Slopes LCT would be minor and there would be no notable change by year 6.

- Viewpoint 5 was taken approximately 1.1 kilometres from the north of the site on Core Path CLSH/104 at Dumglow Cairn. This view is representative of those views experienced by recreational hill walkers. The submission shows that the proposal would be visible on the lower-lying moorland to the south. There would be open views across the backs of the solar panels from this vantage point, which would be non-reflective and typically cast in shadow, reducing their influence on the view. The infrastructure would be back-clothed by the areas of forestry and farming beyond and accordingly would be experienced well-below the distant horizon. Potential views of the panels in the southern-most part of the site would be fully screened by the intervening landform, which slopes downwards beyond a slight ridge in the middle distance. The LVA states that the resultant effect would be major/moderate (notable) and at year 6, the views of the proposal would remain largely unaltered and there would be no change to the level of effect. This viewpoint is located within the Rugged Lowland Hills LCT and the LVA states that the proposal would be visible from this part of the LCT, however, the proposal would represent the introduction of a new element within the geographically separate lower-lying landscape to the south and would,

therefore, exert limited influence on existing landscape character at this location. The LVA considers that the magnitude of change would be slight, and the level of effect would be moderate/minor, whilst there would be no change to the level of effect at year 6.

- Viewpoint 6 was taken approximately 1.1 kilometres from the north-east of the site at The Inneans. This viewpoint is representative of views experienced by recreational hill walkers and is located within the Rugged Lowland Hills LCT. The LVA states that the proposal would be partly visible beyond a rise in the landform in the middle distance, whilst the solar panels would be back-clothed by tree cover, in combination with the distant farmland/settlement along the River Forth. Accordingly, it would be experienced well-below the distant horizon, in the same field of view as Knockhill Racing Circuit and the masts at Knock Hill. The LVA considers that the resultant effect would be moderate, which is considered not notable due to the location of the site below the skyline, in the context of existing built form, whilst, at year 6, the views would remain largely unaltered and there would be no change to the level of effect. As per viewpoint 5, the LVA considers that the proposal would exert limited influence on the landscape character across this localised part of the LCT. The LVA states that the magnitude of change would be slight/negligible, the level of effect would be minor and there would be no change to the level of effect at year 6.

- Viewpoint 7 was taken approximately 2.8 kilometres from the south-west of the site at Easter Cairn Fort, Saline Hill. This viewpoint is representative of views experienced by hill walkers and the LVA shows that potential views of the proposal from this vantage point would be subject to screening by the intervening landform at Knock Hill, in combination with tree cover extending along the A832. Views would be limited to panels in the southern-most and northern-most parts of the site, which would be back-clothed by moorland and forestry. The LVA considers that the magnitude of change would be negligible based on the distances involved and extent of intervening screening, whilst the resultant level of effect would be negligible. At year 6, the views of the proposal would be further restricted by the established planting and would be barely discernible. This viewpoint is located within the Upland Hills LCT and the LVA states that the magnitude of change would be negligible, the effect on local landscape character would be negligible and by year 6, there would be no discernible effect on landscape character.

- Viewpoint 8 was taken approximately 3.8 kilometres from the south-west of the site from Craigluscar Hill Fort. This viewpoint is representative of views experienced by recreational hillwalkers and the proposal would be experienced in the distant landscape to the north, within the same field of view as Knockhill Racing Circuit. The proposal would be partly screened by the existing built form at Knockhill in combination with intervening tree cover and would represent a discrete addition to the existing panoramic views from this local vantage point. The LVA states that the magnitude of change would be negligible based on the distance of view, partial screening, and proximity to existing built form within the view. The resultant level of effect would also be minor/negligible and at year 6, the views of the proposal would soften further as the proposed planting establishes, however, there would be no change to the level of effect. This viewpoint is located within the Foothills – Fife LCT and the LVA considers that the proposal would be partially-screened and would represent a discrete element in the geographically separate background landscape. The LVA states that the magnitude of change would be negligible, the effect on landscape character would be negligible, whilst there would be no discernible change to the level of effect at Year 6

2.3.7 The LVA also assesses the impact on the Cleish Hills LLA and the Cleish Castle GDL. It states that the main effects on the LLA would be experienced across the site and adjoining land within approximately 600-700 metres to the solar panels to the north, within 50 metres to the west, and 100-200 metres to the south. It considers that within this localised area, the magnitude of change would typically be substantial/moderate and the level of effect would be major/moderate (notable), however, across wider parts of the Cleish Hills LLA, the magnitude of change would be slight to negligible, and the level of effect would typically be moderate/minor (not notable) with extensive parts of the LLA completely unaffected. The LVA considers that the effects on the Cleish Hills LLA would be localised, and the overall integrity and key qualities of this local-level landscape designation would remain intact. The LVA also states that as the proposed planting measures establish, the potential effects to the west would be further restricted and by year 6 the effects to the west would be predominantly curtailed with no notable changes to the effects to the north. The LVA also states that the Cleish Castle GDL is entirely outside the ZTV, therefore, there would be no effect on the existing character or special qualities of the GDL.

2.3.8 The LVA also assesses the proposal's impact on potential visual receptors including settlements/local residents, users of nearby roads and recreational receptors. In terms of settlements/local residents, the proposal would have no effect on several surrounding dwellings including Outh Farmhouse, North Lethans House and Lethans Muir Lodge, Redcraigs, Lynne Farm, Roscobie Farm, Thistle Dhu, Hilltop Farmhouse, Hilltop House and Dunnygask Lodge, Lylowan Cottage, Highgate Cottage, Cowdens and Dunduff Cottage, BonnyBrae and Millwod, Dolly Farm and Brundlebank. The proposal would also have a negligible magnitude of change and negligible (not notable) or minor/negligible (not notable) effect on Steelend Farm, Dunnygask House and Castle Rock and Inkerman House and Lethans View, whilst it would result in a slight/negligible magnitude of change and moderate/minor effect on West Lethans Bungalow and West Lethans. The most significant effect of the proposal would be on South Lethans which is located 20 metres to the west of the proposal at the side of the A832. The LVA states that the solar panels, ancillary infrastructure and fencing would represent new elements of built form in the context of existing views towards open moorland/rough grassland, therefore, based on the close proximity of view, the magnitude of change would be substantial, and the level of effect would be Major (notable). The LVA further advises that as the proposed planting measures establish on the site, that these views would be steadily screened and by year 6, the proposed woodland edge would largely screens views of this infrastructure with the magnitude of change reducing to slight and the resultant level of effect reducing to moderate (not notable). The key views of the property to south and from the garden area would be unaffected.

2.3.9 The LVA advise that there would be no effect on recreational receptors in the area including Loch Glow Reservoir, National Cycle Route 1, Craighluscar Fishery, Balmule Fishery and Saline Golf Club. It also advises that the impact on Craighluscar activities would be negligible (not notable), whilst its impact on Knockhill Racing Circuit would be slight/negligible magnitude of change with the level of effect being minor (not notable) with the majority of Knockhill Racing Circuit visitors experiencing no views or effect.

2.3.10 An assessment of the significance of cumulative landscape effects of the proposal in combination with other similar infrastructure of notable scale was also carried out. This includes the existing substation at Lethans Muirs located approximately 120 metres to the south, a consented solar array (22/01225/FULL) on land south of Lochhead landfill site approximately 3.7 kilometres to the south and the proposed Craighluscar Solar array (24/02548/FULL) located approximately 2.6 kilometres to the south at Craighluscar

Reservoir. The LVA advises that the Lethan Muirs substation is also located within the Upland Hills LCT, however, due to the extent of established tree cover around the substation, the substations effects are confined to the substation compound and there would be no discernible coalescence of effects and, therefore, no significant cumulative effect with there being no change in the level of effect described earlier in this report. The cumulative magnitude of change across the Foothills – Fife LCT would be slight with the cumulative level of effect being moderate/minor at most (not notable). The LVA also considers the cumulative effect on the Rugged Lowland Hills LCT and Cleish Hills LLA and advises that there would be no change to the level of landscape impact as described earlier in this report. The LVA also advises that there would be no significant cumulative effect for the residents at South Lethans, recreational walkers on core path routes, whilst, the impact on road users of the A823 would be minor/negligible (not notable).

2.3.11 The LVA considers overall that the undulating nature of the landform, in combination with forestry to the east and established tree cover on the opposite side of the A823 to the west means that the main landscape effects would be localised, whilst, notable effects would be primarily focused within approximately 600 to 700 metres of the solar panels to the north, 50 metres to the west and 100 to 200 metres to the south. The LVA concludes overall that the proposal could be accommodated on the site with relatively limited and localised effects on landscape character and visual amenity, whilst the overall landscape impacts would reduce in year 6 once the significant tree planting has established.

2.3.12 The submitted Design and Access Statement advises that the anticipated dimensions and external appearance of the individual elements of electrical equipment and development infrastructure are shown on the submitted technical drawings, however, until such time as the procurement process has been completed and a preferred supplier selected, exact details cannot be confirmed. The final design of the development, would however, be very similar to that proposed in terms of plant and machinery. The DAS also advises that the applicant anticipates that a condition would be applied to any future consent requiring final specifications, including colour, to be submitted to Fife Council for approval prior to construction works commencing on site. Conditions are recommended regarding this matter, however, any significant changes to the scheme would require a new application for full planning permission and only details relating the proposed colours and final specification could be dealt with through this condition.

2.3.13 The findings of the LVA are accepted and it is considered that based on the submitted information, the proposed development would have no significant detrimental impact on the surrounding landscape including the Cleish Hills LLA and the Cleish Castle GDL. The LVA demonstrates the surrounding land from which the development could be seen and is informed by a 4 kilometres ZTV. The only settlement within the study area is Steelend, which is 3.2km to the southwest of the site and is entirely outwith the ZTV, therefore, these residents would experience no views of the proposal. The preliminary bare ground ZTV plan indicates that potential views of the site would be focussed within 1 kilometre of the site location, with views contained by the surrounding landform. Across the wider study area, potential views would be limited to localised areas of higher ground. Whilst, the proposal would be noticeable in the immediate vicinity of the site, it is considered that there is capacity for the landscape to accommodate the proposal without causing unacceptable landscape or visual harm to the wider surrounding area. The proposed landscaping would also help to soften this impact further and would provide benefits in terms of biodiversity. Conditions are also recommended to the ECU regarding this matter. Policy 11 of NPF4 also advises that where impacts are localised and/or appropriate design mitigation has been applied for this type of development, they will



generally be considered acceptable. In combination with the requirement for this type of development to be located to a nearby grid connection along with the proposal national contribution to renewable energy targets as set out in section 2.2 above, it considered that any localised impact on the landscape can be accepted. The proposal would, therefore, be visually acceptable, would have no significant detrimental impact on the site or surrounding landscape and would comply with the Development Plan in this respect.

## 2.4 Impact on setting of Scheduled Ancient Monument, Garden and Designed Landscape and Listed Buildings

2.4.1 The Historic Environment Scotland Policy Statement, Policies 7, 11 and 14 of NPF4, Policies 1, 10, 11 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Notes on Setting applies.

2.4.2 The Outh Hill, buildings and field system Scheduled Monument (275m NE of Lethans Muir Lodge) is located approximately 1 kilometre to the west of site at its closest point, whilst the Dumglow, Cairn and Fort, Cleish Hills Scheduled Monument is located approximately 1 kilometre north of the site boundary at its closest point. The Cleish Castle GDL is located approximately 2.4 kilometres to the north of the site. A Cultural Heritage Impact (CHI) assessment has, therefore, been submitted which assesses the impact of the proposal on surrounding cultural heritage assets. This includes a desk based and field-based study which identifies the cultural heritage baseline within and in the vicinity of the site. It then assesses the site in terms of its archaeological and historic environment potential and it considers the potential effects of the proposal on the baseline cultural heritage resource, within the context of relevant legislation and planning policy guidelines. The CHI then recommends mitigation measures if required. The study area includes the application site and a wider study area of 3 kilometres from the site. The CHI identifies five Scheduled Monuments, of high sensitivity (all with some degree of predicted visibility of the proposal), one Inventory Garden and Designed Landscape, of high sensitivity (with no predicted visibility of the proposal), one Category A Listed Building, of high sensitivity (with no predicted visibility of the proposal), three Category B Listed Buildings, of medium sensitivity (one with predicted visibility of the proposal); and five Category C Listed Buildings, of low sensitivity (four with predicted visibility of the proposal). The CHI advises that some assets were identified through consultation with HES as requiring further detailed assessment. These include:

- Outh Hill, buildings and field system 275 metres northeast of Lethans Muir Lodge (SM 13038). The CHI advises that there would be no significant visibility of the proposal in key views to and from the settlement and the proposal would not appreciably alter the character of the wider field system. It considers that it would remain possible to appreciate and understand the field system and structures at Outh Hill, as part of an established complex of agricultural remains, and the integrity of the wider historic landscape would not be significantly diminished. The CHI states that the proposal would have a low adverse impact on the setting of the field system and buildings at Outh Hill.

- Dumglow, Cairn and Fort (SM 992). The CHI advises that it would remain possible for visitors to the monuments to understand and appreciate the prominent and defensive

position, with panoramic views taking in the adjacent lowlands and the surrounding hills, whilst the integrity of the hilltop setting and key visual links would be retained, and the proposal would not be appreciably dominant within views to and from the monuments. Overall, the CHI states that the proposal would have a low adverse impact on the setting of Dumglow cairn and fort.

- Roscobie, enclosures 780 m north-west of (SM 8550). The CHI advises that the proposal would constitute a slight alteration of the reciprocal view between the monument and Dumglow, to the northwest, currently obstructed by commercial forestry. It states that the theoretical visibility of the solar panels would be minimised by the screening effect of the topography and visibility of the skyline would not be adversely affected. The CHI considers that it would remain possible for visitors to the monuments to understand, appreciate and experience the present setting. As such, the integrity of the low-lying setting and the cultural significance of the monument would not be diminished. The CHI concludes that the proposal would have a low adverse impact on the setting of the Roscobie enclosures.

- Saline Hill, fort 1280 m south-east of Sheardrum (SM 8540). The CHI considers that the proposal would constitute a slight alteration offset in the view towards Dumglow from Saline Hill fort, whilst the low-lying solar panels would occupy a small portion of the view to the east-northeast, situated well below the skyline and screened by intervening topography. The CHI advises that it would remain possible for visitors to the monument to understand and appreciate its prominent setting, overlooking the landscape of the Saline Burn and the Black Devon River and the visual prominence of the fort and the integrity of its hilltop setting would be retained. The CHI considers that the proposal would have a negligible adverse impact on the setting of Saline Hill fort.

- Castle Craigs, fort (SM 803). The CHI states that it would remain possible for visitors to the monument to understand and appreciate its prominent setting, overlooking the landscape of the Comrie Burn and the Forth coastline, whilst, the visual prominence of the fort and the integrity of its hilltop setting would be retained, and the proposal would not adversely affect its immediate setting. Where visible, the proposal would not constitute a notable alteration of the view to the north-east from the fort, overlooking marginal, low ground offset below Dumglow. The CHI considers that the proposal would have a negligible adverse impact on the setting of Castle Craigs fort.

- Shielings and enclosure, west-northwest of Craigluscar (SM 8551). The CHI advises that the proposal would have no impact on far-reaching views to the south from the monument, and the proposed solar panels that would be visible in the distant view to the north-east would occupy a narrow arc of the view. The CHI considers that it would remain possible for visitors to the monument to understand and appreciate its agricultural setting and its cultural significance would not be diminished. The CHI states that the proposal would have a negligible adverse impact on the setting of the Craigluscar shielings and enclosure.

2.4.3 The CHI also undertakes an assessment of the predicted setting impacts on the remaining designated heritage assets within the Outer Study Area, including nine Listed Buildings and one GDL. The CHI advises that the proposal would have no significant impact on the setting of these built heritage assets. The submitted LVA which was

summarised earlier in this report also demonstrates that there would be no predicted visibility of the proposal from any part of the GDL or within the vicinity of the GDL, therefore, the proposal would have no impact on the setting of the GDL. Overall, the CHI has identified impacts of low magnitude on the settings of three Scheduled Monuments would arise from the proposal, whilst the remaining predicted setting impacts on designated heritage assets within the Outer Study Area are of no more than negligible magnitude.

2.4.4 Historic Environment Scotland, who were also consulted by the ECU, advise that they have no objections to the proposal. They advise that they note that no direct/physical impacts on Scheduled Monuments have been identified in the CHI, whilst potential setting impacts have been assessed as the proposal would be theoretically visible from some scheduled monuments in the vicinity. HES further advise that they agree with the findings of the CHI and do not consider that the level of impact on the setting of the monuments is likely to be significant.

2.4.5 The findings of the CHI and LVA are accepted, and HES have no objections to the proposal. The proposal due to the low-lying nature of the solar panels which would be located within this well contained site along with the intervening land-form, surrounding woodland areas and due to the distances involved between the development and surrounding built heritage assets, would have no significant impact on any surrounding cultural heritage assets. The proposed impact of the development would also soften further once the proposed landscape planting has established. In conclusion, the proposal would have no significant impact on the surrounding built heritage assets including the setting of adjacent Listed Buildings, Scheduled Ancient Monuments or the nearby Gardens and Designed Landscapes. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.5 Natural Heritage including Ecology and Trees

2.5.1 Policies 1, 3, 4, 5, 6 and 11 of NPF4, Policies 1, 10, 11 and 13 of the LDP and Making Fife's Places Supplementary Guidance apply.

### 2.5.2 Trees

2.5.2.1 A number of trees are located within and around the site and this includes the Oathmuir plantation to the east of the site. An arboricultural impact assessment report (AIA), tree protection plan and landscaping plan have, therefore, been submitted to assess the impact on these trees. A total of 40 trees were surveyed and the AIA advises that the tree population within the area surveyed was predominantly Scots pine, Larch and Norway Spruce which are located adjacent to a large commercial soft wood plantation within Outhmuir plantation. The AIA also advises that the area is interspersed with generally poor form Sycamore and that there are several areas of suppressed Goat Willow cops throughout the lower section of the site adjacent to Lethans Muir. The majority of trees are located outside the site area to the east at Oathmuir plantation. The AIA recommends that a buffer zone of 25 metres from the trees to the east should be provided which will ensure no incursion into the root protection areas of these trees. The AIA also recommends the removal of one tree due to its condition (Category U Sycamore) and advises that one tree (Category U Goat Willow) will require to be removed due to the impact of the development. The AIA further provides details of tree protection fencing which should be put in place during the construction phase.

2.5.2.2 Fife Council's Tree Protection Officer (TO) advises that the proposal would have minimal arboricultural impact, therefore, they have no objections.

2.5.2.3 The proposed landscaping details show that a tree belt/woodland habitat would be planted along the south-western boundary of the site, and this would include a native woodland edge to be planted in groups of 5 to 7 of the same species along the south-western boundary. The species mix would incorporate Alder, Downy Birch, Rowan and Hawthorn, or similar. Planting would incorporate larger specimen trees within the wider woodland edge mix to provide height and enhanced screening potential. Native riparian trees and scrub planting would also take place along the Nettle Burn.

2.5.2.4 The proposed development would result in the loss of one Category U tree, whilst it would also involve the planting of a significant number of trees along the south-western boundary of the site and along the Nettle Burn. A 25-metre buffer between the development and the Oathmuir plantation to the east is also proposed as recommended within the AIA. Conditions are also recommended to the ECU requiring that the proposed tree protection measures and the recommendation contained within the AIA are carried out in full. Fife Council's TO also agrees with the finding of the submitted AIA and has no objections. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

### 2.5.3 Wildlife Habitats and Protected Species

2.5.3.1 A Preliminary Ecological Appraisal Report (PEA), Outline Habitat Management Plan (OHMP), Peat Survey (PS), Groundwater Dependent Terrestrial Ecosystem (GWDTE) Assessment and Landscaping Plan have been submitted in support of this application. The PEA provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and protected species surveys of the application site. It also provides recommended mitigation measures where required. The PEA advises that habitats within the site are mostly dominated by a mixture of wet modified and blanket bog with a scattering of acid flushes, marshy grassland, and some patches of acid and neutral grassland. There is also an area of stunted, mixed plantation woodland to the east. The habitats onsite have been heavily influenced particularly by the creation of a series of man-made ditches across the site which have had a drying effect on the habitats (including bog habitats). The PEA also advises that the site has Carbon and Peatland Class 5 soil areas in the south and extreme north, and an area of Carbon and Peatland Class 3 to the south of Nettle Burn. The surveys of the site revealed that the M18b bog habitat onsite (including mosaics) to the north of the Nettle Burn have features which classify these habitats as priority peatland of possible national interest. The rest of the peatland habitats onsite were not identified as potential national interest. This included an area of M25 Molinia-Potentilla habitat north of Nettle Burn, which although it had some features of priority peatland, are considered to be heavily degraded remnant M18b bog, given this adjoins the M18b habitat to the north and north-west.

2.5.3.2 The PEA advises that the site is located immediately adjacent to the Park Hill and Tippeton Mosses SSSI, designated for the presence of blanket bog. The PEA further sets out that no proposed works would take place within the Park Hill and Tippeton Mosses SSSI or within 100 metres of the SSSI boundary. The submitted OHMP sets out mitigation measures with regards to the impact on this SSSI and this includes drain blocking on land immediately south of the SSSI boundary. The PEA advises that the blocking and rewetting of these areas would be beneficial to the SSSI through slowing of surface flows off the bog and increasing water retention within the SSSI. It also advises that additional

drain blocking within the wider site, while not directly connected to the SSSI, would improve the functioning of the site, particularly by reducing the volume of water currently draining from the bog habitats at the locality. The PEA also advises that the SSSI is located up-stream from the site and therefore will not be hydrologically linked to the SSSI, (in terms of the potential for effects of the proposed works onsite to the SSSI), which further minimises the potential for effects due to run-off. It does advise, however, that standard pollution prevention measures during construction will be adopted to help minimise any risk. The PEA concludes that the proposal would have a positive impact on this SSSI through avoidance and buffering of infrastructure placement in proximity to the SSSI, and through delivery of habitat restoration both immediately adjacent to the SSSI and within the wider site.

2.5.3.3 The PEA also advises that the site is within the foraging range for some waterbird species (pink-footed goose) associated with Loch Leven SPA and Ramsar site and the Firth of Forth SPA and Ramsar site. The PEA, however, advises that the evidence demonstrates that the site is not considered to represent an area used by roosting or foraging wintering birds, such as pink-footed goose. The PEA also advises that no other impacts to other statutory designated site are anticipated, whilst no other reasonably likely impact pathways have been identified between the site and nearby statutory designated sites for nature conservation. Given the spatial separation, and lack of potential for connectivity between all other designated sites (and their qualifying interests) and the site, potential effects on all other designated sites are discounted. The PEA also considers that the site is unlikely to be hydrologically connected to designated sites for nature conservation and that as construction of the proposal would be contained to the site boundary and undertaken following regulatory and industry standard best practice including pollution prevention measures this would ensure no direct or indirect impacts to habitats or protected sites beyond the site boundary. No invasive non-native species were identified within the site.

2.5.3.4 The submitted GWDTE assessment surveys identified three groundwater dependent terrestrial ecosystems (GWDTEs) on site. GWDTEs are ecosystems that rely upon groundwater for their continued existence and these systems can include springs and seeps, caves and karst systems, and deep-rooted plant communities. In many cases, rivers, wetlands, and lakes are also included. Two of the GWDTEs (shown as targets 2 and 3 within the assessment) lie at the base of a hill and to the north of the Nettle Burn, whilst the third GWDTE (shown as target 7 within the assessment) is a mapped groundwater spring which is located within a localised gully, also to the north of Nettle Burn, and which feeds a minor watercourse tributary to Nettle Burn. The assessment advises that it is considered unlikely that the metal supports of the solar panels will have a significant effect on these GWDTEs, as there is no excavation required. However, the location of the GWDTEs have been taken into consideration during the design of the layout and they have been buffered by a minimum of 20 metres from the solar panels. It further advises that the access track near the M25 area will be floated, and the remaining track will include a 100-metre buffer to the GWDTEs apart from at target 7 which will have a 63-metre buffer to the GWDTE. The assessment further advises that this 63-metre buffer would be appropriate as the track is lower than the spring, therefore there would be no risk of surface water run-off/sediment run-off to the spring during construction and the required excavation of less than one metres for the track would not impact the quantity or quality of flows of groundwater to the spring. The submission also advises that an overground cable solution would be utilised in the vicinity of the GWDTEs to avoid excavation and underground cabling close to the GWDTEs. Above ground cabling will be provided within a 100-metre buffer of the GWDTE and directional boring techniques will be utilised within the M25 habitat area to the north of Nettle Burn. The assessment concludes

that with these proposed mitigation measures there would be no significant effects on the GWDTEs as a result of the proposal.

2.5.3.5 The PEA states that the construction of solar farms generally requires very low levels of direct and permanent land take (typically less than 5% footprint on the ground) for the infrastructure, therefore, the direct loss of habitat is considered to be small, and avoids habitats of higher value (e.g., GWDTEs and priority peatland of national interest). In this case, the PEA states that there would be no development on M18b habitats within the site, including where this is found in mosaic with other communities. These areas would not be impacted by the proposal (and would be restored, as detailed in the OHMP). It further states that with the avoidance of sensitive habitats, it is considered that the infrastructure required to support solar panels (i.e., the frames) would result in little, if any, permanent damage to the habitats present, being mounted on screws or pile driven frames and where the development passes over sensitive habitats such as GWDTEs then the access track would be floated to minimise impacts with the specific type of access track to be conditioned (which includes areas where floating roads is preferred and/or necessary). The submission also states that the M25 area is heavily degraded (principally as a result of man-made ditches present which is draining water from the area into the Nettle Burn). However, as a precaution and given this habitat is considered modified bog, the access track through the area would be floated to minimise impacts.

2.5.3.6 In terms of protected species, the submission advises that trees were identified within the surrounding area which could offer bat roosting potential, however, there would be no direct impacts to these trees as a result of the development. The PEA also advises that no evidence of badgers or red squirrel was identified within the site, however, the Nettle Burn does offer potential for Otter and Water Vole. These species were not identified on site during the surveys. The PEA also advises that Great Crested Newts and Natterjack Toad are also protected by legislation, however, no ponds are located within 250 metres of the site (the core range for great crested newt), therefore, the species is likely absent from the site. Commoner species of amphibian (i.e, frogs and toad) were observed around the Nettle Burn and the PEA advises that the Nettle Burn would be protected with the exception of two localised crossing points and therefore impacts to amphibian aquatic habitat is considered to be negligible. Any vegetation clearance undertaken during construction of the proposal could impact on individual amphibians, and therefore as a precaution, any site clearance works would be undertaken following Reasonable Avoidance Measures (RAMs). As mentioned earlier, the Nettle Burn would be protected during construction with buffer zones implemented, however two new crossing points are proposed and these crossings would be designed to ensure they do not form a barrier to the movement of aquatic species, including otter and water vole.

2.5.3.7 The PEA further advises that the site offers suitable habitat for reptile species, therefore, any site clearance works would be undertaken following RAMs. The PEA also states that Pine Marten is suspected as using the site, therefore, any works within the mixed plantation area (for the access track) would be undertaken following RAMs. The PEA considers that pre-construction surveys for badger, otter and water vole be carried out as a precautionary measure. Conditions are recommended to the ECU regarding these mitigation measures and requiring that all recommendations contained within the PEA are carried out in full.

2.5.3.8 The PEA states that the bird survey of the site shows that numbers of target species recorded within the site during 2024 surveys were typically low, with three meadow pipit territories, two curlew territories and one territory each of willow warbler, wren and tree pipit. Skylark were present in moderate numbers with 11 territories. Twenty-

six other species were recorded within the site and immediate surrounds that were not considered to be using the site for breeding (e.g., observed as foraging or passing through only). The site is also not considered to support any non-breeding ornithological species associated with internationally designated statutory sites for nature conservation within the Desk Study Area. The site is therefore not considered to represent an area used by roosting or foraging wintering birds, such as pink-footed goose. The PEA advises that depending on the timing of construction that the proposal could impact upon breeding birds through disturbance associated with construction activities, and damage to habitat. The PEA, therefore, recommends that all proposed works should be undertaken outside of the bird breeding season unless a suitably qualified ecologist surveys the site and is satisfied that no birds would be disturbed. It also advises that the presence of the solar panels could displace a modest number of ground nesting bird species, however, much of the northern section of the site would remain free of panels and so remain open for use by ground nesting bird species, whilst, one of the aims of the OHMP is for the enhancement of opportunities for these species in this area, and this would be achieved through peatland restoration, the adoption of a sensitive grazing regime and removal of establishing self-set conifers. The OHMP also includes measures to benefit birds more generally, including through riparian planting, which would offer additional nesting habitat once established. Some species are also known to use habitats within solar farms at least for foraging and may provide function as a 'nursery' for newly fledged young after breeding on adjacent land.

2.5.3.9 SEPA were consulted by the ECU on this application, and they have no objections to the proposal and agree that the proposed mitigation measures as set out within the GWDTE assessment would result in no significant impacts to the nearby GWDTEs. They also agree that the extensive restoration proposals will increase the wetness of habitats as a whole and will benefit Acid flush habitats which occur throughout the site and are significantly degraded.

2.5.3.10 NatureScot were also consulted by the ECU and has no objections to the proposal subject to conditions requiring that the proposed mitigation measures are carried out in full. They advise that they agree with the findings and recommendations contained within the protected species assessments and they are also supportive of the proposed construction working methodologies and the restoration proposals described within the documents. They also agree with the findings of the Habitats Regulation Assessment and are satisfied with the conclusion of no likely significant effect for pink-footed geese associated with both Loch Leven SPA and Firth of Forth SPA.

2.5.3.11 Fife Council's Natural Heritage Officer has no objections to the proposal in terms of impacts on protected species.

2.5.3.12 The findings of the submitted PEA, OHMP, GWDTE assessment and protected species surveys/reports are accepted, and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. SEPA and NatureScot also have no objections to the proposal, whilst, conditions are recommended requiring that the proposed mitigation measures as set out in the PEA and other associated documents are carried out in full. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.5.4 Impact on Carbon Rich Soils including Peatland

2.5.4.1 Policies 5 of NPF4 and 13 of the LDP provide protection for carbon rich soils including peat. Policy 5 of NPF4 advises that proposals on peatland and carbon rich soils will be supported for the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets. This policy also provide support for essential infrastructure on peatland. Policy 5 of NPF4 also requires that a detailed site-specific assessment of the site will be required to identify the baseline depth, habitat condition, quality and stability of carbon rich soils, the likely effects of the development on peatland, including on soil disturbance, and the likely net effects of the development on climate emissions and loss of carbon. Policy 5 also advises that this assessment should inform the project design.

2.5.4.2 NatureScot's Carbon and Peatland Map shows the distribution of carbon and peatland classes across the whole of Scotland. It gives a value to indicate the likely presence of carbon-rich soils, deep peat and priority peatland habitat for each individually mapped area, at a coarse scale. The classes of carbon and peatland are broken up into 5 classes and these include the following:

Class 1 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value.

Class 2 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas of potentially high conservation value and restoration potential.

Class 3 - Dominant vegetation cover is not priority peatland habitat but is associated with wet and acidic type. Occasional peatland habitats can be found. Most soils are carbon-rich soils, with some areas of deep peat.

Class 4 - Area unlikely to be associated with peatland habitats or wet and acidic type. Area unlikely to include carbon-rich soils.

Class 5 - Soil information takes precedence over vegetation data. No peatland habitat recorded. May also include areas of bare soil. Soils are carbon-rich and deep peat.

2.5.4.3 The PEA advises that a separate assessment of the proposal's impact on peat has been undertaken. It advises that the development has been designed to avoid deep peat habitats where reasonably possible (see Peat Survey Report), and peatland enhancement would also be undertaken to mitigate any impacts as outlined within the OHMP.

NatureScot's Carbon and Peatland Classification maps (2016) show that the site contains a mixture of mineral soil and Class 3, 4 and 5 type Peat. Peat Surveys were carried out on site and these found that approximately 72% of the site was not classified as peat with approximately 28% of the site being classified as peat with the majority of this area having a soil depth of between 50 and 99 cm with the condition impacted by human influences (drainage and livestock grazing) plus some deer grazing. The purpose of these surveys was to establish an understanding of the peat depths at the site to help optimise site design and layout. The OHMP then sets out details relating to peatland restoration and this advises that both the presence of deeper peat and the relationship of potential infrastructure with the SSSI (and neighbouring areas supporting its functionality) were considered during the layout design. It advises that areas to the north of Nettle Burn but adjacent to Tippeton Moss were excluded from proposals as were the areas of Outh Moor (undesigned) comprising deep peat. Where shallower peat (0.5 - 1.0m) is present in the absence of priority peatland habitats, infrastructure has been proposed, primarily because



solar installations are generally non-intrusive into the peat and impacts are anticipated to be very limited.

2.5.4.4 The OHMP also advises that a precautionary approach has been undertaken with regards to layout design and all areas of deeper peat (>1.0m) have been almost entirely avoided with the majority of panels being located over carbon rich soils rather than peatland, in addition to which a programme of peatland restoration is included as Aim 1 within the OHMP. Aim 1 specifies drain blocking across the site to slow the flow of water across the site and encourage rewetting of the shallowest soils. The proposed drain blocking would take place within two main areas and would include a total of 25 km of drains. The proposed blocking of these drains would contribute up to approximately 59 hectares of rewetting with approximately 42 hectares within the development area and approximately 17 hectares in the undeveloped area. The OHMP advises that slowing the flow would result in more consistent hydrological responses to rainfall events, which alongside riparian habitat management measures (tree planting and placing of in-channel woody or rocky dams, see OHMP Aim 2), will improve aquatic habitats in Nettle Burn.

2.5.4.5 The OHMP also advises that at present there is very little information in the public domain, or evidence from other similar schemes, as to the potential impacts of shading from panels on bog vegetation. Shading effects from panels may be similar to those experienced under mature conifer plantation, but without the extensive surface disruption to hydrology caused by ground preparation for tree planting. Generally, where some light penetrates to a forest floor, wetter bog species persist (in particular because of reduced evaporation associated with shade) and therefore total 'loss' of vegetation communities is not expected, rather it is likely that there will be a gradual shift to shade tolerant bog species over the operational life of the solar park. As with forestry that has been felled, species that rely on higher light levels will be retained in the soil seed bank and will likely return once the solar park has been decommissioned (as they often do when forestry is cut back, either permanently or between crops). The OHMP also proposes that the site should be monitored as part of a research project involving various stakeholders including SEPA, NatureScot and Fife Council. This monitoring programme would include compliance checking of the implementation of prescriptive measures, along with the monitoring of the effectiveness of such measures. A protocol would also be included to help identify any remedial works required, and to ensure these are implemented throughout the lifetime of the development. It considers that this research programme could be beneficial in the long term for other similar developments. The submission also advises that above ground cabling techniques and floated access tracks would be utilised on site to further reduce disturbance to any carbon rich soils on site.

2.5.4.6 A Peat Landslide Hazard and Risk Assessment report has also been submitted, and this advises that the risk of landslide is low or negligible, therefore, general good practice measures should be sufficient to minimise and manage residual risks associated with groundworks in peatland. The good practice measures are set out within section 5 of the report and a condition is recommended regarding this matter.

2.5.4.7 Fife Council's Natural Heritage Officer initially raised concerns regarding the impact of the proposed solar farm in terms of shading and impact on carbon rich soils, however, additional information was submitted to them, and they now advise that the proposal would provide an excellent opportunity to further the understanding of solar PV impacts on peatland plants via a research project. They are also supportive of the above ground cabling techniques and consider that the development of Method Statements, Habitat Management Plan and monitoring regimes will be key parts to ensuring the success of the development with regards to habitat impacts.

2.5.4.8 NatureScot and SEPA were consulted by the ECU regarding this matter, and they have no objections to the proposal as set out in sections 2.5.3.8 and 2.5.3.9 above. Conditions are also recommended to the ECU which require a detailed Habitat Management Plan to be submitted, and this should expand on the recommendations contained within the OHMP in consultation with SEPA, NatureScot and other relevant stakeholders. It is considered that the proposed habitat management measures would result in an enhancement to the existing site in terms of peatland restoration and biodiversity. As stated in the submission there is also at present very little information in the public domain, or evidence from other similar schemes, as to the potential impacts of shading from panels on bog vegetation and this development would allow an extensive research programme to be carried out which could help inform other proposed sites within Scotland. The submitted OHMP also advises that the monitoring programme would identify any required remedial works on site should the proposed solar farm result in any degradation to carbon rich soils due to shading from the solar panels. The principle of the proposed renewable energy park at this location is also considered to be acceptable. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.5.5 Biodiversity Enhancement

2.5.5.1 A PEA and OHMP have been submitted in support of this application. The OHMP sets out three main aims including enhancement of moorland habitats, enhancement of fisheries and aquatic invertebrate habitats and enhancement of opportunities for nesting and foraging birds. The OHMP also sets out measures relating to peatland restoration as described earlier in this report. The OHMP advises that these measures will be further refined in consultation with NatureScot, SEPA and Fife Council. The moorland habitat enhancement proposals include the management of colonising conifers to prevent excessive encroachment and the associated risk of degradation of moorland habitat and the restoration of unfavourably managed peatland habitat through re-establishment of vegetation cover and re-wetting as described under section 2.5.4 above. These measures should also result in a benefit to the Park Hill and Tippeton Mosses SSSI to the north of the site. The OHMP also advises that the Nettle Burn, which intersects the Site, is largely devoid of riparian vegetation and as such opportunities to enhance and/or create fish and aquatic invertebrate habitats by way of the creation of cover and riparian planting are provided. The submission also advises that the proposal would result in an enhancement to terrestrial biodiversity, and this will in turn provide better nesting and foraging opportunities for ground-nesting birds. A number of trees will also be planted along the south-western boundary and along the burn could also result in a biodiversity enhancement and a landscaping plan has been submitted which details this proposed planting.

2.5.5.2 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs and hedges and would also include a number of other biodiversity enhancement measures as set out above. Conditions are also recommended to the ECU with regards to the provision of these biodiversity enhancement measures and requiring the submission of a detailed habitat management plan which SEPA and NatureScot will be consulted regarding. The proposal subject to conditions would, therefore, bring about a biodiversity enhancement to the site and surrounding area. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.6 Residential Amenity

2.6.1 Policies 11, 14 and 23 of NPF4, Policies 1, 10 and 11 of the LDP, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance and Fife Council's Policy for Development and Noise apply.

2.6.2 The area is characterised by sparse isolated rural housing with the closest residential properties being located at South Lethans which is approximately 20 metres to the west of the site and Outh Farmhouse which is located approximately 370 metres to the north-west of the proposal. It is considered that the proposal could have an impact on the surrounding area in terms of noise, glint and glare and construction impacts and these matters are further assessed below.

### 2.6.3 Noise

2.6.3.1 The proposed solar panels would have no noise associated with them as they would have no moving parts, therefore, this part of the proposal would have no significant noise impact on the surrounding area. The proposed battery storage facility and the associated plant and machinery could, however, have a noise impact on adjacent dwellings. The battery storage part of the proposal is located approximately 171 metres to the west of South Lethans and approximately 370 metres to the south-east of Outh Farmhouse. South Lethans is located directly adjacent to Knockhill Motor Racing Circuit and adjacent to the A832 distributor road. The submission advises that battery storage involves a range of electrical equipment, such as inverters and transformers, as well as temperature control equipment, which can produce noise when operating (during charge or discharge) and it is considered that noise associated with the battery storage element of the proposal can be sufficiently mitigated as required through a range of standard engineering and design measures. These measures include selection of suitably quiet plant through the post-consent procurement process as well as noise control measures such as enclosures, appropriate sizing of cooling equipment and silencers on air intakes and vents. Acoustic fencing around the battery storage compound could also potentially be utilised if required.

2.6.3.2 It is considered, in this instance, that the proposal could be accommodated on the site with no significant detrimental noise impact on the site or surrounding area. The battery storage area is small scale and numerous other developments of this type have been located within Fife near to existing residential dwellings. A condition is also recommended to the ECU requiring that the total noise from all fixed plant, machinery or equipment associated with the development (hereby approved) shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any relevant noise sensitive property, with windows open for ventilation. This condition would ensure that the plant and machinery is designed to have no significant noise impact on the surrounding area. The agent/applicant have also confirmed in writing that the proposal would be designed to comply with this noise criteria. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

### 2.6.4 Glint and Glare

2.6.4.1 Glint is a momentary, bright reflection of sunlight from a smooth, shiny surface, whilst glare is a more sustained and disabling condition caused by reflections that are too bright or too large in the field of vision, or both. The proposed solar panels could potentially have an impact on the adjacent A823 road, South Lethans residential property and the Knockhill Racing Circuit to the south in terms of moving traffic and glint and glare causing

distraction to drivers and causing a detrimental impact on the amenity of the nearby residential uses. A glint and glare assessment (GGA) has, therefore, been submitted in support of this application.

2.6.4.2 The GGA advises that a one-kilometre survey area around the site was considered adequate for the assessment of ground-based receptors, whilst a 30-kilometre study area was chosen for aviation receptors. The GGA identified 7 residential receptors, 19 road receptors and 20 Knockhill Racing Circuit receptors within one kilometre of the site with the impact on these receptors assessed within the GGA. The GGA also states that there are eight aerodromes within 30 kilometres of the proposal, none of which require detailed assessment due to their size and orientation in relation to the proposal. The GGA advises that the solar panels will face south and will be inclined at an angle of 25 degrees. The maximum above ground level height of the panels is 2.93 metres and points at the top of the panels were used to determine the glint and glare generation potential. The GGA concludes that glint and glare impacts are low at three residential receptors with no impact at all others, whilst there is a high impact at one road receptor (receptor 11 – A823 Road) with no impact at all other remaining road receptors. It also advises that there would be no impact on train drivers or railway infrastructure with no impacts on aviation assets. The GGA also advises that impacts on Knockhill racing circuit receptors were high at 19 receptors with no impacts at the remaining receptor.

2.6.4.3 The GGA advises that mitigation will be required in order to screen the high impact of the development from road receptor 11 and it recommends that native hedgerows be planted/infilled along the south-west boundary of the south array in the site with this to be maintained at a height of at least 3 metres. The GGA advises that this is included within the submitted landscaping details and is shown as a woodland edge mix on the plans. It also advises that at temporary wooden hoarding should be installed at the recommended location and height until such time as the planting has matured and grown to the required screening height. Conditions are recommended to the ECU regarding this matter.

2.6.4.4 The GGA also advises that Knockhill racing circuit would only be impacted upon during the hours of 5:30 am and 07:00 am. The GGA states that the circuit was consulted regarding their operating hours, and it advises that the racing circuit operates usually from 8.30 or 9 am to 8 pm during the summer months, however, they can occasionally open at 8 am. The GGA considers that the proposal would, therefore, have no impact on the racing circuit during its operating hours.

2.6.4.5 The findings of the GGA are accepted and conditions are recommended that the proposed mitigation measures are put in place before the solar panels are installed on site. The proposal would, therefore, have no significant impact on the site or surrounding area in terms of glint and glare. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.6.5 Construction Impacts

2.6.5.1 A construction traffic management plan (CTMP) has been submitted. This advises that the peak months for construction are expected to occur in Months 7, 8 and 9 and during this period there would be approximately 1,597 two-way vehicle movements per month, made up of 1,404 car movements and 193 HGV movements. The CTMP further states that assuming a 26-day working month, this would equate to a maximum of 61 two-way vehicle movements per day which would consist of 54 car movements and 7 HGV movements on average with the daily average for HGV movements in other months being between 2 and 11. The CTMP also advises that deliveries would only be permitted

between 8am - 6pm Monday – Friday and 8am – 1:30 pm Saturday, only on non-Knockhill event days, and these must be pre-arranged giving 24 hours' notice to the Site Manager. There would be no deliveries on Knockhill event days. The CTMP advises that construction is expected to take up to a year from commencement.

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

## 2.7 Transportation and Road Safety

2.7.1 Policies 1, 11, 13, 14, 15 and 18 of NPF4 , Policies 1, 3, 10 and 14 of the LDP and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply.

2.7.2 A Construction Traffic Management Plan has been submitted with this application, which notes that during the construction phase, all vehicles would exit the M90 and follow the B914 west following signage for Knockhill Racing Circuit. Traffic would then follow the B914 west and access the A823 at the B914/A823 crossroads junction. Once on the A823, the proposed site is a short distance to the north and the CTMP advises that access to the site would be via the M90. The CTMP also sets out how construction vehicles would be managed, the expected number of vehicular movements and sets out the delivery times as per section 2.6 above.

2.7.3 A Transport statement has also been submitted in support of this application. The TS advises that access to the site will be via a simple priority junction with the A823 located opposite the emergency access to Knockhill Racing Circuit and in the general location of the existing field access to the site. The TS also states that visibility splays of 4.5 metres x 210 metres can be provided in each direction as the proposed access is located on a crest with the required forward visibility to right turning vehicles of 210 metres also able to be achieved. The internal access track will be 7.3 metre wide on approach to the A823 and surfaced for the first 12 metres to ensure no loose material is pulled on to the public road. Once within the fenced area of the site, a 3.3 metres wide access track will extend to the northern, eastern and southern areas of the site. The TS also sets out the proposed construction route to the site as per section 2.7.2 above and sets out the expected number of vehicular movements as set out in section 2.6 above. The TS further advises that the proposal is not considered large enough to trigger a detailed assessment in terms of its traffic impact, however, this has been carried out in this instance. The TS

states that based on the capacity of the surrounding local roads, the predicted volume of construction associated with the proposal is unlikely to cause any operational impacts on the existing road network.

2.7.4 Fife Councils Transportation Development Management Team (TDM) has been consulted on this application and they advise that they agree with the methodology used and the findings of the TS. They, therefore, have no objections subject to conditions relating to road safety matters including visibility splay provision, off-street parking, wheel cleaning facilities and the submission of a finalised construction traffic management plan. Conditions are recommended to the ECU regarding these matters. Transport Scotland were also consulted by the ECU and offered no objections.

2.7.5 The findings of the TS are accepted, and it is considered that the proposal includes an acceptable site layout in terms of access and parking. TDM and Transport Scotland also have no objections to the proposal. The submitted information has, therefore, demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings also demonstrate an acceptable layout in terms of access, parking and connectivity. There is also capacity on the road network to accommodate the additional traffic generated by the proposal during the construction phase. The submitted information has, therefore, demonstrated that there would be no significant impact on the surrounding area in terms of road safety. In conclusion, the proposal would have no significant adverse impact on the surrounding road network and would comply with the relevant policies regarding this matter. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.8 Flood Risk and Drainage

2.8.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1, 3 and 12 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply.

2.8.2 Policy 22 of NPF4 outlines the flood risk considerations for new developments. This includes strengthening the resilience of development by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. This Policy sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for, amongst other criteria, essential infrastructure where the location is required for operational reasons. The glossary of NPF4 (which reflects SEPA guidance) sets out that 'all forms of renewable, low carbon and zero emission technologies for electricity generation and distribution' are considered to be 'essential infrastructure'.

2.8.3 A Flood Risk Assessment (FRA) and Drainage Strategy Report (DSR) have been submitted in support of this application. The FRA states that based on SEPA guidance, solar panels are considered an 'essential infrastructure' land use in terms of land use vulnerability to flood risk. The FRA advises that there are no culverts within the site, however, the FRA does assess the A823 culvert located adjacent to the site. It also advises that the Nettle Burn flows through the north-west and centre of the site and this was modelled for the 1 in 200-year plus climate change (39% rainfall uplift) event. The predicted flood extents indicate that the majority of the site is outwith the flood risk zone. The FRA recommends that no land raising is undertaken in the 200 years plus climate change floodplain, whilst all battery and energy storage infrastructure should be located outwith the predicted Nettle Burn flood extent. The submission demonstrates that there would be no battery and energy storage infrastructure located within the predicted

floodplain of the Nettle Burn. The FRA also advises that the surface water flows within the site should be managed as part of site drainage and maintained post development.

2.8.4 The DSR states that surface water treatment will be provided via SuDS swales plus filter drains, however, rainfall runoff at each solar panel will drain into the existing/proposed green/undeveloped uncompacted soils located at the open interspace between panel rows and to the grass area underneath the panel row, therefore, the solar panels have been excluded from the proposed surface water system and relevant calculations. All surface water from the site will discharge to the Nettle Burn and into an unnamed watercourse at the south of the site via 5 new outfalls. Flow controls are provided downstream of each SUDS swale plus filter drain attenuation structure for each new catchment area, via a 50 mm diameter orifice plate, that allows the proposed drainage system to limit the discharge to low flow rates. The proposed access track and battery storage area would drain to proposed swales and filter drains.

2.8.5 Fife Council's Flooding, Shoreline and Harbours team have no objections to the flooding or surface water management proposal. SEPA also have no objections to the proposal.

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

## 2.9 Contaminated Land/Land Stability

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

2.9.2 Fife Council's Land and Air Quality team was consulted on this application and have no objections to the proposal subject to conditions relating to the discovery of any unforeseen contaminated land during the construction phase. A condition is recommended to the ECU regarding this matter. The proposal subject to conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in this respect.

2.9.3 The majority of the site is located within a coal mining low risk area, whilst the western and northern parts of the site are located within a coal mining high risk area. Solar arrays are contained within the Coal Authority's exemption list with regards to the need for a coal mining risk assessment, whilst the battery storage facility would be located within a coal mining low risk area. The ECU, have, however, consulted the Coal Authority and they have offered no objections. The Coal Authority have, however, advised that

although considered exempt they do consider solar panels should avoid being located over or within the influence of recorded mine entries in the interests of public safety. They state that they do have concerns, in this instance, regarding solar panels being located in the area of mine entries with no measures to mitigate this risk for construction workers etc. They, therefore, recommend a condition requiring that this matter be investigated and an updated site layout submitted if required. Conditions are recommended to the ECU regarding this matter. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.10 Community and Economic Benefit

2.10.1 Policies 11 and 25 of NPF4, Policy 11 of the LDP and Fife Council's Low Carbon Supplementary Guidance apply.

2.10.2 NPF4 (2023) Policy 11(c) states that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) states that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.10.3 A Socio Economic Assessment (SEA) has been submitted in support of this application. The SEA advises that during construction the proposal could support an estimated 261 temporary roles on-site and in the wider economy over the 12-month build programme. It also states that an estimated £16.7 million of gross value added (GVA) will be generated during the 12-month construction period. The SEA advises that once operational the proposal will have a number of long-term economic impacts and these include supporting an estimated 5 full-time equivalent jobs and generating around £7 million in economic output (present value) over its intended 40-year operational lifespan. It also states that the business rates generated by the solar farm and battery energy storage elements of the scheme could be in the region of £100,000 per annum. The SEA further sets out the benefits during the decommissioning phase and states that the proposal will support an estimated 130 temporary roles on-site and in the wider economy over the 6-month programme, whilst there would be an estimated £4.2 million of gross value added generated during the 6-month decommissioning programme. The SEA also states that as far as is practicably possible, workers will be sourced from within the Fife local authority area. Where necessary skills are not available in Fife, labour will be sourced from outside the local authority area but from within Scotland wherever possible. The SEA also confirms that the applicant is committed to providing local supply chain opportunities during the construction phase on areas such as fencing and road infrastructure, whilst, assuming at least 30% of the jobs are taken by local people (Fife), the remaining 70% will be taken by people outside of the local area. The SEA also advises that workers are likely to stay in the local area during construction and will spend money on accommodation and food and drink, thus supporting local businesses.



2.10.4 The SEA further sets out that upon first commercial export of electricity from the project, a contribution of £35,000 would be made available to a community fund managed by local stakeholders to fund local projects. The same sum, adjusted for inflation, will be made available during each subsequent year of the project's operational life, estimated at 40 years. This would provide community funding of around £1.4 million during the project's operational life. It should be noted that this is a matter which cannot be controlled through the Planning System, therefore, it would not be appropriate to control this through a section 75 mechanism, however, this can be taken into account when assessing the benefits associated with the proposal.

2.10.5 It is accepted that this proposal could provide a significant economic and community benefit to the surrounding area. The proposal would also result in a community fund which would be managed by local stakeholders to fund local projects, whilst it would contribute to the Scottish Government's Renewable Energy targets and thus help tackle the current climate crisis. The proposal would, therefore, maximise net economic impact, including local and community socio-economic benefits such as employment and associated business and supply chain opportunities as required by Policy 11 of NPF4. The proposal would, therefore, be acceptable, would provide an economic and community benefit and would comply with the Development Plan in this respect.

#### 2.11.1 Decommissioning of the Site

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

2.11.3 The proposal would operate for a temporary period of 40 years, after which the land would then be returned to countryside. The 40-year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of solar and battery energy storage equipment. Conditions are recommended to the ECU requiring that on expiry of the temporary period, the solar panels, battery storage facilities and the associated infrastructure are dismantled, removed from the site and the ground fully restored to the satisfaction of Fife Council as Planning Authority. Conditions are also recommended to the ECU requiring details of the scheme of restoration for the site to be submitted for approval in writing.

2.11.4 To ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations, a Section 75 Legal Agreement requiring a financial bond is also proposed. The applicant has indicated agreement with these requirements and is also in the process of entering into a Section 69 legal agreement requiring that they enter into the section 75 agreement.

2.11.5 The proposal, subject to the aforementioned conditions and the Section 75 Agreement and Bond would therefore be acceptable and would comply with the Development Plan in this respect.

#### 2.12 Archaeological Impact

2.12.1 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply.

2.12.2 The submitted Cultural Heritage impact (CHI) assessment advises that there is a low to moderate potential for previously unrecorded archaeological remains to survive within the proposed site, though this potential is generally constrained to the vicinity of the

medieval or later rural settlement (MoLRS) landscape to the north-west. The CHI recommends mitigation measures in the form of a written scheme of investigation to be carried out in advance of construction commencing on site.

2.12.3 Fife Council's Archaeological officer advises that a robust archaeological assessment and mitigation strategy is outlined in the submitted CHI. They, therefore, have no objections subject to a condition requiring that the recommended archaeological mitigation works are carried out in full. A condition is recommended to the ECU regarding this matter. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

### **3.0 Conclusion**

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3.1 The proposal subject to conditions would be compatible with its surrounds in terms of land use and would cause no detrimental impacts on the site or surrounding area. The proposal would be considered acceptable in terms of its impact on road safety and its impact on the surrounding area in terms of landscape and visual impact, natural heritage, built heritage, amenity, flooding, contaminated land, sustainability and in terms of its impact on existing infrastructure. The proposal would also provide an acceptable surface water management and drainage scheme and would bring about a positive biodiversity enhancement to the site along with community and economic benefits to the area. The proposal would also make a significant contribution to Scotland's renewable energy targets, thus, helping tackle the current climate crisis. The proposal is, therefore, considered acceptable in meeting the terms of the Development Plan and National Guidance.

3.2 Fife Council, as Local Planning Authority is, therefore, supportive in principle of the proposal, following the conclusion of a legal agreement and subject to the specific conditions listed below.

### **Background Papers**

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

#### **National Guidance and Legislation**

PAN (Planning Advice Note) 1/2011  
Historic Environment Scotland Policy Statement (2019)  
Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2020)

#### **Development Plan**

National Planning Framework 4 (2023)  
Adopted FIFEplan (2017)  
Low Carbon Fife Supplementary Guidance (2019)  
Making Fife's Places Supplementary Guidance (2018)

#### **Planning Policy Guidance, Customer Guidelines and Other Guidance**

Policy for Development and Noise (2021)

## **4.0 Recommendation**

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4.1 It is recommended that Fife Council, as Local Planning Authority, advise the Scottish Government that planning permission should be granted, following the conclusion of a legal agreement to secure:

- A. A financial bond to ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and subject to the following specific conditions and reasons:

### **CONDITIONS**

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

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

2. The development shall be undertaken fully in accordance with the approved application, the planning drawings and all documentation submitted in support of the application. For the avoidance of doubt; this includes all recommended or proposed measures to avoid, minimise or offset any identified potential impact of the development which is committed to or recommended in the application and its constituent assessments. This includes, but is not limited to, all recommendations, working methodologies and mitigation measures contained within the following documents:

- Arboricultural Impact Assessment dated August 2024 (Savills Arboriculture).
- Peat Landslide Hazard and Risk Assessment dated May 2025 (East Point Geo).
- Ecological Assessment Report dated November 2024 (Avian Ecology Ltd).
- Glint and Glare Assessment dated October 2024 (Neo Environmental).
- Outline Habitat Management Plan (Avian Ecology).
- Groundwater Dependent Terrestrial Ecosystem Assessment dated November 2024 (Kaya Consulting).

- Flood Risk Assessment dated October 2024 (Kaya Consulting).
- Landscape and Visual Appraisal dated November 2024 (TGP Landscape Architects).

Reason: To ensure that the development is carried out in accordance with the approved details and that all recommended mitigation and enhancement measures are carried out in full.

3. The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty years from the date of final commissioning. The total period for operation, decommissioning and restoration of the Site in accordance with this condition shall not exceed forty-two years from the date of final commissioning without prior written approval of the Planning Authority.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection

4. BEFORE WORKS COMMENCE ON SITE; a decommissioning, restoration and aftercare strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall, without limitation, detail proposals for:

- a. The removal of all above and below ground elements of the development;
- b. The treatment of all ground surfaces, including any sub surface areas, hard standing and access tracks which would restore the site to its former condition or other such condition as agreed in writing by the Planning Authority;
- c. The phasing and timing of the works, including any environmental management provisions; and
- d. Details relating to how and when the strategy will be reviewed.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection.

5. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration, and aftercare plan, based upon the principles of the approved outline decommissioning, restoration, and aftercare strategy, shall be submitted to the Planning Authority for written approval.

The detailed decommissioning, restoration and aftercare plan shall include (but not be limited to the) provisions in respect of the following matters:

- a. Decommissioning and removal of the development including treatment of liquid bearing components;
- b. Removal of any in-situ foundations including removal to a depth of at least 1 metre underground;

- c. Removal of all above ground infrastructure;
- d. Cable removal;
- e. Provision of Decommissioning Environmental Management Plan (DEMP) to be based on relevant elements of the Construction Environmental Management Plan (CEMP);
- f. A Traffic Management Plan (TMP) related to activities for decommissioning, demolition, and removal of infrastructure;
- g. Locations of temporary stockpiles for decommissioned materials and equipment
- h. Treatment of disturbed ground surfaces resulting from decommissioning of infrastructure including cable removal and any sub-surface elements to restore the land to its pre-construction status or such condition as agreed in writing with the Planning Authority;
- i. Restoration proposals including ecological and biodiversity enhancement works such as (but not limited to) provision of bird boxes, insect refuge and use of native seed mixes to deliver biodiversity gains and measures to safeguard all landscaping on the site which for the avoidance of doubt shall be retained.
- j. An aftercare plan to monitor success of restoration measures with scope for interventions if required.
- k. A Decommissioning Timetable.

Thereafter the detailed decommissioning, site restoration and aftercare shall be undertaken fully in accordance with the approved plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

6. Twelve months prior to the decommissioning of the development, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted to and approved in writing by the Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

7. BEFORE ANY WORKS COMMENCE ON SITE, either enabling works or construction works; a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include (but not be limited to) provisions in respect of:

- a. Introduction – Project overview, site description, scope of proposed works, programme of works, details of any previous environmental assessments;
- b. Roles and Responsibilities – Organisational Chart of project personnel and key contacts plus training and competencies and communication procedures;
- c. Environmental Management Policy Statement – To include any accreditations or EM Systems followed;
- d. Regulations and Requirements – Legislation, Regulations and Technical Guidance applicable to the nature and scope of the development;
- e. Identification of Environmental Assets and Impacts;
- f. Emissions to air – dust, noise, vibration, traffic/vehicle movements on site and to/from site;
- g. Land and Water (extends to surface and ground water) – discharges from construction activities, i.e. pollution, substance contamination, damage, waste management;
- h Archaeology and heritage features;
- i. Ecological features including habitats and species;
- j. Environmental Mitigation Measures and control plans with regard to identified environmental assets and the potential impacts arising from construction; to take cognisance of relevant Legislation and Regulations and follow appropriate Technical Guidance/best practice;
- k. Inclusion of an Emergency / Incident Response Plan; and
- l. Monitoring and Auditing – Procedures for audits (internal and external), monitoring and inspections, environmental performance monitoring e.g. KPIs, monitoring/inspection reporting

The measures set out within the approved CEMP shall thereafter be implemented on site during the construction phase.

Reason: To ensure environmental impacts are mitigated during the construction phase, and that the construction phase is undertaken safely

8. No construction work associated with the development shall take place on the site on any Sunday, Bank Holiday or on a Knockhill Racing Circuit event day or any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:30. Unless such work:

- a. does not cause the existing ambient background noise levels to be exceeded at any of the noise sensitive receptors identified in the application; or
- b. is associated with essential maintenance/testing; or
- c. is associated with an emergency; or,
- d. is approved in advance in writing by the Planning Authority

Reason: In the interests of local amenity.

9. No HGV movements associated with construction of the development (excluding abnormal loads) shall enter or leave the site on any Sunday, Bank Holiday or on a Knockhill Racing Circuit event day or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:30. Unless such movement is associated with an emergency; or is approved in advance in writing by the Planning Authority

Reason: In the interests of local amenity.

10. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; the construction access bellmouth from the public road shall be constructed in accordance with the current Appendix G of Fife Council's Making Fifes Places Supplementary Guidance.

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

11. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; there shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest size of vehicles expected to visit or be used by occupants of the premises. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

12. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; 4.5m x 210m visibility splays shall be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the construction vehicular access and the public road, in accordance with Appendix G of the current Fife Council's Making Fifes Places Supplementary Guidance. The visibility splays shall be retained for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junction of the vehicular access with the public road.

13. BEFORE ANY WORKS COMMENCE ON SITE; full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by the Planning Authority. Any subsequent approved details shall, thereafter, be provided and maintained in an operational manner throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

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

14. BEFORE ANY WORKS COMMENCE ON SITE; full details of the proposed off-street parking areas for contractor's vehicles shall be submitted to and approved in writing by the Planning Authority. Once approved, these parking areas shall be provided prior to any works commencing on development and shall be retained and available for use for the full duration of the construction phase.

Reason: In the interest of road safety; to prevent vehicles parking on the public road to the detriment of road safety.

15. BEFORE ANY WORKS COMMENCE ON SITE; the applicant shall carry out a dilapidation survey in the presence of Fife Council's Roads and Transportation Services officers on the section of the A823 between the site access and its junction with the B914. This survey shall then be submitted to the Planning Authority for approval in writing. Any subsequent damage to the carriageway and roadside verges as identified by the Planning Authority shall then be repaired by the applicant to a standard acceptable to Fife Council.

Reason: To avoid any damage to the public road by construction traffic.

16. BEFORE ANY WORKS COMMENCE ON SITE; an updated Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The measures within the approved CTMP shall then be implemented in full and remain operational for the full duration of the construction phase. The CTMP shall include (but not be limited to) details in respect of:

- a. Details of the design, layout, geometry and surface finish of the site access including geometry for the construction and post construction phase of the development;
- b. The additional signage on public roads where access will be taken to inform drivers of the construction vehicles;
- c. Details of proposed temporary site compound for storage of materials, machinery, and designated car parking; and
- d. A timetable for the construction phase including confirmation of site operating times on each day of the week.

The CTMP shall specify that all HGV's and other large vehicles shall travel to the site via the M90 junction 4, B914 and the A823. The reverse of this route shall be used on the return journey.

Reason: In the interest of road safety; to ensure the safe operation of all traffic during the construction phase.



17. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; a pre-construction survey for badgers shall be carried out by a qualified ecologist within the site and on land within 100 metres of the site. Any checks shall be undertaken fully in accordance with "Scottish Badgers Surveying for Badgers Good Practice Guidelines (2018)" or any subsequent revision. Should any evidence of badgers be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE. Any subsequent approved mitigation measures shall then be carried out in full as recommended within any associated protection plan.

Reason: In the interests of species protection

18. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; pre-construction surveys for otters and water vole shall be carried out by a qualified ecologist within the site and any other required survey area outwith the site. Should any evidence of otters be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE. Any subsequent approved mitigation measures shall then be carried out in full as recommended within any associated protection plan.

Reason: In the interests of species protection

19. BEFORE ANY WORKS COMMENCE ON SITE; a fully detailed Habit Management Plan (HMP) along with details of Biodiversity Enhancement Measures (BEM) shall be submitted to and approved in writing by the Planning Authority. This HMP shall include full details relating to the enhancement of moorland habitats, fisheries and aquatic invertebrates' habitats and opportunities for nesting and foraging birds and bats. The detailed HMP shall also provide full details relating to the required peatland restoration proposals and the monitoring programme as set out within the approved outline habitat management plan. A phasing plan setting out the timescales with regards to the provision of any approved measures shall also be submitted to and approved in writing by the Planning Authority before any works commence on site. The development shall then be carried out fully in accordance with any approved HMP, biodiversity enhancement measures and phasing plan.

Reason: In the interests of biodiversity enhancement and species protection.

20. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of landscaping including a landscaping plan indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs, and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted to and approved in writing by this Planning Authority. These submitted details shall also include details of all proposed boundary treatments and retaining walls. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

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

21. BEFORE ANY WORKS COMMENCE ON SITE; details of the future management and aftercare of the approved landscaping and planting shall be submitted to and approved in writing by the Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

22. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

23. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of site investigation works to identify any coal mining legacy issues shall be undertaken. The results of these investigations along with full details of any required updated layout or mitigation measures shall be submitted to and approved in writing by the Planning Authority in consultation with The Coal Authority. Thereafter, any identified and agreed remedial works and/or mitigation measures shall be undertaken in full BEFORE ANY DEVELOPMENT WORKS COMMENCE ON SITE. The intrusive site investigations and remedial works shall be carried out in accordance with the relevant authoritative UK guidance.

Reason: To avoid unacceptable risks to human health and the environment.

24. The construction of the development shall be carried out fully in accordance with the recommendations contained within the approved Arboricultural Impact Assessment dated August 2024 (Savills Arboriculture) including the associated Tree Protection Plan. This Planning Authority shall be formally notified in writing of the completion of such measures and NO WORKS SHALL COMMENCE ON SITE until this Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding trees.

25. BEFORE ANY WORKS COMMENCE ON SITE; the developer shall compile an archaeological written scheme of investigation and shall secure the implementation of a programme of archaeological works which shall be submitted to and approved in writing by the Planning Authority. A verification report shall then be submitted to and approved in writing by the Planning Authority once any required archaeological works have been carried out in full and BEFORE ANY WORKS ASSOCIATED WITH THE DEVELOPMENT COMMENCE ON SITE.

In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue archaeological excavation of remains on the site.

26. BEFORE ANY WORKS COMMENCE ON SITE; the final design and layout of the proposed development, including colours, finishing materials, elevations and floor plans of all buildings and external infrastructure, as well as details of any access roads, fencing, lighting and CCTV columns shall be submitted to and agreed in writing by the Planning Authority. These details shall include the specification, materials and cross-sections of the proposed floating tracks and watercourse crossings. The layout must also take into account the findings of the coal mining legacy site investigation work required by condition 23. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interest of visual amenity.

27. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, day-time shall be 0700-2300hrs and night-time shall be 2300-0700hrs.

Reason: In the interests of residential amenity; to ensure nearby residential dwellings are not subjected to adverse noise from the development.

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

Reason: In the interests of species protection.

29. IN THE EVENT THAT CONTAMINATION NOT IDENTIFIED BY THE DEVELOPER prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and

the Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Planning Authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the Planning Authority or (b) the Planning Authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter, remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

30. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; a Fire Risk Management and Emergency Plan shall be submitted to and approved in writing by the Planning Authority. This document shall ensure full compliance with the recommendations and guidance contained within the National Fire Chiefs Council - Guidance for FRS unless otherwise agreed. Thereafter the development shall be carried out in full accordance with the approved document.

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

## Report Contact

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Author Name	Scott Simpson
Author's Job Title	Planner, Major Business and Customer Service
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Report reviewed and agreed by; Derek Simpson, Lead Officer, 9.6.25

Committee Date: 18/06/2025

Agenda Item No. 5

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**Application for Full Planning Permission**

**Ref: 24/00924/FULL**

<b>Site Address:</b>	<b>Land At Q3 Dunlin Drive Dunfermline</b>
<b>Proposal:</b>	<b>Erection of retail unit (Class 1A) and 4 No. commercial units (Class 1A and Class 3) including formation of access, car parking and cycle parking, landscaping and boundary treatments, and installation of EV chargers and drainage infrastructure</b>
<b>Applicant:</b>	<b>TJ Morris Ltd, C/O Icen Projects Glasgow</b>
<b>Date Registered:</b>	<b>6 June 2024</b>
<b>Case Officer:</b>	<b>Sarah Hyndman</b>
<b>Wards Affected:</b>	<b>W5R03: Dunfermline Central</b>

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

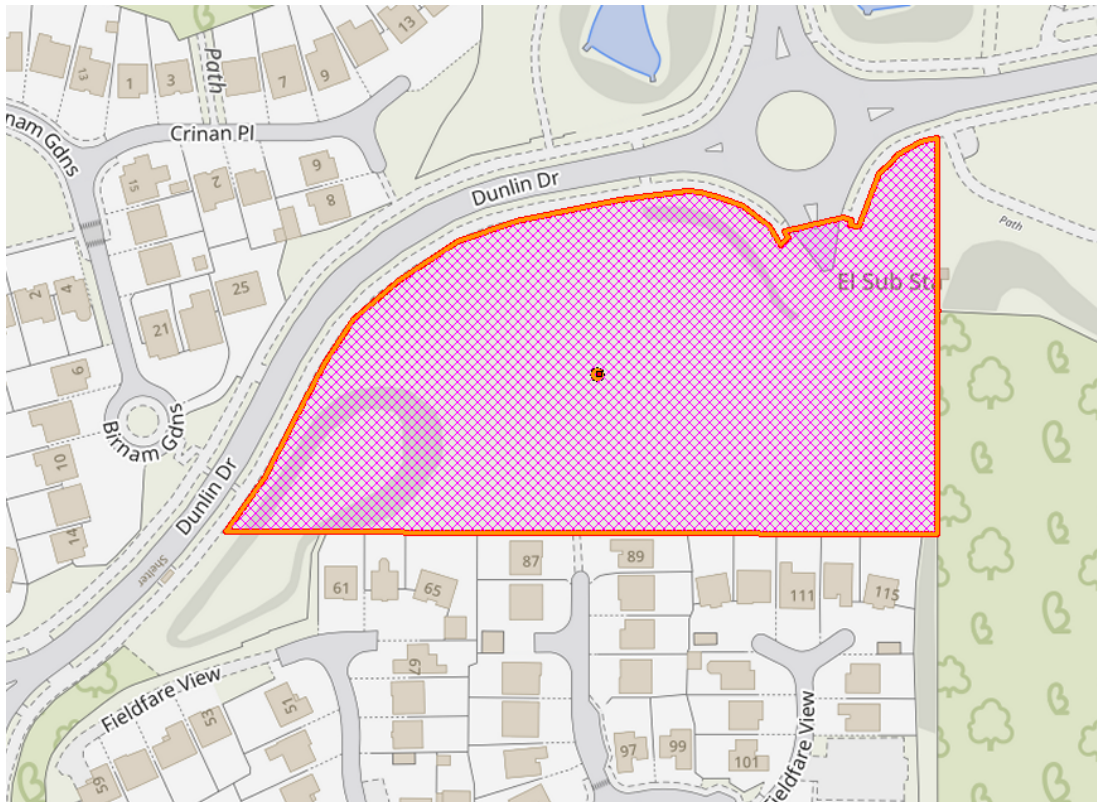
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### **1.1 The Site**

1.1.1 The application site is approximately 1.36 hectares in area and is currently vacant, predominantly comprising of grassland. Access to the site has been formed from a roundabout on Dunlin Drive to the north, however the road infrastructure does not extend beyond this point. Dunlin Drive bounds the site to the north and west, residential properties bound the site to the south and trees bounds the site to the east. The site slopes down from southeast to northwest by approximately 10 metres and there is a drainage pond in the southwest corner of the site.

1.1.2 The site is within the Dunfermline Settlement Boundary, however, is unallocated as per the Adopted FIFEplan Local Development Plan (2017). The land to the east of the site forms part of a 46-hectare site of Employment land (DUN 059).

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The application seeks full planning permission for the erection of a retail unit (Class 1A) and 4 commercial units (Class 1A and Class 3) including formation of access, car parking and cycle parking, landscaping and boundary treatments, and installation of EV chargers and drainage.

1.2.2 The main building would measure approximately 5.7 metres in height at the highest point and would comprise of a flat roof. The finishing materials would comprise of black facing brick, timber effect cladding, grey roofing and grey doors and windows. The indoor sales area would measure approximately 1950 square metres. The individual units would form one larger building but would each measure approximately 100 square metres. The building would feature a lean-to roof and would measure approximately 7 metres in height, including the feature corner. The finishing materials would comprise of timber effect cladding, buff facing brick, grey roofing and black doors and windows.

1.2.3 Vehicular access would be taken from the existing roundabout on Dunlin Drive to the north of the site. There would be 93 parking spaces which would predominantly be located to the west of the site, with some to the front (north) of the main building. There would also be 16 covered cycle spaces, half located to the west of the main unit and the other half located to the south of the individual units. There would be footpaths installed within the site, one to the north connecting on to Dunlin Drive and another to the West, connecting to the residential area to the south.

## 1.3 Relevant Planning History

08/01306/WOPP - Outline application for development of a local centre, comprising a neighbourhood shopping scheme, care home and community centre – Permitted with conditions on 26/11/08

08/01336/WFULL - Erection of six class 1 and class 2 units including associated car parking and landscaping - Permitted with conditions on 13/08/08

11/06073/FULL - Variation of condition 2(i) and 3(b) of outline planning permission

08/01306/WOPP to extend timescale for submission of further details and commencement for a further 2 years - Permitted with conditions on 24/01/12

11/06623/PPP - Planning permission in principle for erection of Class 1 retail unit (2323sqm), 6 units (classes 2, 3, 10 and associated car parking, landscaping and ancillary works - Permitted with conditions on 13/03/12

14/00196/PPP - Planning permission in principle for the erection of a local centre, including neighbourhood shopping scheme, care home and community centre (Renewal of planning permission 08/01306/WOPP, 11/06073/FULL) - Permitted with conditions on 05/06/14

21/03982/FULL - Erection of retail unit (Class 1) with associated outdoor sales area, parking, access and boundary treatments – Refused on 22/09/22. This application was appealed (PPA-250-2387) and subsequently dismissed on 16/06/23.

## 1.4 Application Procedures

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

1.4.2 Under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development falls within Schedule 2 of the Regulations as an urban development project. The application threshold for this type of development is 0.5 hectares. The site measures approximately 1.36 hectares, therefore it was screened for EIA purposes. A screening assessment was carried out which determined that the characteristics of the development, the environmental sensitivity of its location and the characteristics of its potential impact were such that an EIA was not required in this instance.

1.4.3 The application was advertised in The Courier newspaper on the 13th of June 2024 for Neighbour Notification purposes. Due to design alterations, the application was re-advertised on the 6th of March 2025.

1.4.4 The proposed neighbourhood units could be occupied by either a Class 1A or Class 3 Use, as the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended) allows interchangeability between Class 1A and Class 3, as per the Town and Country Planning (General Permitted Development) Scotland Order 1992 (as amended).

## 1.5 Relevant Policies

### National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

#### Policy 2: Climate mitigation and adaptation

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

#### Policy 3: Biodiversity

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

#### Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

#### Policy 9: Brownfield, vacant and derelict land and empty buildings

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

#### Policy 11: Energy

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

#### Policy 12: Zero Waste

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

#### Policy 13: Sustainable transport

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

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

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

#### Policy 15: Local Living and 20 minute neighbourhoods

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

#### Policy 18: Infrastructure first

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

#### Policy 19: Heat and cooling

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



#### Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

#### Policy 22: Flood risk and water management

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

#### Policy 23: Health and safety

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

#### Policy 25: Community wealth building

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

#### Policy 27: City, town, local and commercial centres

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

#### Policy 28: Retail

To encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes.

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

#### Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. FIFEplan Policy 1 Part B criterion 9 requires new development proposals to safeguard or avoid the loss of natural resources within a site, including effects on internationally designated sites.

#### Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services. Policy 3 also ensures that a proposal makes provision for infrastructure requirements to support new development. This includes green infrastructure and green network requirements, such as open space and amenity space. Policy 3 also requires new development to provide roads and paths designed for all users which integrate with existing roads and paths.

#### Policy 6: Town Centres First

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

#### Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life. This policy supports proposals that do not lead to a significant detrimental impact on amenity in relation to a range of considerations. These include air quality, noise, privacy, sunlight and daylight and construction impacts. Where significant detrimental impacts on amenity are identified, Policy 10 provides a set of actions which are considered to be appropriate for mitigating or avoiding these impacts. Policy 10 also requires an applicant to demonstrate the development will not result in a significant detrimental impact on amenity in relation to contaminated and unstable land. Consideration of impacts includes the site and its surrounding area. A site investigation is required to demonstrate that suitable ground conditions for the development are present on the site and, where remediation is necessary to make the ground suitable, then these are clearly set out in a strategy that is agreed by Fife Council and other appropriate agencies. Policy 10 presumes against the loss of assets such as green infrastructure and green network requirements, such as open space and amenity space.

#### Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits. Policy 11 also requires development proposals to provide, where appropriate, sustainable urban drainage measures to ensure surface water runoff does not result in any detrimental impact on the ecological quality of the water environment. Policy 11 supports the development of new buildings that contribute to carbon dioxide reduction targets, use sustainable construction materials, conserve water, provide SuDS and include facilities for collection of recyclable materials.

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

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved. Policy sets a requirement for proposals to demonstrate that development is not at risk from flooding and will not result in an increase of flood risk elsewhere. Policy 12 also seeks to ensure that new development will not have a significant detrimental impact on the ecological value of the water environment including its natural characteristics.

#### Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors. Policy 13 protects natural heritage and access assets whilst also promoting the enhancement of green networks and greenspaces and access arrangements to encourage outdoor recreation. The Policy requires development proposals to provide evidence that there will be no resulting significant adverse impacts on designated sites of international, national and local importance, woodlands, trees and hedgerows that have a landscape, amenity or nature conservation value or biodiversity assets such as protected and priority habitats and species.

#### Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintained, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors. Policy 14 reinforces the principles of successful places which encourages, through good street design, road safety for all users which encourages active travel movement and social interaction. Policy 14 also aims to protect and

enhance Fife's cultural heritage, including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Gardens and Designed Landscapes and other historic assets. Policy 14 also considers all archaeological sites and deposits to be of significance, regardless of any statutory designation. A proposal must demonstrate that the presence or otherwise of such deposits has been investigated and, where appropriate, a scheme of recording and mitigation is developed in collaboration with Fife Council.

## **National Guidance and Legislation**

### **PAN 33: Development of Contaminated Land**

This is a key reference document in the consideration of ground conditions and the legacy of previous land uses as it relates to proposed future uses.

### **PAN 1/2011: Planning and Noise**

This gives advice to those within the planning system on ways to detect and mitigate for the impacts of noise on new developments. Noise can have a detrimental impact on residential amenity and the assessment of potential noise sources on sensitive receptors is a key consideration in the determination of any planning application.

### **Assessment of Noise: Technical Advice Note (TAN 1/2011)**

This provides guidance which may assist in the technical evaluation of noise assessment.

### **Royal Environmental Health Institute Scotland (REHIS) Briefing Note 017**

This document provides further guidance on the assessment of noise, including the quantitative and qualitative methodologies, when considering proposals for a noise generating use located next to a noise sensitive receptor.

## **Supplementary Guidance**

### **Supplementary Guidance: Low Carbon Fife (2019)**

The Adopted Low Carbon Fife Supplementary Guidance (January 2019) sets out the Council's expectations on information requirements relating to sustainable buildings. It states that these requirements will be secured through building standards regulations and it is unreasonable to expect this level of detail to be submitted with a planning application. For district heating, the Fife Heat Map shows the site is not near any existing heat networks. Therefore, no further action is required.

### **Supplementary Guidance: Making Fife's Places (2018)**

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife. This encourages an integrated approach to the provision of green infrastructure, open space, SuDS and other green network assets. In addition, proposals should consider ecological and natural heritage impacts from the outset and demonstrate, where appropriate, that appropriate mitigation has been designed in.

Fife Council's Transportation Development Guidelines, as Appendix G to Making Fife's Places

This document provides technical requirements of new developments to ensure road safety is built into the design of new transport infrastructure. It also provides more detail on the expectations of street design, access and car parking standards. This includes more detail on the assessment of proposals against FIFEplan Policy 3. For example, proposals should provide safe routes to public transport, schools and community facilities. The site appraisal process promoted in the SG should establish the location of these in relation to the site. Development proposals need to demonstrate how all future users of the site will access these safely and with priority given to active travel options.

Planning Policy Guidance: Development and Noise (2021)

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

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

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

### **2.2 Principle of Development**

2.2.1 National Planning Framework 4 (NPF4) Policy 15 encourages, promotes and seeks to facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

2.2.2 Policy 25 (Community Wealth Building) aims to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. Policy 26 of NPF4 (Business and Industry) aims to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

2.2.3 Policy 27 (City, town, local and commercial centres) states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces: i. will be supported in existing city, town and local centres, and ii. will not be supported out with those centres unless a town centre first assessment demonstrates that: • all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; • the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and • the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

2.2.4 Policy 28 (a) of NPF4 (Retail) states that Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals: i. will be supported in existing city, town and local centres, and ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP. iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)). Policy 28 (c) states that proposals for new small scale neighbourhood retail development will be supported where the proposed development: i. contributes to local living, including where relevant 20 minute neighbourhoods and/or ii. can be demonstrated to contribute to the health and wellbeing of the local community. Policy 28 (d) is not relevant as this relates to island and rural areas.

2.2.5 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 6 Town Centres First of FIFEplan supports proposals that comply with the sequential approach (taking into account catchment areas), comply with the respective uses and roles of the defined network of centres, will have no significant adverse effect on the vitality and viability of town centres and are appropriate for the location in scale and character. Out with town centres, retail and leisure developments with a gross floorspace of over 2,500 square metres will require a retail impact analysis to be carried out to demonstrate that it will address a deficiency in the quantity and quality of retail floorspace when assessed against the latest Fife Retail Capacity Study.

2.2.6 A number of objections have noted that the development would be better suited to a retail park/town centre, with empty buildings in particular utilised. There are also concerns with the loss of greenspace, however the site is not allocated within the FIFEplan Local Development Plan, therefore there is no requirement for the open space to be retained as it is not Protected Open Space.

2.2.7 Given that the development would not exceed the 2,500 square metre threshold, as it would measure approximately 2350 square metres, a Retail Impact Assessment is not required as part of this application. However, a Planning and Retail Statement (Iceni Projects Limited, 2025) was submitted along with the application, which includes a section on the sequential assessment which was carried out. The sequential assessment was based on a primary catchment area of a 10-minute drive which included Dunfermline Town Centre, Rosyth Town Centre, Inverkeithing Town Centre, Lochgelly Town Centre and Cowdenbeath Town Centre. Dunfermline Town Centre was discounted from the assessment, as there is already a Home Bargains in this area. The remaining Town Centres are not considered to have a site or vacant unit of suitable size to accommodate the development. Local Centres were also considered, including Duloch, Abbeyview, Townhill, Robertson Road, Crossgates and Kelty. Again, these are small-scale and considered to be inadequate for the proposed development in this regard.

Lastly, commercial centres were considered, including Halbeath Retail Park and Fife Leisure Park. Due to commercial reasons, Halbeath Retail Park was discounted and Fife Leisure Park was discounted as the size of the units are insufficient for the proposed development. As such, the justification provided for the chosen site is accepted in this instance.

2.2.8 The Planning and Retail Statement also noted that following the refusal of application reference 21/03982/FULL and subsequent discussions with the Planning Authority on the current application, a number of changes have been made to the proposal. The appeal decision (PPA-250-2387) was based on the nature of the use, including bulky goods sale, and the associated parking which would increase vehicle trips in an out of centre location, with limited opportunity for combined trips. In response, there has been a reduction in overall floorspace from 3064sqm to 2350sqm, the removal of the garden centre element, the introduction of neighbourhood units, reduction of parking spaces from 129 to 93 and inclusion of additional cycle storage facilities. These elements are considered to reduce the scale and impact of the proposal. In addition, it is noted that the proposal would result in the creation of high-quality retail and neighbourhood units which would serve the local community.

2.2.9 An independent Retail Impact Assessment (RIA) was sought by Fife Council, by Roderick MacLean Associates (2022) on the previous application for the site. Whilst the Independent Retail Impact Assessment was carried out in 2022, there has been no significant change in the retail landscape in the Dunfermline area since then, therefore it is still considered to be relevant to this application. The RIA concluded that as the previously proposed development was small compared to the total convenience and comparison turnover in West Fife, the additional cumulative trade diversion may not cause shop closures elsewhere, but there would be a risk. It was noted that the proposal offered opportunity to provide more shopping facilities for residents of East Dunfermline. Given that this was the conclusion from the previous proposal, the current proposal would reduce the potential detrimental impacts further, however the positive elements would remain.

2.2.10 Fife Councils Local Living and 20-Minute Neighbourhoods mapping and analysis tool classifies essential, important and desirable features, based on how a large portion of the community would use the features and how frequently they would be used. A range of walking and cycling buffers were applied to these features depending on the nature of the feature, some of these reflect standards established in Fife Council strategies, others are based on a consideration of what would be an acceptable distance for accessing these facilities on a day to day basis (400-800m, 5-10 minute walking). For some facilities such as bus stops and convenience stores, a 400m or 5 minute walking buffer has been applied, as the distance most people would be willing to walk on a day to day basis. The nearest retail offering from the site is a SPAR on Pittsburgh Road which is approximately 0.4 miles and a 9 minute walk from the site and further from some of the surrounding residential properties. There is a Co-op Food on Linburn Road which is approximately 0.5 miles and a 12 minute walk from the site and further from some of the surrounding properties. Fife Councils Policy and Place team has confirmed that the proposal would provide access to convenience retail within a 5-minute walk for the surrounding residential area and therefore would be supported by NPF4 policy 28 (c) if the scale of the proposal is considered to be small scale. However, the team noted that the scale of the main unit is larger than would be required to simply serve the local area. Fife Councils Town Centre Development Unit also noted that the small retail units could provide access to convenience or comparison retail for local people and could therefore be supported on a basis of improving local amenity, reducing car travel, improving the health & well-being of the local community. However, the team is not supportive of the application, as it is considered that the scale and comparison element of the proposed large retail unit is not considered to be in-

keeping with neighbourhood retail development objectives and would draw from a wider catchment area.

2.2.11 Whilst it is noted that the proposal does not fully comply with Policies 27 and 28 of NPF4, in that it would be located in an out-of-centre location and not explicitly small-scale, the proposal would contribute to local living, as required by Policy 15. The proposed commercial units would also encourage a mixed-use approach to the site, with opportunity for community wealth building through the potential for small-scale enterprises, increased spending and local job creation, which is supported by Policy 25 of NPF4. In addition, the proposal would align with Policy 26 (Business and Industry) in that it would ensure that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services.

2.2.12 Overall, whilst there are tensions between the drive for local living and the impact that this could have on town and local centres, in this instance the proposal would introduce a broader range of retail and service provision which would better serve the local area. The proposed retail element would be below the 2500sqm threshold in terms of requiring a Retail Impact Assessment, therefore the potential impacts are not considered to outweigh the benefits which would be provided in terms of economic growth and local living in this instance. The alterations which have been made since the previous refusal include the reduction in floorspace by over 700sqm, the removal of the garden centre, the introduction of neighbourhood units, reduction of parking spaces and inclusion of cycle storage facilities are considered to reduce the scale and impact of the proposal. On balance, therefore, the proposal would be acceptable in terms of NPF4 Policies 15, 25 and 26.

## **2.3 Design and Layout / Visual Impact**

2.3.1 Policy 14 of NPF4 (National Planning Framework 4) 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 FIFEplan (2017) apply regarding design and visual impact. Policy 1 of FIFEplan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area.

2.3.3 A number of objection comments have made reference to the detrimental visual impact of the proposal and that the buildings would be out of keeping with the surrounding residential area.

2.3.4 The main building (unit 1) would measure approximately 5.7 metres in height at the highest point and would comprise of a flat roof. The finishing materials would comprise of black facing brick, timber effect cladding, grey roofing and grey doors and windows. The floor area would measure approximately 1950 square metres. Fife Councils Urban Design Officer has been involved throughout the application process and has commented that the design and location of this unit has reduced the overall visual impact. The building mass has been reduced so that it is not visually overwhelming from either the existing residential streets immediately to the north and south of the site, or from Dunlin Drive. Whilst the building is large and horizontal,

the design now incorporates framing elements around the windows and opaque panels on principal elevations which punctuate the roofline to create a vertical rhythm to break this up. Furthermore, there is a sense of depth to the principal elevations as some of the finishing materials are recessed or protrude slightly to break up the previous 'flat' appearance to these elevations and thus increases the visual interest/impacts.

2.3.5 The individual units (unit 2) would form one larger building- each measuring approximately 100 square metres floor area. The building would feature a lean-to roof and would measure approximately 7 metres in height, including a corner feature. The finishing materials would comprise of timber effect cladding, buff facing brick, grey roofing and black doors and windows. The design of unit 2 reflects the architectural language of unit 1, in terms of being low lying and with a simple palette of materials. It offers main entrances to the adjacent public realm/movement route and provides a vertical element at the corner to form a type of entrance feature to the site from the proposed pedestrian crossing at Dunlin Drive. Fife Councils Urban Design Officer suggests that the location of the smaller units would offer a clear signal that the site is also a local centre, offering smaller scale shops, services, cafes etc to the local residential community. Rather than being secondary to the large retail unit, the small units are given significant prominence and can be read as the principal element of the development, being more appropriate in a residential context, when viewed from the surrounding area.

2.3.6 The location of the smaller units would also foster a more appropriate environment for pedestrians. Areas of public realm would be located in front of the small units, flowing from the edge of the site down to the entrance of unit 1. In terms of overall pedestrian movement, the current proposal is much better connected into the surrounding residential areas, which can help promote walking/cycling to the uses on site. Whilst there is some uncertainty around the ownership for connection to Fieldfare View, a condition has been attached to this consent to ensure the path is built up to the site boundary to ensure that any future connection can more easily be achieved.

2.3.7 The main service yard serving unit 1 has been kept away from existing housing and from long and principal views into the site from Dunlin Drive, therefore reducing the visual and amenity impact of this service requirement. There is a proposal for an element of land art at the site entrance - which, as well as forming a distinctive entrance feature, can also help to visually screen the service yard further. However, further details of the proposed public art feature will be required. This has been conditioned accordingly.

2.3.8 Subject to the aforementioned condition, the proposal would be in accordance with NPF4, FIFEplan and Making Fifes Places with regards to design and layout/visual impact and is therefore acceptable in this regard.

## **2.4 Transportation and Road Safety**

2.4.1 Policy 13 of NPF4 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. Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal.

2.4.2 FIFEplan Policy 3 requires development to incorporate measures to ensure that it will be served by adequate infrastructure and services. This includes local transport and safe access



routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance.

2.4.3 Objection comments have made reference to the Transport Assessment being insufficient. In particular, concerns were raised that the data does not reflect the current situation, post COVID-19. In addition, concerns noted that the development would worsen the quality of the road.

2.4.4 Given that the development is for a retail proposals of less than 2,500 square metres gross floor area, there is no requirement for Planning Obligations as developments of this nature are exempt as per Policy 4 (Planning Obligations). As such, there is no requirement for the impact on the road infrastructure to be mitigated for a development of this nature.

2.4.5 A Transport Assessment (Livingstone & Partners Limited, 2025) was submitted, which included information on the current accessibility and transport provision for the site, the development and the proposed transport infrastructure, measures to influence travel behaviour, existing road network and committed development, the generation and distribution of the proposed development and the traffic impact of the proposed development.

2.4.6 Fife Councils Transportation Development Management (TDM) team reviewed the Transport Assessment and noted that the traffic surveys were carried out in November 2021, which was several months after COVID-19 restrictions were completely lifted. It was also noted that further traffic surveys were carried out in January 2025 to provide a comparison. There was found to be a minor increase in the AM Weekday peak - 1404 to 1465; however, decreases in the Weekday PM peak 1709 to 1698 and the Saturday peak 1578 - 1520. The Weekday PM and Saturday peak coincide with peak retail trip generation. Therefore, the traffic surveys are acceptable and provide a robust assessment, as the existing site access/Dunlin Drive/Pittsburgh Road roundabout would continue to operate within its practical capacity in the 2026, committed development and proposed development tested scenarios.

2.4.7 The proposed site plan includes 93 parking spaces, which incorporates 10 electric vehicle parking spaces. In addition, 16 covered and secure cycle parking spaces would be provided within the site. Whilst there would be less parking spaces than set out in Fife Councils Transportation Development Guidelines, Fife Councils Transportation Development Management team have reviewed this and have confirmed that this is acceptable given that the site benefits from proximity to sustainable transport facilities – footway/cycleways adjacent to the adjacent road network (Dunlin Drive, Pittsburgh Road & Greenshank Drive). It was also noted that a significant part of Duloch Park and Halbeath is within a 10 minute walk distance of the site and there are existing pairs of bus stops on the Dunlin Drive frontage of the site; on Pittsburgh Road to the north of the site; and Dunlin Drive to the east of the site, all within a 400 metres walk distance of the site. In addition, new shared paths have been provided between Greenshank Drive and Sandpiper Drive as part of the DLC/Shepherd Offshore development.

2.4.8 On the above basis, Transportation Development Management confirmed that there were no objections, subject to conditions in the interest of road safety. These have been added accordingly.

2.4.9 The proposal is therefore acceptable in regards to transport and road safety, as it would align with NPF4 policy 13 and FIFEplan policy 3, subject to conditions.

## **2.5 Residential Amenity**

2.5.1 Policy 23 of NPF4 (Health and Safety) notes that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.5.2 Adopted 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. Proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality; contaminated and unstable land; noise, light and odour pollution or other nuisances; traffic movements; loss of privacy, sunlight and daylight; construction impacts; or a visual impact of a development on the surrounding area.

2.5.3 A number of objection comments highlighted concerns with noise. In particular, there were concerns that the Noise Impact Assessment (Bureau Veritas UK Limited, 2025) includes outdated information, in that the noise measurements were undertaken in November 2021. It was also noted that the neighbourhood units were not considered as part of the assessment.

2.5.4 The Noise Impact Assessment (Bureau Veritas UK Limited, 2025) includes information on both the proposed larger unit and the neighbourhood units. A noise model was used to predict the daytime and night-time impact of the car park, Heavy Goods Vehicle (HGV) deliveries and externally located mechanical plant. It was concluded that the existing residents would not perceive any change in noise levels due to the operation on the new car park. In terms of the HGV deliveries, the impact would be low both during the daytime and at night. Noise from operational plant is likely to be inaudible due to the very low noise levels predicted.

2.5.5 Fife Councils Environmental Health (Public Protection) team has read the noise report and have confirmed satisfaction with the methodology. The officer noted that the development should be able to operate without detrimentally affecting the amenity of nearby residential premises, therefore there are no objections to the development on noise grounds.

2.5.6 Due to the location of the proposed units which would be set below the adjacent properties to the south, and the path of the sun, the development would not have a significant adverse impact on daylight or sunlight. There would be no loss of privacy for the residents to the south either, given that there would only be one opening on the south elevation which would be a fire exit door.

2.5.7 As such, the proposal is considered to be in line with NPF4 and FIFEplan requirements with regards to residential amenity and is therefore acceptable.

## **2.6 Flooding and Drainage**

2.6.1 Policy 22 (Flood risk and water management) states 'development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice'. Policy 22 also states, amongst other criteria, that 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.

2.6.2 Policy 1 Part B (8) and Part C (5) OF FIFEplan requires flooding and impacts on the water environment to be avoided and sites to provide sustainable urban drainage systems with relevant drainage strategies. Policy 12 of the Adopted Local Development Plan states that development proposals will only be supported where they can demonstrate that they will not increase flooding or flood risk; will not reduce the water conveyance and storage capacity of a functional flood plain; will not detrimentally impact on ecological quality of the water environment; will not detrimentally impact on future options for flood management; will not require new defences against coastal erosion or coastal flooding; and will not increase coastal erosion on the site or elsewhere.

2.6.3 Objection comments have raised concerns that the Flood Risk Assessment is insufficient and that there would be an adverse impact on drainage/flood risk as a result of the development.

2.6.4 Scottish Environmental Protection Agency (SEPA) flood maps indicate that the site is not at risk of coastal or river flooding, therefore, there is no requirement for a Flood Risk Assessment. The site is at risk of surface water flooding, however this is limited to the western side of the site which slopes toward the road and would not be developed.

2.6.5 The proposed Sustainable Urban Drainage System techniques have been outlined in the submitted Drainage Strategy (Ramage Young, 2025). This outlines that porous asphalt would be used to drain the car park and the roof would drain via a conventional rainwater downpipe system. The neighbourhood units would receive SUDS treatment via the proposed granular trench below a swale and the main unit would receive SUDS treatment via filter trench at the rear of the store. The service yard would be treated by a Dry Swale system and attenuation would be in the form geo-cellular modules.. The drainage system would be maintained by the developer. There is a Scottish Water Storm and Foul Sewer network in adjacent Dunlin Drive which abuts the North and West boundaries of the site, which would be utilised as part of this proposal.

2.6.6 Fife Councils Structural Services team were consulted on the application and confirmed that there were no objections on flooding grounds, however further information was requested on the maximum groundwater levels to ensure that there would be no adverse impact on the underground attenuation features. Both the case officer and the Structural Services team are satisfied that this can be addressed through a condition, therefore this has been conditioned accordingly.

2.6.7 Scottish Water was also consulted on the application and had no objections to make.

2.6.8 The application would be acceptable with regards to flooding and drainage and in compliance with NPF4 policy 22 and FIFEplan policies 1 and 12, subject to a condition relating to the groundwater levels.

## **2.7 Contaminated Land and Air Quality**

2.7.1 Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 notes 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.

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.

2.7.2 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.

2.7.3 A Stage 1 Geoenvironmental Investigation Report (Johnson, Poole and Bloomer, 2024) was submitted with this application, which noted that a Stage 2 (intrusive) investigation is to follow. Fife Councils Land and Air Quality team were consulted on this application and reviewed the report and its findings. The team recommended that conditions are attached to any consent to ensure that any potential risk arising from previous land uses has been investigated and any requirement for remedial action is suitably addressed.

2.7.4 With regards to air quality, the Land and Air Quality team have recommended a further condition to ensure that evidence is provided to demonstrate that the National Air Quality Strategy objectives would not be exceeded during demolition, construction or normal site use following completion.

2.7.5 Subject to the aforementioned conditions, the proposal would be acceptable with regards to contaminated land and air quality, and in compliance with NPF4 policy 9 and FIFEplan policies 1 and 10 as a result.

## **2.8 Natural Heritage and Trees**

2.8.1 Policy 3 (Biodiversity) of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 of NPF4 (Natural places) aims to protect and restore natural places. In addition, natural assets are to be managed in a sustainable way that maintains and grows essential benefits and services. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 6 of NPF4 aims to protect and expand forests, woodland and trees.

2.8.2 FIFEplan Policy 13 Natural Environment and Access supports proposals where they enhance natural heritage and access through landscape character and views, green networks, greenspaces and core paths and cycleways.

2.8.3 Objection comments have made reference to the detrimental impact on natural heritage that the development could have. It was also noted that trees have already been removed.

2.8.4 The site is unaffected by any statutory protections of trees such as Tree Preservation Orders or Conservation Areas and is unaffected by designations such as Ancient Woodland. However, Calais Muir Ancient Woodland stands to the south of the woodland immediately east of this site.

2.8.5 A Preliminary Ecological Appraisal (Wild Surveys Ltd, 2025) was submitted with this application, which notes that the site contains habitat suitable for foraging and commuting bats, foraging badger, reptiles, and nesting birds. However, no field signs of protected species were recorded within the site during the survey. It was noted that no further surveys were required to inform the planning application, however mitigation and compensation measures were

recommended to avoid impacts on protected or notable species and habitats, within/adjacent to the site where possible.

2.8.6 The site plan demonstrates an indicative landscape layout, which includes trees, shrub beds, ground cover and bark. The area around the Sustainable Urban Drainage System basin would be replanted with a species-rich grass and wildflower mix. A maintenance schedule is also noted on this document.

2.8.7 An Arboricultural Report, Tree Survey Schedule, Tree Survey and Constraints Plan and Tree Protection Plan (Langton Tree Specialists, 2025) have been submitted with this application. In total, 9 trees were surveyed on the boundary of the site; most were young, with only one semi-mature. Five of the trees would have a crown lift to ensure they are clear of the fence area. All other trees on the boundary would be protected by measures including Construction Exclusion Zones (CEZ) and protective fencing which would be checked by an arboriculturist.

2.8.8 Fife Councils Natural Heritage Officer has been consulted on this application and noted the indicative nature of the landscape layout and associated maintenance schedule shown on the site plan. As such, a more detailed version has been requested. The Preliminary Ecological Appraisal has also been reviewed by the Natural Heritage Officer, who endorses the mitigation and enhancement measures outlined. These would be conditioned along with the landscape details.

2.8.9 Fife Councils Tree Officer has reviewed the submitted tree information, noting that all proposed development is out with the root protection zones and falling distance with an additional 4-5m clearance. The provided tree protection plan is in line with BS5837 and covers all salient areas. The tree officer also noted the lack of detail on the proposed landscaping, which would be conditioned as noted above.

2.8.10 The proposal would be acceptable with regards to nature heritage and trees, and in line with NPF4 Policies 3 and 4, and FIFEplan policy 13, subject to conditions.

## **2.9 Sustainability**

2.9.1 Policy 1 of NPF4 (Tackling the climate and nature crises) notes that 'significant weight' will be given to the global climate and nature crises when considering all development proposals. In addition, development that addresses the global climate emergency and nature crisis should be encouraged, promoted and facilitated. Policy 2 of NPF4 (Climate mitigation and adaptation) aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

2.9.2 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 proposals meet the criteria set out within the policy. Small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal. 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.

2.9.3 In terms of the operational aspect of the proposed development, this has reduced from the original scheme with the removal of the bulky good garden centre element and 36 less parking spaces. Instead, four neighbourhood units (Class 1A and 3) have been incorporated which could allow for a variety of end users such as cafés, professional services, hairdressers, smaller retail units and other services which are appropriate to provide within a mixed use area.

2.9.4 A Sustainability Statement (Iceni Projects Limited, 2025) has been submitted with this application. This notes that where possible, recycled materials and those which come from renewable sources would be selected, noting that locally sourced materials and labour are the preference. In terms of renewable technologies, photovoltaic (PV) solar panels are proposed to generate renewable electricity on site. Air Source Heat Pump (ASHP) technology is also proposed, to serve the space heating and cooling demands of the proposed development.

2.9.5 In order to reduce internal water consumption within the proposed scheme, it is intended that fittings, including toilets, wash hand basins, sinks and cleaners' sluices, will be provided with water conservation devices. In addition, it is intended that all mechanical and electrical (M&E) installations that use water, such as heating, cooling, ventilation and sprinklers, will be closed-loop systems.

2.9.6 With regards to waste, the Sustainability Statement notes that in order to encourage a greater proportion of the operational waste to be diverted from landfill, it is proposed to provide dedicated spaces of sufficient size and convenient location for each of the proposed units. The waste management features would be incorporated into the development, to be located within the dedicated service yard.

2.9.7 The carbon impact of not utilising existing buildings was raised as a concern by an objector. However, as the Sequential Analysis has highlighted, there are no buildings available which are suitable for the proposed development.

2.9.8 The site is well connected by footways and cycleways adjacent to the nearby road network on Dunlin Drive, Pittsburgh Road and Greenshank Drive. There are existing bus stops on the Dunlin Drive frontage of the site; on Pittsburgh Road to the north of the site; and Dunlin Drive to the east of the site, all within a 400 metre walk distance of the site. The Sustainability Statement makes reference to this, noting the linkages to a range of local facilities which would be enhanced by the proposed footpaths which would provide access to the wider residential area of the settlement of Dunfermline. Similarly, a number of existing cycle facilities are present within the surrounding area, including Dunfermline East Circular (Route Code R651).

2.9.9 Overall, the proposal would be in line with the requirements of NPF4 Policies 1 and 2 and FIFEplan Policies 1 and 11 in terms of sustainability and is therefore acceptable in this regard.

## 3.0 Consultation Summary

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Urban Design, Planning Services

No objections, subject to conditions.

Land And Air Quality, Protective Services

No objection, subject to conditions.

Policy And Place Team (West Fife Area)	The larger unit would not be compatible with Policy 28 of NPF4 but the smaller units would be.
Natural Heritage, Planning Services	No objections, subject to conditions.
Town Centre Development Unit	Unsupportive.
Environmental Health (Public Protection)	No objections, subject to conditions.
Transportation And Environmental Services - Operations Team	No response.
Structural Services - Flooding, Shoreline And Harbours	No objections, subject to condition.
TDM, Planning Services	No objections, subject to conditions.
Trees, Planning Services	No objections, subject to condition.
Community Council	Objection.
Scottish Water	No objection.

## 4.0 Representation Summary

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4.1 There were 46 letters of objection received which noted:

Issue	Addressed in:
a. the proposal would be better located in a retail park	Section 2.2
b. detrimental traffic/road safety impact	Section 2.4
c. detrimental visual impact/out of keeping buildings	Section 2.3
d. loss of greenspace	Section 2.2
e. use of outdated/inadequate traffic data	Section 2.4
f. use of outdated noise data	Section 2.5
g. insufficient flood risk assessment	Section 2.6
h. impact on flooding/drainage	Section 2.6
i. additional traffic would worsen road quality	Section 2.4
j. existing empty unit should be used	Section 2.2
k. detrimental impact on natural heritage	Section 2.8
l. Increase in air pollution	Section 2.7
m. trees have already been removed from the site	Section 2.7
n. detrimental noise impact	Section 2.5
o. that the development would be car centric	Section 2.9
p. the site is unallocated, and the development is contrary to policy	Section 2.2
q. carbon impact of not using existing buildings	Section 2.9

4.2 Other comments received:

Issue	Comments:
a. The site would be better used for community use	Not material

b. Independent brands should be supported instead	Not material
c. The products sold are not environmentally friendly	Not material
d. There is no need/demand for the development	Not material
e. The jobs created would be minimum wage	Not material
f. Risk and safety concerns (unspecified)	Not material
g. Impact on nearby house prices	Not material
h. Litter	

4.3 There were 152 letters of support received, which noted that the development would:

- create jobs and investment in the area
- improve the visual quality of the site
- reduce travel time which would in turn benefit the environment
- provide more choice and affordability
- improve accessibility in the area
- be a good use of unused land
- be well located with good transport connections
- meet a need for retail in the area
- not have a detrimental traffic impact as it could be managed

## 5.0 Conclusions

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The proposed development would contribute to local living, as supported by Policy 15 of National Planning Framework 4 and the proposed neighbourhood units would encourage a broader range of retail and service provision which would better serve the local area, which is supported by Policy 25 of NPF4. In addition, the proposal would align with Policy 26 (Business and Industry) in that it would ensure that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services. Whilst it is noted that the proposal does not fully comply with Policies 27 and 28 of NPF4 in this instance, as there are tensions between the drive for local living and impact that this could have on town and local centres, the development would be acceptable overall due to the aforementioned positive impacts and as it is not considered that the development would have any significant detrimental impacts on existing retail centres. In addition, the development would be acceptable with regards to the principle of development, design and layout/visual impact, transportation/road safety, residential amenity, flooding and drainage, contaminated land and air quality, natural Heritage and trees and sustainability, subject to conditions.

## 6.0 Recommendation

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



## **CONDITIONS:**

1. Prior to commencement of works, site investigation results confirming assessment of the maximum groundwater level at the location of the underground attenuation features should be submitted to and approved in writing by Fife Council as Planning Authority. Should it become evident that the maximum groundwater level will impose heave force on the tank, then measures to counteract this should be submitted along with the relevant calculations for agreement. Once agreed, the approved measures should be implemented in full prior to any of the approved buildings on site coming into use.

Reason: To ensure that the drainage system operates effectively.

2. Prior to commencement of works, a detailed layout of the toucan crossing shall be submitted for the approval of Fife Council. The approved toucan crossing shall be provided and commissioned prior to any of the approved buildings on site coming into use.

Reason: To ensure the provision of adequate pedestrian and cyclist crossing facilities.

3. Prior to commencement of works, evidence should be provided to demonstrate that the National Air Quality Strategy objectives would not be exceeded during demolition, construction or normal site use following completion. The methodology shall be agreed with Fife Council as local planning authority, and it shall include an appropriate air quality impact assessment for the proposed development. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating the impacts for submission to and approval by Fife Council and thereafter implement it in accordance with said details before any work commences on site.

Reason: To protect air quality.

4. The recommendations within the Preliminary Ecological Appraisal Report (Wild Surveys Ltd, 2024), shall be adhered to before, during and after construction as applicable.

Reason: To ensure that natural heritage is protected and enhanced throughout the construction period and thereafter.

5. The recommendations within the Arboricultural Report, Tree Survey Schedule, Tree Survey and Constraints Plan and Tree Protection Plan (Langton Tree Specialists, 2025) shall be adhered to before, during and after construction, as applicable.

Reason: In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during (demolition) construction works.

6. Prior to the commencement of works, the risk of actual or potential land contamination at the site shall be investigated and a suitable Intrusive Investigation (Phase II Investigation Report) shall be submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local

planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland).

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

7. Prior to the opening of the first retail unit, the pathway connection to Fieldfare View shall be provided to the site boundary.

Reason: To ensure the provision of adequate pedestrian and cyclist crossing facilities.

8. Prior to opening of the first retail unit, all works on or adjacent to the public road shall be constructed in accordance with Making Fife's Places PPG and the current Fife Council Transportation Development Guidelines (Appendix G). This shall include the provision of a raised table (1 in 20 ramps) on the southern arm of the Dunlin Drive/Pittsburgh Road to provide a safe pedestrian/cyclist crossing point.

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

9. Prior to opening of the first retail unit, off street parking, including cycle and EV spaces, shall be provided in accordance with the approved details. The parking spaces shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities.

10. Prior to occupation of any building on site; confirmation that the approved SUDS has been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

Reason: To ensure the approved SUDS infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

11. The SUDS and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to occupation of any building on site; unless otherwise agreed in writing. Thereafter shall be retained and maintained for the lifetime of the development.

Reason: To ensure the effective management of surface water and to ensure that the required drainage works are carried out and operational at the required stage of the development.

12. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 6. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all work on site (save for site investigation work) 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 works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority. Unless otherwise agreed in writing with the 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 — or the approved revised Remedial Action Statement — and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

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

13. Prior to installation, full details of the proposed public art provision shall be submitted to and approved in writing by Fife Council as Planning Authority. The approved details shall then be installed on site within 3 months of the first unit being occupied.

Reason: In the interest of successful placemaking.

14. Further details of the proposed landscaping shall be provided for agreement by Fife Council as Planning Authority. The agreed landscaping scheme shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

15. All planting carried out on site shall be maintained by the developer (or a contractor of their behalf) in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

16. The main unit (Unit 1) shall not be occupied until Units 2-5 are completed in full and available for use/occupation.

Reason: In the interests of sustainable development; to ensure that the overall site provides a mix of uses.

17. IN THE EVENT THAT CONTAMINATION NOT 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.

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

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

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Sarah Hyndman, Planner

Report reviewed and agreed by Derek Simpson Lead Officer 9.6.25

**Committee Date: 18/06/2025**

**Agenda Item No. 6**

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**Application for Full Planning Permission**

**Ref: 24/01442/FULL**

**Site Address: Public Park Fere Gait Kincardine**

**Proposal: Erection of health and wellbeing centre (Class 1A) including formation of accesses with car parking, landscaping, air source heat pumps, substation and ancillary works**

**Applicant: Mr Ben Johnston, Victoria Hospital Hayfield Road**

**Date Registered: 6 June 2024**

**Case Officer: Sarah Hyndman**

**Wards Affected: W5R01: West Fife And Coastal Villages**

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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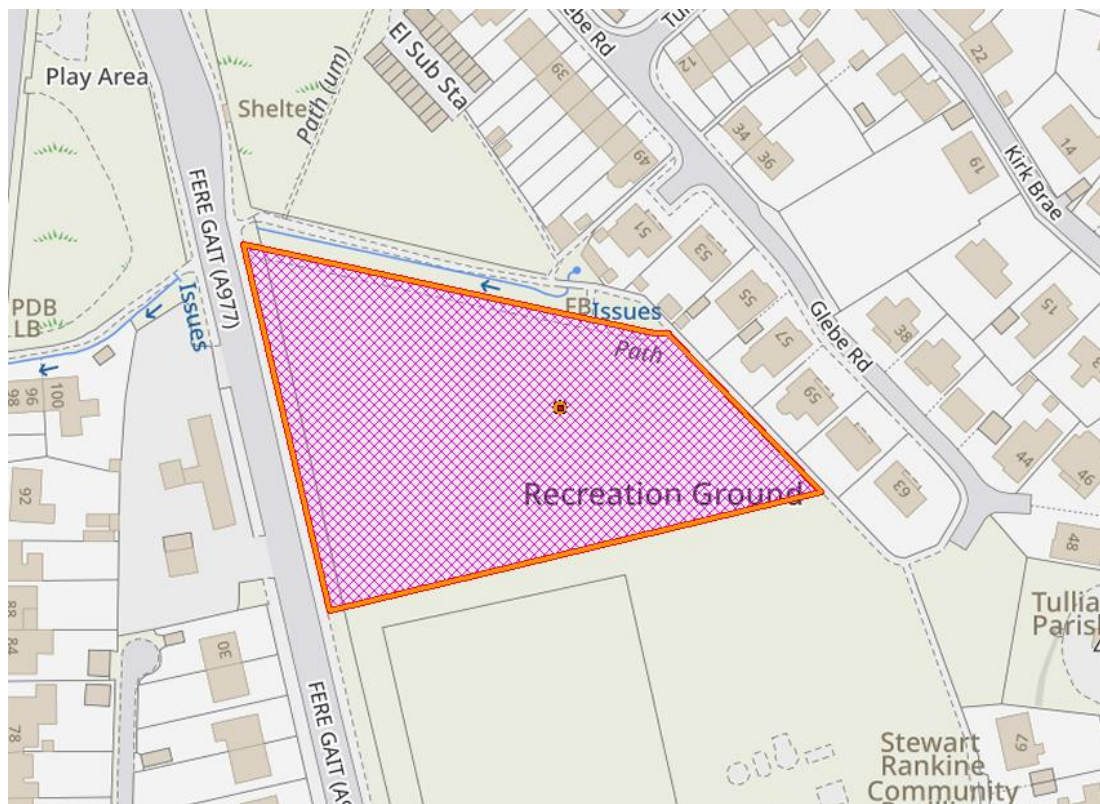
## **1.0 Background**

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### **1.1 The Site**

1.1.1 This application relates to an area of Protected Open Space within the Kincardine settlement envelope, as defined by the FIFEplan Local Development Plan (2017). The site is located to the north of Tulliallan Primary School and playing fields and measures approximately 0.8 hectares in total. The A977 (Feregait) bounds the site to the west, with a caravan sales dealership and residential properties beyond. The Protected Open Space extends to the north of the site, with a footpath and unnamed watercourse intercepting the areas from east to west. Residential properties are located to the east of the site and Tulliallan and Kincardine Church is located further to the southeast. The site is generally flat, with a slope up towards the eastern boundary. A band of trees lines the western boundary, which fronts the road.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application is for the erection of a health and wellbeing centre (Class 1A) including the formation of accesses with car parking, landscaping, air source heat pumps, a substation and ancillary works. The building would be located towards the east of the site in a central position, and the car parking would be located to the west, with two new accesses formed- one for entry and another for egress. The building would comprise of a single storey and would measure approximately 5.8 metres in height due to the proposed angular roof design. The building would also be irregularly shaped, measuring 60 metres in length from east to west and approximately 56 metres in length from north to south. There would be a feature canopy on the south elevation and a central courtyard area within the building.

## 1.3 Relevant Planning History

02/01771/WFULL - Formation of grass pitch, sports system playground, car park and footpath – Permitted with conditions on 15/08/02

04/03632/WFULL - Erection of 4 floodlight columns - Permitted with conditions on 11/01/05

99/01450/WFULL - Erection of a youth shelter with associated wall and earthmounds - Permitted with conditions on 15/02/01

07/01519/WFULL - Alterations and extension to sports changing pavilion to form disabled access ramp and alteration to roof profile - Permitted with conditions on 19/06/07

10/04476/FULL - Demolition and replacement of existing changing facilities with new modular building - Permitted with conditions on 07/06/11

22/03596/FULL - Erection of health and wellbeing centre (Class 2) and formation of access with car parking including associated landscaping and ancillary works – Withdrawn on 07/12/23

## **1.4 Application Procedures**

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

1.4.2 The application was advertised in The Courier on 20/06/2024 for neighbour notification purposes.

1.4.3 The Use Class in the description of the development has been updated from 'Class 2' to 'Class 1A' in line with The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023.

1.4.4 Under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development falls within Schedule 2 of the Regulations as an urban development project. The application threshold for this type of development is 0.5 hectares. The site measures approximately 0.8 hectares, therefore it was screened for EIA purposes. A screening assessment was carried out which determined that the characteristics of the development, the environmental sensitivity of its location and the characteristics of its potential impact would not require an EIA.

## **1.5 Relevant Policies**

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

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 9: Brownfield, vacant and derelict land

and empty buildings

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

Policy 10: Coastal development

To protect coastal communities and assets and support resilience to the impacts of climate change

Policy 13: Sustainable transport



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

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

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

**Policy 15: Local Living and 20 minute neighbourhoods**

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

**Policy 18: Infrastructure first**

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

**Policy 20: Blue and green infrastructure**

To protect and enhance blue and green infrastructure and their networks

**Policy 22: Flood risk and water management**

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

**Policy 23: Health and safety**

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

**Policy 27: City, town, local and commercial centres**

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

**Adopted FIFEplan (2017)**

**Policy 3: Infrastructure and Services**

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

**Policy 10: Amenity**

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

**Policy 1: Development Principles**

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

**Policy 6: Town Centres First**

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

**Policy 11: Low Carbon Fife**

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

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

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

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

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

### **National Guidance and Legislation**

#### **Supplementary Guidance**

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

demonstrating compliance with CO2 emissions reduction targets and district heating requirements;

requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

#### **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

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

#### **Planning Customer Guidelines**

Daylight and Sunlight

Minimum Distances between Window Openings

## **2.0 Assessment**

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### **2.1 Relevant Matters**

2.1.1 The issues to be assessed against the National Planning Framework, FIFEplan Local Development Plan and other material considerations are as follows:

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

## 2.2 Principle of Development

2.2.1 National Planning Framework 4 (NPF4) Policy 23 states that 'development proposals for health and social care facilities and infrastructure will be supported'. However, Policy 27 notes that 'Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces: i. will be supported in existing city, town and local centres, and ii. will not be supported out with those centres unless a town centre first assessment demonstrates that: • all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; • the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and • the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres'.

2.2.2 FIFEplan Local Development Plan Policy 1 (Part A) notes that development proposals will be supported if they conform to relevant FIFEplan policies and proposals. 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. Part B requires development proposals to avoid the loss of valuable cultural tourism and community resources and sport and recreation facilities. Policy 3: Infrastructure and Services does not support proposals where they would result in the loss of open space unless equivalent or better alternative provision will be provided; or the Council accepts there is local overprovision. Policy 10 notes that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of outdoor sports facilities, open space, green networks, protected **trees**, and woodland.

2.2.3 Kincardine Local Place Plan (2024) notes that 'Some of the limiting factors of living in Kincardine are existing facilities and services (e.g. the health centre), public transport and general maintenance of public spaces'. The plan identifies 'access to health services for everyone' as a priority for theme 3 which is Resources.

2.2.4 As the proposal lies within the settlement boundary for Kincardine as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. However, site is allocated in the FIFEplan Local Development Plan as Protected Open Space. National Planning Framework 4 states that development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.

2.2.5 NPF4 Policy 21 also notes that 'development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal: i. is ancillary to the principal use of the site as an outdoor sports facility; or ii. involves only a minor part of the facility and would not affect its use; or iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better-quality facility; or iv. can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.'

2.2.6 Objection comments have made reference to the loss of open space as a result of the development.

2.2.7 Fife's Greenspace Audit states the following, with reference to Kincardine, 'The average amount of greenspace within the town boundary is well below the Fife average. This would indicate very poor provision'. It should be noted, however, that the town boundary does not include Tulliallan wood, which would compensate for this to some extent. Of all greenspaces surveyed in Kincardine (6 in total), 5 were below the Fife average quality, with the only 'reasonable quality' greenspace being Fere Gait. The existing Fere Gait greenspace comprises of approximately 4.3 hectares in total and the proposed site would measure approximately 0.8 hectares, which would equate to less than 20% of the area. This particular part of the site is also less usable, given that the wider greenspace includes designated play equipment, a football pitch and sports court. Further to this, the Greenspace Audit notes that the percentage of properties having access of greenspace within 250m of their properties is good, which indicates that there is a good distribution in Kincardine.

2.2.8 The Planning Statement provides justification for the loss of Protected Open Space, noting that the proposed development would occupy approximately 20% of the area. In addition, it is noted that this part of the site is not used for organised sport activities. Lastly, the Supporting Statement considers that a new health and wellbeing centre for the community would represent a sufficient betterment in terms of quality and usability of the open space. The Planning Statement also notes that the existing health centre measures approximately 300 square metres and has now outgrown its current location. National Health Service Fife are striving to create a larger health and wellbeing centre that expands the current health services available to the community of Kincardine, and communities beyond.

2.2.9 SportScotland has been consulted on this application and noted that the proposed development site is categorised as an outdoor sports facility regardless of the small size. Multi-pitch sites such as these are considered in their entirety, otherwise pitch sites could be incrementally lost as a result of development proposals coming forward on this basis. However, SportScotland acknowledge that Kincardine Colts FC who operate the main full-size grass pitch have raised no issues around the proposed development and Tulliallan Primary School which uses the southern section of playing fields similarly have raised no objection. Neither of these playing field areas will be affected by the development. In addition, it is noted that the site is likely to cater for ad-hoc informal use. On balance, and subject to a condition to safeguard the existing pitch area to the east of the development site, SportScotland had no objections to the proposed development.

2.2.10 A sequential assessment of other potential sites within Kincardine Local Centre has been provided, which considered the Town Centre, the existing health centre, Kilbagie Street, Station Road, land to the west of the school, the Kincardine eastern expansion site and finally the chosen site. The Town Centre, existing health centre, Kilbagie Street and Station Road sites were discounted as these would not be large enough to accommodate the building, the associated car park and any future expansion. The land to the west of the school was discounted, as this is required for any potential future expansion of the school. The Kincardine eastern expansion site was also discounted, as NHS Fife considered this to be too far from the town centre. The Fere Gait site was chosen on this basis.

2.2.11 Fife Councils Policy and Place team were consulted on this application and confirmed that whilst the proposal would result in a loss of greenspace, there would not be a significant detrimental impact on the overall quality of play provision within Kincardine and the proposal would introduce a positive community benefit.

2.2.12 Fife Councils Town Centre Development Unit do not object to the application. The team noted that the proposal would be located out with the Local Shopping Centre area, therefore not fully compliant with Policy 27 of NPF4, however the team are in agreement with the justification provided within the sequential assessment..

2.2.13 Given that only part of the overall Protected Open Space would be lost as a result of the development, the need for a health and wellbeing centre in Kincardine and support from NPF4 for health and social care facilities and infrastructure, the loss of Protected Open Space is considered to be acceptable in this instance. The sequential assessment also highlights why this site is the most appropriate in Kincardine, as it is centrally located and would be large enough to accommodate the building, the associated car park and any future expansion. The overall acceptability of such a development must however also meet other policy criteria and these issues are considered in detail below.

## **2.3 Design and Visual Impact**

2.3.1 Policy 14 of NPF4 (National Planning Framework 4) 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 FIFEplan (2017) apply regarding design and visual impact. Policy 1 of FIFEplan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area.

2.3.3 Objection comments have made reference to the detrimental visual impact as a result of the development.

2.3.4 The building would comprise of a single storey and would measure approximately 5.8 metres in height due to the proposed angular roof design. The building would also be irregularly shaped, measuring 60 metres in length from east to west and approximately 56 metres in length from north to south. The height, scale and mass of the building would be contextually acceptable, given the buildings in the surrounding area which includes a mix of scales and typologies.

2.3.5 There would be a feature canopy on the front (south) elevation and a central courtyard area within the building. All sides of the building would be activated with doors and windows of varying shapes and sizes which would add visual interest. The materials would also be varied and of high-quality including light grey/buff facing brick, aluminium doors/windows and timber cladding.

2.3.6 The Landscape Layout Plan demonstrates that there would be high quality block paving to the front of the building and within the central courtyard area. There would be pathways created within the site which would enhance connectivity to the wider area. Shrubs would be

planted throughout the site and wildflower grass would be located between the pathways and the building, which would be a welcoming feature.

2.3.7 Overall, the siting of the proposed building and use of high quality finishing materials would ensure that the proposal would integrate well within the site and surrounding area. The addition of landscaping and planting as part of the wider site would also improve the appearance of the area. As such, the development would be in accordance with NPF4 and FIFEplan with regard to visual amenity.

## **2.4 Residential Amenity**

2.4.1 Policy 23 of NPF4 (Health and Safety) notes that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.4.2 Adopted 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. Proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality; contaminated and unstable land; noise, light and odour pollution or other nuisances; traffic movements; loss of privacy, sunlight and daylight; construction impacts; or a visual impact of a development on the surrounding area.

2.4.3 Objectors highlighted concerns with additional noise and artificial light impact as a result of the development.

2.4.4 Noting that there are residential properties within the vicinity of the site, conditions would be attached to the consent in order to limit the noise impact of construction works or any plant/machinery during the operational phase.

2.4.5 Given the location of the proposed single storey building, which would be located approximately 25 metres from the closest property, there would be no significant impact with regard to daylight/sunlight or the privacy of surrounding properties.

2.4.6 The site is within a largely built-up area, therefore there will be some level of light pollution as it stands. However, if after completion of the development there are complaints of nuisance, the Public Protection team are duty bound to investigate.

2.4.7 Overall, the proposal would be acceptable in terms of residential amenity, subject to the aforementioned conditions.

## **2.5 Transportation/Road Safety**

2.5.1 Policy 13 of NPF4 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. Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal.

2.5.2 FIFEplan Policy 3 requires development to incorporate measures to ensure that it will be served by adequate infrastructure and services. This includes local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance.

2.5.3 Concerns with traffic/road safety as a result of the development was raised by objectors.

2.5.4 Transport Statement (Goodson Associates, 2024) was submitted in support of the application, which considered the existing transport conditions, the proposed development and travel characteristics, the proposed traffic impact and measures to support the proposed development. The TS notes that the principal aim is to ensure that accessibility to the site by foot, by cycle and by public transport is maximised and that any trips made by car can be accommodated by the existing road network without detriment to existing users. The number of proposed parking spaces would be 80% of the Fife Council requirements (48 instead of 60), as NHS Fife have confirmed that under their new working practices the consulting rooms are designed to be utilised at 80% capacity. The 20% is for flexibility purposes, should specific types of medical services be offered on specific days. The TS concluded that the development could successfully be integrated into the local area.

2.5.5 Fife Council Transportation Development Management have been consulted and have advised that whilst the shortfall in parking is accepted in this case, there are concerns regarding the lack of suitable pedestrian routes to the proposed health centre from the northeastern part of Kincardine. Accordingly, it was requested that options to upgrade the pedestrian routes through the open space area between Kirk Street and the application site were explored. This matter was not resolved; however, a condition is proposed to require the upgrading of the path which runs through the site from Feregait (west) to Glebe Road (east).

2.5.6 Transport Scotland has been consulted on this application, due to the proximity of the site to the A977 Trunk Road. Conditions were recommended by Transport Scotland to ensure that vehicles entering/exiting the site can do so safely and to ensure that the existing drainage network would not be affected.

2.5.7 Subject to the aforementioned conditions to secure upgrades to surrounding pedestrian links, the proposal would be acceptable with regards to transportation and road safety.

## **2.6 Flooding And Drainage**

2.6.1 Policy 10 (Coastal development) of NPF4 states that ‘development proposals in developed coastal areas will only be supported where the proposal: i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and ii. is anticipated to be supportable in the long-term, taking into account projected climate change.’ Policy 22 A (Flood risk and water management) states ‘development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice’. Policy 22 also states, amongst other criteria, that 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.

2.6.2 Policy 1 Part B (8) and Part C (5) OF FIFEplan requires flooding and impacts on the water environment to be avoided and sites to provide sustainable urban drainage systems with relevant drainage strategies. Policy 12 of the Adopted Local Development Plan states that development proposals will only be supported where they can demonstrate that they will not increase flooding or flood risk; will not reduce the water conveyance and storage capacity of a functional flood plain; will not detrimentally impact on ecological quality of the water environment; will not detrimentally impact on future options for flood management; will not

require new defences against coastal erosion or coastal flooding; and will not increase coastal erosion on the site or elsewhere.

2.6.3 Objectors have raised concerns with regards to flooding as a result of the development.

2.6.4 Scottish Environmental Protection Agency (SEPA) flood maps indicate that the site is partly at risk of river flooding to the north and east from the unnamed watercourse. However, this appears to be culverted along the eastern side. There is also some risk of surface water and coastal flooding to the west of the site.

2.6.5 A Drainage Strategy Report (Goodson Associates, 2024) was submitted, which states that surface water runoff from new areas of hardstanding would be attenuated to the required discharge limit. The outfall would discharge to a natural watercourse through filter trenches. Source control SUDS features would be provided to remove course solids and silts, and treatment by permeable paving to parking areas would be included prior to discharge from the site.

2.6.6. A section drawing has been provided, which demonstrates that there would be some cutting of the site on the eastern side, to ensure a more level surface. There would also be a small degree of land raising in the central area.

2.6.7 Scottish Environmental Protection Agency (SEPA) were consulted on this application and advised that the design coastal level that has to be avoided is 5.61m AOD, which represents the flood risk area (i.e., the 200-year + Climate Change flood level). This means that the footprint of the building requires to be located on land that is higher than this. The finished floor level (FFL) should ideally be a further 600mm higher than this, to allow for uncertainties. Whilst a small part of the building would be within the flood risk area (below 5.61m AOD), the agent has demonstrated that the finished floor levels would be above this by over 600mm (6.25m AOD), as required by SEPA. Despite this, SEPA have objected given that part of the building would be within the flood risk area.

2.6.8 It should be noted that the flood modelling is based on a worst-case scenario, in which case there would be significant flooding to large parts of Kincardine. In such an event, only the parking and vehicles access points would be impacted, when assessed against SEPAs Future Flood Maps.

2.6.9 Fife Councils Structural Services team was consulted on the application and confirmed that there were no objections to the application on flooding or surface water management grounds. Scottish Water was also consulted and confirmed that there were no objections to the proposal.

2.6.10 Given the above, whilst the proposal would not explicitly comply with Policy 22 of NPF4 and SEPA have objected, it has been demonstrated that safe pedestrian access/egress would be possible to the east of the site in a flood event. In addition, the need for a health and wellbeing centre in Kincardine overrides the flooding concerns in this instance, as demonstrated by the sequential assessment which has identified this as the best and most viable option. On balance, therefore, the proposal would be acceptable with regards to flooding and drainage.

2.6.11 As SEPA has objected to the application, if the Committee is minded to agree with the approval recommendation, the Planning Authority must notify the application to Scottish Ministers prior to determination of the application. Scottish Ministers will review the application and either return it to the Planning Authority for determination or call it in and determine the application themselves.

## **2.7 Contaminated Land and Air Quality**



2.7.1 Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 notes 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. 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.

2.7.2 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.

2.7.3 The detrimental impact on air quality/pollution as a result of the proposal was highlighted as a concern of objectors.

2.7.4 A 'Remediation Method Statement' (Goodson Associates, 2024) has been submitted with this application and reviewed by Fife Councils Land and Air Quality team. The team are generally satisfied with the information provided and have requested that a Verification Report should be submitted for approval once development works are complete and prior to the building coming into use. As such, this would be conditioned.

2.7.5 An Air Quality Impact Assessment was not carried out with this application, as it was considered to fall below the requirement threshold. Fife Councils Land and Air Quality team are in agreement with this.

2.7.6 Subject to the aforementioned conditions, the proposal would be acceptable in terms of contaminated land and air quality.

## **2.8 Natural Heritage and Trees**

2.8.1 Policy 3 (Biodiversity) of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 of NPF4 (Natural places) aims to protect and restore natural places. In addition, natural assets are to be managed in a sustainable way that maintains and grows essential benefits and services. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

2.8.2 Objectors have raised concerns with potential adverse impacts on ecology as a result of the development.

2.8.3 A Baseline Ecological Survey (Heritage Environmental Limited, 2021) was submitted with this application, which concluded that otter, badger, bat and water vole did not present a constraint to the proposed development and no mitigation/compensation is required. Similarly, great crested newt also do not present a constraint to the proposed development and no mitigation or compensation measures are required. However, it was noted that a breeding bird nest check should be undertaken to ensure legal compliance, should development activities (including site clearance and ground investigation works) be proposed within the breeding bird season of March - August (inclusive). In addition, it was recommended that any in-stream works, or works in close proximity to the unnamed watercourse should be overseen by an Ecological Clerk of Works (ECoW), should consent be granted, amongst other mitigation measures.

2.8.4 A Biodiversity Enhancement Statement (Hirst Landscape Architects, 2024) was submitted, which states that the site currently comprises of managed amenity grassland with a few mature/early mature trees along the western boundary of the site. The Phase 1 Habitat Survey

(conducted in July 2021) notes that the site supports Phase 1 vegetation types of Negligible Value and Local Value that do not present any constraints to the proposed development. The Statement recommends biodiversity enhancement measures such as tree/hedge planting, bird/bat boxes and wildflower grass seeding.

2.8.5 The Landscape Layout drawing indicates that three trees would be removed to facilitate access to the site. However, protection measure would be undertaken to ensure that all other trees would not be adversely affected as a result of construction. Numerous trees, hedges, shrubs, bulbs and perennials would be planted to mitigate the loss of the trees, which would provide a betterment given the proposed quantity and variety.

2.8.6 Fife Councils Natural Heritage Officer was consulted on this application and confirmed that whilst the ecology survey is beyond its standard lifespan, given the limited habitats on the site, survey renewal would not add anything to the submission. The biodiversity enhancement strategy is deemed appropriate, and the supplementary Landscape Layout Plan includes a good range of native planting. As such, there were no objections noted.

2.8.7 Fife Councils Tree Officer was consulted on this application and noted that all required information pertaining to tree impact, protection, and planting is accounted for, therefore the application is supported.

2.8.8 Given the above, the proposal could be acceptable with regard to natural heritage and trees, subject to conditions which would ensure that the recommendations of the Ecology Survey and Biodiversity Enhancement Statement are adhered to. In addition, conditions to ensure that the proposed planting is installed/maintained and the existing trees are protected would also be required.

## **2.9 Low Carbon/Sustainability**

2.9.1 Policy 1 of NPF4 (Tackling the climate and nature crises) notes that 'significant weight' will be given to the global climate and nature crises when considering all development proposals. In addition, development that addresses the global climate emergency and nature crisis should be encouraged, promoted and facilitated. Policy 2 of NPF4 (Climate mitigation and adaptation) aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

2.9.2 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 proposals meet the criteria set out within the policy. Small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal. 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.

2.9.3 A Low Carbon Checklist and Energy Strategy were submitted with the application, which notes that Air Source Heat Pumps and Photovoltaic (PV) panels would be utilised. The use of energy generating technologies is welcomed. The location of the development has the potential for use of sustainable transport methods such as walking and cycling, subject to the use of a condition to upgrade nearby connections, as noted in section 2.6 of this report.

2.9.4 Overall, the proposal would be acceptable in terms of low carbon and sustainability, subject to the aforementioned condition relating to active travel.

### 3.0 Consultation Summary

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Scottish Water	No objection.
Scottish Environment Protection Agency	Objection.
Structural Services - Flooding, Shoreline And Harbours	No objection.
TDM, Planning Services	Conditions recommended.
Land And Air Quality, Protective Services	Conditions recommended.
Transport Scotland	Conditions recommended.
Natural Heritage, Planning Services	Conditions recommended.
Trees, Planning Services	No objection.
Policy And Place Team (West Fife Area)	No objection.
SportScotland	Condition recommended.
Town Centre Development Unit	No objection.
Parks Development And Countryside	No response.
Urban Design, Planning Services	No objection.
Asset And Facilities Management Services	No response.
Community Council	Supportive.

### 4.0 Representation Summary

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4.1 Three objection comments have been submitted, and three support comments have been submitted, including one from Kincardine Community Council as a Statutory Consultee.

#### 4.2 Material Planning Considerations

##### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. loss of open space	2.2
b. detrimental visual impact	2.3
c. traffic/road safety impacts	2.6
d. pollution	2.8
e. noise	2.5
f. artificial light impact	2.5
g. ecological impact	2.9
h. flooding impact	2.7

#### 4.2.2 Support Comments

Issue	Addressed in Paragraph
a.The need for the facility was highlighted.	2.2

#### 4.2.3 Other Concerns Expressed

Issue	Comment
a. additional litter	Not material
b. noise from additional foot traffic	Not material

## 5.0 Conclusions

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The application has attracted an objection from Scottish Environmental Protection Agency (SEPA) as a statutory consultee on the grounds of flooding. However as the building would not be a risk of flooding and safe pedestrian egress in the event of flood has been provided, it is considered that the benefits of a health and wellbeing centre for the Kincardine community, would outweigh this issue.. On balance, therefore, the proposal would be acceptable and in compliance with all other matters including the principle of development, design/visual impact, residential amenity, transportation/road safety, contaminated land/air quality, natural heritage/trees and low carbon/sustainability, subject to conditions.

## 6.0 Recommendation

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

### **CONDITIONS:**

1.Prior to commencement of development, a revised Remedial Action Statement shall be submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland).

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

2.The recommendations within the Baseline Ecological Survey (Heritage Environmental Limited, 2021), shall be adhered to before, during and after construction as applicable.

Reason: To ensure that natural heritage is protected and enhanced throughout the construction period and thereafter.

3.A safeguarding scheme which protects the existing pitch area, and access to it, to the south of the application site during the construction period shall be submitted for the written approval of the planning authority prior to the commencement of development. The approved scheme shall be implemented for the duration of the construction period.

Reason: To protect the pitch and access for users.

4.Before any development commences on site, a Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to Fife Council as Planning Authority, for prior written approval. The approved measures shall then be followed in full on site during the construction period. For the avoidance of doubt, the CTEMP shall include details of the construction hours, traffic routes and wheel cleaning facilities and consider all potential impacts on surrounding residential properties, potential impacts on local ecology and how these impacts shall be mitigated.

Reason: In the interest of protecting residential amenity, road safety and ecology; to ensure adequate measures are put in place during the construction period to avoid any significant impacts.

5.NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 1. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all work on site (save for site investigation work) 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 works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority. Unless otherwise agreed in writing with the 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 — or the approved revised Remedial Action Statement — and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

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

6. Prior to the health centre use commencing, there shall be provided within the curtilage of the site 4 covered and secure cycle parking spaces in accordance with the current Fife Council Making Fife's Places Appendix G. The parking spaces shall be retained for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities.

7. Prior to the health centre use commencing, there shall be provided within the curtilage of the site a total of 48 car parking spaces, including 3 accessible parking spaces and 5 electric vehicle charging spaces, in accordance with the current Fife Council Making Fife's Places Appendix G. The parking spaces shall be retained for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities.

8. Prior to the health centre use commencing; confirmation that the approved SUDS has been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

Reason: To ensure the approved SUDS infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

9. Prior to the health centre use commencing; the path which runs through the site from Feregait (west) to Glebe Road (east) shall be upgraded. The upgrades shall include the addition of streetlighting and resurfacing the path. Details of the upgrading works shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason: In the interest of pedestrian safety; to ensure the provision of adequate walking facilities.

10. The SUDS and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to the health centre use commencing; unless otherwise agreed in writing. Thereafter shall be retained and maintained for the lifetime of the development.

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

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

Reason: To ensure that the efficiency of the existing drainage network is not affected.

12. The approved landscaping scheme shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

13. All planting carried out on site shall be maintained by the developer (or a contractor of their behalf) in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

14. IN THE EVENT THAT CONTAMINATION NOT 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.

15. The total noise from all plant, machinery or equipment shall comply with NR 25 in bedrooms during the night, and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property with windows open for ventilation. If the planning authority consider there is a discernible tone contained within the noise source, then the NR curves shall be reduced to NR 20 and NR 25, respectively. For the avoidance of doubt, daytime shall be within the hours of 07:00 - 23:00 and night time shall be 23:00 - 07:00 hours.

Reason: In the interests of amenity; to ensure adequate mitigation of noise.

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

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

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Sarah Hyndman, Planner

Report reviewed and agreed by Derek Simpson, Lead Officer, 9.6.25.



Committee Date: 18/06/2025

Agenda Item No. 7

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**Application for Approval Required by Condition(s)**      **Ref: 24/02689/ARC****Site Address:**                      **Land At Calais Muir Wood Sandpiper Drive Dunfermline****Proposal:**                      **Approval of Matters Specified by Condition 1 (A-T) of planning permission in principle 20/00774/PPP for a mixed-use development including Class 4 (Business), 5 (General Industrial) and 6 (Storage & Distribution) with associated landscaping, access, parking, drainage and other infrastructure****Applicant:**                      **C+W Assets Limited, 28 Cramond Road South Edinburgh****Date Registered:**              **25 October 2024****Case Officer:**                  **Scott Simpson****Wards Affected:**              **W5R04: Dunfermline South**

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

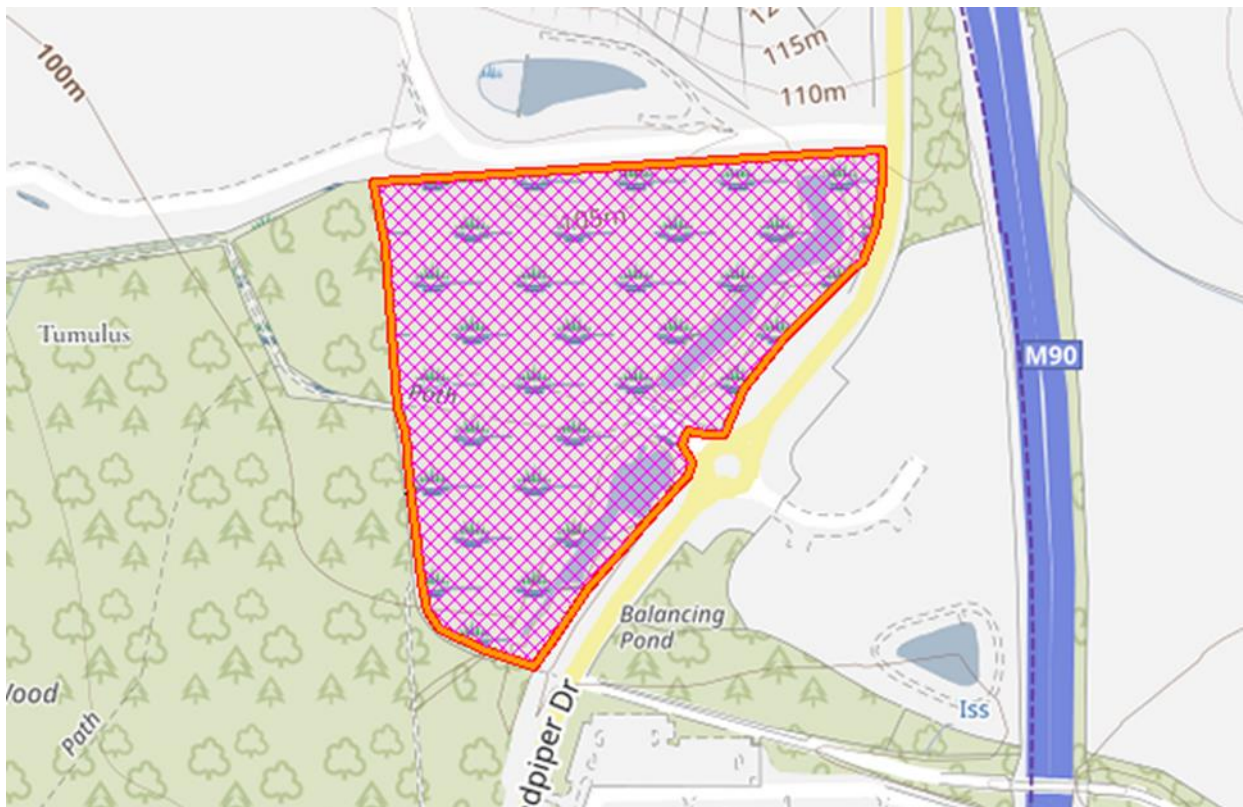
1.1.1 The application site relates to an existing open space area measuring approximately 6.8 hectares which is located on Sandpiper Drive and within the Dunfermline Settlement boundary as designated within the Adopted FIFEplan (2017) (LDP). The site is surrounded by Sandpiper Drive to the east, an existing public footpath and Calais Muir ancient woodland to the west with a narrow woodland strip to the north and east. The site comprises of scrubland, trees and informal dirt tracks and access into the site is taken from Sandpiper Drive to the east. The site is triangular in shape with much of the area being open, rough grassland which is being colonised by scrub cover. There are two ponds on the eastern side of the site which run parallel to Sandpiper Drive and the access road runs between these ponds. The site is mostly flat with the pond surroundings having steep banks which are densely populated by trees and thorny scrub. The closest residential properties are located approximately 500 metres to the north-west of the site on Roe Deer Place with an Amazon distribution warehouse located

approximately 130 metres to the south-east of the site. Dunfermline Learning Campus is also located to the north of the site.

1.1.2 The land to the north and north-west of the site is allocated as a development opportunity site within the Adopted FIFEplan (2017) and planning permission has been granted for numerous applications on these areas (see section 1.3 below). The area to the north (DUN 058 - Carnegie Campus 4) is allocated for employment, education, hotel, retail, and residential uses whilst the area to the east (DUN 056 - Calais Muir (North)) is allocated for employment uses (Classes 4, 5 and 6). Calais Muir Wood to the west is identified as Ancient Woodland and a Wildlife Site and is subject to a Tree Preservation Order Area designation (W0051). None of the trees within the application site are subject to a Tree Preservation Order, whilst the area of trees surrounding the two watercourses are semi-natural woodland. The land is potentially contaminated due to the historic land use of the site including being within 250 metres of a landfill site and due to mining and quarrying. The areas to the west and north of the application site and the eastern portion of the site (approximately 2.19 hectares), which comprises of the two ponds and access unto the site, is designated as Protected Open Space and a green network asset (1310) within the LDP. The site is also part of the Calais Muir Green Network Area (DUNGN07) as per the LDP.

1.1.3 The site is allocated as an employment opportunity site (DUN 051- Axis Point) in the LDP with an overall site area of 5.3 hectares. This allocation states that new development should be restricted to classes 4 (business), 5 (general industrial) and 6 (storage and distribution) and the proposal also requires a 6-metre buffer strip between any development and the watercourse, and a protective strip between the development and the ancient woodland area to ensure no detriment to the woodland. A claimed right of way (FD83) runs from west to east through the southern part of the site with core paths (Gypsy Lane to North Duloch (P651/02 and P647/02) and Dunfermline East Circular (P651/02) also located on the western, southern and eastern side of the application site. These core paths do not cross the application site but follow the existing public footpath which runs around the southern, western, and eastern part of the site. A cycle path (14656) runs along the existing footpath on Sandpiper Drive to the east. The site is not easily visible due to the trees which surround it.

#### 1.1.4 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application is for approval of matters specified by condition 1 (A-T) of planning permission in principle 20/00774/PPP for a mixed-use development including Class 4 (Business), 5 (General Industrial) and 6 (Storage & Distribution) with associated landscaping, access, parking, drainage and other infrastructure.

1.2.2 The site layout shows 9 separate buildings on the site with floor areas measuring between approximately 935 and 3170 square metres with a total overall floor area of approximately 13,860 square metres. These units would be served by an internal access road and dedicated car parking areas adjacent to each building along with cycle parking and electric vehicle charging points. A pedestrian footpath network is also proposed within the site and connection points are shown between units 5 and 6 to the development site to the north with a connection to the existing public footpath to the west also shown between units 2 and 3. A protective buffer strip of a minimum of 15 metres would be created between the western side of the buildings and the ancient woodland, whilst, a minimum 10 metres protective buffer strip is proposed between the buildings and the existing watercourses. Access into the site would be taken from Sandpiper Drive to the east from the existing roundabout.

1.2.3 The proposed buildings would be typical industrial style buildings with a mixture of finishing materials including anthracite grey vertical trapezoidal panes, silver coloured vertical micro-rib cladding panels, anthracite grey colour doors, vertical feature panels coloured grey, white, dark grey and bronze cladding on different parts of the building, a facing brick basecourse, anthracite grey coloured glazed windows and doors. All the buildings would have pitched roofs clad in composite trapezoidal roofing panels and would have roof ridge heights of between approximately 8.4 and 9.7 metres high. Each unit would also have a dedicated solar panel array on their roof plane.

1.2.4 The proposed surface water management scheme on the site would include a SUDS detention basin located within the central area of the site with all surface water run-off from the

development discharging to the existing wetland ponds/partially culverted ditch on site with the rate of this surface water run-off attenuated to the required levels. A series of underground drainage pipes are also proposed within the site. The foul water generated as a result of the proposal would connect to an existing sewer at the south-east corner of the site with the adoptable system extended from Sandpiper Drive to within the site. The proposal would also connect to the public water supply network.

### **1.3 Relevant Planning History**

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

- Planning permission in principle (20/00774/PPP) for mixed use development including Class 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution) was approved with conditions on 28<sup>th</sup> October 2021.
- A proposal of application notice (19/01351/PAN) for construction of industrial development (with Use Class 4 (Business) 5 (General Industrial) and 6 plus associated roads, car parking and infrastructure was agreed on 21<sup>st</sup> May 2019.
- 19/03581/FULL - Installation of surface water outfall pipe (amendment to route of pipe previously approved in planning permission, reference 19/01730/FULL) - PERC - 07/02/20
- 21/03949/FULL - Formation of embankment (part retrospective) - PER - 14/04/22

1.3.2 A number of planning permissions have also been granted on the allocated Halbeath Interchange site (DUN 05) to the north. These include the following:

- Planning permission in principle (20/03250/PPP) for a mixed-use development including residential units and assisted living apartments (Class 9); college, two high schools and nursery (Class 10); care home (Class 8); pub/restaurant (Class 3); coffee drive thru and a petrol filling station (Sui Generis) was approved with conditions on 14th May 2021. An ARC application (21/01809/ARC) relating to condition 1 (k,l,m) and 23 of 20/03250/PPP for formation of access, link road, footpaths, cyclepaths and school car park, associated SuDS and drainage infrastructure and site engineering for the Dunfermline Learning Campus was approved with conditions on 2nd September 2021. An ARC application (21/02328/ARC) relating to conditions 1 (f,n,o) and 5 of 20/03250/PPP for design framework for education land (Dunfermline Learning Campus) and erection of Class 10 (Non-Residential Institutions) college buildings and sports hall, and formation of vehicular access, car parking, landscaping, civic amenity space, footpaths and associated infrastructure is currently pending consideration. An ARC application (21/02646/ARC) relating to condition 1 (g, m, n) of 20/03250/PPP for erection of two high schools (Class 10) and formation of associated sports pitches, landscaping, and footpaths, erection of floodlighting, formation of vehicular access and associated infrastructure is currently pending consideration.
- A section 42 application (14/00809/PPP) to vary condition 1 (net developable areas for uses) of 11/04948/PPP was approved with conditions on 20th June 2014. An ARC application (16/03359/ARC) relating to condition 2 (a) and (b) (masterplan/phasing documents) of 14/00809/PPP was approved with conditions on 24th November 2016 and a further ARC

application (19/03679/ARC) relating to condition 2 (b) (masterplanning/phasing documents) of 14/00809/PP was approved with conditions on 19th March 2020. An ARC application (21/00528/ARC) for phase 2 of residential development of 193 residential units (approval on conditions 2(d) of 14/00809/PPP) was approved with conditions on 5th August 2021 and an ARC (15/01159/ARC) application for Phase 1 of residential development of 225 residential units (Approval of condition 2(d) of planning permission 14/00809/PPP) was approved with conditions on 18th September 2015.

- Planning permission in principle (11/04948/PPP) for a mixed-use development for classes 1 (retail), 4 (business), 5 (general industrial), 6 (warehousing and distribution), 7 (hotel), 9 (residential) and 10 (education) with on-site installation of renewable energy plant was approved with conditions and subject to a legal agreement on 17th January 2014. An ARC application (14/00685/ARC) for approval of matters specified by conditions (AMSC) 2 (a, b, c, k, l, m) 7, 8 and 21 of planning permission 11/04948/PPP for pre-commencement masterplanning documents was approved with conditions on 16th July 2014. A further ARC application (14/04233/ARC) relating to condition 2b of 11/04948/PPP (amendment to 14/00685/ARC) was approved on 5th March 2015.

## **1.4 Application Procedures**

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

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

1.4.3 The proposed development comprises development on a site area greater than 2 hectares and is, therefore, classified as a Major Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

1.4.4 A physical site visit was undertaken for the associated PPP on 16<sup>th</sup> August 2021, and it was not considered necessary to re-visit the site. All other necessary information has been collated digitally, and drone footage was also produced in October 2021 to allow the full consideration and assessment of the proposal.

1.4.5 This application was advertised in The Courier newspaper on 31<sup>st</sup> October 2024. Objector to the associated PPP were also notified of this application on 25<sup>th</sup> October 2024.

1.4.6 An Environmental Impact screening was carried out for the associated PPP on 2nd July 2020 as per the Environmental Impact Assessment (Scotland) Regulations 2017. Fife Council (as Planning Authority) adopted the opinion that the proposal did not require an Environmental Impact Assessment.

1.4.7 As an AMSC application, this proposal needs to receive a formal permission, but it is not in itself planning permission. Any permission granted for this proposal must be read entirely in accordance with the terms of the PPP approval (20/007744/PPP).

## **1.5 Relevant Policies**

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

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

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

#### **Policy 2: Climate mitigation and adaptation**

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

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

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

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

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

#### **Policy 6: Forestry, woodland and trees**

To protect and expand forests, woodland and trees.

#### **Policy 9: Brownfield, vacant and derelict land and empty buildings**

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

#### **Policy 12: Zero Waste**

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

#### **Policy 13: Sustainable transport**

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

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

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

#### **Policy 18: Infrastructure first**

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

#### **Policy 19: Heat and cooling**

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

#### Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks.

#### Policy 22: Flood risk and water management

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

#### Policy 23: Health and safety

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

#### Policy 26: Business and industry

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

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

#### Policy 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 5: Employment Land and Property

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

#### Policy 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

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

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

#### Policy 13: Natural Environment and Access

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

#### **Policy 14: Built and Historic Environment**

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

### **National Guidance and Legislation**

#### **PAN (Planning Advice Note) 1/2011**

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

### **Supplementary Guidance**

#### **Supplementary Guidance: Low Carbon Fife (2019)**

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

#### **Supplementary Guidance: Making Fife's Places (2018)**

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

### **Planning Policy Guidance**

#### **Planning Policy Guidance: Development and Noise (2021)**

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

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

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

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

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

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

This guidance advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.



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

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

## **Other Relevant Guidance**

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

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

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development/Compliance with 20/00774/PPP
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land
- Air Quality
- Natural Heritage including impact on Trees, Protected Species, Wildlife Habitats and Biodiversity Enhancement
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Public Art
- Core Paths/Right of Way
- Waste Management

### **2.2 Principle of Development/Compliance with 20/00774/PPP**

2.2.1 Objections state that the proposal would result in the loss of green and open space, whilst the site should be located on a brownfield site elsewhere. They also state that there is no demand for industrial units within the area and the economic and environmental landscape has changed since 2021. A supporting letter state that the proposal is a really good idea and will bring jobs and business to the area.

2.2.2 The principle of this development, including the loss of the open space, for a mixed-use of Classes 4 (light Industry), 5 (General Industrial) and 6 (Storage and Distribution) with associated access, parking, drainage and other infrastructure cannot be revisited as it has already been established with the approval of the associated application for PPP (20/00774/PPP). The site is also allocated within the LDP as an employment opportunity site (DUN051 – Axis Point). The proposal, however, must comply with the conditions set out in the associated PPP decision

(20/00774/PPP) to be considered acceptable. In this regard, the current application has been submitted under conditions 1 (a) to (t) of application reference 20/00774/PPP and these set out the detailed plans and information which are to be submitted to allow a full detailed assessment of the proposal to be carried out. Overall, this application has met the information submission requirements for the relevant conditions, where appropriate, and these matters are assessed in more detail below and within subsequent sections of this report of handling.

## **2.3 Design and Layout/Visual Impact**

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

2.3.2 Condition 1 of the associated PPP sets out the detailed plans and information which requires to be submitted in this regard and where relevant. This includes a proposed site plan, sections, and elevations of all buildings, finishing materials, a landscaping scheme and a Design and Access Statement.

2.3.3 Condition 1 (d) of the associated PPP requires that a Design and Access Statement (DAS) is submitted, and this condition advises that the following matters should be addressed within the submission:

- the statement should demonstrate how the visual impact of the northern part of the site can be reduced when viewed from the link road to the north i.e. through landscaping or an active site edge presented to this key movement route.
- The building units should contribute positively, in terms of their design, fenestration, materials etc, to the character and distinctiveness of the site, particularly as they relate to Sandpiper Drive, the site entrances and the landscaped areas/water features if able to be viewed from the movement route to the north.
- The landscape strategy for the site should ensure that the eastern part of the site presents an attractive edge to Sandpiper Drive and any landscaping scheme should ensure that any SUDS basin/ponds contribute positively to the character and distinctiveness of the area. The landscape strategy should also include the provision of outdoor space or access to alternative outdoor space including facilities such as benches and table for employees to spend breaks. Boundary treatments should be carefully considered and should be visually appropriate and should not detract from the character of the area.
- The entrance to the site should be carefully considered in terms of building design, layout, landscaping and public art so that it makes a positive visual and landscape contribution.
- 3D visualisations and relevant photomontages from relevant viewpoints (as agreed with this Planning Authority) demonstrating the visual impact of the proposal.

2.3.4 A DAS and various drawings have been submitted which address the above matters. The DAS includes contextual drawings, photographs and visualisations along with sections through the site and elevation drawings which demonstrate how the proposal would sit on the site in relation to the surrounding area and adjacent buildings. The DAS undertakes a review of the PPP conditions and the existing site context and surrounding area including constraints and opportunities. The DAS then sets out how the final design layout was developed and sets out a rationale behind the final solution. The DAS advises that the site-wide landscape strategy has been the key driver in informing the design and layout of the development and this was particularly influenced by the retention of water features, vegetation and trees on the site and the introduction of a centrally located SUDS features and associated greenspace as a focal point. The DAS further advises that the design approach focussed on a robust landscape strategy and incorporation of distinctive detailing which ensures that the development presents

an attractive edge when viewed from both the link road to the north and Sandpiper Drive to the east. The DAS also sets out an assessment of the proposal against the six qualities of a successful place as required by the LDP and NPF4 and it concludes that the design and layout of the proposal would, informed by a detailed analysis of the site and its surroundings be consistent with the six qualities of a successful place and overall the design of the proposal would make a positive contribution and significantly improve the overall quality of the area.

2.3.5 Objections state that the proposed finishing materials are not acceptable, the proposed design is unsympathetic to the area and proposal does not meet the six qualities of a successful place.

2.3.6 In terms of the design and materials of the proposed industrial buildings, these would be of a high-quality design and would utilise a variety of finishing materials including anthracite grey vertical trapezoidal panes, silver coloured vertical micro-rib cladding panels, anthracite grey colour doors, vertical feature panels coloured grey, white and bronze on different parts of the building, a facing brick basecourse and anthracite grey coloured windows and doors. The proposed industrial units are typical of the type of buildings you may find within an industrial setting, however, the use of these differing finishing materials on each building helps to break up and create a distinctive and visually interesting finish to the proposed units. The design of the buildings was amended during the course of this application in response to feedback which was provided by the Case Officer in consultation with Fife Council's Urban Design Officer. The submitted 3D visualisation drawings also demonstrate how the proposal would fit into the surrounding area and how these would relate to Sandpiper Drive to the east and the area to the north. The proposed buildings along this area through the use of varying materials and landscaped areas are considered to provide a positive visual contribution and attractive edge to these areas. Although the application site is in a fairly isolated position away from any existing buildings, it is considered that in terms of the design of the proposal and the proposed boundary treatments and landscaping that this proposal would provide a visually acceptable form of development at this location. The proposed finishing materials, layout and design are, therefore, considered to provide a high-quality design which would be visually acceptable, would comply with the relevant conditions of the associated PPP and which would comply with the Development Plan in this respect.

2.3.7 The agent has submitted cross sections and visualisations which demonstrate that the building heights would sit comfortably within the site and would relate well to the surrounding area. The proposal would also be in keeping with the scale, massing, and layout of the existing built form within the surrounding area and would be an appropriate form of development which would sit comfortably within the site, and which would respect the visual amenity of the surrounding area. This variation to the layout, heights and materials proposed throughout the overall site and the high-quality contemporary style design of the proposal, would ensure that the development provides a visually interesting and distinctive place in terms of an industrial site. The proposal would, therefore, be an appropriate form of development which would sit comfortably within the site and would respect and enhance the visual amenity of the surrounding area. It should also be noted that the proposal would be partially screened from Sandpiper Drive due to the existing tree belt along the eastern side of the site and proposed planting which is proposed.

2.3.8 The proposed hard and soft landscaping along with the active travel routes through the site would be of high quality and the proposed areas of open space and landscaped areas, which also include seating areas for employees or visitors to the site, would help soften the visual impact of the development and would make it a welcoming place in terms of open green spaces, whilst, the proposed green areas and the incidental areas of open space, street trees, hedgerows and planting throughout the proposed site would provide a significant positive contribution to the distinctiveness and character of the place which would be welcoming for

visitors to the site. The proposed soft landscaping would also contribute to biodiversity and this matter is further assessed under section 2.12.7 (Biodiversity Enhancement) of this report of handling. A vehicular access to the site is proposed from Sandpiper Drive along with an internal access road and a 3-metre-wide active travel route which connects the development to the existing paths to the north and west. The proposal, therefore, includes multiple points of pedestrian/cycle accesses which would integrate the development into the existing area and movement routes along with edges formed by green spaces which would ensure that the development is easy to move around and a safe and pleasant place to be in. The matters relating to connectivity and access into the site are also further assessed under section 2.9 (Road Safety) of this report of handling.

2.3.9 In conclusion, the proposal would provide a visually acceptable, welcoming, high-quality development through a varied layout and mix of finishing materials and the height, massing, roofline, and other detailing is considered to respect the character and appearance of the surrounding environment. The proposal overall would, therefore, result in a development which would provide a visually acceptable form of development within this area, and which would comply with the six qualities of a successful place as set out within the Development Plan. The proposal overall would, therefore, comply with the Development Plan in this respect and would be visually acceptable.

## **2.4 Residential Amenity**

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

2.4.2 Condition 1 of the associated PPP sets out the detailed plans and information which requires to be submitted in this regard and where relevant. This includes a proposed site plan, sections, and elevations of all buildings. Condition 1 (f) requires that full details of any proposed lighting scheme are submitted, whilst condition 1 (p) requires that a noise impact assessment report be submitted. Condition 1 (s) requires that a construction method statement and management plan be submitted. Details regarding these matters have been submitted in support of this application.

2.4.3 The nearest existing residential properties are located approximately 500 metres to the north-west of the site on Roe Deer Place with an Amazon distribution warehouse located approximately 130 metres to the south-east of the site. The principle of the proposed Woodmill and St Columba's schools have also been approved on the site to the north as per planning permission reference 20/03250/PPP. An ARC application (21/02646/ARC) relating to condition 1 (g,m,n) of 20/03250/PPP for erection of two high schools (Class 10) and formation of associated sports pitches, landscaping and footpaths is currently pending consideration (see section 1.3 above). The drawings submitted for this application (21/02646/ARC) show several sports pitches located approximately 57 metres to the north-west of the application site with a school building located approximately 255 metres to north-west from the application site boundary. These locations are not, however, finalised as the application is currently pending consideration and could be subject to change. An ARC application (21/00528/ARC) has also been approved on land to the west for 193 residential units and these dwellings would be located approximately 275 metres to the west of the application site.

2.4.4 Objections state that the proposal could have a detrimental amenity impact on the surrounding area including noise impact.

## 2.4.5 Daylight/Sunlight and Privacy Impacts

2.4.5.1 The proposal would have no significant impact on the surrounding area in terms of privacy or daylight/sunlight impacts as no residential properties are located within the direct vicinity of the site and the site is also screened by a woodland area on the west, south and east boundaries.

## 2.4.6. Noise Impact

2.4.6.1 A noise impact assessment (NIA) report has been submitted. It advises that it has assessed the impact of the proposal on the nearest residential area (Calais Muir Grange) which is located approximately 260 metres to the north-east and upon the school sites outdoor sport facilities area approximately 75 metres to the north. The NIA advises that the proposed industrial units would have no significant noise impact on the surrounding noise sensitive uses during the daytime operating hours (7 am to 11 pm) or night-time operating hours, however, the proposed outdoor loading areas could have a detrimental impact on the dwellings to the west during nighttime operating hours (11 pm to 7 am) due to impulsive noise from the vehicles unloading and loading. The NIA, therefore, recommends locations for acoustic fencing which would mitigate against this noise impact. It should also be noted that the NIA has used the worst-case scenario for the proposal, i.e. all units and outdoor loading areas operating at the same time.

2.4.6.2 Fife Council's Environmental Health Public Protection Team agree with the methodology used and the findings of the NIA. They, therefore, have no objections to the proposal subject to conditions requiring that the mitigation measures are in place before the development is brought into use and that they are kept in place for the lifetime of the development. They also recommend a condition requiring that all plant and machinery associated with the development does not exceed the required NR levels at the nearest bedroom. Conditions regarding these matters are recommended. It is also considered that a condition requiring that any external deliveries to the industrial estate are carried out during daytime operating hours would also further ensure that the surrounding area is protected from any significant noise impact. The proposal subject to these conditions would, therefore, have no significant impact on the surrounding area in terms of noise impact.

## 2.4.7 Light Pollution

2.4.7.1 An adoptable and private street lighting layout including details of the illuminance levels has been submitted as required by condition 1 (f) of the associated PPP.

2.4.7.2 It is considered that the submitted lighting details demonstrate that there would be no unacceptable impact on the surrounding area due to glare or stray lighting, therefore, there would be no detrimental impact on any neighbouring public road with regards to light spillage and glare. The matter relating to the impact of light pollution on habitats and protected species is also fully assessed in section of this report and Fife Council's Natural Heritage officer advises that the luminaire spectrum of the proposed street lighting would be acceptable in terms of its impact on any potential protected species such as bats. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

## 2.4.8 Construction Impacts

2.4.8.1 A Construction Method Statement and Environmental Management Plan (CMS) have been submitted in support of this application as required by condition 1 (s) of the associated

PPP. The CMS sets out how construction works would be carried out on site taking into account the site context and surrounding neighbours. This includes methods to reduce dust, noise and vibration and the measures which will be implemented to prevent any potential future environmental incidents.

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

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

## **2.5 Transportation/Road Safety**

2.5.1 Policies 1, 13, 14, 15 and 18 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.5.2 Condition 1 (i) of the associated PPP requires that details including plans showing the provision of off-street parking be submitted, whilst condition 1 (j) and (k) require details of the required visibility splays and adequate wheel cleaning facilities be submitted at the AMSC stage. Condition 1 (l) also requires that details including scaled site plans be submitted for the following:

- a 3 metres wide footpath/cyclepath between blocks 5 and 6 linking with the footway/cycleway on the south side of Core Roads D and E and the proposed vehicular access serving the site. The footpath/cyclepath shall be provided prior to the first unit opening.
- a 3 metres wide footway/cycleway on the south side of the proposed vehicular access between Sandpiper Drive roundabout and the shared footpath/cyclepath. The footway/cycleway shall be provided prior to the first unit opening.
- A footpath linking with the Gypsy Lane to North Duloch Core Path (P647/01) to the west and the proposed vehicular access serving the site. The footpath shall be provided prior to the first unit opening.
- one pair of bus stops with shelters, boarders, information boards, poles, flags, and road markings on Sandpiper Drive to the south of the roundabout. The locations shall be identified within the first ARC application. The bus stops shall be provided prior to the first unit opening.

2.5.3 Conditions 3 and 4 require that the approved off-street parking and visibility splays are provided before the development is occupied, whilst condition 6 requires that all roads and associated works serving the proposal are constructed in accordance with the current Fife

Council Transportation Development Guidelines to a standard suitable for adoption also before the development is occupied.

2.5.4 Objections state that the proposal could result in road safety issues due to lorries and increased traffic on school Routes, whilst the consider that the surrounding road network will not cope with the increase in traffic.

2.5.5 Fife Council's Transportation Development Management (TDM) team have no objections subject to the required bus stops being provided on Sandpiper Drive. The agent was advised that information should be submitted regarding these bus stops as required by condition 1 (l) of the PPP and they subsequently submitted details showing that there are new north/south bound bus stops a short distance to the north of the site on Sandpiper Drive, whilst, there are also existing north/south bound bus stops along Sandpiper Drive to the south adjacent to the Amazon Depot. These bus stops to the north were installed since the PPP application was approved. It is considered, therefore, that the required bus stops to the north are sufficient to serve the site, therefore, adequate bus connections have been provided within a safe walking distance and these details would be acceptable.

2.5.6 It is not considered necessary to revisit whether the surrounding road network can accommodate the increase in traffic associated with the development as this matter was fully assessed during the previous PPP application (20/00774/PPP). The information submitted has also demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings demonstrate an acceptable layout in terms of access, parking, visibility splays and connectivity. Conditions 3 and 4 of the associated PPP also set out that the required visibility splays and off-street parking must be provided before the development is occupied. The proposed development would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal, would comply with the Development Plan in this respect and would comply with the relevant conditions attached to the associated PPP.

## **2.6 Flooding and Drainage**

2.6.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1, 3 and 12 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply.

2.6.2 Condition 1 (n) of the associated PPP requires that a surface water management plan as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision is submitted.

2.6.3 Objections state that the proposal would cause pollution to surrounding watercourse, would result in drainage issues and that the drainage plan is not fit for purpose.

2.6.4 A surface water management plan which includes a Drainage Strategy Report (DSR), and associated drainage drawings and calculations has been submitted as required by the above condition. The DSR states that there are two existing linked natural wetland ponds to the eastern boundary of the site which discharge via a partially culverted ditch to the Pinklerton Burn to the south. The submission shows that the proposed surface water management scheme on the site would include a SUDS detention basin located within the central area of the site with all surface water run-off from the development discharging to the existing wetland ponds/partially culverted ditch on site with the rate of this surface water run-off attenuated to the required levels. A series of underground drainage pipes are also proposed within the site. The foul water generated as a result of the proposal would connect to an existing sewer at the

south-east corner of the site with the adoptable system extended from Sandpiper Drive to within the site. The proposal would also connect to the public water supply network.

2.6.5 Scottish Water advise that they have no objections to the proposal. Fife Council's Flooding, Shoreline and Harbours team also advise they have no objections to the proposal in terms of flood risk or surface water management subject to updated appendices 1 (Compliance Certificate), 2 (Independent Check Certificate) and 5 (Future Maintenance Confirmation) of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management being submitted. These details have been submitted.

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

## **2.7 Contaminated Land**

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

2.7.2 Condition 1 (0) of the associated PPP requires that a Preliminary Contaminated Land Risk Assessment (Phase I Desk Study Report) and, if required, a suitable Intrusive Investigation Report (Phase 2 Investigation Report) are submitted. The condition also requires that a remedial action statement should be submitted where any remedial action is recommended within the Phase 2 report. Condition 9 of the PPP also requires that no building shall be occupied until any required remediation at the site has been completed in accordance with any required remediation statement. Condition 9 also requires that if contamination not previously considered in the Phase 2 Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days where further investigative and potential remediation works would then need to be carried out to address this matter.

2.7.3 A Phase 1 Desk Study Report and a Phase 2 Investigation report have been submitted in support of this application. These reports advise that no significant pollutant linkages were identified on site, therefore, no further investigation or remedial action is required on site. Fife Council's Land and Air Quality Team advise that they agree with the findings and methodology of these reports and, therefore, have no objections to the proposal. They also state that condition 9 should be retained to ensure that any previously unidentified contaminated land can be adequately addressed, if required. Condition 9 of the associated PPP will remain live until all units are occupied; therefore, this condition of the PPP will adequately control the matter



relating to the discovery of any previously unencountered contaminated land. The proposal would therefore have no significant detrimental impact on air quality and would comply with the Development Plan and the relevant associated PPP conditions in this respect.

## **2.8 Air Quality**

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

2.8.2 Condition 1 (t) of the associated PPP requires that an air quality impact assessment is submitted at the AMSC stage.

2.8.3 Objections state that the proposal could have a detrimental impact in terms of air pollution.

2.8.4 An air quality impact assessment has been submitted in support of the application. The assessment concludes that air quality impacts from the scheme are unlikely to adversely affect local air quality and that a more detailed air quality impact assessment is not required. Fife Council's Land and Air Quality team advise that they agree with the findings of this assessment and have no objections to the proposal. The proposal would therefore have no significant detrimental impact on air quality and would comply with the Development Plan and the relevant associated PPP conditions in this respect.

## **2.9 Natural Heritage including impact on Trees, Protected Species, Wildlife Habitats and Biodiversity Enhancement**

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

2.9.2 The relevant conditions (1 (a), (b), (e), (f), (g), (h), (q) and (r)) of the PPP require that the following be submitted with this AMSC application:

- the provision of a 15-metre buffer zone between the Calais Muir ancient woodland area and the development.
- a protective buffer zone between the existing ponds and the development which shall be supported through the submission of detailed evidence.
- the retention and enhancement of the protected open space area on the eastern portion of the site.
- Full details of the proposed lighting scheme including evidence which demonstrates that the lighting shall have no detrimental impact on bats.
- Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted. These details should also include additional tree planting above and beyond the 29 heavy duty trees proposed. This part of the condition also requires that the scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.
- Details of the future management and aftercare of the proposed landscaping and planting.
- An updated Arboricultural Impact Assessment including a tree protection plan and arboricultural method statement which considers any subsequent detailed layout.
- A supporting statement illustrating the development's compliance with Making Fife's Places Supplementary Guidance (2018) including reference and proposals relating to the design, layout, green network infrastructure and natural heritage and biodiversity enhancement.

- An updated Ecological Appraisal report which considers any subsequent detailed layout and sets out any required mitigation and biodiversity enhancement measures. This report shall clearly set out a minimum protective buffer zone between the existing watercourses and the development and provide clear evidence relating to this.

2.9.3 Condition 8 of the associated PPP requires that no building or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

#### 2.9.4 Trees

2.9.4.1 Objections state that the proposal would have a detrimental impact on Calais Muir Ancient Woodland and would result in the loss of trees.

2.9.4.2 A number of trees are located within and around the site and this includes the adjacent Calais Muir Woods Ancient Woodland to the west of the site. An updated arboricultural impact assessment report (AIA), tree protection plan and landscaping plan have, therefore, been submitted to assess the impact on these trees and as required by the relevant conditions attached to the associated PPP. The AIA advises that a total of 134 trees and areas of scrub were surveyed on site and the report sets out the extent and condition of this tree cover. The AIA further advises that there are many young trees on the site, most of which appear to be 15-20 years old and which have regenerated naturally. It states that these are mainly birch and goat willow, but there are also smaller numbers of pine, larch, and ash with many of the young ash appearing to be infected with Chalara ash dieback. The AIA further advises that the western boundary of the site is adjacent to Calais Muir Wood, whilst the trees on the pond banks are mainly older, consisting of mature hawthorn, some of which are dying back, and larger trees, mainly ash, probably 50 -80 years old. The AIA also advises that Calais Muir Wood is subject to a Tree Preservation Order. The tree survey advises that there were 0 Category A Trees, 14 Category B Trees, 118 Category C and 2 Category U trees identified on the site. The AIA also advises that young trees of less than 15cm stem diameter, and trees in Categories C and U with limited safe life or poor health and/or structure, are not normally considered to be a significant constraint on development. It also advises that a total of 66 trees (65 Category C and one Category U Tree) and a small group of trees would be removed to make way for the development.

2.9.4.3 A tree protection plan has also been submitted which shows a minimum 15-metre buffer zone between the development and the adjacent Calais Muir Woods, whilst the protection plan also states that trees to be retained on or adjacent to the site would be protected by barriers which should be in place during construction. The protection plan further sets out the type of barriers which should be used and the required locations for these. It also advises that there should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the Construction Exclusion Zone throughout the duration of the construction works.

2.9.4.4 The submitted landscaping details show the planting in and around the site of 72 individual/heavy standard trees and 154 woodland trees totalling 226 trees along with native hedges and shrubs.

2.9.4.5 Fife Council's Tree Protection Officer (TO) agrees with the findings of the AIA and has no objections to the proposal. The TO states that all trees listed for removal are under 15 metres in height, with the majority being under 10 metres in height, therefore, these trees are likely of a younger life-stage and could be removed and replaced without significant and irreparable initial impact. They further advise that the proposed compensatory tree re-planting of 154 woodland trees and 72 individual/heavy standard trees totalling 226 trees would also

exceed the recommended 3:1 compensatory re-planting ratio. The TO further states that the required 15 metre buffer zone with Calais Muir is shown within the submitted drawings, whilst, this area would be planted with a mixture of new woodland trees and wildflowers which would help to ensure the buffer zone is for nature and not for development thus increasing biodiversity, and structural diversity. They also state that the new planting at the woodland edge would increase structural diversity and possibly promote ecotones and associated biodiversity/habitat, and they consider that the proposal would comply with the Scottish Government Policy on the Control of Woodland Removal.

2.9.4.6 The submitted layout and tree information shows that the proposal would result in the loss of trees (65 Category C and one Category U Tree) and some groups of trees to make way for the proposed development. The proposed landscaping information also shows a substantial number of compensatory tree re-planting to off-set the loss of these trees including the planting of a total of 226 trees. It is considered that due to the significant re-planting of trees on site that there would be no significant environmental impact due to the loss of the existing trees and the proposed re-planting would represent a positive biodiversity enhancement, in the long term, at this location which would contribute to improving the quality of woodland in the area. An acceptable tree protection methodology has also been proposed in relation to those trees to be retained and with regards to the Ancient Woodland Area to the west with the required 15 metre buffer zone shown on the proposed tree protection plans. The Scottish Government's Policy on Control of Woodland Removal also provides criteria, whereby, woodland removal could be acceptable with and without compensatory planting, and this includes enhancing priority habitats and their connectivity, sustainable economic growth and increasing the quality of Scotland's Woodland Cover. The proposal would comply with this acceptability criteria as it would increase the quality of Scotland's woodland cover and would contribute to sustainable economic growth through the provision of a new employment site. Fife Council's TO is also in agreement with this and has no objections to the proposal. The proposal has, therefore, demonstrated that this development would be located on this site with no unacceptable overall impact in terms of tree loss/woodland removal and that it would have no significant impact on retained trees and the ancient woodland area to the north. A condition is also recommended requiring that the required tree protection measures are put in place before construction works commence on site. The proposal subject to a condition would, therefore, be acceptable, would comply with the Development Plan in this respect and would comply with the relevant conditions attached to the associated PPP.

## 2.9.5 Protected Species and Wildlife Habitats

2.9.5.1 Objections state that the proposal would have a detrimental impact on wildlife such as birds, deer and bats, whilst it would result in the loss of habitats and biodiversity and no up-to-date ecology report has been submitted. They also consider that the proposal would have a detrimental impact on ponds within the site and the buffer zone is not sufficient.

2.9.5.2 An updated Preliminary Ecological Appraisal Report (PEA) has been submitted in support of this application and as required by the relevant conditions attached to the associated PPP. The report provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and protected species surveys of the application site. It also provides recommended mitigation measures where required. The PEA advises that since the original habitat survey in 2020, the site has continued to develop scrubby areas, with a larger extent of dense scrub, and scrub more obviously colonising the grassland areas. It advises that the site consists of broad-leaved plantation, dense scrub, unimproved neutral grassland, calcareous grassland, tall ruderal, running water and bare ground. The PEA further advises that no signs of protected species including bats, otter or badger were identified on the site, however, it also states that there is potential for nesting birds throughout the site.

2.9.5.3 The PEA then sets out the required mitigation measures for the site and states that a minimum 10 metre buffer area should be provided between the ponds and the development site, and this has been shown on the submitted drawings. The PEA also recommends that although no protected species were identified on site, a pre-construction check for badgers should be carried out, whilst an additional ground level survey for trees with potential roost features should also be carried out should works not commence before the summer of 2026. It further advises that no site clearance should be undertaken out with the bird breeding season and after the precautionary checks for badgers and bats have been undertaken, whilst lighting design should avoid light spill into Calais Muir Wood. Conditions are recommended regarding these matters.

2.9.5.4 Fife Council Natural Heritage Officer has no objections to the overall proposal subject to the proposed mitigation measures contained within the PEA being carried out in full. They also consider that the proposed lighting scheme which shows a luminaire spectrum specification of 2700K would be acceptable in terms of its impact on protected species and the surrounding area. They conclude that the submitted information would comply with the requirements of the relevant conditions of the associated PPP.

2.9.5.5 The findings of the submitted updated PEA are accepted, and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. It should also be noted that a licence would be required for any works that would affect badgers or bats. Conditions are also recommended requiring that the proposed mitigation measures as set out in the PEA and other associated documents are carried out in full, whilst, the NHO has no objection and agrees with the methodology and recommendation contained within the PEA. The proposal subject to conditions would, therefore, be acceptable, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

## 2.9.6 Biodiversity Enhancement

2.9.6.1 Objections state that the proposal would result in the loss of biodiversity.

2.9.6.2 The submitted PEA includes recommended measures for biodiversity enhancement including integral bat boxes being fitted, wherever possible to buildings close to Calais Muir Wood and the ponds and recommends that tree planting be carried out on the site. The submitted landscaping details show the planting of a total of 226 trees along with native hedges and shrubs and includes a management and maintenance schedule for these plants.

2.9.6.3 The NHO is supportive of these proposed biodiversity enhancement measures and has no objections to the proposal. They also consider that the proposal complies with the relevant conditions attached to the associated PPP.

2.9.6.4 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges, and wildflowers and would also include a number of other biodiversity enhancement measures as set out above. A condition is also recommended with regards to the provision of the biodiversity enhancement measures as set out in the PEA and this condition will also require the submission of details relating to bat and bird boxes on site. The proposal would, therefore, bring about a biodiversity enhancement to the site and surrounding area when compared to the existing site. The proposal subject to conditions would, therefore, be acceptable, would comply with the Development Plan in this respect and would also comply with the relevant conditions attached to the associated PPP.

## **2.10 Low Carbon, Sustainability and Tackling the Climate and Nature Crises**

2.10.1 Policies 1, 2, 12 and 19 of NPF4, Policies 1 and 11 of FIFEplan and Fife Council's Low Carbon Fife Supplementary Guidance apply. Condition 1 (m) requires that an energy statement of intention including details of energy efficiency measures and energy generating technologies be submitted with the AMSC where relevant.

2.10.2 Objections state that no solar panels are proposed.

2.10.3 An energy statement report has been submitted in support of this application. It advises that the report demonstrates how the proposal would comply with the relevant LDP policies and Section 6 of the Scottish Building Standards in terms of Carbon dioxide emissions and energy consumption. The energy report advises that it details compliance for the development with regards to carbon reduction and energy reduction, whilst it provides modelling details only for Unit 1 but the design strategy and resultant energy and carbon savings will be replicated in each of the 9 units included within the development. The Energy Strategy has calculated that, the proposed development is predicted to achieve a reduction in CO2 emissions of 20% and a 25.3% reduction in energy when compared to a baseline compliant development. The report also states that the integration of various renewable technologies into the proposed development's design has also been explored, and it advises roof mounted Photovoltaic panels should be included to generate energy on-site, with the PV allowance providing a 20% carbon reduction, meeting the planning requirements which states a minimum 20% contribution in carbon reduction via renewables. The report also advises that the development will be designed to maximise energy efficiency through the appropriate design of high efficiency systems including energy efficient light fittings, intelligent lighting controls and local heating control. The submission also advises that specific details relating to the low carbon zero energy technology has not been included with this application as the end users of each unit are not yet known and this may vary dependent on the needs of the end user.

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

## **2.11 Public Art**

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

2.11.2 Condition (1) (d) of the associated PPP requires that the entrance to the site should be carefully considered in terms of building design, layout, landscaping, and public art so that it makes a positive visual and landscape contribution.

2.11.3 The report of handling for the associated PPP advised that this development was exempt from the requirement to make a public art contribution, however, it was considered that the provision of public art on site could help create a distinctive and welcoming place. The relevant condition attached to this PPP required that this matter should be considered at the entrance to the site and a location for the public art has been provided on the site. This location is considered suitable for the public art as it is at the main entrance into the site, however, no specific details relating to this public art have been provided. A condition is, therefore, recommended requiring that further details regarding this matter are submitted and these submitted details should demonstrate how it has incorporated public art into the overall development. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area with regards to the design of the public art provision. The proposal subject to this condition would, therefore, be acceptable and would comply with the relevant conditions attached to the associated PPP and the Development Plan in this respect.

## **2.12 Core Paths/Rights of Way**

2.12.1 Policy 20 of NPF4 and Policies 1 and 13 of the LDP apply.

2.12.2 Condition 1 (b) of the associated PPP requires that the detail plans associated with the development should show all Core Paths or Rights of Way within or adjacent to the site being kept free from obstruction.

2.12.3 Condition 7 of the Associated PPP requires that the Claimed Right of Way (FD83) and Core Paths (Gypsy Lane to North Duloch (P651/02 and P647/02) and Dunfermline East Circular (P651/02) located on or adjacent to the site shall be kept clear of all obstructions for the duration of any construction period.

2.12.4 The submitted site layout shows all core paths and rights of way being kept free from obstruction, whilst the developer will have to comply with the terms of condition 7 of the associated PPP. The proposal would, therefore, have no detrimental impact on the existing core paths or rights of the way within the surrounding area and would, therefore, comply with the Development Plan in this respect.

## **2.13 Waste Management**

2.13.1 Policy 12 of NPF4 and Policies 1 and 10 of the LDP apply.

2.13.2 Condition 1 (b) of the associated PPP requires that details of bin storage locations are shown on the submitted site plan. These details are shown within the submission.

2.13.3 An objection states that the proposal could result in an increase in littering.

2.13.4 Details of bin storage locations are shown on the submitted site plan and there is sufficient space within the curtilage of the proposed site to also accommodate any required bin storage facilities. The proposal would also ensure compliance with Fife Council's non-domestic waste collection requirements and there are public bins located along the length of Sandpiper Drive which employees and visitors to the site could make use of. The proposal would, therefore, have no significant impact on the surrounding area in terms of littering. The proposal would, therefore, be acceptable and would comply with the Development Plan and the relevant conditions attached to the associated PPP.

### 3.0 Consultation Summary

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Structural Services - Flooding, Shoreline And Harbours	No objections subject to updated SUDS certificates.
Scottish Water	No objections
Community Council	Object
Parks Development And Countryside - Rights Of Way/Access	No response
Business And Employability	Support proposal.
Natural Heritage, Planning Services	No objections
Trees, Planning Services	No objections
Urban Design, Planning Services	No objections
Land And Air Quality, Protective Services	No objections
TDM, Planning Services	No objections
Transportation And Environmental Services - Operations Team	No response

### 4.0 Representation Summary

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4.1 One hundred and one objections including one from the Halbeath and Duloch Community Council have been received. One letter of support has also been received.

#### 4.2 Material Planning Considerations

##### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
Loss of open space and green space.	2.2
Industrial Estate not required and there is no demand for units.	2.2
Economic and environmental landscape has changed since 2021.	2.2
Site should be located on a brownfield site somewhere else.	2.2
Proposal does not meet the six qualities of a successful place.	2.3
Finishing materials are not visually acceptable.	2.3
Proposed designs are unsympathetic to the area.	2.3
Road safety issues due to lorries and increased traffic on school Routes.	2.5
Surrounding road network will not cope with increase in traffic.	2.5

Pollution to surrounding watercourses.	2.6
Would result in drainage issues.	2.6
Drainage Plan not fit for purpose.	2.6
Detrimental impact in terms of air pollution.	2.8
Loss of habitats	2.9.5 and 2.9.6
Loss of biodiversity	2.9.5
Detrimental impact on Calais Muir Ancient Woodland.	2.9.4
Detrimental impact on ponds within site and buffer zone not sufficient.	2.9.5
Detrimental impact on wildlife such as birds, deer and bats.	2.9.5
No up-to-date ecology report.	2.9.5
Detrimental impact on the amenity of the surrounding area including noise impact.	2.4
No solar panels are proposed.	2.10
Proposal would result in an increase in littering.	2.13

#### 4.2.2 Support Comments

Issue	Addressed in Paragraph
Really good idea and will bring jobs and business to the area.	2.2

#### 4.2.3 Other Concerns Expressed

Issue	Comment
Planning laws etc have changed since 2021.	This proposal has been fully assessed against the relevant and up to date Development Plan Policies with the full assessment set out within the report of handling above.

## 5.0 Conclusions

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5.1 The proposal subject to conditions would be compatible with its surrounds in terms of land use and would cause no significant detrimental impacts on the surrounding area. The proposal would provide a welcoming, high-quality, connected development which would respect the character and appearance of the surrounding area, and which would provide a visually acceptable form of development on this site. The proposal would be considered acceptable in terms of its impact on road safety and its impact on the surrounding area in terms of natural



heritage, amenity, landscape impact, flooding, contaminated land, sustainability and in terms of its impact on existing infrastructure. The proposal would also provide an acceptable surface water management and drainage scheme and would bring about a positive biodiversity enhancement to the site. The proposal would, therefore, be acceptable overall and would comply with the Development Plan and the relevant conditions attached to the associate planning permission in principle (24/01423/PPP).

## 6.0 Recommendation

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

### **PRE-COMMENCEMENT CONDITIONS:**

1. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; a pre-construction survey for badgers shall be carried out by a qualified ecologist within the site and on land within 100 metres of the site. Any checks shall be undertaken fully in accordance with "Scottish Badgers Surveying for Badgers Good Practice Guidelines (2018)" or any subsequent revision. Should any evidence of badgers be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE. Any subsequent approved mitigation measures shall then be carried out in full as recommended within any associated protection plan.

Reason: In the interests of species protection

2. SHOULD SITE CLEARANCE INCLUDING VEGETATION CLEARANCE NOT COMMENCE BEFORE SUMMER 2026; updated ecological surveys for bats in line with the recommendations contained within the Preliminary Ecological Appraisal (Plan Reference; 56) shall be undertaken and the findings of this shall be submitted to and approved in writing by this Planning Authority. These details shall also include any required mitigation for any protected species found on site and a precautionary working method statement for any works that affect trees with low potential roost features. FOR THE AVOIDANCE OF DOUBT; NO AFFECTED TREES WITH POTENTIAL BAT ROOST FEATURES SHALL BE REMOVED FROM SITE until the required updated surveys/details have been submitted to and approved by this Planning Authority.

Reason: To ensure that protected species are properly assessed and mitigated for on the site.

3. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the required bat box/bricks as set out in the approved Preliminary Ecological Appraisal (Plan Reference: 56) shall be submitted to and approved in writing by this Planning Authority. This information shall also include details relating to the provision of bird box/bricks on site and shall include a scaled site plan showing the proposed location of these measures and a phasing plan for the provision of these measures. All works shall then be carried out in full accordance with any subsequent approved details and these measures shall be provided on site in line with the approved phasing plan.

Reason: In the interests of biodiversity enhancement and species protection.

4. The construction of the development shall be carried out fully in accordance with the recommendations contained within the approved Tree Report (Plan Reference: 41) and Tree Protection Plan (Plan Reference: 42A). This Planning Authority shall be formally notified in writing of the completion of such measures and **NO WORKS SHALL COMMENCE ON SITE** until this Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding trees.

#### **CONDITIONS:**

5. The noise mitigation measures as set out in the approved noise impact assessment report (Plan Reference: 31) shall be carried out in full and be fully installed **BEFORE EACH RELEVANT ASSOCIATED UNIT IS BROUGHT INTO USE**. Thereafter, the noise mitigation measures shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interests of safeguarding the amenity of the surrounding area.

6. Full details of the proposed energy generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority **BEFORE EACH ASSOCIATED INDUSTRIAL UNIT IS BROUGHT INTO USE**. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of sustainability; to ensure compliance with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

7. All approved biodiversity enhancement measures shall be provided on site in accordance with the biodiversity measures and landscaping plan (Plan Reference: 43A) whilst all mitigation measures as set out in the PEA shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of biodiversity enhancement.

8. **BEFORE THE FIRST INDUSTRIAL UNIT IS BROUGHT INTO USE**; full details relating to the provision of public art on the site shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a full contextual and historic analysis of the site in relation to this public art. The Developer shall also consult the relevant Community Council during the design of the required public art provision and a collaborative approach with the community shall be incorporated into the design process. Evidence that this consultation has taken place shall also be submitted with these details. Thereafter, the development shall be carried out in full accordance with these approved details and the approved public art shall be in place **BEFORE THE SECOND INDUSTRIAL UNIT IS BROUGHT INTO USE**.

Reason: In the interests of successful placemaking.

## **7.0 Background Papers**

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

[National Planning Framework 4 \(2023\)](#)  
[FIFEplan Local Development Plan \(2017\)](#)  
[Planning Guidance](#)

### **National Guidance and Legislation**

PAN (Planning Advice Note) 1/2011

The Scottish Government's Policy on Control of Woodland Removal

### **Development Plan**

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Low Carbon Fife Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

### **Planning Policy Guidance, Customer Guidelines and Other Guidance**

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Planning Customer Guidelines on Dormer Extensions (2016)

Minimum Distance between Windows Guidance (2011)

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

Report prepared by Scott Simpson, Case Officer and Chartered Planner

Report reviewed and agreed by Derek Simpson Lead Officer, 9.6.25.

Committee Date: 18/06/2025

Agenda Item No. 8

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**Application for Full Planning Permission**

**Ref: 24/02650/FULL**

**Site Address:** 142 - 146 Main Street Lochgelly Fife

**Proposal:** Change of use from vacant shop (Class 1A) to cafe/hot food takeaway (mixed use) (sui generis) with installation of associated flue to rear

**Applicant:** Mr Mohammed Khan, 142 - 146 Main Street Lochgelly

**Date Registered:** 21 October 2024

**Case Officer:** Brian Forsyth

**Wards Affected:** W5R08: Lochgelly, Cardenden And Benarty

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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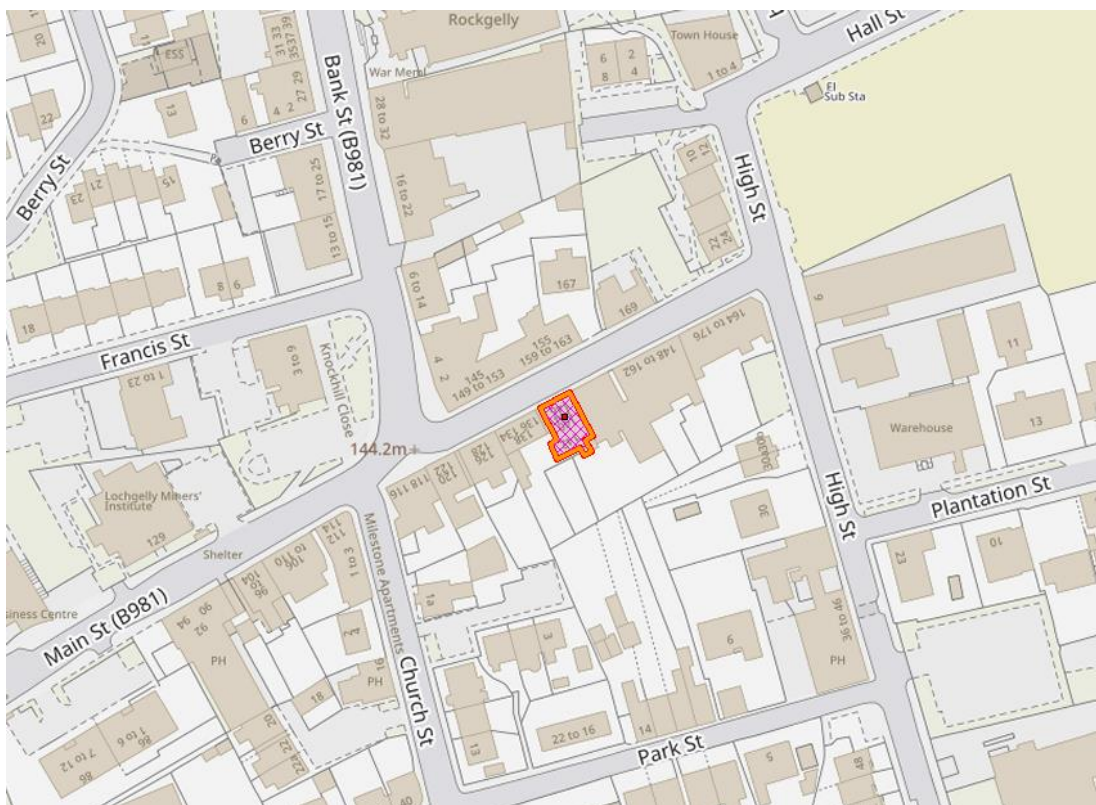
## 1.0 Background

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### 1.1 The Site

This application site in Lochgelly relates to vacant ground floor shop premises (Class 1A), former bank premises, in the middle of a two-storey terrace fronting the south side of the one-way stretch of Main Street between High Street and Bank Street. There is a takeaway over a close to the east, a beauty salon over a close to the west, and flatted dwellings above on the first floor. This stretch of Main Street is characterised largely by first floor flatted dwellings and ground floor commercial premises, although there are two ground floor flatted dwellings opposite. There are three other premises on Main Street providing takeaway, all within 40 metres of the subjects. Immediately to the rear (south) of the subjects are residential gardens serving the aforementioned first floor flatted dwellings.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

Full planning permission is sought for change of use of the subjects to a cafe/hot food takeaway (mixed use) (sui generis) along with installation of a flue through the roof of a single-storey rear outshoot next to the aforementioned residential gardens. Amended plans and drawings submitted as part of the application process propose the flue approximately two metres from these gardens, terminating approximately 1.5 metres above the eaves of the outshoot and approximately 6.5 metres from the nearest upstairs flatted dwelling. The proposed opening hours for the business are Monday to Sunday between 1100 and 2200 hours. For waste disposal the business would make use of internal bin storage accessed via the eastern close.

## 1.3 Relevant Planning History

02/00480/WFULL - Installation of satellite dish - PERC - 31/05/02

06/04057/WADV - Replacement of non-illuminated wall sign - PERC - 16/01/07

12/04229/ADV - Display of one internally illuminated fascia sign and one internally illuminated projecting sign - PERC - 26/11/12

15/02701/FULL - Installation of door and window - PERC - 23/09/15

17/03971/FULL - Change of use from bank (Class 2) to restaurant (Class 3) with takeaway (Sui Generis) including erection of flue to rear. - REF - 06/03/18

19/00210/FULL - Change of use from Bank (Class 2) to cafe (Class 3) and hot food takeaway (Sui Generis) and installation of flue and extraction fan - LR2 - 14/05/19

The proposal the subject of the above refusal of planning permission ref. 17/03971/FULL included for a flue up the rear of the main two-storey part of the building, with a discharge point above the upstairs flatbed dwelling. The proposed opening hours were 0800 to 2400 hours. No noise and odour assessment report was submitted, the application refused for the following reason: - "In the interests of residential amenity; the proposed restaurant with hot food takeaway by virtue of its location immediately below residential properties would give rise to potential adverse and unacceptable residential amenity impacts in terms of noise and odour issues. The proposed development is therefore contrary to the guidance contained within Policies 1 b criterion 6, Policy 10 criterion 3 of the adopted FIFEplan (2017), Fife Council Planning Customer Guidelines on Businesses Selling Food and Drink and PAN 1/2011."

## **1.4 Application Procedures**

The site was visited by the case officer on 19 December 2024 and 14 January 2025. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

## **1.5 Relevant Policies**

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

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

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

Policy 14: Design, quality and place

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

Policy 27: City, town, local and commercial centres

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

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

Policy 1: Development Principles

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

Policy 6: Town Centres First

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

Policy 10: Amenity

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



## **National Guidance and Legislation**

Scottish Government Planning Advice Note 1/2011 Planning and Noise

## **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

## **Planning Policy Guidance**

N/A

## **Planning Customer Guidelines**

Restaurant & Takeaway Odour Extraction

Business Selling Food and Drink

## **Other Relevant Guidance**

Fife Council Policy for Development and Noise 2021

# **2.0 Assessment**

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## **2.1 Relevant Matters**

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Transportation/Road Safety

## **2.2 Principle of Development**

2.2.1 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. The subjects are located within the defined settlement boundary for Lochgelly in terms of FIFEplan, within the core retail area for the town identified therein. FIFEplan Policy 1: Development Principles states that development proposals will be supported if they conform to relevant development plan policies and proposals, addressing their individual and cumulative impacts by complying with relevant criteria and supporting policies, including according with town centre spatial frameworks and complying with Policy 6: Town Centres First.

Policy 6 states (Figure 6.5) that in the core retail area of Lochgelly, at ground floor level only, use classes 1, 2, 3, and 11 will be supported.

2.2.2 Being similar in character to an exclusively Class 3 use, and with Figure 6.5 of Policy 6 of FIFEplan supporting such uses here, it is considered that the proposal is acceptable in terms of the above provisions of FIFEplan policy relating to the principle of development.

2.2.3 NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings supports the sustainable reuse of vacant buildings. NPF4 Policy 27 City, Town, Local and Commercial Centres supports development proposals that enhance and improve the vitality and viability of town and local centres, including proposals that increase the mix of uses; however, development proposals for non-retail uses, including hot food takeaways, will not be supported where this would undermine the character of an area.

2.2.4 Being a reuse of the premises acceptable in terms of the provisions of FIFEplan policy relating to the principle of development (2.2.2 above refers), it is in turn considered that the proposal represents a sustainable reuse of the premises in terms of NPF4 Policy 9, also acceptable in terms of the provisions of NPF4 Policy 27 in relation to vitality and viability of town centres. In reaching this view, it is acknowledged that the proposal would introduce a further hot food takeaway in a stretch of Main Street which already has four premises providing hot food takeaway; however, it is considered that the remaining ground floor retail premises nearby would ensure that there would be no significant undermining of the mixed character of this part of the town centre.

## **2.3 Design/Visual Impact**

2.3.1 FIFEplan Policy 1: Development Principles states that development proposals must address their individual and cumulative impacts by protecting the amenity of the local community and complying with Policy 10: Amenity. 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, amongst other things,

2.3.2 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area will not be supported.

2.3.3 As the only proposed external alterations are the flue, which would be positioned discretely to the rear (south) of the subjects and not readily visible from public view, the proposals stand to be considered to accord with the above provisions of policy and guidance in relation to design/visual impact.

## **2.4 Residential Amenity**

2.4.1 FIFEplan Policy 1: Development Principles states that development proposals must address their individual and cumulative impacts by protecting the amenity of the local community and complying with Policy 10: Amenity. 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, amongst other things, noise, odour, and traffic movements.



2.4.2 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area will not be supported. NPF4 Policy 23 Health and Safety states that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.4.3 Fife Council Planning Services Businesses Selling Food and Drink Customer Guidelines state that in towns and built-up areas, planning permission is likely to be recommended where adding to the number of similar types of businesses will not, amongst other things, cause additional nuisance to local residents. Fife Council Planning Services Restaurant/Takeaway Odour Extraction/Control System Customer Guidelines explain the key elements of a good extraction and ventilation system where hot food is prepared and outline the controls the Council will look for and why, stating, amongst other things, that final discharge should be vertically upwards and should terminate at least a metre above the eaves, etc., with ground or low level discharges generally to be avoided; however, where high level fume dispersion is not appropriate, a suitably enhanced scheme of ventilation is required.

2.4.4 Scottish Government Planning Advice Note 1/2011 Planning and Noise establishes the best practice and planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise, promoting the principles of good acoustic design and a sensitive approach to the location of new development. Fife Council Policy for Development and Noise 2021 is also relevant.

2.4.5 Several of the eight objectors raise concerns in relation to the impact on residential amenity; including in relation to associated traffic movements and injudicious parking; odour; noise from patrons, traffic, and from the ventilation/extraction system; and from littering.

2.4.6 The applicant has submitted a Noise and Odour Impact Assessment Report in support of the application, amended as part of the application process to take into account the abovementioned amended flue position. It states that an odour risk assessment was completed, concluding that the circumstances here are such that "a very-high level of odour control is required". It states (Section 2.1) that mitigations detailed in its Section 6.2 relating to noise and odour control must be implemented during the construction phase "to ensure that a statutory noise and odour nuisance does not occur. In addition, during the operational period, there are several maintenance and cleaning operations detailed within Section 6.3 that must be carried out by the food business operator to go towards the prevention of an odour nuisance." It is stated that the British Standard assessment of the kitchen extraction system indicates an excess of Rating Level of -4 at 140 Main Street, Lochgelly (nearest residential flat above proposed business), a positive indication that the kitchen extraction system will have a low impact at this flat, it being considered that if the noise from the kitchen extraction system is not a problem at the nearest residential upper floor flat, it will not be an issue at residential properties at greater distances. It is also explained that the odour control for the kitchen extraction system shall include the following odour control measures: 1. baffle filters located in the canopy, 2. electrostatic precipitation filtration unit, 3. carbon filtration unit, and 4. odour neutraliser; these described as "very-high level odour control measures" which meet the specifications contained within the document EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems (dated 5-9-2018), being an update to the UK Government Department for Environment, Food and Rural Affairs' Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2004). In conclusion, the submitted report states it is considered that if the mitigation measures recommended in Section 6.2 are implemented, for the residents living in the nearest residential flat, the kitchen extraction system shall have a low impact.

2.4.7 The Council's Environmental Health (Public Protection) team (EH(PP)) has been consulted on the proposal. EH(PP) advises that it is satisfied with the methodologies used and the comprehensiveness of the assessments. Although EH(PP) has concern in relation to disturbance to residents, the team notes that the consultant is confident that loss of amenity from noise and odour from food preparation can be avoided, also that the consultant has suggested delivery times can be limited to particular hours. EH(PP) recommends planning conditions to limit noise from the extraction system, to ensure effective maintenance and cleaning of the odour controls according to the schedule mentioned in the report, that upgrading of the existing floor and creation of an independent ceiling is secured as per the report, and that the times of deliveries and uplifts are restricted (as per the hours recommended in the report). EH(PP) acknowledges that odour control is difficult to condition for, and that while it does not expect there to be a problem, the team will investigate if there are any complaints of odour.

2.4.8 In the absence of any objection from EH(PP), the ventilation/extraction system proposed stands to be considered acceptable in terms of noise and odour-related aspects of residential amenity. This is subject to a condition to limit operating hours to those proposed by the applicant; and to the above conditions recommended by EH(PP), except in relation to commercial deliveries and uplift of waste, in respect of which it is only considered reasonable to limit to the same as the operating hours.

2.4.9 In relation to the objectors' comments relating to the amenity impacts of traffic movements and injudicious parking, it is difficult to conclude that this would be significantly worse than associated with continued use of the premises as their existing lawful use. In relation to littering, in this case it is considered this is more properly addressed through other legislation.

2.4.10 In light of the above, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to residential amenity overall.

## **2.5 Transportation/Road Safety**

2.5.1 Collectively, FIFEplan Policies 1: Development Principles and 3: Infrastructure and Services require that development infrastructure and services are adequate, including in terms of local transport and safe access, with impacts on the local road network and road safety demonstrated; utilising the guidance in Making Fife's Places Supplementary Guidance (2018).

2.5.2 Several of the eight objectors raise concerns in relation to the potential road safety impacts and impacts on the availability of parking.

2.5.3 Planning Services' Transportation Development Management team (TDM) states that it has no objection to the proposed change of use in terms, in terms of parking or otherwise.

2.5.4 Concurring with TDM's position, and aware that the parking standard for the proposed use is similar to the notional standard for the existing lawful use, the proposal stands to be considered acceptable in terms of the above provisions of policy and guidance in relation to road safety/transportation.

## **3.0 Consultation Summary**

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Environmental Health (Public Protection)	No objection subject to conditions.
TDM, Planning Services	No objection.
Scottish Water	No objection.

## 4.0 Representation Summary

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### 4.1

Representations have been received from eight individual parties, all of which are objection comments.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Impact on residential amenity; including from associated traffic movements and injudicious parking; noise from traffic, from the ventilation/extraction system, and from patrons; littering; and odour impacts.	2.3.9
b. Implications for road safety and parking availability.	2.4.4

#### 4.2.2 Other Concerns Expressed

Issue	Comment
a. Potential for damage to building fabric from ventilation/extraction system.	This is not a material planning consideration.

## 5.0 Conclusions

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Subject to conditions relating to hours of operation and of commercial deliveries/uplift of waste, to secure noise mitigations and retention and maintenance of the ventilation/extraction system; and notwithstanding the objections made; the development accords with the provisions of policy and guidance relating to the principle of development, residential amenity, and transportation/road safety. Subject to conditions, the development accords with the development plan overall, with no material considerations of sufficient weight to justify departing therefrom.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. The hours of operation of the use hereby approved shall be limited to between 1100 and 2200 hours.

Reason: In the interests of residential amenity.

3. Unless otherwise agreed in writing by this planning authority; there shall be no deliveries of foodstuffs or catering supplies to the premises, for use in the preparation, cooking and serving of food; or dispatches of resulting waste from the premises; other than during the hours of operation referred to in Condition 2 above.

Reason: In the interests of residential amenity.

4. Noise emitted from the extraction system serving the use hereby approved shall not exceed NR25 when measured in any bedroom or living room of nearby dwellings.

Reason: In the interests of residential amenity.

5. The ventilation/extraction system hereby approved shall be retained and maintained in good working order and operated in connection with the use hereby approved throughout the lifetime of the use. This includes regular cleaning, filter replacement, and any necessary repairs or upgrades in accordance with manufacturer recommendations and the attached approved Noise and Odour Impact Assessment. Any replacements for this system shall be to at least the same standard in terms of noise and odour control and similarly retained and similarly retained, maintained and operated. A record of maintenance activities shall be kept and made available for inspection upon request by this planning authority.

Reason: In the interests of residential amenity.

6. In addition to in so far as referenced in the above conditions, the mitigations referred to in the approved Noise and Odour Impact Assessment Report shall be implemented in accordance with the terms of the report, except in so far as relates to deliveries of foodstuffs and supplies and refuse uplifts. The mitigation referred to in the report to address noise transmission through the separating floor between the subjects and the flatted dwelling above shall have been implemented in its entirety prior to the commencement of the use hereby approved, which mitigation shall thereafter be retained throughout the lifetime of the use hereby approved; certification by a noise or acoustic consultant that this mitigation has been implemented in accordance with the report and relevant good practice having been submitted to and approved in advance in writing by this planning authority.

Reason: In the interests of residential amenity

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Scottish Government Planning Advice Note 1/2011 Planning and Noise

Fife Council Policy for Development and Noise 2021

Report prepared by Brian Forsyth, Chartered Planner and Case Officer

Report reviewed and agreed by Derek Simpson, Lead Officer, 9.6.25

**Committee Date: 18/06/2025**

**Agenda Item No. 9**

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**Application for Full Planning Permission**

**Ref: 25/00123/FULL**

**Site Address: Seath House 5 Transy Place Dunfermline**

**Proposal: Change of use from sheltered accommodation (Class 8) to a House of Multiple Occupancy (18 persons) (Sui Generis)**

**Applicant: B&M Accommodation, Unit 3 Bridgend Business Centre**

**Date Registered: 13 February 2025**

**Case Officer: Lauren McNeil**

**Wards Affected: W5R03: Dunfermline Central**

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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

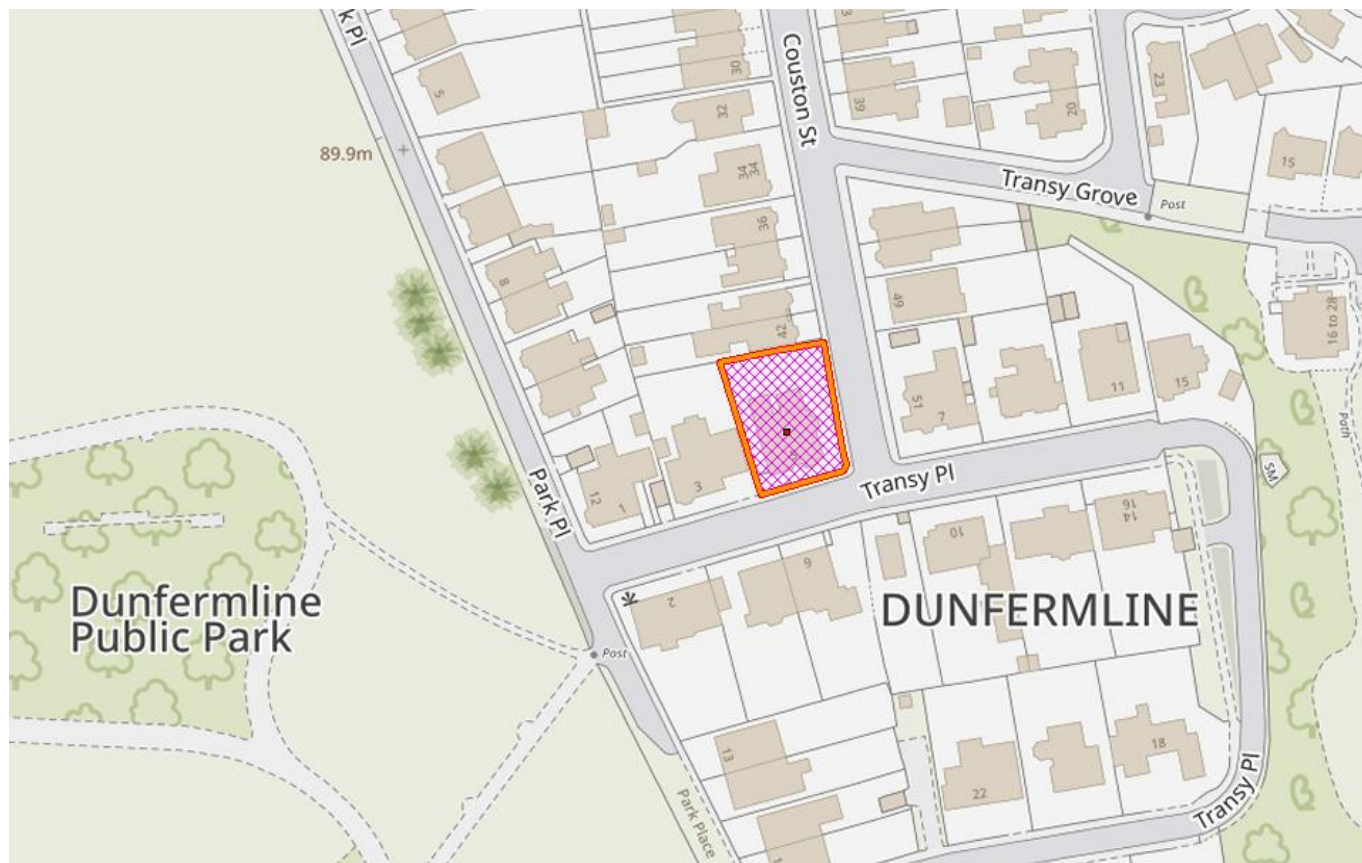
The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now Adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.1 Application Site

1.1.1 This application relates to a traditional two storey detached villa formerly used as sheltered accommodation situated on Transy Place in Dunfermline. The property is situated within the Dunfermline Conservation Area and is located approximately 50 metres east of Dunfermline Public Park. The property is stone built with a grey slate roof and two modern single storey extensions to the rear. The property is situated on a corner plot with a dual frontage to Transy Place and Couston Street. The surrounding land uses are predominately residential in nature, however one of the properties opposite (No. 10) was historically converted to a nursery and has operated as such for several years.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application seeks planning permission for the change of use of the property from sheltered accommodation (Class 8) to a House of Multiple Occupancy (18 persons) (Sui Generis).

## 1.3 Relevant Planning History

1.3.1 The relevant planning history for the proposed site can be summarised as follows:

-19/01115/TCA: Request to fell protected tree Dunfermline Conservation Area Fell 1 Ornamental Cherry (*Prunus* spp)- Application Permitted - no conditions (15/05/2019)

- 19/00093/TCA: Request to remove a tree in Dunfermline Conservation Area Fell ornamental conifer- Application Permitted - no conditions (27/02/2019)
- 22/03023/TCA: Crown reduction to copper beech tree within conservation area- Application Permitted - no conditions (10/10/2022)

## **1.4 Application Procedures**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## **1.5 Procedural Matters**

1.5.1 A physical site visit was undertaken by the case officer on the 24/03/2025. The following evidence was also used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery), and
- GIS mapping software.

As such, it is considered that the evidence and information available to the case officer is sufficient to determine the proposal.

## **1.6 Relevant Policies**

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

Policy 7: Historic assets and places

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

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes



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

#### **Policy 23: Health and safety**

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

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

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

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

#### **Policy 2: Homes**

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

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

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

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

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

#### **Policy 14: Built and Historic Environment**

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

### **National Guidance and Legislation**

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2019)

Planning Circular 2/2012- Houses in Multiple Occupation: Guidance on Planning Control and Licensing

### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

### **Planning Customer Guidelines**

Garden Ground

### **Other Relevant Guidance**

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- Visual Impact on Character of the Conservation Area
- Amenity
- Transportation/Road Safety
- Infrastructure/Waste

### 2.2 Principle of Development

2.2.1 Whilst Houses in Multiple Occupation (HMO's) are not specifically referenced within NPF4 the intention of Policy 16 (Quality Homes) is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

2.2.2 Policies 1 and 2 of the Adopted FIFEplan (2017) also apply with regards to the principle of the development. 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 2 of the Adopted FIFEplan (2017) states that Houses in multiple occupancy (HMO) will not be supported if it is a new dwelling, unless purpose built for HMO use; or it is the conversion of an existing building in an area where restrictions on HMOs are in place.

2.2.3 Planning Circular 2/2012- Houses in Multiple Occupation: Guidance on Planning Control and Licensing also applies in this respect and advises 'HMOs provide a vital source of accommodation, and planning authorities should seek to ensure that an adequate supply is available to meet demand'.

2.2.4 Objections received raised concerns regarding the principle of the proposed development, the intensification of the existing use, loss of specialised housing, and the level of detail provided to support the application in terms of how long the property was on the market for, demonstrated demand for this type of use, and justification for the location. Although the planning statement submitted details that the proposal is intended to provide accommodation for employees of Rosyth Dockyard, there is no competent planning mechanism to secure this, therefore the proposal have been assessed based on an unrestricted HMO use. Given the property is situated within an established settlement boundary, there is a presumption in favour of development subject to satisfactory details. Also, given the residential nature of the proposed

HMO use it is considered the proposal would be compatible with its surrounds in simple land use terms. There is not a high concentration of HMO's in this area and as such this development would not have a determinantal impact on the residential character of the surrounding area. Furthermore, the proposal would introduce an additional offering in terms of choice of housing tenure thus helping to reducing inequalities in terms of access to housing which would be supported by Policy 16 of NPF4. There are also no HMO restrictions currently in place within Dunfermline

2.2.5 In light of the above, the principle of the proposed change of use would be considered acceptable and would be in compliance with the general provisions of Policy 16 of NPF4 and Policies 1 and 2 of the Adopted FIFEplan (2017).

## **2.3 Visual Impact on Character of the Conservation Area**

2.3.1 Section 64 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and The Historic Environment Scotland Policy Statement (2019) (HEPS) apply in this respect.

2.3.2 Policy 7 of NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. More specifically, Policy 7 (d) of NPF4 states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

2.3.3 Policy 14 (a) of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Whilst not wholly applicable in this case, Policy 16 (g) of NPF4 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

2.3.4 Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), The Dunfermline Conservation Area Appraisal and Conservation Area Management Plan (2014) and Making Fife's Places Supplementary Guidance Document (2018) also apply in this respect. Policy 1 Part B states that development proposals must safeguard the characteristics of the historic environment, including archaeology. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Policy 14 stipulates that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design.

2.3.5 Objections received raised concern regarding visual amenity, the omission of a Heritage Impact Assessment, and the proposals impact on the character of the Conservation Area. Some

concerns were also raised regarding potential unauthorised works which have already taken place at the property however Fife Council's Planning Enforcement Team have investigated this matter and determined that no breach of planning control has taken place. To clarify, no external alterations are proposed therefore the proposal would not have a detrimental impact on the visual amenity of the surrounding area or the character and appearance of the Conservation Area nor would a Heritage Impact Assessment be required in this instance.

2.3.6 In light of the above, the proposal would be acceptable in this respect and would not have a detrimental impact on the visual amenity of the surrounding residential area or the character and appearance of the Conservation Area. As such, the proposal would be in compliance with Policies 7, 14 and 16 of NPF4 and Policies 1, 10 and 14 of the Adopted FIFEplan (2017).

## **2.4 Amenity**

2.4.1 Whilst not wholly applicable in this case, Policy 16 (g) of NPF4 states that householder development proposals will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. In addition, Policy 23 (e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.4.2 Policies 1 and 10 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B states development proposals must protect the amenity of the local community and businesses. 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. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and other nuisances; the loss of privacy, sunlight and daylight; or impacts on the operation of existing or proposed businesses and commercial operations.

2.4.3 Objections received raised concerns regarding residential amenity, loss of privacy, noise, light pollution, lack of garden ground, antisocial behaviour/impact on the safety of residents, and the impact on neighbouring business. It should be noted that Planning Circular 2/2012- Houses in Multiple Occupation: Guidance on Planning Control and Licensing advises the behaviour of HMO tenants are not a material planning consideration. As previously detailed, given the residential nature of the proposed HMO use it is considered the proposal would be compatible with its surrounds in simple land use terms. Further to this, the proposal would not introduce any additional window openings therefore the proposal would not have a significant detrimental impact on overlooking. The proposal would also maintain more than 100m<sup>2</sup> of usable garden ground to the rear and whilst it is acknowledged that the level of garden ground provided would not be proportionate to the number of occupants proposed, given the property is situated within a 2-minute walk of Dunfermline Public Park it is therefore considered that there are other opportunities for outdoor recreation within the immediate surrounding area.

2.4.4 In light of the above, the proposal would be considered acceptable and would not have a significant detrimental impact on the amenity of the neighbouring residential properties or the commercial nursery opposite. As such, the proposal would be in compliance with Policies 16 and 23 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017).

## **2.5 Transportation/Road Safety**

2.5.1 Policy 13 (b) 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.

However, Policy 13 (e) of NPF4 also states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

2.5.2 Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines also apply in this respect. Policy 1 Part C states that development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.3 Objections received raised concerns regarding parking, traffic movements, and general road safety. Fife Council's Transportation Development Management Team (TDM) were consulted on this application and advised that according to Fife Council Transportation Development Guidelines, the proposed HMO would have an off-street parking requirement of 10 spaces (1 space per room), compared to the former use of the property as a residential care home which would have had a notional off-street parking requirement of between 6 and 7 spaces (3 spaces for visitors and 3/4 for staff members). As such, TDM recommended that the proposal be refused on the grounds that the proposed HMO use would create an additional parking shortfall of between 3 and 4 spaces within an area that already has high demand for on-street parking on the surrounding public roads which would be detrimental to road safety.

2.5.4 Whilst the parking concerns raised by objectors and TDM are duly noted, the proposal would be situated in a sustainable location; within walking distance of a cycleway, various core paths, and there are various bus services running along Appin Crescent. Moreover, many of the

residential properties along Transy Place benefit from off-street parking and there are opportunities for unrestricted on-street parking along the dual frontage of the site on both Transy Place and Couston Street which could accommodate approximately 8/9 cars. It is noted that there is a children nursery on Transy Place which also will place demands on street parking albeit the nature of these demands is likely to be for short term stays at pick up and drop off times. The agent has advised that the occupiers of the proposed HMO would not possess private vehicles, and one company owned minivan would provide transport to/from Rosyth dockyard, however given there is no reasonable planning mechanism that could control this the required parking provision needs to be considered in line with levels set out in Fife Council Transportation Development Guidelines. Whilst the concerns of objectors and TDM colleagues are noted in this regard it is considered on balance that the shortfall of 3-4 spaces when compared to the provision required for the existing lawful use of the site and in the context of the available on street parking along the frontages of the application site which can accommodate approximately 8-9 cars and the well connected and sustainable location of this site means that on balance it is not considered that this shortfall carries sufficient weight to refuse the application on this basis.

2.5.5 Considering the above, on balance the proposal would be acceptable in terms of road safety and would be in compliance with Policy 13 of NPF4 and Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

## **2.6 Infrastructure/Waste**

2.6.1 Policy 12 (b) of NPF4 states that development proposals will be supported where they reuse existing buildings and infrastructure. In addition, Policy 12 (c) states that development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i. provision to maximise waste reduction and waste separation at source, and
- ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

2.6.2 Policies 1 and 3 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part C states that 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 including provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland. Policy 3 states that where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local recycling facilities.

2.6.3 Objections received raised concerns regarding the proposals impact on infrastructure/waste. The proposal seeks to reuse an existing building in an established built-up area and incorporates the provision of waste collection and recycling facilities which are appropriate for the nature and scale of the proposed HMO use.

2.6.4 In light of the above, the proposal would be considered acceptable in this respect and would comply with Policy 12 of NPF4 and Policies 1 and 3 of the Adopted FIFEplan (2017).

## 3.0 Consultation Summary

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TDM, Planning Services

Recommend refusal

## 4.0 Representation Summary

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4.1 A total of 60 objections and 1 general comment were received. Comments/concerns raised are summarised below. An additional late representation was also received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Principle of proposed development	2.2.4
b. Intensification of the existing use	2.2.4
c. Loss of specialised housing	2.2.4
d. Timescales the property was on the market for	2.2.4
e. Lack of demand demonstrated for this type of use	2.2.4
f. Justification for the location	2.2.4
g. Visual amenity/impact on the character of surrounding area	2.3.3
h. Impact on the character of the Conservation Area	2.3.3
i. Lack of Heritage Impact Assessment	2.3.3
j. Residential amenity	2.4.3
k. Loss of privacy	2.4.3
l. Noise	2.4.3
m. Light pollution	2.4.3
n. Lack of garden ground	2.4.3
o. Safety of residents	2.4.3
p. Impact on neighbouring businesses	2.4.3
q. Parking/traffic/general road safety	2.5.3
r. Impact on infrastructure/waste	2.6.3

#### 4.2.2 Other Concerns Expressed

Issue	Comment
a. Potential unauthorised works already taken place	This has been investigated by Fife Council's Planning Enforcement Team
b. Antisocial behaviour/behaviour of HMO tenants	Not a material planning consideration
c. Licensing matters/suitability of HMO accommodation/legality of HMO	Not a material planning consideration
d. Management arrangements	Not a material planning consideration
e. Intended occupants	Not a material planning consideration

## 5.0 Conclusions

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Considering the above, the principle of the proposed change of use would be acceptable and on balance the proposal would not have a significant detrimental impact on the character and appearance of the Conservation Area, the amenity of the neighbouring residential properties or the commercial nursery opposite, road safety, or the existing infrastructure/waste facilities. As such, the proposal would comply with the relevant provisions of the Development Plan.

## 6.0 Recommendation

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

### CONDITIONS:

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

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

## 7.0 Background Papers

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

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

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



## Planning Guidance

Report prepared by Lauren McNeil, Planner.

Report reviewed and agreed by Derek Simpson, Lead Officer 9.6.25

**Committee Date: 18/06/2025**

**Agenda Item No. 10**

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**Application for Planning Permission in Principle**

**Ref: 25/00559/PPP**

**Site Address:** Gospel Hall Bennoch Road Kirkcaldy

**Proposal:** Planning permission in principle for residential development and associated works (demolition of existing building)

**Applicant:** Bennoch Gospel Trust, 9 Leslie Mains Glenrothes

**Date Registered:** 18 March 2025

**Case Officer:** Brian Forsyth

**Wards Affected:** W5R11: Kirkcaldy Central

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional approval requiring a legal agreement

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## **1.0 Background**

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### **1.1 The Site**

This approximately 0.28 hectare application site relates to the now disused Gospel Hall and its grounds, a brownfield site cutting into sloped ground adjoining the west side of Bennoch Road, Kirkcaldy, formerly Sauchenbush Quarry and subsequently a depot. The principal access is midway along the site frontage, directly off Bennoch Road; with a seemingly redundant secondary access at the site's southern end, also off Bennoch Road, shared with a small electricity substation. A face of the former quarry provides a backdrop to the site on its west and south sides, the site otherwise characterised by well-established trees, principally around its periphery, enclosing the hall and its car parking. There is housing adjoining the site to the north, south, and west, which housing is in large part elevated from the site. Across Bennoch Road to the east is the Rabbit Braes Community Park.

Planning permission in principle is sought for residential development of the site, making continued use of the existing principal access off Bennoch Road. Submitted plans and drawings show a three-storey block of 18 flatted dwellings; these plans and drawings are

indicative only, the agent having confirmed that the application is for the principle of an as yet unspecified residential development of the site, with a view to all detailed matters (including number and type of units, heights, etc.) being reserved for consideration as part of an application for approval of matters specified in condition ('ARC').

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

Planning permission in principle for residential development and associated works (demolition of existing building).

## 1.3 Relevant Planning History

None.

## 1.4 Application Procedures

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). The site was visited by the case officer on 1 April 2025.

## 1.5 Relevant Policies

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

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

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

### **Policy 2: Climate mitigation and adaptation**

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

### **Policy 3: Biodiversity**

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

### **Policy 9: Brownfield, vacant and derelict land and empty buildings**

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

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

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

### **Policy 15: Local Living and 20 minute neighbourhoods**

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

### **Policy 22: Flood risk and water management**

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

## **Adopted FIFEplan (2017)**

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

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

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

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

### **Policy 4: Planning Obligations**

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

### **Policy 10: Amenity**

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

### **Policy 11: Low Carbon Fife**

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

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

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

## **Policy 14: Built and Historic Environment**

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

## **National Guidance and Legislation**

### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

Supplementary Guidance: Affordable Housing (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications; demonstrating compliance with CO2 emissions reduction targets and district heating requirements; and requirements for air quality assessments.

### **Planning Policy Guidance**

Planning Policy Guidance: Planning Obligations (2017)

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

### **Planning Customer Guidelines**

Daylight and Sunlight

Garden Ground

Minimum Distances between Window Openings

### **Other Relevant Guidance**

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flood Risk and Water Management
- Land and Air Quality
- Trees and Natural Environment
- Sustainable Building
- Affordable Housing
- Education

## **2.2 Principle of Development**

2.2.1 The site lies within the defined settlement boundary for Kirkcaldy in terms of FIFEplan. Policy 1 of FIFEplan supports the principle of development within a defined settlement boundary provided it is compliant within any policies for the location. In the absence of any relevant FIFEplan policies relative to the location of the development, the proposal accords with the provisions of FIFEplan policy relating to the principle of development in land use terms.

2.2.2 NPF4 Policy 9 supports the sustainable reuse of brownfield land. NPF4 Policy 14 does not support proposals that are inconsistent with the qualities of successful places, including connected and sustainable. NPF4 Policy 15 states that proposals will contribute to local living. As a proposal for residential development within the defined settlement boundary for Kirkcaldy in terms of FIFEplan, the proposal is considered acceptable in terms of these provisions of NPF4 policy relating to the principle of development in land use terms.

2.2.3 The overall acceptability of residential development of this site remains subject to assessment against the matters below.

## **2.3 Design and Layout/Visual Impact**

2.3.1 Policy 1 of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by, amongst other things, protecting the amenity of the local community and complying with Policy 10. 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. Policy 14 states that the Council will apply the qualities of successful places, guidance in relation to same provided in Making Fife's Places Supplementary Guidance (2018).

2.3.2 NPF4 Policy 14 states that proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the qualities of successful places, including pleasant and distinctive, will not be supported.

2.3.3 A number of the objections raise concern in relation to detriment to the visual amenity of the area.

2.3.4 The existing modest building on the site, screened from public view to a considerable degree by existing trees, does not have any significant detrimental impact on the streetscene or visual amenity more generally, consistent with the qualities of successful places. A house similar to the existing building could be provided in its place without having any significant detrimental impact on the streetscene or visual amenity more generally, consistent with the qualities of successful places. As such, it follows that the site can be developed for housing in a manner which accords with the above provisions of policy and guidance in relation to design and layout/visual impact, subject to a condition requiring approval of matters specified in conditions ('ARC') which covers design and layout/visual impact. In relation to the above objections, the nature of the residential development remains to be determined and would be fully assessed through the subsequent ARC application.

## **2.4 Residential Amenity**

2.4.1 NPF4 Policy 14 does not support proposals that are detrimental to the amenity of the surrounding area.

2.4.2 FIFEplan Policy 1 states that the individual and cumulative impacts of development proposals must be addressed by, amongst other things, protecting the amenity of the local community and complying with Policy 10. 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, loss of privacy and natural light. Fife Council Planning Services Daylight and Sunlight, Garden Ground, and Minimum Distances Between Window Openings customer guidelines are also relevant here.

2.4.3 A number of the objections raise concern in relations to loss of privacy and access to natural light.

2.4.4 A house (say) similar to the existing building on the site could be provided on site which would readily accord with the above provisions of policy and guidance in relation to residential amenity. As such, it follows that the site can be developed for housing in a manner which accords with the above provisions of policy and guidance in relation to residential amenity, subject to a condition requiring ARC. In relation to the above objections, the extent and detail of the development would be fully assessed through the subsequent ARC application.

## **2.5 Transportation/Road Safety**

2.5.1 Policy 1 of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by improving existing infrastructure capacity and complying with Policy 3. 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 in relation to parking, visibility, intensification of vehicle movements, or other aspects of road safety, subject to conditions of planning permission in principle to ensure a turning area within the site, a new two metre wide footway along the site frontage, a pedestrian link from the footway to the dwellings, provision and retention of 3m x 60 metre visibility splays, provision and retention of car and cycle parking, and details of measures to avoid mud, etc. onto the public road during construction.

2.5.3 A number of the objections raise concerns in relation to the sufficiency of car parking and the potential for overflow parking off-site, visibility, increased vehicle movements to and from a busy road, and road safety generally.

2.5.4 Concurring with the views of TDM, and subject to conditions requiring ARC and otherwise as recommended by TDM, the proposal is considered to accord with the above provisions of policy and guidance in relation to transportation/road safety, notwithstanding the views of objectors. In relation to the above objections, the extent and detail of the development would be fully assessed in relation to road safety through the subsequent ARC application; the recommended conditions considered sufficient to ensure compliance with the required standards.

## **2.6 Flooding and Water Management**

2.6.1 NPF4 Policy 22 states proposals at risk of flooding or in a flood risk area will only be supported in certain instances; will not increase the risk of surface water flooding to others, or itself be at risk, managing all rain and surface water through sustainable urban drainage systems (SuDS); should presume no surface water connection to the combined sewer; and seek to minimise the area of impermeable surface. Proposals will be supported if they can connect to the public water mains; if connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes can be sustainably sourced. NPF4 Policies: 1 and 14 are also relevant here, the latter stating that proposals that are inconsistent with the six qualities of successful places (including 'Adaptable') will not be supported. FIFEplan Policy 1 adds 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 FIFEplan Policy 3. FIFEplan Policy 3 adds 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, foul and surface water drainage, including SuDS. FIFEplan Policy 12 adds that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively, amongst other things, detrimentally impact on ecological quality of the water environment. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.6.2 Scottish Water raises no objection in relation to surface water or availability of drinking water, although it is stated that for reasons of sustainability and to protect customers from future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.



2.6.3 A number of the objections raise concerns in relation to adverse impact in terms of surface water run-off.

2.6.4 Noting that the site is not within or near to an area shown liable to future flooding in the Scottish Environment Protection Agency flood maps, and taking into account the views of Scottish Water, the proposal is considered to accord with the above provisions of policy and guidance in relation to flood risk and water management, subject to a condition requiring ARC and to standard SuDS/drainage conditions. In relation to the above objections, the extent and detail of the development would be fully assessed through the subsequent ARC application.

## **2.7 Land and Air Quality**

2.7.1 Policy 1 of FIFEplan 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 10. Policy 10 of FIFEplan 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, contaminated and unstable land.

2.7.2 The site lies within a 'Development Low Risk Area' for Mining Remediation Authority consultation purposes, such that no consultation with the authority is required in this case.

2.7.3 In relation to land quality, the Council's Land & Air Quality raises no objection but recommends contaminated land site-specific risk assessment, to be secured by applying standard type conditions. In relation to air quality, an Air Quality Impact Assessment report was requested as further information, which report concludes there are unlikely to be any air quality issues; having reviewed the report, the team raises no objection in relation to air quality.

2.7.4 A number of the objections raise concerns in relation to detriment to residents from site contamination during works and the detriment to the amenity of residents during construction generally.

2.7.5 Taking the views of the Council's Land & Air Quality team into account, and subject to their recommended conditions, it is considered that the proposal accords with the above provisions of policy in relation to land and air quality, notwithstanding the views of objectors. In relation to the above objections, Land & Air Quality raises no objection in relation to the consequences for air quality of site contamination; some disturbance to residents during construction is to be expected and is most appropriately controlled through other legislation.

## **2.8 Trees and Natural Environment**

2.8.1 NPF4 Policy 1 states that significant weight will be given to the global nature crisis. NPF4 Policy 3 states that proposals for local development will include appropriate and proportionate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 Policy 14 states that development proposals will be supported where they are compliant with the qualities of successful places, including integrating nature positive, biodiversity solutions.

2.8.2 FIFEplan Policy 1 adds 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. FIFEplan Policy 3 adds 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, green infrastructure. Fife Council's Making Fife's Places Supplementary Guidance (2018) and its Trees and Development Planning Services customer guidelines are also relevant here.

2.8.3 Planning Services' Tree Protection Officer (TPO) raises no objection to the proposals subject to an arboricultural impact assessment and tree protection plan.

2.8.4 A number of the objections raise concern in relation to detriment to habitat and ecology, including trees and bats.

2.8.5 Taking into particular account the views of the TPO; and subject to a condition requiring ARC which covers landscaping and preliminary ecological appraisal, and to conditions in relation to arboricultural impact, tree protection and biodiversity enhancement; it is considered that the proposal accords with the above provisions of policy and guidance in relation to trees and natural environment. The above concerns of the objectors are controlled for in the recommended conditions and are more properly for consideration at the ARC stage.

## **2.9 Sustainable Building**

2.9.1 NPF4 Policy 1 states that significant weight will be given to the global climate crisis. NPF4 Policy 2 states that proposals will be sited and designed to minimise lifecycle greenhouse gases as far as possible. NPF4 Policy 14 states that proposals will be supported where they are compliant with the qualities of successful places, including 'Sustainable', i.e. including supporting the efficient use of resources.

2.9.2 FIFEplan Policy 1 adds that 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. FIFEplan Policy 3 adds 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, proposals must incorporate measures to ensure that they will be served adequate infrastructure and services; such infrastructure and services may include, amongst other things, green infrastructure complying with Making Fife's Places Supplementary Guidance (2018) and low and zero-carbon generating technologies in accordance with FIFEplan Policy 11. FIFEplan Policy 1 states that proposals must be supported by information requirements to demonstrate that they will comply with relevant criteria and supporting policies, including providing for energy conservation and generation in layout and design; contributing to national climate change targets; and complying with Policy 11. FIFEplan Policy 11 adds that planning permission will only be granted for new development where it has been demonstrated that the incorporation of low and zero carbon generating technologies will contribute to meeting the Building Standards Target Emissions rate, construction materials come from local or sustainable sources, water conservation measures are in place, acceptable SuDS measures are in place, and facilities are provided for the separate collection of dry recyclable waste and food waste. Fife Council's Low Carbon Fife Supplementary Guidance (2019) is also relevant here.

2.9.3 Subject to ARC condition requiring a satisfactorily completed Fife Council Planning Low Carbon Sustainability Checklist and incorporation of low and/or zero-carbon generating

technology, the proposal stands to be considered to accord with the above provisions of policy and guidance relating to sustainable building.

## **2.10 Affordable Housing**

2.10.1 FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity, including affordable housing, the contributions to mitigate development impact by: 1. making a contribution to existing infrastructure, or providing additional capacity or improving existing infrastructure; or 2. providing new infrastructure. This is to be provided through planning conditions, legal agreements, and planning obligations. It is stated that guidance will be prepared containing details of how impacts will be assessed and how amount of developer contributions will be calculated in relation to, amongst other things, affordable housing. The Council's subsequently adopted Affordable Housing Supplementary Guidance September 2018 is relevant here.

2.10.2 The Council's Affordable Housing and Regeneration team highlights that, assuming 18 nos. flatted dwellings, and in terms of the above guidance, the development must provide 15% of the total units as affordable units off-site, otherwise a commuted sum in lieu of on-site provision where off-site provision is not possible. If less than 10 units were proposed through a subsequent ARC application no affordable housing contributions/provision would be required.

2.10.3 Subject to a legal agreement to secure any requirements arising in terms of Fife Council Affordable Housing Supplementary Housing September 2018, the proposal is considered to accord with the above provisions of policy and guidance in relation to affordable housing.

## **2.11 Education**

2.11.1 FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; 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. FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity, including schools, the contributions to mitigate development impact by: 1. making a contribution to existing infrastructure, or providing additional capacity or improving existing infrastructure; or 2. providing new infrastructure. This is to be provided through planning conditions, legal agreements, and planning obligations. It is stated that guidance will be prepared containing details of how impacts will be assessed and how amount of developer contributions will be calculated in relation to, amongst other things, schools. The Council's Planning Obligations Framework Guidance 2017 is also relevant here, confirming that the re-use of such brownfield land (previously developed land) within a defined settlement boundary is exempt from education contributions.

2.11.2 The site falls within the catchment of Dunnikier Primary School where it has been confirmed that there is currently capacity and that the school roll is forecast to fall. As the site is brownfield the development is exempt from Education contributions unless there are capacity issues at local schools. As no capacity issues have been identified at any catchments schools

and given the relatively small scale of the site which will limit the number of dwellings that could come forward through an ARC application it is considered that the redevelopment of this site for residential will not have any significant impact on Education capacity in the catchment schools. As such, the proposal stands to be considered acceptable in terms of the above provisions of policy and guidance in relation to education.

## 3.0 Consultation Summary

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Scottish Water	No objection.
Land And Air Quality, Protective Services	No objection.
TDM, Planning Services	No objection subject to conditions.
Education (Directorate)	No response.
Housing And Neighbourhood Services	No objection subject to meeting relevant guidance in relation to affordable housing.
Trees, Planning Services	No objection subject to conditions.

## 4.0 Representation Summary

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### 4.1

Eleven representations have been received from eleven parties, nine of which representations are objection comments.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Loss of privacy and access to natural light.	2.4.4
b. Sufficiency of car parking and the potential for overflow parking off-site, visibility, increased vehicle movements to and from a busy road, and road safety generally.	2.5.4
c. Detriment to habitat and ecology, including trees and bats.	2.8.5
d. Detriment to residents from site contamination during works.	2.7.5
e. Detriment to amenity of residents during construction.	2.7.5
f. Detriment to visual amenity of the area.	2.3.4
g. Adverse impact in terms of surface water run-off.	2.6.4

#### 4.2.2 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
a. Loss of private view over the site.	This is not a material planning consideration.

## 5.0 Conclusions

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Subject to legal agreement and conditions of planning permission, the development accords with the provisions of policy and guidance relating to the principle of development, design and layout/visual impact, residential amenity, transportation/road safety, flood risk and water management, land and air quality, trees and natural environment, sustainable building, affordable housing, and education. Subject to the said conditions, the development accords with the development plan overall, with no material considerations of sufficient weight to justify departing therefrom.

## 6.0 Recommendation

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

- A. The conclusion of a legal agreement to secure; any requirements arising in terms of Fife Council Affordable Housing Supplementary Housing September 2018.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

### **CONDITIONS:**

1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission.

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

2. BEFORE THE COMMENCEMENT OF THE DEVELOPMENT HEREBY APPROVED, a further application(s) for the matters specified below ("approval of matters specified in

conditions") shall have been submitted to and approved by this planning authority, together with such particulars and such plans and drawings as necessary to deal with those matters:-

- a) the number of dwellings and the siting and layout of the development;
- b) the design and external appearance of and finishing materials for the development;
- c) hard surfacing and kerbing;
- d) means of access to the site, including details of footway and ancillary vehicular crossings;
- e) visibility splays;
- f) landscaping, including in terms of Regulation 12(3) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
- g) the site's habitats and potential presence of protected species or other ecological features, in the form of a preliminary ecological appraisal (PEA);
- h) details of sustainable construction in the form of a completed Fife Council Low Carbon Checklist;
- i) details of the treatment and disposal of foul and surface water from the development;
- j) details of the risk of actual or potential land contamination at the site in the form of a Preliminary Risk Assessment (Phase I Desk Study); and, where further investigation is recommended in the Preliminary Risk Assessment, a suitable Intrusive Investigation (Phase II Investigation Report); and, where remedial action is recommended in the Phase II Intrusive Investigation Report, a suitable Remedial Action Statement. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. All land contamination reports shall be prepared in accordance with CLR11, Planning Advice Note PAN 33 Development of Contaminated Land (2000) and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland); and
- k) such pre-commencement certification as required in terms of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022).

Reason: To comply with Section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended) and Regulations 10 and 12 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. The submitted details are not hereby approved, being indicative only.

Reason: For the avoidance of doubt as to the extent of the development hereby approved; this is an application for planning permission in principle, the submitted details having been submitted as indicative only.

4. BEFORE THE FIRST OCCUPATION OF THE FIRST DWELLING, there shall have been provided within the site a turning area for vehicles suitable for use by the largest size of vehicle expected to visit or be used by occupants of the dwellings. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

Reason: In the interests of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

5. BEFORE THE OCCUPATION OF THE FIRST DWELLING, a new 2 metre wide footway (including replacement street lighting columns) and its ancillary vehicle crossing shall have been provided along the full Bennoch Road frontage of the application site. All these works shall be constructed in accordance with current Fife Council Making Fife's Places Supplementary Guidance (2018) Appendix G.

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

6. BEFORE THE FIRST OCCUPATION OF THE FIRST DWELLING, a new separate 1.8m wide pedestrian link shall have been provided between the public footway and the building entrance(s).

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

7. BEFORE THE FIRST OCCUPATION OF THE FIRST DWELLING, visibility splays 3m x 60m shall have been provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Making Fife's Places Supplementary Guidance (2018) Appendix G. These visibility splays shall be retained for the lifetime of the development.

Reason: In the interests of road safety; to ensure the provision of adequate off-street parking facilities.

8. BEFORE THE FIRST OCCUPATION OF THE FIRST DWELLING, off-street parking for cycles and vehicles shall be provided in accordance with the current Fife Council Parking Standards contained within the current Fife Council Making Fife's Places Supplementary Guidance (2018) Appendix G. These parking spaces shall be retained for the lifetime of the development.

Reason: In the interests of road safety; to ensure the provision of adequate off-street parking facilities.

9. THE DEVELOPMENT HEREBY APPROVED SHALL NOT COMMENCE UNTIL: a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development hereby approved. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. BEFORE THE FIRST OCCUPATION OF THE DEVELOPMENT HEREBY APPROVED, OR IT BEING TAKEN INTO BENEFICIAL USE, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development hereby approved shall have been submitted to and approved as part of an application for approval of matters specified in conditions; this document to confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of ensuring the site has been made safe and stable for the development hereby approved.

10. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to Condition 2 above. In the event that remedial action is unable to proceed in accordance with said approved Remedial Action Statement, or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site, all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within two working days. Development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved by this planning authority as part of an application for approval of matters specified in conditions. Remedial action at the site shall thereafter be completed in accordance with this approved matters specified in conditions application. Following completion of any measures identified in the approved Remedial Action Statement or revised Remedial Action Statement approved as part of a matters specified in conditions application, a Verification Report shall be submitted by the developer to this planning authority.

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

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

11. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within two working days.



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

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

12. No tree works or site clearance or works in connection with the development hereby approved shall take place until the scheme of landscaping referred to in Condition 2 above has been approved. The scheme shall include indications of all existing trees (including spread and species), identify those to be retained, and set out measures for protection of those to be retained throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the unit served by the development hereby approved or completion of the said development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of safeguarding trees and of securing delivery and maintenance of landscaping, all in the interests of conserving and enhancing biodiversity.

13. The SUDS and drainage infrastructure approved pursuant to Condition 2 above shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to any dwellings on the site being occupied unless otherwise agreed in writing. This infrastructure shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure the effective management of surface water and to ensure that the required drainage works are carried out and operational at the required stage of the development.

14. Prior to any dwellings on the site being occupied confirmation that the approved SUDS has been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of

Reason: To ensure the approved SUDS infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Brian Forsyth, Chartered Town Planner

Report reviewed and agreed by Derek Simpson, Lead Officer, 9.6.25

Committee Date: 18/06/2025

Agenda Item No. 11

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**Application for Full Planning Permission**

**Ref: 24/00987/FULL**

**Site Address:** 21 Ava Street Kirkcaldy Fife

**Proposal:** Formation of hardstanding, formation of vehicular access and alterations to boundary wall (retrospective)

**Applicant:** Mrs Helen Mitchell, 21 Ava Street Kirkcaldy

**Date Registered:** 8 April 2025

**Case Officer:** Gary Horne

**Wards Affected:** W5R11: Kirkcaldy Central

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

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

### **Summary Recommendation**

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The application is recommended for: Refusal and Enforcement Action

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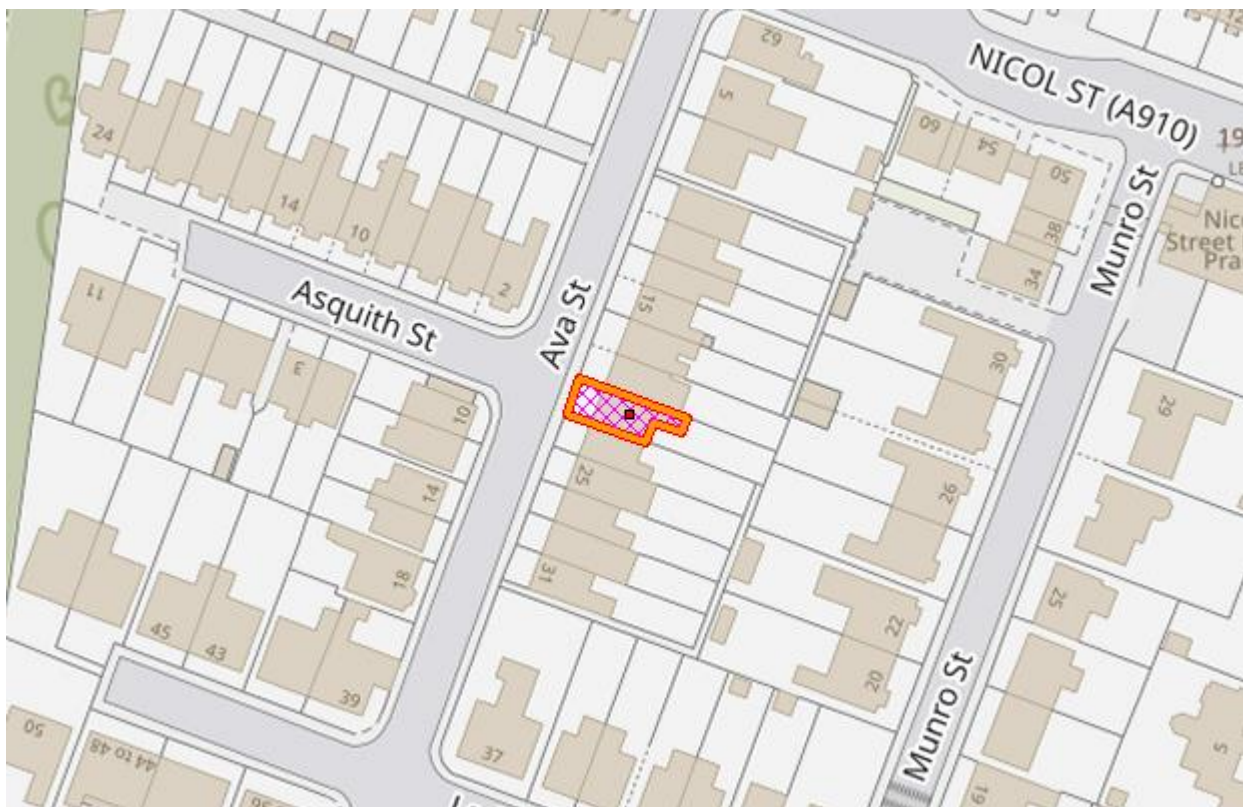
## **1.0 Background**

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### **1.1 The Site**

1.1.2 This application relates to a one-and-a-half storey mid-terrace traditional dwellinghouse situated within the Abbotshall and Central Kirkcaldy Conservation Area. The property includes a dormer extension to the front and is externally finished with stone built walls, a pitched slated roof and modern uPVC windows. The streetscene is characterised by traditional dwellings of a similar form and architectural style, with low stone wall boundaries to the front enclosing front garden areas.

#### **1.1.3 Location Plan**



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## 1.2 The Proposed Development

1.2.1 Formation of hardstanding, formation of vehicular access and alterations to boundary wall (retrospective)

1.2.2 The proposed works are understood to have been undertaken in January 2024. An enforcement investigation commenced in February 2024 with an Enforcement Notice served in November 2024. The unauthorised works have yet to be remedied with the applicant now in breach of the Enforcement Notice. The applicant has subsequently submitted this Planning Permission application seeking retrospective Planning Permission for the removal of the historic boundary wall to form a vehicular access to the existing front garden area. The previous grassed lawn and soft landscaping have been removed in order to form a hardstanding area for off-street parking.

## 1.3 Relevant Planning History

01/02751/CFULL - Change of use from residential flat to office/surgery – Permitted with conditions - 27/11/01

02/01310/CFULL - Change of use from dwellinghouse to office/surgery (renewal of temporary consent 01/02751/CFULL) - Permitted with conditions - 25/06/02

08/00060/CFULL - Change of use from office/surgery (class 1) to residential dwelling (class 9) - Permitted with conditions - 04/02/08

24/00987/FULL - Formation of hardstanding, formation of vehicular access and alterations to boundary wall (retrospective) – Pending Decision

24/00990/CLE - Removal of existing 600mm high stonewall to form access for off street parking and paved area upgraded in front of building to take some parking. – Application Returned

24/0049/ENF – Enforcement Case – Unauthorised building works in a Conservation Area – Enforcement Notice issued on the 19.11.24, effective from the 20.12.24 and expired on the 20.4.25. The applicant is now in breach of the notice which requires the front wall to be reinstated. Enforcement action has been sisted pending the outcome of this planning application.

## **1.4 Application Procedures**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## **1.5 Relevant Policies**

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

Policy 1: Tackling the climate and nature crises

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

Policy 3: Biodiversity

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

Policy 7: Historic assets and places

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

Policy 13: Sustainable transport to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

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

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

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services including local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in *Making Fife's Places Supplementary Guidance*

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors

Policy 14: Built and Historic Environment

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

## **National Guidance and Legislation**

Historic Environment Policy for Scotland (2019)

### **Other Relevant Guidance**

Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005)

Making Fife's Places - Transportation Development Guidelines (2015)

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Design / Impact upon Conservation Area
- Transportation/Road Safety
- Flooding and Drainage

### **2.2 Design / Impact upon Conservation Area**

2.2.1 Policy 7 of the National Planning Framework 4 (2023), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), and the Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005) apply in this respect.

2.2.2 Eight representations in support of the application have been received in this instance. The representations highlight that the proposed works have been done to a high standard, are

in keeping with the surrounding area, do not detract from the surrounds and reflect similar works in the area.

2.2.3 One representation objecting to the application has been received in this instance highlighting that this site includes only a small front garden given it is mid terrace which was not designed to accommodate off-street parking, that the loss of the entire front boundary wall detrimentally impacts upon the Conservation Area, that the loss of soft landscaping impacts the character of the Conservation Area and that the approval of this application would set a precedent for similar developments in the area.

2.2.4 The surrounding streetscene includes a limited number of examples of existing vehicular accesses which have similarly removed the historic low boundary wall to the front of these properties. There is no evidence of any Planning Permissions having been granted for these and through investigation of historic streetview images it is believed that these accesses have been in situ for at least 15 years, putting them beyond the scope of enforcement action. The neighbouring property at No.15 Ava Street has also removed the low boundary wall and formed a hardstanding area to front however it is understood that these works were likely carried out prior to the implementation of the Abbotshall and Central Kirkcaldy Conservation Area.

2.2.5 Whilst it is accepted that there is a limited number of examples within the Conservation Area where the historic boundary walls have been removed or altered, it is considered that the pattern of low boundary stone walls within the surrounding streets is still a key characteristic of this section of the Abbotshall and Central Kirkcaldy Conservation Area and the overwhelming majority of properties still retain the historic low boundary walls to the front. It is considered that the complete removal of the wall on site detrimentally impacts upon the appearance and character of the surrounding historic environment. Were Planning Permission to be granted in this instance, it is considered that an undesirable precedent may be established which could ultimately lead to the loss of these walls elsewhere which would cause significant harm upon the character of this Conservation Area.

2.2.6 The loss of the grassed lawn and soft landscaping, replaced with the proposed hardstanding mono-block paving, is considered regrettable in this instance however the presence of hardstanding within the front garden areas of the surrounding streetscene is considered to be well established. Indeed, it is considered that front gardens including grassed lawns and soft landscaping would now be in the minority in this locale. Whilst it would have been preferable for the previous site conditions to have been retained, within the context of the surrounds it is considered that it would be difficult to suggest that these groundworks have had a significant additional impact upon the surrounding area given the prevalence of similar developments and therefore a refusal on this basis would not be considered reasonable.

2.2.7 On balance, the proposed formation of hardstanding is considered appropriate within the context of the surrounding streetscene however the proposal cannot be supported in this instance by virtue of the detrimental impact the loss of the historic boundary wall has had upon the character and appearance of the surrounding Abbotshall and Central Kirkcaldy Conservation Area. As such, the proposal does not comply with the Development Plan and its associated guidance.

## **2.3 Transportation/Road Safety**

2.3.1 Policies 13 and 14 of NPF4, Policies 1 and 3 of the Adopted FIFEplan and Making Fife's Places - Transportation Development Guidelines (2015) apply in this instance.

2.3.1 Eight representations supporting the application have been received in this instance, highlighting that the works have helped to provide access to the applicant's car, have eased the parking situation within the street, reflect similar developments within the area and will help to avoid the applicant's car being damaged.

2.3.2 One representation objecting to the application raises concerns that the proposed off-street parking area is not large enough to accommodate a standard parking space, provides a net loss for parking in the area and introduces a conflict between pedestrians and vehicles crossing the pavement.

2.3.3 Fife Council's Transportation Development Management (TDM) have been consulted on this application and have advised that according to the current Fife Council Making Fife's Places Appendix G, a driveway should be 6 metres in length (depth) measured from the rear of the public footway. A driveway should be designed for use in a perpendicular arrangement from the rear of the public footway and should allow free pedestrian access to the front door of the dwelling. Following a site visit to accurately determine the size of the driveway/parking area it was noted that if it was used in the required perpendicular arrangement, then the parking area has an approximate depth (length) of 3.85 metres between the bay window of the dwelling and the rear of the public footway. The width of driveway/parking area over the full site frontage was approximately 5.7 metres (including the access to the front door of the house). Even if the parking space dimensions of 5m length x 2.5m in width from Appendix G were applied (this is intended for use within car parks) rather than the driveway criteria, then the length of the driveway is still sub-standard and would result in a standard sized family car overhanging the rear of the public footway. If a driver chose to attempt to park within the area in either a horizontal or diagonal arrangement, then they would have to reverse over the public footway diagonally and use the footway for manoeuvring, which would be unacceptable in terms of pedestrian safety.

2.3.4 On the basis of TDM's consultation response it is considered that the proposal cannot safely accommodate a standard off-street parking space given the proposed parking area has a sub-standard depth from the rear of the footway and as such, a standard family sized car would overhang the public footway to the detriment of pedestrian safety. Any driver choosing to park either horizontally to the public footway or in a diagonal arrangement would have to reverse diagonally over the public footway and use the footway for manoeuvring to the detriment of road safety. Furthermore it is considered that the proposed driveway/parking space would result in the loss of one off-street parking space, so would not reduce the overall demand for on-street parking within this area and the presence of unrestricted on-street parking restricts sightlines when egressing from the unauthorised access in both directions along Ava Street thereby increasing the risk of conflict with approaching vehicles and compromising road safety.

2.3.5 In light of the above, the proposal is considered unacceptable in this respect in terms of pedestrian safety and road safety and as such is contrary to the Development Plan and its associated guidance.

## **2.4 Flooding And Drainage**

2.4.1 Policies 1, 2 and 3 of NPF, Policies 12 and 13 of Adopted FIFEplan apply in this respect.

2.4.2 One letter of representation objecting to the proposal raises concerns in this respect that the proposed removal of the previous soft landscaping to form a hardstanding area contributes to the accumulative effect on sustainable environments, flooding, water management and urban temperature increases.



2.4.3 Although the proposed formation of hardstanding introduces policy tensions with the aims of National Planning Framework 4 (NPF4) and the Adopted FIFEPlan Local Development Plan policies relating to climate change mitigation, biodiversity and flooding, on balance it is considered that the proposal does not introduce significant concerns with regards to flooding or surface water management. The site is not located within a designated flood risk area and the proposed hardstanding area is constructed using permeable materials which will allow rainwater to infiltrate into the ground albeit at a significantly reduced rate than the previous ground conditions. Whilst it would have been preferable to retain the previous grassed lawn and soft landscaping from a drainage perspective, had this application being submitted for a site outwith the Conservation Area, then Planning Permission for the formation of this hardstanding would not have been required. Within the context of the surrounding area, which includes a prevalence of similar front garden groundworks, and the works being Permitted Development outwith the Conservation Area it is considered that the proposed hardstanding area is appropriate in this respect and would not result in any significant adverse drainage impacts.

2.4.4 In light of the above, the proposal is considered acceptable in terms of drainage and surface water management in accordance with development plan and associated guidance.

## 3.0 Consultation Summary

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TDM, Planning Services

Recommend refusal for road and pedestrian safety reasons.

## 4.0 Representation Summary

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4.1 Nine representations have been received in relation to this application, eight in support and one objecting. The material issues raised within these representations have been addressed in sections 2.2, 2.3 and 2.4 of this report.

## 5.0 Conclusions

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5.1 Whilst the proposed formation of hardstanding would likely be considered acceptable in its own right, this application must be assessed in its entirety and the demolition of the historic boundary wall and the formation of a vehicular access are considered unacceptable by virtue of a detrimental impact upon the character of the Abbotshall and Central Kirkcaldy Conservation and a detrimental impact upon pedestrian and road safety. As such, the proposal is considered contrary to the development plan and associated guidance and cannot be supported.

## 6.0 Recommendation

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It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and appearance of the Conservation Area; the proposal is considered to be unacceptable by virtue of the removal of the historic boundary wall, to the detriment of the character of the Abbotshall and Central Kirkcaldy Conservation Area and contrary to Policy 7 of NPF4 (2023), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019) and the Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005).

2. In the interests of pedestrian and road safety; the proposal is considered to be unacceptable by virtue of there being insufficient space for a standard sized vehicle to be safely parked clear of the public footway and a driver would have to undertake diagonal reversing manoeuvres to egress from the proposed driveway/parking area. Furthermore, this issue is compounded by unrestricted on street car parking that limits visibility when egressing from the site. As such, the proposal would detrimentally impact on pedestrian and road safety, contrary to Policies 13 and 14 of National Planning Framework 4 (2023), Policies 1 and 10 of the Adopted FIFEplan (2017), and Fife Council Making Fife's Places Appendix G - Transportation Development Guidelines (2018).

and

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

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Gary Horne, Planning Assistant.

Report reviewed and agreed by Derek Simpson, Lead Officer 6.6.25

**Committee Date: 18/06/2025**

**Agenda Item No. 12**

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**Application for Full Planning Permission**

**Ref: 24/03182/FULL**

**Site Address:** Lundin Golf Club Golf Road Lundin Links

**Proposal:** Installation of safety net

**Applicant:** Lundin Golf Club, Lundin Golf Club Golf Road

**Date Registered:** 20 December 2024

**Case Officer:** Matthew Don

**Wards Affected:** W5R21: Leven, Kennoway And Largo

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**Reasons for Referral to Committee**

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

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**Summary Recommendation**

The application is recommended for: Conditional Approval

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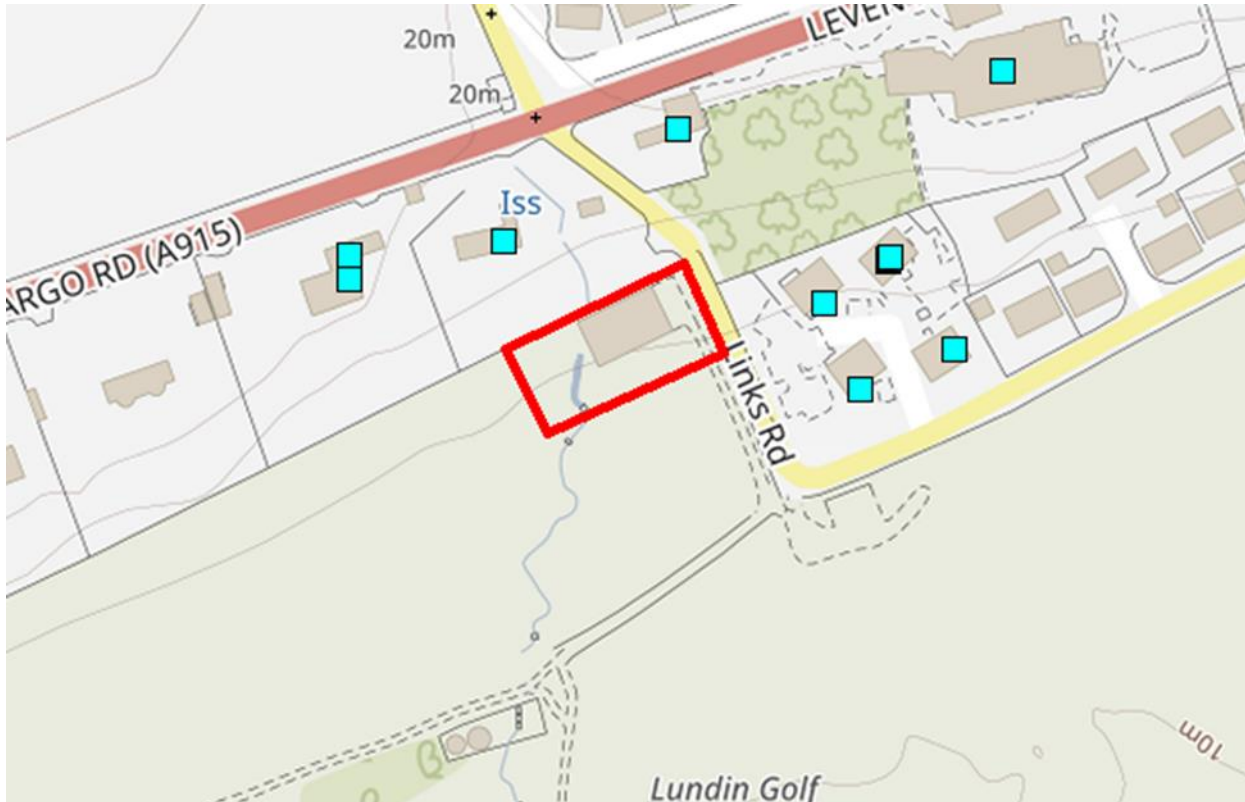
## **1.0 Background**

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### **1.1 The Site**

This application relates to a parcel of land within the holdings of Lundin Links Golf Society on the outskirts of Lundin Links (within a countryside location) as designated in the Adopted FIFEplan (2017). The site in question is adjacent to the 9<sup>th</sup> Tee, with the course extending some 2 km due West and 250 m to the shoreline, with residential detached traditional built properties to the Northeast and Northwest with more contemporary style higher density residential flatted properties to the East. The golf course hinterland is within the Largo Coast Green Network (LLAGN01) as designated in the Adopted FIFEplan (2017). Making Fife's Places – Supplementary Guidance – Appendix H (2014) states that the coastal edge forms part of a strategic Fife Coastal path route with a high tide alternative route along the edge of the golf course and follows the old railway line as far as Dumbarnie Scottish Wildlife Reserve. The proposed site is within a countryside setting considering the site is situated just outwith the settlement boundary of Lundin Links as designated in the Adopted FIFEplan (2017), and therefore, would be assessed against policies regarding development in the countryside.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

This proposal is for the erection of a 'golf ball impact stop netting' which is a netting structure on the perimeter of golfing areas to capture golf balls that may go off-course. The structure that has been proposed (by Lundin Links Golf Society) is to mitigate the risk of air borne golf balls that have gone off course and may result in a safety risk to inhabitants and physical damage to their properties. The structure comprises of three 25 mm nylon mesh nets, each 10 metres in height by 15 metres in length which would be joined together and installed on support posts.

## 1.3 Application Procedures

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

1.3.2 A physical site visit was conducted on the 6<sup>th</sup> of March 2025 to obtain photographs of the site, with specific views from the south to assess and consider the visual impact on the Local Landscape Area and setting.

## 1.4 Relevant Policies

### National Planning Framework 4 (2023)

#### Policy 1: Tackling the climate and nature crises

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

#### Policy 3: Biodiversity

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

#### Policy 4: Natural places

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

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

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

#### Policy 15: Local Living and 20 minute neighbourhoods

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

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

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

#### Policy 23: Health and safety

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

#### Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

#### Policy 30: Tourism

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

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

#### Policy 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 7: Development in the Countryside

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

#### Policy 10: Amenity

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

#### Policy 13: Natural Environment and Access

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

### National Guidance and Legislation

National Planning Framework 4 (2023)

#### Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

Making Fife's Places – Supplementary Guidance – Appendix H (2014)

Fife Council Guidance sets out the strategy on Fife's Green Networks.

#### Planning Customer Guidelines

Fife Council customer guidelines Daylight and Sunlight (2016) and Garden Ground (2016)

#### Other Relevant Guidance

BRE guidance Site layout planning for daylight and sunlight: a guide to good practice (BR 209) (2022)

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- Design And Layout / Visual Impact on the Largo Coast (LLGAN01)
- Natural Heritage/ Impact on protected Species
- Residential Amenity

### 2.2 Principle of Development

2.2.1 The principle of development has been considered with regard to NPF4 (2023) Policy 21 (Play, recreation and sport), Policy 23 (Health and safety), Policy 29 (Rural development), Policy 30 (Tourism), NPF4 (2023) Annex D- Six Qualities of Successful Places; Adopted FIFEplan (2017) Policy 1 (Development Principles) and Policy 7 (Development in the Countryside).

2.2.2 Policy 21 (Play, recreation and sport) part (g) states that development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance of plans for covering of funding and up-keep of the long term plans with the parties involved. Policy 23 (Health and safety) part (a) states that development proposals that will have a positive effect on health will be supported including opportunities for exercise. Policy 29 (Rural Development) part (a) (ii) and (v) states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including diversification of existing businesses and essential infrastructure. Policy 30 (Tourism) part (a) states that development proposals for new or extended tourist facilities in locations supported by the LDP will be supported.

2.2.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) (Part A; 1) stipulates that the principle of development will be supported if it is either in a) within a defined settlement boundary and compliant with the policies for that location; or b) in a location where the proposed use is supported by the Local Development Plan. (Part B;5) states that development proposals must address their impact by complying with the following relevant criteria and supporting policies and countryside development must be suitable use for location. Policy 7 (Development in the Countryside) (Criterion 3, 5 and 6) states that development in the countryside will only be supported where it is and extension of an established business, is for facilities for access to the countryside, is for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location.

2.2.4 The golf course is situated within Largo Coast Green network (LLGAN01), and as set out in section 1.1, is subject to consideration of development within the countryside. NPF4 (2023) Policy 29 (Rural development) part (a) states that policy will support 'development proposals that contribute to the ...sustainability...of...[the] local rural economy' The tall structure of netting does physically contrast with the landscape setting, however, provides essential infrastructure to limit safety risk factor and physical damage that would assist with the longevity of delivering a safe facility for golf harmonious with neighbouring properties - therefore, considered to be compliant with NPF4 (2023) Policy 29(ii)(v). The proposed improvement to the golf course facility would also be in accordance with NPF4 (2023) and Adopted FIFE plan (2017) for improvements to an established sport and recreation facility that facilitates and attracts users to the course in a countryside. Its design is compatible with surrounding landscape setting (further elaborated in section 2.3.7) and would therefore be compliant with NPF4 (2023) Policies 23 (Health and safety) and 30 (Tourism), and Adopted FIFEplan (2017) Policy 1 (Development principles) and 7 (Development in the Countryside). The maintenance and upkeep of the netting will be managed and maintained by the golfing society and would be in accordance with NPF4 (2023) Policy 21 (Play, recreation and sport).

2.2.5 The golf ball impact stop netting can be considered acceptable in principle in accordance with NPF4 (2023) and Adopted FIFEplan (2017). The net's function would mitigate risk of harm to third parties. This would assist in the continual safe operation of the golf course and further contribute to the attraction of tourism and sport amenity recreation within the countryside setting.

## **2.3 Design And Layout / Visual Impact on the Local Landscape Area (LLGAN01)**

2.3.1 The proposal for the installation of a safety net design and its visual impact on the Local Landscape area has been considered with regard to NPF4 (2023) Policy 14 (design, quality and place), 29 (Rural development), NPF4 (2023) Annex D- Six Qualities of Successful Places; Adopted FIFEplan (2017) Policy 1 (Development Principles), Policy 7 (Development in the Countryside) and Policy 13 (Natural Environment and Access) and Making Fife's Places – Supplementary Guidance (2018).

2.3.2 NPF4 (2023) Policy 14 (Design, quality and place) part (a) states that development proposals will be designed to improve the quality of an area whether in urban or rural location and regardless of scale. Part (b) states that development proposals will be supported where they are consistent with the six qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, adaptable). Policy 29 (Rural development) Part (b) states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.

Adopted FIFEplan (2017) Policy 1 (Development Principles) Part B (Criterion 7) states that must safeguard the character and qualities of the landscape. Policy 7 (Development in the Countryside) states that development must:

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

Policy 13 (Natural Environment and Access) states development proposals will only be supported where they protect or enhance natural heritage including designated sites of landscape character views.

2.3.4 NPF4 (2023) Annex D- Six Qualities of Successful Places Criterion 2 (Pleasant: Supporting attractive natural and built spaces) and 4 (Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity) - considers that

2.3.5 15 letters of objection have been received regarding the design and visual impact on the surrounding landscape and setting of residential buildings. It is mentioned that the proposal would have a detrimental impact on the open landscape where the height and width of the development would dominate the landscape and the plastic material would clash with the setting of the row of trees nearby.

2.3.6 The visual impact of the netting on the landscape area is a consideration given the height of the proposed structure, nevertheless, it would not be considered to be over dominant on the Largo Coast (LLGAN01) considering the netting would be largely transparent in appearance and is positioned nearby an existing storage building which is functional in appearance. A physical sample of the netting has been submitted to fully assess the material that is proposed, and the 25 mm nylon thread mesh netting is considered acceptable.

2.3.7 The design and visual impact of the golf ball impact netting is considered to be acceptable on the Largo Coast (LLGAN01). The visual amenity of the coastal region would not be harmed as a result of development, considering the largely transparent appearance of the 25mm spaced nylon mesh, its location adjacent to an existing greenkeeper's storage building and as it would be set against the background of trees to the north. These trees would also block views of the netting from the residential properties to the north. Views from the flatted property to the east would be limited due to the net being set on an east to west orientation and given the mature trees that are located between these flats and the application site. The development is



therefore considered acceptable in accordance with NPF4 (2023) and Adopted FIFEplan (2017) with respect to visual amenity.

## **2.4 Natural Heritage**

2.4.1 Natural heritage impacts have been considered for this application in accordance with NPF4 (2023) Policy 1 (Sustainable Places), Policy 3 (Biodiversity), Policy 4 (Natural places), Policy 20 (Blue and green infrastructure); Adopted FIFEplan (2017) Policy 1 (Development Principles) and Policy 13 (Natural Environment and Access) and would be considered to be acceptable.

2.4.2 NPF4 (2023) Policy 1 (Sustainable Places) states that significant weight must be given to the nature crisis when considering development. Policy 3 (Biodiversity) (d) states that adverse impacts (including cumulative impacts) on biodiversity as a result of development will be minimised through careful planning and design. Policy 4 (Natural places) (a) states that development of a type, location or scale in with a negative impact on the natural environment will not be supported. Policy 20 (Blue and green infrastructure) (a) states that the loss of green infrastructure must demonstrate that there is not a deficit, and the overall integrity of the green network is maintained.

2.4.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part B (Criterion 9) states that development must safeguard the loss of natural sources, including effects on internationally designated nature conservation sites. Policy 13 (Natural Environment and Access) states development proposals will only be supported where they protect or enhance natural heritage including designated sites of local importance (including landscape areas), biodiversity and the environment, green networks and greenspaces, core pathways, cycleways, bridleways, existing right of way, established footpaths and access to water-based recreation.

2.4.4 10 letters of objection have been received regarding the potential impact on the natural heritage with a number of comments citing the potential impact on bird and bat populations.

2.4.5 Two letters of objection have been received regarding the requirement for an Environment Impact Assessment. This has been addressed while registering the application in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and would not be required for this scale of development.

2.4.6 The applicant, through a specialist, has undertaken an assessment on protected species and other wildlife. The assessment which Fife Council Natural Heritage Officer agrees with confirms that the netting would not have any significant adverse impact on bats or birds as the gauge of the netting (1.8mm) would be sufficiently thick to be detectable to bats and birds. As such it is considered that the proposals are in accordance with NPF4 (2023) and Adopted FIFEplan (2017) in this regard.

## **2.5 Residential Amenity**

2.5.1 Impact of daylighting, overshadowing, overlooking and increased noise, has been considered in full accordance with NPF4 (2023) Policy 14 (Design, quality and place) part ((c), Policy 16 (Quality homes) (g)(ii); Adopted FIFEplan Policy 10 (Amenity), PAN 1/2011 Planning and noise, BRE Site Layout for daylight and sunlight: a guide to good practice (BR209)(2022) and Fife Council customer guidance on Daylight and Sunlight (2018) and Garden Ground (2016).

2.5.2 There were several concerns raised by objectors concerning residential amenity issues including overshadowing of the net on properties to the North, noise of the proposed golf ball impact stop netting and issues of construction workers overlooking a curtilage. To further elaborate:

- Two letters of objection have been received regarding the potential overshadowing impact from the height of the structure to neighbouring properties to the North of the application site
- Two letters of objection have been received regarding the increased noise associated with the netting with the wind blow
- One letter of objection has been received regarding the overlooking/privacy impact during the development of nets

2.5.3 The impact of overshadowing has been considered, and the proposed netting is suitably distant to third party residential property to the North to ensure no significant overshadowing impacts.

2.5.4 Issues of noise have been considered and would be acceptable. The netting material is a loose mesh material that would not generate significant noise.

2.5.5 With regard to concerns regarding potential overlooking during construction phase of the proposed netting . The construction of the structure would be for short term temporary period and would not create a permanent impact with respect to any overlooking concerns. Furthermore, third party properties are some 50 metres North and 40 metres East and suitably distant.

2.5.6 The proposal would therefore be considered acceptable in planning terms with regards to potential impact on residential amenity of surrounding residential properties when assessed against NPF4 (2023) Adopted FIFEplan (2017) and other relevant guidance as the site is set back by 50 metres North and 40 metres East ,and is considered to be suitably distant, from third party properties.

## 3.0 Consultation Summary

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Natural Heritage, Planning Services

No objections

## 4.0 Representation Summary

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4.1 Sixteen letters of objection have been received with regarding the design and visual impact of the development on the open setting, the impact of the development on protected bird and

bat species, increased impact to amenity concerns regarding overshadowing, noise and overlooking.

## 4.2 Material Planning Considerations

### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Design and Visual Impact concern on the landscape setting. There has been concerned expressed of the overbearing nature of the proposal, impacting the character of the landscape	2.3.6 & 2.3.7
b. Ecological impact of protected bird and bat species and the requirement an Environmental Impact Assessment.	2.4.6 & 2.4.7
c. Residential Amenity (overshadowing, noise, privacy). Impact of overshadowing, the noise generated from net in the wind and overlooking during construction of the structure has been addressed by objectors.	2.5.2, 2.5.3 & 2.5.4

### 4.2.2 Other concerns expressed

Issue
a. The requirement for the application. Considering the precedent set for the golf course being in-situ for a considerable amount of time, where other examples of hotels, houses, shops in other locations do not have the same netting and his application has been said to be an overreaction and question of authenticity of the information gathering strategy to obtain the data of golf ball trajectory. There were two mentions suggesting re-locating the Tee, and also two mention that planting trees would have the same mitigation impact.
b. The impact of litter or debris being trapped within the net and the potential environmental or visual impact that may occur.
c. The Health and Safety of pedestrians and welfare pets who may incur injuries from golf balls bouncing off the net.
d. Financial values of nearby properties reducing as result of development
e. The mental well-being of inhabitants from the visual impact of the development
Comments

- a. Each application is considered under individual merit, therefore the principle of the development is established considering the application against relevant planning policies of NPF4 (2023) and Adopted FIFEplan (2017). The merit of development is established as further improving the safety of the golf facility
- b. Litter being trapped within the netting would be an issue for Police Scotland, or Public Protection to investigate should maintenance of the grounds fail to up-keep a reasonable standard that would impact on the environment.
- c. The impact of the golf balls bouncing off the net would need to be addressed as a civil matter of injury and a claim made against the Golf Lundin Links Society and is not a planning issue.
- d. The private property market is un-related to planning considerations
- e. Mental health and wellbeing is a consideration within NPF4 (2023) Policy 23 (Health and Safety) for new development, however, the policy criteria is focused on places that promote healthier lifestyle choices, risk to safety arising from hazards and endangerment from environmental harm. In this instance with acceptable design and amenity considerations, the well-being of a third party property is not a planning consideration.

## 5.0 Conclusions

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The safety netting would have no significant adverse visual impact on the surrounding area due to it siting adjacent to an existing golf storage building and as it would be back clothed against trees to the north when viewed from the south. With respect to natural heritage considerations the proposed netting would have no significant adverse impacts due to the thickness of the gauge of the netting which would be visible to bats and birds. The proposal is, therefore, considered to be acceptable and is recommended for conditional approval.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. The netting hereby approved shall have a gauge of no less than 1.8mm.

Reason: To ensure no adverse impacts on bats and birds.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Matthew Don, Planning Assistant

Report reviewed and agreed by Derek Simpson, Lead Officer, 9.6.25