

This meeting will be held remotely.

Wednesday, 10th May, 2023 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

- 3. MINUTE** – Minute of the meeting of West and Central Planning Committee of 12th April, 2023. 5 - 8

- 4. 23/00480/CON - ECU00003469 DEVILLA FOREST, KINCARDINE** 9 - 46

Consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure - Additional information submitted for Scottish Government Consultation.

- 5. 22/03990/FULL - LAND SITE, 1 FULMAR WAY, DONIBRISTLE INDUSTRIAL ESTATE** 47 - 76

Erection of 35 residential units (Class 9) including affordable housing, formation of access and associated infrastructure and landscaping.

- 6. 22/03598/FULL - BLAIRSGREEN FARM, SALINE** 77 - 89

Change of use from agricultural land to dog exercise facility (including the erection of field shelters, boundary fences, directional floodlighting, gate and formation of parking).

- 7. 22/03587/FULL - OAKLEY LODGE, CHURCH ROAD, LEVEN** 90 - 99

Erection of dwellinghouse and formation of driveway.

- 8. 23/00227/FULL - 7 BEECHWOOD DRIVE, GLENROTHES** 100 - 106

Revised application for two storey extension to rear, and installation of window to side of dwellinghouse.

- 9. 23/00305/FULL - 36 ST JAMES BLACK ROAD, COWDENBEATH** 107 - 112

Retrospective revised application for erection of detached domestic garage/outbuilding to rear of dwellinghouse.

- 10. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

Lists of applications dealt with under delegated powers for the period 20th March to 16th April, 2023.

Note – these lists are available to view with the committee papers on the Fife.gov.uk website.

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.

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3 May, 2023

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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 mute microphones and switch cameras off when not speaking. This includes during any scheduled breaks or adjournments.

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

12th April, 2023

2.00 p.m. – 3.10 p.m.

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

ATTENDING: Mary J Stewart, Service Manager - Major Business & Customer Service, Jamie Penman, Planner, Jack Wilson, Planner, Development Management; Mary McLean, Legal Services Manager and Diane Barnett, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Lesley Backhouse and James Calder.

79. DECLARATIONS OF INTEREST

Councillor Derek Noble gave a transparency statement relating to Para. No. 82. - 22/04156/FULL - Land to the North of 27 Queens Meadow, Coaltown of Balgonie, advising that he had a connection which related to a recent post on the Facebook page of the Milton and Coaltown of Balgonie Community Council, suggesting he had engaged with the developer about the application. This statement was false and was subsequently removed. Councillor Noble confirmed that he had not acted inappropriately in relation to this application and he had not had any direct or indirect engagement with the developer during the planning application. Councillor Noble advised, therefore, that he did not require to declare an interest and would remain and participate in the decision-making process.

80. MINUTE

The Committee considered the minute of the West and Central Planning Committee of 15th March, 2023.

Decision

The Committee agreed to approve the minute.

81. 23/00067/FULL - CLUNY BOND, CLUNY, KIRKCALDY

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 3 no. maturation warehouses for storage of scotch whisky within existing maturation site and associated works.

Decision/

Decision

The Committee agreed to approve the application subject to the two conditions and for the reasons detailed in the report.

**82. 22/04156/FULL - LAND TO THE NORTH OF 27 QUEENS MEADOW,
COALTOWN OF BALGONIE**

Prior to consideration of the following application, the Case Officer advised of a correction relating to the number of house types detailed at Paragraphs 1.1.2 and 2.3.5 of the report - being 54 no. bungalows and 26 no. two-storey homes.

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 80 dwellinghouses with associated vehicular access, roads, SUDS basin, open space, landscaping and associated supporting infrastructure.

Decision

The Committee agreed:-

- (1) to approve the application subject to:
 - (a) an additional condition relating to construction times;
 - (b) an amendment to Condition 7 to include in the Construction and Environmental Management Plan measures to mitigate any impact on the nearby primary school during construction;
 - (c) an amendment to Condition 24 to include Electric Vehicle Charging points for off-street parking spaces;
 - (d) the twenty-six conditions and for the reasons otherwise detailed in the report; and
 - (e) the conclusion of a legal agreement to secure:-
 - the provision of 8 affordable housing units on the site;
 - education contributions (£136,404 for Auchmuty High School and £347,698 for Coaltown of Balgonie Primary School) (subject to open book tendering process);
 - Strategic Transport Interventions (£124,488); and
 - open space (£14,400);
- (2) to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to draft and formulate appropriately worded planning conditions to properly reflect the requested amendments outlined at paragraph (1) (a), (b) and (c) above;
- (3) to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligations; and
- (4)/

- (4) that should no agreement be reached in relation to the planning obligations within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services in consultation with the Head of Legal and Democratic Services to refuse the application.

83. 22/00076/FULL - VICTORIA WORKS, 147 - 151 ST CLAIR STREET, KIRKCALDY

The Committee considered a report by the Head of Planning Services relating to an application for the erection of a supermarket (Class 1) and associated works (demolition of existing building).

Decision

The Committee agreed:-

- (1) to approve the application subject to:
 - (a) the 18 conditions and for the reasons detailed in the report;
 - (b) an additional condition relating to the storage and management of waste on site; and
 - (c) the conclusion of a legal agreement to secure a contribution of £7,500 towards the Mackenzie Street/St Clair Street junction signalisation scheme;
- (2) to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to draft and formulate an appropriately worded planning condition to properly reflect the issue outlined and referred to at (1) (b) above.
- (3) to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligation; and
- (4) that should no agreement be reached in relation to the planning obligation within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

84. 22/01113/FULL - LESLIE HOUSE, GLENROTHES

Prior to consideration of the following application, the Case Officer advised of a correction to the planning reference detailed at paragraph 1.2 of the report - which should read '18/02425/FULL'.

The Committee considered a report by the Head of Planning relating to a Section 42 application to amend Condition 1 of planning permission 18/02425/FULL.

Decision/

Decision

The Committee agreed to approve the Section 42 application to amend Condition 1 of planning permission 18/02425/FULL as detailed in the report.

85. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the list of applications dealt with under delegated powers for the period 20th February to 19th March, 2023.

10th May, 2023
Agenda Item No. 4

**23/00480/CON - ECU00003469 - Consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure - Additional information submitted for Scottish Government Consultation
SITE: Devilla Forest, Kincardine, Fife**

Report by: Pam Ewen, Head of Planning Services

Wards Affected: West Fife and coastal villages

Purpose

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)

To agree with the conclusions set out in the report and make additional comments as appropriate to enable the submission of the consultation response (Appendix 1 to this Report) as the formal position of Fife Council to Scottish Ministers.

Resource Implications

In terms of Section 57 of the 1997 Planning (Scotland) Act, 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

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

Internal consultation was undertaken with officers from:

Consultee	Comments
Natural Heritage	No objection on natural heritage grounds providing mitigation and compensatory measures detailed within EIAR are secured. Advises however that the proposal for locating compensatory planting in the Perth & Kinross Council area is not supported and needs to be revisited.
Trees	Not supportive of proposed woodland removal and compensatory planting location in Perth & Kinross Council area.

1.0 Assessment Against the Development Plan

1.1 The application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989. Unlike a planning application, there is no requirement that the application be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Instead, the Development Plan is a material consideration, albeit an important one, amongst a number of material considerations, which require to be taken into account by the Scottish Ministers in the determination of the application.

1.2 The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places. The Chief Planner issued a formal letter on February 8, 2023, which provides further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers. This letter advises that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

1.3 The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date through Local Development Plans and further guidance and advice. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most detailed expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

1.4 For the purposes of the Council's assessment of the proposed development, to inform its response to the Scottish Government, it is considered that the Development Plan represents a logical document against which to base its primary assessment. Other material considerations pertinent to the application are ultimately for the Ministers to consider, however the Council feel that weight should be given to National and Scottish

Government Energy Policy when formulating its response, including The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, The Scottish Government's Renewable Electricity Generation Policy statement (REGPS) June 2013, and Scottish Energy Strategy (SES) 2017.

2.0 Background

2.1 This consultation request follows on from the Council objecting to the S36 application in September 2022 as a statutory consultee; following the consideration of the appointed case officer's recommendation by the Central and West Planning Committee. Following receipt of the Council's objection, the ECU offered the applicant three options, to withdraw the application, proceed to a Public Inquiry, or submit additional information to address the Council's objection. The applicant decided to submit additional information to address the Council's objections. This additional information was submitted to the ECU in February 2023, consisting of a direct response to the matters raised in the Council's objection. As the concerns raised by Fife Council related to planning policy matters, the applicant has not amended the Environmental Impact Assessment Report (EIAR) which accompanied their S36 application.

2.2 The reason for this re-consultation by the ECU is to seek the Council's views on the additional information submitted by the applicant, and whether the Council wishes to maintain or withdraw their objection.

2.3 Since the previous response issued by the Council, the development plan position has changed, with NPF4 now adopted by the Scottish Government. In formulating the previous response, Fife Council gave limited weight to the Draft NPF4 (November 2021). With NPF4 now adopted, it forms part of the Development Plan and the status of this document should be considered when formulating the Council's response to this revised consultation request.

2.4 Site and Surroundings

2.4.1 The application site relates to an area of land located to the north of A985 trunk road at Devilla Forest, approximately 2.5km north east of the disused Longannet Power Station. The nearest settlements are High Valleyfield (2.8km to the east), Culross (2km to the south east) and Kincardine (3km to the west). The site occupies approximately 11.7 hectares of land within Devilla Forest (in an area known as Kirkton Wood). Devilla Forest has a total area of around 800 hectares - Kirkton Wood is a small block of forest situated on the very eastern edge of the overall forested area. The site forms part of the Devilla to Tulliallan Green Network Policy Area (KCDGN02). The boundary of the site is formed by a forestry access road, part of the wider Devilla Forest network to the west, a disused sawmill and Keir Burn to the south, with agricultural land to the north and east. The forestry access road connects to the A985. The Moor Loch Loop Core Path route (R751) runs northwards from the A985 Trunk Road along the service road before veering westwards into the woodland at the southwestern corner of the former sawmill site. The closest properties are Dunimarle Lodge and Fleming Cottage approximately 250 and 360 metres east respectively, Righead Farm wedding venue approximately 400 metres to the north (with the farmhouse beyond), properties at Gallows Loan, approximately 550 metres to the east and Ashes Farm and Farmhouse approximately 600 metres to the east. The application site comprises of a mix of plantation conifer and felled woodland, forming part of a long existing commercial forestry operation since at least 1945, although it is also listed on the Ancient Woodland Inventory (Scotland) as long-established woodland (of plantation origin). Further areas of conifer woodland lie between the site and the A985,

which is located approximately 320m south. Approximately 1.6km south of the Site, lies the Firth of Forth which is designated as a Ramsar Site, Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Local Nature Reserve (LNR). Further afield, approximately 3.3 km northeast of the Site lies the Lockshaw Mosses SSSI separated from the Site by predominantly agricultural land segregated by hedges, tracks and roads (including the A904).

2.5 Proposal

2.5.1 The proposed development is for the installation of a 500MW battery energy storage facility and associated infrastructure. Whilst the final configuration and layout of the development is yet to be decided (this is discussed below), the development would comprise the construction and/or operation of energy storage systems consisting of: energy storage modules; heating, ventilation and air conditioning (HVAC) equipment; fire suppression equipment; cooling plant; control and protection apparatus; switchgear apparatus; inverters or power conversion system; transformers; metering equipment; cabling and connection to the RTL compound; and welfare facilities. The associated works and development would comprise cut and fill earthworks; a compound for the relevant transmission licensee (RTL); security fencing and CCTV; access from the adopted road (A985), internal access and circulation roads; drainage infrastructure, landscape, and ecological planting; and creation of platform(s) to support the energy storage infrastructure. The annualised average output of the proposed development is predicted to be 496,400MWh - powering the equivalent of more than 100,000 homes.

2.5.2 It is proposed for the battery storage compound to connect to an existing substation located at the former Longannet Power Station. The connection to the substation would be via electricity pylons – the proposed pylons do not form part of the Section 36 application.

2.5.3 The proposed battery storage development would provide the facility to store electricity at times of low demand and feed that into the Grid at peak demand times, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources.

2.5.4 The expected operating lifetime of the development has not been established.

2.6 Planning History

2.6.1 The majority of the application site was included in the site boundary for planning application 07/01575/WFULL for the erection of a sawmill with storage area and ancillary development including; parking, site offices, log sorter and weighbridge; and upgrading of road junction and access road. This application was approved on 22nd September 2009. However, the actual built development extent was ultimately smaller than was permitted and the area containing the current Section 36 application site was not developed. The built development comprised of a 3ha hardstanding area with all of the ancillary development located within this area.

2.6.2 Planning application 13/00376/FULL is also noted. In 2013, planning permission was approved for amendments to the layout of the access road junction of the forestry access road and the A985(T). The application was submitted to rectify the fact that the works for the access road junction approved through application 07/01575/WFULL were not carried out in accordance with the plans.

2.6.3 The above sawmill use ceased in March 2020. Following this, planning permission was approved in March 2021 for change of use of the sawmill to a fuel (wood) storage facility (Class 6) and installation of security fence – ref. 21/00722/FULL. Timber is to be stored on the 3ha hardstanding area before being delivered to a 65MW biomass combined heat and power (CHP) plant located in Markinch, Glenrothes.

2.6.4 A planning application (ref. (13/01595/FULL) for the erection of a wind turbine (99.7m) to blade tip with associated meter housing and formation of access track was approved on 8th October 2013 approximately 150m to the north-west of the Site. This development has now been constructed and is operational. This was the second approval for a wind turbine on the site as the original approval for an 84m to blade tip proposal was found not to be viable following approval on 24 September 2012 (ref. 12/01809/FULL). Vehicular access to this turbine is via the Kirkton Farm access road to the east of the current application site.

2.6.5 Righead Farm, approximately 400m north of the application, has an extensive planning history. Relevant planning applications are summarised below. These applications are noted as access to Righead Farm is via the forestry access road which connects to the A985(T).

- 15/01986/FULL – In 2015, planning permission was approved for erection of coffee shop, garden shop and toilet buildings with associated parking (retrospective).
- 17/03952/FULL – In 2018, planning permission was approved for change of use from a coffee shop (Class 3) to a wedding venue (Class 11) and coffee shop (Class 3) and erection of single storey outbuilding for use as wedding venue (Class 11).
- 19/02215/FULL – In 2019, planning permission was approved for Change of use of coffee shop (Class 3) to wedding/events venue (Sui Generis) and coffee shop (Class 3) and alterations to existing agricultural barn (in part retrospective) and change of use of agricultural barn to wedding/events use (Sui Generis).

2.7 Application Procedures

2.7.1 Certain engineering and technical details can only be finalised on award of procurement and construction contracts. These details may vary according to the specific battery, inverter and containers used, but would not significantly increase the impacts described. The installation would be in accordance with current regulations and practices including the Electricity Safety, Quality and Continuity Regulations 2002 as amended. The nature of energy storage facilities, where the technology is rapidly evolving and consent is often applied for several years before construction commences, has the potential to leave the developer with a great deal of uncertainty and unable to benefit from advances in technology or installation methodology that were not available at the time of submission. For example, the type, number and size of energy storage modules, associated building design, and the extent of external equipment required, may vary depending on the final technology provider and other technical considerations such as grid connection. A degree of design flexibility therefore allows for any future variation in the final configuration of the facility, which may depend on best practice and the selected manufacturer, determined by market conditions and technology availability at time of construction. To assist with this technical uncertainty in the consenting process it is common practice to define what has become known as a 'Rochdale Envelope'. The adoption of the Rochdale Envelope approach allows meaningful assessment to take place by defining a 'likely worst case' scenario that decision makers can consider in determining the acceptability (or otherwise) of the environmental impacts and effects of a project. The principle of the Rochdale Envelope allows the developer or applicant to provide broad or alternative project engineering and construction parameters, of which one or a selection of the scenarios or

parameters will ultimately be constructed. The 'likely worst case' scenario assumes that one or other of the parameters will have a more significant adverse effect than the alternative.

2.7.2 In Scotland, applications in relation to energy infrastructure 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. As above, in terms of Section 57 of the 1997 Planning (Scotland) Act, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions.

2.7.3 Given the scale of this proposal, the applicant set out their intention to undertake an environmental impact assessment, requesting scoping opinion from the ECU under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 – ref. ECU00003250. Fife Council was consulted to input to the scoping opinion. The Environmental Impact Assessment Report (EIAR) which accompanies the application for Section 36 consent was informed by the scoping opinion issued by the ECU. The matters that were in scope were:

- Ecology and Nature Conservation
- Historic Environment
- Landscape and Visual
- Hydrology and Flood Risk
- Hydrogeology, Geology and Ground Conditions
- Traffic and Transport Operational traffic
- Noise and Vibration
- Climate Change

Supporting appendices are also provided in the EIAR to address specific aspects associated with population and health, construction dust, forestry, and soils and agricultural land quality.

2.7.4 In addition to the above, the EIAR also includes chapters on the site and project description, need and alternatives considered, and environmental assessment methodology. A non-technical summary has also been submitted. As required by the EIA Regulations, the EIAR provides an overview of the qualifications of the EIAR authors. Volume 3 of the EIAR contains the supporting technical documents which informed the EIA assessment. Each assessment chapter of the EIAR (Chapters 5-12) includes information relating to the key planning and policy context of the relevant impact being examined in the chapter, baseline conditions of the site/surroundings, an identification and evaluation of key impacts (including cumulative impacts), details of design-based mitigation and other proposed mitigation, and the residual effects of the development. As above, the EIAR adopts a Rochdale Envelope Approach. The EIAR considers three indicative layout configurations, the 'in building configuration', 'hybrid configuration' and 'open configuration'. The assessments within the EIAR were undertaken on the basis of the configuration which was considered likely to raise the most significant impacts under the heading of each assessment chapter. Whilst not forming part of the Section 36 application, the cumulative impacts of the overhead power lines are also considered within the EIAR.

2.7.5 As detailed above, this consultation request follows on from a previous response issued by Fife Council. Due to the nature of the Council's previous response, there was no requirement for the EIAR to be updated, with the applicant providing a supplementary planning statement to address the Council's concerns.

3.0 Assessment

3.1 The adoption of NPF4 is not considered to raise any policy conflicts with regard to the impacts of this development which the Council previously found to be acceptable. This report shall therefore only address the matters which formed the basis for the Council's previous objection to the proposed development, namely;

- Principle of Development
- Ecological Impact

3.2 Principle of Development

3.2.1 NPF4 Policies 1, 2, 11 and 29, Policies 1, 7 and 11 of FIFEplan Local Development Plan (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development. Consideration shall also be given to the Scottish Government's Energy Storage: Planning Advice document (2013).

3.2.2 Policy 1 of NPF4 sets the requirement for Planning Authority to give significant weight to the global climate and nature crises when considering all development proposals, with the Policy aiming to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

3.2.3 Policy 2 of NPF4 further on from Policy 1, seeking to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. This Policy sets out:

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

3.2.4 NPF4 Policy 11 aims 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 11 states:

- a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include... iii. energy storage, such as battery storage and pumped storage hydro.
- c) Development 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.
- d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- e) In addition, project design and mitigation will demonstrate how the following impacts are addressed: i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker; ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be

acceptable; iii. public access, including impact on long distance walking and cycling routes and scenic routes; iv. impacts on aviation and defence interests including seismological recording; v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised; vi. impacts on road traffic and on adjacent trunk roads, including during construction; vii. impacts on historic environment; viii. effects on hydrology, the water environment and flood risk; ix. biodiversity including impacts on birds; x. impacts on trees, woods and forests; xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration; xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

3.2.5 Policy 29 of NPF4 seeks 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. This Policy sets out:

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including... v. essential infrastructure. b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

3.2.6 The glossary of NPF4 defines ‘essential infrastructure’ as:

“Essential infrastructure includes digital communications infrastructure; telecommunications infrastructure; all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations; water and waste water infrastructure; and transport proposals and travel networks identified in the local development plan”.

3.2.7 The Adopted FIFEplan (2017) Policy 1 sets out the requirements for development principles. Policy 1 of FIFEplan supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 1 (Part A) states the development will only be supported if it is within a defined settlement boundary and compliant with the policies for the location, or if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, Policy 1 (Part B) states that the proposed development must be appropriate for the location through compliance with the relevant policies; Policy 7.

3.2.8 Policy 7 of the Adopted Local Plan stipulates that development in the countryside will be supported where it (1) is required for agricultural, horticultural, woodland or forestry operations; or (2) will diversify or add to the above land-based businesses to bring economic support to the existing business; or (3) is for the extension of established businesses; or (4) is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within the settlement boundary which contributes to the Council's employment land supply requirements; or (5) is for facilities for access to the countryside; or (6) is for facilities for outdoor recreation, tourism or other development which demonstrates a proven need for a countryside location; or (7) is for housing in line with Policy 8 (Houses in the Countryside). In all cases, development must be of a scale and nature compatible with surrounding uses; be well located in respect to available infrastructure and contribute to the need for any improved infrastructure; and not result in an overall reduction in the landscape and environmental quality of the area. Policy 7 also states that there will be circumstances where countryside locations are the most appropriate or only feasible places to locate energy or minerals developments. In these cases, this policy will be applied in assessing and managing the impacts of a proposal that can be otherwise supported by the Development Plan.

3.2.9 FIFEplan Policy 11: Low Carbon Fife provides the policy framework to assess new development for Low Carbon Energy Schemes such as wind turbines, district heating, solar arrays or energy from waste. Policy 11 requires a proposal to demonstrate that the development would not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated. In assessing impacts, decision takers are required to consider relevant environmental, community and cumulative impact considerations. With regard to solar arrays/farms, visual impact will be an important consideration in assessing these schemes. Rural brownfield land and land outwith green belts, Local Landscape Areas and environmentally sensitive areas are more likely to be suitable locations for such schemes. 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.

3.2.10 The Scottish Government's Energy Storage: Planning Advice document (2013) states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. The document states that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland. The document also advises that Planning Authorities should, in deciding applications for all types of renewables, consider the potential for energy storage such as hydrogen and fuel cell storage, within the site or in accessible nearby sites or within transitional technologies and that they should encourage new developments to plan for energy centres incorporating transitional technologies which give the potential for energy storage linked to renewable storage at a future date.

3.2.11 The proposed development would not generate electricity from renewable sources, however its 500MW storage capacity could make a substantial contribution to the nation's

electricity needs and the Government's energy objectives by storing electricity generated by renewable sources at periods of low demand before feeding the electricity into the grid at periods of high demand. Without battery storage developments, surplus electricity produced by renewable sources curtails and is ultimately lost. The annualised average output of the proposed development is predicted to be 496,400MWh.

3.2.12 As well as feeding electricity into the grid, as no renewable energy generating technologies are included in the proposal, the proposed battery storage development would receive its electricity from the grid, meaning that the electricity stored by the proposed development would not exclusively have been generated by renewable sources. However, as Scotland moves towards achieving the equivalent of 100% of Scotland's electricity being generated from renewable sources, in the long-term it is accepted that the electricity stored would have been generated by renewables.

3.2.13 As above, the application has been submitted using the principles of the 'Rochdale Envelope' which considers the likely worst-case scenarios for the development. The proposed development could potentially comprise of five large scale storage buildings (each with a maximum footprint of 5615sqm and height of 15m) to house the batteries, with an open compound area for the relevant transmission licensee (RTL) (the design/layout of which would be the responsibility of Scottish Power) and other necessary infrastructure including a small scale welfare/maintenance building (maximum height of 4.75m), cabling, roads and a SuDS basin. The proposed development would connect to a substation at Longannet power station, located on the northern shore of the Firth of Forth, approximately 2.8km to the southwest of the site.

3.2.14 The application site lies directly adjacent the former Devilla Forest sawmill, a site that until recently (2019/20) was in active economic and industrial use serving the local timber market. With sawmill operation ceasing, planning permission has recently been approved for the change of use of the site to a fuel (wood) storage facility (21/00722/FULL) – timber shall be stored on the 3ha hardstanding area before being delivered to a 65MW biomass combined heat and power (CHP) plant located in Markinch, Glenrothes. Devilla Forest itself, a safeguarded green network policy area within FIFEplan (2017), is an important local and nationally recognised recreational and biodiversity asset, maintained and overseen by Forestry and Land Scotland. The locale attracts significant visitor numbers annually and provides space for outdoor education activities, recreation, heritage interpretation and habitats, potentially including red squirrels.

3.2.15 The application site is not located within a defined settlement envelope and is thus considered to be countryside land (FIFEplan, 2017). The Council has accepted previously that many of the emerging technologies which aim to drive Scotland towards a low carbon future, such as wind turbines and solar parks, have a proven need for countryside locations and are therefore supported under Policy 7 of FIFEplan. In addition, Policy 29(a) (Rural Development) of NPF4 gives support for applications in the countryside for essential infrastructure proposals, with Policy 11 of NPF4 giving support in principle to energy storage developments 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. It is also accepted that battery storage technologies are consistent with broader low carbon and sustainability objectives, including the recently approved 'Climate Fife Strategy', however the current tests are those within the Development Plan.

3.2.16 It is accepted by the Planning Authority that the location of battery storage developments is dependent on the location (and availability) of existing grid connection

points and locations where there are transmission constraints in the transmission system. It is also generally accepted that there is a need for electricity storage solutions as Scotland transitions to 100% renewable electricity generation. Chapter 3 of the EIAR (Need and Alternatives Considered) outlines the applicant's site selection investigations which identified a demand for the proposed development within the general location and an accessible grid connection point (Longannet). There is nothing before the Planning Authority to dispute that there is demand/availability for the proposed development in this general location, whilst it is also understood that the further a battery storage development is located from the connection point, the less viable the development. Whilst it is acknowledged that it would be difficult to locate a development of the size and scale proposed (12ha) (whilst addressing potential amenity impacts) within an existing settlement, this does not give immediate support to locating the development within the countryside; notwithstanding the support in principle now offered for essential infrastructure developments within Policies 11 and 29 of NPF4. The Planning Authority previously requested that the applicant demonstrate that there were no other suitable locations available within the vicinity of the grid connection point. It was requested that the site selection process adopt a sequential approach which considers sites in the following order:

- Sites allocated in FIFEplan (2017) for energy or specialist uses;
- Brownfield sites and industrial settings within settlement envelopes;
- Edge of settlement sites;
- Countryside.

3.2.17 The proximity of the application site to the former Longannet Power Station – where the identified grid connection point is located – is noted. The 197.46ha former power station site is allocated in FIFEplan (2017) as site LWD034 for 'Employment - Class 4, 5 or 6 & Energy or Specialist uses'. The Longannet site was previously identified as a national development in NPF3 for 'Carbon Capture and Storage Network and Thermal Generation' - this national development allocation has not been carried forward into NPF4, however NPF4 does note that the site benefits from existing assets and infrastructure that can be repurposed to form the basis of new proposals which would benefit local communities around this part of the Forth. The application site is also within 4.5km of Kincardine Power Station (site KCD006 in FIFEplan), itself only 2km from Longannet. Site KCD006 is allocated for 'Employment', with the wider Kincardine Power Station site identified as a safeguarded employment area within FIFEplan. The Planning Authority do not consider that there are any other allocated or brownfield sites within the vicinity of the site which could accommodate a development of the type/size proposed.

3.2.18 As confirmed in the Council's previous response to the ECU; objecting to the development; it was felt that the applicant had failed to adequately demonstrate that they had fully considered alternative sites before selecting a countryside location. Specifically, the Planning Authority considered that the former Longannet Power Station site would be a more suitable location for the proposed development, with the battery storage proposal in this location deemed to have support in principle through the Development Plan (including SPP and NPF3 at the time). The additional information submitted by the applicant seeks to address the Council's concerns and provides a more informed overview of the applicant's investigations into the availability of land at Longannet to locate the proposed development, whilst also providing an analysis of the constraints of the Longannet site and their interpretation of the Planning Authority's perceived development plan policy support for a battery storage development within Longannet.

3.2.19 In their response, the applicant has advised that they communicated with the landowners at Longannet, with Scottish Power ultimately advising that the project was unsuitable for the former power station site due to a lack of employment opportunities. The applicant's discussions with Scottish Enterprise – Scotland's national economic development agency – also highlighted that the site is identified as an employment zone.

3.2.20 The applicant also highlights the flood risk constraints associated with the former Longannet Power Station site, citing that this would make the location unsuitable for essential infrastructure. The applicant additionally contends that the extent of land remediation works and flood risk mitigation associated with the Longannet site would call into question the financial viability of the development. In response to this, the Planning Authority notes that the installation of essential infrastructure is one of the few types of development which are supported in flood risk areas through Policy 22 of NPF4, whilst NPF4 generally encourages the re-use of brownfield land. Furthermore, whilst it is accepted that the land at Longannet will likely have a higher benchmark land value than the proposed Devilla Forest site, and would likely involve greater remediation/mitigation costs, the applicant has not presented any verified financial information to confirm that the proposed development would be unviable if located at Longannet.

3.2.21 Giving consideration to the additional information presented by the applicant, primarily their evidence of engagement with the landowners at Longannet, and the adoption of NPF4 by Scottish Government since Fife Council's previous response on this application, the Council is willing to re-consider its objection.

3.2.22 NPF4 contains an overarching support for renewable energy/essential infrastructure (including electricity storage) developments, with Planning Authority's required to give significant weight to the global climate crises and the contribution proposals can make to renewable energy generation targets and on greenhouse gas emissions reduction targets. Whilst NPF4 generally encourages the re-use of brownfield land rather than greenfield, it does not direct development proposals for essential infrastructure/renewable technologies away from countryside locations, supporting such developments through Policy 29. With the proposed development able to store up to 500MW of electricity – with an annualised average output of the proposed development is predicted to be 496,400MWh – this would make the development one of largest electricity storage developments in Scotland and as such would make a substantial contribution to the nation's electricity needs and the Government's energy objectives. For reference, Whitelee Windfarm, the UK's largest onshore windfarm with its 215 turbines can generate up to 539MW of electricity. Giving significant weight to this contribution and need for this type of development (as directed by NPF4), National and Scottish Government Energy Policy, and apparent conflict of the battery storage proposals with Scottish Power and Scottish Enterprise's vision for Longannet due to the lack of employment opportunities, the Planning Authority is ultimately willing to set aside its objections regarding the principle of the proposed development in a countryside location.

3.2.23 Notwithstanding the acceptance of the development in the countryside in principle, the development is of a nature which is not considered to be acceptable as a permanent fixture in this rural location. It is recognised that the applicant has yet to confirm the expected duration of the development, however it is felt by the Planning Authority that a planning condition must be included to specify this. Giving consideration to similar types of developments approved by the ECU and Fife Council, a maximum of period of forty years is deemed to be appropriate; after which the development would be dismantled and the site reinstated to the satisfaction of the Council.

3.2.24 The competing climate benefits and natural heritage impacts of the proposed development must however be carefully considered before the Council can provide its overall support for this development. This shall be assessed through compliance with the impact policies of the development plan and other material considerations; as set out in Parts B and C of Policy 1 of FIFEplan (2017), and the subject policies of FIFEplan (2017) and NPF4. Compliance with these additional policies and considerations are detailed below.

3.2.25 In conclusion, giving significant weight to the renewable energy storage contribution and need for this type of development in Scotland, and as the applicant has demonstrated that they have considered and engaged with landowners regarding siting the development within the former Longannet Power Station site, the Council considers that the proposed development in its countryside location within Devilla Forest is acceptable in principle.

3.3 Ecological Impact

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

3.3.2 As above, Policies 1, 2 and 11 of NPF4 are relevant. Additionally, consideration is required to be given to Policies 3, 4, 6 and 20 of NPF4.

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

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria: i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii. wherever feasible, nature-based solutions have been integrated and made best use of; iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long term retention and monitoring should be included,

wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered.

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

3.3.4 Policy 4 of NPF seeks to protect, restore and enhance natural assets making best use of nature-based solutions. This Policy sets out:

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

3.3.5 Policy 6 of NPF4 aims to protect and expand forests, woodland and trees.

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and

individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

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

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

3.3.6 NPF4 Policy 20 aims to protect and enhance blue and green infrastructure and their networks. This Policy sets out:

a) 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. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

3.3.7 The Scottish Government's Control of Woodland Removal Policy (2009) includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Public benefits include social, economic and environmental benefits, the latter including carbon considerations. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. Where woodland is removed in association with development, developers are expected to provide compensatory planting. This document advises that woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:

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

There is a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodland integral to the value of designated or special sites

(Special Areas of Conservation {SACs}; Special Protection Areas {SPAs}; Sites of Special Scientific Interest {SSSIs}; Ramsar sites; National Nature Reserves {NNRs}; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; Scheduled Monuments; National Scenic Areas; and woodlands listed within the Inventory of Gardens and Designed Landscapes); woodlands critical to water catchment management or erosion control; or woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.

3.3.8 Policy 1 Part B (9) of the Adopted LDP states that development must safeguard or avoid the loss of natural resources. Policy 13 of the Adopted FIFEplan also outlines that development proposals will only be supported where they protect or enhance natural heritage and access. This includes designated sites of international, national and local importance; woodlands and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Where adverse impacts on existing assets are unavoidable the development will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Policy 13 states that where development is proposed on a site where trees are present, consideration will be given to whether, and in what form, development should be supported, having regard to the desirability of retaining and protecting mature and semi-mature trees, and other examples likely to be become attractive in amenity terms, or of a rare species.

3.3.9 Making Fife's Places Supplementary Guidance (2018) provides information on the site assessment which must be submitted for natural heritage and biodiversity. A habitat survey should be undertaken and identify what further surveys are required. Any Protected Species (European and UK) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals following recognised guidelines and methodologies. Surveys should be reported in full, with mapping supplied as appropriate.

3.3.10 Making Fife's Places Supplementary Guidance (2018) details that where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height. BS 5837:2012 Trees in relation to Design, Demolition and Construction provides advice on the formation of hard surfaces within the Root Protection Areas (RPAs) of trees, suggesting the use of appropriate sub-base options such as three-dimensional cellular confinement systems. Category (Cat.) A and B trees are expected to be retained and are considered by Fife Council to be site constraints. Cat. C is a lower classification and is not generally seen as a constraint to development. Cat. U trees are those which it is considered cannot realistically be retained as living trees. If tree felling is proposed, the Planning Authority would expect suitable replacement planting to take place (native species).

3.3.11 The application site is identified as a safeguarded green network policy area, additionally it is an important local and nationally recognised recreational and biodiversity asset. The locale attracts significant visitor numbers annually and provides space for outdoor education activities, recreation, heritage interpretation and habitats including

potentially red squirrels. Devilla Forest comprises approximately 700ha of primarily Scots Pine plantation. Devilla Forest is a working forest, planted in the 1950s, maintained and overseen by Forestry and Land Scotland to balance the demands of timber production with recreation and conservation. Devilla Forest is also listed on the Ancient Woodland Inventory (Scotland) as long-established woodland (of plantation origin). Areas of semi-natural broadleaf planting can be found throughout Devilla Forest however not within the application site. The Keir Burn runs east to west along the southern boundary of the site. With respect to designated sites, the Firth of Forth SPA, Ramsar site, SSSI and LNR are located approximately 1.6km south of the application site.

3.3.12 The ecological impacts of the proposed development are considered within Chapter 5 of the EIAR and were assessed previously by the Planning Authority – this report shall not re-assess the impacts previously found to be acceptable by the Planning Authority and shall focus specifically on the proposed woodland removal and mitigatory/compensatory planting proposals which formed the basis of the Council's previous objection to the application. The additional information presented by the applicant seeks to address the reason for objection in planning policy terms, with an update to the EIAR not considered necessary as the impacts and mitigation measures proposed remain unchanged.

3.3.13 The area of woodland permanently lost as a consequence of the proposed development would be circa 4.66ha, equivalent to 79% total habitat in the site. The total area of habitat lost would be 8.42ha, which includes the 4.66ha of woodland and 3.76ha of scrub. Development of the site would result in permanent loss of habitat identified as part of the Ancient Woodland Inventory of Scotland Long Established (of Plantation origin). The EIAR details that this would have a moderate adverse effect on habitats that would have a significant impact on the environment at regional level. As the proposed development would result in a moderate adverse effect that would be significant, the EIAR sets out that adequate mitigation measures would be required for the proposal to be acceptable in policy terms, including the Scottish Government's Control of Woodland Removal Policy. These mitigation measures include ecological enhancement and woodland management on-site, as well as compensatory planting off-site.

3.3.14 To mitigate for the adverse impacts resulting from the woodland and habitat removal, the applicant proposes to plant a block of woodland planting on the site, providing approximately 0.47ha of new woodland. In addition, off-site compensatory planting is proposed, which would create approximately 16ha of new woodland, to be managed as forestry. This would provide a net gain in the total area of forestry habitat as a result of the development. The proposed off-site planting would take place at the Gleneagles Estate in rural Perthshire, some 20km from the application site. An Ecological Enhancement / Woodland Management Plan is also recommended for the remaining woodland within the application site.

3.3.15 The Council's previously adopted position was essentially that the proposed woodland removal was unjustified given the lack of support for the principle of development, with the proposed off-site compensatory planting also failing to adequately mitigate the ecological impact of the proposed development. The additional information presented by the applicant refutes the policy position adopted by the Council, including the interpretation of the Control of Woodland Removal Policy.

3.3.16 The applicant argues that although the trees which are proposed to be felled lie within an area of Long Established Plantation Origin (LEPO), and the site has long been used as a commercial forest and no areas of semi-natural ancient woodland would be affected. The applicant also highlights the Planning Authority's previous comments that the

plantation woodland is not protected by a TPO and therefore the trees could be removed outwith the planning process, with the Forestry Appraisal which supports the EIAR recommending that management of the trees is required, including felling, given the historic lack of management of the height of the trees. Such felling in the interests of forestry management would however necessitate replanting per the Woodland Removal Policy, with the current management procedures at Devilla Forest involving selective felling in the interests of tree management, with large areas of clear-felling avoided.

3.3.17 The response from the applicant argues that the proposed compensatory planting (0.47ha on-site and 16ha off-site) is sufficient to satisfy policy requirements and the guidance of Scottish Forestry. Turning to the Council's concerns regarding the distance/relationship between the application site and proposed off-site planting location, the applicant advises that whilst the details of the proposed compensatory planting are still to be finalised, it should be noted that the proposed site for the compensatory planting in Perthshire is the nearest available and suitable location that was identified following the guidance of Scottish Forestry in using the services of RTS Forestry (a registered agent on the Scottish Forestry approved list). The applicant also notes that the proposed approach was indicated as being acceptable by Scottish Forestry in pre-application discussions and is supported still by the absence of any objection by Scottish Forestry to the S36 application.

3.3.18 The applicant argues that the Council's assertion that the proposed compensatory planting is too far away to be of benefit is not supported by any form of policy, either local or national, drawing attention to the previous committee report of handling which acknowledged that the Council was generally in agreement that Control of Woodland Removal Policy supports compensatory planting taking place across Scotland. The applicant further contends that Policy 13 of FIFEplan, which the Planning Authority gave greater weight and informed the Council's objection, does not contain a specific basis within the policy narrative for requiring habitat mitigation to be located within the immediate area. In response to this, the Planning Authority refutes the applicant's contention regarding Policy 13 of FIFEplan as this Policy clearly sets out that where adverse impacts on natural heritage assets (including woodlands) are unavoidable, the Council will only support proposals where these impacts will be satisfactorily mitigated; it is for the Planning Authority to determine whether any compensatory planting suitably mitigates the impacts of the development. Furthermore, noting that the wording of Policy 13 makes specific reference to the Control of Woodland Removal Policy, it is considered that these Policies clearly put the responsibility for determining the acceptability of the location of any compensatory woodland planting in the hands of the Local Planning Authority, with the Control of Woodland Removal Policy stating:
"The specific location, nature and timing of any compensatory planting must be agreed prior to felling licence approval. For compensatory planting stipulated as a requirement of planning permission, specification of that planting will be determined by the relevant planning authority..."

3.3.19 Notwithstanding the applicant's assertion that the chosen compensatory planting location is acceptable, they have expressed that they would be willing to consider alternative closer locations and have actively been seeking such in cooperation with the local Community Council. The applicant contends that details of the site location and habitat specification could be controlled through an appropriate condition or a planning obligation and therefore, any objection on this basis can be overcome. The willingness of the applicant to explore alternative locations for the compensatory planting is appreciated, however no such alternative locations have been presented. Furthermore, whilst it is concurred that planning conditions could be used to secure the habitat specification, it is

not agreed that it would be appropriate to delay agreeing a site for the compensatory planting as this is fundamental to the assessment of the application.

3.3.20 In consultation with the Planning Authority's Trees and Natural Heritage Officers, it is considered that the additional information presented by the applicant has not provided sufficient justification to alter the Planning Authority's recommendation that compensatory planting should be ecologically linked/in closer proximity to the application site which is to be adversely affected.

3.3.21 It is acknowledged that NPF4 and the Control of Woodland Removal Policy, and to a lesser extent Policy 13 of FIFEplan, support the removal of woodland (providing compensatory planting is provided) where it would support the installation of essential infrastructure to help Scotland mitigate and adapt to climate change. This support for essential infrastructure to combat the climate emergency must be carefully considered against the ecological impacts associated with the proposed development. As summarised by the Trees Officer; "it is important to install renewable infrastructure across Fife, to build resilience in our energy systems considering the changes that climate change will bring, but it is also important to protect long-standing woodlands and not overlook the importance of this as a resource which will also help to mitigate the effects of climate change and protect wildlife/biodiversity".

3.3.22 When considering the proposal against Policy 1 of NPF4 which gives significant weight to tackling the global climate and nature crises, it appears that the Policy is incompatible with the particulars of the proposed development which seeks to address the climate crises by improving renewably electricity storage infrastructure at the cost of adversely impacting an area of woodland. The Planning Authority must therefore weigh the competing priorities of Policy 1 of NPF4.

3.3.23 Considering all of the above, notably the weight required to be given to applications for essential infrastructure/electricity storage developments and as the applicant as demonstrated the acceptability of the proposed development in a countryside location, and the proposed compensatory planting, it is ultimately considered that the proposal should be supported. Looking at the proposed development regionally and nationally, given the scale of the 500MW proposal, whilst the loss of 4.66ha of woodland would have an adverse impact on Devilla Forest, as 16ha of compensatory woodland planting is to be provided within the Central area of Scotland it is considered that the proposed development would have significant benefits which would outweigh the Planning Authority's local concerns.

3.3.24 A mechanism shall be required to secure the off-site woodland planting, and its future maintenance. As the proposed compensatory planting is to take place outside the Fife Council local authority boundary, it is considered that it would not be competent to secure the planting through a planning condition on the deemed planning permission. It is therefore recommended that a legal agreement be entered into between the Council, applicant and relevant landowners (and the ECU if necessary) to secure the provision of compensatory planting and its future maintenance.

3.3.25 As above, whilst the Council are ultimately accepting of the proposed compensatory tree planting scheme taking place in rural Perthshire, if it transpires through further discussions with the applicant when drafting any legal agreement that a suitable site becomes available to the applicant within Fife/closer proximity of the application site, Officers would be open to supporting the compensatory planting taking place in what may be a more suitable location; subject to full assessment.

3.3.26 In conclusion, the additional information presented by the applicant regarding the proposed off-site compensatory planting is not considered to have addressed the Planning Authority's previous concerns, however giving weight to NPF4 which has since been adopted, the national implications of the development, and as the applicant has now demonstrated a need for a countryside location, the Council are prepared to withdraw its previous objection on the grounds of ecological impacts.

4.0 Conclusions

Fife Council, as Local Planning Authority, was previously consulted on this proposed development by the Scottish Government's ECU where the Council objected to the proposal. The Council advised the ECU that they were not supportive in principle of the proposed battery storage development in the chosen location within Devilla Forest, with the Council also having significant concerns regarding the ecological impact of the development.

The applicant has submitted additional information to address the Council's previous objection.

Fife Council is prepared to remove its previous objection to the proposed battery storage development. Giving regard to the additional information provided by the applicant which gives consideration to the Planning Authority's suggestion of locating the battery storage proposal within the former Longannet Power Station site, ultimately concluding that this site was not suitable, and giving weight to NPF4 which now forms part of the development plan, Fife Council are willing support the development subject to conditions and the conclusion of a legal agreement securing the off-site compensatory planting proposals.

5.0 Recommendation

It is recommended that Fife Council, as Local Planning Authority, advise the Scottish Government that deemed planning permission should be granted alongside the Section 36 consent subject to the inclusion of the recommended conditions (contained within Appendix 1) and conclusion of a legal agreement (or other appropriate mechanism) to secure the off-site compensatory planting.

It is recommended that authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to either negotiate and conclude the legal agreement, or agree an alternative mechanism with the ECU to the secure the compensatory planting. It is also recommended that authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to finalise the wording of the recommended conditions alongside the ECU and applicant.

Background Papers

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

Development Plan:
National Planning Framework 4

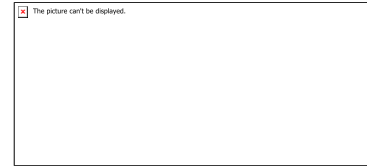
FIFEplan Local Development Plan (2017)
Making Fife's Places Supplementary Guidance Document (2018)
Low Carbon Fife Supplementary Guidance (2019)

National Regulations and Guidance:

Scottish Government Control of Woodland Removal Policy (2009)
Scottish Government Energy Storage: Planning Advice (2013)
Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)
Wildlife and Countryside Act 1981 (as amended)
Wildlife and Natural Environment (Scotland) Act (2011)
Nature Conservation Scotland Act 2004 (as amended)

Report Contact

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Scottish Government
Energy Consent Unit
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150 Broomielaw
Glasgow

Planning Services

Bryan Reid

development.central@fife.gov.uk

Your Ref: ECU00003469

Our Ref: 23/00480/CON

Date 10th May 2023

Dear Sir/Madam

Application No: 23/00480/CON
Proposal: ECU00003469 - Consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure - Additional information submitted
Address: Devilla Forest, Kincardine, Fife

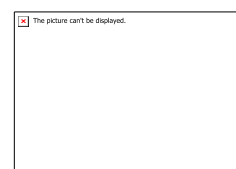
Summary

Having presented the application to Elected Members of the West and Central Planning Committee, Fife Council, as Local Planning Authority, can confirm that it is prepared to remove its previous objection to the proposed battery storage development. Giving regard to the additional information provided by the applicant and giving appropriate weight to NPF4 which now forms part of the development plan, Fife Council are willing to support the development subject to conditions and securing the off-site compensatory planting proposals.

Background

This consultation request follows on from the Council objecting to the S36 application in September 2022 as a statutory consultee; following the consideration of the appointed case officer's recommendation by the Central and West Planning Committee. Following receipt of the Council's objection, the ECU offered the applicant three options, to withdraw the application, proceed to a Public Inquiry, or submit additional information to address the Council's objection. The applicant decided to submit additional information to address the Council's objections. This additional information was submitted to the ECU in February 2023, consisting of a direct response to the matters raised in the Council's objection. As the concerns raised by Fife Council related to planning policy matters, the

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applicant has not amended the Environmental Impact Assessment Report (EIAR) which accompanied their S36 application.

Since the previous response issued by the Council, the development plan position has changed, with NPF4 now adopted by the Scottish Government. In formulating the previous response, Fife Council gave limited weight to the Draft NPF4 (November 2021). With NPF4 now adopted, it forms part of the Development Plan and the status of this document should be considered when formulating the Council's response to this revised consultation request.

For the purposes of the Council's assessment of the proposed development, to inform its response to the Scottish Government, it is considered that the Development Plan represents a logical document against which to base its primary assessment. Other material considerations pertinent to the application are ultimately for the Ministers to consider, however the Council feel that weight should be given to National and Scottish Government Energy Policy when formulating its response, including The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, The Scottish Government's Renewable Electricity Generation Policy statement (REGPS) June 2013, and Scottish Energy Strategy (SES) 2017.

The adoption of NPF4 is not considered to raise any policy conflicts with regard to the impacts of this development which the Council previously found to be acceptable. This response shall therefore only address the matters which formed the basis for the Council's previous objection to the proposed development, namely;

- Principle of Development
- Ecological Impact

The application was considered by Fife Council's West and Central Planning Committee on 10th May 2023.

Assessment - Principle of Development

NPF4 Policies 1, 2, 11 and 29, Policies 1, 7 and 11 of FIFEplan Local Development Plan (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development. Consideration shall also be given to the Scottish Government's Energy Storage: Planning Advice document (2013).

The proposed development would not generate electricity from renewable sources, however its 500MW storage capacity could make a substantial contribution to the nation's electricity needs and the Government's energy objectives by storing electricity generated by renewable sources at periods of low demand before feeding the electricity into the grid at periods of high demand. Without battery storage developments, surplus electricity produced by renewable sources curtails and is ultimately lost. The annualised average output of the proposed development is predicted to be 496,400MWh.

As well as feeding electricity into the grid, as no renewable energy generating technologies are included in the proposal, the proposed battery storage development would receive its electricity from the grid, meaning that the electricity stored by the proposed development would not exclusively have been generated by renewable sources. However, as Scotland moves towards achieving the equivalent of 100% of Scotland's electricity being generated from renewable sources, in the long-term it is accepted that the electricity stored would have been generated by renewables.

The application site is not located within a defined settlement envelope and is thus considered to be countryside land (FIFEplan, 2017). The Council has accepted previously that many of the emerging technologies which aim to drive Scotland towards a low carbon future, such as wind turbines and solar parks, have a proven need for countryside locations and are therefore supported under Policy 7 of FIFEplan. In addition, Policy 29(a) (Rural Development) of NPF4 gives support for applications in the countryside for essential infrastructure proposals, with Policy 11 of NPF4 giving support in principle to energy storage developments 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. It is also accepted that battery storage technologies are consistent with broader low carbon and sustainability objectives, including the recently approved 'Climate Fife Strategy', however the current tests are those within the Development Plan.

It is accepted by the Planning Authority that the location of battery storage developments is dependent on the location (and availability) of existing grid connection points and locations where there are transmission constraints in the transmission system. It is also generally accepted that there is a need for electricity storage solutions as Scotland transitions to 100% renewable electricity generation. Chapter 3 of the EIAR (Need and Alternatives Considered) outlines the applicant's site selection investigations which identified a demand for the proposed development within the general location and an accessible grid connection point (Longannet). There is nothing before the Planning Authority to dispute that there is demand/availability for the proposed development in this general location, whilst it is also understood that the further a battery storage development is located from the connection point, the less viable the development. Whilst it is acknowledged that it would be difficult to locate a development of the size and scale proposed (12ha) (whilst addressing potential amenity impacts) within an existing settlement, this does not give immediate support to locating the development within the countryside; notwithstanding the support in principle now offered for essential infrastructure developments within Policies 11 and 29 of NPF4. The Planning Authority previously requested that the applicant demonstrate that there were no other suitable locations available within the vicinity of the grid connection point. It was requested that the site selection process adopt a sequential approach which considers sites in the following order:

- Sites allocated in FIFEplan (2017) for energy or specialist uses;
- Brownfield sites and industrial settings within settlement envelopes;

- Edge of settlement sites;
- Countryside.

The proximity of the application site to the former Longannet Power Station – where the identified grid connection point is located – is noted. The 197.46ha former power station site is allocated in FIFEplan (2017) as site LWD034 for ‘Employment - Class 4, 5 or 6 & Energy or Specialist uses’. The Longannet site was previously identified as a national development in NPF3 for ‘Carbon Capture and Storage Network and Thermal Generation’ - this national development allocation has not been carried forward into NPF4, however NPF4 does note that the site benefits from existing assets and infrastructure that can be repurposed to form the basis of new proposals which would benefit local communities around this part of the Forth. The application site is also within 4.5km of Kincardine Power Station (site KCD006 in FIFEplan), itself only 2km from Longannet. Site KCD006 is allocated for ‘Employment’, with the wider Kincardine Power Station site identified as a safeguarded employment area within FIFEplan. The Planning Authority do not consider that there are any other allocated or brownfield sites within the vicinity of the site which could accommodate a development of the type/size proposed.

As confirmed in the Council’s previous response to the ECU; objecting to the development; it was felt that the applicant had failed to adequately demonstrate that they had fully considered alternative sites before selecting a countryside location. Specifically, the Planning Authority considered that the former Longannet Power Station site would be a more suitable location for the proposed development, with the battery storage proposal in this location deemed to have support in principle through the Development Plan (including SPP and NPF3 at the time). The additional information submitted by the applicant seeks to address the Council’s concerns and provides a more informed overview of the applicant’s investigations into the availability of land at Longannet to locate the proposed development, whilst also providing an analysis of the constraints of the Longannet site and their interpretation of the Planning Authority’s perceived development plan policy support for a battery storage development within Longannet.

In their response, the applicant has advised that they communicated with the landowners at Longannet, with Scottish Power ultimately advising that the project was unsuitable for the former power station site due to a lack of employment opportunities. The applicant’s discussions with Scottish Enterprise – Scotland’s national economic development agency – also highlighted that the site is identified as an employment zone.

Giving consideration to the additional information presented by the applicant, primarily their evidence of engagement with the landowners at Longannet, and the adoption of NPF4 by Scottish Government since Fife Council’s previous response on this application, the Council is willing to re-consider its objection.

NPF4 contains an overarching support for renewable energy/essential infrastructure (including electricity storage) developments, with Planning Authority’s required to give

significant weight to the global climate crises and the contribution proposals can make to renewable energy generation targets and on greenhouse gas emissions reduction targets. Whilst NPF4 generally encourages the re-use of brownfield land rather than greenfield, it does not direct development proposals for essential infrastructure/renewable technologies away from countryside locations, supporting such developments through Policy 29. With the proposed development able to store up to 500MW of electricity – with an annualised average output of the proposed development is predicted to be 496,400MWh – this would make the development one of largest electricity storage development in Scotland and as such would make a substantial contribution to the nation's electricity needs and the Government's energy objectives. Giving significant weight to this contribution and need for this type of development (as directed by NPF4), National and Scottish Government Energy Policy, and apparent conflict of the battery storage proposals with Scottish Power and Scottish Enterprise's vision for Longannet due to the lack of employment opportunities, the Planning Authority is ultimately willing to aside its objections regarding the principle of the proposed development in the countryside location.

In conclusion, giving significant weight to the renewable energy storage contribution and need for this type of development in Scotland, and as the applicant has demonstrated that they have considered and engaged with landowners regarding siting the development within the former Longannet Power Station site, the Council considers that the proposed development in its countryside location within Devilla Forest is acceptable in principle.

Assessment – Ecological Impact

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

The application site is identified as a safeguarded green network policy area, additionally it is an important local and nationally recognised recreational and biodiversity asset. The locale attracts significant visitor numbers annually and provides space for outdoor education activities, recreation, heritage interpretation and habitats including potentially red squirrels. Devilla Forest comprises approximately 700ha of primarily Scots Pine plantation. Devilla Forest is a working forest, planted in the 1950s, maintained and overseen by Forestry and Land Scotland to balance the demands of timber production with recreation and conservation. Devilla Forest is also listed on the Ancient Woodland Inventory (Scotland) as long-established woodland (of plantation origin). Areas of semi-natural broadleaf planting can be found throughout Devilla Forest however not within the

application site. The Keir Burn runs east to west along the southern boundary of the site. With respect to designated sites, the Firth of Forth SPA, Ramsar site, SSSI and LNR are located approximately 1.6km south of the application site.

The ecological impacts of the proposed development are considered within Chapter 5 of the EIAR and were assessed previously by the Planning Authority – this response does not re-assess the impacts previously found to be acceptable by the Planning Authority and shall focus specifically on the proposed woodland removal and mitigatory/compensatory planting proposals which formed the basis of the Council's previous objection to the application. The additional information presented by the applicant seeks to address the reason for objection in planning policy terms, with an update to the EIAR not considered necessary as the impacts and mitigation measures proposed remain unchanged.

The area of woodland permanently lost as a consequence of the proposed development would be circa 4.66ha, equivalent to 79% total habitat in the site. The total area of habitat lost would be 8.42ha, which includes the 4.66ha of woodland and 3.76ha of scrub. Development of the site would result in permanent loss of habitat identified as part of the Ancient Woodland Inventory of Scotland Long Established (of Plantation origin). The EIAR details that this would have a moderate adverse effect on habitats that would have a significant impact on the environment at regional level. As the proposed development would result in a moderate adverse effect that would be significant, the EIAR sets out that adequate mitigation measures would be required for the proposal to be acceptable in policy terms, including the Scottish Government's Control of Woodland Removal Policy. These mitigation measures include ecological enhancement and woodland management on-site, as well as compensatory planting off-site.

To mitigate for the adverse impacts resulting from the woodland and habitat removal, the applicant proposes to plant a block of woodland planting on the site, providing approximately 0.47ha of new woodland. In addition, off-site compensatory planting is proposed, which would create approximately 16ha of new woodland, to be managed as forestry. This would provide a net gain in the total area of forestry habitat as a result of the development. The proposed off-site planting would take place at the Gleneagles Estate in rural Perthshire, some 20km from the application site. An Ecological Enhancement / Woodland Management Plan is also recommended for the remaining woodland within the application site.

The Council's previously adopted position was essentially that the proposed woodland removal was unjustified given the lack of support for the principle of development, with the proposed off-site compensatory planting also failing to adequately mitigate the ecological impact of the proposed development. The additional information presented by the applicant refutes the policy position adopted by the Council, including the interpretation of the Control of Woodland Removal Policy.

The applicant argues that although the trees which are proposed to be felled lie within an area of Long Established Plantation Origin (LEPO), and the site has long been used as a commercial forest and no areas of semi-natural ancient woodland would be affected. The applicant also highlights the Planning Authority's previous comments that the plantation woodland is not protected by a TPO and therefore the trees could be removed outwith the planning process, with the Forestry Appraisal which supports the EIAR recommending that management of the trees is required, including felling, given the historic lack of management of the height of the trees. Such felling in the interests of forestry management would however necessitate replanting per the Woodland Removal Policy, with the current management procedures at Devilla Forest involving selective felling in the interests of tree management, with large areas of clear-felling avoided.

The response from the applicant argues that the proposed compensatory planting (0.47ha on-site and 16ha off-site) is sufficient to satisfy policy requirements and the guidance of Scottish Forestry. Turning to the Council's concerns regarding the distance/relationship between the application site and proposed off-site planting location, the applicant advises that whilst the details of the proposed compensatory planting are still to be finalised, it should be noted that the proposed site for the compensatory planting at in Perthshire is the nearest available and suitable location that was identified following the guidance of Scottish Forestry in using the services of RTS Forestry (a registered agent on the Scottish Forestry approved list). The applicant also notes that the proposed approach was indicated as being acceptable by Scottish Forestry in pre-application discussions and is supported still by the absence of any objection by Scottish Forestry to the S36 application.

The applicant argues that the Council's assertion that the proposed compensatory planting is too far away to be of benefit is not supported by any form of policy, either local or national, drawing attention to the previous committee report of handling which acknowledged that the Council was generally in agreement that Control of Woodland Removal Policy supports compensatory planting taking place across Scotland. The applicant further contends that Policy 13 of FIFEplan, which the Planning Authority gave greater weight and informed the Council's objection, does not contain a specific basis within the policy narrative for requiring habitat mitigation to be located within the immediate area. In response to this, the Planning Authority refutes the applicant's contention regarding Policy 13 of FIFEplan as this Policy clearly sets out that where adverse impacts on natural heritage assets (including woodlands) are unavoidable, the Council will only support proposals where these impacts will be satisfactorily mitigated; it is for the Planning Authority to determine whether any compensatory planting suitably mitigates the impacts of the development. Furthermore, noting that the wording of Policy 13 makes specific reference to the Control of Woodland Removal Policy, it is considered that these Policies clearly put the responsibility for determining the acceptability of the location of any compensatory woodland planting in the hands of the Local Planning Authority, with the Control of Woodland Removal Policy stating:

"The specific location, nature and timing of any compensatory planting must be agreed prior to felling licence approval. For compensatory planting stipulated as a requirement

of planning permission, specification of that planting will be determined by the relevant planning authority...”

Notwithstanding the applicant’s assertion that the chosen compensatory planting location is acceptable, they have expressed that they would be willing to consider alternative closer locations and has actively been seeking such in cooperation with the local Community Council. The applicant’s response also seeks suggestions for alternative (closer) locations from Fife Council. Further, the applicant contents that details of the site location and habitat specification could be controlled through an appropriate condition or a planning obligation and therefore, any objection on this basis can be overcome.

The willingness of the applicant to explore alternative locations for the compensatory planting is appreciated, however no locations have been presented. Furthermore, whilst it is concurred that planning conditions could be used to secure the habitat specification, it is not agreed that it would be appropriate to delay agreeing a site for the compensatory planting as this is fundamental to the assessment of the application.

In consultation with the Planning Authority’s Trees and Natural Heritage Officers, it is considered that the additional information presented by the applicant has not provided sufficient justification to alter the Planning Authority’s recommendation that compensatory planting should be ecologically linked/in closer proximity to the application site which is to be adversely affected.

It is acknowledged that NPF4 and the Control of Woodland Removal Policy, and to a lesser extent Policy 13 of FIFEplan, support the removal of woodland (providing compensatory planting is provided) where it would support the installation of essential infrastructure to help Scotland mitigate and adapt to climate change. This support for essential infrastructure to combat the climate emergency must be carefully considered against the ecological impacts associated with the proposed development. As summarised by the Trees Officer; “it is important to install renewable infrastructure across Fife, to build resilience in our energy systems considering the changes that climate change will bring, but it is also important to protect long-standing woodlands and not overlook the importance of this as a resource which will also help to mitigate the effects of climate change and protect wildlife/biodiversity”.

When considering the proposal against Policy 1 of NPF4 which gives significant weight to tackling the global climate and nature crises, it appears that the Policy is incompatible with the particulars of the proposed development which seeks to address the climate crises by improving renewably electricity storage infrastructure at the cost of adversely impacting an area of woodland. The Planning Authority must therefore weigh the competing priorities of Policy 1 of NPF4.

Considering all of the above, notably the weight required to be given to applications for essential infrastructure/electricity storage developments and as the applicant has demonstrated the acceptability of the proposed development in a countryside location,

and the proposed compensatory planting, it is ultimately considered that the proposal should be supported. Looking at the proposed development regionally and nationally, given the scale of the 500MW proposal, whilst the loss of 4.66ha of woodland would have an adverse impact on Devilla Forest, as 16ha of compensatory woodland planting is to be provided within the Central area of Scotland it is considered that at a regional and national level the proposed development would have significant benefits which would outweigh the Planning Authority's local concerns.

A mechanism shall be required to secure the off-site woodland planting, and its future maintenance.

In conclusion, the additional information presented by the applicant regarding the proposed off-site compensatory planting is not considered to have addressed the Planning Authority's previous concerns, however giving weight to NPF4 which has since been adopted, the national implications of the development, and as the applicant has now demonstrated a need for a countryside location, the Council are prepared to withdraw its previous objection on the grounds of ecological impacts.

Additional Comments

A mechanism shall be required to secure the off-site woodland planting, and its future maintenance. As the proposed compensatory planting is to take place outside the Fife Council local authority boundary, it is considered that it would not be competent to secure the planting through a planning condition on the deemed planning permission. It is therefore recommended that a legal agreement be entered into between the Council, applicant and relevant landowners (and the ECU if necessary) to secure the compensatory planting and its future maintenance.

As above, whilst the Council are ultimately accepting of the proposed compensatory tree planting scheme taking place in rural Perthshire, if it transpires through further discussions with the applicant when drafting any legal agreement that an alternative site becomes available to the applicant within Fife/closer proximity of the application site, Fife Council Officers would be open to supporting the compensatory planting taking place in what may be a more suitable location; subject to full assessment.

If it is not possible to secure the off-site compensatory planting, Fife Council would object to the application.

Notwithstanding the support of the application, the development is of a nature which is not considered to be acceptable as a permanent fixture in this rural location. It is recognised that the applicant has yet to confirm the expected duration of the development, however it is felt by the Planning Authority that a planning condition must be included to specify this. Giving consideration to similar types of developments approved by the ECU and Fife Council, a maximum of period of forty years is deemed to

be appropriate; after which the development should be dismantled and the site reinstated to the satisfaction of the Council.

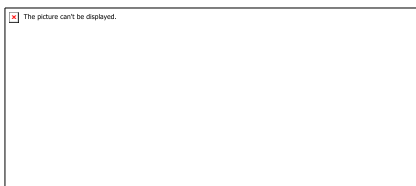
In the event that this application is approved, Fife Council would expect conditions to be included on the deemed planning permission to secure the mitigation measures set out within the EIAR, with further conditions to secure final details of proposals. Should the ECU decide to grant the Section 36 Consent, the Planning Authority would request that below conditions be included as part of the deemed planning permission.

Further commentary on the Planning Authority's assessment of the proposed development is set out within the attached committee report.

Conclusion

In conclusion, Fife Council, as Local Planning Authority, can confirm that it is prepared to remove its previous objection to the proposed battery storage development subject to the inclusion of the below conditions on the deemed planning permission and securing the off-site compensatory planting proposals.

Yours sincerely



Bryan Reid
Planner

Recommended 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 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. (1) At least one month prior to the Commencement of the Development, a financial guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of Fife Council. Such guarantee must:

- (a) be granted in favour of Fife Council;
- (b) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- (c) be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the Planning Authority at the Commencement of Development.
- (d) contain provisions so that all the site restoration and aftercare liabilities as determined at the Commencement of Development shall be increased on each fifth anniversary of the date of this consent.
- (e) come into effect on or before the date of Commencement of Development.

(2) No work shall begin at the site until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to Fife Council.

(3) In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with Fife Council.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

3. (1) No development shall commence unless and until an outline decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority.

(2) The strategy shall outline measures for the decommissioning of the development and restoration and aftercare of the site and shall include proposals for the removal of

the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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.

4. (1) The development shall cease to store and/or transport electricity by no later than the date falling forty years from the Date of Final Commissioning and the development shall be appropriately decommissioned thereafter. The total period for restoration of the site in accordance with this condition shall not exceed forty-three years (with the exception of any ongoing aftercare works) from the Date of Final Commissioning without the prior written approval of the Planning Authority in consultation with the Scottish Ministers.

(2) No later than three years prior to decommissioning of the development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 2), shall be submitted for the written approval of the Planning Authority. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of any required decommissioning construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) temporary site illumination;
- (i) details of watercourse crossings;
- (j) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan; and

(k) a traffic management plan.

(3) The development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise agreed in writing in advance with 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.

5. The full extent of measures specified in the 'Schedule of Mitigation' contained in Appendix 2.4 of the EIA Report (March 2022) submitted with this application shall be implemented in full and at the points in the development process as stipulated for the relevant mitigation in question unless otherwise agreed in writing by Fife Council as Planning Authority. Where no specific trigger point or period of time is specified for a particular action to be undertaken as a mitigation measure, this shall take place no later than by the commencement of development unless otherwise agreed in writing by Fife Council as Planning Authority.

Reason: In the interests of mitigating adverse environmental impacts arising from the proposal which would otherwise make the development unacceptable in terms of its environmental impact, including - but not limited to - its impact on species, habitats, landscape, ground conditions, water environment and residential amenity.

6. A Clerk of Works shall be employed to ensure that the commitments and mitigation measures specified within the EIA Report are adhered to. Before works start on site, a remit for this Clerk of Works shall be submitted for the written approval of Fife Council as Planning Authority. The remit shall also confirm when the Clerk of Works can be discharged from their duty with a final report to be provided for Fife Council as Planning Authority at this time.

Reason: To ensure the development progresses in accordance with the terms of the EIA Report which forms part of the application proposals.

7. No work shall begin at the site until a final Code of Construction Practice (CoCP), informed by the approved outline CoCP contained within Appendix 2.1 of the EIA Report (March 2022), is submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the construction phase of the development shall be carried out fully in accordance with the final CoCP unless otherwise agreed in writing with Fife Council as Planning Authority. The final CoCP shall be supported by detailed Construction Method Statements, which shall provide method statements for

construction activities detailing how the requirements for the CoCP shall be met. The CoCP shall also include but not limited to the following matters:

- (a) Site Waste Management Plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- (b) Pollution Prevention Plan including drainage management strategy and mitigation measures, demonstrating how all surface water run-off and wastewater arising during and after development is to be managed and prevented from polluting any watercourses or sources;
- (c) details of foul and contaminated site drainage arrangements;
- (d) a Surface Water and Drainage Strategy, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (e) details of proposed temporary site compound for storage of materials, machinery, and designated car parking;
- (f) details of on-site storage of materials, including fuel and other chemicals;
- (g) cleaning of site entrance, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;
- (h) full details of adequate wheel cleaning facilities to ensure that no mud, debris or other deleterious material is carried by vehicles onto the roads used by the public;
- (i) details of all internal access tracks, including accesses from the public road and hardstanding areas;
- (j) details and timetable for post construction restoration and/or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (k) details of the management of noise and vibration during construction;
- (l) Watercourse Method Statement; and
- (m) Water Quality Monitoring Plan.

Reason: In the interests of mitigating adverse environmental impacts arising from the construction phase of the development.

8. Before any works start 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 earth mounding, land raising or platforming, access roads, fencing, lighting and CCTV columns, and SuDS shall be submitted for the written approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity.

9. No development shall commence unless and until details of the future management and aftercare of the proposed landscaping and planting have been submitted and

approved in writing by the Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details. The management plan should include details regarding the management of non-native invasive species.

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

10. No development shall commence unless and until a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted on the site, and the extent and profile of any areas of earthmounding, has been submitted and approved in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or Date of Final Commissioning of the development, whichever is the sooner, and thereafter maintained in full working order for the lifetime of the development.

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

11. 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.

12. The further site inspections for protected species, required to be undertaken per the 'Schedule of Mitigation', shall be undertaken by suitably qualified professionals with survey reports submitted in full to Fife Council as Planning Authority for approval in writing prior to any works taking place which may disturb the habitat of the identified protected species. Where the survey reports indicate that any protected species are present on site or could be affected by the development, Species Protection Plans, specific to each relevant species, detailing all mitigation required shall be submitted for the written approval of the Planning Authority. The Species Protection Plans (including any mitigation measures recommended within) shall thereafter be adhered to in full for the duration of the construction period.

Reason: In the interests of safeguarding protected species.

13. Prior to the removal of any trees, protective measures shall be installed within the woodland to clearly delineate the trees identified for removal and those to be retained. The details of the protective measures shall be agreed in writing by the Planning Authority prior to installation. No tree removal shall take place until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. Thereafter, the protective measures shall be retained in full throughout the construction period and no building materials, soil or machinery shall be stored in or adjacent to the protected areas.

Reason: To secure the preservation of trees in accordance with section 159(a) of the Town and Country Planning (Scotland) Act 1997

14. All tree and vegetation removal associated with this development shall be undertaken outwith the bird breeding season of 1 March to 31 August of any calendar year unless the site is first surveyed by a suitably qualified person and the findings, and any associated mitigation, have been submitted to, and approved in writing by, Fife Council as Planning Authority.

Reason: In the interests of safeguarding nesting birds.

15. The Rating Level, L_{Ar,T}, of the noise emitted from all plant, equipment and machinery, including on site vehicle movements, will not exceed the existing representative LA₉₀ background sound level at any time by more than +5 dB when measured from the boundary of all the noise sensitive receptors (as identified in Chapter 11 of the EIA Report, 2022).

The Rating Level shall be determined in accordance with British Standard (BS) 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

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

16. Before any works start on site, the final design and layout, supported with relevant calculations, of the surface water drainage scheme shall be submitted for the written approval of Fife Council as Planning Authority. Thereafter, the approved surface water drainage scheme shall be implemented in full prior to the Date of Final Commissioning, and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of ensuring appropriate handling of surface water.

17. The building threshold levels shall be constructed at least 150mm above external ground levels, with all key external infrastructure elevated at least 150mm on plinths and / or adequately bunded, in accordance with the recommendations of the approved Flood Risk Assessment and Conceptual Surface Water Drainage Strategy (March 2022).

Reason: In the interest of flood risk management; to minimise the potential impact of groundwater emergence.

18. There shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest vehicles expected to visit or in connection with the operation of the site. The turning area shall be formed outwith the parking areas and both shall be available as required through the lifetime of the development unless otherwise agreed in writing with the Planning Authority.

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.

19. No deliveries associated with the construction of the development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland to ensure that general construction traffic can be transported along the trunk road network safely and efficiently. The CTMP shall contain details on routing and timing of deliveries to site, site operatives parking area, traffic management required to allow off site operations such as public utility installation, pedestrian access etc. The approved CTMP shall thereafter be implemented for the duration of the construction works.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

ITEM NO: 5**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/03990/FULL****SITE ADDRESS: LAND SITE 1 FULMAR WAY DONIBRISTLE INDUSTRIAL PARK****PROPOSAL : ERECTION OF 35 RESIDENTIAL UNITS (CLASS 9) INCLUDING AFFORDABLE HOUSING, FORMATION OF ACCESS AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING****APPLICANT: MUIR HOMES LIMITED AND HERMISTON SECURITIES LIMITED
MUIR HOUSE BELLEKNOWES INDUSTRIAL ESTATE
INVERKEITHING****WARD NO:** W5R06
Inverkeithing And Dalgety Bay**CASE OFFICER:** Scott Simpson**DATE** 13/01/2023
REGISTERED:**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

more than 5 letters of support have been received and the officer's recommendation is contrary to these.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

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

The Adopted FIFEplan (2017) (LDP) 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.

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 the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

BACKGROUND

1.1 Site Description

1.1.1 The application site is an area of brownfield land within the Donibristle Industrial Park, Dalgety Bay and within the Dalgety Bay Settlement Boundary as designated within the LDP. The site was formerly used for industrial purposes but has been vacant for a number of years. The application site measures approximately 1.9 hectares in area and the site is mostly clear of former development however there are areas of hardstanding, fencing and soil heaps within the site. There are also several individual trees within and along the boundary of the site. The site is bordered by an Asda supermarket to the west, residential properties to the south and existing industry to the north and east. Access to the site is currently taken from Fulmar Way to the north, however, public access to the site is currently restricted by security fencing. The site is relatively flat in gradient and is a mixture of regenerated scrubland and hardstanding. To the north of the proposed development site, on the site formerly occupied by Grant Construction, are the offices of Hy Spec Services LTD (Industrial Painting) and a 24-hour self-storage facility, whilst Dyce Carrier Haulage and Logistics Services is located adjacent to the site to the east.

1.1.2 The site is allocated as a housing opportunity site (DGB 022 – Fulmar Way 2) within the LDP and the site has an estimated capacity for 50 dwellings. The site is also potentially contaminated due to the historic land uses of the site.

1.2 Proposal

1.2.1 This application seeks full planning permission for the erection of 35 residential units (Class 9) including affordable housing, formation of access and associated infrastructure and landscaping. All of the dwellinghouses within the site would be two storeys and would include a variety of finishing materials, however, the predominant material would be a white dry dash render finish with white coloured UPVC casement windows. The site would include a mix of properties ranging from 3 bedroom semi-detached to 5 bedroom detached mainstream houses

and 2-bedroom cottage flats to 3 bedroom terraced affordable houses. The properties would utilise materials such as a white dry dash render, flint grey coloured split faced blocks, slate grey roof tiles, white coloured UPVC casement windows, grey coloured doors and white coloured steel garage doors. The house types on key corners and with prominent frontages would be characterised by a mix of split-faced stone and render with less prominent plots featuring neutral render colours.

1.2.2 Access into the site would be taken from Fulmar Way to the north, whilst an internal ring road is proposed within the site with a variety of surface materials proposed. A mixture of off-street parking including front, side, integral garages, visitor parking on site and shared parking areas are proposed within the site.

1.2.3 A useable open space and play area (approximately 892 square metres) is proposed to the south of the site and this would adjoin the existing play area to the south, whilst another useable open space area (approximately 275 square metres) is proposed to the west of the site. A landscaping plan has also been submitted which shows that there would be significant native species planting proposed within the site. This would include a total of 31 heavy standard trees (Cherry, Oak and Rowan) and 20 standard trees (Sycamore, Common Alder, Silver Birch, Beech and Cherry Trees) within gardens, public open space areas and streets. A number of native shrubs, hedges, wildflower grass areas and grassed areas are also proposed around the site.

1.2.4 A SuDS basin is proposed within the centre of the site, and it is intended that the proposed surface water sewer would be adopted by Scottish Water with the proposed Gullies to be adopted by Fife Council. The surface water would discharge to the Scottish water storm water sewer at the north-east of the site at an attenuated flow rate (8.5 l/sec for the 1.7 hectares area) and after an appropriate SUDS treatment train.

1.2.5 A 10-metre-wide landscape buffer area is proposed between rear gardens and Fulmar Way to the north and the industrial site to the east. A 2.5-metre-high bund area along with a 2.5-metre-high acoustic fence is proposed atop this bund within the landscape buffer area. The proposed landscape area buffer would have a number of trees, hedges and shrubs planted either side of the bund to allow for screening of the bund and fence. This includes 1238 types of native species (Alder, Hornbeam, Hawthorn, Holly, Wild Cherry, Bird Cherry, Bird Cherry, Blackthorn, Rowan, Grey Willow and Goat Willow) and a number of shrubs along the embankment.

1.3 Planning History

1.3.1 The relevant planning history for site and adjacent areas is as follows:

- Full planning permission (14/01974/FULL) for erection of 47 residential units (including 4 flats) SUDS, open space and associated roads infrastructure was refused on 27th March 2015. This application was refused as the development would take access from an existing residential cul-de-sac to the south creating a lack of vehicular connectivity and a site which would not integrate well with the existing residential area. The refusal reason also stated that the development would lead to a loss of existing residential parking and intensification of an existing cul-de-sac to the detriment of existing residential amenity and would create a residential development of poor form and relationship with the existing residential area. The second refusal reason stated that the garden ground for some properties would fall short of the minimum standard and that a required 10 metre landscape buffer has not been provided. The lower standards of garden ground and lack of stand-off from the boundary would result in the proposed noise attenuation

feature (2.5m bund and 2.5m fence) being overbearing and oppressive to adjacent future residents and creating a lower standard of amenity space to the detriment of future residential amenity. This application was determined under delegated powers.

- Full planning permission (16/01887/FULL) for erection of 51 residential units, SUDS, open space and associated roads infrastructure was refused on 23rd February 2017. This application was refused as the development would take access from the existing industrial estate to the north which would lead to a conflict in vehicular traffic movements between industrial and residential traffic. The proposed access also did not meet the minimum junction spacing with an existing service access which could lead to further conflict, and this would be detrimental to pedestrian and vehicular safety. The second refusal reason stated that insufficient information had been provided to conclude that noise from neighbouring industrial uses could be adequately mitigated on site. This was because there was a stone crusher located at Grants Construction to the north which could not be mitigated against. This application as determined by the West Planning Committee in February 2017.

- Full planning permission (16/00998/FULL) for the erection of 44 residential units, SUDS, open space and associated roads infrastructure was refused on 16th April 2018. This application was refused as the applicant had failed to demonstrate that the site could be developed for a residential use without being exposed to unacceptable levels of noise. The submitted noise assessment had shown that future residents would be subjected to significant levels of noise from neighbouring land uses which could not be practically mitigated against, and this would cause a significant detrimental impact on residential amenity. The specific noise which could not be mitigated against was a stone crusher located at Grants Construction to the north. The potential impact on future residential amenity from the noise from existing employment uses could also lead to statutory noise nuisance controls being imposed on the existing business to the detriment of the operation of that business. This application as determined by the West Planning Committee in January and April 2018.

2.0 ASSESSMENT

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

- Principle of Development
- Housing Land Supply
- Visual Impact/Design, Scale and Finishes
- Amenity Impact
- Transportation/Road Safety
- Community and Economic Benefits
- Waste Management
- Water/Drainage/Flood Risk
- Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement
- Sustainability/Tackling the Climate and Nature Crises
- Contaminated Land
- Air Quality
- Infrastructure and Planning Obligations including Education, Green Infrastructure/Open Space, and Affordable Housing

2.2 Principle of Development

2.2.1 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.

2.2.2 Policy 16 of NPF4 (Quality Homes) states that proposals for new homes on land allocated for housing in LDPs will be supported.

2.2.3 Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 states that proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings will be supported. It further advises that in determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. This policy seeks 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.

2.2.4 FIFEplan Policy 1 Development Principles, Part A, of the 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 Homes supports housing development on allocated sites for housing and requires that proposals meet the requirements for the site identified in the settlement plan tables.

2.2.5 Eleven letters of support have been received and they state that the site has been vacant for many years and this proposal for housing would result in the redevelopment of a vacant brownfield site which is a blight on the area. Four letters of objection have been submitted and they consider that this site is allocated for residential use, however, this does not mean that the details of the development proposal require to be accepted, whilst previous decisions should be taken into account. The principle of the development is fully assessed below, whilst the planning history for the site will be considered during the assessment of this proposal.

2.2.6 As the proposal lies within the settlement boundary for Dalgety Bay and is a housing opportunity site (DGB 022 – Fulmar Way 2) as defined in the LDP there is a presumption in favour of housing development on this site. The allocation within the LDP advises that the site has an estimated capacity for 50 dwellings and requires a 10 metre wide landscape belt to Fulmar Way and adjoining industrial premises, a path/cycle link to Meadowfield/Moray Way North and site access is not to be from the industrial estate adjacent. This proposal is for 35 dwellings, therefore, the proposal would comply with the estimated capacity of the site. The proposal would also bring about the sustainable re-use of a contaminated brownfield site which has been vacant for many years. However, the proposed access from the site has been taken from Fulmar Way and contradicts the requirements of the site allocation. Access from the industrial estate is not supported due to the detrimental impact on business users and the amenity of residential properties. The proposal would, therefore, not be acceptable in principle and would be contrary to Policies 1, 2 and allocation DGB002 of the Adopted FIFEplan (2017). The overall acceptability of such a development must, however, be assessed against other policy criteria and these other issues are considered in detail below.

2.3 Housing Land Supply

2.3.1 Policy 16 of NPF4 states that LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to

represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10-year Minimum All Tenure Housing Land Requirement (MATHLR) set out in NPF4. Annex E of NPF4 sets out the MATHLR for FIFE and this shows the requirement as 1,750 homes for Fife. It further states that the MATHLR is the minimum amount of land, by reference to the number of housing units, that is to be provided by each planning authority in Scotland for a 10-year period. The MATHLR is expected to be exceeded in each Local Development Plan's Local Housing Land Requirement. The LDP does not yet set out a minimum amount of land, by reference to the number of housing units, for a 10-year period as required by NPF4 and there is currently no national guidance regarding how Local Authorities should assess this matter in the interim. The current LDP housing land figures will, therefore, be used to assess this proposal in terms of Policy 2 of the LDP.

2.3.2 Policy 2 states that housing developments will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Plan or on other sites provided the proposal is compliant with the policies for the location. The FIFEplan also states that where a shortfall in the 5-year effective housing land supply is shown to exist within the relevant Housing Market Area (HMA), housing proposals within this HMA will be supported subject to satisfying each of the following criteria:

1. the development is capable of delivering completions in the next 5 years;
2. the development would not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan;
3. the development would complement and not undermine the strategy of the plan; and
4. infrastructure constraints can be addressed.

2.3.3 The letters of support state that the proposal would bring about much needed family housing and the matter relating to the provision of housing is assessed below.

2.3.4 This site is included within the Housing Land Audit (2022) as an ineffective housing site due to access constraints and being incompatible with neighbouring uses. The site therefore does not currently contribute to the effective five year Housing Land Supply. Housing Land Supply and the implications of this site would therefore be a material consideration for this application. There must be a housing shortfall in the Housing Market Area for the proposal to comply with the terms of Policy 2 of the FIFEplan. To monitor the maintenance of a five-year supply of housing land, Fife Council publishes an annual audit of housing land supply. This site is located within the Dunfermline and West Fife HMA. The current HLA shows that there is a housing surplus in the 5-year effective land supply for this HMA of 426 affordable units and 694 open market units. The current surplus within the HMA is as follows:

5-year Effective Housing Land Supply 2021-2026

	Affordable	Open Market
Housing Requirement:	1015	2200
Total Supply	1542	3114
Total 5-year housing surplus:	426	694

2.3.5 As shown above, the site is located within the Dunfermline and West Fife HMA and Fife Council's HLA advises that there is a total surplus of 1,120 dwellings (affordable plus open market) in the 5-year effective housing land supply. The proposal does not, therefore, require to be assessed against the terms of Policy 2 as there is currently no housing shortfall within this HMA.

2.4 Visual Impact/Design, Scale and Finishes

2.4.1 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further advises that development proposals will be supported where they are consistent with the six qualities of successful places (Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable) and development which is poorly designed or inconsistent with the six qualities will not be supported. Annex D of NPF4 sets out further details relating to the delivery of these six qualities of a successful place.

2.4.2 Policies 1 and 10 of the Adopted FIFEplan advise that development will only be supported if it has no significant detrimental visual impact on the surrounding area.

2.4.3 Policy 14 of FIFEplan and Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. Making Fife's Places encourages a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how development proposals can be evaluated to ensure compliance with the six qualities of successful places. The guidance sets out the level of site appraisal an applicant is expected to undertake as part of the design process. Details of the assessment to be undertaken to determine a proposals consistency with these principles is provided in the Scottish Government's Creating Places: A Policy Statement on Architecture and Place for Scotland and Designing Streets.

2.4.4 The LDP allocation (DGB 002) requires that the site layout should include a 10 metre wide landscaping belt to Fulmar Way and adjoining industrial premises plus any additional measures to mitigate noise from traffic or employment uses, such as acoustic fencing, open space is to be provided near the southern edge of the site with a path/cycle link to Meadowfield/Moray Way North and site access arrangements are not to be from the industrial estate adjacent.

2.4.5 A Design Statement has been submitted which includes contextual drawings and visualisations which demonstrate how the proposed development would sit on the site in relation to the surrounding area and adjacent buildings. The statement advises that the proposal for Fulmar Way seeks to establish a vibrant new neighbourhood which will integrate into the existing residential area to the south and improve existing and future pedestrian access to surrounding amenities and public transport. The statement advises that the design vision represents an opportunity to re-use an existing brownfield site to form a range of both private and affordable housing and will provide new open space and play facilities for new and existing residents. The statement also considers that the architecture and form of the proposed housing will reflect the character of the surrounding area in terms of height and scale with houses including traditional features as well as incorporating contemporary design elements which respond to the requirements of modern living. The design statement also summaries the design response to the site and sets out how the proposal would comply with the six qualities of a successful place.

2.4.6 The letters of support state that the proposal would represent a visual improvement to this previously developed site and the proposal would be well designed with an appropriate density and layout. The letters of objection consider that the proposal would not comply with the six qualities of a successful place and the bund would be visually unacceptable

2.4.7 All of the dwellinghouses within the site would be two storeys and would include a variety of finishing materials, however, the predominant material would be a white dry dash render finish with white coloured UPVC casement windows. The site would include a mix of properties

ranging from 3 bedroom semi-detached to 5 bedroom detached mainstream housing, with affordable housing in the form of 2-bedroom cottage flats and 3 bedroom terraced houses. In terms of the design and materials the proposed houses, are attractively designed with varied detailing which would utilise materials such as a white dry dash render, flint grey coloured split faced blocks, slate grey rooftiles, white coloured UPVC casement windows, grey coloured doors and white coloured steel garage doors. The houses positioned on key corners and with prominent frontages would be characterised by a mix of split-faced stone and render with less prominent plots featuring neutral render colours. The proposal also details active street frontage, enhanced gables onto public areas and corner properties which would incorporate dual frontages. The application would result in a proposed scheme that would integrate well with and would respect the character and appearance of the existing neighbouring residential developments to the south, whilst the proposed finishing materials would be visually appropriate within the context of the surrounding area. This would also help to create a place that is a pleasant, welcoming and distinctive place to live.

2.4.8 The agent has submitted sections and visualisations which demonstrate that the building heights would sit comfortably within the site and would relate well to the neighbouring two storey properties to the south. The heights of the proposed buildings would, therefore, be appropriate at this location. These sections and visualisations also demonstrate that the proposal utilises the topography of the site and the differing housetype heights to ensure that the building heights are varied along streets. This variation to the heights and materials of the proposed dwellings, throughout the overall site, would ensure that the development provides a visually interesting and distinctive place. The proposal would be in keeping with the scale, massing and layout of the existing adjacent built form and would 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. A mix of off-street parking and parking courts combined with varied building lines and house types create elements of interest within the development. The proposed density of the development would also be acceptable when taken within the context of the surrounding area.

2.4.9 The proposed hard and soft landscaping would be of high quality and the proposed areas of open space and landscaped areas would help soften the visual impact of the development and would make it a welcoming place in terms of open green spaces and the density of the proposal, whilst, the proposed green areas and the incidental areas of open space, street trees, hedgerows and planting throughout the proposed residential area would provide a significant positive contribution to the distinctiveness and character of the place which would be welcoming to any visitors to the site. The proposed open space, parking areas and footpaths within the site are also overlooked by surrounding buildings and the development would include active frontages and dual frontages on corner plots providing informal surveillance and a sense of safety throughout the site which would create a safe and pleasant place to live. The proposed soft landscaping would also contribute to biodiversity and this matter is further assessed under section 2.10.7 (Biodiversity Enhancement).

2.4.10 The proposed boundary treatments which include approximately 1.8-metre-high timber fences, walls and hedges with soft boundary treatments defining street edges in the form of low-level hedgerows and shrub planting would also be visually acceptable and in keeping with the surrounding area.

2.4.11 A 10-metre-wide natural landscape belt along with an approximately 2.5-metre-high bund and 2.5-metre-high acoustic fence atop is proposed along the northern and eastern boundary of the site, and this is a requirement of the allocation within the LDP which requires that the site

layout includes a 10 metre wide landscaping belt to Fulmar Way and adjoining industrial premises plus any additional measures to mitigate noise such as acoustic fencing. Sections have been submitted through the site showing the visual impact of this bund and fence and the landscaping details advise that the bund would include significant planting either side of it to screen both it and the fence from viewpoints from the north and east. This landscaping which would be located on either side of the bund would include native species shrubs and trees and this would help to screen the acoustic barrier and fence from viewpoints from the north and east and would soften the visual impact of this. It is considered that the proposed bund and fence along with the proposed landscaping and planting would be visually acceptable and would have no significant detrimental impact on the site or surrounding area. It should also be noted that the visual impact of a similar 5-metre-high bund and acoustic fence was previously accepted under application references 14/01974/FULL, 16/01887/FULL and 16/00998/FULL.

2.4.12 A single vehicular access to the site is taken from the industrial estate to the north and is contrary to the site allocation. The applicant has attempted to integrate the proposed open space with the existing open space area to the south and form permeable routes with the existing residential area to the south. However, part of the proposed footpath connections are outwith the applicants control and may not be delivered. The matters relating to connectivity and access into the site are also further assessed under section 2.6 (Transportation/Road Safety) of this report of handling.

2.4.13 In conclusion, in isolation the proposal would provide an attractive, welcoming, high-quality development through a varied layout and mix of property types and the height, massing, roofline and other detailing. However, the proposal is not compatible with the neighbouring uses or in keeping with the character and appearance of the surrounding built environment, which is primarily an industrial estate. Vehicular access from Fulmar Way will pose a conflict between the proposed residential use and the existing industrial estate surrounding the site and the delivery of permeable active travel routes to the south are out with the applicants control. The proposal overall would, therefore, not comply with the six qualities of a successful place as set out in the Development Plan. The proposal overall would, therefore, not comply with the Development Plan in this respect and is not of an acceptable layout or design that is compatible with the surrounding area.

2.5 Amenity Impact including noise, daylight/sunlight, privacy levels, light pollution and garden ground

2.5.1 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. This policy further states that 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.

2.5.2 Policies 1, and 10 of the LDP state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.5.3 The letters of support state that the proposal would bring about a significant improvement to the amenity of the area.

2.5.4 Noise

2.5.4.1 PAN (Planning Advice Note) 1/2011 Planning and Noise 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.

2.5.4.2 Policy 23 (Health and Safety) of NPF4 requires that development proposals that are likely to raise unacceptable noise issues will not be supported, whilst the agent of change principle applies to noise sensitive development and a noise impact assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.5.4.3 Policies 1, and 10 of the LDP state that proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise and they will only be supported where they will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.5.4.4 Fife Council's Policy for Development and Noise (2021) sets out how noise impact should be considered through the planning process. It advises that the noise impact arising from development should be considered and mitigated and residential development should not unacceptably affect existing businesses or be built in locations which would be affected by excess or inappropriate noise levels. The guidance further advises that to achieve wider outcomes of the Local Outcome Improvement Plan and the FIFEplan, it is recognised that the physical separation of noise and noise sensitive development will not be possible in all circumstances and that it may be appropriate to make provision for development in certain exceptional circumstances to achieve wider strategic objectives. For the purposes of this guidance, exceptional circumstances are proposals which aim to secure appropriate redevelopment of brownfield sites, which promote higher levels of density near transport hubs, and which secures higher density development in town centres and larger urban settlements.

2.5.4.5 The LDP allocation (DGB 002) requires that the site layout should include a 10-metre-wide landscaping belt to Fulmar Way and adjoining industrial premises plus any additional measures to mitigate noise from traffic or employment uses, such as acoustic fencing. A 10-metre-wide landscaping belt has been provided along the boundary with Fulmar Way and the adjoining industrial unit to the east, whilst a 2.5-metre-high bund with a 2.5-metre-high acoustic barrier is proposed within this landscape belt.

2.5.4.6 The letters of objection state that the proposal would result in detrimental noise impacts on the occupiers of the proposed housing and would prejudice the adjacent industrial estate businesses, whilst the noise report seeks to downplay the noise impact. They also state that the adjacent Dyce carriers and vehicle mechanic business have no restrictions on operating hours, whilst the noise impact assessment does not categorically state that noise impact would be acceptable. They also advise that shot blasting and painting works are carried out at the premises to north (Hy Spec Services) with a compressor reaching levels of 100dBa and this has not been taken into account within the noise report. They further state that the application makes reference to an application approved at Whitehill Industrial Estate, however, this is not relevant to this site as each case must be determined on its own individual merits. The objections conclude that the proposal would not comply with Development Plan as it would not provide sufficient residential amenity in terms of health and noise impacts. The matters relating to noise impact are fully assessed below.

2.5.4.7 The proposal would be a wholly compatible use with the adjacent residential use to the south and would represent an improvement to the residential area when compared to the noise impact of the previous industrial use of this site. The proposal would, therefore, have no significant impact on the surrounding area in terms of noise and would also result in an overall improvement to the surrounding area in terms of noise impact.

2.5.4.8 The proposed residential area could, however, suffer from detrimental noise impacts from the adjacent industrial uses to the north and east and the retail use to the west. An acoustic report (AR) which assesses this noise impact has, therefore, been submitted in support of this application. An unattended noise survey was carried out over a seven-day period from 4th August 2022 to 11th August 2022. The noise report advises that the primary noise sources for assessment have been identified as operational noise from Dyce Carriers to the east of the proposed development site, and from deliveries to ASDA in the service yard to the west. The report advises that the prevailing soundscape comprises primarily of distant road traffic noise to the west, and local traffic and HGV movements on Fulmar Way, whilst train movements to the north of the industrial estate are occasionally faintly audible. Occasional contributions of noise from proximal activities at Dyce Carriers and deliveries to the ASDA service yard were discernible.

2.5.4.9 The AR advises that with the proposed 2.5-metre-high bund and 2.5-metre-high acoustic barrier in place that noise from the Asda retail unit to the west and Dyce Carriers to the east would not exceed the recommended internal daytime noise level of 35db LAeq or internal night time levels of 30 db LAeq with windows partially open for ventilation. It should also be noted that the planning permission (03/04178/WOPP and 06/03661/WARM) for the Asda Retail site included conditions that no delivery vehicles are permitted between 10 pm and 7 am, whilst a 3-metre-high acoustic fence was required to be retained and maintained around the rear of site which included the south-east corner of the site which faces onto this application site. The AR further advises that with the proposed 2.5-metre-high bund and 2.5-metre-high acoustic barrier in place that daytime noise levels within external gardens would not exceed the recommended 50 db LAeq.

2.5.4.10 Fife Council's Environmental Health Public Protection team (PP) advise that they agree with the methodology used and the findings of the noise report, whilst they agree that the proposed mitigation measures would reduce any noise impact from adjacent uses to acceptable levels. They also advise, however, that they would still have concerns as there is the juxtaposition of industrial/commercial uses with the proposed housing and the industrial uses could intensify at any time. They also raise concerns regarding the height of the bunds and fencing. The matter relating to the visual impact of the bund and fencing is assessed under section 2.4 (Visual Impact/Design, Scale and Finishes) of this report of handling, whilst it is considered that the proposed bund and fence would not be visually overbearing to potential occupants of the dwellings due to the distances involved and the significant planting proposed. All of the garden ground areas are more than nine metres long with the bund and fence being located within the required 10 metre landscaped buffer area which would have significant planting. It should also be noted that the amenity impact of a similar 5-metre-high bund and acoustic fence was previously accepted under application references 16/01887/FULL and 16/00998/FULL.

2.5.4.11 The submitted AR has demonstrated that there would be no detrimental noise impact on the site with the proposed 2.5-metre-high bund and 2.5-metre-high acoustic barrier in place. A draft condition relating to this matter and requiring that the recommended mitigation measures

are carried out in full before the development is occupied would be recommended should this application be approved. It is noted that the neighbouring industrial uses have objected and have also mentioned the previously refused applications on the site. The noise reports submitted under previous application references 16/01887/FULL and 16/00998/FULL were not accepted, principally because of noise generated by a stone crusher located at Grants Construction to the north. This company has now moved out of this location and the site is currently occupied by Hy Spec Limited, an industrial painting company. The noise report submitted under application reference 14/01974/FULL was, however, accepted and this proposal was not refused due to noise impact (See section 1.3 above). An unattended noise survey was also carried out over a period of seven days and the results of this along with the assessment within the submitted AR demonstrate there would be no significant noise impact. Fife Council's PP team have accepted the findings of the AR.

2.5.4.12 In terms of the LDP, the surrounding industrial estate is safeguarded for employment use, this being generally accepted as uses falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. In most cases these businesses are unrestricted in terms of their operating hours and could therefore be active over a period of 24 hours. Whilst Class 4 uses are defined as being capable of operating without causing amenity impacts for any adjacent residential properties, this is not the case for uses falling within Class 5 (General Industrial) or Class 6 (Storage or Distribution) both of which may generate impacts in terms of noise. Whilst sites within the estate may in future change to Class 4 or Class 6 use without the need for planning permission, any change to Class 5 from an existing Class 4 or Class 6 use would require planning permission. Should the residential development of the site proceed, any future change of use or change in operational practices in the adjoining industrial sites would have to take into account the impacts of that change on the adjacent residential properties. In the event that future changes were outwith planning control and resulted in a statutory noise nuisance, any enforcement required would fall under Environmental legislation. Whilst the proposed development would not prejudice the existing neighbouring commercial and industrial uses, future developments involving Class 5 and 6 uses would be bound to operate so as not to impact on the amenity of the residential properties. The proposal subject to conditions would therefore comply with the Development Plan in this respect and subject to Conditions securing the required mitigation measures, would be acceptable in terms of noise impact.

2.5.5 Daylight/Sunlight

2.5.5.1 Policies 1 and 10 of the LDP and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advise that new development should not lead to the loss of privacy or sunlight and daylight. This guidance further advises that a 25-degree daylight assessment should be carried out where neighbouring windows directly face a development or a 45-degree daylight assessment should be carried out when neighbours' windows are perpendicular to the proposal, however, in some cases a further assessment of daylight impact on windows may be required using the Vertical Sky Component method. The guidance further advises that a sunlight on ground assessment should be carried out where any part of the proposal is located adjacent to the useable amenity space and where any part of the proposed building lies south of the centre point of the neighbouring amenity space.

2.5.5.2 The residential properties along Meadowfield would have rear facing windows which would directly face plots 14 to 17 and 23 to 25. The agent has, therefore, submitted a 25-degree daylight assessment which demonstrates that all of these windows would pass the 25-degree daylight assessment. The proposals would, therefore, have no significant impact on the daylight levels experienced by existing dwellings in the surrounding area. The proposed dwellinghouses

would also have no significant impact on the sunlight levels experienced by other neighbouring residential properties due to the distances involved and the orientation of the proposed dwellinghouses in relation to neighbouring properties, with the sun rising in the east, setting in the west and at its highest point when due south with all of the proposed dwellings to be located to the north of existing garden ground areas. The proposed dwellinghouses within the application site have also been designed to ensure that no buildings would significantly overshadow or block daylight/ sunlight to any other adjacent proposed properties within the site itself. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5.6 Privacy Levels

2.5.6.1 Policies 1 and 10 of the LDP advise that new development should not lead to the loss of privacy. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other. Fife Council's Planning Customer Guidelines on Garden Ground also advises that if there is a road or pavement between the buildings then this 18 metres distance can be reduced and that lesser distances may be accepted for windows opposite each other, but which are at different heights to each other. Fife Council's Planning Customer Guidelines on Dormer Extensions 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.

2.5.6.2 The proposal would have no significant impact on the privacy levels of the surrounding area due to the distances involved between neighbouring residential properties and the proposed. The properties located along the south boundary would be located between approximately 13.9 metres and 19 metres away from the rear garden boundaries of the dwellings located along Meadowfield. The minimum 18 metre window to window distance has also been achieved between all adjacent properties within the site and external to the site. All plot layouts have been designed to ensure that the windows of the proposed dwellings would comply with the distances set out within Fife Council's Planning Customer Guidelines. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5.7 Light Pollution

2.5.7.1 Policy 23 of NPF4 states that proposals which are likely to have a significant adverse effect on health will not be supported.

2.5.7.2 Policies 1 and 10 of the LDP state that proposals will only be supported where they will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.5.7.3 The letters of objection state that existing floodlighting could impact on the adjacent residential properties. This matter is fully assessed below.

2.5.7.4 The industrial uses to the north and east do operate existing floodlights, however, it is considered that due to the location of these and the distances involved that there would be no significant impact on the proposal as a result of light pollution. The proposed 2.5-metre-high bund and 2.5-metre-high acoustic fence along with the significant proposed planting along this

landscape buffer would also provide mitigation against this. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5.8 Garden Ground

2.5.8.1 Policies 1 and 10 of FIFEplan and Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space and that a building footprint of 1:3 will be required. Fife Council's Planning Customer Guidelines on Garden Ground advises that new flats must be set in or have at least 50 square metres of private garden for each flat. This does not include space for garages, parking or manoeuvring vehicles. The guidance also advises that this plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area.

2.5.8.2 The minimum 100 square metres and 50 square metres requirement is not met for some of the dwellings (15 plots) within the site, with these garden ground areas measuring between 35 and 86 square metres. Five of these dwellings are terraced properties, six would be semi-detached dwellings and four would be flatted properties. The four flatted properties would have garden ground areas measuring between approximately 35 and 45 square metres, the semi-detached properties would have between approximately 66 and 86 square metres of garden ground and the terraced properties would have between approximately 45 and 72 square metres of garden ground. The other 20 dwellinghouses within the site would have between approximately 105 and 230 square metres. In this instance, it is considered that a reduction in the recommended garden ground area standard would be acceptable for these 15 plots, given that the site represents the redevelopment of a vacant contaminated brownfield site. All of the dwellings within the site would also have access to a useable open space area and a play area to the south and west of the site. The proposed layout is also in keeping with the prevailing pattern of development at this location and the proposed garden ground areas are broadly in line with the garden ground area sizes to the south which do not all meet the 100 square metre requirement. The rear gardens of Plots 1 – 5 and 26 – 35 would be enclosed by the proposed acoustic bund with a maximum height of 5m. Plot 1 would impact the most with the bund around 5m from the gable elevation and perimeter of the garden. The other rear curtilages would have a depth of at least 9m before the base of the bund. Within plots 26 – 35 the bund would encroach on the rear curtilage and reduce the useable garden ground. However, the private garden ground provided is sufficient and the site will provide a range of garden sizes. Overall, the proposed garden ground area provision would, therefore, be acceptable in this instance.

2.6 Transportation/Road Safety

2.6.1 Policy 14 of NPF4 states that development proposals will be supported where they provide well connected networks that make moving around easy and reduce car dependency. Policy 15 (Local Living and 20 Minute Neighbourhoods) requires that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. Policy 13 (Sustainable Transport) of NPF4 advises that proposals which improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. It further 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 and where appropriate they will provide direct, easy, segregated and safe

links to local facilities via walking, wheeling and cycling networks before occupation. A Transport Assessment should also be submitted where a proposal would generate a significant increase in the number of person trips. Policy 14 also advises that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

2.6.2 Policy 1, Part C, Criterion 2 of the Adopted 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. Policy 3 of the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018). The LDP allocation states that the site access will not be from the adjacent industrial estate to avoid detrimental impact on business users and protect the amenity of residential properties.

2.6.3 A Transport Assessment has been submitted which considers the proposal's impact on the surrounding public road network. The TA has considered person trips, not car trips and covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site would be developed to encourage the use of sustainable modes of transport. The TA concludes that the proposed development is in a sustainable location and would have good pedestrian and cyclist linkages to local and express bus services; Dalgety Bay Railway Station; local shops including the adjacent Asda; retail units on the north side of Ridge Way; local employment; and the primary school. The TA also concludes that the impact of the proposal on the surrounding road network would be negligible, whilst, no existing safety issues were identified in relations to vehicle, pedestrians or vulnerable road users on Fulmar Way and the level of trips generated by the site both in terms of vehicles and pedestrians would not be expected to create a significant change to the current situation.

2.6.4 Fife Council's Transportation Development Management Team (TDM) advise that the proposed internal layout including access roads and off-street parking would be acceptable. They also consider that the proposal would be in a sustainable location, however, they object to the proposal as it would take vehicular access from the industrial estate to the north which would be contrary to the allocation within the LDP and as it would introduce a conflict between industrial and residential traffic. They also have concerns that the proposed footpath links to the south may not be provided as they are outwith the application site boundary and therefore may not deliver sustainable travel routes to local services.

2.6.5 The letters of support advise that the proposal would be located in a sustainable location and the proposed access links would bring a real benefit to the community. The letters of objection state that Fulmar Way/Ridgeway Junction is an extremely busy junction and adding more cars to the mix would be a road safety issue. They further consider that there will be conflict between residential and commercial traffic on Fulmar Way which could result in accidents occurring.

2.6.6 The proposal includes one point of access from the road network. The site has been allocated for residential development since the adoption of the Dunfermline and West Fife Local Plan (2012) and now the current LDP (2017). Whilst there is no specific requirement in this allocation for there to be two access points into the site Making Fife's Places Supplementary Guidance requires development that is easy to move around and beyond. Based on the

planning history for the site, there are also issues with creating accesses onto either Fulmar Way or Otterston Grove and the creation of two accesses would be difficult due to ownership issues. Residential development of up to 200 units can be acceptable from one access and therefore this site would be within that limit. The provision of only one access point for this site would, therefore, be acceptable due to the constraints of the site and the size of the proposed development subject to appropriate vehicular access and permeable routes connecting to the wider settlement. The proposed Fulmar Way access point is not suitable for this type of development and permeable active travel routes to the wider settlement are not within the applicant's control.

2.6.7 In terms of parking, there would be a slight shortfall in off-street parking with four lona houstypes being one space short, however, this is alleviated through the introduction of additional visitor parking spaces on site. Overall, the parking provision for the site would be acceptable. The proposed footpath links to the south are on third party land, however, the agent has advised that discussions are ongoing to secure the delivery of the proposed links. A Grampian condition could, therefore, be recommended requiring that these footpaths are provided before any works commence on site should this application be approved.

2.6.8 The proposed access to the site would be taken from Fulmar Way which is in the industrial area to the north. There is an existing access from Fulmar Way which was utilised by the previous business in the site and this proposal would create a new access to the east of the existing access with the existing access being closed. The LDP states that the site access should not be taken from the adjacent industrial estate, both to avoid detrimental impact on business users and to protect the amenity of residential properties. In principle, the proposed access would not be acceptable as it is not in accordance with the LDP. Consideration must, however, be given to the technical details of the access to assess whether the access could function without detriment to business users or future residents. TDM states that introducing residential traffic into this industrial area would result in conflicts between housing traffic and industrial traffic to the detriment of road and pedestrian safety. The proposed access would, therefore, be unacceptable as it would be contrary to the LDP and would result in a conflict between residential and industrial traffic due to residential traffic being brought into an industrial estate all of which would be to the detriment of vehicular and pedestrian safety. The proposal would, therefore, not be acceptable and would not comply with the Development Plan in this respect.

2.7 Community and Economic Benefits

2.7.1 Policy 16 of NPF4 states that proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to meeting local housing requirements, including affordable homes; providing or enhancing local infrastructure, facilities and services; and improving the residential amenity of the surrounding area.

2.7.2 Policy 25 (Community Wealth Building) states that development 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.

2.7.3 The agent has submitted a supporting statement which advises that the proposal would meet local housing requirements and would include affordable homes, whilst, enhancing the existing green space provision within the area. The statement also advises that based on 30 homes being developed within the next two years could result in up to 105 direct and indirect jobs within a single year. The statement further advises that the delivery of around 35 homes will help support local shops and services through the retention and addition of residents living within Dalgety Bay. The proposal will also retain and enhance demand for facilities in the locality and the direct spend of new residents into the local economy will have a direct positive impact on other sectors such as retail and leisure which depend upon consumer spending to survive and grow. The statement also considers that the benefit to the Local Authority through new Council Tax revenue must also be considered with regard to service provision. Local labour will be used whenever possible, subject to availability and costs.

2.7.4 The letters of support state that the proposal could bring about support to the local economy and this matter is assessed below.

2.7.5 The submitted information has demonstrated that the proposal could provide an economic and community benefit to the existing village of Dalgety Bay. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.8 Waste Management

2.8.1 Policy 12 (Zero Waste) of NPF4 states that proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. The policy further 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 provision to maximise waste reduction and waste separation at source and 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.

2.8.2 Policies 1 and 10 of the Adopted FIFEplan state that development proposals must not have a significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities.

2.8.3 There is sufficient space within the curtilage of the proposed site and the curtilage of each dwelling to accommodate any required bin storage facilities. The submission also advise that domestic waste will be separated and treated accordingly to the Council's domestic waste collection requirements. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.9 Water/Drainage/Flood Risk

2.9.1 Policy 22 (Flooding) of NPF4 states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons. This policy further states that it will be demonstrated by the applicant that all risks of flooding are understood and addressed, there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes, the development remains safe and operational during floods and flood resistant and resilient materials and construction methods are used.

2.9.2 Policy 22 also requires 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), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should also presume no surface water connection to the combined sewer and development should seek to minimise the area of impermeable surface.

2.9.3 Policy 20 (Blue and Green Infrastructure) of NPF4 states that proposals for or incorporating new or enhanced blue infrastructure will be supported and where appropriate, this will be an integral element of the design that responds to local circumstances. This policy further states that proposals that include new or enhanced blue infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

2.9.4 Policies 1 and 3 of the FIFEplan state 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 because of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.9.5 Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.9.6 The letters of objection state that there have been historic problems with flooding, therefore, the drainage conditions should be well thought out so there is no detrimental impact in terms of surface water runoff. The matter relating to surface water runoff is fully assessed below.

2.9.7 The agent has submitted a flood risk assessment, surface water management plan and drainage strategy report. A SuDS basin is proposed within the centre of the site, and it is intended that the proposed surface water sewer would be adopted by Scottish Water with the proposed Gullies to be adopted by Fife Council. The surface water would discharge to the Scottish water storm water sewer at the north-east of the site at an attenuated flow rate (8.5 l/sec for the 1.7 hectares area) and after an appropriate SUDS treatment. Scottish Water have confirmed that they have no objections to the proposal and the network has capacity for this discharge.

2.9.8 Fife Council's Flooding, Shorelines and Harbours Team advise that they have no objections to the proposed surface water management solution and that the required certificates have also been provided and certified. The applicant/agent has also advised that the proposal would be connected to the public drainage and public water supply network. Scottish Water have advised that they have no objections to the proposal and there is sufficient capacity at Glendevon Water Treatment Works and the Dunfermline Wastewater Treatment Works. It is

considered that the proposed dwellinghouses could be connected to the existing water supply and it should be noted that the applicant would also need to submit a formal application to Scottish Water before proceeding with the development. 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 wastewater system. The proposal would therefore be acceptable and would comply with Development Plan Policy in this respect.

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

2.10.1 Policy 3 (Biodiversity) of NPF4 states that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible.

2.10.2 Policy 4 of NPF4 advises that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence, whilst the level of protection required by legislation must be factored into the design of the development.

2.10.3 Policy 6 (Forestry, Woodland and Trees) of NPF4 advises that proposals that enhance, expand and improve woodland and tree cover will be supported, however, proposals will not be supported where they would result in the loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition. This policy further states that adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.

2.10.4 Policies 1 and 13 of the FIFEplan state that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest, designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Site, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. These matters are fully assessed below.

2.10.5 Impact on Trees

2.10.5.1 There are a number of trees within and adjacent to the site which it is proposed will be removed as a result of the proposal. The agent has submitted an Arboricultural Impact Assessment report (AI report) which surveys all of the trees on the site. The report advises that a total of 36 trees were surveyed within the site with 2 Category B Trees, 27 Category C trees and 7 Category U trees identified. The proposal would include the planting of 18 silver birch trees along the northern boundary of the site along with native species such as scots pine, beech, oak and grey willow. The proposal would, in total, include the planting of 34 heavy standard trees which would reach heights of between 3 and 5 metres along with 20 standard trees within public opens spaces, streets and gardens and 55 feathered trees along the north embankment/SUDS area and parkland area. A number of shrubs and greenspace areas are

also proposed throughout the site and further details regarding this can be viewed within the submitted landscaping plan online.

2.10.5.2 Fife Council's Tree Officer advises that they agree with the findings of the AI reports, and they have no objections to the proposal. They also advise that the landscape plan includes a good diversity of species, mostly native, however, details relating to maintenance should be submitted.

2.10.5.3 The loss of the existing trees on site would be acceptable as these trees are of no significant landscape, amenity, or nature conservation value. The proposal also includes significant tree planting and natural landscaping within the open space areas and within streets and gardens and would provide a significant overall enhancement to the site in terms of biodiversity when compared to the previous use of the site which was mostly covered in hardstanding and is potentially contaminated. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.10.6 Protected Species and Wildlife Habitats

2.10.6.1 The site has no significant ecological value as it is a previously developed site which was historically occupied by industrial uses. An Ecological Appraisal Report (ER) has, however, been submitted in support of this application. The report advises that the survey considered not only habitats and species of plant present but also the potential presence of relevant European Protected Species including Bats, Badgers, Water Voles, and breeding birds, with particular reference to those species with enhanced statutory protection. The report advises that there was no evidence of protected species on site and the site is of negligible ecological value, however, it recommended that a crow nest was found on adjacent land, and this should have a single dusk and dawn bat survey completed to determine if there is any use by roosting bats. Bat surveys were then carried out and the findings show that there are no trees within the application site with potential roost features present and the Crow nest had no bat roosts present. The survey report concludes that bats should, therefore, not be an ecological constraint for the proposal. The proposal would, therefore, have no significant ecological impact on protected species, wildlife habitats or birds. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.10.7 Biodiversity Enhancement

2.10.7.1 A landscaping plan has been submitted which shows that there would be significant native species planting proposed within the site. This would include a total of 31 heavy standard trees (Cherry, Oak and Rowan) and 20 standard trees (Sycamore, Common Alder, Silver Birch, Beech and Cherry Trees) within gardens, public open space areas and streets. A number of native shrubs, hedges, wildflower grass areas and grassed areas are also proposed around the site. A 10-metre-wide landscape buffer area is also proposed between rear gardens and Fulmar Way to the north and the industrial site to the east. The proposed landscape area buffer would have a number of trees, hedges and shrubs planted either side of the bund to allow for screening of the bund and fence. This includes 1238 types of native species (Alder, Hornbeam, Hawthorn, Holly, Wild Cherry, Bird Cherry, Blackthorn, Rowan, Grey Willow and Goat Willow) and a number of shrubs along the embankment. Fife Council's Natural Heritage Officer advise that the landscaping plan would be mostly acceptable with the majority of planting to be native species. They note, however, that some non-native invasive species are proposed,

and these should not be included. An updated landscaping plan was submitted to address these concerns, and which removed the non-native invasive species.

2.10.7.2 The submitted information demonstrates that the proposal would include significant planting of native species including significant tree planting. The proposal would, therefore, bring about a significant biodiversity enhancement to the site and surrounding area when compared to the existing vacant potentially contaminated site. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11 Sustainability and Tackling the Climate and Nature Crises

2.11.1 Policy 1 of NPF4 requires that when considering all development proposals significant weight will be given to the global climate and nature crises.

2.11.2 Policy 2 of NPF4 state that proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and will be sited and designed to adapt to current and future risks from climate change.

2.11.3 Policy 12 (Zero Waste) of NPF4 states that proposals will be supported where they reuse existing buildings and infrastructure, minimise demolition and salvage materials for reuse, minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life and use materials that are suitable for reuse with minimal reprocessing.

2.11.4 Policies 1 and 11 (Low Carbon) of the FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that:

- The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
- Construction materials come from local or sustainable sources.

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

2.11.6 The developer has submitted an energy report and low carbon checklist which sets out how the proposal would meet the requirements of the Development Plan. The statement advises that renewable energy technology would be incorporated into the development through the provision of solar panels for electricity generation. The report advises that a wide review of available low and zero carbon equipment was carried out to identify those suitable for a development of this scale and the review identified that PV for electricity generation was by far the best solution in terms of efficiency, performance, lifetime cost, simplicity, maintenance requirements and overall benefit to the end user having the lowest life cycle carbon impact. The report also advises that the proposal would meet the current Scottish Building Regulations requirements in terms of dwellings performance of CO₂ production. The submission also advises that in terms of climate change mitigation, the proposed tree planting would improve

carbon sequestration and will contribute modestly to climate change mitigation and significantly improve the biodiversity value of the site. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Contaminated Land

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

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

2.12.3 A contaminated land risk assessment report has been submitted which advises that investigative works have been carried out and that the site, due to historic contamination, poses a low to medium risk to human health and plant life. The report further sets out a series of mitigation measures such as gas protection measures, gardens and soft landscaping areas being covered with 600 mm of clean capping and the use of a compound barrier pipe for the potable water supply to the development.

2.12.4 Fife Council's Contaminated Land team (CL Team) advise that given the former use of the site that a contaminated land risk assessment and potentially a remediation statement should be undertaken to ensure that site can be development safely for the proposal. They have no objections to the proposal subject to the condition requiring the submission of this information before any works commence on site. The proposal, subject to these conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in respect.

2.13 Air Quality

2.13.1 Policy 23 (Health and Safety) of NPF4 states that proposals that are likely to have significant adverse effects on air quality will not be supported. It further advises that an air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.13.2 Policies 1 and 10 advise that proposals must have no significant detrimental impact on amenity in relation to Air Quality with particular emphasis on the impact of development on designated Air Quality Management Areas (AQMA). It also advises that an air quality assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach in air quality management standards. Development proposals that lead to a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be supported. Supplementary guidance will provide additional information, detail and guidance on air quality assessments, including an explanation of how proposals could demonstrate that they would not lead to an adverse impact on air quality.

2.13.3 Fife Council's Air Quality in Fife Advice for Developers advises that an air quality impact assessment (AQIA) is required where the construction and occupation of a proposed development has the potential to increase road traffic emissions and if the proposal would

introduce ten new parking spaces or more and would be a residential development with a site area of more than 0.5 hectares or it would be for more than 9 residential units. This guidance further advises that a simple assessment should be carried out to determine if a more detailed air quality impact assessment is required. The guidance sets out several relevant criteria such as daily vehicle movements increasing by more than 500, daily H.G.V movement increasing by more than 100, the introduction of a roundabout, creating or changing a bus station and any other sources of air pollution. The guidance states that if any of this criterion is breached then a more detailed air quality impact assessment would not be required.

2.13.4 An air quality impact assessment report has been submitted and this concludes that a more detailed impact assessment is not required as the proposal would not breach any of the relevant criteria where a more detailed assessment would then be required. The CL Team advise that they agree with the findings of this assessment. The proposal would therefore have no significant detrimental impact on air quality and would comply with the Development Plan in this respect.

2.14 Infrastructure and Planning Obligations including Education, Green Infrastructure/Open Space, Public Art, and Affordable Housing

2.14.1 Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The circular requires that planning obligations meet all the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

2.14.2 Policy 18 (Infrastructure First) of NPF4 states that development proposals which provide (or contribute to) infrastructure in line with that identified in LDPs will be supported. This policy further requires that the impacts of development proposals on infrastructure should be mitigated.

2.14.3 Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use of employment land or leisure site, will be exempt from these obligations if they are for the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement boundary.

2.14.4 Fife Council's Planning Obligations Framework Guidance (2017) (POG) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply, and how methodologies will be applied when considering the impacts, a proposed development

will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art, and employment land.

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

2.14.5 The letters of objection state that there are no plans to build a new primary school, doctors or dentist that are desperately needed. The matter relating to the impact on schools as a result of the proposal is fully assessed below, whilst the matter relating to the impact on doctors and dentists would not be a material planning consideration.

2.14.6 The proposal would be located on previously developed land which was historically used for industrial uses and is contaminated land. As per POG, the proposal would be exempt from the requirement to make planning contributions unless there is a critical infrastructure capacity issue.

2.15 Education

2.15.1 POG advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers.

2.15.2 Fife Council's Education Services (ES) have advised that the development is within the catchment areas for Dalgety Bay Primary School, St John's Roman Catholic Primary School, Inverkeithing High School and St Columba's Roman Catholic High School, whilst the site is also located within the Dalgety Bay and Inverkeithing Local Nursery Area. They further advise that there is no capacity risk expected at the two primary schools or St Columba's Roman Catholic High School, however, Inverkeithing High School will have insufficient teaching areas available within the existing accommodation for the number of catchment pupils looking to attend the school in future years due to this proposal. This issue is expected within the next two years, therefore, there is considered to be a critical capacity risk and this proposal would not be exempt from having to provide contributions towards the solution.

2.15.3 There is a critical capacity risk at Inverkeithing High School as a result of the proposal, therefore, a planning obligation would be required, and the site would not be exempt from education contributions. The cost of providing additional teaching areas at Inverkeithing is £610,400 to be funded on a pro-rata basis by all eligible housing developments across the catchment area. Paragraph 5.26 and Figure 8 of Fife Council's Planning Obligations Framework Guidance sets out the tariff that should be applied for each type of dwelling and this would be 75% for 2 bedrooms, 100% for 3 bedrooms, 125% for 4 bedrooms and 150% for 5 bedrooms.

The contribution for Inverkeithing based on a total of 659 contributing homes (Housing Land Audit 2017) would be £926 per 3-bedroom house, £694 per 2-bedroom house, £1157 per 4-bedroom house and £1389 per 5-bedroom house. The total contribution for this development would, therefore, equate to £35,410. The agent has agreed to this contribution and this matter would be dealt with through a planning obligation. The proposal subject to a planning obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.16 Green Infrastructure, Open Space and Parks

2.16.1 Policy 20 of NPF4 states that proposals for or incorporating new or enhanced green infrastructure will be supported and where appropriate, this will be an integral element of the design that responds to local circumstances. Policy 20 also states that proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

2.16.2 Policy 1, Part C, criterion 4 of the LDP requires proposals to provide green infrastructure in accordance with the Green Network Map. Policy 3 of the LDP ensures that new development makes provision for infrastructure requirements to support new development. This includes green infrastructure and green network requirements such as open space and amenity space.

2.16.3 Making Fife's Places Supplementary Guidance sets out that development proposals comprising between 10 and 50 units are required to provide 60 square metres of open space per dwelling on site or make a contribution towards existing open space if the development is located within 250m walking distance of an existing open space.

2.16.4 The allocation within the LDP states that open space is to be provided near the southern edge of the site.

2.16.5 The letters of support state that the proposed landscaping and park will bring about real benefits to the community. The matter relating open space and green infrastructure is assessed below.

2.16.6 The proposal should include 2100 square metres of open space on site and the proposed site layout shows approximately 1167 square metres of useable open space. This includes 892 square metres of an open space/play area at the southern edge of the site which adjoins the existing open space/play area and approximately 275 square metres of open space at the western edge of the site. There is also an existing open space area directly adjoining the site which measure approximately 747 square metres and the proposed open space area to the south would result in an extension to this existing area. It is considered that this shortfall in open space would be acceptable in this instance as the proposal would result in the re-development of a previously contaminated brownfield site which would bring about a significant biodiversity enhancement to the area, whilst the site is also directly adjacent to an existing 747 square metres area which would be utilised by the development. It should also be noted that a larger shortfall in open space was also accepted under application references 14/01974/FULL, 16/00998/FULL and 16/01887/FULL (see planning history section 1.3 above). This allocated housing site also has an estimated capacity for 50 dwellings, whereas this proposal is for a total of 35 dwellings. The proposal would, therefore, provide an acceptable amount of useable open space on site.

2.17 Affordable Housing

2.17.1 Policy 15 of NPF4 states that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. This will include local access to affordable and accessible housing options, ability to age in place and housing diversity. Policy 16 of NPF4 advises that proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. The policy further advises that this could include affordable homes. Policy 16 also states that proposals for new homes will be supported where they make provision for affordable homes to meet an identified need, whilst, proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where a higher or lower contribution is justified.

2.17.2 Policy 1, Part C, Criterion 1 of the Adopted LDP states that development proposals must meet the requirements for affordable housing. Policy 2 of the Adopted LDP states that open market housing development must provide affordable housing at the levels for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. Policy 4 of Adopted LDP advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Fife Council's Supplementary Guidance on Affordable Housing (2018) (AH Guidance) considers that housing proposals must accord with the structure plan housing land requirement.

2.17.3 The letters of support advise that the proposal would bring about much needed affordable housing and this matter is assessed below.

2.17.4 The proposal would provide nine affordable dwellings on site including 4 cottages flats (2 x ground floor and 2 x first floor), 3x 2-bedroom mid terrace and 2 x 3-bedroom end terrace properties. Fife Council's Affordable Housing team have no objections to the proposal as it would provide 25% of the total number of homes as affordable and they consider the housing mix to be acceptable. This matter could be secured through a condition. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

CONSULTATIONS

Land And Air Quality, Protective Services	No objections subject to contaminated land conditions.
Structural Services - Flooding, Shoreline And Harbours	No objections
Trees, Planning Services	No objections
Environmental Health (Public Protection)	No objections to noise report, however, have concerns to introducing residential next to Industrial.
Transportation And Environmental Services - Operations Team	Object to access onto industrial road.

Education (Directorate)	No objections subject to contribution to Inverkeithing High School
Housing And Neighbourhood Services	No objections
Scottish Water	
Urban Design, Planning Services	No objections subject to concerns being addressed.
Natural Heritage, Planning Services	No objections
Asset And Facilities Management Services	No response

REPRESENTATIONS

Four letters of objection and eleven letters of support have been received in relation to this application. The material planning considerations have been fully assessed within this report of handling. The letters of objection also state that they are worried about the security of their offices and yard and footpaths are proposed through the playpark which would bring additional footfall to Meadowfield and this could be a security risk for existing houses due to anti-social behaviour. It is not considered that the proposal for 35 dwellinghouse would result in a significant increase in terms of anti-social behaviour and the risk of theft is not a material planning consideration in this instance.

Material planning issues raised include:

access; this is addressed in section 2.2

noise; this is addressed in section 2.5

light pollution; this is addressed in section 2.5

traffic; this is addressed in section 2.6

flooding; this is addressed in section 2.9.

CONCLUSIONS

The proposal is contrary to the site allocation within the FIFEplan Local Development Plan for site reference: DGB 002. The proposal for access from Fulmar Way and the industrial estate does not accord with the site requirements set out within the site allocation and would have a detrimental impact on business users and the amenity of residential properties. The proposed residential use is not compatible with the neighbouring uses and industrial character of the surrounding area. Overall, the proposal is contrary to NPF4 and FIFEplan and Making Fife's Places Supplementary Guidance.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of road safety; the proposal would result in a detrimental impact on road safety due to the introduction of an access onto an existing industrial road which would lead

to a conflict in vehicular traffic movements between industrial and residential traffic and which would be detrimental to pedestrian and vehicular safety. The proposal would, therefore, be contrary to Policies 13 of NPF4, Policies 1 and 3 of the Adopted FIFEplan (2017), allocation DGB 022 – Fulmar Way 2 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

2. In the interests of placemaking and permeability; the proposed permeable routes to the south of the site are not within the applicants control and may not be possible to deliver. Failure to deliver permeable routes throughout the site would direct pedestrians and cyclists to the north through the industrial estate and increase private car demand. The proposal would, therefore, be contrary to Policy 13 of NPF4, Policies 1 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance

National Planning Framework 4

PAN 1/2011: Planning and Noise

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Building Research Establishment's Site Layout Planning for Daylight and Sunlight Guidance (2022)

Development Plan

Adopted FIFEplan (2017)

Fife Council's Supplementary Guidance on Affordable Housing (2018)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Low Carbon Fife Supplementary Guidance (2019)

Other Guidance

Fife Council's Policy for Development and Noise (2021)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2022)

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

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

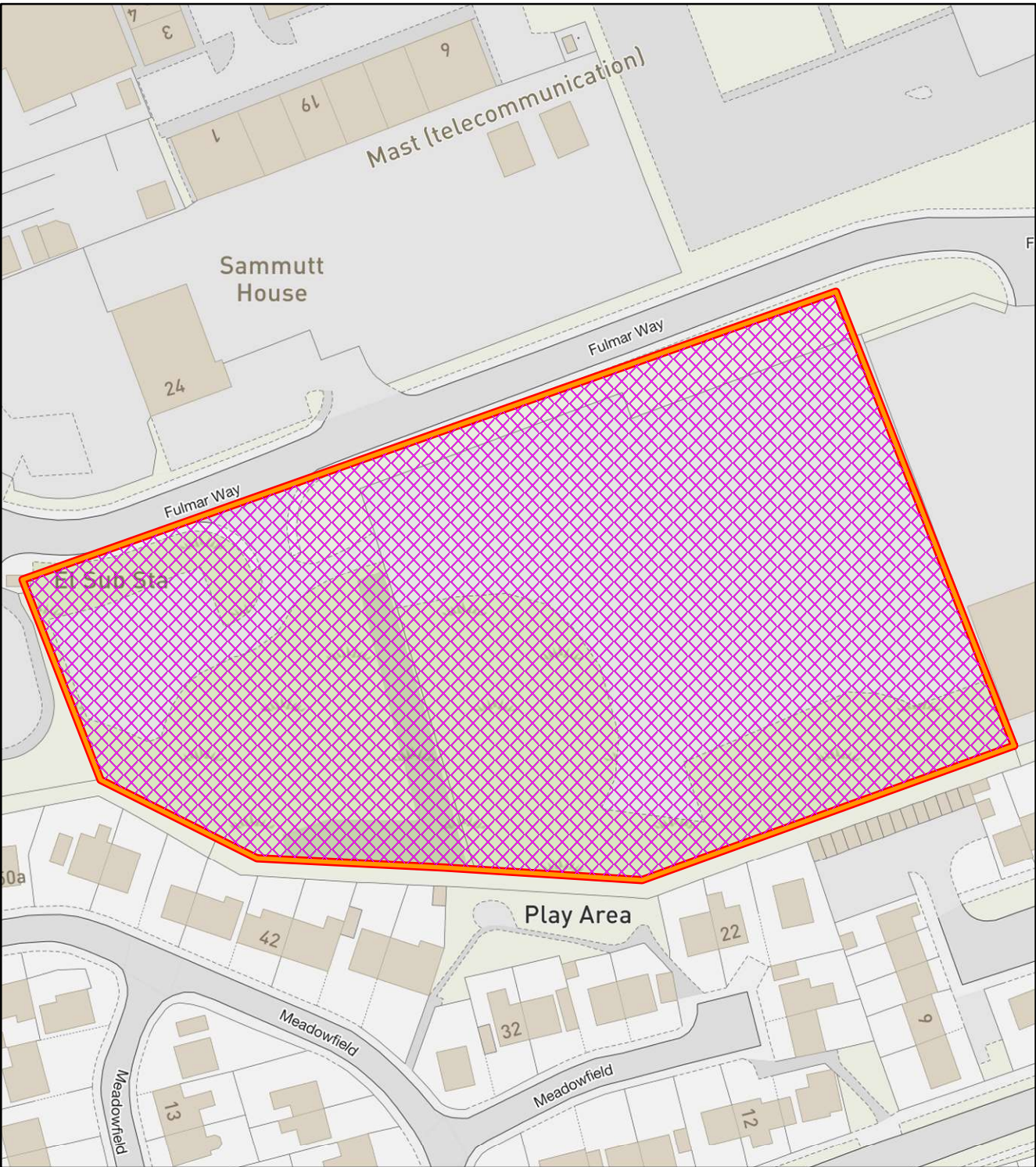
Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)

Fife Council's Planning Obligations Framework Guidance (2017)

Report prepared by Declan Semple. Lead Officer and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

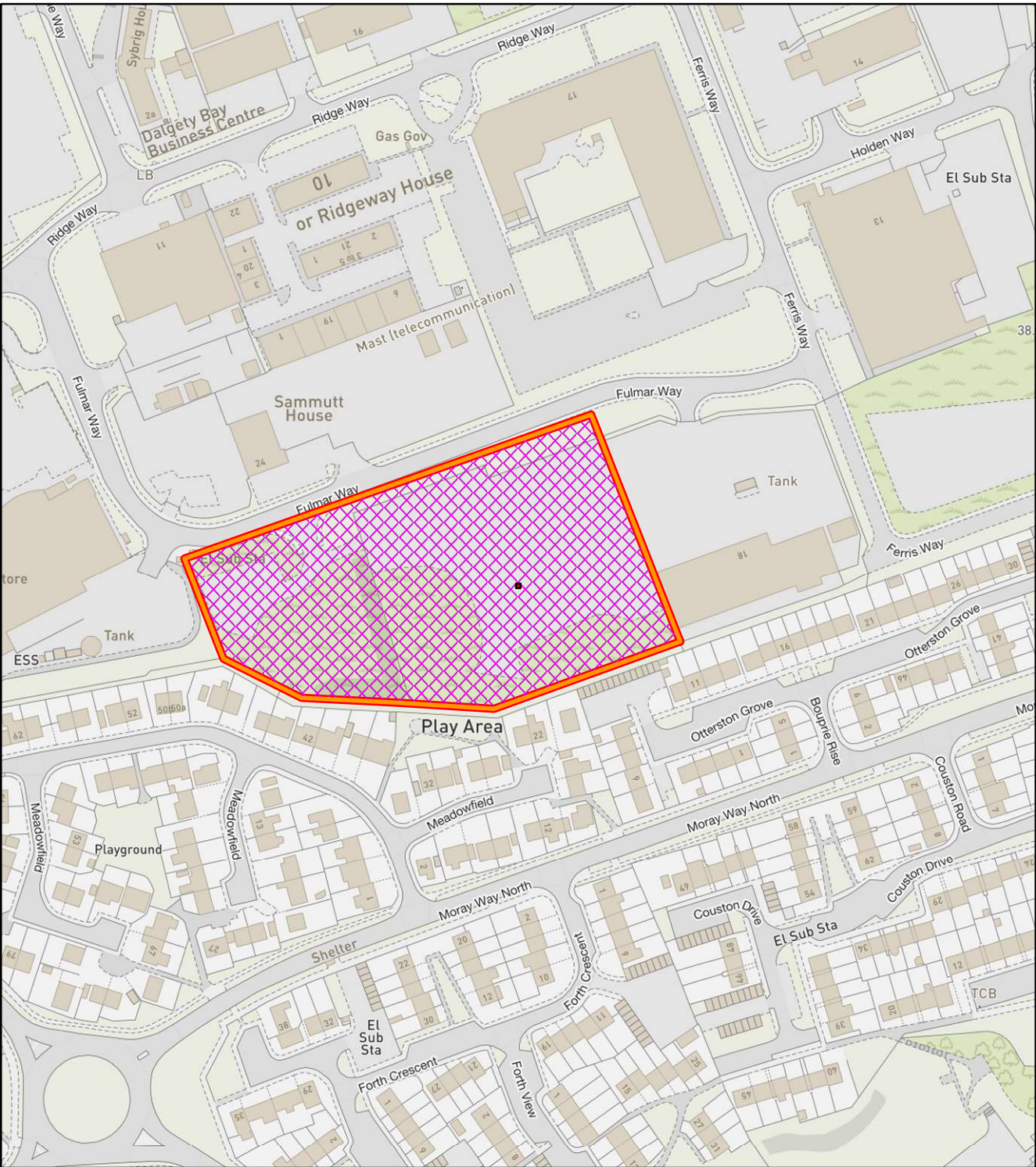
Date Printed 13/04/2023



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Legend			
	Application Boundary		

Land Site 1 Fulmar Way Donibristle Industrial Park Dalgety Bay



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Legend

 Application Boundary

0 12.5 25 50 75 m







Economy, Planning & Employability Services

ITEM NO: 6**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/03598/FULL****SITE ADDRESS: BLAIRSGREEN FARM SALINE DUNFERMLINE****PROPOSAL: CHANGE OF USE FROM AGRICULTURAL LAND TO DOG EXERCISE FACILITY (INCLUDING THE ERECTION OF FIELD SHELTERS, BOUNDARY FENCES, DIRECTIONAL FLOODLIGHTING, GATE AND FORMATION OF PARKING)****APPLICANT: MRS LAURA INGLIS
BLAIRSGREEN FARM SALINE FIFE****WARD NO: W5R01
West Fife And Coastal Villages****CASE OFFICER: Emma Baxter****DATE 18/01/2023
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representations have been received contrary to officer recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

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

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 Background

1.1 Description

1.1.1. The application relates to an area of land (approximately 1.2 ha) located within the countryside as defined in the Adopted FIFEplan (2017), situated approximately 1.3 km north of the settlement of Oakley and 0.9 km south of Saline. The site is predominantly surrounded by open countryside, with Blairsgreen Farmhouse and agricultural buildings to the north, the C19 along the western boundary of the site and the small hamlet of Kinneddar Park to the south.

1.2. The Proposal

1.2.1 This application seeks planning permission for the change of use from agricultural land to a dog exercise area (including the erection of field shelters, boundary fences, directional floodlighting, gates and formation of parking).

1.2.2. A new vehicular access is proposed to serve the two proposed dog exercise fields and Blairsgreen Farm. Secure 1.8-metre galvanised steel metal wire deer fencing is proposed around the perimeter of the two dog exercise fields (0.45 and 0.55 ha respectively) with 1.2-meter wooden fencing surrounding the parking area. Each field shall contain a field shelter which would be approximately 2.9 metres in height and finished with oak frame and cladding and a pan tile effect aluminium sheet roofing. Furthermore, a 1.8 metre acoustic fencing is proposed along the southern boundary of the site. An operating statement has been submitted as part of this planning application which states the business would operate from 8am-8pm seven days a week, with a maximum capacity of four dogs per field.

1.3. Planning History

1.3.1. There is no relevant previous planning history for this site.

1.4. A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal

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

A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

2.0 Assessment

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

- Principle of Development
- Design / Visual impact on the Countryside
- Natural Heritage / Biodiversity
- Residential Amenity
- Road Safety

2.2 Principle of Development

2.2.1 Policy 29, Part A, of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including the diversification of existing businesses.

2.2.2. Policy 1 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.

2.2.3. Policy 7 of the adopted FIFEplan (2017) states that development in the countryside will only be supported where it:

- is required for agricultural, horticultural, woodland, or forestry operations;
- will diversify or add to the above land-based businesses to bring economic support to the existing business;
- is for the extension of established businesses;

- is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
- is for facilities for access to the countryside;
- is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
- is for housing in line with Policy 8 (Houses in the Countryside)

In all cases, development must:

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

2.2.4. In terms of the principle of the proposed use, such a use is generally found in rural areas for reasons of noise generation and required space. In broad terms, the use would be supported in a countryside location, subject to compliance with other policies covering amenity and road safety. A supporting statement submitted as part of this application also demonstrates that the proposal will diversify the existing Blairsgreen Farm to bring about additional economic support.

2.2.5. Overall, it is considered that the proposed development would comply with the above policy requirements and is therefore acceptable in principle.

2.3 Design / Visual Impact on the Countryside

2.3.1 NPF4, Policy 14, applies and states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 29, 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.

2.3.2. Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Furthermore, Policy 7 of FIFEplan (2017) advises that development proposals on countryside land must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.3.3. As outlined in paragraph 1.2.2. above, secure 1.8-meter galvanised steel metal wire deer fencing is proposed around the perimeter of the two dog exercise fields minus the southern boundary to field 2, where a 1.8-metre-high acoustic fencing is proposed. The acoustic fencing

would comprise of cedar tongue and groove boards and timber posts with rabbit mesh along the ground at 1 metre high. 1.2-metre-high wooden fencing surrounding the parking area is also proposed. Furthermore, each field shall contain a field shelter which would be approximately 2.9 meters in height and finished with oak frame and cladding and a pan tile effect aluminium sheet roofing. It is considered that the proposed fencing/gates etc serving the fields would not be entirely in keeping with the surrounding countryside setting, and furthermore the proposed development would be highly visible from the C19 to the west of the site. As such, the proposal has been revised to include the addition of tree planting along the western boundary of the site in order to provide screening and thereby protect the surrounding countryside landscape.

2.3.4. In light of the above, subject to condition, it is considered that the proposed development would comply with above NPF4 and FIFEplan policies and supplementary guidance and is therefore acceptable in this regard.

2.4 Natural Heritage / Biodiversity

2.4.1. Policy 3, Part C, of NPF4 states proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Furthermore, part D states that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. Policy 4(F) states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

2.4.2. Policies 1 and 13 of the FIFEplan 2017 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats/species and biodiversity in the wider environment. Where adverse impacts on existing assets are unavoidable proposals will only be supported where these impacts will be satisfactorily mitigated.

2.4.3. Fife Council's Natural Heritage Officer was consulted on this application and advised that there were some concerns with regard to the implications of light spill from the development on the nearby woodland areas which are likely to be used by commuting and foraging bats. In light of these comments, the proposal was amended so as to reduce the number of lighting columns and introduce the remaining spotlights as shrouded/capped and mounted to the fence so as to reduce light spill. In light of these alterations, FC's Natural Heritage Officer had no objections to the proposal. Furthermore, as discussed in paragraph 2.3.3. above, the proposed development would include the addition of tree planting along the western boundary of the site, thereby enhancing the biodiversity of the site.

2.4.4. In light of the above, the proposal would be considered acceptable in terms of natural heritage.

2.5. Residential Amenity

2.5.1. Policies 1 and 10 of the Adopted FIFEplan generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours with regard to noise, light and odour pollution (amongst others). PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development.

2.5.2. Letters of representation received for this application raised concerns with the proposed development in terms of its potential impact on the amenity of nearby residential properties in Kinneddar Park to the south, particularly in relation to noise and lighting pollution.

2.5.3. Noise would be generated by the use, including vehicles arriving and leaving and dogs and their owners using the facility. Fife Councils Public Protection team were consulted and initially recommended the application for refusal due to the proximity of the site to the houses to the south and the proposed late operating hours and low background noise levels in the area. A supplementary statement has been submitted as part of this application to address the concerns raised by Public Protection. This statement advises that the proposed development would operate 8am-8pm all year round, as opposed to 6am-9pm in the months April-October and 8am-5pm November-March as originally proposed. In addition, the proposed development would operate by appointment only, ensuring a 15-minute gap is maintained between all appointment slots to avoid cross over between customers, thereby minimising the potential for excessive noise levels. The supporting statement has also outlined that a site selection process was carried out and demonstrates the justification for the development being situated in the proposed location over other areas of the farm. Finally, with regard to noise levels, a 1.8-metre-high acoustic fence is proposed along the southern boundary of the site to minimise noise levels. Public Protection were also reconsulted on the application and have no objections to the proposal subject to the installation of the proposed acoustic fencing. If, however, after completion of the development, complaints of nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. Overall, it is considered that given the existing noise levels present on the operational farm, which includes tractors/forklifts operating throughout the day, other large pieces of machinery and livestock, in addition to the proposed mitigation measures as outlined above, the proposed development would not have a significant detrimental impact on the amenity levels of the nearby properties in Kinneddar Park with regard to noise. However, in the interest of residential amenity, a condition is recommended which requires the submission of an operational statement for the written approval of Fife Council as planning authority. This is to include a noise management plan, as well as confirmation of the operational hours and capacity of the proposed development. The development shall then operate in accordance with the details approved through this condition unless otherwise agreed in writing with Fife Council as planning authority. Furthermore, and as highlighted above, in light of the concerns raised by Fife Council's Natural Heritage Officer, the development's proposed lighting has been amended to reduce the number of lighting columns and have the remaining spotlights mounted to the fence as well as capped to minimise overspill and the risk of light pollution, thereby further reducing the risk of any amenity impact on nearby properties.

2.5.4. In light of the above, it is considered that the proposed development would be acceptable with regard to the above noted NPF4 and FIFEplan policies concerning amenity.

2.6 Road Safety

2.6.1 Policy 14 of NPF4 states that development proposals will be supported where they are consistent with the six qualities of successful places, one of which is connected - supporting well connected networks that make moving around easy and reduce car dependency. Furthermore, Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

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

2.6.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development will only be supported where it has no road safety impacts. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.6.3 Letters of representation has been received for this application which raised concerns with the proposed development in terms of road safety. Primarily concerns expressed were due to the speed of vehicles and lack of visibility on the public road. Concerns were also expressed regarding of the potential for parking overspilling into Kinneddar Park.

2.6.4. The proposed development would provide four off-street parking spaces per field (8 in total). Fife Council's Transportation Development Management Officers were consulted on this application and advised that whilst sub-standard visibility splays would be achieved in both directions, given that the new access as proposed would result in a considerable improvement in the oncoming visibility splay (59%), the proposal would represent a betterment in road safety terms for all road users when compared against the existing situation. TDM therefore have no objections to the proposed development, subject to the imposition of conditions regarding the construction of the proposed new vehicular access and visibility splay requirements.

2.6.5. In light of the above, it is considered that the proposed development, subject to conditions, would not result in a significant detrimental impact with regard to road safety and would therefore be acceptable in this regard.

2.7. Drainage/Flooding

2.7.1. Policy 1 and 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.7.2. A drainage impact assessment was submitted as part of this application. Structural Services were consulted on this application and had no objections.

2.7.3. In light of the above, the proposed would not have a significant detrimental impact with regard to flooding/drainage and is therefore considered acceptable in this regard.

CONSULTATIONS

Environmental Health (Public Protection)	No objection
TDM, Planning Services	No objection subject to conditions
Transportation And Environmental Services - Operations Team	No response
Natural Heritage, Planning Services	No objection
Structural Services - Flooding, Shoreline And Harbours	No objection
Scottish Water	No objection

REPRESENTATIONS

Twelve letters of objection were received for this application which raised the below concerns

- Amenity on nearby residential properties (noise, lighting) - This has been addressed in paragraph 2.4.3. and 2.4.4. above.
- Road safety/traffic levels - This has been addressed in paragraph 2.5.3. above
- Loss of view to nearby properties - This is not a material planning consideration

CONCLUSIONS

This proposal is considered to be acceptable in meeting the terms of NPF4, FIFEplan 2017 policies, other relevant national policy/guidance and Fife Council Customer Planning Guidance. The proposal is compatible with the area in terms of land use, design and scale. Furthermore, no significant impacts would arise in regard to existing levels of amenity, visual impact or road safety. The application is therefore recommended for conditional approval.

RECOMMENDATION

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

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

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

2. Prior to the dog exercise business coming into use, a 1.8-meter acoustic fence to the south shall be installed as shown on the approved plans and thereafter permanently maintained for the lifetime of the development.

Reason: In the interests of residential amenity

3. Within 3 months of the date of this decision, an operational statement shall be submitted for the written approval of Fife Council as planning authority. This shall include the following details:

- A Noise Management Plan
- Operating hours for the facility; and
- Confirmation that the maximum number of dogs on the site as part of the business would be limited to 8.

The development shall be operated in accordance with the details approved through this condition unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interest of residential amenity

4. Prior to the dog exercise business use commencing, the existing vehicular crossing of the roadside verge shall be taken out and replaced with turf and the construction of the new vehicular crossing of the verge shall be carried out in accordance with the current Fife Council Making Fife's Places Appendix G.

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

5. Prior to the dog exercise business use commencing, vehicular access to the site shall be as per the layout shown on Drawing No MSD - 128 - BGD - 2B - PA Sheet 2 with the existing vehicular access relocated 33 metres to the South.

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

6. Prior to the dog exercise business use commencing, a 3m x 85m oncoming visibility splay and a 3m x 100m visibility splay in the other direction (South) shall be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the new vehicular access and the public road, in accordance with the current Fife Council Making Fife's Places Appendix G and as per Drawing No MSD - 128 - BGD - 2B - PA Sheet 2. 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 road junctions etc.

7. Prior to the dog exercise business use commencing, off-street parking shall be provided in accordance with the current Fife Council Parking Standards contained within 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 dog exercise business use commencing, the proposed tree planting in accordance with Drawing No MSD - 128 - BGD - 2B - PA Sheet 2 shall be carried out in full.

Reason: In the interest of visual amenity

9. Before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this 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 to ensure a satisfactory standard of local environmental quality.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

PAN 1/2011

Development Plan:

FIFEplan Local Development Plan (2017)

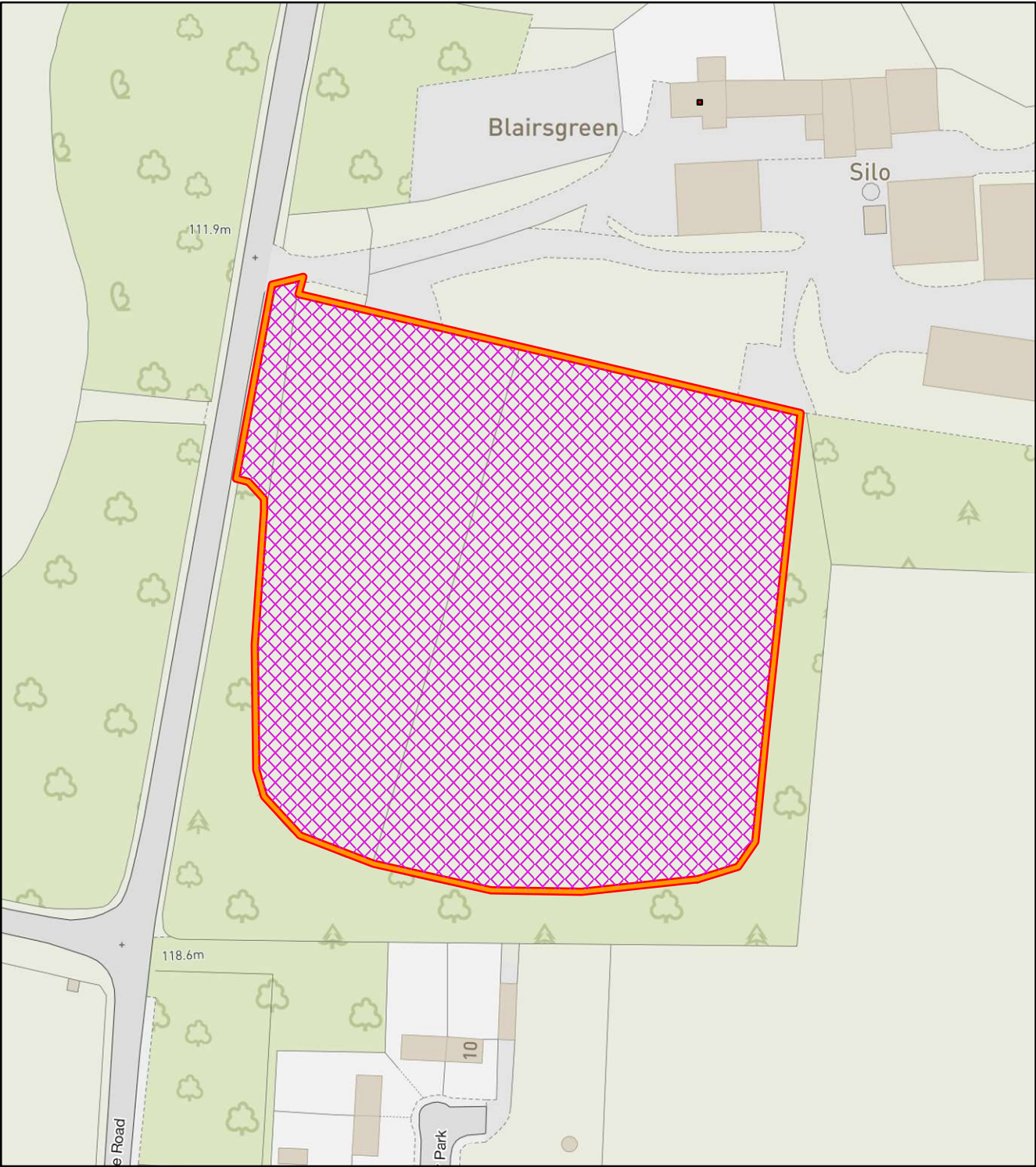
Fife Council Transportation Development Guidelines (2018)

National Planning Framework 4 (2023)

Report prepared by Emma Baxter, Graduate Planner and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 03/04/2023

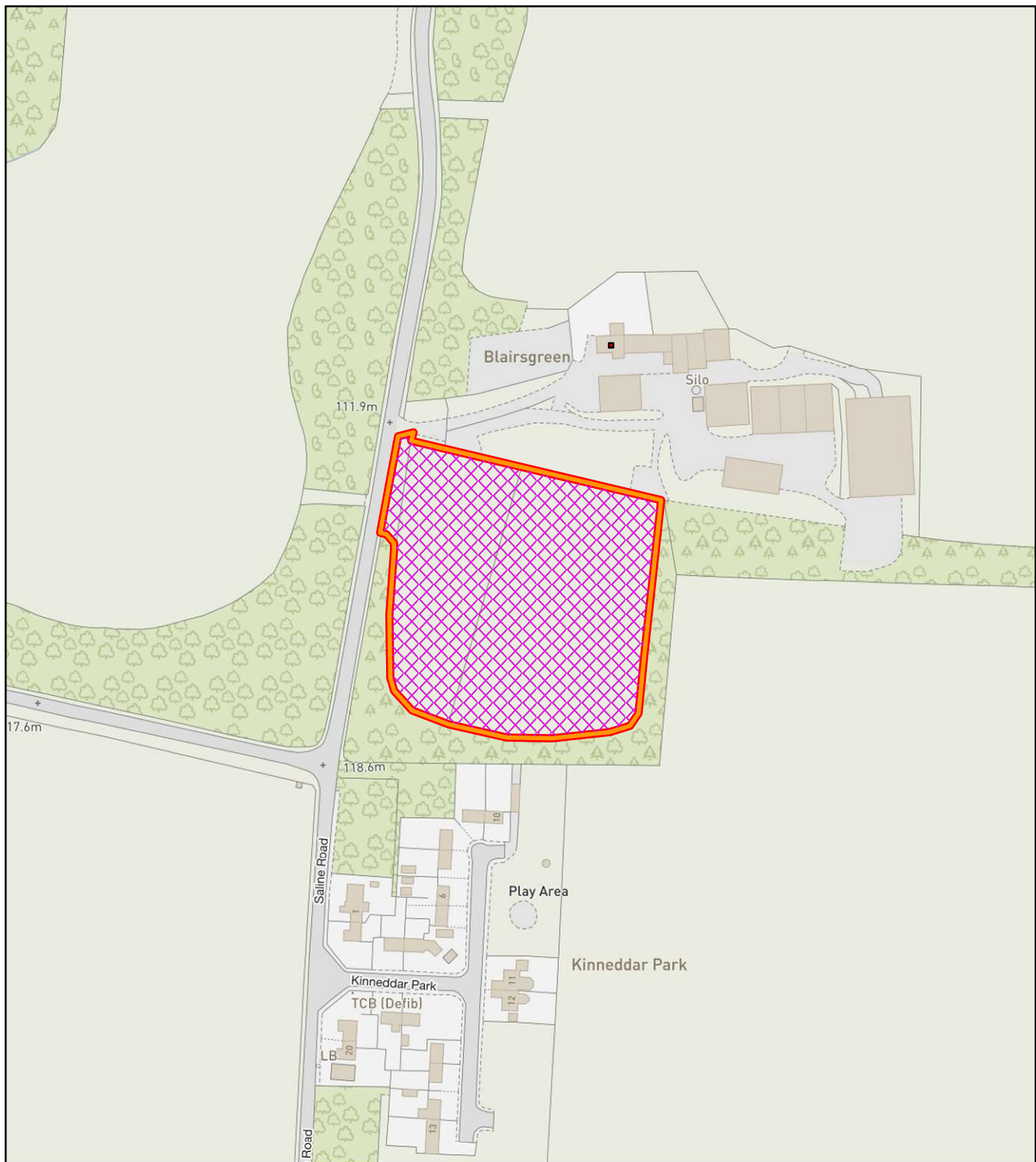


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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

22/03598/FULL

Blairsgreen Farm Saline Dunfermline



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Legend

 Application Boundary

0 12.5 25 50 75 m



Economy, Planning & Employability Services

ITEM NO: 7**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/03587/FULL****SITE ADDRESS: OAKLEY LODGE CHURCH ROAD LEVEN****PROPOSAL: ERECTION OF DWELLINGHOUSE AND FORMATION OF DRIVEWAY****APPLICANT: MR M ANDERSON
2 THE ORCHARD WINDYGATES LEVEN****WARD NO: W5R21
Leven, Kennoway And Largo****CASE OFFICER: Scott McInroy****DATE 11/11/2022
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has received more than 5 representations which are contrary to the Officers recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

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

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 Background

1.1 The application site currently comprises part of the rear garden ground of Oakley Lodge, Leven and is approximately 246 square metres. The site is separated from the main garden area of Oakley Lodge by a stone wall. The site is bounded to the northeast by residential premises and to the southeast by the existing garden area of Oakley Lodge. To the northwest is Carberry Road, which the site fronts onto and to the southwest is Church Road. The existing boundary treatment is a 2m stone wall. The surrounding area is residential in nature and the dwellings adjacent to the application site are a mix of architectural styles, mostly single and two storeys in height. The existing property at Oakley Gardens sits over 40m away at the opposite end of the garden area and is two storeys in height with a white dash render finish and a pitched slate roof. The application site currently has a garage on site and its own vehicular access off Carberry Road.

1.2 The proposal is for planning permission to erect a 2-bedroom, one and a half storey dwellinghouse with modern grey UPVC framed windows and doors, cabrio balcony rooflights to the rear garden to the north of the existing dwelling at Oakley Lodge. The proposed dwelling would be finished externally with white smooth rendered walls with grey brick basecourse and a concrete tiled roof. Access would be via a new access from Carberry Road.

1.3 There is no previous planning history for the site.

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

1.4.2 A physical site visit was undertaken on 9th February 2023.

2.0 PLANNING ASSESSMENT

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

- Principle of Development

- Residential Amenity
- Garden Ground
- Design/Visual Impact
- Road Safety
- Low carbon

2.2 Principle of Development

2.2.1 NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) aims 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 and where relevant within 20 minutes neighbourhoods. NPF4 Policy 16 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

2.2.2 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.

2.2.3 Concerns have been raised regarding the principle of development. In simple land use terms, the principle of the residential development meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of Leven. Notwithstanding this, the overall acceptability of the proposal is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

2.3 Residential Amenity

2.3.1 NPF 4 Policy 16 Part (g) whilst predominantly for householder development proposals advises that support will generally be given where proposals - (i) 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; and (ii) do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. In this instance whilst the policy criteria relate to householder developments, these requirements are also considered materially relevant to new residential units and the need to protect amenity standards for both existing as well as new occupants.

2.3.2 Policies 1 and 10 of the FIFEplan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advise that new development should not lead to an unacceptable loss of privacy or sunlight and daylight. Policy 10 also states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not significantly adversely affected. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other. Fife Council's Planning Customer Guidelines on Garden Ground also advises that if there is a road or pavement between the buildings then this 18 metres distance can be reduced and that lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

2.3.3 Concerns have been raised regarding potential impact on the privacy of the surrounding dwellings. The main consideration in this instance relates directly to any impact the proposed dwellinghouse would have on the adjacent residential properties in relation to overlooking, loss of privacy, overshadowing and loss of daylight. The proposed windows on the front elevation would be 14m from the garden boundary and 30m away from the adjacent properties, the garden boundary has mature planting which would mitigate against any overlooking; therefore, this would not create any impact on the privacy of these dwellings or create any overlooking. The proposed windows on the southwest elevation would be 14m from the garden boundary and 35m away from the adjacent properties, the garden boundary has mature planting which would mitigate against any overlooking; therefore, this would not create any impact on the privacy of these dwellings or create any overlooking. The rear elevation has two cabrio balcony rooflight windows, one of which would look out onto a mature tree which would block any views of the neighbouring garden. The other cabrio balcony window would introduce an element of overlooking into the neighbouring garden. However, this garden area is over 600sqm in size and has mature planting through the central area, so the views into the garden would be limited to the area nearest to the proposed dwelling. The northeast elevation would have no windows so this elevation would not create any impact on the privacy of adjacent dwellings or create any overlooking. The proposed orientation of the proposed new build property would also ensure, there will be no significant impact with regards to overshadowing or loss of daylight and sunlight to adjacent properties or their garden ground.

2.3.4 Overall, the proposal in terms of design, scale, footprint position and relationship to neighbouring third party properties would not raise any significant privacy, overshadowing or reductions in daylight levels currently enjoyed by all. The proposal therefore complies with the necessary amenity protection policy guidance in this regard.

2.4 Garden Ground

2.4.1 Fife Council Planning Policy Guidelines on Garden Ground recommends that new residential developments are served by in-curtilage garden ground sufficient in quality, quantity and usability to provide for the normal needs and day-to-day activities of residents. The guidelines recommend provision of at least 100m square metres of useable private garden ground per dwelling and new properties should incorporate a 1:3 plot ratio after allowing for both the built area plus car parking and manoeuvring areas.

2.4.2 Concerns have been raised by objectors regarding the amount of amenity space this proposal would have. Although this development would subdivide an existing large rear garden, the application proposal would result in more than the minimum 100 square metres of garden ground for both the existing and proposed dwellings (113m² for the new dwelling and 633m² for the existing dwelling). The proposed garden areas for both the proposed and existing dwelling meets the garden ground guidelines to ensure there are sufficient levels of amenity garden ground. Approval of this proposal would not result in over development of this area. The application therefore meets the requirements of the Development Plan relating to new build development in this regard.

2.5 Design/Visual Impact

2.5.1 NPF4 (2023), Policies 1 and 10 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018) apply with regard to this proposal.

2.5.2 Policy 14 of NPF 4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policies 1 and 10 of the Adopted Local Plan apply and state amongst other things that development will be supported where it conforms to relevant Development Plan policies and proposals; and the proposal respects the character, appearance and prevailing pattern of development of the adjacent townscape in terms of external finishes and complies with any planning guidance which has been issued by Fife Council. New development must make a positive contribution to its immediate environment and is required to demonstrate well thought out design, and high standards of architecture in terms of choice of materials.

2.5.3 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. Additionally, it sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.5.4 Concerns have been raised regarding the height of the proposed development. The surrounding area is made up of houses that are predominantly 2 storeys in height whilst the proposed dwelling is one and a half storeys. On this basis, the height of the proposed dwelling would not be out of place in this location. When assessing the proposed design against the surrounding development pattern and wider built environment the proposal would not be out of context in design terms when compared to the adjacent dwellings. The proposed house would be finished in white smooth render with grey brick basecourse and a concrete tiled roof, and grey UPVC windows and doors. This would also respect the external finishes applied to other residential developments in the immediate area. The proposed size, scale, massing, design and external finishes of the proposed dwellinghouse can be deemed acceptable in this instance.

2.5.5 Concerns have been raised regarding the impact this proposal would have on the Links Road, Leven Conservation Area. The application site does not fall within the Links Road, Leven Conservation Area Conservation area boundary and sits some 70m to the northwest of the boundary. There are existing dwellings and garden areas that sit between the application site and the conservation area therefore, it is considered that development in this location would not affect the setting of the Links Road, Leven Conservation Area.

2.5.6 Concerns have been raised regarding the proposed boundary treatment. The initial site plan submitted by the applicant wasn't clear and objectors objected to the perceived removal of the brick wall that fronts onto Carberry Road and Church Street and its replacement with a timber fence. Subsequently the applicant submitted an amended site plan which shows that the brick wall that fronts onto Carberry Road and Church Street will remain and that the rear boundary between the proposed dwelling and the existing garden ground at Oakley Lodge will have a 2m timber fence boundary. This boundary will not be visible from the public streetscene.

2.5.7 It is considered that the proposal respects the character, appearance and prevailing pattern of the area in terms of density, scale, design and external finishes and therefore complies with the relevant policies and guidelines relating to design and visual impact.

2.6 Road Safety

2.6.1 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 where appropriate they will be accessible by public transport. Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council's Transportation Development Guidelines apply in this respect. Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.6.2 Concerns have been raised regarding the impact of the proposal on on-street parking. This proposal provides the required number of off-street parking spaces for a dwelling of this size. A condition has been added to secure the provision of these off-street parking spaces. Concerns have also been raised about the proposed access. This site already benefits from an access into the existing garage. Transport Development Management Team (TDMT) were consulted and have no objections subject to conditions regarding vehicular crossing construction, driveway material, off street parking and visibility splays.

2.6.3 The application, subject to the inclusion of the aforementioned conditions recommended by the Transportation Development Management team, meets the requirements of the Development Plan in relation to road safety.

2.7 Low Carbon

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

2.7.2 NPF4 Policy 11 (Energy) also provides support for all forms of renewable, low-carbon and zero emissions technologies provided associated detrimental impacts are addressed whilst Policy 12 (Zero Waste) also aims to encourage, promote and facilitate development that is consistent with the waste hierarchy and as such development proposals should seek to reduce, reuse or recycle materials and amongst others reuse existing buildings; reduce/minimise waste; use materials with the lowest forms of embodied emissions such as recycled and natural construction materials. Policy 19 (Heat and Cooling) part (f) advises that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

2.7.3 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low

Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the house will be compliant with the current building regulations and will comply with standards required for the reduction of carbon dioxide emissions including high levels of insulation. The building materials will also be sourced locally.

2.7.4 As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

CONSULTATIONS

TDM, Planning Services	No objection subject to conditions
Transportation And Environmental Services - Operations Team	No response
Scottish Water	No objections and spare capacity for water provision and wastewater processing.

REPRESENTATIONS

8 objections received. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Residential Amenity), 2.4 (Garden Ground), 2.5 (Design/Visual Impact) and 2.6 (Road Safety) of this report of handling.

Concerns have been raised regarding the impact on the boundary wall to the adjacent neighbouring property and ownership. These concerns are noted; however, these are a civil matter and not a material planning consideration with regards this application as they are separate legal matters out with the remit of the planning system.

Concerns have been raised regarding impacts from the development process. These concerns are noted, however, Under the Control of Pollution Act 1974, Section 60 Fife Council Protective Services can control noise from construction sites by serving a notice.

CONCLUSIONS

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials; would complement the visual amenity of the setting, and would create no significant overlooking issues. As such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

RECOMMENDATION

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

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

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

2. Prior to the occupation of the proposed dwellinghouse, the construction of the new vehicular crossing over the roadside verge shall be carried out in accordance with the current Fife Council Specification for Roadworks and to the satisfaction of Fife Council as Planning Authority. For the avoidance of doubt, the existing dropped kerbs shall be reinstated with concrete edge kerbing at an appropriate height.

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

3. Prior to the occupation of the proposed dwellinghouse, the first two metre length of the driveway to the rear of the public footway shall be constructed in a paved material (not concrete slabs).

Reason: In the interest of road safety; to ensure that no deleterious material is dragged on to the public road.

4. Prior to the occupation of the proposed dwellinghouse, there shall be 2 No. off street parking spaces provided as shown on Drawing Nos. 012 Rev A dated July 2021 and 02 Rev A dated July 2021 in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off street parking.

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

5. Prior to the occupation of the proposed dwellinghouse, visibility splays of 2m x 25m shall be provided to the left and to the right at the junction of the vehicular crossing and the public road and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level, in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places.

Reason: In the interest of road safety; to ensure the provision of adequate visibility splays at the junctions of the vehicular access and the public road.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

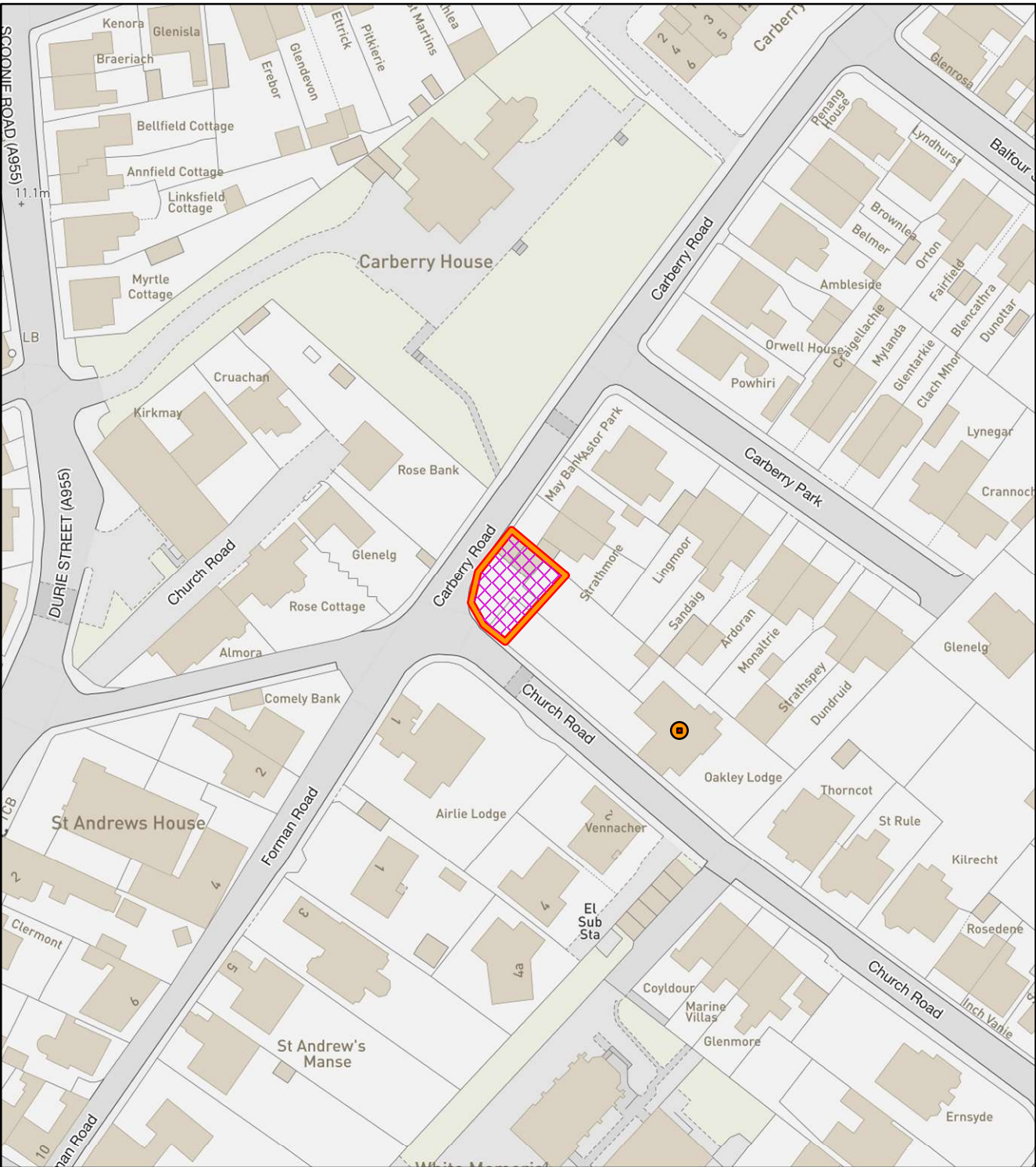
Development Plan
National Planning Framework 4 (2023)
Adopted FIFEplan (2017)
Making Fife's Places Supplementary Guidance (2018)

Other Guidance
Fife Council Customer Guidelines - Garden Ground (2018)
Fife Council Customer Guidelines - Daylight and Sunlight (2018)

Fife Council - Low Carbon Fife Supplementary Guidance (2019)

Report prepared by Scott McInroy (Planner and case officer) 06/04/2023
Report reviewed by Mary Stewart, Service Manager And Committee Lead

Date Printed 06/04/2023



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Legend



Application Boundary

0 5 10 20 30 m







Fife
COUNCIL

Economy, Planning & Employability Services

ITEM NO: 8**APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00227/FULL****SITE ADDRESS: 7 BEECHWOOD DRIVE GLENROTHES FIFE****PROPOSAL: TWO STOREY EXTENSION TO REAR, AND INSTALLATION OF WINDOW TO SIDE OF DWELLINGHOUSE (IN RETROSPECT)****APPLICANT: MR ALAN MCINTEE
7 BEECHWOOD DRIVE GLENROTHES KY7 6GE****WARD NO:** W5R14
Glenrothes North, Leslie And Markinch**CASE OFFICER:** Andrew Cumming**DATE** 01/02/2023**REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 letters of objection have been received that are contrary to the officer recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter

providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 The application property is a modern, detached, two storey dwellinghouse, set in an established, principally residential area of mixed style properties.

1.2 This retrospective application is for a two storey extension to the east-facing rear elevation of the house.

1.3 Recent relevant planning applications received for this property are the earlier application which this current one revises:

20/01440/FULL, erection of two storey extension to rear of dwellinghouse, permitted 14/10/20, and

20/00199/FULL, two storey extension to rear of dwellinghouse, withdrawn 24/6/20.

1.4 Enforcement case 22/00303/ENF regarding non-compliance with the approved drawings of 20/01440/FULL resulted in the submission of this revised planning application.

1.5 A physical site visit was carried out by the case officer with the construction complete, and the site photos uploaded to the electronic file.

2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are:

- Principle of Development
- Design/Visual Amenity
- Residential Amenity
- Pedestrian and Road Safety.

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 National Planning Framework 4 (NPF 4) Policy 16 and FIFEplan Policy 1 apply and provide a general presumption in favour of householder development, in principle. NPF 4 advises that householder development proposals will be supported where they have no detrimental impact on issues such as visual and residential amenity. FIFEplan advises that development will be supported where it conforms to relevant Development Plan policies and addresses their individual and cumulative impacts.

2.2.2 As this application is for householder development, the general principle of development can be accepted. However, the ultimate acceptability of the proposal requires a detailed assessment of its associated impacts which will be covered in the remainder of this report.

2.3 DESIGN/VISUAL AMENITY

2.3.1 Policies 14 and 16 of NPF4 (2023), Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), apply.

2.3.2 During construction of the extension under the terms of planning permission 20/01440/FULL, a number of changes were made to the design of the extension. These changes included an increase in the footprint, installation of clear-glazed first floor windows, a revised roof design and the inclusion of a north-facing side elevation window. These changes were considered material variations to the original permission, requiring the submission of this revised planning application.

2.3.3 The design revisions were raised as a concern in the representations received. The extension is set to the east-facing rear elevation of the house with only the side elevations visible from the front, public elevation of the property. The extension remains set level with both side elevations of the house but protrudes some 4.5m, (an additional 0.5m), eastwards into the rear garden area. It is set back some 8.5m from the rear boundary, has a re-designed pitched roof, set level with the eaves, but with the ridge raised some 0.6m. The ridge remains below the ridge level of the house, and the roof is finished in materials to match the house.

2.3.4 The 3 first floor east-facing rear elevation windows were initially installed as clear-glazed with a temporary obscure film applied to them. These have since been changed to obscure-glazed windows in compliance with the previous permission's Condition No. 1, replicated as Condition No. 2 of this application. The 1st floor north-facing side elevation window in the original house requires permission due to the imposition of Condition No. 5 of the original permission for the houses No. 01/00187/CFULL which states: - 'No additional door or window shall be formed at any time in the side elevations of the dwellinghouses hereby approved, unless otherwise agreed in advance in writing with this Planning Authority'. This window is also obscurely glazed and is considered acceptable as such.

2.3.5 The revised extension remains visually and physically subordinate to the house, not harmful to the character and appearance of the property in particular, nor the wider streetscene in general, and therefore complies with the design and visual amenity terms of these policies and guidelines.

2.4 RESIDENTIAL AMENITY

2.4.1 Policy 16 of NPF4 (2023), Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight, and Garden Ground apply.

2.4.2 Overlooking/privacy was raised as a concern in the representations received, albeit they were raised during the construction period when the temporary obscure film was in place. This resulted in concerns that there was the potential for the film not to remain in place and this would result in an unacceptable level of overlooking/privacy impacts on adjacent properties. With the 4 first floor windows subsequently installed with obscure glazing, and the re-imposition of

Condition No. 2, it is considered that the revised proposals will not result in any significantly increased overlooking/privacy issues with any neighbouring residential properties.

2.4.3 Loss of daylight was raised as a concern in the representations received. In terms of additional impact on the daylight of the nearest neighbouring residential properties to the rear and either side of the site's nearest windows/doors; to the rear/east, the 25 degree calculation details the additional shadow cast from the revised 25 degree roof slope will remain the same, to principally fall within the curtilage of the application site, on the existing outbuilding, rear boundary enclosure, and neighbouring outbuilding beyond. To the south side, the revised extension will only protrude an additional 0.5m further eastwards than that previously approved, so an overall 1m further eastwards beyond the existing rear elevation of No.9, so the 45 degree calculation line still does not connect with the rear elevation of the house, with the nearest rear elevation door/window of No. 9 serving a non-habitable (utility) room anyway. To the north side, the circumstances remain the same for the revised depth and roof design as with the previously approved design of the extension. Whilst it is recognised that there will be an element of increased impact on the nearest ground floor rear elevation doors in the plan 45 degree calculation but with a 25 degree roof slope no change in the elevation calculation, and the room these doors serve is the rear part of the lounge/dining area of the house which is also provided daylight from the west-facing front elevation window of this part of the house.

2.4.4 Loss of sunlight was raised as a concern in the representations received. In terms of additional impact on the sunlight on the centre of the rear garden ground areas of the nearest neighbouring residential properties, the greatest likely impact would be to number 5 which is directly north of the site. The revised extension remains set sufficiently distant and at a compliant height for it to comply with the sun-on-ground sunlight calculation. It is therefore considered that the revised extension does not result in any significantly increased impact on the daylight and sunlight of any neighbouring residential properties.

2.4.5 It is recognised that there is an increased floor area to the revised extension, however, once added to that of the small outbuilding now in place, it will only constitute some 31%, of the significant original rear garden ground of the property, This means that an acceptable level of provision will remain - 105m². It is therefore considered that the revised extension complies with the residential amenity terms of these policies and guidelines.

2.5 PEDESTRIAN AND ROAD SAFETY

2.5.1 Policy 13 of NPF4, Adopted Local Plan Policy 10, and Fife Council's Approved Transportation Development Guidelines apply.

2.5.2 The proposed extension does not require the provision of additional off-street parking for the property and the continued use of the existing access is acceptable. As such, the proposal complies with the pedestrian and road safety terms of the relevant policy and guidelines.

CONSULTATIONS

Scottish Water

No objection.

REPRESENTATIONS

7 representations have been received raising concerns about, design, overlooking/privacy, daylight/sunlight, precedent, high fencing, the flue and spotlights.

Design, overlooking/privacy, and daylight/sunlight, have already been addressed earlier in this report at paragraphs 2.3 and 2.4.

It is not considered that any precedent can be set by the approval of this application, as any future applications for planning permission in the vicinity will be considered and determined on their own individual merits.

The high fencing was raised with the agent, to consider having it included as part of this current application rather than addressing it as a separate issue at a later date. However the agent has confirmed that the height of the fencing will be reduced to 2 metres and therefore would fall within the terms of permitted development.

As the property is not located within an air quality management area and the flue does not require planning permission, it does not form part of the consideration and determination of this planning application. Any potential investigation of the operation of the flue would be a separate matter for Fife Council's Protective Services, as would any potential light pollution issue from the spotlights.

CONCLUSIONS

The revised extension complies with the relevant policies of the Adopted NPF4 (2023) and FIFEplan (2017), Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight, and Garden Ground, and is therefore acceptable in planning terms.

RECOMMENDATION

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

1. For the avoidance of doubt, no clear-glazed windows shall be installed in the first floor rear or side elevations of the approved extension, unless otherwise agreed in writing with this Planning Authority.

Reason: In the interest of residential amenity, to mitigate direct overlooking to neighbouring residential properties.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

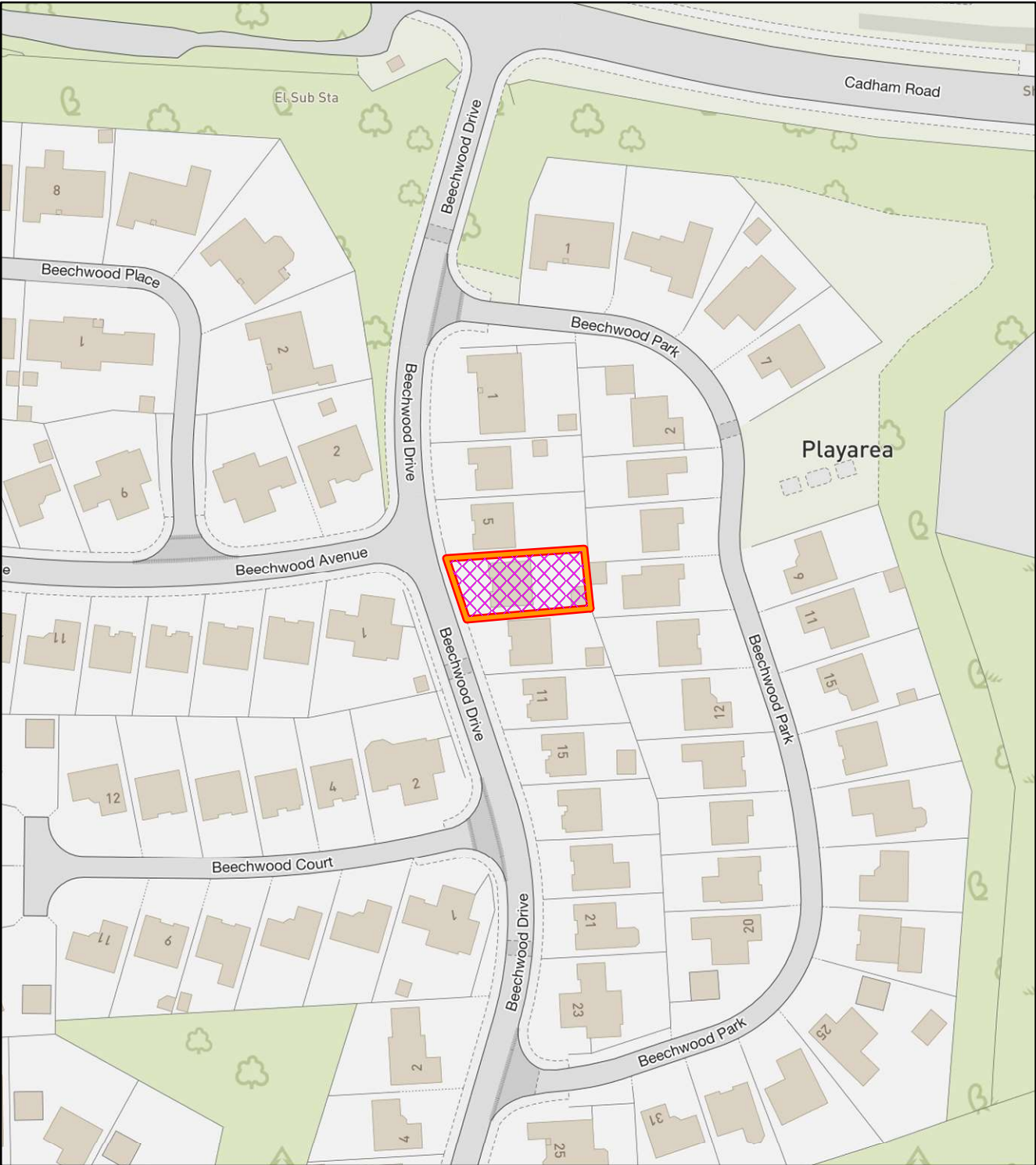
In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

Adopted National Planning Framework 4 (2023)
Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight and Garden Ground

Report prepared by Andrew Cumming, Planning Assistant and Case Officer
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 20/04/2023



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 9**APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00305/FULL****SITE ADDRESS: 36 SIR JAMES BLACK ROAD COWDENBEATH FIFE****PROPOSAL : ERECTION OF DETACHED DOMESTIC
GARAGE/OUTBUILDING TO REAR OF DWELLINGHOUSE (IN
RETROSPECT)****APPLICANT: MR R MOONEY
36 SIR JAMES BLACK ROAD COWDENBEATH KY4 9EQ****WARD NO: W5R07
Cowdenbeath****CASE OFFICER: Andrew Cumming****DATE 16/02/2023
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 letters of objection have been received that are contrary to the officer recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Unconditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

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

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter

providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 The application property is a modern, detached, two storey dwellinghouse, set at the roundel of a cul-de-sac, in an established principally residential area of mixed style properties with public open space to the rear/north of the site.

1.2 This retrospective application is for the erection of a detached domestic garage/outbuilding to the rear/north of the house, arising due to material design changes which took place during the construction of the previously approved garage/outbuilding

1.3 Planning permission for the erection of a detached domestic garage/workshop to the rear/north of the house, 21/00232/FULL, was approved on 14th October 2020. The current application seeks permission for a revised design, including changes to the floor area, the roof profile, wallhead height and the incorporation of an upper floor area.

1.4 During construction, the revisions to the previous permission, essentially the re-orientation of the roofline and the wallhead increase, were considered material variations to the original permission, (via 21/00232/NMV1), requiring the submission of this revised planning application.

1.5 Enforcement case 23/00017/ENF regarding unauthorised building works was closed with the submission of this revised planning application.

1.6 A physical site visit was carried out by the case officer whilst the building was under construction, and the site photos uploaded to the electronic file.

2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are:

- Principle of Development
- Design/Visual Amenity
- Residential Amenity.

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 National Planning Framework 4 (NPF 4) Policy 16 and FIFEplan Policy 1 apply and provide a general presumption in favour of householder development, in principle. NPF 4 advises that householder development proposals will be supported where they have no detrimental impact on issues such as visual and residential amenity. FIFEplan advises that

development will be supported where it conforms to relevant Development Plan policies and addresses their individual and cumulative impacts.

2.2.2 As this application is for householder development, the general principle of development can be accepted. However, the ultimate acceptability of the proposal requires a detailed assessment of its associated impacts which will be covered in the remainder of this report.

2.3 DESIGN/VISUAL AMENITY

2.3.1 Policies 14 and 16 of NPF4 (2023), Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), apply.

2.3.2 During construction of the outbuilding under the terms of planning permission 21/00232/FULL, a number of design changes occurred. Essentially these changes involved the re-orientation of the roof ridgeline and the increase in the wallhead height. These changes were the subject of a request for a non-material variation (21/00232/NMV1), but were considered to be material variations to the original permission, requiring the submission of this revised planning application.

2.3.3 The original submissions for this application included the addition of front and rear elevation first floor windows suggesting a possible intention to create and utilise an upper floor area above the garage. As no first floor level plan was provided or indeed any indication of a stair to access a first floor level, this was clarified through the submission of amended drawings detailing the proposed internal stair leading to a first floor sitting area and home office.

2.3.4 The design revisions were raised as a concern in the representations received. The garage/outbuilding is visible from the front, public elevation of the property, set back some 18m from the cul-de-sac roundel. It is set adjacent to the east side boundary of the extensive rear garden area. The width of the outbuilding has been reduced from the originally approved 5 metres to 4 metres with a consequent reduction in the footprint of the building from approx. 35 square metres to some 28 square metres. The height of the wallhead has been raised from the previously approved 2.4 metres to 3.2 metres., The roof pitch would remain at 40 degrees but the orientation of the ridge would change to north-south, rather than the previously approved ridge which ran from east-west. The changes would result in a pitched roof set at some 5.65m high, compared to the approved 5.8m to the ridge, a reduction of some 15cm. This remains set well below the ridge levels of the houses on either side. The current application also seeks permission for the creation of front and rear elevation first floor windows, principally affording views from the smaller south-east-facing front elevation windows of the sitting area and home office over the application property's driveway to the Forth Bridges and beyond in the distance. The revised proposal would still be externally finished in materials to match the house.

2.3.5 In terms of visual amenity, in the context of the setback distance from the street / roundel, the size of the related dwelling and the extensive garden area, the resultant revised design will not appear incongruous in its setting. It appears visually and physically subordinate to the house, and the immediately adjacent larger property to its east side, not harmful to the character and appearance of the property in particular nor the wider streetscene. The proposal therefore complies with the design and visual amenity provisions of these policies and guidelines.

2.4 RESIDENTIAL AMENITY

2.4.1 Policy 16 of NPF4 (2023), Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Minimum Distances Between Window Openings, Daylight and Sunlight, and Garden Ground apply.

2.4.2 Overlooking/privacy was raised as a concern in the representations received. This relates to the introduction of the first floor front elevation windows of the sitting area and home office and their relationship with principally the nearest first floor bedroom window in the rear elevation of No. 34 to the east side of the site. The window to window set back distance from the nearest windows set at a similar level will comply with the requirements of Fife Council's Minimum Distances Between Window Openings guidelines. It is therefore considered that the revised proposal will not result in significantly increased overlooking/privacy issues with this immediate neighbouring residential property.

2.4.3 The re-orientation of the roof ridge will not have an increased detrimental impact on the previously acceptable daylight provision for the rooms of the immediate neighbouring residential property to the east side of the site No. 34.

2.4.4 Loss of sunlight was raised as a concern in the representations received. In terms of additional impact on the sunlight on the centre point of the rear garden ground area of the nearest neighbouring residential property to the east No. 34, it is recognised that there is likely to be an increased impact very late in the day only. The revised proposal with its re-orientated roof ridge remains compliant with the sun-on-ground sunlight calculation, and the extent of sunlight received will continue to comply with the requirements of Fife Council's Sunlight guidelines. It is therefore considered that the revised proposal does not have a significantly increased detrimental impact on the sunlight of this immediate neighbouring residential property.

2.4.5 The reduced footprint means that the revised building proposal will only constitute some 12% of the substantial rear garden area of the property, with a substantial level of some 247m² of rear garden ground provision to remain. It is therefore considered that the revised proposal complies with the residential amenity terms of these policies and guidelines.

CONSULTATIONS

None

REPRESENTATIONS

6 representations have been received raising concerns about, design, overlooking/privacy, daylight/sunlight, and loss of view.

Design, overlooking/privacy, and daylight/sunlight, have already been addressed earlier in this report at paragraphs 2.3 and 2.4.

Loss of view is not a material planning consideration in the determination of this application.

CONCLUSIONS

The revised garage complies with the relevant policies of the Adopted NPF4 (2023) and FIFEplan (2017), Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Minimum Distances Between Window Openings, Daylight and Sunlight, and Garden Ground, and is therefore acceptable in planning terms.

RECOMMENDATION

It is accordingly recommended that the application be approved unconditionally.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

Adopted National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

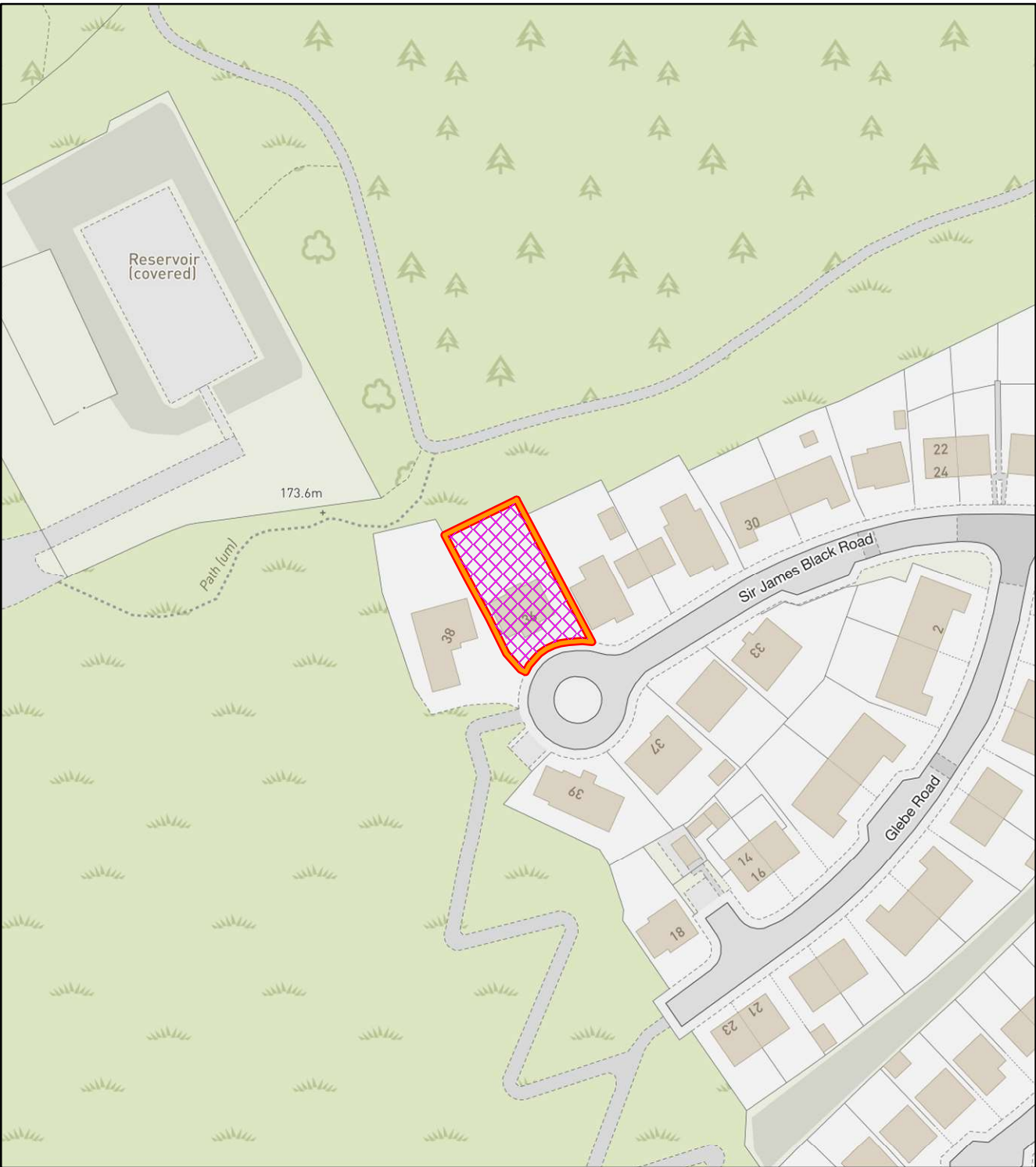
Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Minimum Distances Between Window Openings, Daylight and Sunlight and Garden Ground

Report prepared by Andrew Cumming, Planning Assistant and Case Officer
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 20/04/2023

23/00305/FULL

36 Sir James Black Road, Cowdenbeath, Fife



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Legend

 Application Boundary







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