

West and Central Planning Committee

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



Wednesday, 18 December 2024 - 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 20 November 2024.** 4 - 6
4. **24/00248/FULL -LAND TO NORTH OF SETON TERRACE KENNOWAY** 7 - 41

Residential Development (137 dwellings) with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works.
5. **24/01822/ARC - LAND EAST OF RIVER LEVEN ELM PARK LEVEN** 42 - 64

Approval of matters specified in conditions (Condition 2 a) to c), e) and h) to y)) of planning permission in principle 23/02125/PPP for infrastructure works including drainage (engineering) works, installation of boardwalks, fencing, and associated landscaping and planting.
6. **24/02333/ARC - LAND EAST OF RIVER LEVEN ELM PARK LEVEN** 65 - 84

Approval of matters specified in conditions (Conditions 2 a) to d), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phase 2b).
7. **APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

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

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

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

Fife House
North Street
Glenrothes
Fife, KY7 5LT

11 December, 2024

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

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

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

20 November 2024

2.00 pm – 3.10 pm

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

ATTENDING: Mary Stewart, Service Manager – Major Business and Customer Service, Martin McGroarty, Lead Professional, Development Management, Lauren McNeil, Planner, Benet Davis, Planning Assistant, Development Management, Planning Services; Gemma Hardie, Solicitor, Elona Thomson, Committee Officer and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGIES FOR ABSENCE: Councillors James Calder and Andrew Verrecchia.

208. DECLARATIONS OF INTEREST

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

209. MINUTE

The committee considered the minute of the West and Central Planning Committee of 23 October 2024.

Decision

The committee agreed to approve the minute.

210. 24/00979/FULL - KINCARDINE POWER STATION SITE KINCARDINE FIFE

The committee considered a report by the Head of Planning Services relating to an application for the erection of aggregate storage building (Class 6) including ancillary welfare unit and formation of car parking/hardstanding with associated loading areas.

Members were advised of an amendment to condition 12. The condition should read: -

“Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 08:00 to 18:00; 08:00 to 13:00 Saturday and no work on a Sunday or a Bank Holiday. No commercial vehicles associated with the construction work shall enter or leave the site before 7:30 and after 18:30 Monday to Friday or before 7:30 and after 13:30 on a Saturday. Out of these hours, development at the site shall be limited to maintenance, emergency works, or

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construction work that is not audible from any noise sensitive property out with the site. Additionally, unless otherwise agreed with Fife Council as Planning Authority the hours of aggregate delivery shall be restricted to 07:30 to 17:00 Monday to Friday and 07:30 to 12:00 Saturday, with onsite work continuing as required by the train schedule.

Reason: In order to protect the amenity of adjoining and nearby residents.”

Decision

The committee agreed: -

- (1) to approve the application subject to the 17 conditions and for the reasons detailed in the report; and
- (2) in arriving at their decision to grant planning permission, members of West and Central Planning Committee consider that the operator of the development should engage with the local community on a regular basis to ensure any local concerns arising in relation to amenity impacts of their operation can be addressed satisfactorily and timeously. This engagement should be either directly with Kincardine Community Council or with a specific group of community representatives established specifically for this purpose. It is expected that meetings will take place on no less than an annual basis.

Councillor McLelland joined the meeting during consideration of the above item.

211. 24/00555/FULL - 33 CRAIGFOOT WALK KIRKCALDY FIFE

The committee considered a report by the Head of Planning Services relating to an application for the change of use of part of domestic outbuilding to holiday accommodation (Retrospective).

Decision

The committee agreed to approve the application subject to the 2 conditions and for the reasons detailed in the report.

212. 24/01546/FULL - LAND AT PATTIESMUIR ROSYTH

The committee considered a report by the Head of Housing Services relating to an application for the erection of 8 dwelling houses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access (Section 42 to vary Condition 10 of planning permission 21/02804/FULL) (Part Retrospective).

Members were advised of an amendment to condition 12. The first sentence of the condition should now read: - " NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the approved Remedial Action Statement."

Decision

The committee agreed to approve the application subject to the 16 conditions and for the reasons detailed in the report.

213. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

Committee Date: 18 December 2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 24/00248/FULL

Site Address: Land To North of Seton Terrace Kennoway

Proposal: Residential Development (137 dwellings) with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works

Applicant: A S Homes (Scotland) Ltd, 205 St Vincent Street Glasgow

Date Registered: 7 March 2024

Case Officer: Scott Simpson

Wards Affected: W5R21: Leven, Kennoway and Largo

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional approval requiring a legal agreement

1.0 Background

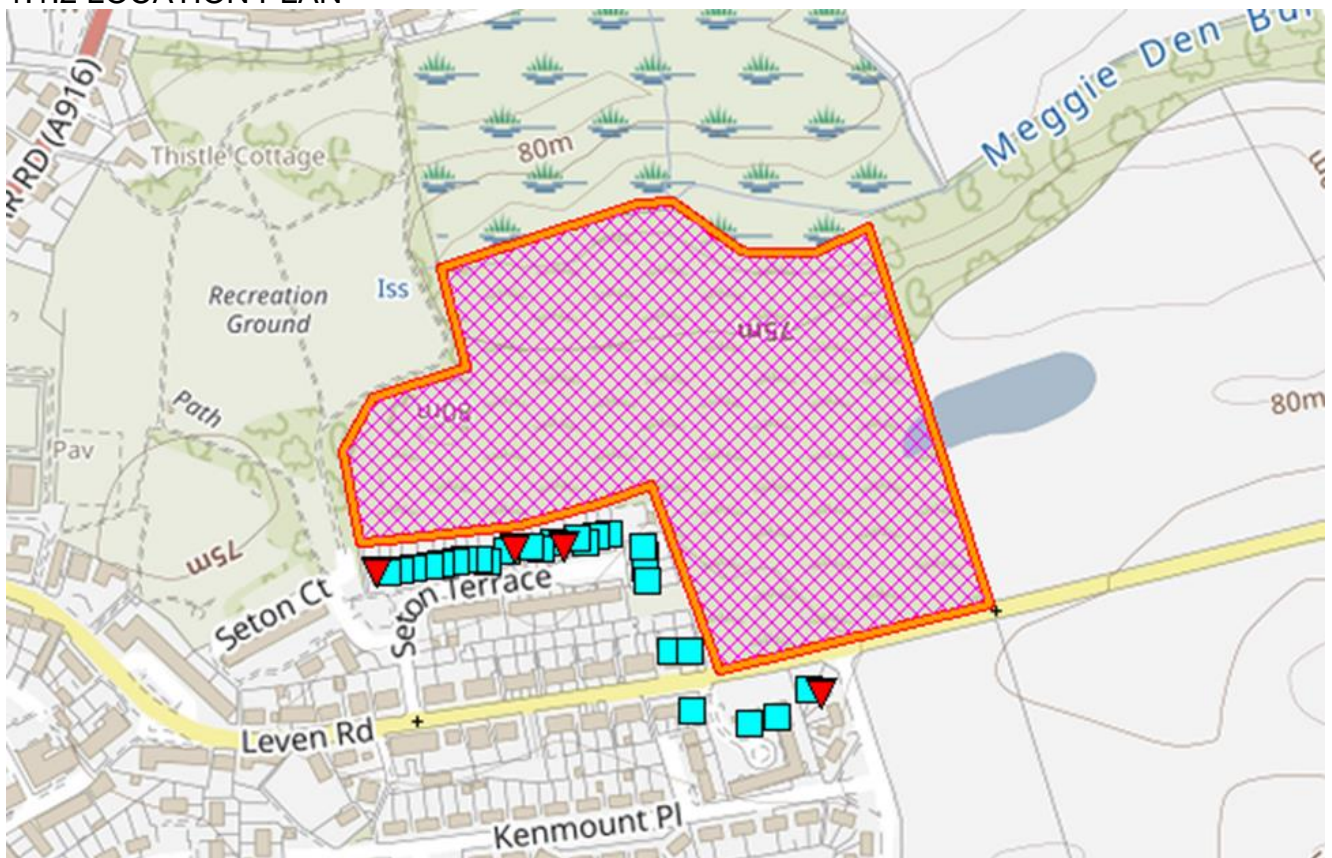
1.1 The Site

1.1.1 This application relates to a site which is located to the north of Seton Terrace and Leven Road/Kennoway Road and within the Kennoway Settlement Boundary as designated within the FIFEplan (2017) (LDP). The site measures approximately 6.98 hectares and comprises of grassed fields and several trees, whilst the Meggie Den Burn runs along the northern boundary of the site. A protected open space area (Cotlands Park) and a woodland belt are located to the west of the site with residential dwellings to the south and agricultural fields and a woodland area (Meggie Den) to the east. There are also agricultural fields to the north with more residential dwellings (Halfeld Gardens) located beyond this to the north. Leven Road (U) which has a 20 MPH speed limit and Kennoway Road (C1 Classified) which has a 40 MPH speed limit run past the southern boundary of the site. The majority of surrounding properties are contemporary style two storey terraced dwellings, which have dry dash rendered finishes, concrete roof tiles and UPVC casement windows (the majority of which are white). There are also several semi-detached and detached dwellings located within the surrounding area.

1.1.2 The site is located within a Coal Mining Development Low Risk Area, whilst the western part of the site is potentially contaminated land due to being within 250 metres of a landfill site. Core Paths (Route Code: R375 and Path Code: P375/02 and P375/03 – Kennoway Wester Durie Circuit) are located adjacent to the western and southern boundaries of the site. The majority of the land (approximately 6.2 hectares) within the site is designated as Prime Agricultural Land (PAL) (Category 3.1) with the remaining area of land being designated as a built-up area as per the James Hutton Institute. Parts of the site are also located within a surface water flood risk area (medium and high risk) as per SEPA’s flood risk maps. A Category B Listed Building (Kenmont) is located on Leven Road approximately 255 metres to the west of the southern-most boundary of the site, whilst another Category B Listed Building (Cockburn House) is located on Cupar Road approximately 258 metres to the north-west of the site. Kennoway Conservation Area is located approximately 363 metres to the west of the application site. The woodland area (Meggie Den) adjacent to the eastern boundary of the site is designated as an Ancient Woodland.

1.1.3 The site forms part of an allocated housing site (KEN002 – Land between Halfield Gardens and Leven Road) as designated within the LDP. The LDP advises that the overall allocated site measures approximately 12.2 hectares and has an estimated capacity for 190 dwellings. The proposed development site (approximately 6.98 hectares) is located on the southern half of the allocated site. The allocation requirements advise that a development framework is required for the site along with a flood risk assessment. The allocation also sets out a number of green network priorities and these are assessed further throughout this report.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks full planning permission for a proposed residential development (137 dwellings) with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works. Two vehicular accesses are proposed onto Leven Road/Kennoway Road to the south of the site with an internal loop road and pedestrian footpaths proposed within the site along with shared surface streets. Two footpath connections would be formed onto the core path network to the west with another footpath connection formed into the small play area located to the south of 17 Seton Terrace. A mixture of off-street parking and on-street visitor spaces are proposed with a shared parking area located at the western part of the site along with side and front curtilage parking and integral and detached garages.

1.2.2 The proposed contemporary style dwellings (2-to-5-bedroom properties) would mostly be two storeys with three of the properties to be single storey bungalows and would include a mixture of terraced, semi-detached and detached properties. Fourteen affordable dwellings are proposed on the western part of the site. All dwellings would have pitched roofs clad in red or grey coloured concrete roof tiles, grey coloured UPVC casement windows and a mixture of finishing materials would be utilised throughout the site with a mix of brick and rendered finishes to elevations with full brick finishes used on feature plots. Two different tones of brick and render finishes would be used including a cream and buff facing brick finish and a white and cream render finish. Boundary treatments throughout the site would include timber fencing to rear boundaries, walling at key plots and hedges along front gardens at visually prominent locations.

1.2.3 A SUDS pond would be located to the north of the site, and this would discharge via outfall pipes to the Meggie Burn to the north of the site. The foul drainage would be directed via underground pipes within the street network to a rising main from a proposed pump station at the north of the site and this would then connect to an existing foul sewer located on Leven Road/Kennoway Road to the south of the site. The proposal would also connect into the public water supply network. Several landscaped and open space areas are proposed throughout the site with the useable public open space areas measuring approximately 5290.33 square metres in total. This includes a useable open space area located adjacent to the south-western boundary of the proposed SUDS detention basin. A number of trees, shrubs and hedges are also proposed to be planted throughout the site.

1.3 Relevant Planning History

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

- 23/01695/SCR – An Environmental Impact Assessment (EIA) screening opinion was provided on 6th July 2023 for a residential development of 150 dwellings and associated infrastructure. The screening opinion advised that an EIA would not be required.
- 23/01712/PAN – A proposal of application notice was agreed on 6th July 2024 for a residential development and associated infrastructure.
- 11/04341/PPP - Planning permission in principle for the erection of 16 dwellinghouses was refused on 24th October 2011 on an area of the field to the north of this application site and directly adjacent to Halfield Gardens. This application was refused as it was within an area outwith the settlement boundary of Kennoway which was not zoned for residential development. The proposal was also refused as there was insufficient visibility at the access onto the A916 Cupar Road by permanent features which were outwith the control of the applicant which would

be to the detriment of road safety. This area now forms part of the settlement boundary and is part of the overall allocated site.

- 07/02256/COPP - Outline planning permission for a residential development (approximately 86 units) and access on the field directly adjacent to the northern boundary of the site was refused on 21st May 2008. This application was refused as it was on an area outwith the settlement boundary of Kennoway which was not zoned for residential development and insufficient information had been submitted with regards to flood risk. The proposal was also refused in the interests of road safety as Halfield Gardens would have been unsuitable to serve this scale of development due to its geometry and width, whilst the provision of a new access onto the A916 would involve land outwith the control of the applicant. It could also not be determined whether the unplanned release of the site for housing would place unacceptable demands on the existing education infrastructure within the area. This area now forms part of the settlement boundary and is part of the overall allocated site (KEN002).

1.4 Application Procedures

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (NPF4) (2023) and FIFEplan Local Development Plan (2017).

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

1.4.3 This application would constitute a major development as per Class 2 (Housing) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the area of the site exceeds 2 hectares and the proposal is for more than 50 dwellings. This application is, therefore, classified as a Major development. The applicant has carried out the required pre-application consultation (23/01712/PAN) and a Pre-Application Consultation Report (Online Plan Reference: 31) outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.4 The proposal would fall under Class 10 (Infrastructure Projects) (b – Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it would have a site area which is more than 0.5 hectares. The proposal could, therefore, have an impact that would necessitate the need for an Environmental Impact Assessment (EIA). A formal EIA screening (23/01695/SCR) for this planning application was carried out by this Planning Authority, and taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria, it was determined that an EIA would not be required in this instance. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal, and several reports carried out by professional consultants have been submitted in support of this application. These include an ecological report, a geo-environmental report and a flood risk assessment and drainage strategy report.

1.4.5 A physical site visit was undertaken for this application on 5th December 2024. All other necessary information has been collated digitally, and drone footage was also produced in June 2024 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier newspaper on 21st March 2024 for neighbour notification purposes and on 31st October 2024 for neighbour re-notification purposes. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 11th March 2024 and neighbours and objectors were then re-notified on 24th October 2024. The re-notification of neighbours and objectors/supporters was carried out due to the submission of an amended site layout.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

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

Policy 21: Play, recreation and sport

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

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

Policy 31: Culture and creativity

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 4: Planning Obligations

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

Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

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

The Scottish Government's Policy on Control of Woodland Removal

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

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

Planning Customer Guidelines

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

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

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

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

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

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space, whilst new flats should 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 the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. This guidance also advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

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

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

Other Relevant Guidance

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

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

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Loss Of Prime Agricultural Land
- Design and Layout/Visual Impact
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land
- Air Quality
- Natural Heritage

- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Community and Economic Benefit
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Waste Management
- Archaeological Impact

2.2 Principle of Development

2.2.1 Policies 1 and 16 of NPF4 and Policies 1 and 2 of the LDP apply.

2.2.2 Objections to this application state that the proposal will result in the loss of open space, that development should be built on a brownfield site first and that there is no development framework for the whole site. They also state that the proposal should be built in Levenmouth or Methil.

2.2.3 A planning statement has been submitted by the agent in support of this application. The statement sets out the policies that it considers relevant within the LDP and NPF4 and it then sets out an assessment of the proposal against each of the relevant policies. The planning statement considers that the proposal would bring about economic development and substantial investment to the area, whilst bringing forward development on an allocated housing site. It also considers that the proposal would meet the allocation requirements set out in the LDP. The statement further advises that the proposal would promote the health and well-being of existing and future residents through the incorporation of active travel routes and open space which would be in line with the principle of local living and the 20-minute neighbourhood. The statement concludes that the proposal would be justified as being in accordance with the Development Plan.

2.2.4 The site forms part of an allocated housing site (KEN002 – Land between Halfield Gardens and Leven Road) as designated within the LDP. The LDP advises that the overall allocated site measures approximately 12.2 hectares and has an estimated capacity for 190 dwellings. The proposed development site (approximately 6.98 hectares) is located on the southern half of the allocated site. The allocation requirements advise that a development framework is required for the site along with a flood risk assessment. The allocation also sets out a number of green network priorities and these are as follows:

- Develop a new high quality green network east-west along the watercourse connecting King George's Field greenspace to Meggie Den and fronted by a good development edge. The green network should incorporate access, high quality SUDS and habitat provision.
- No development should be within 10m of identified wetland habitat and unimproved grassland habitat along the Meggie Den.
- Account must be taken of the ancient woodland adjacent to the site. It is likely that a protective strip will be required, the extent of which should be determined following a detailed survey.
- Ensure the layout of the sites provides good north-south connectivity to establish easy access to the green network from within the development and the adjoining communities to the north and south.
- Deliver a high-quality development frontage on to the King George's field greenspace.

2.2.5 As the proposal lies within the settlement boundary for Kennoway and is a housing opportunity site 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 190 dwellings and this proposal is for 137 dwellings.

2.2.6 In terms of the allocation requirements, the submission includes a flood risk assessment, and an arboricultural impact assessment which consider the neighbouring ancient woodland area. A Development Framework has also been submitted for the proposed development site which measures approximately 6.98 hectares; however, a development framework has not been submitted for the whole allocated site which measures approximately 12.2 hectares. The submission does, however, include a drawing and sections showing potential vehicular connections between the southern and northern part of the allocated site and a SUDS pond and open space area would be located between the southern proposed development site and remaining northern part of the allocated site. The northern boundary of the proposed development site also includes the Meggie Den Burn and this part of the site slopes steeply downwards from south to north by approximately 5.5 metres.

2.2.7 On this basis, it is considered that sufficient information has been submitted to demonstrate that the proposal would not prejudice the development of the remaining part of the site and the applicant/agent have also agreed to retain and provide the necessary land between the two sites to allow any potential future developer to provide a connection between the two parts of the overall allocated site. This matter would be dealt with through a section 75 planning obligation and would require that a reasonable amount of land shall be kept aside for a potential connection between the northern and southern part of the overall allocated site and passed to any future developer of the northern part of the allocated site for free.

2.2.8 The submitted site plan also shows a green network to the south of Meggie Den Burn, and this is fronted by development, whilst connections have been made with the core path to the west and north-west of the site and to Leven Road/Kennoway Road to the south to ensure good connectivity from north to south. The proposed layout includes no development within 10 metres of the unimproved grassland habitat along the Meggie Den. The development does not front onto the King George's field greenspace. However, as there are existing tree belts located between the site and King Georges field along the western boundary, it is considered that the northern part of the allocated site could more appropriately provide development which faces onto King George's field. This matter along with the acceptability of the information submitted in relation to the other allocation requirements is assessed in detail within later sections of this report of handling.

2.2.9 The proposal would, therefore, mostly comply with the requirements contained within the LDP allocation and the principle of this residential development would be acceptable in this instance. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

2.3 Loss of Prime Agricultural Land

2.3.1 Policies 1 and 5 of NPF4 and policies 1 and 7 of the LDP apply. Policy 7 of the LDP states that the loss of Prime Agricultural Land (PAL) will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need. Policy 5 of NPF4 also states that proposals on PAL, will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site; small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; the development of production and processing facilities associated with the land produce where no other local site is suitable and/or the

generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration. This policy further requires that in all of the aforementioned exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

2.3.2 The majority of land (approximately 6.2 hectares) within the application site is designated as Category 3.1 PAL as per the James Hutton Institute. Land designated as Category 3.1 has the potential for a moderate range of crops, with good yields for some (cereals and grass) and moderate yields for others (potatoes, field beans, other vegetables). The proposal would, therefore, result in the loss of an area of approximately 6.2 hectares of PAL. Policy 7 of the LDP allows for development of PAL where it is essential as a component of the settlement strategy, however, Policy 5 of NPF4 only allows for proposals on PAL under specific exceptions (see section 2.3.1 above). Policy 16 of NPF4 also states that proposals for new homes on land allocated for housing in LDPs will be supported. The proposal would, not comply with the terms of Policy 5 of NPF4 as it does not meet any of the exceptions listed, however, as the site is allocated for housing within the LDP and is a deliverable site as set out within the Fife Housing Land Audit 2023, it would contribute towards meeting the minimum all-tenure housing land requirement as set out within Annex E of NPF4. It should also be noted that Fife Council declared a housing emergency on 21st March 2024 and 14 of the proposed dwellings would be affordable which would contribute towards the alleviation of this housing emergency. As the site is specifically allocated for housing development and the proposal is also considered to be essential as a component of the settlement strategy it would comply with Policy 7 of the LDP and Policy 16 of NPF4. The allocation of the site by the LDP would also have considered that the land within the site is PAL and the LDP allocation process considered that the loss of this land would be acceptable. The loss of this area of PAL contrary to Policy 5 of NPF4 is thus outweighed by the need to secure the delivery of housing, particularly in this case as the housing will be delivered on a site allocated for housing within the LDP and would contribute to alleviating the declared housing emergency, complying with Policy 7 of the LDP and Policy 16 of NPF4. The proposal is therefore considered acceptable in terms of the loss of PAL involved.

2.4 Design and Layout/Visual Impact

2.4.1 Policy 14 of NPF4, Policies 1, 10 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation requires that development shall deliver a high-quality development frontage on to the King George's field greenspace and a new high quality green network east-west along the watercourse connecting King George's Field greenspace to Meggie Den and fronted by a good development edge. The green network should incorporate access, high quality SUDS and habitat provision. It also requires that the layout of the sites provides good north-south connectivity to establish easy access to the green network from within the development and the adjoining communities to the north and south.

2.4.2 Fife Council's Urban Design Officer (UDO) and other consultees initially raised concerns regarding the proposed site layout and the agent has submitted amended layouts during the assessment of this application to address these concerns. This has included five different layouts, following discussions with the agent with regards to the design merits of the proposal and concerns raised by other consultees. The UDO was re-consulted with regards to the most recent layout submitted in November 2024 and she now has no objections, subject to details relating to the location of informal seating areas being submitted and confirmation that the proposed connections to the core paths can be made. Details of the informal seating areas are shown on the submitted plans, and the agent has confirmed that they can and will provide the proposed connections to the core paths. Conditions are also recommended requiring that the

proposed footpath connections are completed before the occupation of a certain number of dwellinghouses and requiring that details of the proposed informal seating areas are submitted for approval. The following assessment is based on this latest proposed layout.

2.4.3 A Design and Access Statement (DAS) and various drawings have been submitted which includes contextual drawings, photographs and visualisations along with sections through the site and elevation drawings which demonstrate how the proposal would sit on the site in relation to the surrounding area and adjacent buildings. The DAS undertakes a review of the existing site context and constraints and advises that the proposed development concept draws upon these principles including the LDP allocation requirements to provide a development which would meet the six qualities of a successful place, and which would form a positive new edge to Kennoway, creating an attractive and welcoming arrival into the village from the east. It should be noted that elevations and floor plan drawings have not been submitted for all handed housetypes. A handed housetype is a house which mirrors the original housetype and is simply the opposite way around from the original. A condition is recommended requiring that elevation drawings and floor plans are submitted for all proposed handed housetypes.

2.4.4 In terms of the design and materials of the proposed houses, sixteen different contemporary style housetypes are proposed throughout the site and these are attractively designed with varied detailing. All of the dwellings within the site would be two storeys in height, apart from three single storey bungalows and all would have pitched roofs clad in red or grey coloured concrete roof tiles with grey coloured UPVC casement windows. A variety of finishing materials would also be utilised throughout the site with a mix of brick and rendered finishes to elevations and full brick finishes and red concrete tiles used on feature plots. Two different tones of brick and render finishes would be used including a cream and buff facing brick finish and a white and cream render finish. The site would include a mix of properties ranging from terraced, semi-detached and detached properties. These finishing materials and style of dwellings are considered appropriate within the context of the surrounding area where neighbouring properties also utilise similar finishing materials. The proposal also details active street frontages, enhanced gables onto public areas and corner properties which would incorporate dual frontages and a brick finish. The application would, therefore, result in a proposed scheme that would integrate well with and would respect the character and appearance of the existing and proposed neighbouring residential developments, whilst the propose 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.

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

The proposed density of the development would also be acceptable when taken within the context of the surrounding area.

2.4.6 The proposed hard and soft landscaping along with active travel routes 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 for visitors to the site. The proposed open space, parking areas and footpaths within the site are also overlooked by surrounding buildings and the development would include active frontages and dual frontages on corner plots providing informal surveillance and a sense of safety throughout the site which would create a safe and pleasant place to live. The proposed soft landscaping would also contribute to biodiversity and this matter is further assessed under section 2.11.5 (Biodiversity Enhancement) of this report of handling.

2.4.7 A mixture of boundary treatments are proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens, 1.8-metre-high scalloped feature fencing, 1.2-metre-high fencing and 1.8-metre-high brick walls. The majority of high timber fencing would be located around rear garden ground boundaries which do not face public streets, whilst public facing boundaries would utilise hedgerows or walls. Plots 109 and 110 would, however, include 1.8-metre-high timber fencing along their public facing rear boundaries and this is not considered to be visually appropriate at this location. Elevation details for each of the boundary treatment types has also not been submitted. A condition is, therefore, recommended, requiring that elevation details of the proposed boundary treatments must be submitted for approval in writing, whilst the public facing boundary treatments at plots 109 and 110 must be either walling or hedgerows. The proposed boundary treatments subject to this condition would, therefore, be visually acceptable and in keeping with the surrounding area.

2.4.8 Two vehicular accesses to the site, pedestrian footpaths, two links to the adjacent core path network and an internal loop road are proposed which creates an integration and connection with the existing residential area and the public open space area to the west and south of the site. The proposal, therefore, includes multiple points of pedestrian/cycle accesses which would integrate the development into the existing urban structure and movement routes and the street widths vary throughout the site whilst there are distinctive movement junctions and edges formed by green spaces and overlooked by active building frontages which would ensure that the development is easy to move around and safe and pleasant to be in. The matters relating to connectivity and access into the site are also further assessed under section 2.7 (Road Safety) of this report of handling.

2.4.9 The proposed dwellings located along the southern part of the site (plots 1 and 7 to 16) face onto Leven/Kennoway Road with plot 1 being set back approximately 8.8 metres from this road and plots 7 to 16 being set back between approximately 17.8 metres and 20.9 metres from this road. The building line of these properties steps down and closer to the road from east to west with plot 16, the eastern most dwelling, being furthest away from the road at approximately 20.9 metres, then plot 7 at approximately 17.8 metres and plot 1, the western most dwelling, at approximately 8.8 metres. The proposed dwellings, therefore, step up from existing dwellings as the site gets closer to the rural open field to the east and these are behind a strip of landscaping which helps to break up the built edge. This is an acceptable layout which takes cognisance of the rural area to the east and the built-up area to the west.

2.4.10 In conclusion, 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 is considered to respect the character and appearance of the surrounding built environment. The proposal overall would, therefore, result in a development which would provide a positive visual contribution to this area, and which would comply with the six qualities of a successful place as set out within the Development Plan. The proposal overall would, therefore, comply with the Development Plan in this respect and would be visually acceptable.

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

2.5.1 PAN (Planning Advice Note) 1/2011, Policies 14 and 23 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Dormer Extensions, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply. Fife Council's Planning Customer Guidelines on Garden Ground and Dormer Extensions requires a 9-metre set back from neighbouring garden boundaries to ensure that acceptable privacy levels are achieved between properties.

2.5.2 Noise

2.5.2.1 The proposal would be a wholly compatible use with the adjacent existing residential uses in terms of noise impact and would, therefore, have no significant impact on the surrounding area in terms of noise. The road (Leven/Kennoway Road) which runs past the southern part of the site is a 20 MPH road which then changes to a 40 MPH road as it heads out of Kennoway to the east. It is considered that this road would have no significant impact on the dwellings located along the southern part of the site due to the distances involved and the type of road which runs past the site. A condition is also recommended requiring that the 20 MPH zone is located further towards the eastern boundary of the site as set out in 2.7 (Road Safety) below.

2.5.3 Daylight/Sunlight

2.5.3.1 The nearest existing neighbouring properties to the development (17 to 20 Seton Terrace) would be located approximately 29 metres to the west of the nearest proposed dwelling within plot 27, with the rear garden ground area of this property being located approximately 13.9 metres to the west. The proposed dwellinghouses would have no significant impact on the daylight/sunlight levels for 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. The proposed dwellinghouses within the application site have also been designed to ensure that no properties would significantly overshadow or block daylight/sunlight to any other adjacent proposed properties within the site itself. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.5.4 Privacy Levels

2.5.4.1 Objections state that the proposal would result in a loss of privacy for the surrounding area.

2.5.4.2 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 those proposed, with the minimum 18 metre window to window distance being achieved between all existing and proposed properties. All plot layouts have also been designed to ensure that proposed dwellings would be acceptable in terms of the proposed privacy levels achieved. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.5.5 Construction Impacts

2.5.5.1 Objections state that the proposal would result in noise during the construction process and that there would be a detrimental impact on the road due to construction traffic.

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

2.6 Garden Ground

2.6.1 Policies 14 and 20 of NPF4, Policies 1, 10 and 14 of the LDP and Fife Council's Planning Customer Guidelines on Garden Ground apply.

2.6.2 Eighty-five of the proposed dwellinghouses would have garden ground areas which meet or exceed the required 100 square metres of garden ground, whilst the other 52 dwellings would have between 44 and 99 square metres of rear garden ground area. The majority of plots which have less than 100 square metres of garden ground area are associated with terraced (11 dwellings) or semi-detached dwellings (27 dwellings) with the terraced dwellings having between 44 and 84 square metres of garden ground area and the semi-detached dwellings having between 66 and 99 square metres of garden ground area. Eleven detached dwellings also do not meet the recommended 100 square metres of garden ground area, however, nine of these would have between 90 and 100 square metres, whilst, the other five dwellings would have between 75 and 89 square metres. In this instance, it is considered that a reduction in the recommended garden ground area standard would be acceptable for these 52 plots as 38 of these dwellings are either semi-detached or terraced properties and this would also offer choice to those buyers who wish to have a smaller garden ground area. All of the dwellings within the site would also have access to the existing large useable open space and play facilities to the west of the site along with the open space areas which are proposed within the site. The proposed layout is also in keeping with the prevailing pattern of development at this location where there are a number of dwellings with less than the recommended 100 square metres of

garden ground area. The proposed garden ground area provision would, therefore, be acceptable in this instance.

2.7 Transportation/Road Safety

2.7.1 Policies 1, 13, 14 and 15 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation requires that development provides a new high quality green network east-west along the watercourse connecting King George's Field greenspace to Meggie Den and this should incorporate access. It also requires that the layout of the site provides good north-south connectivity to establish easy access to the green network from within the development and the adjoining communities to the north and south.

2.7.2 Objections state that there would be a detrimental impact on the road during the construction process and that the proposal would create congestion on the roads. They also state that additional cars will increase the risk of an accident on Leven Road and that the proposed access road on the western side looks very close to an existing blind spot. They also consider that there is no north-south link proposed through the entirety of the allocated site from Halfield Garden to Leven Road.

2.7.3 A Transport Assessment (TA) has been submitted in support this application and this carries out an assessment for 150 dwellings on the site. The TA has followed the Transport Scotland "Transport Assessment and Implementation: A Guide". The TA considers person trips, not car trips and covers access by all modes of transport - walking, cycling, public transport, and private cars, to demonstrate how the site could be developed to encourage the use of sustainable modes of transport and can be designed in accordance with Making Fife's Places Supplementary Guidance. The TA advises that several local amenities are within 10 minutes walking distance from the site, including two local retail stores, a medical practice, pharmacy, library, post office, café, hairdressers and bus stops, with a community centre located within 20 minutes walking distance. The TA advises this demonstrates the proposal's compliance with the development of 20- minute neighbourhoods as required by Policy 15 of NPF4. The TA also advises that the current walking and cycling provision in the area is sufficient to support the additional movements generated by the proposal, whilst existing bus stops are located well within the recommended walking distance offering a choice of travel mode for future residents. The TA considers that the site would be accessible by a range of alternative sustainable travel modes and that delivery of the proposed site access junctions, internal footpaths to the site, connections to the existing core paths and the footpath along Leven Road will ensure the site integrates well with the village and surrounding residential areas. The TA further advises that traffic surveys were undertaken at four junctions in the surrounding area during the AM and PM peaks and a detailed analysis of the proposed traffic generation of the development on the road network was carried out. The TA states that the volumes of traffic associated with the proposals can be accommodated on the surrounding road network without impacting on the operation or safety of the routes. The TA concludes that the proposal would be accessible by sustainable modes of travel and integrate effectively with the existing transport network following the introduction of additional non-car promoting measures. In addition, the site can be accessed safely from the adjacent road network by private vehicles without compromising the safety or efficiency of existing road users and that the development overall would comply with the relevant policy requirements.

2.7.4 Fife Council's Transportation Development Management team (TDM) advise that they agree that the proposal will be accessible by sustainable modes of travel, would integrate well with the existing transport network and would have a negligible impact on the existing road network. TDM, therefore, has no objections to the proposal subject to conditions relating to the provision of a 2 metre wide footway on the Leven Road/Kennoway frontage of the site, the

upgrading of the bus stop on the north side of Leven Road, the re-location of the 20MPH and 40 MPH zone signs to the eastern boundary of the site, the provision of the required visibility splays at each junction and the provision of the required off-street parking provision on site. TDM also advise that they agree with the conclusions contained with the TA.

2.7.5 The agent was advised that the proposal should demonstrate that it could connect to the northern part of the allocated site and would not, therefore, prejudice the delivery of the northern part of the overall allocated site. Sections and a site layout drawing were submitted which showed three potential options for access between the northern and southern part of the overall allocated site. TDM were consulted regarding this information, and they consider that a road link between the application site and Halfields Gardens is possible but to ensure an acceptable long-gradient they expect that the road may sit higher than the adjacent land and could change the existing topography significantly. However, they advise that a minimum of two vehicular accesses could be provided from Halfields Gardens to serve the northern part of the allocated site and a footpath link between the two sites would be possible. It is not considered necessary at this stage to require the current developer to provide the access between the two sites as there is no guarantee that development on the northern part of the allocated site will come forward and any proposed connection would currently terminate at a field. The agent has, however, agreed to provide the necessary land to make this connection between the two sites possible, should the northern part of the allocated site ever come forward. This matter will be dealt with through a Section 75 Planning obligation which will require that the land is passed to any future developer of the northern part of the site for free, however, the land must be used to form a connection between the northern and southern part of the allocated site.

2.7.6 The findings of the TA are accepted, in this instance, and it is considered that the proposed site layout has generally been designed in accordance with Making Fife's Places Supplementary Guidance. The proposal would include multiple points of pedestrian/cycle access to the south and west including two accesses onto Leven Road/Kennoway Road and multiple pedestrian accesses to the west which would ensure the integration and connectivity of the development with the surrounding area. These accesses can also provide the required visibility splay which will be controlled through a condition. The movement routes and the street widths vary throughout the site and the proposal includes sufficient off-street parking to accommodate the development. The submitted information has, therefore, demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings also demonstrate an acceptable layout in terms of access, parking and connectivity. The proposed development would be easily accessible via a range of sustainable transport modes and there is capacity to accommodate the traffic generated by the proposal on the local road network with an acceptable amount of parking on site. The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal and would be acceptable in this regard.

2.8 Flooding and Drainage

2.8.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1 and 3 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply. The LDP allocation requires that a flood risk assessment is submitted for the site.

2.8.2 A SUDS pond would be located to the north of the site, and this would discharge via outfall pipes to the Meggie Burn to the north of the site. The foul drainage would be directed via underground pipes within the street network to a rising main from a proposed pump station at the north of the site and this would then connect to an existing foul sewer located on Leven Road/Kennoway Road to the south of the site. The proposal would also connect into the public

water supply network. The existing pond to the south-east of the site would be drained down via a new boundary ditch which would be lined with a granular land drain and low-level perforated pipe.

2.8.3 Objections state that the proposal would have a detrimental impact on the area in terms of flooding and that the impact on Meggie Burn would not be acceptable as it will flood. They also state that the SUDS scheme is not acceptable as no details regarding who would be responsible for maintenance have been submitted.

2.8.4 A flood risk assessment (FRA) and a Drainage Statement (DS) have been submitted in support of this application. The FRA states that the site is not considered to be the subject of coastal or fluvial flooding as per SEPA's flood risk maps, however, the course of the Meggie Den Burn is shown to be subject to low to high likelihood of surface water flooding. The FRA also advises that this could be considered as fluvial flooding, however, SEPA's flood map methodology does not identify catchments under 0.5 square kilometres as surface water flooding. The FRA also identifies a pond on the southern half of the site which is at low to high likelihood of surface water flooding along with a small strip of land along the south-west boundary, along the north of Seton Terrace, which is recorded as medium to high likelihood of surface water flooding. The FRA considers that the southern half of the site is considered to be at low to medium risk of flooding as a result of failure in local drainage infrastructure and medium to high risk of surface water flooding where land is at or below 76.5 metres OD, however, areas of higher ground across the site as well as much of the northern half of the site are at little to no risk of surface water flooding. It also states that land in the northern half of the site at or under 67.5 metres OD is at a medium to high risk of surface water flooding. The FRA identifies areas of the site which are at future flood risk, and it advises that these areas should not be built upon, whilst dry emergency pedestrian and vehicular access is available throughout all considered storm events. The FRA concludes that subject to the development not being built within areas at risk of future flood risk, appropriate improvement and maintenance of the diversion ditch and the run-off potential for the land to the south being captured and accommodated within the overall drainage design, that the site could be developed with no flood risk to the proposal.

2.8.5 The DS advises that it should be read in conjunction with the relevant drainage drawings and the submitted FRA. The DS advises that drainage ditches have been identified on the topographical survey and these convey surface water run-off from the site to the Meggie Den Burn. The DS further advises that the proposed surface water drainage will discharge to the existing Meggie Den Burn via a proposed SUDS pond and run off from the site will be attenuated via SUDS Pond with the post development flows restricted to the required levels.

2.8.6 Scottish Water has no objections to the proposal and advise that there is currently sufficient capacity in the Glenfarg Water Treatment Works and for a foul only connection to the Levenmouth Waste Water Treatment works. Fife Council's Flooding, Shoreline and Harbours team have no objections to the flooding or surface water management proposals, and they advise that the submitted information demonstrates that the system will accommodate a 200yr+30%CC event without flooding.

2.8.7 It is considered that the proposal could be connected to the existing public water supply and foul drainage network, and it should be noted that the applicant would also need to submit a formal application to Scottish Water before proceeding with the development. The relevant compliance and independent check SUDS certificates including a SUDS maintenance certificate have also been submitted as required by Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements and an acceptable surface water management

scheme has been proposed. There would, therefore, be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water and drainage system. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.9 Contaminated Land

2.9.1 Policy 9 of NPF4 and Policies 1 and 10 of the LDP.

2.9.2 Objections state that the proposal would result in contaminated land and toxic gasses affecting existing houses.

2.9.3 A ground conditions site investigation report has been submitted in support of this application. Fife Council's Land and Air Quality Team (LQ Team) advise that they agree with the findings of the report and have no objections, however, they recommend conditions related to contaminated land remediation and verification. Conditions are recommended regarding these matters. 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 this respect.

2.10 Air Quality

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

2.10.2 An air quality impact screening assessment report has been submitted and this concludes that a more detailed air quality impact assessment is not required and that air quality impacts from the proposal are unlikely to adversely affect local air quality. The LQ 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.

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

2.11.1 Policies 3, 4 and 6 of NPF4, Policies 1 and 13 of the LDP and The Scottish Government's Policy on Control of Woodland Removal apply. The LDP allocation requires that no development should be within 10m of identified wetland habitat and unimproved grassland habitat along the Meggie Den and the green network should take into account habitat provision. It also requires that account is taken of the ancient woodland area adjacent to the site.

2.11.2. Objections state the proposal would result in a detrimental impact on nature.

2.11.3 Trees

2.11.3.1 A number of trees are located around and within the site. The woodland area (Meggie Den) adjacent to the eastern boundary of the site is also designated as an Ancient Woodland and tree belts are located along the western boundary. An arboricultural impact assessment report (AIA) and landscaping plan have, therefore, been submitted to assess the impact on

these trees. The AIA report states that all trees on or adjacent to the site were surveyed on 28th November 2023, and these were provided with retention categories which includes a tree quality and value assessment. Images of the surrounding trees were also submitted along with a Tree Location plan which shows the proposed development layout, tree locations, their root protection areas and their canopy extents. The AIA advises that areas of relatively young standards of trees are present on the site that appear to have been planted and/or have established by natural regeneration. The main tree species on the site are grey willow (*Salix Cinerea*) and goat willow (*Salix Caprea*), the former a small tree typically less than 10 metres high when mature. It also states that an area of plantation woodland forms the western boundary bordering King George's Park. The AIA advises that there are 30 individual trees, 16 tree groups and 5 hedges on the site. No Category A trees were recorded on site, however, there are 15 individual trees, 10 tree groups and 4 hedgerows that were recorded as Category B (Moderate Quality) and 14 individual trees, 6 tree groups and 1 hedgerow recorded as Category C (Low Quality). One tree was recorded as Category U (unsuitable for retention). The AIA advises that because of the proposal there would be a total loss of 13 single trees (6 x Category B and 7 x Category C), 1 partial hedgerow (Category B), 24 hedgerow trees (Category B) and 15 tree groups (9 Category B and 6 Category C). The group tree loss would result in the loss of 718 Category B Trees and 278 Category C Trees. This would represent a total loss of 1033 trees which mainly comprise Willow trees. The trees to be lost are mostly located within the southern part of the site and along the north-western boundary.

2.11.3.2 The AIA and the landscaping proposals set out both compensation and enhancement measures which would result in the planting of 240 individual trees, 9031 hedgerows and 4670 woodland/group planting which would equate to a total of 13,941 new trees being planted and this would represent a re-planting ratio of 13.5:1. The AIA advises that this would represent a positive arboricultural impact at the local level and would result in the provision of a broadleaved woodland corridor between King George's Park and the ancient woodland area known as Meggie Den; the provision of circa 853 metres of native hedgerow and the provision of a significant element of native tree planting of a range of native species integral to the new residential properties and associated infrastructure. The AIA also sets out mitigation and avoidance measures in relation to those trees to be retained and section 4 recommends the implementation of an Arboricultural Method Statement and Tree Protection Measures including associated barrier fencing aimed at protecting all retained trees during the site preparation and construction phase, and including pre-emptive sensitive management of roots.

2.11.3.3 Fife Council's Tree Officer (TO) advises that a significant amount of existing woodland will be removed but the trees are predominantly younger in age and likely not yet of a size or age where significant ecosystem services are provided, meaning removal will have a smaller impact than removal of significant established trees. He further advises that there is a high potential for the fragmentation of existing woodland, but significant replacement planting proposals have been presented, which satisfy and exceed the requirements contained within NPF4 policy 6 for compensatory planting. The TO states that he agrees with the findings of the AIA and has no objections to the proposal subject to the submission of a tree protection plan. A condition is recommended regarding this matter, and this will also require the submission of an arboricultural method statement as set out in the AIA. Fife Council's Natural Heritage Officer (NHO) also advises that he has no objections to the proposed landscaping plan and the species proposed.

2.11.3.4 The submitted indicative layout and tree information shows that the proposal would result in the loss of a number of trees on site. The proposed landscaping information also shows a significant number of compensatory tree re-planting to off-set the loss of these trees. It is considered that due to the significant re-planting of a woodland area and trees on site that there would be no significant environmental impact as a result of the loss of the existing trees

which are also young and not fully established. The proposed re-planting would also represent a positive biodiversity enhancement at this location. The Scottish Government's Policy on Control of Woodland Removal also provides criteria, whereby, woodland removal could be acceptable with and without compensatory planting, and this includes enhancing priority habitats and their connectivity, sustainable economic growth and increasing the quality of Scotland's Woodland Cover. The proposal would comply with this acceptability criteria as it would increase the quality of Scotland's woodland cover and Fife Council's TO is also in agreement with this and has no objections to the proposal. Conditions are recommended requiring that an arboricultural method statement including a tree protection plan are submitted before any works commence on site. The proposal has, therefore, demonstrated that a development of this type could be located on this site with no unacceptable impact in terms of tree loss and that it would also have no significant impact on retained trees and the ancient woodland area to the east. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11.4 Protected Species and Wildlife Habitats

2.11.4.1 Objections state that the proposal would result in the loss of habitat and would have a detrimental impact on nature and protected species.

2.11.4.2 A Preliminary Ecological Appraisal Report (PEA) has been submitted in support of this application. The report provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and a protected species survey of the application site. It also provides recommended mitigation measures where required. The PEA advises that the site comprises of six phase 1 habitat types including poor semi-improved grassland which dominates the site, semi natural broad-leaved woodland, marshy grassland, a species-poor defunct hedgerow and open water. The PEA sets out that the site was assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey. The PEA also provides recommendations for post-construction ecological enhancements at the site that it considers proportionate to the low level of environmental impact from the proposal. The PEA recommends that all site personnel should be made aware of protected species and if any are recorded on site then all works should cease immediately, and a suitably qualified ecologist contacted. It also recommends that all construction works should be undertaken outwith the bird breeding season, however, if works are carried out during this period, then a nesting bird survey would be required no more than 24 hours before works commence. The PEA also states that areas of tall vegetation should be cleared slowly to encourage common reptiles and amphibian species to move out of the area on their own accord prior to works commencing.

2.11.4.3 Fife Council's Natural Heritage Officer (NHO) agrees with the findings and recommendations contained within the PEA and has no objections to the proposal subject to the proposed mitigation measures contained within the PEA being carried out in full.

2.11.4.4 The findings of the submitted PEA are accepted and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. Conditions are recommended requiring that the proposed mitigation measures as set out in the PEA are carried out in full. The PEA also states that the findings of the report are only valid for a period of 12 months and the current PEA would expire in December 2024, therefore, a condition is recommended requiring that an updated survey, as required by the PEA, is submitted to this Planning Authority before works commence on site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11.5 Biodiversity Enhancement

2.11.5.1 The PEA sets out opportunities for biodiversity gain on the site and these measures include the provision of bird nesting boxes within the site, gaps being provided under fences to allow the movement of species in and out of gardens and bat boxes to be placed on and around the site or incorporated within buildings to create roosting opportunities for bats. The PEA also recommends that planting of native shrubs be carried out in appropriate areas of the site which would bolster the existing habitat and provide connectivity between habitats. A landscaping plan has also been submitted which sets out the planting of a number of native species including trees, shrubs and hedges around the site. The proposed planting of trees, shrubs and hedges would represent a re-planting ration of 13.5:1.

2.11.5.2 Fife Council's NHO has no objections to the proposed biodiversity enhancement measures subject to these measures being carried out in full.

2.11.5.3 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges and wildflowers. A condition is also recommended requiring that the biodiversity enhancement measures as set out in the PEA are carried out in full before the development is occupied with details of these measures to be submitted to this Planning Authority for approval. The proposal would, therefore, bring about a significant biodiversity enhancement to the site and surrounding area when compared to the existing field. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

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

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

2.12.2 An Energy Statement has been submitted in support of this application and these set out how the proposal would meet the requirements of the Development Plan. The statement advises that an analysis of the energy and CO₂ savings that can be achieved by utilising an energy efficient design has been carried out for the proposal. The statement advises that solar panels would be installed on roofs, whilst the development has been designed to ensure that the majority of the properties have south facing roofs in order to maximise the production of electrical energy produced by the panels. The statement also advise that heat pumps are proposed for the affordable units to achieve gold hybrid standard. The Energy Statement then sets out the estimated energy consumption of the development including the target emissions rate, predicted Co₂ emissions and the energy contribution and CO₂ emissions saved from the renewable energy installations.

2.12.3 It is considered that sufficient information has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The application site is located more than one kilometre from a district heating network; therefore, it is not required to investigate the feasibility of connecting to an existing or proposed district heat network. The proposal would also integrate well with and include sufficient connectivity to the existing Kennoway Village which would enable occupants to easily access local services from the proposed site with a number of services located within a 10-minute walking distance of the site, therefore the proposal would be located within a sustainable location. A condition is also recommended requiring that details of the proposed energy

generating technologies are submitted for approval. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.13 Community and Economic Benefit

2.13.1 Policy 16 and 25 of NPF apply.

2.13.2 A statement of community benefit has been submitted in support of this application. The statement advises that the proposal will bring about economic development to the area with substantial private investment on an allocated housing site thus helping to fulfil the council's local housing requirements in this part of Fife. It further advises that the affordable housing provision will also be fully integrated into the development and would be in line with the council's policy requirements in terms of unit numbers (14), and the mix and style of properties. The statement further advises that active travel routes and pedestrian footpaths will be formed throughout the development which will link with the existing Core Path network at Cotlands Park and beyond. The Statement considers that this will ensure the site is permeable and enables maximum connections to the surrounding paths, green networks and residential areas, thereby promoting wellbeing in line with the principles of local living and the 20-minute neighbourhood. It further states that the proposal would include enhancements to residential amenity and the amenity of the surrounding area which would be achieved through new landscaping proposals and local biodiversity improvements as shown within the submission.

2.13.3 It is accepted that this proposal could provide an economic and community benefit to Kennoway and the surrounding area. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.14 Affordable Housing

2.14.1 Policies 15 and 16 of NPF4, Policies 1,2 and 4 of the LDP and Fife Council's Supplementary Guidance on Affordable Housing apply. This Supplementary Guidance advises that the affordable housing requirement for Kennoway is 10% of the total number of houses proposed within a housing development.

2.14.3 Objections state that the proposal does not include enough affordable housing in the scheme.

2.14.4 The proposal would provide 14 affordable dwellings on the north-west part of the site, and these would include 2 x 2 bed semi-detached bungalows, 1 x 3 bed detached bungalow, 4 x 2 bed terraced houses, 4 x 3 bed terraced houses, 2 x 4 bed terraced houses and 1 x 5 bed terraced house. Fife Council's Affordable Housing team has no objections to the proposal as it would provide the required 10% of the total number of homes as affordable and they consider the housing mix to be acceptable. This matter would be secured through a Section 75 agreement. The proposal subject to this planning obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.15 Education

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

2.15.2 Fife Council's Education Services (ES) advise that the development is within the catchment area of Kennoway Primary School, St Agatha's Roman Catholic Primary School, Levenmouth Academy, St Andrew's Roman Catholic High School and the Levenmouth Central Local nursery area. They further advise that the proposal would cause no capacity risk at any of the aforementioned schools, apart from at Levenmouth Academy where a capacity risk could be created as a result to the proposal, however, this is dependent on the proposed phasing of the site. ES advise that they have no objections to the proposal based on the current phasing of the site. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.16 Open Space and Play Areas

2.16.1 Polies 14, 20 and 21 of NPF4, Policies 1, 3 and 141 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.16.2 Fife Council's Parks team has no objections subject to a financial contribution being made towards Cotlands Park for general amenity improvements.

2.16.3 This development, as per the open space criteria set out in Making Fife's Places, is required to provide approximately 8220 square metres of useable open space on the site or it should make a financial contribution towards existing open space if the development is located within 250 metres walking distance of an existing open space. Several landscaped and open space areas are proposed within the site with the useable public open space areas measuring approximately 5290.33 square metres in total. The site is also located directly adjacent to an existing open space/play area which is located adjacent to 17 Seton Terrace and Cotlands park is located directly to the west of the site. Connections have been provided to each of these areas within the proposed layout and it is considered that these areas are within a safe walking distance of some of the proposed dwellings. There is currently a shortfall of approximately 2929.67 square metres of open space on site, however, it is considered that this on-site provision can be relaxed due to a number of the dwellings being within a safe walking distance of the existing open space areas to the west. The proposal must, however, contribute £1200 per dwelling towards the upgrading of these open space areas and this would equate to a total of £58,500 (49 dwellings x £1200). The developer has agreed to this contribution and this matter would be dealt with through a Section 75 planning obligation. The proposal subject to a planning obligation would, therefore, provide an acceptable amount of useable open space on site and would comply with the Development Plan in this respect.

2.17 Public Art

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

2.17.2 No details relating to public art provision have been submitted, however, it is considered that this matter can be dealt with through a condition. A condition is, therefore, recommended regarding this matter and the submitted details should demonstrate how it has incorporated public art into the overall development with the cost of the public art equating to £300 per dwellinghouse as per the requirement contained within Making Fife's Place's. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.18 Waste Management

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

2.18.2 A site plan has been submitted in support of this application along with a waste management statement. It shows the proposed refuse bin collection points within the site and also sets out that the domestic waste will be separated and treated as required by Fife Council. The submission advises that bin storage facilities are accommodated within each house plot as per the council's normal standards and the proposed layout has been designed to accommodate waste collection vehicles as confirmed by the vehicle swept path analysis in the Transportation Statement.

2.18.3 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 advises that domestic waste will be separated and treated according to the Council's domestic waste collection requirements. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.19 Archaeological Impact

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

2.19.2 Fife Council's Archaeological officer advises that the wider landscape east of Kennoway is known to abound with significant archaeological sites of prehistoric and medieval date and they consider that there is reason to believe that archaeological deposits of prehistoric or later date are likely to exist on this site and consequently, in line with NPF4, a limited, speculative archaeological condition is justified. The AO has no objections to the proposal subject to a condition requiring that a programme of archaeological works is carried out in full before any works commence on site. A condition is recommended regarding this matter. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Urban Design, Planning Services

No objections subject to details of seating areas and connection to the core path being provided.

Transportation Development Management

No objections subject to conditions relating to road safety matters and a contribution towards strategic transportation intervention measures.

Structural Services - Flooding, Shoreline and Harbours

No objections

Housing And Neighbourhood Services	No objections subject to subject to confirmation regarding certain dwellings being to amenity standard.
Community Council	No response
Archaeology Team, Planning Services	No objections subject to condition relating to archaeological investigative works.
Natural Heritage, Planning Services	No objections
Trees, Planning Services	No objections subject to the submission of a tree protection plan and method statement.
NHS Fife	No objections
Land And Air Quality, Protective Services	No objections subject to conditions relating to contaminated land investigative works.
Education (Directorate)	No objections
Transportation And Environmental Services - Operations Team	No response
Parks Development and Countryside	No objections subject to a contribution towards upgrade works at Cotlands Park.
Scottish Water	No objections

4.0 Representation Summary

4.1 Ten letters of objection have been received. The concerns raised include:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Loss of open space area	2.2
b. Proposal should be built on brownfield land.	2.2
c. No development framework for the whole allocated site.	2.2
d. Should be built in Levenmouth or Methil.	2.2
d. Noise during construction will cause disturbance.	2.5.5
e. Impact on road during construction process	2.5.5 and 2.7
f. No north-south link through the entirety of the allocated site.	2.7

g. Additional cars will increase risk of accident on Leven Road.	2.7
h. Will create congestion on roads.	2.7
i. Proposed access road on the western side looks very close to blind spot.	2.7
j. Detrimental impact due to flooding.	2.8
k. SUDS scheme not acceptable as no detail relating to maintenance.	2.8
l. Contaminated Land and loss of toxic gasses will affect existing houses.	2.9
m. Impact on nature and protected species.	2.11
n. Loss of habitat.	2.11
o. Not enough affordable housing proposed.	2.11

4.2.2 Other Concerns Expressed

Issue	Comment
a. Loss of view.	This matter is not a material planning consideration.
b. Proposal will devalue existing houses.	This matter is not a material planning consideration.
c. Statement relating to northern part of the site being undevelopable is disingenuous, however, this can accommodate 70 to 100 unit.	The submission advises that the more northernly part of the allocated site has not been included with the proposal due to the steeply sloping nature of the land and as it is within different land ownership. It does not state that the site is undevelopable, however, the matter relating to the development of the site and the overall allocated site is fully assessed within this report of handling
d. Fife Council would lose out on value of land as only 41 units would be remaining to be built on allocation with access only being able to accommodate 28 units.	This matter is not a material planning consideration.
e. EIA should be carried out	Addressed in section 1.4.4.
f. Error on page 14 of planning policy statement as it mentions Newport Primary School, therefore, how many more errors are there.	Page 14 of the planning statement does make reference to Newport, however, this is in relation to the submitted TA and safer routes to school. The TA makes reference to the correct school and this error does not fundamentally affect the assessment of this application.

5.0 Conclusions

The proposal would be compatible with its surrounds in terms of land use and would not cause any detrimental impacts on surrounding residential properties within the proposed scheme or

the surrounding area. The proposal would provide an attractive, welcoming, high-quality, connected development which would respect the character and appearance of the surrounding built environment, and which would provide a positive visual contribution to the area. The proposal would be considered acceptable in terms of its impact on road safety and would result in no significant detrimental impacts on the surrounding area in terms natural heritage, amenity, contaminated land, air quality, sustainability or in terms of impact on existing infrastructure. It would also bring about a positive biodiversity enhancement to the site along with community and economic benefits to the area. The proposal subject to conditions and planning obligations, would therefore, be acceptable in meeting the terms of the Development Plan and National Guidance.

6.0 Recommendation

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

- A. The conclusion of a legal agreement to secure; - 10% of the total units on site to be provided as affordable housing as per the definition contained within Fife Council's Affordable Housing Supplementary Guidance (2018). This would equate to 14 units out of the total 137 units.
- B. £38,868 towards strategic transport intervention measures in Kirkcaldy/Glenrothes outer zone.
- C. £58,800 towards Cotlands Park and open space/play park area to the west.
- D. The land as highlighted on "insert name" drawing shall be kept aside for a potential connection between the northern and southern part of the overall allocated site (FIFEplan (2017) allocation: KEN002) and passed to any future developer of the northern part of the allocated site at no cost to the future developer.
- E. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement.
- F. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

PRE-COMMENCEMENT CONDITIONS:

1. BEFORE ANY WORKS COMMENCE ON SITE; scaled drawings and details of the following (including details of the specification and colour of all finishes) shall be submitted to and approved in writing by Fife Council as Planning Authority.

- All proposed boundary treatments including boundary walls and fences. For the avoidance of doubt; either walling or hedgerows shall be used within the curtilage boundaries of Plots 109 (east boundary) and 110 (west boundary). An updated site layout shall be submitted to show this.

- All proposed benches.

- All proposed handed elevations and handed floor plans of the dwellinghouses.

The development shall, thereafter, be carried out in accordance with these approved details.

Reason: In the interests of visual amenity; to ensure that the proposal is appropriate to the character of the surrounding area.

2. BEFORE ANY WORKS COMMENCE ON SITE; a Construction Method Statement and Management Plan, including an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site, shall be submitted to and approved in writing by Fife Council as Planning Authority. All construction works shall then be carried out in full accordance with any approved details.

Reason: In the interests of safeguarding amenity.

3. BEFORE ANY WORKS COMMENCE ON SITE; details of the gateway feature as required by condition 13 shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out in accordance with these approved details.

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

4. NO DEVELOPMENT SHALL COMMENCE until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by this Planning Authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

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

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

5. BEFORE ANY WORKS COMMENCE ON SITE; an arboricultural method statement and details and specifications of the protective measures necessary to safeguard the trees and shrubs to be retained immediately adjacent to or within the site during the construction development phase shall be submitted to and approved in writing by Fife Council as Planning Authority. This method statement and the tree protection measures shall be as per the recommendations contained within section 4 of the, hereby approved, Arboricultural Impact Assessment (Plan Reference: 50A). FOR THE AVOIDANCE OF DOUBT; the trees to be removed and retained shall be as set out in the approved Arboricultural Impact Assessment (Plan Reference: 50A) and Tree Impact Plan (Plan Reference: 42A).

This Planning authority shall be formally notified in writing of the completion of the measures (including photographs of the measures) and no work on site that affects identified trees shall commence until this Planning Authority has confirmed in writing that the measures as implemented are acceptable.

The protective measures shall then be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding the existing trees to be retained.

6. BEFORE ANY WORKS COMMENCE ON SITE; an updated preliminary ecological appraisal (PEA) including a phase 1 habitat survey and protected species survey shall be submitted to this Planning Authority and approved in writing. All works shall then be carried out in full accordance with the approved PEA and all approved biodiversity enhancement measures shall be provided BEFORE THE OCCUPATION OF THE FIRST DWELLINGHOUSE; whilst all mitigation measures as set out in the PEA shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: As a precautionary measure to ensure the protection of protected species.

7. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the required biodiversity enhancement measures as set out in the approved PEA and as required by condition 6 of this planning permission shall be submitted to and approved in writing by this Planning Authority. These details shall include the provision of bird and bat boxes or bricks. All works shall then be carried out in full accordance with any subsequent approved details and all approved biodiversity enhancement measures shall be provided BEFORE THE OCCUPATION OF THE FIRST DWELLINGHOUSE; unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of biodiversity enhancement.

8. BEFORE ANY WORKS COMMENCE ON SITE; full details of the proposed energy generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of sustainability; to ensure compliance with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

9. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the provision of public art on the site shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a full contextual and historic analysis of the site in relation to this public art and shall provide evidence that the cost of the public art provision is equivalent to £36,900. Thereafter, the development shall be carried out in full accordance with these approved details and the approved public art shall be in place BEFORE THE OCCUPATION OF THE ONE HUNDREDTH DWELLINGHOUSE

Reason: In the interests of successful placemaking.

10. BEFORE ANY WORKS COMMENCE ON SITE; an archaeological written scheme of investigation shall be submitted to and approved in writing by Fife Council as Planning Authority. The developer shall then secure the implementation of the programme of archaeological works as set out within any subsequently approved written scheme of investigation BEFORE ANY WORKS COMMENCE ON SITE. A verification report shall then be submitted to and approved in writing by Fife Council as Planning Authority once all of these required archaeological works have been carried out in full and BEFORE ANY WORKS ASSOCIATED WITH THE DEVELOPMENT COMMENCE ON SITE.

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

CONDITIONS:

11. 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.

12. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 4. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement - or the approved revised Remedial Action Statement - and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

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

13. All works done on or adjacent to existing public roads, including the provision of the 2 metres wide footway on the Leven Road/ Kennoway Road frontage of the site shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. These works shall include the following:

- BEFORE THE OCCUPATION of the 10th dwelling, the existing eastbound bus stop on the north side of Leven Road shall be provided with a bus stop pole, flag, road markings, and a dropped kerb pedestrian crossing point.

- BEFORE THE OCCUPATION of the 10th dwelling (and subject to the successful promotion of a Traffic Regulation Order) the 20mph/40mph (end of 20mph Zone) signs shall be re-located to the eastern boundary of the site and a gateway feature shall be provided.

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

14. All roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption. These works shall include the following:

- BEFORE THE OCCUPATION of the first affordable dwelling; the provision of an adoptable shared path link between the site and Seton Court.

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

15. BEFORE THE OCCUPATION OF THE FIRST DWELLINGHOUSE; visibility splays 2.4 metres x 60 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the two site accesses with Leven Road/ Kennoway Road in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

16. BEFORE THE OCCUPATION OF EACH DWELLINGHOUSE; the off-street parking provision shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

17. BEFORE THE OCCUPATION OF THE TENTH DWELLINGHOUSE; the three shared paths between the site and the Core Path Network (Route Code: R375 and Path Code: P375/02

and P375/03 – Kennoway Wester Durie Circuit) and the existing open space play area to the west, as shown on the Proposed Site Plan (Plan Reference 02D), shall be completed and made available for public use. The paths shall be retained through the lifetime of the development.

Reason: To ensure the provision of adequate active travel provision.

18. The, hereby approved, landscaping scheme (Plan References: 54A, 56A, 57A and 58A) shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner. All planting carried out on site shall then 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.

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

Reason: In the interests of species protection.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

The Scottish Government's Policy on Control of Woodland Removal

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Affordable Housing Supplementary Guidance (2018)

Low Carbon Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Planning Obligations Framework Guidance (2017)

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Planning Customer Guidelines on Dormer Extensions (2016)

Planning Customer Guidelines on Garden Ground (2016)

Minimum Distance between Windows Guidance (2011)

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

Report prepared by Scott Simpson, Chartered Planner and Case Officer

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

Committee Date: 18/12/2024

Agenda Item No.

Application for Approval Required by Condition(s) **Ref: 24/01822/ARC**

Site Address: **Land East Of River Leven Elm Park Leven**

Proposal: **Approval of matters specified in conditions (Condition 2 a) to e) and h) to y)) of planning permission in principle 23/02125/PPP for infrastructure works including drainage (engineering) works, installation of boardwalks, fencing, and associated landscaping and planting**

Applicant: **Green Action Trust**

Date Registered: **25 July 2024**

Case Officer: **Natasha Cockburn**

Wards Affected: **W5R22: Buckhaven, Methil And Wemyss Villages**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the proposed development is part of a National Development.

Summary Recommendation

The application is recommended for: Conditional Approval.

1.0 Background

1.1 The Site

1.1.1 The site encompasses an area to the south of the River Leven, in Methil. The area to which the application relates, comprises of green space with connecting footpaths into the settlement. The site is within the settlement boundary of Leven, Buckhaven, Methil and Methilhill. The site is Protected Open Space within the FIFEplan Local Development Plan (2017). There are a number of informal grass/earth paths across the site. Water balk path Core Path (R368) runs along the northern edge of the site, Mountfleurie to Kirkland riverside path Core Path (R367) runs along the river to the north. The railway line is safeguarded within FIFEplan (2017) for the Thornton to Leven Rail Line (LEV005). Existing Green Network Assets are located throughout the site (26, 141, 479). The site lies within LEVGN05: River Leven Valley Green Network and Green Network Asset. The River Leven Valley Green Network follows the

course of the Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. The site occupies an area of existing public greenspace lying to north of Willow Bank, Poplar Road and Mulberry Crescent. The northern part of the site is mainly marshy grassland and woodland and mainly grassland to the south. There is an avenue of trees and narrow tree belts along Poplar Road. There are lines of hawthorns and hedges parallel with the line of a disused and infilled mill lade that contours the southern slope. The terrain slopes down from Poplar Road northwards towards the River Leven which defines the northern edge of the site. The site is crossed by several paths and contains the site of a new path and footbridge under construction, linking to the new railway station which sits beyond the River Leven to the north of the site. The site has value as riparian, woodland and open grassland habitats in places forming a mosaic, and consists of a range of common species. The site is not designated for natural heritage interest. The surrounding area is mostly landscaping and housing, with the railway line and river to the north.

1.1.2 The key features and opportunities for enhancement for the River Leven Valley Green Network and Green Network Asset set out in the LDP include:

- Key green network spine, with existing active network. Links to green networks 4 and 8 but some key gaps in network as well as accessibility, quality, and perceived safety issues.
- Railway and River are barriers to north-south: existing crossing points are therefore significant and need to be protected.
- Significant landscape resource with a strong landscape character makes an important contribution to landscape setting
- Provides a significant flooding and drainage function
- Significant habitat corridor through area but better management of existing vegetation/woodland is required
- Railway sidings provide good habitat for invertebrates and scrubland/trees developing on railway heritage site
- Includes some sites with contaminated land issues

Opportunities for Enhancement:

- Potential to become a key riverside park and significant recreational asset - investment required to improve greenspace quality and accessibility
- upgrades required at the footbridge at the western end to deliver a multi-use north-south active travel link
- small scale interventions such as better signage and path works could begin to improve use for active travel
- significant potential to develop function as key green network spine, establishing multi-use active travel connections to green networks LEVGN02, LEVGN04, LEVGN06, LEVGN07 and to Methil waterfront, the transport interchange, and to Leven promenade
- possible future potential to establish an active travel route which links all the way to Loch Leven
- significant potential to enhance habitat value through appropriate new planting and management of existing woodland assets. Potential also to improve contribution to landscape setting
- possible mine water treatment by Scottish Water Waste Water Treatment Plant may be able to deliver wider green network benefits.

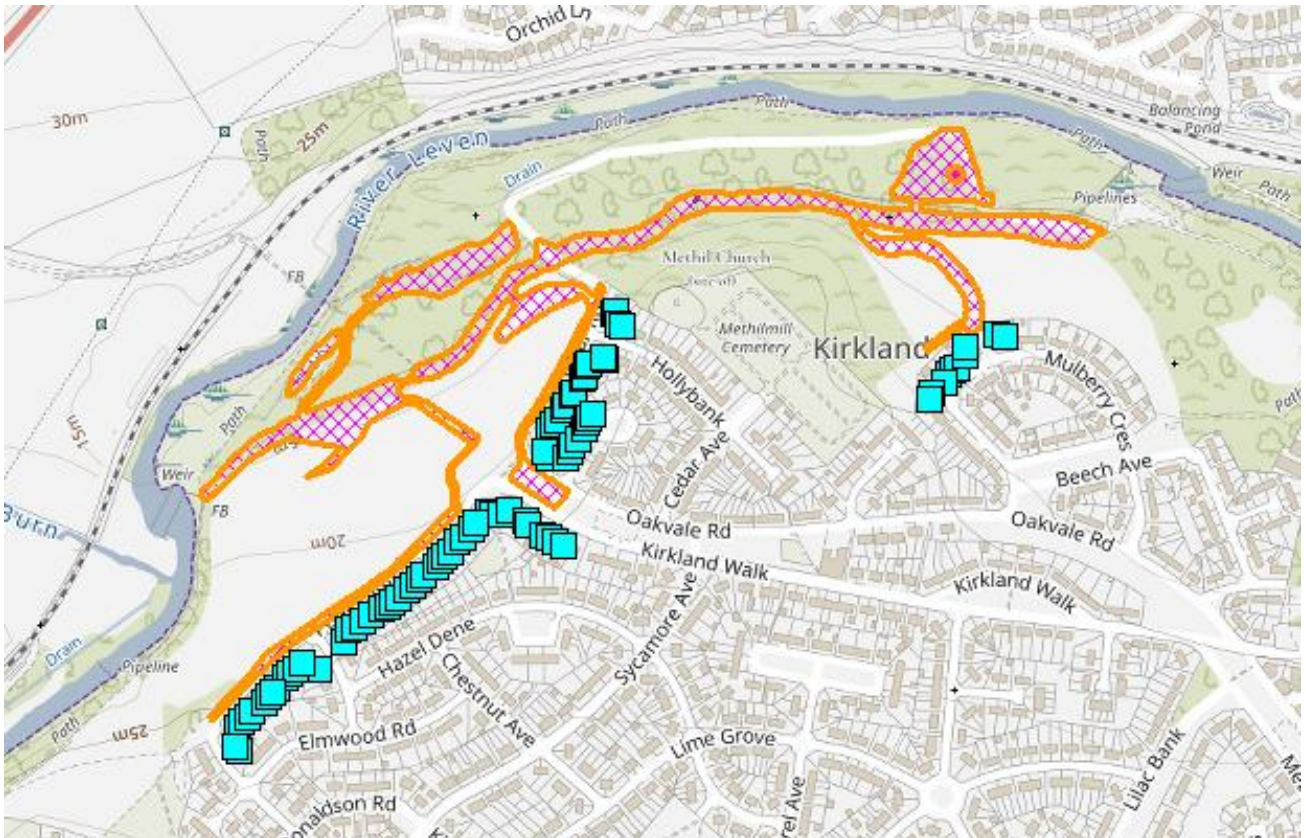
Development Site Priorities:
Protect existing green network assets.

More detail on Green Network Opportunities is below:

144: Significant potential to develop function as key green network spine, establishing key multi-use active travel connections to green network LEVGN04. Small-scale interventions such as better signage and path works could begin to improve use for active travel.

496: Significant potential to develop function as key green network spine, establishing key multi use active travel connections to green networks LEVGN02, LEVGN04, LEVGN06 and LEVGN07, and to Methil waterfront, the transport interchange, and to Leven promenade. Significant potential to enhance habitat value through appropriate new planting and management of existing woodland assets. Potential also to improve contribution to landscape setting. Potential to become a key riverside park and significant recreational asset - investment required to improve greenspace quality and accessibility. Small-scale interventions such as better signage and path works could begin to improve use for active travel. Possible future potential to establish an active travel route which links all the way to Loch Leven - would require more detailed scoping. Possible mine water treatment plant by Scottish Water Wastewater Treatment Plant may be able to deliver wider green network benefits. Enhance Proposal MET 004 through landscape restoration and decontamination and establish a high-quality landscape edge with the existing River Leven Valley Green Network assets incorporating a formal landscaped walkway along the River Leven frontage that links the areas of protected open space to the west and east of proposal MET 004.

1.1.2 LOCATION PLAN



1.2 The Proposed Development

1.2.1 The proposal is for approval of matters specified in conditions (Condition 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for infrastructure works including drainage (engineering) works, installation of boardwalks, fencing, and associated landscaping and planting.

1.2.2 This phase of the development relates to the 'Nature Network' element of the proposal, which is proposed to deliver a network of integrated habitats along the River Leven, including:

- Riparian wet woodland
- Expanded swamp habitat
- New floodplain ponds
- A restored lade - a linear pond storing rainwater
- Wetland swales bringing urban run-off into the park
- New woodland and hedges to enrich and subdivide the open space
- Orchard and blossom trees
- Natural play features

1.2.3 The proposals are to conserve and enhance the existing range of natural habitats so that biodiversity is increased, and nature is more resilient, whilst also providing green infrastructure for flood prevention and mitigation. The proposals include the formation of a boardwalk over a floodplain pond to the northern part of the site, natural play features and benches across the site, and a boardwalk route through a swamp to the north east section of the site. No significant works are proposed along the western edge to the north of Poplar Road – proposed swales are included along this area to help with drainage run-off from Poplar Road. The existing Kirkland Lade, which runs east to west, is proposed to be re-instated. This is a historic linear, narrow pond, where planting is proposed, along with a maintenance regime which includes clearing out debris 4 times a year. Blossom trees are proposed to line the lade and an orchard is proposed at Kirkland Walk.

1.2.4 A boardwalk is proposed to cross a floodplain pond at Methil Mill, and across the Kirkland Lade which would comprise of timber Milboard Enhanced, grain limed oak decks, would measure 2.4m wide and would have ramps up to them at a 1:2 slope. The boardwalks would include balustrades at 1.1m high with timber handrails and galvanised steel panels. Two bridges are proposed furthest west, to cross the Kirkland Lade which would be timber, measuring 1250mm high and 7000mm wide. Stepping stones are also proposed to provide a more informal route across the lade. Natural play and seating is proposed to the east of the crossing, along a mown path. A further swale to collect run-off from the Kirkland Lade is proposed to the east, north of Mulberry Crescent. A culvert is proposed (300mm diameter pipe with stone), to release water from the Kirkland Lade into a swamp to the northeast of the site and a boardwalk route (timber, 2.4m wide with 1.1m high timber handrails and galvanised steel balustrade panels) is also proposed here, through the swamp. A viewing platform is proposed at the swamp, along with some natural play features.

1.2.5 Litter bins would be dotted around in various locations and details have been provided for these, which includes seagull flaps. A timber post and wire fence is proposed measuring 1.1m high. The proposed recycled plastic bench would be brown and measure 1500 x 600mm.

1.2.6 The proposed natural play features include:

- Balance beams: timber, measuring 250-400mm high and 1500 – 2500mm wide
- Stepping stones: a mix of glacial boulders of varied sizes and shapes
- Stepping logs: 200 – 400mm high, varying
- Stroking stones: concrete grey, of varying characters (snail, crocodile and frog) and measuring 0.65 x 0.73 x 1.02m at the largest
- Stilt logs: timber, measuring a variation of between 1600-1800mm in height.

1.2.7 A core path crosses the site at the western end, over an existing footbridge. Access is proposed to be maintained where possible via phasing of works, or a diversion put in place as required. An access plan has been provided which details path and work locations. [This will require a footpath closure/diversion order under Section 208 of the Town and Country Planning \(Scotland\) Act 1997 \(as amended\).](#)

1.3 Relevant Planning History

1.3.1 Planning permission in principle (PPP) for the formation of an active travel network was granted in February 2024, reference: 23/02125/PPP. This is the planning permission in principle related to this detailed application, which seeks to address conditions (Conditions 2 a) to c), e) to h) and j) to y)).

1.3.2 Planning permission was granted for Cameron Bridge Railway Station in April 2023, reference: 22/03425/FULL. This permission included planning conditions (conditions 7 and 8) requiring the active travel routes shown within the planning application submission to be provided to Windygates to the north and Methilhill to the south. This included a bridge connection over the River Leven to the south and paths to form connections between the new railway station and Windygates and Methilhill. Planning permission was granted for the bridge and active travel routes from Cameron Bridge railway station to Methilhill and the A915 in February 2024, reference: 23/01107/FULL. A Section 42 application to amend Condition 8 of application 23/01107/FULL was approved, reference: 24/01097/FULL. The application amended the wording of Condition 8 to allow more time for the construction of the bridge due to issues with the bridge supplier going into administration, resulting in a delay in providing the bridge prior to the railway station opening.

1.3.3 Planning permission was granted for a replacement bridge and footpath at Duniface Farm, Leven, in December 2023, which crosses the new/re-opened Thornton to Leven railway line and the River Leven, reference 23/01110/FULL.

1.3.4 Planning permission was granted for a new bridge crossing and footpath connection over the new/re-opened Thornton to Leven railway line at Mountfleurie in February 2024, reference: 23/02058/FULL.

1.3.5 Planning permission was granted in June 2024 for the formation of an active travel route by Network Rail, which connects to the new railway station at Cameron Bridge, reference: 24/00646/FULL

1.3.6 Engineering operations involving formation of footpath and change of use from derelict industrial land to form 30 space car park and picnic area with associated works was permitted subject to conditions in October 2002 (reference: 02/02658/CFULL).

1.3.7 24/00542/ARC - Approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phases 1 and 2a) was permitted subject to conditions in July 2024.

1.3.8 24/02333/ARC - Approval of matters specified in conditions (Conditions 2 a) to d), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phase 2b) is also before this Committee for determination.

1.4 Application Procedures

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

1.4.2 As an AMSiC, this development needs to receive a formal permission, but it is not in itself planning permission. Any permission granted is read entirely in accordance with the terms of the PPP. Additionally, as an AMSiC application, the applicant was not required to submit a Proposal of Application Notice (PAN), nor carry out any public consultation events. **The application was advertised in The Courier on the 26th September 2024 for neighbour notification purposes.**

1.4.3 The application site was visited by the case officer to inform the assessment of the proposed development.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 18: Infrastructure first

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 15: Minerals

Outcome: The environmental and cumulative impacts of minerals extraction, including commercial peat extraction, will be closely managed so that a balance is achieved between the safeguarding and responsible extraction of workable minerals and environmental protection. The economic or conservation value of minerals is recognised and their working and use is within acceptable environmental limits.

National Guidance and Legislation

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with CO₂ emissions reduction targets and district heating requirements;
- requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Customer Guidelines

Coal Mining Areas

Trees and Development

2.0 Assessment

2.1 Relevant Matters

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

- Compliance with the terms of the planning permission in principle (23/02125/PPP)
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land
- Natural Heritage and Trees
- Sustainability
- Play Areas
- Health and Safety

2.2 Principle of Development

2.2.1 The principle of this development on this site does not need to be revisited as it has already been established with the approval of the original application for Planning Permission in Principle (PPP) (23/02125/PPP). The proposal, however, must comply with the conditions set out in the original PPP decision to be considered acceptable. In this regard, the current application has been submitted under conditions 2 a) to c), e) and h) to y) which relate to the details required to allow a full detailed assessment of the proposed active travel route to be carried out. Condition 2 (g) is not relevant because the proposal is not a continuation of the active travel route. Condition (i) is relevant in this instance, as there are boardwalks and bridges proposed. Condition 2 (q) is not relevant as no lighting is proposed.

2.2.2 Condition 2 of the PPP sets out information required to be submitted with future detailed applications, where relevant. Details have been submitted to address each part of Condition 2, as set out below:

(a) A location plan of all the site to be developed to a scale of not more than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the paths and all street furniture. This plan should be sufficient to identify the land to which it relates and should show the situation of the land in relation to the locality and in relation to neighbouring land;

(b) Detailed plans to a scale of not more than 1:500 showing the site contours, the position and width of all proposed roads and footpaths, any bridge structures proposed, including public access provision, ground levels, sections, boundary treatments and all street furniture locations;

(c) A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places;

(d) A supporting statement setting out how each phase ties in with any previously approved phases. The proposals shall show a holistic approach to tree planting across the site to ensure no habitat and woodland fragmentation takes place and how the proposed materials, landscaping, signage, street furniture and gateway features tie in with one another across the site;

(e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. These details shall also include replacement tree planting, where required;

(f) Details of the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;

(h) Details and locations of the gateway features and 'rest stops';

(i) Full elevations and sections and detailed design features of any proposed bridge structures, boardwalks or river crossings where relevant to that phase;

(j) A surface water management plan with relevant certification included, and as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision;

(k) An updated Flood Risk Assessment (FRA) with relevant certification included, and mitigation where required and where relevant to that phase. The updated FRA shall take into account the detailed design of the proposal and shall demonstrate that the proposals comply with Policy 22 of NPF4 (2023) in regards to flood risk. Where relevant to that phase, mitigation measures shall include but not be limited to: - Information / signage as to potential flooding hazards, including maps - Information / signage as to emergency egress / alternative routes - Information regarding procedures to be actioned in the event of flooding and consequential path closure
The FRA shall take account of the comments by SEPA within their consultation response, dated 21st September 2023.

(l) An updated Arboricultural Impact Assessment including a tree protection plan and arboricultural method statement which takes into account any subsequent detailed layout;

- (m) An updated Ecological Appraisal report which takes into account any subsequent detailed layout and sets out any required mitigation and biodiversity enhancement measures;
- (n) Biodiversity Action and Enhancement Plan which takes account of the detailed layout;
- (o) Updated Habitat and Ecological surveys, including but not limited to otter; bats/bat roost trees and breeding birds where identified;
- (p) A Construction Method Statement and Management Plan (CEMP), including an Environmental Protection Plan and Scheme of Works relating to construction activities on site and details of the proposed construction traffic routes. The CEMP shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site. Any alterations to the principles described in the CEMP during construction shall be agreed in writing by the Planning Authority;
- (r) A scheme of intrusive site investigations designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
- (s) A report of findings arising from the intrusive site investigations and any remedial and / or measures necessary including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries and the definition of suitable 'no build' zones of influence for all mine entries and the definition of 'no-build' zones;
- (t) A Preliminary Contaminated Land Risk Assessment (Phase I Desk Study Report) and where further investigation is recommended in the Preliminary Risk Assessment, a suitable Intrusive Investigation shall be carried out and a phase II Investigation Report shall be submitted. Where remedial action is recommended in the Phase II Intrusive Investigation Report, a suitable Remedial Action Statement shall also be submitted. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures;
- (u) A sustainable development checklist, in line with the terms of NPF4 Policy 2, FIFEplan (2017) Policy 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife (2019), or equivalent;
- (v) An access plan which shall consider how access through alleged or vindicated rights of way on or adjacent to the application site will be protected as much as possible throughout the construction process;

(w) A statement setting out how the proposals, where relevant, would be designed to take into account suicide risk in line with NPF4 Policy 23.

(x) A maintenance strategy setting out future maintenance details for the route, including street furniture, landscaping, bins and lighting.

(y) Full details of elevations, sections, location and materials of all street furniture, including (but not limited to) benches, bins and signage. For the avoidance of doubt, the bins shall include seagull protection measures

2.2.3 Overall, this application has met the information submission requirements for the relevant conditions where appropriate and these matters are assessed in more detail below.

2.3 Design And Layout / Visual Impact

2.3.1 Condition 2 a), b), c), e), g), f), h) and y) of the PPP are relevant in regards to design and layout and visual impact. 2.3.2 NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) apply with consideration of the design and visual impact of the proposed development.

2.3.2 A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places; landscaping plans have been provided, details of the proposed materials, details of the proposed fences, boardwalks, balustrades and benches have been provided.

2.3.3 Fife Council's Urban Design Officer has been consulted and has advised that they have no significant concerns with the proposals. They have, however, queried the use of galvanised steel balustrade panels. There is a concern that the steel may appear industrial which would appear contextually jarring considering the landscaped setting. In response, the applicant has stated that their view is that the plain galvanised finish would sit well in the landscape being a contrast in the summer months to the lush vegetation around it which would then merge with the more muted colours of the vegetation and sky colours of the autumn and winter. It is believed that a block colour along this feature would make it stand out more, which would not be the intention. Furthermore, the galvanised finish would not require maintenance. The applicant's response to this query is accepted, particularly regarding the maintenance issue, given the location and nature of this proposal. It is agreed that the balustrade panels would fit in with the surroundings and be easily maintained in future.

2.3.4 Details of the play features have been provided, and they would be natural materials and colours, which would fit in well with the natural environment in which they sit. The proposed boardwalks and bridges would be timber and not significant structures in size, so they would fit in well with the surrounding environment.

2.3.5 Overall, the proposals incorporate existing resources to create natural play and seating areas and include new landscaping to complement what is existing in the area. By using existing assets and protecting and enhancing the surrounding habitats and biodiversity of the river, the proposals create a local place-based approach which enhances the surrounding area. The proposals would meet the 6 qualities of successful places by being distinctive in that they would enhance the existing site and character of the area by enhancing the sense of identity and character between different areas; the proposals would achieve an area that is easy to move around and beyond by providing an enhanced network for sustainable travel and putting people and place before vehicular movement; the proposals provide a safe and pleasant place, by providing useable play features and access around the river and across natural water features, adding attractive features such as landscaping, planting, play features and seating areas to encourage surveillance; the proposals would be adaptable with the use of natural features and the provision of a variety of informal uses such as seating and play which can be easily adapted in the future so suit specific requirements; the proposals would create a welcoming environment, encouraging people to use the surrounding open space and path network and making it easy for people to access different areas within the locality, helping to provide a walkable neighbourhood. The proposals have been designed to make the best use of the natural resources within the local area and to minimise the impact of the proposal on the natural environment, making it a resource efficient development.

2.3.6 Overall, the proposals would be of a high-quality design, making it an attractive area for people to use, enhancing the natural features of the area and improving drainage. The proposals are consistent with the NPF4 Policy 15 approach, requiring developments to contribute to local living, including where relevant, 20-minute neighbourhoods. The proposals contribute to the improvement and enhancement of the connectivity between communities and improve access to sustainable modes of transport, including local public transport and safe, high quality walking, wheeling and cycling networks; employment; shopping; health and social care facilities; childcare, schools and lifelong learning opportunities; playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities.

2.3.7 The proposals meet the requirements of Condition 2 a), b), c), e), g), f), h) and y) of the PPP and NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 10, 13 and 14, and Making Fife's Places Supplementary Guidance (2018) in regards to design and layout and visual impact.

2.4 Residential Amenity

2.4.1 Condition 2 p) of the PPP is relevant in regards to residential amenity.

2.4.2 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

2.4.3 A Construction Environment Management Plan (CEMP) has been submitted as a requirement of Condition 2 p). The CEMP outlines that the proposed working hours during construction would be 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 Saturday with no works to

take place on Sundays or Bank Holidays, which is the standard working hours accepted by Fife Council and is accepted.

2.4.4 No lighting is proposed as part of these works, unlike the active travel paths themselves. The proposed development would attract more people to use the area which, in turn, may result in a higher level of activity than existing. However, the level of noise is not likely to result in a significant increase in the level of noise or activity which would adversely impact on the surrounding neighbours, due to the nature of the proposals being natural walkways predominantly near to the residential areas. The seating and natural play features are proposed further north towards the river, away from residential properties. In terms of privacy, the proposals would not result in a significant change to the existing situation in terms of allowing overlooking into residential properties, including gardens. The area is already used for recreation and the proposals intend to make these areas more attractive. The proposals would not significantly adversely impact on the privacy of surrounding residential properties.

2.4.5 The proposals meet the requirements of Condition 2 p) of the PPP, NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, and Making Fife's Places Supplementary Guidance (2018) in regards to residential amenity.

2.5 Flooding And Drainage

2.5.1 Condition 2 j) and k) of the PPP are relevant in regards to flooding and drainage.

2.5.2 NPF 4 Policy 22 (Flood Risk and Water Management) and FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment) and Making Fife's Places Supplementary Planning Guidance apply.

2.5.3 An updated Flood Risk Assessment (FRA) and surface water drainage details have been submitted with this application. The Drainage Strategy Report submitted with the application summarises the existing arrangement of surface water drainage on the site and it describes how the site will be drained when complete. The FRA sets out the mitigation measures including information and signage as to potential hazards, signage pertaining to emergency egress and alternative routes and information regarding procedures to be actioned in the event of flooding and any path closures.

2.5.4 SEPA has been consulted and advise that Condition 2 (k) has been discharged. They advise that the Flooding Statement submitted by Civic Engineers (July 2024) is a brief and high-level assessment of flood risk to the Leven Rivers Parks Nature Network. It provides no modelling or outputs that supersedes the contents of the Phase 1 and Phase 2a Flood Risk Assessment undertaken by Atkins and submitted in support of 23/00542/PPP, which was reviewed by SEPA at the time.

2.5.5 Fife Council's Flooding Shoreline and Harbours Team has reviewed the proposals, and has no objections in regards to flooding or drainage, but has advised that Appendix 1, 2, 5 and 7 are required to be submitted prior to any works commencing on site. This requirement is recommended to be covered through a condition.

2.5.6 The proposals meet the requirements of Condition 2 j) and k) of the PPP, NPF 4 (2023) Policy 22, FIFEplan (2017) Policies 1, 3 and 12 and Making Fife's Places (2018) in regards to flooding and drainage.

2.6 Contaminated Land

2.6.1 Condition 2 r), s), and t) of the PPP are relevant to contaminated land. 2.7.2 Policy 9 and Policy 23 (Health and Safety) of NPF4 and Policies 1 and 10 of the Adopted FIFEplan are applicable. The site is located within a High Risk Coal Mining Area and historical maps indicate several former industrial land uses (refuse tips/landfills, works, mills, railway land) within the boundary of the proposed development.

2.6.2 A scheme of intrusive site investigations for past coal mining activity and a report of findings arising from the intrusive site investigations and any remedial measures necessary has been submitted with the application to address the conditions related to coal mining. The Coal Authority has been consulted and advised that none of the submitted reports appear to be able to confirm the undertaking of any appropriate ground investigations to determine the coal mining legacy of the site and so conditions 2 r) and s) cannot be discharged. The applicant has provided a further statement by Johnson Poole and Bloomer (June 2024) which concludes that the proposals would be exempt from the requirement of a Coal Mining Risk Assessment in this instance due to the minimal groundworks required for the proposals. The Coal Authority have provided a further consultation response which concurs with this conclusion and that they have no further objections or comments in regards to coal risk.

2.6.4 A Phase I GeoEnvironmental Desk Study, a Ground Investigation Report and Remediation Strategy Verification and Implementation Plan have been submitted with the application to address land contamination and condition 2 t) which requires the submission of a Phase I Desk Study Report, Phase II Investigation Report if required and a Remedial Action Statement if required. Fife Council Land and Air Quality Officers have been consulted and have commented that additional chemical testing is required to discharge Condition 2(t). In response, the applicant has advised that further investigation works have been commissioned to address this concern. Land and Air Quality Officers have reviewed the additional sampling proposed and advised that they would welcome consultation on an associated report when available. Condition 2 (t) therefore cannot be discharged as further information is required in regards to chemical testing. As it is known that these works are being undertaken, a condition is recommended to address this. 2.6.5 The proposals comply with Condition 2 r), s) of the PPP, Policy 9 and Policy 23 (Health and Safety) of NPF4 (2023) and Policies 1 and 10 of the Adopted FIFEplan in regard to contaminated land and land stability, subject to conditions. A condition is recommended to address condition 2 (t).

2.7 Natural Heritage And Trees

2.7.1 Condition 2 e), f), l), m), n), o), v) and q) of the PPP are relevant to natural heritage and trees.

2.7.2 NPF4 (2023) Policies 1, 3, 4 and 6 and FIFEplan (2017) Policies 1, 10 13, Scottish Government's Policy on Control of Woodland Removal and Fife Council's Making Fife's Places Supplementary Guidance (2017) apply.

2.7.3 Tree Reports have been submitted with the application. None of the trees on the site are protected by Tree Protection Orders or listed as ancient woodland. The proposals include native mixed woodland, planted with a dense edge mix of small tree and shrub species as a protective transition with adjacent open habitats, and a core at wider spacing of canopy, understorey and shrub species. Information has been provided which indicates the proposed species mixture and tree centre spacing for woodland planting, woodland edge mix, blossom trees, parkland trees, and orchard trees. The selection of species includes broadleaf and conifer, native and non-native, early, mid and late seral, utilising a range of species with a range of tolerances and requirements. Fife Council's Tree Officer has advised that a great deal of consideration has gone into designing a broad landscape plan for the delivery of multiple ecosystem services which will create a holistic peri-urban/urban woodland with resilience and adaptability built into it through well selected intimate diverse mixtures of species. The Scotland forestry and Woodland Strategy 2019-2029, recognises 6 key points, which this proposal would address: Increasing the adaptability and resilience of forests and woodlands; Expanding the area of forests and woodlands, recognising wider land-use objectives; Enhancing the environmental benefits provided by forests and woodlands; Improving efficiency and productivity, and developing markets.

2.7.4 The proposed landscape plan would achieve considerable environmental and social improvements to the area. In regard to maintenance and management, a 10-year scope has been set to ensure woodland establishment and early development will be covered. In terms of soft landscaping elements, the proposals cover replacement planting for 5 years, maintenance of hedgerows for 5 years, recognises the potential of deer browsing damage in woodland establishment, and discusses 'carefully strimming' around the base of young trees to suppress grass competition. This ensures that new planted trees are not impacted by strimming and ring barked as this will lead to failure of establishment. It is recognised that there is a difficult balance between need for maintenance and competition suppression and ensuring establishment but since replacement planting will be undertaken for 5 years, this balance would be acceptable. Overall, the landscape management proposals are acceptable. The tree protection plan submitted gives details of the type of fencing proposed to be used to protect trees to be retained and denotes the location onto a map so is therefore in compliance with BS5837:2012. With regard to tree removals, a tree report was submitted in relation to 24/00542/ARC. This document outlines the need for the removal of 15 trees of predominantly poorer physiological condition and not of mature life stage, so it is unlikely any of these trees form prominent landscape features. This degree of tree removal, balanced against the proposed environmental improvements and sheer scale of planting included in the proposal at hand, will entirely compensate for losses and then go far beyond this. This proposal, in removing 15 trees and planting a great deal more, will sufficiently compensate for any initial arboricultural impact, in compliance with NPF4 Policy 6. The Scottish Government Policy on the Control of Woodland removal also supports this proposal as the proposed compensatory planting would contribute significantly to helping Scotland mitigate and adapt to climate change; supporting Scotland as a tourist destination; encouraging recreational activities and public enjoyment of the outdoor environment; and reducing natural threats to forests or other land.

2.7.5 As discussed, the proposals include sufficient information to address the relevant conditions of the PPP in relation to tree removal, protection and tree planting and the proposals are welcomed in this regard. A condition of the PPP requires the applicant to provide confirmation that the tree protection works, as agreed through the relevant conditions, are in place prior to the commencement of works.

2.7.6 In terms of natural heritage, landscaping plans, an Ecological Appraisal Report, Phase 1 Habitat Report and a Biodiversity Action and Enhancement Plan have been submitted with the application. The Ecological Appraisal Report describes the ecological constraints of the site and mitigation measures. The report makes recommendations regarding trees, as referred to in the paragraphs above. Ecological recommendations are set out within the report, including any clearance works to take place outside of the bird breeding season and recommendations regarding Invasive Non-Native Species (INNS) including Himalayan Balsam, Giant Hogweed and Japanese Knotweed which have been identified in the area. The report makes recommendations regarding reptiles and amphibians, and states that checks are required prior to the commencement of any works on trees which have been shown to contain bat roosts. Biodiversity enhancement includes the planting of native woodland species, orchard trees, native fruit hedges, reinstatement of a lade, a new SUDS pond, a flood plain pond, swamp, swales and meadow grassland. All of these interventions would provide benefit for wildlife through the creation of a more diverse habitat mosaic. The addition of ponds would provide freshwater habitat and tree planting would complement and connect the existing woodland network. Improved and managed grasslands and orchards would provide food and other resources for pollinators. Fife Council's Natural Heritage Officer noted that the Construction Environment Management Plan (CEMP) definition of broom (*Cytisus Scopiarus*) is wrong: this is a native species, which has some invasive properties. The CEMP has been updated to reflect this.

2.7.7 An Access Plan has been submitted with the application which shows a core path running through the site to the east and to the west. The proposals state that access will be maintained where possible via phasing of works, or a diversion put in place as required. The plan has been reviewed by Fife Council's Access Officer who is content with the information included within the plan in relation to Condition 2 (v).

2.7.8 The proposals would comply with Condition 2 e), f), l), m), n), o), q) and v) of the PPP, NPF4 (2023) Policies 1, 3, 4 and 6 and FIFEplan (2017) Policies 1, 10 13, Scottish Government's Policy on Control of Woodland Removal and Fife Council's Making Fife's Places Supplementary Guidance (2017) in regards to natural heritage and trees.

2.8 Sustainability

2.8.1 Condition 2 u) of the PPP is relevant to sustainability. 2.9.2 NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply in regards to sustainability.

2.8.2 A low carbon checklist has been submitted with this application as required by Condition 2 u). The checklist sets out that the proposals would not be heated or cooled and would be promoting more sustainable modes of transport infrastructure, by enhancing active travel networks and focusing on the priorities of walking, wheeling and cycling. The proposals include tree planting schemes, woodland creation and diversification of grasslands which all contribute to CO2 sequestration, as well as extensive surface water management schemes, including swales, surface water ponds, lade feature, wet woodland management and wetland creation, which will improve the climate change resilience of the area specially in response to heavy rains and the water run-off from Poplar Road. The proposals align with the low carbon objectives of NPF4. Details regarding waste have been provided, Fife Council Grounds Maintenance have

been in discussion with the applicant regarding the waste strategy and standard bin provision is proposed to be upgraded to include seagull deterrents such as the use of plastic flaps.

2.8.3 The proposals would comply with Condition 2 u) of the PPP, NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) in regards to sustainability.

2.9 Play Areas

2.9.1 Conditions 2 a), x) and y) of the PPP are relevant. NPF4 (2023) Policies 18 and 21, FIFEplan Local Development Plan (2017) Policies 1, 3 and 4, Making Fife's Place Supplementary Guidance (2018), Fife Greenspace Audit (2010) and Play Sufficiency Assessment (2023) apply with regard to the consideration of open space and play provision.

2.9.2 The play space proposed as part of this development is informal play space, made from natural features such as logs rather than formal play equipment. The play features are proposed to complement the surrounding nature and use of the adjacent active travel networks. NPF4 supports proposals for informal play space on unused or underused land. NPF4 requires proposals that include new streets and public realm to be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood. New, replacement or improved play provision will, as far as possible and as appropriate: i. provide stimulating environments; ii. provide a range of play experiences including opportunities to connect with nature; iii. be inclusive; iv. be suitable for different ages of children and young people; v. be easily and safely accessible by children and young people independently, including those with a disability vi. incorporate trees and/or other forms of greenery; vii. form an integral part of the surrounding neighbourhood; viii. be well overlooked for passive surveillance; ix. be linked directly to other open spaces and play areas. Development proposals that include new or enhanced play or sport facilities 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.

2.9.3 The informal play features are a welcomed addition to the proposals and this area of open space. The information submitted within the maintenance schedule sets out that Fife Council would be responsible for future maintenance of the informal play features, with Fife Council Communities and Neighbourhoods becoming the asset owner. It is recommended that a condition is added to ensure the play features are appropriately maintained in perpetuity.

2.9.4 The proposals meet the requirements of Condition 2 a) and x) and y) of the PPP, NPF 4 (2023) Policy 18 and 21, FIFEplan (2017) Policies 1, 3 and 4, Making Fife's Place Supplementary Guidance (2018), Fife Greenspace Audit (2010) and Play Sufficiency Assessment (2023) in regards to the play facilities.

2.10 Health and Safety

2.10.1 Condition 2 (w) is relevant and NPF4 Policy 23 applies in regards to health and safety and requires proposals to be designed to take into account suicide risk.

2.10.2 A Suicide Risk Statement has been submitted with the application, which sets out how the proposals take account of suicide risk. The information provided is sensitive due to the nature of this issue however, it does set out how the proposals take account of suicide risk.

2.10.3 The proposals meet the requirements of Condition 2 (w) of the PPP and NPF 4 (2023) Policy 23 in regards to health and safety.

3.0 Consultation Summary

Scottish Water	No objections.
Land And Air Quality, Protective Services	Additional chemical testing is required in relation to Condition 2 (t).
Community Council	No response.
Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions requiring the submission of Appendices of Fife Council's drainage guidance.
Natural Heritage, Planning Services	No objections.
Transport Scotland	No objections.
The Coal Authority	No objections.
Trees, Planning Services	No objections.
Transportation And Environmental Services - Operations Team	No response.
Urban Design, Planning Services	Comment regarding the proposed balustrade panels. Addressed in paragraph 2.3.3 of the main report of handling.
Parks Development And Countryside - Rights Of Way/Access	No objections.
Scottish Environment Protection Agency	No objections.
Parks Development And Countryside	No objections.
Network Rail	No objections.

4.0 Representation Summary

4.1 No representations have been received in relation to this application

5.0 Conclusions

The conditions set out within the Planning Permission in Principle have satisfactorily been addressed. The proposals would also comply with the relevant Policies of NPF4 (2023), the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019) and relevant National Guidance and Fife Council Guidelines. The proposals would see the accomplishment of a national project to provide an active travel network within the area, and it is a high-quality proposal, with high quality elements including biodiversity enhancement and drainage enhancement. The proposals would see the area being significantly upgraded both in terms of its visual amenity, useability of an area of open space, drainage and biodiversity. The use of the natural elements of the existing environment and the enhancement of those features through additional planting, creation of informal play features and seating areas are welcomed.

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. PRIOR TO THE COMMENCEMENT OF WORKS an Access Plan shall be submitted for approval in writing by the Planning Authority which shall consider how access through alleged or vindicated rights of way on or adjacent to the application site will be protected as much as possible throughout the construction process. All construction works shall then be carried out in full accordance with the approved details.

Reason: To ensure access through rights of way are retained throughout the construction process as far as possible.

2. PRIOR TO THE COMMENCEMENT OF WORKS a suitable Intrusive Investigation shall be carried out and a phase II Investigation Report shall be submitted for approval. Where remedial action is recommended in the Phase II Intrusive Investigation Report, a suitable Remedial Action Statement shall also be submitted. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

Reason: To ensure suitable intrusive investigation works have been carried out and remedial action is undertaken to the council's satisfaction.

3. PRIOR TO THE COMMENCEMENT OF WORKS Appendix 1, 2, 5 and 7 of the Fife Council Design Criteria Guidance on Flooding and Surface Water Management requirements (2022) shall be submitted for approval.

Reason: To ensure that the drainage scheme as approved has been signed off and certified.

CONDITIONS:

4. All areas included within the approved Maintenance and Aftercare Strategy document (Planning Authority ref. 20) shall be maintained in accordance with the approved strategy (or as amended and agreed with the Planning Authority) for the lifetime of the development.

Reason: To ensure the development is appropriately maintained and can be used throughout its lifetime.

5. If the approved Maintenance and Aftercare Strategy (Planning Authority ref. 20) requires to be amended, finalised details of the proposed Maintenance and Aftercare Strategy shall be submitted for approval in writing by the Planning Authority, prior to the completion of works. The development shall then be implemented in accordance with the approved details.

Reason: The Maintenance and Aftercare Strategy submitted with this application states that some details are to be finalised or agreed, to ensure that the development is appropriately maintained.

6. The landscaping scheme as approved shall be implemented within the first planting season following the approval of this application.

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

7. Vegetation removal shall not take place at any time between March and August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority following the submission of an updated breeding bird survey.

Reason: In the interests of ecology, to minimise disruption within the bird nesting season.

8. The recommendations as set out within the Biodiversity Action and Enhancement Plan (March 2024) (planning authority ref: 33) shall be implemented in full prior to the completion of works.

Reason: In the interest of biodiversity enhancement, to ensure the measures proposed are implemented.

9. The mitigation measures set out within the Ecological Appraisal Report (planning authority ref: 30) shall be implemented in full prior to the completion of works.

Reason: In the interest of ecology, to ensure the mitigation measures are implemented as proposed.

10. The approved play facilities shall be maintained in perpetuity.

Reason: To ensure the development is appropriately maintained and can be used throughout its lifetime

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

The Scottish Government's Policy on Control of Woodland Removal

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Low Carbon Supplementary Guidance (2019)

Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Policy for Development and Noise (2021)

Trees and Development

Report prepared by Natasha Cockburn, Chartered Planner

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

Committee Date: 18 December 2024

Agenda Item No. 6

Application for Approval Required by Condition(s) **Ref: 24/02333/ARC**

Site Address: **Land East Of River Leven Elm Park Leven**

Proposal: **Approval of matters specified in conditions (Conditions 2 a) to d), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phase 2b)**

Applicant: **Green Action Trust**

Date Registered: **17 September 2024**

Case Officer: **Natasha Cockburn**

Wards Affected: **W5R22: Buckhaven, Methil And Wemyss Villages**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the proposed development is part of a National Development.

Summary Recommendation

The application is recommended for: Conditional Approval.

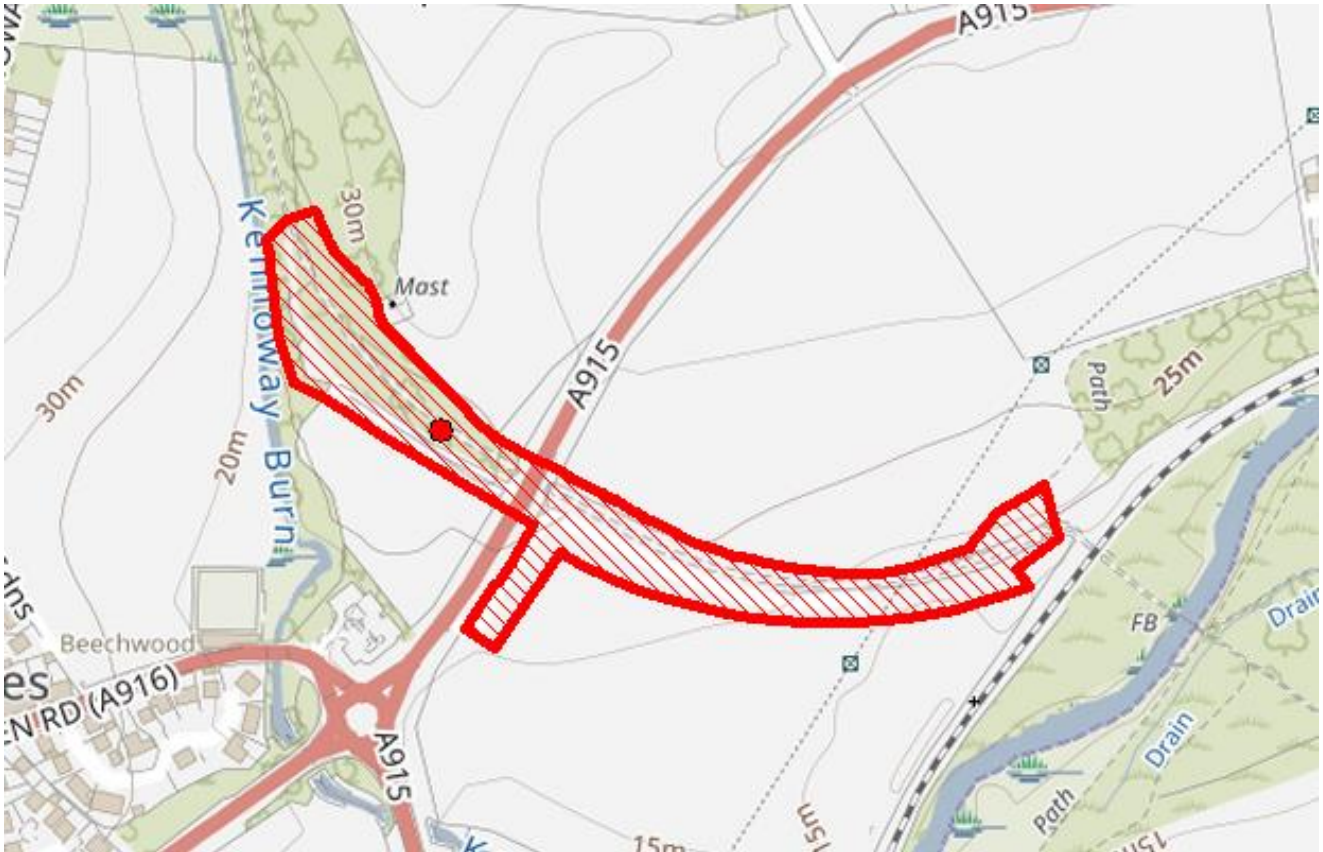
1.0 Background

1.1 The Site

1.1.1 The application site is referred to as Phase 2b of the wider Active Travel Network around the River Leven. This section of the wider route runs from Windygates, through an existing underpass at the A915 and joining the Duniface crossing, at its eastern end. There is an existing narrow track, with flat terrain and steps leading from the underpass to the Duniface crossing. The route runs through dense scrub to the west of the Duniface crossing and an area of woodland. The site is within LEVGN04 Kennoway Den and Esker Green Network which follows the course of the Kennoway Burn providing a key north-south connection between Kennoway and the strategically important River Leven Valley and LEVGN05: River Leven Valley Green Network and Green Network Asset. The River Leven Valley Green Network follows the course of the Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. The site is located along the route of the Kennoway to

Methilhill railway path (route code: R368). The site is within the Windygates-Kennoway Wildlife Site. The site is set out as having 'significant potential to develop and function as a key green network spine, establishing key multi-use active travel connections to green network LEVGN04. Small-scale interventions such as better signage and path works could begin to improve use for active travel'. It is also stated that there is 'opportunity to enhance habitat value particularly through appropriate new planting and management...and to diversity the structure along the core path.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This is an approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for the formation of an active travel network (phase 2b).

1.2.2 Phase 2b connects the river park route with the wider on-road active travel network at the north side of the A915, allowing access into the River Park through the existing underpass. The route is 851m in length and is an existing footpath extending northwest from the connection between the Duniface Crossing (application reference: 23/01110/FUL) and the river park route. The site is accessed via an existing footpath which turns off the A915. This route would upgrade

and replace the existing narrow tarmac path which runs along the line of the former rail-line corridor of the East Fife Central Railway.

1.2.3 From the Duniface crossing at its eastern end to the existing underpass tunnel beneath the A915, existing degraded steps are proposed to be upgraded with a new timber handrail installed. As the route continues towards Kennoway and turns back south, an accessible 'switch-back' route for all is proposed, which includes handrails, connecting up to the street level of the A915 and onto the existing shared use path. A swale is proposed adjacent to the route from the east of the tunnel underpass beneath the A915 to the Duniface Bridge. The new surface itself would be 3.5m wide and would comprise of porous asphalt. The levels would tie in with the existing Duniface crossing (application reference: 23/01110/FUL). Foraging planting, hedgerow planting, woodland meadow mix and Mavisbank mix planting is proposed to be planted adjacent to the path with some boundary treatments including a post and wire fence along the route. Other features would be located across the route, including stone benches, timber picnic tables, bollards, wayfinder finger posts, stone wayfinding plinths and litter bins.

1.2.4 The details of the proposed features include:

- Stone Benches at a height of between 750 – 800mm
- Timber picnic tables measuring 3m long
- Timber and steel bollards to be located to the west of the A915 at a height of 750mm
- Aluminium wayfinder fingerposts located across the route measuring 3m tall
- Stone wayfinding plinths along the route at 1.8m high
- Litter bin – Streetlife, box bin extra slim, measuring 400mm wide and 970mm tall with seagull flaps.

1.2.5 Temporary closure of the core path is likely to be required throughout some stages of the construction period. This will require a footpath closure/diversion order under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended).

1.3 Relevant Planning History

1.3.1 Planning permission in principle (PPP) for the formation of an active travel network was granted in February 2024, reference: 23/02125/PPP. This is the planning permission in principle related to this detailed application, which seeks to address conditions (Conditions 2 a) to c), e) to h) and j) to y)).

1.3.2 An Application required by Condition (ARC) relating to the same PPP above, was granted in June 2024 for Phases 1 and 2a of the Active Travel Network.

1.3.3 24/01822/ARC - Approval of matters specified in conditions (Condition 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for infrastructure works including

drainage (engineering) works, installation of boardwalks, fencing, and associated landscaping and planting is also before this Committee for determination.

1.3.4 Planning permission was granted for the formation of a footpath and associated lighting in June 2024, reference: 24/00646/FULL.

1.3.5 Planning permission was granted for Cameron Bridge Railway Station in April 2023, reference: 22/03425/FULL. This permission included planning conditions (conditions 7 and 8) requiring the active travel routes shown within the planning application submission to be provided to Windygates to the north and Methilhill to the south. This included a bridge connection over the River Leven to the south and paths to form connections between the new railway station and Windygates and Methilhill. Planning permission was granted for the bridge and active travel routes from Cameron Bridge railway station to Methilhill and the A915 in February 2024 for the bridge, reference: 23/01107/FULL. A Section 42 application to amend Condition 8 of application 23/01107/FULL was approved, reference: 24/01097/FULL. The application amended the wording of Condition 8 to allow more time for the construction of the bridge due to issues with the bridge supplier going into administration, resulting in a delay in providing the bridge prior to the railway station opening.

1.3.6 Planning permission was granted for a replacement bridge and footpath at Duniface Farm, Leven, in December 2023, which crosses the new/re-opened Thornton to Leven railway line and the River Leven, reference 23/01110/FULL.

1.3.7 Planning permission was granted for a new bridge crossing and footpath connection over the new/re-opened Thornton to Leven railway line at Mountfleurie in February 2024, reference: 23/02058/FULL.

1.3.8 Planning permission was granted in October 2002 for the formation of a footpath and change of use from derelict industrial land to form a 30 space car park and picnic area with associated works, reference 02/02658/CFULL.

1.4 Application Procedures

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

1.4.2 As an AMSiC, this development needs to receive a formal permission, but it is not in itself planning permission. Any permission granted is read entirely in accordance with the terms of the PPP. Additionally, as an AMSiC application, the applicant was not required to submit a Proposal of Application Notice (PAN), nor carry out any public consultation events. The application was advertised in The Courier on the 26th September 2024 for neighbour notification purposes.

1.4.3 The application site was visited by the case officer to inform the assessment of the proposed development.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 18: Infrastructure first

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 15: Minerals

Outcome: The environmental and cumulative impacts of minerals extraction, including commercial peat extraction, will be closely managed so that a balance is achieved between the safeguarding and responsible extraction of workable minerals and environmental protection. The economic or conservation value of minerals is recognised and their working and use is within acceptable environmental limits.

National Guidance and Legislation

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with CO2 emissions reduction targets and district heating requirements;
- requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Customer Guidelines

Coal Mining Areas

Trees and Development

2.0 Assessment

2.1 Relevant Matters

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

- Compliance with the terms of the planning permission in principle (23/02125/PPP)
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land
- Natural Heritage and Trees
- Sustainability
- Health and Safety

2.2 Compliance with the terms of the planning permission in principle (23/02125/PPP)

2.2.1 The principle of this development on this site does not need to be revisited as it has already been established with the approval of the original application for Planning Permission in Principle (PPP) (23/02125/PPP). The proposal, however, must comply with the conditions set out in the original PPP decision to be considered acceptable. In this regard, the current application has been submitted under condition 2, parts a) to c), e) to h) and j) to y) which set

out the details required to allow a full detailed assessment of the proposed active travel route to be carried out.

2.2.2 Condition 2 of the PPP sets out information required to be submitted with future detailed applications, where relevant. Condition 2 i) is not relevant because this phase does not include any bridges, boardwalks or river crossings; Condition 2 (k) is not relevant because this section of the route does not require any flood mitigation measures. Condition 2 (w) is not relevant as there are no bridge crossings proposed. The remaining parts of Condition 2 are relevant and details have been submitted to address each part, as set out below:

(a) A location plan of all the site to be developed to a scale of not more than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the paths and all street furniture. This plan should be sufficient to identify the land to which it relates and should show the situation of the land in relation to the locality and in relation to neighbouring land;

(b) Detailed plans to a scale of not more than 1:500 showing the site contours, the position and width of all proposed roads and footpaths, any bridge structures proposed, including public access provision, ground levels, sections, boundary treatments and all street furniture locations;

(c) A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places;

(e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. These details shall also include replacement tree planting, where required;

(f) Details of the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;

(g) Details of all proposed materials and a demonstration of how new hard surfacing ties in with any existing surfaces;

(h) Details and locations of the gateway features and 'rest stops';

(j) A surface water management plan with relevant certification included, and as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision;

(l) An updated Arboricultural Impact Assessment including a tree protection plan and arboricultural method statement which takes into account any subsequent detailed layout;

(m) An updated Ecological Appraisal report which takes into account any subsequent detailed layout and sets out any required mitigation and biodiversity enhancement measures;

(n) Biodiversity Action and Enhancement Plan which takes account of the detailed layout;

(o) Updated Habitat and Ecological surveys, including but not limited to otter; bats/bat roost trees and breeding birds where identified;

(p) A Construction Method Statement and Management Plan (CEMP), including an Environmental Protection Plan and Scheme of Works relating to construction activities on site and details of the proposed construction traffic routes. The CEMP shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site. Any alterations to the principles described in the CEMP during construction shall be agreed in writing by the Planning Authority;

(q) Full details of the proposed lighting scheme. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or surrounding habitat with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a manner which prevents spillage of light or glare into any neighbouring public roads, sensitive properties or habitat in accordance with the manufacturer's specification and approved details.

(r) A scheme of intrusive site investigations designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;

(s) A report of findings arising from the intrusive site investigations and any remedial and / or measures necessary including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries and the definition of suitable 'no build' zones of influence for all mine entries and the definition of 'no-build' zones;

(t) A Preliminary Contaminated Land Risk Assessment (Phase I Desk Study Report) and where further investigation is recommended in the Preliminary Risk Assessment, a suitable Intrusive Investigation shall be carried out and a phase II Investigation Report shall be submitted. Where remedial action is recommended in the Phase II Intrusive Investigation Report, a suitable Remedial Action Statement shall also be submitted. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures;

(u) A sustainable development checklist, in line with the terms of NPF4 Policy 2, FIFEplan (2017) Policy 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife (2019), or equivalent;

(v) An access plan which shall consider how access through alleged or vindicated rights of way on or adjacent to the application site will be protected as much as possible throughout the construction process;

(w) A statement setting out how the proposals, where relevant, would be designed to take into account suicide risk in line with NPF4 Policy 23.

(x) A maintenance strategy setting out future maintenance details for the route, including street furniture, landscaping, bins and lighting.

(y) Full details of elevations, sections, location and materials of all street furniture, including (but not limited to) benches, bins and signage. For the avoidance of doubt, the bins shall include seagull protection measures.

2.2.3 Overall, this application has met the information submission requirements for the relevant conditions where appropriate and these matters are assessed in more detail below.

2.3 Design And Layout / Visual Impact

2.3.1 Condition 2 a), b), c), e), g), f), h) and y) of the PPP are relevant in regards to design and layout and visual impact.

2.3.2 NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) apply with consideration of the design and visual impact of the proposed development.

2.3.3 A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places; landscaping plans have been provided, details of the proposed materials, details of the proposed gateway features and street furniture have all been provided.

2.3.4 Fife Council's Urban Design Officer has been consulted and has no concerns with the proposals. Overall, the proposals incorporate existing resources to create seating areas and include new landscaping to complement what is existing in the area, plus the addition of new signage and bench seating to help form a variety of character areas across the route. This will create a clear sense of place for each area to support wayfinding. By using existing assets and protecting and enhancing the surrounding habitats and biodiversity of the area, the proposals create a local place-based approach which enhances the surrounding area. The proposals would improve and enhance the existing footpath connections, by creating a formalised footpath network, enhanced with wayfinding features, resting places and planting and provide for a more

attractive and useable route in this area. The proposals would meet the 6 qualities of successful places by being distinctive in that they would enhance the existing site and character of the area by creating a sense of identity and character between different areas; the proposals would achieve an area that is easy to move around and beyond by providing an enhanced network for sustainable travel and putting people and place before vehicular movement; the proposals provide a safe and pleasant place, by formalising walking and wheeling routes around the river, adding attractive features such as landscaping, gateway features, fences, and seating areas and lighting to encourage surveillance; the proposals would be adaptable with the provision of a variety of informal and formal seating which can be easily adapted in the future so suit specific requirements; the proposals would create a welcoming environment, encouraging people to use the path network and making it easy for people to access different areas within the locality, helping to provide a walkable neighbourhood. The proposals have been designed to make the best use of the natural resources within the local area and to minimise the impact of the proposal on the natural environment, making it a resource efficient development.

2.3.5 Overall, the proposals would be of a high-quality design, making it an attractive route for people to use, enhancing connectivity within the area and beyond. The proposals are consistent with the NPF4 Policy 15 approach, requiring developments to contribute to local living, including where relevant, 20-minute neighbourhoods. The proposals would improve and enhance connectivity between communities and provide linkages to sustainable modes of transport, including local public transport and safe, high quality walking, wheeling and cycling networks; employment; shopping; health and social care facilities; childcare, schools and lifelong learning opportunities; playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities.

2.3.6 The proposals meet the requirements of Condition 2 a), b), c), e), g), f), h) and y) of the PPP and NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 10, 13 and 14, and Making Fife's Places Supplementary Guidance (2018) in regards to design and layout and visual impact.

2.4.1 Condition 2 p) of the PPP is relevant in regards to residential amenity.

2.4.2 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

2.4.3 A Construction Environment Management Plan (CEMP) has been submitted as a requirement of Condition 2 p). The CEMP outlines that the proposed working hours during construction would be 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 Saturday with no works to take place on Sundays or Bank Holidays, which is the standard working hours accepted by Fife Council and is accepted.

2.4.4 The application is not supported by street lighting plans and an outdoor lighting report. To ensure that the proposed development would not give rise to significantly adverse light pollution concerns, a condition is recommended to ensure that this information is provided for approval.

2.4.5 The proposed development will attract more people to use the area which, in turn, may result in a higher level of activity than existing. However, the level of noise is not likely to result in a significant increase in the level of noise or activity which would adversely impact on the surrounding neighbours due to the nature of the proposals, as people would be using the route as walking route or stopping for a minimal amount of time along the route. In terms of privacy, the proposals would not result in a significant change to the existing situation in terms of allowing overlooking into residential properties, including gardens.

2.4.6 The proposals meet the requirements of Condition 2 p) of the PPP, NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, and Making Fife's Places Supplementary Guidance (2018) in regards to residential amenity.

2.5 Transportation/Road Safety

2.5.1 Condition 2 v) and x) are relevant in regard to transportation and road safety.

2.5.2 NPF4 (2023) Policies 1, 2, 13, 14, and 20, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.3 A maintenance strategy and schedule has been submitted with the application which sets out that the management and maintenance of the routes and edging and lighting would be carried out by Fife Council Roads and Transportation Services, with Fife Council Communities and Neighbourhoods maintaining all other elements of the proposals, including bins, seating, landscaping and planting. The maintenance schedule states that the details are still to be agreed with the Maintenance Team. There are also no details included regarding lighting. Therefore, a condition requiring the submission of a finalised maintenance schedule is recommended.

2.5.4 Transportation Development Management Officers have been consulted and have no objections to the proposals, given the maintenance of the route would be the responsibility of Fife Council.

2.5.5 The proposals meet the requirements of Condition 2 v) and x) of the PPP, NPF4 (2023) Policies 1, 2, 13, 14, and 2, FIFEplan (2017) Policies 1, 3 and 10, and Making Fife's Places Supplementary Guidance (2018) in regards to transportation and road safety.

2.6 Flooding and Drainage

2.6.1 Condition 2 j) and k) of the PPP are relevant in regards to flooding and drainage.

2.6.2 NPF 4 Policy 22 (Flood Risk and Water Management) and FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment) and Making Fife's Places Supplementary Planning Guidance apply.

2.6.3 An updated Flood Risk Assessment (FRA) and surface water drainage details have been submitted with this application. The Drainage Strategy Report submitted with the application summarises the existing arrangement of surface water drainage on the site and it describes how the site will be drained when complete. The FRA sets out that this phase is not within an area of flood risk therefore no mitigation measures are required for this section of the active travel network. With regards to Condition 2 (k), no information relating to signage has been provided, but this would not be relevant to this phase; and flooding action procedures (path closures, etc.) would not be an issue for this section of the path network.

2.6.4 Fife Council's Flooding Shoreline and Harbours Team has been consulted and has advised that it has no objections in regards to drainage and flooding.

2.6.5 The proposals meet the requirements of Condition 2 j) and k) (condition not relevant) of the PPP, NPF 4 (2023) Policy 22, FIFEplan (2017) Policies 1, 3 and 12 and Making Fife's Places (2018) in regards to flooding and drainage.

2.7 Contaminated Land

2.7.1 Condition 2 r), s), and t) of the PPP are relevant to contaminated land.

2.7.2 Policy 9 and Policy 23 (Health and Safety) of NPF4 and Policies 1 and 10 of the Adopted FIFEplan are applicable. The site is located within a High Risk Coal Mining Area.

2.7.3 The site is located within a High-Risk Coal Mining Area. However, the applicant has provided a statement by Johnson Poole and Bloomer (September 2024) which confirms that, the mineshafts and one adit feature outlined within the report are located outside of areas of influence of the route of the proposed footpath, concluding that the proposals would be exempt from the requirement of a Coal Mining Risk Assessment in this instance due to the minimal groundworks required for the proposals. The Coal Authority has been consulted and concurs that the proposals are exempt.

2.7.4 Fife Council Land and Air Quality Team has been consulted and notes that the submitted CEMP states that all on-site workers would be made aware of potential contamination and would use best practice techniques during the construction phase. It is noted that Condition 6 of the PPP which requires the applicant to notify the planning authority should any unexpected contamination be found, is retained. The information received relating to land contamination is sufficient in relation to the requirements relating to contaminated land at this stage and the Land and Air Quality Team has no objections.

2.7.5 The proposals comply with Condition 2 r), s), and t) of the PPP, Policy 9 and Policy 23 (Health and Safety) of NPF4 (2023) and Policies 1 and 10 of the Adopted FIFEplan in regard to contaminated land and land stability.

2.8 Natural Heritage And Trees

2.8.1 Condition 2 e), f), l), m), n), o), and q) of the PPP are relevant to natural heritage and trees.

2.8.2 NPF4 (2023) Policies 1, 3, 4 and 6 and FIFEplan (2017) Policies 1, 10 13, Scottish Government's Policy on Control of Woodland Removal and Fife Council's Making Fife's Places Supplementary Guidance (2017) apply.

2.8.3 Tree Reports have been submitted with the application. None of the trees on the site are protected by Tree Protection Orders or listed as ancient woodland. A Tree Survey has been submitted with the application which outlines trees proposed for removal and those to be protected.

2.8.4 A total of 21 trees are proposed to be removed as part of the proposals, which are a mix of Category C and U trees, with one Category B tree (Goat Willow) proposed for removal. Fife Council's Tree Officer has commented that of the trees listed for removal in the tree survey schedule, all identified are of poorer quality, of generally smaller height and so likely younger life stage and are unlikely to form prominent landscape features of high amenity value. Most of those listed for removal are either early seral species (characterised by faster growth such as Birch or Poplar), are predominantly understory species, or are small in height. As such, the impact of their removal would be low, provided that the proposals are accompanied by sufficient replanting. Additionally, the tree report directly addresses the planning stipulations set out by NPF4 Policy 6 and the Scottish Government Policy on the Control of Woodland Removal (SGPCWR). The justifications provided are satisfactory and demonstrate that this proposal is supportable. Reference is also made to the SGPCWR provision for woodland removal where sufficient public benefit is delivered. As stated, 'The public benefit of the new path access, safer environment and replanting comply with this section' – this is justified in the context of the planting plans provided. Furthermore, no woodland fragmentation would occur from the proposed facilitatory tree felling.

2.8.5 Protection plans have been submitted which clearly show tree Root Protection Areas (RPA) in relation to development and where protective fencing will be erected to create suitable construction exclusion zones. The plans identify where encroachment into tree RPA would occur and no dig excavation and extra care with regards to root protection is outlined. With regards to landscape management and maintenance, a comprehensive plan and schedule is provided which addresses all requirements. The submitted details set out a 10-year scope, outlines a period of replacement for failed planting, and sets out plans which would support the establishment of the planned peri-urban woodland.

2.8.6 Planting plans have been provided, demonstrating broad planting of diverse species mixtures in multiple locations to improve biodiversity, support greenspace connectivity, provide ecosystem services, and build future woodlands of increased adaptability and resilience. The scope of planting provided would sufficiently offset the initial arboricultural impact of the proposed tree felling. A range of species is proposed, of mixed final canopy height, phenological timings, environmental requirements and tolerances, visual interest and amenity, and ability to support habitat features. Replacement planting would be at a ratio of 4 to 1. This is in line with the Scottish Forestry Strategy 2019-2029 and would provide sufficient compensatory planting to satisfy both the SGPWR and NPF4 Policy 6.

2.8.7 As discussed, the proposals include sufficient information to address the relevant conditions of the PPP in relation to tree removal, protection and tree planting and the proposals are welcomed in this regard. A condition of the PPP requires the applicant to provide confirmation that the tree protection works, as agreed through the relevant conditions, prior to the commencement of works.

2.8.8 In terms of natural heritage, landscaping plans, an Ecological Appraisal Report, and a Biodiversity Action and Enhancement Plan have been submitted with the application. Lighting details and a lighting strategy are required to be provided, and this is recommended to be covered by a planning condition. The Ecological Appraisal Report describes the ecological constraints of the site and mitigation measures. The report makes recommendations regarding trees, as referred to in the paragraphs above. There are also recommendations made regarding Invasive Non-Native Species (INNS) including Himalayan balsam which have been identified along this section of the route. The Biodiversity Action and Enhancement Plan submitted sets out the replacement trees which would be planted to replace those lost, and it explains that vegetation including woody and ruderal will require to be removed but the impact on mature trees will be minimised. The report describes that specimen trees will be planted on the periphery of the site to create visual impact and to form a future tree canopy. A foraging species mix has been included in one area on the basis of results of site investigation for contamination. The proposals include the creation of new habitats including species rich hedgerows, flower rich grassland and foraging resources for local residents, all of which will contribute to ecological connectivity.

2.8.9 The existing field boundary to the west of the A915 would be enhanced with the addition of tall canopy species such as Aspen (*Populus Tremula*) in addition to understorey species such as Hawthorn (*Crataegus Monogyna*) and Field Maple (*Acer Campestre*) to provide a complex habitat and maximise the benefit to local wildlife. The species poor woodland area to the west of the A915 would be improved through the addition of canopy species with an understorey of Downy Birch (*Betula Pubescens*), Blackthorn (*Prunus Spinosa*), Wild Cherry (*Prunus Avium*) and Hawthorn (*Crataegus Monogyna*). Areas of existing broadleaved semi-natural woodland adjacent to the agricultural field and the former rail-line leading from Kennoway to the Duniface Bridge would be enhanced through the additional planting of 867m² of mixed native deciduous woodland. The slope where the 'switchback' footpath is proposed, is currently tall ruderal dominated by nettle, broad leaved dock, creeping thistle, hedge bindweed and Hamalyan Balsam with scattered, young trees. 0.2 hectares of new wetland habitat is proposed to be created. The proposed swale created adjacent to the route from the east of the tunnel underpass beneath the A915 to the Duniface Bridge would improve drainage in an area prone to water pooling whilst also enhancing biodiversity. The fully native species mix includes Yellow Flag, which is a key attractor of bees, providing cover and resting places for amphibians. The foraging area, which is proposed to the east of the footpath adjacent to the Duniface bridge, would contain native species including blackthorn, hazel, dogrose, bramble, raspberry and elder. This would be of benefit to both humans and wildlife and it would be located on areas of no contamination.

2.8.10 The Phase 1 Habitat Survey submitted with the application details that no significant changes that have occurred since the survey undertaken for the PPP application. The survey identifies some changes resulting from the construction of the new railway stations and railway

line and the construction of new homes in the area. A bat survey has been undertaken which concludes that the majority of the trees within the site have no potential to support roosting bats and none of the trees proposed to be felled have any potential for bats. A single hole badger sett is known in the area but concluded that it was not a main breeding sett. A recommendation is made regarding pre-construction checks by a qualified ecologist.

2.8.11 Fife Council's Natural Heritage Officer has reviewed the submitted information and has no concerns with the proposals.

2.8.12 An Access Plan has been submitted with the application which states that the plan throughout construction would be to maintain public access to the area during construction unless it is not safe to do so. The proposed route follows an existing path corridor. The statement sets out that implementing a diversion would be problematic so an on-site workaround is preferable if a full closure can be avoided. Where a full closure is required, these areas would be clearly marked with signage, barriers, and any necessary lighting to prevent unauthorised access. Full closures would only be employed when absolutely necessary and would be communicated well in advance to all relevant stakeholders and members of the public. In larger areas, phased closures may be implemented. The statement sets out that the appointed contractor will work closely with Fife Council to obtain all necessary permits and approvals for area closures and access modifications and that emergency access would be available at all times. The Access Plan references obtaining all necessary permits and approvals for closures, which includes a footpath closure/diversion order under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended), requiring a separate consent process.

2.8.13 Subject to a condition requiring further lighting details to be submitted, the proposals would comply with Condition 2 e), f), l), m), n), o), and q) of the PPP, NPF4 (2023) Policies 1, 3, 4 and 6 and FIFEplan (2017) Policies 1, 10 13, Scottish Government's Policy on Control of Woodland Removal and Fife Council's Making Fife's Places Supplementary Guidance (2017) in regards to natural heritage and trees.

2.9 Sustainability

2.9.1 Condition 2 u) of the PPP is relevant to sustainability.

2.9.2 NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply in regards to sustainability.

2.9.2 A low carbon checklist has been submitted with this application as required by Condition 2 u). The checklist sets out that the proposals would not be heated or cooled and would be promoting more sustainable modes of transport infrastructure, by enhancing active travel networks and focusing on the priorities of walking, wheeling and cycling. The proposals would encourage the use of sustainable transport, providing access to public transport including the new railway stations at Cameron Bridge and Leven. The proposals align with the low carbon objectives of NPF4 in that they propose upgrades to path networks associated with an active travel network. Details regarding waste have been provided, Fife Council Grounds Maintenance

have been in discussion with the applicant regarding the waste strategy and standard bin provision is proposed to be upgraded to include seagull deterrents such as the use of plastic flaps.

2.9.3 The proposals would comply with Condition 2 u) of the PPP, NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) in regards to sustainability.

3.0 Consultation Summary

Community Council	No response.
NatureScot	No comments.
The Coal Authority	No objections.
Parks Development And Countryside - Rights Of Way/Access	No objections.
Natural Heritage, Planning Services	No objections.
Trees, Planning Services	No objections.
Urban Design, Planning Services	No objections.
Land And Air Quality, Protective Services	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.
TDM, Planning Services	No comments.
Transportation And Environmental Services - Operations Team	No response.
Parks Development And Countryside	No comments.

4.0 Representation Summary

4.1 No representations have been received in relation to this application

5.0 Conclusions

The conditions set out within the Planning Permission in Principle have satisfactorily been addressed, although it is recommended that a condition regarding further details of the lighting is submitted. The proposals would also comply with the relevant Policies of NPF4 (2023), the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019) and relevant National Guidance and Fife Council Guidelines. The proposals would see the accomplishment of a national project and it is a high-quality proposal, with high quality elements including materials, biodiversity enhancement and drainage. The proposals would see the area being significantly upgraded both in terms of its visual amenity and the impact in terms of increased connectivity within the area. The use of the natural elements of the existing environment and the enhancement of those features through additional planting and seating areas are welcomed.

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. PRIOR TO THE COMMENCEMENT OF WORKS a lighting scheme shall be submitted. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or surrounding habitat with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a manner which prevents spillage of light or glare into any neighbouring public roads, sensitive properties or habitat in accordance with the manufacturer's specification and approved detail.

Reason: To ensure that the lighting is appropriate in terms of its impact on surrounding habitat and residential amenity.

2. PRIOR TO THE COMMENCEMENT OF WORKS an updated Maintenance and Aftercare Strategy document shall be submitted for approval in writing by the Planning Authority, which is a final version, containing details pertaining to the lighting scheme, approved under Condition 1. The development shall then be implemented in accordance with the approved details.

Reason: To ensure the development is appropriately maintained and can be used throughout its lifetime.

CONDITIONS:

3. All areas included within the approved Maintenance and Aftercare Strategy document shall be maintained in accordance with the approved strategy for the lifetime of the development.

Reason: To ensure the development is appropriately maintained and can be used throughout its lifetime.

4. The landscaping scheme as approved shall be implemented within the first planting season following the completion of the development.

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

5. Vegetation removal shall not take place at any time between March and August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority following the submission of an updated breeding bird survey.

Reason: In the interests of ecology, to minimise disruption within the bird nesting season.

6. The recommendations as set out within the Biodiversity Action and Enhancement Plan (March 2024) (planning authority ref: 49) shall be implemented in full prior to the completion of works.

Reason: In the interest of biodiversity enhancement, to ensure the measures proposed are implemented.

7. The mitigation measures set out within the Ecological Appraisal Report (planning authority ref: 52) shall be implemented in full prior to the completion of works.

Reason: In the interest of ecology, to ensure the mitigation measures are implemented as proposed.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

The Scottish Government's Policy on Control of Woodland Removal

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Low Carbon Supplementary Guidance (2019)

Makin Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Policy for Development and Noise (2021)

Trees and Development

Report prepared by Natasha Cockburn, Chartered Planner

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