

Central and West Planning Committee

Due to Scottish Government guidance relating to COVID-19, this meeting will be held remotely.



Wednesday, 4th August, 2021 - 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 of the Committee are asked to declare an interest in particular items on the agenda and the nature of the interest(s) at this stage.

- 3. MINUTE** – Minute of Meeting of Central and West Planning Committee of 7th July, 2021. 3 – 6

- 4. 20/03271/FULL - SITE AT FIFE ENERGY PARK, LINKS DRIVE** 7 – 26

H100 Fife hydrogen demonstration project including facilities for the production and storage of hydrogen, demonstration facility, site office, electrical plant room, security fencing, external lighting and internal roads.

- 5. 21/00528/ARC - FREESCALE SITE, DUNLIN DRIVE, DUNFERMLINE** 27 – 49

Approval of matters required by conditions for Phase 2 of residential development of 193 residential units (approval of Condition 2(d) of Planning Permission 14/00809/PPP).

6. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS

List of applications dealt with under delegated powers for the period 14th June to 11th July, 2021.

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

<p>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.</p>

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28th July, 2021

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

7th July, 2021

2.00 p.m. – 3.35 p.m.

PRESENT: Councillors Alice McGarry (Convener), David Alexander, Alistair Bain, John Beare, Bobby Clelland, Dave Coleman, Mick Green, Zoe Hisbent, Gordon Langlands, Helen Law, Mino Manekshaw, Derek Noble, Ross Paterson and Andrew Verrecchia.

ATTENDING: Mary Stewart, Service Manager - Major Business & Customer Service, William Shand, Strategic Development Manager, Mark Barrett, Lead Officer Transportation Development Management (South Fife), George MacDonald, Technician Engineer, Transportation Development Management (North Fife), Martin Mackay, Planning Assistant - Development Management (South Section) and Jamie Penman, Planning Assistant – Development Management (South Section), Economy, Planning & Employability Services; Mary McLean, Legal Team Manager (Planning, Property & Contracts) and Emma Whyte, Committee Officer, Legal & Democratic Services.

APOLOGY FOR ABSENCE: Councillor Derek Glen.

141. DECLARATIONS OF INTEREST

Councillor Zoe Hisbent declared an interest in paragraph 147 below - '20/03219/FULL – Drive In, Oriel Road, Kirkcaldy' – as her employer had commented on the application.

Councillor Dave Coleman declared an interest in paragraph 148 below – '21/00800/FULL – National Activity Centre, Fordell Firs, Clockluine Road' – as he had met with both the applicants and objectors.

142. MINUTE

The Committee considered the minute of the Central and West Planning Committee of 9th June, 2021.

Decision

The Committee agreed to approve the minute.

143. 20/02413/FULL LAND TO SOUTH OF A955 AND WEST OF RANDOLPH STREET, EAST WEMYSS

The Committee considered a report by the Head of Planning relating to an application for the erection of 86 dwelling houses, new vehicular accesses, SUDS feature/

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feature, open space, landscaping, roundabout and other associated infrastructure.

This application had been deferred from the Central and West Planning Committee meeting of 12th May, 2021 to enable officers to clarify the position in relation to reports of handling and requirement for developer contributions, specifically in relation to affordable housing and play park provision.

Officers confirmed that no developer contributions, specifically in relation to affordable housing and play park provision, would be sought.

Decision

The Committee agreed to approve the application subject to:-

- (1) the twenty-three conditions and for the reasons detailed in the report; and
- (2) an amendment to Condition 19 to restrict the hours of construction work to 8am to 6pm Monday to Friday and no construction work on a Saturday afternoon or Sunday.

144. 20/00379/FULL - 6 NORTH ROAD, SALINE

The Committee considered a report by the Head of Planning relating to an application for a single storey extension to rear of dwellinghouse, installation of rooflights, formation of raised platform with associated balustrade, erection of domestic garage and alterations to boundary fence and footway crossing (part retrospective).

Decision

The Committee agreed to refuse the application for the reasons set out in the report.

145. 20/00380/LBC - 6 NORTH ROAD, SALINE

The Committee considered a report by the Head of Planning relating to an application for listed building consent for a single storey extension to the rear of dwellinghouse, installation of rooflights and removal of render (part retrospective).

Decision

The Committee agreed to refuse the application for the reason detailed in the report.

146. 20/03204/FULL - NEWBIGGING FARM, BURNTISLAND

The Committee considered a report by the Head of Planning relating to an application for the erection of a dwellinghouse, formation of access and formation of hardstanding.

Decision/

Decision

The Committee agreed to advise the DPEA that it was their view that the application be refused for the reasons detailed in the report.

Having earlier declared an interest, Councillor Hisbent left the meeting prior to consideration of the following item.

147. 20/03219/FULL - DRIVE IN, ORIEL ROAD, KIRKCALDY

The Committee considered a report by the Head of Planning relating to an application for a change of use of part of retail (Class 1) with associated cafe (Class 3) to form retail unit (Class 1) and hot food takeaway (Sui Generis) including installation of flues to side and rear and formation of doors to front, side and rear.

Decision

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

Councillor Hisbent rejoined the meeting following consideration of the above item.

Having earlier declared an interest, Councillor Coleman left the meeting prior to consideration of the following item.

148. 21/00800/FULL - NATIONAL ACTIVITY CENTRE, FORDELL FIRS, CLOCKLUINE ROAD

The Committee considered a report by the Head of Planning relating to an application for erection of storage shed and siting of a yurt for use by an outdoor nursery.

Decision

The Committee agreed to approve the application subject to the condition and for the reason detailed in the report.

Councillor Coleman rejoined the meeting following consideration of the above item.

149. 21/01229/ARC FREESCALE SITE, DUNLIN AVENUE, DUNFERMLINE

The Committee considered a report by the Head of Planning relating to an application for formation of access and construction of core road D-E (southern access road) (pursuant to Condition 1(M) of PPP 20/03250/PPP).

Decision

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

150./

150. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the lists of applications deal with under delegated powers for the period 17th May to 13th June, 2021.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/03271/FULL

SITE ADDRESS: SITE AT FIFE ENERGY PARK LINKS DRIVE

PROPOSAL : H100 FIFE HYDROGEN DEMONSTRATION PROJECT
INCLUDING FACILITIES FOR THE PRODUCTION AND
STORAGE OF HYDROGEN, DEMONSTRATION FACILITY, SITE
OFFICE, ELECTRICAL PLANT ROOM, SECURITY FENCING,
EXTERNAL LIGHTING AND INTERNAL ROADS

APPLICANT: MS LORNA ARCHER
AXIS HOUSE 5 LOANHEAD DRIVE NEWBRIDGE

WARD NO: W5R22
Buckhaven, Methil And Wemyss Villages

CASE OFFICER: Martin McGroarty

DATE 28/12/2020
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The proposed development is classified as a Major Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

SUMMARY RECOMMENDATION

The application is recommended for: Conditional approval.

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site comprises an area of ground 3.56Ha in size, located within the defined Fife Energy Park at Methil Docks which is owned by Scottish Enterprise. The application site is currently vacant, having in the distant past been the site of the former Wellesley Colliery and, more recently, has been used as parking and as a marshalling yard. As part of the Fife Energy Park, the site lies immediately adjacent to industrial uses to the northeast, including the ORE Catapult offshore wind demonstrator turbine, with the Firth of Forth immediately beyond. The rear gardens of residential properties along Wellesley Road lie between 20-30m from the northern and north-western site boundary, though the residential area is elevated above the site by around 7.5m. The Randolph Wemyss Memorial Hospital and Denbeath Primary School/Hyndhead School lie 90m and 230m NW of the application site respectively. To the south and southwest of the application site is vacant industrial land, also forming part of the Fife Energy Park, which again fronts onto the Firth of Forth. Whilst there are no protected built heritage interests nearby, nor is the site covered by any nationally important landscape area or European/national natural heritage designation, the site is located around 220m from the Firth of Forth Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI); and is 400m distant from the proposed Outer Firth of Forth and St Andrews Bay Complex SPA.

1.1.2 The application site is located within the Leven, Buckhaven, Methil and Methilhill settlement boundary, as defined in the Adopted FIFEplan - Fife Local Development Plan (2017). The majority of the site is located on land identified in FIFEplan as Safeguarded Employment Land and part within identified development opportunity site (BKN003 - Employment / Energy Park). The site is designated in FIFEplan as part of an existing Green Network asset (LEVGN01 Methil to East Wemyss Link) and identified as a Green Network Opportunity to integrate habitat, Sustainable Urban Drainage Systems and greening within the Fife Energy Park.

1.1.3 There are no formal rights of way or Core Paths running through the site. The nearest Core Path is the Fife Coastal Path, which runs along Wellesley Road at this point. There is an area of hardstanding, incorporating an informal children's play area, just off Wellesley Road, which offers a panoramic viewpoint over the whole of the Fife Energy Park and the Firth of Forth beyond.

1.1.4 The site is served by the existing access to the Fife Energy Park on Links Drive, which is itself accessed from the Energy Park Roundabout on High Street.

1.2 Proposal

1.2.1 The application is from Scottish Gas Networks (SGN), which seeks to demonstrate the feasibility of a 100% hydrogen network for, initially, 300 homes in the Levenmouth area. Based on the mean annual gas demand per connection in the area, estimated to be 3,850MWh per year, this equates to the production of around 100 tonnes of hydrogen per year. The aim is to prove the role that hydrogen can play in decarbonising heat in line with government net-zero targets. The "H100 Fife" project comprises an end to end system, from using existing green electricity to delivering hydrogen through domestic meters and appliances, replacing natural gas as fuel. The benefit of hydrogen as a domestic fuel over natural gas is that hydrogen produces no carbon emissions at the point of use, therefore it has the potential to play a key role in Scotland and the UK meeting long-term climate change targets, since fossil fuel-derived sources

of heat for homes and businesses currently account for around a third of the UK's carbon emissions.

1.2.2 Zero-carbon hydrogen can be produced where power from renewables is used in the process of electrolysis (passing electricity through water - H₂O - to separate the hydrogen and oxygen). In this project, electrical power from the existing 7MW Offshore Renewable Energy Catapult Levenmouth Demonstration turbine will be used to produce the hydrogen, which will then be stored, regulated to the correct pressure for domestic use, odourised, then distributed through a new network to customers who wish to trial the use of hydrogen in their homes. A connection to the main electricity grid will also be provided to ensure surety of power supply for electrolysis when the wind turbine is not in use. The water required for electrolysis will be supplied, at a maximum rate of around 1-2 cubic metres per hour, from the Scottish Water main that runs close to the production site. The oxygen produced in the electrolysis process will be safely vented to the atmosphere.

1.2.3 The new hydrogen network will run in parallel to the existing natural gas network. This will allow customers to opt-in and be connected to the hydrogen network or to remain with their existing natural gas supply. Similarly, customers who participate in the project, can revert back to a natural gas supply if desired. The H100 Fife programme aims to begin operation at the end of 2022, and aims to have 300 customers connected by early 2023. Operation is envisaged to continue until 2027, by which point it is expected that government decisions on heat policy will have been made. Up to 1,000 domestic customers could be served by this project. There will be no cost to participate in the project. Any customer that opts-in to the project will have hydrogen meters and hydrogen gas appliances supplied on a like-for-like basis free of charge. The installation and maintenance costs of the appliances and meters will also be covered by the project and at no cost to the customer. The energy bill that a hydrogen customer can expect to pay will be at the energy unit cost of a natural gas bill based on their usage and tariff. Customers can also opt-out of the project at any time. Their natural gas meters and appliances will be reinstalled free of charge, and their gas supply will be reinstated.

1.2.4 H100 Fife is the result of a UK-wide site search, which concluded that Levenmouth is the optimal and most viable site for the first 100% hydrogen network, based on a number of influencing factors and characteristics. These factors and characteristics include the fact that the project can be readily supported by the incorporation of offshore wind; the presence of existing natural gas customers within reasonable proximity to the project site; and the location is within a dedicated energy park.

1.2.5 The elements of the proposed H100 Fife development are as follows:

- An Energy Centre building (7.5m high on a footprint of 13m x 12m) to receive electricity from the existing wind turbine/electricity grid, incorporating electrical plant, transformers and switch gear;
- An Electrolyser facility, passing electricity through water to produce hydrogen. The electrolyser will be housed within a 10m high building, on a footprint of 12m x 32m;
- 6 above-ground hydrogen storage tanks, each tank being 25m long with a 4m diameter, holding hydrogen at 30bar pressure. These will be located within their own security compound;
- A Pressure Reduction Station (3m high on a footprint of 15m x 5m) to reduce the 30bar pressure down to the required network pressure and an odourisation unit (2m in height on a footprint of 3m x 2m) to add an odour to the gas for safety (i.e. to identify any leaks, in the same way natural gas is odourised);
- A Site Office/Management building (4.5m high on a footprint of 13m x 9m) housing site personnel, amenities and IT systems; and

- A Hydrogen Demonstration facility, comprising 3 units (8m high, 20m x 6.5m footprint) to showcase how hydrogen can be used in the home. These units will look like a normal terrace of residential properties and will each have hydrogen supplies for heating and cooking.

1.3 Planning History

1.3.1 The most relevant previous applications relating to the site are:

19/03102/SCR - EIA Screening Opinion for proposed hydrogen production and storage facility at Fife Energy Park, Methil (Decision Issued 13/11/19 - EIA not required).

21/01509/FULL - Installation of sustainable urban drainage system associated with hydrogen production and storage facility at Fife Energy Park, Methil (Approved 7th July 2021).

1.4 Procedure, Public Consultation and Other Regulation

1.4.1 This is a Major application in terms of the Scottish Government's Hierarchy of Developments Regulations. A Schedule 3 "Bad Neighbour" advert was placed in the local press.

1.4.2 The development falls within Class 3(d) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017. The development breaches the 0.5ha site size threshold for this type of development. Accordingly, a request for a screening opinion was submitted by the applicant (19/03102/SCR) in October 2019. It is the opinion of the planning authority that the development would not result in any significant effects on the environment. Therefore, it is not EIA Development as defined by the Regulations.

1.4.3 As a major development, a PAN was submitted to, and agreed by, Fife Council as Planning Authority and public consultation was carried out in line with the agreed PAN. The applicant has submitted a PAC report outlining the public consultation events held and the feedback received from that process.

1.4.4 Production of hydrogen is a Pollution Prevention and Control (PPC) Part A Activity under the Industrial Emissions Directive (IED). The Scottish Environment Protection Agency (SEPA) is still developing the levels of authorisation required for the various methods used to produce hydrogen, but the applicant will require to contact SEPA to discuss the PPC permitting process separately from the planning application process. SEPA indicates that, whilst electrolysis is at the lower end of a scale of potential environmental impacts, this proposal will still be subject to the PPC application and determination process. As a result of being a PPC activity, the following areas will be subject to conditions separate from the planning application process - noise, water abstraction/discharge, venting and energy use. The site will also fall within COMAH (Control of Major Accident Hazards) Regulations and the applicant will require to contact both SEPA and the Health and Safety Executive (HSE) as the competent authority, to discuss those regulations further. A separate (planning) application for Hazardous Substance Consent may be required depending on the applicant's discussions with SEPA/HSE.

2.0 APPROPRIATE ASSESSMENT

2.1 The Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats etc) Regulations 1994 together form the Habitats Regulations. These place a duty on the planning authority to consider the likely significant effects of a plan or proposal on a site designated for nature conservation purposes under the said Regulations. This duty is separate

from the requirement to assess a planning application against the terms of the development plan, as required by the Planning Act. That being said, the impacts of development on the ecology of a site form part of a planning assessment so there is a degree of overlap between the two types of assessment.

2.2 The applicant has submitted an appraisal of these effects in their Information to Inform Habitats Regulations Appraisal (ARUP, December 2020). This has been reviewed by Scottish Natural Heritage and Fife Council's Natural Environment specialist. Broadly, the information provided by the applicant is thorough and robust. SNH advises that the mitigation proposed within the updated HRA (Chapter 8 - Conclusions) is sufficient to conclude that, once implemented, there will be no adverse impact on the integrity of the SPA sites as a consequence of this proposal.

3.0 PLANNING ASSESSMENT

3.1 This application is for full planning permission and the issues to be assessed against the Development Plan and other material considerations can be listed as follows:

- The principle of the development;
- Amenity considerations (construction impacts, air quality, noise and other emissions);
- Impacts on the road network and on-site roads provision;
- Flooding and Sustainable Urban Drainage Systems (SUDS);
- Visual impact of the development;
- Contaminated land & ground stability/mining legacy issues; and
- Ecology and the natural environment.

3.2 Principle of the Development

3.2.1 National Planning Framework 3 (2014) identifies 4 primary outcomes for the long-term spatial development of Scotland - a successful sustainable place; a low carbon place; a natural resilient place; and, a connected place. NPF3 is clear that Planning must facilitate the transition to a low carbon economy, link renewable energy generation to consumers and guide new infrastructure to appropriate locations.

3.2.2 Scottish Planning Policy (SPP) (2014) advises that the planning system is about where development should happen, where it should not, and how it interacts with its surrounds. Proposals should take a positive approach to enabling sustainable and high-quality development, promote low carbon economies/zero waste generation, support business and employment opportunities, make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing the natural and cultural resources. SPP also emphasises the importance of the plan-led approach to development, which is especially important in the provision of sustainable development and employment opportunities.

3.2.3 SPP (Supporting Business and Employment) indicates that planning authorities should promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets. SPP also indicates that Local Development Plans should allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and also that planning authorities should give due weight to the net economic benefit of proposed development. Plans should align with relevant economic strategies which

will help planning authorities provide opportunities to inward investors, especially for key sectors including energy.

3.2.4 Approved SESplan Strategic Development Plan 2012 - 2032 (2013) notes that the potential for low carbon and renewable energy developments encompasses a range of technologies with varied impacts, and that consideration of location, landscape, environmental quality and community impacts will be required for onshore developments. Policy 10 Sustainable Energy Technologies indicates that SESplan seeks to promote sustainable energy sources, and that Local Development Plans will set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply. Proposed SESplan - Strategic Development Plan (October 2016) reaffirmed the above requirements of the 2013 plan. The Proposed SESplan was submitted for examination by the Planning and Environmental Appeals Division (DPEA) on the 26 June 2017. On the 20 July 2018, SESplan received notification that Scottish Ministers had decided to reject the Plan. Notwithstanding this the Proposed SESplan included Energy Park Fife, Methil, within the Forth Coast Significant Business Cluster which is identified as suitable for 'use such as renewables manufacture and servicing, thermal and low carbon energy generation'.

3.2.5 The application site is located within the Leven, Buckhaven, Methil and Methilhill settlement boundary, as defined in the Adopted FIFEplan - Fife Local Development Plan (2017). The majority of the site is located on land identified in FIFEplan as Safeguarded Employment Land and part within identified development opportunity site (BKN003 - Employment / Energy Park). The site is designated in FIFEplan as part of an existing Green Network asset (LEVGN01 Methil to East Wemyss Link) and identified as a Green Network Opportunity to integrate habitat, Sustainable Urban Drainage Systems and greening within the Fife Energy Park.

3.2.6 Adopted FIFEplan Policy 1 Development Principles indicates that development proposals will be supported if they conform to relevant Development Plan policies and proposals. Whilst there is no direct policy support for a demonstration project of this kind, FIFEplan supports the provision of renewable energy generation developments where they contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

3.2.7 Adopted FIFEplan Policy 3 Infrastructure and Services indicates that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Such infrastructure may include low and zero carbon generating technologies in accordance with Policy 11 Low Carbon Fife. The proposed development will demonstrate the feasibility of replacing natural gas with hydrogen as a domestic fuel.

3.2.8 Adopted FIFEplan Policy 4 Planning Obligations states that "developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity." In this case, the proposal would not have any adverse impact on infrastructure capacity therefore it is not appropriate to seek a developer contribution in respect of the proposed development.

3.2.9 Adopted FIFEplan Policy 5 Employment Land and Property indicates that all existing employment areas and those allocated in the Plan will be safeguarded for continued industrial

and business use, and development in these areas will only be supported if it is an employment use class consistent with existing or proposed employment activity on the site or neighbouring site or it will not restrict the activities of existing or future businesses on the site or neighbouring employment sites. Policy 5 also states that the proposal should be assessed in terms of its amenity impact on both established businesses and residential amenity, as well as demonstrate that the proposal does not, either individually or cumulatively, result in an increased risk to the safety and health of the public and the environment. In this case, the proposed use is compatible with the designation of Fife Energy Park and assessments covering various aspects of potential amenity impact have been submitted in support of the application (see section 3.3 of this report). The Health and Safety Executive has also been consulted on the application.

3.2.10 Adopted FIFEplan Policy 10 Amenity reiterates that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Where potential amenity issues are identified, mitigation measures will require to be implemented by the developer. Assessments covering various aspects of potential amenity impact have been submitted in support of the application and are discussed in section 3.3 of this report.

3.2.11 Adopted FIFEplan Policy 11 Low Carbon Fife states that the development of low carbon energy schemes will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated. The policy indicates that the assessment of proposals will be based on the principles set out in current Scottish Planning Policy, including: visual impacts; cumulative impacts; amenity impacts; natural environment and hydrology impacts; opportunities for energy storage; net economic impact; the scale of contribution to renewable energy generation targets and the effect on greenhouse gas emissions; and the need for conditions relating to the decommissioning of developments and site restoration. These matters are considered in the following sections of this report.

3.2.12 Adopted FIFEplan Policy 12 Flooding and the Water Environment states that developments will only be supported where they can demonstrate that they will not, individually or cumulatively, increase flooding or flood risk or detrimentally impact the ecological quality of the water environment. An assessment of the drainage and flooding information that accompanies the planning application is provided in section 3.5 of this report.

3.2.13 Adopted FIFEplan Policy 13 Natural Environment and Access indicates that development proposals will only be supported where they protect or enhance natural heritage and access assets, including: specially designated sites such as Ramsar sites, SPAs and SACs; landscape character and views; green networks; and core paths and other access assets. These matters are discussed in section 3.8 of this report.

3.2.14 Adopted FIFEplan Policy 14 Built and Historic Environment states that Fife Council as Planning Authority will apply the six qualities of successful places when considering development proposals, the most relevant of which in this instance is the need for places to be resource efficient. By its nature, the proposal seeks to maximise the efficiency of resources, directly linking the sustainable generation of electricity to the provision of zero carbon emission domestic heating at the point of use.

3.2.15 The principle of the proposed works to provide a Hydrogen Demonstration Project in this location is therefore considered acceptable in terms of national guidance and the Local Development Plan, subject to the detailed consideration of policy themes in the following sections of this report.

3.3 Amenity considerations (construction impacts, air quality, noise and other emissions)

3.3.1 As indicated in paragraph 3.2.5 of this report, Adopted FIFEplan Policy 1 Development Principles indicates that development proposals will be supported if they conform to relevant Development Plan policies and proposals. Part B(6) of Policy 1 seeks to protect the amenity of the local community and businesses, whilst FIFEplan Policies 5 and 10 then expand on the range of considerations to be examined.

3.3.2 Adopted FIFEplan Policy 10 Amenity indicates that "development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses" and states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a number of factors, the most pertinent of which in relation to this section of the report include:

- Construction impacts and air quality, including emissions;
- Noise, light, and odour pollution and other nuisances; and
- Impacts on the operation of existing or proposed businesses and commercial operations.

3.3.3 Policy 10 further indicates that, where potential amenity issues are identified as part of the assessment of the impact of a development proposal, the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification. The actions required to mitigate or avoid amenity impact will vary according to the circumstances in each case but will include measures such as landscape buffer strips between incompatible uses, separation distances, noise attenuation screens or fences, and bunding.

Construction impacts and air quality, including emissions

3.3.4 The applicant has submitted an Air Quality Assessment in support of the application, which analyses baseline air quality data and identifies sensitive receptors within 350m of the proposed development as: housing; the Randolph Wemyss Memorial Hospital; Denbeath Primary School; and Hyndhead School. The nearest residential receptors are around 80m northwest of the site. A number of the objections received to the application indicate concern that their residential amenity will be adversely affected by dust and noise. The Assessment recognises the potential effects and impacts of the proposed development as: dust deposition; visible dust plumes; elevated PM-10 concentrations as a result of dust-generating activities on site; and an increase in Nitrogen Dioxide and PM-10 concentrations due to exhaust emissions from both non-road mobile machinery and road vehicles accessing the site. The safe venting to the atmosphere of oxygen created as a by-product of electrolysis would not be a factor affecting air quality.

3.3.5 Potential dust impacts can be controlled by adhering to a Construction Environmental Management Plan (CEMP) designed to ensure best practice and/or appropriate environmental management practices are applied throughout the construction, operation and/or demolition phases of a project. With respect to construction/operational traffic, and given that the application site is not located within an Air Quality Management Area (AQMA), the applicant's Air Quality Assessment concludes that a detailed air quality assessment of such traffic is not required on the basis that the level of traffic movements expected would not breach the threshold at which such an assessment would be required (as defined by Environmental Protection UK and the Institute of Air Quality Management). Fife Council's Environmental Services' Land & Air Quality Team notes this finding and has no objection to the development.

3.3.6. The applicant has submitted a comprehensive CEMP and the detailed mitigation measures contained therein could be secured by the use of a planning condition.

Noise, light, and odour pollution and other nuisances

3.3.7 In relation to noise, the applicant has submitted a Noise Impact Assessment (NIA) as part of the planning application and Fife Council's Environmental Services' Public Protection Team are generally content that the proposed development could operate without detriment to the amenity of surrounding uses.

3.3.8 In order to minimise noise disturbance at nearby premises, activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads will be restricted to particular hours. Whilst these matters are able to be considered as material planning considerations, and are matters that ordinarily are dealt with by way of planning condition, SEPA has specifically requested in this instance that Fife Council does not impose conditions of planning permission related to noise. This is because, as described in paragraph 1.4.4 of this Report of Handling, the production of hydrogen is a Pollution Prevention and Control (PPC) Part A Activity under the Industrial Emissions Directive (IED) and noise is an area that will be subject to conditions through SEPA's PPC licensing, separate from the planning application process. SEPA is keen to avoid the potential double regulation of noise through environmental and planning legislation. Fundamentally, it is the operator's duty under PPC to demonstrate they are using Best Available Techniques (to prevent or minimise noise impact rather than meet a maximum impact target).

3.3.9 No potential impacts from light pollution are expected to arise as a result of the development. The applicant has provided an External Lighting Plan with the application submission, which indicates lighting of a level that would be commensurate with the location in an industrial area.

3.3.10 As described in section 1.2.5 of this report, part of the proposal is for an odourisation unit, which would store an odourant known as NB (a blend of t-butyl mercaptan and dimethyl sulphide) before adding it to the hydrogen gas for safety in case of a hydrogen gas leak. This is the same odourant that is currently used in the existing natural gas supply network. In operation, the odourant storage tank would be topped up approximately once per month and there is the potential for small amounts of odour to be released from both the tank and the odourisation system itself. Given that the prevailing wind direction is westerly, this suggests that any odour that may arise from the proposed development would generally be carried away from the nearest sensitive receptors.

3.3.11 A number of the objections received to this application cite the safety of having hydrogen gas stored in close proximity to their houses as a concern. The applicant has submitted a comprehensive Health and Safety Statement with the application. Hydrogen technology has a lengthy proven record of safety and indeed the predecessor of natural gas, Town Gas, had hydrogen as a constituent part of its chemical make-up. SEPA has no specific concerns due to the facility being hydrogen, indicating that there are no specific issues relating to hydrogen from an environmental impact perspective, and it is aware that the Health and Safety Executive (HSE) has completed work on hydrogen facilities from a human health perspective. The HSE was consulted on the application and has raised no objection to the proposal. SEPA also notes that process controls or similar within the PPC permit will also cover the safe operation of the plant, and the site will be subject to COMAH Regulations.

Impacts on the operation of existing or proposed businesses and commercial operations

3.3.12 Given the assessment of the previous amenity factors in this section of the report, it is considered that the proposal is consistent with the designation of the wider site as the Fife Energy Park and the H100 Project, if approved, would not result in any detrimental impact upon other users of the site, either existing or proposed.

Amenity Conclusions

3.3.13 Taking all of the above into account, the proposed development, subject to appropriate conditions, would comply with Development Plan and other guidance with respect to amenity issues.

3.4 Impacts on the road network and on-site roads provision

3.4.1 The SPP (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety, or unacceptable impacts on operational performance, further investment in the network is not likely to be required.

3.4.2 FIFEplan Policy 3 Infrastructure and Services indicates that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development, or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance.

3.4.3 The applicant has provided a comprehensive Transport Assessment with the planning application, covering both construction and operational phases, which concludes that there will be no adverse impact on the road network if the application is granted. The site is served by the existing access to the Fife Energy Park on Links Drive, which is itself accessed from the Energy Park Roundabout on High Street. This is an industrial area with ample carriageway width to accommodate the traffic generated by the development during both construction and operation phases. A new priority junction with security gate will be provided to tie in with the existing public road, off Links Drive, and internal road and footpath networks will be provided.

3.4.4 In terms of traffic numbers generated by the development, these are not onerous in the context of the Fife Energy Park. Visitor numbers to the demonstration facility would be limited to 12 at any one time, controlled by an appointment system. The maximum two-way person trip generation over the course of a typical day will be 72 persons, with the equivalent maximum vehicle trip generation being 44 two-way trips. A Travel Plan framework will also be implemented for the proposed development, which will seek to further minimise the traffic impact of the proposed development and encourage sustainable trip making. The potential impact on the operation of the surrounding road network resulting from traffic being generated by the development proposals is therefore expected to be minimal.

3.4.5 In relation to on-site parking, the Assessment notes that, due to the unique nature of the proposed development, and the manner in which access will be controlled, Fife Council's Standard Parking Guidelines are not applicable in this instance and the parking provision is based on the applicant's bespoke design guidance for a facility of this type. In terms of the numbers proposed therefore, there will be 10 standard car parking spaces, 2 disabled spaces, 1 service space and 6 cycle spaces serving the Demonstration Facility, which will cover the 2 staff and 12 (maximum) visitors allowed at any one time. The Hydrogen Production and Storage facility will have 4 standard car parking spaces, 1 disabled space, 2 service spaces and 6 cycle spaces, which will cover the maximum 5 staff on site at any one time. Fife Council's Transportation Development Management Team has examined the Transport Assessment and has no objection to the proposal, including the departure from Fife Council's normal standard parking guidelines, subject to the inclusion of two planning conditions covering parking and road junction visibility.

3.4.6 The development, with conditions of planning permission, would therefore be able to comply with the Development Plan and other guidance with respect to Transportation matters.

3.5 Flooding and Sustainable Urban Drainage Systems (SUDS)

3.5.1 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote: a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures and avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

3.5.2 FIFEplan Policy 3 Infrastructure and Services indicates that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development, or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

3.5.3 As indicated in paragraph 1.3.1 of this Committee Report, a separate planning application (reference 21/01509/FULL) covering the approval and installation of a sustainable urban drainage system associated with this proposed hydrogen production and storage facility, was approved on 9th July 2021 and covers all the flooding, SuDS and Drainage elements required for this current planning application (20/03271/FULL).

3.5.4 This development would therefore comply with the Development Plan and other policy guidance relating to flooding and sustainable drainage.

3.6 Visual impact of the development

3.6.1 The policy context within which this section of the report must be assessed comprises SPP (Placemaking); Designing Streets; FIFEplan Policies 1 and 14; and Making Fife's Places. A number of the objections that have been received to this application cite visual impact, or the loss of a view of the Firth of Forth, as a concern. Whilst the loss of a view is not a material planning consideration, how a proposed development sits in the landscape and affects its visual

environment is an important factor in assessing this application and the applicant has submitted a comprehensive Landscape and Visual Impact Assessment (LVIA) to analyse how the site currently sits in the landscape and assess how that will change as a result of the proposal, should it be developed. This LVIA notes that the applicant proposes to site taller elements of the development within lower ground to minimise the potential effects upon visual amenity and to retain existing buffer planting where it exists as well as promoting new hedgerow planting along site boundaries and within the site to facilitate screening of the various elements of the proposal.

3.6.2 Fife Council's Urban Design specialist has examined the LVIA and notes that this is a robust appraisal document which considers the key characteristics, sensitivities and opportunities in terms of the local landscape and visual resource from a number of viewpoints within a 1km study area from the proposed development site in addition to one viewpoint beyond the study area. It has outlined potential landscape effects that may result from the proposed development and described potential changes on visual amenity following implementation of mitigation proposals. It concludes that visual changes will be experienced from viewpoints close to the site but also that these changes would be read in the context of the former industrial uses of the site and surrounding existing industrial uses. Overall, the LVIA considers that the proposed development site would be capable of accommodating the proposed hydrogen facility without leading to unacceptable effects on landscape character and visual amenity.

3.6.3 Fife Council's Urban Design specialist's analysis of the LVIA indicates that it is to be expected, due to the Employment Land designation within FIFEPlan, that a degree of visual change will occur within the site. Taking this into account, it is considered that given the historic industrial uses and the location within an industrial/urban area, the introduction of the development as proposed would not adversely impact upon the character of the area, or its wider context. The buildings/structures would be dispersed across the site and thus not form a concentrated mass of development, allowing visual penetration from the adjacent public roads through the site to the coast. The proposed structures would generally be set below the level of Wellesley Rd, with the exception of elements of the roof structures, which would limit the wider visual impact. Distant views across the Forth, from the wider public/urban areas, would not be significantly affected as a result. Whilst the proposed residential buildings (the Demonstration Facility) may be read as incongruous features within an industrial area, it is accepted that these are necessary for the unique nature of the demonstration project, and in this context would be considered acceptable.

3.6.4 The landscape proposals which the applicant details would help soften the visual impact of the development and provide green spaces to enhance the sense of dispersal of the structures. The structure shrub planting to the north-western boundary would maintain a green corridor approach across the site as set out in the FIFEPlan designation. The general site landscaping would consist of coastal grasses and wildflower mixes, with boundary hedges, which are considered appropriate in this context. Fife Council's Urban Design specialist concludes that, overall, it is considered that the scale, location and design of the proposal is generally consistent with the planning policy context as described in paragraph 3.6.1 of this report. The design, layout and landscaping proposals would help minimise the visual impact of this industrial development within an existing industrial location. It is considered that the proposal could be accommodated within the site without significant detriment visual impact from surrounding public streets and spaces.

3.6.6 Given the above, it is concluded that significant or unacceptable impacts, in a visual context, are not expected from the development and the development would therefore be able to comply with the Development Plan and other guidance with respect to this matter.

3.7 Contaminated land & ground stability/mining legacy issues

3.7.1 The SPP does not isolate the issue of contaminated land or land stability in terms of policy guidance. It is a technical constraint affecting the form and scale of development and is addressed by Planning Advice instead. PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. Adopted FIFEplan Policy 10 Amenity includes references to the need to consider contaminated land and ground stability issues.

3.7.2 The majority of the application site lies within the Coal Authority's Development Low Risk area relating to Coal mining legacy issues, although there is a small area of the site where two former mine shafts have been capped that falls within the Development High Risk area. The applicant has submitted a Geotechnical and Geo-Environmental Interpretative Report with the planning application. On the basis that the report confirms that no development is to occur over the capped mineshafts, the Coal Authority has no objection to the proposal.

3.7.3 Fife Council's Environmental Health Land and Air Quality team has offered no objection to the proposal, but notes that ground gas remedial measures will be required, and a Remedial Action Statement will be required detailing the measures that will be employed to mitigate potential risks. A Verification Report will then be required on completion. These are both matters that can appropriately be secured by planning condition. The Land and Air Quality Team further notes that any unexpected materials or conditions (such as made-ground, gassing, odours, asbestos, hydrocarbon staining or other apparent contamination) encountered during development should be reported immediately to Fife Council, and states that this may necessitate undertaking a suitable site-specific risk assessment for contaminated land. These are matters that can also be addressed through the use of a planning condition.

3.7.4 The development complies with the Development Plan and other guidance in this respect, subject to relevant matters being controlled by conditions.

3.8 Ecology and the natural environment

3.8.1 The SPP (Supporting Business and Employment) indicates that planning authorities should promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets. SPP (Valuing the Natural Environment) also indicates that planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use. There are several key principles that are relevant to this section of the report, which are as follows. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities; and
- promote protection and improvement of the water environment in a sustainable and co-ordinated way.

3.8.2 As well as the development principles set out in FIFEplan Policy 1 Development Principles (Part B), the proposed development has been considered in the context of FIFEplan Policy 13 Natural Environment and Access. This policy requires new development to protect or enhance natural heritage assets including landscape character and views, green networks and paths, with

suitable measures applied to mitigate any impacts satisfactorily. Trees on development sites are to be protected as far as possible.

3.8.3 Adopted FIFEplan Policy 1 Development Principles (Part B) indicates that development proposals must address their development impact by complying with certain criteria and supporting policies of the Local Development Plan (LDP). Pertinent to this application is that proposals must safeguard the character and qualities of the landscape (Policy 13 Natural Environment and Access).

3.8.4 Adopted FIFEplan Policy 1 Development Principles (Part C) indicates that development proposals must be supported by information or assessments to demonstrate that they will comply with certain criteria and supporting policies of the Local Development Plan (LDP). Pertinent to this application is that proposals must provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments (this is covered in paragraph 3.5 above).

3.8.5 With respect to Adopted FIFEplan Policy 11 Low Carbon Fife, the proposed development is designed to demonstrate that zero carbon domestic fuel can be practical, clean and safe, and thus contribute to meeting climate change targets. The proposal is therefore wholly compliant with Policy 11.

3.8.6 Policy 13 Natural Environment and Access also requires that development proposals provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance.

3.8.7 The location of the proposed development (a brownfield site within an existing industrial complex) means that there are limited numbers of species and habitats to consider on the site itself, but the applicant has provided a comprehensive Ecological Impact Assessment (EclA) as well as a Habitats Regulations Appraisal (HRA). The site is adjacent to the Firth of Forth SPA/Ramsar and Outer Firth of Forth and St Andrews Bay Complex SPA designated sites. The HRA report provides information to inform the appraisal to be undertaken by Fife Council of the proposed development. The EclA report describes the surveys undertaken and the habitats and species found using the site. The habitat is mainly compacted bare ground with some scattered scrub and tall ruderal habitat along the edges of the site, and buddleia scattered throughout. The site contained no habitat suitable for bats, badgers, otter, water vole or red squirrel and limited habitat for breeding birds and hedgehogs. Using the results of wintering bird surveys undertaken and desk data available, it assesses the likely significant effects of the development on the SPA sites and identifies mitigation measures, to be implemented to ensure that there are no adverse effects on the integrity of the SPA sites. A number of mitigation recommendations are made to ensure that breeding birds are protected, invasive plant species are controlled, and designated sites are protected from pollution and noise disturbance. The assessment and mitigation measures identified in the HRA report are considered to be appropriate by Fife Council's ecologist and NatureScot confirms it is in agreement with these conclusions. The mitigation measures detailed in the HRA report will be secured by condition of any planning permission granted.

3.8.8 The proposal is therefore capable of being implemented in accord with national and Development Plan guidance in relation to matters of ecology and the natural environment, subject to the imposition of conditions.

CONSULTATIONS

Scottish Environment Protection Agency	No objection subject to condition.
Community Council	No response received.
NatureScot	No objection.
The Coal Authority	No objection.
Archaeology Team, Planning Services	No objection.
Built Heritage, Planning Services	No objection.
Policy And Place Team (Central Area)	No objection.
Business And Employability	No response received.
Natural Heritage, Planning Services	No objection subject to condition.
Urban Design, Planning Services	No objection.
	Footage Available
	Link is https://vimeo.com/496557807
Land And Air Quality, Protective Services	No objection, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No objection.
Environmental Health (Public Protection)	No objection, subject to conditions.
Transportation, Planning Services	No objection, subject to conditions.
	No comments received.
Scottish Water	No objection.
Health And Safety Executive	No objection.

REPRESENTATIONS

A total of 20 objections have been received to this application from local residents concerned by one or more of the following matters related to the application:

1. Visual Impact of the development.
2. Disturbance to the residential amenity.
3. Traffic Impact.
4. Lack of public consultation.
5. Safety of the proposal.
6. Loss of a view.
7. Effect on house prices.

These matters are assessed within this report of handling as follows:

1. The visual impact of the proposed development is covered in Section 3.6 of this report of handling.
2. Amenity matters are covered in Section 3.3 of this report of handling.
3. Traffic impacts are covered in Section 3.4 of this report of handling.
4. The public consultation process is covered in Section 1.4 of this report of handling.
5. This is not a material planning consideration, however the safety of the proposed development has been addressed in paragraph 3.3.11 of this report of handling.
6. The loss of a view is not a material planning consideration, however the visual impact of the proposed development is covered in Section 3.6 of this report of handling.
7. This is not a material planning consideration.

The applicant also held a public meeting with local residents and local Elected Members on 10th March 2021 to discuss the above matters.

CONCLUSIONS

This application is supported by robust and comprehensive technical reports detailing how the proposal to demonstrate the feasibility of zero carbon domestic heating can be sited at the Fife Energy Park without detriment to the local environment or amenity. Matters related to flooding and drainage for this development have already been approved under separate planning application reference 21/01509/FULL.

RECOMMENDATION

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

1. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the local planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, 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 the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures and a Verification Plan specifying how, when and by whom the installation will be inspected. All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland

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

2. THE SITE SHALL NOT BE BROUGHT INTO USE UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 3. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to, and approved in writing by, the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial

measures for the whole site have been completed in accordance with the approved Remedial Action Statement — or the approved revised Remedial Action Statement — and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

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

3. IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED not identified by the developer prior to the grant of this planning permission, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

4. THE SITE SHALL NOT BE BROUGHT INTO USE UNTIL the water management and drainage works approved under planning application reference 21/01509/FULL have been fully implemented.

Reason: In the interests of the environment and to ensure proper water management on the site.

5. Construction of the development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) submitted in support of the development hereby approved for the complete duration of the works.

Reason: In the interests of the environment, road safety and to safeguard the amenity of local residents.

6. All works on site shall be carried out in accordance with the proposed mitigation measures identified in the Ecological Impact Assessment and the Habitats Regulations Assessment submitted in support of the development hereby approved.

Reason: To ensure that proposed mitigation measures identified in the Habitats Regulations Assessment for the proposed H100 development are secured to protect the qualifying species from potential disturbance.

7. On-site parking shall be provided in accordance with drawing ARUP-ZZ-XX-DR-A-0010. Parking for the demonstration facility shall be available for use prior to the commencement of use of the demonstration facility. Parking for the production and storage facility shall be available for use prior to the commencement of operation at the production and storage facility.

Reason: To ensure the provision of adequate off street parking.

8. PRIOR TO ANY WORKS starting on site, a visibility splay of 2.4m x 43m shall be provided to the right (South East) at the junction of the vehicular access and Links Drive, and thereafter shall be maintained for the lifetime of the development, clear of all obstructions exceeding 1.05 metres above the adjoining carriageway level, in accordance with the current Fife Council Transportation Development Guidelines.

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

SPP - Scottish Planning Policy

Planning Advice Note - PAN 33 (Rev.2000): "Development of Contaminated Land"

Planning Advice Note - PAN 51 (Rev.2006): "Planning Environmental Protection & Regulation"

Development Plan:

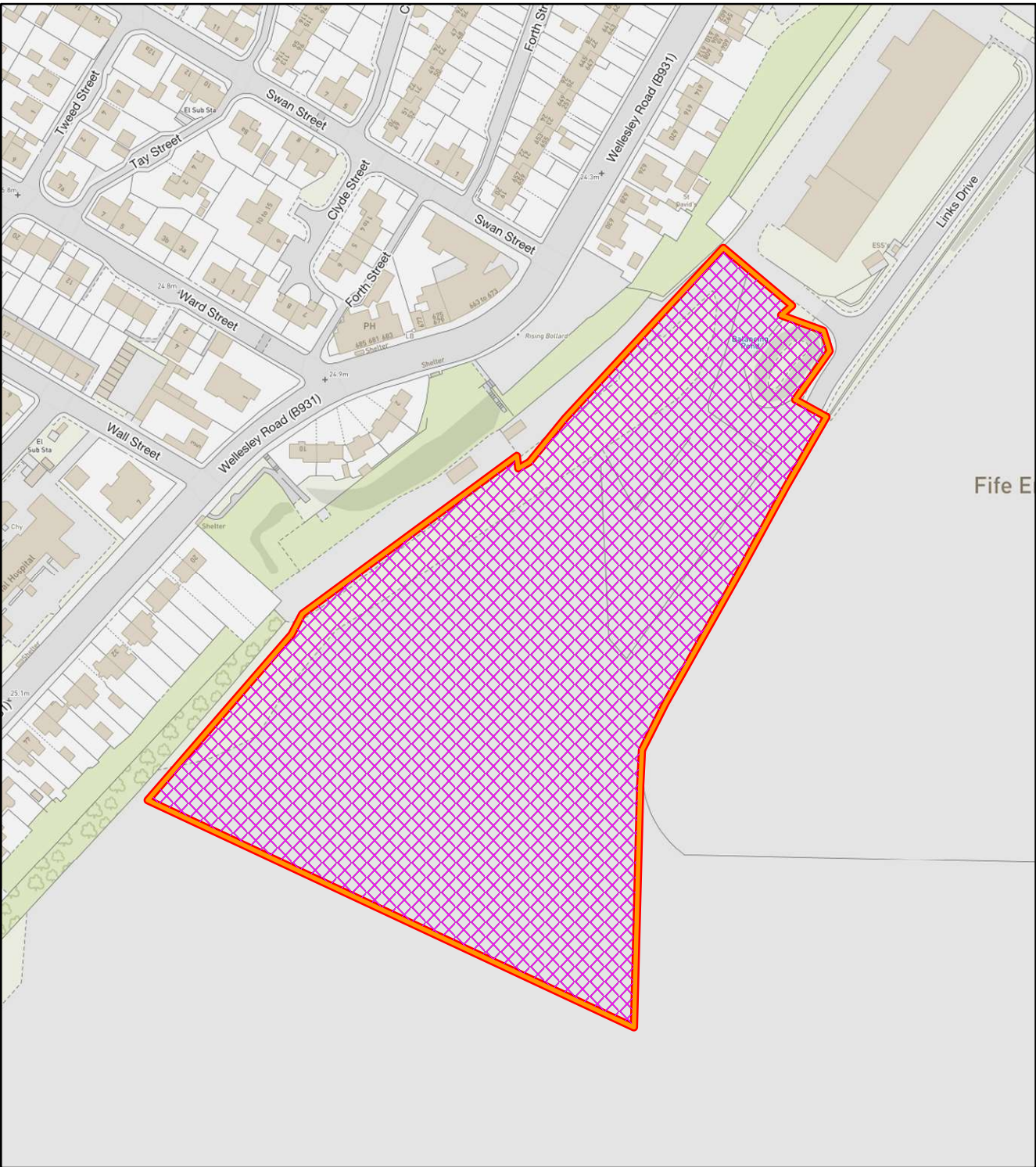
SESPlan Strategic Development Plan (2016)

FIFEPlan (2017)

Report prepared by Martin McGroarty, Lead Professional (Minerals)

Report reviewed and signed off by Kevin Treadwell, Service Manager

Date Printed 16/07/2021



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Legend

 Application Boundary

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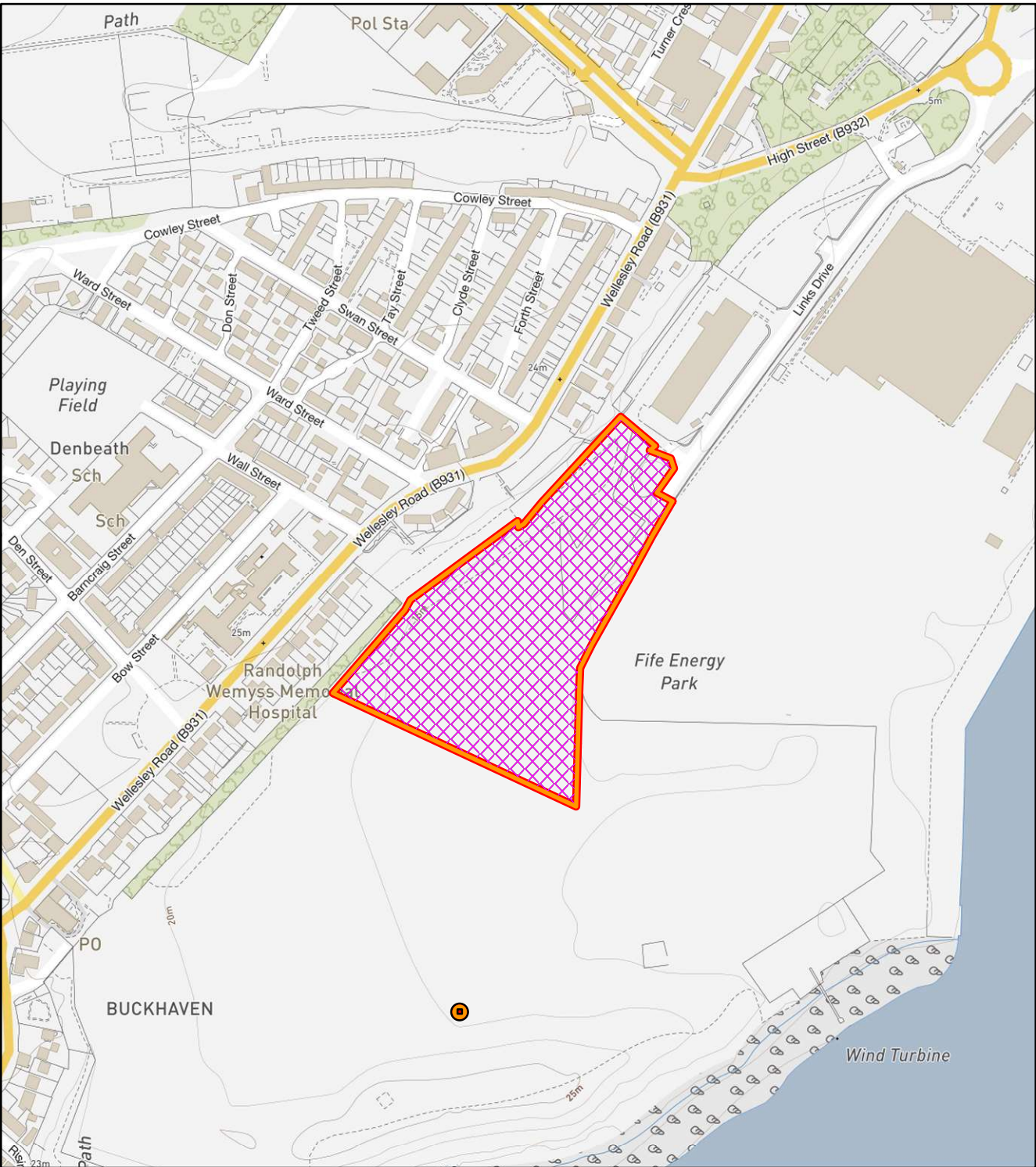




Fife
COUNCIL

Economy, Planning & Employability Services

Site At Fife Energy Park Links Drive Methil Fife



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Legend			
 Application Boundary			

ITEM NO: 5**APPLICATION FOR APPROVAL REQUIRED BY CONDITION(S) REF: 21/00528/ARC****SITE ADDRESS: FREESCALE SITE DUNLIN DRIVE DUNFERMLINE****PROPOSAL : APPROVAL OF MATTERS REQUIRED BY CONDITIONS FOR
PHASE 2 OF RESIDENTIAL DEVELOPMENT OF 193
RESIDENTIAL UNITS (APPROVAL OF CONDITION 2(D) OF
PLANNING PERMISSION 14/00809/PPP)****APPLICANT: MR EUAN MCLAUGHLIN
BROXDEN HOUSE BROXDEN BUSINESS PARK LAMBERKIN
DRIVE****WARD NO: W5R03
Dunfermline Central****CASE OFFICER: Jamie Penman****DATE 26/03/2021
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has attracted more than 5 representation which are contrary to the Case Officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

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

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

1.1 Site Background

1.1.1 The application site extends to around 12 hectares and forms phase 2 of the residential element of a much larger mixed use development site. The application site is situated on the eastern edge of the settlement of Dunfermline and lies to the west of the M90 motorway and to the south of Dunlin Drive. In the early 1990's the site was used for business and industrial processes by car manufacturer Hyundai. The site however was abandoned for that use and planning permission reference 11/04948/PPP for a mixture of uses including residential (class 9), retail (class 1), hotel (class 7), employment (classes 4, 5 and 6) and education (class 10) and open space was approved in 2014.

1.1.2 The site slopes gradually downhill to the southwest corner and is now cleared of the former use apart from some areas of hardstanding. To the north of the site is phase 1 of the residential development which has been completed. The western boundary of the site has a bund along its length which includes structure tree planting and an existing SUDS basin. To the east of the site is the wider mixed used development site and Sandpiper Drive/M90. To the south is Calais Muir wood, which is identified as ancient woodland and is subject to a tree preservation order (TPO) designation

1.1.3 The site is allocated in the Adopted FIFEplan (2017) as DUN059 (Employment/ Development Opportunity), however this has been superseded by the 2014 Planning Permission in Principle (PPP) approved for the wider mixed use development.

1.2 Site History

1.2.1 The site forms part of a wider development which was originally approved under reference 11/04948/PPP. The permission was given for a mixed use development of classes 1 (retail), 4 (business), 5 (general industrial), 6 (warehousing and distribution), 7 (hotel), 9 (residential) and 10 (education) with on-site installation of renewable energy plant.

1.2.2 This planning permission was later modified by application 14/00809/PPP which varied a condition relating to the area of land which could be used for each land use. This application was approved on 20 June 2014. Applications 11/04948/PPP and 14/00809/PPP were approved subject to a number of conditions. The PPP has since been updated under application 20/03250/PPP however this application has been made in line with the previous consent.

1.2.3 Since PPP was approved for the site there have been four applications approved for Matters Specified by Condition which are relevant to this application. The first application 14/00685/ARC approved Matters Specified within Conditions 2 (a, b, c, k, l and m), 7, 8 and 21. These matters were preliminary requirements relating to the overall strategies for design, masterplanning, SUDS, public art etc. This application was approved on 16 July 2014. The overall masterplan, phasing and design framework was approved through this application.

1.2.4 Application 14/00685/ARC also approved a phasing plan along with the overall masterplan, however a revised phasing plan was submitted through application 14/04233/ARC. This amended the timescales for delivery of certain on site infrastructure and wider transportation interventions previously approved through application 14/00685/ARC. This application was approved on 5 March 2015.

1.2.5 The first phase of residential development was approved through application 15/01159/ARC. This was approved for 225 residential units along with internal road infrastructure, open space, play provision and public art. The western end of the core road was approved as part of this application. This takes access from a roundabout on the north west corner of the overall site at Dunlin Drive.

1.2.6 Application 16/01294/ARC was approved to complete the northern core road through the site required under condition 2(e) of the original consent. This section of the core road would connect to the core road being constructed through the residential development and connects two roundabouts to the north of the site.

1.2.7 Application 21/01229/ARC was approved for the southern approach road from Sandpiper Drive (in response to conditions attached to the updated PPP) at the July meeting of this Committee.

1.3 Proposals

1.3.1 This application is for the second phase of residential development for the overall mixed-use development. The proposal includes the construction of 193 residential units and associated infrastructure including internal roads, landscaping, play areas and footpaths. This includes 177 dwellinghouses and 16 flatted properties of which 49 of the units are affordable housing.

1.3.2 A hierarchy of roads are proposed within the site. The main access from Phase 1 and the Southern Core Road would be a primary street running north/south through the centre of the site. This would serve as a central boulevard which all other streets within the residential area would take access from. In addition, there would be a number of footpath connections through the site.

1.3.3 The overall drainage strategy for the entire mixed use area was agreed through the masterplan documents. A SUDS drainage basin is situated to the south west of the site and the surface water drainage from this site would be directed to that.

2.1 Planning Assessment

2.1.1 The key issues relevant to an assessment of this application are

- Compliance with PPP
- Design and Layout
- Open Space and Play Provision
- Landscaping
- Residential Amenity
- Transportation
- Flooding and Drainage
- Contaminated Land and Air Quality
- Public Art
- Education
- Ecology
- Affordable Housing
- Sustainability

2.2 Compliance with PPP

2.2.1 While the principle of development does not need to be revisited for an application of Matters Specified in Conditions, the proposal still needs to comply with the conditions set out in the original PPP to be considered acceptable. In this regard, the current application has been submitted under condition 2(d) of the original PPP which requires further applications for all residential development.

2.2.2 Condition 3 of permission 14/00809/PPP states that every application submitted under the terms of condition 2 shall include specific information where relevant. The applicant has therefore submitted a compliance statement setting out the ways in which the current application accords with condition 3 of the approved PPP. Compliance with condition 3 shall be discussed throughout the report where the condition relates to a specific topic. Some conditions however require specific plans to be submitted for context only. These are parts (a), (b), (n) and (q). Sufficient information has been submitted to discharge these matters. Condition 3(p) is not relevant for this application as it relates to retail.

2.2.3 Condition 6 of the original PPP required the submission and approval of the integrated masterplan, phasing plan and site engineering plan required by condition 2(a) - 2(c) of the PPP. These documents have been submitted and approved and the development is required to comply with these documents.

2.2.4 In addition to the requirements of condition 3 of permission reference 14/00809/PPP, the consent also requires under condition 19 that details of the protection of existing natural features be provided for written approval prior to works starting on site. Details of protection for natural features have been provided and these shall be discussed later.

2.2.5 Condition 19 requires the submission of a habitat management and enhancement plan for birds, bats, invertebrates and plants prior to the commencement of any works on site. Details in this regard have been submitted. These relate to the whole site and are not specific to the application site. Further details specific to the site should be requested through condition.

2.2.6 Condition 20 requires details of the foul drainage arrangements to be submitted and agreed with Scottish Water. These details have yet to be submitted and therefore this condition should be carried over to any consent approved for this proposed scheme.

2.2.7 Condition 22 requires the submission of a Construction and Environmental Management Plan (CEMP) prior to works starting on site. This information has been submitted with this application.

2.2.8 Overall it is considered that the proposed development complies with the masterplan and has met the general submission requirements for the relevant conditions where appropriate. The details submitted to meet the required matters under condition 3 shall be considered in the following paragraphs.

2.3 Design and Layout

2.3.1 SPP 2014 (Placemaking) advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place. These six qualities are distinctive; safe and pleasant; welcoming; adaptable; resource efficient

and easy to move around and beyond. This is further expanded upon within the Scottish Government Policy document Designing Streets which states that an emphasis should be placed on design providing a sense of place and taking cognisance of the history and context of the surrounding area and design should connect and relate to the surrounding environment. FIFEplan Policy 14 and Making Fife's Places requires new development to demonstrate good design and show how the proposals adhere to the principles of good placemaking. Fife Council will apply the six qualities of successful places in order to assess a proposals adherence to these principles. FIFEplan Policy 10 states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area. While this is an application for approval of Matters Specified within Condition for which the principle of development has already been established, design is a matter that still needs to be assessed at the detailed stage, and is an issue that would warrant refusal of any application that fails to meet the requirements of the policy.

2.3.2 In addition to compliance with Development Plan policy, this proposal must also comply with the Integrated Design Framework agreed through previous applications and required through condition 7 of the original PPP. This document follows the Scottish Government's six qualities of place which are the core principles for the Integrated Design Framework. The Integrated Design Framework sets out an integrated public art strategy for the whole site and provides specific concepts for this part of the site. A landscape framework has also been established in this document however this relates predominantly to the intervening landscape areas between proposed land use areas. Landscaping concepts for the land use zones is also outlined. The final section of the Integrated Design Framework deals with movement and the hierarchy of streets. This also sets a general street structure and layout for the site including the application site.

2.3.3 Concerns have been raised in objection comments with regard to the visual impact of the development on the surrounding area. The visual impact of the development will be discussed below.

2.3.4 The primary access into the main residential area would be taken from the southern boundary of the phase 1 residential area and would move in a north to south direction throughout the site. This would serve as the main access to the other internal streets within this site. This main route would link to the south eastern corner of the application site which would provide access onto the recently approved southern approach road which would provide direct access onto Sandpiper Drive. Two further secondary access points would also be provided from Phase 1 into secondary streets. The main access road has a line of heavy standard trees along the street. The tree line sits on the western side of the street at the north of the street before shifting to the east part of the way down, then returning to the west side towards the south of the road. A footpath is set behind the trees with hedging to the front of properties. This central boulevard would create an attractive entrance to the main residential area and provide a sense of place for residents before moving into their respective streets.

2.3.5 The site has been set out in a grid pattern which corresponds with the Integrated Design Framework. The streets are designed as secondary routes throughout the site and intersect in a series of irregular junctions in a variety of shapes. The existing tree belt on the western edge of the site would be largely retained. The general layout follows the Integrated Design Framework in street structure and block form. The units are predominantly set back from the street which gives little variety in the street frontage. It is noted however that the building lines do have variety provided by the house shapes. The site layout does provide a defined sense of place by the

number of street trees proposed, the use of hedging within front and side gardens and the use of dual frontage properties on corner plots.

2.3.6 The site would include a mix of property styles, including 25 different house-types ranging from two storey terraced, semi-detached and detached properties. Flats would also be provided. House sizes would vary from 2 to 5 bedrooms. A range of finishing materials is also proposed, and all of these would be modern in appearance and introduce variation across areas of the wider site.

2.3.7 A mix of boundary treatments are also proposed ranging from hedging and brick pier/timber fencing in public areas and timber fencing in private garden ground areas.

2.3.8 A varied parking strategy has been applied across the site with a mix of in-curtilage parking and parking courts.

2.3.9 Given the largely vacant brownfield nature of wider site, combined with existing vegetative screening that exists along the western and southern boundaries, the proposal would raise no significant visual impact concerns on wider environment.

2.3.10 The proposal would provide an attractive, welcoming, high quality development through a varied layout and mix of property types. Areas of open space and high-quality landscaping would also be provided. In this way, the proposal would comply with FIFEplan (2017) Policies 1, 10 and 14 and Making Fife's Places Supplementary Planning Guidance (2018).

2.4 Open Space and Play Provision

2.4.1 Policy 3 (Infrastructure) requires developers to provide the local on-site infrastructure required to serve the needs of the people who will live in or use the development. This is likely to be provided on site before or during the delivery of the development. Making Fife's Places Supplementary Guidance (May 2018) states that The Fife Greenspace strategy set the aspiration that all residents in Fife will be within 250m of a 0.2-hectare open space. New housing developments of over 10 residential units will be expected to provide 60m² of open space for each new dwelling.

2.4.2 Making Fife's Places Supplementary Guidance (2018) states that open space needs to be usable space. It will generally be green in character with a significant proportion of soft landscaping although it can include elements of hard landscaped public spaces such as squares and plazas or people friendly (very low traffic) streets and courts. Some elements of SUDS may also be included as part of the open space requirement if they are fully accessible. Open space is space designed for people to undertake recreational activity. This will generally be informal activity such as play, walking, sitting, picnics, communal gardening, social/community gatherings, informal sports and recreation. Open spaces should have paths and routes passing through them but narrow, connecting greenways and corridors should not be included as part of the open space requirement. Amenity planting and structural landscaping would only be included as part of the open space if it is accessible for people to pass through it (such as paths through a woodland).

2.4.3 For a total of 193 dwellinghouses, the development would be expected to provide at least 11,580 sqm of open space on site.

2.4.4 Concerns have been raised in objection comments with regard to insufficient open space being provided within the site. This will be discussed below.

2.4.5 The PPP does not specify the area of open space required for the overall site however the masterplan later approved specifies the open space provision for the overall site. This sets out that there would be 0.54 hectares in phase 2. The masterplan shows there to be a large open space towards the northern end of the site and two smaller areas more centrally located. The overall open space to be provided for this site would be in line with the approved masterplan. Based on Making Fife's Places Guidance, however, the site would require 1.15 hectares of open space. Currently 0.55 hectares is proposed however this does not include areas of open space out with the application site but within the wider development site. These would provide sufficient additional open space for this site and would be delivered through the requirements of the PPP.

2.4.6 The proposed development provides open space which would meet the Integrated Design Framework. The tree belt retained as part of this site would also add to the amenity of the site in terms of visual form and greenspace. No footpath connections are proposed directly into the tree belt from the site and therefore the use of this area for formal recreation would be limited, however access into this area is attainable to the south of the site. The internal open space locations match with the Integrated Design Framework and would provide formal play equipment. In addition to play equipment the areas of open space contain public art and areas for seating. These areas of open space would be highly beneficial for the site and provide active spaces for all residents to enjoy. It should also be noted that there is an established play area to the south west of the site however currently this would involve a lengthy walk due to the lack of direct links to the south west. This would still be considered to be within walking distance of the site.

2.4.7 It is therefore considered that as the development is in compliance with the Design Framework and masterplan of the site and it would also be in accordance with FIFEplan Policy 4.

2.5 Residential Amenity

2.5.1 FIFEplan Policy 10 seeks to ensure that new development does not impact on the privacy, sunlight or daylight enjoyed by existing properties. Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) provide guidance on the design of residential areas that incorporates concerns surrounding residential amenity.

2.5.2 Fife Council's Planning Customer Guidelines on Garden Ground (2018) also apply and advise that new dwellinghouses and flats should have private garden ground of at least 100sqm and 50sqm respectively. Front gardens should be at least 4.5 metres deep and back gardens should be at least 9 metres long.

2.5.3 In assessing residential amenity, attention should be paid not only to existing adjacent neighbours to the site but also to the interaction of the proposed houses to each other within the site. Fife Council's guidance on Garden Ground states that back gardens must be at least nine metres long to create a private area. If two gardens back onto one another, there should be at least 18 metres between the buildings. Fife Council's Planning Customer Guideline on Minimum Distances Between Window Openings requires a distance of 18m between directly facing windows.

2.5.4 Concerns have been raised in objection comments with regard to residential amenity impacts. These are largely centred around construction, overshadowing, noise, light and air pollution impacts and will be discussed below.

2.5.5 The majority of internal plots meet the required 9m minimum garden length and thereby meet the minimum distance between habitable windows requirements. Where a garden is not 9m in length the corresponding garden is either sufficiently in excess of this to provide the minimum 18m distance or the buildings within the plots are sufficiently offset to avoid any significant privacy impact. A number of plots along the western boundary do not meet the 9m minimum garden lengths however these properties overlook the tree belt and therefore there is no privacy issue for these properties. Due to the rough grid pattern, site shape and geometry of the road network, many of the properties centrally within the site would be in a position where their gardens would be overlooked by a number of neighbouring properties. This is not unusual in a densely urbanised area and is a result of small pockets of development being created around street networks. The impact would be lessened to some degree with boundary fences and through planting. The units internally within the site have been positioned so as to avoid any significant impacts in terms of daylight or privacy.

2.5.6 The closest neighbouring properties are along the northern boundary of the application site (Phase 1 of the residential development). Minimum distances of at least 18m between windows have been provided (excluding obscurely glazed) to ensure no significant privacy impacts. Furthermore, no significant overshadowing would arise.

2.5.7 The majority of units meet private garden ground guidelines with the majority of units having significant areas of private amenity space. Some semi-detached and terraced units are however below guidelines. These are smaller units and therefore set within a smaller area of ground. The unit size to garden ground ratio is still largely met.

2.5.8 As with any development, there is likely to be some temporary disruption during the construction period. Given that the development site would be accessed via the recently approved southern core road (by construction traffic) and that a construction and environmental management plan has been submitted and reviewed by Fife Council's Public Protection Team, no significant concerns would be raised in this regard.

2.5.9 Given the residential nature of the development, no significant concerns would be raised with regard to noise, light and air pollution impacts. An air quality impact assessment has been requested through a condition attached to this decision.

2.5.10 The proposed development would not lead to any significant impact in terms of loss of residential amenity through overshadowing or loss of privacy or daylight for existing or future residents. Furthermore, sufficient levels of garden ground areas would be provided. The proposed development would therefore meet the development plan requirements in this regard.

2.6 Transportation

2.6.1 SPP 2014 (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact.

Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

2.6.2 FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure in a sustainable manner. This includes local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Places Appendix G (Transportation Guidelines) (2018) sets out the key transportation principles and standards, including quality places, street design and parking. The Transportation Guidelines recommend an approach based on the Scottish Government's Policy Statement, Designing Streets (2010), which sets out the basis for creating well-designed places and streets.

2.6.3 Concerns have been raised in objection comments with regard to road safety impacts which largely centre around the proposed site layout and how it does not cater for non-car modes and that adequate footpath links have not been provided. Concerns have also been raised with regard to the site becoming a 'rat run'. Furthermore, road capacity impacts are raised and how traffic from this development would affect the wider road network, however, this is not an issue which can be addressed through an ARC application but has already been considered through the PPP.

2.6.4 The general road and street layout is in accordance with the Integrated Design Framework and Transportation Development Management has confirmed that the general layout is in accordance with their standards. They note that the use of cul-de-sacs has in the main been avoided by the street structure and layout. Some minor amendments have been requested and provided, including the widening of some streets and alterations to parking. The proposed junction arrangements and change in paving materials are considered acceptable and would provide a of slowing traffic. In addition, the geometry of the roads and street trees provide further traffic calming measures. Transportation Development Management have confirmed that these measures are appropriate. The general street layout and hierarchy is therefore acceptable and in accordance with the Integrated Design Framework.

2.6.5 The majority of the development meets required parking standards. Some shortfalls have been identified however Transportation Development Management has confirmed that this can be accommodated within on-street laybys and is acceptable.

2.6.6 The site is considered highly permeable and well connected. Footpath connections are proposed internally and connections are also proposed to links that will be provided through later phases of the wider development. Footpath connections separate from the internal roads are also proposed through the site enhancing the permeability of the site. It is noted that some footpath connections have not been provided in the locations shown within the Integrated Design Framework. In particular, there is no footpath connection along the west of the site. It is considered however that the pedestrian connections shown still provide the connectivity and permeability required in the Integrated Design Framework only in a different form, relating to the layout proposed. Overall, the site provides good footpath connections and would promote walking throughout and out with the site.

2.6.7 Within the FIFEplan Planning Obligations Supplementary Guidance (SG) the development would be required to contribute to provide strategic transportation interventions within the

FIFEplan area to offset the impact of the proposed development. This development already benefits from Planning Permission in Principle which predates the Supplementary Guidance and therefore this payment would not be justifiable for this application.

2.6.8 The proposed development is in accordance with the Development Plan and Integrated Design Framework in this regard. Conditions 3(h) and (j) have been complied with through the submitted information. Condition 3(g) requires the submission of street lighting details however this is not considered necessary for this site and should be left for the Roads Construction Consent process.

2.7 Flooding and Drainage

2.7.1 SPP 2014 (Managing Flood Risk and Drainage) sets out that Planning Authorities must take into account the probability of flooding from all sources when determining planning applications. Flood risk can be a secondary impact from poorly designed surface water drainage systems.

2.7.2 FIFEplan Policy 3: Infrastructure and Services requires development to be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Such infrastructure includes foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.7.3 FIFEplan Policy 12: Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate compliance with a number of criteria including, they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.7.4 Concerns have been raised in objection comments with regard to flooding impacts and the capacity of the local sewer system. Concerns have also been noted regarding the proximity of the drainage infrastructure to the Calais Muir Woods site. This suitability of the proposed drainage network will be discussed below.

2.7.5 In terms of flooding, the site is not shown as being at risk of flooding on SEPA's flood risk map. In relation to SUDS and drainage the strategic method of dealing with this has been set out within the Integrated Design Framework and the conditions of the PPP. The Design Framework shows that the SUDS basin to the south west of the overall site would be used for the surface drainage for this phase of the development. The Council's Structural Services Team has accepted this strategy but requested further details on maintenance arrangements. These can be requested through condition. In terms of foul drainage this is controlled by condition 20 of the PPP which states that:

'Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the planning authority in consultation with Scottish Water, and thereafter complied with.'

2.7.6 Scottish Water has been consulted on this proposal and has advised that they have no objection. They have confirmed that there is sufficient capacity in the Glendevon Water Treatment Works to service the development.

2.7.7 Overall it is considered that the development complies with the relevant policies of the development plan in this regard, and accordingly the application is acceptable with regards to flooding and drainage. Condition 3 (d) is therefore complied with by the submitted information.

2.8 Contaminated Land and Air Quality

2.8.1 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. FIFEplan Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to contaminated and unstable land

2.8.2 In addition, condition 2(K) required a remediation plan for the whole site. This has been submitted as part of an earlier approval of Matters Specified within Condition application. The Council's Land and Air quality team has commented that the remediation information for the site has previously been submitted however they would require a remediation strategy specifically for this part of the site. This should be added as a condition.

2.8.3 The Land and Air Quality Team has also indicated that an air quality assessment would be required for this development. This was not requested during the consideration of the Planning Permission in Principle and is therefore not a condition of the original consent. Given the scale of the development and that an Air Quality Management Area has been formed in Dunfermline since the application was first considered this matter is considered a material consideration of this application and a condition should be added to the consent requiring details to confirm that the air quality interests of the area would not be adversely affected.

2.8.4 It is considered that Policies 1, 10 of the Local Development Plan and the requirements of condition 3(k) of application reference 14/00809/PPP have been adhered to in this case and contaminated land and air quality matters can be fully concluded through condition. Condition 3(k) has therefore been complied with.

2.9 Public Art

2.9.1 FIFE Policy 4 states that the Council will seek the provision of public art in development proposals. Further guidance is provided within the Making Fife's Places Supplementary Guidance (2018). Public art provision is outlined within the Integrated Design Framework. This provides themes and potential locations for public art across the wider site. Condition 3(l) requires a statement on the contribution being made toward the public art strategy on this particular site.

2.9.2 The proposed public art follows the Integrated Design Framework in public art position and general themes. The public art includes a signage art entrance feature within the open space along the northern boundary of the site. This incorporates a semi-circular wall with decorative features, the name of the development and a way finder and would be positioned adjacent to the entrance footpath to the site. At the area of open space centrally located within the site a decorative stone wall, seating area and trees are proposed.

2.9.3 The applicant has addressed the issue of public art in accordance with the requirements of condition 3(l) of the planning permission in principle and the approved Integrated Design Framework. The development would benefit from the public art proposed which would enhance the site and area. A timetable for delivery of the public art and final details of the public art within the play areas can appropriately be secured by condition.

2.10 Education

2.10.1 Policy 4 of the Adopted FIFEplan and Fife Council Planning Obligations Framework 2017 states that affordable housing is exempt from planning obligations, unless there is a critical capacity issue, in which case, contributions may be sought.

2.10.2 Concerns have been raised in objection comments with regard to the impact this proposal could have on the capacity of the local education system. This will be discussed below.

2.10.3 Education capacity issues for the site has been addressed through the PPP. A legal agreement attached to the PPP requires £6,000 per dwelling to be paid to Fife Council. Fife Council's Education Team have been consulted and advised that this payment is still required and is now payable, which is controlled through the aforementioned legal agreement.

2.10.4 The development therefore would comply with the Adopted Local Plan in this regard.

2.11 Ecology

2.11.1 SPP states that developers should seek to minimise adverse impacts through careful planning and design considering the services that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration.

2.11.2 Policy 13 of the Adopted FIFEplan only supports proposals where they protect or enhance natural heritage and access assets, including designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest (see Site Appraisal Process below); designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas; woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Making Fife's Places (2018) states that where an existing tree is to be retained on a development site, or existing trees are identified on an adjacent site, no new buildings should be built within two thirds of the falling distance of the tree at its final canopy height.

2.11.3 Concerns have been raised in objection comments regarding the impact this development could have on animals and trees within and around the site. Concerns regarding the impact on Calais Muir Wood and the tree belt along the western boundary of the site have also been raised.

2.11.4 Matters of ecological impact and natural heritage were considered during the PPP application. It was found at this time that there would not be any habitats or species at significant risk from this development. Condition 19 however requires the submission of a habitat management and enhancement plan for the site along with a survey of trees on the site for the presence of bats (if trees are to be felled).

2.11.5 The submitted Preliminary Ecological Impact Assessment (PEA) by ECOS Countryside Services LLP Version 1 (dated 17th April 2019) confirms that no protected species including bats, red squirrels, water vole or otters or badgers were found on the site. In relation to bats it found that no active signs of bats were noted nor were there significant roosting opportunities. The large trees to the north of the south east SUDS pond were assessed as being of moderate suitability for roosting bats, whilst all other trees have low suitability, that is low potential to support bat roosts due to an absence of suitable roost features. High value bat foraging habitat is present along the edges of the plantations, along tree lines and over the two southern SUDS ponds. The plantation edges provide high value commuting lines linking with the Calais Muir woodland to the south and the wider countryside. In terms of impacts on designated nature conservation sites, in this case the neighbouring Calais Muir Wood Wildlife Site, the survey concluded that there would be no likely impact during construction and no likely ongoing adverse effects when the proposed development would be occupied. The submitted Site Biodiversity Action Plan 2021-2025, Version 3, dated 9th December 2020 by ECOS Countryside Services LLP intends to create and retain habitat which would continue connectivity throughout the site whilst recognising that this is a development site.

2.11.6 The submitted Bird Breeding Survey Report by ECOS Countryside Services LLP Version 1 (dated 11th July 2019) confirms that 42 species were recorded on four survey visits. Most records were associated with the plantations and SUDS ponds. The report assesses that only Skylark is likely to be adversely affected by the proposed development with potential displacement and no rare or unusual breeding birds were recorded on the site. The key habitats were identified as the plantations and SUDS ponds which it says should be retained with suitable buffers. The breeding bird interest was reported to be typical of a semi-derelict site with semi-mature boundary features. The overall impact it says will be negative but not to such an extent that it would affect local population size. A number of mitigation measures are suggested including retention of the SUDS ponds together with mature trees north of the south east SUDS pond; two open-fronted kestrel nest boxes should be erected; one in the eastern plantation edge, one in mature tree line north of south east SUDS pond; and sow native grassland seed mixes and plant native scrub. Such measures are included in the submitted Landscape Framework. This would be sufficient to avoid any significant adverse impact on the species.

2.11.7 Making Fife's Places states that a 10m buffer should be provided between development and existing woodland, which includes garden ground areas. It is noted that this has not been provided along the western boundary of the site, where a small section of woodland is also identified for removal. Whilst the 10m buffer has not been provided, it is noted that the proposed housing would be largely 10m from the woodland area which would help ensure there are no significant impacts on tree roots and in turn, tree health. A similar approach has been taken in the Phase 1 residential development to the north. With regard to the loss of the small area of woodland, it has been confirmed by the arborist that due to the young age of the trees and the plantation nature, the loss of this small area will have a very low negative impact on the local landscape and amenity, and it is not considered that this loss would be of significance.

2.11.8 A Site Biodiversity Action Plan 2021-2025, Version 3, dated 9th December 2020 by ECOS Countryside Services LLP was submitted which sets out a detailed program of habitat management, biodiversity protection and enhancement measures which would be implemented from 2021-2025, the Fife Council Natural Heritage Officer has confirmed that these proposal are acceptable.

2.11.9 In conclusion, the proposal would protect and enhance the majority of key natural heritage assets within and immediately adjacent to the application site. The submitted Bird Breeding Survey Report highlights that there is potential for Skylark to be adversely affected by the proposed development with potential displacement. A detailed program of habitat management, biodiversity protection and enhancement measures are to be implemented on the site as set out in the Site Biodiversity Action Plan 2021-2025 which would assist by providing suitable mitigation which would outweigh any potential negative impacts on natural heritage assets.

2.11.10 In light of the above, the proposal would raise no significant ecological concerns and would therefore be deemed to comply with FIFEplan (2017) Policies and other related guidance in this instance.

2.12. Affordable Housing

2.12.1 PAN2/2010 sets out government advice on the provision of affordable housing. Fife Council's updated Supplementary Guidance on Affordable Housing (2014) considers that housing proposals must accord with the structure plan housing land requirement. Policy 2 of the Adopted FIFEplan mirrors the current Supplementary Guidance position on affordable housing. There is a requirement for 25% of the housing on site to be provided for affordable housing and this is set within a legal agreement attached to the original PPP for the site. In addition, condition 39i) requires details of intended methodology and delivery of on-site Affordable Housing.

2.12.2 Concerns have been raised in objection comments noting that the proposal does not comply with affordable housing guidelines.

2.12.3 The Council's affordable housing team has indicated that 48 affordable housing units are required on this site. The Council's affordable housing team indicated that to meet the affordable housing needs identified within the Dunfermline & the Coast Local Housing Strategy Area (LHSA), the affordable housing on this development should be provided as social rented housing and confirmed that the proposed mix has been agreed with Fife Council Housing Services.

2.12.4 Based on the information provided the development would be in accordance with the legal agreement and the terms of condition 3(l) have been complied with.

2.13 Sustainability

2.13.1 Policy 11: Low Carbon Fife of the Adopted FIFEplan ensures that the Council contributes to the Climate Change (Scotland) Act 2009 target for reducing greenhouse gas emissions by at least 80% by 2050. Adopted Supplementary Planning Guidance Low Carbon Fife (2019) provides guidance on the application of Policy 11 with regard to low carbon energy schemes, sustainable development and air quality.

2.13.2 Concerns have been raised in objection comments noting that the development is not connecting to the district heating network however the application site is not located within an existing buffer zone. Comments also note that no details of the proposed solar panels have been submitted however these have been requested by condition.

2.13.3 Condition 3(m) also requires a statement on the compliance of the proposals to at least a silver grade overall in terms of Fife Council's Sustainability Checklist 2010 or any future amendment to this document. This document has now been superseded by Making Fife's Places Supplementary Guidance (2018) which has a less formal set of standards.

2.13.4 The developer has submitted a sustainability statement which addresses this aspect of the development. This outlines the construction and design benefits of the scheme in terms of sustainability including public transport links, permeability and the promotion of walking and cycling, the biodiversity enhancements, pollution reduction, public space and the sourcing of construction materials. These details would comply with the general sustainability principles and the development is likely to create a scheme of high standards in design, green space, biodiversity and promotion of sustainable transport methods.

2.13.5 The development would therefore be in compliance with condition 3(m) of the PPP.

CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	Maintenance details requested.
Scottish Water	No objections.
Natural Heritage, Planning Services	Comments received. No significant objections.
Trees, Planning Services	No response.
Land And Air Quality, Protective Services	Conditions requested regarding AQIA and Contaminated Land
Housing And Neighbourhood Services	No objections.
Environmental Health (Public Protection)	No comments.
Transportation, Planning Services	No objections, conditions recommended.
Parks Development And Countryside	No response.
Transportation And Environmental Services - Operations Team	

REPRESENTATIONS

183 representations have been received, all objecting to the proposal.

Concerns raised which are deemed material in the assessment of this proposal include:

- Construction/Environmental impacts - Addressed in Section 2.5
- Infrastructure impacts (roads/sewer/drainage/schools) - Addressed in Sections 2.6, 2.7 and 2.10
- Natural heritage impacts (animals/trees) - Addressed in Section 2.11
- Loss of green/open space – The principle of development has already been approved through PPP decision. Furthermore, the site is allocated for development in the Local Development Plan.
- Impact on Calais Muir Wood TPO area/Insufficient buffer zones - Addressed in Section 2.11
- Road safety impacts (Increased traffic/rat run/access to public transport)
- Poor housing mix - Addressed in Section 2.12
- 2.5 Residential amenity impacts (Overshadowing/light pollution/air pollution/noise pollution/privacy)

- Insufficient green space within development site and along boundaries - Addressed in Section 2.4
- Site designed for cars rather than walking/cycling- Addressed in Section 2.6
- Lack of environmental/habitat surveys - Addressed in Section 2.11
- Flooding and pollution risks to Calais Muir Burn - Addressed in Section 2.7
- Site dependent of southern core road - The proposal for the southern core road has recently been approved.
- Poor path linkages to woods - Addressed in Section 2.6
- Visual impact of development on surrounding area - Addressed in Section 2.3
- Overdevelopment - Addressed in Section 2.3
- Tree removal - Addressed in Section 2.11
- No archaeological survey - Site is not subject to any archaeological designation and has previously been developed. Archaeological value is therefore likely to be limited.
- Site does not meet affordable housing guidelines - Addressed in Section 2.12
- Further info for solar arrays should be provided - Information requested by condition.

Concerns raised which are not deemed material in the assessment of this proposal include:

- Incomplete landscaping around Phase 1
- Too many houses already/No more housing required
- Concerns regarding southern core road
- Mental health impacts
- No business facilities
- Impact on GP and Dentist capacity
- Site should be made into wildlife park
- Trees cut down without consent
- Construction waste post development
- Education campus should be priority
- Would encourage littering/anti-social behaviour in woodland
- Impact on right of way to north of Calais Muir Woods
- There are other brownfield sites which could be developed
- Area should be preserved as open space for wildlife
- Development will impact green corridor
- Lack of EIA
- This development will block an access route and potential for expansion of Duloch Park
- Proposal may impact delivery of Education Campus
- Gas boilers inconsistent with local and national commitments

CONCLUSIONS

The application is considered to be in accordance with the requirements of the Planning Permission in Principle (PPP) that preceded it, and in particular with the masterplan, phasing plan and Integrated Design Framework that have been approved earlier. The proposed development would be the second and final phase of residential units of a much larger mixed use development and would create a high quality development within the wider site. The general layout of the site is acceptable and the grid pattern helps avoid the use of cul-de-sacs and provides a well-connected and permeable site. Enhanced detailing is provided through the site in terms of materials, colours and boundary treatment and a high standard of landscaping is incorporated to enhance streetscapes and provide a sense of place. The site would have a high standard of tree planting, open space and public art which would create a welcoming feel and improve the visual and residential amenity of the site. The development would not adversely affect existing or future residential amenity and would comply with all technical matters of the

PPP and other material considerations including drainage, transportation, affordable housing, education and site quality matters. The development is therefore considered acceptable in all regards and would comply with the Development Plan and conditions set out within the PPP.

RECOMMENDATION

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

1. BEFORE ANY WORKS START ON SITE, a proposed phasing plan for the site shall be submitted for the written approval of Fife Council as planning authority. That phasing plan shall outline the following:

- The proposed direction of construction;
- Timetable for the installation of open space. Open space provision shall be provided commensurate to the direction of construction, construction needs and number of units occupied;
- Timetable for the installation of play equipment. Play equipment provision shall be provided commensurate to the direction of construction and number of units occupied;
- Timetable for the completion of all landscaping. The landscaping shall be provided commensurate to the direction of construction, construction needs and shall be complete prior to the completion of the last residential unit.
- Timetable for the completion of each area of public art. The public art shall be provided commensurate to the direction of construction, construction needs and provision of open space and shall be complete prior to the completion of the last residential unit.
- Timetable for the completion of each footpath connection. The footpaths shall be provided commensurate to the direction of construction, unit completions and construction needs and shall be completed prior to the completion of the last residential unit.

The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of good design, residential amenity and providing high quality detailing as soon as practicably possible in the construction process.

2. BEFORE THE COMPLETION OF THE FIRST RESIDENTIAL UNIT, full final details of all play equipment to be provided within the play areas shall be provided for the written approval of Fife Council as planning authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of providing adequate play provision for the site.

3. The maintenance and management of the landscaping within the site shall adhere to the management specifications outlined on the submitted landscaping plans approved through this consent unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of biodiversity and visual amenity.

4. The tree mitigation measures outlined on the approved Tree Removals & Protection Plan shall be erected before any development commences along the western and southern boundaries

of the site and shall be maintained in a sound, upright position throughout the construction of the development, unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In order to protect the existing trees to be retained on site.

5. BEFORE THE OCCUPATION OF ANY RESIDENTIAL UNIT ON SITE, evidence shall be provided to demonstrate that the National Air Quality Strategy objectives would not be exceeded. The methodology shall be agreed with the Council and it shall include an appropriate air quality impact assessment of the proposed development. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating their impacts for approval by Fife Council as planning authority. The development shall be implemented in accordance with any mitigation agreed through this condition.

Reason: To protect air quality.

6. All prospectively adoptable roads and associated works serving the proposed development as shown on drawing HAL2-PL-001 Rev C (or any subsequently amended plan as agreed with Fife Council as Planning Authority) shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction. For the avoidance of doubt the street layout may be subject to minor changes during consideration of the Roads Construction Consent applications.

7. Visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all road junctions, including junctions of private accesses with roads, 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.

8. All roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at road junctions etc.

9. Prior to occupation of each private and affordable dwelling the off-street car parking spaces for that plot, as shown on drawing HAL2-PL-001 Rev C (or any subsequently amended plan as agreed with Fife Council as Planning Authority), 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: Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities.

10. The 49 No visitor 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.

11. The driveways within Plots P74, P94, B81, B103, B136 & B140 shall be reduced to double width driveways with a maximum width of 5.5 metres.

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

12. The sole means of vehicular access to and from the site for all construction traffic, including site staff traffic, shall be via the vehicular access recently approved at the southeast corner of the site. No construction traffic, including site staff traffic, shall be through the existing housing development via Calaiswood Crescent/ Cygnet Drive/ Woodpecker Crescent.

Reason: In the interest of residential amenity and road safety; to ensure construction traffic is not routed through residential areas.

13. The construction of the development on the site shall be undertaken entirely in accordance with the provisions of the approved Construction and Environmental Management Plan (CEMP). Any amendment to such a method statement will require the written approval of Fife Council as planning authority following appropriate consultation.

Reason: To ensure that all construction activity is undertaken so as to protect the environmental sensitivity of the site and the residential amenity of neighbouring properties.

14. Prior to the removal of any trees on site, an updated bat survey shall be undertaken and submitted for the written approval of Fife Council as planning authority. Where evidence of the presence of bats are detected, a programme of mitigation and compensation, which allows the conservation status of these species to be maintained and enhanced and if necessary the appropriate licences obtained from SNH shall be included with the survey. The works shall be undertaken in accordance with any mitigation agreed through that survey.

Reason: In the interests of protecting the European Protected Species.

15. Before any works commence on site, details of all gable enhancement shall be provided for all plots as indicated on the approved layout plan shall be submitted for the prior written approval of Fife Council as Planning Authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of design and passive surveillance.

16. Before any works start on site, a maintenance schedule for all proposed SUDS shall be submitted for the prior written approval of Fife Council. The approved details shall then be carried out on site in full. For the avoidance of doubt, Appendix 5 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management shall be submitted and details shall comply with the CIRIA SuDS Manual.

Reason: In the interest of flood protection; to ensure SUDS are maintained and function effectively.

17. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, 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 the 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.fifedirect.org.uk/contaminatedland.

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

18. 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 17;. 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.

19. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the 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 and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

20. No removal of vegetation that may be used by breeding birds shall take place between 1st march and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall then be submitted to the planning authority before any works start on site.

Reason: In the interest of protecting natural heritage; to ensure no nesting birds are harmed during vegetation clearance.

21. Prior to being installed on site, full details of the proposed solar panels shall be submitted to Fife Council for prior written approval.

Reason: In the interest of residential amenity; to ensure the solar panels are visually appropriate.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance:

SPP - Scottish Planning Policy (2014)

PAN2/2010 - Affordable Housing and Housing Land Audits

Development Plan and Supplementary Guidance:

SESPlan Strategic Development Plan (2017)

FIFEplan (2017) (2012)

Fife Council's Planning Obligations Supplementary Guidance (2017)

Fife Council's Making Fife's Places Supplementary Guidance (2018)

Fife Council's Supplementary Guidance on Affordable Housing (2011/8)

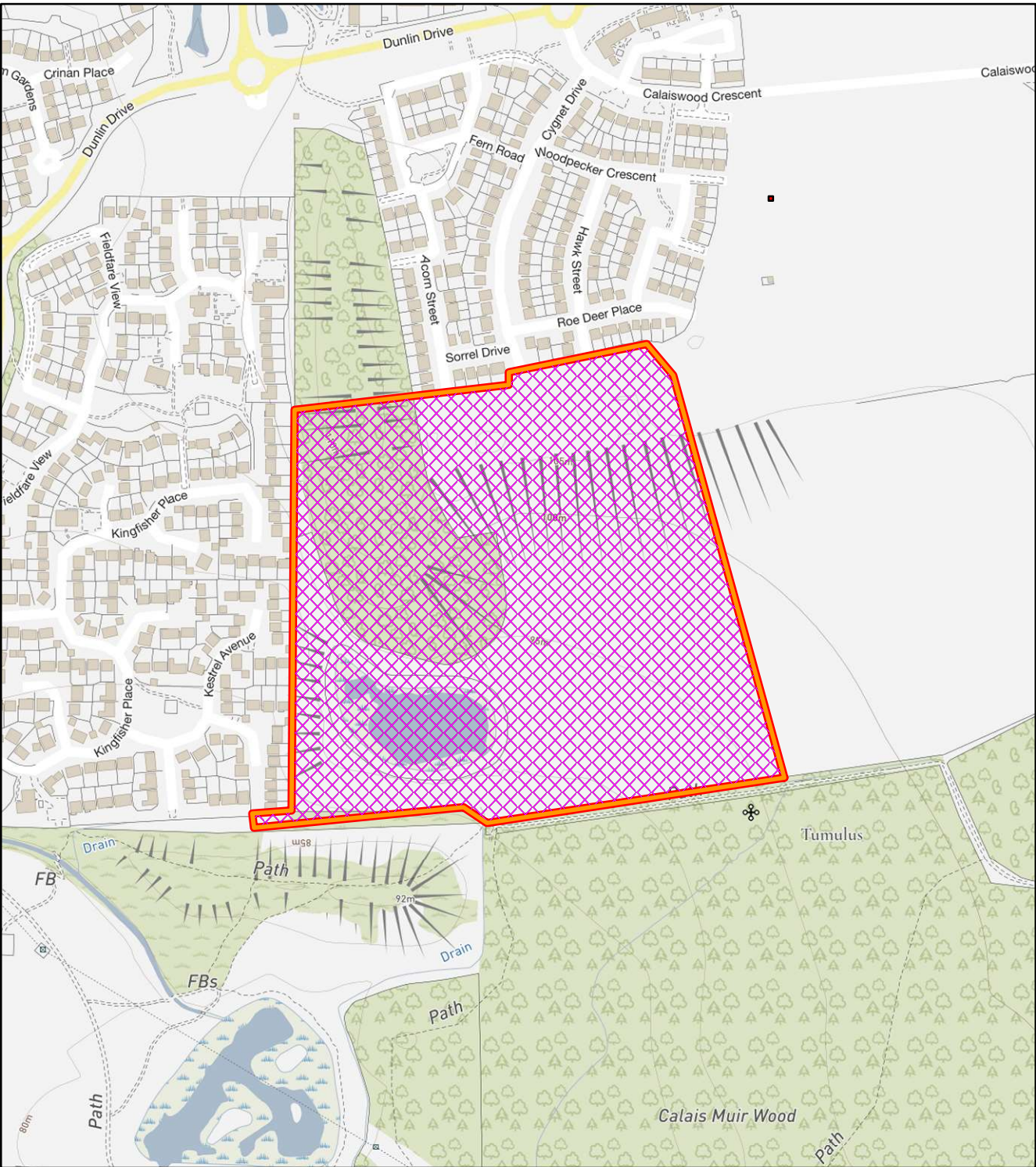
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

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

Fife Council's Planning Customer Guideline on Minimum Distances between Window Openings

Report prepared by Jamie Penman (Graduate Planner) 23.07.2021
Report reviewed and agreed by Kevin Treadwell, Service Manager

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